EAST INDIA.

RETURN to an Order of the Honourable the House of Commons, dated 24 February 1853;—*for*,

COPIES "of all DESPATCHES, MINUTES, or other DOCUMENTS (not already laid before Parliament) relating to the attempts of *Dhackjee Dadajee* to Bribe the Bombay Government and its Servants:"

"Of all other REPORTS, LETTERS, or PAPERS received subsequently to the Year 1840, on the subject of the alleged Corruption of Officers in the Political, Revenue, or Judicial Departments under the Bombay Government, and not already laid before Parliament:"

"Of all REPORTS or REPLIES (not already laid before Parliament) returned by Political, Revenue, or Judicial Officers of the Bombay Government, to the Circular Letters on the subject of Khutput (illicit influence), addressed to them by the said Government in May 1850; with the Dates on which they were received by the Bombay Government, the Indian Government, the Court of Directors, and the Board of Control respectively:"

"Of all CORRESPONDENCE and PAPERS (not already laid before Parliament) on the subject of the said Circular Letters, or the said Reports or Replies, on the belief of the Natives in the corruptibility of the Bombay Government or its subordinate Officers, or the means of eradicating the same:"

"Of all CORRESPONDENCE and PAPERS (not already laid before Parliament) on the subject of the Conduct of the Bombay Government in 'arresting *in limine*' some of Colonel *Outram*'s most important Investigations of Official Corruption, as described in the Political Letter of the Court of Directors of the 23d day of June 1852 (Parliamentary Paper, No. 560, of Session 1852, page 17), or on the subject of the Charges against Colonel *Outram*, contained in Minutes of the Bombay Government or its members, of labouring under 'Monomania' (Parliamentary Paper, No. 560, of Session 1852, page 1285), and of being actuated by 'rancorous personal feelings' (Parliamentary Paper, No. 560, of Session 1852, page 913), in his conduct of certain of those Inquiries which the Court of Directors afterwards declare to have been conducted with a 'zeal, energy, ability, and success' entitling him to credit (Parliamentary Paper, No. 560, of Session 1852, page 27):"

"Of all DOCUMENTS on the RECORDS of the INDIA HOUSE, showing, or tending to show, the views of individual Directors in reference to Colonel *Outram*'s Removal from Office, or in reference to the treatment he received from the Bombay Government, or in reference to the probable consequences of his Removal, or in reference to the measures by which these consequences might be best averted:"

"Of all DOCUMENTS tending to show what Measures have been taken by the Bombay Government, or ordered by the Court of Directors, for the purpose of eradicating the belief in the corruptibility of high Officials, which has been declared to exist at Baroda, by Colonel *Outram*, and also by Mr. *W. E. Frere*, the Commissioner despatched by Lord *Falkland*'s Government to report on certain allegations made by Colonel *Outram*, and who furnished a Report dated the 22d day of October 1851 (Parliamentary Paper, No. 560, of Session 1852, page 1013), and by other Public Servants:"

"And, of all DOCUMENTS tending to show if any or what Measures have been taken to effect the removal of, or convey censure to, the Minister and other members of the Guicowar's Durbar, pronounced Guilty by the Bombay Government of having laboured to thwart Colonel *Outram*'s legitimate and official Inquiries, and to interpose difficulties in the way of his doing justice to oppressed individuals entitled by guarantee to British Protection (Parliamentary Paper, No. 560, of Session 1852, p. 17, and p. 411)."

East India House,
June 1853.

JAMES C. MELVILL.

Rare section

(*Mr. Otway.*)

(PART IV.)

Ordered, by The House of Commons, *to be Printed,*
15 *June* 1853.

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Dissent by R. D Mangles, Esq., concurred in by others; dated 1 July 1852 - - - - - - - 2057
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PAPERS CONNECTED WITH BARODA INTRIGUES,
In continuation of former Return.

Case of Venaik Moreshwur Furkey, and Letter thereon, from Lieutenant-Colonel Outram.

Case of Venaik Moreshwur Furkey.

Political Department, 1 October (No. 85) 1850.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

In Collection No. 9, accompanying our despatch to your Honourable Court, No. 16, dated the 16th February last, we submitted our proceedings in the case of an individual named Venaik Moreshwur Furkey, who had appealed to us for protection from the proceedings towards him of his Highness the Gaekwar, but in whose favour we had declined to interfere for the reasons therein given.

2. We have now the honour to forward to your Honourable Court copy of a letter, No. 131, dated the 22d June last, from Lieut.-colonel Outram, Resident at Baroda, soliciting a reconsideration of Venaik Moreshwur's case, on the grounds that the persecution which he has suffered arose from the aid which he had afforded him (Lieut.-colonel Outram) and others in exposing the depravity of certain native officials, not only of late, but in former years.

3. On the receipt of this letter, our Right honourable President recorded a minute, under. date the 18th August last, animadverting on Colonel Outram's letter, and stating that there was no reason whatever for the interference of our Resident between his Highness the Gaekwar and Venaik Moreshwur Furkey, and proposing that Lieut.-colonel Outram be so informed, with the intimation that the former decision of Government was final.

4. The Honourable Mr. Willoughby dissented, and advocated a full investigation of the case, stating that he was absent from the Presidency when the last decision was passed, for had he been here he would have suggested a call for full information from Captain French, then Acting Resident at Baroda, on the statements made by Venaik Moreshwur. Mr. Willoughby at the same time stated it as his opinion, that if it could be proved that Venaik Moreshwur had been maltreated in consequence of the assistance he had afforded in detecting bribery and corruption, he is entitled to all the protection which the Government can extend to him, although from his having resided several years at Baroda, and accepted service from that State, he cannot claim such protection because he was originally a British subject. For his further reasons why an inquiry should be instituted in this case, we beg to refer your Honourable Court to the Honourable Mr. Willoughby's Minute, dated the 20th ultimo.

5. The Honourable Mr. Blane having concurred with our Right honourable President in adhering to our former resolution, Lieut.-colonel Outram has accordingly been informed to the effect directed by his Lordship.

We have, &c.
(signed) *J. P. Willoughby.*
D. A. Blane.

Bombay Castle, 1 October 1850.

Extract Political Letter to Bombay, dated 15 January (No. 3) 1851.

8. Lieut.-colonel Outram's letter of the 22d June 1850 seems to establish conclusively that this individual is a British subject, and Captain French, who led Government to believe on most

Complaint of Venaik Phurkey of oppressiv the Guicowar Governm

Case of Venaik Moreshwur Furkey.

most insufficient grounds that he had forfeited the rights belonging to him in that character, is justly chargeable with culpable negligence.

9. Baba Purkey was for a short time in the service of the Guicowar, from which he was dismissed, and, according to his own statement and Lieut.-colonel Outram's, was, on a false charge of conspiracy, placed in confinement, his house searched, and many of his papers carried off. He was subsequently liberated on giving security that he should not leave Baroda for three months.

10. By accepting office under the Guicowar, Baba Phurkey voluntarily subjected himself to such chances of subsequent molestation by his Highness's officers as might arise from the customary practices of the Baroda State; although, therefore, Lieut.-colonel Outram expresses a strong conviction that the treatment to which that individual has been subjected was brought on him solely by the aid which he afforded to the Resident in detecting malversation and corruption; there would have been no ground on which we could be called on to interfere in the matter, were it not asserted by the petitioner that the harsh measures were adopted in concert with the Officiating Resident, Captain French. That officer admits that he suggested Baba Phurky's dismissal from office; instead, however, of referring Lieut.-colonel Outram's letter to Captain French for explanation, you gave a virtual rebuke to Lieut.-colonel Outram for bringing forward the subject. We regret that you did not accept Captain French's offer to give that full explanation which was due to Government, in regard to his alleged part in the transaction complained of, and we direct that the opportunity of giving such explanation be now afforded to him.

Political Department, No. 60 of 1852.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. With reference to our despatches ennmerated in the margin,* we beg to forward a memorial in original to the address of your Honourable Court, dated the 10th ultimo, from "Venayek Moreshwur Furkey," *alias* "Baba Furkey," soliciting the interference of your Honourable Court in his behalf in the matters therein complained of.

2. For our sentiments on this memorial we beg to draw the attention of your Honourable Court to a Minute recorded by our Right honourable President, under date the 3d instant, which has been concurred in by the Honourable Mr. Bell, and to the Minute by the Honourable Mr. Blane, dated the 5th instant.

3. In forwarding these proceedings we beg to draw the especial attention of your Honourable Court to Lieut.-colonel Outram's two letters to the address of this Government, dated the 12th September and the 22d November last, copies of which communications formed Enclosures Nos. 1 and 24 to the Collection accompanying our Political Despatch to your Honourable Court, dated the 3d December last, No. 92 of 1851.

We have, &c.

(signed) *D. A. Blane.*
A. Bell.

Bombay Castle, 5 June 1852.

Extract Political Letter to Bombay, dated 31 December (No. 38) 1852.

Answer to Political Letter, dated 5th June (No. 60) 1852. Memorial from Venayck Moreshwur Phurkey, commonly called Baba Phurkey.

6. In this memorial Baba Phurkey recounts his services to the British Government and his alleged injuries from the Guicowar, and requests to be restored to political employment, to receive a pecuniary remuneration for losses incurred by

* Political despatch, dated 23d July, No. 28 of 1840, paras. 39 and 42 of Enclosure to Enclosure No. 54; ditto, dated 21st August, No. 58 of 1844, Collection, No. 30; ditto, dated 31st January, No. 5, 1849; ditto, dated 16th February, No. 16 of 1850, para. 6, Collection No. 9; ditto, dated 1st October, No. 85 of 1850, entire; ditto, dated 1st December, No. 90 of 1851; ditto, dated 3d December, No. 92 of 1851; ditto, dated 17 January, No. 6 of 1852.

by him in consequence of his fidelity to Government, and to be aided in settling certain old claims of his family against the firm of Hurry Bhugtee.

Case of Venaik Moreshwur Furkey.

7. We are willing to admit that Baba Phurkey has on more than one occasion rendered valuable service to Government in the exposure of corrupt practices, and we do not doubt that by this conduct he incurred the enmity of powerful persons at Baroda. It is also highly probable that the conduct of the Guicowar government in searching his house, seizing his papers, and placing him under personal restraint, was partly the consequence of the enmity thus provoked; but the Phurkey, though a British subject, exposed himself to the treatment he experienced by accepting pay from the Guicowar (the grant of which has not been satisfactorily explained), and we cannot authorise any demand of redress on his behalf.

8. Still less can we sanction any demand on the Guicowar connected with the private claims of the memorialist or his family on a banking firm.

9. With respect to his request for political employment, we think that the circumstances under which he lost his situation of native agent to the Rewa Caunta Agency (in which we agree with you that Mr. Remington acted without sufficient inquiry) would, if taken alone, give him some claim to consideration.

10. But on this occasion your President has brought before us in a Minute the opinion which he has formed respecting the letter of a treasonable character towards the Guicowar, purporting to be written by his Highness's minister, Bhow Tambeykur, which was brought to the notice of Lieut.-colonel Outram by Baba Phurkey through the indirect channel of Mr. Gregor Grant. For the part which Mr. Grant took in this matter that officer has been censured by your Government and by us. Your President is of opinion that the affair was an intrigue of Baba Phurkey to ruin the minister, or at all events that the letter was a forgery, and known by the Phurkey not to have been written by Bhow Tambeykur. We are of opinion that, under these circumstances, the question of his future employment in any public situation must rest with the local authorities, after his conduct in this matter shall have been fully inquired into.

EXTRACT Bombay Political Consultation, 22 May 1850.

From Lieut.-colonel *J. Outram*, C. B., Resident at Baroda, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to submit, for such consideration as the Right honourable the Governor in Council may consider the case deserving of, a petition from Venayak Moreshwur Baba Furkeh, which I have this day received, complaining of certain acts of oppression which he asserts to have suffered from the Baroda Durbar.

I am aware that it has been decided by Government that the petitioner is not entitled, as a British subject, to its interference, but as the petitioner asserts, and which does not appear to have been known to Government when its decision was formed, that he was dismissed from the service of his Highness the Guicowar at the instigation of the Officiating Resident, and that the subsequent persecution which he declares he was subjected to, arose from the enmity of the native establishment of the Residency, owing to his having been employed by me to trace out certain frauds in which I had reason, I conceived, to suspect them of being implicated, I trust it will be deemed but just and necessary that I should institute an inquiry into the matter on my return to Baroda.

I have, &c.
(signed) *J. Outram*,
Resident, Baroda.

Baroda, 11 April 1850.

Case of Venaik Moreshwur Furkey.

To Colonel *Outram*, C. B., &c. &c. &c., Resident at Baroda.

Sir,

The glad tidings of your arrival at Bombay, and the report that it is your intention to resume charge, very shortly, of your post of Resident at this place, have occasioned me great satisfaction, as all my hopes of relief from the difficulties with which I have had, and have still to contend, are centered in the disinterested support you have always been known to afford those meriting the same. I now trust that you will have it in your power to relieve me from the operation of any further oppressive and tyrannical measures which his Highness the Guicowar's Government may adopt towards me, and that you will kindly render me your valuable aid and countenance in my efforts to obtain redress and reparation for my loss of character and reputation, and for the very severe injury which my health has sustained from the rigorous confinement which has been imposed on me, and the harsh and altogether unjust treatment which I experienced.

It is needless, Sir, to inform you that the bitterest enmity was occasioned, and is still manifested towards me, in consequence of my having proved somewhat useful in my employment under the British Government, especially in concluding an investigation into the affairs of Goddajee Poll that was fairly and impartially conducted, and having exposed the irregular and improper acts of your native establishment; but more particularly owing to your having sent in my name for the appointment of the native agent at Baroda. Accordingly on your departure from Baroda, means were immediately resorted to to procure my ruin, but as the parties who endeavoured to bring about this purpose could not effect it, they, with the officers of the Guicowar's Government, entered into a conspiracy against me. My enemies having thus combined together put forth their whole strength, and their plots and machinations very soon produced results which have proved very prejudicial to my character, and have nearly blasted all my future prospects.

Through the instrumentality of the Mama Saheb, I was induced to accept an invitation to enter the service of his Highness the Guicowar, and a salary of 200 rupees a month was appointed for me, but I was not required to perform any definite duty. My enemies, however, with their usual adroitness, contrived to communicate indirectly to the Acting Resident, Captain French, false and malicious reports calculated to bias his mind against me. That gentleman, knowing nothing of me or my past services, was naturally inclined to receive as true the imputations which were diligently thrown upon my character, since he heard them from persons who he could not imagine had any motive to fabricate falsehoods against me. If he had known that those false and invidious statements to which he attended, were concocted by persons attached to the Residency establishment, and that they had managed to have those very statements reach his ears from the lips of influential personages about him, after they had been persuaded to adopt and circulate them; if this infamous trick had been detected by Captain French, he would never, I am confident, have suggested, which I have the best reason to believe he did, to his Highness the Guicowar, to remove me from his service after I had been in his employment for a period of six months and a half.

As a specimen of the malignant and slanderous things which were said of me, I will mention one; this was to the effect that I had built a large mansion out of ill-got wealth. The fact of my having been in easy circumstances since my arrival at Baroda from the Deccan, and before I entered the service of the British Government, was carefully suppressed. Neither was anything said by my detractors as to my connexion with the son of Hurree Punt Futteh, the commander of the Peishwa's army, a personage who possessed an immense fortune, and with whom I stood in great favour, and had therefore honourable opportunities afforded me of securing for myself a moderately independent competence. A knowledge of these facts, if any chance had made Captain French acquainted with them, might very probably have caused him to reflect on my case, and have saved me from the misfortune of being prejudged by him on such worthless testimony as that which was so industriously and insidiously forced upon his attention.

My disconnection from the service of the Guicowar did not, however, fully satisfy the malignity of my enemies. They formed a grand and comprehensive design, which they intended to carry out to its full extent, and the events which have occurred at Baroda since your departure, have demonstrated clearly how very earnest they have been in endeavouring to do me all the mischief they possibly could do. They were well aware that the moment you, Sir, would return to Baroda, all their evil intentions would be effectually frustrated, and that considering my past services and claims on the British Government, you might probably provide me with a situation of equal emolument or trust, of which I had been unjustly deprived. They were therefore not at all slow in contributing indirectly, through various sources which he regarded as truthful, every false statement that they thought might deepen the unfavourable impression already left on the mind of Captain French in regard to me. They finally caused the Guickwar to charge me with the treasonable offence of assisting to supplant him, and to procure the accession of his brother Appa Saheb to the Gadee. On this occasion the Guicowar having consulted with Captain French, I was informed that the latter gave his opinion, that as I was a subject of his Highness, summary measures might be adopted against me, and that his Highness was at liberty to act as he might choose in my case.

This hint was not unheeded. The Guickwar, emboldened by such a recognition of his despotic power, despatched a large party of his retainers to my house, and to my astonishment and dismay had every corner of it searched. All my papers were seized and scrutinized,

and

and some of them were carried away. I entreated that they might be deposited in proper custody at the Residency, or taken under my seal and afterwards inspected in the presence of a British officer; but all my remonstrances and representations were utterly disregarded. A guard was placed over me; I was rigorously confined to my house. No communication was permitted to be held with me by any one; nay, I was subjected to every species of humiliating hardship and tyranny that could be practised towards me. In this state of suffering I passed several days, after which I was called upon to furnish securities. I tendered the names of unexceptionable parties; they were objected to for one frivolous reason or another. My confinement was consequently prolonged for a further period of 10 weeks, after which I was liberated on bail, on condition that I should not depart from Baroda for three months. This occurred a few days before the Guicowar left his capital to visit Bombay. Case of Venaik Moreshwur Furkey.

During the above protracted term of 10 weeks no attempt was made to enter into any investigation of my conduct. I need scarcely remark, that no letter or document identifying me with any political or other offence was found amongst my papers.

These matters I have taken care to bring publicly to the notice of the Bombay Government as well as the Acting Resident, but as yet I have not been honoured with any intimation as to whether redress in any shape is to be afforded me for the many injuries which I have in different ways sustained from the unjustifiable, harsh, and oppressive conduct of the people holding authority at Baroda. I am sure, Sir, that this appeal to your generous feelings will not be in vain to one who has so wholesome an abhorrence of every shade of wrong doing as you have and always had, and will I know always continue to have. I have been treated in a manner quite at variance with the common principles of justice. Without any criminality whatever having been discovered to render me deserving of punishment, I have been precipitately condemned; I have suffered all that I should suffer were I a culprit convicted of serious crimes against the State. I have had my domestic privacy invaded by a gang of unscrupulous men; suspicion, insult, and disgrace have been causelessly and cruelly heaped upon me. I have been made to feel the humiliation and degradation of imprisonment for no offence with which I could be charged, or which could be proved against me; and now I am released under surveillance to become the butt and scorn of every unfeeling and unprincipled myrmidon of the Government of Baroda. Broken down in health and deeply injured in my hitherto fair character and reputation, what is to become of me? Am I, a subject of the British Government, to fall a victim to the wiles of the managers of a petty native State? Sir, nothing of this kind I feel confident can happen, while I may presume to reckon upon the powerful and well directed influence of an English gentleman, possessed of such just and honourable principles as he whom I have the honour of addressing. In your hands, Sir, I may safely leave the investigation of my case. Justice, strict and impartial justice, is all that I pray for. Your assistance then I earnestly invoke, and I trust that you will set the subject of my complaints in such a light before the Bombay Government that they may refer its investigation to you. More than justice I do not desire, and with feelings of the greatest respect,

I remain, &c.
(signed) *Venayeck Moreswer Baba Fudkeh.*

Baroda, 4 March 1850.

No. 1751 of 1850.—Political Department.

DOCUMENT TO WHOM SENT.	FOR REPORT.
Captain French, Officiating Resident, Baroda -	For Report.

By order of the Right honourable the Governor in Council.

Bombay Castle,
15 April 1805.

(signed) *H. E. Goldsmid,*
Secretary to Government.

No. 69 of 1850.—Political Department.

From Captain *P. T. French*, Acting Resident at Baroda, to *H. E. Goldsmid*, Esq., Secretary to Government, Bombay. No. 3911 A.

Sir,

In reply to the petition from Venaiek Moreshwer, forwarded for report on the 15th instant, No. 1751, I have the honour to state, with reference to Colonel Outram's letter of the 11th idem enclosed therein, 2d para., that

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'Venaiek Moreshwur Baba Phurkee was not dismissed the service of the Guickwar at my instigation. I now, for the first time, learn, from his petition, which accompanies Colonel Outram's letter, that he was as long as six months in the employ of his Highness; but soon after hearing he was in his service, I told his Highness there was little wisdom, after having so lately declined to meet the wishes of Government touching vaccinators on the score of poverty, in employing, on 200 rupees a month, a man his father had denounced to a former Resident.

2. As far as I know, the petitioner has experienced no enmity from the native establishment of this Residency. From no member of it have I received reports of him that I can recollect.

3. I could reply to each assertion made by the petitioner, but do not conceive more can be required than above given, as he has been living in his Highness's capital for years back, and was but lately in his service.

4. This very day I had a verbal message from his Highness, asking if he should institute any further inquiry touching the papers found in the house of Baba Phurkee, and my reply was, that as he had given satisfactory security for future good conduct to this Government, I could see no use in further agitating the matter. The message was of a private nature for my advice, and had not been given above an hour when your letter came to hand.

5. If it is the wish of Government, I will be happy to advert to each point of complaint made by the petitioner. I would be glad to be allowed to do so, as an opportunity would be afforded me of stating the experience of my sojourn at this court of 17 months, so far as it relates to such persons as the petitioner in any way having a hold on or claim to the protection of our Government.

I have, &c.
(signed) *P. T. French*,
Acting Resident.

Baroda Residency,
18 April 1850.

No. 3912. MINUTE by the Right Honourable the Governor, concurred in by his Excellency the Commander-in-Chief and the Honourable Mr. *Blane*.

IT would perhaps have been as well had Captain French abstained from expressing any opinion to his Highness the Guicowar in reference to the employment of the petitioner; but as we have already on a former occasion declined to interfere in his behalf, I think it would be inexpedient now to re-open the matter.

(signed) *Falkland.*
W. Cotton.
D. A. Blane.

27 April 1850.

No. 2203 of 1850.—Political Department.

No. 3913. From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to Lieutenant-Colonel *J. Outram*, C. B., Resident at Baroda.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of Captain French's letter, No. 69, dated the 18th ultimo, reporting on a petition addressed to you on the 4th of the preceding month, by Venaek Moreshwur, complaining of the proceedings of his Highness the Guicowar.

2. In reply, I am desired to state, that it would, in the opinion of Government, have been as well had Captain French abstained from expressing any opinion to his Highness the Gackwar in reference to the employment of the petitioner; but Government having already on a former occasion declined to interfere on behalf of this individual, his Lordship in Council deems it inexpedient to re-open the matter.

I have, &c.
(signed) *H. E. Goldsmid*,
Secretary to Government.

Bombay Castle,
14 May 1850.

Case of Venaik Moreshwur Furkey.

Extract Bombay Political Consultation, October 1850.

No. 131 of 1850.—Political Department.

From Lieutenant-Colonel *J. Outram*, C. B., Resident at Baroda, to *Arthur Malet*, Esq., Chief Secretary to Government, Bombay. No. 8111.

Sir,

With reference to Mr. Secretary Goldsmid's letter to my address, dated the 14th ultimo, No. 2203, in reply to my communication under date the 11th April last, forwarding a petition from Venaik Moreshwur Furkey, intimating that "Government having already on a former occasion declined to interfere in behalf of that individual, his Lordship in Council deems it inexpedient to re-open the matter, I am reluctantly compelled, by a sense of both duty and honour, again to address Government on the subject, in the hope that a consideration of the facts which I have now to urge, in support of that individual's claim to the protection of Government as a British subject, will satisfy the Right honourable the Governor in Council of the propriety of revoking the decision by which I am precluded from investigating the case.

2. Being myself convinced of the petitioner's just claim to the rights of a British subject, and that I can substantiate that claim, I should be wanting in my duty did I shrink from soliciting from Government the revocation of what I consider an unjust decision, formed on a misapprehension of the rights of the case. But I am also called up in honour to seek justice for this individual, because I have every reason to believe, and have little doubt I shall be able to prove, that the persecution which he has suffered arose from the aid which he had afforded to myself and others in exposing the depravity of certain native officials, not only of late, but in former years. The more especially as it does appear, from the late Acting Resident's reply to the petition forwarded with Mr. Goldsmid's letter, that his Highness the Guicowar must have been influenced in dismissing the man from his service, in some degree at least, by the representations of that officer. And I am positively assured by the Durbar Carkoon, who attends at the Residency, that the further persecutions of which the petitioner complains, *i. e.*, close imprisonment for upwards of 2 ½ months, the seizure of his papers, and the high security exacted from him, not only for good conduct, but also that he should not leave Baroda for three months, (when by proceeding to Bombay he might have laid his case before Government, while his Highness the Guicowar and myself were both there,) were adopted with the sanction, if not at the instigation of the Acting Resident.

3. As Venaick Moreshwur's petition, alluded to above, was transmitted by Government to the late Acting Resident "for report," without restriction as to any particular point adverted to therein, implying, consequently, that a full report was required, I cannot understand why that officer should have avoided the opportunity thus offered to him of explaining other grave allegations contained in the petition, under the conception that no further reply was necessary, than the rather inconsistent if not unsatisfactory one which he has given to a portion of the petition merely, especially as Captain French states that he would "be happy to advert to each point of the complaint made by the petitioner, and would be glad to be allowed to do so."

4. As before remarked, the petition having been sent by Government for the late Acting Resident's report, afforded the permission and called for the explanation on every point which that officer expresses himself so desirous to be allowed to give. Unless, therefore, Captain French had causes, which I am not in possession of, for supposing that a full explanation would not be acceptable to Government, it is obvious that he should have been more explicit. But as he states that he "could reply to each assertion made by the petitioner," and as he was well aware of the strong impression I entertained that great injustice had been done to the petitioner, I trusted that Captain French would gladly avail himself of the opportunity to explain to myself what he had left unexplained to Government. Accordingly I addressed that officer officially on the subject; copies of my letter and of his reply are appended, from which it will be observed that No. 1.
the late Acting Resident declines to afford me the information I requested, thus:

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thus: "For my official acts at Baroda I am solely responsible to Government, and as they have not called on me to reply, as I offered to do, to the unnoticed points in the petition referred to, I must decline, though very reluctantly, affording the information you require, unless called on to do so by his Lordship in Council."

5. It rests with Government to judge how far an officer who had been officiating for a few months in a political office, is warranted in duty, if not in courtesy, in denying, except through the intervention of Government, any information in connexion with its affairs to the person at the head of that office for whom he had been officiating; but thus, a second time withholding the information asked for in this case, certainly seems little consistent with that eager desire to afford it expressed by the late Acting Resident; for he well knew that the information called for by me was intended to be communicated to Government, I having previously intimated to Captain French that I purposed making this appeal. It must, I think, satisfy the Right honourable the Governor in Council, moreover, that further explanation is necessary to enable Government to judge to what extent the Acting Resident really did interfere in this matter; and the result will, I am confident, satisfy his Lordship that the nature of that interference alone would render further investigation imperative, even if the petitioner were not, as I shall hereafter show, entitled to the protection of Government as a British subject, whose persecution has arisen solely from the faithful manner in which he had performed very important services to Government.

6. The former decision of Government, not to interfere in behalf of this petitioner, alluded to by Mr. Goldsmid, was grounded on the supposition that Venaik Moreshwer Furkey is not a British subject, to which it had been led by the late Acting Resident thus erroneously reporting, on the 22d November last, on that person's petition, dated 13th idem, "The petitioner is not a British subject, though originally years back he may have been. In the words of Mr. Secretary Willoughby, 8th January 1846, No. 115, 'He has resided at Baroda for the last seven years; he has in this respect forfeited the claims of a British subject.'" These words of Mr. Willoughby, as here put, would appear to have reference to this particular individual, whereas they were applied to an entirely different person, and in no respect could they apply to Venaik Moreshwer Furkey, who, although he may have at different times resided twice seven years at Baroda, cannot by any interpretation be said to have forfeited his rights as a British subject; for he ever has been, and continues to this day, the accredited vakeel from the head of his own ancient family (that of the late Hurry Punt Furkey, who was commander-in-chief of the Peishwa's army), now residing, as also does the family of Venaik Moreshwer himself reside, on the family estates at Nassick, within the British dominions, by whom he was deputed to Baroda some years ago to prosecute certain pecuniary claims against the firm of Hurry Bhugtee, which claims have not to this day been liquidated, although an order on the firm by the late Guicowar, directing their adjustment, was among the papers taken from him on the occasion of his seizure and imprisonment, of which the petitioner now complains.

Letter from Political Commissioner to Government, dated 22d Sept. 1837, No. 710.

7. In 1836, the late Guicowar expelled the petitioner from the city, and requested the Resident to send him out of the Guicowar's dominions. "On inquiry, however, that officer found that he had an undisputed claim on Tyajee Row for a sum of money, which his absence would prevent any chance of his recovering. As he was a British subject, therefore he (the Resident) refused to remove him until this claim should be settled. This was not done until the month of August last (1837); since which his Highness has again been urgent for his departure from his territory. Venaik Moreshwer Furkey was, therefore, ordered by me to leave, and, in reply, has given in the enclosed yads, stating the business which he has to transact, and producing a mookteearnamah from the head of the family, empowering him to act for him in this affair." Under the consideration of Venaik Moreshwer Furkey being a British subject, and holding the "mooteearnamah" as vakeel from the head of the family for the prosecution of claims against one of the guaranteed firms at Baroda, the Resident referred the matter to Government in a letter from which the above quotations are taken, dated 22d September 1837, No. 710. I cannot find the reply of Government on the records, but conclude it must have admitted the right of Venaik

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Venaik Moreshwer Furkey to British protection as he was not expelled from the Guicowar territory, and has since continued at Baroda as accredited vakeel of his family, excepting during the period of 5¼ years that he was employed in the British service as head carkoon of the Rewa Kanta Agency, and 11 months in 1847-48 that he resided in Bombay and with his family at Nassick.

8. Moreover, were not this individual's rights as a British subject secured to him by the formal "mookteearnmah" alluded to, which, as recognised by both British and Guicowar Governments, remains in force to this day, he had not forfeited those rights by an "uninterrupted residence of seven years within the Guicowar territory;" on which assumption the late Acting Resident so readily pronounced that he had no claim to British protection, for at the date of that officer's report, 22d November 1849, it still wanted some months to complete seven years since Venaik Moreshwer Furkey was in the British service, which he had given up at the end of March 1843, and it was then but one year and three quarters since he had been residing for nearly a year within the British territory.

9. It is thus apparent that Venaik Moreshwer Furkey is entitled, as a British subject, to the protection of Government. I shall now satisfy the Honourable Board that this person is most particularly deserving of that protection, and that he has suffered unmerited persecution for many years past, solely owing to the very important services which he rendered to Government in 1837, when, through his aid, you were enabled to bring to light the abominable system of bribery and corruption which then prevailed throughout the native political establishment of the Residency. Without the zealous and unflinching assistance of Venaik Moreshwur Furkey on that occasion, it would have been impossible to have convicted the delinquents; consequently, he incurred their bitter animosity and that of their powerful supporters in this country. It is only by going through the whole correspondence which passed between the Resident, the Political Agents of Kattywar and Mahee Kaunta, and Government, during those bribery prosecutions in 1837–38, that any conception can be formed of the vast difficulties and vexatious obstacles by which your investigations in those cases were opposed at every step; suffice it to say, I have no doubt you were as much impressed, as I myself was at the time, with the bold and independent spirit with which this man openly stood forward in our aid on that occasion (at a time when no other native, of whatever rank or station, dared to do so, except clandestinely), in defiance of all the power and wealth and unscrupulous villany by which the cause of the delinquents was supported.

10. As a reward for his great services at that time, to the full extent and importance of which I can bear testimony, for I was engaged with you in the arduous work of attempting to root out the corruption referred to, Venaik Moreshwur Furkey was appointed, in December 1837, head carkoon or native agent of the Rewa Kaunta, and as such served under you until August 1839, when, on your departure for Kattywar, you recorded your sense of his services in a certificate,* dated the 19th of that month (copy appended), in which you certified to the zeal and ability with which he had conducted not merely the duties of head carkoon at Rajpeepla, but also in that capacity those of head carkoon on the establishment of First Assistant Political Commissioner, and also as your head assistant in the sequestration of Pitland, and you thus conclude: "I can confidently recommend him for any employ, as a most useful, able, and honest man, and from his character, particularly fitted for the appointment he now holds." You had previously, moreover, thus testified his services on the occasion of the Naikra settlement in 1838: "I have had much reason to be satisfied with the conduct of Venaik Moreshwur Furkey, my head native assistant, who having formerly managed the Godra districts, possessed much useful knowledge, and whose acquaintance with the Mehwasee Thakoors of that part of the country was exceedingly serviceable to me."

11. Venaik Moreshwur Furkey continued at the head of the native establishment of the Rewa Kaunta Agency until the end of March 1843, when he was removed from office in rather a questionable manner by Mr. Remington, then in charge of the Rewa Kaunta; no charge of misconduct was brought against the Furkey, who had then filled the office 5 ¼ years, but, without explanation or warning, his situation was suddenly divided into four carkoon-

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No. 3.

ships, and one of these, with proportionately reduced salary, he was told to retain if he pleased. This, it does not appear clear whether he declined or not, but not having promptly acceded, he found himself out of place altogether. He then petitioned Government for re-employment in its service; the petition was referred to Mr. Remington, then Officiating Political Commissioner, whose report,* dated the 22d February 1844, on which alone Venaik Moreshwer Furkey was condemned by Government, and declared a very "unfit person to be employed in any political capacity," displays, and even avows, so much prejudice against the man, that I must confess I am surprised that so serious an injury should have been inflicted by Government on one who had done so much in its service, on the grounds alone set forth in that document, without at least some further inquiry.

12. The feeling by which Mr. Remington was influenced against this unfortunate man is apparent from his own showing. "From the very first, I was struck with the high tone he (Venaik Moreshwur Furkey) assumed, unlike anything of the kind I had ever seen exhibited by others holding a corresponding situation elsewhere, which, however suited to a native Durbar, was quite out of place in my cutcherry. * * * Feeling his continuance as the principal native officer on the Rewa Kaunta establishment in every way injurious, I sought his removal at a very early period, which at last was effected by a new distribution of the salary he received." A prejudice thus appears to have been caused by the independent manner of Venaik Moreshwer Furkey, so different from the comparatively sycophantish bearing to which, it would be inferred from these extracts, Mr. Remington had been accustomed before he entered the Political Department. However that may be, it is not likely that gentleman's dislike to his native agent would long escape the observation of the numerous enemies by whom he was surrounded, and to persons acquainted with the native character it will be very apparent how ably and zealously wily Brahmins who had ready access to the ear of an unsuspecting English gentleman, would improve their advantage by insinuating such representations against their enemy, the Furkey, as they saw best calculated to turn his master against him; but is it not strange that with all his predisposition against this man, and surrounded by such ready and able assistants to spy out his misdeeds, Mr. Remington should have been unable to adduce anything whatever tending to criminate Venaik Moreshwer Furkey in any way, or to bring one single tangible fault against him from the 15th August 1839, when he received charge of the Rewa Kaunta, until the 22d March 1843 (an interval of upwards of 3 ½ years), when he so dexterously got rid of the man by lowering his position and depriving him of three-fourths of his salary?

13. I do believe that not one native, of whatever rank, in this country out of one thousand could have passed through the very trying ordeal to which Venaik Moreshwer Fudkey had been exposed during his 5 ½ years' service in the Rewa Kanta untainted by even an accusation of corruption or malversation in office; he succeeded to the position from which one of the most cunning and inveterate of the Nagur fraternity, Mottee Purshotum (who afterwards figured so conspicuously in the Dackjee Dadajee affair in Bombay), had just been dismissed for corruption, at the same time that others of the same fraternity had been expelled for the same crime from the Residency and other political offices in Guzerat, principally through the exertions of the new incumbent (the Fudkey). The minor situations of those offices were still filled by the relatives of the discarded Nagurs, and their creatures still continued in various offices throughout the Rewa Kaunta, all of whom were actuated by one interest and one spirit against Venaik Moreshwer Fudkey, that of revenge; to effect his ruin was their constant object; his every act was watched, and had he been caught tripping, not a moment would have been lost in exposing him; nay more, they would not scruple to throw temptation in his way, and I have not a doubt that many a tempting bribe has been placed at their instigation within his reach, with every inducement held out to swallow the bait; and what extraordinary facilities were afforded to Venaik Moreshwer Fudkey to enrich himself by such means had he been disposed to do so; not a more prolific field for such gains then existed in India perhaps than the Rewa Kaunta at that time; first, during the distractions caused by the Naikra's disturbances, where every petty chief who had in any way committed himself would look to the native

agent

agent as the only means whereby to escape the penalty; next, from the attachment of Pitland, every landowner in which district would try to secure better terms for himself under the new Raj, through the native agent; lastly, owing to the new arrangement then being brought into operation for the management of the Rajpeepla and other petty states, all affording great facilities for illicit gains to the native agent, through whom all parties looked to effect their object; yet not one single charge of any species of corrupt practice was brought against Venaik Moreshwer Fudkey during the 5 ½ years of his incumbency of the office of native agent in the Rewa Kaunta, or was ever afterwards brought against him when he had left office. Case of Venaik Moreshwur Furkey.

14. I question whether any native servant of Government ever passed a similar period of 5 ½ years in any office in Guzerat, offering inducements and affording facilities for bribery, without, as in this instance, a single accusation or even imputation being brought against him, even when no enmity was at work, as in this case, to draw the victim into error, and then expose his crime. To show that such hostile supervision was actively employed against every native servant who had in any way aided in the conviction of any members of the Nagur fraternity, I may instance the fact of Mahdowlall, the native agent in the Maha Kaunta, through whose exertions chiefly I was enabled to establish the guilt of Dowlutram (Nagur), the head carkoon of that Agency, having himself been convicted and dismissed for a similar offence within a year or little more of obtaining his new office. Now this man possessed the highest testimonials from the gentlemen under whom he had previously served in the Kaira Collectorate, where he had risen to the highest station (that of dufturdar, if I recollect aright) a native could fill, before he was transferred to the Mahee Kaunta; in his office the opportunities for receiving or the inducements to offer bribes were less, at the same time that the Nagur influence was much more limited than what then existed in the Rewa Kaunta, but no sooner was Mahdoolall securely seated, as he thought, in his office, than he fell into snares which the Nagurs had laid to test his integrity, and was lost. Again, in Kattywar, about the same time, a Mahomedan of high character and educational acquirements, enjoying the friendship of many English gentlemen, named Mahomed Lootfulla, who had aided Mr. Erskine in convicting Chotumlal (Nagur) the head of the native establishment in that Agency, having been appointed to the office from which the latter was expelled, similarly fell a victim to the temptations to which he was exposed, also, I believe, within about a year of his appointment.

15. Surely with these examples before Government, together with the fact that every native who had heretofore filled a similar office to that which Venaik Moreshwur Furkey had maintained under such adverse circumstances, without accusation or taint for 5 ½ years, whether in Kattywar or the Mahee Kanta, in the Rewa Kanta or at the Baroda Residency, had been found corrupt, the singular instance of integrity on the part of this individual might well have entitled him to more consideration from Government than he met with, when, after getting rid of him in the manner shown above, Mr. Remington attempted to justify the treatment to which he had subjected the man by his report, dated 22 February 1844, which charges Venaik Moreshwur Furkey with no offence beyond that of an independent bearing, and maintaining a more extensive retinue of followers than Mr. Remington deemed suitable to his position, and proffers no ground for suspicion of his integrity beyond a more liberal expenditure than Mr. Remington thought necessary, and the building of a house in Baroda which Mr. Remington estimated to have cost half a lac of rupees. I shall now test these grounds of Mr. Remington's objections and suspicions, merely here remarking in anticipation of the argument occurring to the Honourable Board, that the fact of no accusations or proofs of any kind having been brought against this person might be the result merely of his superior tact and cunning, that there is not a man in Guzerat, European or native, possessing any knowledge of the Nagurs, and particularly of the individual character and abilities of those of the clan who were expelled from office in 1837-38, of the extensive ramifications throughout the native establishments in every office in Guzerat by which they were assisted, and of the all-powerful influences of the Guicowar Court, and of the wealth of the banking firms of Baroda by which they were supported, who will not declare that it was utterly impossible for any individual inimical

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to them, and therefore watched by them, to escape detection if he had in any degree committed himself by a single dishonest act.

16. With regard to Mr. Remington's objections, I have to remark, that, with respect to the independent manner of Venaik Moreshwur Furkey, although doubtless different from the servility which Mr. Remington had been accustomed to meet with in his Collector's cutcherry in the Concan and Guzerat, to which that gentleman's services had I understand previously been confined, it is but the demeanor which he would observe in the Deccan, or elsewhere throughout India, generally prevails among the class of native gentry of good family, such as that of the Fudkey, one of the oldest in the Deccan. It is a mere matter of taste, and I myself confess to prefer the independent bearing of the native gentleman, even though through poverty filling a very subordinate position, to the cringing humility of the suitors who resort to our cutcheries. Mr. Remington's next objection is, that the Fudkey's domestic expenses were unusually "profuse, and the number of servants and horses he kept up, and the large retinue which accompanied him about the country, indicated rather a man of rank than a mere carkoon in our pay. It was at once evident that he was a man of unbounded means and independent of his salary, that his expenditure, so inconsistent with his position on the establishment, remained to be provided from illegitimate sources." Now surely you, Sir, who preceded Mr. Remington in office, and had for so long a period witnessed the retinue and expenditure of the native agent, which I have every reason to believe continued under Mr. Remington just the same as it was under you, were as capable of judging as that gentleman was whether it exceeded the limit of the Furkey's legitimate means. That you did not think so, is shown by the fact that you did not object to it; but Mr. Remington appears to have put down to the train of the native agent all the suitors and others who follow the camp of the Political Agent, and he does not seem to be aware how far a salary of 200 rupees per mensem would go towards defraying the very limited wants of a numerous native retinue, should the recipient be so generous as thus to dispose of it. You, I have no doubt, must have been satisfied that the Fudkey's expenditure did not exceed his salary; but admitting that it exceeded the income he derived from Government, it strikes me as being neither just or generous to assume, on that ground alone, that the difference could only have been made good from illegitimate sources. Venaik Moreshwur Fudkey, it is well known, is not only a man of family, but one of considerable private means. In illustration of this, it is merely necessary to mention, that a debt was recovered for him through the Resident, in 1837, amounting to 12,815 Baroda rupees, and I understand that from his first arrival here, and therefore some years prior to his taking service under Government, he owned a share in some loans, which he still retains, and derives an income from the interest thereof. The other and only remaining objection urged against the Fudkey by Mr. Remington was, that he "lately has constructed a stately house, in the most commanding situation in the city of Baroda, at a cost certainly not much under half a lac of rupees." In reference to this I would simply observe, that the house in question occupies the site of the old Residency Hospital, a part of the city in which you are aware no persons of wealth or consideration reside; and in the matter of cost, the Durbar, which will not be supposed likely to frame a very low estimate in such a case, has just at my request given in a valuation of the said house, according to which the original cost is estimated at 32,933 rupees, and its present value at 23,477 rupees. The Fudkey himself declares that the entire expenditure incurred was 21,904 rupees, and he professes his readiness to produce accounts which will prove the accuracy of his statement.*

17. Such and such only are the grounds on which Government felt itself entitled to stigmatise as "a very unfit person to be employed in any political capacity,"

* I had nearly overlooked another remark of Mr. Remington, which calls for notice. That gentleman observes: "Neither the present Resident, nor his immediate predecessor, Mr. Sutherland, regarded petitioner favourably;" to which I have to remark, that, were such the case, it ought not to weigh against the man, because, employed as he was in the districts, and having nothing to do with the Residents, it is impossible they could know anything about him, except what the Court and those who had access to the Residency all being his enemies, chose to say against him.

capacity," this devoted servant, who alone of all the native gentry was found willing to brave the hostility of the most powerful classes in this country, by aiding in exposing the corrupt practices of the Nagurs, and one who subsequent to the assistance thus rendered us, had performed 5½ years' faithful service; and this decision went far beyond what even Mr. Remington looked for, whose only object was to oppose the claim the Fudkey had advanced to be appointed native agent at the Residency at Baroda.

Case of Venaik Moreshwur Furkey.

18. On my return to Baroda in 1847, after an absence of some years, I was informed that Venaik Moreshwur Furkey had been dismissed from Government service for misconduct, and the Government letter, dated 20th March 1844, No. 905,* above referred to, was adduced to prove the fact. Being more sorry than surprised at such a consummation, after the example of the native agents of the Mahee Kaunta and Kattywar, who I was aware had, notwithstanding their previous high characters, been dismissed for bribery within a few months of their appointment, I had little expectation that this individual could have avoided the contamination of the corrupt atmosphere of this court, to which he had been so much longer and more immediately exposed. I took his guilt for granted, therefore, on the strength of the Government decision conveyed in that letter, and refused to receive him at the Residency, and it was not until driven to seek extraneous aid to investigate the frauds committed in the Ghoragee Pole case, that I was induced further to think of this man. Bearing in recollection as I did the great intelligence he had displayed in unravelling former frauds connected with the same case, which were exposed by you in 1837 (*vide* your letter to Government, dated 15th December 1837, appended to which is the Fudkey's report), this induced me to investigate the grounds on which Government had come to its decision against Venaik Moreshwur Fudkey, and a careful study of the whole case so satisfied me that the Honourable Board has been misled into an act of great injustice towards that individual by the report of Mr. Remington, that I should at once have appealed on his behalf for a reconsideration of his case, had I not then learnt that the prohibition of Government to his re-employment had been virtually annulled by a subsequent letter,† dated 5th July 1847, with which he had been furnished, intimating, that although the Honourable the Governor in Council saw no reason for interfering on his behalf, he "might, on a vacancy occurring, apply to the local authorities," which is tantamount, in fact, to rescinding the previous prohibition to his employment. This satisfied me that Government had become aware of the injustice of the previous prohibition, and that there could be no impropriety in my then making use of this able man's services in any manner I might find necessary, and accordingly I did employ him, as reported in my letter to your address, dated 7th September 1848, No. 215, and the zeal and ability which he displayed on that occasion were such as I trusted would be considered by Government a sufficient warrant for my recommending him for the office of native agent here, which was then likely to become vacant.

No. 4.

† No. 6.

19. I observe that the Right honourable the Governor in Council directed you, in replying to that report, after my departure to Egypt, under date 12th January 1849, to express the opinion of Government that I had "greatly erred in seeking extra aid in that inquiry from a person whose employment in a political office had before been forbidden by Government, a procedure which makes it evident that he (Lieutenant-colonel Outram) could not have examined the records of his office." When this censure was penned, his Lordship in Council could not have been aware that the prohibition alluded to, which was dated 20th March 1844, had been annulled by the subsequent communication, under date the 5th July 1847. Under these circumstances, and in consideration of the facts which I have advanced above, tending so fully to exonerate this individual from the blame, a belief in which had caused Government to issue that interdict to his re-employment, will, I trust, render the Honourable Board desirous to relieve me from this censure.

20. So far, however, from Venaik Moreshwar Fudkey's exertions on that occasion, or my after recommendation of him for this office, benefiting him any way, all his late misfortunes and oppressions of which he now complains are to be attributed, he believes, to those circumstances, for they brought down upon him, he avers, the enmity of the native agent and his friends, who having ready

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access to the late Officiating Resident, easily succeeded in poisoning that officer's mind against the unfortunate man, as his enemies had previously succeeded in turning Mr. Remington against him. As Captain French has left unreplied to the allegations contained in Venaik Moreshwar's petition, that his arrest and the seizure of his papers were ordered by his Highness the Guicowar after consultation with the Officiating Resident, and his representations have been confirmed to me by the Durbar carkoon and others, I can only assume that those measures were adopted with the sanction, if not at the instigation of the Acting Resident. In that case, that officer unwillingly lent himself to a proceeding by which the most innocent man might, in this country, and at this place especially, have his character blackened by unfounded crimes being palmed upon him through the foulest treachery, without a chance of righting himself; for by permitting a Mahratta Durbar to seize any man's papers without taking measures at the same time to secure their being at once sealed up in the presence of a person in whom he (the Resident) could confide, to prevent the possibility of their being tampered with, the door was thrown open for the practice of any villany which the victim's enemies might choose to concoct against him. Such, it will be seen from the accompanying extract from a petition from the brother of Venaik Moreshwar,* was apprehended at the time, and it might naturally have been anticipated by the Acting Resident, for whose neglect of the usual precautions in such cases I cannot account for. Even admitting the fact of the Fudkey being a Guicowar subject (which it has been seen that officer too readily assumed without due inquiry, on the information afforded him by the native agent I understand), still if, as asserted, that violent measure was adopted after consultation with the Resident,† whether that officer advised the measure or not, having become privy to the intention, and being by his position bound to tender advice to his Highness, he ought to have advised this precaution. Moreover, he ought to have insisted on it at least until Government should decide whether the party about to be subjected to this illegality and violence was a British subject or not; for although he (the Acting Resident) chose to pronounce that the man was not a British subject, he was aware that his predecessors had, on the contrary, considered and treated him as such, and that too with the sanction of Government.

* No. 5.

21. Fortunately for the doomed victim, his enemies were unable to succeed in their intention from, I presume, the difficulty they found in imitating the Fudkey's handwriting, for, after two days' endeavour, they could produce nothing to criminate him, and the only documents which could be found (or fabricated) of a nature to be turned against him were two, said to have been found among the Fudkey's papers, and, although of a fictitious address, said to have been addressed to him, "either of which" the Acting Resident pronounced "sufficient from their contents to warrant the proceedings of his Highness." In that case, it is a pity their "contents" were not communicated with Captain French's report (dated 22d November last), which had thus referred to them, if only to prevent the chance of future tampering with them, or at any rate, that, having been made over to the Acting Resident, he should not have retained them, or at least taken authenticated copies of them before returning them to the Durbar or otherwise, that he did not show them to his Assistant, who might have retained a more distinct recollection of their nature than he himself appears to possess, so far as I can judge from his replies to queries which at my desire Mr. Battye had put to Captain French on the subject, for I have much reason to believe that one of these two papers has since been changed, from its being so very different from the recollection which Captain French has of its purport.

22. That such a fraud might be attempted is very possible, because the only parties who read their contents to Captain French were the native agent and Durbar

† If the Acting Resident's wishes had not been consulted in the matter, why should the papers found upon the Fudkey have afterwards been brought to that officer, and why should the Durbar have sent the message five months afterwards, reported by Captain French on the 18th April last, which message, I may observe, is very significant in other respects. "This very day I had a verbal message from his Highness, asking if he should institute any further inquiry touching the papers found in the house of Baba Fudkey."

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Durbar carkoon (the parties most interested in injuring the Fudkey), who, in their reliance on that officer's imperfect recollections, and well knowing that I should not be so easily satisfied as he was, may have taken advantage of the opportunity of the papers being returned to their hands to substantiate what they hoped might be more likely to impress me with his criminality. But the spuriousness of the paper referred to is transparent, and will, I doubt not, be proved on the investigation which it is the object of this despatch to solicit permission for my entering into. The other papers, referred to by the late Acting Resident, contains nothing to turn against Venaik Moreshwar, and both together, admitting their genuineness, would by no means warrant the illegal measures which were resorted to against this man, far less the most harsh manner in which those measures were carried out, nor his continued retention in close imprisonment for 2 ½ months, notwithstanding the repeated tender of most unexceptionable security, nor his being enlarged at last only on a heavy penalty, to deter him from leaving Baroda for three months, lest he should lay his complaint before Government at the time when his Highness the Guicowar and myself were both at the Presidency.

23. The fact of Venaik Moreshwar Fudkey having taken service under the Durbar for a period of 6 ½ months, can in no way lessen his claim to British interference; for, by the late Acting Resident's own showing, in his reply to the Fudkey's petition, dated 18th April last, it is evident that the man was dismissed from that service in consequence of Captain French's interference, and he was no longer in the service of the Durbar when the oppressions complained of took place.

24. The circumstances above stated will, I confidently trust, satisfy the Right honourable the Governor in Council that it is necessary and but just that a thorough inquiry should be instituted into the case of Venaik Moreshwar Fudkey, as set forth in his and his brother's several petitions, dated 13th November, 4th, 10th, and 21st December 1849, and 4th March last.

I have, &c.
(signed) *J. Outram,*
Resident.

Baroda Residency,
22 June 1850.

No. 1.

To Captain *P. T. French,* Late Acting Resident at Baroda.

Sir,

Observing that in your report on the petition of Venayk Moreshwer Fudkeah, dated 18th April last, No. 69, you have not noticed the following passage, in which it is stated that the summary measures of which the petitioner complained were adopted by the Durbar after consultation with you; (may I request you will do me the favour to inform me whether those measures (*i. e.* the arrest of the petitioner and seizure of his papers) were suggested by you, or if not, whether the intention to adopt them was intimated to you, and directly or indirectly approved by you prior to their being carried into effect?

Extract.

"They finally caused the Guicowar to charge me with the treasonable offence of assisting to supplant him, and to procure the accession of his brother, Appa Sahib, to the Gadee. On this occasion the Guicowar having consulted with Captain French, I was informed that the latter gave his opinion that as I was a subject of his Highness, summary measures might be adopted against me, and that his Highness was at liberty to act as he might choose in my case."

I also beg to know whether the circumstance asserted by the petitioner of a condition being exacted from him "not to leave Baroda for three months," after he was liberated from confinement, was exacted with your knowledge, sanction, or approval, in which case I trust you will not object to inform me what was the object of such condition.

I have, &c.
(signed) *J. Outram,*
Resident.

Baroda Residency,
25 May 1850.

Case of Venaik Moreshwur Furkey.

To Colonel *Outram*, C.B. Resident at Baroda.

Sir,

I HAVE just had the honour of receiving your letter of the 25th instant, regarding the treatment by his Highness the Guicowar of Venaick Moreshwer Furkey when I was Acting Resident at Baroda, and in reply beg to state that if my memory be correct, for I have not at this moment a copy by me of the report on his case, to which you allude as dated the 18th ultimo, No. 69, I therein informed Government that I had left some points in the petition of the Furkey unnoticed, but would be happy, if it was the wish of Government, to reply to all in detail from memory. To that letter I have received no reply, nor have I heard of its being noticed by Government in any shape.

2. Government decided that Venaick Moreshwer, having entered the service of his Highness, he had no longer any claim on us as a British subject.

3. For my official acts at Baroda I am solely responsible to Government, and as they have not called on me to reply, as I offered to do, to the unnoticed points in the petition referred to, I must decline, though very reluctantly, affording the information you require, unless called on to do so by his Lordship in Council.

I am, &c.
(signed) *P. T. French*,
Late Acting Resident, Baroda.

Bombay, 28 May 1850.

(True copies.)
(signed) M. Battye, Assistant Resident.

No. 2.

Baroda, 17 August 1839.

THIS is to certify that the bearer, Venaick Moreshwer Phurka, has held the situation of carcoon at Rajpeepla for 20 months, and in that capacity has conducted the duties of head carkoon on the establishment of the Assistant Political Commissioner with the greatest zeal and ability, and to my entire satisfaction; he was also my head assistant in the sequestration of Pitlad, and I owe much to his experience in business and the respect in which he is held by all classes of natives; his knowledge of the manner in which native governments act was also of great use to me. I can confidently recommend him for any employ, as a most useful, able, and honest man, and from his character particularly fitted for such an appointment as that he now holds.

(signed) *A. Malet*, Assistant Political Commissioner.

(True copy.)
(signed) M. Battye, Assistant Resident.

No. 3.

No. 43 of 1844.—Political Department.

To *J. P. Willoughby*, Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, dated 17th inst., No. 336, giving cover to a petition from Venaik Moreshwar, late head carkoon on the Rewakanta establishment.

2. The object of petitioner appears to be to procure the situation of native agent at the Residency, to succeed to which, he considers he possesses "a stronger claim than any one else."

1. Political Commissioner to Government, dated 5 Dec. 1843, No. 232.
2. Government reply, 14 Dec 1843, No. 3159.
3. Political Commissioner to Mr. Pringle, 17 Dec. 1843, No. 1031.
4. Mr. Pringle to Political Commissioner, 23 Dec. 1843, No. 1334.

3. Adverting, however, to the correspondence noted in the margin, the appointment has been already filled by the nomination of Nursoo Punt, at present dufterdar in the establishment of the Revenue Commissioner for the Northern Division, and consequently there being no vacancy, it only remains to consider the fitness of petitioner to be re-employed in some similar situation under Government.

4. Of the history of Venaik Moreshwar, commonly called by the appellation of Baba Fudkey, but little that is authentic appears to be known at Baroda. He belongs to the Deccan, and his alleged object in coming to Baroda a few years ago was to arrange some family matters at the court of his Highness; disagreeing with the Durbar, he took up his residence in camp, where, having assiduously cultivated the acquaintance of some officers of a regiment stationed at the time, he procured an introduction to the Residency, and was finally appointed to succeed Motee Purshotum, who had been turned out of his situation on account of malpractices. The appointment bears date 15th December 1837, but I cannot discover that his nomination was submitted to the confirmation of Government.

5. Very

Case of Venaik Moreshwur Furkey.

Mr. Malet's Letter, dated 31 August 1838, to the address of the Political Commissioner.

5. Very shortly after his introduction to the office the First Assistant proceeded into the districts in pursuit of the Naikras, in apprehending whom his services were called into requisition. It is only justice to say that they were duly appreciated, and highly commended, and that in reporting his proceedings Mr. Malet remarked, "I have had much reason to be satisfied with the conduct of Venaik Moreshwar Phurkey, my head native assistant, who having formerly managed the Godra district, possessed much useful knowledge, and whose acquaintance with the Mehwasee Thakores of that part of the country, was exceedingly serviceable to me." Further, on resigning charge of the Agency, Mr. Malet granted him a certificate in which honourable mention is made of his services during the time he was employed under that gentleman.

6. As stated by Mr. Malet, petitioner acted as manager of the Punch Mhals previous to taking service in the Residency. He admitted to me that he at one time sought employment at the Court of Indore, and was afterwards an unsuccessful applicant for a situation under his Highness the Guickwar, and having failed in his object, he ultimately succeeded to a carcoonship of 200 rupees in the Rewa Kanta establishment, which he retained until last year, when another arrangement took place.

7. The favourable testimony borne to petitioner by Mr. Malet is certainly no slight praise, and no one is less disposed than myself to doubt the sincerity with which it was accorded. My estimation, however, of petitioner's fitness for public employ unfortunately falls considerably short of the character sketched by my predecessor, in the certificate annexed to his address to Government, and as my acquaintance with him has been of some duration, it may perhaps be allowed to have possessed a fair opportunity of judging of his merits.

8. From the very first I was struck with the high tone he assumed, unlike anything of the kind I had ever seen exhibited by others holding a corresponding situation elsewhere, which however suited to a native Durbar, was quite out of place in my cutcherry; the influence he possessed over the carcoons, some of whom he had managed to get appointed, was immense, and in the same degree was the hold he appeared to possess over the karbarees of the native states. His domestic expenses were unusually profuse, and the number of servants and horses he kept up, and the large retinue which accompanied him about the country, indicated rather a man of rank and importance than a mere carkoon in our employ. It was at once evident, that either he was a man of unbounded means and independent of his salary, or that his expenditure, so inconsistent with his position on that establishment, remained to be provided from illegitimate sources. Lately he has constructed a stately house in the most commanding situation in the city of Baroda, at a cost certainly not much under half a lac of rupees.

9. In the praise therefore bestowed in the only certificate he possesses, I cannot join. His "ability" as a man of business was never very apparent to me, and his "honesty" I would by no means vouch for. That "his knowledge of the manner in which native governments act" is profound, may be allowed, and as with those people low craft and deceit, without any principle of honour and integrity, obtain the appellation of great [*illegible*], it may be that he is thought something of, though "respected" is not nearly the word I would apply to represent their opinion of him.

10. Feeling his continuance as the principal native officer in the Rewakanta establishment was in every respect injurious, I sought his removal at a very early period, which at last was effected by a new distribution of the salary he received. In desiring his departure I had no one's interest to serve, unless it be that of the petty State, burdened with a contribution for which it received no equivalent. My own establishment has been reduced in number, and the only benefit derived from the change has been a greater degree of efficiency in the country, which was partly my aim in soliciting the alteration.

11. Neither the present Resident, nor his immediate predecessor, ever regarded petitioner favourably, and the late Mr. Sutherland frequently expressed to me his surprise that a man so [*illegible*], and apparently so little deserving, should have succeeded to a situation which tried and faithful servants of our Government would have been too thankful to have received in the way of promotion.

12. For the situation then of native agent, the most confidential and important that a man can hold, and which officers of the highest rank and unblemished character, like Nursoo Punt, aspire to, I consider Venaik Moreshwar in every respect unfit, as also for any other post of equal importance.

13. Such being my own opinion of this individual, I would willingly have postponed a reply to your letter, had I not been persuaded that these sentiments are coincided in by the Resident; but as it is, should this representation be deemed by Government to be overcharged, Mr. Boyd can still be appealed to for a character. It will, however, be observed, that petitioner admits the Resident has never attended to his application for re-employment, a fair indication of what is thought of him in that quarter.

(signed) *A. Remington,*
First Assist. Pol. Com., and Resident in Charge.

Baroda Residency, 22 February 1844.

(True Copy.)
(signed) M. Battye, Assistant Resident.

Case of Venaik Moreshwur Furkey.

No. 4.

No. 905 of 1844.—Political Department.

From the Chief Secretary to Government, Bombay, to *A. Remington*, Esq., First Assistant Political Commissioner for Guzerat, in Charge.

Sir,

With reference to your report dated the 22d ultimo, No. 43, on the petition from Venaik Moreshwur Furkey, dated the 27th December last, I am directed to inform you, that from the account given by you of this individual, the Honourable the Governor in Council is of opinion that he is a very unfit person to be employed in any political capacity, and more especially so in the important situation of native agent at Baroda. Venaik Moreshwur has therefore been informed that his request to be re-employed by Government cannot be complied with.

I have, &c.
(signed) *J. P. Willoughby*,
Chief Secretary.

Bombay Castle, 20 March 1844.

(True copy)
(signed) M. Battye, Assistant Resident.

No. 5.

Extract of a Petition from *Kooshaba Bhow Furkey*, of Nassick, to the Address of the Right Honourable the Governor in Council, dated 10th December 1849.

14. Your memorialist has recently been informed that the native officers having made some adverse statement to his Highness, and having entertained some unaccountable suspicion, 50 sebundees with other persons in the service of his Highness, amounting altogether to about a hundred persons, came, and having made an attack suddenly upon the house of your memorialist's brother at Baroda, have laid it under an attachment, and placed your memorialist's brother and others under restraint. Having then searched the whole of the house, they inspected during two days all the documents and paper belonging to your memorialist's brother; but as those people did not find any documents whatever to accord with the suspicions which they seem to have entertained, the native officers tied up the papers in their roomals, or cloth coverings, and went away; but the sebundies were stationed there, and your memorialist's brother was left in confinement. On the third day the native officers having returned again, searched the house, and examined the papers and caused great distress to your memorialist's brother, who was suffering from indisposition. They on that occasion carried away some of those papers which they had inspected on the first occasion, and it is not known what plan was contrived by those people to injure your memorialist's brother. He was subsequently brought before the Durbar by force, as a prisoner. At that time he was in a very weak state of health, but this circumstance was not considered at all, and many false meanings having been assigned to the contents of the papers which were seized, your memorialist's brother was required to answer the questions which were put to him. Your memorialist's brother stated that he was then suffering from illness, and was physically unable to answer them, but that he would do so when he recovered, &c. Having sent a verbal representation to this effect to his Highness, your memorialist's brother succeeded in exciting his personal compassion for your memorialist's brother, who was therefore brought back to his house. Afterwards, security was demanded from him to the amount of 16,000 rupees, it being left optional with him to comply with this requisition, or to pay 16,000 rupees in ready money; but your memorialist's brother had it not in his power to raise so considerable a sum, nor could he see why such a demand was made. Nevertheless your memorialist's brother consented to give security in the persons of Bhaoo Sahbe, Shastree Putwurdhun, and other gentlemen of note; yet the public officers objected to them, and asked for security in the persons of great bankers like Hurree Buktee and Gopal Row Myrall; but your memorialist's brother being now a prisoner, how could a person in his situation get bankers to stand security for him? Your memorialist's brother would, however, have presented Kandass Wajjee's people and other bankers as his securities, but the public officers at once threatened them, and prohibited them from so assisting your memorialist's brother. On that account he could not obtain any banker to become his security, thus is your memorialist's brother tyrannically treated at Baroda without any cause whatever; but as he, as well as your memorialist, is indisputably a subject of the Honourable Company's Government, your memorialist on his part again reiterates his hope that your Lordship in Council may be pleased to order that your memorialist's brother may be immediately released from the restraint in which he is placed, and from the oppressive treatment which he is compelled to undergo.

15. Among the papers which the person before mentioned carried away from your memorialist's brother's house, there is not one relating to any political plot or disturbance,

or

or one document regarding any matters of the state. They probably relate to private family affairs, but those people having entertained suspicions that your memorialist's brother might be concerned in the intrigues which they have with one another in the household of his Highness, they therefore searched the house of your memorialist's brother in every way they chose, but as no papers or documents to serve their purpose had ever existed therein, they could not of course find any of that description. Nevertheless, they got up a false accusation and disgraced your memorialist's brother, and are still disgracing him. But your memorialist's brother had served the Honourable Company's Government, and still entertains a hope to be further employed in their service, and his good character and conduct are well known to the British gentlemen under whose control he was employed, and your memorialist can confidently aver that his brother is incapable of acting in the manner he has been charged with having acted, and your Lordship in Council may be convinced of his innocence from the fact, that notwithstanding all the inquiry which those people who are inimical to him at Baroda have caused to be instituted, nothing whatever has been discovered to criminate him. It is, however, their intention to carry away some other papers and documents, and to extract false meanings out of them to suit their purposes. The public officers and their partizans have conceived great enmity towards your memorialist's brother; therefore, your memorialist fears that those people will not scruple to fabricate false documents to carry out their views, for, on the first day when the whole of the papers of your memorialist's brother were examined, nothing in the shape of evidence against him could be found. It was then thought that all the harsh measures which had been adopted would have ceased, but instead of this being the case, greater oppression began to be practised. Your memorialist greatly fears that some treachery must be contemplated, since, not satisfied with their first examination of the papers, they have again examined them and carried away some of them, and have not removed the watchmen and sentries whom they stationed at the house of your memorialist's brother. But your memorialist fully relies upon the justice of the Honourable Company's Government, and that when an investigation takes place, no fraud or treachery will be allowed to take place, and if any offence can be justly and legally proved against your memorialist's brother, it is the Company's Government only who have the right to punish him. Your memorialist, therefore, begs that it may be ordered that any interrogatories which the Guikwar's Government may address to your memorialist's brother, may come to him through the British Resident at his Highness's Court, and that the Resident may be empowered to conduct the investigation.

(True extract.)
(signed) *M. Battye*, Assistant Resident.

No. 6.

No. 2463 of 1847.—Political Department.

From *A. Malet*, Esq., Secretary to the Government, Bombay, to *Vinayek Moreshwur Fudkey*, Bombay.

Sir,

In reply to your petition dated the 1st instant, soliciting that you may be appointed to some situation under Government, I am directed to inform you that the Honourable the Governor in Council sees no reason to interfere in your behalf, but that you may, on a vacancy occurring, apply to the local authorities.

By order of the Honourable the Governor in Council,

(signed) *A. Malet*,
Secretary to Government.

Bombay Castle, 5 July 1847.

(True copy.)
(signed) M. Battye, Assistant Resident.

Minute by the Right Honourable the Governor. No. 8112.

I regret that Lieutenant-colonel Outram has revived this question, more especially as I cannot but regard his letter to Government as intemperate and indiscreet.

2. I would inform Lieutenant-colonel Outram that our former decision in this case is to be deemed final, and that we see no reason whatever for the interference of our Resident between this individual (Phurkee), and his Highness the Guicowar.

18 August 1850. (signed) *Falkland.*

Case of Venaik Moreshwur Furkey.

No. 8113.

MINUTE by the Honourable Mr. *Willoughby.*

I WAS absent from the Presidency when the last decision was passed in this case, consequent on the receipt of Lieutenant-colonel Outram's letter of the 11th April last. Had I been present, I should have stated it to be my opinion that the statements therein made required an explanation from the Acting Resident, and that if it can be proved that Baba Phurkaee has been maltreated in consequence of the assistance he has afforded in detecting bribery and corruption, he is entitled to all the protection which we can extend to him; although from his having resided several years at Baroda, and accepted service in a foreign state, he cannot claim such protection because he was originally a British subject.

2. The extent of bribery and corruption among our native establishments in Guzerat, and especially at Baroda, is unhappily notorious. Some cases of this kind have very recently been before the Board, and more may soon be expected, in connexion with the case of Joitabhaee, the widow of the wealthy banker, belonging to the firm of Hurree Bukty & Co., at Baroda, who has for a long time past failed to obtain a hearing by the most corrupt means, to the great discredit I fear of the British Government.

3. It is evident that Lieutenant-colonel Outram believes, and I have not a doubt honestly and in good faith believes, that Baba Pherkeea has been subjected to oppression and ill treatment for having aided him in bringing corrupt practices to light, and that his dismissal from the Guicowar service was in part occasioned by the representations of Captain French; the Right Honourable the Governor* apparently not approving of the Acting Resident's proceedings.

* *See* his Lordship's Minute, dated the 27th April 1850.

4. With reference to paras. 2, 9, and 20 of Lieutenant-colonel Outram's present report, so far from considering that officer, with the impressions therein stated, to have acted indiscreetly and intemperately in submitting this representation to Government, I do not see how, as a man of honour, he could have avoided doing so.

5. I cannot therefore concur in the censure passed upon the Resident, but in order to support his meritorious exertions in the exposure of corruption, and in order that other persons may not be deterred from assisting those exertions, by seeing from the example of Babee Phurkeea, that maltreatment, instead of reward, is the result, I think the case should, as proposed by Lieutenant-colonel Outram, be fully investigated.

20 September 1850. (signed) *J. P. Willoughby.*

No. 8114.

MINUTE by the Honourable Mr. *Blane,* concurred in by the Right Honourable the Governor.

I QUITE concur with the Right honourable President in adhering to our former resolution, as to the claim of this individual to the interference of the British Government, and cannot but regard Colonel Outram's strictures on the proceedings of Mr. Remington, and the late Acting Resident, Captain French, as well as the tone of his remarks relating to the decisions of Government, as exceedingly ill-advised.

20 September 1850. (signed) *D. A. Blane.*
Falkland.

Seen (signed) *J. P. Willoughby.*

No. 8115.

No. 4489 of 1850.—Political Department.

From the Secretary to Government of Bombay, to Lieutenant-Colonel *J. Outram,* C.B., Resident at Baroda.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, No. 131, dated the 22d June last, soliciting a reconsideration of the case of Venack Moreshwur Furkey.

2. In

2. In reply, I am desired to inform you that the former decision of Government in this case is final, and that his Lordship in Council sees no reason whatever for your interference between this individual and his Highness the Gaekwar. Case of Venaik Moreshwur Furkey.

I have, &c.
(signed) *J. G. Lumsden,*
Bombay Castle, 1 October 1850. Secretary to Government.

(True extract.)
J. G. Lumsden, Secretary to Government.

Extract Bombay Political Consultation, February 1852.

No. 18 of 1852.—Political Department.

From Lieutenant *M. Battye*, Assistant Resident in Charge, Baroda, to *A. Malet*, Esq., Chief Secretary to Government, Bombay. No. 912.

Sir,

With reference to your letter of the 5th instant, No. 27 A., I have the honour to inform you that Venaik Moreshwur Fudkey has this day left Baroda for Surat, with the intention, I believe, of visiting the Presidency, and that I have afforded him the necessary protection for his safe transit through his Highness the Gaekwar's territory, agreeably to the instructions contained in your letter under acknowledgment.

I have, &c.
Baroda Residency, (signed) *M. Battye,*
19 January 1852. Assistant Resident in Charge.

Petition from *Venayek Moreshwur Fudkay*, of Nassick, at present residing in Bombay, to the Right Honourable the Governor in Council, Bombay, No. 2570.

Humbly showeth,

That your petitioner having been subjected to great injustice and oppression at the hands of the Gaekwar's Government at Baroda, from the year 1849 up to the present time, owing to the instigations of the Acting Resident, Captain French, which matters have been frequently brought to the notice of your Honourable Board in petitions from himself, his brother, and other persons on his behalf; consequent whereon reports may have been received from the Acting Resident, and orders and instructions issued thereon by your Honourable Board; and as, latterly, Colonel Outram may have reported, in reference to a petition of the 4th March 1850, from your petitioner to that officer's address:

Your petitioner, therefore, humbly prays that he may be permitted to have copies of all the documents in question, in connexion with the subject abovementioned, and that the same may be forwarded, with your Honourable Board's reply hereto, to your petitioner at his residence in Bombay, at Combahtokda.

And your petitioner, as in duty bound, shall ever pray.

(signed) *Venayek Moreshwur Fudkay.*
Bombay, 5 March 1852.

Minute by the Honourable Mr. *Bell*, concurred in by the Honourable Mr. *Warden*. No. 2571.

Petitioner may be informed that his request cannot be complied with.

(signed) *A. Bell.*
26 March 1852. *J. Warden.*

Case of Venaik Moreshwur Furkey.

No. 1445 of 1852.—Political Department.

No. 2572.

From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to *Venayek Moreshwur Furkay*, Bombay.

I AM directed by the Right honourable the Governor in Council to inform you, that the request contained in your petition, dated the 25th ultimo, cannot be complied with.

By order, &c.

Bombay Castle,
2 April 1852.

(signed) *H. E. Goldsmid*,
Secretary to Government.

From *Venayek Moreshwur Furkay* alias *Baba Furkay*, to *H. E. Goldsmid*, Esq.. Secretary to Government in Charge, Political Department, Bombay.

Sir,

I DO myself the honour to enclose a petition, in triplicate, from myself, addressed to the Honourable the Court of Directors in London, and earnestly request that his Lordship the Right honourable the Governor in Council will do me the favour to take an early opportunity of forwarding the same to its destination.

I have, &c.

Bombay, 10 May 1852.

(signed) *Venayek Moreshwur Furkay* alias *Baba Furkay*.

To the Honourable the Court of Directors of the East India Company, London.

The humble Petition of *Venayek Moreshwur Furkey* (alias *Baba Furkey*) a native of Nassick, and now a Resident in Bombay,

Showeth,

THAT your petitioner was born at Nassick, a town within the British territories, in the Deccan, and was brought up by his late father, Moreshwur Bullal Furkey, who, being of the same family, was a protégé of the late Hurry Punt Furkey, commander-in-chief of the Peishwa's army.

2. That your petitioner is, has ever considered himself to be, and was considered by the late Messrs. Sutherland, Boyd, and Williams (all members of your Bombay Civil Service, and all at different periods Residents at Baroda), as a British subject.

3. That Sir Robert Arbuthnot, Baronet, late of your Bombay Civil Service, and formerly Resident at Baroda, also considered your petitioner to be a British subject.

4. That Lieutenant-colonel Outram, C. B., the late Resident at Baroda, also considered your petitioner to be a British subject, as also did Mr. Arthur Malet, of your Civil Service, formerly Officiating Resident at Baroda, now Chief Secretary at Bombay.

5. That, as a British subject, your petitioner comes before your Honourable Court, and humbly begs that his case, which is one of extreme hardship, and where great oppression has been used towards him, may obtain that justice which has hitherto been denied your petitioner.

6. That if your Honourable Court deems this petition long, or thinks that it enters too much into needless details, your Honourable Court will remember that your petitioner has no one to look to for justice but the Honourable Court of Directors, and that his earnest wish is to have his case fully understood by that honourable body.

7. That your petitioner can refer your Honourable Court, with confidence, to Lieutenant-colonel Outram, late Resident at Baroda, who will no doubt inform your Honourable Court what services your petitioner has performed while serving the British Government.

8. That your petitioner can also refer with confidence to the character which would be given him by Mr. Arthur Malet, of your Civil Service, under whom your petitioner served when that gentleman was Assistant Resident in charge of the Rewa Caunta.

9. That in the year 1831, your petitioner proceeded to Baroda, as the agent of Pandoorung Mahdowrow Furkey, grandson and heir of the late Hurry Punt Furkey, the commander-in-chief of the Peishwa's army.

10. That your petitioner's object in proceeding to Baroda was to recover, as agent of Pandoorung Mahdowrow Furkey, certain large sums of money which were owing to the estate

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estate of the late Hurry Punt Furkey, both by his Highness the Guicowar, and by the firm of Hurry Bucktee, the celebrated bankers of Baroda, as well as certain Enam villages which belonged likewise to the estate of the late Hurry Punt Furkey, but which had been taken possession of by his Highness the Guicowar.

11. That the said Pandoorung Mahdowrow Furkey gave your petitioner all the papers, sunnuds, &c., to prove his (Pandoorung's) claim to the above property. Your petitioner was also furnished with letters to his Highness the Guicowar, to the firm of Hurry Bucktee, and to the late Mr. Williams, the British Resident at Baroda; all these letters being for the purpose of accrediting your petitioner, as agent of Pandoorung Mahdowrow Furkey, the grandson and heir of the late Hurry Punt Furkey, to whose estate both his Highness the Guicowar and the banking firm of Hurry Bucktee owed such large sums.

12. That your petitioner, after his arrival at Baroda, presented his credentials to the different persons to whom they were addressed; but, for upwards of four years, during which he remained at Baroda, could obtain no settlement of the claims, either by his Highness the Guicowar, or by the firm of Hurry Bucktee.

13. That applications to Weneeram, the dewan of the Guicowar, and to Hurry Bucktee Walla Beechur Bhaee, the grandson of Hurry Bucktee, produced no better result; and that, weary with the four years of fruitless time spent at Baroda, your petitioner endeavoured to obtain the ear of his Highness through the influence of Larba Bhuggut, a man of great influence at the Baroda Court. This endeavour of your petitioner to obtain his rights through another channel greatly annoyed Weneeram, who declared that so long as he (Weneeram) was in the service of his Highness, none of your petitioner's claims should be settled, either by his Highness the Guicowar, or by any of his subjects.

14. That in the year 1834–35, your petitioner obtained from Scindia's Government the farm of some villages which were situated about 60 miles from Baroda; but that in 1835–36 your petitioner lost his farm, another person having offered a larger rent to Scindia's Government than your petitioner could afford to give.

15. That, upon losing the above farm, your petitioner again returned to Baroda, and endeavoured (through the influence of Ladba Bhuggut) to push his claims for a settlement of the monies due to him as agent of Pandoorung Mahdowrow Furkey.

16. That about this time your petitioner was induced to lend money to the above Ladba Bhuggut, and as security for the sum lent, your petitioner took some villages of the said Ladba Bhuggut in mortgage. Your petitioner lent the money as a private transaction between Ladba Bhuggut and himself. Your petitioner had ample security for the money lent, and nothing in the shape or nature of a bribe was intended by either party.

17. That upon it becoming known to Weneeram that your petitioner had lent money to Ladba Bhuggut, Weneeram showed tenfold greater hostility than ever to your petitioner, so much so, that your petitioner being aware that it was the intention of Weneeram to arrest him, took refuge in the British Camp, at Baroda, and put himself under the protection of the late Mr. Williams, of your Bombay Civil Service, who was then Resident at Baroda. Your petitioner did not take this step until peons were actually on the look-out for him in the city of Baroda. He then took refuge in a friend's house, and from that friend's house he acquainted the Resident with the great danger which then threatened him; upon which Mr. Arthur Malet, of your Bombay Civil Service (then officiating for Mr. Williams, who happened to be absent from Baroda), sent British peons into the city to bring your petitioner to the Residency, thus affording your petitioner the protection which, as a British subject, he demanded.

18. That when Weneeram was aware that the officiating British Resident had afforded protection to your petitioner, his Highness the Guicowar, influenced by this same Weneeram, made a request to the officiating British Resident that your petitioner should be sent out of the British territories. Upon this, Mr. Arthur Malet, the Officiating British Resident, questioned your petitioner, who, in answer, explained how he (your petitioner), a British subject, had been for some years in Baroda, endeavouring to obtain payment of certain claims which he, as agent for Pandoorung Mahdowrow Furkey, had against the Guicowar, and against the banking firm of Hurry Bucktee. How he had also lent money to Ladba Bhuggut in Baroda, and how he (your petitioner) would be unable to prosecute his claims if ordered away from Baroda, as was the desire of his Highness the Guicowar, instigated by his minister, Weneeram. Mr. Malet fully saw the justice of all that your petitioner had advanced, and wrote to the Guicowar accordingly, asking his Highness what specific charges could be brought by the Baroda Government against your petitioner. To this question no answer was given. Mr. Malet then urged the Guicowar to procure a settlement of the various claims which your petitioner had against his Highness, as well as against certain of his Highness's subjects. Owing to Mr. Arthur Malet's representations and remonstrances, a settlement was obtained of the debt due by Ladba Bhuggut to your petitioner; but the claims which your petitioner had against his Highness the Guicowar, and against the firm of Hurry Bucktee, are to this day unsettled. The fact of Mr. Malet, then your Officiating Resident at Baroda, having obtained a settlement of these claims for your petitioner, as also that the money was paid into the Treasury of the British Residency, and out of that paid to your petitioner, as also the various references and correspondence which took place at this and other times, will, your petitioner trusts, satisfy your Honourable Court

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that your petitioner is justified in calling himself a British subject, and now as then, claiming redress at the hands of the British Government for all the wrongs he has suffered.

19. That about this time (1837), Lieutenant-colonel (then Captain) Outram was ordered by the Bombay Government to proceed to Baroda, in order to assist Mr. Arthur Malet, the Officiating Resident at that court, in the investigation of certain frauds and cases of bribery, with which the Nagur Brahmins employed as karcoons in the Baroda Residency were charged. The difficulties attending on such an investigation were very great, owing to all the head karkoons being of one caste, and combining with one another to prevent any inquiry taking place, or at any rate, to throw such obstacles in the way of Mr. Arthur Malet and Captain Outram, that it should be almost impossible for those officers to perform properly the task allotted them by the Bombay Government. Your petitioner had become known to both the above-named officers, and they requested him to help them in the work of detecting the alleged frauds. This your petitioner did without fear of, or friendship for, any one, and had the satisfaction of helping very materially in the discoveries of bribery and corruption which took place at Baroda at this time. The valuable friendship of Mr. Malet and Colonel Outram was gained by your petitioner, but owing to the discoveries made, and the just punishments which several of the Nagur Brahmin Karkoons met with, in consequence of their misdeeds, your petitioner made these men, several of whose relations now hold important situations about the Court of Baroda, his bitter enemies for life. Your petitioner undertook the above duty without any promise of payment or reward, nor did he receive any. Your petitioner considered himself amply remunerated, when he found that his exertions had gained for him the approbation of the local Government (to whose protection on a former occasion he most probably owes his life), and the friendship of the two distinguished officers referred to above.

20. That your petitioner can with confidence assert, that during the bribery prosecutions which took place in 1837-38 there was not a native except himself in Guzerat who dared to come forward openly and help the British Government in their investigations; and your petitioner can refer your Honourable Court to the opinions which Mr. Arthur Malet and Lieutenant-colonel Outram have repeatedly expressed (and would do so again if called upon) regarding the impossibility of convicting the Nagur delinquents, had not he (your petitioner) come forward at the time and in the manner he did.

21. That in December 1837 your petitioner was appointed head carkoon or native agent of the Rewa Caunta, and served as such under Mr. Arthur Malet until August 1839, when that officer was removed to Kattywar. What Mr. Malet's opinion was of the manner in which your petitioner performed his duty, will be seen in that officer's certificate, dated Baroda, 19 August 1839 (which is marked (A.) and annexed hereto). Your petitioner begs to remind your Honourable Court that Mr. Arthur Malet is an officer of great experience in the Political Department, and is at present political secretary to the Government of Bombay.

22. That upon Mr. Arthur Malet leaving the Rewa Caunta agency in 1839, Mr. Remington was appointed to that situation. Your petitioner continued to fill the situation of head carkoon or native agent under that officer until 1843. At this period a despatch was received from your Honourable Court, directing that as the debts incurred under the guarantee of Government in the dominion of the Rajpimpla were liquidated, and the balance due to the Guicowar's government was paid off, it was not proper on the part of Government to continue receiving from the Raja the sum of 200 rupees per mensem, for the purpose of paying a carkoon for the Rewa Caunta agency; and that if the services of a head carkoon (or dufturdar) were required in that agency, the Government should pay his salary, and not the Raja of Rajpimpla.

23. That upon receipt of the above order, forwarded through the local Government, Mr. Remington reported to the Resident at Baroda, Mr. Boyd, that the head carkoon (or dufturdar) was not required at the Rewa Caunta agency, and Mr. Remington suggested at the same time that four carkoons should be entertained upon the salary which was formerly paid to your petitioner. Mr. Remington wrote to your petitioner, acquainting him with the fact that the situation of head carkoon would be done away with, and offering your petitioner one of the inferior appointments which were about to be created. Your petitioner answered this communication, requesting to know what salary he might expect in one of these new situations, and asking at what station he would be employed. To this letter Mr. Remington vouchsafed no reply, and in consequence your petitioner found himself out of employ.

24. That upon finding himself out of employment, your petitioner (who was most anxious to obtain re-employment) memorialised Government, showing how he (your petitioner) had been, without any fault of his own (and after having given the greatest satisfaction to Mr. Arthur Malet and to Captain Outram), thus thrown out of employment and deprived of every chance of rising in the service of the British Government. The only answer your petitioner could obtain from Government was, that they declined to interfere with the arrangements of the local authorities, but that upon any vacancy occurring, your petitioner was at liberty to apply to these same authorities.

25. That your petitioner begs leave most respectfully to bring to the notice of your Honourable

Honourable Court the following four facts connected with his dismissal from employment:— Case of Venaik Moreshwur Furkey.

1st. That without any fault of his own, he was turned out of the service of your local Government.

2d. That he has good reason to believe that the ears of Mr. Remington, who caused your petitioner to be turned out, were poisoned by one of the Nagur Brahmins, the brother of one of the men whose iniquities your petitioner had helped Mr. Malet and Captain Outram to discover at Baroda at the time related above.

3d. That being thus dismissed from employment, and any redress refused him by the local Government, was but poor recompense for his previous services at Baroda.

4th. That your petitioner has good reason to know that the refusal of the local Government to interfere on your petitioner's behalf was caused by an unfavourable report of Mr. Remington's, whose right-hand man was, as your petitioner has before observed, the brother of one of the Nagur Brahmins, whose villanies your petitioner was instrumental in bringing to light.

26. That your petitioner is far from attributing any unbecoming motives to Mr. Remington, but he believes that gentleman to have disliked your petitioner almost from the commencement of their official intercourse. This dislike was quickly noticed by the wily Brahmin, who had many opportunities of poisoning the ear of an honourable English gentleman, and in time this man so far succeeded that your petitioner was turned out of his situation, and an unfavourable report made of him to the local Government.

27. That notwithstanding the fact of your petitioner having succeeded at the Rewa Caunta agency to the situation from which one of the most cunning of the Nagur Brahmins (Mottee Purshotum, who afterwards figured in the Dhackjee Dadajee's affair in Bombay) had been dismissed for bribery and corruption; notwithstanding almost all the minor situations both in the Rewa Caunta agency and elsewhere were filled by Nagur Brahmins, most of whom were relatives, and all of whom were friends of the karcoons whom your petitioner had been instrumental in dismissing from the Baroda Agency for bribery and corruption; notwithstanding the enmity which these men bore your petitioner, and their constant unceasing endeavours to ruin him; notwithstanding the way in which every one of his acts was watched by these men; notwithstanding the great facilities which existed in those days throughout Guzerat for a corrupt native agent to enrich himself, were he inclined to do so, in an illicit manner, your petitioner can with truth, and with excusable pride, affirm (what can be borne out by the records of the various political agencies, and by the testimony of the different political officers who served in Guzerat at that time), that not one single charge on the score of bribery or corruption were his worst enemies ever able to make against him during the five and a half years which he served your local Government as native agent in the Rewa Caunta.

28. That shortly after Mr. Remington left the Agency at Rewa Caunta, his successor applied to Government for a dufturdar, or native agent, which was granted. This shows that such an official was considered by other political officers to be necessary for the Agency. Your petitioner cannot help thinking that the doing away with the appointment of dufturdar, or native agent, was suggested to Government by Mr. Remington for the purpose of injuring your petitioner.

29. That upon Mr. Remington's retirement from the Rewa Caunta Agency, your petitioner heard a report that that gentleman had requested his successor not to confer any appointment upon your petitioner. Such a report your petitioner could not believe at first, but was soon undeceived; for when the Raja of Rajpimple wished to appoint your petitioner to a situation worth 275 rupees a month, as carkoon for the management of the Raja's estates, Mr. Ogilvy, the successor of Mr. Remington, objected to the appointment taking place; although by Government orders of the year 1836, the Rajas were empowered to employ for their carkoons whom they pleased. Your petitioner does not attribute the above act of Mr. Ogilvy's to any hostility which that officer had for your petitioner. When your petitioner mentions that two out of the four carkoons who were employed at the Agency in place of your petitioner, were near relatives of those Nagur Brahmins whose dismissal your petitioner had been instrumental in causing at Baroda some years before, your petitioner believes that the reason of this continued persecution will be at once apparent.

30. That your petitioner entreats your Honourable Court to consider how his above dismissal from employment, and his subsequently being prevented from taking employment under the Raja of Rajpimple, by one of your Political Agents, must have affected his character. Your petitioner's dismissal from employment was known to every one; the Government's virtual refusal to employ him again was also known. No reason was adduced for either act of the local Government, nor to this day can your petitioner imagine why he was dismissed, except that the intrigues of the Nagur Brahmins were successful.

31. That after several unsuccessful applications to Government for re-employment, your petitioner came in 1847 to Bombay, and petitioned once more the local Government, detailing all the grievances which he has now related to your Honourable Court. The answer your petitioner received from the local Government, dated 5th July 1847, was to the effect, that the Honourable the Governor in Council saw no reason to interfere in your

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petitioner's behalf; but, that on a vacancy occurring in any of the political agencies, he (your petitioner) was at liberty to apply to the local authorities.

32. That a few months after receiving the above reply from Government, your petitioner went back to Baroda, and waited upon Colonel Outram, asking that officer to give him some employment. Colonel Outram answered your petitioner that, at that moment, there happened to be no vacancy; but that he (Colonel Outram) would bear your petitioner in mind on the first vacancy occurring.

33. That in July 1848, Colonel Outram sent for your petitioner, and informed him that he (Colonel Outram) strongly suspected some frauds had been committed in the management of the Jagadur villages belonging to Godajee Row Pole Pagadar; that an investigation had been going on for some five or six months; but, that as he (Colonal Outram) could not obtain the requisite information, he could not arrive at the truth. That owing to the carkoons employed at the Residency playing into each other's hands, and all being, apparently, in the pay of some other party, it was impossible for either Colonel Outram, or his European assistants, to unravel the thread which was entangled apparently on purpose to confuse the Resident and those who were helping him. Colonel Outram accordingly requested your petitioner to commence an investigation into this matter connected with the management of the above villages. The Resident paid your petitioner some compliments regarding the manner in which he (your petitioner) had assisted in discovering some frauds in the Baroda Residency Office, eleven years previously (as set forth in the former part of this petition). Colonel Outram, moreover, urged your petitioner to afford him this help, saying that he (your petitioner) was the only man upon whose zeal for the interests of the British Government, tried honesty, and great discernment, the Resident could place sufficient reliance to entrust with so important an inquiry as that now about to be entered into.

34. That your petitioner expressed over and over again the greatest reluctance to enter into this investigation. Your petitioner knew from bitter experience how many enemies he had raised up for himself, when he discovered the bribery in which the Residency carkoons were mixed up in 1836-37. Your petitioner was well aware that, if the alleged frauds which Colonel Outram now suspected, really existed, Nursoo Punt, the native agent at the Baroda Residency, must be deeply implicated in the same. Your petitioner knew that if he acceded to Colonel Outram's request, if he commenced the proposed investigation, and if Nursoo Punt was found to be guilty, that Baroda would no longer be a safe place for your petitioner to live in, and that his family, his property, and his very life would be in daily, hourly, danger. Your petitioner's reasons for thinking thus, were not without the strongest foundations. Nursoo Punt, the native agent at the Baroda Residency, was well known to be the great friend, the creature of his Highness the Guicowar, or rather of Bhow Tambekur, the Guicowar's minister. Your petitioner, moreover, knew the unflinching zeal of the Resident, Colonel Outram, in the cause of honesty, and he felt certain that if Nursoo Punt was convicted of any fraud or dishonesty, the Resident would at once have him turned out of his situation. Such an event happening through means of an investigation which your petitioner had conducted, would have caused the whole anger and persecution of the Baroda Court to fall upon your petitioner's head. Your petitioner had already experienced what it was to make the Nagur Brahmin carkoons his enemies. How much more might he expect to suffer were he to make enemies of a powerful prince like the Guicowar, of that prince's minister, and of all the great and influential men about a native court. Your Honourable Court may say, that in the event of your petitioner having done his duty, and having thereby caused the enmity of the above personages, still he (your petitioner) could seek protection at the hands of the British Government. Such is generally the advantage which those who make the British interests their own enjoy. But with all respect be it spoken, your petitioner has twice bitterly experienced, that to work against the interests of the enemies of the British Government, to expose fraud and villany, and even to meet with the approbation of the most distinguished English officials, is only to lay up a store of persecution and misery for himself. Your petitioner most solemnly declares, that had he not served the British Government to the utmost of his powers on two several occasions, he would not now be a man without employment, with a tarnished name, and an impoverished purse.

35. That owing to the above considerations, your petitioner several times, upon being requested to undertake the above investigation, declined doing so.

36. That after some time, your petitioner being again requested by the British Resident to conduct the inquiry which no European official could, and no native functionary would, investigate thoroughly, consented to the proposal of the Resident. Your petitioner was assured by Colonel Outram that whatever might happen, and whosoever might be angry with your petitioner for bringing to light frauds or other rascalities, that your petitioner should not suffer. That your petitioner felt the British Government would, both for the sake of justice and of its own honour, shield him against any evil consequences of obeying the mandate of its representative.

37. That your petitioner entered into this inquiry under the eye of Lieutenant Battye, and all the witnesses were examined in the presence of that officer. The investigation lasted upwards of two months. Before the inquiry was over, and some time before your petitioner gave in his report to Colonel Outram, the native agent, Nursoo Punt, being well aware that his (Nursoo Punt's) corrupt practices would be brought to light by the investi-

gation

gation then going on, sent in an application for a retiring pension, which was tantamount to resigning his situation as head carkoon or native agent of the British Residency at Baroda. Upon Nursoo Punt having sent in this application to retire, Colonel Outram recommended your petitioner to the Bombay Government as a person in every way fit to fill the situation of native agent as he (your petitioner) had twice fearlessly exposed the frauds connected with the Baroda Agency. The report which your petitioner sent in to Colonel Outram on the above occasion relative to the fraudulent and corrupt practices of Nursoo Punt, as well as the Colonel's recommendation of your petitioner as a fit and proper person to succeed Nursoo Punt, must be now on the records of the Bombay Government. Case of Venaik Moreshwur Furkey.

38. That very shortly after Nursoo Punt had sent in his application for pension, and directly after Colonel Outram had recommended your petitioner to the Bombay Government for the appointment, the Colonel unfortunately became sick, and left Baroda for the Presidency on medical certificate. This officer was subsequently obliged to go to Egypt, after remaining about a month in Bombay.

39. That the moment Nursoo Punt heard that Colonel Outram had gone to Egypt, he (Nursoo Punt) wrote to his influential European friends at the Presidency requesting them to use their influence with the Bombay Government in order that he (Nursoo Punt) might be allowed to withdraw his application for pension. This was effected through the intervention of certain English gentlemen at Bombay, and Nursoo Punt was allowed, in spite of all that had been discovered against him, to remain at the Baroda Residency as native agent. What could people think?

40. That now, indeed, your petitioner began to suffer for the part he had taken under Colonel Outram in investigating the frauds connected with the British Residency. Your petitioner had incurred the enmity of Nursoo Punt owing to the investigations of the Polay's case related above. This same Nursoo Punt being once more in power, laid plans to ruin your petitioner, by causing to be misrepresented to Mr. Ogilvy, the Political Agent in Rewa Caunta, that the inhabitants of Bhadur and the soustan of that village had filed complaints against your petitioner; complaints had been filed, but they were fictitious, and were afterwards proved to be so by Mr. Ogilvy. When, however, Nursoo Punt had discovered that owing to the evidence of certain witnesses, the charges against your petitioner were discovered to be without foundation, he (Nursoo Punt) caused the original depositions to be altered, so as to cause the testimony given to be against, and not in favour of, your petitioner. Many of your Honourable Court are no doubt aware that the business of the Rewa Caunta Agency is transacted, and all the details of the office carried on at Baroda, in the compound of the Residency. This will account for (what your petitioner ought to have explained before) the reason which first caused your petitioner to accept the office of native agent in the Rewa Caunta, as he could carry on the business of his family at Baroda at the same time that he was performing his political duties; it will also explain to your Honourable Court how it was that Nursoo Punt, whilst native agent at Baroda, had such facilities afforded him of tampering with the papers of the Rewa Caunta Agency.

41. That when your petitioner discovered several of the written depositions of witnesses had been altered, he brought the fact to the notice of Lieutenant Battye, assistant to the Resident at Baroda; upon this Lieutenant Battye sent the papers to Mr. Ogilvy, Political Agent in Rewa Caunta, and from that day no further notice was taken of these charges against your petitioner. During the time that the above inquiries were pending, Nursoo Punt did his best to have the matter investigated by some of the Guicowar's courts, and not at the British Residency; endeavouring to make out and to convince Captain French, the Acting Resident, that your petitioner was a subject of his Highness the Guicowar, and not of the British Government. At first Captain French was inclined to believe Nursoo Punt, and intended to have every document sent and every question put to your petitioner through the Guicowar's Court; but Lieutenant Battye had been so long at Baroda, that to deceive him in these matters was very difficult; the last-mentioned officer showed Captain French that your petitioner was a subject of the English Crown, and not of the Baroda Government.

42. That a very few months after the above charges against your petitioner were found to be false, your petitioner was offered a situation at the Court of Baroda, which, by the especial desire of his Highness the Guicowar, he accepted. The duties which your petitioner had to perform were merely nominal; his pay was 200 rupees per mensem, but a promise was made him by the Guicowar that ere long he (your petitioner) should be appointed to some lucrative and important post. As soon as Nursoo Punt became aware of this, he, as well as Bhow Tambekur, the minister of his Highness, began to use their utmost endeavours to deprive your petitioner of his situation, Nursoo Punt being naturally afraid that your petitioner would find out the manner in which he (Nursoo Punt) had been selling the interests of the British Government, and would disclose the same to the Acting Resident, Captain French, or to the Resident, Colonel Outram, when the latter should return to Baroda, whilst the minister, Bhow Tambekur, was afraid that if your petitioner got a secure footing about the Court of Baroda, he would open the eyes of the Guicowar to the treacheries of his own minister, Bhow Tambekur.

43. That your petitioner's two great and powerful enemies, Nursoo Punt, native agent at the

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the British Residency, and Bhow Tambekur, minister to the Guicowar, thus laid their plans together so well (the former poisoning the ears of Captain French, the Acting Resident, against your petitioner, whilst the minister prejudiced his master's mind by continually telling the latter how Captain French disliked your petitioner, and therefore his Highness ought not to entertain him in the service of his court) that ere long your petitioner was dismissed (without any reason being given) from the situation which had been pressed on him a short time before.

44. That your petitioner, having heard that the Acting Resident, Captain French, had (at the instigation, as your petitioner believes, of Nursoo Punt) personally requested the Guicowar, in open Durbar, to dismiss your petitioner from his Highness's service, went to call upon Lieutenant Battye in order to hear from that officer whether the above was true, and Lieutenant Battye, in the course of conversation, allowed that Captain French had requested his Highness to dismiss your petitioner from the service of the Court of Baroda.

45. That your petitioner subsequently called on Captain French, and asked that officer what objections he, as Resident, had to your petitioner being employed by the Guicowar; your petitioner at the same time told Captain French that he (your petitioner) was well aware how Nursoo Punt had slandered your petitioner to the Resident, offering at the same time to disprove any accusation which Nursoo Punt could bring against him (your petitioner), if Nursoo and your petitioner could be brought face to face before any British officer; your petitioner also told Captain French why Nursoo Punt was inveterate against your petitioner, and how the latter had proved the former to be a rogue, and a traitor to the British Government before Colonel Outram left Baroda; upon this, Captain French got very angry, and said that your petitioner was a subject of the Baroda, not of the British Government; that the Guicowar's father had disliked your petitioner, and that therefore he was unfit to be employed by the present Guicowar. After some further conversation, and after your petitioner had asked the Acting Resident why the British Officiating Resident, Mr. Arthur Malet, would in former years have interested himself to obtain justice from a subject of the Guicowar for your petitioner (as detailed in a former part of this petition) if your petitioner had not been a British subject, Captain French promised to inform his Highness, through the vukeel, that the latter might tell his master no objections now remained regarding the employment of your petitioner. Your petitioner made inquiry several times whether the Acting Resident had made this communication to the Guicowar, but finding such was not the case, your petitioner wrote a detail of his grievances to Colonel Outram, who was then in Egypt. This letter Colonel Outram forwarded to Captain French, asking the latter officer to procure justice for your petitioner. Upon the receipt of the communication from Colonel Outram, Captain French became more prejudiced than ever against your petitioner, as will be hereafter shown. Your petitioner was never restored to his situation under the Baroda Government, but, on the contrary, the Guicowar, perceiving the intense dislike which Captain French now evinced towards your petitioner, showed himself to be an enemy of the latter.

46. That your petitioner now asks your Honourable Court whether the protection promised him by Colonel Outram, in the name of the British Government, was afforded him, or not; or whether he (your petitioner) did not suffer persecution solely in consequence of having assisted the British Resident in his investigations? The results of the trial of Nursoo Punt by Mr. W. E. Frere will prove to your Honourable Court whether or not Nursoo Punt was an honest servant of the British Government. Against your petitioner nothing has ever been proved. On the contrary, whenever an inquiry has been instituted into his conduct, British officers have declared the charges brought against him to be the result of foul conspiracies. Once more your petitioner asks, has he received justice at the hands of either the late Acting Resident at Baroda, Captain French, or at the hands of the Bombay Government? Did not Colonel Outram promise him that if he helped in the late investigations at Baroda, no harm should come to him in consequence? Had the Colonel not been obliged to go away to Egypt, or even had that officer been allowed by the Bombay Government, upon his return from Egypt, to protect your petitioner, the above promises would have been fulfilled both in the spirit and the letter; but has such been the case? Your petitioner would humbly entreat your Honourable Court to inquire of Colonel Outram himself whether these assertions are true or false. Colonel Outram is now in England, and can be easily questioned by your Honourable Court. That officer's name stands too high in the estimation of every honest man in India, whether European or native, high or low caste, rich or poor, to need any praise from so humble an individual as your petitioner.

47. That did the above list contain all the wrongs which your petitioner has suffered at the hands of men who are alike the enemies of the British interests and of truth and justice, your petitioner would feel certain that the injuries he has suffered for having exerted himself to discover hotbeds of bribery, and nests of corrupted servants to English officers, would only have to be brought to the notice of your Honourable Court in order to meet with full redress; but whatever has been detailed before, is nothing to what must now follow, and your petitioner only fears that your Honourable Court will hardly believe that like injustice can be perpetrated by persons who declare themselves to be under the protection of the local Government. For what follows, your petitioner humbly but most earnestly entreats the attention of your Honourable Court. The natives of India say that when justice is denied them by the local authorities, they are nearly certain to obtain it from the Honourable Court of Directors. Your petitioner earnestly prays that such may be his fate, for so sure

as

as there exists a difference between truth and falsehood, between honour and dishonour, between justice and injustice, so sure is your petitioner's cause one with that of British honour and common justice. Case of Venaik Moreshwur Furkey.

48. That soon after your petitioner was dismissed from his situation at the court of the Guicowar, the following persons, namely, Nursoo Punt (then the native agent at, but now dismissed from the British Residency), Bhow Tambekur (then a person of great influence at the court of Baroda, now the minister of the Guicowar, and denounced by Colonel Outram), Baba Nafray (chief manager of the banking firm of HurryBucktee, now a convict in irons), and Wamanrow Sathé (a confidential friend of Bhow Tambekur's), a dismissed servant of the British Government, conspired together to heap greater disgrace upon your petitioner's head. The leader of this band, Nursoo Punt, being believed in everything he said by the Acting Resident, Captain French, none of the party had any fear of their machinations not being crowned with success. The above persons influenced the Guicowar to charge your petitioner with treason against his Highness, in that he (your petitioner) had endeavoured to procure the accession of the Guicowar's brother, Appa Sahib, to the throne of Baroda, and to depose his Highness. Upon the above unfounded suspicion being entertained, your petitioner understands that his Highness consulted the Acting Resident, Captain French, and that the latter gave as his opinion, that your petitioner not being a British subject, but a subject of his Highness the Guicowar, the latter might, if he pleased, take summary measures for ascertaining the truth of the accusation. Thus with the sanction, if not at the instigation of Captain French, were measures adopted by which the most innocent man in India might be made by his enemies to appear the most guilty. These measures were as follows:—A large party, consisting of 200 armed sepoys, were, without any warning, despatched to your petitioner's house, which was surrounded by soldiers, and of which every corner was searched. All your petitioner's papers were seized, and whatever the searchers pleased they took away with them. The papers were not sealed, nor made over to Captain French, as earnestly prayed for, and thus was every encouragement given to your petitioner's enemies to blacken his character beyond the power of retrieving it. Upon this point your petitioner need not enlarge. Your Honourable Court, both individually and collectively, must be too well acquainted with India, not to be aware that if a native Durbar allows the enemies of an individual to seize his papers, without these papers being then and there sealed up and delivered to a British officer, there can be no means of preventing the grossest frauds being perpetrated by those who wish the ruin of their victim. Moreover, your petitioner is a British subject, and as such, the Acting Resident was bound to afford him protection; but even had your petitioner been a subject of the Guicowar's, surely the Acting Resident (who sanctioned, if not instigated, the search of your petitioner's house), and to whom (your petitioner has good reason to know) any papers found in the said house, and supposed to be of importance, were shown without delay, ought to have deputed some trustworthy person who would have prevented any documents being changed or tampered with. In addition to all this, 16 armed sepoys, two carkoons, and one jassood, were placed over your petitioner, nor was he allowed to eat, drink, or sleep, without two or three of these men being close to him. Thus was your petitioner at the mercy of his enemies, and thus was the promise of protection which he had received from Colonel Outram, in the name of the British Government, fulfilled! Upon the indignity, the disgrace, and the injustice of the above proceeding, your petitioner need not, and will not, enlarge. Again does he trust to the knowledge which your Honourable Court possesses of the manners, habits, and customs of the natives of India, and he will refrain from pointing out how he (your petitioner), a Brahmin of an old and highly respectable house, that of Hurry Punt Furkey, and who had filled high posts of trust under the British Government, must have felt degraded at his present position.

49. That your petitioner's enemies were unable, by God's goodness, to succeed in their intention of fabricating the charge of treason against him. Offers were then made to your petitioner of releasing him, either on bail, or on the payment of 16,000 rupees in cash. To the former offer your petitioner agreed, and offered as securities several highly respectable individuals at Baroda. One by one they were refused, until at last your petitioner's enemies hearing that Colonel Outram was about to return from Egypt, accepted as securities two persons whom your petitioner had offered as such. For upwards of two months did your petitioner remain a guarded prisoner in his own house. During this time, amongst other papers that were taken out of your petitioner's house, was a most important one regarding the claim which the estate of Hurry Punt Furkey had against the firm of Hurry Bucktee. This paper has not been restored at the present day. When your petitioner mentions that Baba Nafra, the principal manager of the firm of Hurry Bucktee, (and now a convict in irons), was one of the principal persons who took part against your petitioner, and that the said Baba Nafra was the protége and relation of Nursoo Punt, and friend of Bhow Tambekur, your petitioner feels certain that any comment upon these persons' conduct, or upon the injustice of the Acting Resident who santioned their acts, is unnecessary.

50. That your petitioner would here venture to draw the attention of your Honourable Court to the following facts and observations:

1st. That whether the Acting Resident, Captain French, advised the above harsh and unjustifiable steps being taken against your petitioner, or whether he (the Acting Resident), merely became privy to the intention of the Guicowar, he was equally bound to afford protection to your petitioner. Captain French assumed your petitioner to be a subject of

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the Guicowar, but he must have been well aware that his predecessors had ever treated your petitioner as a British subject, and that as a British subject, redress had been afforded to your petitioner at the British Residency.

2dly. That from the manner in which your petitioner's papers were seized, without your petitioner being allowed to put his own mark upon them, or without his carkoons being allowed to make a list of them, that, so to speak, a premium was thus set upon frauds being committed, and some papers being substituted for others, the very fact of a valuable receipt signed by the firm of Hurry Bucktee having been taken away, and not returned to your petitioner, must at once stamp the acts of the Guicowar and his advisers as something worse than unwarrantable and unjust.

3dly. That your petitioner is confident his case will meet with justice at the hands of your Honourable Court.

4thly. Your petitioner may state that petitions regarding the last detailed outrage upon justice were forwarded from your petitioner's brother and himself to the Bombay Government; but your petitioner has hitherto met with no redress. A copy of one of these petitions, dated 4th December 1849, and marked (B.) is herewith annexed. Your petitioner has thought it better not to trouble your Honourable Court with too many documents, as the sum and substance of his grievances are fully detailed in this petition.

51. That shortly after the occurrences detailed above, your petitioner's enemies heard Colonel Outram was about to return to Baroda, and knowing that officer's determined hostility to anything like corruption, these same persons who had invented the falsehood of treason on the part of your petitioner against the Guicowar, now induced the Ranee of Bhadurwah, by name Sahib Khowa, to send in a petition to Major Brown, the Political Agent at Rewa Caunta, accusing your petitioner of having received a bribe from her in years gone by, when your petitioner was native agent in the Rewa Caunta under Mr. Remington. Upon this false accusation your petitioner need not enlarge, as the matter was afterwards inquired into by Major Brown, and upon his death, by Major Fulljames, the present Political Agent of Rewa Caunta, and pronounced by the latter officer to be the fruit of a foul conspiracy against your petitioner. The results of Major Fulljames's investigation must be upon the records of Government, in connexion with the Baroda Residency.

52. That whilst the above charge was impending against your petitioner, he (fearing that some injury would be done him through the instigation of Bhow Tambekur, Nursoo Punt, and the rest of his enemies) left Baroda, and came to Bombay for safety. Your petitioner would here observe, that however willing and anxious Colonel Outram might have been to afford him protection, it was almost impossible for him (the Colonel) to do so at this time, as the Bombay Government insisted that your petitioner was a subject of the Guicowar, and not of the British Government.

53. That after Colonel Outram's return from Egypt, when that officer was engaged in the investigation of certain matters, as he was directed to do by the Bombay Government in their "Kutput" circular, your petitioner was employed by the Colonel in certain inquiries which need not be here detailed; nor would your petitioner allude to them were it not to show your Honourable Court that Colonel Outram must have held your petitioner's character for integrity in high estimation.

54. That Colonel Outram used to employ your petitioner in the investigation of any papers, regarding which he (the Colonel) wished to obtain accurate information. Your petitioner acted the Colonel's orders, and reported upon any documents when called upon to do so. About this time Colonel Outram seized certain packets of letters, containing copies of Government letters, and of Minutes in Council, which had been obtained in Bombay, by Dajeeba Sathé (by means of bribing the clerks in the Secretariate) and forwarded (under cover, addressed to Wamanrow Sathé) to Bhow Tambekur. Other papers, the nature of which your Honourable Court must be fully aware of, were also seized at the same time. Colonel Outram requested your petitioner again to help in the investigation of these documents. Your petitioner again declined on the plea of the persecutions which he had lately, as well as formerly, met with at the hands of the Baroda Government, for daring to help the British Government in their investigations into fraud and bribery. Again did Colonel Outram overcome your petitioner's fears; again was your petitioner induced to consent; and again did he experience how foolish it was to risk his own safety for the sake of serving those who would not protect him from the power of his enemies.

55. That when Colonel Outram, by seizing these packets at the post-office, made several discoveries which were most unpleasant to the Court of Baroda, Bhow Tambekur, the Guicowar's minister, declared to his Highness that the discoveries had been chiefly made in consequence of your petitioner's exertions. The minister, moreover, advised his Highness, as the only means of silencing an active agent of the British Resident, to seize and imprison your petitioner. This advice his Highness concurred in; and under pretence of stopping by accident whilst out taking his evening ride, his Highness did actually go to your petitioner's house for the purpose of arresting your petitioner. Fortunately your petitioner had, before this, been warned of the evil intentions of his enemies; and, escaping in time from the city to the British Camp at Baroda, thus frustrated the machinations of these wicked men.

56. That

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56. That about the time of the above occurrence in December 1851, Colonel Outram proceeded on leave to Bombay, and, in consequence, your petitioner was in very great dread that his enemies would be able to carry out their evil intentions towards him. On the 1st January, your petitioner addressed a petition to the Bombay Government, praying for protection from the Baroda Court; and that a safeguard might be granted him (your petitioner), in order that he might reach Bombay in safety. The Bombay Government, without delay, sent an answer to Lieutenant Battye, the Assistant Resident in charge of the Baroda Residency, directing that officer to afford your petitioner a guard, in order that the latter might reach Surat without molestation. This Lieutenant Battye accordingly did. Your petitioner left Baroda on the 19th January, and came down to Bombay, where your petitioner is residing at this date.

57. That your petitioner may here bring to the notice of your Honourable Court, that when he received from the Bombay Government an answer to his petition of the 1st January 1852, the said Government wrote on the back of the petition, that your petitioner was referred by them (the Government) to the Assistant Resident in charge at Baroda.

58. That furthermore, when your petitioner did apply to Lieutenant Battye for a safeguard to enable him (your petitioner) to reach Bombay, your petitioner distinctly intimated to the above officer that he (your petitioner) was leaving at Baroda all his family, as well as his house and property, and that he (your petitioner) wished to go to Bombay for the purpose of petitioning the local Government, as also to endeavour to obtain justice for all the insults that had been heaped upon him, and the oppressions he had endured in consequence of his several endeavours to assist British officers in the investigation of frauds and other corrupt doings.

59. That your petitioner shortly after arriving in Bombay petitioned the local Government that he (your petitioner) might be permitted to have copies of the various documents relating to himself which had been received from the late Acting Resident at Baroda. A copy of the petition marked (C.) is herewith annexed. To the above petition a direct refusal was the answer from the Bombay Government, as will be seen by the answer herewith annexed, dated 2 April 1852, and marked (D.)

60. That your petitioner most humbly, but at the same time most earnestly, requests that your Honourable Court will take into consideration the wrongs he has endured. Your petitioner is a British subject, and has never done anything to forfeit his right to be considered such. It is true that Captain French, the late Acting Resident at Baroda, declared your petitioner was not a British subject, and that therefore the Court of Baroda might deal with your petitioner as they thought fit; but your petitioner begs to state that he is in possession of a Wuttun estate and house at Monjeh Koordha, in the Rutnagiree Talooka; that he was born at Nassick, in the Ahmednuggur Collectorate; that his forefathers resided 125 years at Nassick; that your petitioner himself has a house at Nassick, and that all his relations still inhabit that place, where they carry on the business of a banking firm, as their forefathers did in former years. Your petitioner himself has several times resided at Nassick. In short, your Honourable Court will find, on referring to clause 2, section 3, chapter 1, of Regulation XI. of 1827, that your petitioner comes under the description there given of "native-born subjects of the Bombay Government." That the Bombay Government considered your petitioner to be a British subject is evident, otherwise they would not have ordered an inquiry to be made into the unfounded complaints brought against your petitioner for alleged misconduct in the Rewa Caunta. This complaint was brought and the inquiry was instituted by the Bombay Government, about nine years after your petitioner had quitted the service of Government. Had your petitioner not been a British subject, he would (according to the third clause of the Regulation cited above) have ceased to enjoy the rights of a British subject on the expiration of six months after he had quitted the service of Government.

61. That Captain French, the late Acting Resident at Baroda, entirely misrepresented this matter to the Bombay Government, by stating your petitioner had entered into the Guicowar's service (which was but for a short time), and that Government should not interfere in his behalf. Now there was some years ago a certain Mussulman, by name Akbar Alli Pealla Shah, who had been very many years in the service of his Highness the Guicowar of Baroda. This man had received a monthly allowance from his Highness, and had been elevated to high posts in the service of the Baroda Court. This same Akbar Shah was in after years accused of some crimes, but upon his petitioning the Governor-general in 1836, directions were issued by the British Government that this man should be forwarded to the British Resident at Baroda, which was accordingly done. This fact is on record, and was brought to the notice of the Bombay Government in a petition forwarded to them by your petitioner's brother on your petitioner's behalf, when the latter was a prisoner at Baroda. Although, as before stated, this fact was thus brought to the notice of the Bombay Government, no notice was taken of the same by them.

62. That your petitioner feels the deepest regret at what he has been told, namely, that in endeavouring to procure justice for your petitioner, Colonel Outram has incurred the displeasure of the local Government: If this be true, your petitioner is indeed unfortunate, and he would gladly have suffered in silence any injustice, sooner than others should do so whilst endeavouring to procure justice for him.

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63. That your petitioner feels convinced a recapitulation of this already too long petition, would be perfectly unnecessary. Your Honourable Court will see that your petitioner is a British subject, and entitled as such to the protection of the British Government, which has not been afforded to him. Your petitioner need not again bring to the notice of your Honourable Court how faithfully he has served the British Government, whenever called upon to do so by its officers. Had your petitioner been a dishonest man, had he screened (as it was in his power to do), those persons implicated in the frauds which were discovered in the Baroda Residency in 1836–37, he would not now be a disgraced and impoverished man, seeking in vain for redress at the hands of the Bombay Government. Had your petitioner taken the same measures which but too many of his countrymen have taken, viz., to hide from the eyes of British officers the frauds of their native subordinates, there would have been no plot formed against him, and it is more than probable he would, by this time, have been a rich man, and high up in the service of the British Government. The same may be said of the other instances (detailed in this petition) where your petitioner has lent his aid, has worked hand and heart to root out dishonesty, and to expose fraud and corruption.

64. That if your Honourable Court doubt the truth of anything stated in this petition, your petitioner would humbly entreat of you to question an officer now in England, who has long served his country in the Political Department of India, Lieutenant-colonel Outram, C.B., of the Bombay army. That officer is now in England, and can speak to the truth of all which your petitioner has advanced.

65. That your petitioner would now humbly beg your Honourable Court to take his case into consideration, and would also entreat that he may meet with that justice which has never been denied to a native of India whose case has been found worthy of redress by your Honourable Court.

66. That it would be presuming and unseemly were your petitioner to point out how his wrongs should be redressed by your Honourable Court. Nevertheless, he does beg that steps may be taken to restore him to a suitable employment in the Political branch of your service; from which, as has been before shown, your petitioner was turned out solely on account of his fidelity to the British Government. Not only does your petitioner solicit this favour to make up for the nine years he has been without pay or allowances, but also that the unmerited disgrace he has suffered in the eyes of all his fellow countrymen, may, in some measure at least, be cancelled by your Honourable Court's orders.

67. That your petitioner would also beg that your Honourable Court would take into consideration the losses he has suffered in a pecuniary manner, all on account of the faithful manner he has served the British Government, and that some remuneration be awarded him for the sums of money he has lost.

68. That your petitioner would also beg of your Honourable Court to issue such orders as you may deem fit to your Resident at Baroda, in order that steps may be taken by that officer to induce his Highness the Guicowar, as well as the banking firm of Hurry Bucktee at Baroda, to settle the claims which your petitioner has against them, as agent of the late head of his family, Hurry Punt Furkey.

69. That in conclusion your petitioner begs pardon for any expression in this petition which may not meet with the approbation of your Honourable Court. For the truth of all that is contained in the foregoing your petitioner can vouch, as can more than one English officer who is acquainted with the details of the last 12 years of petitioner's eventful, but most unfortunate life.

Your petitioner now leaves his case in the hands of your Honourable Court, feeling certain that he will meet with speedy justice at your hands.

And your petitioner, as in duty bound, will ever pray.

(signed) *Venayeck Moreshwur Furkey,*
alias *Baba Furkey.*

Bombay, 10 May 1852.

(A.)

Baroda, 17 August 1839.

THIS is to certify that the bearer, Venayeck Moreshwer Furkay, has held the situation of carkoon at Rajpeepla for 20 months, and in that capacity has conducted the duties of head carkoon on the establishment of the First Assistant Political Commissioner with the greatest zeal and ability, and to my entire satisfaction. He was also my head assistant on the sequestration of Pitlad, and I owe much to his experience in business, and the respect in which he is held by all clases of natives, and his knowledge of the manner in which native governments act was also of great use to me. I can confidently recommend him for any employ as a most useful, able, and honest man, and from his character particularly fitted for such an appointment as he now holds.

(signed) *A. Malet,* First Assistant Political Commissioner.

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(B.)

TO the Right Honourable Lord Viscount *Falkland.*

The humble Petition of *Bulwant Row Eswunt*, Carkoon, belonging to Venayak Moreshwur, *alias* Baba Furkey,

Most respectfully showeth,

THAT your petitioner's master, Baba Furkey, through the animosities of the several karbharees at the Guicwar's court, has been placed at present in confinement; that his master is the original resident of Nassick and Poonah, and therefore a subject of the Government. His master has already submitted a petition on the subject, which has been referred to the Resident at Baroda, but as yet his master has not been released. His master imagines that the Resident considers him not a subject of the British Government, but that of Guicwar, since he resides in his territory; and he is afraid that that officer has already made a report to your Lordship in Council to the same effect.

2. That Baba Furkey is at present in strict confinement, and he is therefore not able to make a petition on the subject to your Lordship in Council; he has therefore authorised your petitioner to make one on his behalf, and to solicit your Lordship in Council will be pleased to take the same into your Lordship's kind consideration.

3. That several individuals, who were formerly residents in the Company's Government, proceeded afterwards to Baroda state, built their houses in it, and sought employments in the Guicwar's government; that, on the occasion of their receiving oppressions from that government, their complaints were heard by the Bombay Government, and they were released from the oppression, on the plea of their being formerly British subjects. There are also several instances in which, though the individuals were not British subjects, and were actually the servants of the Guicwar's Government, they have been released by the Bombay Government.

4. That there are several instances on the subject, but your petitioner quotes a few of them, and begs that your Lordship in Council will be pleased to take them into your Lordship's kind and humane consideration, and to issue orders for the immediate relief of his master, Baba Furkey:—[*A memo. on a separate sheet.*]

5. Your petitioner begs that, on reference to the foregoing instances on the records of Government, your Lordship in Council will be satisfied that his master, Baba Furkey, is the subject, and was a servant, of the Company's Government; and it is incumbent on your Lordship in Council, therefore, to release him, and to cause justice being done to him by the Bombay Government at their Court.

Bombay, 4 December 1849.

Memorandum.—Venyram Adetram was for several years a servant in the Guicwar Government; he had built a house and lived with his family at Baroda. On the occasion of a dispute between the Bombay and Guicwar Government, he was distinguished as a British subject, and was therefore discharged from the latter Government.

2. Dhagjee Dadajee was a karbhary in the Guicwar Government; had built a house at Baroda and lived in it. The Guicwar Government exercised violence on him, but he was distinguished as a British subject, and the Bombay Government interfered in his behalf, and the settlement of his was determined through them.

3. Wullubhdass Maniechund was a native of Wissanuggur in the Guicwar's territory, but he had for some time resided in Bombay for mercantile business; he again returned to his country and undertook some Mahals in ; the Guicwar Government, on a pretence of his having committed some frauds, exercised oppression on him; he therefore made a complaint on the subject to the Bombay Government, and on their deciding him as a British subject, his case was inquired into by them; he was relieved from the oppression, and was reimbursed with the from the Guicwar's Government.

4. Palasha, a native of Delhi, was for several years in the service of the Guicwar's Government. He incurred the displeasure of that Government, and was placed in confinement on the Sunwaut year 1885. His brothers made a petition to the Government at Fort William on the subject, which was inquired into, and he was released on the distinct understanding that he was a subject of the British Government.

5. On the occasion of the restoration of the Pedlad Mahal, the late Sir James Carnac. when he went to Baroda in 1843, sent a memorandum, the purport of one of the paras. of which was, that all those individuals who assisted the British Government at that time,

 though

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though they might be subjects of the Guicwar's Government, the British Government should render them assistance if any unjust oppression should be exercised on those individuals. How zealously and faithfully had Venaik Moreshwur exerted himself in the collection of the revenue of the Mahals, &c. would appear by a reference to the several reports made to Government by Mr. Malet on the occasion. He has, therefore, according to the tenor of that para., strong claims on the British Government for support on this occasion.

6. Gopall Row Atmaram, *alias* Raojee Oghubpugay, Gunput Rao Muhiput, and Ahmedkha Jamadar, were for several years in the service of the Guicwar Government; they incurred the displeasure of that Government during the administration of Weneeram, and the Paga in their possession was therefore resumed from them, and they were driven out of the state. They possessed no guarantee of the Bombay Government, neither were they its subjects; but the Bombay Government interfered in their behalf, and they were restored to their former employment, and the displeasure of the British Government was announced to the Guicwar Government. This occurred during the time of Mr. Sutherland.

7. Meerisudphuraj Alli was a resident of Baroda. His house was attached, and he was driven out of the state during the administration of Weneram. He therefore lived for many years in another government. He possessed no guarantee, but the Bombay Government interfered in his behalf, and he was called back and was restored to his former state and Jahageer. This occurred during the time of Mr. Sutherland.

(C.)

To the Right Honourable the Governor in Council, Bombay.

The humble Petition of *Venayeck Moreshwar Furkey*, of Nassick, at present residing in Bombay,

Humbly showeth,

That your petitioner having been subjected to great injustice and oppression at the hands of the Guicowar's Government, at Baroda, from the year 1849 up to the present time, owing to the instigation of the Acting Resident, Captain French, which matters have been frequently brought to the notice of your Honourable Board, in petitions from himself, his brother, and other persons on his behalf; consequent whereon, reports may have been received from the Acting Resident, and orders and instructions issued thereon by your Honourable Board; and as, latterly, Colonel Outram may have reported, in reference to a petition of the 4th March 1850 from your petitioner to that officer's address.

Your petitioner therefore humbly prays that he may be permitted to have copies of all the documents in question, in connexion with the subject above mentioned, and that the same may be forwarded with your Honourable Board's reply hereto to your petitioner at his residence in Bombay, at Combarlokda.

And your petitioner, as in duty bound, shall ever pray, &c. &c.

Bombay, 25 March 1852. *Venayeck Moreshwer Furkey.*

(D.)

No. 1445 of 1852.—Political Department.

From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to *Venayek Moreshwar Furkey*, Bombay, dated 2 April 1852.

I am directed by the Right honourable the Governor in Council to inform you that the request contained in your petition, dated the 25th ultimo, cannot be complied with.

By order of the Right Honourable the Governor in Council.

(signed) *H. E. Goldsmid,*
Secretary to Government.

Bombay Castle, 2 April 1852.

SUMMARY.

1. UNDER date the 31st December 1839, Mr. Remington, First Assistant to the Political Commissioner for Guzerat and Resident at Baroda, addressed a letter to the Political Commissioner (the late Mr. Sutherland), in which he observed as follows :—" Amongst the charges borne by the Rajpeepla state there is an item of 2,400 rupees per annum, the cost of a karkoon, as the entry runs, stationed at Nandod, but who, by some transformation, is no less a personage than head karbaree of this office, at present held by a person of much influence and consequence in the place, and who has filled some influential situations in other parts of the country."

" On this subject I would remark, that nothing appears to me more vicious in principle, (because it detracts from the weight rightly due to the important post occupied by the Assistant when a servant of such high rank, in the pay and employment of a foreign state, is permitted a place on his establishment) : nor faulty in practice, (because, as no one is supposed capable of serving two masters, the source from whence the emolument comes must in the mind of such a person be the more regarded), could be imagined than such an appointment; and, convinced as I am of the utter inutility of it for practical purposes of good administration, I cannot resist the opportunity the present posture of affairs offers to suggest its discontinuance, in order that it may yield to some other arrangement which promises greater advantage. Towards the individual against whom these observations are directed, I entertain no other objection than a dislike to the influence it is too certain he exercises, not always in a direction coinciding with my views and wishes; and as the legitimate establishment is sufficient for the proper discharge of all the duties required, it would be infinitely preferable that the independent access to all the Government records and accounts should be removed from the control of the person so entirely irresponsible. I would, therefore, relieve the state from the useless expense of nominally keeping a karkoon at Nandod, but, in fact, supplying my office with a karbharee on the handsome salary of 200 rupees per mensem, and in the room of such person propose the appointment of a thanadar at the lower salary of 50 rupees, which, with establishment, would be increased to 75 rupees, making an annual charge of 900 rupees, whereby the state would save 1,500 rupees a year, and be as much benefited in the end, as the efficiency of this office would be increased by the loss of the undue influence which now tends to diminish it."

2. In reply to the above suggestion, Mr. Remington was informed on the 26th May 1840, that Government did not consider that the situation of the native agent stationed at Rajpeepla should be abolished, but saw no objection to his being employed, as of late years, in the general duties of the Rewa Kanta Agency. It was at the same time observed, that if the individual then filling the above office should be unfit or above the duties he was called upon to perform, another person should be substituted, his appointment being of very recent date; but that were Government to sanction Mr. Remington's propositions, it was very likely that an application from him would soon follow for an increase to his establishment, an expense which it appeared to Government might be legitimately avoided by not disturbing present arrangements. This agent, it was added, although paid by the Rajpeepla state, is subject only to the British Government, whose servant he is.

3. The above proceedings having been reported to the Honourable Court of Directors, that authority, in a letter dated the 16th March 1841, replied as follows:—" We cannot concur with you in the opinion expressed in your letter of the 26th May 1840 (to the Political Commissioner for Guzerat) that there is no impropriety in continuing the system by which the Rajpeepla state is burthened with the salary of an officer who is sometimes called the ' native agent ' and sometimes the ' karkoon stationed at Nandod,' but who is in reality one of the principal native officers of the Rewa Kanta Agency. If the Agency requires such an officer, he must be borne upon its establishment. All servants of the British Government should, at least while employed as such, be paid by that Government, and by it exclusively."

4. The above sentiments were communicated to Mr. Boyd on the 13th

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August 1841, with instructions to call upon Mr. Remington to submit his opinion, and report upon the view taken of this subject by the Honourable Court.

5. In reply, Mr. Remington on the 9th April 1842, brought to the notice of Government that great inconvenience was experienced in consequence of the want of a sufficiently vigilant control over the Bheels who reside within the jurisdiction of the Rajpeepla state. These individuals Mr. Remington represented as being "a turbulent population of Bheels, who, whether that they are subject to no control, or that the local Government feels itself too weak to judge it prudent and proper to interfere, have managed to carry on for a long series of years a career of depredation and plunder with the greatest impunity."

6. With the view, therefore, of controlling the future conduct of these Bheels, Mr. Remington suggested that the karkoon who had hitherto been stationed at Nandod, on a monthly salary of 200 rupees, be discharged, and that two mehtas be entertained in his room at an annual total expense of 600 rupees. Mr. Remington proposed to employ one of these mehtas on police duties, and to assign to the other mehta a general superintendence over the affairs of Rajpeepla, similar to that entrusted to the mehta in charge of the tannah at Sagtallah over the districts of Deoghur Barriah, namely, to exercise a general control over the Bheel classes of the population, with the view of preventing their committing any acts of plunder or aggression.

7. In justification of his proposition for discharging the karkoon then employed at Nandod (Venaik Moreshwur, *alias* Baba Phurkey, the present memorialist), Mr. Remington stated, that this individual had never served the British Government previous to his appointment as Rajpeepla karkoon; that his former experience had been gained exclusively under native states, whose revenues he had farmed, and managed their districts, and at the same time observed, "This is perhaps not exactly that sort of education which is suited to qualify a person to discharge properly the first post in any of our offices, and such as I formerly described his character have I found him throughout."

8. In submitting the above communication from Mr. Remington, the Political Commissioner for Guzerat (Mr. Boyd) observed, that the individual whose situation Mr. Remington proposed to abolish, and who was in reality employed as his head karkoon, "has no more essentially to do in Rajpeepla than in any other petty district under the charge of the First Assistant." Mr. Boyd at the same time stated, that he was quite of opinion that intelligent karkoons, stationed as thanadars, are extremely serviceable, and that he would, therefore, suggest that no part of a fund over which Government had such an acknowledged control as the salary of this karkoon should be withdrawn from its original purpose and destination. That instead, however, of one, he is of opinion that at least four individuals of this class might be appointed to different stations in Rajpeepla with great effect as police officers, and that the salary of 2,400 rupees per annum, which was then charged to the Rajpeepla state on account of the karkoon, would provide very handsomely for the expense which would be incurred by the appointment of four individuals to be stationed as thanadars.

9. In conclusion, Mr. Boyd remarked, that if the karkoon alluded to by the Honourable the Court of Directors in their despatch dated the 16th March 1841, continued to be employed by Mr. Remington upon his present duties, his salary should, he conceived, in accordance with the instructions of that authority, be defrayed by the British Government. Mr. Remington, however, reported that he considered the further entertainment of this individual's services will be unnecessary, provided thanadars are appointed in his place.

10. In reply, Mr. Boyd was, on the 8th March 1843, informed as follows:—"I am directed by the Honourable the Governor in Council to acknowledge the receipt of your letter dated the 14th May last, No. 402 A., submitting, with your opinion thereon, copy of a communication from your first assistant, Mr. Remington, suggesting certain arrangements consequent on the proposed abolition of the situation of karkoon at Nandod. In reply, I am desired to inform you, that it appears to Government very doubtful how the plan proposed in the 4th paragraph of your letter will answer, namely, the entertainment of four

thanadars

thanadars in the room of the karkoon above alluded to, to be posted at different stations in Rajpeepla. The Governor in Council, however, considers it highly desirable that an efficient police should be kept up Rajpeepla, with reference to its contiguity to the Broach districts; and as no such efficient police is now maintained, he is disposed to accede to your proposition as an experiment, to be reported upon at the end of 12 months."

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11. These proceedings having been reported to the Honourable the Court of Directors, that authority in reply, under date the 17th December 1844, observed as follows:—"Already in abolishing by our orders the arrangement under which the principal native officer of the Rewa Kanta Agency was stationed at Nandod, and paid by the Rajpeepla state, you had sanctioned experimentally a proposition of Mr. Remington as amended by Mr. Boyd, whereby the salary thus saved to the state was employed in paying four karkoons, to be stationed in different parts of the Rajpeepla territory as channels of communication with the Bheel population, and generally for the more efficient management of the Rajah's police. These officers, though paid by the Raja, were nominated by the Political Agent. You have now, at Mr. Remington's suggestion, directed that these karkoons should assist in the collection and management of the revenue of the seven principal pergunnahs of the state. The object of this arrangement is to afford assurance that no more shall be exacted from any ryot than is fixed in his engagement, and that the whole of what is collected shall be brought to account. The Political Agent should be directed to give such instructions to the karkoons as shall limit their interference to what is necessary for these purposes. The executive duties should remain with the Rajah's officers."

12. Venayek Moreshwur (the memorialist), in the month of May 1843 addressed a petition to Government, in which he enumerated his former (alleged) services to the British Government, and solicited to be employed as native agent to the Resident at Baroda. This petition was, by order of Government, returned to the petitioner on the 30th May 1843, with the following intimation—"Petitioner is informed that his application for employment under the Resident at Baroda should be preferred to that officer, and not to Government."

13. On the 27th December 1843, Venayek Moreshwur presented a further petition to Government, in which he stated that consequent on the intimation alluded to in the preceding para. he had applied to the Resident at Baroda (the late Mr. Boyd) on the subject of the above appointment, but had received no reply; this individual at the same time drew the attention of Government to the following certificate, which he stated had been granted to him in the year 1839 by Mr. A. Malet, then First Assistant Political Commissioner for Guzerat:

"Baroda, 17 August 1839.

"This is to certify that the bearer, Venayek Moreshwur Phurkey, has held the situation of karkoon at Rajpeepla for 20 months, and in that capacity has conducted the duties of head karkoon on the establishment of the First Assistant Political Commissioner with the greatest zeal and ability, and to my entire satisfaction; he was also my head assistant in the sequestration of Petlad, and I owe much to his experience in business, and the respect in which he is held by all classes of natives, his knowledge of the manner in which native governments act, was also of great use to me. I can confidently recommend him for any employ as a most useful, able, and honest man, and from his character particularly fitted for such an appointment as that he now holds.

(signed) "*A. Malet,*
"First Assist[t] Pol[l] Commissioner."

14. With reference to the foregoing petition, the Right honourable Sir George Arthur, on the 5th February 1844, record[ed] a Minute,* from which the following are extracts:

* Which was concurred in by the Board.

"The petitioner at the same time solicits that his present petition may be referred to Mr. Boyd for consideration whether he is capable of conducting the duties of native agent, and whether, in consideration of his past services, he possesses any claim to such a reward.

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"If the certificate appended to the petition be genuine, it is clear that Mr. Malet and Mr. Remington entertain very different opinions in regard to the qualifications and character of the petitioner. The situation for which the petitioner applies appears to have been lately filled up, and is moreover one, the nomination to which it has been customary to leave to the Resident, subject to the confirmation of Government. With reference, however, to the terms in which Mr. Malet speaks of this person in the certificate dated the 17th August 1839, this petition may perhaps be referred for any remarks Mr. Remington may have to offer, on the receipt of which we can determine whether this person possesses sufficient claims to induce us to recommend him to any of our authorities for employment on the occurrence of any suitable vacancy."

15. This petition was accordingly on the 17th February 1844 transmitted to Mr. Remington, then First Assistant Political Commissioner for Guzerat in charge, for any remarks he might have to offer; and in reply, that gentleman on the 22d of the same month made the following report to Government:—

"I have the honour to acknowledge the receipt of your letter dated the 17th instant, No. 536, giving cover to a petition from Vinayek Moreshwur, late head karkoon on the Rewa Kanta establishment.

"The object of petitioner appears to be to procure the situation of native agent at the Residency, to succeed to which he considers he possesses 'a stronger claim than any one else.'

"Adverting, however, to the correspondence noted in the margin, this appointment has been already filled up by the nomination of Nursoo Punt, at present dufturdar on the establishment of the Revenue Commissioner for the Northern Division, and consequently there being no vacancy, it only remains to consider the fitness of petitioner to be re-employed in some similar situation under Government.

"Of the history of Venayek Moreshwur, commonly called by the appellation of Baba Phurkey, but little that is authentic appears to be known at Baroda. He belongs to the Deccan, and his alleged object in coming to Baroda a few years ago was to arrange some family matters at the court of his Highness. Disagreeing with the Durbar, he took up his residence in camp, where having assiduously cultivated the acquaintance of some officers of a regiment stationed at the time, he procured an introduction to the Residency; and was finally appointed to succeed Motee Pershotum, who has been turned out of his situation on account of malpractices. The appointment bears date 15th December 1837, but I cannot discover that his nomination was submitted for the confirmation of Government.

"Very shortly after his introduction to the office, the first assistant proceeded into the districts in pursuit of the Naikras, in apprehending whom his services were called into requisition. It is only justice to say that they were duly appreciated and highly commended, and that in reporting his proceedings Mr. Malet remarked, 'I have had much reason to be satisfied with the conduct of Venayek Moreshwur Phurkey, my head native assistant, who having formerly managed the Godra district, possessed much useful knowledge, and whose acquaintance with the Mehwassee Thakoors of that part of the country was exceedingly serviceable to me.' Further, on resigning charge of the Agency Mr. Malet granted him a certificate, in which honourable mention is made of his services during the time he was employed under that gentleman.

"As stated by Mr. Malet, petitioner acted as manager of the Punch Mahals previous to taking service in the Residency; he admitted to me that he at one time sought employment at the court of Indore, and was afterwards an unsuccessful applicant for a situation under his Highness the Gaekwar, and having failed in his object he ultimately succeeded to a carkoonship of 200 rupees in the Rewa Kanta establishment, which he retained until last year, when another arrangement took place.

"The favourable testimony borne to petitioner by Mr. Malet is certainly no slight praise, and no one is less disposed than myself to doubt the sincerity with which it was accorded; my estimation, however, of petitioner's fitness for public employ unfortunately falls considerably short of the character sketched by my predecessor in the certificate annexed to his address to Government; and as

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my acquaintance with him has been of some duration, I may perhaps be allowed to have possessed a fair opportunity of judging of his merits.

"From the very first I was struck with the high tone he assumed, unlike anything of the kind I had ever seen exhibited by others holding a corresponding situation elsewhere; which, however suited to a native Durbar, was quite out of place in my cutcherry, the influence he possessed over all the carkoons, some of whom he had managed to get appointed, was immense, and in the same degree was the hold he appeared to possess over the karbarees of the native states. His domestic expenses were unusually profuse, and the number of servants and horses he kept up, and the large retinue which accompanied him about the country, indicated rather a man of rank and importance than a mere karkoon in our employ. It was at once evident that either he was a man of unbounded means, and independent of his salary, or that his expenditure, so inconsistent with his position on the establishment, remained to be provided from illegitimate sources. Lately he has constructed a stately house, in the most commanding situation in the city of Baroda, at a cost certainly not much under half a lac of rupees.

"In the praise therefore bestowed in the only certificate he possesses, I cannot join. His 'utility' as a man of business was never very apparent to me, and his 'honesty' I would by no means vouch for. That 'his knowledge of the manner in which native governments act is profound,' may be allowed, and as with those people low craft and deceit, without any principle of honour and integrity, obtain the appellation of great parts, it may be that he is thought something of, though 'respected' is not exactly the word I would apply to represent their opinion of him.

"Feeling his continuance as the principal native officer in the Rewa Kanta establishment was in every respect injurious, I sought his removal at a very early period, which at last was effected by a new distribution of the salary he received. In desiring his departure I had no one's interest to serve, unless it be that of the petty state burdened with a contribution for which it received no equivalent. My own establishment has been reduced in number, and the only benefit derived from the change has been a greater degree of efficiency in the country, which was partly my aim in soliciting the alteration.

"Neither the present Resident nor his immediate predecessor ever regarded petitioner favourably, and the late Mr. Sutherland frequently expressed to me his surprise that a man so unknown and apparently so little deserving, should have succeeded to a situation which tried and faithful servants of our Government would have been too thankful to have received in the way of promotion.

"For the situation, then, of native agent, the most confidential and important that a man can hold, and which officers of the highest rank and unblemished character, like Nursoo Punt, aspire to, I consider Venayek Moreshwur in every respect unfit, as also for any other post of equal importance.

"Such being my own opinion of this individual, I would willingly have postponed a reply to your letter had I not been persuaded that these sentiments are coincided in by the Resident; but as it is, should this representation be deemed by Government to be overcharged, Mr. Boyd can still be appealed to for a character. It will, however, be observed, that petitioner admits that the Resident has never attended to his application for re-employment, a fair indication of what is thought of him in that quarter."

16. On this report the following minute was recorded by the Right honourable Sir George Arthur, which was concurred in by the Board: "From the account given of this person by Mr. Remington, I am of opinion that he is a very unfit person for political employ of any kind, and much less for the important situation of native agent at Baroda. He may be informed that Government cannot give him employment." An intimation to this effect was accordingly made to Mr. Remington on the 20th March 1844, and Venayek Moreshwur was informed that his "request to be re-employed under Government cannot be complied with."

17. On the 17th May 1847, Venayek Moreshwur addressed a further petition to Government, in which he solicited that he might be reappointed to the situation he had formerly held at Nandod, or that some other appointment under Government might be conferred on him. On this petition the Honourable Mr. Willoughby (in the temporary absence from Bombay of the Governor and the

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other members of the Board) recorded the following minute: "On a former application from this person for the situation of native agent at Baroda, he was declared by Government to be very unfit for political employ: the appointment he now requests is not vacant; he may therefore be informed that Government cannot comply with his request." Petitioner was accordingly informed, on the 17th June 1847, that his request could not be complied with. With reference to this intimation, he again petitioned Government for employment on the 1st July 1847, and on this application the Honourable Mr. Reid (in the absence of the Governor and Commander-in-Chief) recorded the following minute, which was concurred in by the Honourable Mr. Willoughby. "The petitioner may be informed that he can apply to the local authorities, as Government sees no reason to interfere in his behalf."

18. On the 9th September 1848, Lieutenant-colonel Outram, Resident at Baroda, addressed the following letter to Government: "I have the honour to transmit with my recommendation the copy of an application (with its accompaniments) received yesterday from Nursoo Luxmon, native agent, for permission to retire on the pension to which he is now entitled from a service of 30 years.

"I beg leave at the same to recommend Venayek Moreshwur Furkey for the situation of native agent, should Nursoo Luxmon's application be complied with; he is, I consider, better qualified for it than any other native with whom I am acquainted, combining high ability with great personal experience in the duties of the office, having previously served Government as native agent in the Rewa Kanta, and done good service to Government on several occasions."

19. With reference to the above recommendation in favour of Venayek Moreshwur, Captain French, then in temporary charge of the Baroda Residency in the absence of Lieutenant-colonel Outram on sick leave, was, in reply, on the 4th January 1849, informed as follows: "In reference to Colonel Outram's recommendation of Venayek Moreshwur Furkey to succeed Nursoo Luxmon as native agent, I am desired to call your attention to Mr. Chief Secretary Willoughby's letter, No. 905, of the 20th March* 1844, and to instruct you not to allow the interference of this person in any Government business whatever." Nursoo Luxmon was subsequently (on the 29th January 1849) permitted to withdraw his application for permission to retire from the public service on a pension.

* *Vide* para. 16 of this precis.

20. On the 7th September 1848, Lieutenant-colonel Outram reported to Government the result of his inquiries into the pecuniary affairs of Goorajee Pol, a pagadar of his Highness the Gaekwar, holding the British guarantee, and reported that in consequence (for reasons which he mentioned) of his mistrusting the impartiality of his native agent, Nursoo Luxmon, and otherwise suspecting that individual of corrupt conduct in this case, he (Lieutenant-colonel Outram) had deemed it proper to avail himself of the services of Venayek Moreshwur Phurkey to assist him in instituting a rigid scrutiny into Gorajee Pol's affairs. With reference to this intimation the Right honourable the Governor, in a minute dated the 28th December 1848, which was concurred in by his Excellency the Commander-in-Chief, and by the Honourable Mr. Reid, recorded the following opinion: "With his suspicions excited, Colonel Outram was justified in making use of extra aid in prosecuting his inquiries into this case, but I consider that he greatly erred in seeking it from a person (Venayek Moreshwur) whose employment in a political office had before been forbidden by Government, a procedure which shows that he could not have examined the records of his office, in which the former correspondence concerning this person existed."

21. The Honourable Mr. Willoughby, in a separate minute dated the 30th December 1848, remarked as follows: "With respect to the employment of Venayek Moreshwur Furkey in investigating Gorajee Pol's accounts, I am of opinion this was both improper and injudicious, not only under the recorded opinion of Government that this person was not eligible to be employed† in any

† *Vide* Government Letter, dated the 20th March 1844, alluded to in para. 16 of this Summary. *Vide* also paras. 17 and 19.

any political capacity, but likewise because it could not have been expected that he would act with impartiality as a referee on any matter in which the native agent was concerned. Venayek Moreshwur was not only a rival candidate for the office of native agent, when Nursoo Luxmon was appointed in 1844, but now aspires to succeed him in the event of his removal. In fact, notwithstanding the opinion of the Government of 1844 (in which I entirely concur) of his ineligibility for this responsible office, the Resident has actually proposed that Venayek Moreshwur should be appointed on the retirement of the present native agent.

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"No doubt Mr. Remington's report* on the causes of Venayek Moreshwur Furkey's disqualifications for political office, and the decision† of Government founded thereon, were overlooked by the Resident. They are nevertheless on his records, and this fact proves that documents may be lost sight of without attaching culpability to the party by whom they are overlooked, of so serious a nature as has been imputed to the native agent in the case of the demands of the firm of Hurree Bhugtee against Govind Rao Gaekwar."

* Dated 22 February 1844.

† Dated 20 March 1844.

22. These proceedings having been reported to the Honourable the Court of Directors, that authority, in reply, in a despatch dated the 28th November 1849, observed as follows: "You justly blamed Colonel Outram for having, in his investigation, availed himself of the services of one Venayek Moreshwur, who, according to the records of his department, was, in the opinion Government, a very unfit person to be employed in any political capacity."

23. On the 13th November 1849, Venayek Moreshwur Furkey addressed a petition to Government, in which he complained of from 50 to 60 persons having been sent by the Gaekwar to search his house for papers, which search having been effected, a guard of 10 persons had, he stated, been left over him by order of his Highness. Petitioner concluded by stating that he was a British subject, and "claims that protection which a British subject has a right to expect from his Government. Your petitioner solicits that no time should be lost in making the necessary reference to the Resident, as your petitioner considers his life is in danger."

24. This petition was received on the 19th November 1849, and on the same day was referred to Captain French (then Officiating Resident at Baroda) for his report, and in reply that officer, on the 22d of the same month, stated as follows: "The petitioner, Venayek Moreshwur, commonly called Baba Furkey, is not a British subject, though originally, years back, he may have been. In the words of Mr. Secretary Willoughby, 8th January 1846, No. 115, 'He has resided at Baroda for the last seven years; he has, in this respect, forfeited the claims of a British subject.' The petitioner has, in fact, lately been in the employment of the Durbar, in reality, though ostensibly in that of the killedar, but for Durbar purposes. The Officiating Resident was lately informed by his Highness's vakeel that there being no grounds for supposing the petitioner was, with others, concocting complaints to Government against the Durbar, the Gaekwar sent some of his chief civil servants with some city police to search the house of the petitioner. A vast number of letters of a fictitious address were found from persons in Bombay, but not that they were in search of. Of those found, the Prince sent the Officiating Resident the next day two, either sufficient from their contents to warrant the proceedings of his Highness. The security demanded was, that the petitioner, if he chose to remain in the Gaekwar's state, would refrain from intriguing and trying to cause disunion in the family of his Highness.

"The officiating Resident has in no way interfered, one way or another, deeming that he has no authority for so doing in the case of one who lives, and has been living for years, in the capital of the sovereign at whose court he is the accredited agent of the British Government."

25. Upon this report the following Minute was recorded by the Right honourable the Governor: "As it seems that Venayek Moreshwur Furkey was in employ at Baroda, he must be considered amenable to the local authorities, and, under the circumstances stated by the Resident, it does not appear that there is any necessity for Government to interfere to prevent injustice." This Minute was concurred in by the Board, and a corresponding intimation was

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made to Captain French on the 8th December 1849, Venayek Moreshwur being referred to that officer for a reply.

26. On the 4th December 1849, a person named Bulwunt Rao Eshwunt, calling himself a "karkoon belonging to Venayek Moreshwur," addressed a representation to Government in behalf of that person, in which he endeavoured to show that his master was a "British subject," and, as such, solicited that Government would interfere on his behalf, and cause him to be released from the oppression which he stated he was suffering from the Gaekwar. In reply, petitioner was informed, on the 17th December 1849, "any application you may have to make should be preferred to the local authorities."

27. On the 4th and 21st December 1849, Venayek Moreshwur, and, on the 10th of the same month, his brother (Koosheba Bhao Furkey, an inhabitant of the town of Nasick,) addressed further representations to Government, to the same effect as those above noticed, and on them the following Minute was recorded by the Right honourable the Governor: "Although the Government will not interfere to prevent any one in the position of Venayek Moreshwur Furkey from receiving due punishment for any faults he may have committed in Baroda, still these petitions may be sent for the Acting Resident's information." This Minute was concurred in by his Excellency the Commander-in-chief, and by the Honourable Mr. Blane.

28. On the 11th April 1850, Lieutenant-colonel Outram, then in Bombay, after his return from Egypt on sick leave, addressed the following letter to Government: "I have the honour to submit, for such consideration as the Right honourable the Governor in Council may consider the case deserving of, a petition from Venayek Moreshwur Baba Furkey, which I have this day received, complaining of certain acts of oppression which he asserts to have suffered from the Baroda Durbar. I am aware that it has been decided by Government that the petitioner is not entitled, as a British subject, to its interference; but as the petitioner asserts, and which does not appear to have been known to Government when its decision was formed, that he was dismissed from the service of his Highness the Gaekwar at the instigation of the Officiating Resident, and that the subsequent persecution which he declares he was subjected to arose from the enmity of the native establishment of the Residency, owing to his having been employed by me to trace out certain frauds in which I had reason, I conceived, to suspect them of being implicated, I trust it will be deemed but just and necessary that I should institute an inquiry into the matter on my return to Baroda."

29. A copy of the above letter, and the petition which accompanied it (in original), were forwarded to Captain French by endorsement, on the 15th April 1850, "for report;" and in reply, that officer, on the 18th of the same month, stated as follows: "In reply to the petition from Venayek Moreshwur, forwarded for report on the 15th instant, No. 1751, I have the honour to state, with reference to Colonel Outram's letter of the 11th idem, enclosed therein, second para., that Venayek Moreshwur Baba Furkey was not dismissed the service of the Gaekwar at my instigation. I now for the first time learn, from his petition which accompanies Colonel Outram's letter, that he was as long as six months in the employ of his Highness, but soon after hearing he was in his service, I told his Highness there was little wisdom, after having so lately declined to meet the wishes of Government touching vaccinators on the score of poverty, in employing, on 200 rupees a month, a man his father had denounced to a former Resident.

"As far as I know, the petitioner has experienced no enmity from the native establishment of this Residency; from no member of it have I received reports of him that I can recollect.

"I could reply to each assertion made by the petitioner, but do not conceive more can be required than above given, as he has been living in his Highness's capital for years back, and was but lately in his service.

"This very day I had a verbal message from his Highness, asking if he should institute any further inquiry touching the papers found in the house of Baba Furkey, and my reply was, that as he had given satisfactory security for future good conduct to this Government, I could see no use in further agitating

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the matter. The message was of a private nature for my advice, and had not been given above an hour when your letter came to hand. Case of Venaik Moreshwur Furkey.

"If it is the wish of Government, I will be happy to advert to each point of complaint made by the petitioner. I would be glad to be allowed to do so, as an opportunity would be afforded me of stating the experience of my sojourn at this court of 17 months, so far as it relates to such persons as the petitioner in any way having a hold on, or claim to the protection of our Government." On this letter the following Minute was recorded by the Right honourable the Governor: "It would perhaps have been as well had Captain French abstained from expressing any opinion to his Highness the Gaekwar, in reference to the employment of the petitioner; but as we have already on a former occasion declined to interfere in his behalf, I think it would be inexpedient now to re-open the matter." This Minute was concurred in by his Excellency the Commander-in-Chief, and the Honourable Mr. Blane, and its substance was, on the 14th May 1850, communicated to Lieutenant-colonel Outram, who intermediately had resumed his duties as Resident at Baroda.

30. In reply to the above communication, Lieutenant-colonel Outram, in a letter dated the 22d June 1850, solicited a reconsideration by Government of Venayek Moreshwur's case, urging that the persecution which that individual had suffered arose from the aid which he had afforded him (Lieutenant-colonel Outram) and other officers of Government in exposing the depravity of certain native officials. On receipt of this letter, the Right honourable the Governor recorded the following Minute, dated the 18th August 1850: "I regret that Lieutenant-colonel Outram has revived this question, more especially as I cannot but regard his letter to Government as intemperate and indiscreet. I would inform Lieutenant-colonel Outram that our former decision in this case is to be deemed final, and that we see no reason whatever for the interference of our Resident between this individual (Furkey) and his Highness the Gaekwar."

31. The Honourable Mr. Willoughby recorded the following Minute on this subject (dated the 20th September 1850): "I was absent from the Presidency when the last decision was passed in this case, consequent on the receipt of Lieutenant-colonel Outram's letter of the 11th April last. Had I been present, I should have stated it to be my opinion that the statements therein made required an explanation from the Acting Resident, and that if it can be proved that Baba Furkey has been maltreated in consequence of the assistance he has afforded in detecting bribery and corruption, he is entitled to all the protection which we can extend to him. Although, from his having resided several years at Baroda, and accepted service in a foreign state, he cannot claim such protection because he was originally a British subject.

"The extent of bribery and corruption among our native establishments in Guzerat, and especially at Baroda, is unhappily notorious. Some cases of this kind have recently been before the Board, and more may soon be expected, in connexion with the case of Joetabhaee, the widow of a wealthy banker belonging to the firm of Hurree Bhugtee & Co. at Baroda, who has for a long time past failed to obtain a hearing by the most corrupt means, to the great discredit, I fear, of the British Government.

"It is evident that Lieutenant-colonel Outram believes, and I have not a doubt, honestly and in good faith believes, that Baba Furkey has been subjected to oppression and ill-treatment for having aided him in bringing corrupt practices to light, and that his dismissal from the Gaekwar service was in part occasioned by the representations of Captain French; the Right honourable the Governor * apparently not approving of the Acting Resident's proceedings.

* *See* his Lordship's Minute, dated 27 April 1850.

"With reference to paras. 2, 9, and 20, of Lieutenant-colonel Outram's present report, so far from considering that officer, with the impressions therein stated, to have acted indiscreetly and intemperately in submitting this representation to Government, I do not see how as a man of honour he could have avoided doing so.

"I cannot therefore concur in the censure passed upon the Resident, but in order to support his meritorious exertions in the exposure of corruption, and in order that other persons may not be deterred from assisting those exertions, by

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seeing from the example of Baba Furkey, that maltreatment instead of reward is the result, I think the case should, as proposed by Lieutenant-colonel Outram, be fully investigated."

32. The Honourable Mr. Blane, in a Minute of the same date (20th September 1850), observed, "I quite concur with the Right honourable President in adhering to our former resolution, as to the claim of this individual to the interference of the British Government, and cannot but regard Colonel Outram's strictures on the proceedings of Mr. Remington and the late Acting Resident, Captain French, as well as the tone of his remarks relating to the decisions of Government, as exceedingly ill-advised." This Minute was concurred in by the Right honourable the Governor, the Honourable Mr. Willoughby attaching thereto the word "seen" in token of dissent.

33. Lieutenant-colonel Outram was accordingly informed as follows, under date the 1st October 1850; "I am desired to inform you, that the former decision of Government in this case is final, and that his Lordship in Council sees no reason whatever for your interference between this individual and his Highness the Gaekwar."

34. These proceedings having been reported to the Honourable the Court of Directors, that authority, in reply, under date the 15th January 1851, observed as follows:

"Lieutenant-colonel Outram's letter of 22d June 1850, seems to establish conclusively that this individual is a British subject, and Captain French, who led Government to believe, on most insufficient grounds, that he had forfeited the rights belonging to him in that character, is justly chargeable with culpable negligence.

"Baba Furkey was for a short time in the service of the Gaekwar, from which he was dismissed, and according to his own statement and Lieutenant-colonel Outram's, was, on a false charge of conspiracy, placed in confinement, his house searched, and many of his papers carried off. He was subsequently liberated, on giving security that he should not leave Baroda for three months.

"By accepting office under the Gaekwar, Baba Furkey voluntarily subjected himself to such chances of subsequent molestation by his Highness's officers, as might arise from the customary practices of the Baroda state. Although, therefore, Lieutenant-colonel Outram expresses a strong conviction that the treatment to which that individual has been subjected was brought on him solely by the aid which he afforded to the Resident in detecting malversation and corruption, there would have been no ground on which we could be called on to interfere in the matter, were it not asserted by the petitioner that the harsh measures were adopted in concert with the Officiating Resident, Captain French. That officer admits that he suggested Baba Furkey's dismissal from office. Instead, however, of referring Lieutenant-colonel Outram's letter to Captain French for explanation, you gave a verbal rebuke to Lieutenant-colonel Outram for bringing forward the subject. We regret that you did not accept Captain French's offer to give that full explanation which was due to Government, in regard to his alleged part in the transaction complained of, and we direct that the opportunity of giving such explanation be now afforded to him."

35. The above extract (with the exception of the latter portion, beginning with the words "instead, however, of referring," &c.), was on the 9th June 1851, transmitted * to Captain French, with a request that with reference to the remarks of the Honourable Court therein contained, he would furnish Government with a full explanation as to the part he was alleged to have taken in the proceedings complained of by Venayek Moreshwur Furkey.

36. Captain French replied to this call on the 11th June 1851, and with reference to the explanation given by that officer, the Right honourable the Governor on the 26th June 1851, recorded the following Minute: "This letter furnishes

* A similar extract was on the same day sent to Lieutenant-colonel Outram, with an intimation that this reference had been made to Captain French.

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furnishes no new information, the only part of it bearing on the explanation required at the close of the 10th para. of the Honourable Court's despatch (No. 3, of the 15th January 1851), being contained in the 6th, 8th, and 10th paras., in which the facts already communicated to Government in Captain French's letter, No. 69, date 18th April 1850, are given more in detail.

"As that letter was before the Honourable Court when their's above cited was written, I conceive it was not considered necessary by that authority to interfere in Baba Furkey's favour.

"It will, I think, be sufficient to send a copy of the 6th and 8th paras. of Captain French's letter, under review, to Lieutenant-colonel Outram.

"As regards Baba Furkey, I see no reason to change the opinions I have already expressed on his case in my several Minutes, dated 4th December 1849, 4th January 1850, 27th April 1850, 18th August 1850, copies of which are hereto annexed, to which I beg to refer. Lieutenant-colonel Outram may be instructed that we adhere to our resolution expressed in our letter No. 4489, dated 1st October 1850, and see no reason for interference on the part of Government between this individual and his Highness the Gaekwar." This Minute was concurred in by the Honourable Mr. Blane.

37. The Honourable Mr. Bell, in a separate Minute, dated the 27th June 1851, observed, "Our Right honourable President, and my colleague Mr. Blane, having already decided that no interference was necessary, and as no new matter has been adduced in Captain French's present explanations to lead to a different impression, I do not see that we can do otherwise than to uphold that resolution."

38. The following letter was accordingly addressed to Lieutenant-colonel Outram on the 28th June 1851: "With reference to my letter No. 2457, dated the 9th instant, relative to Venayek Moreshwur Furkey, I am directed by the Right honourable the Governor in Council to transmit to you an extract (paras. 6 and 8), from a communication from Captain French, late Acting Resident at Baroda, dated the 11th instant. I am at the same time desired to inform you, that Government adheres to its resolution communicated to you in Mr. Secretary Lumsden's letter, No. 4409, dated the 1st October last, and sees no reason for interference on its part between this individual and his Highness the Gaekwar."

39. These proceedings (paras. 35 and 38) were reported to the Honourable Court on the 1st December last, and no reply to that despatch has been received from that authority.

40. On the 13th November last, Major Fulljames, Political Agent in the Rewa Kanta, reported the result of an inquiry he had recently instituted into a charge of bribery which had been preferred against Venayek Moreshwur Furkey, by Sahiba, widow of the late Thakore of Bhaderwa.

41. In submitting these proceedings, Major Fulljames reported that he was of opinion that Venayek Moreshwur had amply refuted the charge; that there was reason to believe that some of the documents produced in support of the accusation were "recent and gross fabrications;" and that the charge was the result of a deep-laid plot to effect the ruin of the accused.

42. Government was of opinion that the evidence which had been adduced against the accused was not trustworthy, and that it was therefore unnecessary to take further notice of this charge.

43. Major Fulljames was on the same date (5th January 1852) informed that this inquiry being closed, he should intimate to Venayek Moreshwur Furkey that if he wished to leave the Gaekwar districts he would be protected from any molestation from the Baroda authorities, provided he quitted his Highness's territory within an early period to be fixed by the Resident (who was separately addressed on the subject), but that if he remained within the Baroda limits subsequent to the expiration of that period, he would do so at his own risk.

44. On the 19th Jauuary last, Lieutenant Battye, then in temporary charge of the Baroda Residency, in a letter to the address of the Chief Secretary,

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reported as follows:—"Venayek Moreshwur Furkey has this day left Baroda for Surat, with the intention, I believe, of visiting the Presidency, and I have afforded him the necessary protection for his safe transit through his Highness the Gaekwar's territory, agreeably to the instructions contained in your letter under acknowledgment."

45. On the 25th March last, Venayek Moreshwur, who had intermediately arrived in Bombay, addressed the following petition to Government:—"That your petitioner having been subjected to great injustice and oppression at the hands of the Gaekwar's government, at Baroda, from the year 1849 up to the present time, owing to the instigations of the Acting Resident, Captain French, which matters have been frequently brought to the notice of your Honourable Board in petitions from himself, his brother, and other persons on his behalf, consequent whereon, reports may have been received from the Acting Resident, and orders and instructions issued thereon by your Honourable Board, and as latterly Colonel Outram may have reported, in reference to a petition of the 4th March 1850, from your petitioner to that officer's address.

"Your petitioner, therefore, humbly prays that he may be permitted to have copies of all the documents in question, in connexion with the subject above mentioned, and that the same may be forwarded, with your Honourable Board's reply hereto, to your petitioner at his residence in Bombay, at Combahtokhda."

46. In reply, this individual was informed on the 2d ultimo (April), that the request contained in his petition could not be complied with.

(Prepared in the Chief Secretary's office.)

(signed) *H. E. Goldsmid,*
Secretary to Government.

24 May 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Bell.*

THIS petition assumes the form of an autobiography. Its aim would appear to be partly to appeal to the consideration of the Honourable Court, on account of grievances sustained at the hands of Government, or incurred by a zealous devotion to the interest of Government, at the instance of its representative; partly to claim redress, as a British subject, for specific injury received from the Gaekwar.

2. Were it not that this man took a prominent part at Colonel Outram's solicitation in the first investigation into the matter of Gorajee Pole, and has been the subject of a strong appeal by that officer in his favour, which has led to proceedings which are before the Court, I should have thought it necessary simply to have referred the Honourable Court to our various communications regarding him.

3. But as he submits a connected narrative, every paragraph of which is intended to give weight to that which follows, while the whole has a specious semblance of wrongs unredressed, and protection due though not accorded, the Honourable Court may wish to have any remarks of ours which may help to elucidate this man's history so artfully laid before them, and the reasons which have influenced this Government in their recent decisions on his case.

4. I beg my colleagues to observe, that I use this language after a consideration of the whole case. The grounds will appear as I proceed.

5. The proceedings on our record which relate to petitioner are noticed generally in the accompanying summary and compilations.

6. The specific requests which this man makes in para. 66 of his memorial are these:—

1st. That he might be restored to a situation in the political branch of the service.

2d. That he may be remunerated for pecuniary losses incurred on account of serving the British Government.

3d. That

3d. That orders may be issued to the Resident, to induce his Highness and the firm of Huree Baktee to settle the pecuniary claims which petitioner has now against them since 1831, as agent of the estate of the late Hurree Punt Furkay. Case of Venaik Moreshwur Furkey.

7. Besides the above, there is a general complaint and demand for redress on account of petitioner's treatment by the Gaekwar authorities in searching his house and temporarily confining him to it.

8. But as the above are the only means of redressing his wrongs which petitioner has seen fit to indicate, it must be presumed that it is with reference to the acts or neglect of this Government, in regard to him and his affairs, that he now considers himself entitled to make the above demands upon our justice.

9. Petitioner states that his objects in going to Baroda in 1831, as agent of Pundorung Madarao Furkay were—

1st. To recover sums due by the firm of Hurree Buktee to the estate of the late Hurree Punk Furkay.

2d. To recover sums due to the same estate by his Highness the Gaekwar.

3d. To recover certain Enam villages which belonged to the estate, but had been taken possession of by the Gaekwar.

10. Mr. Williams, the then Resident, justly notices, in speaking of the first of these clauses, that as the firm of Hurree Buktee had a shop at Baroda, the proper course was for the Furkay to sue the firm in that zillah. In 1837.

11. He does not appear to have considered that he was justified in interfering on the other two claims. *Note.*—He leaves them totally unnoticed. *See* also para. 12 and 50 of this Minute.

12. From the same letter and its accompaniments, it appears that Furkay only received a written mooktearnameh from his principal, Pandoorung Madoorao Furkay, in 1837, and only then showed it to the Resident, 5½ years after his arrival at Baroda.

13. It also appears from the mooktearnameh that the villages in question had been given in enam by Govindrao Gaekwar to Hurry Punt Phurkay, and had been resumed. It was optional with the British Government to interfere or not in the matter; petitioner was protected in person as a British subject on the occasion, on his applying to the Resident for protection from arrest. He had made himself obnoxious to the Baroda authorities, especially to the minister of the day, who desired his expulsion from the Baroda territories.

14. In all of this, petitioner has not the shadow of a title to compensation for a want of either justice or consideration on the part of the Government.

15. It was at this period, and apparently from motives of enmity to the minister, Veneram, who was closely leagued with the Nagur Brahmin carkoons of the Residency, that petitioner undertook in 1837 to aid Colonel Outram and Mr. Malet in exposing the corruption of the latter officials.

16. He did this, as he says, without any hope or promise of payment or reward, as is probable enough, and the aid he rendered was most efficient.

17. However, in 1839 he did obtain a proof of Mr. Malet's approbation in the appointment of native agent in the Rewa Caunta Political Agency. *See* Col. Outram's Letter of 22 June 1850, para. 10.

18. It is in the manner of his dismissal from this office in March 1843 by Mr. Remington, that I can alone find the slightest pretext for an appeal to our consideration.

19. The case has been truly and fairly stated by petitioner, especially the facts noted in para. 23, as far as I can find them on the record; Mr. Remington should have replied to petitioner's letter, and not have filled up the situation as he did.

20. That officer, however, had a very unfavourable opinion of the petitioner, though I cannot find that it was based on grounds which were of themselves a sufficient justification of it.

21. On referring to the proceedings connected with petitioner's memorial alluded

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alluded to in para 24, I discover that Mr. Remington could only allege against him—

1st. That he lived at a rate beyond his monthly pay.

2d. That he had built a house in the city of Baroda at a cost of half a lac of rupees.

22. But he made no inquiries to ascertain whether petitioner had not ample private resources.

23. And this indeed is asserted by the petitioner, and argued by Colonel Outram in his letter to Government, No. 131, dated 22d June 1850; who also informs us that the original cost of the house was estimated by the Durbar at 32,933 rupees, and stated by Furkay at 21,904 rupees, "who professes his readiness to produce accounts which will prove the accuracy of his statement."

24. Either sum was far more than a man with no other resources but his pay of 200 rupees a month could have commanded in the course of years of service.

25. But this was a case in which I think the suspicions entertained by Mr. Remington should have been brought to the issue of evidence.

26. Instead of assuming the existence of this house and the state maintained by Furkay to be proof of the latter's corruption, justice required that he should have called on Furkay to satisfy him that he did possess other resources.

27. Had this course been openly pursued and satisfaction not afforded, I should not have been compelled to say that I cannot think the Government of the day (1844) acted with sufficient caution or consideration in confirming petitioner's dismissal from office.

28. They had, however, an unquestionable right to take that course if Baba Furkay had lost their confidence, and as I find from the records that our late colleague, Mr. Willoughby,* considers the step to be perfectly justifiable, and regarded the Furkay as a very unfit man for political employ, I feel inclined to suppose that they were right; for no man had so intimate a knowledge of Baroda politics and people as Mr. Willoughby.

29. I cannot, therefore, admit that petitioner has any case in the above proceedings on which to found a claim for compensation for injuries sustained.

30. His claim to consideration is a separate question, and as far as the records of Government serve to inform us, he would seem to have been hardly used.

31. The next point to be noticed in his petition is the assistance which he says that he afforded against his will to the Resident in exposing frauds suspected to have been committed in the management of the Jaghere villages belonging to Goragee Pole.

32. The result of Mr. Frere's trial of Nursoo Punt on this charge is before the court. I need not, therefore, offer any comment on the subject.

33. But to assert that petitioner has established any claim whatever upon Government for his interference on a charge which, if proved, would have removed Nursoo Punt from an office for which petitioner was a favoured candidate, and to which he (petitioner) was actually named by his friend, Colonel Outram, to succeed, is a palpable absurdity.†

34. The Honourable Court also, in their despatch of 28th November 1849, concurred in blaming Colonel Outram for having on this occasion availed himself of the services of the petitioner, "who, according to the records of his department, was in the opinion of Government a very unfit person to be entrusted in any political capacity."

35. Paras.

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* *See* his Minute, 30 December 1848.

† On the 7th September 1848, Colonel Outram reported the result of his inquiries into the pecuniary affairs of Gorajee Pole. On the 8th September 1848, he sent, on Nursoo Punt's application to retire, his recommendation that Furkay should be his successor.

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35. Paras. 42 and 43 notice petitioner's entertainment by the Gaekwar during the temporary incumbency of Captain French, on a salary of 200 rupees a month, and his dismissal six months afterwards.

36. I would invite attention to this appointment as a significant indication of petitioner's influence at Baroda. He was by his own showing most obnoxious to Nursoo Punt, the influential native agent, and to Bhaoo Tambekur, the minister who is represented throughout the Baroda correspondence as exercising a complete ascendancy over the Gaekwar. He was not palatable to the Acting Resident, Captain French.

37. Yet we see him offered an appointment by his Highness voluntarily of 200 rupees a month, for which it seems from the correspondence he was required to do nothing.

38. There would appear to be some foundation of truth in Captain French's explanation of this anomaly. He was appointed, says that officer, with a view to keep him quiet.

39. Of the subsequent proceedings of the court of Baroda towards him, but brief notice is required.

40. On a charge of treason, in combination with the Killedar (a high native officer of the Durbar), his house was searched, and he for some days confined within it.

40*. The Honourable Court is the judge of how far the Gaekwar was justified in this proceeding.

41. Captain French admits that he did use the language to the Gaekwar, which is stated by petitioner to have been the primary cause of his dismissal. He also admits that he did, on being consulted by his Highness on the charge of treason, inform him that neither petitioner nor the Killedar were British subjects, and that the remedy lay in his (the Gaekwar's) own hand.

See his Letter to Government, 11 June 1851.

42. In stating that Furkey was not a British subject Captain French was in error.

43. But this fact, of which so much has been made in the petition, furnishes of itself no grounds on which petitioner can claim compensation from the British Government.

44. The Honourable Court have clearly and justly disposed of this point in their despatch of the 15th January 1851, in which they observe on the case in question,

" By accepting office under the Gaekwar, Baba Furkey voluntarily subjected himself to such chances of subsequent molestations by his Highness's officers as might arise from the customary practices of the Baroda court."

45. They add that there would have been no grounds on which we could be called on to interfere in the matter, were it not asserted by the petitioner that the harsh measures were adopted in concert with the Officiating Resident, Captain French.

46. As that officer's explanation is now before the Court, I leave it to them to decide in how far Captain French's statement to the Guicowar constituted co-operation on the latter subsequent proceedings towards Baba Furkey.

47. Subsequently certain charges of bribery were brought against Baba Furkey, as it is asserted by Furkey, at Bhaoo Tambeykur's instigation.

48. Of these he has been fully acquitted by Major Fulljames, who has expressed his opinion that the charges were the result of conspiracy.

49. Probably these surmises may be correct; the constant intrigues of native against native in such a den of perjury, forgery, and false evidence, and of every sort of unworthy machination as a native court, render it probable that the party opposed to the petitioner is as unscrupulous as I have reason for believing the petitioner himself to be.

50. I could have wished to have here ended my remarks on this petition with the following distinct opinion upon the petitioner's several requests in paras. 66, 67, and 68.

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Para. 66. That petitioner is too much mixed up in Baroda intrigues to be a fit person for employment in the political branch under the Resident, or any political officer connected with the court of his Highness the Guicowar, and that unless Mr. Remington's statements in 1844 could be fully explained, he is unfit for Government employ in any capacity whatever.

Para. 67. That he has made out no claim whatever for pecuniary compensation in my opinion. Whether Captain French's injudicious communication to the Guicowar entitle him to look for compensation, it is for the Court to judge.

Para. 68. That the interference which he solicits in this para. is uncalled for and unreasonable. It appears he was 5½ years at Baroda in his capacity as agent before he furnished the Resident with the authority of his principal, nor would he seem even to have applied before to Mr. Williams.

51. But the subject may be referred for the present Resident's report.

52. Having thus expressed my opinion on the pith of this petition, I feel it my duty to bring to the notice of the Board a correspondence which has now come as a whole under my consideration in connexion with this inquiry.

53. The deductions suggested by this correspondence appear to me to be so serious, as showing Furkey in the light of a dangerous intriguer, exercising an undue influence over Colonel Outram, and as standing in need of explanation on the part of the late Resident, that I have to regret they escaped my notice in the first instance, and make no apology for noticing them at length on the present occasion.

54. I request the attention of my colleague to the following observations:—

55. Early in the month of July 1851,* one Bulwunt Rao Eshwunt brought to Mr. Gregor Grant a treasonable note said to have been written to the Guicowar's brother, Appa, by Bhao Tambeykur, the Guicowar's minister.

56. Colonel Outram says that Mr. Grant was requested to forward this note to him; Mr. Grant, however, says in his first letter to Government, "The note was brought to me privately by an individual whose safety would be endangered were I to disclose his name, who stated that it had been given to him by a person who alleged and professed himself ready to prove that the writer was Bhao Tambekur, and requested that I would advise him how to act."

Without date.

57. This letter was received by Government on the 23d September 1851.

58. My colleagues will recollect that I insisted upon Mr. Grant being compelled to give up the names of his informant.

† *See* his Letter, dated 3 November 1851.

59. He did so,† when it appeared that the note had been transmitted to Bombay by Succaram Seadasew, as it afterwards appeared, on behalf of Baba Furkey, to Furkey's karkoon, Bulwunt Rao; it had been procured for Furkey by this Succaram Seadasew, who calls himself Furkey's friend.

60. Mark, that Baba Furkey is the acknowledged friend of Colonel Outram and Mr. Grant, the one Resident at his Highness's court, the other judge of the Sudder Adalut, and Judicial Commissioner for Guzerat; that Furkey is Tambekur, the minister's, bitter foe, and that Bulwunt Rao is Furkey's own carcoon.

61. In his reply to the imperative call which was made upon him to give up the names of the parties from whom he received the note, Mr. Grant says that it was sent to him "with a view to my opinion being obtained as to the advisability of its being made use of for his own justification by the said Venaek Moreshwer" (Baba Furkey) "who had been charged by the alleged writer with the very crime which the note, if authentic, brought home to his accuser."

62. Colonel Outram, it must be remembered, was at this very time, July 1851, at Baroda; he had left Baroda on a month's leave on the 20th April, and resumed charge of his office on the 23d May 1851; Baba Furkey was at this time also residing at Baroda.

63. Let us first consider what was the course which Mr. Grant followed.

64. He

* In his letter dated the 12th September, Colonel Outram says, "About two months ago, Mr. Grant was requested by some persons in Bombay, to me unknown, to forward to me," &c.

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64. He took two steps; he sent the note to Colonel Outram, the Resident, Furkey's avowed patron, and, as he well knew, the open opponent of Tambekur, who he believed to be utterly dishonest, and to have systematically thwarted his (Colonel Outram's) efforts to expose the corrupt practices of the Baroda Durbar.

65. He privately showed the note to the Guicowar's vakeel at Bombay, Govind Rao Rorea, who was bound by duty, not less than by interest, to inform the Guicowar.

66. By this course the following objects were secured: the existence of this treasonable document was made known to his Highness the Guicowar and to the Resident, and thus put in a train for becoming matter of public correspondence.

67. It was communicated to both in a way most calculated to do the minister the greatest injury.

68. The knowledge of his minister's supposed treasonable practices first reached the Guicowar from an unsuspected source; an officer of the highest rank in the Bombay Government, whom he had no reason to suppose inimical to his minister, yet who evidently appeared, from the steps he took, to think the note authentic.

69. The Guicowar's vakeel at Bombay, if not a partisan of Furkey's, which I suspect him to be, evidently shared in Mr. Grant's opinion, as he pronounced the note to be in Tambekur's writing.

70. In the meantime, the author of this intrigue kept in the back ground, as his acknowledged agency would at once have aroused the Guicowar's suspicion.

71. But his information coming from an unsuspected quarter, his Highness's distrust in his minister was at first excited to a painful extent (as proved by his letters to Colonel Outram), and this was as much mischief as so transparent an intrigue could be expected to effect.

72. For the note bears internal evidence that it was not written by Tambekur.

73. It will also presently be shown, by the clearest inductive proof, upon the evidence tendered by Furkey himself, and partially taken by Colonel Outram before he addressed Government on the subject, that the whole affair is an intrigue of Furkey's to injure the minister.

74. But before proceeding further, I have to request my colleague's attention to circumstances which have now first come under my cognizance, and which have very much astonished and perplexed me.

75. It is much to be regretted that they were not brought to Colonel Outram's notice before his departure for Europe.

76. As matters stand, I shall confine myself to a plain statement which is vouched for by the records, and which the Court, if they please, can refer to the late Resident for explanation.

77. Colonel Outram first addressed Government on the subject of the note in his letter of the 12th September 1851.

78. It begins by stating that "about two months ago Mr. Grant was requested by some person in Bombay, to me unknown," to forward the note to him (Colonel Outram), to be dealt with as he deemed proper.

79. He continues, that he (Colonel Outram) "thought the note very possibly a forgery, designed to excite distrust and enmity between his Highness and his brother Appa; he therefore thought it a matter in which he ought not to interfere, and locked it up until Govind Rao Rorea, who I knew to be cognizant of the delivery of the note to Mr. Grant, should return to Baroda."

80. The letter proceeds to state that on Govind Row Rorea's return, the Gaekwar was informed of the occurrence, demanded the note, obtained it from Colonel Outram, and then wrote a request that Mr. Grant should be called on

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through Government to state from whom the note was received; hence Colonel Outram's address to Government.

81. The entire tenor of this letter would, in short, infer that Colonel Outram knew nothing of the note, but that some person unknown had given it in Bombay to Mr. Grant; that Govind Rao Rorea was cognizant of its delivery, and that Colonel Outram suspected it to be not authentic.

82. Now what I cannot understand is this, that at the very time Colonel Outram addressed this letter to Government he was himself perfectly informed of the whole history of the note, and knew that it must have been circulated by Furkey, the present petitioner.

83. If my colleagues will refer to Colonel Outram's letter of the 22d November 1851 (in which he argues against following our conditional instructions that he should impart personally to the Gaekwar alone the channel by which the note reached him, and which Mr. Grant had indicated) there is this remarkable admission: "From the accompanying translations of a petition presented to me by Venayek Moreshwur Furkey, No. 1, on the 30th August last, and of the examinations on oath, Nos. 2 and 3, dated 19th and 21st September, of the parties who gave the note to that person, it will be seen that there is strong proof that it was really written by the minister, Bhow Tambekur."

84. What this proof may amount to. I shall presently inquire, but in the meantime, I am at a loss to know how Colonel Outram could on the 12th September have addressed to Government such a letter as that on record, when he had on the 31st of August received Baba Furkey's petition, Exhibit (I.); how he could make it appear in that letter, as he certainly does, that he knew nothing of the note and mistrusted its authenticity, and that he only wrote to Government at the Gaekwar's suggestion, and this at a time when he had before him the Furkey's evidence in detail of how the note had been procured by his friend Succaram from Bhow Tambekur's carcoon, Umrut Rao Bulwunt, when that petition embodied the substance of their evidence, and when he now terms these documents strong proof that the note was really written by Tambekur.

85. It is strange too that in his letter of the 12th September, he asserts that the note was given to Mr. Grant by some person to him unknown, when on the 31st of August he was made aware that the note must have come from Baba Furkey himself.

86. In all this there is a mystery which I cannot fathom; but to any one who will read and compare Colonel Outram's two letters, it will be apparent that the terms of his letter of the 12th September are not reconcileable with with his knowledge of the matter conveyed to him in Furkey's communication of the 31st August.

87. To turn to the evidence on proof of the authenticity of the note itself.

88. I have first to ask, if it were genuine, why was recourse had to Mr. Grant at all by Furkey; why, according to Colonel Outram, was Mr. Grant requested to forward the note to him; or, according to Mr. Grant's version, why was that gentleman's advice asked at all?

89. Was not Colonel Outram, the Resident, and Furkey's firm friend, then at Baroda; was not Furkey at Baroda; why take so circuitous a course?

90. If suspecting, or convinced, that the note were genuine, a straightforward man in Furkey's place would have gone direct to the Resident, informed him fully of all that had taken place, explained, as he afterwards did in his petition, the motives which influenced Umrut Rao Bulwunt, the party who gave the note Furkey, to betray the Bhow, his former master, and requested the Resident to take up the inquiry himself, so as to satisfy himself that the note was no forgery. He would have asked Colonel Outram for the advice which he solicited from Mr. Grant. Umrut Rao Bulwunt says, in his deposition before the Resident, given on the 19th September 1851, that he never went to Furkey's until April of that year, and on the 20th April, Colonel Outram went for a month's leave to Bombay.

91. But in the Resident's temporary absence, if he were absent (for the note was

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was only shown to Mr. Grant in July), an honest straightforward man in Furkey's place would have kept such a paper by him until the Resident returned.

92. The circuitous and mysterious reference to the Judicial Commissioner for Guzerat, then in Bombay, was an act which was perfectly unnecessary, if the Furkey's belief was genuine and his intention honest.

93. I cannot here forbear to again place on record my entire disapprobation of that gentleman's conduct.

94. It should have been as clear to Mr. Grant as it will be to all who consider the part he played in this business, that, in mixing himself up in it at all, he made himself either the tool or agent in a native intrigue. He should, if he noticed the subject at all, have referred Furkey to the Resident, Colonel Outram.

95. From Furkey's deposition of the 31st August, I notice with the utmost disapprobation, that Mr. Grant allowed this man, on the Gaekwar desiring him to return to Baroda, to meet him by appointment at Broach, while on circuit, and to return to Baroda in the Judicial Commissioner's train.

96. I now recur to the note itself, to the source whence it was derived, and to the evidence on which its authenticity is supported.

97. The note, which is to Appa Saheb, the Maharajah's brother, runs thus:

"Shreegurjanun.—Tambekur petitions to the effect; regarding what has passed between us, arrangements are being made to carry out what occurred to Futteh Sing Maharaj; you wait a little, on this subject I have sworn by Heerumbaebee."

98. This note, as I said, contains internal evidence that it is not Bhow Tambekur's. It is not the habit of any native of experience, especially of such a veteran intriguer at a native court as Bhow Tambekur is represented to be, First, to write such a document in his own hand. Second, to fix his name to it. Third, to have made such a bold and treasonable reference as that to Futteh Sing Gaekwar's case, after having said all that was necessary to make the person written to comprehend his meaning. Finally, to commit himself by giving such a note to a carcoon of whose fidelity he was not assured. "Arrangements are being made regarding what has passed between us," would have been quite sufficient to indicate his meaning; a fictitious name and hand, or a private sign, would have served for the occasion, and then perhaps the carcoon of 17 years, who has proved, as usual, a traitor, might have been trusted with the missive.*

99. Will any one pretend to say that such a production is not sufficient to carry the refutation of its authenticity on the face of it, if addressed to any native not naturally weak? But it might, perhaps, deceive a weak Prince unable to tell how or when to trust any one, and it seems that Baba Furkey calculated on the belief of Colonel Outram.

100. Next, let us examine the story told by Furkey to account for its falling into his hands. A strict examination of the evidence will show it to be worthless.

101. The scource from whence it was derived was Umrut Rao Bulwunt, who, by his own showing, had been for 17 years carcoon of Bhow Tambekur's, and was known as such to Furkey and the go-between, Succaram.

102. His account of the writing and entrusting of the note to him by Bhow Tambekur, I have shown to be in the highest degree improbable. But what shall we say to his admission, that, having been ordered to give this note into Appa Saheb's own hands, and having kept it for his private ends, and told Tambekur a falsehood, that he had duly delivered this important missive, the latter discovered that the note had not been delivered; that, notwithstanding which, this powerful and crafty minister, on being told by deponent a second barefaced falsehood, namely, that the note had been mislaid, accepted the excuse, and took no steps to get rid of a man who he knew had deceived him, and

* All the papers handed up by Colonel Outram, supposed to relate to intrigues, are without name and date, or names are used which are evidently pseudonymous.

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and possessed evidence to convict him of treason. All the notice, it seems, that Tambekur took of the matter, was to cause his carcoon to disgorge a bribe of 100 rupees, of which the latter admits the receipt in a totally distinct affair, with the qualification that he took it with his master's sanction. Further, for this act Tambekur discharged him from his service, but employed his brother-in-law in his place. Knowing as we do the power of a favoured minister like the Bhow at a native court, and the unscrupulous character which his enemies attribute to him, can any one for an instant credit so absurd a story?

103. But the witness is himself inconsistent, when asked by Colonel Outram (page 34) if he informed the Maharaj, he replies in the negative:

"If I informed the Maharaj, he would that moment tell Bhow Saheb, and the latter, being a great carbarry, and having all the control in his hand, he would, the moment he heard of it, have killed me."

104. How is this to be reconciled with his former statement just noticed?

105. What the writer's motives were for his joining with Furkey are sufficiently apparent.

106. On the latter's return from Bombay in the train of the Judicial Commissioner, this man "made up his mind to see Baba,"* whose star so evidently appeared to be in the ascendant. Accordingly he applied to an old and common friend, Succaram Bawa.

107. The statements of these three persons tally wonderfully with each other. To such a degree is this the case, that Furkey and Umrut Rao agree in an evident untruth.

108. Furkey has the coolness to assert that he did not know Tambekur's handwriting, though he had been acquainted with him for years, and served at court under him only a short time before. In this he is re-echoed by Umrut Lal, who admits that "he was aware Tambekur was a friend of Baba Furkey's, to whose house he used to go" (p. 32). Further on (p. 35), he says, "I was employed at Bhow Saheb's, and he and Baba were friends, and on business I have gone to him."

109. It is besides impossible to believe that a man of Furkey's ability and character, so mixed up with state affairs as he has been for years, and a resident at Baroda, where he has a house, employed too by the Resident in examining Durbar despatches of consequence, as we know him to have been, should not, independent of early friendship, have been acquainted with the minister's writing.

110. Ifidependently of this cause for distrust, the three statements exhibit a peculiar similarity, which makes one suspect collusion.

111. The conditions on which Umrut Rao came forward to the Baba's aid with this extraordinary note, are not stated, but his value and honesty require no illustration. The Furkey himself tells us that he took care to bind him down by his handwriting, and not to trust him out of his sight until the pledge was given. Unfortunately, this is precisely what an experienced intriguer would have done, if the whole were a conspiracy, and the note forged. And when we examine the man's incredible account of how he obtained the chit, how he kept possession of it, its extraordinary contents, and the deviation from straightforward proceedings in the secret despatch of the missive to be shown to Mr. Grant by Furkey's orders, I think the whole may be very safely pronounced a Mahratta intrigue, of which Furkey is at the bottom, the Resident and Mr. Grant have been made the tools, and Succaram and Umrut Lal, the two other parties who figure in the proceedings, were the unscrupulous agents.

112. But this man, Baba Furkey, has obtained such firm possession of the Resident's good opinion, that apparently he can see nothing to suspect in proceedings with which Furkay is mixed up, which, coming from any other native, he would have been the first to regard as clearly intriguing, disingenuous, and unworthy

* Returning in the train of the Judicial Commissioner, and at the Gaekwar's request.

unworthy of credit. If any additional proof of the unfitness of Colonel Outram for the post he so lately filled were wanting, an examination of the narrative set forth in the petition would, I conceive, afford such proof. Case of Venaik Moreshwur Furkey.

(signed) *Falkland.*
3 June 1852. *A. Bell.*

MINUTE by the Honourable Mr. *Blane.*

THE fabrication by Baba Furkey, purely for his own objects, of the disgraceful intrigue connected with the note delivered to Mr. Grant, so convincingly disclosed in the remarks of the Right honourable President, appears to me to justify the suspicions previously entertained of that person's character.

2. Colonel Outram's knowledge, at the time of addressing Government, of the source whence the said note had been obtained, would seem also to be a point requiring explanation on his part.

5 June 1852. (signed) *D. A. Blane.*

(True extract.)

(signed) A. Malet, Chief Secretary.

Political Department, 11 May (No. 24) 1853.

Our Governor in Council at Bombay.

1. WITH reference to your letter, dated 5th June (No. 60) 1852, and to the Minute of your President, dated the 3d of the same month, respecting the case of Venaick Moreshwur Furkey, we transmit for your information, and for any remarks which you may wish to offer, a letter which has been addressed to us by Lieutenant-colonel Outram, on the subject of that Minute.

We are, &c.
(signed) *R. Ellice,*
London, 11 May 1853. *J. Oliphant,*
&c. &c.

To *James Cosmo Melvill,* Esq., Secretary to the Honourable East India Company.

Sir, 44, Curzon-street, 15 April 1853.

CIRCUMSTANCES having recently occurred, which made it desirable that I should obtain access to several documents relating to the affairs of Baroda, on the records of the India House, I forwarded through yourself, on the 7th ultimo, an application for permission to examine those documents, and the formal acquiescence of the Honourable Court in my request was communicated to me in an official letter under your signature, dated 30th ultimo. But long prior to that date, the Record-room of the India House had been kindly opened to me, and I was given to understand that I had full liberty to examine any papers which I might consider calculated to be of use to me.

In the course of my researches, I discovered certain "Minutes" by Lord Falkland and his colleagues, under date the 3d and 5th of June 1852, in which were contained imputations against myself of an injurious character.

These imputations the Honourable Court, I found, had ignored, in their reply to the Bombay Government, dated 15th December 1852. By ignoring them, the Honourable Court practically implied a belief that they were groundless; and for their confidence in my integrity, thus inferentially expressed, I am very

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grateful. But had the Honourable Court in its judgment deemed it fit at the time to call on me for explanations in respect of the imputations in question, I trust I might have ensured an emphatic condemnation of the imputations levelled against me in my absence.

As it is, the imputations remain on record in the archives of the India House, in those of the Bombay Government, and probably in those of the Baroda Residency. Unless their refutation be also placed on record, it may appear to future incumbents of office that they may possibly have had some foundation. I solicit, therefore, as an act of justice to one who has long and zealously served the Honourable Company, permission to record not merely an emphatic denial of those imputations, but their formal refutation. And I have the more confidence in making this request, inasmuch as the assertions and inferences to my own disadvantage indulged in by the Bombay Government, have been used as arguments to the detriment of a native gentleman, having many and great claims on the gratitude and kindly consideration of the Honourable Company.

The aspersions of which I complain are cast on me in connexion with the case of Venaik Moreshwur Fudkey, commonly called Baba Fudkey, an individual in whose behalf I had occasion, during my incumbency of office at Baroda, to address more than one appeal to the Bombay Government. And I trust the following extract from Lord Falkland's Minute of the 3d June 1852 will justify me to the Honourable Court for the details into which I feel myself bound to enter:

"If any additional proof of the unfitness of Colonel Outram for the post he so lately filled were wanting, an examination of the narrative set forth in this petition would, I conceive, afford such proof."

My appeals failed to change the views, or influence the proceedings of the Bombay Government; but they were acknowledged by the Honourable Court to possess some cogency. The Court decided that the Government had erred in affirming that the Fudkey had ceased to be a British subject. They recognized the fact that that individual had been harshly treated, and that he had been made the object of false accusations by his enemies. They questioned the propriety of the Government having rebuked me for bringing forward the wrongs and claims of the Fudkey, instead of taking measures to test the accuracy of my representations. And they have more recently conceded that many of his hardships and unmerited sufferings have been the results of the services rendered by him in the exposure of corrupt practices, and of the consequent enmity of powerful persons at Baroda.

The despatches of the Honourable Court had, however, as I have shown in my Khutput Report (Parliamentary Paper, No. 560, of 1852, pp. 1381 to 1400), no effect in ameliorating the condition, or improving the prospects of the Fudkey. And in May 1852 that individual forwarded a petition to the Honourable Court, recounting the many persecutions which his zeal for the honour of the Government had entailed on him, and soliciting, by way of compensation, some honourable employment under the Company's Government. This petition, according to the rules of the service, he forwarded through the local Government; and, in transmitting it, that body did their utmost to frustrate the petitioner's objects, by representing him as an unscrupulous intriguer, who had been guilty of a base forgery, designed to implicate the Guicowar's confidential adviser in a flagrantly false charge of treason. Still further to damage the petitioner's cause, and to invalidate the strong testimony I had borne to his merits, Lord Falkland and his colleagues saw fit to represent me as the ally, partizan, and tool of the Fudkey, and to have been actuated by a partizan spirit so intense, that I did not hesitate to record a deliberate falsehood in his behalf.

These representations were conveyed in the Minutes above referred to; and in substantiation of them, there was transmitted along with the Minutes a document "prepared in the office of the Chief Secretary," but bearing the signature of Mr. Secretary Goldsmid. It professed to give a "summary" of the Fudkey's case; but it was, in reality (unintentionally, I presume) a collection of all the documents in the secretariate which were calculated to prejudice the minds of the Honourable Court against the petitioner.

In the so-called "summary" were reproduced *in extenso* the report adverse to

to the Fudkey written by Mr. Remington on the 22d February 1844, and the Minutes of Government on that report. Case of Venaik Moreshwur Furkey.

Captain French's unfavourable report, dated 18th April 1850, and his subsequent explanations, all adverse to the Fudkey, were also given.

And the various unfavourable Minutes of the Government were copied nearly entire. But the report, dated 22d June 1850, in which I had shown the unreasonableness of the charges preferred by Mr. Remington and Captain French, were disposed of in one short paragraph (para. 30). And though the documents in which the Government had censured me for employing the Fudkey in 1848 were duly brought to notice, the passage in which the inapplicability of the censure had been subsequently admitted* was withheld; and despatches which distinctly proved the inaccuracy of some of the allegations contained in the "Minutes" were suppressed; though of more recent date than the majority of the documents quoted. In a word, all that could be adduced to prejudice the Honourable Court against the petitioner's claims was adduced; all that was calculated to invalidate the statements that had been made to his prejudice was ignored.†

* *Vide* page 985, para. 6, Parl. Paper No. 560, of Sess. 1852.

The first complaint I would venture to make to the Honourable Court is, that Lord Falkland persists in representing me as the partisan and tool of Baba Fudkey, and in attributing to me an intimacy with him inconsistent with the real facts of the case, as detailed in the official documents on the records of the Bombay Government.

Thus, in his 53d paragraph, Lord Falkland writes: "The deductions suggested by the correspondence appear to me to be so serious, as showing the Fudkey in the character of a dangerous intriguer exercising an undue influence over Colonel Outram's mind."

In his 60th paragraph, his Lordship thus emphasises the subject: "Mark, that Baba Fudkey is the acknowledged friend of Colonel Outram."

In his 64th paragraph he alludes to me as "Colonel Outram, the Resident, Fudkey's avowed patron, and the open opponent of Tambekur."

At paragraph 89: "Was not Colonel Outram, the Resident, and Fudkey's firm friend, then at Baroda?"

At paragraph 112: "But the man, Baba Fudkey, has obtained such a firm possession of the Resident's good opinion," &c.

To some of these remarks I shall, in a subsequent part of this letter, have occasion again to advert; but in this place I beg to be permitted, not only utterly to deny and repudiate the partisanship with the Fudkey here attributed to me, but to demonstrate how completely the records in the hands of the Bombay Government disprove the allegations of the Minute to which Lord Falkland's signature is appended.

In my Report of the 22d June 1850, on the case of the Fudkey, not given in the Blue Books,‡ and again in my Khutput Report (pp. 1381 to 1400 of Parl. Paper, No. 560, Sess. 1852), I have fully detailed the history of my intercourse with and knowledge of the Fudkey. I have shown that to the talent, zeal, and unswerving integrity of that public servant, Mr. Malet and myself were indebted for our success in bringing to justice those profligate Nagurs whose systematic corruption had led to serious evils, while the singular tenderness with which they were treated by the Government had tended to increase the difficulty of convicting them, by impressing the natives with the belief that these men enjoyed the corrupt favour of high functionaries; and I am not ashamed to avow, and shall never hesitate to proclaim, that for these services, and especially for the bold, unflinching honesty which characterised them, I entertain towards the Fudkey feelings of gratitude, admiration, and respect. But, even at the time when he was

† The imperfections of the "Summary," under Mr. Goldsmid's signature, are the more to be regretted, as the papers relating to the Fudkey, sent home by the Bombay Government, and published in the Baroda Blue Books (Collection 7, pages 234 and 242 of Parl. Paper, No. 560, of Sess. 1852), are calculated to prejudice the Honourable Court, the Legislature, and the public against this hardly used and most meritorious public servant. Thus, while my despatch of the 22d June 1850, in which I showed the injustice done to him by Mr. Remington and Captain French, is withheld, four and a half out of the eight and a half pages of printed matter, of which the collection consists, are occupied with the strictures of Captain French on that despatch.

‡ This Report has by some chance gained publicity. It was published in a recent number of the "Overland Bombay Telegraph," and has been republished by "Indus," as an Appendix to the pamphlet entitled "Bombay Briberies."

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was so ably assisting Mr. Malet and myself, my intercourse with him was purely of an official nature; I never admitted him to those terms which are implied in the expressions made use of in Lord Falkland's Minute.

As I have stated in the reports adverted to, from October 1838, when I left Guzerat, till May 1847, when I assumed charge of the office of Resident at Baroda, I held no communication with the Fudkey, direct or indirect. I knew nothing of his history or fortunes; but on my assumption of office at Baroda, I naturally made inquiries after the man whose services and talents had, nine years previously, commanded my respect. I was informed that he had been dismissed from the service of Government on account of misconduct, and the letter of Government, dated the 20th March 1844, and based on Mr. Remington's Report, was shown to me in establishment of the fact. To quote from my Khutput Report (p. 1389, Parl. Paper, No. 560, of Sess. 1852), "I was grieved at the intelligence, but not surprised, bearing in mind, as I did, the fate of the native agents of the Mahu Kanta and Kattywar, who, despite their former high character and the services they had rendered in the exposure of corruption, had, soon after promotion, fallen into the snares laid for them by the Nagurs, and themselves been found guilty of malversation; and when I took into consideration the contaminated atmosphere of the Baroda Court, which the Baba had so long been breathing, his fall appeared to me to be so little a matter of surprise, and the Government letter appeared so conclusive of his guilt, that I entertained no doubt whatever on the subject, and refused to permit him to visit me."

How I came again to have recourse to his services, in the summer of 1848, and my justification for so doing, are detailed in the page of the Blue Book from which I have already quoted:

"I had not, however, been long in office ere I had good grounds for suspecting that my native agent was a rogue, and as I was then engaged in the investigation of a very intricate and long pending case, in which the native agent's collusion with the interested parties seemed at least probable, I anxiously sought for, but failed to obtain, extraneous aid. In my difficulty I bethought myself of the Fudkey, of whose sagacity, zeal, and application, I retained a grateful recollection, and who, as I remembered, had been of signal service to Mr. Malet in unravelling frauds similar to those which I now sought to investigate, and frauds, moreover, practised on the same individual.

"I was thus induced to investigate the grounds on which Government had founded its decision against the Fudkey, and a careful study of the whole case satisfied me that Government had been misled into an act of great injustice towards this individual, by Mr. Remington's Report. Impressed with this conviction, I should have appealed on his behalf for a reconsideration of his case, had I not discovered that the prohibition against his re-employment had been virtually annulled by the permission granted to him, on the 5th July 1837, to apply to the local authorities on the occurrence of a vacancy; a permission which appeared to me to be a tacit acknowledgment on the part of Government that its former condemnation had been hasty and unmerited.

"I accordingly solicited him to aid me in investigating the case of Gorajee Pol. At first he objected to do so, on the ground that by exposing the rascality of Nursoo Punt, he would assuredly bring on himself a series of persecutions as soon as I left Baroda; and, in justification of his fears, he reminded me of what he had already suffered in consequence of his exposure of the Nagur intrigues. I laughed at his fears; I assured him that no such persecutions as he dreaded would be tolerated at the present day, and I succeeded in securing his services, much to the alarm and indignation of Nursoo Punt, my native agent, whose conduct the investigation placed in a very unfavourable light, and who, aware that I had obtained a general idea of his real character, and that I never forgave rascality in a political servant, thought it well to set his house in order, and to make arrangement for his retiring on his pension.

"The zeal and ability displayed by Baba Fudkey in the difficult task I had assigned him would, I thought, be highly esteemed by Government, and in their estimation, justify my recommending that old and tried servant for the office of native agent, which Nursoo Punt had expressed his intention to resign with a view to retire on his pension."

* Lord Falkland's Minute, 28 December 1848.

But it was otherwise ordered. Lord Falkland, influenced by his civil colleagues, "and especially by the cogent arguments of the Honourable Mr. Reid,"* fully and honourably acquitted Nursoo of even an approach to suspicion of that treachery

treachery of which he was subsequently judicially convicted. I myself was severely censured, as well for doubting Nursoo's honesty, as for employing the Fudkey. Nursoo was retained in the most confidential post in my office, where he again betrayed, as the Honourable Court distinctly affirm (p. 18, Parl. Paper, No. 560, of Sess. 1852), Captain French, and, through him, the Government, into grievous and melancholy errors; and a fresh prohibition was issued against the employment of the Fudkey.

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During these events I was in Egypt, where I resided from November 1848 till February 1850, and I did not resume my post at Baroda till April in the latter year.

When I did resume it, and when I found that what I regarded as great injustice had been done, both to the Fudkey and myself by Government, I made efforts to secure a reconsideration of the case. And with this view I wrote my report of June 1850, but my efforts were vain. Instead of reconsidering the matter, or investigating my allegations, the Government (as the Honourable Court observed to them, Parl. Paper, No. 560, of Sess. 1852, p. 235), rebuked myself for reopening the discussion.*

I have no means of ascertaining the dates of the Fudkey's presence in and absence from Baroda, but I have reason to believe that he was absent from Baroda for a considerable portion of the period that elapsed between my resumption of office in April 1850, and my removal from it in December 1851 †.

Be this, however, as it may, though I made every effort in my power to secure for the Fudkey that justice to which I believed him to be entitled, I was especially cautious not to show him any mark of favour while he was still under the ban of Government. And this feeling was still more potent, when in the course of time charges of bribery (which eventually proved to be the result of a foul conspiracy) were brought against him. Not only did I not admit him to terms of intimacy, or seek his counsel, but I prohibited his coming to the Residency. On one occasion, in March 1851, I agreed, at the request of my guest, Mr. Grant, who took a deep interest in him, to admit him to a ceremonial visit. Subsequently, during his trial before Major Fulljames, when a reference to the records became necessary to his defence, I allowed him to go to the office, but I would not myself see him; and I directed him to communicate his requirements to my assistant, Lieutenant Battye.

On the 31st August 1851, in compliance with an urgent entreaty to be allowed to speak to me on very pressing matters, I gave him a (standing) interview, hereafter to be alluded to. Somewhere about the same period (a little before or after, I can't say which), his evidence was required in the trial of Nursoo Punt, then proceeding before Mr. Commissioner Frere, and as the trial took place in the Residency, he of course came thither. During the progress of the trial, the officer who assisted me in the prosecution, desiring assistance in reference to the intricate case of Gorajee Poll, which the Fudkay had unravelled in 1848, sent for him and submitted some accounts to him. But the moment I discovered that this had been done, I sent to demand the papers back, and censured the officer in question. In November 1851, after Major Fulljames had honourably acquitted him, and a few days before my dismissal, having no one else on whose sagacity and honesty I could rely, I did call in the Fudkey's services;

* Lord Falkland regarded my letter as "intemperate and indiscreet," and ordained that an intimation should be made to me that "the former decision in this case is to be held final." But his colleague, Mr. Willoughby, "so far from considering that," with the impressions stated in paras. 2, 9, and 20 of my Report (of 22d June 1850), I "acted indiscreetly or intemperately in submitting this representation to Government, did not see how, as a man of honour, I could have avoided doing so." "The extent," wrote Mr. Willoughby, "of bribery and corruption among our native establishments in Goozerat, and especially at Baroda, is unhappily notorious. Some cases of the kind have recently been before the Board, and more may soon be expected in connexion with the case of Joitabaee, the widow of a wealthy banker, * * * who has for a long time failed to obtain a hearing, by the most corrupt means, to the great discredit, I fear, of the British Government.

"It is evident that Colonel Outram believes, and I have not a doubt honestly and in good faith believes, that Baba Fudkey has been subjected to oppression and ill treatment for having aided in bringing corrupt practices to light, and that his dismissal from the Guicowar service was, in part, occasioned by the representation of Captain French, the Right honourable the Governor, apparently, (*see* his Lordship's Minute, dated 27 April 1850), not approving of the Acting Resident's proceedings."

† In a note to my letter of 7 December 1851 (Parl. Paper, No. 560, of Sess. 1852, p. 915), I have stated that he went to Bombay, 12th October 1850, and returned to Baroda 2d February 1851. I can find no other clue to enable me to determine this point.

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services; and the occasion on which I did so, as well as the reference made to the Fudkey in the Poll business, I explained to Government on the 2d December; when I deemed it due to the Fudkey to notice certain allegations respecting him, made in the letter which reviewed the case of Joitabaee Setanee; I observed, "In your 12th Para., Baba Fudkey is designated as my 'approved assistant in detecting the frauds and intrigues going on at Baroda.'

"As matters of vital interest to Baba Fudkay are now before Government, it is fair towards him, and for the ends of justice, that his character should not be undermined by misrepresentations; and his Lordship in Council must have been lamentably misinformed when you were directed, in allusion to a given case, to name as my 'approved assistant' an individual who not only rendered me no assistance therein, but who was, I believe, during the larger portion, if not the whole of the time the said case was being investigated, absent from this capital and residing in Bombay.

"I beg further to add, that until when, a few days ago, 'compelled by sheer necessity,' as stated and explained in my letter, No. 221 B, dated 2d instant, to seek Baba Fudkey's aid in deciphering certain soucarry writings, I have never in any case called in his assistance since I returned from Egypt. And, moreover, having discovered that, when a gentleman who assisted me in the late Commission did, in the case of Ghorajee Poll, without my knowledge, send for Baba Fudkey, and entrusted certain village accounts to him, for the purpose of ascertaining whether they had been correctly represented, I sent, the moment I heard of the circumstance, to recall the papers, recovered them before they had been four hours in his possession, and permitted him to enter no further into the business than was necessary to enable him to render a clear statement of the said village accounts; the correctness of the details of which, as given by him in 1848, had been questioned before the Commissioner."

And again, on the 7th December, in reference to my proceedings at the same period, I thus expressed myself; "As explanation for having employed the Baba upon this occasion, I beg to repeat, that sheer necessity compelled me, and that I had the less scruple in having recourse to his assistance, because he had so lately been acquitted by Captain Fulljames of the charges brought against him; and because he could have no motive for deceiving me as to the real interpretation of writings, the originals of which he knew would ultimately be submitted both to the Bombay and Guicowar Governments." * Nor were these the only declarations as to my connexion with the Fudkey which had been submitted to Government. Thus, on the 31st August 1850 (Parl. Paper, No. 560, of Sess. 1852, p. 147), in writing to Mr. Andrews I observed,

"As to Baba Fudkey or any one else having advised me on this occasion, you are quite mistaken. * * * So far from Baba Fudkey having had anything to do with the business, he has not even been admitted to the Residency, or to a personal interview with me since my return from Egypt."

Again, on the 11th September of the same year (p. 151): "After what I have already said, I need not assure you that Baba Fudkey was not my informant; nor did the information come from him directly or indirectly to my informant, with whom he could not possibly have any connexion."

Again, his Lordship was made aware by me, on the 2d December 1852 (Parl. Paper, No. 560, of Sess. 1852, p. 1168), that so very far from being the "avowed patron" of the Fudkey, my avowed disapprobation of Baba Fudkey's being employed in any capacity whatever under the Durbar, alone prevented his Highness calling him to his ministry; though the Guicowar was, at the date referred to (March 1851), most anxious to have him, and though there is little doubt that, once in power, he would soon have become a greater favourite than the Bhow.

I cannot, therefore, but feel aggrieved, that with such information before his Government, Lord Falkland should have been induced to append his signature to

* In making these observations, I am aware that, in his petition, the Fudkey takes to himself the credit of having assisted me in my investigations of the Joitabaee case. It may be a misapprehension on the part of the gentleman who wrote out the Fudkey's English petition, who, as ignorant of Mahrattee as the Fudkey is of English, must have been dependent on the intervention of the Fudkey's carkoons and other interpreters; or it may be that that gentleman assumed, as a matter of course, that the Joitabaee case, which excited so much attention at the time in Bombay, was among the corruption cases in which the Baba aided me; or it may be the result of the tendency to exaggeration so inherent in the native character; but, whatever its source, it is a mistake.

to a Minute which accused me of having maintained an intimacy (and an unbecoming and mischievous intimacy) with the Fudkey, and with being his tool. Case of Venaik Moreshwur Furkey.

But perhaps Lord Falkland thought my solemn declarations worthless, inasmuch as in the Minute under notice, he distinctly charges me with having been guilty of deliberate falsehood. It behoves me, therefore, to proceed to the disposal of that charge.

It is based on the alleged antagonism of two statements made by me in reference to the "treasonable note" which the Bombay Government now accuse the Fudkey of having forged. And as I wish that this letter shall be complete in itself, and be in nowise dependent for its illustration on any "summaries" prepared in the office of the Chief Secretary, I crave your indulgence and that of the Honourable Court, while I proceed to detail the circumstances connected with this note.

In July 1851, Mr. Grant, one of the judges of the Sudder Adawlut, forwarded to me, at the request of some one whose name he did not disclose, a Mahrattee note, said to have been addressed some three years previous to Appa Sahib, the Guicowar's brother, and the heir presumptive to the throne, by Bhow Tambekur, at that time a comparatively humble servant of the Guicowar, but who had in the meantime succeeded in forcing himself into the position of confidential adviser to his Highness. While this letter was in his possession, Mr. Grant was waited on by Govind Row Roria, then at the Presidency, in the capacity of vakeel for the Guicowar. He showed it to Govind Row, and that individual pronounced it to be in the handwriting of Bhow Tambekur. As I knew that Govind Row was on bad terms with the Bhow, I thought it not improbable that the paper might be a forgery, and himself connected with it; and as Govind Row's return to Baroda was speedily expected, I locked up the note till I should see him, intending to intimate to him my suspicions of its authenticity, and my determination to take no steps in respect of it.

On his return to Baroda towards the end of August, Govind Row was placed in confinement by Bhow Tambekur, and I had no opportunity of seeing him. On the 31st August, Baba Fudkey waited on me in a great fright, to inform me that Bhow Tambekur had ordered Govind Row to swear that the paper sent to me by Mr. Grant, of which intelligence had somehow or other been obtained, had been forged by the Baba; and he added, that Govind Row was to be subjected to hardships, indignities, and torture, till he had made the desired deposition, a report I had already received from my native agent, between whom and Baba Fudkey an intense rivalry existed. Fudkey told me that he had a petition to present; he implored me to send for the man from whom the "treasonable note" had been originally obtained, before Bhow Tambekur, learning who the man was, should seize him, and compel him to forswear himself by the same sort of persuasives that were being applied to Govind Row.

At this period, as charges were pending against the Fudkey, and as no decision had as yet been given to the appeal which I had addressed to Government on his behalf, I was particularly careful to avoid the slightest appearance of intimacy with him. As has been already stated, I declined to receive any visits from him. When, on learning from my peon that the Baba had something very urgent to communicate, I agreed to see him. I went into the verandah instead of allowing him to be shown into my room; and, in order that he might have no excuse for prolonging the interview, I conducted it standing. I told the Fudkey I would send the usual yad to his Highness, requesting that the man might be sent whose evidence he desired me to take. But he begged me not to write to the Durbar, as the Bhow would suspect the object for which the man's presence was required; and for the same reason he entreated me not to allow the petition to be seen by my office establishment, lest through them its contents might be communicated to the Bhow.

My knowledge of the character of the Bhow, and of the illicit influence he exerted over my own establishment, satisfied me that these requests were not unreasonable. I accordingly desired him to give me his petition, and the address of the man whose deposition he wished me to take. I undertook to send a confidential peon to summon the latter; and I promised that when he made his appearance, I would read the petition, and take such steps as I might

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deem necessary.' I then dismissed the Fudkey, and locked up the petition in my letter-box.

Umrut Row, the man in question, could not be found till the 19th September; for, as soon as he heard that the "note" had become the subject of inquiry (for reasons which the sequel will show to have been valid) he secreted himself, in dread of the Bhow's vengeance.

Till he came I could take no further steps about the matter, even had I been inclined to do so; and as I cannot myself read Mahrattee, and as the Fudkey had so earnestly entreated me to allow none of my establishment to see the petition till I was ready to take the deposition of the desiderated witness, I allowed it to remain undisturbed in my desk.

Intermediately, however, on the night of the 10th September I received a confidential message from the Guicowar, informing me that he had heard of a "treasonable note" being in my possession, and requesting me to send it to him. This I did, after adopting the precaution suggested by his Highness himself of writing my name across it, to enable me to identify it hereafter. On the 11th I received another message from his Highness, requesting me to ascertain from Mr. Grant, through the intervention of Government, from whom he had received the note. (Parl. Paper, No. 560, of Sess. 1852, p. 923.)

In furtherance of his Highness's wishes, I next day (12th September) reported such of the above circumstances to Government as were requisite, in explanation of the Guicowar's request; and I enclosed copies of his Highness's letters.

On the 15th November I received a communication from Mr. Secretary Malet, directing me, unless I saw reasons against the adoption of the plan, to communicate to the Guicowar the information afforded by Mr. Grant as to the source whence he had obtained the treasonable note; and in reply, on the 22d November, I transmitted to Government the deposition of Umrut Row, which I had taken on the 19th September (Parl. Paper, No. 560, of Sess. 1852, p. 936), the petition of the Fudkey (with enclosure), first read to me on the same day (Ibid. p. 934), and another deposition taken on the 21st (Ibid. p. 938), corroborative of that of Umrut Row.

These depositions tended to implicate Bhow Tambekur; but the man was *de facto* the ruler of Baroda, as unscrupulous as powerful, and to have submitted the statements to the Guicowar would have been to hand over the Fudkey's witnesses to instant persecution. I therefore, in transmitting them to Mr. Malet, begged that no attempt might be made to investigate the case while the Bhow remained in power.

The Fudkey's petition, first read to me, as I have already said, on the 19th September, when the first of the depositions were made before me, explained how the treasonable note had been received; and inasmuch as it did so, and inasmuch as in my letter of the 22d of November, I mentioned that I had received it on the 31st August, the Governor of Bombay did not hesitate to record his opinion that when I wrote, on the 12th of September, that Mr. Grant had been "requested by some person in Bombay, unknown to me," to forward the "note" to me, I had been guilty of deliberate untruth! "at the very time," writes Lord Falkland, in his Minute of the 3d June (para. 32), "at the very time Colonel Outram addressed this letter to Government, he was himself perfectly informed of the whole history of the note, and knew that it must have been circulated by Fudkey, the present petitioner."

And lest any doubt of my bold and unblushing mendacity should possibly suggest itself to the Honourable Court, his Lordship thus reiterates his arguments:

"If my colleagues will refer to Colonel Outram's letter of the 22d November 1851 (in which he argues against following our conditional instructions that he should impart personally to the Guicowar the channel by which the note reached him, and which Mr. Grant had indicated), there is this remarkable admisssion:—

"'From the accompanying translation of a petition presented to me by Venaik Moreshwur Fudkey, No. 1, on the 31st August last, and of the examinations on oath, Nos. 2 and 3 of the 19th and 21st September, of the parties who gave the note to that person, it will be seen that there is strong proof that it was really written by the minister, Bhow Tambekur.'

"What

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"What this proof may amount to I presently inquire; but in the meantime I am at a loss to know how Colonel Outram could, on the 12th September,* have addressed to Government such a letter as that on record, when he had, on the 31st August, received Baba Fudkey's petition, Exhibit (I.); how he could make it appear in that letter, as he certainly does, that he knew nothing of the note and mistrusted its authenticity, and that he only wrote to Government at the Guicowar's suggestion, and this at a time when he had before him the Fudkey's evidence in detail of how the note had been procured by his friend, Succaram, from Bhow Tambekur's carkoon, Umrut Row Bulwent, when that petition embodied the substance of their evidence; and when he now terms these documents strong proof that the note was really written by Tambekur.†

"It is strange that in his letter of the 12th September, he asserts that the note was given to Mr. Grant by some person to him unknown, when on the 31st of August he was made aware that the note must have come from Baba Fudkey himself.

"In all this there is a mystery which I cannot fathom. But to any one who will read and compare Colonel Outram's two letters, it will be apparent that the terms of his letter of the 12th September are not reconcileable with his knowledge of the matter conveyed to him in Fudkey's communication of the 31st August."

I will not presume to characterise the animus towards myself displayed in these remarks. But I may be permitted to express my surprise that the deliberate falsehood attributed to me did not suggest itself to the minds of the members or secretaries of Government during the three months I remained in India, not till the Fudkey, after vainly appealing for redress to the Bombay Government, forwards to the Court of Directors a petition, which it was reasonable to suppose I would do my best to support.

I wish I could here terminate my encroachment on the time of the Honourable Court. But it is due to myself that I should notice some of the arguments by which the Bombay Government endeavours to fix the authorship of the "treasonable note" on the Fudkey. For some of these are drawn from the intimacy erroneously alleged to have subsisted between the Fudkey and myself; and as others are said to be plain and obvious, a legitimate conclusion is, that the Government who believed me capable of telling a deliberate falsehood in behalf of the Fudkey, mean to imply, that when I reported I had reason to suspect Bhow Tambekur of having really written the "note," I reported that which I knew to be opposed to the probabilities of the case. At all events, if the charge of dishonesty is not implied against me, that of ignorance and imbecility undoubtedly is.

In his petition, the Fudkey gave a history of his connexion with the "treasonable note." It was to this effect:

In April 1851, he (the Fudkey) was waited on by a man named Succaram, who, after alluding to the conspiracies and false charges which had been directed against him by Bhow Tambekur, informed him that there was evidence in the Bhow's own handwriting to convict him of that very treason against the Guicowar which had been charged against the Fudkey, and made a pretext for his persecution. And Succaram went on to say, that the individual holding the written evidence was ready to afford the Fudkey an interview, to place the documentary evidence in his hands, and to give him further information on the subject. The Fudkey agreed to see the man. On the latter making his appearance, the former recognised him as Umrut Row, who he had formerly known as a confidential servant of the Bhow; and, suspecting some new conspiracy, he declined further intercourse. Umrut Row, to prove his sincerity, presented the "treasonable note" to the Fudkey, and swore upon a cow (one of the most solemn oaths with which a Brahmin could bind his conscience) that it was in the

* The words underlined in these and subsequent quotations are so in the original.

† In my letter of 22 November (Parl. Paper, No. 560, of Sess. 1852, p. 933), I informed Government that I had received information of the minister's extreme anxiety, on learning that I had the note "from sources with which the Baba had no connexion," and that he was trying to "get up false evidence to fix the forgery on the Baba," the proofs of which, I said, I "possessed, and would forward, if necessary." Why were they not called for?

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the handwriting of Bhow Tambekur. Not satisfied with this, the Fudkey observed, that he had fallen on evil days, and could trust no one, not even on an oral oath. But he expressed his readiness to accept and retain the note, provided Umrut Row would furnish him with a written statement declaratory of the gift of the "note," giving a true copy of that document, and distinctly intimating that it was in the Bhow's handwriting, so that in the event of the document proving to be a forgery, the Fudkay might hold him responsible for the fraud. Umrut Row furnished him with the required statement (which formed the accompaniment to the Fudkey's petition of the 31st August previously referred to), and the Fudkey, naturally enough pleased at having in his possession evidence which promised to convict his persecutor of the very crime of which he had himself been falsely accused, sent the documents to his carkoon at Bombay, with instructions to show them "to some respectable persons, and to obtain their opinions as to whether they would be of use" in the then pending inquiry into charges which had been preferred against him mainly through the instigation of this very Bhow Tambekur. This carkoon took them to Mr. Grant, and Mr. Grant, it has been seen, forwarded the treasonable note to myself.

This statement was confirmed by the deposition of Umrut Row, given before me on the 19th, and by that of Succaram, taken on the 21st of September.

Umrut Row's story was, that some two and a half or three years previous, he had been employed to carry messages for the Bhow to Appa Sahib; and that on one occasion, being entrusted with a note, and fearing that by delivering it he might involve himself in trouble, he retained it, and falsely informed the Bhow that he had duly delivered it.

In the course of 12 or 15 days, the Bhow, having discovered that the note had not been delivered, taxed Umrut Row with treachery, when the latter declared that he had mislaid the missive. The Bhow "got very angry with him," and dismissed him his service; not on the plea of the mislead letter, however, but on a charge of corruption, based on a bribe which several months before he had taken with the Bhow's concurrence.

Having premised these explanations, I respectfully beg leave to offer a few remarks on those portions of Lord Falkland's Minute which imply either a most lamentable want of common sense or common honesty on my part in my proceedings and reports in reference to this "note," or in which erroneous views of my relations with the Fudkey are made to supply arguments in support of the hypothesis that the "note" was forged by that individual.

In the 88th and following paragraphs of his Minute of the 3d June, Lord Falkland writes:

"I have first to ask, if it were genuine, why was recourse had to Mr. Grant at all by the Fudkey; why, according to Colonel Outram, was Mr. Grant requested to forward the note to him, or, according to Mr. Grant's version, why was that gentleman's advice asked at all?

"Was not Colonel Outram, the Resident, and Fudkey's firm friend, then at Baroda? Was not Fudkey at Baroda? Why take so circuitous a course?

"If suspecting, or convinced that the note were genuine, a straight-forward man in Fudkey's place would have gone direct to the Resident, informed him fully of all that had taken place, explained, as he afterwards did in his petition, the motives which influenced Umrut Row Bulwunt, the party who gave the note to Fudkey, to betray the Bhow, his former master, and requested the Resident to take up the inquiry himself, so as to satisfy himself that the note was not a forgery; he would have asked Colonel Outram for the advice which he solicited from Mr. Grant. Umrut Row Bulwunt says, in his deposition before the Resident, given on the 19th September 1851, that he never went to Fudkey's until April of that year; and on the 20th April Colonel Outram went for a month's leave to Bombay.

"But in the Resident's temporary absence, if he were absent (for the note was only shown to Mr. Grant in July), an honest straight-forward man in Fudkey's place would have kept such a paper by him until the Resident returned.

"The circuitous and mysterious reference to the Judicial Commissioner for Guzerat, then in Bombay, was an act which was perfectly unnecessary, if the Fudkey's belief was genuine, and his intention honest."

In reply, I beg to reiterate what I have already had occasion to repeat more than once, that at the period referred to, I systematically declined to hold any intercourse

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intercourse with the Fudkey; I did so, not because I had ceased to regard the man with kindly feelings, but because, until my appeals in his behalf had been responded to, and until he had been publicly vindicated from the charges which had been publicly preferred against him, charges which Major Fulljames subsequently pronounced to be the result of a vile conspiracy, I considered it my duty to abstain from aught that could be construed into affording him countenance and support. Mr. Grant was an old and tried friend of the Fudkey. To him he had been wont to confide his sorrows, and to apply for advice; and to Mr. Grant he, or his carkoon, applied, not as Lord Falkland represented, because Mr. Grant was "the Judicial Commissioner for Guzerat," but because he was his friend, and a friend whose long official experience appeared a guarantee that his advice would be judicious.

I would respectfully observe, that the "circuitous course" on which Lord Falkland comments might of itself have suggested to his Lordship that the Fudkey was not on terms of intimacy with me, and that he did not possess my ear; for nothing could have been more preposterous than for him to adopt this "circuitous course," had I been, as his Lordship states at paragraph 64 of his Minute, "the Fudkey's avowed patron and * * * the open opponent of Tambekur." How far his Lordship was justified in accusing me of having accorded "avowed patronage" to the Fudkey in June and July 1851, I have already enabled the Honourable Court to determine; and how far he was entitled to assert that I had put myself in "open opposition" to the Bhow at that date, the Honourable Court may infer from the subjoined quotation from the letter transmitting my Khutput Report, on which Lord Falkland based his justification of my dismissal from office, and with the contents of which his Minutes prove him to have been well acquainted. Writing on the 31st October 1851, upwards of three months after the date alluded to by Lord Falkland, I thus expressed myself in reference to the embarrassments occasioned to me by the secret hostility of the Bhow: "I have therefore been constrained to meet the minister in his own fashion; to assume his cordial demeanour; to express satisfaction for such trifling aid as from time to time, for appearance sake, he has rendered me, and to appear ignorant of his direct opposition." (Parl. Paper, No. 560, of Sess. 1852, p. 1281.)

In paragraph 88 Lord Falkland implies that there is some discrepancy between the statements of Mr. Grant and myself; I cannot discover that such is the case.

The censures on Mr. Grant contained in the 93d and three following paragraphs of Lord Falkland's Minute, it is not my province to notice; but I crave permission to offer a few remarks on his Lordship's 97th and 98th paragraphs.

"The note, which is to Appa Sahib, the Mahraja's brother, runs thus:—"Shreegurjunun,—Tambekur petitions to the effect, regarding what has passed between us, arrangements are being made to carry out what occurred to Futteh Sing Mahraj. You wait a little. On this subject I have sworn by Herunbachee.'

"This note, as I said, contains internal evidence that it is not Bhow Tambekur's. It is not the habit of any native of experience, especially of such a veteran intriguer at a native court as Bhow Tambekur is represented to be,—1st, To write such a document in his own hand; 2d, To fix his name to it; 3d, To have made such a bold and treasonable reference as that to Futteh Sing Guicowar's case, after having said all that was necessary to make the person written to comprehend his meaning; finally, to commit himself by giving such a note to a carkoon of whose fidelity he was not assured. 'Arrangements are being made regarding what has passed between us,' would have been sufficient to indicate his meaning; a fictitious name and hand, or a private sign, would have served for the occasion; and then, perhaps, the carkoon of 17 years, who, has proved, as usual, a traitor, might have been trusted with the missive."

If it be not the habit of a "veteran intriguer" to write such a note, how is it reasonable to suppose that so veteran an intriguer as the Government systematically represent the Fudkey to be, should have forged a note which, according to Lord Falkland, "any native of experience" could have told him, bore internal evidences of forgery? Real state conspirators might, in a hasty moment, commit themselves in writing; but a crafty native plotter, coolly concocting a false document, was little likely to commit so egregious a blunder as that attributed by Lord Falkland to the Fudkey.

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To the last-quoted paragraph Lord Falkland appends the following note:—

"All the papers handed up by Colonel Outram supposed to relate to intrigues are without name or date, or names are used which are evidently pseudonymous."

This, I beg respectfully to observe, was not always the case, and by way of illustration, I would refer to the letters to be found at page 1129 of Parl. Paper, No. 560, of Sess. 1852, and which refer to matters in respect of which conviction would probably have been established against the Bhow had not Lord Falkland and his colleagues "arrested my inquiries" *in limine*; of the 12 there given, all contain more or less of the handwriting of the sender; one only (No. 6, described in the margin as "without signature") is without the writer's name, and in all, more or less, reference is made to the object of the intrigue; in some pretty plainly.

At paragraph 99, his Lordship writes, "Will any one pretend to say that such a production is not sufficient to carry the refutation of its authenticity on the face of it, if addressed to any native not actually weak? But it might perhaps deceive a Prince unable to tell how or when to trust any one, and it seems that Baba Fudkey calculated on the belief of Colonel Outram."

The Fudkey must have been a greater simpleton than comports with the arguments of the Bombay Government, if he expected that a forged document designed to convict Bhow Tambekur of a byegone treasonable correspondence, would effect that object without being subjected to a more rigorous examination than that which could be bestowed on it by the "naturally weak" Guicowar, or by myself, on whose belief "it seems that Baba Fudkey calculated."

In paragraphs 101 and 102, Lord Falkland thus continues: "The source from whence it was derived was Umrut Row Bulvunt, who, by his own showing, had been 17 years carkoon of Bhow Tambekur, and was known as such to Fudkey and the go-between Succaram."

"His account of the writing and entrusting of the note to him by Bhow Tambekur I have shown to be in the highest degree improbable; but what shall we say to his admission, that, having been ordered to give this note into Appa Sahib's own hands, and having kept it for his private ends, and told Tambekur a falsehood, that he had duly delivered this important missive, the latter discovered that the note had not been delivered; that notwithstanding which, this powerful and crafty minister being told by deponent a second barefaced falsehood, namely, that the note had been mislaid, accepted the excuse, and took no steps to get rid of a man who he knew had deceived him, and possessed evidence to convict him of treason. All the notice, it seems, that Tambekur took of the matter was to cause his carkoon to disgorge a bribe of 100 rupees of which the latter admits the receipt in a totally distinct affair, with the qualification that he took it with his master's sanction; further, for this act Tambekur discharged him from his service, but employed his brother-in-law in his place. Knowing as we do the power of a favoured minister like the Bhow at a native court, and the unscrupulous character which his enemies attribute to him, can we for an instant credit so absurd a story?"

I would respectfully observe, that the fact of Umrut Row Bulvunt having been 17 years in the Bhow's service, would itself tend to account for the reliance said to have been placed in him ere yet he had proved a traitor. The lies and prevarications on the part of Bulvunt Row, dwelt on by Lord Falkland, were precisely such as a man who had deceived his master would naturally resort to, and his Lordship's version of Umrut Row's deposition does not very accurately describe it, as given at page 936 of Parl. Paper, No. 560, of Sess. 1852; the deponent distinctly states that the Bhow did not accept the excuse; that he got "very angry;" that as a plea wherewith to justify his after measures, he fell back on an old bribe which Umrut Row had accepted with his own sanction, and that, so far from "taking no steps to get rid of a man who had deceived him, and possessed evidence to convict him of treason" (as Lord Falkland not merely states, but emphasises with a mark of admiration), he dismissed Umrut Row from his service. To have dismissed him on the ground that he had lost or retained the note might have caused the nature of the note to be discussed, and inquiries perhaps to be instituted into the nature of the messages carried from the Bhow to Appa Sahib first by Bhabarow and afterwards by Umrut Row; whereas, by dismissing him on the score of corruption, he adopted the most effectual means in his power to invalidate any evidence that Umrut Row might

might hereafter attempt to bring against him; for at that time Bhow Tambekur was not, as Lord Falkland implies, the favoured or the "powerful minister" he afterwards became; at that date he held a subordinate position, and as there then seemed little prospect of his ever obtaining that influence over the Guicowar which he afterwards effected, it cannot be maintained that he had no inducements to ingratiate himself (after the fashion of Orientals) with the heir presumptive, to whom the "treasonable note" was said to have been addressed by him, while in that very letter of 22d November, which Lord Falkland took the trouble of collating with its predecessor of the 12th September, I had reported it as consistent with my own knowledge that "Bhow Tambekur was about that time suspected by his Highness of intriguing with his brothers against him, suspicions which he averted by artfully turning them against Venaik Monshurn Fudkey," &c. Case of Venaik Moreshwur Furkey.

In his 103d and 104th paragraphs, Lord Falkland writes, "But the witness is himself inconsistent; when asked by Colonel Outram (page 34) if he informed the Maharaj, he replies in the negative. 'If I informed the Maharaj, he would that moment tell Bhow Sahib, and the latter being a great carbarry, and having all the control in his hand, he would, the moment he heard of it, have killed me.'

"How is this to be reconciled with his former statement just noticed?"

What contradiction his Lordship alludes to, I am unable to discover. The man had never alleged that he had informed either the Guicowar or Appa Sahib of his having furtively retained the letter. And if he tried to conceal the fact from the Bhow when the latter was comparatively in a subordinate position, it was little likely that he would have communicated it to his Sovereign after the Bhow had become all-potent with him.*

In the next two paragraphs, Lord Falkland thus writes, "What the writer's motives were for his joining with Fudkey are sufficiently apparent."

"On the latter's return from Bombay in the train of the Judicial Commissioner, this man 'made up his mind to see Baba,' whose star so evidently appeared to be in the ascendant. Accordingly he applied to an old common friend, Succaram Bhow."

I would respectfully suggest that while, had the Fudkey's star been in the ascendant, such considerations as his Lordship recites might be supposed to have influenced Umrut Row to seek that individual's favour, they could not possibly afford anything in the way of presumption that the Fudkey had himself forged the note, or that he was privy to its forgery. But, far from the Fudkey's star being in the ascendant, he was then repairing to Baroda, voluntarily to stand his trial before Major Brown, on charges of bribery (of which he was honourably acquitted), charges instigated, as Major Brown's successor, Major Fulljames, will, if referred to, inform the Honourable Court, by Bhow Tambekur and his creatures. If the friendship (open and avowed) of Mr. Grant implied the ascendancy of the Fudkey's star, then was his star in the ascendant at the darkest hour of his grievous persecutions, as much as when Mr. Grant allowed the Fudkey to accompany him from Broach to Baroda.

In paragraphs 107, 108, and 109, Lord Falkland writes, "The statements of those three persons tally wonderfully with each other. To such a degree is this the case, that Fudkey and Umrut Row agree in an evident untruth.

"Fudkey has the coolness to assert that he did not know Tambekur's handwriting, though he had been acquainted with him for years, and served under him only a short time before. In this he is re-echoed by Umrut Row, who admits that 'he was aware Tambekur was a friend of Baba Fudkey's, to whose house he used to go,' (p. 32). Further on, p. 35, 'I was employed at Bhow Sahib's, and he and Baba were friends, and on business I have gone to him.'

"It is, besides, impossible to believe that a man of Fudkey's ability and character, so mixed up with state affairs as he has been for years, and a Resident

* In his deposition (Parl. Paper, No. 560, of Sess. 1852, p. 936), Umrut Row says: "I therefore kept the chit (note) by me, but told Tambekur that I had delivered it to Appa Sahib. About 15 or 20 days after, Tambekur told me that I had not given the note to Appa Sahib, though I had assured him that I had done so, and wished me to be confronted. I replied that I had mislaid the note. On this he got very angry with me. What he told his Highness (Appa Sahib), I do not know, but Bhalarow received orders again to go to Appa Sahib; and thus a communication was kept up between them as before." How from this Lord Falkland was led to assume, as he seems to assume, that Umrut Row informed the Maharaj (Guicowar), of having obtained the chit, I am utterly at a loss to comprehend.

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dent at Baroda, where he has a house, employed too by the Resident in examining Durbar despatches of consequence, as we know him to have been, should not, independent of early friendship, have been acquainted with the minister's writing."

Lord Falkland here implies that the Fudkey wished his Lordship and myself to believe that he did not know the Bhow's handwriting. The charge is quite unfounded. The passage referred to by Lord Falkland occurs in the Fudkey's narrative of his interview with Umrut Row. When that man first offered the note, the Fudkey tells us he suspected a conspiracy. Under this impression he proceeds to say, "After reading it, I told him that I did not know Bhow Tambekur's handwriting, therefore, how can I say whether this chit is in his hand or not; he replied, that 'in the Brahmin caste we consider a cow as a great Deity, therefore, by placing my hand on the cow, I swear that the chit is, in reality, in the handwriting of Bhow Tambekur.'"

Even this did not satisfy the Baba, and he required the written statement. Umrut Row and Succaram, in describing on oath the conversation that passed at the interview during which the "note" was given to the Fudkey, of course, repeated what the Fudkey had said to the former. And this Lord Falkland describes as a wonderful tallying of the evidence, as their "agreement even in an evident untruth."

Whether the Fudkey knew, or did not know, the handwriting of the Bhow, I know not. But there is, I conceive, little criminality attributable to him for telling a man whom he suspected of a design to entrap him by a forged document, that he did not know the handwriting of the individual whose note it professed to be, and that he required something more cogent than mere assertions.

Whence Lord Falkland derived the authority for making the statement that I had employed the Fudkey in examining Durbar despatches, I know not; but the statement is itself as remote from the real fact as a statement could well be. On every occasion on which I employed the Fudkey, I reported the circumstance to Government, and stated how I had employed him. A reference to my reports will prove that he was not employed by me in "examining Durbar despatches of consequence." And the "we know," made use of by his Lordship, will, I trust, cause the Honourable Court to pause ere they recognise as valid all the assertions to my prejudice that already have been, or hereafter may be, made by the Bombay Government.

In his 110th and 111th paragraphs, Lord Falkland proceeds:

"Independently of this cause for distrust, the three statements exhibit a peculiar similarity, which makes one suspect collusion.

"The conditions on which Umrut Row came forward to the Baba's aid with this extraordinary note, are not stated; but his value and honesty require no illustration. The Fudkey himself tells us that he took care to bind him down by his handwriting, and not to trust him out of his sight until the pledge was given. Unfortunately, this is precisely what an experienced intriguer would have done, if the whole were a conspiracy, and the note forged. And when we examine the man's incredible account of how he obtained the chit, how he kept possession of it, its extraordinary contents, and the deviation from straightforward proceedings, in the secret despatch of the missive to be shown to Mr. Grant by Fudkey's orders, I think the whole may be very safely pronounced a Mahratta intrigue, of which Fudkey is at the bottom; the Resident and Mr. Grant have been made the tools, and Succaram and Umrut Row, the two other parties who figure in the proceedings, were the unscrupulous agents."

With all respectful deference to Lord Falkland's opinion, I beg to express one exactly opposed to it. The Fudkey had good reason to suspect Umrut Row. By his own confession, that man was capable of foul treachery. It was less likely that he would practice treachery on the master whom for 17 years he had served, than on the oppressed victim of that master's persecutions, and the object of his deadly hate. And the Fudkey would indeed have shown little of that ability for which Lord Falkland truly gives him credit, had he not adopted such precautions as he did.

Had the "note" been the result of a conspiracy between the two, was it reasonable that the Fudkey should have asked, and is it credible that Umrut Row would have given, a document which exonerated his accomplice, and fixed on himself the entire, the exclusive guilt.

As regards the conclusions at which his Lordship arrives, I can only venture respectfully

respectfully to express my opinion, that there is at least no *primâ facie* evidence in support of the charge of forgery against the Fudkey, and that the weight of presumption is in favour of the supposition that the note was actually written by the Bhow. The motives which influenced Umrut Row in retaining the letter, may or may not have been as he describes; but a desire to be revenged on the Bhow, for some wrong sustained at his hands, more serious probably than his mere dismissal, and the hope of reward from the Fudkey, should he by the production of the "note" on his trial, lead to the Bhow's disgrace and dismissal, would adequately explain his conduct in furnishing that document to the Fudkey, whether the document itself be genuine or forged.

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Lord Falkland concludes with the following remarks:

"But the man Baba Fudkey has obtained such firm possession of the Resident's good opinion, that apparently he can see nothing to suspect in proceedings with which Fudkey is mixed up, which coming from any other native, he would have been the first to regard as clearly intriguing, disingenuous, and unworthy of credit. If any additional proof of the unfitness of Colonel Outram for the post he so lately filled were wanting, an examination of the narrative set forth in this petition would, I conceive, afford such proof."

I can only say, that I am as desirous as his Lordship can be, that on a comparison of my conduct and opinions in this matter with the opinions and proceedings of his Lordship, and his Lordship's colleagues, the Honourable Court should form their judgment on the justice and expediency of removing me from office.

On the Minute of Mr. Blane, dated the 5th of June, I desired to make no observation, as it simply declares that the reasoning on the part of Lord Falkland, which I have presumed to appeal against, is convincing, and implies that I really was guilty of falsehood, a point already disposed of.

Having before them the "summary" previously referred to, under Mr. Goldsmid's signature, and prepared in the Chief Secretary's Office, as well as the Minute on which I have ventured to offer remarks, and which I have shown to be, in more than one instance, based on an erroneous interpretation of the documents to which it refers, and in more than one instance, on assumptions inconsistent with the realities of the case, the Honourable Court, on the 15th December 1852, recorded their decision, that the Fudkey's future employment in any public situation must rest with the local authorities, after his conduct in this matter (*i. e.*, the treasonable note) shall have been inquired into."

The Honourable Court was pleased to admit that the Fudkey had "on more than one occasion rendered valuable service to the Government in the exposure of corrupt practices;" that they "do not doubt that by his conduct he incurred the enmity of powerful parties at Baroda," and "that it is highly probable that the conduct of the Guicowar's government in searching his house, seizing his papers, and placing him under personal restraint, was partly the consequence of the enmity (of the corruptionists) thus provoked;" and that (as I have more than rendered probable in my despatch of the 22d of June 1850) his deprivation of office in 1844 was the result of cabals organized in consequence of his honest services. Lord Falkland also himself at length admits, that "the Government of that day did not act with sufficient caution and consideration in confirming the petitioner's dismissal from office," from which he has ever since been excluded, a period of nearly 10 years. Even the Bombay Government now admit that "Captain French was in error in stating that the Fudkey was not a British subject." The Fudkey, moreover, was honourably acquitted by Major Fulljames of the charges of corruption brought against him, nine years after the alleged offence, through the investigation of those to whom he had rendered himself obnoxious by his zealous efforts in the cause of official purity;* and although

* In reference to these charges, Major Fulljames, on the 13th November 1852, reported (Parl. Paper, No. 560, of Sess. 1852, p. 269), "It appears to me that a deep-laid plot has been entered into by the present complainant, urged on to it either by the hope of extorting money from him, or by the ill advice of some of his numerous enemies in this place: and that, consequently, he is entitled to redress." And Major Fulljames, "from a careful consideration of everything that has been brought forward during this investigation," was "led to hope that Government might deem it expedient to take some severe notice of the same, with the view of protecting the character of their servants in future, and deterring others from following such a bad example." Yet, far from adopting any of those measures, or displaying towards the long faithful Fudkey the most distant approach to the friendly zeal displayed to Nursoo Punt (whom they elaborately vindicated from a charge afterwards judicially established against

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although the Fudkey's papers were suddenly seized by the Durbar in 1849, and every attempt made to convict him (by forgery) of some treachery to the Guicowar (in favour of Appa Sabib), "his enemies could find nothing to criminate him."—(Parl. Paper, No. 560, of Sess. 1852, p. 1393.)

In a postscript to Sec. 2, Part II, of my Khutput Report, dated 10th February 1852, after my removal from office (Parl. Paper, No. 560, of Sess. 1852, p. 1400), I thus expressed myself:

"About 15 days ago it was reported to me that Baba Fudkey, with the sanction and under the protection of Government, had left Baroda and come to Bombay, and since then I have had a visit from him, and I was much affected by the poor man's manly but melancholy air. He feels that he is ruined, and ruined for the generous aid he rendered myself and others in our attempts to vindicate the national honour; and I deeply feel that all his latter persecutions are the result of services rendered to myself, on my assurance that he should not be sacrificed for rendering them. Removed in disgrace from my appointment, I am no longer in a position to learn what reply Government made to Major Fulljames' honourable acquittal of the Baba; but no communication to that effect has been made to him by Government authority. So far as I can learn, the Government have not authorised Major Fulljames to try and punish those within his jurisdiction who committed perjury against the Baba; and after what has occurred, and will be found detailed in the supplementary sections of this report, I can hardly hope that Government will express its disapprobation of the conduct of the minister to whose persecutions the conspiracy defeated by Major Fulljames was but the complement and climax."

All that the Government did was, on the 9th January 1852, to instruct Major Fulljames "to intimate to Baba Fudkey that if he wished to leave the Guicowar districts he will be protected from any molestation from the Baroda authorities, provided he quits his Highness's territory within an early period, to be fixed by the (Acting) Resident (Mr. Battye) who has been addressed on this subject; but that if he remain within the Baroda limits subsequent to the expiration of that period, he will do so at his own risk."

The Fudkey was then residing in the British camp, where he was secure from personal molestation; but he could not escape into the British territory without passing through the Guicowar territory, so that he had no alternative but to go "at an early period," leaving his house and other not easily transportable property, which the enmity of the powerful Bhow effectually prevented his being able to sell.

That, reasoning on the data submitted to them by the Bombay Government, the Honourable Court, despite the considerations just recited, could not have arrived at any other judgment than the one propounded by them on the 15th October 1852, even the Fudkey himself will probably be the first to admit. But I would respectfully beg to remind the Honourable Court that this judgment is *de facto* a perpetual sentence of refusal of compensation to the Fudkey. For, even in November 1851, I deemed it my duty to write as follows:

"Under these circumstances, the minister whose treason is implicated by the 'note' wielding the whole power of the Durbar, such strong grounds existing for believing that Venaik Moreshwur Fudkey was formerly victimized by a foul conspiracy concocted by the minister, the fact that the minister is more than suspected of being a principal instigator of the false charges against Venaik Moreshwur, lately investigated by Captain Fulljames, and which I understand that officer has pronounced to be the result of another foul conspiracy, and the gross perversion of justice displayed by the Durbar in the Joitabhae Punchayets, his Lordship will not, I presume, be disposed to permit the further investigation of this matter while Bhow Tambekur remains in power." *

And since then I need not say that the power of the Bhow has been immensely increased through the proceedings of the Bombay Government. He and the Baroda community at large have seen my degradation from office, in a great

against him), the Bombay Government allowed nearly three months to pass without even a faint congratulation to the Fudkey on his honourable acquittal by Major Fulljames, and then merely intimating their "opinion, that the evidence which has been adduced against the accused is not trustworthy."—(Parl. Paper, No. 560, of Sess. 1852, p. 314.)

* Writing again, on the 2d December 1851, I expressed myself still more precisely, and, in certain respects, more strongly; and to the remarks contained in the 17th paragraph of that letter (Parl. Paper, No. 560, of Sess. 1852, p. 1169), I would respectfully solicit attention.

great measure justified, on the ground that I had recommended the Government to seek his removal on account of serious misconduct attributed by me to him (Parl. Paper, No. 560, of Sess. 1852, pp. 1468 to 1473). They have seen the complete impunity accorded to the Bhow for this misconduct. They have seen that no attempts have been made to bring him to account, in respect of the other matters detailed by me in my Khutput Report (Ibid. pp. 1450 to 1466). They have seen the Government, to use the words of the Honourable Court, "arrest *in limine*," investigations which threatened to place the Bhow's guilt in a very important matter, in such a light that further impunity could not be allowed him. They have seen Govind Row Roria (for not permitting me to give a promise of safety to whom, the Honourable Court have censured the Government, Parl. Paper, No. 560, of Sess. 1852, p. 17, para. 8,) subjected to continuous persecutions and indignities, with a view to induce him to commit perjury for the vindication of the Bhow and the incrimination of the Fudkey, on this very charge of forgery. They have, probably, through their corrupt allies in the Bombay Secretariate, become long since aware of the nature of the "Summary" prepared in the Chief Secretary's Office, and of the "Minutes" on which I have been commenting. They have seen the Bhow's rapidly increasing influence over the Guicowar, of which my Guzerat correspondents inform me, and to which the public journals bear consistent testimony. And unless a hitherto uncontradicted letter, published by the Bombay "Telegraph" in December last, be a baseless falsehood, they have seen my successor receive the Bhow, who, as the Honourable Court are aware, though called Minister, is in fact only a confidential carbarry, with the honours and marks of respect due only to the Guicowar himself.

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And having seen all this, they are not likely to shrink in 1853 from bearing and suborning that false testimony which, in 1848, was so readily procured for the purpose of screening Baba Nafra and ruining Joithabhae. For, I say it with sorrow, the events of the last few years have not tended to weaken the truth of the statement made by me in 1851 (Parl. Paper, No. 560, of Sess. 1852, p. 1381) to the effect that, while "the natives of Guzerat have plausible pretexts to urge in behalf of the unjust and dishonouring belief entertained by them, that the corrupt Nagurs were regarded with favour by the British authorities, the history of Venaik Moreshwur Fudkey is not only calculated to strengthen their conviction on this point, but to impress them with the notion, that honesty and zeal for the furtherance of justice, are not the most effectual means of gaining the favour of Government." *

With many regrets at the necessity which I have felt imposed on me of troubling the Honourable Court with so long a letter,

I have, &c.
(signed) *J. Outram*,
Lieut.-Col., late Resident at Baroda.

* I would respectfully draw attention to the remarks I made in my Khutput Report (Parl. Paper, No. 560, of Sess. 1852, page 1399, paras. 86, 87, 88, and 89), the draft of which was written in the autumn of 1850.

"Since my appeal of June 1850 was made in behalf of Baba Fudkey, charges have been brought against him of accepting bribes while employed in the Rewa Caunta; that these charges have been trumped up through the agency of Nursoo Punt's son, Keshowrao, and the minister, as a set-off against the efforts I was making in behalf of the Fudkey, I had reason to believe; and that they have been supported by a foul conspiracy and impudent forgeries, will, I believe, be ere long in proof before Government.

"But whether this or any other charge were proved against him, is a matter that in no degree affects the points treated of in this section. When the Baba was subjected to the hard usage of which I complain, no charges had been raised against him. So far as the records threw light on his position, he was, at the date of his persecutions, a British subject, who, by his incorruptibility at a time of universal corruption, and, by his invaluable services, had established strong undeniable claims on the gratitude of a government, which, while it became the apologist of one of the authors of his persecutions, refused to interfere 'to prevent injustice to himself.'

"While I write, fresh conspiracies are being hatched against the Fudkey, under the belief that the Bombay Government will gladly lend their weight and influence to all attempts to crush a man, whose character is in as striking contrast with Nursoo's, as is the treatment he had received with that practised towards the wicked man whose history will be detailed in the next section.

"Deserted by the Government he had so faithfully served, and persecuted as he has been by those whose crimes he was instrumental in exposing, it were no legitimate cause of wonder should the Fudkey be driven to counter-intrigues. That he has so long continued honest, but shows the man's intrinsic worth, and the self-inflicted loss the Bombay Government sustained, when, without a single fault being proved against him, they unceremoniously threw him overboard."

Intrigues at Baroda and Bombay.

Intrigues at Baroda and Bombay.

Political Department.—No. 73 of 1852.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. With our political despatch, dated the 3d April last, No. 37, we forwarded to your Honourable Court copy of a report of the proceedings of the committee of our secretaries, whom we had directed to investigate certain intrigues in connexion with affairs at Baroda, carried on in Bombay during the year 1848 and the early part of 1849, through the medium of agents employed by Baba Nafra, manager of the banking firm of Hurree Bhugtee, of Baroda.

2. We have now the honour to forward copies of the Minutes, dated as per margin,* subsequently recorded by our Right honourable President and by the civil members of the Board, containing their sentiments on points embraced in the above inquiry, and to state that, in conformity with a Resolution of our Board, the following intimation was, on the 26th May last, made to Mr. Smith, second assistant in the Political Department of the Secretariate: "Considering your conduct, as elicited on your recent examination before the committee of secretaries, as a bar to your remaining in the appointment you now hold, the Right honourable the Governor in Council declines to interfere with the intimation which has been made to you by the Chief Secretary to Government, that you cannot be retained in your present situation in the Political Department of the Secretariate. I am at the same time desired to intimate to you, that you are not debarred from employment in any other Government office; and that you will be allowed to retain your present appointment for four months from the present date, in the expectation that in that time you will succeed in obtaing employment elsewhere."

3. We now beg to forward a memorial, in original, from Mr. Smith, to the address of your Honourable Court, dated the 19th ultimo, appealing against the above decision. For our sentiments on this memorial, we beg to refer to the Minutes recorded by our Right honourable President and the civil members of the Board, dated the 20th and 21st instant.

4. Copies of the Minutes of our Right honourable President, dated the 17th and 29th March last, alluded to in paragraph 2 of his Lordship's Minute of the 20th instant, formed enclosures Nos. 3 and 5 to Collection No. 2, accompanying our political despatch to your Honourable Court, dated the 3d. April last, No. 37 of 1852.

5. Our further proceedings consequent on the report of the committee of secretaries, in the case of Ragoba Moroba, will hereafter be reported to your Honourable Court.

We have, &c.

(signed), *D. A. Blane.*
A. Bell.

Bombay Castle, 24 July 1852.

* Minute by the Honourable Mr. Blane, dated 23 April 1852. Ditto by the Right Honourable the Governor, dated 28 April 1852. Further Minute by the Honourable Mr. Blane, dated 1 May 1852. Minute by the Honourable Mr. Bell, dated 1 May 1852. Ditto by the Honourable Mr. Warden, dated 4 May 1852. Further Minute by the Right honourable the Governor, dated 7 May 1852, concurred in by the Board.

Intrigues at Baroda and Bombay.

EXTRACT Political Letter to Bombay, dated 31 December (No. 38) 1852.

29. OUR political letter, dated 23d June (No. 19) 1852, has put you in possession of our sentiments on the disclosures elicited by the inquiries of the committee. You have, as we now learn, informed Mr. Smith that he could not be retained in the appointment which he held in the office of the Secretary in the Political Department, but that he was not debarred from employment in any other Government office, and that he would be permitted to retain his appointment for four months longer, in order that he might have time for obtaining employment elsewhere. Though we consider the indulgence last mentioned as objectionable, it is not our intention to interfere with your decision.

Answer to Political Letter, 24th July (No. 73) 1852; and to para. 17 of letter, dated 28 August (No. 76) 1852.
Further proceedings consequent on the Report of the Committee of Secretaries respecting intrigues connected with Baroda.

EXTRACT Political Letter from Bombay, dated 28 August (No. 76) 1852.

1. WE have now the honour to advise your Honourable Court of the measures we have taken subsequent to your despatch* of 23d June last, relative to Baroda matters, and also to offer explanation on some of the points on which you have commented in that despatch.

Baroda affairs.
* No. 19.

2. In paragraphs 8 and 9, your Honourable Court disapprove of our having declined to guarantee Govind Rao Rodia against persecution from the Baroda Government, if he would make a full disclosure of all he knew relative to intrigues which were believed to have been carried on at Bombay, with a view of inducing his Highness the Gaekwar to expend money for the purpose of obtaining by corrupt means a release from the obligation to maintain the Guzerat horse.

3. We beg to remind your Honourable Court, that when examined on oath by Lieutenant-colonel Outram, at the Residency, Govind Rao Rodia deposed to having refused, when residing at Bombay as accredited vakeel of the Gaekwar, to have anything to do with any measures regarding the Guzerat Irregular Horse, as he had received no instruction on the subject from the authorities at Baroda, and that, at the time Govind Rao so deposed, he was in disgrace with these authorities. Afterwards, when under restraint, having been, as it is shown, mixed up with the disgraceful and treasonable intrigues against the interest of his Sovereign, of which the particulars are detailed in our despatch, No. 93 of 3d December last, he professes his willingness to make a full disclosure on the subject which was engaging Lieutenant-colonel Outram's attention, and to furnish irrefragable proof of the truth of what he had to disclose, provided the Resident would ensure him from being persecuted in consequence of his so doing.

Para. 3 of Lieut.-Col. Outram's letter, dated 12 Sept. 1851, No. 1.

4. Your Honourable Court remark, it would have been easy to make the pledge of safety to Govind Rao conditional on its being found that "the information was both correct and of substantial value." We would urge on the consideration of your Honourable Court, that it will be seen from the correspondence, that the evidence was to be taken by Colonel Outram, in expectation that it would compromise the Gaekwar's minister, Govind Rao being at the time in durance, in consequence of having been concerned in a treasonable intrigue which was to effect the ruin of that minister; and we felt we could not reasonably have expected that a person of Govind Rao's stamp, who, if he were really capable of giving evidence of value, must already have perjured himself before the Resident, would, under such circumstances, have been likely to give truthful testimony, supposing the minister to have been innocent of that of which he was so strongly suspected, by the examining authority, to be guilty, but that it was much more probable that he (Govind Rao) would have endeavoured to effect what he had undertaken to do, by giving evidence such as would be admitted to be of importance, at the same time that it criminated the very parties who were the authors of his disgrace.

Intrigues at Baroda and Bombay.

5. To establish the correctness of the disclosures which might have been made, other evidence than Govind Rao's would have been required. Colonel Outram had led us, by his letter of the 31st October 1851, to anticipate that other guarantees would be applied for,* and we had also been advised by him, that so long as the minister was in power, so long would his attempt at establishing the truth of what he suspected be unavailing; and from the proceedings on record it is apparent that a guarantee in favour of Govind Rao, even if accompanied by others pledging this Government to protect individuals yet to be indicated, would not have sufficed, in the opinion of Colonel Outram, unless supported by a demand for the dismissal of the minister.

6. Another difficulty, under which we trust that, on further deliberation, your Honourable Court will perceive we should have laboured had we granted the conditional guarantee was, that although it was not competent for us to exonerate Govind Rao from the penalties he might have incurred for the offences of which he was accused before his own sovereign, it was but reasonable to suppose that the infliction of any penalties whatsoever, however justly he might have rendered himself liable to them, would have been attributed by him to persecution on account of any disclosures he might have made under the presumed shelter of the guarantee. Also that any pledge to Govind Rao Rodia or others, whose evidence Colonel Outram might have wished to take, must, to have been of any service at all, have been given for life, and have been one of protection to person, family, and property; and we should scarcely have considered the case as one of a nature to have warranted our giving so extensive a pledge, holding in remembrance the injunctions so frequently conveyed to us by your Honourable Court, and especially impressed on us by your despatch of the 2d July 1840,† even had not the peculiar circumstances above detailed existed in the case of Govind Rao.

7. Further, we beg with all deference to point out, that as no discussion whatever had taken place with reference to the Guzerat Horse, no disclosures involving a breach of confidence could have taken place on the part of any of our official subordinates. Therefore we had no reason for believing, nor have we to this day any reason to believe, that Govind Rao Rodia could have had any information of real importance to the public interests to give in relation to that subject.

Para. 9 of Court's despatch.

8. In reply to the 9th para. of your despatch, we would represent that the proposition to obtain Govind Rao Rodia's evidence, relative to a charge preferred against the minister of an attempt in 1849-50 to bribe the Resident and our Chief Secretary, was received by us after we had issued instructions requiring the former officer to vacate his appointment; and although it is not for us to question the correctness of the opinions expressed by your Honourable Court, we beg to point out that what we deemed the vagueness and inaccuracy of the information furnished by the Resident himself, to guide us in our proceedings at Bombay, and the illegality of the means he was desirous we should adopt within the jurisdiction of Her Majesty's Supreme Court, were sufficient, in our opinion, to prevent an inquiry being entered into with any prospect of success, while we did not consider any representation to his Highness to be requisite, because his Highness had disavowed to Colonel Outram all knowledge of the intrigues imputed to his minister, and Colonel Outram himself had throughout exempted his Highness from blame.

9. Moreover,

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* "In fact, no Gaekwar subject would dare to give evidence in this or any other matter, in which the Minister is concerned, so dreaded is he by all classes, except under our guarantee against oppression. Unless, therefore, I am authorised by Government to give such guarantee, any inquiry at Baroda will be useless." *See* para. 4 of Colonel Outram's letter of 31 October 1851.

† "While we feel with you the impossibility of disregarding such claims on your good offices, we see with great uneasiness the prospect of a further extension of those obligations to protect individuals against their lawful sovereign, which have already caused so much evil to the Gaekwar State, and so much embarrassment to us."

8. "It indeed appears fruitless to hope for the permanent maintenance of a good understanding between our Government and its ancient ally, while this anomalous state of things continues to exist. Although the system was created for purposes beneficial to the Gaekwar State, and not directly to us, there are circumstances in the case which make it equitable that we should take our share in whatever sacrifices may be necessary in order to get rid of the mischievous consequences."

9. Moreover, the imputations against the minister were in no way brought home to him, and there were very strong grounds for believing that Colonel Outram had unwittingly got involved in the meshes of Maratha intrigue, and most probably in counter intrigues, in which plots against the minister had got mixed up with the alleged plots against Government. We therefore deemed it only fair to assume that the name of the minister might have been abused by intriguing parties for their own ends, in like manner with the names of the Government officers (Colonel Outram and Mr. Malet), under the ridiculous pretence of bribing whom money was alleged to have been obtained. Intrigues at Baroda and Bombay.

10. Your Honourable Court, in your despatch of 21st December 1842, enjoined us "to use the greatest forbearance in all your (our) future intercourse with his Highness, which," your Honourable Court observed, "should be uniformly conducted in a spirit of friendship and confidence;" and we had the spirit of these instructions in mind when we refused to adopt, for the attainment, as it appears to us, of no substantial object, measures calculated both to destroy all confidence on the part of his Highness the Gaekwar, and to impair the friendly relations subsisting with his Government.

11. We beg to inform your Honourable Court, that the following reply (dated the 13th March last) was received from his Highness the Gaekwar to the letter from the Government, referred to in your Honourable Court's 10th paragraph.

"In reply to your letter, dated 29th January last, relative to certain persons required by the late Resident to give evidence at the Residency, not having been sent, I beg to state that it is not customary with either Government to forward witnesses when the demand for their attendance is considered irregular. Nevertheless, in this instance, taking into consideration the existing friendship between the two Governments, the people were sent agreeably to the wishes of the Resident, and the Bombay Government were duly informed of the circumstance by the Durbar. Such being the case, this Sirkar regrets having in this instance incurred the displeasure of the Bombay Government; nevertheless, if the Bombay Government will have the kindness minutely to scrutinize the various acts of the late Resident, it will be satisfied that the Durbar, bearing in mind the friendly feeling which has hitherto existed, invariably complied with the requests of that officer."

12. We have forwarded a copy of the paragraph under acknowledgment, together with the substance of para. 9, to the Resident, Mr. Davies, with a request that he will inform us if there is any point on which, in his opinion, further inquiries can be instituted with any prospect of advantage. Mr. Davies's reply and our further proceedings shall be duly communicated to your Honourable Court. Hon. Court's, para. 10.

* * * * * *

16. In reply to your 22d paragraph, we beg to observe, that the committee of secretaries were desirous that measures should be adopted with a view to obtain Mr. Craig's presence in Bombay, in the hope that information might be elicited from him, even although it should be found he could not be eventually brought to justice. Our solicitor at Bombay was consulted on the subject, and his opinion has already been placed before you; but the whole of the papers, including paragraph 22 of your present despatch, and a copy of this para., have now been placed before him and the Advocate-General, with a request, that if they can suggest any means for enabling us to bring Craig to justice, they will do so.

17. Your Honourable Court have received, subsequent to the date of the proceedings which have been acknowledged in your despatch under reply, our further minutes with regard to Mr. Smith, and that person's memorial against the decision passed in our letter of the 26th May last. As your Honourable Court were not aware of that decision at the time your despatch was written, we shall not rescind it by informing Mr. Smith that he is incapable of again serving Government until honoured with your reply to our letter dated the 24th ultimo, No. 73. At the same time we shall intimate to him that the instructions we have received preclude our allowing him to take office until his memorial shall have been decided on.

Intrigues at Baroda and Bombay.

18. Our orders, in the case of Mr. Cole, will be found in the Papers forwarded to your Honourable Court, under date 24th July, No. 73 of 1852; and copy of our further proceedings in the Financial Department, relative to his having been most improperly allowed, by Mr. Price, to proceed to England, is annexed. If Mr. Cole does not return by 1st October 1852, his name will be struck off the list of Government servants, as being absent beyond the limits, and without leave.

19. With reference, however, to the observations made by your Honourable Court, relative to certain facts having been apparently overlooked by the committee of secretaries and by ourselves, and that "Mr. Cole had actually done that for which Mr. Smith was so deservedly reprobated for conniving at in Mr. Craig," we beg to draw attention to the fact that the cases differ in this very important respect, viz. that Mr. Cole not being employed in the Secretariat, as Mr. Craig was, had not power of access to the records of Government as Mr. Craig had; and therefore in the preparation of petitions and memorials for Baba Nafra, Mr. Cole could not have committed any breach of trust, nor divulged, nor made use of secrets with which he had become acquainted as a Government official, and consequently that his fault was confined to a breach of the Government Order, dated 30th September 1843; the Order of 20th June 1851, which was precisely applicable to Mr. Cole's case, having, it must be recollected, been issued after that case had occurred, in consequence of some other matters with which we became acquainted in the Revenue Department.

20. A printed circular, to the effect of paragraphs 26 and 27 of your Honourable Court's despatch, will be issued to the officers in public employ; and with reference to para. 29, we can but express a hope that the measures of precaution which have been adopted in the Chief Secretary's office in consequence of the discovery towards the close of the last year, of the gross corruption you have alluded to, will have the effect of entirely suppressing evil practices such as those so justly animadverted on by you.

21. Your Honourable Court will have learnt from our proceedings that we have evinced every disposition readily to avail ourselves of information furnished by Lieutenant-colonel Outram, of a nature to show that there has been a breach of confidence on the part of our officers, and that our President directed the Chief Secretary, under date the 24th October 1851, distinctly to inform the heads of the departments, that we could "repose no confidence in the zeal and fidelity with which they discharge the important duties confided to them," while the parties who might have betrayed the trust reposed in them remained undiscovered. It was sufficient for us to know that there had been a breach of trust, and to detect those in our employ who were concerned in it, and it mattered but little to us whether the person so concerned had been seduced by parties whose apparent advantage it was to obtain information, or by others wishing to bring such parties into discredit or under the suspicion of Government.

22. The following instructions have been given to us by the Chief Secretary:

"You will consult Mr. Acland, and in writing request Captain Barr to furnish Government with full particulars of all that he knows relative to the transactions alluded to in the former deposition of Raghoba Moroba.

"You will, in conjunction with Mr. Acland, also take Raghoba Moroba's further statement, as to the manner in which the transaction was managed, and carefully cross-examine him should he produce any acknowledgment from Captain Macdonald.

"Should any reference to Baroda be deemed necessary by Mr. Acland and yourself, you will consider yourselves authorised to address Mr. Davies, without awaiting instructions from Government. You will also, together with the Government solicitor, consider the advisableness of taking measures with a view to elicit information relative to Captain Macdonald's transactions with Succaram Ragonath, adverted to in your memorandum * of 1st December 1851."

* Reported to the Hon. Court, under date 3 February 1852, No. 15.

23. On receipt of our Chief Secretary's report we shall address Major-general Stavely, commander of the forces, and our proceedings shall be fully reported, either during the progress or on the completion of this investigation.

24. The accompanying resolutions will apprise your Honourable Court that all matters of minor importance, treated of in your despatch under reply, have been

been carefully attended to by us, and will make you acquainted with the manner in which we have disposed of them. Intrigues at Baroda and Bombay.

25. Our President being necessarily temporarily absent from Bombay, his signature is not appended to this letter; but he has affixed a request to the draft, that we will intimate his full concurrence in the statements therein expressed.

EXTRACT Political Letter to Bombay, dated 26 January (No. 3) 1853.

4. No remark.

Answer to Political Letter, dated 28th August (No 76) 1852.

(1.) Reply to Court's letter, dated 23d June (No. 19) 1852, on Baroda matters.

5. We have carefully considered the reasons you assign for having rejected Govind Rao's offer of information, and are under the necessity of stating that your explanation does not alter the opinion we have already expressed.

(2 to 10.) Remarks in explanation of the refusal of Government to give a pledge of security to Govind Rao Roria, if he would make a full disclosure of what he knew respecting alleged intrigues at Bombay, for obtaining by corrupt means the abolition of the Guzerat Irregular Horse.

6. We observe that the Guicowar states, that the witnesses in question have been sent to the Residency. You will of course forward to us the particulars of their examination.

(11.) Reply of the Guicowar to the letter from Government respecting the non-production of certain witnesses required by Lieutenant-colonel Outram.

7. We wait for the promised communication.

(12.) Mr. Davies has been requested to state whether any further inquiries can be instituted with advantage. His reply, and the further proceedings of Government, will be communicated hereafter.

* * * * * * *

10. Approved.

(16.) The law officers of Government have been requested to suggest any means of bringing Mr. Craig to justice.

11. Answered with political letter, dated 24th July (No. 73) 1852.

(17.) Case of Mr. Smith.

12. We agree with you, that the fact of Mr. Cole's not being employed in the Secretariat Department renders his conduct, in aiding petitioners in the preparation of their memorials to Government, less reprehensible in itself than it would have been if he had had access to the records of Government connected with such memorials. But Mr. Cole is guilty of having violated the Government order of 30th September 1843, and for this offence he ought to have been punished. As, however, his appointment has been vacated, by his not returning to India at the expiration of the six months' leave of absence, so improperly granted to him by the Acting Military Accountant, no further orders are required.

(18, 19.) and 8 of 16th November (No. 115) 1852. Case of Mr. R. L. Cole.

13. Approved.

(20 & 21.) A printed circular to the effect of paras. 26 and 27 of Court's despatch will be issued to public officers. The heads of departments in the Chief Secretary's office have been informed that Government could repose no confidence in their zeal and fidelity while those who have betrayed the trust reposed in them remain undiscovered.

14. Require no remark at present.

(22 & 23.) Instructions given for inquiring into Captain MacDonald's transactions with Succaram Ragonath. The result will be hereafter reported.

(24 & 25.) Miscellaneous matters.

EXTRACT Political Letter from Bombay, dated 28 April (No. 52) 1853.

5. These paras. require no remark.

Letter to ———, dated 26 January (No. 3) 1853.

Para. 4. The Court allude to a letter which requires no remark.

Para. 5. With reference to the remarks of Government, in explanation of its refusal to give a pledge of security to Govind Rao Roria, if he would make a full disclosure of what he knew respecting late alleged intrigues at Bombay, for obtaining by corrupt means the abolition of the Guzerat Irregular Horse, the Court state, that they have carefully considered the reasons Government assign for having rejected Govind Rao's offer of information, and are under the necessity of stating, that the explanation does not alter the opinion they have already expressed.

Para. 6 With reference to the reply of the Gaekwar to the letter from Government respecting the non-production of certain witnesses required by Lieutenant-colonel Outram, the Court observe, that the Gaekwar states that the witnesses in question have been sent to the Residency. The Court conclude that Government will of course forward to them the particulars of their examination

6. On receipt of this letter we communicated this para. to the President at Baroda, with instructions to forward to Government any depositions which may have been taken when the witnesses alluded to were sent to the Gaekwar. We have the honour to forward copy of the reply to this reference we have received from Lieutenant Battye, Assistant to the Resident at Baroda in charge, dated the 6th instant; reporting that, for the reasons therein mentioned, the witnesses alluded to by your Honourable Court were never examined by Lieutenant-colonel Outram.

Para. 7. With reference to the intimation that Mr. Davies has been requested to state whether any further inquiries can be instituted with advantage, and that his reply, and the further proceedings of Government will be communicated hereafter, the Court state, that they wait for the promised communication

7. We beg to refer to the second para. of the subsequent despatch from this Government, dated 31st December last, No. 139 of 1852, forwarding Mr. Davies's reply to the reference alluded to by your Honourable Court.

Para. 8. With reference to the case of Nursoo Luxmon, the Court observe, that since it appears that there are legal difficulties in the way of resuming the inam formerly conferred on him, they prefer to leave it in the possession of that individual, however unworthy, rather than to adopt the alternative alluded to by Government, of an application to the Legislature of India

8. Requires no remark.

Para. 9. The Court direct that Government will inform Nursoo Luxmon, in answer to his memorial dated 31st August last, that they cannot consent to reopen his case.

9. An intimation to the effect directed by your Honourable Court has been made to Nursoo Luxmon.

Para. 10. The Court approve of the law officers of Government having been requested to suggest any means of bringing Mr. Craig to justice.

10. We beg to refer to the first para. of the further despatch from this Government, dated 31st December, No. 139 of 1852, reporting the result of the reference alluded to by your Honourable Court.

Para. 11. The Court allude to a para. which has already been replied to.

11. Requires no remark.

Para. 12. With reference to the case of Mr. R. L. Cole, the Court remark, that they agree with Government, that the fact of Mr. Cole's not being employed in the Secretariat Department renders his conduct, in aiding petitioners in the preparation of their memorials to Government less reprehensible in itself than it would have been if he had had access to the records of Government connected with such memorials. But Mr. Cole, the Court observe, is guilty of having violated the Government order of 30th September 1843, and for that offence he ought to have been punished. As, however, the Court add, his appointment has been vacated by his not returning to India at the expiration of the six months' leave of absence, so improperly granted to him by the Acting Military Accountant, no further orders are required.

12. Copy of this para. has been transferred to the Financial Department for information, with reference to former proceedings.

Para. 13. The Court approve of a printed circular to the effect of paras. 26 and 27 of Court's despatch being issued to public officers, and to the heads of departments in the chief secretary's office, having been informed that Government could repose no confidence in their zeal and fidelity, while those who have betrayed the trust reposed in them remained undiscovered.

Para. 14. The Court allude to paras. which they state require no remark at present.

Para. 15. The Court allude to a letter which they observe needs no reply.

13. These paras. require no remark.

Para. 16. With reference to the report from Mr. Davies, respecting the imprisonment of Baba Nafra, the Court observe that it is satisfactory to find that, in Mr. Davies's opinion, the Gaekwar is not disposed to show undue lenity to Baba Nafra.

14. This para. has been communicated to the Resident at Baroda.

No. 115 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. In the 22d para. of our political despatch, dated the 28th August last, No. 76, we stated that, for the purpose of giving effect to the instructions contained in

in the extract quoted in the margin,* from your Honourable Court's letter to the address of this Government, dated the 23d June last, No. 19, we had instructed our Chief Secretary— Intrigues at Baroda and Bombay.

1st. To consult Mr. Acland, the Honourable Company's Solicitor, Bombay, and in writing request Captain Barr, the Military Paymaster at this Presidency, to furnish Government with full particulars of all within his knowledge connected with a pecuniary transaction between Captain Macdonald, of the 22d Regiment Bombay Native Infantry, and Raghoba Moroba, a clerk in Captain Barr's office, alluded to by that individual in his statement made in the month of January 1852, before the Committee of Secretaries.

2d. In conjunction with Mr. Acland to take Raghoba Moroba's further statement as to the manner in which the above transaction was managed, and carefully cross-examine him, should he produce any acknowledgment from Captain Macdonald.

3d. In the event of any reference to Baroda being deemed necessary by the Chief Secretary and Mr. Acland, to make the requisite inquiries of the Resident, and, in concert with Mr. Acland, consider the advisableness of taking measures with a view to elicit information relative to Captain Macdonald's transactions with Succaram Raghonath, adverted to in the Chief Secretary's memorandum of 1st December 1851, copy of which formed enclosure No. 31 to Collection No. 1, accompanying our political despatch to your Honourable Court, dated the 3d February, No. 15 of 1852.

2. We have now the honour to forward, for the consideration of your Honourable Court, copy of a memorandum by our Chief Secretary, dated the 4th instant, of the letter from Mr. Acland, dated the 31st ultimo, therein referred to, and of the documents alluded to in the latter communication, reporting the proceedings of these gentlemen in pursuance of the above orders.

3. We beg to draw the attention of your Honourable Court to a Minute recorded by our Right Honourable President, dated the 11th instant, concurred in by the Honourable Mr. Bell; and to one by the Honourable Mr. Blane, dated the 13th instant, containing our sentiments upon the above reports.

4. We at the same time beg to express a hope that Mr. Acland's report will satisfy your Honourable Court that, at the time Lieutenant-colonel Outram made to this Government the representations alluded to in your letter to this Government, dated the 23d June, No. 19 of 1852, we did all that the information which had been furnished to us from Baroda, and our position at Bombay, admitted of our doing prudently and legally within the limits of the jurisdiction of Her Majesty's Supreme Court of Judicature.

5. With our political despatch alluded to in the first para., dated the 28th August last, No. 76 of 1852, we forwarded to your Honourable Court copy of a letter from Captain Barr, dated the 28th June last, requesting to be informed in what particulars his conduct, animadverted on in the Government letter to his address, dated the 26th May last, quoted in the margin,† had produced the unfavourable impression therein communicated to him. We at the same time forwarded to your Honourable Court a copy of the reply we had caused to be returned to Captain Barr on the 11th August last, furnishing him with the information he had solicited.

6. We now beg to forward copy of a further letter from Captain Barr, dated the

* 28. "We observe that it was stated by Raghoba to the Committee of Secretaries, that a report had reached the ears of Captain Barr, to the effect that Captain Macdonald, of the 22d regiment, on your establishment, had received 1,400 rupees of the money sent to Bombay from the firm of Hurree Bhugtee, for the purpose of inducing him to use his influence with Colonel Outram; Raghoba, however, contradicted the report, and said that the money received by Captain Macdonald was money which, though obtained from the agent of Baba Nafra, was raised by pledging his (Raghoba's) jewels, and was lent to Captain Macdonald as belonging to Raghoba himself. You do not seem to have attached any importance to this rumour. But we are so solicitous concerning the character and conduct of our servants in India, and so jealous of every imputation that may directly or indirectly be cast upon them, that we think it desirable that you should call on Captain Macdonald and on Captain Barr for further explanations; and, if necessary, institute an inquiry into the facts of the case."

† "With reference to your two letters, dated the 31st December last, and to the evidence given by you during the following month, before the Committee of Secretaries, on points connected with some late Baroda intrigues, I am directed to inform you, that the Right honourable the Governor in Council considers that, in the conduct of that portion of the investigation into these matters which was entrusted to your management, you have evinced so great a want of energy, decision, and accuracy of recollection, as to impress his Lordship in Council most unfavourably in regard to your capacity or zeal in the service of Government."

Intrigues at Baroda and Bombay.

the 3d September last, endeavouring to exculpate himself from the censure passed upon his proceedings in the Government letter of the 26th May last, and in the 20th para. of your Honourable Court's despatch to this Government, dated the 23d June last, No. 19. For our sentiments on this communication we beg to refer to two Minutes by our Right honourable President, dated the 25th September, and the 9th instant, and to state that we have informed Captain Barr that his explanation has failed to alter the unfavourable opinion entertained by Government of his proceedings on the occasion referred to.

7. In the 17th para. of our despatch, No. 76 of 1852, above alluded to, we stated that, for the reasons therein mentioned, we had informed Mr. G. Smith, late Second Assistant in the Political Department of the Secretariat, that pending a reply to his memorial to your Honourable Court, forwarded with our political despatch dated the 24th July last, No. 73, he could not be re-employed in the Government service. We now beg to report that Mr. Smith has subsequently emigrated to Australia, having left Bombay for that purpose on the 27th September last.

8. In continuation of the 18th and 19th paras. of our despatch above alluded to, we beg to state that Mr. R. L. Cole, Head Assistant in the office of the Military Accountant, Bombay, having failed to return to his duties at the expiration of the leave to England, improperly granted to him by Mr. Price, the (acting) head of his office, he has been struck* off the list of Government servants at this Presidency, as having been absent beyond the limits, and without leave.

We have, &c.
(signed) *D. A. Blane.*
A. Bell.

Bombay Castle, 16 November 1852.

EXTRACT Political Letter to Bombay, dated 6 April (No. 13) 1853.

Answer to Political Letter, dated 16th November (No. 115) 1852.

(Paras. 1 & 4.) and 3 of Letter 31st December (No. 138) 1852. Inquiry into certain pecuniary transactions of Captain Macdonald, 22d Regiment Native Infantry, alleged to be connected with intrigues at Baroda.

2. RAGOBA MAROBA had stated to Captain Barr (as appeared from a note made by that officer at the time), that 1,400 rupees of the money sent to Bombay by the firm of Hurree Bhugtee had been paid to Captain Macdonald "in the hope that Captain Macdonald would assist Baba Nafra's business with Colonel Outram, in consequence of Captain Macdonald's great friendship with that gentleman."

3. Ragoba afterwards contradicted this statement, and having been again examined, denied having made it. There is no other evidence against Captain Macdonald; and it is certain that Ragoba holds that officer's bond for the amount, as a loan from himself; on which, however, no interest has been paid, or, as we understand the case, demanded.

4. We think that the matter ought to have been referred to Captain Macdonald for any observations he might wish to make, and we only refrain from directing that such reference be made, because Captain Macdonald has since been permitted to resign the service.

(5 & 6.) Transmitting a letter from Captain Barr, endeavouring to exculpate himself from the censure passed on his proceedings with reference to the Baroda inquiries.

5. Having read and considered Captain Barr's explanations, we have to remark, that the misunderstanding which occurred respecting the conditional pardon which Captain Barr was authorised to offer to Mr. Cole, would not have arisen if your Government had given an official answer to the official application from Lieutenant-colonel Outram on the subject. At the same time we think that Captain Barr committed an error of judgment in not informing Lieutenant-colonel Outram of the communication he had received from the Secretary to Government.

(7.) Mr. G. Smith, late Second Assistant in the office of the Political Secretary, has emigrated to Australia.

6. No remark.

(8.) Case of Mr. Cole.

7. Answered with paras. 18 and 19, of letter dated 28th August (No. 76) 1852.

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* *Vide* the proceedings which form Collection No. 3, accompanying this despatch.

Intrigues at Baroda and Bombay.

No. 116 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. In our despatch, dated the 3d February, No. 15 of 1852, we reported to your Honourable Court the circumstances under which Mr. Daniel Marston, a junior assistant in the Political and Secret Departments of the Secretariate, had been dismissed from his situation, and declared incapable of re-employment under Government; and with a further despatch, dated the 4th March last, No. 27, we forwarded an original memorial from that individual to the address of your Honourable Court, appealing against this proceeding.

2. The receipt of both the above despatches was acknowledged in your Honourable Court's letter to this Government, dated the 23d June last, No. 19, and our proceedings with reference to Mr. Marston were therein approved; but no allusion having been made to his memorial referred to in the preceding paragraph, we have, as already intimated* in the resolution of our Government on the 6th and 7th paras. of your Honourable Court's letter above-mentioned, deferred, pending further orders, making any communication to him of your Honourable Court's decision in his case.

3. We now beg to forward, in original, a further memorial from Mr. Marston, dated the 23d ultimo, reiterating his appeal against his dismissal from the service of Government, and to state that we see no grounds for a re-consideration of our decision in this case.

We have, &c.

Bombay Castle,
16 November 1852.

(signed) *D. A. Blane.*
A. Bell.

Extract Political Letter to Bombay; dated 6 April (No. 13) 1853.

Answer to Political Letter, dated 16th November (No. 116) 1852.
Further memorial from Mr. Daniel Marston, respecting his dismissal.

8. You will inform Mr. Marston that the decision of your Government on his case has our entire approbation.

9. You would have been fully justified in returning to that individual a document containing allegations so unjustifiable and offensive, as to be in itself a sufficient ground for his positive exclusion from the service of Government.

No. 123 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

In continuation of the correspondence noted in the margin,† we beg to forward to your Honourable Court an extract from our further proceedings in the case of Raghoba Moroba, a clerk in the office of Captain Barr, military paymaster at this Presidency, one of the persons implicated in the recent Baroda intrigues; and

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* *Vide* Political despatch from the Bombay Government, dated 28 August, No. 76 of 1852.

† 1. Political despatch from the Bombay Government to the Honourable Court, dated the 3d April, No. 37 of 1852.
2. Reply from the Honourable Court, dated the 23d June, No. 19 of 1852, para. 20, *et seq.*
3. Further despatch from the Bombay Government, dated the 28th August, No. 76 of 1852, para. 16, *et seq.*
4. Ditto, ditto, dated the 16th November, No. 115 of 1852.

Intrigues at Baroda and Bombay.

and to state that, for the reasons mentioned in our Chief Secretary's letter to Captain Barr, dated the 30th ultimo, we have directed the dismissal of this individual from the service of Government.

We have, &c.
(signed) *Falkland.*
Frederick Fitzclarence.
D. A. Blane.
A. Bell.

Bombay Castle,
3 December 1852.

EXTRACT Political Letter to Bombay, dated 6 April (No. 13) 1853.

Answer to Political Letter, dated 3d December (No. 123) 1852.
Case of Ragoba Maroba.

14. THE promise of impunity made to this individual was conditioned on his fully disclosing all that he knew respecting the subject under investigation. We entirely agree with you that he has not fulfilled this condition, and we approve your having dismissed him from his employment, and declared him ineligible to serve Government.

No. 139 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

WITH reference to the extract quoted in the margin,* from your Honourable Court's Political Letter to the address of this Government, dated the 23d June, No. 19 of 1852, and to the correspondence noted in the margin,† we beg to forward to your Honourable Court copy of the reply we have received (dated the 14th instant) from Mr. Le Messurier, our Advocate-general, to the reference we stated in the 16th para. of our Political Despatch, dated the 28th August last, No. 76 of 1852, we had made to him for his opinion, whether any means could be adopted by Government for bringing Mr. Craig to justice for the offence alluded to by your Honourable Court. From his reply your Honourable Court will perceive that it is not, and has not at any period been, in our power by legal proceedings to bring this individual to justice.

2. With reference to the 9th and 10th paras. of your Honourable Court's Political Letter, dated the 23d June, No. 19 of 1852, we beg to forward a copy of a letter from Mr. Davies, Resident at Baroda, dated the 25th September last, in reply to the reference we stated in the 12th para. of our Political Despatch, dated the 28th August last, No. 76, we had made to that gentleman for his opinion, whether there is any point connected with the revelations arising out of the correspondence of the banker Nurbbeyram Koobier, intercepted by Lieutenant-colonel Outram, C.B., shortly before his leaving the Baroda Residency, on which further inquiries can be instituted with any prospect of advantage. For our sentiments on this communication we beg to refer to our Right honourable President's minute, dated the 20th instant, concurred in by the Honourable Mr. Blane.

3. In continuation of the 2d and 3d paras. of our Political Despatch, dated the 6th ultimo, No. 115 of 1852, we beg to state, that under the circumstances explained

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* Para. 22. "Mr. Craig, who, if the statements made are correct, was the principal culprit, left Bombay for Calcutta on leave of absence soon after the date of his alleged offence, and, not having returned, was struck off the establishment. He is stated to have been since residing at Chandernagore. The testimony to his having received the 12,200 rupees is direct and positive; and though, as Mr. Acland said, he could not with any good effect be indicted for a conspiracy to bribe a member of Government (an offence which there is not the slightest proof of his having attempted), he is evidently liable to a prosecution for obtaining money on false pretences. We expect that you will not neglect any means you may possess of bringing this individual to justice."

† Political letter from the Bombay Government, dated the 28th August, No. 76 of 1852, para. 16. Ditto, ditto, dated 16th November, No. 115 of 1852, para. 2. Ditto, ditto, dated 3d December, No. 123 of 1852.

explained in the proceedings which form Collection No. 3, we, on the 4th instant, permitted (through the Military Department) Captain M'Donald, of the 22d regiment Bombay Native Infantry, to resign the Honourable Company's service from that date. Intrigues at Baroda and Bombay.

We have, &c.

(signed) *Falkland.*
Frederick Fitzclarence.
D. A. Blane.

Bombay Castle,
31 December 1852.

EXTRACT Political Letter to Bombay, dated 24 May (No. 28) 1853.

19. WE fear that we must acquiesce in the opinion of the Advocate-General, that the fact of Mr. Craig's being out of the jurisdiction of our Courts was a bar to your taking any measures for bringing him to justice; we see no validity in any of the other considerations urged by Mr. Le Messurier on the subject. If Mr. Craig had come within the jurisdiction of any British Court, the difficulties which might have attended the attempt to obtain his conviction ought not to have prevented an effort from being made for that purpose. But we understand from the newspapers that Mr. Craig died at Chandernagore. Answer to Political letter, dated 31st December (No. 139) 1852. (Para. 1.) Reply of the Advocate-General to the reference respecting the possibility of taking legal measures against Mr. Craig.

20. We entirely agree with Mr. Le Messurier, that the Legal Remembrancer and the Assessor to the Court of Petty Sessions, officers receiving salaries from Government, ought to be interdicted from acting professionally in any way adverse to the Government; and we desire that orders to that effect be issued immediately on the receipt of this despatch, if that proper measure should not have been antecedently adopted.

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24 May (No. 29) 1853.—Political Department.

Our Governor in Council at Bombay.

1. WE now reply to para. 2 of your Political Letter, dated 31st December (No. 139) 1852, transmitting the reply of Mr. Davies, the Resident at Baroda, to the reference made to him, at our desire, for his opinion whether any further inquiries can be instituted with advantage on any point connected with the resolutions contained in the correspondence of the banker Nurbheyram Kobier. Investigations at Baroda.

2. Mr. Davies is of opinion that, "looking to the period which has elapsed since the Nurbheyram papers were first brought to light, coupled with the evidently surreptitious manner of their production, to the absurdity of the means proposed of accomplishing the ostensible object, to the possibility, not to say probability, that Nurbheyram and his nephew, Bhanabhaee or Bhooria, may now disavow their former evidence; and lastly, to the fact that the accused party, his Highness's minister, was not at the time put upon his defence, and that his complicity rests upon the sole unsupported fact of his name being used by other parties, no prospect of advantage appears likely to follow a resuscitation of the question, but that, on the contrary, Government might seriously compromise its dignity in the event of the inquiry ending unsuccessfully."

3. We cannot but feel the force of the considerations urged by Mr. Davies, and concurred in by your Government; and being convinced that no useful result could be obtained by a further prosecution of these inquiries, we do not wish that they should be revived.

4. We regret that this determination necessarily precludes any prospect of ascertaining the truth in this matter, and of either disproving the alleged attempt to bribe persons holding high situations in your Government, or punishing the persons involved in these corrupt transactions, if the reality of the intended attempt should have been substantiated by the inquiry.

Intrigues at Baroda and Bombay.

5. We cannot refrain from observing, that whatever chance there might have been of arriving at either of these results, has been entirely lost in consequence of the view taken and the course adopted by you.

6. In our despatch of June 23d (No. 19) of 1852, we observed upon the remissness which we thought was displayed by you in 1851, and we have seen no reason to alter our opinion in this respect.

7. Whatever might have been the result of the inquiry, whether the guilty intention of offering bribes had been brought home to Bhow Tambeykur, who is practically the minister of the Guickwar, or only to Nurbeyram and Bhooria, or whether the transaction had been shown to be an attempt on their part to extort money by pretences known by themselves to be false, of access to and influence over British officers, the result must have been equally to the credit of the British Government and its officers; and we regret deeply that no proceedings have been taken, or are now likely to be attended with advantage in this case.

8. We feel most strongly that it is an object of primary importance to preserve above all suspicion, in the eyes of the natives of India, the purity and incorruptibility of the administration of our Governments; and that any remissness on their part in prosecuting a full and searching inquiry into any matter from which imputations on that purity have arisen, or could possibly arise, is but little calculated to remove impressions unfavourable to the character of our officers.

9. It is useless, however, to recur further to the past; our reliance for the future must be on the measures to be taken by you for preventing any such corrupt intrigues, and for removing the impression of even the possibility of their being successful.

We are, &c.
(signed) *R. Ellice.*
J. Oliphant.

London, 24 May 1853.

No. 18 of 1853.—Political Department.

To the Honourable Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. With our despatch, dated the 3d December last, No. 123 of 1852, we forwarded to your Honourable Court copies of two anonymous letters, which, under dates the 9th and 19th May 1845, were addressed to Mr. J. P. Willoughby, then Chief Secretary to Government, on the subject of certain alleged intrigues connected with Baroda.

2. From the proceedings we now have the honour to forward, your Honourable Court will observe, that from information which lately reached this Government, there appeared to be grounds for believing that the above letters were written by Mr. George Evans,* an Indo-Briton, who upwards of 20 years since was employed as a clerk at the Baroda Residency, and now residing in the Jodhpoor territory.

3. We accordingly caused a reference to be made to Lieutenant-Colonel Sir Richmond Shakespeare, and in reply, that officer, on the 10th December last, informed us that this person is in the employment of the Maharaja of Jodhpoor.

4. Sir Richmond Shakespeare at the same time forwarded, in original, a letter to his address from Mr. George Evans, dated 9th December last, the handwriting of which, and of a communication that person has subsequently addressed to our Chief Secretary (copies of both accompany this despatch), is extremely similar to that of the two anonymous letters above alluded to, which were received by Mr. Willoughby

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* *Vide* para. 14 of Political despatch from the Bombay Government to the Honourable Court, dated the 16th September, No. 38 of 1840.
Reply to, from the Honourable Court, dated the 10th February, No. 2 of 1841, para 6.

Willoughby in the year 1845. This and other corroborative circumstances alluded to in our Right Honourable President's minute, dated the 23d ultimo, in our opinion, scarcely leave any moral doubt of the identity of Evans as their author. Intrigues at Baroda and Bombay.

5. We have accordingly caused a letter, to which we beg to refer, to be addressed to the Political Agent at Jodhpoor, to the effect of Enclosure No. 13 to the collection accompanying this despatch.

We have, &c.
(signed) *Falkland.*
D. A. Blane.
A. Bell.

Bombay Castle, 12 February 1853.

Extract Political Letter to Bombay, dated 11 May (No. 25) 1853.

5. These letters were recalled to your notice by circumstances which transpired in the inquiry into the conduct of Ragoba Moroba. Internal evidence, combined with similarity of handwriting, rendered it probable that the letters in question were written by one George Evans, formerly a clerk in the Baroda Residency Office, in which situation he was proved to have betrayed his trust by communicating official information to the Guicowar. He subsequently obtained employment under that prince; but was dismissed from it on a requisition from your Government. As he is now, or was lately at Jodhpore, a candidate for employment under the Rajah of that state, we approve your having communicated the circumstances of the case to the Political Agent at Jodhpore; and we cannot doubt that that officer will have considered the said George Evans as not a proper person to "be employed under any native Durbar" connected with the British Government.

Letter from, dated 12th February (No. 18) 1853.
Correspondence and inquiries respecting two anonymous letters relating to intrigues at Baroda, which were addressed to Mr. Willoughby in May 1845.

Extract Bombay Political Consultation, July 1852.

Minute by the Honourable Mr. *Blane.*

1. I much regret being unable to view Mr. Smith's conduct otherwise than in a most unfavourable light.

2. Mr. Smith's confession, in his evidence before the committee, that he was aware of the large sums mentioned by him being paid for writing petitions, and that the writer did, for that purpose, avail himself of his knowledge of office matters, amounts, in my opinion, to connivance at bribery.

3. It was surely Mr. Smith's duty to make known such a fact to the head of the office; and his failure to do so appears to me fully to have incurred the penalty of dismissal from his present situation.

4. At a personal interview requested by Mr. Smith, since my return from Madras, he represented in explanation that he believed it to be customary to write petitions, and receive payment according to the result; but this, so far from being any justification, is in fact the very essence of the deception by which, in nine cases out of ten, bribes are obtained, and constitutes the most aggravated feature of the evil we are seeking to correct; for it is only by taking credit for influencing the result, that such incommensurate remuneration can be supposed to be exacted.

5. The present occasion, moreover, is one in which I consider it more peculiarly incumbent upon Government to demonstrate the earnestness of its efforts to suppress the much bruited corruption amongst its official subordinates, by visiting with exemplary severity any complicity, even of connivance, when brought home to any of them, and consequently that no exception in Mr. Smith's favour would be justifiable.

Intrigues at Baroda and Bombay.

6. On the other points. I concur mainly in the views expressed by the Right Honourable the President. I can perceive nothing exculpatory of the part taken by Captain Barr, though I would fain believe that he must have been acting under some misapprehension.

23 April 1852. (signed) *D. A. Blane.*

MINUTE by the Right Honourable the Governor.

I ADHERE to my opinion that Mr. Smith should not be deprived of all hope of procuring a livelihood in any Government office. The office of the Chief Secretary being shut against him, he will almost as a matter of course be employed in a capacity inferior to that which he has hitherto filled in any department he may enter. His fault I admit to have been a grievous one, but it was committed some years ago; and as in the interim he appears to have acted irreproachably, I conceive that he will be sufficiently punished for his reprehensible conduct by the course I propose.

28 April 1852. (signed) *Falkland.*

FURTHER MINUTE by the Honourable Mr. *Blane.*

I HAVE no further remark I wish to offer.

1 May 1852. (signed) *D. A. Blane.*

MINUTE by the Honourable Mr. *Bell.*

I MUST confess I do not view Mr. Smith's conduct in the aggravated light in which it is considered by my colleagues, Messrs. Blane and Warden, considering the peculiar position in which he stood to Mr. Craig; and I concur generally in the views of the secretaries before whom the inquiry was carried on, though I do not absolve him altogether from blame.

1 May 1852. (signed) *A. Bell.*

MINUTE by the Honourable Mr. *Warden.*

I HAVE no further remark to make.

4 May 1852. (signed) *J. Warden.*

FURTHER MINUTE by the Right Honourable the Governor, concurred in by the Board.

ORDERS may now be issued.

(signed) *Falkland.*
D. A. Blane.
A. Bell.
J. Warden.

7 May 1852.

No. 2379 of 1852.—Political Department.

From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to the Military Accountant.

Sir,

IT having come to the knowledge of the Right Honourable the Governor in Council that Mr. R. L. Cole, an assistant in your office, has, independently of that appointment, acted for some time past as a confidential clerk to Mr. Howard, the barrister, I am directed to request that you will communicate to him the displeasure of Government at his having, without its previous sanction

or

or authority, simultaneously held these appointments, and require him forthwith to resign one of them; reporting to Government which of the two he may prefer abandoning. Intrigues at Baroda and Bombay.

2. You will, at the same time, warn Mr. Cole, that any deviation hereafter from the rules laid down in the Government notification of the 30th September 1843, and circulars of the 20th June 1851, will subject him to immediate dismissal from the service of Government.

I have, &c.
(signed) *H. E. Goldsmid*,
Secretary to Government.

Bombay Castle, 26 May 1852.

No. 2381 of 1852.—Political Department.

From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to Captain *H. Barr*, Bombay.

Sir,

With reference to your two letters, dated the 31st December last, and to the evidence given by you during the following month before the committee of secretaries, on points connected with some late Baroda intrigues, I am directed to inform you, that the Right Honourable the Governor in Council considers that in the conduct of that portion of the investigation into these matters which was entrusted to your management, you have evinced so great a want of energy, decision, and accuracy of recollection, as to impress his Lordship in Council most unfavourably in regard to your capacity or zeal in the service of Government.

I have, &c.
(signed) *H. E. Goldsmid*,
Secretary to Government.

Bombay Castle, 26 May 1852.

From *G. Smith*, Esq., Second Assistant Political Department, Secretariate, Bombay, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

It having been intimated to me in Mr. Secretary Goldsmid's letter, No. 2378, of the 26th ultimo (in reply to my representation of the 10th April last), that Government had decided upon my removal from my present situation under you, I feel that I am called upon, in justice to myself and my family, to use every proper means to remove the stigma which attaches to me, and to avert the (to me) ruinous consequence of that decision.

2. I am induced, therefore, to beg that you will be so good as to lay before the Right Honourable the Governor in Council my respectful request that the accompanying memorial,* which I have taken the liberty to address to the Honourable Court of Directors, may be forwarded to that authority. I earnestly hope that the circumstances therein submitted may weigh with the Right Honourable the Governor in Council, and induce him to reverse the judgment which has been pronounced against me, and to relieve me from the effects of a punishment which, I trust, I may be pardoned for saying, it is my conscientious conviction I have done nothing to deserve.

* In triplicate.

3. I would further humbly solicit, if this my appeal to his Lordship in Council should unhappily not be successful, that, as the period during which I am permitted to continue in my present situation will soon be passed, the memorial may, if possible, be transmitted to the Honourable Court by the mail of the 25th instant.

4. I beg to hand up the originals of the testimonials, copies of which are attached to the memorial, in view to the verification of the latter, if necessary; and I respectfully request the favour of the former being returned to me when they may be no longer required for that purpose.

I have, &c
(signed) *G. Smith.*

Bombay, 19 June 1852.

Intrigues at Baroda and Bombay.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

THE humble Memorial of *George Smith*, a Clerk in the Political Department of the Government, Secretariate, Bombay; dated 19 June 1852.

1. IMPRESSED with deep respect towards your Honourable Court, and sensible of the consideration which allows to the humblest of your servants, as well as the highest functionaries in your employ, a like freedom of access, your memorialist ventures, as briefly as possible, to lay his case before your Honourable Court.

2. Your memorialist has been employed for 15 years as a clerk in the Secretariate, and, for upwards of six years of that period in the Political Department, in which your memorialist is at present the second assistant. During this time he has every reason to believe his conduct has given satisfaction to his superiors, as indeed is well evinced by his advancement to his present grade.

3. Nearly two years ago, a communication from Colonel Outram, the Resident at Baroda, was shown to your memorialist by Mr. A. Malet, Chief Secretary to Government, in which indistinct reference was made to some party in the Secretariate who was connected with Baroda intrigues, and who was spoken of as one "Crek" or "Crik" in native documents, but whose denomination in this way Colonel Outram considered merely to indicate a "clerk" in the office. On this occasion, your memorialist, without any reservation whatever, when such could have been practised probably without detection, but with unwavering fidelity to the Government, informed Mr. Malet that, in his opinion, the party thus indicated was none other than your memorialist's brother-in-law, a Mr. Craig, who had lately left the Secretariate, and of whose conduct in the private relations of life your memorialist had lately begun to form the worst opinion, and whose wife had mentioned that he had received 2,000 rupees from some natives for work rendered to them. Though your memorialists actually knew nothing of his own personal observation of the dealings of Mr. Craig with the natives, he considered himself from this date ready, at the call of his superiors, to communicate to them whatever he had learned or supposed of these dealings, either by report or even mere suspicion.

4. About five months ago, your memorialist was called before a commission of secretaries, consisting of Messrs. Malet and Goldsmid, and Colonel Melville, and was informed by them, that a native had said that your memorialist had been present on some occasions when natives had visited Mr. Craig. On this occasion, (and with a view to facilitate the inquiries which were being made), your memorialist frankly said that when Mr. Craig occupied a bungalow in part of his compound, he had seen natives occasionally with him; and repeated what he had told Mr. Malet about 20 months before.

*25th March 1852.

5. Your memorialist, on being some time afterwards* informed by Mr. Malet that it was in contemplation of Government to require him to vacate his appointment for not giving the information at an earlier period which your memorialist had lately communicated, addressed the following memorial to the Bombay Government:—

"To the Right Honourable Viscount *Falkland*, G.C.B., Governor in Council, Bombay.

"THE humble Memorial of *George Smith*, a Clerk in the Political Department of the Secretariate.

"YOUR memorialist begs most respectfully to represent that it has been intimated to him, by Mr. A. Malet, the Chief Secretary to Government, that your Honourable Board are about to pass an order requiring your memorialist to vacate the situation he holds in the Political Department of the Secretariate, and to seek for employment in some other branch of the public service.

"2. The ground of such order, your memorialist is given to understand, is that your memorialist failed to give information so early as it is now considered he

Intrigues at Baroda and Bombay.

he ought to have done, that Mr. Craig, then a clerk in the same department as your memorialist is now employed in, and who stood in the relation of brother-in-law to your memorialist, had written petitions for natives, and received payment for so doing.

"3. Your memorialist submits that, in estimating the degree, or even the existence of culpability on the part of your memorialist in this omission or delay, it is necessary to bear in mind that, however the badness of Mr. Craig's character has been made apparent by the facts which have since come to light, he bore at the time when it is now considered to have been the duty of your memorialist to have informed against him, the character of an honest man, and your memorialist, as well as others, not excluding his official superiors, believed him to be an honest man.

"4. The circumstance referred to occurred some years ago. Your memorialist's sister-in-law mentioned incidentally that her husband had been paid 2,000 rupees for some work which he had done. This communication did not arouse in your memorialist's mind any suspicion against Mr. Craig's fidelity to Government. Your memorialist believed that, whatever money he might have so received, had been paid *bonâ fide* for petition-writing, and there was nothing otherwise in it to lead your memorialist to suppose that Mr. Craig had been guilty of any breach of trust. Your memorialist had no wish to shield a criminal, but there was no circumstance at that time known to him, to lead him to suspect that information was being carried out of the office by Mr. Craig.

"5. The fact stated by your memorialist to the commission of secretaries which recently sat, that at the period above alluded to Mr. Craig resided in the same house as your memorialist, may tend to create an impression that your memorialist must have well known what Mr. Craig's practices were. To remove such an impression, your memorialist begs to be permitted to explain that the apartments which Mr. Craig occupied, with his family, though let as a portion of the house of your memorialist, had a separate compound and entrance, and for all purposes of privacy were a separate house. There was, indeed, a private communication up-stairs, between the sleeping apartments of the two families, and it was while casually in Mr. Craig's apartments that your memorialist, on two or three occasions, observed natives with him in an adjoining verandah. Your memorialist, however, never mixed with them, nor did he concern himself in any way about their proceedings; neither did he ever see Mr. Craig writing a petition, nor did he know that he had received money for so doing, until he casually heard his sister-in-law say so.

"6. Your memorialist would respectfully urge upon the consideration of your Honourable Board, the fact that he was not in a position to accuse Mr. Craig, for if he had reported what he had heard to his superiors, the accused would, beyond all doubt, have denied the fact; and your memorialist, being without any evidence, would have been held up as a calumniator and slanderer of an honest man, for such Mr. Craig was then believed to be, and that man, too, your memorialist's brother-in-law.

"7. Your memorialist begs further to urge, that he himself, after all, was the first to point directly to Mr. Craig as a guilty party. About 20 months ago, on being shown by the Chief Secretary a letter from Colonel Outram, in which some party connected with Baroda intrigues was indistinctly indicated, your memorialist immediately stated his belief that it could be no other than Mr. Craig, whose bad conduct in the private relations of life had some time before made it apparent to your memorialist that he was utterly untrustworthy and devoid of principle; though it was not until your memorialist had seen the Resident's letter, that he was led to connect what was there stated with what he had heard from his sister-in-law. Your memorialist submits that, under these circumstances, he could not have come forward at an earlier period with an accusation against his brother-in-law. As soon as he could he did not hesitate to do so.

"8. When your memorialist appeared before the commission, he knew that he was in the hands of honourable and discerning men, before whom an innocent man had no need to assume the reserve of a defendant; and that it was his duty,

Intrigues at Baroda and Bombay.

frankly and freely, to state every fact and every particular that might by any means be useful in furthering the ends of justice.

"9. Your memorialist throws himself upon the consideration of your Honourable Board. The measure contemplated is one of extreme severity, and will, if carried out, involve himself and family in great suffering; and will fix a stigma upon his character which he has not merited. He cannot, therefore, but hope that the explanations he has now submitted will remove from your Honourable Board the feeling that he is deserving of punishment in this matter.

"And your memorialist, as in duty bound, &c. &c. &c.

"(signed) *G. Smith.*"

"Bombay, 10 April 1852."

6. To this memorial the following answer was received:—

"No. 2378 of 1852.—Political Department.

"From *H. E. Goldsmid*, Esq., Secretary to the Government of Bombay, to *G. Smith*, Esq., Second Assistant Political Department, Secretariate, Bombay.

"Sir,

"I AM directed to acknowledge the receipt of your memorial, dated the 10th ultimo, and to inform you that, considering your conduct, as elicited on your recent examination before the committee of secretaries, as a bar to your remaining in the appointment you now hold, the Right Honourable the Governor in Council declines to interfere with the intimation which has been made to you by the Chief Secretary to Government, that you cannot be retained in your present situation in the Political Department of the Secretariate.

"2. I am at the same time desired to intimate to you, that you are not debarred from employment in any other Government office; and that you will be allowed to retain your present appointment for four months from the present date, in the expectation that in that time you will succeed in obtaining employment elsewhere.

"I have, &c.

"(signed) *H. E. Goldsmid*,

"Bombay Castle, 26 May 1852." "Secretary to Government."

7. Your memorialist is not informed in this reply in what respect his conduct is deemed to be a bar to his remaining in his present situation. He is, therefore, unable to give any explanation with respect to it. He submits, however, though with much deference, that his conduct throughout this affair has not been other than the generality of men would, in like circumstances, have pursued, without prejudice to their integrity or reproach to their character.

8. He, however, craves permission to notice one expression in the above reply, since its tendency is to produce an unfavourable impression against your memorialist. It is, "your conduct as elicited on your recent examination before the committee of secretaries." Your memorialist begs to submit that these words convey an insinuation for which there are no sufficient grounds; for, in truth, the commission can hardly be said to have "elicited" information by the "examination" of your memorialist. On the contrary, your memorialist's deposition was given in a narrative form, with fulness and freedom, and without any reservation whatever.

9. Questions were certainly asked your memorialist as he proceeded with his statement, principally, as it appears to him, with the view of arriving at a clear understanding of what he said; but he does not recollect any question of importance except the following, viz., whether he did not consider 2,000 rupees a large sum for writing a petition. The question did not, however, bear upon your memorialist's conduct, but called for an expression of his opinion. Your memorialist replied that he "did not."

10. Setting aside the suddenness of his reply, and the fact of his speaking without weighing all the relations of the question, your memorialist would mention

mention the impression on his mind at the moment on which he acted, which simply was, that 2,000 rupees was not an incredible sum to be paid by natives when large interests were at stake, and to be received by such a man as Mr. Craig for work done; not indeed for one single document, as the word "petition" no doubt strictly means, but for that and all the collateral work required in its preparation, which might have taken up a great deal of time, and involved no small amount of labour. This was the idea in your memorialist's mind, though unhappily he failed to express it; his object was not to vindicate Mr. Craig for receiving this money, if he had obtained it according to the report which your memorialist heard, but to corroborate any information which Colonel Outram had obtained with respect to the improper reception of money by Mr. Craig.

11. In fully expressing his sentiments, your memorialist may have unintentionally given to his statement a character which has operated prejudicially to himself. But he humbly trusts that in consideration of the entire merits of the case, he may not be considered blameworthy, since his intentions were strictly honest, and his only object was to aid the Government, as far as his testimony might go, in the inquiries they were prosecuting.

12. Your memorialist, moreover, humbly begs that, in estimating any seeming inconsistency or discrepancy on his part, it may be borne in mind that he was called before the commission without a moment's previous warning to collect his thoughts. In fact, he was taken from his desk at which he was engaged, without the remotest expectation that he would be required to attend, and without even being aware for what purpose the commission, which sat with closed doors, had been assembled.

13. Your memorialist has already explained that, but for the circumstance of his having been shown the letter from Colonel Outram, it could not have occurred to him that Mr. Craig had been unfaithful to his trust, and that it was not in his power to have made any representation against him at an earlier period than he did; and he submits that, taking even the most unfavourable view of his case, the fault alleged against him cannot be attributable to more than an error in judgment, an error which prevented him, at a period when nothing was heard of native intrigues, and at a time when his brother-in-law bore a good character, from attaching that importance which he afterwards did to the remark of his wife; that her husband had received payment from natives for work rendered to them.

14. Should it be argued that suspicion of wrong-doing ought at the time to have been aroused in your memorialist's mind, he can only state that no such suspicion did arise; and in saying this, he trusts he will be as fully believed as he is in regard to those parts of his deposition, which are deemed by the Government to tell against him.

15. Your memorialist has not been guilty of fraud, or dishonesty, or any act of moral turpitude, in thus failing to perceive the existence of a fault in another; and he respectfully submits that the offence alleged against him is not one requiring the heavy punishment about to be inflicted on him, but rather comes within the class of those minor faults which the orders contained in your Honourable Court's despatch to the Government of India, No. 42 of the 6th August 1851, expressly direct shall not be followed by so severe a penalty.

16. In support of this, your memorialist would respectfully advert to the fact, that although by the orders of Government conveyed in Mr. Secretary Goldsmid's letter above transcribed, your memorialist is dismissed from one Government situation, it is in the same letter declared that he is not debarred from employment in any other Government office; and Government, in fact, officially in a manner recommend your memorialist to other employ. Your memorialist disclaims any purpose of arguing with his official superiors, or of reflecting on an act of theirs, conceived perhaps in kindness to himself; still he would, however, respectfully observe, that if the fault imputed to him had really deserved dismissal, he would not have been deemed worthy to be allowed to remain four months in the Political Department, after official notice given, nor of being declared to be eligible for employ elsewhere in the public service. He, therefore, ventures deferentially to submit that the offence, whatever it has been, cannot

Intrigues at Baroda and Bombay.

be considered to be of that nature requiring the punishment now hanging over him.

17. And although the Government has not debarred your memorialist from being employed in any other public office, and has moreover permitted him to remain in his present situation for a period of four months, in the expectation that by that time he will succeed in getting employment elsewhere, this, though it delays the stroke, is not likely to diminish its weight; for the experience of ths last three months has taught your memorialist, that with the displeasure of Government resting upon him, however that displeasure may seem to be tempered, there is little hope of his succeeding, and even if he were to succeed in obtaining another situation, the fact of his having had to leave his present office could not but be associated with an unmerited stain on his character, and in all probability by a considerable sacrifice of salary: a matter of the utmost moment to your memorialist, who has a large family to maintain.

* The originals of these have been laid before the Bombay Government.

18. Your memorialist begs to subjoin a few testimonials* to his character. He leaves his case in the hands of your Honourable Court, in the hope that your Honourable Court will not, after a servitude of fifteen years, and at his present age in life (40 years), deem it requisite for the public service to cast him adrift in the world without pecuniary support, and with a blemished reputation; for such, if put into force, will be in effect the decision of the Bombay Government.

And your memorialist, as in duty bound, will ever pray.

Bombay, 10 June 1852. (signed) *G. Smith.*

Mr. G. Smith was employed in the Political Department of the Secretariate, as an extra examiner and assistant, from the 1st June 1837 to the 31st January 1838, during which period he was both steady and attentive. He left my employment for a more lucrative situation in another department of the Secretariate.

Bombay, 4 March 1843. (signed) *J. P. Willoughby,*
Secretary to Government.

Mr. G. Smith was employed as an examiner and indexer in the Revenue and Financial Departments of the Government Secretariate, from the 1st February to the 30th June 1838, and performed his duties in a very creditable manner. He obtained permission to resign his employment, on his being offered a superior situation in the department of the Military Secretary to Government. Mr. Smith has very good abilities, and I had every reason to be satisfied with his conduct.

Bombay Castle, 2 March 1843. (signed) *L. R. Reid,*
Chief Secretary to Government.

Certified that Mr. G. Smith has been an examiner in my office since the 1st July 1838, and has fully maintained the character which I received from Doctor Smyttan regarding him, and on which I was induced to place him in the situation. He is highly respectable, steady, and useful in his department.

20 February 1839. (signed) *E. M. Wood,*
Secretary to Government,
Military and Marine Department.

Mr. G. Smith held a situation in the Military and Marine Departments of the Bombay Secretariate, from the 1st July 1838 to the 23d October 1840, under the late Colonel Wood. Colonel Wood did not furnish any of the persons employed under him with testimonials. The circumstances connected with his last illness prevented it; and Mr. Smith has applied to me to remedy the omission in his case as far as I can. I can certify to the fact, that the late Colonel Wood was well satisfied with Mr. Smith's services, as he on several occasions expressed himself to that effect; and I can bear testimony from personal observation, that Mr. Smith was uniformly attentive and diligent, and evinced a degree of intelligence that cannot fail to make his services valuable in any public office.

Bombay, 3 March 1843. (signed) *N. Spencer,*
Uncovenanted Assistant,
Military and Marine Departments.

Intrigues at Baroda and Bombay.

Mr. G. Smith entered the general department of the Secretariate, on promotion as second clerk, on the 23d October 1840, and still holds that situation; during that time he has been steady and attentive to his duties, aud has by his abilities, and knowledge of the business of the office, been of the greatest assistance, and I can only add that it would be a loss to the department were he to leave it.

(signed) *F. Rouget,*
Assistant to the Secretary to Government,
in the General Department.

Bombay 3 March 1843.

My dear Sir, 25 March 1852.

As you are desirous of obtaining another situation, I may say that you have my permission to endeavour to do so; you have been in your present situation for six years, and have had charge of this office on several occasions, once for about six months, when you conducted the duties in a manner satisfactory to me. I shall have much pleasure in hearing that you have succeeded in your object, in which if I am able I shall be happy to assist you.

I am, &c.
(signed) *A. Malet.*

G. Smith, Esq.

I have been intimately acquainted with Mr. George Smith since May 1845. I have always highly esteemed him for his exemplary sincerity and ingenuousness, and fidelity in all the relations of private life, and I have the most entire confidence that his integrity and conscientiousness as a public man and servant of Government are beyond all suspicion. I believe him quite incapable of anything like perfidiousness or violation of trust.

(signed) *Alexander Gordon Fraser,*
Minister of the Free Church of Scotland
in Bombay.

Bombay, 15 June 1852.

Mr. George Smith having requested me to state what I know of his character, I beg leave to say that I have known Mr. Smith for the last twelve years, and during the greater part of the time intimately. I have always entertained the highest respect for him as a moral and religious man, of the strictest integrity.

Indeed, I have considered him an eminently straightforward character, and am persuaded that if it be that he has erred, as is reported, in not communicating to Government what he had heard of a suspicious nature regarding a relation of his at an earlier period, it was the consciousness of his own rectitude which prevented him from entertaining suspicions of others; that was the sole cause.

(signed) *J. Stevenson,*
Senior Minister Church of Scotland.

Bombay, 17 June 1852.

Mr. George Smith was introduced to me in 1837, by Dr. Smyttan, of the Bombay Medical Board, and since that time I have had constant opportunities of observing his character and conduct, and can freely testify that they have ever appeared to me not only highly creditable to himself, but every way satisfactory to his friends and acquaintances. I believe him to be actuated by the soundest religious principles, and to be honest, faithful and upright in all the relations of life, private and public.

(signed) *John Wilson,* D.D.

Bombay, 17 June 1852.

Mr. George Smith has asked me to state in writing my opinion of his character.

I have known him for the last 15 years. During a part of the time he was employed in the same department with myself in the Secretariate, and I have been intimately associated with him in other ways I believe him to be strictly honest, upright, truthful, and perfectly trustworthy.

(signed) *N. Spencer.*

Bombay, 17 June 1852.

Intrigues at Baroda and Bombay.

HAVING been requested by Mr. George Smith to furnish him with a statement of what I know of his character and conduct, I beg to say that I became acquainted with him about 15 years ago, and have been in friendly intercourse with him ever since. I know many of his intimate friends. By them, as by myself, he has always been held in high esteem for the rectitude of his principles, and his strictly correct conduct. Mr. Smith was employed as an examiner while I served as an assistant in the Revenue Department of the Government Secretariate.

(signed) *F. Hutchinson,*
Manager Commercial Bank of India.

Bombay, 18 June 1852.

I HEREBY certify that I have known Mr. George Smith, of the Bombay Secretariate, for several years, and that I have always considered him to be a gentleman of the most undoubted integrity.

I have heard of the bad conduct of Mr. R. D. Craig, who had married the sister of Mr. Smith's wife, and that the Governor in Council of the Bombay Presidency has considered that Mr. Smith was to blame in not having made known to the Secretary in the Political Department, in which department Mr. Smith was employed, that he was cognisant of Mr. Craig having assisted natives in the writing petitions to the Government of Bombay.

I have also heard that Mr. Smith has received notice from the Secretary to Government that, after the lapse of a few months, he must vacate his present appointment.

I certify that, from all I have known of Mr. Smith, I do not believe him to be capable of any conduct of such a nature as to justify his being deprived of his situation, in which he has served the East India Company for about 15 years; and I further certify, that I confidently believe, that what I have now stated would be fully borne out by the testimony of all who are acquainted with Mr. Smith, and that such is the opinion of every person that I have heard make mention of the subject.

(signed) *D. M'Cullock,* Merchant, Bombay,
and Chairman of the Commercial Bank of India.

Bombay, 18 June 1852.

MINUTE by the Right Honourable the Governor.

MR. SMITH may be informed that this petition will be transmitted to the honourable Court by the next mail.

2. I should wish the Court to be referred to para. 3 of my minute, dated 17th March; para. 3 of my minute of the 29th idem; and to my minute of the 28th April.

3. The Court will have learned from our proceedings connected with Baroda affairs, that the state of the Political Department of the Secretariate has lately been such as to preclude my interfering with any measures taken by the responsible head for the removal of persons whom he might distrust. Therefore, by para. 3 of the first minute to which I have alluded above, I left it optional with the Chief Secretary to retain or dispense with the services of Mr. Smith.

(signed) *Falkland.*

20 July 1852.

MINUTE by the Honourable Mr. *Blane.*

I HAVE already recorded my views in this matter.

(signed) *D. A. Blane.*

21 July 1852.

MINUTE by the Honourable Mr. *Bell.*

I, TOO, have already recorded my views in this matter; but I would add, that unless Mr. Smith's general character renders his retention in the Secretariate undesirable, his alleged misconduct might be adequately met by a milder penalty than dismissal, by transferring him to either the General, Revenue, or Judicial Departments, on a salary of equal emolument.

(signed) *A. Bell.*

21 July 1852.

Intrigues at Baroda and Bombay.

No. 3258 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *G. Smith*, Esq., Second Assistant Political Department, Secretariate, Bombay.

Sir,

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter, dated the 19th ultimo, and to inform you that the memorial therewith submitted to the address of the Honourable the Court of Directors will be transmitted to that authority by the Overland Mail of this day.

I have, &c.

Bombay Castle, 24 July 1852.

(signed) *A. Malet*, Chief Secretary.

(True extract.)

(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation, 28 August 1852.

No. 3773 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to Mr. *G. Smith*, Second Assistant Political Department, Secretariate.

Sir,

WITH reference to Mr. Secretary Goldsmid's letter, dated the 26th May last, No. 2378, intimating to you that, for reasons therein mentioned, you would be required to vacate your present appointment at the expiration of four months from that date, I am now directed by the Right Honourable the Governor in Council to inform you, that in consequence of orders subsequently received by Government from the Honourable the Court of Directors, you cannot be permitted to hold any appointment in the public service pending the decision of that authority on your memorial forwarded to them on the 24th ultimo. Your official emolument will of course cease on the expiration of the four months.

I am, &c.

Bombay Castle, 28 August 1852.

(signed) *A. Malet*, Chief Secretary.

Nos. 3774, 3775, and 3776.

COPY of the above letter to be sent to the Accountant-General, Civil Auditor, and General Paymaster, for information.

(signed) *A. Malet*, Chief Secretary.

Bombay Castle, 28 August 1852.

CIRCULAR.

No. 3778 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to the Heads of all Departments.

Sir,

THE following extracts, paragraphs 26 and 27, of a despatch from the Honourable Court, bearing date the 23d June 1852, No. 19, are forwarded for your information, and for communication to all the subordinate officers in your department, to whom it should be clearly intimated that Government will rigidly act up to the spirit of the instructions they contain:—

"Para. 26. The malpractices which it has been our painful duty to notice among the subordinate functionaries in the Government offices at your Presidency have been continued through so many years, and are of a character so injurious, both to the public interests and to the reputation of the British

Intrigues at Baroda and Bombay.

Government, that you ought not to shrink from the exercise of any severity which may be necessary for their entire suppression. Prosecution in a criminal court should be had recourse to when legal evidence can be obtained; in any case, all persons either directly or indirectly concerned in the corrupt receipt of money, or in divulging the secrets of Government, or in the clandestine communication of official documents, or being even cognisant of such practices, without bringing them to the notice of their superiors, should be dismissed from office, and their re-employment in any department of the public service strictly interdicted.

"27. In cases where it may not be possible to fix the breach of trust upon a particular individual, but where it may be ascertained that it has been committed in some branch of a department, reluctant as we should be to inflict injury on any who may be innocent, we should feel it our duty to dispense with the services of the whole body, rather than fail to reach the treacherous and corrupt members of it."

I have, &c.

Bombay Castle,
28 August 1852.

(signed) *A. Malet*, Chief Secretary.

Extract Bombay Political Consultation, April 1852.

No. 70 of 1852.—Political Department.

From *John Marshall Davies*, Esq., Resident at Baroda, to *Arthur Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

In reply to the 3d para. of your letter, No. 40, of the 29th January last, transmitting a khurreeta to the address of his Highness the Gaekwar, I have the honour to forward a letter in reply received from his Highness. A translation of the khurreeta accompanies this.

I have, &c.

Baroda Residency,
17 March 1852.

(signed) *J. M. Davies*, Resident.

Translation of a Khurreeta from his Highness the Gaekwar to the Address of the Right Honourable *Lucius Bentinck*, Viscount *Falkland*, Governor of Bombay; dated 21 Jumadil, Awul 1908 (13 March 1852).

A. C.,

Further, in reply to your letter, dated 29th January last, relative to certain persons required by the late Resident to give evidence at the Residency not having been sent, I beg to state that it is not customary with either Government to forward witnesses when the demand for their attendance is considered irregular; nevertheless, in this instance, taking into consideration the existing friendship between the two Governments, the people were sent agreeably to the wishes of the Resident, and the Bombay Government were duly informed of the circumstance by the Durbar. Such being the case, this sirkar regrets having in this instance incurred the displeasure of the Bombay Government; nevertheless, if the Bombay Government will have the kindness minutely to scrutinise the various acts of the late Resident, it will be satisfied that the Durbar, bearing in mind the friendly feeling which has hitherto existed, invariably complied with the requests of that officer.

(True translation.)

(signed) *M. Battye*, Assistant Resident.

(True extract.)

(signed) A. Malet, Chief Secretary.

Intrigues at Baroda and Bombay.

Extract Bombay Political Consultation, April 1853.

EXTRACT para. 6, from a Despatch from the Honourable the Court of Directors, dated 26 January 1853, No. 3.

(11.) Reply of the Gaekwar to the letter from Government, respecting the non-production of certain witnesses required by Lieutenant-colonel Outram.

Para. 6. WE observe that the Gaekwar states that the witnesses in question have been sent to the Residency; you will, of course, forward to us the particulars of their examination.

To be communicated to the Resident at Baroda, with reference to his letter dated the 17th March 1852, with instructions to forward to Government any depositions which may have been taken when the witnesses alluded to were sent by the Gaekwar.

No. 1499 of 1853.—Political Department.

From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

WITH reference to your letter, No. 70, dated the 17th March 1852, I am directed by the Right Honourable the Governor in Council to transmit to you an extract, para. 6, from a despatch from the Honourable Court of Directors, No. 3, dated the 26th of January last, and to request that you will forward to Government any depositions which may have been taken when the witnesses alluded to in the khureeta of his Highness the Gaekwar, submitted with your letter above quoted, were sent.

I have, &c.

Bombay Castle,
1 April 1853.

(signed) *H. E. Goldsmid*,
Secretary to Government.

No. 187 of 1853.—Political Department.

From Lieutenant *M. Battye*, Assistant Resident in Charge, Baroda, to *H. E. Goldsmid*, Esq., Secretary to Government, Bombay.

Sir,

IN reply to your letter, No. 1499, of the 1st instant, transmitting an extract, para. 6, from a despatch from the Honourable Court of Directors, No. 3, dated 26th January last, and directing me to forward to Government any depositions which may have been taken when the witnesses alluded to in his Highness's khureeta were sent to the Residency, I have the honour to refer you to the 8th para. of Lieutenant-colonel Outram's letter, No. 221, dated the 2d December 1851, to the address of the Chief Secretary, in which he explains his reason for not examining the witnesses in the following words: "After a lapse of six days it was intimated that the parties would be sent; in terms, however, which precluded my receiving them, especially as I had in the meantime discovered ground for supposing that they had effected a communication with the witness intended to confront them." They were therefore never examined.

I have, &c.

Baroda Residency,
6 April 1853.

(signed) *M. Battye*,
Assistant Resident in Charge.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane* and the Honourable Mr. *Bell*.

THE Honourable the Court of Directors to be so informed in reply to the 6th para. of their despatch, No. 3, dated 26th January 1853.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

14 April 1853.

Intrigues at Baroda and Bombay.

Extract Bombay Political Consultation, August 1852.

From Captain *H. J. Barr*, Military Paymaster, to *Arthur Malet*, Esq., Secretary to Government.

Sir,

I HAVE had the honour to receive with very deep regret the letter from Mr. Secretary Goldsmid, dated the 26th May, conveying to me the censure of Government, with reference to my conduct in my inquiries regarding some late Baroda intrigues.

It has ever been my earnest endeavour to merit the approval of Government, and I trust I may not be deemed presumptuous in respectfully requesting that I may be informed in what particulars my conduct has conveyed to his Lordship in Council the unfavourable impression referred to in the letter under acknowledgment.

I make this request solely with the confident hope of being able, if permitted, to afford such explanation of my conduct and motives, as will, I trust, prove satisfactory to the Honourable Board.

I have, &c.
(signed) *H. J. Barr*,
Captain, Military Paymaster.

Bombay, 28 June 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

I PROPOSE that the following letter be written by the Chief Secretary to Captain Barr.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

30 July 1852.

No. 3474 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to Captain *H. J. Barr*, Military Paymaster, Bombay.

Sir,

1. I HAVE placed before the Right honourable the Governor in Council your letter of the 28th June last, and have been directed to inform you that the unfavourable opinion expressed in the letter from this department of the 26th May last, was formed by Government on a consideration of the following circumstances:

In compliance with a request made by yourself in reply to the official letter you wrote me, in September 1850,* you were authorised† "to hold Ragoba Moroba harmless for the share he may have taken in transactions of bribery and corruption in connexion with persons at Baroda, on condition that he shall make a full and free disclosure of all he knows on the subject, he being explicitly given to understand that this immunity will be forfeited should he fail to do so." You have stated, before the committee of secretaries on the 7th January 1852, that after you had received this permission you wrote down his (Raghoba's) deposition in your own hand, and had a copy made by him; and that subsequently, on his presenting himself before you to make a further statement, you "took notes of his (Ragoba's) conversation, and requested him to write down his own statement," and that his letter of 2d October 1850 "purports to be the sum of that conversation."

You, by your silence when forwarding this deposition and letter, must have led Colonel Outram to believe, as most certainly you led Government to believe, that they contained a complete and faithful record of all that he (Raghoba) had told you; although, so far from mentioning the circumstances throwing suspicion

* Letter from Captain Barr, not dated.
† Government letter to Captain Barr, dated 11th September 1850, No. 176.

cion on Smith, which you tell the committee you had elicited from Raghoba, they contained matter calculated to free Smith from having been cognisant of Craig's misdeeds.* Intrigues at Baroda and Bombay.

Again, you informed the committee, under dates the 7th and 10th January 1852, that you "fancied, from conversation with Raghoba, he had withheld information,"† and that he "was afraid to say all he knew about the matter,"‡ but you advised neither Colonel Outram, when sending him the deposition and letter, nor Government, of your suspicions that Raghoba was keeping facts back, and thus failing to fulfil the conditions on which alone the promise of immunity had been made.

2. The inquiry having been entrusted to you by Lieutenant-colonel Outram, with the sanction of Government, it was a duty which you neglected, when examining the principal witness, to have put down in writing all that he volunteered, and all that you elicited by cross-questioning; the more especially was this your duty, as he was an accomplice holding a conditional promise of pardon, and giving you information seriously affecting the interests and character of others.

3. In para. 4 of the official letter you wrote to me, under date the 9th December 1851, you state, that "on first suspecting Mr. Smith's complicity in the infamous transaction of Baba Nafra's agent in Bombay," you called in my office about the month of September 1851, and said that you had every reason for suspecting Mr. Smith; that he was not to be trusted; and that you "had it on evidence from Raghoba that he (Smith) was present on several occasions when interviews took place between Craig, Joteshwur, and himself." But on your being called on by Government‖ to state, "in the shape of a deposition, or any form you may deem preferable, the precise information you received from Raghoba Moroba, which led you to believe that Mr. Smith and Mr. Cole were mixed up in the intrigues alluded to" in that letter, you replied, under date 31st December, "My memory must have misled me in this, in so far as my having told you of Raghoba having confessed to me that Mr. Smith was present on several occasions, &c., as I now find that the warning I then gave you must have been simply to the effect that I had great misgiving in my own mind as to the trustworthiness of Mr. Smith, as the dates show me that the statement of Raghoba about Smith's presence at the meeting was not made till subsequent to the day on which my interview with you last took place." On so glaring an inconsistency as that exhibited between these two statements, made by an officer entrusted with the performance of a delicate duty, requiring extreme vigilance and accuracy on his part, his Lordship in Council does not desire now to comment.

‖ Government letter, dated 18th December 1851, No. 440.

4. In your letter to Government of the 9th December last, you state, that in the month of November 1850 you called upon Mr. Goldsmid to look at some documents, that you might be prepared to carry out inquiries which you were about to make of Mr. Cole; but then learning that all the papers in question were under charge of Mr. Smith, you at once saw that any further steps on your part must result in disappointment, and wrote to Colonel Outram to that effect. This explanation would be perfectly intelligible, were it not proved, by a note written by you to the Chief Secretary on the 18th October,§ that the fact which you describe to have learnt in Mr. Goldsmid's office in November 1850 was really known to you at least a fortnight before, and prior to the sanction of Government for the conditional pardon of Cole being applied for or granted. Because on the 18th October,¶ you write to the Chief Secretary: "I much fear, however, that the knowledge Mr. Smith has been allowed to gain by all the papers connected with Baba Nafra's affairs having been placed under his charge, will operate greatly against our coming to the truth." On the 21st October Colonel Outram officially requested Government to empower you to hold

The letter was sent through Captain Barr. *See* the latter's demi-official note, dated 26th October.

* *See* threat which Raghoba states, in his deposition of 12th September 1850, he held out to Craig of informing Smith, and his reasons for thinking this threat would have effect.

† Evidence given by Captain Barr, dated 7th January.

‡ Ditto, 10th January 1852.

§ Demi-official note, from Captain Barr to Mr. Malet, dated 18 October.

¶ Demi-official note, from Captain Barr to Mr. Malet.

hold out the offer of pardon to Cole; and on the 26th October you, when sending Lieutenant-colonel Outram's official to me, wrote: "If the pardon proposed is to be held out to Cole, of course the sooner it is done the better."

Demi-official note from Captain Barr to Mr. Malet.

Demi-official note from Mr. Goldsmid to Captain Barr.

On the 1st November Mr. Goldsmid, as Secretary to Government in charge of the Political Department, intimated to you that you were authorised to offer the conditional pardon, provided you thought it would be conducive to the public interests to follow that course; and it does not appear to be a sufficient or satisfactory reason on your part to assign for not having acted on the authority thus conveyed, or in any way pursued the inquiry you were prosecuting, still less for your having failed to intimate that you had dropped it, to allege, on the 9th December 1851,* that you so dropped it because you found the papers were in the hands of Mr. Smith, when you had been cognisant of that fact in 1850, and had, notwithstanding that you were so cognisant, left Government to believe that you were carrying on the investigation.

* Official letter to Government.

Demi-official note.

5. On the 18th October 1850 you informed me that you purposed suggesting, through Lieutenant-colonel Outram, "a course that will, I hope, obtain information of importance from Mr. Cole." On the same date you wrote to Mr. Goldsmid, who was in charge of the Political Department at Bombay, as follows:

Demi-official note.

"I spoke to Mr. Willoughby yesterday as to making my report direct to Government about my share in the Baroda investigation, and he agrees with me that the best course is that I have already adopted, viz., to send all the information I may obtain through Colonel Outram."

On the 1st November, as has been already noticed, you were informed by Mr. Goldsmid† that you were empowered to grant Mr. Cole the conditional promise of pardon, which you had suggested to Lieutenant-colonel Outram should be offered him, "provided you think it will be conducive to the public service to follow that course," but of this permission you never advised Lieutenant-colonel Outram, although you allege, in your letter‡ of 9th December 1851, that after receiving the permission, "you wrote to Colonel Outram explaining how matters stood."

‡ Paragraph 5.

I have been desired, when pointing out to you, as above, the inconsistencies, &c. on which the judgment of Government has been formed, to forward, for your information, the accompanying extract, para. 20, of a despatch, dated 23 June, received by last mail from the Honourable Court.

I have, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle,
11 August 1852.

(True extract.)

(signed) A. Malet, Chief Secretary.

Extract Bombay Financial Consultation, July 1852.

No. 643 of 1852.—Military Department.

From *C. Price*, Esq., Acting Military Accountant, to *H. E. Goldsmid*, Esq., Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 2379, of the 26th instant, and in reply to state, for the information of the Right Honourable the Governor in Council, that on the return of Mr. R. L. Cole, the head assistant of this office, to his duties, from the leave of absence which he has obtained from me for six months on urgent private affairs, from the 1st April last, the instructions of Government will be made known to him, and the result duly communicated.

I have, &c.
(signed) *C. Price,*
Acting Military Accountant.

Bombay Castle, Military Accountant's Office,
28 May 1852.

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† Demi-official note from M. Goldsmid to Captain Barr, dated 1st November 1850.

Intrigues at Baroda and Bombay.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

IT is reported that Mr. Cole left Bombay for England in the "Achilles," which left Bombay on the 1st April; a copy of this letter may be transferred to the Financial Department for information with reference to Mr. Cole's absence.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

31 May 1852.

MEMORANDUM by the Secretary to Government in the Financial Department.

THERE being no proceedings in the Financial Department on this subject, the secretary in charge of the Political Department begs to submit the within draft for the approval of the Honourable Board; and begs to solicit instructions whether the order should be issued in the latter department, where the proceedings which have led to this call are recorded, or whether it should be issued from the Financial Department.

(signed) *H. E. Goldsmid,*
Secretary to Government.

10 June 1852.

MINUTE by the Honourable Mr. *Blane*, concurred in by the Honourable Mr. *Bell.*

THE point under consideration is merely the question of leave beyond the usual limits, and may therefore be disposed of in the Financial Department, from which the letter may accordingly be issued.

(signed) *D. A. Blane.*
A. Bell.

11 June 1852.

No. 437 of 1852.—Financial Department.

From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to *C. Price*, Esq., Acting Military Accountant, Bombay.

Sir,

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter, No. 643, dated the 28th ultimo; and as Government has learnt that Mr. R. L. Cole proceeded to England by the steamer "Achilles" on the 1st April last, to request that you will explain under what authority you granted him permission to proceed on leave beyond the limits allowed to persons in his position, without vacating his appointment.

I have, &c.
(signed) *H. E. Goldsmid,*
Secretary to Government.

Bombay Castle, 12 June 1852.

No. 761 of 1852.—Military Department.

From *C. Price*, Esq., Acting Military Accountant, to *H. E. Goldsmid*, Esq., Secretary to Government, Financial Department, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 437, of the 12th instant, and, in reply, beg respectfully to state, for the information of the Right Honourable the Governor in Council, that, in giving Mr. Cole leave for six months on urgent private affairs to proceed, as he intimated, to England, I was not aware of any rule which made it any part of my duty to stipulate with him as to the place he might or might not visit in the course of his absence.

Intrigues at Baroda and Bombay.

2. In not submitting Mr. Cole's application for leave for the sanction of the Right Honourable the Governor in Council, I beg further respectfully to observe that, as he stands appointed to his situation by the head of the office, and does not hold any appointment direct from Government, I considered that I was at liberty to give the leave applied for without a previous reference to Government.

I have, &c.
(signed) *C. Price,*
Acting Military Accountant.

Bombay Castle,
Military Accountant's Office,
16 June 1852.

MEMORANDUM by the Chief Secretary.

No. 4299 of 1852.—Territorial Department, Revenue.

MR. PRICE is requested to report on what terms, as regards pay, &c., this leave was granted; and what provision was made for the performance of duty in Mr. Cole's absence.

Copy of the order granting Mr. Cole leave is also requested.

By order, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle,
24 June 1852.

No. 815 of 1852.—Military Department.

THE acting military accountant begs to state, in reply to this reference, that Mr. Cole's leave was granted on the understanding that he would receive half-pay during his absence.

The order granting Mr. Cole leave, and the provision made for the performance of his duty during the period of his absence, are shown in the accompanying extracts from the office report book of the 15th March and 1st April last.

(signed) *C. Price,*
Acting Military Accountant.

Bombay Castle,
Military Accountant's Office,
25 June 1852.

EXTRACT from the Military Accountant's Report Book, dated Monday, 15 March 1852.

MR. R. L. COLE has leave of absence from 1st prox. for six months, on urgent private affairs.

(signed) *C. Price,*
Acting Military Accountant.

EXTRACT from the Military Accountant's Report Book, dated Thursday, 1st April 1852.

CONSEQUENT on the departure of Mr. R. L. Cole, head assistant, on six months' leave of absence to Europe, the following arrangement is made to take effect from this day's date:—

A. Jordan to act for R. L. Cole.
Luxumon Sudasewjee to act for A. Jordan.
Narayen Govindjee to act for Luxumon Sudasewjee.
Dwarkanath Wisswanath to act for Narayen Govindjee.
Pandoorung Jugonathjee engaged to act for Dwarkanath Wisswanathjee.

Approved.
(signed) *C. Price.*

(True extracts.)
(signed) C. Price, Acting Military Accountant.

Intrigues at Baroda and Bombay.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

WERE it not that the six months will expire within a short period of the time within which Mr. Cole could return to Bombay were an order for his immediate return to be sent, I should have proposed that Mr. Price be directed to inform him that Government had cancelled the permission which had been granted, and that he would forfeit his appointment if he did not return by the very first opportunity.

2. Mr. Price to be informed, that it is such instances as the present of abuse of the discretional authority conferred on heads of departments, which lead to stringent rules being passed, and to Government reserving to themselves powers which they would wish to delegate to their executive officers.

3. In granting Mr. Cole leave, with permission to retain his appointment and a portion of his salary whilst absent, Mr. Price must have been aware that he was allowing a privilege which was not conceded to other Government officials; and he ought to have been aware that he was acting contrary to the provisions of the Act of Parliament, sect. 79, Acts 3 & 4 of George the Fourth, c. 85, prescribing in express terms that the salary of any officer whatever in the service of the East India Company shall, in the event of his going to Europe, cease from the date of his leaving India or the Presidency to which he may belong.

4. In taking the above notice of Mr. Price's conduct in the matter, I have not adverted to the fact that Mr. Cole ought not to have been allowed even a day's leave of absence from Bombay within the limits of the Presidency, until his official superior had been informed that the inquiry by the committee of secretaries at which Mr. Cole's presence had been required was finally closed.

5. Had Mr. Price referred Mr. Cole's application to Government, as, if inclined to consider it favourably, it was his bounden duty to have done, he would have been informed that the Honourable Court and the Government of India had expressly prohibited any deviation in the case of covenanted or uncovenanted officers from the rule prohibiting leave of absence to Europe.

See Letter from the Government of India, Judicial Department, No. 703, dated 2d June 1849. (Vol. 121 of 1849.)

(signed) *Falkland.*
D. A. Blane.
A. Bell.

2 July 1852.

No. 527 of 1852.—Territorial Department, Finance.

From *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to *C. Price*, Esq., Acting Military Accountant.

Sir,

I HAVE been directed to acknowledge the receipt of your communications, as per margin, having reference to leave of absence granted by you to Mr. R. L. Cole to proceed to England.

Letter No. 761, dated 16th June 1852.
Report, No. 815, dated 25 June, with accompaniments.

2. It is such instances, I have been desired to inform you, as the present of abuse of the discretional authority conferred on heads of departments, which lead to stringent rules being passed, and to Government reserving to themselves powers which they would wish to delegate to their executive officers.

3. In granting Mr. Cole leave, with permission to retain his appointment and a portion of his salary whilst absent, you must have been aware that you were allowing a privilege which was not conceded to other Government officials; and you ought to have been aware that you were acting contrary to the provisions of the Act of Parliament, sec. 79, Acts 3 & 4 of George the Fourth, c. 85, prescribing in express terms that the salary of any officer whatever in the service of the East India Company shall, in the event of his going to Europe, cease from the date of his leaving India, or the Presidency to which he may belong.

4. In taking the above notice of your conduct in the matter, Government have not adverted to the fact, that Mr. Cole ought not to have been allowed even a day's leave of absence from Bombay within the limits of the Presidency, until his official superior had been informed that the inquiry by the committee of secretaries at which Mr. Cole's presence had been required was finally closed.

Intrigues at Baroda and Bombay.

5. Had you referred Mr. Cole's application to Government as, if inclined to consider it favourably, it was your bounden duty to have done, you would have been informed that the Honourable the Court of Directors and the Government of India had expressly prohibited any deviation in the case of covenanted or uncovenanted officers from the rule prohibiting leave of absence to Europe.

I have, &c.
(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
15 July 1852.

No. 985 of 1852.—Military Department.

From *C. Price*, Esq., Acting Military Accountant, to *A. Malet*, Esq., Chief Secretary to Government.

Sir,

In acknowledging the receipt of your letter, No. 527, of the 15th instant, I have the honour to state, for the information of the Right Honourable the Governor in Council, that when I granted Mr. Cole leave to go to England, I was not aware (though, as it now appears, I ought to have been) that I was infringing a rule; I would therefore request you will have the goodness to convey the expression of my regret to the Right Honourable Board at my having committed this irregularity.

2. With reference to the 4th para. of your letter under acknowledgment, I beg to state, that I was in ignorance of Mr. Cole's presence being required at an inquiry by a committee of secretaries at the time leave was granted to him. I now however recollect Mr. Cole having asked me to allow him to go over to the Secretariate to show Mr. Goldsmid a private memorandum book; but I did not inquire for what purpose, or indeed form any conjecture regarding it, viewing it as an affair with which I had not any concern. It would now, however, seem to have been connected with the circumstance alluded to in the 4th para. of your letter; and had I been cognisant of this fact, Mr. Cole would not have obtained my permission to leave Bombay without a previous reference to Government.

I have, &c.
(signed) *C. Price*,
Acting Military Accountant.

Bombay Castle,
Military Accountant's Office,
23 July 1852.

Minute by the Right Honourable the Governor, concurred in by the Board.

The memorandum book was that produced to the committee of which Mr. Goldsmid was a member.

This may be recorded.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

31 July 1852.

(True extract.)
(signed) A. Malet, Chief Secretary.

No. 3777 of 1852.

Resolution of Government in the Political Department.

With reference to the correspondence noted in the margin,* Resolved,—That an intimation be made to the Financial Department for the issue of such orders as may be requisite, that in the event of Mr. R. L. Cole, assistant in the office of the

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* From the Acting Military Accountant, dated the 28th May, No. 643 of 1852.
Reply to, dated 12th June, No. 437 of 1852.
From the Acting Military Accountant, dated 16th June, No. 761 of 1852.
Reference to, dated 24th June, No. 4299 of 1852.
Report from, dated 25th June, No. 815 of 1852.
Reply to, dated the 15th July, No. 527 of 1852.
From Military Accountant, dated 23d July, No. 895 of 1852.

the military accountant, not having returned to Bombay from his present leave by the 1st October 1852, his name should be erased from the list of Government servants, as being absent beyond the limits, and without leave.

Intrigues at Baroda and Bombay.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
28 August 1852.

Extract Bombay Political Consultation, August 1852.

No. 3662 of 1852.

Resolution of Government in the Political Department.

Resolved, that the annexed extracts, para. 28, from a political despatch from the Honourable the Court of Directors, dated the 23d June, No. 19 of 1852, and para. 22 of the reply thereto, be made over to the Chief Secretary, that effect may be given to the orders of Government therein contained.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
21 August 1852.

Extract Para. 28, from a Despatch from the Honourable the Court of Directors, dated the 23d June, No. 19 of 1852.

Para. 28. We observe that it was stated by Ragoba to the Committee of Secretaries, that a report had reached the ears of Captain Barr to the effect that Captain Macdonald, of the 22d regiment on your establishment, had received 1,400 rupees of the money sent to Bombay from the firm of Hurree Bhugtee, for the purpose of inducing him to use his influence with Colonel Outram; Raghoba, however, contradicted the report, and said that the money received by Captain Macdonald was money which, though obtained from the agent of Baba Nafra, was raised by pledging his (Ragoba's) jewels, and was lent to Captain Macdonald as belonging to Raghoba himself. You do not seem to have attached any importance to this rumour; but we are so solicitous concerning the character and conduct of our servants in India, and so jealous of every imputation that may, directly or indirectly, be cast upon them, that we think it desirable that you should call on Captain Macdonald and on Captain Barr for further explanations, and, if necessary, institute an inquiry into the facts of the case.

Extract Para. 22, from a Despatch to the Honourable the Court of Directors, dated the 28th August, No. 76 of 1852.

Para. 22. The following instructions have been given by us to the Chief Secretary:

"You will consult Mr. Acland, and in writing request Captain Barr to furnish Government with full particulars of all that he knows relative to the transaction alluded to in the former deposition of Raghoba Moroba.

"You will, in conjunction with Mr. Acland, also take Raghoba Moroba's further statement as to the manner in which the transaction was managed, and carefully cross-examine him should he produce any acknowledgment from Captain Macdonald.

"Should any reference to Baroda be deemed necessary by Mr. Acland and yourself, you will consider yourselves authorised to address Mr. Davies without awaiting instructions from Government; you will also, together with the Government solicitor, consider the advisableness of taking measures with a view to elicit information relative to Captain Macdonald's transactions with Succaram Rugonath, adverted to in your memorandum of 1st December 1851."

No. 3819 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to Captain *H. J. Barr*.

Sir,

The Honourable Court having observed that in the course of the late inquiry by the Committee of Secretaries, it was stated by one of the witnesses that a report had reached your ears, to the effect that Captain Macdonald of the 22d regiment had received 1,400 rupees of the money sent to Bombay by the firm of Hurree Bhugtee, to induce him to use his influence with Colonel Outram, but

Intrigues at Baroda and Bombay.

that the witness contradicted the report, saying, that the money received by Captain Macdonald, though obtained from the agent of Baba Nafra, was raised by pledging the witness's jewels, and was lent by the witness to Captain Macdonald, and the Honourable Court being desirous of further explanation on the subject, I am desired to request you will report to Government full particulars of all you know relative to the transaction, stating whether any such report did reach you, and from whom, and the particulars of it.

You will consider this letter as written to you for your own information only.

I have, &c.

Bombay Castle,
2 September 1852.

(signed) *A. Malet*,
Chief Secretary.

From Captain *H. J. Barr*, Military Paymaster, to *A. Malet*, Esq., Chief Secretary to Government.

Sir,

In acknowledging the receipt of your letter of yesterday's date, No. 3819 of 1852, I have the honour to submit the accompanying copy of one of the examinations of Ragoba Moroba taken by me, and which contains the only information known to me with reference to the sum of 1,400 rupees said to have been paid to Captain Macdonald; I regret to say the rough copy of the examination in question bears no date.

I have, &c.

Bombay,
3 September 1852.

(signed) *H. J. Barr*, Captain,
Military Paymaster.

Copy of rough Draft of a Statement made by *Ragoba Moraba* when examined by Captain Barr, about the Month of October 1850.

When the Guicwar came to Bombay, Baba Nafra's son accompanied him, and I took him (the son) to Mr. Cole, and we consulted together about Mr. Willamson's estate, and then Baba Nafra's son presented Mr. Cole with two large diamond rings, and a shawl for Mrs. Cole; the value of the two rings was about 600 rupees, and that of the shawl about 300. When we returned from Mr. Cole's house, he came to my house and presented me with a pair of shawls, value about 500 rupees, and one pugree (turban), value about 12 rupees.

On the 8th of April 1850, I took from Bapoo Bhae a sum of 1,400 rupees, and paid it to Captain Macdonald's attorney, Mr. Leech, and took a bond from Captain Macdonald in my own favour. This sum was advanced by Bapoo Bhae in the hope that Captain Macdonald would assist Baba Nafra's business with Colonel Outram, in consequence of Captain Macdonald's great friendship with that gentleman.

Ragoba further stated that he had pledged his own joys (jewels) through Bapoo Bhae as security for this loan.

(True copy.)

(signed) *H. J. Barr*, Captain,
Military Paymaster.

No. 313 of 1852.—Secret Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to Captain *H. J. Barr*, Military Paymaster.

Sir,

I am desired by the Right honourable the Governor in Council to request that you will direct Ragoba Moroba, a clerk in your office, to call on me at my office, at noon to-morrow, with any bond that he may hold of Captain Macdonald of the 22d regiment, N. I., for money borrowed from him, as referred to in your letter, dated the 3d instant.

I have, &c.

Bombay Castle,
16 September 1852.

(signed) *A. Malet*,
Chief Secretary.

Intrigues at Baroda and Bombay.

Secret Department.

From Captain *H. J. Barr*, Military Paymaster, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

In compliance with your letter to my address of this day's date, No. 313, I have the honour to inform you that I have instructed Ragoba Moroba to wait upon you at your office to-morrow at noon, and that he should take with him the bond he holds from Captain Macdonald of the 22d regiment, N. I.

I have, &c.

Bombay, 16 September 1852. (signed) *H. J. Barr*, Captain, Military Paymaster.

No. 4568 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to Captain *H. J. Barr*, Military Paymaster.

Sir,

1. In the rough copy of examination of Ragoba Moroba, without date, received with your letter of the 3d September last, is a statement that the sum of 1,400 rupees advanced to Captain Macdonald was advanced by Bappoobye, in the hope that Captain Macdonald would assist Baba Nafra's business with Colonel Outram, in consequence of Captain Macdonald's great friendship with that gentleman.

2. Upon examining Ragoba Moroba with reference to this, on the 17th September last, this passage was read over to him, when he stated that he had no reason to believe that Captain Macdonald knew that the sum of 1,400 rupees (which he, Ragoba, had lent Captain Macdonald) came from Bappoobye; that Bappoobye did not tell him, Ragoba, that he expected to get some benefit from Captain Macdonald's intimacy with Colonel Outram; that he, Ragoba, could only account for what you had written that he said, by supposing that you suspected as you had stated, and that he did not tell you what you had written down.

3. It is not clear from the above-mentioned rough examination sent with your letter of the 3d September, whether it contains the *verbatim* examination by you of Ragoba, or whether it is partly so, and partly contains inferences drawn from what he stated.

4. And you are requested to state, if you are able to say from recollection, whether Ragoba Moroba did not state to you in the words or to the effect contained in the rough examination on the point mentioned in the first para. of this letter.

I have, &c.

Bombay Castle, 21 October 1852. (signed) *A. Malet*, Chief Secretary.

From Captain *H. J. Barr*, Military Paymaster, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

In reply to your letter of this day's date, No. 4568 of 1852, I have the honour to inform you that the document referred to (copy of which was transmitted with my letter of the 3d September 1852), is simply a record of the statement made to me by Ragoba Moroba, and taken down in my own handwriting, and does not contain any inference drawn by me from what he said.

I have, &c.

Bombay, 21 October 1852. (signed) *H. J. Barr*, Captain, Military Paymaster.

Intrigues at Baroda and Bombay.

Memorandum by the Chief Secretary.

1. With reference to the Honourable Board's order, dated 21st August, the undersigned has the honour to state that he has, in consultation with Mr. Acland, carried out to the best of his judgment the orders of the Honourable Board. From the letter from Mr. Acland which accompanies this, and in the result of which the undersigned concurs, it will be perceived that nothing has been discovered to lead to suspicion that Captain Macdonald was in any way cognizant of an intention on the part of the person from whom he borrowed the sum of 1,400 rupees, to use his interest with Colonel Outram to further any sinister designs in matters connected with Government at Baroda.

2. It will also be perceived that it has not been deemed advisable to enter into any inquiry relative to Captain Macdonald's transaction with Sukkaram Rughoonath, as even if such inquiry were successful, it would only prove the intentions ascribed to the natives said to be engaged in the matters connected with that transaction

3. In concurring with Mr. Acland in dropping this portion of the inquiry, the undersigned has been actuated not only by the reasons adduced by that gentleman, but also by a conviction that little but evil can ensue from making the intentions of hangers-about the Durbar of Baroda in a matter of this description the subject of minute investigation by Government.

4. With reference to the 13th and 14th paras. of Mr. Acland's letter, it will be in the recollection of the Honourable Board, that the further report promised by Colonel Outram in his report of the 23d November, has not been sent in by that officer.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
4 November 1852.

No. 576 of 1852.—Political Department.

From *W. Acland*, Esq., Honourable Company's Solicitor, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

By the resolutions of Government, Nos. 3361 and 3362, handed by you to me, I am instructed on two subjects, viz., on Craig's case, and the questions relating to Captain M'Donald.

2. With respect to Craig's case, I was to obtain the Advocate-general's opinion, and the papers sent by you to me have been submitted by me to him, with a request to advise whether he can suggest any means for enabling the Government to bring Mr. Craig to justice, and on receipt of his opinion I shall forward it. For my own views on Craig's case, it will be sufficient for me to refer to my letter to you of the 5th February last, the views expressed in which I see no reason to alter.

3. With regard to Capain M'Donald's case, in the way it is referred to me, it divides into two branches; first, as to the loan to him of 1,400 rupees, as mentioned by Ragoba Moroba, on which point yourself and I are instructed to communicate with Captain Barr, and to examine Ragoba; and secondly, respecting Captain M'Donald's transactions with Succaram Ragoonath.

4. Upon the first point, the Honourable Court remark its being stated to the committee of secretaries, that a report had reached Captain Barr that 1,400 rupees, part of Hurry Bhugtee's money sent to Bombay, was received by Captain M'Donald, to induce him to use his influence with Colonel Outram, but that Ragoba contradicted the report, saying the money, though obtained from Baba Nafra's agent, was raised by pledging Ragoba's jewels, and lent as belonging to Ragoba himself.

5. Captain Barr having, in your letter of the 2d September last, been called on to report full particulars of all he knew relative to the transaction, and to state whether any such report did reach him, and from whom, and the particulars of it, submitted with his letter of 3d September last, copy of an examination of Ragoba taken by him, which he stated to contain the only information known

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to him with reference to the sum of 1,400 rupees, and the statement was, that on the 8th April 1850, Ragoba took from Hurry Bugtee's agent 1,400 rupees, and paid it to Captain M'Donald's attorney, Mr. Leech, taking a bond from Captain M'Donald in his own name, and the statement then contains this paragraph: Intrigues at Baroda and Bombay.

"This sum was advanced by Bapoobye, in the hope that Captain M'Donald would assist Baba Nafra's business with Colonel Outram, in consequence of Captain M'Donald's great friendship with that gentleman;" and the statement further says, that Ragoba pledged his own jewels through Bappoobye.

6. On receipt of this statement from Captain Barr, Ragoba was again questioned, when he made the statement of 17th September, in which he gave what he stated to be the details of the transaction with Captain M'Donald, respecting the 1,400 rupees, giving in the bond, of which a copy is annexed to the statement, and stating that he had no reason to believe that Captain M'Donald knew the 1,400 rupees came from Bappoobye; that Bappoobye did not tell him he expected to get any benefit from Captain M'Donald's intimacy with Colonel Outram; that he could only account for what Captain Barr had written by reference to his suspicions, and that he had not told Captain Barr what Captain Barr had written.

7. This being communicated to Captain Barr in your letter of the 21st October, with a request that he would state whether Ragoba Moroba did or did not state to him to the effect of the written statement which Captain Barr had submitted, that gentleman replied, that that statement was simply a record of what had been stated to him by Ragoba, and taken down in his own handwriting, and did not contain any inferences drawn by him from what Ragoba had said.

8. If Captain Barr is correct, it is therefore clear that Ragoba has told two stories, and it does not appear to me that his veracity can be at all relied on.

9. It is clear, indeed, that he lent 1,400 rupees to Captain M'Donald, and that that gentleman gave his bond to secure the amount, but I see nothing to make me conclude that Captain M'Donald entertained improper views at the time, assuming even that Ragoba's first statement was true.

10. Captain Barr stated in his letter of the 3d September, that Ragoba's statement contained the only information known to him with reference to the 1,400 rupees, so that the report which had reached his ears is confined to Ragoba's statement; and it is to be observed, that the statement did not in fact contain an imputation on Captain M'Donald, but stated only the hopes of Bappoobye (Baba Nafra's agent), that Captain M'Donald would assist Baba Nafra's business with Colonel Outram; and it is not impossible that the natives who lent the money may have so hoped, and may have intended, after lending the money, to endeavour, by harassing Captain M'Donald for re-payment, to make him fall into their views.

11. It would be possible to pursue the inquiry further by communicating with Mr. Leech, Captain M'Donald's attorney, and the man Byramjee, who is mentioned in Ragoba's last statement, but Mr. Leech might repel inquiry, alleging professional confidence, and I confess, so far as the papers before me go, although of a nature to attract attention, they do not seem to me to afford grounds on which to found an imputation against Captain M'Donald.

12. On the 2d point, with respect to the transaction with Succaram Ragoonath, from the papers sent to me, the nature of the case seems to be this.

13. In November 1851, Colonel Outram reported several papers having fallen into his hands, (how, does not appear, a most material point), and which, on examination, appeared to consist of letters and papers in the native language, partly, if I understand rightly, anonymous.

14. Certain persons, however, (Nurbeyram and Banabye), Baroda people, appear to have come forward and acknowledged themselves the writers of some of the papers, but I do not distinctly perceive how or why they came forward, which appears to me another very material point.

Intrigues at Baroda and Bombay.

15. From these papers, and examining these people, it seems to have appeared to Colonel Outram; that at the time he was last expected from Egypt some persons, instigated, as it appears to have been thought, by the Guicowar's minister, conceived a design of paying Colonel Outram 50,000 rupees, and Mr. Malet 10,000 rupees, for the purpose of exerting influence with reference to the abolition of the Guzerat Horse kept up by the Guicowar, and other matters; and (if any such design was in fact conceived) Colonel Outram was in some way to be reached through the medium of Captain M'Donald, and that a person in Bombay, called Succaram Dada, was to be employed in arranging and making the payments.

16. It was not pretended that the money was ever paid; on the contrary, it appears, if I read the examination rightly, to be positively denied that any payment or offer of payment took place, nor was it pretended that any advantage had been obtained as to the abolition of the Guzerat Horse.

17. The name of a man is mentioned as if he were to be employed in the business, called Pandoba Ramchunder, suggested to be in service at Government House, but no such person it is shown was in service there.

18. A man, supposed from the obscure directions elicited from the examinations to be the Succaram Dada mentioned, was found by Captain Baynes, the police superintendent, but there is nothing to prove his identity, and it does not appear that any one was sent from Baroda to point him out, and on being questioned, although he acknowledged being acquainted with some of the parties, and with Captain M'Donald, this man denied to Mr. Malet all knowledge of the business in question.

19. Colonel Outram suggested Succaram Dada being examined, and certain prompt and severe measures being thereupon taken in Bombay, but his Lordship, the Governor, appears to have considered that no such course could be legally taken (an opinion which seems to me correct), and with the members of Government, considered there was nothing tangible in the papers.

20. As above observed, it does not appear how Colonel Outram obtained the papers, nor clearly how, or why, the parties who acknowledged some of the letters came forward, but if there was any truth in the story disclosed by the papers and the statements of Nurbeyram and Banabye, does the story at most amount to more than this: that certain natives at Baroda and Bombay (who, does not clearly appear) conceived a design to try and offer money to certain Government officers, which design was never matured, and never resulted in any overt act.

21. So far as my experience of native evidence goes, I should be disposed to look on a story of this kind, resting only on native evidence, with great suspicion, unless borne out and corroborated by independent facts.

22. The papers sent me do not appear to me to show grounds for an imputation on Captain M'Donald (as regards whom alone the reference to me appears to be made), and it is for Government to consider whether it is worth while to pursue the inquiry in the hope of eliciting whether any natives (and if so, what natives), in fact, conceived the design of offering these bribes.

23. Perhaps at the time it might have been easier to pursue the inquiry than now; but if it is considered worth while to do so now, I apprehend the course would be, to desire the Resident at Baroda to take such measures as are practicable for re-examining the parties formerly examined by Colonel Outram, and such other persons at Baroda, as are likely to throw light on the subject, pushing the inquiry more into detail than on the former occasion, and to request the Resident to afford some more definite means of finding out Succaram Dada, by sending some one to point him out or otherwise, although I should state that I am not aware of any means by which, in the absence of some criminal charge before a legitimate tribunal, he could, if identified, be compulsorily examined, should he decline voluntarily to give information.

I have, &c.
(signed) *William Acland,*
Honourable Company's Solicitor.

31 October 1852.

Intrigues at Baroda and Bombay

Before Mr. *A. Malet*, Chief Secretary to Government, and Mr. *Acland*, Honourable Company's Solicitor.

Ragoba Moroba states: Shortly before the date of Captain M'Donald's bond, one Byramjee, a clerk in the Military Pay Office, showed me these seven notes from Captain M'Donald, pressing him to get some money for Captain M'Donald; Byramjee told me Captain M'Donald wanted 5,000 rupees; then I, Byramjee, and Bappoo, went to Captain M'Donald at his Bungalow; Captain M'Donald sent us three to Mr. Leech, the attorney. He, Captain M'Donald, had inquired who Bappoobhye was. We told him he was a resident of Baroda. Captain M'Donald was not told that Bappoobhye belonged to Hurree Bhugtee's firm, or was a servant of Baba Nafra. Mr. Leech and Byramjee said, if the money was forthcoming, Colonel Outram would be security. The conditions of loan were discussed, and Bappoo refused to lend the money. I then again went to Bappoobhye, who was still in Bombay. I got 1,400 rupees from Bappoobhye; I gave him my jewels in pledge; they were gold jewels. I kept a memorandum of them, which I have destroyed. Three or four months after, I paid off Bappoobhye, and got back my jewels. When I got the money from Bappoobhye, I went again to Mr. Leech's office, and I found Mr. Leech; I paid him the money, and two days after went back to Mr. Leech, and received from him Captain M'Donald's bond. I lent the money without any security but Captain M'Donald's bond, because Byramjee urged me. I paid Bappoobhye 6 per cent. for the money. Captain M'Donald was to pay me nine. I have not been paid my money yet, or any interest. I have never asked for it. Captain Barr began to question me a short time after the bond was signed, but that is not the reason I have not asked for the money. Captain M'Donald has been in pecuniary difficulties, and that is why I have not pressed for the money. I did not tell Mr. Leech the 1,400 rupees was obtained from Bappoobye; I have no reason to believe that Captain M'Donald knows that this 1,400 rupees came from Bappoobhye. Bappoobhye did not tell me that he expected to get some benefit from Captain M'Donald's intimacy with Colonel Outram; I can only account for what Captain Barr has written, that I said by supposing that he suspected as he states. I did not tell Captain Barr what he has written down. Bappoo knew that I was going to pay the 1,400 rupees to Captain M'Donald, but he was only to get his 6 per cent., no other benefit. When I paid Bappoo his principal, I paid up the interest due, about 30 rupees.

(signed) *Ragoba Moroba.*

Bombay, 17 September 1852.

The particulars of Captain M'Donald's bond are, Captain M'Donald, obligor, Ragoba Moroba obligee, penal sum 2,800 rupees, loan 1,400 rupees. Interest, 9 per cent. Bond, dated 29 April 1850. Bond due 1 November 1850. Copy annexed.

Copy of Captain *Macdonald*'s Bond for the Loan of 1,400 rupees, dated 29 April 1850.

Know all men by these presents, that I, Malcolm Melvill Macdonald, a captain in the Honourable* East Company's Twenty-second Regiment of Native Infantry, am held and firm bound unto Ragoba Moroba, in the penal sum of twenty-eight hundred rupees (2,800 rupees), the payment whereof well and truly to be made to the said Ragoba Moroba, his heirs, executors, administrators and assigns; I do hereby bind myself, my heirs, executors, administrators and assigns firmly by these presents. In witness whereof, I have hereunto set my hand and seal in Bombay, this 29th day of April, in the year one thousand eight hundred and fifty. Whereas the above bounden Malcolm Melvill Macdonald hath borrowed and received of the abovenamed Ragoba Moroba, the full and just sum of fourteen hundred rupees (1,400 rupees), to run at interest at the rate of nine per cent. per annum: Now the condition of this obligation is such, that if the above bounden Malcolm Melvill Macdonald, his heirs, executors, administrators or assigns shall well and truly pay, or cause to be paid, unto the abovenamed Ragoba Moroba, his heirs, executors, administrators or assigns, the full and just sum of one thousand four hundred rupees, on the first day of November now next, together with such interest as shall or may become due thereupon, then this obligation to be void and of no effect, otherwise to remain in full force and virtue.

* *Sic orig.*

(signed) *Malcolm M. Macdonald,*
Captain 22d Regt. N. I.

Signed, sealed, and delivered in Bombay aforesaid, where no stamped paper is used, in the presence of,

(signed) *A. W. Leech,*
Solicitor Supreme Court, Bombay.

(True copy.)
(signed) A. Malet.

17 September 1852.

Intrigues at Baroda and Bombay.

My dear B 2 o'clock.
I DID not say you did anything wrong; but if Mr. Leech has not the money this afternoon to give Mr. Burn, I shall be arrested and disgraced; for God's sake see to it.

Yours, &c.
Byramjee, Pay Office. (signed) *M. M. Macdonald.*

Byramjee, 10 o'clock.
THE money must be got to-day; I am quite in a fever thinking of this business. I'll pay it back on Monday, or my kit shall be given up: pray do the business early, and let me hear soon. I shall not be well till it is settled.

Yours, &c.
Byramjee Jamsetjee, Esq. (signed) *M. M. M.*

Byramjee,
I SHALL be much obliged if you will call on me to-morrow morning at 8 o'clock. My friend, Mr. Leech, the lawyer, will be here to meet you, and I've no doubt we will be able to arrange the matter I spoke to you about this forenoon.
I shall be very grateful to you if you manage this affair for me.

Yours, &c.
24th. (signed) *M. M. Macdonald.*

GOOD God, Byramjee, just look at this; I'm in despair; I thought after all my entreaties you had done my business. I am now fairly disgraced.

(signed) *M. M. Macdonald.*

My dear Byramjee,
THE enclosed is what I told you about; you know as well as I can tell that it must be paid to-day; so kindly see it done, and believe me,

Yours, &c.
(signed) *M. M. Macdonald.*

THIS is all I have to settle, quickly. I'll see you to-morrow, being much better now.

Yours, &c.
(signed) *M. M. M.*

My dear Byramjee,
I BEG of you to come here for one minute. I have something to propose.

Yours, &c.
Byramjee Jamsetjee, Esq. (signed) *M. M. Macdonald.*

My dear Byramjee,
I SHOULD like to see you early to-morrow. Will you kindly come? We require the money, &c. &c.

Sincerely, &c.
Byramjee, Head Clerk of Pay Office. (signed) *M. M. Macdonald.*

My dear Byramjee,
I'LL send you the order on Cursetjee, after I've seen him; he is coming this morning here.
I am sorry to trouble you, but we must have the money to-day; so get it any how.
I had no idea there was any necessity for being in such a hurry; but I'm told there is.
Pray write me word soon to-day. I'm still a little sick.

Yours, &c.
(signed) *M. M. Macdonald.*

Byramjee Jamsetjee, Esq.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Bell.*

I DO not think that there are grounds for our carrying out our intention to bring this matter in as far as it regards Captain M'Donald, under the notice of the commander of the forces; nor do I consider it necessary for us to do anything more as relates to these papers than to forward them to the Honourable Court, expressing a hope that Mr. Acland's report will satisfy that authority, that at the time Lieutenant-colonel Outram made the representations with which they are connected, we did all that the information furnished to us from Baroda, and our position at Bombay admitted of our doing prudently and legally, within the limits

limits of the jurisdiction of the Supreme Court. Our former resolution to dismiss Ragoba Moroba has not as yet been acted on, in consequence of our solicitor having been of opinion that it was advisable that he should be detained in the service until it should be apparent whether his evidence would be required or not during these investigations. Mr. Acland should now be requested to state, without delay, whether Ragoba's evidence will be required in matters relative to Mr. Craig; and unless the strongest reasons exist for still retaining Ragoba, he should be at once dismissed. I had entertained some expectation that something might transpire in the course of the recent inquiries to warrant our adopting a more lenient course towards this man; and this induced me to accede to the recommendation (above mentioned) of Mr. Acland more readily than I should otherwise have done; but I find, on the contrary, that the case against him is strengthened.

Intrigues at Baroda and Bombay.

(signed) *Falkland.*

11 November 1852. *A. Bell.*

MINUTE by the Honourable Mr. *Blane.*

I QUITE concur in the above remarks, and in the apparent futility of further proceedings relative to the imputations whispered against Captain M'Donald.

2. That officer by repute is a person so irrevocably involved in debt as to be compelled to absent himself from the Presidency to escape arrest, and who for some time past has been raising money wherever procurable. Although impossible to prove the motives for a loan to an individual in his position, there is little doubt of what they were, and that in vindicating the purity of the British character there was more need for precautions against the influence of such an example than against a score of the vague reports afloat in the bazar.

13 November 1852. (signed) *D. A. Blane.*

(True extract.)

(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation, October 1852.

From Captain *H. J. Barr,* Military Paymaster, to *Arthur Malet,* Esq., Chief Secretary to Government, Political Department, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 11th August 1852; and in submitting the accompanying explanations for the information of Government, I beg to express to his Lordship in Council the lively sense of gratitude with which I am impressed at having had the opportunity thus granted me of replying *seriatim* to the several points noticed in your letter under acknowledgment.

I regret extremely that the nature of the subject obliges me to trouble Government with so lengthened a communication; but I trust I may be forgiven on the score of my anxious desire by every means in my power to remove the unfavourable view taken by his Lordship in Council of my conduct as connected with the Baroda inquiry.

In order that Government may the better be enabled to consider the several subjects embraced in the accompanying explanatory remarks, I beg to offer the following on some of the most prominent points therein brought forward.

1. In the first place, I beg with the utmost respect, and with due deference, but at the same time distinctly to state, that I was in no way aware that I was acting in an official capacity in this inquiry. None of my letters or notes, with the single exception of the one regarding Ragoba, either to Colonel Outram, or the Secretaries of Government, were ever written or understood by me to be either official or even demi-official, but merely private. I acted solely and entirely at Colonel Outram's request, and as his personal friend; at the same time I am conscious of having exerted myself to the best of my ability, and with a zeal prompted by my friendship for him, to prosecute to a successful completion the inquiry which he had entrusted to me; and I may add, as the extracts of his letters submitted in my explanation will show, to his entire satisfaction. If I was acting in an

Intrigues at Baroda and Bombay.

official capacity, I submit that I had a right to expect that I should have been made aware that such was the case. As a circumstance which strikes me to bear very forcibly upon this portion of the subject, I beg to state that on the 20th August 1851, Ragoba Moroba was summoned to attend before Mr. Johnson, the Commissioner of the Court of Requests, without any reference whatever having been made to me; and he informed me that he was then questioned touching the very subject embraced in the inquiry, with the management of which I am now informed by Government I was officially entrusted; I know not by what authority Mr. Johnson was acting on this occasion, or where he got the necessary information to prosecute it; but from the very nature of the inquiry, I presume it must have been either from Government or from Colonel Outram. In either case, if I was recognised as the officer officially entrusted with the inquiry then going on in Bombay regarding the Baroda bribery, I presume I would have had some communication upon the subject from Government, Mr. Johnson, or Colonel Outram; but so far from this being the case, the examination before Mr. Johnson commenced on the 29th of August, and was continued, as I am informed, for six or seven days, while I left Bombay with three months' leave on private affairs to Egypt, on the 1st September.

2. His Lordship in Council appears to be under the impression that the Baroda papers were seen by me once only in Mr. Smith's hands, whereas it will be seen from the explanation I have offered upon this instance, that on two several occasions I saw Smith in possession of them; once in Mr. Malet's office, and again in Mr. Goldsmid's office, when he was officiating for Mr. Malet.

With reference to the concluding portion of the fourth instance, I beg to state that I did intimate to Colonel Outram that I had dropped the inquiry; a statement to this effect was given in my letter to Government, dated 9th December 1851; a copy of that letter was submitted by me to Colonel Outram on the 31st idem, and he returning it to me, writes that so far as his memory serves him, the statement it contains is correct; and I presume upon a point of such importance as this, his memory was not likely to be at fault. If, as would appear from the letter under acknowledgment, Government were under the impression that I was still prosecuting the inquiry between the months of November 1850 and 9th December 1851, I submit with much deference that the fact of my having obtained leave of absence on private affairs for three months to Egypt, intermediately between those dates, without any allusion whatever being made to the inquiry, was of itself enough to have impressed me with the idea that Government was aware of my having relinquished it, had I imagined for a moment that the contrary was the case.

3. Again, I am blamed for not having informed Colonel Outram that Government had consented to his proposal of a conditional pardon being afforded to Mr. Cole. I most respectfully beg to state, that the note from Mr. Goldsmid addressed to me was not viewed by me as giving an official character to the inquiry, so far as I was concerned, nor yet as a reply to Colonel Outram's official application to Government; indeed I cannot see how it could have been viewed as such, for I had every reason to believe that, in accordance with the usual rule of official correspondence, Colonel Outram's letter would receive a direct official reply.

4. I beg distinctly to disclaim that anything in my correspondence with Colonel Outram could have led him to believe that the statement I sent him of Ragoba's first examination by me, contained a complete and faithful record of all that he (Ragoba) stated. Colonel Outram must have been aware, from my notes to him, that that statement was a record of the substance and meaning only of Ragoba's replies to my questions. As to the threat, said by Ragoba to have been held out by him to Craig, being calculated to free Smith, it must be borne in mind that it was that portion of this statement in which Ragoba tells me Smith is Craig's brother-in law, which first engendered a suspicion in my mind, but the strengthening of that suspicion rested upon the subsequent statement of Ragoba; when he told me Smith was present at a conference held between Craig, Joteshwur, and himself, in the house occupied conjointly by Craig and him (Smith).

I beg to say, that I distinctly told Colonel Outram of my suspicions of the truth and completeness of Ragoba's disclosures; and Colonel Outram's notes to

me,

me, extracts of which I have given, will prove that he entertained similar suspicions. Intrigues at Baroda and Bombay.

5. I trust the Right honourable the Governor in Council, after reading my explanation of the third instance, will acquit me of all intentional inconsistency in the two letters referred to.

In conclusion, I do myself the honour most respectfully to beg, that with reference to the extract para. 20 of the despatch from the Honourable the Court of Directors, dated 23d June 1852, which was transmitted with your letter under acknowledgment, a copy of this letter and the accompanying explanation may be transmitted as early as possible to the Honourable Court.

I have, &c.

Bombay Military Pay-office, 3 September 1852.

(signed) *H. J. Barr*, Captain, Military Paymaster.

ACCOMPANIMENT to Letter to Government, dated 3 September 1852, in reply to Mr. Secretary *Malet*'s Letter, dated 11 August, No. 3474 of 1852, in the Political Department.

Explanation offered with reference to the First Instance.

THE manner in which I became in any way connected with the Baroda inquiry was as follows:—Colonel Outram wrote in the month of August 1850 to a clerk in my office, asking him to try and trace the payment in Bombay, of certain sums of money transmitted from Baroda, and said to have been disbursed to Mr. Craig and others as bribes. In this letter Colonel Outram writes as follows:

"I am sure I can depend upon your zeal, discretion, and ability, more than that of any person in Bombay, and I am sure my friend Captain Barr will kindly assist you with his advice;" further on in the same letter, Colonel Outram writes, "and you must be particularly careful that Ragonath (or Ragoba) of your office, should not know anything about it, he being, I suspect, connected in some way with the business, although perhaps he is not aware of the criminality attached to it." This letter from Colonel Outram was enclosed in one to me, in which he writes: "My dear Barr,—Pray excuse my asking you to look over this letter to Byramjee, and by assisting him with your advice, and any aid he may require in getting at the information I want. I do not like to trouble Arthur Malet in the midst of his affliction."

On receipt of these letters, I told my clerk to make the necessary inquiries among the native shroffs, indicated by Colonel Outram, while I made similar inquiries at the banks. Nothing could be traced by either of us, and in writing to Colonel Outram, to tell him so, I took occasion to ask in what way Ragoba of my office was connected with the Baroda bribery case. In reply to this communication, Colonel Outram wrote to me on the 3d September, saying: "Thanks for all the trouble you have taken to get at the bottom of Mr. Craig's treachery to Mr. Reid;" and further on in the same letter he says, "I send you the copy of an anonymous petition (from which this inquiry arose), which has been confirmed by the confession of Joteshwar, and the evidence of another of Baba Nafra's gomashtas, which will show you how far Ragoba is implicated; perhaps if you could convict him, or admit him as Queen's evidence, all might be proved;" and again Colonel Outram says, "It is very kind of you to take so much trouble in this matter, and I am deeply obliged to you, and so I trust will Government be, if you can bring the villany of Mr. Craig to light. Pray tell Byramjee I appreciate his exertions, and shall bring them to the notice of Government if he has no objection to my doing so." On receipt of this letter with the enclosed copy of anonymous petition, I called Ragoba, and reading to him portions of each, without informing him who my correspondent was, I taxed him with being a party to the Baroda conspiracy; he became much confused, but said he had nothing to do with it. I told him I was convinced he was misinforming me, and promised to ask Government for a conditional pardon for him, on the express condition that he told me all he knew, and threatened him that if he did not give me the information which I know he possessed, that I would at once ask Government to allow me to dismiss him from my office. He, therefore, promised that if a conditional pardon was procured he would tell all. I then wrote to Mr. Malet, asking for the conditional pardon, and received it by his letter, dated 11th September 1850.

I then ordered Ragoba up to my own private residence to interrogate him, directing the clerk, to whom Colonel Outram had written on the subject as already stated, to be also in attendance. I read to Ragoba the conditional pardon, and fully explained to him the nature of it, warning him that his immunity from punishment depended entirely upon himself; that if he told the truth, and disclosed all he knew (no matter what his own share in the transactions had been), he would be forgiven; but that if he prevaricated or withheld information he would be punished. On this he told me with much circumlocution the substance of the deposition which I sent to Colonel Outram. It may not, strictly speaking, be a deposition, but I think I was justified in calling it such from having read it carefully over to Ragoba; and from his having then acknowledged that it was exactly what he wished to say, and that he had nothing to add to it. As the safest mode of putting it out of his power to deny any portion of that statement, as well as for secresy, I made him transcribe it himself, and this transcript it was that I sent to Colonel Outram.

Intrigues at Baroda and Bombay.

I here beg leave to remark, that from the tone of Colonel Outram's notes, and from the manner in which he therein expressed his personal obligation to me, I was fully under the impression that I was acting entirely as his personal private friend, and although I was of course aware that any information of importance I might elicit would be used by Colonel Outram in connexion with the public service, yet I had no idea that I should ever be called upon by Government to give a detailed account of my proceedings; and having arranged with Mr. Willoughby that all my communications should be made to Colonel Outram and not to Government, I presumed that I was acting entirely under him, and in no way in an official capacity, and consequently kept copies of none of my letters to him, nor the dates upon which they were written; indeed the only records I have of my proceedings previous to the date of the letter from Government in November 1851, are rough copies (without date) of two of the examinations of Ragoba; four or five private notes from Colonel Outram referring to the subject, and a few other unimportant memoranda, with the addition of the letter from Mr. Malet, granting the conditional pardon to Ragoba; and as from the time of my first undertaking to assist Colonel Outram up to the date of Mr. Malet's letter just referred to, I had received no communication whatever from Government, with the exception of Mr. Malet's letter of the 11th September 1850, and a demi-official from Mr. Goldsmid quoted in the margin,* and as on no occasion did Colonel Outram in any way hint that the inquiry was not being carried on in due form, or that I was not urging it on with sufficient energy and zeal, I submit most respectfully that it was impossible for me to know that I was not acting to the entire satisfaction of Colonel Outram; indeed I had good reason to know, both from conversations I had with that officer as well as from his letters, that he was perfectly and entirely satisfied with all I had done, and gave me great credit for having obtained so much information.

The foregoing explanation will, I trust, prove to his Lordship in Council how utterly unconscious I was that I was ever likely to be called upon for a detail of my proceedings, and will also show how it occurred that all that Ragoba said when I was questioning him was not given *in extenso* or verbatim.

It occurs to me, that in alluding to the deposition of Ragoba as freeing Smith of being cognizant of Craig's misdeeds, and hence inferring that I had no grounds of suspicion against Smith, it has been lost sight of, that although Ragoba does give the statement (as referred to in Mr. Malet's letter), on the first occasion of my questioning him, yet on a subsequent occasion, as reported by me to Colonel Outram, he distinctly said in presence of my clerk Byramjee, that Smith was present on one or two occasions when conferences took place between himself (Ragoba), Craig, and Joteshwar.

Finding from Ragoba's first deposition that Smith was a brother-in-law of Craig's, and learning that they lived under the same roof, were the circumstances that first raised my suspicion; but it will be seen by what I have just stated in the last paragraph, they did not by any means form the only or the strongest grounds upon which they were based. On the first occasion of seeing the Baroda papers in Smith's hands, when I called at the Secretariate to speak to Mr. Malet, I mentioned that I had learned that Smith was a brother-in-law of Craig's, and that I suspected him, and I distinctly remember that Mr. Malet then told me he was quite aware of the family connexion existing between them, but he did not appear to enter into my suspicions; this was perhaps natural enough, for to him, I presume, Mr. Smith had been long known, while to me he was a perfect stranger, whom to the best of my knowledge I had never before seen, and whose name I had never even heard of till it was mentioned by Ragoba, under what at the time struck me as suspicious circumstances. That I attached less weight to the meaning of the threat said by Ragoba to have been held out by him to Craig than has been given to it by the Honourable Board, is perhaps also to be accounted for by the character Mr. Smith, as one of the principal clerks in the Political Department of the Secretariate, had hitherto borne, being known to Government; while I took it only at what I, without any knowledge of Mr. Smith's character, considered it to be worth in connexion with the fact of Mr. Smith being Craig's brother-in-law, and living under the same roof with him while in Bombay.

The following extracts from Colonel Outram's notes to me will, I think, prove to his Lordship in Council that that officer was not only aware of my want of confidence in the statement of Ragoba, but that he himself had similar doubts, and as I never had the honour to receive any communication either directly or indirectly from Government, in connexion with the inquiry, except as mentioned in the beginning of these explanatory remarks, I had no means whatever of knowing that they had taken a different view of the subject. The extracts I have referred to are as follows: "I regret to say, I have been unable to get any information regarding Ragoba's visit to Baroda." This was written by Colonel Outram in reply to a letter from me, in which I said that I was led to believe Ragoba had visited Baroda, but that I could not get any acknowledgment of the circumstance from him. Again, Colonel Outram says, "You will see that there are some discrepancies between them (Joteshwar's examination and Ragoba's statement), but I have little doubt, Ragoba's is the correct version;"

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* My dear Barr,

OUTRAM's letter of the 21st October has been placed before the Board, and Malet has requested me to inform you that the conditional promise of pardon proposed by Outram may be made to Mr. Cole, provided you think it will be conducive to the public service to follow that course.

Secretary's Office, 1 Nov. 1850. (signed) *H. Goldsmid.*

version;" and again, he says, "I suspect Ragoba could disclose much if he chose, regarding large sums of money disbursed by Baba Nafra, about the time he (Ragoba) is said to have visited Baroda, which he has failed to account for; you have certainly managed well to get out all you have done from so cunning a gentleman as Ragoba appears to be, and perhaps you may yet get more." Intrigues at Baroda and Bombay.

This closes my remarks upon the first instance contained in Mr. Malet's letter, and explains, so far as now in my power, the several points mooted.

Second Instance.—In reply to these observations, all I have to urge is, that I was in no way aware that this inquiry was entrusted to me by Colonel Outram, except as I have already stated, as his personal friend, and I entered the more keenly into it on finding that a clerk of my own office was implicated. I need hardly say, I trust, that had I been made aware that I was not conducting it to the satisfaction of Government, or indeed that I was intrusted with it by Government, I would gladly have conformed to any rules for my guidance that might have been given me, but being convinced by Colonel Outram's letters that he was satisfied with what I was doing, as well as with the mode in which it was done, I continued the same course throughout.

Third Instance.—In explanation of the third instance I beg to observe, that so long an interval (upwards of twelve months) had intervened between the date of my interview with Mr. Malet at the Secretariate, when the communication referred to regarding my suspicion of Mr. Smith was made, and that upon which my letter to Government, alluded to in Mr. Malet's letter, was written, and as I had no notes or data upon the point wherewith to refresh my memory, I fell into an error in that letter, which when subsequently discovered I hastened to correct by a letter to Mr. Malet, dated the 30th of December, in which I stated as follows: "By the by, I find on making the inquiries which I have been obliged to do to answer your letter of the 15th instant, that you must be right in your recollection* of the warning I gave you against Smith at the interview I had with you previous to your departure to the hills, about October 1850. It was not, I find, till subsequent to that date I was aware of Smith's being present at the conferences which took place between Craig, Joteshwar and Ragoba; my warning, therefore, must have been suggested merely upon the suspicions raised in my own mind from learning that Craig and he were brothers-in-law." This letter was returned to me by Mr. Malet, in consequence of its being a private one, and I then on the following day wrote the official letter, in which a similar explanation is offered; had I been aware that the inquiry in which I was at the time engaged had been officially intrusted to me by Government, I should, of course, have adopted a much more formal and precise mode of conducting it, and would then have been in possession of dates, &c., which would have precluded the possibility of my falling into the error noticed, and which has drawn down upon me the severe censure I have received; but, as already explained, I had no reason to imagine that my duties in the inquiry bore the official character now given to them.

Fourth Instance.—My answer to this portion of Mr. Malet's letter is, that previous to his leaving Bombay, upon the occasion of the interview I had with him at the Secretariate, I first became aware that the Baroda papers were in Mr. Smith's hands. To this it was I alluded in my note to Mr. Malet of the 18th October (at least such is my firm conviction). After Mr. Malet's departure from Bombay, and when Mr. Goldsmid was officiating for him, I again found that Mr. Smith was still intrusted with the Baroda papers. It was my finding this to be the case that led me to conclude that it was useless for me to attempt to carry out my intention of questioning Mr. Cole.

The only information I anticipated being able to gain from Mr. Cole was evidence against Smith, and on finding the Baroda papers still in his hands on this latter occasion, I came to what I most respectfully submit was the very natural conclusion, that he must be cognizant of all that had passed between me and Colonel Outram upon the subject; and as the note from Mr. Goldsmid informing me of the conditional pardon for Cole, expressly stated that I was to use my own discretion in availing myself of it or not, I came to the determination of refraining from doing so, thinking I should be best consulting the interest of Government by this course.

Upon coming to this conclusion, I wrote to Colonel Outram, telling him that, under all the circumstances of the case, I found it useless to interrogate Mr. Cole, and consequently that I had given up the inquiry.

I can most distinctly assert that the foregoing were the circumstances which actuated me in giving up the inquiry, and it is my strong conviction, amounting almost to a certainty, that the date upon which I found the Baroda papers, for the last time, in Mr. Smith's hands, was subsequent to that upon which I wrote my note of the 26th October to Mr. Malet; but, upon this latter point, Mr. Goldsmid can perhaps give some definite information, as the circumstances occurred in his office, while he was officiating for Mr. Malet.

It may be asked why, with the evidence before me that Mr. Cole had himself received money from Baba Nafra's agents, I should suggest to Colonel Outram the giving of a conditional

* This refers to a conversation I had with Mr. Malet, after sending in my letter of the 9th December, in the course of which he said that I had fallen into an error with regard to the warning I had given him.

Intrigues at Baroda and Bombay.

tional pardon to him. My reply is, that from Colonel Outram's letter, as well as from my own conviction, I believed that the principal culprits were connected with the Secretariate, and as Mr. Cole was not employed in that branch of the public service, I concluded that any part he had taken in the Baroda affair must be very secondary to that of the persons in the Secretariate, and I therefore thought that if, by securing his evidence against Smith, I could lead to his conviction, I should be lending very material assistance to Colonel Outram in the inquiry in which he was engaged.

Fifth Instance.—The course which I told Mr. Malet, in my note of the 18th October 1850, I had proposed to Colonel Outram for his adoption, was, that he should apply to Government for a conditional pardon for Cole.

By the demi-official note from Mr. Goldsmid, already quoted in the commencement of this explanation, I was made aware that Colonel Outram had made the application to Government as suggested by me, and that the Honourable Board had decided that the promise of conditional pardon might be made to Mr. Cole.

Now, I beg most respectfully to submit that there was nothing in Mr. Goldsmid's demi-official note to lead me to suppose that it was my duty to inform Colonel Outram that Government had acceded to his proposal. I thought the intimation was given me, in the form in which I received it, to enable me, if I deemed it conducive to the public service, at once to go on with my intended inquiry from Mr. Cole, but I never for a moment imagined that Colonel Outram's official application direct to Government would not receive a direct official reply.

That I did not inform Government with my having discontinued my inquiry, was but in strict accordance with the course I had pursued all along with the knowledge and concurrence of Mr. J. P. Willoughby, and one from which I in no case deviated, except when finding a clerk of my own office implicated, I wrote the official letter regarding Ragoba. I submit that I might with equal justice have expected to have been required to communicate the result of my inquiry from that person direct to Government, as to inform the Honourable Board direct with reference to Mr. Cole.

Mr. Malet's letter under reply appears to express a doubt as to whether I ever did communicate to Colonel Outram the relinquishment of my share in the inquiry; in proof, therefore, that I did do so, I beg to state that my letters to Government of the 9th and 31st December, 1851, were submitted to Colonel Outram, who was at the time in Bombay, and in returning them to me, he wrote as follows: "So far as my memory serves me, you give a correct statement of the circumstances."

There is one portion of Mr. Malet's letter to which I have not yet alluded, because I am not sure that the interpretation I have put upon the passage is that which it is meant to convey. The following is the extract in question; viz.: "It does not appear to be a sufficient or satisfactory reason on your part to assign for not having acted on the authority thus conveyed, or in any way pursued the inquiry you were prosecuting, still less for your having failed to intimate that you had dropped it, to allege on the 9th December 1851 that you so dropped it because you found the papers in the hands of Mr. Smith, when you had been cognizant of that fact in 1850, and had, notwithstanding you were so cognizant, left Government to believe that you were carrying on the investigation." If by this it is intended to imply that between the date of my giving up the inquiry, as already explained, and as reported to Colonel Outram in the year 1850, and that upon which my letter of the 9th December 1851 was laid before Government, his Lordship in Council was under the impression that I was still engaged upon the investigation, I beg to explain that throughout that period, extending over twelve months, I received no communication whatever connected with the Baroda question, either from Government or from Colonel Outram, with the exception of the letter from Government, dated 1st November 1850, to which mine just referred to was a reply; and further, that as I applied in the month of August 1851 for three months' leave of absence to visit Egypt, I might have reasonably expected that had Government considered that I was still engaged upon the inquiry, the boon thus granted me would have been refused, or at any rate that I should have been called upon before leaving Bombay to state what steps I was taking with reference to the inquiry, and whether my absence would not interfere with it. As I was not, however, favoured by any communication from the Honourable Board, and as no such explanation was called for, I submit that I had just ground for supposing that Government was aware of my having dropped the inquiry, and cognizant, through Colonel Outram, of the reasons which had operated to induce me to relinquish it.

As a proof that although, as already stated, I gave up the inquiry, yet that my interest in it had not ceased, and my zeal for the successful issue of Colonel Outram's investigation remained unabated, I beg to bring forward the following circumstances. On one occasion that I was conversing with Mr. Malet at his office, I expressed my surprise that Government did not apprehend Craig, upon which Mr. Malet said they would be very glad to do so if they could catch him; this dwelt in my memory, and recollecting that Craig was a pensioner on the Military Fund, of which I am a director, I determined that when his mother in Bombay applied as usual for his pension, I would request the secretary to call for a life certificate; at the same time I wrote a private note to the secretary of the Military Fund, explaining that the life certificate in question was required in connexion with some inquiries then going on in another quarter regarding Craig, and that when received I would thank him to let me have it. In due time the life certificate was produced, and was as follows:—

"Calcutta,

Intrigues at Baroda and Bombay.

"Calcutta, 24 February 1851.

"This is to certify that Mr. Robert Dundas Craig is alive, and has this day personally applied to me for this life certificate to enable his mother in Bombay to draw his annuity from the Military Fund of that Presidency.

(signed) "*J. A. Moffatt Mills,*
"24 February 1851. "Chief Magistrate of Calcutta."

Immediately on receipt of this certificate I informed Mr. Malet that I had obtained it. I believe that a similar life certificate has subsequently accompanied each application made to the Military Fund by Mrs. Craig, for her son's pension, up to the present time.

(signed) *H. J. Barr,* Captain,
Military Paymaster.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane* and the Honourable Mr. *Bell.*

I WOULD merely answer Captain Barr to the effect that his letter has been received and submitted to Government, but neither that letter nor its accompaniments contain matter of a nature to alter the unfavourable opinion we have expressed, and that this latter correspondence will be forwarded to the Honourable Court, as the former part has already been.

I have made a few remarks on Captain Barr's letter , which I should wish to be transmitted by the same mail with the letter itself.

(signed) *Falkland.*
25 September 1852. *D. A. Blane.*
A. Bell.

No. 4262 of 1852.—Political Department.

From *A. Malet,* Esq., Chief Secretary to Government, Bombay, to Captain *H. J. Barr,* Military Paymaster.

Sir,

IN acknowledging the receipt of your letter dated the 3d ultimo, I am directed by the Right honourable the Governor in Council to inform you that nothing is stated in that communication, nor in its accompaniment, to induce Government to alter the unfavourable opinion already communicated to you with reference to your proceedings therein reviewed.

2. I am at the same time to inform you that a copy of your present letter, and of its accompaniment, will be forwarded to the Honourable the Court of Directors, in continuation of the previous correspondence on this subject, which has already been submitted to that authority.

I have, &c.
(signed) *A. Malet,*
Bombay Castle, 1 October 1852. Chief Secretary.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane* and the Honourable Mr. *Bell.*

I HAD intended to make some further comments on Captain Barr's last letter, but on reconsideration, as it appears to contain no new matter, and every point is fully treated in our letter to this officer of the 11th August, I propose that the papers be now transmitted to the Honourable Court, in accordance with the first para. of my Minute of the 25th September.

(signed) *Falkland.*
D. A. Blane.
9 November 1852. *A. Bell.*

(True extract.)

(signed) A. Malet, Chief Secretary.

Intrigues at Baroda and Bombay.

Extract Bombay Political Consultation, September 1852.

No. 639 of 1852.—Transfer from the Financial to the Political Department.

No. 1254 of 1852.—Territorial Department.

To *J. G. Lumsden*, Esq., Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant, No. 606, and to report, for the information of the Right honourable the Governor in Council, that I have been informed that Mr. Cole had made arrangements to leave London on the 1st instant, to return by the September mail, which may probably not arrive in Bombay until the 4th or 5th proximo.

2. I request, therefore, I may be informed whether the arrival of the mail may not be awaited before carrying out the instructions conveyed in your letter under acknowledgment.

I have, &c.,
(signed) *G. J. Blane*,
Military Accountant.

Bombay Castle,
Military Accountant's Office,
7 September 1852.

RESOLUTION.

WITH reference to the transfer from the Political Department, No. 3777, dated the 28th ultimo, ordered that a copy of a letter from the Military Accountant, No. 1254, dated 7th instant, be transferred to that department or consideration, the result being communicated to this department.

10 September 1852. (signed) *A. Malet*,
Chief Secretary to Government.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane*.

THE arrival of the mail may be awaited.

18 September 1852. (signed) *Falkland.*
D. A. Blane.

I defer.

25 September 1852. (signed) *A. Bell.*

No. 4225 of 1852.

RESOLUTION of Government in the Political Department.

WITH reference to the transfer from the Financial Department, No. 639, dated the 10th instant, ordered that an intimation be made to that department for communication to the Military Accountant, in reply to his letter, No. 1254, dated 7th idem, that previous to carrying out the instructions contained in the Government letter to his address, No. 606, dated the 4th instant, relative to Mr. R. L. Cole, the arrival of the mail alluded to may be awaited.

Bombay Castle,
29th September 1852. (signed) *A. Malet*,
Chief Secretary.

Intrigues at Baroda and Bombay.

No. 1413 of 1852.—Military Department.

To *A. Malet*, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to report for the information of His Lordship in Council that I have, in conformity with the instructions contained in Mr. Secretary Lumsden's letter of the 4th ultimo, struck off this day the name of Mr. R. L. Cole from this establishment.

2. I have appointed Mr. A. Jardon, the head book-keeper, to succeed Mr. Cole, and Mr. J. N. Robinson, at present employed in the Accountant-general's office, to act on trial for three months in succession to Mr. Jardon; I have appointed the latter person acting for the present, that I may judge of his fitness for the situation before confirming him in it.

I have, &c.
(signed) *G. J. Blane*,
Military Accountant.

Bombay Castle,
Military Accountant's Office,
11 October 1852.

No. 715 of 1852.—Territorial Department.—Finance.

RESOLUTION.

WITH reference to the resolution of Government in the Political Department, No. 4225, dated the 29th ultimo, ordered that a copy of a letter from the Military Accountant, No. 1413, dated the 11th instant, be transferred to that department for information.

(signed) *A. Malet*,
Chief Secretary to Government.

26 October 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane* and the Honourable Mr. *Bell*.

RECORDED for mention to the Court on a fitting opportunity.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

31 October 1852.

(True extract.)
(signed) A. Malet,
Chief Secretary.

Extract Bombay Political Consultation, April 1852.

To *H. E. Goldsmid*, Esq., Secretary to Government, in Charge of the Political and Secret Departments, Secretariate, Bombay.

Sir,

WITH reference to former correspondence relating to my dismissal, I beg respectfully to request the favour of your being pleased to submit the following for the favourable consideration of the Right honourable the Governor in Council.

Understanding that Dajee Dhondeo Satay, and his brother, Wamun Row Satay, are at present residing in Bombay, I beg respectfully to solicit that the Right

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honourable the Governor in Council will be pleased to cause these persons being examined before a justice of the peace, touching the identity of the individual from whom they obtained the information which was found in Dajee's letter at the post-office at Baroda, and on which account I was dismissed on suspicion. In the absence of such a process, the actual transgressor will hardly be traced, and thus perhaps remain unpunished, at the undeserved expense of myself and helpless family.

For which act of kindness I shall feel grateful.

(signed) I am, &c.,

Bombay, 29 March 1852. *Daniel Marston.*

MEMORANDUM by the Secretary in Charge, Political Department.

As regards the case which led to Mr. Marston being dismissed.

Information required from the Political Department.	*Minutes of Government in a Case before them, connected with pecuniary Claims on his Highness the Gaekwar.*
WHAT was the purport of the papers or letters which were intercepted by Lieutenant-colonel Outram?	Yes; on the 10th October 1851. Colonel Outram was convinced that the enclosures were in the handwriting of Dhajee Dhondey Sateh, the brother in Bombay of Wamun Rao Satteh, but they both denied that they were so.
Did Lieutenant-colonel Outram examine Wamun Rao Saté at Baroda, and if so, did he admit that those under cover to his address were from the alleged writer?	Yes, on the 12th October 1851.
Did Mr. Malet examine Dhajee Dhondey Saté at Bombay, and if so, did he admit that the papers had been sent by him to Baroda?	No, he denied having done so.

2 April 1852. (signed) *H. E. Goldsmid.*

MEMORANDUM by the Secretary in Charge, Political Department, dated 2 April 1852.

THE Secretary in charge, Political Department, presents compliments and begs to forward Mr. Ackland,

A letter dated 29 March 1852, from Mr. Marston, a clerk lately dismissed from the Political Department of the Secretariate.

A note addressed by him, under date 29 March 1852, to Mr. Malet, Chief Secretary, at Mahabuleshwur.

Mr. Malet's reply written thereon in pencil, and dated 31 March 1852.

A memo. of this date showing the nature of the documents referred to by Mr. Marston, and of the pleas already set up by Wamun Rao and Dhajee Dhondeo Saté relative to that document.

The Secretary will be obliged by Mr. Acland favouring him with his opinion on the part underlined in Mr. Malet's pencil note, returning the present memo. and accompaniments with his reply.

2 April 1852. (signed) *H. E. Goldsmid.*

Demi-

Demi-Official Note from Mr. *Goldsmid* to Mr. *Malet*.

My dear Malet,

I send you for disposal a letter received to-day from Mr. Marston. It has not been in the office.

Sincerely yours,

Bombay, 29 March 1852. (signed) *H. E. Goldsmid.*

Demi-Official Note from Mr. *Malet* to Mr. *Goldsmid*.

My dear Goldsmid,

Please ask the lawyer if we can examine these men; if we can, they may be called on; if not, Mr. Marston may be told so.

Yours, &c.

31 March 1852. (signed) *A. Malet.*

Opinion of the Honourable Company's Solicitor.

I am not aware of any law under which a justice of the peace has jurisdiction to conduct an examination such as is suggested; that is to say, compulsorily, or upon oath. From the memorandum furnished to me, one of the parties (Wamun Row) appears to have been interrogated by Colonel Outram, and the other (Dhajee Dhondoo) by Mr. Malet.

(signed) *Wm. Acland,*

2 April 1852. H. C. Solr.

Further Memorandum by the Secretary in Charge, Political Department.

The Secretary in charge of Political Department has the honour to forward the above papers to the Chief Secretary, with a request that a draft of the reply to be given to Mr. Marston may be sent him.

2 April 1852. (signed) *H. E. Goldsmid.*

Draft of proposed Reply to Mr. *D. Marston*.

Sir,

I am directed by the Right honourable the Governor in Council to inform you that there is no law under which a justice of the peace can conduct such an examination as suggested in your representation of the 29th ultimo; that is to say, compulsorily, or upon oath; and that your request therefore cannot be complied with.

(Approved.)

(signed) *Falkland.*

Minute by the Honourable Mr. *Bell*.

Mr. Marston might further be told that Wamon Rao Sattay was interrogated on the subject by Colonel Outram, and Dhajee Dhondeo Sattay by the Chief Secretary.

8 April 1852. (signed) *A. Bell.*

Minute by the Honourable Mr. *Warden*.

I would add that Mr. Marston is at liberty to make his own application to any justice of the peace.

8 April 1852. (signed) *John Warden.*

Intrigues at Baroda and Bombay.

No. 1532 of 1852.—Political Department.

To Mr. *D. Marston.*

Sir,

I AM directed by the Right honourable the Governor in Council to inform you that there is no law under which a justice of the peace can conduct such an examination as suggested in your representation of the 29th ultimo; that is to say, compulsorily, or upon oath; and that your request therefore cannot be complied with. You are, however, at liberty, should you see fit, to make your own application to any justice of the peace.

2. I am at the same time desired to inform you that Wamun Rao Satay was examined by Lieutenant-colonel Outram (at Baroda), and Dhajee Dhondey Satey by the Chief Secretary (in Bombay), in the month of October last, on the subject alluded to by you.

Bombay Castle,
8 April 1852.

I am, &c.
(signed) *H. E. Goldsmid.*

To *H. E. Goldsmid*, Esq., Secretary to Government in Charge, Political Department, Bombay.

Sir,

IN respectfully acknowledging the receipt of your letter, No. 1532, dated the 8th instant, I beg to request the favour of your being pleased to submit my further respectful solicitation for the favourable consideration of the Right honourable the Governor in Council, which is as follows:

That as the matter connected with my dismissal is strictly of a political nature, I am precluded from proceeding against Dajee Dhondey Satay and his brother, in a criminal court; unless, perhaps, Government were to interfere, as it did in the case of Dhackjee Dadajee.

Apart from the above, I am given to understand on excellent authority, that the examination alluded to in the second para. of your letter under reply, elicited no more than the denial, *in toto*, of the brothers; that the letter which was intercepted was not theirs, the same having been written, as asserted by them, by an enemy, who endeavoured by those means to injure them. Furthermore, it appears that subsequent to the examination in question, Wamun Rao's letter to his brother Dajee, placing him on his guard in reference to what had happened at Baroda, was made over to Government by one Vistnabhut Pooranick, in the hope of obtaining a reward. What transpired on this coming to light I know not, but suffice it to say, that as I have been thus far made acquainted with these facts by people who not only sympathise with me, but who know that I have been made to suffer undeservedly, I beg, with all due deference, to solicit that his Lordship in Council will graciously sanction my being favoured with a liberal trial, under the provisions of Act XXXVII. of 1850, so as to enable me to have prepared a supplementary memorial for submission to the Honourable the Court of Directors, and with reference to their circular letter, dated July last.

For which act of kindness I shall feel grateful.

I am, &c.
Bombay, 10 April 1852. (signed) *D. Marston.*

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Messrs. *Bell* and *Warden.*

MR. MARSTON may be informed that his request cannot be acceded to.

(signed) *Falkland.*
A. Bell.
J. Warden.

12 April 1852.

No.

Intrigues at Baroda and Bombay.

No. 1734 of 1852.—Political Department.

From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to Mr. *Daniel Marston*, Bombay.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, dated the 10th instant, and to inform you that the request therein preferred cannot be acceded to.

I am &c.

(signed) *H. E. Goldsmid*,
Secretary to Government.

Bombay Castle, 23 April 1852.

EXTRACT Paras. 4. to 7, from a Despatch from the Honourable the Court of Directors, dated 23 June, No. 19, of 1852.

Answer to Political Letter, dated 3d February, No. 15, 1852, and to Political Letter, dated 4th March, No. 27, 1852.

Communications from Lieut.-colonel Outram, bringing to the notice of Government, the fact that copies of official documents had been illicitly obtained by persons alleged to be employed by Bhow Tambekur, minister of the Gaekwar, and proceedings in consequence.

4. Lieut.-colonel Outram having reason to believe that the deliberations and intentions of your Government were made known to the Gaekwar's Durbar, even before official information of them reached the British Resident, "has long sought in vain," as he observed in his letter, dated 13th October 1851, "to ascertain the channel through which the information is conveyed to Baroda." At length, having had anonymous information from Bombay, implicating Wamun Rao Dhondeo Satteh (carbarree of the late Bheema Shunker Shastree) and his brother Dhajee Dhondeo Satteh, at Bombay, he ordered the clerk at the Baroda post-office to detain all the letters brought from Bombay which were addressed to Wamun Rao Satteh, and to certain other persons, under cover to whom Wamun Rao was known to have received letters; and also all letters sent to the post-office by Wamun Rao, or by Narrain Rao, lately a karkoon in the Residency Office. Then sending for the persons to whom the packets were directed, and for Narrain Rao, he required them to open the letters in his presence.

No remark.

5. It was found that the letters thus opened contained, to use the words of Lieutenant-colonel Outram, "not merely the purport and even transcript of Government despatches, but detailed accounts of the deliberations of Government, and even transcripts of the minutes of each member of Government."

No remark.

6. Among the very few persons who had access to the information thus betrayed was Mr. Marston, a junior clerk in the Secretary's office. Circumstances calculated to excite suspicion having been observed with respect to him, he was examined, and the result of his interrogation by Mr. Malet, combined with a written paper found in his possession, appeared to you to afford such evidence against him as induced you not only to dismiss him from his situation, but to prohibit his re-employment in the service of Government.

Mr. Marston's memorial was forwarded to the Honourable Court of Directors in political despatch, date 4th March, No. 27; this letter has been acknowledged in the 1st paragraph of their despatch, and his case would seem to be disposed of. Since, however, no intimation to this individual is necessary, except

7. The

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7. The paper in question, combined with Mr. Marston's admissions, proved some connexion on his part with Dhajee Dhondeo Satteh, the agent through whom the information was sent to Baroda, as well as with Bappoojee Khametkur, one of the writers of the intercepted letters, and with Raojee Bhaskur, a man formerly dismissed from the public service for mal-practices, and receiving a pension from the Gaekwar. The paper itself is a receipt for 30 rupees, paid by Raojee Bhaskur, on account of Mr. Marston, as an instalment of a debt due to Bappoojee Gopal, and is signed on Bappoojee's behalf by Dhajee Dhondeo Satteh. Mr. Marston admits an acquaintance with Raojee and Bappoojee, and a loan of money from the latter, but denies any acquaintance with Dhajee. The case is altogether one of such strong suspicion, and the misconduct of a character so injurious to the public interest, that we approve of your having not only dismissed Mr. Marston from the Secretary's office, but declared him excluded from the service of Government.

except on an express reply to his memorial, such reply may be awaited before making any communication to him.

To *A. Malet*, Esq., Chief Secretary to the Government of Bombay.

Sir,

With reference to my letter, dated the 3d February last, I beg respectfully to request the favour of your being pleased, with the permission of the Right honourable the Governor in Council, to forward to its destination also, the accompanying supplementary memorial (in triplicate) for the favourable consideration and benign disposal of the Honourable the Court of Directors.

Poonah,
23 October 1852.

I am, &c.
(signed) *D. Marston.*

To the Honourable the Chairman and President of the Honourable the Court of Directors for the Affairs of the Honourable the East India Company, London.

The further respectful Supplementary Memorial of *D. Marston*, late a Junior Assistant in the Political and Secret Departments of the Secretariate, Bombay,

Most respectfully showeth,

1. That in continuation of his memorial to the address of your Honourable Court, under date the 3d February last, your memorialist begs humbly to submit a few more paras. in continuation thereof, in the humble hope that he will most assuredly obtain the justice which he had patiently waited for; and which, notwithstanding all his endeavours, has been denied him by the Bombay Government.

2. Having had but a very imperfect idea as to the cause which led to his dismissal, at the time he framed his last memorial, your memorialist was not in a sufficiently qualified position at that time to defend himself as satisfactorily as the case might have required; and hence his having confined himself mostly to the malpractices which had existed in the political and secret departments of the secretariate; and which having been unchecked, led, in a great measure, to this and that innocent clerk being suspected as the party who might have been guilty of clandestinely having afforded information; and which mistake in your memorialist's case had led to the cause of not only his dismissal from office, but also to the cause of his entire undeserved ruin, both in character and circumstances; he begs that the following points will go to substantiate his innocence, and be the means of restoring to him that which he has been stripped of, without any legitimate cause being shown or substantiated for such a step.

1st. That had your memorialist borrowed the money under notice, for the express purpose of affording information from office, he would have neither mortgaged his property, paid back nearly one half of it, nor have obtained the same publicly, and with the knowledge of most of his friends in office.

2d. That

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2d. That if a private understanding, of the like above alluded to, did actually exist, your memorialist would not have surely been that daring as to deposit such a receipt, and under such circumstances, in a large rough-made exposed chest, which he had in use (in the absence of any drawer to his desk) in the office; notwithstanding that all Bombay was aware of the fact of Colonel Outram's proceedings with the Government, touching the corrupt system of "Khutput" being high in vogue at the Presidency.

3d. That the cause which led to your memorialist's having been suspected was not only next to natural, but which your memorialist anticipated would have been the case sooner or later, from the circumstance of his having been generally employed by wealthy natives of Bombay for the private tutoring of their children; which, owing to the inadequacy of his salary whilst in the Military Board Office and Secretariate, and the heavy family he had to support, your memorialist was in the habit of attending to from the time he came to Bombay from Madras, viz., the year 1846, and which was the sole means of keeping him above becoming an insolvent; inasmuch as he had native friends who were ever ready to afford him a helping hand, and as, for instance, by the loan of money, which he had obtained by way of assistance, and which aroused the suspicion that led to his undeserved dismissal.

4th. That Messrs. Malet and Thomas's procedure in simply asking your memorialist questions about the said money transaction, without directly charging him with what they might have suspected him to be guilty of, and thereby of having not afforded your memorialist an opportunity of defending himself, is not only totally unsatisfactory, but to the very letter, that incompatible, as to render such a process altogether unjustifiable in the extreme, and therefore not in the least calculated to warrant either your memorialist's dismissal or interdiction.

5th. That the fact of your memorialist having been thrown on the wide world, on his dismissal, pennyless and in debt, besides the repeated calls made on him by his creditor, Bapoojee Gopall Kanittrur, accompanied by threats for the money he had lent your memorialist, and which led to his dismissal, is another of the many unquestionable proofs which go to substantiate his innocency.

3. Anxious as your memorialist has been, and still is, to trace out the actual delinquent or delinquents on whose account he has been made to suffer undeservedly, your memorialist was not even in this step encouraged by the Bombay Government, as will be seen from the following circumstances.

4. On the 29th of March last your memorialist addressed the Bombay Government to the effect, that "understanding that the parties, Dajee Dhandeo Satay, and his brother Wamon Rao Satay, are at present residing in Bombay, I beg respectfully to solicit that the Right honourable the Governor in Council will be pleased to cause these persons being examined before a justice of the peace, touching the identity of the person from whom they obtained the information which was found in Dajee's letter, at the post-office at Baroda, and on which account I was dismissed on suspicion." "In the absence of such a process, the actual transgressor will hardly be traced, and thus perhaps remain unpunished, at the undeserved expense of myself and helpless family."

5. In reply to the foregoing, your memorialist was informed "that there is no law under which a justice of the peace can conduct such an examination as suggested in your representation of the 29th ultimo, that is to say, compulsorily, or upon oath, and that your request therefore cannot be complied with." "You are, however, at liberty, should you see fit, to make you own application to any justice of the peace." Also, "I am at the same time desired to inform you, that Wamun Rao Satay was examined by Lieutenant-colonel Outram (at Baroda), and Dajee Dhandeo Satay by the Chief Secretary (in Bombay), in the month of October last, on the subject alluded to by you."

6. In acknowledging the receipt of the preceding reply, your memorialist reiterated as follows: "That as the matter connected with my dismissal is strictly of a political nature, I am precluded from proceeding against Dajee Dhondeo Satay, and his brother in a criminal court; unless, perhaps, Government were to interfere, as it did in the case of Dhackjee Dadajee." Further, that, "apart from the above, I am given to understand, on excellent authority, that the examination alluded to in the 2d para. of your letter under reply, elicited no more than the denial *in toto* of the brothers, that the letter which was intercepted was not theirs; the same having been written, as asserted by them, by an enemy, who endeavoured by those means to injure them." "Furthermore, it appears that, subsequent to the examination in question, Wamun Rao's letter to his brother Dajee, placing him on his guard in reference to what had happened at Baroda, was made over to Government by one Vishnoobhut Pooranick, in the hope of obtaining a reward." "What transpired on this coming to light I know not; but suffice it to say, that as I have been thus far made acquainted with these facts by people who not only sympathise with me, but who know that I have been made to suffer undeservedly, I beg with all due deference to solicit that his Lordship in Council will graciously sanction my being favoured with a liberal trial, by a court of inquiry, under the provisions of Act XXXVII. of 1850, so as to enable me to have prepared a supplementary memorial for submission to the Honourable the Court of Directors, and with reference to their circular letter dated July last."

7. To the foregoing, your memorialist was summarily answered, "that the request therein preferred cannot be acceded to."

Intrigues at Baroda and Bombay.*

8. Your memorialist, on the 4th instant, requested to know from Government whether a reply was received as yet to his memorial to the address of your Honourable Court, under date the 3d February 1852; and was answered to the effect, "Mr. Marston is informed that no answer to his memorial of the 3d February last has been received from the Honourable the Court of Directors, beyond an acknowledgment of its receipt." It will, therefore, be perceived that your memorialist has not only been deprived of his situation undeservedly, but that he has been precluded from being ever again re-employed under Government, and that what still renders his position worse is, that he feels a reluctance, under such circumstances, even to apply to a mercantile firm for a situation, and which as it were for ever seals your memorialist's ruin, without his at all deserving it.

9. Your memorialist begs humbly to submit, that although a poor man, he has a character to uphold, at the very risk of his life, equally to the first of the land; inasmuch as he possesses the feelings, &c., of a European, born within the sphere of England's soil, from the presumptive circumstance of his father by blood having, once on a time, proved himself to have been one of the ablest officers that ever wielded his sword towards the upholding of England's supremacy in the conquering of India, at no less a price than the shedding of his blood on the fields of India; and that, therefore, besides the fact of your memorialist's innocency, he finds it contrary to his nature to submit to a punishment which has been unjustly imposed on him, and is in consequence driven to the necessity of humbly retaliating, until English justice has been fairly awarded to him.

10. Poor as your memorialist is, his constant desire is that he might have it in his humble power to prosecute the matter before the scrutinising research of a supreme court of judicature, at the hands of which tribunal, considering the advantage he has really obtained with regard to what he has been made acquainted with since his dismissal, he would be able, in assimilation with a precedent connected with one Venetrailoo of Madras, to obtain damages for "defamation of character," at no less a price than about 50,000 rupees or so.

11. Your memorialist therefore prays, that under all the circumstances that have been brought to your benign notice, besides the unquestionable fact of his being aware of as much of the secrets of the Western Government, which, as a private individual, and owing to the severe undeserved treatment he has been, and still is subjected to, he might make use of, if eventually driven to do so, your Honourable Chairman and President of your Honourable Court will kindly cause that justice to be afforded to him which will restore to him the legitimate rights that he has been deprived of; but that in the absence of such, at least to sanction his being favoured with a liberal trial, which would tend to prove that your memorialist had suffered without deserving it; and also, perhaps, be the means of bringing to light many secrets which have hitherto been shrouded up in mystery and oblivion.

12. In conclusion, your memorialist further prays that your Honourable Court will, under the circumstances, graciously excuse any error that he might have committed in the framing of his former and present (supplementary) memorial.

For which act of grace your memorialist will, as in duty bound, ever pray.

(signed) *Daniel Marston.*

Poonah, 23 October 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

THIS memorial should be sent to the Honourable the Court of Directors, with a remark that it contains nothing to change the opinion which this Government has already recorded.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

31 October 1852.

No. 5026 of 1852.—Political Department.

To Mr. *Daniel Marston*, Poonah.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, dated the 23d ultimo, and to inform you that the

the memorial to the address of the Honourable the Court of Directors, therewith forwarded, will be transmitted to that authority by the Overland Mail of to-morrow. Intrigues at Baroda and Bombay.

I am, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle, 15 November 1852.

(True extract.)
(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation, December 1852.

MEMORANDUM by the Secretary in Charge of the Political Department.

1. WITH reference to the undetermined portion of the annexed extract from the Report of the Committee of Secretaries, lately assembled by order of Government, to examine Ragoba Moroba and other parties, on the subject of certain information given by that individual to Captain Barr, connected with Baroda intrigues, the Secretary to Government, in charge of the Political Department,* begs to inform the Honourable Board that his attention has been called by the Secretary to Government in the Judicial Department to some proceedings † of Government in the Secret Department, recorded in consultations of the 9th June and 30th July 1845.

† Herewith circulated.

2. The proceedings referred to relate to two anonymous (unsigned) letters, dated Baroda the 9th and 19th May 1845, which were addressed to Mr. Willoughby, then Chief Secretary to Government, and which, on receipt by that gentleman, were laid by him before the Honourable Board.

3. These letters were on the subject of certain intrigues which the writer alleged were then in progress at the Court of his Highness the Gaekwar, in conjunction with certain parties at Bombay, and the writer stated that a person named "Ragoba Purvoe, Chippee by caste," who he alleged was in the employ of Major Del Hoste, ‡ then Deputy Quartermaster-general of the army, had taken a conspicuous part in some recent intrigues connected with the affairs of Baroda, in which, in order to effect the subjects he (Ragoba) and other individuals had in view, he had made use of the name of Mr. Willoughby and Major Del Hoste, as being the gentleman through whom he could effect them.

4. The secretary in charge of the Political Department begs to draw attention to the fact that the Purvoe Ragoba is alluded to in the anonymous correspondence as being of the "chippee" caste, a word which, in the province of Guzerat, whence the writer addressed his letters, is applied to the "tailor" caste, and that Ragoba Moroba, in his evidence before the Committee of Secretaries, stated that he belonged to the tailor caste. This coincidence renders it very probable that Ragoba Moroba may be identical with the Ragoba of the chippee caste, alluded to in the above correspondence.

(signed) *H. E. Goldsmid,*
Secretary to Government.

5 May 1852.

EXTRACT Para. 3, from a Report of a Committee assembled by order of the Right Honourable the Governor in Council; dated 7th January 1852.

Para. 3. To Ragoba's statement, credence should be cautiously given; by his own account he has taken a very culpable part himself in the transactions he describes, and he is plainly seeking to secure himself from punishment by denouncing an accomplice who is at a distance, and not likely to be confronted with him; and we cannot give credence to the

* In the absence of the Chief Secretary with the Right Hon. the Governor at Mahableshwar.

‡ In reply to a reference made to him by order of Government, under date the 5th June 1845, Major Del Hoste observed, "Nor have I ever employed any such person as Ragoba Purvoe."

Intrigues at Baroda and Bombay.

the assertion that, although he had never previously taken part in any such transactions, Craig, without in the first instance obtaining his consent, or even speaking on the subject to him, mentioned his name in the anonymous letter he wrote to Baroda, as that of the party to whom the person sent from that place by Hurree Bhugtee's firm should apply on his arrival at Bombay. Nevertheless we are bound to admit that we vainly endeavoured to shake his evidence by such cross-examination as the papers and information placed before us enabled us to carry on; and we have failed to discover any clue or train whereby, collaterally, its real value might be accurately tested.

J. P. Willoughby, Esq., Chief Secretary to Government, &c., &c., &c., Bombay.

Sir,

As an old, faithful, and devoted servant of yours, I have considered it my bounden duty to bring this delicate subject to your special notice. I'll only give you the particulars, that my letter may be reduced to as short a scale as possible, without any regard to the style of writing.

It has become known to many of the principal people at Baroda, that you have, through Major D., Quartermaster-general, made up matters with his Highness, promising to do all that lay in your power for his advantage. I have heard of this since March 1844, but nothing could induce me to credit it.

Babajee, a Brahmin, and Dajee, a Mahratta, were sent to Bombay by Sukaram Rodia, and Gopal Row Myral, to procure intelligence; by this time a person from the Major, named Ragoba, I believe, having arrived here, communicated the object of his mission to Sukaram Rodia; when the above individuals were desired to ascertain the fact, by meeting that gentleman personally, which they did, and then communicated all the particulars to their employers. Shortly after this, they returned to Baroda, and, through Sukaram Rodia, conveyed all the facts to his Highness, who desired that a secret communication should be kept up without delay; when Sukaram Rodia, having despatched these people to Bombay, appointed one Anna Scindia, a Praboo, to receive and forward all letters to and from Bombay, connected with the secret transaction. Nothing could, till of late, induce his Highness to believe that you were actually concerned in the business; but I most sincerely pray that you nor the Major has had any share in it, which has been conducted in the most imprudent and headlong manner, without any regard to your reputation, and without even reflecting on the well-known character and disposition of his Highness and those people about him.

From information received, both from his Highness and Babajee, Gopalrow Myral has made himself quite sure that he is not to be removed. His Highness appears resolved to protect the whole five, even if an order should be sent for their removal. Since he was informed that his future khurritas to the Court of Directors were to be sent unopened by the Bombay Government, he has been led to believe that the Directors are entirely in his favour, and all his business will now be done in accordance to his wishes. At the persuasion of a certain person in camp, his Highness had lately sent two yads to the Assistant Resident about the 600 horse; but on the discovery of the order against receiving any applications on the subject, the mistake was discovered. Till the yads were not despatched to Bombay, his Highness seemed very anxious for your promised draft. At first he thought of gaining his end without it, in order, as I have been told, to frustrate your wishes with regard to the demand for three lacs; but, sir, if you are actually concerned in the business, you must know how to act towards him. It is my humble opinion that the orders of Government should be partly, if not wholly, carried into execution; without which it will be impossible for you to secure your reputation, and that of your Government; as also to derive any consolation therefrom. I am afraid to say anything further on the subject, but you are a wise man, and must know your own business better than any one else. There are so many concerned in the business, that when you hear of their names and character and other delicate matters, you will not be surprised at the loose and reckless manner in which it has been conducted, to the destruction of the principals. It appears to me that every one has been doing the best he could for himself. As an old and faithful servant, I must naturally feel most bitterly for everything that falls to your disparagement; therefore, pardon me, sir, when I say that it affects me much to see that you have fallen into such hands; but, believe me, sir, it is still in your power to turn from your present course. The Major has only to tell those concerned that his Highness and his people have spoiled the business, and that the secret has become public: and then, under pretext of indisposition, he should leave Bombay for Mahableshwur, or any other place, for a month or two; but if he know how to treat those people at Bombay, he has no occasion to leave the place at all. By and by you shall be able to act more to your advantage. At present his Highness requires good thrashing. He is not to be trusted; he is too cunning and treacherous, and believe me, sir, he bears no good will towards you; your own good sense must convince you of this. You have even confessed to his Highness that all the evil which had befallen him had been maliciously done by you, in consequence of his having followed the advice of his evil advisers, in complaining against you; and that you were now ready to support his cause, and protect Gopal Row Myral!! This confession appears to have given him no satisfaction. It has struck a thorn into his heart, but he will no doubt act wisely till his wishes are accomplished. Nevertheless, I humbly trust the above scheme will meet your approbation.

Sir, as it is not proper I should keep anything concealed from you, especially after having written so much on this delicate subject, I'll now, under the assurance of that confidence

I have

Intrigues at Baroda and Bombay.

I have always reposed on you, as being my only supporter and protector in this world, make a faithful confession of the manner in which I have obtained all the secret information; and, in doing so, I humbly pray you will not consider me undeserving of your favour and confidence. Believe me, sir, I am yours. I am entirely devoted to your interest, and always prepared to sacrifice my very existence in your cause. I have intentionally kept myself far from you, because, when encompassed in trouble, I did not obtain from you the assistance and support I considered myself well entitled to. I must leave this subject aside till it may please you, sir, to question me into the particulars.

In continuation of my information, I beg leave to state that his Highness, anxious to know whether you were actually concerned in the business or not, sent me a message to the following effect: "It is now two years, and you have done nothing. A Brahmin boy and a Mahratta servant have succeeded in gaining Mr. W. in their hands, and he has, through Major D., promised to obtain for his Highness the disbandment of the 800 horse," &c. "The order from the Court of Directors has already been received, but under pretext of inefficiency of the contingent of 3,000 horse and other causes, Mr. W. keeps it back. A draft of a yad, or letter to the Governor, is soon expected from Mr. W., and according to it his Highness is to act; and with regard to the inefficiency, his Highness is to procure favourable reports from Major Lang and the officers commanding the contingent, and the same to be forwarded with the letter to the Governor; and on receipt of the expected orders from the Court, Mr. W. promises to send the necessary instructions to the Resident," &c. I was afterwards informed, "That although an order has been received from the Governor-general for the removal of Gopal Row Myral, Mr. W. declares that, in order to oblige his Highness, he will protect him, and allow him to remain at Baroda," &c., &c.

I was repeatedly questioned whether I could convince his Highness as to your being actually concerned in the transaction or not, or whether it was a trick played on him by those people at Bombay; I was then asked whether I would undertake to proceed to Bombay to ascertain the truth thereof through the Major, &c. &c. I replied that it was a case of a very delicate nature, requiring the most serious deliberation of his Highness and the person who might be deputed to Bombay; and after expressing my doubts and fears as to your being concerned in the business, I agreed to proceed on the mission; after which all the papers and copies of extracts which had been received from Bombay were shown to me, in order to know their purport, as also to discover whether they were true or fabricated copies. These were shown to me under great confidence that I would never mention a word about them to any one; but in my recital I have been compelled to divulge the secret to you; and I humbly pray you will be pleased to keep this, as well as all the others, within your own breast, and thus preserve both my life and reputation, that I may be enabled to serve you, sir, to the last moment of my existence, with zeal and fidelity. I have been told that Gopal Row Myral, Bapoo Hurgurra, and others, are continually animating his Highness, assuring him that the English Government will never break with him nor do anything to hurt his feelings, as that the Court of Directors is entirely in his favour, and that the annoyances which he still suffers are occasioned by those interested people at Bombay, in order to extract money from him and those who have adhered to his right cause and befriended him in time of trouble; that he should, therefore, be under no apprehension; that all his business will soon be settled according to his wishes, and to the discredit and mortification of his enemies, &c. &c.

Gopal Row Myral and others are not ignorant of the affair in which you and the Major are concerned. It appears that his Highness does not keep any secret from Gopal Row Myral in particular; for he still consults him on all matters; and with the view to include him in the affair, it seems to be the wish of his Highness to obtain an order from him on his shop at Bombay for the payment of 10,000 rupees to Bapoo Shett, in part payment of the sums stated by him as having been paid to you and the Major. According to my information, it appears that Mahdowrow has been dissuading his Highness from sending any orders on that shop, and assuring him that 10,000 was too small a sum for the present occasion; but he seems to think it too much.

The following is an account of the items:

	Rs.	
Received by Bapoo Shett, from the shop of Gopal Row Myral, at Bombay, on a receipt at 4 annas per cent. per month, or 3 rupees per cent. per annum	15,000	Stated to have been first deposited as security, and afterwards paid to you according to your request.
Remitted from Baroda and received by Bapoo Shett at Bombay	25,000	
Paid by Bapoo Shett	27,000	
Ditto ditto	7,000	Stated as paid to the Major.
Ditto ditto	3,000	Ditto ditto, on account of a dinner given by him to the Governor and gentries of Bombay.
	77,000	
Intended to be sent by an order on the shop of Gopal Row Myral, at Bombay	10,000	
Bombay Rs.	87,000	Equal to one lac Baroda rupees, at 15 rupees the exchange.

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About four months ago, on account of delay on the part of his Highness in acceding to the request of Bapoo Shett, who required two lacs, he sent Dada Josee to Baroda with a message to Trimbuck Shastree, of the Adawlut, who brought the same to the notice of his Highness. Mahdowrow was then desired to communicate on the subject; and latterly Bapoo Shett was required to recall Dada Josee, a ghora, or priest, of the Chippees, who has exposed a great deal of the secret. He was to leave this on the 2d or 3d of the present month; but I don't know whether he has done so or not.

Sir, these are further secrets for your deep consideration, and I humbly beg you will not divulge them, nor speak a single word on any one of the subjects mentioned by me to any of the natives concerned in the business. The Major should also be put on his guard. My sole object for bringing these things to your special notice is to warn you, my kind benefactor and protector, of your perilous situation and that of Major D., who, I believe, is not so well acquainted with the character and disposition of his Highness as yourself. I most earnestly, most humbly pray, that, after having seriously considered all the matters represented by me, both of you will see the necessity of speedily extricating yourselves from the power of your cruel and vindictive enemies. There is no difficulty in this. Only let the Major continue on friendly terms with Bapoo Shett, who should be encouraged to hope for better days. He should be told that the promises made to him by Babajee, on the part of his Highness, are false; for he denies having said anything on the subject. Believe me, sir, this is your time to drub his Highness, and make him feel what you or the British Government is capable of doing, without which nothing will bring him to his right senses. By and by you can turn him as you please. If a great person is inclined to do a thing, either for himself or his friends, he can do it with the greatest ease imaginable, and without the least injury to his reputation, for there are ways and means for everything.

Sir, I will now give you the names of those concerned in the secret transaction:—

Yourself, styled "Sowkar;" Major D.—Principals.

Bapoo Shett, a banker, Chippee by caste—Engaged by Babajee, under false promises of raising him to one of the highest situations in Baroda, or making him equal to Sunker Shett in rank.

Ragoba Purvoe, Chippee, by caste; Mookundee Soonee.—Under Major D.

Babajee, a Brahmin of Bassein; Dajee Scindia, a Maratha of Baroda—Were first sent to Bombay by Gopal Row Myral, and Sukaram Kodia, for intelligence. Then, hearing of the wishes of Major D., they got themselves introduced to him as messengers from his Highness; and having communicated all the particulars of the interview to Sukaram Rodia, they were stationed at Bombay as agents on the part of his Highness, or Sukaram Rodia himself, who assumed the name of Ramchunder.

Ramchunder, real name Sukaram Rodia, at Baroda.—Till the last 15 months, this person acted as the principal agent between his Highness and those people at Bombay. Then, having gone on a pilgrimage to the Deckan, one Mahdow Row was appointed in his place.

Anna Scindia, a Praboo, a man that cannot be trusted with any secret.—Engaged by Sukaram Rodia to receive and despatch all "Letters" to and from Bombay.

Madhowrow Annut, of good principles.—The present agent between his Highness and those individuals at Bombay.

These particulars will, I presume, fully inform you, sir, that your secrets are not kept close, and that mischief is lurking in the breast of his Highness, for he considers you to be the greatest enemy he has in the world. Under all these circumstances, I again most humbly beg that you and the Major will see the necessity of giving up all thoughts of assisting or protecting his Highness for the present. Let the orders of Government be carried into effect, that he may know you have not been deceiving him. As his evil advisers have led him to believe that as you could hurt him no longer, you have been endeavouring to conciliate his favours with the view of extracting money from him, and making your escape to England; as that you were labouring under the displeasure of the home authorities, who are stated to be friendly disposed towards his Highness and his Government. Under present circumstances, his Highness may now and then make small remittances to Bombay, but when his objects are accomplished you must expect nothing else than his frowns, his vain promises, and impertinent replies, because you have acted quite to the reverse. Instead of his begging your assistance and support, you tendered your services by sending a messenger to Baroda. It is this that has spoiled the business, and induces his Highness to credit the assertions of his advisers. You have claimed five lacs; two on account of Dhackjee, and three on account of the 800 horse; but under the circumstances mentioned by me, how is it possible that you can expect to obtain these items; and if you do, how is it possible for you to preserve your well-earned reputation, when there are so many low people engaged in the business? Besides this, Gopal Row Myral and others are acquainted with all the secrets. I therefore humbly beg that my kind benefactor will well weigh these plain facts, and then with one mighty force destroy the snare that has been laid for you and the Major, by convincing his Highness and the world that you have had no share in the transaction. I have acted my part to your advantage, so that you have nothing to fear from me; I am yours. I am entirely devoted to your cause and interest; and your reputation is dearer to me than my own life; but I humbly pray that you and the Major will now act your parts well, without the least apprehension. Only let Babajee know, through the Major, that his Highness and his people have spoiled all the business, and nothing further.

God

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God has placed you in a situation of influence and authority to guide and instruct thousands of people in their vocations, so that it does not become me to advise you on any subject; but sometimes it so happens that a servant is compelled to do so for the good of his master, and the same is readily accepted and duly appreciated by him. I therefore beg, sir, that you will consider this letter as coming from no one else but a faithful and grateful servant, who is quite sensible of the many favours he has received at thy hands; 16 years ago you gave me the best of characters, and up to 1843, you were pleased to protect me as one belonging to your household; but since that period, I have been labouring under your displeasure without any just cause. It originated from some false representations; but had I brought my case to your especial notice, I am sure I would have merited your approbation and that of the Honourable L. R. Reid. But since 1838 I have been sulky; I had resolved not to show my face to you on any account, for I had been led to suppose that you had not supported me as you should have done in upholding my reputation, which I valued above everything in the world. At last it was trampled to the dust. But why? Principally for espousing your cause, and keeping a certain gentleman and his advisers at defiance, by openly declaring that it was out of their power to hurt a hair of your head, much less to bring a charge of bribery against you in the case of Puttab Sing, of Rajpeempla. Purboodass Bukshee was prepared, through the persuasion of Meer Surfraz Allee and his carkoon, named Bajee Row (who was promised a high situation), to submit to the wishes of that gentleman, by espousing the cause of Pertaub Sing, but I had a great deal to do in dissuading him from it. I pointed out the evil consequences thereof, convinced him of the good you had done for him and his family, and assured him that while he followed the right path, and placed entire confidence on you, he and his family would still reap far greater advantages from your friendship, &c. &c.; which pleased the old man so much, that he disclosed the secret to me, and accused Meer Sufraz Allee and his carkoon (Bajee Row) as the persons who were leading him astray. The very next morning his carkoon went to that gentleman, threw down his turban, and declared I had spoiled all the business, &c. &c. The result of course was to my disadvantage; but I'll trouble you no longer on this subject for the present. I'll continue to place unbounded reliance on your goodness and generosity.

It is now two years that I have had anything to do with his Highness, and this originated from dire necessity. I am praying to God to get rid from his clutches, as I do not wish to serve him in any capacity. He seems to show that he has confidence in me, but I do not trust him; in fact, no one can trust him, for he is of that capricious disposition and vindictive nature, all he wants is the accomplishment of his wishes.

I must now conclude this long letter, with my dutiful respects to you and the Major, trusting that you, placing full reliance on my assertion, will act your parts well.

Baroda,
9 May 1845.

I am, &c.

Sir,

After writing this letter I was led to various conjectures and considerations, and at last came to this conclusion, that you would not be inclined to give up the undertaking so long as it could be conducted with some propriety, and without fear of endangering your reputation. This reflection perplexed me very much, and I knew not what to do to put a stop to the reports in circulation. At last I thought of a scheme of punishing the author thereof, and accordingly brought it to the notice of his Highness. I told him I had obtained positive information that Babajee was continually writing to Gopal Rao Myral and Sukaram Rodia, on all the subjects connected with the secret transaction; and that your name, as well as that of the Major, were so publicly known at this place as being concerned in it, it would be impossible for him to obtain the accomplishment of his wishes unless some means were adopted to put a stop to the rumours. I then pointed out the propriety of his sending for Babajee, and accusing him of falsely naming you and the Major as being concerned in the secret transaction, which I told his Highness would lead Gopal Rao Myral and others to believe that the informations which Babajee had given them were all fabricated, and thus put a stop to the present rumour. I plainly told him that the moment you were informed of the rumour you would give up all thoughts of assisting him in the accomplishment of his desires. His Highness approved of my plan, and told me he would send for Babajee, and after accusing him of falsehood place him under restraint till all the business would be properly settled. He further told me that Babajee had, without any authority, taken between 2,000 and 3,000 rupees from the shop of Bapoo Shett, and that this would be another pretext for placing him under restriction; his Highness was also informed of the impropriety of his still placing confidence on Gopal Rao Myral and others, and making them acquainted with all the secrets, &c. &c., but he denied all this.

I again met his Highness last night to apprise him of my intended departure, when he gave me some instructions for my guidance, and desired me to say every thing that would convince you of his friendship and attachment, and of the reliance he placed on your promises, &c. &c. He then told me he had sent for Babajee from Bombay, and on his arrival he would do as he had proposed, and thus put a stop to all the rumours. But, sir, how am I to appear before you? for I have not that courage. I have been taught to respect and reverence your person. I shall endeavour to see you as a petitioner, but if I do not make my appearance, I beg you will be pleased to send for me, or desire the Major

Intrigues at Baroda and Bombay.

to do so. My conscience assures me that I have done nothing to have merited your displeasure; therefore, sir, be pleased to look upon me as one belonging to your household.

Sir, you have lately written, or caused to be written to his Highness, that if he should be unwilling to remove the five individuals, he would have to nominate a dewan for the purpose of conducting the affairs of the state through the Resident. This had led his Highness and his advisers to consider that the alleged orders from the Governor-general are all a fuss, and have been put on foot merely to frighten them.

With regard to Damodhur Kessow, you have caused to be written that if his adoption is not announced, his Highness would have to grant an adopted son to the widow of Narrain Row Seetaram; his Highness seems to think that the British Government has no right of interference in these matters, and has declared that, as Damodhur Kessow's adoption was sanctioned by him on the payment of a nuzzerana, it would now be impossible for him to revoke it, and this is the opinion of his advisers, because they are all interested in the matter. Consequently it appears to me that his Highness will not listen to reason, or to your advice, till he is made to feel the power of the British Government; but, sir, you are the best judge in these matters. The punchayet should be assembled at the Residency (in the presence of the Resident), and not at his Highness's durbar. If you comply with the request of his Highness, you will be a great loser. You will have received the order from Jumna Baee (widow of Kessowlal Kooshalchund), but I am afraid you have not obtained your due. This can be looked into by-and-bye, sir you require a confidential person to look after such things. Place no confidence on the natives, not even on his Highness, for he is not to be trusted.

Sir, I have heard that Nursoo Punt Tatia (the Residency carbaree) has lately joined his Highness and his party, through the persuasion of his most intimate friend and countryman, Assoram, who is in the pay of his Highness. I have also heard that his first assistant, Narrain Row, has also joined this party since the death of Mr. Sutherland. I therefore beg, sir, you will be very careful in your instructions to the Resident, that these people may not be able to obtain the real secrets.

Sir, you would do well, by entertaining a trustworthy individual, to copy all the proceedings connected with the Baroda affairs. He should be put under a most solemn oath against divulging the secrets to any one, which I believe is the only means to prevent his Highness and his people from obtaining information from your department. I think it very hard to meet with a Hindoo or Mussulman who will resist a bribe of 500 rupees.

Motu Pursotum has arrived here, and he is doing his best to get his Highness into his clutches, with assurances of settling all his affairs according to his wishes, alleging that all the great folks are in his hands. It is most surprising that he should still be able to obtain all the information from the Secretary's office. Should it be your wish, I will, on my return to Bombay, endeavour to discover those people who supply him with news and advice. I have heard of a few names, but before I give them to you it is requisite I should make myself sure, lest I should injure any one without cause. Nillooba Pandoorung (son-in-law of the late Damodhur Jenunjee) who I believe is in your department, should be watched, for he is very intimate with Motu, and I have heard a great deal about him. Sir, you must have heard that Motu has opened a banking-shop in Bombay, and that he lends money to all his friends and others. I have heard that three years ago he received two lacs from the shop of Gopal Row Myral in your name. Something should be done about this by and by.

This is the 11th day that the above letter was ready, but I could not make up my mind to send it to the post, for some frightful thoughts and deep ruminations deterred me from it; but now, considering that I would be acting the part of an ungrateful servant were I to keep these facts any longer from your knowledge, I have resolved to send it to the Branch Post-office, and I humbly beg you will be pleased to pardon me for the delay, as also for not inserting my name to the letter; you may comprehend my reasons for it. I am afraid my handwriting will not enable you to discover my name, but nevertheless let not this deter you, sir, from crediting my assertions. I am sure you value your honour and reputation above all the riches of this world. If you wish to make your fortune you can do it in lacs, without endangering your well-earned reputation. I was authorised to offer you as far as 10 lacs, payable in a lump of notes, or hoondees, as you should wish to receive; but I had not the heart to approach your presence, much less to make such a proposal, fearing that you would tear me to pieces; for I verily believed that the man (excepting a worthy friend or confidential) who could face you with such a proposition, and then return home with contentment of having achieved his purpose to the satisfaction of those concerned, must be a favourite of fortune, possessing the heart of a lion. I therefore most humbly beg you will be pleased to pardon me, sir, for the great loss I have inadvertently occasioned you through a fear which I could not conquer. The reins are still in your own hands. You only require a good trustworthy person of a mild disposition to look after your concerns. Sir, please destroy this letter as soon as you have done with it.

Sir, I again most humbly beg, that should I not make my appearance in due time, either you or the Major will be graciously pleased to send for me, as I have something particular to communicate to you respecting the amount which is to be restored to his Highness, and other delicate points. Sir, as I respect and reverence you, as my only benefactor and protector in this world (an assertion which I call God to witness), I should consider myself most unfortunate, most miserable, were I to do anything in these, or other matters in which you are concerned, without first obtaining your consent and approbation. Therefore be pleased to give me your wise instructions on all points, and to consider me entirely devoted

to

to your cause and interest. Sir, with the view of satisfying yourself as to my zeal and fidelity, you have only to put the Holy Bible into my hands, when I shall be most happy to give you every satisfaction. Intrigues at Baroda und Bombay.

I am, &c.

Baroda, 19 May 1845.

MEMORANDUM by the Chief Secretary.

1. I HAVE the honour to submit to the Honourable Board an extraordinary letter, which I received yesterday from Baroda, dated the 19th instant, but the envelope bearing the stamp of the Surat post-office.

2. It has no signature, and I have not at present the slightest idea who is the writer. He states, however, that I gave him a certificate of good conduct 16 years ago, and that I continued to protect him up to 1843, when he fell under my displeasure.

3. The communication proves, I think, that another infamous intrigue exists, and that persons at Baroda are making free with my name, and obtaining money from the Gaekwar, under the pretence of purchasing my influence to accomplish his Highness's ends.

4. It will be in the recollection of the Honourable Board that the Gaekwar lately reiterated his appeal to the Government of India, to be relieved from the expense of maintaining the Guzerat Irregular Horse. This is under reference to the Government of India, and I fervently hope that high authority will again negative that application, which will probably satisfy his Highness of the fraud and deceit practised against him.

5. The Honourable Board will observe that Major D——, Q. M. G., is alluded to at the commencement of this letter as having united with me in a design to obtain money from the Gaekwar.

6. It is a fact that Major Del Hoste, who is, of course, the officer alluded to, did speak to me in favour of Succaram Rodia, one of the persons proscribed the Residency, for being implicated in the case of Dhaekjee Dadajee.

7. I append to this an original memorandum given to me by Major Del Hoste, on behalf of the above persons, and the original slip of paper which he gave to that officer, purporting to bear my signature, and which I understand had been exhibited to the Gaekwar, as proof that I had entered into his views. It simply contains the words, "I will assist in the business;" under which my signature is forged.

8. When Major Del Hoste spoke to me in favor of Succaram Rodia, I at once informed him that there was not the slightest chance of, or in my opinion the slightest grounds for removing the interdict which had been issued against his visiting the Residency, and that I believed him to be a corrupt and intriguing character.

9. With these few remarks, I leave the case to be disposed of in such manner as the Honourable Board may deem most fit.

(signed) *J. P. Willoughby,*
Chief Secretary.

31 May 1845.

COPY of Forged Slip alluded to in the 7th para. of Mr. Chief Secretary Willoughby's Memorandum, dated the 31st May 1845.

"I WILL assist in the business."

"*J. P. Willoughby.*"

MEMORANDUM by Major *Del Hoste*, alluded to in para. 7, of Mr. Chief Secretary Willoughby's Memorandum, dated the 31st May 1845.

AT the time Dhaekjee Dadajee's case occurred, at Baroda, there were five vakeels of the Gaekwar's suspected of having had something to do with the business, and they were ordered not to be allowed to enter the Residency. Of these

Intrigues at Baroda and Bombay.

these five men, one Sukeram Roday was the person through whom the slip of paper given to you was obtained, and he prays that his case may be taken into consideration, and that he may not be excluded from the Residency, as he is guiltless of having at any time, or in any way, acted in such a manner as to deserve to be excluded.

MINUTE by the Honourable the Governor, concurred in by the Honourable Mr. *Reid.*

I THINK, if the Chief Secretary were to show the letter to Mr. Howard, and to confer with that gentleman upon the subject, it is likely he may be able to throw some light upon the transaction.

(signed) *G. Arthur.*
L. R. Reid.

31 May 1845.

MEMORANDUM by the Chief Secretary.

IN conformity with the Honourable Board's order, I have conferred with Mr. Howard, and in conformity with his suggestion, beg to propose that copy of the letter from Baroda be sent to Captain Del Hoste, in the manner recommended in Mr. Howard's memorandum.

(signed) *J. P. Willoughby,*
Chief Secretary.

2 June 1845.

OPINION of Mr. *Howard.*

I CANNOT throw any light upon the circumstances referred to in this letter. I think I know the person named Bappoo Shett, the banker, who is represented to have received the money intended for Mr. Willoughby and Major Del Hoste.

The first step, however, would appear to be to forward the letter to Major Del Hoste, with a request that he will supply all the information in his power on the subject-matter to which it relates. The origin of the intrigue, which has ended in a rumour so public that the writer thinks it necessary to communicate it to Mr. W., is stated to be this: a person, named Ragoba, said to be a Chippee by caste, and a Purvoe under Major D., went to Baroda, as on behalf of his master, with some communication to Succaram Rodia. Thereupon Succaram wrote down to two persons in his employ in Bombay as newswriters, one Dajee and one Babajee, and desired them to have an interview with Major Del Hoste, which they did. Shortly after this they returned to Baroda, and through Succaram Rodia, "conveyed all the facts to his Highness, who desired that a secret communication should be kept up without delay." On this Succaram again despatches Babajee and Dajee to Bombay, and appoints one Anna Scindia to be the person to and through whom all letters were to pass.

This is the origin of the intrigue, and unless it is altogether a fiction, Babajee and Dajee, on their return to Bombay, must have had several interviews with Major Del Hoste, which they have succeeded in turning to their own account.

Now, if Major Del Hoste had any interviews with the persons referred to, he will be able to furnish a complete history of them, beginning with his introduction to these persons, the ostensible object of their coming to him, and detailing all that passed between them. Major D. will also be able to say when it was, and from whom, and under what circumstances, and for what ostensible object, he received the strip of paper with Mr. W.'s name forged on it. Major D. should be required to study the letter, and make as distinct and practical a communication upon it as he can; stating all that he knows about each of the persons named in it, and whether there are any other persons mixed up in the affair here or at Poonah, whose names do not appear in the letter. Major D. should also be cautioned to keep this communication strictly secret.

2 June 1845. (signed) *W. Howard.*

Intrigues at Baroda and Bombay.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Reid.*

THE course recommended by Mr. Howard should be adopted.

(signed) *G. Arthur.*
L. R. Reid.

2 June 1845.

No. 457 of 1845.—Secret and Confidential.

From the Chief Secretary to the Government of Bombay to Major *E. P. De l'Hoste,* 16th Regt. Bombay N. I.

Sir,

I AM directed by the Honourable the Governor in Council to transmit to you copy of an anonymous letter to my address, dated Baroda the 19th ultimo, which reached me on the 30th ultimo, through the Bombay post-office, *viâ* Surat, on the subject of certain intrigues which the writer alleges to be at present in progress at the court of his Highness the Gaekwar, in conjunction with certain parties at Bombay.

2. You will observe that the writer of this letter alleges that a purvoe in your employ, named "Ragoba," some time since proceeded to Baroda, ostensibly on your behalf, for the purpose of making some secret communication to "Succaram Rodia," who, in consequence, it is stated, directed two of his agents in Bombay, named "Dajee" and "Babajee," to obtain an interview with you, which being effected, they proceeded to Baroda, and communicated the result to his Highness the Gaekwar, through Succaram Rodia. Upon this it is stated his Highness directed that a "secret communication should be kept up without delay."

3. In accordance with this request of his Highness, it is stated that Succaram Rodia again despatched to Bombay his two agents, "Dajee" and "Babajee," and appointed a person named Annah Scindia to be the channel of all written communications upon the subject of these persons' mission.

4. The Governor in Council is desirous of being informed whether you have any knowledge of the two emissaries, "Dajee" and "Babajee," and if, as alleged in the accompanying letter, you have at any time had any personal or other communication with both or either of these persons, and if so, upon what occasions, and upon what subjects.

5. In this case the Governor in Council wishes to be informed of the circumstances under which you may, in the first instance, have become acquainted with these persons, and also the ostensible object of their having sought interviews with you, and the tenor of the conversation upon these occasions

6. I am also desired to request that in your reply to this reference, you will supply the fullest information which may be in your power, upon any other points noticed in the above letter, in regard to which you possess any knowledge, and afford at the same time all information you may be able in regard to each of the persons therein alluded to. It will be desirable that you should also state whether you have reason to believe that there are any other persons residing at Bombay, Poonah, or elsewhere, who are mixed up in these intrigues, besides the individuals who are specifically alluded to in the letter.

7. I am further desired to request that you will be pleased to state the precise period, from whom, and under what circumstances, and for what ostensible object, you received the slip of paper, which a short time since you made over to me, having my forged signature to the words, "I will assist you in the business."

8. You are requested to consider the subject of this communication as strictly secret.

I have, &c.
(signed) *J. P. Willoughby,*
Chief Secretary.

Bombay Castle, 5 June 1845.

Intrigues at Baroda and Bombay.

To *J. P. Willoughby*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE had the honour to receive your letter, No. 457, of the 5th instant, marked "Secret and Confidential;" and, in reply, I beg to state as follows:—

In 1844, a tailor, named Makoonda Seddassew (whose father was my tailor from the time I entered the service), came to me and asked me to aid him in making out a petition for a friend of his, named Succaram Rodia, who had been removed from his appointment at Baroda. In the course of conversation Makoonda alluded to the case of Dhackjee Dadajee, and the visit that was paid to his house by the police, saying, that there was a paper from you on which the case hinged. Believing this paper to be a forgery, and that if I could secure it I might be doing a service to Government, I told Makoonda that if he would bring me the paper, I would see what could be done for his friend. After considerable delay the slip of paper was brought to me, and I conveyed it to you, explaining at the time how I had obtained it. After this Makoonda came to me several times, regarding the case of his friend Succaram Rodia; what the case was, I never knew, as he never explained anything, beyond saying that Succaram Rodia and five others had been prohibited from visiting the Residency at Baroda, and entreated that his case might be inquired into, and if guilty he might be punished, but if innocent that he might be again permitted to visit the Residency.

Some time having elapsed, Makoonda reproached me with having obtained the slip of paper, and not having done anything for his friend Succaram Rodia. I, therefore, spoke to you on the subject, when you told me the man was a worthless fellow, and the worst of the five, and that there was no hope of his getting what he wanted. This I communicated to Makoonda, and there the matter rested.

I am not acquainted with any persons named "Dajee" or "Babajee," nor do I know, nor have I ever employed any such person as Ragoba Purroe, nor to the best of my belief, has any other person but Makoonda spoken to me on the subject; and his interest, as I have before stated, seemed confined to aiding Succaram Rodia.

I do not exactly remember the date on which I received the slip of paper, but know that I gave it to you within 24 hours after I received it.

I am wholly ignorant of the intrigues of the Baroda Durbar, nor can I account for my name being made use of in the letters you have sent for my perusal, unless some person has, for his own interest, invented the falsehoods therein stated. I am not acquainted with any person or persons, either here or in Bombay, who may be concerned in these intrigues.

I have, &c.

(signed) *E. De l'Hoste*,
Captain 16th Regt. N. I.

Camp, Poonah, 6 June 1845.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

CAPTAIN DE L'HOSTE'S letter affords no information on which further inquiry can be prosecuted with any prospect of benefit to the public service.

This, therefore, may be recorded.

(signed) *G. Arthur.*
J. H. Crawford.
L. R. Reid.

12 July 1845.

MINUTE

Intrigues at Baroda and Bombay.

MINUTE by the Right Honourable the Governor (on Mr. Secretary *Goldsmid*'s Memorandum, dated the 5th May 1852) concurred in by the Board.

The Secretary in charge of the Political Department should be be requested to do his utmost to follow up this clue.

(signed) *Falkland.*
D. A. Blane.
A. Bell.
J. Warden.

7 May 1852.

MEMORANDUM by the Secretary to Government in Charge Political Department.

THE Secretary in charge Political Department has the honour to place before the Board the accompanying original and transcript papers, which will explain the cause of the delay in his acting on the instructions conveyed in the Governor's minute of 7th May, and show all the information that he was able to collect.

It was not until the day, Friday 4th June, had advanced, that Raghoba presented himself for examination, and Major De l'Hoste had therefore left office before the Secretary was aware that it would be necessary to question Muccoonda Sudasew, and consequently it was too late for him to be examined before the possibility of his comparing notes with Raghoba Moroba could be prevented. Mr. Goldsmid gave Major De l'Hoste the paper of questions marked (A.) late on the evening of the 4th instant; and in his note of the following day, marked (B.), Major De l'Hoste states his unwillingness to put the questions to Muccoonda.

(signed) *H. E. Goldsmid.*

9 June 1852.

Since the above memorandum was written, Captain Barr suggested to the Revenue Secretary the probability of Naraeen Muccoondset, a clerk in his office of the same caste as Raghoba, being able to give information relative to the latter's movements at Baroda. The Secretary mentioned this in Council, and in presence of Mr. Richardson this day examined Naraeen Muccoondset; his statement is annexed.

(signed) *H. E. Goldsmid,*
Secretary.

12 June 1852.

The papers were not disposed of by the members of Government until the 15th May, and in consequence of Mr. Richardson's detention on duty as Secretary of the Examination Committee, the inquiry could not be commenced with him until the 11th May. The examination of Ragoba Moroba in the absence of Mr. Richardson, was eventually conducted by Mr. Goldsmid in presence of Mr. Lumsden.

From *H. E. Goldsmid,* Esq., in Charge Political Department, to Captain *H. Barr.*

THE Secretary in charge Political Department presents compliments, and having been directed by his Lordship in Council to make some further inquiry from Ragoba Moroba with reference to the contents of some papers that have lately been placed before Government, he requests Captain Barr will have the goodness to direct that person immediately to attend at the Secretary's office.

(signed) *H. E. Goldsmid,*
Secretary to Government.

Secretary's Office, 18 May 1852,
Quarter to one o'clock.

Intrigues at Baroda and Bombay.

From Captain *Barr* to *H. E. Goldsmid*, Esq.

CAPTAIN BARR presents his compliments to the Secretary in charge of the Political Department, and with reference to his note of this morning, begs to say that Ragoba Moroba has not attended office since the 13th instant in consequence of indisposition; he regrets, therefore, that it is out of his power to comply with Mr. Goldsmid's instructions.

Bombay, 18 May 1852.

From *H. E. Goldsmid*, Esq., to Captain *Barr*.

THE Secretary in charge of Political Department presents compliments, and would be obliged by Captain Barr informing him when Ragoba Moroba attends office.

Captain Barr will perhaps have the goodness not to let any member of his establishment or other person know that a requisition for the attendance of Ragoba at the Secretary's office has been made.

(signed) *H. E. Goldsmid*,
Secretary's Office, 18 May 1852. Secretary to Government.

From Captain *Barr* to *H. E. Goldsmid*, Esq.

CAPTAIN BARR presents his compliments to the officiating Secretary in the Political Department, and begs to say that he will not fail to direct Ragoba Moroba to wait upon him so soon as he is able to attend office.

The fact of his attendance being required will, of course, be kept secret, since such is Mr. Goldsmid's wish.

18 May 1852.

From *H. E. Goldsmid*, Esq., to Captain *Barr*.

THE Secretary in charge Political Department presents compliments, and, under instructions from the Honourable Board, requests, with reference to former notes on the subject, that Captain Barr will oblige him with information as to whether there appears any probability, from the medical certificates that may have been furnished, that Ragoba Moroba will soon be able to attend at the Secretary's office.

The Honourable Board are also desirous of knowing whether Ragoba Moroba's health has been such as to preclude his attendance at office on any previous occasions during the current year; and if so, how often, and for what period on each occasion.

(signed) *H. E. Goldsmid.*
Council Room, 2 June 1852.

From Captain *Barr* to *H. E. Goldsmid*, Esq.

THE Military Paymaster presents his compliments to the Secretary in charge of the Political Department, and with reference to his communication of this day's date, begs to state that, up to the present time, Ragoba Moroba has not been able to attend office, and he regrets to say he is quite unable to offer an opinion as to when it is likely he will be well enough to do so; but if it is wished that a medical certificate should be furnished, the Military Paymaster will lose

no

no time in obtaining one. The periods during which Ragoba Moroba has been prevented attending office in the present year have been as follows, viz. :— Intrigues at Baroda and Bombay.

In January	-	8 days.
„ March	-	15 „
„ April	-	2 „
„ May	-	15 „

(signed) *H. J. Barr*, Captain,
Bombay, 2 June 1852. Military Paymaster.

From Captain *Barr* to *H. E. Goldsmid*, Esq.

My dear Mr. Goldsmid,

THIS will be given to you by Ragoba Moroba, and I enclose a further note from Morehead as to his opinion upon Ragoba's fitness to attend office.

Yours, &c.
4 June. (signed) *H. J. Barr.*

My dear Barr,

MY impressiom is that Ragoba is hardly at present fit to attend his office.

Yours, &c.
4th. (signed) *C. Morehead.*

Ragoba Moroba examined by Mr. Goldsmid in presence of Mr. Lumsden, on Friday, 4th June 1852.

I CANNOT tell precisely when I was last at Baroda. I got leave from my office, and a reference to the papers there will tell. I cannot recollect; let the muster-roll be referred to, Dr. Morehead's certificate may also be there. I went to see the place; no one invited me there. I have a distant connexion there named Nana Naraeen* and he was there then. I never went there before nor since. I saw no one there connected with the Durbar, nor did I take part in any Durbar business or private business there. I did not see Succaram Rodia there, nor do I know him. Examination of Ragoba Moroba, on the 4th June 1852.

Muccoonda Sudaseo is of my caste; he is now in Bombay; when at Baroda I lived in a purvoe's house; the name of the purvoe is Anundrao; he lived in the Babachee Poora, and I went once to see Nana Naraeen; he never came to see me.

From the day I returned from Baroda up to the present time I have met with no person from Baroda. I am quite certain of this (the question is repeated three times and same answer given).

On being requested to state how he can reconcile this with his statement before the committee of secretaries relative to his meeting Joteshwur and others, answers:

I intended to exclude from my reply† the cases on which I have already explained to the secretaries I met Baroda people. † This was no doubt the case.

Muccoonda Sudaseo and I have never had any conversation relative to Baroda matters. (signed) *H. E. G.*, Sec.

I did not see Joteshwur at Baroda. I remained for about eight days at Baroda. I saw none of the persons connected with the Residency there.

My caste is that of Simpee. In Guzerattee I am called "Rughoba Chippee." The above is read over to me, and I beg to explain that Dr. Morehead's certificate may be with me. I did not intend to say it might be in Captain Barr's office. The information sent by Captain Barr in accompanying note that I was absent from office on leave from the 27th November till the 22d December 1848, is no doubt correct.

I went to Baroda before my interview with Mr. Craig and Joteshwur. I saw Joteshwur on Nafra's business before I went to Baroda. On further thought I do not recollect whether I saw Mr. Craig on Baba Nafra's business before then.

The Secretary now shows me my deposition of 12th September 1850, given for Colonel Outram's information, in which I mentioned it was about the month of June or July 1848 that Joteshwur came to me on Baba Nafra's business, and I took him to Mr. Craig's house. It was therefore after I saw Joteshwur on Baba Nafra's business that I went to Baroda. I did not tell the secretaries I had been to Baroda, because they did not ask me the question; but I told Captain Barr on his asking me after my examination before the secretaries. I saw nothing of Baba Nafra nor of people connected with him at Baroda. I asked nothing about him and his business, nor did I see Bapoobhaee nor any one else at Baroda.

When

* My son's wife is sister of his wife.

Intrigues at Baroda and Bombay.

When I went to Baroda Joteshwur was in Bombay; neither he nor Craig knew I had gone there.

I know Bapoo Shet Chippee; he is a soucar in Bombay. I do not know Babajee, a Brahmin of Bassein, nor do I know Dadjee Sindia, nor do I know Ramchunder or Succaram Rodia, nor Aunah Sindia, nor Mahdeorao Anunt, nor have I seen any of them ever; nor Gopalrao Myral, nor Nursoba Luxmon called Nursoo Punt, nor Bappoo Hurjevun. I do not know Major De l'Hoste; Muccoonda Simpee may know him, but not that I am aware of. I had nothing to do with Baroda matters in 1845. In 1845 I got a month's leave, and went to Hurnee to the marriage of my aunt's son. I am positive I never went to Baroda in 1845, and never before 1848; of this I am certain. I know of no other Ragoba Chippee except myself. I do not think I got any leave in 1844. I was not in Surat nor any part of Guzerat in 1844 or 1845, nor even before 1848.

The marriage must have taken place in the month of Maha in 1845.

In about 1836, when I was in the Commissariat Department, I went to Ahmedabad by Cambay, but not to Baroda; and never since then have I been to Guzerat till 1848, and not since the latter year.

I put up with the purvoe at Baroda, because there was no man of my caste except Nana Naraeen there. I did not like to put up with a relation; moreover, he is in the Gaekwar's service, and people might have suspected something or other had I gone and put up with him.

The 10,000 rupees came from Baroda, and were given by Joteshwur to Craig after I came from Baroda. I went by steamer to Surat, and thence to Baroda.

Joteshwur was not with me in the steamer.

In answer to the question, "How, if the money came after your return on 25th December 1848, from Baroda, and Joteshwur remained in Bombay during your absence at Baroda, could the 10,000 rupees have been given two or three months before Craig left Bombay, as you have stated in your evidence before the committee, seeing that he left Bombay on 13th February 1849?" he replies, "I have given my former statement and my present statement from memory, and can give no other reason than failure of memory. I then spoke to the best of my recollection; but the dates of my return being taken from the muster-roll, and the date of departure of ship "Defiance," in which the Secretary now states Mr. Craig went, being given, I must, in my statement before the secretaries, have made a miscalculation of the period intervening between Joteshwur giving the money and Craig leaving Bombay.

Before me,

(signed) *H. E. Goldsmid,*
Secretary.

4 June 1852.

Before me,

(signed) *J. G. Lumsden,*
Secretary.

From *H. E. Goldsmid,* Esq., to Captain *Barr.*

Memorandum.—Immediate.

PLEASE refer to the muster-roll in your office, and let me know when Ragoba Moroba got leave of absence three or four years ago; also, please let me see Dr. Morehead's certificate, which Ragoba states he believes to be in your office.

4 June 1852. (signed) *H. E. Goldsmid.*

To Captain Barr, with Mr. Goldsmid's compliments.

From Captain *Barr* to *H. E. Goldsmid,* Esq.

THE Military Paymaster presents his compliments to the officiating Secretary, Political Department, and, in reply to his note of this morning, begs to say, that from the attendance roll of the department, it appears that Ragoba Moroba was absent from office, on leave, from the 27th November till the 25th December 1848.

Note.—The Secretary should have explained that it was the certificate of 1845 that he alluded to.
(signed) *H. E. G.,*
Sec.

The certificate Ragoba refers to is the note from Dr. Morehead, which the Military Paymaster showed to Mr. Goldsmid this morning. Should Mr. Goldsmid wish to have it, it shall be sent to him immediately.

(signed) *H. J. Barr,*
Military Paymaster.

Bombay, 4 June 1852.

From

From *H. E. Goldsmid*, Esq., to Captain *Barr*.

CAPTAIN BARR will, perhaps, have the goodness to refer to the muster-rolls for 1844, 1845, and inform the Secretary whether Ragoba Moroba was absent on leave during either of those years.

4 June 1852.

From Captain *Barr* to *H. E. Goldsmid*, Esq.

CAPTAIN BARR presents his compliments to Mr. Goldsmid, and, in reply to his note of this day's date, regrets to say, that the attendance rolls of the Military Pay Office for the years 1844–45 cannot be found. In those years the practice appears to have been to keep the rolls in separate sections, and not in a bound volume; the consequence is, that the section containing the roll for the months of November and December 1845 is the only one for that year as yet discovered, while none for 1844 have yet been found. A further search shall be made, and the result duly reported.

(signed) *H. J. Barr*,
Military Paymaster.

4 June 1852.

From Captain *Barr* to *H. E. Goldsmid*, Esq.

My dear Mr. Goldsmid,

I AM sorry to say I cannot find the muster roll for 1844–45, but the other clerks state, that Ragoba did get a month's leave about that time. I am making strict search for the roll, and will answer your memorandum officially hereafter; this is sent to save time.

Yours sincerely,
(signed) *H. J. Barr.*

4 June 1852.

From Captain *Barr* to *H. E. Goldsmid*, Esq.

CAPTAIN BARR presents his compliments to Mr. Goldsmid, and, with reference to his note of yesterday, now begs to state, that having found the attendance rolls for the years 1844 and 1845, it appears, on examining them, that Ragoba Moroba obtained leave of absence for 14 days, in the month of January 1844, and again, 19 days in the month of March 1845.

(signed) *H. J. Barr*,
Military Paymaster.

5 June 1852.

(*Written on the back of the above note the following:*)

CAPTAIN BARR would, perhaps, have the goodness to ask Ragoba Moroba where he went in January 1844, returning this memorandum with his reply.

(signed) *H. E. Goldsmid.*

5 June 1852.

From Captain *Barr* to *H. E. Goldsmid*, Esq.

My dear Mr. Goldsmid,

RAGOBA is not at office to-day. Seeing he appeared so unfit for work yesterday, I told him he had better take a day or two more at home, in order that he might try the effect of Morehead's treatment, as it was useless his coming to the office, while he represented himself to be in such pain as to be unable to work. Under these circumstances shall I send one of my clerks to ask

Intrigues at Baroda and Bombay.

ask him your question, getting his reply in writing, under his own signature; or shall I wait till he returns to his duty? And, in the meantime, shall I keep my note to you, which you have just sent me, with your memorandum on the back, or shall I return it to you?

Yours sincerely,

5th. (signed) *H. J. Barr.*

(*The following is written underneath:*)

My dear Barr,

PLEASE send, and get his written answer; return this, please.

5 June 1852. (signed) *H. E. Goldsmid.*

MEMORANDUM.

RAGOBA MOROBA,—You are required to state, in writing, and under your own signature, below this memorandum, where you went to when you obtained leave for 14 days in the month of January 1844.

5 June 1852. (signed) *H. J. Barr.*

Ragoba Moroba.—I HAD been to Allebaug on 15 days' leave, and then to Hurnee, on 15 days' leave, but I don't well recollect the years; on referring to the office muster it will be found correct.

Ragoba Moroba.

(A.)

QUESTIONS given by Mr. Secretary *Goldsmid* to Major *De l'Hoste*, to be put to *Muccoonda Sudaseo.*

"WHEN did Raghoo Chippee, the clerk in Captain Barr's office, go to Baroda? Did he go there in 1844 or 1845?"

Should he say no, then ask, "Who is the Raghoo Chippee whose name is mentioned in the papers which came before Government in the proceedings connected with the communications made by you to me, in 1845?"

(B.)

My dear Goldsmid,

I RETURN the enclosed paper, containing certain questions which you wish me to put to Maccoonda Sudaseo. On reflection, I do not consider I have any right to ask those questions, as Muccoonda Sudaseo never mentioned Ragoba's name to me (to the best of my belief), nor do I know Ragoba, or anything regarding him. The statement contained in my letter of the 6th July 1844 (I think that is the date), was a clear account of the business, and it is a pity inquiry was not instituted then.

Yours sincerely,

Bombay, 5 June 1852. (signed) *Edward P. De l'Hoste.*

MEMORANDUM.

THE Secretary having shown Captain Barr the above copy of Ragoba's statement, has been authorised by him to state, that, to the best of his belief, he never spoke to Ragoba relative to the object of his examination before the secretaries subsequent to that examination taking place; and certainly Ragoba never told him of his having been to Baroda, neither subsequent to the examination by committee nor previously.

8 June 1852. (signed) *H. E. G.*

STATEMENT of *Naraeen Muccoondsett.*

Intrigues at Baroda and Bombay.

Naraeen Muccoondsett, caste Simpee, clerk in the Military Paymaster's office, examined by Mr. Goldsmid, in presence of Mr. Richardson, on Saturday, 12 June 1852:—

I am not related to Raghoba Moroba, but of same caste; he is in the same office with me. I have been in the Pay-office for about 14 or 15 years; Raghoba came to the office shortly afterwards; knew him before he came to the office, but cannot recollect for how long; he used to live near me. I knew him when he was in Mr. Patch's service. Raghoba took leave two or three times, but I know not where he went to; I do not know whether he went to Baroda or elsewhere. I know nothing about Baroda people visiting him, nor do I know that he ever had anything to do ("hat gatla") with Baroda matters. I know nothing of any person named Joteshwur; I know nothing of a Mr. Craig. Mr. Cole, of the Military Accountant's office, used to come to our office on official business, and, in consequence, know him; but I know nothing of his having had anything to do with Baroda affairs. Raghoba used to converse with Mr. Cole in the Pay-office, but I know not about what, nor whether he ever went to meet Mr. Cole elsewhere.

Taken before us,

(signed) *H. E. Goldsmid.*
A. Richardson.

12 June 1852.

My dear Barr,

THIS is what Naraeen Muccoondsett says; kindly return it by bearer.

Yours, &c.

12 June 1852. (signed) *H. E. Goldsmid.*

My dear Goldsmid,

MANY thanks for allowing me to see Narayen's deposition.

Native-like, he finds it best to forget, when before you, all he said he knew before going over.

I was informed by others that he had distinctly told them that he knew Raghoba had been to Baroda (although he said he knew not what took him there); and, hoping you might be able to get more out of him than I could, I never spoke to him on the subject at all, but informed you of what I thought you might learn from him. Of course, as he denies to you all knowledge of Raghoba's movements, I am helpless, and I presume the matter must drop there. Should I learn anything more, I will, of course, communicate with Malet; but mine is a difficult card to play, and, with the utmost wish to further the interests of Government by every means in my power, I find myself frustrated by the cunning and duplicity of some of my informants.

Yours, &c.

12 June 1852. (signed) *H. Barr.*

MEMORANDUM.

Committee of secretaries assembled in January 1852, to inquire into certain matters connected with past intrigues in Baroda matters.

THE Secretary with the Governor, having been desired by his Lordship to give his opinion as one of the committee of secretaries, whether Ragoba Moroba Chippee should be allowed immunity under the conditional promise of pardon made by Government, begs to state that it appears to him that Raghoba Moroba has no claim whatever under that conditional promise.

2. In Government letter of 11th September, No. 176, Captain Barr was authorised "to hold Raghoba Moroba harmless for the share he may have taken in transactions of bribery and corruption in connexion with persons at Baroda, on condition that he shall make a full and fair disclosure of all he knows on the subject, he being explicitly given to understand that this immunity will be forfeited should he fail to do so."

3. Captain Barr informed the committee that he had "repeatedly warned Raghoba that his fullest confession was the condition on which he was promised

Intrigues at Baroda and Bombay.

immunity, and if he was afterwards discovered to have withheld information, that immunity would be forfeited."

4. And Captain Barr also stated that he "fancied from conversation with Raghoba that he had withheld information."

5. The committee in their report have stated: "In giving his evidence, there was no apparent hesitation or desire to evade any inquiry on the part of Raghoba, but, nevertheless, he seemed to be delivering some well-arranged story, and the exact identity between the statement he made before us and the deposition formerly taken down by Captain Barr, leads to the impression that the man was drawing upon his memory of what he had before stated rather than of the circumstances which had actually occurred.

"To Raghoba's statement, credence should be cautiously given; by his own account he has taken a very culpable part himself in the transactions he describes, and he is plainly seeking to secure himself from punishment by denouncing an accomplice who is at a distance, and not likely to be confronted with him; and we cannot give credence to the assertion that, although he had never previously taken part in any such transactions, Craig, without in the first instance obtaining his consent, or even speaking on the subject to him, mentioned his name in the anonymous letter he wrote to Baroda, as that of the party to whom the person sent from that place by Hurree Bhugtee's firm should apply on his arrival at Bombay. Nevertheless, we are bound to admit that we vainly endeavoured to shake his evidence by such cross-examination as the papers and information placed before us enabled us to carry on; and we have failed to discover any clue or train whereby, collaterally, its real value might be tested."

See Secretary's Memo. of 5th May 1852.

6. It will be seen from the proceedings now placed before the Government, that, in the secret department of the Secretariate, there were recorded, so long since as June and July 1845, proceedings which, if they had been before the committee of secretaries at the time, would have enabled them to cross-examine Raghoba Moroba; and, in the secretaries' opinion, have elicited matter tending to throw light on points which the committee were constrained to leave in darkness.

7. It is not, however, merely the concealment of the fact that he visited Baroda in 1848, during the progress of the intrigues in which he was concerned, which affects the conditional promise of pardon, but the suspicion, amounting in the Secretary's opinion to a conviction, that, had not this fact been concealed from the committee, they would, by cross-examination and sudden inquiries in other quarters, have been enabled to ascertain that the visit was connected with those intrigues. Raghoba's visit not only throws discredit on what he asserted during his examination before the committee, but is in itself improbable; for it is not to be credited that a man taking the active part which he admits he did in the intrigues, should, at the very height of those intrigues, have gone to Baroda without letting Joteshwur and Craig, then in Bombay, know that he had gone there, and as improbable is it that he should have gone there merely to see the place (being absent on sick certificate from his office for a month*), and that whilst there he should have seen no one and spoken to no one relative to the Baroda matter, in which he was taking so active a part in Bombay, although in ignorance, according to his account, of the character and connexions of the person (Joteshwur) with whom he had been associated there.

* From 27 November to 25 December.

8. The Secretary also begs to request the attention of his Lordship to the fact that Raghoba's assertion, that after his examination before the committee he told Captain Barr he had been to Baroda, is denied by the latter officer; and that there is every reason to believe that Ragoba Moroba Chippee is "the Raghoba Purvoe, Chippee by caste" alluded to in the anonymous communication made in 1845 to Mr. Willoughby, as being actively concerned in Baroda intrigues.

9. The Secretary has been informed, but whether or no correctly so he is not prepared to say, that the writer of the anonymous letter in 1845 was a Mr. Evans, now supposed to be in employ under the Joadpore Durbar. A reference to the civil auditor might enable Government to ascertain whether a man of this name ever served Government; and, if so, it might be traced whether the writing of the letter corresponds with that in papers received by Government from

from the departments in which he may have served, or in the records of those departments; whether he ever served under Mr. Willoughby, and fell under his displeasure, as alleged, if the Secretary rightly recollects, in the anonymous letter to that gentleman. Intrigues at Baroda and Bombay.

24 July 1852. (signed) *H. E. Goldsmid*, Secretary.

MINUTE by the Right Honourable the Governor.

THE other members of the Committee of Secretaries, who are now in Bombay, should give their opinions on the subject treated of in the memorandum, consequent on the proceedings of 1845 in the secret department having been brought to notice since my minute of the 17th March last.

24 July 1852. (signed) *Falkland.*

MEMORANDUM by the Chief Secretary.

UNDER the instructions contained in the Right Honourable the Governor's minute of the 24th ultimo, the Chief Secretary has the honour to state that, in submitting to Government that report, he recorded an opinion unfavourable to the veracity of Ragoba Moroba, though it could not at that time be proved that he did not make a full and fair disclosure of all that he knew.

It now appears that Ragoba Moroba went to Baroda subsequent to his being concerned with Joteshwur in Baba Nafra's business. Captain Barr denies that Ragoba ever told him of his visit to Baroda, and he did not inform the committee of the fact.

It consider that, under the circumstances, Ragoba's visit to Baroda was a fact with which it was important that the committee should have been made acquainted; and I am therefore of opinion that he did not make that full and fair disclosure of all that he knew on the subject, which was the condition on which he was to be entitled to the immunity promised.

6 August 1852. (signed) *A. Malet*, Chief Secretary.

MEMORANDUM by the Deputy Secretary to Government in charge of the Persian Department.

UNDER instructions conveyed in the Right Honourable the Governor's minute of 24th ultimo, the Deputy Secretary has the honour to record his opinion that Ragoba Moroba has not acted up to the part required from him as the condition of pardon; but, with all due respect, he would venture to remark that the withdrawal of the promise of pardon, once made on the part of Government, in the absence of any positive proof to the concealment, or to falsified statement of facts, which it is to be supposed should have been communicated by this man, may, not only in the present case, should circumstances ever lead to the re-opening of this inquiry, but certainly on some future occasion, act as a bar to disclosure being made upon promise of similar conditional rewards.

A careful perusal of Ragoba Moroba's statements, given before the Committee of Secretaries, on being collated with evidence communicated by Lieutenant-colonel Outram, leaves upon the mind an impression that the facts therein generally stated have been carefully divested of their individual application, until the whole story is rendered harmless to others, and sufficiently plausible to merit the pardon offered on condition of a full and fair disclosure.

With the exception of the unfavourable impression conveyed in the cautious replies relative to his visit to Baroda, and the indirect and vague character of the statements generally made by Ragoba Moroba, no evidence has been obtained to show that he has withheld truth; because his statements tend to show that he was entrusted with so very subordinate a part in these intrigues, that his employers could have had but a poor opinion of his talents or his

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discretion, and therefore it is just possible that he may have been entrusted with no more information than he has disclosed.

Captain Barr's letters, especially regarding his remarks on Mr. Smith's supposed share of these intrigues, do indeed convey an idea that Ragoba conveyed or implied, so that Captain Barr was induced to imagine information of a more decided tone than that which is conveyed in any statements made before the committee; and doubtless had the committee been in possession of any authentic evidence by which to test or to aid in extracting further evidence from Ragoba Moroba, he would then have been fairly convicted of the concealment or the falsifying of information which he may possess.

The Deputy Secretary begs to observe, that should the Right Honourable the Governor's minute be intended to include an opinion from him upon the proceedings of 1845, that the subject has never been laid before the committee to the best of his belief and knowledge, and he is therefore unable to offer any remarks thereon.

(signed) *A. Richardson,*
Deputy Secretary to Government.

11 August 1852.

Further MEMORANDUM by the Chief Secretary.

MR. EVANS was head clerk and record keeper at Baroda for many years, having been implicated at the time when Brij Lal, the native agent, was dismissed on the charge of communicating information to the Gaekwar. He was removed from Baroda, but allowed to exchange to Ahmedabad on a small reduction of salary. He shortly resigned his new appointment, and was afterwards employed as a sectioner in the Revenue Department of the Secretariate, from June till September 1840, when, on the fact becoming known to Mr. Willoughby, he was dismissed at that gentleman's request. He appears subsequently to have gone to Baroda, and received pay from his Highness Syajee Rao Gaekwar, though without any ostensible employment. He was there during Sir J. Carnac's visit in 1843, and was afterwards dismissed by the Gaekwar at the request of the Resident, under orders from the Government.

On comparison of the writing of the anonymous letter with Mr. Evans's handwriting received from Baroda, and on the revenue records, the similarity does not appear to be such as to warrant a conclusion that the former was written by him, though there are points of similarity which may perhaps be considered to warrant some suspicion.

(signed) *A. Malet,*
Chief Secretary.

25 August 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane* and the Honourable Mr. *Bell.*

I AGREE with the Chief Secretary and Revenue Secretary, that Ragoba has forfeited his right to immunity under the conditional promise, he having withheld from the committee the important fact of his visit to Baroda.

It will also be seen from the proceedings, that Ragoba, in his first written statement to Captain Barr, withheld information which he gave in his second paper, although the first was written after the conditional promise had been held out to him.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

30 August 1852.

Proposed Draft, No. of 1852.—Political Department.

To Captain *H. J. Barr,* Military Paymaster.

Sir,

1. IN the Government letter to your address, No. 176, dated 11th September 1850, you were authorised "to hold Ragoba Moroba (a purvoe in your office) harmless,

harmless, for the share he may have taken in transactions of bribery and corruption in connexion with persons at Baroda, on condition that he shall make a full and fair disclosure of all he knows on the subject, he being explicitly given to understand that this immunity will be forfeited should he fail to do so." Intrigues at Baroda and Bombay.

2. After the most careful consideration of the statements which, subsequent to the above date, have been made before you by Ragoba Moroba, and of those made by him before the committee of secretaries, the Right Honourable the Governor in Council is of opinion that this individual has failed to perform the conditions, subject to the fulfilment of which the promise of pardon was made to him; since, independently of the doubtful character of his evidence in many respects, he withheld from the committee the important fact of his having visited Baroda in the year 1848, during the progress of the intrigues in which he was concerned with Joteshwur in Baba Nafra's business. He also withheld this information from you.

3. I am further desired to remark, that Ragoba Moroba, in his first written statement to you, withheld information which he gave in his second paper, although the former statement was written subsequent to the conditional promise of pardon having been held out to him.

4. Ragoba Moroba having therefore failed to make that "full and fair disclosure of all he knew on the subject of the intrigues," has forfeited the conditional promise of immunity, and having been proved to have participated in those intrigues, can no longer be retained in the service of Government.

5. The Right Honourable the Governor in Council accordingly directs that this individual be at once discharged from his present situation, accompanied by an intimation that he cannot be re-employed in any capacity under Government.

MEMORANDUM by the Right Honourable the Governor, concurred in by the Board.

As Mr. Acland is being consulted by the Chief Secretary with reference to some matters regarding Captain Macdonald, in which this man, Ragoba Moroba, is concerned, it will be as well that Mr. Malet should show this letter to Mr. Acland before it is issued.

(signed) *Falkland.*
D. A. Blane.
11 September 1852. *A. Bell.*

MEMORANDUM by the Chief Secretary.

THE Chief Secretary has consulted Mr. Acland, who is of opinion that this letter should be delayed until Ragoba has been examined on the matter now pending.

(signed) *A. Malet,*
16 September 1852. Chief Secretary.

Further MEMORANDUM by the Chief Secretary.

THE Chief Secretary concludes that this letter may now be issued.

(signed) *A. Malet,*
18 September 1852. Chief Secretary.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

YES, if Mr. Acland see no objection

(signed) *Falkland.*
D. A. Blane.
25 September 1852. *A. Bell.*

Intrigues at Baroda and Bombay.

EXTRACT from a Minute by the Right Honourable the Governor, concurred in by the Honourable Mr. *Bell.*

OUR former resolution to dismiss Ragoba Moroba has not as yet been acted on, in consequence of our solicitor having been of opinion that it was advisable he should be retained in the service until it should be apparent whether his evidence would be required or not during these investigations. Mr. Acland should now be requested to state, without delay, whether Ragoba's evidence will be required in matters relative to Craig; and unless the strongest reason exist for still retaining Ragoba, he should be at once dismissed. I had entertained some expectation that something might transpire in the course of the recent inquiries to warrant our adopting a more lenient course towards this man, and this induced me to accede to the recommendation (above-mentioned) of Mr. Acland more readily than I should otherwise have done, but I find, on the contrary, that the case against him is strengthened.

11 November 1852.

OPINION of the Honourable Company's Solicitor.

GOVERNMENT is aware that I was directed to obtain the Advocate-general's opinion on Craig's case, and I have not yet received his opinion. My own view, as expressed in a former letter, is that so long as Craig continues beyond the jurisdiction of the Bombay Court he cannot be proceeded against here; and so far, therefore, as proceedings against Craig are concerned, in my opinion, Ragoba need not be longer detained in Government service.

(signed) *W. Acland,*
16 November 1852. Honourable Company's Solicitor.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Board.

THE letter formerly approved, directing the dismissal of Ragoba Moroba, may now be issued, the substance of the concluding portion of the appended extract of my minute being embodied therein.

(signed) *Falkland.*
D. A. Blane.
27 November 1852. *A. Bell.*

No. 5215 of 1852.—Political Department.

From *A. Malet,* Esq., Chief Secretary to Government, Bombay, to Captain *H. J. Barr,* Military Paymaster.

Sir,

1. IN the Government letter to your address, No. 176, dated the 11th September 1850, you were authorised "to hold Ragoba Moroba (a purvoe in your office) harmless, for the share he may have taken in transactions of bribery and corruption in connexion with persons at Baroda, on condition that he shall make a full and fair disclosure of all he knows on the subject, he being explicitly given to understand that this immunity will be forfeited should he fail to do so."

2. After the most careful consideration of the statements which, subsequent to the above date, have been made before you by Ragoba Moroba, and of those made by him before the committee of the secretaries, the Right Honourable the Governor in Council is of opinion that this individual has failed to perform the conditions, subject to the fulfilment of which the promise of pardon was made to him; since, independently of the doubtful character of his evidence in many respects, he withheld from the committee the important fact of his having visited Baroda in the year 1848, during the progress of the intrigues in which he was concerned with Joteshwur in Baba Nafra's business; he also withheld this information from you.

3. I am

Intrigues at Baroda and Bombay.

3. I am further desired to remark, that Ragoba Moroba, in his first written statement to you, withheld information which he gave in his second paper, although the former statement was written subsequent to the conditional promise of pardon having been held out to him.

4. Ragoba Moroba having therefore failed to make that "full and fair disclosure of all he knew on the subject of the intrigues," has forfeited the conditional promise of immunity; and having been proved to have participated in those intrigues, can no longer be retained in the service of Government.

5. The Right Honourable the Governor in Council accordingly directs that this individual be at once discharged from his present situation, accompanied by an intimation that he cannot be re-employed in any capacity under Government.

6. His Lordship in Council had entertained an expectation that something might transpire, in the course of recent inquiries which have been instituted by Government, to warrant the adoption of a more lenient course towards this individual than his dismissal from the public service, and for this reason the issue of the present order has hitherto been delayed. Nothing, however, of an exculpatory character has been elicited in the course of these further inquiries, but, on the contrary, additional proofs have been obtained of the unrevealed part Ragoba Moroba has taken in the late Baroda intrigues.

I have, &c.
(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
30 November 1852.

No. 5216 and 5217.

An extract, para. 5, from the above letter, to be forwarded to the accountant-general and civil auditor for information and guidance.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
30 November 1852.

No. 1228 of 1852.

From Captain *H. J. Barr*, Military Paymaster, to *A. Malet*, Esq.,
Chief Secretary to Government, Bombay.

Sir,

In acknowledging the receipt of your letter in the Political Department, dated the 30th ultimo, No. 5215, I have the honour to report, for the information of Government, that I have this day discharged Ragoba Moroba from my office.

I have, &c.
(signed) *H. J. Barr*,
Captain, Military Paymaster.

Bombay Military Pay Office,
1 December 1852.

(True extract.)
A. Malet,
Chief Secretary.

Extract Bombay Political Consultation, 25 August 1852.

No. 3661 of 1852.

Resolution of Government in the Political Department, dated 21st August 1852.

Resolved: That the annexed extracts, paras. 20 to 22, from a Political despatch from the Honourable the Court of Directors, dated the 23d June, No. 19 of 1852, and para. 16 of the reply thereto, be made over to the Chief Secretary, that effect may be given to the orders of Government contained in the latter extract.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle, 21 August 1852.

Intrigues at Baroda and Bombay.

EXTRACT Paras. 20 to 22, from a Despatch from the Honourable the Court of Directors, dated 23 June 1852, No. 19.

Para. 20. In the course of Lieutenant-colonel Outram's inquiries concerning the Joetabhaee case, he took the evidence of Joteshwur, an agent sent by Baba Nafra to Bombay, from which it appeared that a person named Craig, at that time confidentially employed in the office of the Secretary in the Secret and Political Departments, had received from him (Joteshwur) 2,200 rupees for himself, and 10,000 rupees on pretence of a bribe to Mr. Reid. Ragoba Moroba, a clerk in the Military Pay Office, being involved as a party concerned, Captain Barr, the military paymaster, was authorised to give a promise of impunity to Ragoba, on condition of his making a full disclosure. No inquiry appears to have been made as to the assistance which Ragoba, in the capacity of a Government clerk, was to give to the machinations of the conspirators. His statements, however, implicated Mr. Cole, an assistant in the office of the military accountant, as having received valuable presents from the son of Baba Nafra; and on the 1st November 1850, Captain Barr was, at his own suggestion, permitted to make the same conditional offer of pardon to Mr. Cole which had been made to Ragoba. Lieutenant-colonel Outram was not informed, either by Government or by Captain Barr, of the authority thus given to the latter officer; and Captain Barr made no use of the authority, but without any intimation to Government gave up the inquiry, on learning (as he has since stated) that the papers connected with the case were under charge of Mr. G. Smith, an assistant in the office of the Chief Secretary, and a brother-in-law of Mr. Craig. Captain Barr alleges that he had a strong suspicion that Mr. Smith was implicated in the illicit transactions, and was of opinion that that individual, through his knowledge of the papers, would be able to frustrate any further inquiry. The reason thus assigned by Captain Barr for discontinuing the inquiry ought rather to have been an additional motive for pressing it with redoubled vigour. We consider Captain Barr to have failed in his duty by dropping the investigation, and to have greatly erred by keeping Government uninformed of his having done so.

21. Your attention was not again directed to the subject until July 1851; and after some further communication with Lieutenant-colonel Outram and Captain Barr, you in January 1852 appointed a commission, consisting of the three Civil Secretaries to Government and Mr. Richardson, deputy secretary, to inquire and report on these transactions. The report of the Commission is now before us.

22. Mr. Craig, who, if the statements made are correct, was the principal culprit, left Bombay for Calcutta on leave of absence soon after the date of his alleged offence, and not having returned was struck off the establishment. He is stated to have been since residing at Chandernagore. The testimony to his having received the 12,200 rupees is direct and positive; and though, as Mr. Acland said, he could not with any good effect be indicted for a conspiracy to bribe a member of Government (an offence which there is not the slightest proof of his having attempted), he is evidently liable to a prosecution for obtaining money on false pretences. We expect you will not neglect any means you may possess of bringing this individual to justice.

EXTRACT Para. 16, from a Despatch to the Honourable the Court of Directors, dated the 28th August, No. 76 of 1852.

Para. 16. In reply to your 22d para., we beg to observe that the committee of secretaries were desirous that measures should be adopted with a view to obtain Mr. Craig's presence in Bombay, in the hope that information might be elicited from him, even although it should be found he could not be eventually brought to justice. Our solicitor at Bombay was consulted on the subject, and his opinion has already been placed before you; but the whole of the papers, including para. 22 of your present despatch, and a copy of this para., have now been placed before him and the advocate-general, with a request that if they can suggest any means for enabling us to bring Craig to justice they will do so.

SECRET DEPARTMENT.

To *A. Malet*, Esq., Chief Secretary.

Sir,

WITH reference to the resolution of Government, dated 21st August 1852, No. 3661, handed by you to me, with annexed to it paras. 20, 21, and 22, of the Honourable Court's despatch of 23 June 1852, No. 19; and para. 16 of a draft despatch from the Bombay Government to the Honourable Court, relative to the case of Craig, Ragoba, and Joteshwur; on conferring upon them, and the other papers handed by you to me, with the advocate-general, with a view to the Government being advised on the subject, the advocate-general has written the accompanying memorandum.

And

Intrigues at Baroda and Bombay.

And I have to request you will be so good as to solicit the sanction of Government to forward me, to be confidentially considered, in communication with the Advocate-general, the whole of the Honourable Court's despatch of 23d June 1852, No. 19, and of the reply to the Honourable Court, of which I have been furnished with extracts as above-mentioned.

I am, &c.

(signed) *W. Acland,*

Bombay, 4 September 1852. Honourable Company's Solicitor.

MEMORANDUM by the Advocate-General.

BARODA FRAUDS.

BEFORE giving any opinion on this case, I wish to see the whole despatch of the Court of Directors, of which an extract merely has been sent, and the reply made to it.

(signed) *A. S. Le Messurier,*

4 September 1852. Advocate-General.

MINUTE by the Right Honourable the Governor; concurred in by the Board.

MR. LE MESSURIER should be informed, through Mr. Acland, that the only part of the despatch or our reply in any way connected with the matter on which his opinion is required is contained in the extract already furnished to him.*

That the Chief Secretary has been directed to be most careful in making over to him all proceedings bearing on the matter, and that a list will be placed on record of the proceedings so made over, in order that the Honourable Court may be aware of his having had before him all the information on the subject that Government has the means of affording.

(signed) *Falkland.*
D. A. Blane.

9 September 1852. *A. Bell*

No. 329 of 1852.—Secret Department.

From *A. Malet,* Esq., Chief Secretary to the Government of Bombay, to *W. Acland,* Esq., Honourable Company's Solicitor, Bombay.

Sir,

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter, dated the 4th instant, and to request that you will have the goodness to inform the Advocate-general, in reply to his note of the same date, to your address, that the only part of the despatch from the Honourable the Court of Directors referred to by him, or of the Government reply thereto, in any way connected with the matter on which his opinion is required, is contained in the extract already furnished to him.†

2. The proceedings of Government bearing on the matter above referred to are herewith forwarded, as per accompanying lists; and I am to inform you, for communication

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* Paras. 20 to 22 of Political Despatch of 23d June, No. 19 of 1852, and para. 16 of reply thereto, dated 28th August, No. 76 of 1852.

† Paras. 20 to 22, of Political Despatch from the Honourable Court, dated 23d June, No. 19 of 1852, and para. 16 of Government reply thereto, dated 28th August, No. 76 of 1852.

Intrigues at Baroda and Bombay.

communication to Mr. Le Messurier, that these lists will be placed on record, in order that the Honourable Court may be aware of the amount of the information on the subject placed before him by Government.

I have, &c.
(signed) *A. Malet*,
Chief Secretary.

Bombay Castle, 30 September 1852.

CONTENTS of Compilations, No. 49, Secret, and No. 2098, Political, of 1850; No. 32, Secret, of 1851-52; and No. 75, Secret, of 1851.

Secret Compilation, No. 49 of 1850.

No. 1.—Demi-official Letter from Lieutenant-colonel Outram, dated 13 July 1850, with Enclosure.

No. 2.—Memorandum by the Chief Secretary, dated 17 July.

No. 3.—Minute by the Honourable Mr. Willoughby, dated 17 July.

No. 4.—Minute by the Honourable Mr. Blane, dated 17 July.

No. 5.—Opinion by the Advocate-general, dated 17 July.

No. 6.—Minute by the Honourable Mr. Willoughby, concurred in by the Honourable Mr. Blane and the Right Honourable the Governor, dated 18 July.

No. 7.—To Lieutenant-colonel Outram, dated 18 July, No. 155.

No. 8.—Demi-official from Lieutenant-colonel Outram, dated 22 July, with Enclosure.

No. 9.—Minute by the Honourable Mr. Willoughby, dated 31 July, concurred in by the Honourable Mr. Blane.

No. 10.—Opinion by the Advocate-general, dated 31 July.

No. 11.—To Lieutenant-colonel Outram, dated 1 August, No. 162.

No. 12.—From Lieutenant-colonel Outram, dated 16 August, No. 193, with Enclosure.

No. 13.—Minute by the Honourable Mr. Willoughby, dated 21 August, concurred in by the Honourable Mr. Blane.

No. 14.—Minute by the Right Honourable the Governor, dated 27 August, concurred in by the Board.

No. 15.—Memorandum by the Chief Secretary, dated 24 August.

No. 16.—Anonymous Petition, dated 13 August.

No. 17.—Minute by the Right Honourable the Governor, dated 18 August, concurred in by the Honourable Mr. Willoughby.

No. 18.—Minute by the Honourable Mr. Blane, dated 27 August.

No. 19.—Further Minute by the Right Honourable the Governor, dated 30 August.

No. 20.—Memorandum by the Chief Secretary, dated 31 August.

No. 21.—P. S. to the above, dated 2 September.

No. 22.—Minute by the Right Honourable the Governor, dated 4 September, concurred in by the Board.

No. 23.—From Captain H. Barr, without number and date.

No. 24.—Minute by the Honourable Mr. Willoughby, dated 11 September, concurred in by the Honourable Mr. Blane.

No. 25.—To Captain H. Barr, dated 11 September, No. 176.

No. 26.—Extract para. 4 from a Letter from Lieutenant-colonel Outram, Resident at Baroda, dated 7 September, No. 207 B. of 1850.

No. 27.—(H.) Memorandum of Proceedings in an Inquiry into the cause of the Mission of Joteshwur Echaram, to Bombay, with a Memorandum of Sums paid to Joteshwur Echaram.

No. 28.—Minute by the Right Honourable the Governor, dated 11 October, concurred in by the Board.

No. 29.—From Lieutenant-colonel Outram, dated 26 September, No. 229, with Enclosures.

No. 30.—Minute by the Right Honourable the Governor, dated 14 October.

No. 31.—Minute by the Honourable Mr. Willoughby, dated 24 October, concurred in by the Honourable Mr. Blane.

No. 32.—To Lieutenant-colonel Outram, dated 5 November, No. 220.

Political Compilation, No. 2098 of 1850.

No. 33.—From Lieutenant-colonel Outram, dated 11 October, No. 244, with Enclosure.

No. 34.—Minute by the Right Honourable the Governor, dated 21 October, concurred in by the Board.

No. 35.—Demi-Official from Captain Barr, dated 18 October.

No. 36.—Memorandum by the Secretary to Government, dated 23 October.

No. 37.—Two Demi-Officials from Captain Barr, dated 18 and 26 October.

No. 38.—From Lieutenant-colonel Outram, dated 21 October.

No. 39.—Minute by the Right Honourable the Governor, dated 29 October, concurred in by the Board.

No. 40.—To Captain Barr, dated 1 November.

No. 41.—From Lieutenant-colonel Outram, dated 14 August, No. 153.

No. 42.—Office Memorandum, dated 18 August, No. 3825.

Secret Compilation, No. 32 of 1851-52.

No. 43.—Minute by the Right Honourable the Governor, dated 19 February 1851, concurred in by the Board.

No. 44.—To the Secretary to the Government of India, Foreign Department, dated 20 February 1851, No. 3.

No. 45.—To the Secretary to the Government of Madras, dated 20 February, No. 53.

No. 46.—To the Secretary to Government, North-western Provinces, dated 20 February, No. 54.

No. 47.—Office Memorandum, dated 5 December 1851, No. 11.

No. 48.—From the Officiating Under Secretary to the Government of India, dated 20 February 1852, No. 288, with Enclosure.

Secret Compilation, No. 75 of 1851.

No. 49.—Minute by the Right Honourable the Governor, dated 14 July 1851, concurred in by the Board.

No. 50.—Memorandum by the Chief Secretary, dated the 27th August.

No. 51.—Minute by the Right Honourable the Governor, dated 7 September, concurred in by the Board.

No. 52.—To Lieutenant-colonel Outram, dated 10 September, No. 311.

No. 53.—From Lieutenant-colonel Outram, dated 15 September, No. 2.

No. 54.—Minute by the Right Honourable the Governor, dated 29 September.

No. 55.—Further Minute by the Right Honourable the Governor, dated 27 November, concurred in by the Board.

No. 56.—To Captain H. Barr, dated 1 December, No. 421.

No. 57.—From Captain H. Barr, dated 9 December.

No. 58.—Memorandum by the Chief Secretary, dated 10 December.

No. 59.—Minute by the Right Honourable the Governor, dated 11 December, concurred in by the Board.

No. 60.—To Captain H. Barr, dated 15 December, No. 440.

No. 61.—From Captain H. Barr, dated 31 December, marked (A.)

No. 62.—Minute by the Right Honourable the Governor, dated 6 January 1852, concurred in by the Board.

No. 63.—From Captain H. Barr, dated 31 December 1851.

No. 64.—Minute by the Right Honourable the Governor, dated 6 January 1852, concurred in by the Board.

No. 65.—Circular to the Revenue and Military and Deputy Secretaries to Government, dated 7 January 1852, No. 5.

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CONTENTS of Compilation, No. 96, Secret, of 1851.

No. 1.—Demi-Official from Lieutenant-colonel Outram, dated 8 October 1851.
No. 2.—Memorandum by the Chief Secretary, dated 12 October.
No. 3.—Minute by the Honourable Mr. Blane, dated 12 October, concurred in by the Honourable Mr. Bell.
No. 4.—Memorandum by the Chief Secretary, dated 12 October.
No. 5.—Minute by the Honourable Mr. Blane, dated 12 October, concurred in by the Honourable Mr. Bell.
No. 6.—Minute by the Right Honourable the Governor, without Date.
No. 7.—To Lieutenant-colonel Outram, dated 13 October.
No. 8.—From Lieutenant-colonel Outram, dated 13 October, No. 4, with Enclosures.
No. 9.—Memorandum by the Chief Secretary, dated 21 October.
No. 10.—Minute by the Right Honourable the Governor, dated 24 October.
No. 11.—Memorandum by the Chief Secretary, dated 29 October, with Enclosures.
No. 12.—Minute by the Honourable Mr. Blane, dated 28 October.
No. 13.—Minute by the Honourable Mr. Bell, dated 29 October.
No. 14.—Minute by the Right Honourable the Governor, dated 31 October.
No. 15.—Further Minute by the Honourable Mr. Blane, dated 2 November, concurred in by the Honourable Mr. Bell.
No. 16.—Petition from Govind Rao Vankutesh, dated 17 October.
No. 17.—To Lieutenant-colonel Outram, dated 3 November, No. 400.
No. 18.—To Lieutenant-colonel Outram, dated 24 October.
No. 19.—From Lieutenant-colonel Outram, dated 31 October, with Enclosures.
No. 20.—Memorandum by the Secretary to Government, H. E. Goldsmid, Esq., dated 8 November.
No. 21.—Minute by the Right Honourable the Governor, dated 10 November, concurred in by the Board.
No. 22.—To Lieutenant-colonel Outram, dated 17 November, No. 412.
No. 23.—From Lieutenant-colonel Outram, dated 8 November, with Enclosure.
No. 24.—Minute by the Right Honourable the Governor, dated 15 November.
No. 25.—Minute by the Honourable Mr. Blane, dated 18 November, concurred in by the Honourable Mr. Bell.
No. 26.—To Lieutenant-colonel Outram, dated 23 November, No. 417.
No. 27.—From Lieutenant-colonel Outram, dated 23 November, with Enclosures.
No. 28.—Memorandum by the Chief Secretary, dated 1 December.
No. 29.—Minute by the Right Honourable the Governor, dated 8 December.
No. 30.—Minute by the Honourable Mr. Blane, dated 10 December.
No. 31.—Minute by the Honourable Mr. Bell, dated 11 December.
No. 32.—To Lieutenant-colonel Outram, dated 16 December, No. 444 of 1851.

CONTENTS of Compilation, marked (B.) "Baroda Frauds."

No. 1.—Minute by the Right Honourable the Governor, dated 14 July 1851, concurred in by the Honourable Messrs. Blane and Bell.
No. 2.—Summary on certain points connected with the Baroda Frauds, by the Chief Secretary, dated 27 August.

CONTENTS of Compilation, No. 960 of 1852.

No. 1.—Circular to the Revenue and Military Secretaries, and the Deputy Secretary to Government, dated 7 January, No. 5 of 1852.
No. 2.—Report of the Committee of Secretaries.

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No. 3.—Proceedings of the Committee, dated 9 February.
No. 4.—Copy of a Letter from Mr. J. Morris, Assistant Registrar, Sudder Adawlut, dated 30 April 1851.
No. 5.—Copy of a Letter from Kesheo Nursing to J. Morris, Esq., dated 20 June 1849.
No. 6.—Copy of a Letter from Mr. J. R. Maurrice to Nursoo Luxmon, dated 3 January 1849.
No. 7.—From J. Morris, Esq., without date.
No. 8.—Copy of a Letter from Lieutenant-colonel Outram, dated 29 April 1851.
No. 9.—Memorandum by the Uncovenanted Assistant to the Chief Secretary, dated 19 January 1852.
No. 10.—From the Honourable Company's Solicitor, dated 5 February 1852.
No. 11.—Memorandum by Mr. D. A. Potter, an extra examiner in the Political and Secret Departments, dated 22 January.
No. 12.—Memorandum by the Chief Secretary, dated 7 February, No. 592.
No. 13.—The original Maurrice Letter.
No. 14.—Note from the Honourable Company's Solicitor, dated 2 April.
No. 15.—From the Superintendent of Police, dated 13 February, No. 41.
No. 16.—Minute by the Right Honourable the Governor, dated 17 March, concurred in by the Honourable Mr. Bell.
No. 17.—Minute by the Honourable Mr. Warden, dated 21 March.
No. 18.—Further Minute by the Right Honourable the Governor, dated 29 March, concurred in by the Honourable Messrs. Bell and Warden.
No. 19.—Memorial from Mr. G. Smith, an Assistant in the Political Department, dated 10 April.
No. 20.—Minute by the Right Honourable the Governor, dated 19 April.
No. 21.—Minute by the Honourable Mr. Blane, dated 23 April.
No. 22.—Minute by the Right Honourable the Governor, dated 28 April.
No. 23.—Further Minute by the Honourable Mr. Blane, dated 1 May.
No. 24.—Minute by the Honourable Mr. Bell, dated 1 May.
No. 25.—Minute by the Honourable Mr. Warden, dated 4 May.
No. 26.—Further Minute by the Right Honourable the Governor, dated 7 May, concurred in by the Board.
No. 27.—To Mr. G. Smith, dated 26 May, No. 2378.
No. 28.—To the Military Accountant, dated 26 May, No. 2379.
No. 29.—To Captain H. Barr, dated 26 May, No. 2381.
No. 30.—Minute by the Right Honourable the Governor, dated 20 July.
No. 31.—Minute by the Honourable Mr. Blane, dated 21 July.
No. 32.—Minute by the Honourable Mr. Bell, dated 21 July.
No. 33.—From Mr. G. Smith, dated 19 June, forwarding a Memorial in triplicate to the address of the Honourable Court of Directors.
No. 34.—Minute by the Right Honourable the Governor, dated 20 July.
No. 35.—Minute by the Honourable Mr. Blane, dated 21 July.
No. 36.—Minute by the Honourable Mr. Bell, dated 21 July.
No. 37.—Mr. Smith's Memorial in triplicate, with Enclosures.
No. 38.—To Mr. G. Smith, dated 24 July, No. 3258.
No. 39.—From Mr. G. Smith, dated 25 August.
No. 40.—Memorandum by the Chief Secretary, dated 25 August.
No. 41.—Extract paras. 20 to 23, from a Despatch from the Honourable the Court of Directors, No. 19, dated 23 June 1852.
No. 42.—Extract para. 17, from a Despatch to the Honourable the Court of Directors, dated 28 August, No. 76 of 1852.
No. 43.—To Mr. G. Smith, dated 28 August, No. 3773.

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CONTENTS of Compilation, No. 9 of 1852, Secret.

No. 1.—Letter from Lieutenant-colonel Outram, dated 13 December 1851, with two Enclosures.

No. 2.—Minute by the Right Honourable the Governor, dated 6 January 1852, concurred in by the Board.

No. 3.—To the Resident at Baroda, No. 35, dated 22 January 1852.

No. 4.—From Lieutenant-colonel Outram, dated 11 November 1851, with one Enclosure.

No. 5.—Minute by the Right Honourable the Governor, dated 9 December 1851, concurred in by the Board.

No. 6.—Memorandum by the Chief Secretary, dated 8 December 1851.

No. 7.—Further Memorandum by the Chief Secretary, dated 8 December 1851, with one Enclosure.

No. 8.—Minute by the Right Honourable the Governor, dated 3 January 1852, concurred in by His Excellency the Commander-in-chief.

No. 9.—Minute by the Honourable Mr. Blane, dated 6 January 1852.

No. 10.—Minute by the Honourable Mr. Bell, dated 6 January 1852.

No. 11.—From Lieutenant-colonel Outram, No. 221 A, dated 2 December 1851, with 17 Enclosures.

No. 12.—Minute by the Right Honourable the Governor, dated 15 January 1852.

No. 13.—Minute by the Honourable Mr. Blane, dated 16 January 1852, concurred in by the Board.

No. 14.—From Lieutenant-colonel Outram, No. 5, dated 21 November 1851, with three Enclosures, and Minutes and Papers (A.), (B.), (C.) and (D.)

No. 15.—Memorandum by the Chief Secretary, dated 29 November 1851.

No. 16.—Minute by the Right Honourable the Governor, dated 7 December 1851.

No. 17.—Minute by the Honourable Mr. Blane, dated 7 December 1851.

No. 18.—Minute by the Honourable Mr. Bell, dated 8 December 1851.

No. 19.—Further Minute by the Right Honourable the Governor, dated 10 December 1851, concurred in by the Board.

No. 20.—From Lieutenant-colonel Outram, No. 221 (B.), dated 2 December 1851, with Enclosures (A.) (B.) and (C.)

No. 21.—Minute by the Right Honourable the Governor, dated 15 January 1852.

No. 22.—Minute by His Excellency the Commander-in-chief, without date.

No. 23.—Minute by the Honourable Mr. Blane, dated 17 January 1852.

No. 24.—Minute by the Honourable Mr. Bell, dated 17 January 1852, concurred in by the Right Honourable the Governor.

No. 25.—To J. M. Davies, Esq., Resident at Baroda, No. 40, dated 29 January 1852.

No. 26.—Resolution, Transfer to the Persian Department, No. 41, dated 29 January 1852.

No. 27.—Memorandum by the Deputy Secretary in the Persian Department, No. 99, dated 31 January 1852, with Enclosure.

No. 28.—From Lieutenant-colonel Outram, dated 15 December 1851, with six Enclosures.

No. 29.—Minute by the Right Honourable the Governor, dated 15 January 1852, concurred in by the Board.

No. 30.—From J. M. Davies, Esq., No. 70, dated 17 March 1852, with one Enclosure.

No. 31.—Minute by the Right Honourable the Governor, dated 29 March 1852, concurred in by the Board.

No. 32.—To J. M. Davies, Esq., No. 3761, dated 28 August 1852.

Extract

Intrigues at Baroda and Bombay.

Extract Bombay Political Consultation, 31st December 1852.

No. 643 of 1852.—Political Department.

From *William Acland*, Esq., Honourable Company's Solicitor, to *A. Malet*, Esq., Chief Secretary to the Government of Bombay.

Sir,

With reference to the 2d para. of my letter to you of the 31st October last, No. 576, the Advocate-general has now sent me an opinion on Craig's case, which I forward on to you herewith.

I have, &c.
(signed) *W. Acland*,
Honourable Company's Solicitor.

Bombay, 15 December 1852.

Opinion of the Advocate-General.

1. I have read through these compilations of papers on the Baroda frauds, and as regards the prosecution of Mr. Craig, there are no means by legal process of bringing him to justice, assuming that there are grounds for it; he being out of the jurisdiction, it is supposed at Chandernagore, a French settlement, close to Calcutta. But were he in Calcutta even, a magistrate there could not endorse a warrant against him issued by a magistrate of Bombay.

2. The alleged offence against Mr. Craig is, that of obtaining money under false pretences, with intent to defraud the firm of Hurry Bhugtu, a native firm in the native state of Baroda. The money obtained was part of a larger sum the firm had sent down to Bombay, to be employed by their agents in bribery and other corrupt purposes. A certain sum is said to have been given out of it to Mr. Craig, under a promise that he would bribe a late member of the Government, but instead of doing so, he had applied the money to his own use. The prosecutors, therefore, in making out their case against Craig, will, by the same evidence, be proving themselves to be a set of rogues, cheated by one of their own party. Whether the firm will be disposed to come forward under these circumstances to prosecute Craig, and so publish their own infamy in a court of justice, may be doubted; and whether Government should take any steps towards it, Craig being out of the jurisdiction, may be left for consideration when he comes within legal reach. At present it is only necessary to state that, as regards the evidence to support this charge, there is the testimony certainly of the two accomplices in the crime, Joteshwur and Ragoba, but both require confirmation. The absence of Mr. Craig is no doubt a circumstance against him, but it is only a circumstance, and one of an equivocal kind; for what Mr. Smith, the brother-in-law of Craig, has said regarding his conduct to his family, which he has called scandalous, is sufficient to account for his quitting and not returning to Bombay.

3. In the perusal of these voluminous papers which have been laid before me, connected with the intrigues of Baba Nafra (the head moonim of the Baroda firm of Hurry Bukty) and his agents in Bombay, I have noticed the part which the Government Legal Remembrancer appears to have taken on behalf of Baba Nafra. The papers only confirm the opinion which I have long entertained, formed from other cases and circumstances which have from time to time been forced on my attention, that it is absolutely necessary, for the safety and the credit of Government, that the person holding the office of Legal Remembrancer should, if a barrister, be precluded by the express orders of Government from advising or acting in any way whatever, whether in court or out of it, adversely to the Government, wherever their interests are concerned or likely to be called in question.

4. In principle it appears to me to be altogether inconsistent with the public interests and sound policy, that any person in the employ of Government should receive pay from the Government treasury, and enjoy the influence which a paid servant of Government must derive from his appointment, and be allowed at his pleasure, by acting adversely to the Government or any of their subordinate departments, to turn that influence against them.

5. The Legal Remembrancer is in this position; and, though receiving a salary from the Government, is allowed to act and advise against the Government at his pleasure; and the evils of this system the papers before me strongly exemplify.

6. This state of things it is impossible can exist without detriment to the public interests, and no precedent for it is to be found at home, or in either of the other Presidencies, and it is opposed to the spirit of the rules laid down in the Government orders of 1843 and 1851.

7. The determination of Government concurring in the opinion expressed by the committee of secretaries, in the case of Mr. Cole, the confidential clerk of a barrister, shows what the sense of the Government is on the subject.

Intrigues at Baroda and Bombay.

8. I would earnestly recommend to the Government to pass a resolution to be communicated to the Legal Remembrancer, that Government have determined that his office must be held strictly on the condition, that he is not to act or advise for any person in any way in court, whether Her Majesty's, or any of the Company's courts, in any proceeding, or out of court, in any matter adverse to or inconsistent with the Government or public interests, where those interests may be concerned, or be likely, directly or indirectly, immediately or remotely, to be called in question.

9. Should the Government have any difficulty in adopting this recommendation, I shall be prepared to go into the whole subject, and support my views and suggestions by reference not only to this case, but other cases which have forced themselves on my attention, that the instructions of the home authorities may be taken on the subject.

10. I would recommend also that a similar resolution should be passed by Government respecting the assessor to the court of petty sessions, and communicated to that legal officer, who likewise receives the pay of Government, and whose position in this respect is the same as that of any other Government servant. This officer and the Legal Remembrancer receive salaries from Government, together amounting annually to the sum of about 10,000 rupees or 1,000 *l.*; and my remarks are equally applicable to both offices. If necessary, I shall be ready to state also in detail the grounds for my recommendation of the resolution of Government being extended to this officer as well as to the Legal Remembrancer.

(signed) *A. S. Le Messurier,*
14 December 1852. Advocate-General.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane.*

COPY of this report should be forwarded to the Honourable Court, with reference to para. 16 of our letter of the 28th August, No. 76. From it the Honourable Court will perceive that it is not, nor has it ever been, in our power to bring the man Craig to justice.

The opinions mooted in Mr. Le Messurier's 3 to 10 paras. are quite irrelevant to the question submitted for his consideration; those paras. should, however, be transferred to the department from which the appointments of Messrs. Howard and Dickinson emanate, and be brought under our notice by the Judicial Secretary.

(signed) *Falkland.*
20 December 1852. *D. A. Blane.*

No. 5599 of 1852.

RESOLUTION of Government in the Political Department.

ORDERED, That the above extract, paras. 3 to 10, from the opinion of the Advocate-general, dated the 14th instant, be transferred to the Judicial Department, that the subject therein mooted may be brought to the notice of the Honourable Board by the Judicial Secretary.

(signed) *A. Malet,*
Bombay Castle, 24 December 1852. Chief Secretary.

(True extract.)
(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation, 28th August 1852.

EXTRACT Paras. 9 and 10, from a Despatch from the Honourable the Court of Directors, dated 23d June, No. 19 of 1852.

Para. 9. LIEUTENANT-COLONEL OUTRAM afterwards sent to your Government some further correspondence which had "fallen into his hands under circumstances hereafter to be reported," but of which we can find no report, together with some oral evidence taken by him connected with the same intrigues, and pointed out various measures to be taken at Bombay for throwing further light on the subject, which, however, you did not think fit to take, on account

of

of the vague nature of the evidence. On this we must remark that the evidence might not have been vague, had you received, instead of rejecting, Govind Row's tender of information. We must add that letters were acknowledged by the banker, Nurbheyram, by and to whom they purported to be written, though he attempted very unsuccessfully to explain away their purport; and they distinctly proved that, in behalf of the minister, he directed his nephew, Booria, at Bombay, "to make a pucka arrangement with Lieutenant-colonel Outram, on his arrival from Egypt; although when Booria proposed that 50,000 rupees should be paid to Lieutenant-colonel Outram, and 10,000 rupees to one Succaram, to be given to Mr. A. Malet, Nurbheyram refused to pay any money until the service was rendered, being willing, however, to give a written promise of payment." We cannot agree in the opinion expressed in your President's Minute of 15th January 1852, that these are "obscure indications, containing nothing that is tangible or susceptible of being followed out to any result." We think that they were amply sufficient to justify and require a further investigation. Even if no additional light could have been obtained, there was already sufficient ground for a strong representation to the Gaekwar, of the unworthiness as well as the inutility to his interests of such discreditable attempts to corrupt high functionaries of Government. This representation was the more urgently called for, as the Gaekwar endeavoured to thwart Lieutenant-colonel Outram's attempts to throw further light on the case by refusing, on frivolous pretexts, to send several persons to the Residency, whom that officer, in the course of his investigations, desired to examine. Lieutenant-colonel Outram had an interview with the Gaekwar on the 27th November, on which occasion his Highness disavowed all knowledge of the intrigues imputed to his minister, and appeared duly impressed by Lieutenant-colonel Outram's remonstrances; but intelligence having been received on the same day of Lieutenant-colonel Outram's removal from office, the Gaekwar, instead of sending the witnesses required by that officer, addressed a remonstrance to Government against his proceedings.

Intrigues at Baroda and Bombay.

Para. 10. We approve your having replied to the Gaekwar, to the effect that Lieutenant-colonel Outram's proceedings remonstrated against by his Highness, "appear to have been merely a request for the attendance of certain parties at the Residency, for the purpose of inquiry, and that Government trusts that no deviation from the usual courtesy in promptly complying with such requests will ever be permitted by his Highness to occur." We wish to be informed what answer was made by the Gaekwar, or what proceedings adopted by him, in consequence of this intimation; and we trust that the investigation has been continued by the present Resident, Mr. Davies, and that nothing on your part will be omitted to make it effectual.

EXTRACT Paras. 8 to 12, from a Despatch to the Honourable the Court of Directors, dated the 28th August, No. 76 of 1852.

8. IN reply to the 9th paragraph of your despatch, we would represent that the proposition to obtain Govindrao Rodia's evidence relative to a charge prepared against the minister, of an attempt, in 1849–50, to bribe the Resident and our Chief Secretary, was received by us after we had issued instructions requiring the former officer to vacate his appointment; and although it is not for us to question the correctness of the opinions expressed by your Honourable Court, we beg to point out that what we deemed the vagueness and inaccuracy of the information furnished by the Resident himself to guide us in our proceedings at Bombay, and the illegality of the measures he was desirous we should adopt within the jurisdiction of Her Majesty's Supreme Court, were sufficient, in our opinion, to prevent an inquiry being entered into with any prospect of success; while we did not consider any representation to his Highness to be requisite, because his Highness had disavowed to Colonel Outram all knowledge of the intrigues imputed to his minister, and Colonel Outram himself had throughout exempted his Highness from blame.

Para. 9 of Court's despatch, Govind Rao Rodia.

9. Moreover, the imputations against the minister were in no way brought home to him, and there were very strong grounds for believing that

Intrigues at Baroda and Bombay.

Colonel Outram had unwittingly got involved in the meshes of Muratha intrigue, and most probably of counter-intrigues, in which plots against the minister had been mixed up with the alleged plots against Government. We therefore deemed it only fair to assume that the name of the minister might have been abused by intriguing parties, for their own ends, in like manner with the name of Government officers (Colonel Outram and Mr Malet) under the ridiculous pretence of bribing whom money was alleged to have been obtained.

10. Your Honourable Court, in your Despatch of 21st December 1842, enjoined us "to use the greatest forbearance in all your (our) future intercourse with his Highness, which," your Honourable Court observed, "should be uniformly conducted in a spirit of friendship and confidence;" and we had the spirit of these instructions in mind when we refused to adopt, for the attainment, as it appears to us, of no substantial object, measures calculated both to destroy all confidence on the part of his Highness the Gaekwar, and to impair the friendly relations subsisting with his Government.

Honourable Court's para. 10; application by the late Resident for persons to appear at the Residency.]

11. We beg to inform your Honourable Court, that the following reply, dated the 13th March last, was received from his Highness the Gaekwar to the letter from the Government, referred to in your Honourable Court's 10th paragraph:

"In reply to your letter, dated 29th January last, relative to certain persons required by the late Resident to give evidence at the Residency, not having been sent, I beg to state that it is not customary with either Government to forward witnesses when the demand for their attendance is considered irregular; nevertheless, in this instance, taking into consideration the existing friendship between the two Governments, the people were sent agreeably to the wishes of the Resident, and the Bombay Government were duly informed of the circumstance by the Durbar. Such being the case, this Sircar regrets having in this instance incurred the displeasure of the Bombay Government; nevertheless, if the Bombay Government will have the kindness minutely to scrutinise the various acts of the late Resident, it will be satisfied that the Durbar, bearing in mind the friendly feeling which has hitherto existed, invariably complied with the requests of that officer."

Honourable Court's para. 10; prosecution of investigation by present Resident.

12. We have forwarded a copy of the paragraph under acknowledgment, together with the substance of para. 9, to the Resident, Mr. Davies, with a request that he will inform us if there is any point on which, in his opinion, further inquiries can be instituted with any prospect of advantage; Mr. Davies' reply, and our further proceedings, shall be duly communicated to your Honourable Court.

No. 3,761 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

* *See* below.

With reference to the correspondence noted in the margin,* I am directed by the Right Honourable the Governor in Council to transmit to you an extract from a despatch from the Honourable the Court of Directors, dated the 23d June last, No. 19, and to request that you will report whether there is any point connected with the subject therein noticed, on which, in your opinion, further inquiries can be instituted with any prospect of advantage.

I have, &c.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle, 28 August 1852.

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* From Lieut.-colonel Outram, dated 23d November 1851. Secret Department, reply to, dated 16th December, No. 444, of 1851. From Lieut.-colonel Outram, dated 2d December, No. 221 A, of 1851. From Lieut.-colonel Outram, dated 2d December, No 221 B, of 1851. Reply to Mr. Davies, dated 29th January, No. 40, of 1852. From the Resident at Baroda, dated the 17th March, No. 70, of 1852.

No. 758 of 1852.—Political Department.

From *John Marshall Davies*, Esq., Resident at Baroda, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

1. I HAVE the honour to acknowledge the receipt of your letter, No. 3761, of the 28th ultimo, with enclosure, requesting me to report whether there is any point connected with the subject therein noticed, meaning the revelations arising out of the intercepted correspondence of the banker, Nurbheyram Koobeir, on which, in my opinion, further inquiries can be instituted with any prospect of advantage.

2. Your letter omits noticing the marginal correspondence alluded to in its body,* but assuming that correspondence to be as herein indicated, I would respectfully beg to state that, having given the whole subject my most attentive consideration, I am of opinion that, looking to the period which has elapsed since the Nurbheyram papers were first brought to light, coupled with the evidently surreptitious manner of their production, to the absurdity of the means proposed of accomplishing the ostensible object, to the possibility, not to say probability, that Nurbheyram and his nephew Bhanabhaee or Bhooria may now disavow their former evidence, and lastly to the fact that the accused party, his Highness's minister, was not at the time put upon his defence, and that his complicity rests upon the sole and unsupported fact of his name being used by other parties, no prospect of advantage appears likely to follow a resuscitation of the question; but that, on the contrary, Government might seriously compromise its dignity in the event of the inquiry ending unsuccessfully.

3. With reference to the concluding part of the Honourable Court's letter, I beg to state that I conveyed the "khurreeta," which accompanied your letter of the 29th January last, personally to his Highness, and explained to him its purport. His Highness repeated that the presence of an inimical party (Baba Furkay) at the Residency was his only objection to sending the witnesses required by the Resident; and that, in deference to the Government's letter, such objection would not again be raised, as he was content to leave his honour with the Government. No further steps were taken at the time, consequent upon the receipt of your letter of the 29th January.

I have, &c.

(signed) *J. M. Davies*,
Resident.

Baroda Residency, 25 September 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane*.

I CONCUR with Mr. Davies in the opinions he has expressed as to the inutility and inexpediency of our pursuing this matter further, and I would send copy of this letter to the Honourable Court, with reference to paras. 9 and 10 of their despatch of the 23d June last, No. 19, and the 12th and preceding paras. of our reply of the 28th August 1852, No. 76.

(signed) *Falkland*.
D. A. Blane.

20 December 1852.

(True extract.)
(signed) A. Malet, Chief Secretary.

Resident's letter in the Secret Department, of 23d November 1851.
Resident's letter in the Political Department, No. 221 A, of 2d December 1851.
Resident's letter in the Political Department, No. 221 B, of 2d December 1851.
Government's letter, Secret Department, No. 40, of 29th January 1852.

Intrigues at Baroda and Bombay.

Extract Bombay Political Consultation; December 1852.

No. 973.

From Lieutenant-Colonel *H. Hancock*, Adjutant-General of the Army, to Lieutenant-Colonel *P. M. Melvill*, Secretary to Government, Military Department, Bombay.

Sir,

In transmitting the accompanying letter from Captain M. M. Macdonald, of the 22d regiment Native Infantry, under date the 11th instant, with a medical certificate, I convey the recommendation of the Commander of the Forces to the Right Honourable the Governor in Council, that the unexpired portion of the leave to the Neilghirries, granted to that officer in G. G. O., No. 193 of the 2d April 1851, may be cancelled from the 11th instant, the date on which he appears to have returned within Presidency limits; and that with reference to article 33 of section XLVII. of Jameson's Code, he be permitted to resign the Honourable Company's service from the date of the G. G. O. sanctioning the resignation.

I have, &c.
(signed) *H. Hancock*, Lieut.-Colonel,
Adjutant-General of the Army.

Adjutant-General's Office, Bombay,
20 November 1852.

To the Adjutant-General of the Army, Bombay.

Sir,

I have the honour to request you will lay before his Excellency the Commander in Chief and Government, my request to be permitted to resign the service from this date. I beg to enclose a medical certificate, received from the medical officer who attended me on the Neelghirry Hills.

I have, &c.
(signed) *M. M. Macdonald*, Captain,
Rutnagherry, 11 November 1852. 22d Regiment Native Infantry.

I do hereby certify that Captain M. M. Macdonald, of the 22d Regiment Bombay Native Infantry, on whom I have been on medical attendance for a period of six months, has not yet, in my opinion, sufficiently recovered his health to admit of his returning to his duty; and I therefore recommend that he should be permitted either to remain here, or else to proceed to New South Wales, or, if practicable, to England.

(signed) *W. Johnson*, M. D., Assistant Surgeon,
Ootacamund, 5 October 1852. M. O. Neelgheris.

Minute by the Right Honourable the Governor, concurred in by the Board.

The resignation may be accepted and notified, as recommended.

(signed) *Falkland.*
D. A. Blane.
26 November 1852. *A. Bell.*

No. 689 of 1852.—Military Department.

General Order.

The unexpired portion of the leave to the Neilghirries, granted to Captain M. M. Macdonald, of the 22d regiment Native Infantry, in G. G. O., No. 193, of the 2d April 1851, is cancelled from the 11th ultimo, and he is permitted to resign the Honourable Company's service, from this date.

By order, &c.
(signed) *P. M. Melvill*, Lieut.-Colonel,
Secretary to Government.
Bombay Castle, 4 December 1852.

(True extract.)
(signed) A. Malet, Chief Secretary.

Intrigues at Baroda and Bombay.

Extract Bombay Political Consultation.

MEMORANDUM by the Chief Secretary to Government in the Political Department.

1. THE undersigned presents his compliments to the Political Agent at Jodhpoor, and requests that he will have the goodness to ascertain, if in his power, whether Mr. George Evans, an Indo-Briton, formerly employed as a clerk under this Government, is at present residing within the limits of the Political Agent's charge; and if so, at what place, and in what capacity?

(signed) *A. Malet*, Chief Secretary.

Bombay Castle,
26 August 1852.

Further MEMORANDUM by the Chief Secretary to Government in the Political Department.

THE undersigned begs to draw the attention of the Political Agent at Jodhpoor to his memorandum, dated the 26th August last, relative to a person named George Evans.

(signed) *A. Malet*, Chief Secretary.

Bombay Castle,
6 November 1852.

No. 357 of 1852.

From Lieutenant-Colonel Sir *R. Shakespeare*, Knight, Political Agent, Joudpoor, to *A. Malet*, Esq., Chief Secretary to the Government of Bombay.

Sir,

IN reply to your notes of date the 26th of August and 6th ultimo, I have the honour to inform you that an European of the name of George Evans is in the Joudpoor territory. His occupation, prospects, and object in coming here can be best explained by sending you in original the papers which I have received from him.

2. I beg you will inform me whether there is anything against the man, or any objection to his remaining in the Maharaja's service. I need hardly say that all I have done in the matter is to ask whether the man is in this territory. He tells me that he was five years in the Secretary's office at Bombay; he left it the latter end of 1825. After that he was employed in the Residency at Baroda up to September 1838, and then transferred to Ahmedabad Collectorate; he then went to Bombay on two months' leave; after two months he resigned. Subsequently he came to Joudpoor, on the 1st of January 1851.

I have, &c.
(signed) *R. Shakespeare*,
Political Agent.

Joudpoor Agency Office, Camp Ahore,
10 December 1852.

Colonel *Shakespeare*, Political Agent, &c. &c., at Hawur.

Most respected Sir,

I LEFT Jodhpore on the 4th, in hopes of meeting you at Pallee; but not finding you there, I have come hither, with the intention of laying my unfortunate case before you, and I humbly trust I may prove an object deserving your kind and compassionate consideration. You, sir, have seen a great deal of the world, and have done much good for the unfortunate inhabitants of those parts of India wherever it has been your happy lot to preside as one of the representatives of your Government; and I shall therefore not despair of obtaining a share of your benevolent bounty.

After serving the British Government for a period of 19 years, I had, through the persuasion of some of my friends at Bombay, resigned my situation about 15 years ago, in hopes of bettering myself as a private individual; but having failed in all my undertakings, and at

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last involved myself in debt, I, with the consent of my principal creditors, bent my course towards Jodhpore, where I had great hopes of obtaining a handsome situation under the present Rajah, and thus be enabled speedily to pay off my debts to the full satisfaction of my creditors (without having anything to do with the insolvent acts), and then return to Bombay.

I arrived at Jodhpoor on the 1st of January 1851, and ever since my arrival I have been receiving every possible hopes of success; and just about the time his Highness appeared willing to crown my expectations with his approbation, he received a message (I believe from the son of his Highness's vakeel in attendance on you), stating that your Honor had "received some very unfavourable account about me, or a 'European sahib,' who had been residing at Jodhpoor in disguise, or under concealment, and that you therefore wished to know who this 'European sahib' was, and what had brought him there."

I know nothing of his Highness's reply to the above message; but on the following morning of my interview with his Highness, which took place on the evening of the 27th ultimo, his Highness was again informed that your Honor had been greatly displeased with him for retaining me under his protection, and that as I was a man of the worst character, he should have nothing to do with me, &c. &c.

In fact, I was told by a confidential servant of his Highness that my character was represented to him by the messenger in the blackest colours, as if I had committed some atrocious deeds, and made my escape thither. These informations must have terrified his Highness; for without paying any regard to his own promises, as well as to the privations and losses I have been subjected to for these two years, by my detention at Jodhpoor, under the greatest possible assurances of support, &c. &c., his Highness desired his confidential servant, Oomjee Thakoor, to tell me, that under the circumstances stated above, he was obliged to give me my leave, allowing me at the same time 2,000 rupees for my expenses. According to the assurances that had been held out to me, I was in expectation of receiving above 300 rupees a month from the date of my arrival, besides what I had expended on my journey from Bombay. These two items, if justly paid, would have amounted to a large sum; but I prefer no claim to this. My object in mentioning the subject is this: that I am placed in a most critical situation on account of my creditors at Jodhpoor, who have allowed me to leave the place on condition of retaining my child, a boy of 12 years of age, under their custody, until my return; and I have not had the means of bringing this painful circumstance to the knowledge of his Highness the Rajah, as also to apply to him for the necessary assistance. As your Honor is also a father of a family, you must naturally know the nature of my present sufferings on account of my helpless boy, whom I have been compelled to leave behind in a strange country, under the care of some of my dependents, who have also been very troublesome for their arrears of pay for the last two years. I therefore most humbly solicit you will be graciously pleased to speak a few words to his Highness for my extrication from the power of my creditors, whom I am anxious to satisfy to the utmost of my ability. By complying with this earnest supplication, you will confer an everlasting obligation on me and my poor child, and the same shall ever be remembered by us with feelings of gratitude.

Had Colonel Stanley been alive, I would have been under no necessity of repairing to Jodhpoor; but I had the misfortune to lose him soon after his return from England. Had he only lived a few months longer, I might have been handsomely situated at Hyderabad, in the Deckan. I never knew that there was any prohibition to Christians being employed in the service of the Jodhpoor Rajah. One Mr. Joice, who died about three years ago, had been engaged by him in the English Correspondence Department; and I believe there are two or three other Christians still in his service. It was chiefly owing to my debts that I had consented to repair to Jodhpoor, for I have always been most anxious to extricate myself from this load of responsibility, though the debts had not been intentionally incurred; and soon after my arrival there, I made myself nearly sure of being able to pay them off, through the favours of his Highness, within two years' time, especially by the exposure of certain revenue systems, which would have brought him an additional revenue of a couple of lacs of rupees for the very first year, and nearly double that amount on the second year, &c. &c.; but certainly this arrangement could not be properly effected without the assistance and support of your agency. It would also prove of the greatest importance to thousands of his Highness's unfortunate and oppressive subjects, who would then not fail to pour down their prayers and blessings on both his Highness and yourself, or the British Government, for this unexpected change of situations. But now I should think no more about this arrangement, for all my hopes of furtherance at Joudhpoor appear blasted for ever, unless it may please the Almighty God to instil into your mind some rays of compassion for my forlorn situation, and thus be inclined to take me under your kind protection and support, and to treat me as one of your faithful dependents; but I fear such a happiness, such a blessing is not in store for me at present, for my relentless enemies, whom I have offended in no respect, appear determined to injure me to the utmost of their abilities. But as I must soon know your wish on the subject of this application, I will look upon it as the decree of Providence.

All those in the service of his Highness, and others at Jodhpoor who have heard of the sudden change in the aspect of my affairs, have been greatly astonished at it; and have uniformly expressed their opinion that some evil-disposed people, who could not bear to see me in the good graces of his Highness, had been the sole cause of my ruin and disgrace, and that your name had been improperly made use of for the achievement of their wicked designs. But, sir, you must be the best judge of this matter.

I am

Intrigues at Baroda and Bombay.

I am so far aware, that about 10 months ago, the carbaree of Syed Akbar Ali had sent a certain jemedar to Oomjee Thakoor, to inform him that I had come to Jodhpoor with evil designs against the interests of his Highness the Rajah, and that this secret had been revealed to him by a vakeel of mine, whom I had deputed to Ajmere, for the purpose of carrying my plans into execution, and therefore requested Oomjee Thakoor to bring this important subject to the special notice of his Highness; but Oomjee being a man of sense, immediately treated the case with open contempt, and declared it to be a downright falsehood, fabricated for the ruin of an innocent man. In this plot, another person, a friend of Syed Akbar Ali, was also deeply concerned. From this I have been led to suppose that as they had been baffled in their first attempt against me, they might have been the authors of the present one; but the truth is only best known to the Almighty God.

Having written this letter in the best way my distracted and embarrassed circumstances would admit of, I now beg leave to conclude it with a firm hope that your Honor will not be backward in assisting me to the utmost of your abilities, as also in delivering me and my poor boy from our perilous position, and thus enable us to return to Bombay as speedily as possible, for we should be exceedingly sorry to remain at Jodhpoor against your will and pleasure.

I am, &c.

Hawur, 9 December 1852. (signed) *G. Evans.*

Sir, being anxious to pay you my respects, I therefore respectfully beg you will be pleased to permit me to approach your presence.

" Mr. Evans,

" In compliance with the request contained in your letter just received, I have very great pleasure in furnishing you with this written testimony of the favourable opinion I entertain of your uniform good and steady conduct during the period you have been at the Residency, and you may rest assured that, by continuing in such a course, you will not fail to obtain the further support and protection of those under whom you have to serve. I have always felt a pleasure in promoting your interest, because you have always appeared to me to be anxious to perform your duty to Government in an upright and creditable manner, and it will always give me pleasure to hear of your welfare.

(signed) " *J. P. Willoughby,*

" Baroda Residency, " Political Agent."

19 Oct. 1829."

I have received similar testimonials from three other gentlemen.

Minute by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane.*

I shall be obliged by the Chief Secretary taking, in conjunction with the Honourable Company's solicitor, any steps that may seem most likely to establish the identity, or otherwise, of the handwriting in the accompanying letter, with that of the letter dated the 19th May 1845, addressed to J. P. Willoughby, Esq.

(signed) *Falkland.*

21 December 1852. *D. A. Blane.*

From Mr. *G. Evans* to *A. Malet,* Esq., Chief Secretary to Government, &c. &c., Bombay.

Most respected Sir,

It is with the greatest deference I take the liberty of addressing you this, humbly trusting you will be pleased to act the part of a kind protector towards me. Hearing that Colonel Shakespeare had been making inquiries about me, I left Jodhpoor with the view of meeting him; and finding him at Ahore, 45 koss from that city, I speedily sent in an application, and soon after personally waited upon him, and answered such interrogations as were put to me.

From my application to this worthy gentleman, you will find the particulars connected with my unfortunate position, as well as the motives that had induced me to leave Bombay for that barren and unhealthy country.

I have been racking my brain in order to ascertain the cause that had led you to make inquiries after me, but as yet I have not been able to do so, and this,

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this has greatly increased my uneasiness; but whatever the case may be, I humbly implore it will not be anything of that nature as to involve me into greater troubles and difficulties. At present I have no other protector at Bombay but yourself. As to the Honourable J. P. Willoughby, who was well acquainted with my principles and services to Government, he has proceeded to England; I shall therefore continue to place my unbounded reliance on your generous disposition, and on the British Government, whom I have served for 19 years as honestly and faithfully as ever any man could have done, and God is my witness to this.

As the late Mr. J. Sutherland had resolved to remove me from the Residency, he had at last accomplished his wishes, but I must aver, not on just grounds; for he gave heed to misrepresentations which had been concocted by my enemies, who were chiefly the old dependants of Veneram Aditram, the notorious carbaree of the Gaekwar, without so much as calling upon me on any one instance for explanation in reply to them, or even bringing me to an open trial, in compliance with my repeated solicitations, which I was compelled to make when it had fairly come to my notice that this gentleman was particularly assiduous in obtaining informations against me. Though I had often affronted some of those who had been in the habit of carrying tales against me, yet I could not get any of them to come forward and manly accuse me with a fault any way injurious to my character as a public servant. Notwithstanding all this, Mr. Sutherland's suspicion against me appeared to have been of such a nature as to have induced him to believe that I was equally concerned with Brijlal, the late mootsuddee of the Residency, and others, in all their intrigues and evil doings; but, sir, you must be perfectly aware that I was the only one who was continually writing to the late Mr. J. Williams against the proceedings of this individual, and those of his confidential assistant, Dadoopunt, the Durbar carkoon. I had even written a few letters to Mr. Chief Secretary Willoughby about their improper conduct, and of their association with Veneram, &c. &c. Several of my letters to Mr. Williams were surreptitiously taken from his office, and their contents made known to Veneram Aditram and others: a circumstance which had proved most hurtful to my brother-in-law, Captain Dumar, who had been deprived of both his salary and establishment for several years; and it was only through the intervention of the late Governor, Sir J. R. Carnac, that these were partly restored to him in 1841, and wholly (as I have been told) about eight or nine months ago, on the payment of a nuzzerana to the present Gaekwar.

In fact, Mr. Sutherland knew little or nothing of the above circumstances, as also of my services to Government; for during the nine months I had been under his immediate control, he had only sent for me once, and that was on the third day of his arrival at the Residency, when he appeared desirous to see all the public servants on the establishment. This gentleman was further greatly displeased with me for my occasionally writing to the Honourable J. P. Willoughby, giving him all the information I could collect connected with Veneram, &c. &c.

It appears to me that Mr. Sutherland had no knowledge of the part I had taken in 1837, when called upon in the name of the Government to assist him in intercepting certain secret correspondence which had been carried on between Veneram and his friends at Baroda, when I had readily volunteered my services, even at the risk of my life, in the cause of Government; for you might still recollect that, in compliance with the request of Colonel Outram, I had even passed a writing, setting forth, among other things, that should any accident happen to me in the performance of my engagement, none of my relatives and friends were to prefer any claim on Government on that account, &c. &c. At the last consultation between yourself, Colonel Outram, and Mr. W. Courtney, it was decided by you, that as you had received no direct orders from Government for employing me on this delicate business, you could not therefore justly give your assent to the above measure, &c. &c., consequently the matter ended here; but still I continued to do what I possibly could, in a different way, to meet the wishes of Colonel Outram. In one instance I had expended 200 rupees for only obtaining a copy of a certain letter, which was translated by that gentleman, and submitted to Government.

I should think that these subjects in particular demand the serious consideration of my kind superiors and protectors. If I could have acted the part of a faithful and grateful servant from 1820 to the end of 1837, is it possible I should have acted otherwise at the commencement of 1838, in the time of the late

late Mr. Sutherland, and to the entire ruin of both my character and my servitude of 19 years? At last, Mr. Sutherland thought proper to apply to Government for my transfer to the office of the Ahmedabad Collectorate, and this measure met its approbation. On my arrival there, I was informed that I could not expect to receive more than 125 rupees a month, which was the salary enjoyed by Mr. Henry Antone, who was nominated to my situation at Baroda for 150 rupees a month, besides other allowances. I was further informed by Mr. Jackson, the acting collector, that I could not be permanently posted to the vacant situation until I had first undergone an examination as to my qualifications, &c. &c. Being greatly mortified at hearing these things, and fearing that the result might at last prove injurious to my character, I therefore applied for two months leave to Bombay, which was readily granted, and on the expiration thereof I sent in my resignation, in hopes of bettering myself as a private individual. Sir, as the post is ready to be closed, I beg to conclude this humble address, with my dutiful respects to you.

Intrigues at Baroda and Bombay.

I am, &c.

Ahore, 11 December 1852. (signed) *G. Evans.*

Opinion by the Honourable Company's Solicitor.

With respect to the minute of Lord Falkland and Mr. Blane, of 21st December instant, I have looked at the anonymous letter to Mr. Willoughby, received in 1845, purporting to contain an offer of a bribe of 10 lacs with reference to Baroda matters, and I have also looked at the two letters from Mr. Evans to Colonel Shakespeare and Mr. Malet, dated 9th and 11th December 1852.

There is a marked similarity in the handwriting; but proof of handwriting, by mere comparison by strangers to it, is especially liable to fallacy, and not to be depended on. The course is to obtain the opinion of some one acquainted with the individual's handwriting.

This might be done in this case, if thought desirable, and any one is known sufficiently acquainted with Mr. Evans.

Perhaps Colonel Shakespeare might be able to get this done, though I cannot judge if that course would be desirable, not being informed of the object of the inquiry, the minute being confined to the question of how to identify the handwriting.

Mr. Malet tells me that information came from Mr. Lumsden, who derived his information from Major De l'Hoste, who was informed by some native, whose name is not known to Mr. Lumsden, that Mr. Evans was the writer of the anonymous letter of 1845.

(signed) *W. Acland,*

27 December 1852. Honourable Company's Solicitor.

Minute by the Right Honourable the Governor, concurred in by the Honourable Mr. *Bell.*

1. I should hesitate to pronounce the handwriting of the letters which bear the signature of G. Evans, identical with that of the anonymous letters which were received by Mr. Willoughby in 1845, and so wisely and promptly brought by that gentleman to the notice of the Government of the day. But independently of the handwriting, it appears to me that there is a marked similarity in the style of all the letters, and in the words and phrases used; and I have been much struck by two points of internal evidence which may, I think, be regarded as tantamount almost to proof that the person called Evans, described as now in

Intrigues at Baroda and Bombay.

the service of the Raja of Jodhpoor, is the author of the anonymous letters addessed to Mr. Willoughby on the 9th and 19th May 1845, and placed upon our records during the administration of Sir George Arthur.

2. The first point I refer to is this, in the anonymous letters there is this passage, "16 years ago you gave me the best of characters;" and attached to Evans's letter to Sir R. Shakespeare, is found the copy of a certificate of character, purporting to be signed by Mr. Willoughby, and bearing date in 1829, or just 16 years antecedent to 1845. The certificate may be genuine or fictitious; but whether true or false, it is plain that Evans possesses the same documents that the writer of the anonymous letters professes to hold.

3. The second point of internal evidence which I wish to notice is, that in his letter to Mr. Malet, Evans deliberately declares he was in the habit of writing to Mr. Chief Secretary Willoughby from Baroda, and that Mr. Sutherland, the Resident, was greatly displeased with him "for occasionally writing to the Honourable J. P. Willoughby, giving him all the information he could collect," &c.

4. It is perhaps to be regretted that the name of the native who is said, in Mr. Acland's memorandum, to have informed Major De l'Hoste positively that Evans was the writer of the anonymous letters of 1845, is not known; and were Major De l'Hoste still in India, some further inquiry in that direction would have been imperatively required. By this means we might have arrived at certainty; but as it is, we can only arrive at the conclusion that there is scarcely a moral doubt of the identity of Evans with Mr. Willoughby's unnamed correspondent in 1845.

5. Such being the state of the case, we have now to consider what course it is proper for us to pursue. Are we to endeavour to bring Evans to justice for attempting to implicate the name and character of a high functionary of Government in illicit transactions with the Gaekwar? or are we to seek to obtain from the man all the information he most probably can give relative to intrigues in the Court of Baroda, which have recently been the subject of scandalous notoriety here and in England? To either of these courses there are, I conceive, serious objections.

6. In the first place, could any criminal charge be founded on these anonymous letters? It will be found, I think, on close examination, that their scope and intent amount to this and no more; viz., that the writer sought to induce Mr. Willoughby to entrust to him the conduct of certain illegal affairs going on in Mr. Willoughby's name, in preference to other agents whom he professes to know, and whom he denounces as unworthy of trust, and by their mode of procedure doing injury to Mr. Willoughby's character. The writer cannot be accused of exactly offering a bribe; he immediately speaks of bribes, which he assumes and asserts to have been offered, and implies that Mr. Willoughby had accepted. But I cannot perceive in any part of these letters ground for attaching to the author, even were we certain who he is, such criminality as would be recognised as tangible in a court of law. Should there be any doubt on this point, our Chief Secretary may confidentially consult our law officers, and lay their opinion before us; but if the point be clear, as I have viewed it, then I deem that it would be obviously vain, as well as improper, to adopt any measures for securing the person of Evans, and making him answer for his supposed misdeeds by judicial process. And if we seek by threats, or any other means, to induce the man to give up to us the information we suppose him to possess, we incur the risk of receiving from him statements untrustworthy, and incapable of proof or corroboration. Such statements, if tendered voluntarily, we might set aside as worthless, should we have reason to think them so; but it might be embarrassing to deal with them when made in answer to our own call.

7. I incline then to a middle course. I propose that Sir R. Shakespeare be addressed, and all the circumstances of the case made known to him; that a copy of the anonymous letters of 1845 be forwarded to him, and also a summary of the recent proceedings relative to Ragobha Maroba identical, it would seem, with the Ragobha Chippee of the letters. When apprised of our reasons for regarding

regarding Evans as Mr. Willoughby's anonymous correspondent, the Political Agent will readily perceive that we cannot look upon the man in any other light than as an intriguing character, undeserving of the countenance of the British Government, whose employment under a native Durbar seems peculiarly undesirable. Intrigues at Baroda and Bombay.

8. It is probable that Evans, on being thus denounced, may offer to exculpate himself by a denial, or an explanation of the suspicious circumstances alleged against him. Should he do so, Sir R. Shakespeare will understand that we are ready to receive any representations that may be so made, and to give them hereafter such consideration as they may be found to merit.

9. This, I conceive, is all that it is in our power to do at present with the clue which we have obtained. But our proceedings in full up to this point should be at once reported to the Honourable Court; and we may suggest, for the consideration of that authority, the propriety of Mr. Willoughby and Major De l'Hoste, who are now in England, being made acquainted therewith.

(signed) *Falkland.*
A. Bell.

23 January 1853.

MINUTE by the Honourable Mr. *Blane.*

I AM fully convinced, both from the similarity of the handwriting and the other points of internal evidence noticed by the Right honourable President, of the identity of Mr. Evans with the writer of the anonymous letter to our late colleague, Mr. Willoughby, in 1845.

2. Unless, however, in the said anonymous letter there be something criminally cognisable, which though I concur in thinking there is not, I would ascertain from Mr. Acland and place on record, I should prefer simply intimating our conviction of the worthless character of Mr. Evans to Sir R. Shakespeare to entering into any exposition in Baroda matters with a person in his (Sir R. Shakespeare's) position.

3. In case of complaint on the part of Mr. Evans of such intimation affecting his character, Sir R. Shakespeare might inform him that he is at liberty to proceed to Bombay and justify himself.

4. I am at the same time prepared to defer to the views of the Right honourable the President on this point if adhered to.

(signed) *D. A. Blane.*

23 January 1853.

FINAL MINUTE by the Right Honourable the Governor, concurred in by the Board.

MY minute of the 23d instant may now be acted on.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

28 January 1853.

(Immediate.)

No. 506 of 1853.—Political Department.

MEMORANDUM by the Chief Secretary.

WITH reference to his memorandum, dated the 27th ultimo, the Honourable Company's solicitor is requested to state whether, if Mr. George Evans can be

Intrigues at Baroda and Bombay.

proved to be the author of the anonymous * letters therein referred to, legal proceedings could in consequence be adopted against him.

Herewith sent.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
4 February 1853.

No. 61 of 1853.—Political Department.

From the Honourable Company's Solicitor, Bombay, to the Secretary to Government.

Sir,

I HAVE the honour to reply to your memorandum, No. 506, dated 4th February instant.

2. The anonymous letter of 19th May 1845, does not seem to me to convey a distinct offer of a bribe, so as to raise the question whether the circumstances would fall within the principle of the case adverted to in my letter to you of 5th February 1852, respecting Mr. Craig, in which it was held a misdemeanor to offer a bribe to a privy councillor to advise the Crown in a practicable way.

3. Whether Mr. Willoughby, if here, could or not proceed against the writer for a libel on account of any of the allegations in the letter, might be a question for consideration, but in his absence no proceedings occur to me which could be usefully adopted on the evidence of the letter.

4. At the time of its receipt, it might have suggested a clue to intrigues at work at the time, and some inquiry seems to have been instituted by the Government of the day; but I perceive a minute of Sir George Arthur's, concurred in by Mr. Crawford and Mr. Reid, to the effect that the information obtained was not such as that further inquiry could in his opinion be prosecuted with any prospect of benefit to the public service.

5. Were the writer known, and in the service of the Company, he might of course be dealt with by Government as a Government servant.

I am, &c.

7 February 1853.

(signed) *W. Acland*,
Honourable Company's Solicitor.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

THIS is in accordance with the opinion expressed in para. 6 of my minute of 23d January, and should be recorded.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

8 February 1853.

No. 621 of 1853.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to Lieutenant-Colonel Sir *Richmond Shakespeare*, Political Agent, Jodhpoor.

Sir,

UNDER dates the 9th and 19th May 1845, two anonymous letters, copies of which are herewith forwarded, were addressed to Mr. J. P. Willoughby, then Chief Secretary to this Government; these letters were on receipt laid before Government

Government by Mr. Willoughby, and endeavours, which were unsuccessful, were made to trace out their author. Intrigues at Baroda and Bombay.

2. From information which lately reached Government, there appeared to be grounds for believing that the above letters were written by Mr. George Evans, who upwards of 20 years since was employed as a clerk at the Baroda Residency under Mr. Willoughby. The handwriting of the letter from Mr. Evans, forwarded with your communication to my address, dated the 10th ultimo, No. 357, and of one which that person has subsequently addressed to me, copy of which is enclosed, is extremely similar to that of the two anonymous letters above alluded to; and this and other corroborative circumstances scarcely leave any moral doubt of the identity of Evans as their author.

3. In the anonymous letter, dated the 9th May 1845, "Ragoba Purvoe, Chippee* by caste," is stated to be one of the persons implicated in the Baroda intrigues therein alluded to. This individual is believed by Government to be identical with a person named Ragoba Moroba, of the tailor caste, late a clerk in the office of the Military Paymaster at this Presidency, who has recently been dismissed from the service of Government, in consequence of his having been proved to have taken an active part for several years past in Baroda intrigues. * Tailor.

4. While employed at the Baroda Residency, Mr. Evans was ascertained to have been unfaithful to Government, in communicating official information to the Gaekwar Durbar, and he is therefore deemed ineligible for employment under this Government. Some years since he obtained employment under his Highness the Gaekwar, but on a requisition from this Government he was dismissed from his Highness's service.

5. This person is regarded by the Government of Bombay as an intriguing character, and undeserving of countenance, and the accompanying papers are forwarded to you that you may decide how far it may be expedient or proper that he should be employed under any native Durbar within the limits of your charge.

6. In making the above communication to you, I am desired to state that in the event of Mr. Evans being desirous of affording any explanation with reference to the suspicions which attached to him of his being the author of the anonymous letters to Mr. Willoughby, this Government will be ready to receive any representations he may make, and give them such consideration as they may appear to deserve.

I have, &c.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle, 11 February 1853.

(True extract.)

(signed) A. Malet,
Chief Secretary.

Removal of Lieut.-colonel Outram.

Removal of Lieutenant-Colonel Outram.

EXTRACT Political Letter from Bombay, dated 1 September (No. 80) 1852.

9 of Court's Despatch, 26th June (No. 20) 1852.

Para. 5. IN reply to this paragraph,* we beg to draw the attention of your Honourable Court to a minute recorded by our Right honourable President, dated the 17th ultimo, concurred in by the Board.

6. The proceedings of Sir George Arthur's Government in November 1844, in re-calling Lieutenant-colonel Outram from the special duty to which he had been deputed to Kolhapoor, and the entire approval of that measure by the Government of India, alluded to in the last paragraph of our Right honourable President's minute, were reported to your Honourable Court in the Political despatches from this Government, dated the 23d November, paras. 36 and 37; and the 2d December, para. 9; and 30th December, para. 28, Nos. 89, 97, and 98 of 1844.

EXTRACT Political Letter to Bombay, dated 26 June (No. 20) 1852.

9. BUT in communicating to you the impressions made on his mind, Lieutenant-colonel Outram ought to have expressed himself with the deference due from a subordinate officer to the Government which he serves. In this he failed. We are of opinion that the communications of Lieutenant-colonel Outram were not conveyed in terms consistent with that respect for the Government under which he was serving, which ought to be observed in all such representations; but we regret that you did not take an early opportunity of reprimanding him, and requiring him to withdraw or modify any objectionable expressions which rendered him justly liable to your censure.

EXTRACT Political Letter to Bombay, dated 26 January (No. 3) 1853.

Answer to Political letter, dated 1st September (No. 80) 1852, acknowledging receipt of Court's letter, No. 20 of 1852, respecting Lieutenant-colonel Outram's removal from office; and calling attention to former instances in which Lieutenant-colonel Outram had been allowed to withdraw documents written in an objectionable tone.

15. Needs no reply.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

THE only part of this despatch to which I should deem it necessary to trouble the Honourable Court with a specific reply is para. 9, in which they express regret that we did not take an early opportunity of reprimanding Lieutenant-colonel Outram, "and requiring him to withdraw or modify any objectionable expression which rendered him justly liable to your (our) censure."

2. In answer to this observation, I would request the attention of the Court to paras. 3 to 5 of the letter dated 31st October 1851,* which led to our removing Lieutenant-colonel Outram from his appointment, as also to paras. 1 to

* Forwarded to the Honourable Court with Political despatch, dated 29th November 1851, No. 89.

to 7, section 4, part 2, and paras. 1 to 7, section 5, part 2, of his Report* on Khutput, from which it will be at once apparent, that in the month of April 1851, Colonel Outram was permitted to withdraw a paper, called "A Statement of Facts," relative to Nursoo Punt, containing matter offensive to Government; and that after having availed himself of the consideration voluntarily extended to him on that occasion, Lieutenant-colonel Outram deemed it not unbecoming, not only to allude directly to certain passages which he had been allowed to omit, but actually to quote portions of them, thus repeating and aggravating the disrespect and indecorum which he had previously exhibited. Removal of Lieut.-colonel Outram.

3. I would likewise specially direct the attention of the Honourable Court to section 10* of Colonel Outram's Khutput Report, in which he quotes at length a most objectionable and disrespectful letter addressed by him to the Government of the day, in 1838, which on that occasion he was permitted to withdraw, and from which it will be perceived that the manner in which he interpreted the indulgence then accorded to him, was but too similar to the way in which he has availed himself of a like act of kindness on the part of this Government in April 1851. Part I.

4. The proceedings of our predecessors in the Government relative to Lieutenant-colonel Outram's measures in the Mahee Kanta, disposed of by the Honourable Court's despatches of the 17th August 1838 and the 12th March 1840, as also the proceedings relative to the affairs of Kholapoor, disposed of by Sir George Arthur's minute of the 7th November 1844, and the letter from the Government of India of the 22d idem, will, I doubt not, be in the recollection of the Honourable Court.

(signed) *Falkland.*
D. A. Blane.
17 August 1852. *A. Bell.*

(True copy.)

(signed) A. Malet, Chief Secretary.

Case of Nursoo Luxmon.

Case of Nursoo Luxmon.

6 August (No. 74) 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. In our political despatch, dated the 17th February last, No. 19 of 1852, we submitted to your Honourable Court our proceedings on the subject of certain charges of bribery and corruption which has been preferred by Lieutenant-colonel Outram, C.B., late Resident at Baroda, against Nursoo Luxmon, stated to have been committed by that individual during the period he held the appointment of native agent at the Baroda Residency. We, at the same time, stated that Nursoo Punt, having, by his conviction to the extent we considered established against him, been guilty of a betrayal of his official trust, we had issued orders for his removal from his situation of dufterdar to the Collector of Ahmedabad, at the same time informing that officer that Nursoo Luxmon will be considered ineligible for re-employment under Government. This decision has been confirmed in your Honourable Court's Political despatch to this Government, dated the 23d June last, No. 19.

2. We

* Forwarded to the Honourable Court with Political despatch, date 22d May, No. 55 of 1852.

Case of Nursoo Luxmon.

2. We have now the honour to submit a memorial, in original, from Nurso Luxmon to the address of your Honourable Court, dated the 18th ultimo, appealing against the above decision of Government; and soliciting that your Honourable Court will be pleased to suspend your judment on his conduct until after the receipt of a memorial he is now preparing, containing "A full statement of his case, drawn from the different written defences which he delivered to the Commissioner at Baroda, in answer to the several charges upon which he was tried."

We have, &c.
(signed) *D. A. Blane.*
A. Bell.

Bombay Castle, 6 August 1852.

EXTRACT Political Letter to Bombay, dated 31 December (No. 38) 1852.

Answer to Political letter, dated 6th August (74) 1852.
Memorial from Nursoo Luxmon, appealing against the decision of Government on his case, and praying Court to suspend their judgment until the receipt of a further memorial, which he is preparing.

30. Our opinion on the case of Nursoo Luxmon has been intimated to you in our Political Letter, dated 23d June (No. 19) 1852, paras. 11 to 19.

EXTRACT Political Letter from Bombay, dated 28 August (No. 76) 1852.

* * No. 19, dated 23d June last.

13. YOUR Honourable Court were aware, when you addressed to us the despatch with which we have been favoured,* of the opinions we had severally expressed as to the degree in which Nursoo Luxmon was guilty on certain points, and as to the amount of suspicion which, in the absence of conclusive proof, rested on him in regard to others. Your Honourable Court was also aware that we had removed him from the revenue appointment to which he had been transferred from Baroda, and deprived him of the personal allowance of one hundred (100) rupees a month granted to him by Lord Clare's Government. He has also ceased to draw, from the date of his suspension, the honorary allowance of fifty (50) rupees a month granted to him for life by the same Government for the maintenance of a palanquin. A formal intimation that he is incapable of again serving the Honourable Company in any capacity will also, now that the proceedings have been disposed of, be issued to the several heads of departments.

14. Having inflicted the utmost punishment which we have considered called for, both by the offences proved, and the amount of suspicion resting on him with respect to the charges not proved, we must leave it to your authority to determine whether we are to interpret your present despatch as an order to resume the inam conferred on Nursoo Luxmon for three lives by your Honourable Court, under date 26th February 1840, as a reward for service he had rendered as "head of the native revenue service."

In Collection marked (A.).

15. Copies of the letters issued by Sir James Rivett Carnac's Government, in accordance with your despatch, dated 26th February, No. 1, of 1840, Revenue Department, are annexed, and we need not assure your Honourable Court that any instructions we may receive relative to the resumption of the inam will be promptly carried into effect. We would, however, suggest, if such be your intention, that simultaneously with the issue of your instructions to us, the Government of India may be desired to pass an Act authorising the resumption; as it is obviously undesirable that we should risk being brought into Court, and having to defend an infraction (unauthorsed, as our Legal Remembrancer advises* us, by the law in its existing state) of the terms of the grant made under special authority from your Honourable Court.

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* The Legal Remembrancer has received the memorandum of the Chief Secretary, No. 3735 of 1852, with a copy of the sunud granting the villages of Kapra and Nalate to Nursoo Luxmun.
The villages are granted in inam for past services. It is impossible for Government to resume them, unless the grantee has been convicted by a court of law of some crime, of which forfeiture of goods forms part of the punishment.

(signed) *W. Howard,*
Remembrancer for Legal Affairs.

Bombay, 26 August 1852.

Case of Nursoo Luxmon.

No. 100 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. With our political despatch, dated the 6th August last, No. 74 of 1852, we forwarded a memorial to the address of your Honourable Court from Nursoo Luxmon, late native agent at the Baroda Residency, appealing against our having, for the reasons reported in our previous despatch of the 17th February, No. 19 of 1852, dismissed him from Government employment, and soliciting that your Honourable Court would be pleased to suspend your judgment on his conduct until after the receipt of a memorial he was preparing, containing "a full statement of his case, drawn from the different written defences which he delivered to the Commissioner at Baroda, in answer to the several charges upon which he was tried."

2. We have now the honour to forward to your Honourable Court the memorial from Nursoo Luxmon above alluded to, dated the 31st August last, with accompanying Appendices, marked (A.) to (H.)

3. This memorial contains no facts which have not previously been submitted to your Honourable Court, being principally a review by Nursoo Luxmon of the nature of the evidence adduced on his trial, before Mr. W. E. Frere, Special Commissioner, with arguments founded thereon.

4. We therefore deem it unnecessary to comment upon this memorial, and beg to state that we see no grounds for a reconsideration of the decision against which the memorialist therein appeals.

We have, &c.

(signed) *D. A. Blane.*
A. Bell.

Bombay Castle, 16 October 1852.

Extract Political Letter to Bombay, dated 26 January (No. 3) 1853.

8. Since it appears that there are legal difficulties in the way of resuming the enam formerly conferred on Nursoo Luxmun, we prefer to leave it in the possession of that individual, however unworthy, rather than to adopt the alternative alluded to by you of an application to the Legislature of India.

Letter from, dated 28th August (No. 76) 1852 (13 to 15, and letter dated 16th October (No. 100, 1852). Case of Nursoo Luxmon.

9. You will inform Nursoo Luxmun, in answer to his memorial, that we cannot consent to re-open his case.

No. 10 of 1853.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. With our political despatches, dated the 6th August and 16th October last, Nos. 74 and 100 of 1852, we forwarded two memorials to the address of your Honourable Court from Nursoo Luxmon, late native agent at the Baroda Residency. We now beg to forward a further memorial from this individual, dated the 21st ultimo, soliciting a re-investigation of his case.

Case of Nursoo Luxmon.

2. In forwarding this memorial, we beg to state that we see no grounds for complying with the application therein preferred.

We have, &c.

(signed) *Falkland.*
Frederick Fitzclarence.
D. A. Blane.
A. Bell.

Bombay Castle, 13 January 1853.

EXTRACT Political Letter to Bombay, dated 24 May (No. 28) 1853.

Answer to Political letter, dated 13th January (No. 10) 1853.
Further memorial from Nursoo Luxmon, requesting a reconsideration of his case.

23. YOU will inform the memorialist that the decision passed on his case after a full and impartial investigation, is final.

Extract Bombay Political Consultation, August 1852.

From *Nursoo Luxmon*, late Dufturdar of Ashmedabad, to *A. Malet*, Esq., Chief Secretary to the Government of Bombay.

Sir,

WITH reference to your letter No. 992 of the 9th of March last, conveying to me the decision of the Right honourable the Governor in Council on my three several petitions, dated respectively the 10th and 24th February, and 5th March, I now beg respectfully to state, that I am desirous of appealing to the Honourable the Court of Directors against the Government order of the 20th of January last, directing my dismissal from the public service.

I am accordingly, having prepared a memorial to the address of the Honourable Court, but having heard that the whole of the proceedings in my case have been transmitted to England, I am apprehensive that the same may be reviewed before my representation can reach the Honourable Court, to whom I have therefore addressed the accompanying memorial, and I humbly request the Right honourable the Governor in Council may direct that it shall be forwarded to its destination with the next overland mail, which I believe will be despatched on the 24th instant.

I am, &c.

(signed) *Nursoo Luxmon,*
Late Dufturdar of Ahmedabad.

Bombay, 18 July 1852.

To the Honourable the Court of Directors for the Affairs of the East India Company, London.

The humble Memorial of *Nursoo Luxoomun*, late Dufturdar of Ahmedabad,

Showeth,

THAT your memorialist has faithfully and zealously served your Honourable Company's Bombay Government for a period of nearly 33 years in the Revenue and Political Departments respectively.

2. That while performing the duties of the different situations of trust and responsibility held by him at various times, your memorialist always exerted himself to the utmost for the benefit of the state, and that his conduct was such as to merit the approbation of his superiors, from whom he received the highest written testimonials.

3. That about a year ago Colonel Outram, the late Resident at Baroda, complained of him to the Government, and framed certain charges against your memorialist, who was suspended from his appointment of dufturdur at Ahmedabad, and ordered to proceed to Baroda to be tried there before a European Commissioner appointed by the Government.

4. That

Case of Nursoo Luxmon.

4. That although your memorialist represented the many difficulties and untoward circumstances which existed in his case, and that rendered him unable to prove his innocence of the offences imputed to him, or to expect a fair trial at Baroda, where the influence of his prosecutor and certain parties who were inimical to your memorialist was predominant, yet, notwithstanding his remonstrances, the Government allowed the Commissioner's inquiry to proceed, and on the 20th of January 1852 ordered, that your memorialist should be dismissed from the public service on the alleged ground that your memorialist had failed to represent discrepancies in certain accounts which Colonel Outram had required him to examine.

5. That your memorialist has petitioned the Government and requested to be furnished with a statement of the reasons, or of the evidence on which they have condemned him, but his application has proved unsuccessful, and your memorialist is desirous of appealing to your Honourable Court; but being ignorant, as above stated, of the grounds on which the Government have arrived at their decision, he is unable to make any representation on that subject.

6. Your memorialist has therefore no alternative but that of laying before your Honourable Court a memorial to contain a full statement of his case, drawn from the different written defences which he delivered to the Commissioner at Baroda in answer to the several charges upon which he was tried, and which memorial he is now having prepared, and intends shortly to submit to the Government here for transmission to your Honourable Court. But as your memorialist has recently heard that the whole of the proceedings in the case of your memorialist have been forwarded to your Honourable Court, he is most anxious that, before your final decision on the subject is passed, your Honourable Court may be pleased to bestow your best consideration and attention on the statements and remarks which he is preparing to lay before your Honourable Court.

7. Accordingly your memorialist is induced to address this brief representation to your Honourable Court, and humbly to beg that until the receipt of your memorialists memorial, above alluded to as under preparation, you may be pleased to suspend your judgment on his conduct.

And your memorialist, as in duty bound, shall ever pray.

Bombay, 18 July 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

NURSOO LUXMON'S memorial may be sent to the Honourable the Court of Directors in due course, with a reference to the proceedings in his case before the Commission, and the resolution of Government thereon, and the Honourable Court's reply, dated 23d June, No. 19 of 1852, should be referred to.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

27 July 1852.

No. 3429 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to *Nursoo Luxmon*, Bombay.

I AM directed to acknowledge the receipt of your letter, dated the 18th ultimo, and to inform you that the memorial to the address of the Honourable the Court of Directors, therewith forwarded, will be transmitted to that authority by the present overland mail, *viâ* Madras.

By order, &c.

Bombay Castle,
5 August 1852.

(signed) *A. Malet*,
Chief Secretary.

(True extract.)

(signed) A. Malet, Chief Secretary.

Case of Nursoo Luxmon.

No. 3762 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

1. With reference to my letter, dated the 20th January last, No. 291, I am directed by the Right honourable the Governor in Council to transmit for your information, an extract, paras. 11 to 19, from a despatch from the Honourable the Court of Directors, dated the 23d June last, No. 19, relative to Nursoo Luxmon, late native agent to the Resident at Baroda.

2. A further reference has been made to the Honourable Court on the subject of the two enam villages granted to Nursoo Luxmon in the year 1841, and the result will hereafter be communicated to you.

3. A copy of my letter of this date to the Civil Auditor, No. 3768, is annexed for your information.

I have, &c.

Bombay Castle,
28 August 1852.

(signed) *A. Malet*,
Chief Secretary.

Extract Bombay Political Consultation, 3 June 1840.

Extract of a Letter from the Honourable the Court of Directors (No. 1.), dated the 26th February 1840.

Proposed grant of an Enam to Nursoo Luxumon, dufterdar in the Revenue Commissioner's office, as a reward for his valuable services.

Para. 89. We have already stated to you our general views with regard to the grant of land in enam to meritorious public servants. In consideration, however, of the very favourable testimony borne by Mr. Williamson to the merits of this individual, and of your strong recommendation in his behalf, and also with advertence to his position as head of the Native Revenue Service, we authorise you to confer on him an enam of the annual value of 1,200 rupees for three lives. But great care must be taken to secure to all parties holding hereditary interests in the village which may be assigned to Nursoo Luxemon and his two successors, the full enjoyment of their respective rights.

No. 1776 of 1840.

From *L. R. Reid*, Esq., Chief Secretary to Government, Bombay, to the Revenue Commissioner.

Sir,

With reference to my letter (No. 4500), dated the 13th December 1838, I am directed by the Honourable the Governor in Council to transmit for your information the accompanying extract, para. 89, from a letter from the Honourable the Court of Directors, dated the 26th February last (No. 1), sanctioning the grant to your dufterdar, Nursoo Luxumunjee, of an enam, of the value of 1,200 rupees per annum for three lives.

2. You are requested to call upon Nursoo Luxumunjee to select the villages or lands to be assigned to him.

I have, &c.

Bombay Castle,
30 May 1840.

(signed) *L. R Reid*,
Chief Secretary.

Case of Nursoo Luxmon.

No. 627 of 1841.—Territorial Department.—Revenue.

From *John Vibart*, Esq., Revenue Commissioner, Tannah, to *L. R. Reid*, Esq., Chief Secretary to Government, Bombay.

Sir,

I DO myself the honour to acknowledge the receipt of your letter, dated 30th May last (No. 1776), intimating that the Honourable the Court of Directors had sanctioned the grant to my dufterdar, Nursoo Luxumunjee, of an enam, of the value of 1,200 rupees per annum for three lives, and directing me to call upon him to select the villages he might wish to be assigned him.

2. I beg now to state that Nursoo Luxumun has selected two villages in the Duskrohee purgunnah of the Ahmedabad zilla, Nalole and Ropra, the net revenues of which amount, on a five years' average, to *Rs.* 1,207. 6. 9.

3. I beg to forward, for the information of Government, an original letter from the Collector of Ahmedabad, together with certain statements exhibiting the returns from these villages for a period of 10 years, which average as follows:

Nalole—Net revenue, Company's rupees - -	*974	–	3
Ropra—Ditto - - - - - - ditto - - -	†287	1	10
	1,261	2	1

Nalole:	*Rs.*	*a.*	*p.*
Government revenue -	933	–	6
Beed lands - - -	134	–	–
	1,067	–	6
Deduct revenue on lands belonging to Bhauts, &c., not collected by Government - -	30	15	9
	1,036	–	9
Deduct average exchange of nine years on Sicca rupees - - -	62	–	6
* Co.'s *Rs.*	974	–	3

Ropra:			
Government revenue -	308	1	8
Deduct average exchange of 10 years on Sicca rupees - - -	20	15	10
† Co.'s *Rs.*	287	1	10

4. The Collector is, however, of opinion that the value of the village should be assumed at the amount of revenue derived for the last year, which is estimated, for Nalole alone, at 1,598 rupees gross, *vide* statement which accompanies his letter, dated 20th ultimo (No. 44), and he proposes that the excess should be levied from the grantee in the shape of sulamee, during the period he holds the village. His reason for recommending this measure is, that he sees no reason to suppose that any decrease will take place in the ordinary cultivation hereafter, but on what ground this opinion is based is not very apparent; it is most certainly not borne out by the last 10 years' returns, which have varied most most materially, the revenues having during that period fluctuated from *Rs.* 1,783. 13. 5., the highest, to *Rs.* 627. 1. 34., the lowest.

5. The Collector also states, that there is a tract of highly improvable waste, of 992. 11. 8. beegas, which might be turned to most profitable account in the hands of a private individual. I apprehend, however, there must be some mistake here, as in the statement 509. 14. 12. beegas are entered as beer land, the rent of which, 134 rupees, is included in the revenue of the village; of this land only 50 or 60 beegas are considered fit for cultivation.

6. Under the circumstances stated by the Collector, I should wish to be informed on what principle the value of the enam is to be calculated; that is, whether an average, for a certain number of years, of the revenue of the village is to be taken, or only the present amount as proposed by the Collector.

7. I would beg respectfully to state, that in my opinion, an average of the net returns of the two villages selected by the dufturdar should be taken for a period of 10 years; and whatever excess may appear under this calculation, over the sum granted by the Honourable Court, should be annually received from the grantee in the shape of sulamee.

Case of Nursoo Luxmon.

8. If I mistake not, it has been hitherto the custom, in making grants of the nature now under consideration, to assume the value of the village given according to the receipts of a certain number of years, and not according to a single year's produce, as proposed by the Collector.

I have, &c.

(signed) *John Vibart*,
Revenue Commissioner.

Camp, Mahabuleshwur, R. C. O.
8 May 1841.

No. 6 of 1841.—Territorial Department.—Revenue.

To *John Vibart*, Esq., Revenue Commissioner, Tannah.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 25th August last, on the subject of a grant of land by the Honourable Court to Nursoo Luxumon, and to report that his agent at Ahmedabad has only pointed out to me, since the 15th December last, the villages of Nalole and Ropra, in the Duskrohi purgunnah, as those which he is desirous of obtaining on this account. The present rental, however, of Nalole alone, considerably exceeds the sum specified in the Court's despatch, viz. 1,200 rupees per annum, to which Nursoo Luxumon is entitled; besides that, there is about 992. 10. 8. beegas of highly improvable waste belonging to it, including some kaurda rice land, which in the possession of a private individual, might be made, in a few years, to yield a sum equal to the present rental of the village.

2. The following statement shows the extent of the cultivated lands, and amount of assessment for the present year, ascertained from actual survey by Mr. Jordan.

Beegas.	*w.*	*v.w.*		Amount. *Rs.*	*a.*	*p.*
585	6	13	Beegas, cultivated with monsoon crops, bearing an assessment of	1,048	9	–
37	9	13	Ditto "Saukhe" rubee crops, paying a share of the produce estimated at four maunds per beega, the value of which in money, at 1½ maund per rupee is	73	12	–
81	9	9	Ditto - ditto, rice lands, paying a share of the produce, actually sold this year for	299	15	5
*434	6	0	Ditto alienated lands, which pays this year sullamee of	120	6	–
			A rent is also obtained for a Government beer of grass from the Guzerat Irregular Horse, of	134	–	–
			Ditto - ditto, by a share of the produce of 8*b.* 13*w.* of lands which were cultivated with monsoon crops, and afterwards rubbee, termed Khureef Oopur Rubbee	22	8	–
			Ditto, by sale of the produce of fruit trees	5	–	–
			Making a Total Assessment of the Village at - - *Rs.*	1,704	2	5

3. In

* Should the whole of this land be cultivated, it would pay *Rs.* 159. 2 per annum, as follows:

				Rs.	*a.*	*p.*
53	11	12	Beegas, at a fixed sulamee, whether cultivated or waste	34	8	–
148	0	12	Ditto, of cultivated, at rates varying from four annas to four rupees per beega as sulamee, rupees	124	10	–
286	4	8	Ditto, free of assessment			
* Torn out.	*4	6	0	*Rs.* 159	2	–

3. In consequence of the failure of the early monsoon this year, it is also proper to state that the produce of the rice crop has been exceedingly scanty, and the rent derived by the sale of the Government share of the produce proportionally low; thus reducing the rental of the village for the present season below the amount which might be expected to be realized on an average of seasons; an inference which may also be drawn from the circumstance of land of the same quality, in neighbouring villages, paying from five to eight rupees per beega per annum, while the assessment in Nalole this year, as above stated, does not average 3½ per beega. In the ordinary cultivation of the village I have no reason to suppose that any decrease should take place; but as an offsett to occasional lapses from the uncertainty of the seasons, the waste lands may be made over to the grantee, who should then be required to pay the difference between the present gross rental and the sum sanctioned by the Court, as a fixed sulamee during the period he holds the village. The Gam khurch and Ezafirt khurch, as enumerated in the margin, being defrayed from that amount, and paid to the parties entitled to it, by the mamlutder of the purgunnah.

	Rs.	*a.*	*p.*
Gam Khurch, viz.,			
Durmada - - - -	16	1	1
Mul Veera - - -	15	5	10
Mookhee - - - -	18	9	11
Kothlee Sauth - - -	16	12	2
	66	13	–
Ezafut Khurah:			
Dessaee - - - -	1	13	10
Muzmoodar - - -	4	10	6
Umeen - - - -	9	5	–
Geeras - - - -	13	–	7
	28	13	11
Total - - *Rs.*	95	10	11

4. The sayer revenue of Nalole, which at present is only five rupees, is not included in the estimate,* as that would be realized separately by the mamlutdar of the district from the parties liable to pay it.

5. As directed by you, in your letter of the 7th instant, I beg to annex a statement of the annual revenue of the village for the last 10 years.

6. With regard to the manner in which the value of villages, granted in enam by our Government in this zillah has been calculated, I am only aware of one instance in which a village has been granted in enam to a private individual; this was Sarabhoy, late dufterdar at Baroda, to whose son the village of Neekole was given in enam, in Sumvut 1889 (A.D. 1830-31), under the special orders of Government, without reference to this department, as appears by the letter of the Secretary, dated 9th April and 18th November 1830, copies of which are herewith transmitted.

7. A statement of the annual revenue of Ropra, for 10 years, I likewise annex for your information.

I have, &c.

(signed) *R. K. Arbuthnot,*
Collector.

Ahmedabad Collector's Office,
Camp Butwa, 28 January 1841.

* It has been included in the statement of 10 years.—(signed) *R. O.*

AVERAGE STATEMENT of Ten Years' Produce of the Village of Nalole, of the Duakrohie

No.	YEARS.	SIRKAREE. Cultivated Land.	SIRKAREE. Purtur Land.	SIRKAREE. Total Beegas.	SIRKAREE. Total Rupees.	BARKULLY. Cultivated Land.	BARKULLY. Purtur Land.	BARKULLY. Total Beegas.	BARKULLY. Total Rupees.
		Beegas.	*Beegas.*	*Beegas.*	*Rs. a. p.*	*Beegas.*	*Beegas.*	*Beegas.*	*Rs. a. p.*
1	Sumvut 1887 - -	926 11 13	934 4 1	1,860 15 14	1,766 5 5	234 11 10	34 5 6	268 16 16	17 8 -
2	Sumvut 1888 - -	797 2 4	951 17 5	1,748 19 9	1,511 3. 5	269 5 10	111 7 11	380 13 1	25 4 -
3	Sumvut 1889 - -	551 17 0	1,197 2 9	1,748 19 9	1,020 9 1	285 1 15	95 11 6	380 13 1	113 14 -
4	Sumvut 1890 - -	316 18 10	1,375 7 3	1,692 8 13	564 9 4	241 8 3	195 15 14	437 3 17	63 4 -
5	Sumvut 1891 - -	407 3 15	1,286 8 18	1,693 12 13	1,300 2 7	337 7 12	99 16 5	437 3 17	132 14 -
6	Sumvut 1892 - -	405 11 12	1,287 12 1	1,693 3 13	687 4 6	303 12 17	133 11 -	437 3 17	74 - -
7	Sumvut 1893 - -	462 9 5	1,228 9 12	1,690 18 17	931 2 8	332 14 19	106 13 14	439 8 13	126 2 -
8	Sumvut 1894 - -	473 9 0	1,224 3 1	1,697 12 1	1,144 7 9	309 13 6	123 2 3	432 15 9	118 7 6
9	Sumvut 1895 - -	422 3 14	1,263 8 7	1,685 12 1	785 4 1	287 1 14	157 13 15	444 15 9	62 14 -
10	Sumvut 1896 - -	677 3 12	1,018 17 15	1,696 1 7	1,403 6 5	321 15 16	112 10 7	434 6 3	119 9 7
	TOTAL - - -	5,440 10 5	11,767 13 12	17,208 3 17	11,114 - 3	2,922 13 2	1,170 7 1	4,093 0 3	853 13 1

On account of Kurraba land - - - - - - - - - - - - - -	108 3 -
Total Rukbah - - - - - - - - - - - - - -	2,238 10 10

Beer Lands.

No. 136. Kearravallo - - - - - - - - - - - - - -	137 5 17
No. 246. Karee Beervallee - - - - - - - - - - - - - -	94 8 4
No. 145. Kearravallo - - - - - - - - - - - - - -	237 7 11
No. 201. Kareea varee valloo - - - - - - - - - - - - - -	40 15 -
	509 14 12

From the above land about 50 or 60 Beegas are arable.

AVERAGE STATEMENT of Ten Years' Produce of the Village of Ropra, of

No.	YEARS.	SIRKAREE. Cultivated Land.	SIRKAREE. Purtur Land.	SIRKAREE. Total Beegas.	SIRKAREE. Total Rupees.	BARKULLY. Cultivated Land.	BARKULLY. Purtur Land.	BARKULLY. Total Beegas.	BARKULLY. Total Rupees.
		Beegas.	*Beegas.*	*Beegas.*	*Rs. a. p.*	*Beegas.*	*Beegas.*	*Beegas.*	*Rs. a. p.*
1	Sumvut 1887 - -	309 10 0	52 12 10	362 2 10	438 5 6	8 10 0	7 10 0	16 0 0	- - -
2	Sumvut 1888 - -	303 0 0	52 2 10	355 2 10	454 14 -	15 10 -	7 10 0	23 0 0	- - -
3	Sumvut 1889 - -	284 15 0	70 7 10	355 2 10	386 2 -	10 0 0	13 0 0	23 0 0	- - -
4	Sumvut 1890 - -	239 10 0	119 7 10	358 17 10	276 - -	10 0 0	13 0 0	23 0 0	- - -
5	Sumvut 1891 - -	252 17 0	106 0 10	358 17 10	401 4 -	21 0 0	2 0 0	23 0 0	- - -
6	Sumvut 1892 - -	214 12 0	144 5 10	358 17 10	319 8 5	21 0 0	2 0 0	23 0 0	- - -
7	Sumvut 1893 - -	265 15 10	93 2 0	358 17 10	408 12 -	23 0 0	- - -	23 0 0	- - -
8	Sumvut 1894 - -	253 17 10	105 0 0	358 17 10	405 15 10	23 0 0	- - -	23 0 0	- - -
9	Sumvut 1895 - -	243 12 0	115 5 10	358 17 10	365 1 8	23 0 0	- - -	23 0 0	- - -
10	Sumvut 1896 - -	247 4 0	111 13 10	358 17 10	371 11 9	17 0 0	6 0 0	23 0 0	- - -
	TOTAL - - -	2,614 13 0	969 17 0	3,584 10 0	3,827 11 2	172 0 0	51 0 0	223 0 0	- - -

	Rs. a. p.
Average Government revenue - - - - - - - - - - - - - -	308 1 8
Tullatee's Pay for 1896 - - - - - - - - - - - - - -	14 9 4
On account of paper, &c. - - - - - - - - - - - - - -	2 5 3
TOTAL - - - *Rs.*	325 - 3

Purgunnah, Tabeh Ahmedabad (Guicowar's Subsidy), Ahmedabad Collectorate.

TOTAL. Cultivated Land.	TOTAL. Partur Land.	TOTAL. Total Beegas.	TOTAL. Total Rupees.	Government Revenue.	Izafed Khurch.	Gam Khurch.	Remission.	Profit to Izardar.	REMARKS.
Beegas.	*Beegas.*	*Beegas.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	
1,161 3 3	968 9 7	2,129 12 10	1,783 13 5	1,260 – 7	82 14 6	60 4 –	89 15 11	290 10 5	Sicca Rs.
1,066 7 14	1,063 4 16	2,129 12 10	1,536 7 5	1,278 9 6	82 12 6	95 12 –	79 5 5	– – –	Ditto.
836 18 15	1,292 13 15	2,129 12 10	1,134 7 1	755 13 11	56 4 7	143 12 –	178 8 7	– – –	Ditto.
558 6 13	1,571 5 17	2,129 12 10	627 13 4	403 2 4	51 2 6	92 4 –	81 4 6	– – –	Ditto.
744 11 7	1,386 5 3	2,130 16 10	1,433 – 7	1,238 11 5	78 5 5	92 4 –	23 11 9	– – –	Ditto.
709 4 9	1,421 3 1	2,130 7 10	761 4 6	614 12 10	54 3 8	92 4 –	– – –	– – –	Ditto.
795 4 4	1,335 3 6	2,130 7 10	1,057 4 8	881 13 10	83 2 10	92 4 –	– – –	– – –	Ditto.
783 2 6	1,347 5 4	2,130 7 10	1,262 8 3	1,059 8 9	102 – 7	92 4 –	8 10 11	– – –	Ditto.
709 5 8	1,421 2 2	2,130 7 10	848 2 1	579 15 5	103 – –	92 4 –	72 14 8	– – –	Ditto.
998 19 8	1,131 8 2	2,130 7 7	1,523 – –	1,257 12 6	100 13 –	85 14 4	2 3 5	– – –	Co's. Rs.
8,363 3 7	12,938 0 13	23,301 4 0	11,967 13 4	9,330 5 1	794 11 7	939 2 4	536 11 2	290 10 5	

Average of 10 years:

	Rs. a. p.
Government revenue	933 – 6
Beer lands	134 – –
Tullatee's Pay, 1896 — 72 – –	79 14 6
On account of paper, 1896 — 7 14 6	
Havildar's Pay, 1896	11 2 9
TOTAL *Rs.*	1,158 1 9

(signed) *R. K. Arbuthnot*, Collector.

the Duskrohie Purgunnah, Tabeh Jeytulpoor, Ahmedabad Collectorate.

TOTAL. Cultivated Land.	TOTAL. Partur Land.	TOTAL. Total Beegas.	TOTAL. Total Rupees.	Government Revenue.	Izafut Khurch.	Gam Khurch.	Remission.	Profit to the Izardar.	REMARKS.
Beegas.	*Beegas.*	*Beegas.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	
318 0 0	60 2 10	378 2 10	438 5 6	305 1 2	19 14 10	23 8 10	– – –	89 13 6	
318 10 0	59 12 10	378 2 10	454 14 –	317 – 8	22 15 4	33 8 –	– – –	81 6 –	
294 15 0	83 7 10	378 2 10	386 2 –	329 11 5	22 14 7	33 8 –	—	—	
249 10 0	132 7 10	381 17 10	276 – –	222 7 5	20 – 7	33 8 –	—	—	
235 12 0	146 5 10	381 17 10	401 4 –	345 13 11	21 14 1	33 8 –	—	—	
235 12 0	146 5 10	381 17 10	319 8 5	267 14 5	18 2 –	33 8 –	—	—	
288 15 10	93 2 0	381 17 10	408 12 –	350 1 5	23 10 7	33 8 –	1 8 –	—	
276 17 10	105 0 0	381 17 10	405 15 10	333 6 1	25 9 9	33 8 –	13 8 –	—	
266 12 0	115 5 10	381 17 10	365 1 8	295 15 –	23 12 8	33 8 –	11 14 –	—	
264 4 0	117 13 10	381 17 10	371 11 9	313 9 3	24 10 6	33 8 –	—	—	
2,786 13 0	1,020 17 0	3,807 10 0	3,827 11 2	3,081 – 9	223 8 11	325 – –	26 14 –	171 3 6	

(signed) *R. K. Arbuthnot*, Collector.

Case of Nursoo Luxmon.

No. 2188 of 1830.—Territorial Department.—Revenue.

To *John Vibart*, Esq., Principal Collector, Ahmedabad.

Sir,

I AM instructed by the Honourable the Governor in Council to authorise you, in communication with the Resident at Baroda, to assign in enam, land to Sorabhoy, the moonshee at that Residency, the produce of which will give that individual an income of (3,000) three thousand rupees per annum.

2. I am also directed to add, that Sarabhoy's heirs are to pay a nuzzerana on succession, the amount of which is to be fixed according to the principle laid down in the accompanying scale.

I have, &c.

(signed) *Thomas Williamson*,
Secretary to Government.

Bombay Castle, 9 August 1830.

SCHEDULE of NUZERANA to be Levied in Succession to, and Alienation of, States and Affairs.

DESCRIPTION of STATES or OFFICE.	NUZERANA TO BE LEVIED					
	On Direct Succession.	On Collateral Succession.	On Adoption by Incumbents.	On Adoption by Widows of Incumbents, subsequently to their Husbands' Decease.	On Division of the Estates or Office.	On Alienation by Sale.
Sonusthan	75 p'cent. on the annual value.	100 p'cent. on the annual value.	150 p'cent. on the annual value.	200 p'cent. on the annual value.	100 p'cent. on the annual value.	
Jageer	50 per cent., do.	75 per cent., do.	100 per cent., do.	125 per cent., do.	100 per cent., do.	
Enam	-	-	-	-	-	100 per cent. on the annual value.
Daishmook Daishpandio Patell and Koolkurnee	-	50 p'cent. on the annual value.	100 p'cent. on the annual value.	125 p'cent. on the annual value.	50 p'cent. on the annual value.	
Daishmook Daishpandoo Patell and Koolkurnee	-	-	-	-	-	100 per cent. on the annual value.
Cazee Paytia Mahajun, and generally all district and village officers endowed with enams or hucks, but not including the wuttuns of balootedars of villages	-	50 p'cent. on the annual value.	100 p'cent. on the annual value.	125 p'cent. on the annual value.	50 p'cent. on the annual value.	100 per cent. on the annual value.

(signed) *Thomas Williamson*,
Secretary to Government.

Case of Nursoo Luxmon.

No. 3057 of 1830.—Territorial Department.—Revenue.

To *John Vibart*, Esq., Principal Collector, Ahmedabad.

Sir,

Adverting to my letter, dated the 9th August last, I am directed by the Honourable the Governor in Council to authorise you to make over in enam to Sarabhoy, the moonshee attached to the Baroda Residency, the village of Seek Neekole, originally belonging to Aleena purgunnah, but latterly included in that of Duskrobie, which that person has chosen in preference to arable land.

2. You will be pleased to make out the sunud, which should be similar to that given to Ramajee Hurry, on the occasion of granting him a village in the Kaira district, in the name of Bhoolnath, the son of Sarabhoy, agreeably to his request.

I have, &c.

(signed) *Thomas Williamson*,
Secretary to Government.

Bombay Castle, 18 November 1830.

(True copies.)

(signed) R. K. Arbuthnot,
Collector.

No. 44 of 1841.—Territorial Department.—Revenue.

To *John Vibart*, Esq., Revenue Commissioner, Poonah.

Sir,

I have the honour to acknowledge the receipt of your letter of the 24th February last, No. 251, calling for certain papers connected with the grant of land to your dufterdar; and in reply beg to transmit the same, as noted in the margin.* The delay in doing so has arisen in consequence of the non-receipt of the asmaish of Nalole, for the current year, till three days ago.

The accompanying contrasted statement of the revenue of that village, as shown in my report of the 28th January, and the asmaish for the current year, is herewith submitted for your information.

I have, &c.

(signed) *R. K. Arbuthnot*,
Collector.

Ahmedabad, Collector's Office, Camp Dholka,
20 April 1841.

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* Asmaish for 1895, 1896, and 1897, English and Guzeratee; survey papers prepared by Mr. Jordan, yadee of the amount of revenue received in 1895 and 1896, subsequent to the preparation of the asmaish for those years.

STATEMENT showing the Amount of Produce, and the Quantity of Land Cultivated

ON WHAT ACCOUNT.	ACCORDING TO MR. JORDAN'S STATEMENT.			
		CURRENCY.		
	Cultivated Land.	Sicca and Company's Rupees.	Deduct Exchange on Siccas.	Company's Rupees.
	B. v. vv.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
Kurreef Beegotee	585 6 13	1,048 9 –	72 3 4	976 5 8
Kairda Kurreef (Bhagbuttia)	81 9 9	299 15 5	- - -	299 15 5
Rubbee Sankha, viz.:				
On account of Bhagbuttia	37 9 13	73 12 –	- - -	73 12 –
Ditto - of Begotee	- - -	- - -	- - -	- - -
Ditto - of Gunvut	- - -	- - -	- - -	- - -
Kurreef over Ruvee, *Bs.* 8. 13.	- - -	22 8 –	- - -	22 8 –
TOTAL	704 5 15	1,444 12 5	72 3 4	1,372 9 1
Bharkhullee	434 6 0	120 6 –	8 4 8	112 1 4
Mangoe Produce	- - -	5 – –	- - -	5 – –
TOTAL	1,138 11 15	1,570 2 5	80 8 –	1,489 10 5
Grass Beer	- - -	134 – –	- - -	134 – –
GRAND TOTAL	1,138 11 15	1,704 2 5	80 8	1,623 10 5

Net Increase - - - - - - - -

Net Decrease - - - - - - - -

Ahmedabad, Collector's Office, Camp Dholka,
20 April 1841.

in the Village of Natole, of the Duskrobie Pegunnah, for Sumvut 1897.

ACCORDING TO THE TULLATEE'S ASMAISH.				DECREASE.		INCREASE.		Remarks.
	CURRENCY.							
Cultivated Land.	Sicca and Company's Rupees.	Deduct Exchange on Siccas.	Company's Rupees.	Cultivated Land.	Rupees.	Cultivated Land.	Rupees.	
B. v. vv.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*B. v. vv.*	*Rs. a. p.*	*B. v. vv.*	*Rs. a. p.*	
580 11 16	1,031 3 10	71 - -	960 3 10	4 14 17	16 1 10	—	—	
82 4 1	299 15 5	- - -	299 15 5	- - -	- - -	0 14 12	—	
30 0 6	41 15 6	- - -	41 15 6	7 9 7	31 12 6	—	—	
9 17 18	29 11 -	2 - 10	27 10 2	- - -	- - -	9 17 18	27 10 2	
4 0 0	—	—	—	—	—	—	—	
- - -	12 7 1	- - -	12 7 1	- - -	10 - 11	—	—	
706 14 1	1,415 4 10	73 - 10	1,342 4 -	12 4 4	57 15 3	14 12 10	27 10 2	
434 6 3	120 6 -	8 4 8	112 1 4	- - -	- - -	0 0 3	—	
- - -	10 - -	- - -	10 - -	- - -	- - -	- - -	5 - -	
1,141 0 4	1,545 10 10	81 5 6	1,464 5 4	12 4 4	57 15 3	14 12 13	32 10 2	
- - -	134 - -	- - -	134 - -	—	—	—	—	
1,141 0 4	1,679 10 10	81 5 6	1,598 5 4	12 4 4	57 15 3	14 12 13	32 10 2	

- - - - - - - - *Beegas* 2. 8. 9.

- - - - - - - - *Rupees* 25. 5. 1.

(signed) *R. K. Arbuthnot,*
Collector.

Case of Nursoo Luxmon.

MINUTE by the Honourable the Governor, concurred in by the Honourable Messrs. *Dunlop* and *Crawford*.

I THINK that on such an occasion as the present we should be guided rather by the actual state of the villages selected than by any fixed principle of average. If the village is one progressively improving, every succeeding year showing an increase of revenue, an average of the last 10 years would afford a false estimate of its value. The last year's receipts would be nearer the truth; but in the present case I think with Mr. Vibart, that a 10 years' average affords a fair estimate. The villages seem ordinary ones in all particulars. An individual proprietor may very possibly render them more productive than they are likely to become under Goverment management, and if he do so, this becomes a very legitimate source of profit to him. I think, therefore, that the value of the two villages of Nalole and Ropra may be taken at the sum shown in the third para. of Mr. Vibart's letter, viz., *Co.'s Rs.* 1,261. 2. 1.

2. In the letter from the Honourable Court we are directed "to secure to all parties holding hereditary interests in the villages, the full enjoyment of their respective rights." This injunction should be most scrupulously attended to, and Nursoo Lukshmun should distinctly understand, that by the transfer of these villages to him the Ryots are to be disturbed in none of their rights, and that they are to be admitted during the occupancy of himself and his two successors, to participate in all arrangements which the Government may introduce in the turuf, for the relief and benefit of the cultivating classes. From the statement accompanying the Collector's letter of the 30th April, it seems that the system of levying the revenue according to the crop still partially exists. This should be superseded by a beegotee here, as elsewhere.

3. On Nursoo Lukshmun's accepting these villages on these terms, I think they might me made over to him without the demand of any salamee. The difference between the value of the villages (1,261 rupees), and the sum allowed by the Honourable Court (1,200 rupees), is trifling, while the integrity of the enam tenure would be destroyed, and the value of the benefit conferred therefore greatly diminished, by insisting on its payment.

4. The Court's letter is dated in February 1840; the grant may therefore be held to commence with the official year 1840-41. For that year, the Collector of Ahmedabad may be authorised to pay the value of the enam, 1,200 rupees, in cash, and the possession of the villages may be held to commence with the current year 1841-42.

(signed) *G. W. Anderson.*
J. A. Dunlop.
J. H. Crawford.

18 May 1841.

No. 1713 of 1841.—Territorial Department.—Revenue.

From *L. R. Reid*, Esq., Chief Secretary to Government, Bombay, to the Revenue Commissioner.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, No. 627, dated the 8th instant, with enclosures, reporting that your dufturdar, Nursoo Luxumunjee, has selected the two villages Nalole and Ropra, in the Duskrohie purgunnah of the Ahmedabad zilla, as those which he is desirous of obtaining in inam, on the terms granted by the Honourable Court.

2. In reply, I am instructed to observe, that on such occasions as the present the actual state of the villages selected, rather than any fixed principle of average, should guide the decision. If the village be one progressively improving, every succeeding year, showing an increase of revenue, an average of the last 10 years would afford a false estimate of its value. The last year's receipts would be nearer the truth; but in the present case, the Governor in Council agrees with you,

Case of Nursoo Luxmon.

you, that a 10 years' average affords a fair estimate. The villages seem ordinary ones in all particulars; an individual proprietor may very possibly render them more productive than they are likely to become under Government management, and if he does so, this becomes a very legitimate source of profit to him. His Honour in Council thinks, therefore, that the value of the two villages of Nalole and Ropra should be taken at the sum shown in the third para. of your letter, viz., *Rs.* 1,261. 2. 1.

3. In the letter from the Honourable Court, this Government is directed "to secure to all parties holding hereditary interests in the villages, the full enjoyment of their respective rights." This injunction should be most scrupulously attended to, and Nursoo Lukshmun should be distinctly given to understand that by the transfer of these villages to him, the ryots are to be disturbed in none of their rights, and that they are to be admitted during the occupancy of himself and his two successors. to participate in all arrangements which the Government may introduce in the turuf for the relief and benefit of the cultivating classes. From the statement accompanying the Collector's letter of the 20th April, it seems that the system of levying the revenue according to the crop still partially exists; this should be superseded by a begottee here, as elsewhere.

4. On Nursoo Lukshmun's accepting these villages on these terms, the Governor in Council considers that they might be made over to him without the demand of any salamee. The difference between the value of the villages (1,261 rupees), and the sum allowed by the Honourable Court (1,200 rupees), is trifling, while the integrity of the inam tenure would be destroyed, and the value of the benefit conferred therefore greatly diminished, by insisting on its payment.

5. As the Honourable Court's letter conveying this grant is dated in February 1840, the grant may have effect from the official year 1840-41. For that year, the Collector of Ahmedabad should be authorised to pay the value of the enam, 1,200 rupees, in cash, and the possession of the villages may be held to commence with the current year 1841-42.

I have, &c.

(signed) *L. R. Reid,*
Chief Secretary.

Bombay Castle, 27 May 1841.

No. 1128 of 1841.—Territorial Department.—Revenue.

From *John Vibart,* Esq., Revenue Commissioner, to *L. R. Reid,* Esq., Chief Secretary to Government, Bombay.

Sir,

In reply to paras. 3 and 4, of your letter (No. 1713) of 27th May last, I have the honour to forward an original letter from Nursoo Luxumun, duftur-dar of this department, intimating his acceptance of the villages of Nalole and Rofra on the terms therein specified, and requesting that a sunnud, conveying the villages to him, may be granted by Government.

2. A draft of such a document, which I requested the Collector to prepare, was submitted by that officer, but there appeared to me to be several objections to it, and I have therefore drawn out another, which is herewith submitted for the approval of Government.

3. Similar documents conveying villages in the province of Guzerat have been granted by Government to the parties. and on the dates mentioned in the margin;* the difference of the terms of the present grant will account for all material

* Rumajee Hurry, 22 January 1830. Sarabhoy Bapabhoy, 17 February 1831, *Vide* Government letter, No. 3057 of 18 November 1830. Motichund Govind Ram, 19 March 1827. Ardesur Dunje Shah, 24 November 1830.

Case of Nursoo Luxmon.

material variation between the sunnuds given on those occasions, and that now forwarded.

4. If approved, I would beg to suggest that the sunnud be engrossed on parchment, and returned executed, in order that it may be forwarded to the Collector of Ahmedabad, to be registered and transmitted to the grantee in the usual manner.

I have, &c.

(signed) *J. Vibart,*
Revenue Commissioner.

Poonah Revenue Commissioner's Office,
16 August 1841.

To *John Vibart,* Esq., Revenue Commissioner.

Sir,

You having had the goodness to explain to me personally the substance of paras. 3 and 4, of Mr. Chief Secretary Reid's letter of 27th May last, No. 1713, I respectfully beg that you will intimate to Government that I gratefully accept the villages in the terms therein specified, and that you will obtain for me a formal sunnud conveying the villages to me.

I have, &c.

(signed) *Nursoo Luxumun,*
Dufturdar.

Poonah, 13 August 1841.

To *Leeahut Wn. Uhuleeut Maab Nurso Luxumun,* Row Buhadoor, Surname Mawnlungkur, Nayek Surdesaee, by caste a Kurada Brahmun, originally an inhabitant of Kusba Sytawadey, in the Turf of the same name, in the Rutnagherry Talooka, in the Southern Konkun, and now an inhabitant of the City of Ahmedabad, Sulamhoo Ullah Taalla.

WHEREAS you have long and faithfully served the East India Company in the Revenue Department in all the zillahs of the province of Goozrath, and in other capacities, and as dufturdar in the Revenue Commissioner's Office, the Honourable the Governor of Bombay in Council was pleased to recommend to the Honourable Court of Directors that a village should be granted to you as inam, in perpetuity, as a permanent mark of Government's sense of your valuable services; and the Honourable Court in consequence were pleased to direct, under date the 20th February 1840, that an inam should be conferred on you for three lives.

The Honourable the Governor in Council is therefore pleased hereby to grant to you and your two successors in inam, all the Government rights on the lands comprised within the boundaries of the villages of Ropra and of Nalole, including its koorum in the Duskrohie purgunnah of the Ahmedabad collectorate, in the province of Goozrath; together with all the other rights and sources of revenue belonging to Government therein, with the exception only of the abkaree and land customs, and saving the rights of all wuttundars.

It was the intention of Government that the order of the Honourable Court should have effect from the commencement of the official year 1840–41, but that year having already expired, you have received the value of the inam for that year in cash from Government, and your possession of the villages will be held to commence with the current year, 1841–42, Sumvut 1898.

The police and civil business will be regulated according to the custom of the country and and the regulations of Government.

By order, &c.

(signed) *W. R. Morris,*
Secretary to Government.

Bombay Castle, 10 September 1841.

Case of Nursoo Luxmon

MINUTE by the Honourable the Governor, concurred in by the Honourable Mr. *Crawford*, without date.

THE sunnud may be prepared in the manner suggested by the Revenue Commissioner.

(signed) *G. W. Anderson.*
J. H. Crawford.

No. 2774 of 1841.—Territorial Department Revenue.

From *W. R. Morris*, Esq., Secretary to Government, Bombay, to the Revenue Commissioner.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, No. 1128, dated the 16th ultimo, with enclosures, and to transmit to you the accompanying sunnud, duly executed, agreeably to the draft submitted by you for the villages of Nalole and Ropra, granted in Enam for three lives to Nursoo Luxumon, dufturdar of your office.

I have, &c.
(signed) *W. R. Morris,*
Secretary to Government.

Bombay Castle,
10 September 1841.

(True extract.)

(signed) A. Malet, Chief Secretary.

CIRCULAR.

No. 3763 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to the Heads of all Departments.

Sir,

NURSOO LUXOOMUN, late native agent to the Resident at Baroda, having been proved guilty of highly improper conduct while holding that appointment, was dismissed from the service of Government, under date the 20th January 1852, and is now formally declared incapable of re-employment in the public service.

I have, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle, 28 August 1852.

Nos. 3764, 3765, 3766, and 3767.

RESOLVED, That a copy of the above circular* be transferred to the Revenue and Financial Departments of the Secretariate for information and guidance, with an intimation that the same has been communicated to the heads of all departments subordinate thereto.

* Judicial, General, Military, and Marine.

(signed) *A. Malet,*
Chief Secretary.

Bombay Castle, 28 August 1852.

Case of Nursoo Luxmon.

No. 3768 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to the Civil Auditor, Bombay.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you copy of a letter (No. 516) addressed on the 23d January last, by the Secretary to Government in the Revenue Department, to Mr. Jenkins, acting collector at Ahmedabad, directing the resumption from the 22d May 1851, of the personal allowance of one hundred (100) rupees per mensem, granted to Nursoo Luxmon in the Government (revenue) letter to the address of your predecessor, dated the 10th October 1833, No. 2948; and to inform you that the palanquin allowance of six hundred (600) rupees per annum conferred upon him in the same letter, has also been resumed from the above date.

I have, &c.
(signed) *A. Malet*,
Chief Secretary.

Bombay Castle, 28 August 1852.

Nos. 3769, 3770, 3771, and 3772.

COPY to be sent to the Accountant-general.
" the General Paymaster.
" the Revenue Commissioner, Northern Division.
" the Collector of Ahmedabad.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle, 28 August 1852.

No. 516 of 1852.—Territorial Department, Revenue.

From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to *E. L. Jenkins*, Esq., Acting Collector, Ahmedabad.

Sir,

WITH reference to the letter forwarded to you from the Political Department, under date the 20th instant, No. 293, and its accompanying extract from proceedings, I am directed to notify to you from the Revenue Department, the removal from office of your dufterdar, Nursoba Luxoomon; and also to inform you that his salary and personal allowance of 100 rupees a month are to cease from the 22d May last, the day on which he was suspended from his situation.

I have, &c.
(signed) *H. E. Goldsmid*,
Secretary to Government.

Bombay Castle, 23 January 1852.

Extract Bombay Political Consultation, 17 March 1852.

Petition from *Nursoo Luxmon*, Ex-dufturdar of Ahmedabad, to the Right Honourable Lord Viscount *Falkland*, Governor in Council, Bombay.

Most respectfully showeth,

THAT nearly three months and three quarters have elapsed since the Commissioner (appointed to inquire into certain false charges brought against him by Colonel Outram) closed the proceedings; but your petitioner has not as yet been informed of the final decision in his case.

That the pernicious effect of the mortifying annoyance and anxieties (which have engrossed his mind for the last 21 months) upon his already weakened constitution, can be more easily conceived than expressed; and disgusted at the thought of passing the present days of his life in vain, the lingering suspense owing to the delay renders his situation extremely intolerable.

That

That he confidently trusts that Government will kindly do him justice; but the delay that has occurred has, for the above reason, compelled him to trouble your Honourable Board with this application for the favour of an early decision or orders. Case of Nursoo Luxmon.

And your Lordship's petitioner, as in duty bound, shall ever pray.

(signed) *Nursoo Luxmon*,
Ex-dufturdar of Ahmedabad.

Surat,
1 February 1852.

Minute by the Right Honourable the Governor, concurred in by the Honourable Messrs. *Blane* and *Bell*.

On the 20th January, Nursoo Punt was referred to the collector of Ahmedabad for information as to the result of the Commissioner's inquiry. This may therefore be filed.

(signed) *Falkland*.
D. A. Blane.
A. Bell.

6 February 1852.

Petition from *Nursoo Luxmon* to the Right Honourable Lord Viscount *Falkland*, Governor in Council, Bombay. No. 1777.

Most respectfully showeth,

That with reference to the Government's orders conveyed in Mr. Chief Secretary Malet's letter, No. 294, of the 20th ultimo, which reached him on the 2d instant, referring him (in reply to his petition of the 18th October last) to the collector of Ahmedabad for the decision of Government, he received from the latter authority, last evening, a copy of the same, intimating the petitioner's dismissal from the Government service.

That as, in passing such a severe sentence, Government has most probably been guided by the opinion and sentiments of the Commissioner, Mr. Frere, your humble petitioner most earnestly begs to solicit your Lordship in Council to favour him with a copy of this officer's findings on the several charges, or, in other words, of his general report on the merits of the whole case, as well as of any remarks he may have made on his petitions to Government.

Further, as this decision does not clearly show the grounds upon which Government has decided against him to the extent therein specified, he most humbly craves your Lordship in Council to do him the favour, for the sake of justice to intimate to him, in detail, the grounds upon which he is convicted of the second charge; the particular circumstances connected with the third charge, wherein his conduct has been considered open to animadversion; and most especially the grounds upon which it is decided that considerable suspicion attaches to him, in charges Nos. 4 and 5.

That copies of Mr. Frere's reports, as well as the above minute explanation, are required by him to be enabled to show any grounds that might, if possible, induce your Lordship in Council to revise the decision passed against him; or should your Honourable Board be not disposed to revise the case, the solicited information will at least enable him to appeal to the Honourable the Court of Directors against the injustice he has suffered.

That in ordinary instances, in a session court, a trial like that of your petitioner would not have probably required more than three weeks or a month; yet five months elapsed from the date of his suspension up to the closing of the proceedings by the Commissioner, and three months and a half have passed since, before he was informed of the above decision.

That your petitioner, therefore, trusts that in consideration of the inconvenience to which he has been subjected by the above delay, Government will now favour him with a speedy reply to this petition, in order that he may thereby be enabled early to take such steps as may be necessary to secure justice for himself.

And your poor petitioner, as in duty bound, shall ever pray.

(signed) *Nursoo Luxmon*.

Surat, 10 February 1852.

Case of Nursoo Luxmon.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane*.

No. 1778.

NURSOO LUXMON was thoroughly acquainted with the charges on which he was arraigned; he had every opportunity of defending himself, and of rebutting those charges. He has not done this, and I do not conceive he has any right to ask us to enter into a controversy with him on points which we have already decided, after the most careful consideration of all he had to allege in extenuation of his conduct.

(signed) *Falkland.*
D. A. Blane.

24 February 1852.

No. 1779.

MINUTE by the Honourable Mr. *Bell*.

I THINK the accused entitled to a copy of the resolution furnished to the prosecutor; but I am decidedly opposed to entering into any controversy with the applicant on the subject of the charges in which his conduct is questioned.

(signed) *A. Bell.*

26 February 1852.

No. 1780.

Further MINUTE by the Right Honourable the Governor (without date).

NURSOO PUNT'S object in obtaining a copy of Mr. Frere's report on his case, and also the course of reasoning by which we have been led to form the opinions to which we have come, as regards each particular charge, is of course to impugn the grounds on which he has been condemned. In fact, to obtain a new trial, or rather decision, on appeal to the Honourable Court, without his assertions undergoing the keen scrutiny of a Commissioner on the spot, and without the truth of his allegations being tested by *vivâ voce* cross-examination.

I conceive that Nursoo Punt had a fair trial, and every opportunity of defending himself. We think he has failed to refute the evidence against him on some points; but having had every possible advantage during the late investigation, and being a man of great acuteness, I feel confident that he took care to make the best of his case; indeed, the proceedings on that occasion sufficiently show that he did so. If Nursoo deem that he have such strong evidence to bring forward as would upset that lately given, let him send it to us, and ask for a new trial; but we can scarcely expect that he will concur in any course of reasoning that led us to believe him even partially guilty.

We have arrived at our conclusions after much consideration on the evidence before us, being aided in our deliberations by the recorded opinions of the Commissioner. The reasons why we arrived at such conclusions are contained in the evidence brought forward for and against the Punt, and I would not acquaint him with the course of argument followed by one or any of us; our doing so could produce nothing but controversy.

Whether our decision is a sound one will be determined by the Honourable Court, to whom our reasons for pronouncing it will be submitted, as well as Nursoo Punt's defence; and if we have passed an unjust sentence according to the evidence before us, that sentence will be annulled by superior authority.

I would remark, that the papers bearing on this trial were not granted by Government to Lieutenant-colonel Outram in his capacity of prosecutor, nor with the object, either on his part or on ours, of influencing the fate of Nursoo Punt one way or the other; they were given to Colonel Outram as being deemed necessary by him in his own vindication. I adhere to my minute of the 24th ultimo.

(signed) *Falkland.*

Case of Nursoo Luxmon.

MINUTE by the Honourable Mr. *Blane*, concurred in by the Honourable Mr. *Warden*.

No. 1781.

ALL that it is customary to afford in cases disposed of by our criminal courts would seem to have already been furnished to Nursoo Punt That a further portion of the proceedings was supplied to Colonel Outram in his capacity of a Government officer, after the case had been finally brought to a close, cannot, I think, be considered to constitute a precedent, or to afford any reason for deviating from the ordinary practice towards the party convicted.

(signed) *D. A. Blane.*
J. Warden.

7 March 1852.

Seen.

(signed) A. Bell.

No. 992 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *Nursoo Luxmon*, Surat.

No. 1782.

IN reply to your petition, dated the 10th ultimo, I am directed to inform you that the Right Honourable the Governor in Council declines to comply with your requests therein preferred.

By order, &c.

Bombay Castle,
9 March 1852.

(signed) *A. Malet*, Chief Secretary.

Extract Bombay Political Consultation, October 1852.

From *Nursoo Luxumun*, Bombay, to *A. Malet*, Esq., Chief Secretary to the Government, Bombay.

Sir,

IN pursuance of the intention expressed in my letter to your address, dated the 18th July last, I now beg respectfully to forward my humble memorial in triplicate to the Honourable the Court of Directors, and to request that you will lay it before the Right Honourable the Governor in Council, in order that such favourable opinion as the Honourable Board may deem it deserving of may be recorded thereon, previous to its being forwarded to its destination; since the grounds on which I have been dismissed from the public service have not been fully made known to me; and I am therefore hopeful that his Lordship in Council will assist me in procuring the redress which I seek from the Honourable Court.

I am, &c.

Bombay, 9 September 1852.

(signed) *Nursoo Luxumun.*

Case of Nursoo Luxmon.

Memorial of *Nurso Luxumun.*

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To the Honourable the Court of Directors for the Affairs of the East India Company, London.

The humble Memorial of *Nurso Luxoomun*, formerly Native Agent at Baroda, and late Dufturdar of Ahmedabad.

Showeth,

That your memorialist has spent the best portion of his life as a public servant on the Native Civil Establishment of the Bombay Presidency, and has filled some of the highest and most responsible offices which it is competent for aboriginal natives of India to hold.

2. That notwithstanding your memorialist's long and faithful services to the State, and after having received repeated tokens of the approbation of his superiors, and of your Honourable Court, he has been dismissed from his employment by the Bombay Government without just and sufficient cause; and your memorialist has in vain petitioned the Right honourable the Governor in Council of Bombay for a reversal of that severe and unmerited sentence, or at least to favour your memorialist with a statement of the grounds on which it was passed.

3. That having so failed, your memorialist sees no means of procuring redress than that of humbly seeking it from that high authority, having its source in the great and venerated corporation which is represented by your Honourable Court. At the same time, your memorialist deeply deplores the necessity which compels him to adopt this step, but no other alternative presents itself to him, except that of submitting silently to a decision which, having deprived him

him of the high and irreproachable character acquired by him throughout the long period of about 33 years of public service, has covered him with infamy and disgrace in his old age.

4. Having the fullest confidence in your Honourable Court's justice and impartiality, and the highest respect for the wisdom which distinguishes your proceedings, your memorialist is encouraged to hope that this humble representation of his peculiarly grievous case may engage your Honourable Court's serious attention and consideration; and your memorialist further trusts, that in the exercise of your mature judgment and discretion, your Honourable Court, upon having duly considered all that your memorialist is about to state, may see good reason to disapprove of the harsh measure adopted towards him by the Bombay Government, and may rescue him from the humiliating situation to which that measure has reduced him.

5. Before commencing a narrative of the successive events which occurred previous to, and during your memorialist's trial before W. E. Frere, Esq., the gentleman who was appointed a Commissioner by the Government for the purpose of trying him at Baroda, upon certain charges preferred against him by the late Resident, Colonel Outram, your memorialist most respectfully begs to lay before your Honourable Court the following abstract of his long services.

6. Your memorialist first entered the service of your Honourable Company's Bombay Government in the year 1818, as tulatee, or accountant, of the village of Ore, in the Duskoorie Purgunnah of the Ahmedabad Collectorate. While so employed your memorialist's conduct attracted the favourable notice of Captain Cruickshank, the head of the revenue survey department; and your memorialist was introduced by him to the Collector, Mr. Dunlop, by whom he was appointed an assistant to the dufturdar of Ahmedabad.

7. While employed in this situation, your memorialist became known to Thomas Williamson, Esq., late Revenue Commissioner, and then first assistant collector, at whose request the collector allowed your memorialist to accompany him to the Purgunnas of Purantage and Veerungaum, the revenue settlement of which had been intrusted by the Government to Mr. Williamson, in the year 1822–23. Having on that occasion conducted himself to his satisfaction, Mr. Williamson again employed your memorialist as his native assistant in making a septennial revenue settlement with the Raja of Bhownuggur, for the whole of his possessions within your Honourable Company's territories; and Mr. Williamson acknowledged, in high terms of praise, the aid he received from your memorialist in the preliminary inquiries which he found it necessary to make before he proceeded with the settlement.

8. In the year 1824–25, your memorialist was appointed kumavisdar of Alleena, in Guzerat, and in the performance of his duties in that appointment he succeeded in giving perfect satisfaction to his superiors. In 1825–26, your memorialist was appointed to the first class kumavisdarship of Neepar, being thus placed over nearly one half of your Honourable Company's share of the district of Pitland. The tract of country over the police, as well as the revenue administration, of which your memorialist exercised a superintendence while he held the above appointment, comprised a number of very troublesome Mewassee villages; and your memorialist succeeded in checking the predatory and lawless proceedings of the kolies who inhabited them, and in bringing to condign punishment several old and notorious offenders, who had long disturbed the public peace. At a subsequent period in 1828, when Mr. Williamson was appointed by the Government to effect the permanent revenue settlement of the Broach Purgunnah, your memorialist was placed by him at the head of his native establishment, and was again so fortunate as to afford that gentleman reason to approve of his conduct; and by Mr. Williamson's assistant, Mr. Philip Stewart, the late collector of Surat, who afterwards principally conducted the duties of the abovementioned revenue settlement, your memorialist's services were mentioned in commendatory terms.

9. Your memorialist was appointed mamlutdar of Borsud in the year 1829, and his superior, the then collector of Kaira, E. B. Mills, Esq., expressed on several occasions, both orally and in writing, his favourable opinion of your memorialist's services. In the year 1830, the late Sir John Malcolm, then Governor of Bombay, having proceeded on a tour through Goozerat, Kattiawar,

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and Cutch, your memorialist was selected to accompany him, and your memorialist had the honour to receive the highest commendations from his Excellency.

10. Shortly afterwards, the late John Andrew Dunlop, Esq., having been then recently appointed Revenue Commissioner, visited the Broach and other districts, and having heard a good character of your memorialist, invited him to accept the appointment of dufturdar in his department; but your memorialist being then in bad health, and unable to endure the fatigue of travelling, declined the appointment. Mr. Dunlop having, however, strongly recommended him to the Government, your memorialist was appointed dufturdar of Surat. Your memorialist continued to serve under the principal collector, Mr. Stubbs, until May 1832, when your memorialist received the appointment of dufturdar in the office of the Revenue Commissioner, on which occasion Mr. Stubbs bore high testimony to your memorialist's conduct and abilities.

11. In September 1833, the Revenue Commissioner, Thomas Williamson, Esq., under whom your memorialist was again employed, brought your memorialist's services specially to the notice of the Government, and recommended that your memorialist should receive an increase of 100 rupees to his monthly salary, which then amounted to 300 rupees, and that there should be presented to your memorialist a palanquin, with an annual allowance of 600 rupees to support it. The Government was accordingly pleased to comply with the recommendation of Mr. Williamson, subject to your Honourable Court's confirmation, which was granted in a despatch to the address of your Governor in Council at Bombay, dated 30th March 1836.

12. In November 1838, the Revenue Commissioner, Mr. Williamson, did your memorialist the honour to bring his services again prominently to the notice of the Government. In his letter to the address of the Acting Chief Secretary, Mr. Williamson wrote regarding your memorialist in the following flattering terms: "The improved state of the accounts in the zillas under this department is in a great measure to be attributed to Nurso Luximon's advice and assistance; and of the numerous abuses and systems of frauds and oppressions which have from time to time been brought to the notice of the local authorities and of Government by this department, many would, but for his vigilance and fidelity, have long remained undiscovered."

13. On this occasion, Mr. Williamson proposed to the Government that a grant of a village in Inam, of the annual value of 1,200 rupees, should be made to your memorialist. The Government recommended the above proposal to your Honourable Court, and at the same time sanctioned an immediate increase of 100 rupees to your memorialist's salary, to which your memorialist would have become entitled, according to the rules of the service, in two years' time.

14. In May 1840, the Chief Secretary to the Government transmitted to Mr. Williamson's successor, Mr. Vibart, an extract of a letter from your Honourable Court, authorising the Bombay Government to confer upon your memorialist an inam of the annual value of 1,200 rupees for three lives. In pursuance of this sanction, your memorialist was put in possession of two villages, agreeably to a letter from the Chief Secretary to the Government, dated the 27th May 1841.

15. In February 1842, Mr. Vibart, when about to vacate the office of Revenue Commissioner, wrote to the Government, noticing your memorialist's services; and adverting to your memorialist's most grateful acceptance of the Inam for three lives conferred upon him by your Honourable Court, at the recommendation of the Government, he requested that your Honourable Court might be urged to make the inam perpetual, in accordance with the usage in cases in which grants so denominated are conferred. Mr. Vibart's letter was forwarded by the Government to your Honourable Court, who however declined to comply with his proposal, as interfering with certain principles which your Honourable Court had adopted in regard to the remuneration of services rendered by public servants.

16. Your memorialist subsequently continued to serve in his appointment of dufturdar in the Revenue Commissioner's office, and attracted the favourable regard of the two gentlemen (Messrs. Simson and Pringle), who, after Mr. Vibart's departure, successively held the appointment of Revenue Commissioner.

In

In December 1843, your memorialist's declining health having rendered him physically unfit to travel through the districts with the Revenue Commissioner's department, and consequently feeling that he could not any longer continue the efficient performance of the arduous duties required of him, he petitioned the Revenue Commissioner to be permitted to vacate his appointment and accept the situation of native agent to the Resident of Baroda, then vacant, and offered to him by the late W. S. Boyd, Esq. Case of Nursoo Luxmon.

17. The most imperative necessity alone forced your memorialist to take this step, since his prospects in the department which he wished to quit were such, that if his health had permitted he would never have sacrificed them by entering another department of the public service. Your memorialist's increasing infirmities, however, rendering him quite unequal to bear any longer the physical exertion required to accomplish long journeys, and to suffer discomforts peculiarly trying to a sick man, and as your memorialist had not served the whole period of 30 years to enable him to claim a pension, he was most reluctantly compelled to accept the less eligible appointment of native agent at Baroda; thinking, however, that he would be able to earn greater distinction for himself in the service of the Government, and not lose what he had already acquired, yet without reflecting that he might at a future day have cause, as he has since had, bitterly to repent his having made so unfortunate an exchange.

18. Your memorialist assumed the office of native agent at Baroda in the month of June 1844, and served under the late W. S. Boyd, Esq., Messrs. Remington and Ogilvie, who had charge successively of the Residency after Mr. Boyd's decease, Sir R. K. Arbuthnot, W. C. Andrews, Esq., Colonel Outram, and Captain French, all of whom successively held the office of Resident; and none of those gentlemen, with the exception of Colonel Outram, ever expressed any dissatisfaction with your memorialist's conduct, but, on the contrary, bore the highest testimony to your memorialist's character, and to the manner in which he conducted the duties of his situation. Even Colonel Outram, your memorialist begs to observe, always acted towards him in such a way as to satisfy your memorialist that, until the period when your memorialist's enemies succeeded in raising prejudices against him in the mind of that gentleman, your memorialist had always enjoyed his fullest confidence and esteem.

19. In the preceding statement your memorialist has endeavoured to lay before your Honourable Court a brief abstract of his services to the State, and he begs respectfully to solicit your Honourable Court's perusal of the accompanying copies of the testimonials in reference to those services, that were at various times recorded by the officers of the Government under whom your memorialist served. And considering the very high character which he has hitherto borne, your memorialist is assured that your Honourable Court will not readily concur in the condemnation which has been pronounced upon him by the local Government, but that you will dispassionately inquire into the various circumstances of your memorialist's case, and patiently attend to the facts and arguments which he is about to lay before your Honourable Court. Appendix (A.)

20. Your memorialist will therefore at once proceed to state, that in the year 1848 Colonel Outram, being then Resident at Baroda, obtained a furlough to Egypt; but previously to his departure from Baroda, he had addressed to the Government two official letters, one dated the 31st of August, and the other the 7th of September 1848. The first of those letters related to the claim of the firm of Hurree Bhuktee against Govindrao Guicowar, the adopted son of Radha Baee, the widow of Futteh Sing Gaickwar, and in it Colonel Outram represented the conduct of your memorialist in an unfavourable light. In the other letter, a similar representation was made by him against your memorialist, in reference to the result of certain inquiries which he (Colonel Outram) had made into the affairs of one Pole, a pagadar or commander of a body of horse in the service of his Highness the Gaickwar, and enjoying the guarantee of the British Government.

21. An answer to the above communications was received by the officiating Resident, Captain P. T. French. A copy thereof, being a letter from Mr. Chief Secretary Malet, dated the 12th January 1849, accompanies this memorial, Appendix (B.)

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and your Honourable Court will perceive from it that the Government fully exonerated your memorialist from the imputations cast upon his character in the letters of Colonel Outram above adverted to.

22. In conducting his inquiries in the case of the Pagadar Pol, Colonel Outram thought it advisable to avail himself of the services of one Venaik Moreshwur Fudkeh, *alias* Baba Fudkeh. This person was formerly employed for some time in the office of the Political Agent of Rewa Kaunta, and while so employed, or afterwards, it appears that he lent some money to the Thakoor of Bhadurwa, and obtained bonds from him mortgaging a portion of his territory, the revenue of which Fudkeh used to receive in liquidation of his claims, and consequently the tribute due to Government from the Thakoor fell into arrears. This circumstance having come to the knowledge of Sir R. K. Arbuthnot, who was for some time in charge of the Rewa Kaunta agency, he arranged for the whole of the Thakoor's territory being sequestered, and this arrangement was subsequently carried out by Mr. Andrews, the acting Resident, who received charge of the Rewa Kaunta agency from Sir R. K. Arbuthnot. Thereupon the revenue of the mortgaged villages ceased to be paid to Fudkeh, who therefore supposed that this measure had been brought about by your memorialist; and being at all times inimical to your memorialist, and desirous of supplanting him in the situation of native agent, the above circumstance tended to excite his enmity against your memorialist in the highest degree. Having previously known Colonel Outram, Fudkeh therefore took every opportunity of speaking ill of your memorialist to that officer after his appointment as Resident at Baroda. With regard to that individual having been employed by Colonel Outram to assist him in his investigations, Mr. Chief Secretary Malet noticed this circumstance in his letter in the following terms:

"2. With reference to paras. 2 to 13 of his report, in which Colonel Outram explains the reasons which obliged him to obtain the assistance of Venack Moreshwur Fudkeh, a person not in the employ of Government, in investigating the claims of Parukh Jugjeewun Kahandass against the Pol, I am directed to inform you, that the Colonel was justified, when his suspicions were excited, in making use of extra aid in prosecuting his inquiries into the case, but that he greatly erred in seeking it from a person whose employment in a political office had before been forbidden by Government; a procedure which makes it evident that he could not have examined the records of his office, in which the correspondence concerning this person existed."

23. Considering the active part taken by Venaek Moreshwur Fudkeh in assisting Colonel Outram in the investigation of the matters above alluded to, and subsequently in getting up the charges upon which your memorialist was tried before the Commissioner, Mr. Frere, and also looking at the complete influence exercised by that individual over the mind of Colonel Outram, and so skilfully employed by him in bringing about the ruin of your memorialist, the above extract may tend to show your Honourable Court the course pursued towards your memorialist in the first instance by Colonel Outram, a course of which the Government of Bombay disapproved, as will be seen by the following further extract from the letter of their Chief Secretary to the address of Captain French, already quoted above:—

"Although the Right honourable the Governor in Council is of opinion that Colonel Outram, with his suspicions excited, was justified in employing another person than the native agent in the investigation, he is also of opinion that Colonel Outram's grounds for suspicion were unsound, and that it is therefore much to be lamented that he entrusted to another a duty which he ought to have required Nursoo Punt to perform. His integrity would have been fairly tested had he been entrusted openly, and with that confidential expression of his own views which is due from a Resident to a native in such a situation, with the inquiry into the Parukh's account."

24. While alluding to the employment of Venaek Moreshwur Fudkeh by Colonel Outram, in supercession of your memorialist, he cannot refrain from also quoting the further sentiments expressed on this subject by the Bombay Government. In the 37th para. of the same letter Mr. Chief Secretary Malet writes: "With respect to the employment of Venaek Moreshwur Fudkeh in investigating Gorajee Pol's accounts, I am again desired to express the opinion

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opinion of Government, that it was both improper and injudicious; not only under the recorded opinion of Government, that this person was not eligible to be employed in any political capacity, but likewise because it could not have been expected that he would act with impartiality as a referee on any matter in which the native agent was concerned, since Fudkeh was not only a rival candidate for the office of native agent when Nursoo Luxoomun was appointed in 1844, but now aspires to succeed him in the event of his removal, and Colonel Outram, notwithstanding the opinion of the Government of 1844 (in which his Lordship in Council entirely concurs) of his ineligibility for this responsible office, has actually proposed that Venaek Moreshwur should be appointed on the retirement of the present native agent."

25. From the foregoing extracts from the Government letter, your memorialist doubts not that it will clearly appear to your Honourable Court, that Colonel Outram must have been imposed upon by the misrepresentations of your memorialist's rival and enemy, Venaek Moreshwur Fudkey, and that relying upon the information with which this person supplied him, Colonel Outram conceived strong prejudices against your memorialist, and was induced to represent his character to the Government in the light in which he did. Impartially viewed, however, as your memorialist's conduct was at that time by the Members of the Bombay Government, it did not appear to them to be deserving the stigma which Colonel Outram attempted to attach to it. Your memorialist must therefore again quote from the letter of Mr. Chief Secretary Malet, already quoted from, their deliberate and final opinion on the representations of Colonel Outram. "In conclusion," writes Mr. Chief Secretary Malet, "I am desired to inform you that, so far from concurring in Colonel Outram's opinion, his Lordship in Council is persuaded that the examination into the cases before Government has removed from Nurso Luxumon all suspicion of misconduct in respect to them. Under these circumstances, it is unnecessary even to inform him of the nature of the imputations cast on him (which seems not yet to have been intimated to him), or to require explanation on any single point in these transactions."

26. Some months subsequently to the receipt of Mr. Chief Secretary Malet's letter, Colonel Outram having returned from Egypt, resumed charge of the Residency. Previously to that gentleman's return, your memorialist's enemies had taken care to convey to him full intelligence of the above decision, as may be seen from a report addressed by Captain French to the Bombay Government in 1850; and consequently, when Colonel Outram returned, his mind was much incensed against your memorialist. About that time your memorialist was appointed dufturdar of Ahmedabad; and it soon became evident that your memorialist's disappointed enemies had determined that he should, by some means or another, be made the victim of their rancorous hostility.

27. Accordingly, after having spent a twelvemonth in gathering together, with the aid of your memorialist's enemies, the materials for a public prosecution of your memorialist, Colonel Outram prepared a number of charges against him, and transmitted them to the Bombay Government, by whom a Commissioner having been appointed to try him under the provisions of Act XXXVII. of 1850, passed by the Governor-general of India in Council, your memorialist was suspended from his office, and directed to proceed from Ahmedabad to Baroda in the month of May 1851. Your memorialist immediately complied cheerfully with the orders of the Government, and proceeded to Baroda to stand his trial.

28. The position in which your memorialist now found himself was such, that little hope remained to him of his being able to establish his innocence, since moreover your memorialist's representation to the Government in June 1851, of the difficulties connected with the investigation about to be entered into by the Commissioner, was of no avail; and the only consolation which upheld your memorialist's desponding spirits was derived from the reflection that the Government had selected for his judge a gentleman of whose ability and experience your memorialist had previously heard, and in whom he felt the highest confidence; yet your memorialist could not help entertaining a considerable degree of anxiety on looking at the formidable array of evidence, both oral and documentary, which, with the aid of unscrupulous intrigues and servile dependants, had been assiduously prepared by Colonel Outram to overwhelm your memorialist.

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rialist. Far be it, however, from your memorialist to impute to that gentleman a malicious or unworthy desire to wreak upon your memorialist any revengeful designs, or to insinuate that in his procedure towards your memorialist, he was actuated by any personal grudge or private resentment. On the contrary, your memorialist is persuaded that such ungenerous and ignoble motives could never have actuated Colonel Outram. At the same time your memorialist, from his own experience and observation, is fully convinced that Colonel Outram, being naturally of a hasty temperament, and subject to the influence of vehement feelings, allowed his judgment to be deceived by the monstrous and incredible relations of the designing and unprincipled persons by whom he was surrounded, and whose interest it was to cause him to yield implicit belief to every accusation which they chose to fabricate against your memorialist. Otherwise your memorialist cannot conceive how a Government officer of Colonel Outram's rank and standing in the public service could have conceived it consistent with reason to charge your memorialist with having withheld from Captain French information which he could not have required from your memorialist; since the English records of the Residency, which that officer constantly consulted, and over which your memorialist had no control, afforded him not only that, but information on every other subject connected with the business of the Residency. Nor can your memorialist imagine how, if Colonel Outram had not been entirely imposed upon by his informants, he could for a moment have attached any credibility to the story of your memorialist having caused an agent to be sent from Baroda to Bombay for the purpose of bribing a Member of Council.

29. Colonel Outram clearly saw that the Government of Bombay would not be induced to reconsider the matters which they had already maturely considered and disposed of, and their decision on which was communicated to Captain French in the letter of Mr. Chief Secretary Malet of the 12th of January 1849. He therefore determined to use every means to elicit new grounds of accusation against your memorialist; and he thought that, if he could prove any connexion or collusion between your memorialist and the firm of Hurree Bhuktee, his object would be easily accomplished. There were not wanting at Baroda enemies of your memorialist ready to seize with avidity any opportunity of working harm to him; and having soon discovered the highly irritable feelings which Colonel Outram entertained towards your memorialist, they set on foot intrigues conducted with consummate ability, and of course attended with singular success. Your memorialist's absence from Baroda at this time was a circumstance peculiarly unfortunate to him, but extremely felicitous for those who were straining every nerve to bring about his ruin. About the time of your memorialist's departure from Baroda for Ahmedabad in June 1850, a petition, bearing a fictitious signature, that had been received by the Government in 1848, and referred to the Residency, and reported on by Captain French, was again produced; and it was suggested to Colonel Outram that its contents should be made the groundwork of the superstructure which it was proposed to raise, in order to facilitate the ulterior prosecution of your memorialist. But it was necessary that living witnesses should be forthcoming to support every false allegation which might be susceptible of proof. For this purpose, fitting instruments were procured without delay. Lulloo Bhugwan and Bhugwan Bhowanee, both of them goomastas, or clerks, of the firm of Hurree Bhuktee, men notorious for their intrigues, and who were quondam associates and confidants of Baba Nafuda, the representative of that firm, being in confinement, were most anxious to obtain their release; and were easily convinced that the best way to effect it would be to send a representation to the Residency, and to take care that it should prominently set forth an allegation of your memorialist's collusion with Baba Nafuda.

30. Success naturally attended their efforts to serve themselves in this way at the expense of your memorialist, and every one became aware that those who should traduce your memorialist would assuredly obtain countenance and support at the Residency. The statements of the above-named individuals at once furnished a pretext for examining the account books of the firm of Hurree Bhuktee, as well as those of Baba Nafuda's own firm; and this having been done, certain entries of an unexplained character were found. These, however, were considered sufficient evidence to support various vague charges which it was resolved to get up against your memorialist. At this juncture, a man named

Jeyram

Jeyram Hybut, boldly came forward; and having avowed that he was the author of the petition above alluded to, deposed that if the books of the firm of Hurree Bhuktee were examined, it would be found that bribery had been practised. Your memorialist begs to observe that the above-named Jeyram was a dismissed servant of the Government; that his misconduct had been brought to the notice of your Honourable Court, who approved of his dismissal; that Colonel Outram admitted that he was a man of bad character, and that the man himself confessed that he bore your memorialist a grudge. Case of Nursoo Luxmon.

31. In the books, however, not the slightest allusion to your memorialist was found; something more tangible and precise was therefore held to be required to establish your memorialist's connexion with the firm. It was consequently suggested that Baba Nafuda's private papers should be seized and brought to the Residency, and that there should be surreptitiously inserted among them a scrap of writing, purporting to be a memorandum explanatory of an item of 20,000 rupees which appeared in the book of the firm for the Sumvut year 1901, but without any name being mentioned in it. To confirm the testimony of the memorandum, it was then resolved that two goomastas and a menial servant should be brought upon the stage to give their evidence on the subject, although no mention of them had been made before, and their first appearance was long after the discovery of the entries in the books. Need your memorialist say that this plot succeeded admirably, or that it was deficient in any particular which the most audacious perjury could supply. Indeed, the inventive faculties of your memorialist's enemies at this period lacked nothing of extravagant mendacity; for according to their history of your memorialist's evil doings, he had not only wielded the most potent influence at Baroda, but had extended his sway to the Presidency of Bombay, where the Members of the Bombay Government were represented as yielding implicit obedience to his capricious will. Your memorialist was reported to have made use of language such as this: "My friendship with the Honourable Mr. Reid is of a secret character. I can apply for my pension whenever I choose, but I will hold my appointment as long as it suits me. I will spend as much money as I think necessary to secure the assistance of European gentlemen at Bombay, and I will continue to hold my appointment." Preposterous as such expressions must have appeared, particularly as coming from the lips of a man of your memorialist's years and staid habits of life, yet ready ears were found to listen credulously to the slanderers by whom they were propagated as having been uttered by your memorialist; and measures were taken to search for collateral evidence which might substantiate in any degree the implied guilt of your memorialist. For this purpose, some entries of sums of money debited to the Bombay agent of the firm in the books of Hurree Bhuktee were selected; and it was determined that a plausible story should be invented to connect your memorialist's name with those entries.

32. This project was no sooner conceived than its execution was commenced. The very day following that on which Jeyram's invaluable information was recorded, Joteshwur, the Bombay agent of the firm, was interrogated as to the way in which he had appropriated the sums of money remitted to him while he was in Bombay. He proved at first a very impracticable witness; all the attempts made to make him depart from the truth were in vain; but at last, having been induced to surrender his conscience, he was instructed to state that it was at your memorialist's instigation that Baba Nafuda deputed him to Bombay in July or August 1848.

33. That the value of this statement might not be lost, the goomastas Lulloo and Bhugwan were, of course, brought forward to corroborate its perfect truth and accuracy; yet, as if this were not enough to blacken your memorialist's character, the petition-writer Jeyram, in zealous furtherance of the designs of his employers, again appeared in person, and with well-assumed reluctance modestly offered to prove that your memorialist had boasted that he enjoyed the patronage of the Honourable Mr. Reid. Under the stimulus of some mysterious agency, Jeyram's memory and intelligence were now exhibited in a very remarkable manner; he found no difficulty whatever in recognising persons with whom he had no acquaintance, and whom he, as he alleged, had seen only once at your memorialist's house 21 months prior to the time at which he made his deposition. Their residences in the town were unknown to him, yet his sagacity

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was such, that he succeeded in discovering them after a brief search of a few days. This satisfied Colonel Outram that no collusion could have existed between Jeyram and the witnesses, as otherwise, Colonel Outram imagined, he would have produced them immediately, and not have had the trouble of going in search of them.

34. After having proceeded thus far in getting up a case against your memorialist, Colonel Outram forwarded to the Bombay Government a remonstrance relative to their decision, communicated in Mr. Chief Secretary Malet's letter of the 12th January 1849, and at the same time he made a report to them on the petition bearing a fictitious signature, that had been referred to the Residency; yet he appears to have said nothing about the bribery matter, thinking, probably, that the evidence with which it was attempted to be proved was not so convincing as it ought to be. Some time elapsed before anything further was done, owing probably to the absence of Baba Fudkeh, who had proceeded to Bombay; but upon his return to Baroda, and on the arrival there about the same time of the Judicial Commissioner, Mr. Grant, this gentleman's sheristadar, or clerk, was employed to examine some of the witnesses on oath a second time; and having confirmed their former statements made on the 1st of August 1850, they, from the fear of incurring the penalties of perjury, were prevented from subsequently stating before the Commissioner, Mr. Frere, the illegal and extraordinary means used to make them give the false evidence which they gave at the Residency.

35. The formidable preparations, as above briefly sketched, made by Colonel Outram for a twelvemonth before he commenced his prosecution of your memorialist, were well calculated to prevent your memorialist from indulging any hope that he would be able, by any single efforts of his own, to obviate the mischievous bias which had been created against him, and by which he was, as it were, prejudged and condemned as a culprit, whose guilt could not admit of any doubt. All who had any expectations of gaining the special favour and good-will of the Residency authorities, presented themselves, and displayed the greatest zeal and alacrity in gathering from every quarter such information as might tally with the views and sentiments of Colonel Outram in regard to your memorialist. With such unscrupulous persons surrounding him, it could not perhaps have been expected that that gentleman, deeply prejudiced as his mind must have been in regard to your memorialist, could have reviewed dispassionately the alleged facts and circumstances laid before him. Of the crowd of witnesses whose testimony was relied on by Colonel Outram, there was not one who had any inducement to tell the truth, or one who had the moral courage to withdraw his allegations in respect to matters of which he could not have had any knowledge; such conduct could not have been looked for in those whose prospects in life depended upon the estimate of their services that might be formed at the Residency. Those witnesses were individuals enjoying the guarantee of the Bombay Government, or servants and dependants of such individuals, or persons in the service of or attached to the Residency. The heads of the English and native establishments of the Residency, as well as the ministers and servants of the Gaickwar's Government, were also ill-disposed towards your memorialist, and were on terms of intimacy with your memorialist's inveterate enemy Baba Fudkeh, in whom Colonel Outram reposed the highest confidence. Consequent also upon the receipt of a letter from Colonel Outram, in June 1851, the Bombay Government addressed a communication to the Gaickwar's Government, enjoining them to render Colonel Outram every assistance in his prosecution of your memorialist; and therefore the members of the Gaickwar's Durbar feared to act in any way contrary to Colonel Outram's wishes, and your memorialist was prevented from obtaining the requisite materials for his defence. For Europeans whose intercourse with natives of this country has been limited, it is a difficult matter to comprehend the servile deference with which inferiors and dependants anticipate the wishes and minister to the caprices of their superiors. It is only necessary for a man in power to manifest a dislike to any individual beneath him in rank or position, when all his subordinates, including even his menial servants, will consider themselves in duty bound to insult and spurn the unfortunate object of their master's disfavour. Acting upon this principle, then, every one who thought it his interest to please Colonel Outram, did not fail to contribute something towards the mass of falsehoods and misrepresentations

representations which were accumulated as the evidence for impeaching your memorialist; and so cleverly were the plots against him managed, that he was left no means of counteracting them, except that of pointing out the inconsistencies and errors committed by their inventors.

36. With regard to the Act of the Legislative Council under which your memorialist was tried, its provisions are not such as to render it likely that an accused party of inferior rank, who may be innocent, can escape when prosecuted by a man in power, furnished with all the appliances which his authority and influence place within his reach. Under ordinary circumstances, when a native subject of your Honourable Court's Indian Government is charged with an offence of a criminal nature, the preliminary proceedings are held before a police magistrate, and the depositions of the witnesses are written at full length in the vernacular language of the district or province. Every opportunity is given to the accused to cross-examine the witnesses, and to sift their evidence before the magistrate; who, having completed his inquiry, either commits the case to the session judge, or dismisses it, if there should be no grounds for committing it. The magistrate cannot afterwards meddle with the case, or take any fresh evidence relating to it. The accused person, supposing that he is committed for trial before the Session Court, having thus obtained a clear knowledge of the accusation upon which he is to be arraigned, is fully prepared to enter upon his defence. None of the above advantages, however, were extended to your memorialist. The office of the police magistrate, instead of being deputed to some officer unconnected with the matters to be inquired into, was assumed by the prosecutor himself, and he examined the witnesses, and took their depositions, not in presence of your memorialist, but in his absence. Your memorialist was never confronted with them until his trial commenced before the Commissioner, and then your memorialist found it extremely difficult to cross-examine them on points on which it was evident that they had not told the truth; for when any witness appeared inclined to explain or deny any reckless assertions made by him before, the Commissioner immediately reminded him of the contents of his deposition; and this hint as to the consequences of deviating from it, was enough to deter him from saying more than what might confirm his previous statements. The prosecutor, Colonel Outram, sat near the Commissioner; and your memorialist's ignorance of the English language, and his inability to incur the expense of employing a qualified English advocate to conduct his defence, and remonstrate against any irregularities he might discover in the procedure of the court, were circumstances of great disadvantage to him. Your memorialist could not even attempt to check the impetuous declamations of Colonel Outram before the Commissioner. Your memorialist was obliged to submit patiently to hear that gentleman assert repeatedly, that the Gaickwar's Durbar and its principal officers, and the people of Baroda, were your memorialist's partisans, and that your memorialist had boasted that the Commissioner's brother being his friend, he had nothing to fear from the inquiry into his conduct. Not content with making these unfair remarks, Colonel Outram also unjustly accused your memorialist of trying to gain over the witnesses for the prosecution during their examination by making signs to them, although the Commissioner before whom they were examined could not detect any such impropriety on the part of your memorialist. According to the Act under which your memorialist was tried, three days' time only is allowed to the accused party to prepare for his trial, after having been furnished with a copy of the charges against him, and a list of the evidence to be adduced in support of them. Assuming the entire innocence of the accused party, what materials can he possibly collect within so short a period to prove that he is innocent, when the charges against him are numerous, and of the most serious nature? Moreover, why should there take place any inquiry at all pretending to partake of the solemnity and strict legality observed in ordinary courts of justice, when the prosecutor is permitted to lengthen the trial in order to get up further evidence, no time being allowed to the accused to rebut it; and that, too, after the defence of the accused has been received and filed. These are features in your memorialist's case that he trusts your Honourable Court may deem worthy of your best attention and consideration; yet your memorialist would not be understood to inveigh against the constitution of the court by which he was tried. As before represented, your memorialist never for a moment doubted the honourable

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integrity and uprightness of the Commissioner who presided in it; still, unfortunately for your memorialist, the circumstances above represented, coupled with the fact of his having being tried at the capital of a native prince where the authority and influence of his prosecutor were paramount, were altogether so prejudicial to your memorialist, that he could do nothing to clear himself from the serious and unfounded imputations with which he was assailed. Relative to the above subject, your memorialist addressed a petition to the Government on the 18th October 1851, through the medium of the Commissioner, Mr. Frere; yet your memorialist's representations met with no consideration whatever from the Government of Bombay.

37. A transcript of the several charges preferred by Colonel Outram against your memorialist, and of an extract from the letter of the Chief Secretary to the Bombay Government, conveying the decision upon the report of the Commissioner, form accompaniments to this memorial. The First Charge, containing four counts, accused your memorialist in substance of having given false information in reference to the case of a banker's widow, named Joitabaee, and of having otherwise misled the officiating Resident, Captain French. Of this charge, the Bombay Government acquitted your memorialist; but of the offence mentioned in the next charge they found him guilty. It accused him of having allowed a false claim of nearly three lacs of rupees, set up by one Baba Nafuda against one Govindrow Gaickwar, to be prosecuted in the Resident's office, without your memorialist having informed the Resident (Colonel Outram) of the injustice of that claim, and with having culpably withheld documents in his custody that proved its unjust nature. The Third Charge imputed to your memorialist a betrayal of trust, in the case of the Pagadar Gorajee Pol. Of this offence your memorialist was acquitted by the Bombay Government, but your memorialist's conduct was declared to be open to animadversion. The Fourth Charge accused your memorialist of having received a bribe of 20,000 rupees in the case of Bheema Shunkur Gungadhur Shastree *versus* Hurree Bhuktee. Of this offence your memorialist was acquitted by the Bombay Government, on the ground that the evidence recorded was insufficient to convict him, but they declared that considerable suspicions in this matter attached to him. By the Fifth Charge your memorialist was accused of having received a bribe of 28,070 rupees from Baba Nafuda, in the case of the above-named Joitabaee, in regard to which the Government decision was the same as that on the fourth charge. The Sixth Charge accused your memorialist of having caused Baba Nafuda to depute an agent from Baroda to Bombay, for the purpose of bribing the Honourable Mr. Reid, one of the members of Council; and the Seventh Charge stated that your memorialist had at various times made an improper and unauthorised use of the same gentleman's name, and encouraged the belief at Baroda that your memorialist enjoyed his support and confidence. Of both those charges the Bombay Government fully acquitted your memorialist.

Appendices (C.) and (D.)

38. Having declared your memorialist guilty, as above stated, of the second charge, and having acquitted him of the remaining six charges preferred against him by Colonel Outram, but expressed doubts relative to two of those charges, and animadverted on his conduct with respect to one charge, the Right Honourable the Governor in Council ordered your memorialist's dismissal from the situation of dufturdar of Ahmedabad. In this memorial, therefore, your memorialist respectfully proposes, first, to direct your Honourable Court's attention to what he has to represent in regard to the oral and documentary evidence, as well as the various circumstantial matters adduced by Colonel Outram in support of his prosecution on the second charge; and afterwards your memorialist will endeavour to vindicate his conduct, and to show that no grounds existed for the grave though undefined suspicions with which it has been regarded by the Bombay Government, in reference to four of the remaining six charges.

39. With respect to Colonel Outram's second charge, accusing your memorialist of having allowed a false claim of three lacs of rupees to be prosecuted in his office by the firm of Hurree Bhuktee against Govindrow Gaickwar, there existed a bond, executed by Govindrow Gaickwar for the amount borrowed by him from the firm of Hurree Bhuktee, and to it there appeared the attestations of Mr. Williams, a former Resident, and Mr. Maiet, the Assistant Resident. In order

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This second message was paid no attention to: upon which Colonel Outram sent a third time a peremptory order that your memorialist should be allowed to visit her mother; and, at the same time, desired that some peons, belonging to the Residency, should go and see that his orders were carried into effect. The peons came to your memorialist's house at 10 o'clock in the morning, but it was not until five o'clock in the afternoon that your memorialist was allowed by Baba Nafray's people to leave her residence, and then she was guarded by peons of Baba Nafray's and of the Guicowar's, besides a couple of the Guicowar's armed messengers. In this manner your memorialist was conducted from her house to the residence of her mother, and when she arrived there was not allowed to speak a word to her parent, save in the presence of Baba Nafray's people, with armed sepoys in the room, and actually standing between your memorialist and her mother, as well as at the door of the apartment, where they met. After remaining about two hours with her mother, your memorialist was pressed by her guard to leave the house and return to her own residence: this she refused to do, and remained at her mother's house for the present. When your memorialist declined to return to her own house, and declared that her mother was too ill to be left without her daughter, the language which the peons used towards both these ladies was such as cannot be repeated here; nor, indeed, could any respectable person, far less a woman, pollute their lips by uttering the words with which these servants of the Guicowar and Baba Nafray sought to insult two native ladies of rank and station, whose customs and habits forbade, as your Honourable Court knows well, that any man, save only a husband or a brother, can ever enter the apartments set aside for the use of the females of a family. But in this case, not only was a sick mother prevented from talking to her child, but the apartments of the women was violated by the peons, and armed men, who uttered their filthy sayings without the slightest regard to the sex of their hearers, or of the place they were defiling by their very presence. Your memorialist, however, persisted in remaining with her mother, and did so for some months, notwithstanding the daily and almost hourly insults which she continued to receive from these creatures of the Guicowar's and of Baba Nafray's.

25. That notwithstanding the illness of your memorialist's mother, as above stated, the Guicowar sent a message to the Resident requesting that the sick lady might be sent to the public Durbar at Baroda, there to give her deposition. This his Highness did, knowing full well that it is the custom all over India, when a female of respectability is required to make a deposition, that she should do so before two or three persons sent to her house for that especial purpose. Upon this, the British Resident wrote to his Highness the Guicowar, and stated the objections that existed towards examining your memorialist's mother in the manner proposed. Several letters passed to and from the Baroda Durbar and the British Residency, until at last it was decided that two persons in the employment of the Guicowar, Trimbuck Shastree and Mahdoo Lall Gungadur, should proceed to the house of your memorialist's mother, and there take her deposition: this was accordingly done.

26. That when the two persons mentioned above arrived at the house of your memorialist's mother, and perceived the latter with her husband, her daughter, and her vakeel, assembled in the same apartment, they objected to taking the deposition before these others, and desired that the same might be done in the presence of no witness. Upon this your memorialist and her father both left the room, but the vakeel remained. The above two servants of the Guicowar's objected to the presence of the vakeel, and desired that he too should be ordered to leave the room. To this your memorialist's mother objected, declaring that she, a sick woman, could not give her deposition properly without a witness being present. Upon this, both Trimbuck Shastree and Madoo Lall Gungadur took their departure, and falsely told his Highness the Guicowar that your memorialist's mother could not be induced to give her deposition. This misrepresentation was reported by the Baroda Durbar to the Resident, who thereupon declared that unless your memorialist's mother at once gave her deposition, he would no longer interfere in her case.

27. That notice of the Resident, as well as the notion he had formed, regarding the case of your memorialist's mother, was entirely owing to the misrepresentation made by the two persons whom the Guicowar had sent to

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take down the deposition as aforesaid. Your memorialist's mother never said that she would not give her deposition; all she required was, that at least one witness, who was not an enemy of hers, should be allowed to remain in the room, so as to see whether she had justice done her, and whether her words were taken down rightly. This explanation your memorialist sent through her vakeel to the Resident; but that officer, having been misinformed and misled by the native agent, Nursoo Punt, refused to receive the same; and said that unless her mother gave her deposition as required, he (the Resident) would not listen to any representation. Upon this the two agents of the Guicowar came again to the house of your memorialist's mother, and the latter was induced to make her deposition without any friendly witness being present. Whether these men wrote down what your memorialist's mother actually said, or whether they put in words and sentiments to serve their own ends, it is impossible for either your memorialist or her mother to say.

28. That after your memorialist's mother's deposition had been taken as above, justice might then have been obtained for your memorialist, had his Highness the Guicowar been so inclined; but such was not the case. The Guicowar wished that Baba Nafray should gain paramount authority in the banking house of Hurree Bhucktee. The said Baba Nafray was the friend and relation of Nursoo Punt, the native agent at the British Residency; and thus, by these men playing into each others hands, was your memorialist kept out of her rights; and will, unless your Honourable Court take pity upon her and inquire into her case, have to live on in hopeless penury, and childless, to sink into the grave the victim of treachery, such as has been seldom heard of even in the native states of India.

29. That after the deposition of your memorialist's mother was taken, as before stated, the Guicowar began to throw every obstacle in the way of your memorialist employing the vakeel, who, at a great expense, she had induced to come up from Bombay. His Highness's efforts were seconded by Nursoo Punt, the native agent at the Residency, who represented to Colonel Outram, then Resident, that the employment of a vakeel who had been accustomed to plead in the Honourable Company's Court of Sudder Adawlut at Bombay would only delay matters, and hinder the Durbar from arriving at a just conclusion. Thus was your memorialist first prevented, by the well known hostility of the Guicowar to her cause, from employing any vakeel belonging to Baroda, for, as has been observed above, no vakeel belonging to that city would undertake the defence of her cause, knowing that they would thereby incur the displeasure of the Guicowar; and when your memorialist obtained an adviser from Bombay, this was also objected to, for the reason given above.

30. That under various pretexts, Colonel Outram was put off whenever he asked any questions as to how the inquiry into your memorialist's case was getting on, until the Colonel was obliged, through sickness, to leave Baroda, and finally to proceed to Egypt.

31. That shortly after Colonel Outram left Baroda, your memorialist petitioned Lieutenant Battye, then in charge of the Residency, and requested that officer would take some steps towards forwarding her views with the Durbar; this, so your memorialist was informed, Lieutenant Battye did, but without any result.

32. That shortly after this time, Captain French arrived at Baroda, and took charge of the Residency. Your memorialist petitioned this officer that the guards which kept watch round her house should be removed, and that she should be allowed money out of the Treasury left by her late husband to pay her expenses. Upon this, Captain French interfered on your memorialist's behalf, so far as to cause the removal of Baba Nafray's guards, but those belonging to the Guicowar's Government were still kept there, and amongst them were persons who offered your memorialist the grossest insults, whenever they found an opportunity for so doing. The money requested for was not allowed to be given to your memorialist.

33. That your memorialist was, moreover, informed by the Acting Resident, that her case was pending before the Durbar of his Highness, and that it would be finished in the course of a few days; but that it was advisable for each party in the dispute to name two arbitrators by whom the case might be decided, and that

that it would be well for your memorialist to name the two parties whom she wished to arbitrate for her at once.

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34. That your memorialist expressed her objection to this mode of settling her case; this was no common dispute about an inheritance, or no case for civil judicature. Your memorialist's child had been forcibly taken from her; had been probably murdered; what the mother sought, had sought, and now seeks from your Honourable Court was justice against her oppressor, a full inquiry into what had become of her child, and in the event of its being no more, liberty to adopt the child of some kinsman in order to replace the child which was lost. What your memorialist desired was, that the British Resident should investigate the case, as she well knew that her poverty stood no chance of success when her opponent was Baba Nafray, whose ill-gotten gains were used to bribe every one, right and left; in point of fact, the riches left by your memorialist's husband were used by his agent to procure injustice towards the widow of the former.

35. That nevertheless your memorialist agreed to the suggestion of the Acting Resident, as she saw no other chance of her case ever being even inquired into, far less settled. Your memorialist, therefore, sent a petition to the Acting Resident, and declared herself willing to nominate her two arbitrators, so soon as the names of Baba Nafray's arbitrators were made known unto her. To this petition your memorialist received no answer for some time; when she did so it was to the effect that the Bombay Government would not interfere in her case, which must be left entirely to his Highness and the Baroda Durbur to settle.

36. That your memorialist cannot help bringing to the notice of your Honourable Court that her late husband and all his family were under the protection of the British Government, and that she is therefore at a loss to conjecture why so singular an answer should be returned by the Bombay Government in her case; and the only reason she sees for it was, that her enemy, Baba Nafray, through the native agent, Nursoo Punt, his relation and intimate friend, misled Captain French, the Acting Resident, in this matter.

37. That after receipt of the above answer, your memorialist's mother again proceeded to Bombay for the purpose of petitioning the local Government in her daughter's behalf; and shortly after this, your memorialist, being afraid that if she returned to her own house she would again be imprisoned and insulted as formerly, also proceeded to the Presidency and joined her mother. At this time his Highness the Guicowar had also proceeded to Bombay and the Deccan, the Baroda States being left in charge of Bhow Tambekur and Sumbooram Kooshall, who were both friends of Baba Nafray's. As soon as it was known that your memorialist had left Baroda, these men despatched horsemen and others in order to bring your memorialist back: these she was enabled to escape from, and managed to escape from the Baroda States, and to reach Bombay in safety.

38. That about this time three gomashtas who, your memorialist has reason to believe, had helped Baba Nafray to carry off her child, were cast into prison by the said Baba; he using his influence with Bhow Tambekur to have these men kept in close confinement, as being too much in his secrets.

39. That in this assertion your memorialist does not speak upon hearsay, neither is she without the power to prove what she has advanced above, as she will presently show, and, she trusts, most entirely to the satisfaction of your Honourable Court.

40. That about this time the Resident at Baroda, Colonel Outram, returned from Egypt, and resumed his functions at the Residency. This was one great advantage for persons who, like your memorialist, were seeking for justice at the hands of the British Government. But another circumstance happened about this time, which also was a cause of congratulation to all who were situated like your memorialist; this was, that Nursoo Punt, the native agent at the Baroda Residency, was appointed to another situation, that of dufturdar at Ahmedabad, and owing to this latter circumstance, the former difficulties which beset every one who sought for justice at the British Residency were greatly diminished.

41. That your memorialist would draw the attention of your Honourable Court to the fact that she has not either here or elsewhere spoken of Nursoo Punt worse than that man deserves; whilst this memorial is in the course of

 preparation

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preparation Nursoo Punt has been publicly proclaimed by the Bombay Government as dismissed from their employment on account of his various misdeeds, and as incapable of ever serving the British Government again.

42. That after Colonel Outram arrived in Baroda, the gomashtas to whom your petitioner has alluded to above, represented to Colonel Outram how unjustly they had been treated by Baba Nafray. This first opened the eyes of the Resident to what was going on with regard to your memorialist, and Colonel Outram at once requested his Highness the Guicowar to place Baba Nafray in close confinement until these matters could be investigated; he, Baba Nafray, was thereupon confined by the Guicowar something like a state prisoner, and in his own house.

43. That upon Maha Luxumee, the elder widow of your memorialist's husband, hearing what step Colonel Outram had taken, immediately sent a message to say that unless Baba Nafray was released from confinement she would proceed to Bombay, first closing the banking firm of Hurry Bucktee, and then reporting to the Bombay Government that Colonel Outram's doings had obliged her to act in this manner.

44. That when Colonel Outram received the above message he intimated to the Guicowar that the banking firm of Hurry Bucktee was protected by the guarantee of the British Government, and that the said Government would hold his Highness responsible for any irregularity or mismanagement in the affairs of the said firm.

45. That upon receiving this intimation from Colonel Outram, his Highness appointed a person called Peetamber to be managing gomasta of the firm of Hurry Bhucktee, but the Durbar gave this man strict injunctions that not a single rupee was to be issued from the treasury of the firm at the direction of your memorialist. Moreover, Bhow Tambakur threatened this new gomasta, that should he, on the return of your memorialist from Bombay, hold any communication with her, it would be at the risk of meeting with imprisonment and other harsh treatment from the Baroda Durbar.

46. That about this time Baba Nafray, in order to procure his release from prison, offered a bribe of 15,000 rupees to the native agent at Baroda, Soorujram, successor to Nursoo Punt, the person mentioned above. Soorujram, however, brought both the money and the bearer of it before the Resident, and the above money is now in the treasury of the British Residency at Baroda. Of this fact your Honourable Court may test the truth, either by a reference to the reports in the Bombay Secretariate, or by questioning Colonel Outram now in England.

47. That no sooner was the Resident satisfied that Baba Nafray had subjected himself to the gravest suspicions concerning the manner in which he had acted towards your memorialist, than he caused a strict inquiry to be made in all that regarded the matter, and entirely satisfied himself concerning the truth of what your memorialist had complained of, as also of the treachery and cruelty which Baba Nafray, Nursoo Punt, and Bhow Tambakur, the minister of the Guicowar, had used towards your memorialist.

48. That your memorialist has good reason to believe that the substance of what she has stated above was communicated to the Bombay Government by the late Resident at Baroda, Colonel Outram.

49. That shortly after the late Resident had inquired into the above matter, your memorialist, being then at the Presidency, received instructions from Colonel Outram, communicated through the Bombay Government, to proceed to Baroda, an injunction which she immediately obeyed.

50. On the arrival of your memorialist at Baroda, Colonel Outram proceeded at once to satisfy himself regarding one portion of the infamous charges brought against your memorialist by Baba Nafray, namely, that she had never given birth to a child, but had procured an infant which was not her own, and had endeavoured to pass it off as the lawful posthumous child of her late husband.

51. Your memorialist was then required by Colonel Outram to proceed to the Residency; this she did, and was there examined by English doctors and also by a committee

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a committee of matrons; amongst the latter were some English ladies and other females experienced in these matters.

52. One and all of the above persons declared that your memorialist had been pregnant, and had brought forth a child at some former period.

53. A communication regarding the results of this last inquiry was made by Colonel Outram to his Highness the Guicowar, who then invited your memorialist to the apartments of his ladies, where she was invested with a costly dress of honour, the Guicowar pretending to believe that he considered her a greatly and much injured person.

54. This dress of honour your memorialist received, thinking that by refusing it she might annoy Colonel Outram, the only man from whom she had ever obtained the shadow of justice, or even a fair inquiry into her wrongs

55. But your memorialist never for an instant contemplated that the above gift was intended as a recompense for the persecutions she had endured, or for the outrages which had been committed by Baba Nafray and others with regard to her property, her child, and her good name.

56. Before obtaining even this slight redress, your memorialist had undergone a persecution of five years; her child had been forcibly carried off, and, in all probability, murdered, whilst she had been subjected to insults such as the poorest Hindoo woman would not have submitted to.

57. But, in addition to these injuries, your memorialist had been unlawfully kept out of the property to which, as widow of the late Beecherdass Samuldass, she had an undoubted right. For five years your memorialist had been subsisting upon the money lent her by varous persons, and these sums, together with what she had spent in endeavouring to procure her own rights, in travelling to Bombay with her retinue, in attempting to procure legal advice, and with the interest upon money lent, had, by the time your memorialist returned to Baroda, involved her in debts to the amount of 75,000 rupees.

58. After the proceedings of the above inquiry were finished, and Colonel Outram had forwarded them to the Guicowar, his Highness wished to institute another inquiry, which was to be conducted by people of his own, through whom, with the help of false witnesses, the Guicowar, no doubt, hoped to procure a reversion of the Resident's sentence upon Baba Nafray.

59. Upon this determination of the Guicowar's being brought to Colonel Outram's notice, he intimated to his Highness that no second trial of Baba Nafray was either required or at all expected, and that all the Guicowar was expected to do was to pronounce sentence upon Baba Nafray for the crime of which Colonel Outram had found him guilty.

60. Your Honourable Court will scarcely believe that for all the crime detailed in this memorial, for ruining your memorialist with regard to her property, for murdering, or, at any rate, making away with her child, and for the gross breach of trust with regard to the property of his late master, this man, Baba Nafray, was only sentenced to an imprisonment for seven years, and to pay a fine of 15,000 rupees.

61. With regard to the punishment inflicted on Baba Nafray, your memorialist may be permitted to remark that his imprisonment at Baroda has been, and is now, by the connivance of the Guicowar's Government, purely nominal. Baba Nafray is allowed to reside in a most comfortable dwelling; his family have access to him at all times; and, except when visited by some person whom the authorities fear might mention the circumstance to the British Resident, Baba Nafray is not even in chains. In short, since the departure of Colonel Outram from Baroda, every leniency and every consideration has been shown the Baba by the servants of the Guicowar, and there is good reason to believe that Baba Nafray is allowed at certain times to visit his own residence.

62. With regard to the fine imposed upon Baba Nafray, let your Honourable Court compare the sum of 15,000 rupees with the least amount which he is convicted of having taken from the treasury of the firm of Hurree Bucktee.

63. Let your Honourable Court compare the position of your memorialist

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with that of her persecutor; she has now endured a persecution of upwards of seven years; she has been deprived of her child by force, and her rightful share in the property of her late husband has been taken from her. In endeavouring to obtain justice, she has incurred a debt of 75,000 rupees, and is now treated like a stranger in the house to which she has an equal right together with the elder widow of her late husband. Food, clothing, and house-room is all that is given to your memorialist in the house of her late husband, and even in these matters she is treated like a pensioned menial instead of as the widow of one of the richest soucars in India.

64. These latter facts your memorialist brought to the notice of Colonel Outram, who, in answer, informed her that the grievances of her case had been laid before the Government of Bombay.

65. Upon a second representation to the Resident, and upon your memorialist declaring to him that her debts, which she had incurred during her five years of persecution, ought to be forthwith settled, Colonel Outram wrote to the Guicowar desiring that the required sum should be paid to your memorialist from the treasury of her late husband's firm.

66. To this the Guicowar would not agree, but desired that a detailed account of your memorialist's debts, together with a list of the persons who had furnished her with money during her troubles, should be forthwith sent to the Durbar.

67. To this proposition it was impossible that your memorialist could agree, and this his Highness as well as his minister, Bhow Tambakur, knew full well. To give up the names of those who had assisted your memorialist when she was persecuted by Baba Nafray, the protégé of the Guicowar and the friend of Bhow Tambakur, would have been tantamount to injuring these persons in every possible way. Those who befriended your memorialist were and are considered the enemies of his Highness; and had their names been given in as having assisted your memorialist with funds, their property and even their lives would have been endangered.

68. One of your memorialist's chief creditors was and is her own parents, who had sold jewels to a very considerable amount in order to help your memorialist in procuring justice, and also in journeying to and from Bombay for this purpose.

69. Your memorialist therefore submits that she could not, and cannot, in justice to those who advanced her funds when she was in trouble, publish to the world the names of these persons. To do so would be to subject others in a great measure to the same persecutions which your memorialist has herself undergone.

70. Whilst the question relating to the circumstances detailed in paragraphs 63 to 69 were still pending the decision of the Resident at Baroda, and the reference made to the Bombay Government (as mentioned in paragraph 64), Colonel Outram left Baroda for Bombay. Shortly after his departure, it became known at Baroda that the Colonel had been dismissed by Government from the situation he held as Resident of Baroda; and at Baroda it was publicly reported that the influence of Bhow Tambekur was the cause of the Colonel being dismissed.

71. This report your memorialist knew well was false, but by many people in Baroda it was believed, and made people the more afraid to help your memorialist against the well-known wishes of the minister, who was the friend and protector of Baba Nafray, your memorialist's bitter enemy.

72. Another report was rife about this time in Baroda, namely, that Colonel Outram had been dismissed from his situation, because he annoyed Bhow Tambekur by protecting your memorialist, and, by seeing justice done her. It is needless to say how these stories grieved your memorialist, and how they injured her cause in every way. By her friends your memorialist was looked upon as having been the cause of Colonel Outram's disgrace, whilst her enemies thought that she had not now the slightest chance of ever gaining her cause, as the minister of his Highness gave out publicly that a British officer had been ruined whilst endeavouring to obtain justice for her.

73. Shortly

Memorial from Joetabhaee Setanee.

73. Shortly after this, the Bombay Government replied to Colonel Outram's report in the matter of your memorialist's affairs. The letter was addressed to Mr. Davies, the new Resident. Upon the receipt of the same, the last-named gentleman communicated with his Highness the Guicowar's Government, to the effect that money to pay her just debts should be allowed to your memorialist, from the funds of her late husband's estate.

74. To this the Baroda Government would not agree; saying that unless a detailed account of her debts, together with the names of the parties to whom the money is due, was sent in, that no larger a sum than 10,000 rupees could be paid to your memorialist.

75. The above answer was communicated to your memorialist by Mr. Davies, but for reasons before given it was impossible for her to furnish the names of those who had helped her in her difficulties; and as her debts amounted to about 75,000 rupees, it would have been injudicious of her as well as unjust to her creditors to accept of the sum offered. Your memorialist therefore respectfully declined the offer that was made her through the British Resident.

76. When your memorialist's answer became known to the minister, Bhowo Tambekur, that person accused her of endeavouring to ruin the firm of Hurry Bucktee, by making most exorbitant demands upon its funds, and this in spite of every care which he (the Bhawo) had taken to preserve and promote the opulency of the firm.

77. Your Honourable Court will not fail to perceive that these accusations could only have been made by Bhawo Tambekur, in order to screen his own guilt. Your memorialist already has shown how Baba Nafray plundered, swindled, and ruined your memorialist, and how he was protected and upheld in his wicked proceedings by Nursoo Punt, the agent of the British Government, as well as by Bhowo Tambekur, the minister of the Guicowar. These two persons, each playing into one another's hands, and each receiving a share of the money which Baba Nafray took by thousands of rupees from the treasury of Hurree Bucktee, as payment for the manner in which they connived at his iniquities, were powerful enough to ruin any person; and they most effectually accomplished their ends towards your memorialist.

78. The annual personal expenditure of the persons connected with the firm of Hurree Bucktee is about two lacs of rupees; and last year the elder widow of your memorialist's husband was allowed an additional two lacs to expend on the marriage of her son; and yet your memorialist is refused 75,000 rupees, which she demands as her just right, as the sum she had borrowed in order to live, and in endeavouring to obtain justice during a period of five years.

79. Your memorialist, then, earnestly entreats your Honourable Court that she may be allowed, out of the treasury of the firm of Hurry Bucktee, the sum of 75,000 rupees, which she hopes and trusts this memorial shows has been expended by her during the period when she was suffering from the persecutions of bad men. This is the first item of the prayer which your memorialist desires to present to your Honourable Court.

80. But although the first, the former is not the most important desire which your memorialist has.

81. From what has gone before, your Honourable Court must have perceived how your memorialist was deprived of her child, which she now believes to have been murdered by the agents of Baba Nafray. This child was, no doubt, taken from your memorialist, in order that the latter might thus lose all right to claim a portion of her late husband's property, and in order to make the elder widow sole possessor of the same. For these and other reasons, your memorialist prays that she may be allowed to adopt as her own a child belonging to her own family and caste, and that she, as widow of the late Beecherdass Samuldass, may be restored to her legitimate position both with the family of her late husband, and as to her share in the wealth of the firm.

82. A case very similar to that of your memorialist took place in the province of Rewa Caunta some years ago, a narrative of which your Honourable Court will perhaps excuse your memorialist for introducing here.

Memorial from Joetabha Setanee.

83. In the above province there is a small town called Sanore, which belonged to a rana called Some Singh, a Rajpote thacore. This man had three wives, one of whom gave birth to a male child. The brother of this rana, by name Doorjun Bawa, misrepresented the case to Mr. Arthur Malet, who was then Political Agent in Rewa Caunta, and declared to this gentleman that the child was not the offspring of the rana, but that it had been procured from some indigent persons, in order to keep the informant out of his property when the elder brother died.

84. Mr. Arthur Malet investigated the matter thus brought before him, and decided that the child was the legitimate son of Somesingh.

85. Very few years after Mr. Malet's decision, the Rana Somesingh died, and his son inherited the state as Mr. Malet's decree had settled.

86. Not content with the Political Agent's decision, Doorjun Bawa caused the boy to be poisoned by a servant, and accompanied by an armed band of 400 or 500 men, he took possession of the property without consulting the British authority, thus making himself the lawful heir of the territory.

87. The painful account mentioned in the preceding para. was made known to the native agent at Rewah Caunta, when on leave at Baroda, by a person sent thither by Somesingh's wife. The former immediately communicated the information he had received to Mr. Remington (who had in the meantime succeeded Mr. Malet as Political Agent in Rewa Caunta, and who was at the time in the purgannah); and having investigated the matter without delay, that gentleman found that it was proved that Somesing's brother had poisoned the Rana's son, which circumstance he communicated forthwith to the Bombay Government, and forwarded his proceedings therewith of the inquiry which he had made.

88. In consequence whereof the murderer, Doorjun Bawa, and his accomplices were transported for life; and the former's son (Somesing's nephew) was at the same time deprived of his inheritance to the estate. The Government of Bombay also ordered that the widow of Some Sing should adopt a son (who was a very distant relation of Some Sing) and that the estate should be made over to his possession, in whose hands the same now remains, which arrangement your memorialist has been informed received the sanction of your Honourable Court.

89. That when the widow of Some Sing applied for justice, it was her good fortune to do so at a time when the above-mentioned native agent, an honest man ever to be found amongst natives, was doing business under Mr. Remington. Had your memorialist been equally fortunate, she would never have been obliged to petition your Honourable Court as she is now doing. At the period when all her persecutions took place the native agent at the Baroda Residency was Nursoo Punt, a man who has lately been proclaimed as unfit to serve the British Government, and whose infamous character must be well known to your Honourable Court.

90. And now, in conclusion, your memorialist would wish to impress upon your Honourable Court how she, the widow of a wealthy soucar, who enjoyed the British guarantee, has been rendered childless, robbed, defamed, and made a beggar by the machinations of men whose sole aim was to possess themselves of the property of her late husband. An examination of the books of the firm of Hurree Bucktee will show that very large sums have been debited to what is therein called, in Guzerattee language, "Litty Khatta," a term which cannot be properly translated into English, but which every one conversant with soucars' books in Guzerat knows, is simply a sort of mysterious way of putting down sums of money which have been expended in bribery, or any other manner which is not deemed creditable. Colonel Outram discovered many memoranda and details connected with the "rough accounts" of Hurree Bhucktee amongst the papers belonging to Baba Nafra, which having been compared with the original chopdas (account-books) were found to agree therewith; and thereby, the sums which had been given away for bribes were already proved; this matter your Honourable Court will probably be acquainted with from the reports of Colonel Outram and Mr. Frere, the Commissioner.

91. Under this head alone, several lacs of rupees were debited to the firm of Hurree Bhucktee, whilst Baba Nafray was manager of the estate.

92. Whilst

support of his second charge against your memorialist. Your Honourable Court cannot fail to observe that that evidence was not of so unexceptionable a nature as to leave no doubt to be entertained that your memorialist was guilty of a fraud. Your memorialist trusts that your Honourable Court will consider what dependence should have been placed on the incorrect version of your memorialist's report furnished to Colonel Outram; how far he was correct in his surmises and reasonings on its contents, such as they were, differing as they did from the text; whether implicit belief could be accorded to the statements of the Residency karkoons, who were apprehensive of losing their situations if they gave their testimony truly and unreservedly, or contrary to their former depositions taken in your memorialist's absence; and whether the evidence of inexperienced bankers having no practical acquaintance with the business of banking, should have been taken and admitted against your memorialist in preference to the evidence of their experienced managers and clerks, whose knowledge of such matters is unquestionable.

57. Your memorialist cannot do better than conclude his representation to your Honourable Court, with regard to the above charge, by quoting from Mr. Chief Secretary Malet's letter the following para., containing the sentiments of the Bombay Government in 1849, on the imputations with which Colonel Outram had previously assailed your memorialist's character.

"38. His Lordship in Council feels himself compelled to enter at some length into the charges alleged against Nurso Punt, because, while it is an easy matter and requires but few words to cast imputations on a native servant, and on general considerations to declare him fraudulent and untrustworthy, his relief from such imputations cannot be so summarily effected. The characters of native servants of high rank and standing ought to be objects of the peculiar care of Government, which should not admit of their being assailed lightly or on grounds not shown, after severe scrutiny, to be sufficient."

58. The next two important charges which Colonel Outram preferred against your memorialist were probably intended to nullify the decision of the Bombay Government, and to lead to the inference that there was a connexion between your memorialist and the firm of Hurree Bhuktee, as in those charges he was accused of having received bribes from Baba Nafuda, on two several occasions. Of the above two charges, your memorialist was acquitted by the Bombay Government, but they declared that considerable suspicions were entertained by them in regard to your memorialist's conduct. As before represented by your memorialist, he begs to observe in regard to the above decision, that he is unable to defend himself from suspicions, the grounds for which are not stated. All that your memorialist can do is to endeavour to place before your Honourable Court the whole of the facts and circumstances connected with his prosecution on those two charges, and to leave your Honourable Court to determine whether any ground of suspicion exists against your memorialist. To prove his receipt by your memorialist of the bribe of 20,000 rupees, in the matter of the claims of the firm of Hurree Bhuktee against the sons of Gungadhur Shastree, the following documentary evidence was produced:

1st. A memorandum alleged to have been found among the bundles of papers which were seized in Baba Nafuda's house, and brought to the Residency.

2d. Papers in the handwriting of Bulwuntrow Nafuda produced, in order that his handwriting might be compared with that of the above memorandum, alleged to have been written by him.

3d. A daily cash account, written on a strip of paper, and called panya, and extracts from the account books of the firm.

59. The main features of this case were these. The late Gungadhur Shastree, who was formerly native agent at the Baroda Residency, had a share of four annas in the rupee, in a firm which was established under the name of "Myral Bhuktee," in which were two other partners, namely Parukh Hurree Bhuktee and Gopallrow Myrall; and their business consisted in conducting the potdaree or office of banker to the Guickwar's Government. Some years after the decease of Gungadhur Shastree, a suit was filed at the Residency against his heirs, on the part of Myrall Bhuktee. It went on for 10 or 12 years, and successive reports regarding it were sent to the Bombay Government, who in 1844 directed that it should be referred to arbitration. Accordingly each party having

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appointed arbitrators, they commenced their investigation, which, however, was discontinued by order of Sir R. K. Arbuthnot, on his having assumed charge of the Residency. A reference having been then made by that gentleman to the Government, they in the year 1846 directed that the Punchayet should resume their inquiry. They did so, and in December of the same year the Acting Resident, the late Mr. Andrews, submitted their opinions to the Government, from whom instructions regarding the matter were received; and a report having been sent to the Government by Colonel Outram, their final decision was received in 1849 by Captain French, then Officiating Resident.

60. In 1844, when your memorialist joined the Residency-office, the late Mr. Boyd was Resident. After his decease Mr. Remington was in charge for some time, and he was succeed by Mr. Ogilvie. All these gentlemen being perfectly acquainted with the business of the Residency, never consulted your memorialist, who was a new comer, and not possessed of sufficient information on the various subjects which occupied their attention successively, to be able to render them any assistance. Baba Nafuda was at the time in great favour with the late Guickwar, and was supported in his pretensions by his Highness's minister Gunesh Punt, by whom officers of the Durbar had been appointed as arbitrators on behalf of the firm of Hurree Bhuktee. It was not clear, therefore, what service Baba Nafuda could have expected your memorialist to perform for him, supposing it to be true that your memorialist had accepted a bribe from him; and at the time at which your memorialist was alleged to have accepted the bribe, Becherbhaee Set, the proprietor of the pedee or mercantile house, was alive, and Baba Nafuda was not the sole manager. Disputes had arisen between the abitrators themselves, and soon after they had commenced their labours, Sir R. K. Arbuthnot stopped their further progress as above stated, and his opinion, in the report which he made to the Bombay Government, was not in favour of Parukh Hurree Bhukee. Hence it was extremely improbable that Baba Nafuda should have spent thousands of rupees to bribe your memorialist to bring about this result. If, moreover, the sum of 20,000 rupees had been expended to bribe your memorialist on account of Myrall Bhuktee's arbitration, it would have been debited as on account of Myral Bhuktee, because in the account books of Samul Bhuktee there was a separate account of the former, distinct from that of the potdaree; and since Hurree Bhuktee was Gopallrow Myral's joint partner, he would have made the latter pay a moiety of the above sum, and he would have certainly informed him of its expenditure had this taken place, or have obtained his consent before it was made. But from the documents produced in evidence there was not seen any ground for supposing that the money had been paid and accounted for in the above way.

61. About the year 1847 or 1848, Colonel Outram being then Resident, requested your memorialist to furnish him with a brief statement of the above-mentioned case, and your memorialist having complied with his wish, he made a report to Government in favour of the heirs of Gungadhur Shastree. Your memorialist perfectly recollects that your memorialist's view of the case was in favour principally of Gungadhur Shastree, and in accordance with the principle laid down in the letters received from the Government relative to the claims of the firm. Hence if it were true that your memorialist had been bribed, it is natural to suppose that your memorialist's opinion would have been expressed in such a way as to support the claims of the firm in their integrity.

62. Of the documentary evidence enumerated above, the following is a translation of the memorandum said to have been found among the bundles of papers seized in Baba Nafuda's house.

MEMORANDUM.—SUMWUT 1901.

Cr.	*Rs.*	*Dr.*	*Rs.*
From the firm of Hurree Bhuktee, ready cash, by Hurruy, a servant, Wyshak Shood 6th - - -	20,000	To the expenditure account for the purpose of being paid to Nurso Punt Tatya, ready cash, by Asharam Purbhoodass, paid to him - - - - - -	20,000
Rs.	20,000	*Rs.*	20,000

Baba

Baba Nafuda denied all knowledge of this document. He having been thrown into prison, a guard was placed over his house, and about a fortnight or 20 days subsequently, his papers were seized, put into a cart, and brought to the Residency. No inventory of them was made in the presence of Baba Nafuda, nor when they were brought to the Residency did it appear that any precautions were taken for their security. They were not enclosed in a box, nor were any seals or marks put upon them. In fact, they were deposited loosely in a room, where access could be easily had to them. What then was there to prevent your memorialist's enemies from indulging their malignity by introducing among those papers any document which they might think most suitable to promote their nefarious designs?

63. Witnesses were brought by Colonel Outram before the Commissioner to prove that the handwriting of the above-mentioned memorandum was that of Bulwuntrow Nafuda, and that it exactly resembled the handwriting of the papers written by him, and produced in evidence, as above stated in your memorialist's enumeration of the documentary testimony. Bulwuntrow Nafuda, however, distinctly and positively denied that the memorandum was written by him, and, on a comparison having been made, its handwriting was not found to agree with the handwriting of other papers written by him.

64. In fact, the character of the handwriting and spelling of the words in the memorandum plainly showed that it was written by some Goozerattee who had learned to write Murathee imperfectly. Three witnesses, friends of Venaëkrow Fudkeh, did, notwithstanding the above circumstances, depose that the handwriting of the document resembled that of Bulwuntrow Nafuda. This they stated on having compared with it the documents in his handwriting produced in evidence, as mentioned above, yet their statements were not of a convincing nature. Some respectable persons residing in Baroda, when called upon by Colonel Outram to give their evidence, expressed their opinion that the handwriting of the memorandum was not that of Bulwuntrow Nafuda, yet those persons were not summoned to appear before the Commissioner; and had your memorialist summoned them they would not, nevertheless, have boldly given their testimony before the Commissioner, since they stood in awe of Colonel Outram. Your memorialist therefore requested that persons in other districts might be examined relative to his handwriting; but your memorialist never learned whether his request was complied with. But, even granting that the memorandum was written by the person who was named as its writer, it would not prove that your memorialist had received the sum of money which it mentioned. It may be said, that the existence of such a document could not be regarded otherwise than as affording a very strong ground of suspicion against your memorialist. But again, how was it that that was the only document of the kind found in Baba Nafuda's house, since it appeared from the account books of the firm that several items were debited to what was called the litee, or blank line account. Finally, your memorialist trusts, that when it is considered how easily documents of the kind to which it belongs can be fabricated, your Honourable Court will see that any just presumption of your memorialist's guilt, based upon its testimony, could not have been entertained.

65. The further documentary evidence produced by Colonel Outram in support of his charge consisted of extracts from the account books of the firm of Hurree Bhuktee. Your memorialist begs to observe that those extracts were found to be in all respects defective and untrustworthy. An item of 20,000 rupees appeared on the debit side in a daily account. This was a strip of paper on which a debit and credit account was drawn out, and might have been written at any time, and from it the entries in the account books appeared to have been made. After the date, which was written on a line that had been left blank, there followed these words: "By Hurreebhaee, servant, to him paid ready cash." These words seemed to have been written at a subsequent time, and with a different pen from that with which the body of the document was written. The entries in the above account were made in an irregular manner, and in the cash account made out from the above daily account, and extracts from which were produced, although the item of 20,000 rupees was entered on the debit side, the date only was given, and several lines left blank. Entries similar to this entry were found in the monthly cash account and in the ledger. Thus there

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was nothing to show to whom the money debited was really paid. The goomastas or clerks of the firm styled the account a blank line account (leetee kehatoo). Such accounts as the above, your memorialist need scarcely observe, are never kept by respectable bankers, and, instead of being appealed to as sanctioning the existence of suspicions against your memorialist, they ought not to have been admitted as evidence at all. What can be more opposed to all the principles of rectitude and honesty which should govern the transactions of a banker or merchant, than to find in his ledger an account opened, and sums entered as paid, with spaces left blank, to be filled up with the name of any individual whom it might be deemed expedient to victimize? In the account produced the sum of 20,000 rupees was merely entered on the debit side as paid, yet in the ledger it appeared as a balance claimable. Furthermore, in the account books of Baba Nafuda's own firm of Narayen Runchoo, the above sum was placed to credit in the fictitious name of Runchod Bholunath, and it appeared as claimable in that imaginary individual's account. Yet, on such evidence was your memorialist arraigned for bribery, and although the Government have aquitted him of the offence, they have nevertheless considered his conduct open to grave suspicions.

66. In respect to the witnesses who gave their evidence in the above matter, one of them, Baba Nafuda, who was most inimical to your memorialist, instead of testifying to the genuineness of the memorandum, as it might have been thought likely he would have done, on the contrary, distinctly repudiated it, as already mentioned by your memorialist. The next principal witness was Soorujram, the native agent who succeeded your memorialist, and who searched the papers of Baba Nafuda in which the memorandum was alleged to have been found, and his evidence was supported by that of certain karkoons newly employed by him, and others who expected employment from him. Shumbhooram Koosal, a dependant of the Gaickwar's Government, was also another important witness. His evidence was taken at a time when he was dangerously ill, and, after all he had to say was taken down, he made the following request to Colonel Outram: "As I have served you, I beg you will recommend the Maharaj to make some provision for my son." This he said to make it appear that he anticipated his dissolution; yet his design was to secure the favour and regard of Colonel Outram. For certain reasons, the recital of which would be tedious to your Honourable Court, the above-named person was an enemy of your memorialist, and was, moreover, the chief karkoon of Bhoo Tambekur, the minister of his Highness the Guickwar, and most anxious to gain the good-will of his superiors by acting in conformity with their wishes. He was the person who first examined the account books of Hurree Bhuktee's firm, and who collected all the papers and documents in Baba Nafuda's house, and brought them to the Residency. He also subsequently took them out of the room in which they were deposited and examined them, and did what he chose with them, since no precautions were taken by the Residency authorities to prevent any improper interference with them.

67. Bapoo, the cashier of the firm of Hurree Bhucktee, stated, in a deposition taken on the 8th February 1851, that about nine o'clock one night, Baba Nafuda told him and another witness, Damodhur, a goomasta or clerk of the firm, to give 20,000 rupees to a man named Hurreeya, and that the money having been accordingly paid to that man, he placed it near the "inner treasury," but he (the deponent) did not recollect when he took it away. The other witness, Damodhur, whose deposition was taken on the following day, stated that about five o'clock one evening, Baba Nafuda ordered him and the first witness to pay the money to the above-named man, and that it was paid at half-past six or seven o'clock. Thus both the above witnesses differed with regard to the hour at which the money was paid, one stating that it was paid at nine o'clock, and the other at seven o'clock. The witness, Bapojee, was most untrustworthy, for at different times he gave three different accounts of the same matter. In his first deposition, dated the 1st of August 1850, he stated that Baba Nafuda told him for what purpose the money was paid. In the second deposition of the 8th February 1851, above referred to, he stated that he learned it from conversations with the servants of the firm; and before the Commissioner he said that he knew not to whom, nor for what purpose, the money was paid. This witness, when cross-examined before the Commissioner, attributed the above discrepancies in his evidence

evidence to his imperfect memory; yet it did not appear how he could remember what had occurred six years before, and how he should have forgotten what had occurred six months before. The witness Damodhur deposed at first that Baba Nafuda did not tell him for whom the money was intended, but that he was told by Bapojee; and when Damodhur was examined before the Commissioner, he stated that he never asked Baba Nafuda about the matter, whereupon Colonel Outram produced his deposition, taken in February, wherein he had stated that Baba Nafuda told him. The witness thereupon said, that what he stated then was true; thereby admitting that what he said before the Commissioner was false. Your memorialist begs here to remark, that in the absence of your memorialist in August 1850, Colonel Outram took the depositions of the above two witnesses; and in February 1851, that is, about six months subsequently, he caused fresh depositions to be taken from them by the Judicial Commissioner, Mr. Grant, to whom, however, there did not appear to your memorialist to have been delegated any authority to interfere in your memorialist's case. Those second depositions differed from the first ones, and when the witnesses attempted to tell the truth in any degree before the Commissioner, Mr. Frere, they were interrupted by their depositions being produced, and by being questioned as to the contents thereof. In the books of the firm there appeared entered, in what was called the letee khatoo, or blank line account, many other items, besides the item alleged to have been paid to your memorialist; but when the above witnesses were asked concerning them, they gave evasive answers, declaring their ignorance of them, and stating that the particulars must be known to their set or master, and to Baba Nafuda, the manager of the firm. Hence, according to their testimony, although various sums of money were expended by the firm for secret purposes, it was not deemed necessary that they should be informed of the destination of any portion of that money, except what was said to have fallen to the share of your memorialist. How far such a supposition should be entertained, under the above circumstances, can be easily determined by your Honourable Court.

68. Your memorialist now begs to direct your Honourable Court's attention to the evidence of the person to whom it was said the money was paid. That person, who was a menial servant of the firm of Hurree Bhuktee, named Hurreeya, deposed that he received the money in the early part of the evening, thus differing from what was stated by the above-mentioned two witnesses in regard to the hour at which it was paid. After having received it, he said that, assisted by a labourer, he carried it to an old empty house situated in front of Baba Nafuda's house, and to a spot where a temple was subsequently built. In this respect he evidently spoke falsely, for the temple had been built there some months before, and the ceremony of installing the image in it took place in the Hindoo month of Falgoon, in the Sumwut year 1901 (March, April, 1845), whereas, according to Hurreeya's statement, the temple itself was not built in Wysakh 1901 (May, June, 1845), two months subsequently. On this point your memorialist raised an objection to the evidence of the witness Hurreeya, and he was again brought before the Commissioner in order that his evidence might be amended, and your memorialist was desired to inspect the premises alluded to. Your memorialist having done so, and the Commissioner having afterwards gone to inspect them, Hurreeya there pointed out the place where he said that he placed the money. Your memorialist, however, produced as witnesses a carpenter and a karkoon, who were both employed about the temple at the time it was being built, and they stated that the place pointed out by Hurreeya was already included within the space occupied by the temple, and that it was not taken into it afterwards, as Hurreeya attempted to explain on being cross-examined by the Commissioner; but the Commissioner refused to take the evidence your memorialist's witnesses, on the ground that he had closed his proceedings. When Hurreeya was cross-examined by your memorialist as to the discrepancies in his statements, his answers were evasive, and he affected ignorance of certain matters, and of others pretended to have no recollection. The same witness gave the following account of the removal of the money. He said that ten bags containing 20,000 rupees were carried away in six consecutive trips, made by him and the labourer who assisted him. It was not, however, shown that any one remained in the empty house where they were conveyed, to watch the bags which were brought there, while the carriers went for the others. Baba

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Nafuda was in the frequent habit of carrying large sums of money to and from his master, in consequence of the pecuniary transactions between the firm of Hurree Bhuktee and his own firm of Narayan Runchod. It was not, therefore, likely that he would have entrusted the carriage of 20,000 rupees to a menial servant and a common labourer, when he might have easily carried the money in his own cart to his house.

69. The witness Hurreeya also alleged that the money was brought to your memorialist's house at night from the house of Baba Nafuda, whence it was taken in a cart in which one Asharam rode, accompanied by him (the witness). He further said, that the cart passed through a gate called Gohacha Durwaza, which, however, could not have been open at the time, being closed and locked every evening before eight o'clock, and the keys taken away. The road taken, as was alleged, was a circuitous and solitary one, outside the city, and not safe by night, and the parties were not, as is customary, accompanied by either a sepace or a torch-bearer. But it did not appear that there was any necessity for Asharam to put himself to so much inconvenience, since he might have proceeded along the direct road through the city, without encountering any obstacle to arrest his progress; or that, if his object in going another way were to conceal the fact of his having gone to your memorialist's house, he should have taken the witness Hurreeya with him, instead of going accompanied only by his servant who drove his cart. But Asharam being dead, your memorialist was deprived of the advantage which his explanation of the matter might have afforded him.

70. In regard to the fifth charge, accusing your memorialist of having received 28,070 rupees, in part payment of a sum of 78,070 rupees to be paid by Baba Nafuda to your memorialist on account of the case of Joitabaee Setanee, the evidence produced in support of it was similar to that appertaining to the fourth charge against your memorialist; but your memorialist begs to remark, that at the time at which he was alleged to have accepted it, namely, in October 1848, he could not have rendered to the firm of Hurree Bucktee any service of any kind, and certainly none of such a nature as to have induced Baba Nafuda to promise him so large a sum as 78,000 rupees and upwards. Colonel Outram had written to the Bombay Government accusing your memorialist of misconduct, in regard to which he subsequently framed his second and third charges against your memorialist. About the time of Colonel Outram's departure for Egypt, your memorialist being under the impression that he had completed his full period of service (viz. 30 years), had submitted an application for a pension, and this had been forwarded by Colonel Outram to the Bombay Government, with a recommendation that your memorialist's appointment should be conferred on Baba Fudkeh, and at the time of his departure from Baroda, Colonel Outram publicly declared his intention to suspend your memorialist from his appointment. These facts were known at the time to all the people of Baroda, and your memorialist's removal, and Baba Fudkeh's appointment, were subjects of common conversation. Colonel Outram having proceeded on furlough, Captain French, who was known to be a great friend of his, was appointed to succeed him as officiating Resident, and it was commonly reported that your memorialist was not likely to receive any indulgence or consideration from that gentleman. Under these circumstances, your memorialist passed his time in anxious suspense, awaiting the decision of the Government on his case; how Baba Nafuda could then have imagined that your memorialist, while so critically situated, could be of any use in forwarding his interests, is a question which must occur to any impartial and unprejudiced mind. At such a juncture, it was indeed far from probable that a man of Baba Nafuda's cautious and wary disposition would have rashly ventured to promise and pay away a portion of so large a sum as 78,000 rupees, in order to secure the probable services of your memorialist, who had not the power to do good or evil to Baba Nafuda, or any one else. In fact, he, and all people at Baroda, entertained the opinion that Colonel Outram's report to Government would effect your memorialist's ruin.

71. In reference to the above charge, Colonel Outram, at the close of his prosecution, called in as a witness his Assistant, Lieutenant Battye, to prove that while this gentleman was in temporary charge of the Residency previous to the arrival of Captain French, your memorialist obtained his signature to an improper indorsement made on a memorandum received from the Guickwar's Durbar;

Durbar; and Colonel Outram asserted that about ten days after that indorsement was so signed, your memorialist received a portion of the bribe, and thereupon in order to render himself worthy of receiving the remaining portion, your memorialist made certain false representations to Captain French in favour of Baba Nafuda. Your memorialist must beg your Honourable Court to remember, that the investigation relative to Joitabaee's affairs was conducted by the Guickwar's Government, and it was obvious that Baba Nafuda did not require your memorialist's assistance in his transactions with them. And with regard to the indorsement signed by Lieutenant Battye, it was written in obedience to his orders by Narayenrow, the head karkoon, employed in the Residency-office, and your memoralist was not even present at the time it was written, as was deposed by that karkoon in the case to which the first charge appertained; and as it related to a subject of more than usual importance, it is natural to suppose that before he signed it, Lieutenant Battye, who understands Mahratta, must have had it read over to him. To assume the contrary would be to charge that gentleman with a gross dereliction of duty. Your memorialist does not believe that such an imputation against Lieutenant Battye's character as a public officer would be entertained by those who have witnessed the care and assiduity with which he performs his public duties; it is therefore most extraordinary how he could have stated that his signature to a public document was surreptitiously obtained, and it is still more extraordinary that he should not have remembered what order he gave upon the receipt of the memorandum from the Gaickwar's Durbar, since it referred to a matter which must have engrossed no inconsiderable share of his attention. The reason which Lieutenant Battye assigned for his assertion that his signature to the indorsement must have been surreptitiously obtained, was, that he would not have given the order which it contained. If this were the case, then it should be observed that Lieutenant Battye deposed on another occasion before the Commissioner, that Ladbaee's deposition, which was enclosed in the memorandum received from the Guickwar's Government, was not of a satisfactory nature; Lieutenant Battye's sentiments regarding Joitabaee's case must then have been the same as those of Colonel Outram, and he must have thought that Captain French, who subsequently assumed charge of the Residency, was wrong in forming a contrary opinion; yet Lieutenant Battye did not inform that gentleman of what he considered the real features of Joitabaee's case, although he saw the report which Captain French submitted to the Government. On this point your memorialist begs respectfully to refer your Honourable Court to Captain French's answers to Colonel Outram's questions, Nos. 1, 2, and 52, in case No. 1, in which your memorialist was tried by the Commissioner at Baroda.

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72. The evidence in support of the charge, as in the case of the other bribe of 20,000 rupees, consisted principally of a memorandum said to have been found with two notes in the treasury of the firm of Hurree Bhuktee; and to corroborate its evidence, there were also produced a daily cash account, and some extracts from account books. It is scarcely necessary to occupy your Honourable Court's attention by minutely describing the manner in which the entry of the sum of 28,070 rupees appeared in three several accounts, since no mention was made of your memorialist's name, nor did it appear for what purpose the money was paid. A portion of the money (23,070 rupees) was found entered to the credit of the account of Narayenrow Runchod, the name of Baba Nafuda's own firm; and it appeared that Narayen Runchod obtained credit for the sum in his account current with the firm of Samul Bhuktee. The other portion (5,000 rupees) of the sum of 28,070 rupees, appeared as a payment on account of some gold venetians, and the whole sum of 28,070 rupees was debited to Bechur Samul, the head of the firm of Hurree Bhuktee. There was nothing to show whether the venetians remained with the firm or not, except the evidence of the goomasta or clerk, Damodhur Doolubh, according to whom they were taken away by Baba Nafuda. In short, the accounts produced by Colonel Outram, in order to inculpate your memorialist, so far from proving that he had received any bribe from the firm of Hurree Bhuktee, or from Baba Nafuda, did, on the contrary, establish your memorialist's innocence of the offence laid to his charge. Those accounts also rendered it clear that the memorandum and the notes said to have been found in the treasury of the firm were false, and led to the presumption that they must have been deposited there by some of your memorialist's enemies.

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With regard to those documents, your memorialist begs to offer the following explanations and observations. The memorandum was to the following effect:

"Memorandum of the expenses in the month of Ashwin Sumwut 1904 (October 1848).

"On Wudya 8th (19th October), Wudwya 9th (20th October), in part of the note for 78,070 rupees, given to Nurso Punt Tatya, on account of the dispute regarding the child, as below:

"5,000	-	+	- 23,070	28,070."

Enclosed within the above memorandum, it was alleged that two notes were found; they were as follows:

[Note B].

[Invocation]—"Shree Nurhurree!

"It is not becoming of you, that the amount has not been sent here according to agreement.

[Note C].

[Invocation]—"Shree Nurhurree!

"It is not becoming of your greatness, that the whole amount has not as yet been received."

It was stated, that on the 7th April 1851, the above papers were found tied up in a piece of cloth, and that this bundle was secreted in a silver lota or drinking vessel, which was taken out of a box placed in an inner apartment of the treasury of Hurree Bhuktee's firm. Nine witnesses were examined in regard to the above matter, but they all differed in their statements; and it appeared that all those witnesses did not notice particularly, nor equally one with the other, what was taken out of the box; hence it cannot be said that there was no opportunity to introduce a small bundle into the silver lota. Moreover, the man who took the things out of the box was the same Hurreeya who gave false evidence respecting the fourth charge; several witnesses were produced to speak as to the handwriting of the documents; one of them, named Bulwuntrao Nafuda, though he did not recognise the handwriting of the memorandum as his when it was first shown to him at the Residency, yet when it was shown to him before the Commissioner, he stated that it was a copy made by him at the Residency, but added, that the letters of the words were formed somewhat differently to those of his handwriting. Other witnesses besides the karkoons employed in the Residency-office, deposed that the handwriting of the notes found with the memorandum resembled that of your memorialist; but the former showed that they were actuated by enmity against your memorialist in giving their evidence, and it was evident that the latter were influenced by the fear of incurring the displeasure of their superior, Colonel Outram, if they stated aught unfavourable to the success of his prosecution. Knowing that the people at Baroda would not give their evidence fairly, your memorialist gave the names of respectable persons in other districts that were acquainted with his handwriting, and from the answers which he obtained to the queries put to them, it was clearly established that the handwriting of the notes was not that of your memorialist. To a cursory observer, the handwriting might have appeared to resemble that of your memorialist, but your memorialist pointed out to the Commissioner that the forms of nearly all the letters were different from those in his handwriting. In one of the notes a word was misspelled, and written in a way in which your memorialist would not have written it. Your memorialist also pointed out to the Commissioner many other differences between his style of handwriting and that of the notes. In fact, considering all the circumstances, it did not appear at all unlikely that somebody had unworthily exercised his ingenuity in imitating the handwriting of your memorialist, and as each of the notes did not contain more than two lines and a half, the task was less difficult than it would have been, if it had been necessary to forge documents of any length. Your memorialist need scarcely remark to your Honourable Court, that many of the natives of India exhibited a particular aptitude for forging documents intended to facilitate the furtherance of any nefarious project, and that too much

much caution cannot be observed in admitting documentary testimony, of the genuineness of which, there may exist the smallest doubt or suspicion. Case of Nursoo Luxmon.

73. That Baba Nafuda himself drew the money said to have been paid to your memorialist, and appropriated it to his own use, is most probable, when it is considered that in the accounts of the firm of Hurree Bhuktee, there appeared several items of money drawn by him, and of the destination of which he could not be prevailed on to give any account.

74. Your memorialist here begs to state, that about the time at which Colonel Outram complained of him to the Government, he had applied for a pension. The Government having acceded to your memorialist's application, it may naturally be asked why your memorialist continued in the service subsequently. In explanation of this circumstance, your memorialist begs to state, that not having, like others, withdrawn his subscriptions to "Warden's Official Fund," he discovered that the amount thereof was not sufficiently large to entitle him to an adequate pension; and that having heard that some arrangement would probably be made at a future period relative to the claims of subscribers to that fund who had not withdrawn their subscriptions, he was induced, in anticipation of the arrangement, and in accordance with the wish of Captain French, to continue in the service. Subsequently, in the year 1850, the Government having granted permission to the remaining subscribers to the fund to withdraw their subscriptions, your memorialist availed himself of it. But in the meantime your memorialist was apprised, that although he had tendered his resignation of his appointment in September 1848, under the impression that he had then completed the prescribed period of 30 years' service, his service as tulatee, or village accountant, included in it, could not be reckoned, and that he must therefore continue to serve for some years longer to make up the difference.

75. With regard to the third charge of Colonel Outram, relative to the case of Gorajee Pole, your memorialist was accused, first, of having connived at embezzlement, in not having brought to the notice of his superiors the cause of the rapid diminution of the revenues of certain villages which were assigned to Gorajee Pole, for the maintenance of his paga or corps of troopers; and secondly, with having allowed a certain lease to be abandoned or cancelled, without having brought the circumstance to the notice of the Resident. A letter which Colonel Outram addressed to the Government on the above subject, under date the 7th September 1848, was answered by Mr. Chief Secretary Malet's letter of the 12th January 1849, from which your memorialist begs to quote the following paragraphs, as introductory to the further observations which he is about to offer to your Honourable Court.

"7. In submitting his report under reply, as well as his report on the case of Govindrow Guickwar, No. 209, of the 31st August last, Colonel Outram has represented the conduct of the native agent, Nurso Luxumon, as open to the gravest suspicions, either of apathy and disregard of his duties to Government, or of culpable collusion with fraudulent and unprincipled parties.

"8. His Lordship in Council considers it to be due to this hitherto distinguished native officer, who has passed a large portion of his life in the service of Government, whose character has hitherto been unassailed, who was long considered the most able and most faithful of the native revenue servants under this Presidency, and on whom the Honourable Court of Directors, in token of its approbation, has conferred the grant for three lives of a village of the annual rental of 1,200 rupees, that serious accusations of this nature should not be lightly entertained against him; that before any decision is passed upon his conduct, those accusations should be thoroughly sifted, and that if any doubt still remain, opportunity shall be afforded him of explaining whatever may appear detrimental to his character, and may throw upon him a shadow of suspicion.

"9. The gravamen of Colonel Outram's charge in this case is, that Nurso Punt did not assist him as he ought to have done, in the investigation of the case of Gorajee Pole, either from apathy and most blameable carelessness, or culpable collusion with the patukh, in the frauds the latter has been carrying on.

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on. His Lordship in Council, however, after a most careful perusal of the papers, finds no sanction whatever for either of these charges."

76. In reference to the above extracts, your memorialist now begs respectfully to solicit your Honourable Court's attention to the following narrative of the case of Gorajee Bin Soobhanjee Pole, a pagadar or commander of a paga, or body of horse in the service of his Highness the Guickwar. An allowance of *Rs.* 7,193. 12. having been fixed for the maintenance of the paga, its payment was guaranteed by the British Government, and the revenues of certain alienated villages (viz., Kasipoor, Amodur, and Jumboowada), were set apart for that purpose; but eventually those revenues having fallen short of the above amount, it was agreed that a sum of 1,000 rupees should be annually paid by the Gaickwar's Government. Previous to the Sumvut year 1896, the paga was disbanded; but in that year the late Mr. Sutherland again established it, and recovered from the Gaickwar's Government the above-named villages which had been resumed, and restored them to the pagadar, Gorajee Pole, who managed their affairs in conjunction with one Kahandass Wagjee, whom Mr. Sutherland appointed as Pole's parukh, or agent and manager, and from whom the accounts of the villages used to be received at the Residency.

77. After your memorialist joined the Residency-office in June 1844, having examined the accounts, he found the revenues of Pole's villages for the preceding five years to be as follows:

		Rs.	*a.*	*p.*
For the Sumvut year	1896	5,851	14	9
„	1897	3,696	11	6
„	1898	5,072	12	9
„	1899	4,932	6	9
„	1900	3,236	14	9
Total - - -	*Rs.*	22,790	12	6

This total gave an annual average of *Rs.* 4,558. 2. 6, and your memorialist having observed that great inconvenience was experienced in defraying the charges of the paga, he represented to Mr. Ogilvie, the Assistant Resident in charge, the difficulty of realizing the revenues of the villages, which were managed according to a system called Bhagbuttoyee, and thereupon Mr. Ogilvie having made inquiries, caused Pole to give a septennial farm of the three villages for the annual sum of 5,701 rupees to three persons, namely, Putell Rugnath Meetha, Dessaee Wullubh, and Mooljee Muckundass; but the last-named individual not having signed the agreement of the acceptance of the lease, it remained obligatory only upon the two former. At the same time, Mr. Ogilvie adopted measures for the recovery from the Gaickwar's Durbar of the arrears of the sum of 1,000 rupees, agreed to be paid annually to make up the deficiency in the revenues of the villages, but which had been withheld since the Sumvut year 1896 (A. D. 1839–40).

78. In the meantime, Pole objected to retain Kahandass Wagjee as his parukh, and proposed that he should be allowed to appoint another person in his place. Mr. Ogilvie, however, declined to accede to his request, but informed him that he might apply to the Resident on his arrival. The management, therefore, continued in the hands of Kahandass Wagjee until the arrival of Sir R. K. Arbuthnot in May 1845. Pole then made a series of representations, which had no effect, but having perseveringly continued to importune that gentleman, he at length permitted him to appoint another parukh, on condition that he should first pay to Kahandass Wagjee the balance due to him. Pole having chosen one Parukh Jagjeewundass, Kahandass brought to Sir Robert Arbuthnot a written agreement which was to be entered into by him (Pole) and his parukh, regarding a loan of money; but Sir Robert declined to look at the document, and distinctly told him that he, as Resident, would have nothing to do in any loan transactions. Pole then applied for the guarantee of the British Government for the unmolested possession of the villages, whose revenues were assigned for the support of the paga; and also for the payment of the allowance from the Guickwar's Government of 1,000 rupees annually, which he (Pole) had assigned

assigned towards the liquidation of the loan obtained from his parukh. He added, that unless the request were complied with, no one would become his parukh, and that as Kahandass Wagjee had refused to advance him any more money, the paga was in straitened circumstances. Upon receiving this important representation from Pole, the Resident, Sir R. K. Arbuthnot, was induced in January 1846 to append the British guarantee to a deed which Pole passed to his new parukh. Thenceforth, from the Sumwut year 1902, the management of Pole's affairs was conducted directly by his new parukh's private partner, named Russeekhram, and by Pole himself, without any interference whatever on the part of the Residency.

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79. In May 1846, Mr. Andrews was appointed Acting Resident; and some time after his arrival, your memorialist represented to him the advisability of making some inquiry into the management of Pole's parukh; as Pole himself was indifferent as to how it was conducted, and might be defrauded of his money. Thereupon Mr. Andrews wrote to the Government a letter, dated the 13th August 1846, on the above subject, and on the 22d of January 1847 an answer was received, to the effect that the management of Pole's villages should be brought under the supervision of the Residency, and the parukh's manager, Russeekram, was therefore called upon to render his account, which he submitted about April or May 1847. On an examination of that account it was discovered, that instead of crediting therein the full amount for which the villages were farmed, the parukh had merely credited the sum realised by his direct management, thus exhibiting a deficiency in the amount mentioned in the lease. Shortly afterwards Mr. Andrews left Baroda, and in May 1847 Colonel Outram having arrived, the above circumstances were brought to his notice, whereupon he sent for Russeekram, and informed him that he would be held responsible for the payment of the sum mentioned in the lease, and that he should furnish amended accounts for two years (Sumwut 1902 and Sumwut 1903). After repeated calls were made on him, he submitted an account for Sumwut 1903, in the month of November 1847. The patells and tullatees of the villages were then invited to the Residency, and required to produce their respective accounts, which were compared with the account rendered by the parukh; and from the statements made by them, it appeared that there was a mutual understanding between them and the parukh. This circumstance your memorialist brought to the notice of Colonel Outram, who postponed his inquiry into the matter, pending the receipt of an answer to a letter addressed by him to the Bombay Government, relative to the recovery from the Gaickwar's Government of the arrears of the annual allowance of 1,000 rupees, agreed to be paid in order to make up the deficiency in the revenues of the villages assigned to Pole.

80. An answer was received in May or June 1848, and the arrears for nine years were thereupon recovered and deposited in the Residency treasury, after which Colonel Outram having inquired how the account of the parukh was to be settled, your memorialist observed to him, that the parukh had violated the conditions of the lease, and that he would not produce the detailed accounts of his management. On two several occasions in June and July 1848, Colonel Outram required your memorialist to furnish him with written statements on the subject, and the parukh was called upon for a detailed account. In the meantime, Colonel Outram informed your memorialist that Gorajee Pole's affairs would be inquired into by Baba Fudkeh, and directed him to make over to that person the papers and documents connected with the subject, and your memorialist accordingly did so. Colonel Outram subsequently caused your memorialist to answer certain written interrogatories, relative to which your memorialist begs to quote the following passage in the 28th para. of Mr. Chief Secretary Malet's letter of the 12th January 1849.

"When, moreover," writes Mr. Malet, "the Resident was dissatisfied with the manner in which the duty had been performed, the native agent was subjected to a most searching cross-examination, from which he escaped without any criminatory matter being elicited against him; his replies to the Resident's interrogatories being candid and straightforward, and not those of a guilty man." Colonel Outram having addressed to the Government a report on the above subject, dated the 7th September 1847, and having therein charged your memorialist with misconduct in respect to the case of Gorajee Pole, your memorialist begs

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begs to make the following further quotations from the letter of Mr. Chief Secretary Malet, of the 12th of January 1849.

"11. His Lordship in Council is of opinion, that the answer given by Nurso Punt to the queries put to him are quite satisfactory. He seems in these, as well as in his reports of June and July 1848, to have explained all that could be required of him. Government may not agree with him in his opinion as to the necessity or expediency of relieving the patells from their seven years' engagement, or granting them more favourable terms, still there is nothing to blame in that opinion; and it is probable that many persons, if they thought the terms too hard (Fudkeh's report, para. 13, article 1, admits that there were losses), would have deemed it right to make some abatement. This, I am desired to observe, is contemplated in the lease itself, in the concluding clause of which it is particularly specified, that if on an examination of accounts, it appears that the lessees are losers, the Resident will grant a remission, a fact which the Resident has nowhere noticed in his proceedings."

81. From the above extract it will be seen by your Honourable Court, that your memorialist did furnish Colonel Outram with all the information which he was able to give, and could not therefore be charged with having connived at any embezzlement on the part of Gorajee Pole's parukh. Neither could your memorialist be held responsible for the mismanagement of Pole's villages, since your memorialist had nothing whatever to do with them. On this point Mr. Chief Secretary Malet, in his letter above-mentioned, wrote as follows:

"13. Fudkeh's report of August 1848, if true, shows that the villages are mismanaged. Probably they are so, but this is irrelevant to the question at issue; and his Lordship in Council is unable to understand how any portion of that report reflects on Nurso Punt. It was no part of his duty to manage the villages, or to see that the contract was observed, that the Pole was not defrauded, or that the village lands were not alienated."

82. In regard to the lease which Colonel Outram accused your memorialist of having allowed to be abandoned or cancelled, Mr. Malet conveyed the decision of the Government in the following words:

"15. Colonel Outram alleges, in para. 7, much that is to the discredit of Nurso Punt, in regard to what is termed the cancelling of the lease, but the reasonings of that officer are not concurred in by Government. The lease in reality is not cancelled, it is in force to this day. It cannot be cancelled without the sanction of the Resident, and that has never been given. There is no reason for believing that this fact was not as well known to the Acting Resident, Mr. Andrews, as to the native agent. The lease was by the Pole's bond of the 14th January 1846, placed in the Pandeh's hands. If he chose to relinquish the security, this was his business. So long as he did not complain to the Resident that the patells did not furnish security or pay the full amount, there was no necessity for the Resident, or any one connected with the Residency, to know whether the lease was enforced or not.

"16. And even if Nurso Punt was informed of the fact of its being so (which, however, is a mere assumption), this is no crime. He affirms (*vide* answer to Query 24), that it has always been customary to transact business in their (the Residents') presence, and the native agent has never had private interviews with people on matters of business, neither has he ever interfered in any case without orders to that effect. Whatever anybody had to say was said before the Resident, &c. His Lordship in Council believes this to be strictly true, especially as Colonel Outram does not gainsay it. It is a very easy process to assume that the native agent saw everybody, and knew everything, and then to argue that he concealed his knowledge. It is only one further step in the assumption, that he concealed it from fraudulent motives."

83. With regard to the annual sum of 5,412 rupees fixed for the expenses of Gorajee Pole's paga, your memorialist, in his report to Colonel Outram, stated that the Government had nothing to do with the guaranteeing of any sum beyond that which might be advanced to Pole by the parukh. On this subject, Mr. Chief Secretary Malet made known the sentiments of the Bombay Government in the following paragrahs of his letter of the 12th January 1849.

"17. As regards the account between Pole and the parukh, his Lordship in Council quite concurs in the decision which Nurso Punt advocates. He distinctly;

tinctly says, that the parukh cannot claim the Government guarantee to any sum beyond that advanced by him to the Pole for the payment of arrears due for the expenses of the paga, and the annual sum of 5,412 rupees. It is true, the amount of arrears is not given in the bond. It ought undoubtedly to have been so, but to provide for this was the duty of the Resident, and not of the native agent, who declares (and there is no reason to doubt his word) that the whole transaction was conducted by Sir Robert Arbuthnot in person. It is unfair to impute blame to the native agent for the Resident's omission.

"18. The parukh claims a large balance from the Pole for sums advanced annually beyond the stipulated amount of 5,412 rupees. Nursoo Lukshumón distinctly states, that for this the British Government is not guarantee (*vide* answer to 17th Question, at its conclusion). In so doing his Lordship in Council can perceive no desire on the part of the native agent to aid the parukh in any unjust demand.

"19. Colonel Outram dwells much on the obligation which the parukh had entered into in the bond, not to expend a rupee beyond a certain sum, *i. e.*, 5,412 rupees. *Vide* para. 6th of his letter, in which he further states, 'Neither does the native agent in his report, nor did he even do so verbally, bring to my notice, that the parukh was pledged in his bond to limit the expenditure to 5,412 rupees.'

"20. After a very careful perusal of the bond, his Lordship in Council can find no such stipulation or pledge. The parukh binds himself to pay yearly for the expenses of the paga, 5,412 rupees, but there is not a syllable of pledge that he will not advance a single rupee more. The native agent, therefore, is not to be blamed for not bringing to the Resident's notice a fact which has no existence. The sum of 5,412 rupees was the minimum amount which the parukh bound himself to expend, and the maximum amount for which Pole's villages were liable under the bond, and to which the guarantee extended. If he chose to advance more, he became a mere ordinary creditor of the Pole for the excess."

84. Colonel Outram also accused your memorialist of having attempted to conceal from him the terms of the bond passed by Pole to his parukh, although this information was perfectly accessible to him. On this point, the following just observations are contained in Mr. Malet's letter:

"21. Whatever were the conditions of the bond, Colonel Outram was as able to know then as Nurso Punt himself. The bond itself was before him, and if he could not read the original, the translation sent to Government by Mr. Andrews was sufficient. It cannot be supposed that Nurso Luxumun, a man not deficient in ability or acuteness, could have thought that Colonel Outram would have decided a matter of this kind without looking at the principal document connected with it, or that he would have been so egregiously blind as not to see that if from any improper motive he misrepresented the contents of the bond, his scheme could not remain for half an hour undetected."

Colonel Outram further charges your memorialist before the Commissioner with not having brought to the notice of Mr. Andrews, or of himself, the guarantee article written by Sir R. K. Arbuthnot at the foot of the agreement entered into in 1846 between Pole and his parukh; and Colonel Outram stated that he first came to know of it in September 1850. Now, in regard to this matter, your memorialist presented to the Commissioner a supplementary statement, dated the 18th August 1851, to his defence on the third charge. Your memorialist knows not what inquiry the Commissioner may have made thereupon, or what opinion he recorded; but your memorialist cannot conceive how Colonel Outram could have complained of your memorialist in 1848 without having seen that guarantee clause, or how Mr. Andrews, in his letter to the address of Mr. Chief Secretary Malet, dated the 13th August 1846, could have stated that the agreement was guaranteed by Sir R. K. Arbuthnot, and how the Government could have answered the above letter on the 22d January 1847, without understanding what was guaranteed, and subsequently how the orders of your Honourable Court could have been obtained upon the report of Colonel Outram in 1848. Your memorialist begs to observe, that when Mr. Andrews forwarded a translation of the above agreement to the Government, he is positive that the guarantee article written by Sir R. K. Arbuthnot was copied at the foot of it. It appears, however, that the head clerk, Mr. Hykoop, did not retain a copy of that article

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in his office records; and in order to cloak this neglect on his part, he gave his evidence in such a way as to throw the blame on your memorialist, who was undeserving of censure. Yet no notice appears to have been taken of the above discrepancies by the Commissioner, or by the Right honourable the Governor in Council.

85. In the same letter of the 12th January 1849, after stating that the parukh could not claim the interference of the Resident, nor the possession of the villages, in order to recover any sum due by Pole over and above the fixed allowance of 5,412 rupees, but that any other property possessed by Pole might be liable for the debt, Mr. Malet writes:—

"23. On these grounds, his Lordship in Council cannot see any great impropriety in Nurso Punt's suggestion that any sum really due to the parukh, beyond the 5,412 rupees per annum, after deducting the revenues of the villages, should be paid from the sum received from the Durbar. If the Pole really owed such a balance (and this Colonel Outram does not doubt, *vide* para. 14), he might have justly thought that it should be paid, although there were no guarantee to it. This would have been at least a better mode of disposing of the money received from the Durbar, than to make it over to Pole, who would at once have squandered it.

"24. Matters might, in the opinion of Government, have been better conducted, had the villages been managed by the Resident. But so long as the parukh is considered bound to give Pole credit for the amount of the seven years' lease, it is clear, as urged by Nurso Punt, and admitted by Colonel Outram, that this could not be effected without a previous settlement of the parukh's claims. In fact, his consent was obviously necessary for the arrangement, unless it could be shown that he had in any way infringed the stipulations of his bond.

"25. When Nurso Punt was asked by Colonel Outram why this arrangement had not been carried out, he stated this objection, and also that it was requisite previously that the answer of Government should be received as to the exact amount available from the arrears of the 1,000 rupees per annum paid up by the Guickwar. This second reason Colonel Outram stigmatises as a mere excuse for delays. To his Lordship in Council, however, it seems a valid reason, because until that answer was received, the account between the Pole and the parukh could not be adjusted; and there is, therefore, nothing suspicious in Nurso Punt's having advanced it.

"26. There appears, moreover, nowhere throughout these proceedings any admission by Nurso Luxumon of the correctness of the parukh's accounts of the sums disbursed by him to and by order of the Pole. Colonel Outram does not allege that Nurso Punt ever examined them in detail; and his Lordship in Council understands them to have been received from the parukh subsequently to the Resident's suspicions having been excited. Had Nurso Punt examined these accounts, and proposed to allow the parukh credit for unobjectionable or unreal items, then there might have been some reason for doubting his uprightness."

86. Your memorialist humbly trusts that a perusal of the foregoing extracts will convince your Honourable Court, that when Colonel Outram forwarded his report to the Government in 1848, they having carefully and minutely investigated the grounds of Colonel Outram's charge against your memorialist, in the case of Gorajee Pole, could not discover any shade of culpability whatever in the conduct of your memorialist in reference to that case, as well as the other matters on which Colonel Outram complained against him. After the lapse of two years, that charge, with the other charges, was revived by the same gentleman; but the evidence produced by him before the Commissioner to prove that your memorialist connived at embezzlement on the part of Gorajee Pole's parukh, was principally what had been submitted by him to the Bombay Government in 1848, besides the oral testimony of some witnesses, among whom the principal were the patells of the villages. Their evidence taken at various times was contradictory. Their depositions, however, showed that no one had informed your memorialist that the management of the villages was not carried on in accordance with the terms of the lease. As a corroboration of this fact, your memorialist begs to observe, that in the year 1846, when an agreement was entered into between Pole and his parukh,

parukh, Jugjeewun, your memorialist gave all the necessary information to Sir R. K. Arbuthnot; and although this gentleman, in consequence of Pole's importunate applications, agreed to guarantee the above agreement, yet your memorialist insisted upon the conditions of the lease being carried out. An additional clause was, therefore, inserted in the document, to the effect that the management of the villages should be conducted agreeably to the provisions of the lease, thus securing Pole's revenues from sustaining any diminution. This was done in January 1846; yet your memorialist was charged with having, in the ensuing month of February, sanctioned the total relinquishment of the lease. Your memorialist leaves it to your Honourable Court to judge whether it was at all likely such inconsistent conduct on the part of your memorialist would have remained unobserved; and how your memorialist could have released Pole's parukh from his engagements, without having obtained a special order to that effect from the Resident. Case of Nursoo Luxmon.

Before concluding his remarks on Colonel Outram's third charge, your memorialist thinks it necessary to observe, that in the 11th para. of the letter which Colonel Outram addressed to the Government in 1848, he stated that from the report of Venaeke Moreshwur Fudkeh, it appeared that there was a large sum unduly claimed by Parukh Jugjeewun from Pole. In the 11th para. of your memorialist's written defence, delivered to the Commissioner at Baroda, he has fully explained the whole of the circumstances relating to the above point, and has clearly shown that Fudkeh persuaded Colonel Outram that the accounts of the parukh contained items of pretended expenditure to the amount of *Rs.* 4,273. 15. This, however, was merely stated conjecturally by Fudkeh; and, moreover, his calculation was for a period of more than eight years, while Parukh Jugjeewun's accounts of the management were for two years only. Thus Colonel Outram, placing entire dependence on Fudkeh's report, complained of your memorialist to the Government, and in his communication unwillingly misrepresented not only the above, but other matters which your memorialist will not trouble your Honourable Court by detailing.

87. Your memorialist trusts that he has stated enough to show your Honourable Court that the charge of embezzlement, got up against him in reference to the case of Gorajee Pole, was not supported either by the evidence or the circumstances connected with it. Nevertheless, the Government considered your memorialist's conduct open to suspicion; but not having stated any grounds for this opinion, your memorialist is unable to offer any explanation in addition to what he has given above. In respect to the charges 2, 3, 4, and 5, your memorialist has made such observations and statements as occurred to him. As for the remaining charges 1, 6, and 7, the Government entirely exonerated your memorialist from the groundless imputations which they contained. It is, therefore, unnecessary that your memorialist should take up the valuable time of your Honourable Court with any lengthy representation in regard to them. But, nevertheless, your memorialist deems it proper that he should lay before your Honourable Court a short statement of the nature of the evidence by which it was attempted to substantiate those charges.

88. To prove that your memorialist communicated to Captain French an erroneous account of certain petitions received from Joitabaee Setanee and her mother Larbaee, that were lying untranslated in the Residency-office, Colonel Outram alluded to a brief description of these papers given by Captain French in a report made by him to the Government, and having remarked that it was incorrect, thereupon accused your memorialist of having given a false interpretation of their contents to Captain French. Now your memorialist begs to observe that a few days after Captain French's arrival at Baroda, he took all the English compilations, as well as the translations of papers, relating to the subject of Joitabaee's complaint concerning her child, and was occupied for some days in perusing them. At the same time he sent for all the Mahrattee and Goozurattee papers connected with the matter, and having had the untranslated ones read over to him, he thereupon wrote his report, and forwarded it to the Government. It may, moreover, be easily seen, on a reference to the papers connected with Joitabaee's case, that there was no ground whatever for Colonel Outram charging your memorialist with having deceived Captain French. The second count of Colonel Outram's charge against your memorialist in this case accused your memorialist in substance of having persuaded Captain French, that according

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to the popular rumour at Baroda, the alleged pregnancy and subsequent delivery of Joitabaee were fictitious, and that a former Resident (Sir R. K. Arbuthnot) had refused to attend the ceremony of the naming of Joitabaee's child. To substantiate this accusation, a report by Colonel Outram, dated the 31st March 1851, with its Appendices, was recorded. In respect to this, your memorialist must remark, that in the official correspondence read by Captain French, after he assumed charge of the office of Resident, he could not have failed to perceive the allusions made to the rumours current in the town of Baroda; and as he was in the habit of freely conversing with all persons who visited him, the subject of Joitabaee's affairs may not unfrequently have been introduced to his notice. Colonel Outram also stated that your memorialist, with a view of prejudicing his mind in regard to Joitabaee's case, had informed him, a short time after his arrival at Baroda, of the circumstance of Sir R. K. Arbuthnot's non-attendance at the ceremony of naming Joitabaee's child, that consequently he began thenceforth to entertain doubts of your memorialist's integrity; and that when he mentioned them to Mr. Mansfield, that gentleman admitted that they were just. Nevertheless, during 12 months subsequently, Colonel Outram continued to avail himself of your memorialist's services, and with apparent confidence in him, as may be inferred from the contents of the accompanying copy of a note which was addressed to your memorialist by Colonel Outram about the month of April 1848, and in which he stated that he would be sorry if your memorialist retired from the service. Again, if Mr. Mansfield had concurred with Colonel Outram in doubting your memorialist's integrity, why should that gentleman have mentioned your memorialist's name in favourable terms, in a report which he forwarded to the Government about the month of January 1848, when he held the appointment of Political Agent in Rewa Kaunta? Your memorialist is positive that he never attempted to mislead or to prejudice Captain French's mind by telling him that Sir R. K. Arbuthnot did not attend the ceremony of the naming of Joitabaee's child. It is not improbable that this fact may have been learned by Captain French from the perusal of a report sent to the Government by Mr. Andrews in the year 1847, if not from any one of the other numerous sources of information to which Captain French had access.

Appendix (A.)

89. The third count of Colonel Outram's charge against your memorialist, in regard to Joitabaee's case, accused him of not having communicated to Captain French the real nature and features of that case, and with not having suggested to that officer to procure from the Gaickwar's Durbar, for transmission to the Government, the proceedings of a punchayet held to investigate the complaints preferred by Joitabaee against Baba Nafuda, the moonim or manager of her late husband's bank. As evidence in support of this count also, there was recorded the above-mentioned report of Colonel Outram, No. 47 of 1851; and Colonel Outram alleged that a report of Captain French, dated the 15th November 1848, was framed agreeably to your memorialist's advice. This your memorialist begs most solemnly to deny. Captain French wrote his report, which was a voluminous one, after having perused all the correspondence relating to the subject, and all that Captain French said to your memorialist about it was, that he had written to the Government, recommending that the case should be decided by punchayet, or an investigation by an assembly of arbitrators, to be nominated by the contending parties themselves. To this course your memorialist objected, and observed, that as the case involved a criminal charge, the Government could not approve of his recommendation, which would be applicable only to a civil matter. In answer to this objection, Captain French mentioned that it would be advisable to adopt the plan proposed by him, in order to preserve the honour of a respectable family, and prevent the pernicious consequences which would attend the continuance of the dispute. This was the purport of conversation your memorialist had with Captain French in respect to Joitabaee's case, and your memorialist informed the Assistant Resident, Lieutenant Battye, of it, immediately after having seen Captain French, with whom your memorialist never had any further conversation about his report, nor did that gentleman ever think of adopting your memorialist's opinion. Colonel Outram, however, repeatedly asserted before the Commissioner that Captain French, a few days after his arrival at Baroda, sent a report to the Government, framed in accordance with your memorialist's advice, and calculated to mislead the Government. Yet according

according to the evidence given by Mr. Battye, it appeared that this assertion of Colonel Outram was entirely groundless, since Mr. Battye clearly stated that Captain French never consulted your memorialist in regard to any reports made by him to the Government. Case of Norsoo Luxmon.

90. The fourth count of Colonel Outram's charge, in respect to Joitabaee's case, accused your memorialist of having drawn up an incorrect summary of her petition of the 7th of May 1849, and given it to Lieutenant Battye for translation, preparatory to its being transmitted to the Government. No such summary was ever drawn up by your memorialist, nor was it ever customary during the time your memorialist held the appointment of native agent at the Baroda Residency to draw up summaries of petitions. Whenever translations of petitions, or of their substance, were required, it was usual for a karkoon to take the original papers to the Assistant Resident, or the English head writer, to whom he read them, and by whom they were translated. The duty of comparing the translations with their originals always devolved upon the translator, who was accordingly considered answerable for the accuracy of his translations. At the foot of the English translation of the summary alluded to by Colonel Outram, there was a memorandum in English, to the effect that the purport of the enclosures of the petition of the 7th May 1849 was the same as that of an English petition, dated the 21st December 1848, presented to the Government, and referred by them to the Residency. This petition was never in your memorialist's hands, nor did your memorialist know aught of its contents. It was therefore evident that the Assistant Resident, Mr. Battye, must have had read to him the enclosures, as well as the petition itself, and having referred to the English petition, have then written his memorandum. Hence your memorialist cannot conceive how he could be charged with having misrepresented the contents of Joitabaee's petition of the 7th May 1849, or how it could have been possible for him to epitomise it in such a way as to distort or suppress the statements contained in it. Such an imputation, if proved, would have implied that your memorialist had succeeded in thoroughly imposing upon Lieutenant Battye, and would moreover have shown that gentleman to be entirely wanting in the vigilance and intelligence which, as a public officer holding a responsible post, he should necessarily exercise and possess. From Colonel Outram's examination of Lieutenant Battye and Mr. Hykoop before the Commissioner, however, it appeared that he considered your memorialist as the chief manager of all the business, including that of the English department in the office of the Resident at Baroda, although your memorialist has no knowledge whatever of English, and that your memorialist's advice was implicitly followed and acted upon. But although great confidence may have been reposed in your memorialist, yet it would be quite opposed to common reason to believe that your memorialist's superiors would have so far forgotten their duties and responsibilities as to allow your memorialist to judge for them. So far from this having happened, your memorialist feels no hesitation in asserting that the sphere of his duty never extended beyond reading the Mahratta and Goozerattee letters and papers received at the Residency, and writing upon them, at the dictation of the Resident, the minutes of answers to be returned to them. Captain French was always most diligent in making himself perfectly acquainted with the subjects of business which came before him, and with this view never omitted to peruse all the previous correspondence connected with them. So little did he require the assistance of your memorialist, that he wrote to the Bombay Government, proposing that the appointment of native agent should be abolished on its becoming vacant, and that a karkoon should be appointed as a sheristadar or clerk to the Resident. So much, therefore, for the charge of your memorialist having misled Captain French. On this subject, written questions were addressed to Captain French, whose answers, exonerating your memorialist from the imputation cast upon him, are recorded among the proceedings of the Commissioner; but if Captain French had not been in this country at the time of your memorialist's trial, your memorialist knows not how he would have been able to rectify the mistaken view which Colonel Outram took of your memorialist's position. Your memorialist begs, in concluding his statement in regard to Colonel Outram's first charge, to quote here the opinion of the Bombay Government on this point, as conveyed in Mr. Chief Secretary Malet's letter of the 12th January 1849. In the 10th para. of that letter, Mr. Malet writes, "Colonel Outram, I am directed

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to observe, has viewed the office of the native agent, and the duties required of him, in an erroneous light. He would, as is very apparent throughout his examination of Nurso Punt of the 26th of August, render him answerable for what are really the acts of the Resident, as though the Resident could do nothing but what the native agent dictated to him."

91. With respect to the remaining two charges, 6 and 7, the first accused your memorialist of having instigated Baba Nafuda to depute an agent to Bombay, for the purpose of bribing the Honourable Mr. Reid, one of the members of Council, and the second accused him of having made an improper and unauthorised use of the same gentleman's name. Of both those charges your memorialist was fully acquitted by the Government, and it would appear to be unnecessary for your memorialist to allude further to them; yet when he reflects on the reckless manner in which they were preferred and attempted to be proved, your memorialist cannot refrain from representing to your Honourable Court the exceedingly harsh and unjust prosecution to which he was subjected in being tried upon them. Three witnesses were produced to support the charge of your memorialist having had a man sent to Bombay to bribe the Honourable Mr. Reid. One of these witnesses, named Joteshwur, did not mention the Honourable Mr. Reid's name in the first deposition which was taken from him by Colonel Outram, but in a second deposition he did mention it. When examined in presence of the Commissioner, however, he did not at first mention it; but when his second deposition, which appeared to have been taken under some agreement entered into with him by Colonel Outram, was produced, and the consequence of his deviating therefrom was pointed out to him, he mentioned the Honourable Mr. Reid's name. Joteshwur attempted to explain the way in which Colonel Outram took his depositions; but he was interrupted by the Commissioner, who thought proper to send him to the Gaickwar's authorities, in order to be punished for having given false evidence. The other two witnesses, who were goomastas or clerks of Hurree Bucktee's firm, and intelligent men, were unable to speak with certainty as to the particular date at which your memorialist, as alleged by them, went to Baba Nafuda's house, to advise him to depute an agent to Bombay. In their previous depositions they stated, indeed, that in consequence of Laud Baee having proceeded to Bombay, and the probability of Joitabaee's case assuming a serious aspect, your memorialist told Baba Nafuda to send a wukeel, or agent, to Bombay, in the month of Ashad, Sumwut 1904 (July 1848). This statement was clearly false, for Laud Baee was not in Bombay then, she having previously returned thence to Baroda. The depositions of the above witnesses having been taken on the 22d of July 1850, translations thereof were forwarded to the Bombay Government with Colonel Outram's report of the 7th September 1850. It appears that the witnesses afterwards became conscious of the inconsistencies which their depositions exhibited, for they stated before the Commissioner that they had no recollection of the particular year, but that it was three or four years since your memorialist gave to Baba Nafuda the advice which they alleged he did. In the depositions taken at the Residency the month of Ashad, Sumwut 1904 (July 1848) was distinctly stated, and the same month and year were mentioned in Colonel Outram's charge; and the paper which accompanied his report to the Government, dated the 7th September 1850, was headed thus: "July 1848. Memorandum of the inquiry regarding Joteshwur's deputation to Bombay, as a wukeel." The real object of getting up the evidence of the above witnesses, your memorialist begs to observe, was to excite the suspicions of the Bombay Government against your memorialist, in respect to the cases to which the charges Nos. 2 and 3 of Colonel Outram referred, and the subject-matter of which had been already decided upon by the Government, and thus to lead to the prosecution of your memorialist on those charges. It was also quite clear that the same evidence was got up in order to strengthen the cases to which the charges Nos. 1 and 5 of the same officer referred. At the trial of your memorialist before the Commissioner, the witnesses, in giving their evidence, differed considerably, in many other respects, from the statements recorded in their former depositions; but your memorialist does not think it necessary to trouble your Honourable Court by pointing out those discrepancies here. There was one assertion, however, of the witnesses on which your memorialist deems it proper to remark. They stated, that at the time Nafuda sent the agent Joteshwur

wur to Bombay, in Ashad of Sumwut 1904 (July 1848), a hoondee for 2,000 rupees was given to him; but from the accounts produced it appeared that the hoondee was drawn in the month of Shrawan of Sumwut 1903 (August, September, 1847), whereupon Colonel Outram admitted that he had made a mistake, and that he should have charged your memorialist with having given the advice to Baba Nafuda, in the month of Ashad of Sumwut 1903 (July, August, 1847); yet, even then, the charge could not be proved; for, from the evidence of one Raghoba Shimpee, a resident of Bombay, it was discovered that Baba Nafuda had already carried on a correspondence with one Craig, a European employé in the Secretary's office at Bombay. It further appeared, from the evidence of the same witness, that it was the above-named Craig who suggested to Baba Nafuda that Joteshwur should be sent to Bombay; that he was accordingly sent; and that, when he arrived at Bombay, he was introduced to Craig, to whom he paid a sum of 2,000 rupees. The two witnesses on whose evidence your memorialist was prosecuted on this charge, were persons of the most worthless character. Both of them had been previously sentenced to punishment by the Gaickwar's Government, for having committed perjury and given false evidence; but the sentence was not put into execution, owing to their having managed to make themselves useful to the parties who assisted Colonel Outram in his prosecution of your memorialist. It appears to your memorialist that the sole object of your memorialist's enemies in charging him with the offence in question, was to render him an object of hatred to all the European officers in the Government service, by making them believe that your memorialist was a criminal of such audacity, that he even contemplated the possibility of corrupting, by means of money, a gentleman, whose fair and honourable reputation was too well known to be sullied by the breath of calumny, a gentleman who received a munificent salary from the State, who had exercised the functions of Governor of Bombay, and who was about shortly to terminate his distinguished public career, and to proceed to his native country, to enjoy the recompense of his long and arduous public services.

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92. Colonel Outram's seventh charge against your memorialist, accusing him of having made an unauthorised use of the Honourable Mr. Reid's name, was of the same extravagant nature as the sixth charge, which imputed to your memorialist an attempt to bribe that gentleman. A number of witnesses, all of whom were more or less inimical to your memorialist, as well as some documentary evidence, were brought before the Commissioner, to prove the allegations contained in the seventh charge. The principal witness was Jayram Hybut, the avowed author of the fictitious petition, of which mention has been made in para. ,* of this memorial. Your memorialist begs to state to your Honourable Court, that Colonel Outram, in a letter which he addressed to the Government on the 7th September 1850, informed them that the above individual was a man of infamous character, and that he was illdisposed towards your memorialist. This man deposed, that one morning in the month of "Ashwin (or) Kartik 1905" (October, November, 1848), he went to your memorialist's house in Baroda, and put the following question to your memorialist: "As you are about to be pensioned, what will become of me?" That thereupon your memorialist flew into a great passion with him, reviled the Resident, Colonel Outram, and said, that he had the support and countenance of the Honourable Mr. Reid. One of the other witnesses was more explicit as to the day on which he alleged that he heard your memorialist address Jayram in the above manner. He stated that it was on the 10th of Kurtik Wud 1905 (20th of November 1848), when his Highness the Gaickwar went to Pitland; but your memorialist showed the Commissioner, by the records in the office of the Residency, that on the above date your memorialist was not at his house in Baroda, being then with Captain French, who had accompanied the Gaickwar to Pitland, a distance of 30 miles from Baroda. Besides the above discrepancy, there appeared many other contradictory statements in the evidence of the witnesses; but your memorialist will not occupy your Honourable Court's attention by detailing them. With regard to the documentary evidence, the most important document which was produced was a forged note, purporting to have been written to your memorialist by a gentleman at Bombay, and which it was alleged that your memorialist showed to different parties, to prove that he was patronised by Mr. Reid. The circumstances connected with that note were as follows:

* So in copy.

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follows: In January 1849, your memorialist received through the Post-office an English note. Having opened it, your memorialist had its contents interpreted to him, and was surprised to find that the same consisted of information which the writer alleged he was directed by the Honourable Mr. Reid to convey to your memorialist. Never having been honoured with such a communication from that gentleman, or from any other member of the Government, your memorialist immediately suspected that a trick was being attempted to be played upon him; especially as the name of Baba Nafuda, and certain circumstances relating to the firm of Hurree Bhucktee, were mentioned in the note. Your memorialist thereupon concluded that his enemies had thus ingeniously contrived to entrap him, since the note purported to have been written by a gentleman with whom your memorialist had formerly served in the Revenue Commissioner's department, but who your memorialist was quite sure could have had nothing to do with it. Your memorialist therefore sent it to his son, who was at Wasda, near Surat, and requested that he would endeavour to trace out the writer of it. Your memorialist's son informed your memorialist, that the handwriting of the note was not at all like that of the gentleman whose name was appended to it; and that as he was about to proceed to Bombay, he would, on his arrival there, make inquiries regarding it. In the month of March, your memorialist's son proceeded to Bombay, but forgot to take the note with him. He, however, went to the gentleman by whom it purported to have been written, and having informed him regarding it, promised to send it to him. The note was subsequently sent to the gentleman, but his efforts to trace out the writer of it were unsuccessful. As, however, he did not return the note, your memorialist, when he accompanied Captain French, with his Highness the Gaickwar, to Bombay, in March 1850, went to the gentleman, and asked him for the note, but he informed your memorialist that either some one had taken it away, in order to make inquiries for the purpose of discovering the writer, or that it was mislaid. He, however, promised to send it to your memorialist, if he should find it; but your memorialist never received it from him.

93. That your memorialist never considered it to have been written by the gentleman whose name was signed to it is very evident, from the fact of your memorialist having acted in the way above described. Otherwise your memorialist might have been tempted to write an answer to it, and thus have afforded his enemies special cause for triumph, since, fertile in expedients as they were, they would most probably have intercepted his answer. It was not at all likely, therefore, that your memorialist hawked about the note to show it to people, and to boast of his connexion and influence with Mr. Reid. Yet this was the document which was produced as the principal proof of your memorialist being guilty of the seventh charge preferred against him by Colonel Outram. Your memorialist's entire acquittal of that and the sixth charge, however, clearly evinced the opinion entertained by the Government as to the untrustworthy nature of the evidence adduced in support of them, and that their decision in regard to those charges was just, and fully borne out by the manifest absurdity of the acts imputed to your memorialist, who, according to Colonel Outram's own opinion of him, was not so deficient in common prudence and understanding as to have acted in the way in which those charges represented him to have done. Your memorialist would not have troubled your Honourable Court by making any allusion to this part of Colonel Outram's prosecution, had he not thought it necessary to show your Honourable Court how grievously that officer was misled by designing persons, who seized every opportunity of working mischief to your memorialist.

94. Having commented upon the principal portions of the evidence adduced by Colonel Outram in support of the various charges preferred by him against your memorialist, and having represented the most prominent of the circumstances connected with the respective matters to which those charges had reference, your memorialist now leaves his case in the hands of the Honourable Chairman and Members of your Honourable Court, from each of whom your memorialist sanguinely hopes that it will receive the best consideration, and that your Honourable Court will not withhold from your memorialist that impartial justice which the local Government have not chosen to accord to him. He has not deemed it necessary to comprise in this memorial a minutely elaborate defence of all the criminatory allegations which Colonel Outram, in his

his prosecution of your memorialist, thought proper to set up against him, since, if your memorialist were to notice them in detail, he fears that he would only trespass unnecessarily upon the valuable time and attention of your Honourable Court. Your memorialist has therefore confined his remarks and statements to such features of the evidence, and the circumstances connected with each charge, as he thought required particular explanation; for your Honourable Court cannot fail to observe from the proceedings of the Commissioner who tried your memorialist at Baroda, that Colonel Outram considered it his duty, in conducting his prosecution of your memorialist, to leave nothing unasserted that might tend to throw obloquy on your memorialist. Hence that officer did not hesitate to state, in a statement submitted by him to the Government, with a report dated the 10th April 1851, that during a period of four years Baba Nafuda became possessed of four lacs of rupees, drawn from Hurree Bhuktee's firm; that in his (Colonel Outram's) opinion the whole of that large sum had been expended privately by the above-named individual, whom he moreover believed had abstracted a quantity of jewellery and ornaments; that a large portion thereof was in the possession of your memorialist's "friends at the Residency;" and that your memorialist must have got a considerable share of that property, but no attempt was made to prove how your memorialist had received that property; and with respect to the above sum of four lacs of rupees, a memorandum, dated the 25th of September 1850, was presented by Baba Nafuda, in which document, it appears, he explained how the money which he drew from the firm was disposed of.

95. Your memorialist will not therefore allude any further to these and other vague and groundless imputations raised against him by Colonel Outram, since he is convinced that your Honourable Court, seeing that they were not included in the charges preferred by that officer against your memorialist, will regard them as irrelevant to your memorialist's case. Yet your memorialist cannot avoid remarking, that those imputations, widely circulated as they were, had an effect extremely prejudicial to your memorialist. The mischievous tongue of slander was busily employed in giving utterance to calumnies, which ascribed to your memorialist delinquencies whose enormity was such as to entitle him to rank with criminals of the deepest guilt. Before and since your memorialist's dismissal by the Government his enemies have from time to time vented their malice in virulently mendacious attacks upon him in the columns of a newspaper published at Bombay. They have represented your memorialist as possessed of immense wealth, and about to lavish lacs of rupees to obtain a reversal of the decision passed by the Bombay Government against him; and in fact, to effect a re-organisation, if not a revolution of the Government itself. Extravagantly absurd and totally unworthy of belief as such assertions must have appeared to men of common sense, your memorialist is confident that, with the unreflecting portion of the public, they have obtained a sufficient degree of credence to render your memorialist's name a bye-word, and to confirm the suspicions which were so sedulously promoted by those who were anxious to complete his ruin. Your memorialist is aware that such disgraceful attacks on the character of your memorialist, as those which he has here described, if ever noticed by any member of your Honourable Court, would not have the slightest effect in biassing their minds against your memorialist; and your memorialist's object in mentioning them at all is only to render your Honourable Court cognisant of the spirit of persecution which actuated your memorialist's evil wishers. To the same cause, as well as to their predominant love of intrigue, may be attributed their indefatigable exertions to get up the different charges which Colonel Outram preferred against your memorialist. With all the mass of evidence, however, produced in support of those charges, and with all the zeal and ingenuity displayed by those who were anxious to convict your memorialist, by some means or another, of the offences of which he was accused, the Right honourable the Governor in Council of Bombay, in the conscientious exercise of his judgment, yet in direct opposition to his former decision, and as your memorialist contends, on insufficient grounds, could only pronounce your memorialist guilty of one offence, and was constrained to acquit him of the other offences with which he was charged, though such acquittal was accompanied with the expression of undefined suspicions relative to your memorialist's conduct.

96. Your memorialist, therefore, implores your Honourable Court to examine

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most deliberately the nature of the charge of which the Government have convicted him, and the species of evidence by which it was supported before the Commissioner, Mr. Frere. Your memorialist was accused in substance, of not having represented the falsity of the accounts received from a firm to which a sum of money was due, and your Honourable Court will remember that an incorrect English version of your memorialist's statement thereof was produced, in order to make out that charge, and that sundry witnesses employed in the Residency-office, were brought forward under intimidation, to say that your memorialist had withheld from Colonel Outram certain papers which, if they had been produced, would have indicated the falsity of that account. And upon such evidence, inadmissible and untrustworthy as it was, your memorialist was pronounced guilty of a betrayal of trust, and sentenced to be dismissed from the public service. With respect to that offence, and the other offences with which your memorialist was charged, he will not, however, here repeat or say anything in addition to what he has already represented in this memorial, but he humbly trusts that your Honourable Court will duly consider the various circumstances which led to the getting up of each of the charges preferred against him; that you will look at the positions of some of the witnesses in relation to your memorialist; that you will not fail to observe the characters of many of them, and discover the motives which induced them to give their testimony in the way in which they did; that you will also particularly notice the nature of the documentary evidence produced by Colonel Outram, and the extraordinary manner in which much of it was obtained, and finally, that you will consider the prejudiced feeling exhibited towards your memorialist by Colonel Outram, and the unscrupulous assertions contained in the charges which he preferred against your memorialist.

97. It is for your Honourable Court to judge whether the charge which the Government consider to have been proved was so fully borne out by the evidence, such as it was, as to leave no reasonable doubt to be entertained that your memorialist was really guilty of the fraudulent acts imputed to him, and whether the evidence on which he was convicted by the Government, was more respectable and consistent than that which failed to substantiate the six other charges upon which your memorialist was tried. Your memorialist has pointed out in this memorial the various principal discrepancies observable in the statements of the witnesses who were examined before the Commissioner at Baroda, and has represented the menaces which were used to prevent them from telling the truth, in contradiction of their former statements, which, partly by coercion and partly by inducements being held out to them, they were led to make before the Residency authorities. To these circumstance your memorialist is confident that your Honourable Court will give full weight in reviewing the proceedings of the Commissioner, and that your memorialist will obtain the benefit of any scruples which may thereupon arise as to the degree of belief to which the evidence of those witnesses was entitled.

98. In now bringing to a close this necessary lengthy memorial, your memorialist respectfully begs again to remind your Honourable Court, that his services to the State have been long and faithfully rendered, and that up to the time at which he unfortunately incurred the displeasure of his late superior, Colonel Outram, no reproach had ever been cast upon the fair character which your memorialist had earned for himself, and had uniformly upheld throughout his previous service. Then may it not, your memorialist humbly conceives, be worth while to inquire how a man, who had never before been subject to any imputation, should have suddenly swerved from the path of rectitude, and have launched forth into a course of reckless iniquity? Is it not inconsistent with the common experience acquired by all ordinary observers of human actions, to suppose that an individual who had passed the best part of his life in patient industry, and who having successfully toiled through the various gradations of official employment, had attained, along with special marks of honour, one of the highest posts which a native of this country is permitted to hold, should have imprudently risked all the acquisitions of so honourable a career, and have precipitately entered upon a line of conduct leading to inevitable punishment and disgrace? These are considerations which your memorialist is sure your Honourable Court will not overlook; and furthermore, that you will reflect on the various means and appliances called into operation at Baroda, to collect the incongruous evidence

dence which was produced before the Commissioner to verify the false statements of your memorialist's enemies, and to assist the plots laid by them to bring about his ruin.

99. For many years past your memorialist's health has been very infirm, and the anxiety and suspense endured by him during his recent trial, and subsequently, have tended materially to aggravate his ailments. Your memorialist is therefore desirous to pass his remaining days in retirement and tranquillity; yet he would be wanting in self-respect, and would betray a heartless absence of affection and consideration towards his family, and especially his sons, some of whom are in the Government service, were he to rest without making an effort to cause a full inquiry to be made into the merits of his case. Your memorialist accordingly prays, in conclusion, that your Honourable Court will afford him that inquiry, since he is assured that if a strictly impartial view be taken of the matters which he has represented to your Honourable Court, his conduct will not appear to have been such as to have justified the Bombay Government to pass upon him the severe sentence against which he now appeals; and that if he be allowed an opportunity to do so, he will be able to show that the suspicions which they have entertained against him are entirely unfounded.

And your memorialist, as in duty bound, will ever pray.

Bombay, 31 August 1850. (signed) *Nurso Luxumon.*

Appendices to *Nurso Luxumun's* Memorial.

Appendix (A.)

Ramajee Hurree, Kamavisdar of Neriad.

The acting collector, in forming the revenue settlement this year, 1825-26, of the Neriad purgunnah, received great assistance and very correct information from the kamavisdar, and his conduct during the year has been marked by strict attention to orders, considerate treatment of the ryots, and a proper regard to the wishes of the Honourable Company.

The measures adopted this season will, I expect, materially tend to the general improvement of the purgunnah; and the share the kamavisdar had in the execution of those measures speaks highly to his credit.

(True copy.)

Kaira Collector's Office, 30 June 1826. (signed) *Thomas Williamson,* Actg. Collr. and Magistrate.

Nursoba Luxumon, Kamavisdar of Neyhar.

The above remarks are also applicable to this officer. He had not been a year in the purgunnah before his abilities, personal exertions, and industry, brought the affairs of the purgunnah into a far more regular state than they were when he received charge of them. I have always considered Nursoba a first-rate native servant; and his management this year has tended greatly to confirm that opinion.

The police of this troublesome part of the jurisdiction has also been materially improved through the agency of this kamavisdar.

(True copy.)

Kaira Collector's Office, 30 June 1826. (signed) *Thomas Williamson,* Actg. Collr. and Magistrate.

This is to certify that Nursing Row served under the Collector of Broach for the period of 14 months, during which time he has been employed in superintending the preparation of the number War khurdas in the villages of the Broach, Unklesur, and Hansote purgunnahs. His great experience as a revenue officer has enabled him to procure information respecting the actual state of the different districts, and that considerable progress has been

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been made in the introduction of a system of revenue management may be attributed to his diligence and perseverance, He returns at his own request to his duty under the collection of Kaira.

(signed) *P. Stewart,*
Broach, 10 May 1827. 1st A. Collr. in Charge.

Nursoba Luxumon, kamavisdar of Borsud, who has now charge of the greater portion of the Company's share of the purgunnah of Petland, is a young man whose promotion to the responsible situation is solely to be attributed to the excellent character he had acquired in subordinate situations.

The first situation he held was accountant and register of ore in the Duskooree pergunnah, where his intelligence, and assistance he gave to the revenue survey, having afforded great satisfaction to Captain Cruickshank, the head of the department, that officer brought him to the notice of the Collector (Mr. Dunlop) as a young man of particular promise.

Mr. Dunlop, in consequence, appointed him an assistant to the dufturdar at the Hoozoor's Cutchery, at Ahmedabad, and it was in that situation I first became acquainted with him. Observing his attention to his duty, and that he kept aloof from everything like intrigue or party spirit in the office, I begged the Collector to allow him to accompany me to Purantage and Veerumgaum when the Jummabundy settlement of those purgunnahs was entrusted to me, in 1822-23. I was so much satisfied with his conduct on that occasion, that when instructed to make septennial settlement with the Raja of Bhownuggur for the whole of his possessions within the Honourable Company's territories, I took Nursoba with me as my native assistant. Several important questions were to be solved, and an estimate of the resources of the Raja's talookas obtained, before I could proceed satisfactorily with the settlement. While making the inquiries necessary to these objects, I derived much useful assistance from Nursoba; and I can with confidence state that Government is considerably indebted to him for the successful conclusion of that important settlement, which was afterwards made decennial under the special orders of Government.

In 1825-26 Nursobah was appointed kamavisdar of Aleena; and in discharging the responsible public duties that devolved upon him as head of that purgunnah, he gave perfect satisfaction to his superiors; his revenue was punctually realised, and his knowledge and support of the rights and usages of the country rendered him popular among the ryots.

* This is a first class Komavisdarship.

In 1824-25 he was promoted to the komavisdarship of Nepar,* which placed him over nearly half of the Company's share of Petland. In the superintendence of the police, and in the management of the revenue of this extensive charge, he displayed much ability, zeal, and good sense. Some very troublesome Mehwassee villages, situated among the ravines of the Myhee, were within his komavisdarship; and the restraint his active superintendence imposed on the conduct of the coolees, tended (I speak from personal observation made during several visits to that quarter) considerably to the tranquillity of that part of the zillah.

Through his exertions several old and notorious offenders against the public peace were brought to punishment; among them was the Barwattia Wuka Heemta, patell of Ambolee (who was executed), who had committed dreadful excesses in the country and escaped from all attempts to seize him during six years. Among his services as a revenue servant, I may particularize the restoration of the "Nerwa" of some of the large villages of Churotur. Their "bhagdaree" (as villages are called which are divided into shares, or bhags) constitution had been broken by over-assessment and other causes, but since their old tenure was renewed their condition has been improving.

When I was appointed by Government to make the permanent settlement of the Broach purgunnahs, Nursoba's superior qualifications as a revenue officer induced me to place him at the head of my native establishment; and in revising the Tullatee system, in detecting abuses, and in conducting the general duties of the department, I received from him the most valuable aid; Mr. Stewart, who was my assistant, and by whom the duties were subsequently principally conducted, speaks of his services in the highest terms; and when lately at Kaira, I found that Mr. Mills, under whom he now serves, fully appreciated his merits; but his best praise, in my humble opinion, is, that the accuracy of information, the soundness of opinions he has so frequently been called upon to give in the discharge of his public duties at the head of a purgunna, have been invariably (for I do not remember an instance to the contrary) borne out by facts and practical results.

In this certificate of Nursoba's services, I have entered more into detail than is usual; but, satisfied of his uncommon qualifications, I am in hopes this record may be of some use in rendering them of further service to Government and himself. It is as politic as it is just to bring to notice the merits of our native servants filling situations like his. On those servants the good management of the country depends in a material degree, and encouraging them stimulates others to follow their example. It is only to be regretted that instances of superior desert among them are of such rare occurrence.

Mandvie, 23 March 1830. (signed) *Thomas Williamson.*

N.B.—I never heard even an insinuation against Nursoba's honesty.

Mandvie, 23 March 1830. (signed) *T. W.*

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NURSOBA LUXUMON, komavisdar of the collectorate of Kaira, was selected to accompany me on the tour through Guzerat, Kattywar and Cutch, and I have had the fullest occasion to be satisfied with this sensible and intelligent native revenue officer, whose information and excellent character will, I make no doubt, advance him in a line of service for which he has given many proofs of his qualifications to fulfil its duties; and, amongst others, he has given me a very sensible paper on the subject of improving the police of the collectorates of Kaira and Ahmedabad.

(signed) *John Malcolm.** * Governor of Bombay.

No. 254 of 1831.—Territorial Department, Revenue.

To *E. B. Mills*, Esq., Sub-collector, Kaira.

Sir,

I HAVE the honour to forward copy of a letter from Mr. Secretary Williamson, intimating that the Right honourable the Governor in Council has been pleased to appoint Nursoo Luxumon, lately komavisdar of Boorsud, to be dufturdar at Surat, upon a salary of 300 rupees per mensem.

I have, &c.
(signed) *J. A. Dunlop,*
Revenue Commissioner.

(True copy.)
(signed) E. B. Mills, Sub-collector.

No. 1844 of 1831.—Territorial Department, Revenue.

To *J. A. Dunlop*, Esq., Revenue Commissioner.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 12th instant, and to acquaint you that the Right honourable the Governor in Council approves and sanctions the appointment of Nursoo Luxumon, lately commavisdar of Boorsud, to be dufturdâr at Surat, in succession to Kishowram Soobaram, upon a salary of 300 rupees per mensem.

I have, &c.
(signed) *Thomas Williamson,*
Secretary to Government.

(True copy.)
(signed) J. A. Dunlop, Revenue Commissioner.

(True copy.)
(signed) E. B. Mills, Sub-collector.

THIS is to certify, that Nursingrow Luxumon has served in this zillah seven years, with credit to himself and satisfaction to his superiors.

(signed) *E. B. Mills,*
Sub-collector.

Kaira, 11 August 1831.

He has paid his subscription to the Purvoes or Wardens' Fund as commavisdar.

Bombay, 22 December 1831.

THE bearer, Nursoba Luxumon, now record keeper of Surat, entered our employ under me at Ahmedabad, about 1810, as a tulatee, where he distinguished himself in the preparation of his papers so much, that he was promoted to a better situation in the Sudur kutcherry, from which he has risen, under different Collectors, through the regular gradations of the service, to his present situation.

I consider Nursoo Luxumon a most favourable example of the best description of native servants in our employ. He entered, with hundreds of others, totally unconnected with any other persons, and brought himself into notice by his own industry and merit. His case should be an encouragement to others similarly situated, and an example to Collectors, of the best means of procuring efficient servants, as well as of encouraging good conduct in inferiors, by holding out hopes of preferment to all, however unfriended.

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I have the highest opinion of Nursoo Luxumon, and he is thoroughly acquainted with every part of his duty. I, therefore, trust he may succeed in the arduous task he has entered on, and constitute for himself claims for higher rewards from Government.

(signed) *J. A. Dunlop,*
Revenue Commissioner.

No. 1482 of 1832.—Territorial Department, Revenue.

To *William Stubbs,* Esq., Principal Collector of Surat.

Sir,

I AM directed to acquaint you that the Right honourable the Governor in Council has been pleased to appoint Moteechund Govindram, dufturdar of Surat, in the room of Nursoo Luxumon, who has been promoted to that situation in the Revenue Commissioner's Office.

I have, &c.
(signed) *L. R. Reid,*
Acting Secretary to Government.

Bombay Castle, 14 May 1832.

(True copy.)
(signed) W. Stubbs, Principal Collector.

Territorial Department, Revenue.

To *L. R. Reid,* Esq., Secretary to Government, Bombay.

Sir,

NURSOBA LUXUMON, the late dufturdar of this zillah, has proceeded to take charge of his new appointment, in conformity to the order of Government conveyed in your letter of the 14th ultimo. I, therefore, take the opportunity of recording, for the information of the Right honourable the Governor in Council, the great assistance which I have derived from this officer while employed in this department.

Nursoba's acquirements and qualifications for a revenue officer are beyond those of any other native I have met with in India; for with as much experience and with greater intelligence than most, he has the character of being strictly honest, and possesses habits of business, and the power of applying himself to it, in a manner that I have never seen equalled.

His abilities were well known to the late Revenue Commissioner, and he was accordingly selected by that gentleman as the fittest person to aid in introducing into this zillah the Ahmedabad method of keeping and preparing the village native accounts, and which were considered better calculated to detect error and prevent fraud than those in use.

It might have been, and indeed was foreseen, that little assistance would be rendered by the village officers themselves. The very object in view (and which suggested the change) was sufficient to make them oppose it; and it has been only by the unwearied perseverance and active superintendence of the dufturdar, whilst travelling through the districts, that the measure has been so far advanced. The public will probably derive greater advantage from Nursoba's talents in the more extended field for exertion which his new appointment will open to him, or I should deeply regret his removal at the present juncture from this zillah.

I have, &c.
(signed) *W. Stubbs,*
Principal Collector.

Principal Collector's Office, Surat,
17 June 1832.

(True copy.)
(signed) W. Stubbs, Principal Collector.

No. 1714 of 1833.—Territorial Department, Revenue.

To *L. R. Reid,* Esq., Secretary to Government, Bombay.

Sir,

I HAVE the honour to bring to the notice of the Right honourable the Governor in Council the valuable services rendered to the financial interests of Government by Nursoo Luxumon, the dufturdar of this department.

2. Though of a very respectable family, this individual has risen by his merits from the lowest (literally) to the highest situation a native can fill in the Revenue branch of the service.

3. Nursoo Luxumon made his *debut* in our service as a tullatee, and his abilities were first brought to notice by Captain Cruickshank, superintendent of the Revenue Survey, when

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when that officer was engaged in surveying the village of which he was register. At this period we were settling acquisitions obtained by the Honourable Company from the Paishwa and Guikwar after the war; and with the view of encouraging the tullatees (on whose exertions the settlement mainly depended), rewards were given to a few of those who distinguished themselves for the neatness and accuracy of their accounts. Nursoo carried off one of the prizes.

4. He was afterwards employed as a karkoon on the Hoozoor establishment, but was often engaged in revenue settlements connected with the internal management of the country, and his assistance on these occasions was highly useful. I will here introduce a short account of his services previous to his rise to the high situation of dufturdar of Surat, which I wrote in 1830.

5. "The first situation he held was accountant and register in Ore, in the Duskooree purgunnah, where his intelligence, and assistance he gave to the Revenue Survey, having afforded great satisfaction to Captain Cruickshank (the head of that department), that officer brought him to the notice of the Collector (Mr. Dunlop) as a young man of particular promise.

6. "Mr. Dunlop, in consequence, appointed him an assistant to the dufturdar at the Hoozoor Cutcherry, at Ahmedabad; and it was in that situation I first became acquainted with him. Observing his attention to his duty, and that he kept aloof from everything like intrigue or party spirit in the office, I begged the Collector to allow him to accompany me to Purantage and Veerunegaum, when the Jummabundy settlement of those purgunnahs was entrusted to me in 1822-23. I was so much satisfied with his conduct on that occasion, that when instructed to make septennial settlement with the Raja of Bhownuggur, for the whole of his possessions within the Honourable Company's territories, I took Nursoba with me as my native assistant. Several important questions were to be solved, and an estimate of the resources of the Raja's talookas obtained, before I could proceed satisfactorily with settlement. While making the inquiries necessary to those objects, I derived much useful assistance from Nursoba, and I can with confidence state that Government is considerably indebted to him for the successful conclusion of that important settlement, which was afterwards made decennial under the special orders of Government.

7. "In 1825-26, Nursoba was appointed komavisdar of Alleena, and in discharging the responsible public duties that devolved upon him as head of that purgunnah, he gave perfect satisfaction to his superiors. His revenue was punctually realised, and his knowledge, and support of the rights and usages of the country, rendered him popular among the ryots.

8. "In 1824-25 he was promoted to the komavisdarship of Naphar,* which placed him over nearly half the Company's share of Petland. In the superintendence of the police, and in the management of the revenue of this extensive charge, he displayed much ability, zeal, and good sense. Some very troublesome Mehwassee villages, situated among the ravines of the Mahee, were within his jurisdiction; and the restraint his active superintendence imposed on the conduct of the coolees, tended (I speak from personal observation made during several visits to that quarter) considerably to the tranquillity of that part of the zillah.

* This is a first-class komavisdarhsip.

9. "Through his exertions several old and notorious offenders against the public peace were brought to punishment; among them was the Barwattia Naka Himta, patell of Ombalee (who was executed), who had committed dreadful excesses in the country, and escaped from all attempts to seize him during six years. Among his services as a revenue servant, I may particularise the restoration of the "Nerwa" of the villages of the "Cheerotuis." Their "bhagdaree" (as villages are called which are divided into shares, or bhags) constitution had been broken by over-assessment, and other causes; but since their old tenure was renewed their condition has been improving.

10. "When I was appointed by Government to make a permanent settlement of the Broach purgunnah, Nursoba's superior qualifications as a revenue officer induced me to place him at the head of my native establishment; and in revising the tullatee system, in detecting abuses, and in conducting the general duties of the department, I received from him the most valuable aid. Mr. Stewart, who was my assistant, and by whom the duties were subsequently principally conducted, speaks of his services in the highest terms; and when lately at Kaira, I found that Mr. Mills, under whom he now serves, fully appreciated his merits. But his best praise, in my humble opinion, is that the accuracy of information, the soundness of opinion he has so frequently been called upon to give in the discharge of his public duties at the head of a purgunnah, have been invariably (for I do not remember an instance to the contrary) borne out by facts and practical results.

11. "In this certificate of Nursoba's services, I have entered more into detail than is usual, but satisfied of his uncommon qualifications, I am in hopes this record may be of some use in rendering them of further service to Government and himself. It is as politic as it is just to bring to notice the merits of our native servants filling situations like his. On those servants the good management of the country depends in a material degree, and encouraging them stimulates others to follow their example. It is only to be regretted that instances of superior desert among them are of such rare occurrence."

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12. Nursoba did not remain a sufficient time at Surat, to give all the aid his extensive knowledge and abilities would otherwise have enabled him to give; but his services at Surat were notwithstanding very useful, and through his exertions a good system of village accounts was introduced throughout that extensive zillah. The task was as invidious as it was laborious; for in accomplishing it, the aid of the village officers was essentially requisite, and they were opposed to the reforms which were its objects. In speaking of Nursoba's services on this occasion, the Principal Collector observes in a letter to the Revenue Commissioner, dated the 17th June 1832, "It might have been, and indeed was foreseen, that little assistance would be rendered by the village officers themselves. The very object in view (and which suggested the change) was sufficient to make them oppose it; and it has been only by the unwearied perseverance and active superintendence of the dufturdar, whilst travelling through the districts, that the measure has been so far advanced."

13. In another part of the same letter, the Collector observes, "Nursoba's acquirements and qualifications for a revenue officer, are far beyond those of any other native I have met with in India; for with much experience and with greater intelligence than most, he has the character of being strictly honest, and possesses habits of business and the power of applying himself to it in a manner that I have never seen equalled."

14. In a certificate given to Nursoba by the late Revenue Commissioner, Mr. Dunlop, dated 22d December 1831, he states, "I consider Nursoo Luxumon a most favourable example of the best description of native servants in our employ. He entered, with hundreds of others, totally unconnected with any other person, and brought himself to notice by his own industry and merit. His case should be an encouragement to others similarly situated, and an example to Collectors of the best means of procuring efficient servants, as well as of encouraging good conduct in inferiors, by holding out hopes of preferment to all, however unfriended." I have annexed to this letter copies of Mr. Dunlop's certificate, and of others Nursoo has at various times received from the several officers under whom he has served.

15. He has now been in the employ of the Honourable Company for 15 years, and although I have been stationed during a considerable part of that time in the same districts, and had the best opportunities of watching his conduct, and of hearing others remark on it, I have never heard a suspicion expressed of his honesty. The natives, from the surdar to the cultivator, have always spoken of him as a respectable man, as an able servant, and an impartial officer.

In transacting business with natives, his demeanour is mild, firm, and independent, such as denotes a man who, conscious of having always uprightly discharged his duty, neither seeks the support of a friend nor fears the designs of an enemy. He undertakes an invidious duty with the same readiness as an agreeable one.

16. Since he was appointed dufturdar in this department, I have had every reason to be highly satisfied with the aid I have received from him, particularly in examining and improving the village accounts, which he thoroughly understands.

17. This appointment was merely nominal promotion to him, for he received the same pay (300 rupees) per mensem, as dufturdar of Surat, while the constant and long journeys he has now to make are both expensive and disagreeable to him. Had he merely consulted his private convenience, he would, I know, have preferred remaining at Surat.

18. It is not, however, so much with the view of improving the situation, as of rewarding the individual, that I am now induced to bring Nursoba to the favourable notice of his Lordship in Council. His high attainments and services are more or less known to our native servants in all our districts, and I know of no case to which Government could apply with better and more certain effect than to his, that principle which dictates the policy, wisdom, and justice of elevating natives who have honourably distinguished themselves in our service.

19. Nursb a is still a young man, and I hope (though he is of a delicate constitution), he may yet be able long to serve Government; but had he been about to retire, I should have felt it my duty respectfully to recommend him as a fit object on whom to confer an "enam" in land. At present I would venture to propose that 100 rupees be added to his monthly salary, and a palanquin be presented to him (a considerable honour among natives) with an annual allowance of 600 rupees to support it.

I have, &c.

(signed) *T. Williamson*, Revenue Commissioner.

Poonah, Revenue Commissioner's Office,
27 September 1833.

No. 2947 of 1833.—Territorial Department, Revenue.

To *T. Williamson*, Esq., Revenue Commissioner, Poonah.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 27th ultimo, bringing to notice the merits and services of Nursoo Luxumon, your present dufturdar, and to acquaint you

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you that the Right honourable the Governor in-Council entirely concurs in the opinion expressed in the 9th para. of the wisdom, policy, and justice of elevating natives who have distinguished themselves in the service of Government, and is pleased to sanction an increase of 100 rupees per mensem to Nursoba's salary, and the grant to him of a palanquin, with the customary allowance of six hundred (600) rupees per mensem; which is to be subject, however, to the approbation of the Honourable the Court of Directors.

I am at the same time directed to observe, that the additional sum of 100 rupees now granted to Nursoo Luxumon, is not to be considered a permanent increase to the salary of the dufturdars on your establishment.

I have, &c.
(signed) *L. R. Reid*,
Secretary to Government.

Bombay Castle, 18 October 1833.

(True copies.)
(signed) T. Williamson,
Revenue Commissioner.

No. 1830 of 1833.—Territorial Department, Revenue.

To *Nurso Luxumon*, Dufturdar, Revenue Commissioner's Office, Poonah.

Sir,

I HAVE to acquaint you that the Right honourable the Governor in Council has been pleased, under date the 10th instant, to reward your valuable services by sanctioning an increase of 100 rupees per mensem to your salary, and as a further mark of his approbation to grant to you a palanquin, and the customary allowance of 600 rupees per annum, to support it, subject, however, to the confirmation of the Honourable the Court of Directors.

2. The Right honourable the Governor would himself have presented you with the palanquin, had he not been prevented by his early departure from Poonah.

I have, &c.
(signed) *T. Williamson*,
Revenue Commissioner.

Poonah, Revenue Commissioner's Office,
14 October 1833.

No. 1686 of 1834.

To *Nursoba Luxumon*, Dufturdar on the Establishment of the Revenue Commissioner, Poonah.

Sir,

WITH reference to my letter, dated the 14th October last, wherein I acquainted you that the Right honourable the Governor in Council has been pleased to sanction the presentation to you of an honorary palanquin and "khibut," I have now further to acquaint you that Government permits you to draw eight hundred and ninety-five (895) rupees for the purchase of those articles, as intimated to me, under date the 15th instant. Copy of my correspondence with Government on the subject is annexed.

I remain, &c.
(signed) *Thos. Williamson*,
Revenue Commissioner.

Poonah, Revenue Commissioner's Office,
21 August 1834.

No. 1568 of 1834.—Territorial Department, Revenue.

To *C. Norris*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to request the sanction of Government to 895 rupees being given to my dufturdar, Nursoba Luxumon, for the purchase of the palanquin and "khilbut," which Government awarded him on account of his meritorious services, as intimated in Mr. Secretary Reid's letter of the 10th October last. My reasons for recommending this amount are, I believe a native palanquin and "kilbut," such as I respectfully conceive the occasion demands, could not be found for a less sum, and that was the amount I believe which was given to Moteechund Govindram, the present dufturdar at Ahmedabad, on a former occasion. If it is deemed preferable, a palanquin, such as is used by natives of rank, might be made at Bombay and sent to the dufturdar at Poonah, but an article of this kind could probably be made cheaper here.

I have, &c.
(signed) *T. Williamson*,
Revenue Commissioner.

Poonah, Revenue Commissioner's Office,
4 August 1834.

Case of Nursoo Luxmon.

No. 2221 of 1834.—Territorial Department, Revenue.

To *T. Williamson*, Esq., Revenue Commissioner, Poonah.

Sir,

I AM directed to acknowledge the receipt of your letter to Mr. Chief Secretary Norris, dated the 4th instant*, and to acquaint you that the Right honourable the Governor in Council is pleased to sanction the sum of eight hundred and ninety-five (895)rupees, for the purchase of a palanquin and "kilbut," for presentation to Nursoba Luxumon, dufturdar on your establishment.

* In the original "ultimo."

I have, &c.

(signed) *L. R. Reid*,
Secretary to Government.

Bombay Castle, 15 August 1834.

(True copies.)

(signed) Thomas Williamson,
Revenue Commissioner.

No. 1494 of 1836.—Territorial Department, Revenue.

To *Nurso Luxumon*, Rao Bhadoor, Dufturdar to the Revenue Commissioner.

Sir,

IT will be as gratifying to you to receive, as it is a pleasure to me to send, the annexed copies of a letter from Government and of its accompanying extract from a despatch from the Honourable the Court of Directors, confirming the measure of this Government, which granted you an increase of salary, and an honorary palanquin for your meritorious services, both under me and in the other appointments you have held under the British Government.

I remain, &c.

(signed) *Thomas Williamson*,
Revenue Commissioner.

Poonah, Revenue Commissioner's Office,
19 July 1836.

No. 1790 of 1836.—Territorial Department, Revenue.

To *T. Williamson*, Esq., Revenue Commissioner.

Sir,

WITH reference to Mr. Secretary Reid's letter, No. 2947, dated the 10th October 1833, I am directed by the Right honorable the Governor in Council to transmit, for your information, the accompanying extract (paragraphs 83 and 84) of a letter from the Honourable the Court of Directors, dated the 30th March last, sanctioning the increase of pay and palanquin, with the usual allowance, granted to Nursoba Luxumon, dufturdar on your establishment.

I have, &c.

(signed) *J. P. Willoughby*,
Secretary to Government.

Bombay Castle, 8 July 1836.

EXTRACT of a Letter from the Honourable the Court of Directors, dated the 30th March 1836.

Letter, dated 28 October 1833, No. 40.

Merits and services of Nursoba Luxumon, dufturdar in the office of the Revenue Commissioner.

Para. 83. IT appears that this individual has served the Company 15 years, and that he has obtained very strong testimonials from the revenue officers under whom he has been employed.

84. We are much pleased to receive so favourable a testimony to the peculiar merits of this individual; and although it is necessary to caution you against granting high and disproportionable rewards, which could not be extended far without public inconvenience, we are induced to sanction the grant which you have conferred in the present instance.

(True extract.)

(signed) *J. P. Willoughby*,
Secretary to Government.

(True copies.)

(signed) Thomas Williamson,
Revenue Commissioner.

Case of Nursoo Luxmon.

No. 673 of 1840, Territorial Department Revenue.

To *Nursoo Luxmon*, Rao Bahadoor, Dufturdar, Revenue Commissioner's Office.

Sir,

I BEG to subjoin copy of a correspondence with Government, from which you will perceive that the Honourable Court has been pleased, in consideration of your services, and the favourable testimony borne to your merits, to grant you an enam of the value of one thousand and two hundred (1,200) rupees per annum, for three lives.

2. You will be pleased to point out the villages, or lands, to that value, which you would wish to have assigned to you.

I remain, &c.

Revenue Commissioner's Office, Poonah, 10 June 1840. (signed) *J. Vibart*, Revenue Commissioner.

No. 2585 of 1838, Territorial Department, Revenue.

To *L. R. Reid*, Esq., Acting Chief Secretary, Bombay.

Sir,

I HAVE the honour to bring to the notice of Government the very valuable services of Nursoo Luxmon, dufturdar, of this department. These services I had the honour to state to Government in a letter, of which, for facility of reference, a copy is annexed.

2. In that letter I have given a sketch of his services from the time he was a tullatee, brought into notice by the superior excellence of his accounts, and of his general management of the village till the time when his merits obtained for him the highest situation which a native revenue servant can hold under Government.

3. Regarding that part of his career, therefore, I have little to add beyond annexing a copy of an autograph certificate by the late Sir John Malcolm, whose notice he attracted whilst on his last tour through this Presidency; and I have only to state that during the five years which have elapsed since I addressed to Government the letter above alluded to, I have continued to receive from him assistance as valuable as it is possible for a native to afford.

4. The improved state of the accounts in the zillahs, under this Government, is in a great measure to be attributed to Nursoo Luxumon's advice and assistance; and of the numerous abuses and systems of fraud and oppressions which have from time to time been brought to the notice of the local authorities, and of Government, by this department, many would, but for his vigilance and fidelity, have long remained undiscovered.

5. His abilities have been acknowledged by every officer under whom he has ever served, and, what is far more uncommon among our native servants, his uprightness, independence and general integrity have never been impeached. Instances of this kind are rare, even when the individual remains in the same station during the whole of his service; and they are, I think I may safely say, almost unknown in cases like the present, where a uniformly high and unblemished character has been maintained in every grade of the service, from the lowest to the highest, at different stations, and under European officers of every variety of temper and acquirements.

6. Nursoba is so well known throughout the native service, that any mark of Government's approbation bestowed on him will have the effect of more or less stimulating the exertions of all his fellow-servants, so that besides giving to merit of a very uncommon order its just reward, Government, I feel convinced, will be raising the character, and encouraging the efforts of its servants in every native office, by marking in some signal manner its sense of Nursoo Luxumon's rare fidelity and highly meritorious services; and now that my connexion with the native Government service, which has continued for so many years, is about to terminate, I felt convinced that I am consulting the best interests, and consequently those of Government itself, in respectfully proposing that a grant of a village in Enam, 1,200 rupees annual value, be made to him in any part of the Presidency where he may wish to select it.

I have, &c.

Revenue Commissioner's Office, Poonah, 21 November 1838. (signed) *T. Williamson*, Revenue Commissioner.

No. 4500 of 1838.—Territorial Department, Revenue.

To *John Vibart*, Esq, Revenue Commissioner.

Sir,

I AM directed by the honourable the Governor in Council to acknowlede the receipt of your predecessor's letter, No. 2585, dated the 21st ultimo, bringing to the notice of Govern-

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ment the very valuable services of Nursoo Luxumon, the dufturdar in your department, and recommending that a village of one thousand and two hundred (1,200) rupees annual value be granted to him in enam.

2. In reply I am instructed to acquaint you that, under the strong opinion expressed by the Government of India against the grant of enam lands or villages as rewards for ordinary services, the Governor in Council is persuaded that it would be useless to recommend Mr. Williamson's suggestion in Nursoo Luxumon's favour for its sanction.

3. From your predecessor's letter of the 27th September 1833, it seems that Nursoo Luxumon became dufturdar of Surat in 1830, and therefore would be entitled, according to the rules of 1824, to an additional 100 rupees after a service of 10 years; but those rules likewise prescribed that former service in any other situation may be taken into consideration; and as this person has been in the Government service since A.D. 1819, the Honourable the Governor in Council is pleased, under the above rules, and in consideration of his merits, to grant to him an addition of one hundred (100) rupees per mensem, to his present salary. This increase of salary is of course independent of the special grant in 1833, of 100 rupees per mensem, and 600 rupees per annum as palanquin allowance.

I have, &c.

Bombay Castle,
13 December 1838.

(signed) *L. R. Reid,*
Acting Chief Secretary.

No. 2859 of 1838.—Territorial Department, Revenue.

To *L. R. Reid,* Esq., Acting Chief Secretary, Bombay.

Sir,

I have the honour to acknowledge the receipt of your letter, No. 4500, of the 30th instant, informing me that under the strong opinion expressed by the Government of India against the grant of enam lands or villages, Government consider that it would be useless to recommend my predecessor's suggestion in favour of Nursoo Luxumon, the dufturdar of this department, for its sanction.

2. I should not have again brought the subject to the notice of Government, had it not appeared from the tenor of your letter, as well as from the grant of the additional 100 rupees per mensem two years before the dufturdar would be entitled to it by the ordinary rules for regulating the pay of officers of this class, that the value of Nursoo Luxumon's services was appreciated by Government; and I am therefore led to hope that the Honourable the Governor in Council may see fit to bring those services, and my predecessor's proposition for rewarding them to the special notice of the Honourable Court, in the hope that, as has frequently been sanctioned by the Honourable Court, and as has heretofore been the custom in rewarding very meritorious servants of his class, the dufturdar may obtain some more lasting mark of his faithful service than the increase of pay to which he will in two years become entitled almost as a matter of course.

I have, &c.

Revenue Commissioner's Office,
Camp, Soopa,
28 December 1838.

(signed) *J. Vibart,*
Revenue Commissioner.

No. 141 of 1839.—Territorial Department, Revenue.

To *J. Vibart,* Esq., Revenue Commissioner.

Sir,

In acknowledging the receipt of your letter, No. 2859, of the 28th ultimo, I am directed by the Honourable the Governor in Council to acquaint you that your predecessor's recommendation, on behalf of Nursoo Luxumon, the dufturdar of your department, has already been brought to the notice of the Honourable the Court of Directors.

I have, &c.

Bombay Castle,
15 January 1839.

(signed) *L. R. Reid,*
Acting Chief Secretary.

No. 1776 of 1840.—Territorial Department, Revenue.

To *J. Vibart*, Esq., Revenue Commissioner.

Sir,

With reference to my letter, No. 4500, dated the 13th December 1838, I am directed by the Honourable the Governor in Council to transmit, for your information, the accompanying extract, para. 89, from a letter from the Honourable the Court of Directors, dated 26th February last, No. 1, sanctioning the grant to your dufturdar, Nursoo Luxumonjee, of an enam of the value of (1,200) one thousand and two hundred rupees per annum for three lives.

2. You are requested to call upon Nursoo Luxumonjee to select the villages, or lands, to be assigned to him.

I have, &c.
(signed) *L. R. Reid*,
Chief Secretary.

Bombay Castle,
30 May 1840.

Extract of a Letter from the Honourable the Court of Directors, dated 26 February 1840.
Letter, dated 20 December, No. 42, 1838.

Para. 89. We have already stated to you our general views with regard to the grant of land in enam to meritorious public servants. In consideration, however, of the very favourable testimony borne by Mr. Williamson to the merits of this individual, and of your strong recommendation in his behalf, and also with advertence to his position as head of the native revenue service, we authorise you to confer on him an enam of the annual value of 1,200 rupees for three (3) lives. But great care must be taken to secure to all parties holding hereditary interests in the village which may be assigned to Nursoo Luxumon, and his two successors, the full enjoyment of their respective rights.

(True extract.)
(signed) *L. R. Reid*,
Chief Secretary to Government.

(True copies and extract.)
(signed) J. Vibart,
Revenue Commissioner.

No. 627 of 1841.—Territorial Department, Revenue.

To *L. R. Reid*, Esq., Chief Secretary, Bombay.

Sir,

I do myself the honour to acknowledge the receipt of your letter, dated 30th May last, No. 1776, intimating that the Honourable Court of Directors had sanctioned the grant to my dufturdar, Nursoo Luxumonjee, of an inam of the value of 1,200 rupees per annum for three lives, and directing me to call upon him to select the villages he might wish to be assigned him.

2. I beg now to state that Nursoo Luxumonjee has selected two villages in the Duskooree purgunnah, of the Ahmedabad zillah, Nalole and Ropra, the net revenues of which amount, on a five years' average, to *Rs.* 1,207. 6. 9.

3. I beg to forward, for the information of Government, an original letter from the Collector of Ahmedabad, together with certain statements exhibiting the returns from these villages, for a period of 10 years, which average as follows:

	Rs.	a.	p.
* Nalole, Net Revenues, Company's Rupees - - -	974	—	3
Ropra - ditto - - ditto - - - - -	287	1	10
Rs.	1,261	2	1

* Nalole:	Rs.	a.	p.
Government revenue - -	933	—	6
Beed lands - - - -	134	—	—
	1,067	—	6
Deduct revenue on lands belonging to Bhats, &c., not collected by Government - - -	30	15	9
	1,036	—	9
Deduct average exchange of 9 years on sicca rupees - -	62	—	6
Co's Rs	974	—	3

Ropra:			
Government revenue - -	308	1	8
Deduct average exchange of 10 years on sicca rupees - -	20	15	10
Co's Rs.	287	1	10

4. The Collector is, however, of opinion that the value of the villages should be assumed at the amount of revenue derived for the last year, which is estimated, for Nalole alone, at *Rs.* 159. 8., gross, *vide* statement which accompanies his letter, dated 26th ultimo, No. 44; and he proposes that the excess should be received from the grantee in the shape of sullamee during the period he holds the village. His reason for recommending this measure is, that he sees no reason to suppose that any decrease will take place in the ordinary cultivation hereafter, but on what

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ground this opinion is based is not very apparent. It is certainly not borne out by the last ten years' return, which have varied most materially, the revenues having, during that period, fluctuated from *Rs* 1,783. 13. 5., the highest, to *Rs.* 627. 13. 4., the lowest.

5. The Collector also states that there is a tract of highly improvable waste, of 992. 11. 8. beegas, which might be turned to most profitable account in the hands of an individual. I apprehend, however, there must be some mistake here, as in the statement 509. 14. 12. beegas are entered as beerland, the rent of which, 134 rupees, is included in the revenue of the village. Of this land, only 50 or 60 beegas are considered fit for cultivation.

6. Under the circumstances stated by the Collector, I should wish to be informed on what principle the value of the enam is to be calculated; that is, whether an average for a certain number of years of the revenue of the village is to be taken, or only the past amount, as proposed by the Collector.

7. I would beg respectfully to state that, in my opinion, an average of the net returns of the two villages selected by the dufturdar should be taken for a period of 10 years, and whatever excess may appear under this calculation, over the sum granted by the Honourable Court, should be annually received from the grantee in the shape of sullamee.

8. If I mistake not, it has been hitherto the custom in making grants of the nature now under consideration, to assume the value of the village, given according to the receipts of a certain number of years, and not according to a single year's produce, as proposed by the Collector.

I have, &c.
(signed) *J. Vibart*,
Revenue Commissioner.

Camp, Mhableshewer,
Revenue Commissioner's Office,
8 May 1841.

No. 1,713 of 1841.—Territorial Department, Revenue.

To *J. Vibart*, Esq., Revenue Commissioner.

Sir,

1. I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, No. 627, dated the 8th instant, with enclosures, reporting that your dufturdar, Nursoo Luxumonjee, has selected the two villages, Nalole and Ropra, in the Duskooree purgunnah of the Ahmedabad zillah, as those which he is desirous of obtaining in inam, on the terms granted by the Honourable Court.

2. In reply, I am instructed to observe that, on such occasions as the present, the actual state of the villages selected, rather than any fixed principle of average, should guide the decision. If the village be one progressively improving, every succeeding year showing an increase of revenue, an average of the last 10 years would afford a false estimate of its value. The last year's receipt would be near the truth. But in the present case, the Governor in Council agrees with you that a 10 years' average affords a fair estimate. The villages seem ordinary ones in all particulars. An individual proprietor may very possibly render them more productive than they are likely to become under Government management; and if he does so, this becomes a very legitimate source of profit to him. His Honour in Council thinks, therefore, that the value of the two villages of Nalole and Ropra should be taken at the sum shown in the 3d para. of your letter; viz. (*Rs.* 1,261. 2. 1.) one thousand two hundred and sixty-one rupees, two annas, and one pie.

3. In the letter from the Honourable Court, this Government is directed to secure to all parties holding hereditary interests in the villages, the full enjoyment of their respective rights. These injunctions should be most scrupulously attended to, and Nursoo Luxumon should be distinctly given to understand that by the transfer of these villages to him the ryots are to be disturbed in none of their rights, and that they are to be admitted, during the occupancy of himself and his two successors, to participate in all arrangements which the Government may introduce in the turuf, for the relief and benefit of the cultivating classes. From the statement accompanying the Collector's letter, of the 20th April, it seems that the system of levying the revenue according to the crop still partially exists. This should be superseded by a beegotee, here as elsewhere.

4. On Nursoo Luxumon's accepting these villages on these terms, the Governor in Council considers that they might be made over to him without the demand of any sulamee. The difference between the value of the villages (one thousand two hundred and sixty-one rupees) and the sum allowed by the Honourable Court (one thousand and two hundred rupees), is trifling, while the integrity of the inam tenure would be destroyed, and the value of the benefit conferred, therefore, greatly diminished, by insisting on its payment.

5. As the Honourable Court's letter, conveying this grant, is dated in February 1840, the grant may have effect from the official year 1840-41. For that year the Collector of Ahmedebad

Ahmedabad should be authorised to pay the value of the inam one thousand and two hundred rupees, in cash; and the possession of the villages may be held to commence with the current year 1841–42. Case of Nursoo Luxmon.

I have, &c.
(signed) *L. R. Reid*,
Chief Secretary.

Bombay Castle, 27 May 1841.

(True copies.)
(signed) J. Vibart, Revenue Commissioner.

No. 627 of 1842.—Territorial Department, Revenue.

To Row Bahadoor *Nursoo Luxumon*, Dufturdar, Revenue Commissioner's Department.

Sir,

I BEG to subjoin for your information copy of a correspondence between this department and Government, respecting your services and your enam in the Ahmadabad collectorate.

I have, &c.
(signed) *W. Simson*,
Revenue Commissioner.

Bombay Revenue Commissioner's Office,
30 April 1842.

No. 321 of 1842.—Territorial Department, Revenue.

To *L. R. Reid*, Esq., Chief Secretary to Government, Bombay.

Sir,

IN quitting this department, I am desirous to place on record my opinion of the value of the services of Nursoo Luxumon, whom I found dufturdar of the department when I joined it.

2. In his letter, dated the 21st November 1838 (No. 2585), my predecessor submitted to Government a very full description of Nursoba's services and peculiar claims to the favourable notice of Government. I will not therefore recapitulate what he said, but merely observe, that during the period I have had the honour to hold the office of Revenue Commissioner, his services have been rendered with a degree of ability, independence, and integrity which have convinced me that Mr. Williamson's estimate of his merits was not overrated.

3. Government expressed their sense of the value of his services by recommending to the Honourable Court the grant to him of a village in enam, which recommendation was complied with to the extent of conferring on him a village enam for three lives; a mark of favour which was most gratefully accepted by Nursoo Luxumon, though the limitation in his case, which is, I believe, a solitary instance of the kind in the Presidency, considerably diminished the value of the grant.

4. I should have been unwilling to have solicited a recommendation of the terms of the grant, could I have looked forward to having a future opportunity of bringing the subject before Government; but as this is the last occasion which can present itself of publicly bearing my testimony to Nursoo Luxumon's merits, Government will not, I trust, consider me ill-timed in soliciting that they would take the earliest fit opportunity of once more urging their former recommendation on the notice of the Honourable Court, and endeavouring to procure a liberal decision in his case by conferring the enam on him (as has always been done in such cases) in perpetuity.

5. All existing rights in the villages granted have been carefully secured to the holders; and even had it been otherwise, I am respectfully of opinion, that attention on the part of Nursoba and his successors to such rights, would have been better insured by the owners being made the sub-tenants of one who had a permanent, rather than a temporary interest, in the prosperity of the village. To the present holder, the pecuniary value of the extension is but little, and it is chiefly desirable as removing a distinction which, being confined to this case, must give rise to an impression that some difference is supposed to exist in the value of equally eminent services in this and other branches of public employ; and I would fain hope that by assimilating the terms of the grant to what has been usual in such cases, Government will show that they do not undervalue important services in improving the revenue and financial management of their dominions, when compared with less unostentatious but hardly more useful exertions in other departments.

I have, &c.
(signed) *J. Vibart*,
Revenue Commissioner.

Bombay, Revenue Commissioner's Office,
25 February 1842.

Case of Nursoo Luxmon.

No. 805 of 1842.—Territorial Department, Revenue.

To *W. Simson*, Esq., Revenue Commissioner.

Sir,

I AM directed to acknowledge the receipt of your predecessor's letter, No. 321, dated the 26th ultimo, in which he records his opinion of the value of the services of Nursoo Luxumon, the dufturdar of your department, and recommends that the inam village conferred upon that individual by the Honourable Court, may be granted in perpetuity, instead of for three lives.

2. In reply, I am desired to observe, that the Honourable the Governor in Council is much gratified at the report made by Mr. Vibart of the value of the services of Nursoo Luxumon, who continues to uphold the high character which was given to him by the late Revenue Commissioner, Mr. Williamson, and would be happy were the Honourable Court to accede to the recommendation now made in his favour by converting his grant during three lives into a permanent possession for his family. Government is averse, however, to urge the matter upon the home authorities, but will forward Mr. Vibart's letter to the Honourable Court, that it may take such notice of it as the subject may seem to it to demand.

I have &c.

Bombay Castle, 19 March 1842. (signed) *L. R. Reid*,
Chief Secretary.

(True copy.)
(signed) W. Simson, Revenue Commissioner.

No. 2716 of 1842.——Territorial Department, Revenue.

To *William Simson*, Esq., Revenue Commissioner.

Sir,

ADVERTING to my letter, No. 805, dated the 19th March last, I am directed by the Honourable the Governor in Council to transmit for your information the accompanying extract para. 9 of a despatch from the Honourable the Court of Directors, dated the 27th July last, declining to comply with the recommendation which was submitted by your predecessor, that the inam village conferred upon Nursoo Luxumon, the dufturdar of your establishment, may be granted in perpetuity, instead of for three lives.

I have, &c.
(signed) *L. R. Reid*,

Bombay Castle, 17 September 1842. Chief Secretary.

EXTRACT of a Letter from the Honourable the Court of Directors, No. 19, dated 27th July 1842.

Transmitting a letter from the Revenue Commissioner, Mr. Vibart, soliciting that the enam grant for three lives held by Nurso Luxumon, dufturdar in his office, may be converted into a permanent possession for his family.

Para. 9. FOR the reasons assigned in paras. 57 to 60 of our despatch, dated the 26th February, No. 1, 1840, we must decline to comply with this request.

(True extract.)
(signed) *L. R. Reid*, Chief Secretary.

No. 192 of 1843.—Territorial Department, Revenue.

To *L. R. Reid*, Esq., Chief Secretary to Government, Bombay.

Sir,

CONFORMABLY with the rule observed by my predecessors on leaving this office, I beg to record my estimation of the merits of the dufturdar, Nurso Luxumon. His peculiar merits as a servant of Government have already been stated in such unqualified terms by Messrs. Williamson and Vibart, that I feel it would be superfluous in me to say more than that, during my tenure of the Revenue Commissioner's office, Nursoo Luxumon has fully maintained the high character which he had previously established; and I beg to add my testimony that he still continues to deserve the highest confidence of Government.

Tanna Districts, Camp Penn,
Revenue Commissioner's Office,
28 February 1843.

I have, &c.
(signed) *W. Simson*, R. C. N. D.

(True copy.)
(signed) W. Simson,
Revenue Commissioner, N. D.

Case of Nursoo Luxmon.

To *R. K. Pringle*, Esq., Revenue Commissioner, Northern Division.

The PETITION of *Nursoo Luxumon*, Dufturdar in your Office.

Humbly showeth,

THAT he has served Government well and faithfully, to the best of his ability, for a period of 25 years, 11 ½ of which have been in this department, continually travelling. In the course of this severe service, he has contracted an asthmatic affection and pain in the chest, which is becoming more and more severe. He has consequently had an intention for some months past, of applying to Government, for its sanction to some arrangement for his relief, but deferred doing so from reluctance to trouble you so soon after your appointment to this office, with a representation of his unfortunate case.

2. Recently, however, a situation having fallen vacant under Mr. Boyd, the Resident at Baroda, your petitioner made application to that gentleman, requesting he would remember your petitioner on the occasion of filling it up, on which Mr. Boyd wrote to you, stating that the salary of the vacant situation at Baroda, being only 300 rupees per mensem, your petitioner being at present in receipt of a monthly salary of 500 rupees, would, by accepting it, subject himself to a loss of 200 rupees. Your petitioner personally intimated to you his views in reference to this matter, and obtaining your permission, took occasion to visit and make known the same to Mr. Boyd, at Baroda, viz., that the pay of his present situation is only 300 rupees, and that the other 200 rupees is an extra personal allowance to him, 100 per mensem having been granted by Government to your petitioner, as a special reward for his past services, at the same time that a palanquin and a honorary dress were conferred on him, with an allowance of 600 rupees per annum, for the support of the former (*vide* Government Letter, No. 2947, dated 10th October 1833, T. D. R.), and the other hundred rupees on account of long service as a dufturdar, according to the regulation of Government; that your petitioner understood that these personal allowances would be continued to him, whatever Government situation he might hold, as they do not necessarily appertain to the appointment he fills, and the mere fact of his possessing them would confer no title on his successor in this office to the same; that the practice, moreover, in such cases, would preclude it. He requested, further, that Mr. Boyd would make application to Government in his behalf, to confer on him the situation in question, with the continuance of the extra allowances of 200 rupees. In reply to this, that there could be no objection as regards the honorary allowance being enjoyed by him wherever he might serve; but though, in his opinion, the other 100 rupees allowed for long services should also be continued under similar circumstances, he could not say what Government might think on this head, or whether they would sanction it. Your petitioner begged Mr. Boyd would, at all events, mention his name to Government, and stated that he had no doubt you would also be pleased to forward his views.

3. Your petitioner therefore humbly begs to represent, that as he is now physically incapable of continuing, as in this department, to endure all the hardships attending a life of almost constant travelling, he wishes to settle down in some situation where he might hope, with the advantages of rest and climate, to renovate his impaired health, that the situation in view appears suitable in these respects, if his present pay were made up to him by the continuance of the personal allowances above alluded to.

4. Your petitioner humbly deprecates the assumption that he desires the change from motives of mere indulgence; he values the respectability of his present appointment, and appreciates the honour already and so frequently conferred upon him, too highly to be influenced by any such unworthy motives. You must have observed how unfit he has become for the active duties of his laborious situation, and since his desire for change emanates not from any want of will on his part to serve here longer, he trusts that the accomplishment of his object may not be allowed to entail loss on him as if brought about by any impropriety or fault of his own, much less can his motives be doubted when he states that were he to continue to serve as a dufturdar for only two years and a half longer, he would then become entitled to an increase of 100 rupees per mensem to his present salary. Under no circumstances, therefore, would there be any additional expense to Government.

5. Your petitioner would further respectfully submit, that should he accept of a situation of lower salary than what he receives at present, and should he eventually be obliged to apply for a pension, he would in that case have to receive a smaller amount than what, under the rules, he would now be entitled to, since the rates are fixed from an average of the salary during the last five years of service. Should your petitioner, as another alternative, apply to retire at once on a pension, the amount which the rules would yield him would be but a trifle; and thus, from circumstances over which he has no control, he would, if Government leave him to such a recourse, be involved in great difficulties and distress; and considering that he is only 44 years of age, and a settled situation and the necessary remedies would, in all human probability, tend to renovate his health, it would be imprudent in him to adopt such a step, and he trusts that Government will relieve him from the necessity of so doing by treating him with the same liberality and kindness it has always done.

6. After this statement of his case, should Government be pleased to decide against your petitioner's request for a continuance to him in the situation for which he has applied

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at Baroda, of the extra allowances of 200 rupees a month, which he now receives, he has then but two alternatives, one or other of which, he trusts, may meet with the favourable consideration of Government; viz., that with the view of re-establishing his health, he be allowed leave of absence for the period of two years, retaining his present situation, and the full pay of the same, which request will be the less unreasonable when your petitioner mentions that during the whole period of 25 years' service he has not had so much as three months' leave; otherwise, if he must fall back on the last alternative of retiring altogether, your petitioner humbly solicits, that Government, considering the both mentally and bodily laborious duties on which he has been employed, and which have aggravated, if they did not originate, his present impaired state of health, will grant him the indulgence of permitting his pension to be calculated at the rate laid down for a service of 30 years instead of 25, the time your petitioner has actually served.

7. Appreciating most gratefully as he does the many honours and favours which the Government have from to time conferred on him, it is with a reluctance swayed by only the most imperative necessity that your petitioner ventures to solicit this one more act of consideration. He earnestly trusts that the validity of the grounds hereof will be apparent to you, and relies on your kindness to urge the justness of them on the attention of Government.

And he will, as in duty bound, ever pray.

Abeena, 14 December 1843.

No. 249 of 1844.

To *Nursoo Luxumon*, Rao Bahadoor, Dufturdar, Revenue Commissioner's Office, Northern Division.

Sir,

In reply to your application, dated the 14th December last, requesting permission to accept the situation of native agent to the Baroda Residency, I have much pleasure in forwarding for your information copy of my letter (dated 5th idem. No. 1293) to Government, and of Mr. Chief Secretary Reid's reply, No. 617, dated 20th ultimo.

I have, &c.

(signed) *R. K. Pringle*,
Revenue Commissioner.

Revenue Commissioner's Camp,
Ahmedabad District, Bhutwoo, 6 March 1844.

No. 1293 of 1843.—Territorial Department, Revenue.

To *L. R. Reid*, Esq., Chief Secretary to Government, Bombay.

Sir,

I have the honour to submit, for the favourable consideration of Government, a petition from Nursoo Luxumon, the dufturdar of this department.

2. The objects and wishes of the petitioner are fully set forth in the petition. It states that his health is so much impaired that he feels himself no longer able to undergo the fatigues of his present office; and that the Resident at Baroda having offered him the situation of native agent to the Residency, he would be desirous, with the permission of Government, to accept it, provided he could be allowed to do so, retaining the 200 rupees per mensem by which his present salary exceeds that of the agent's situation. Of this sum 100 rupees is stated to be a personal allowance conferred upon him as a reward for good conduct by Government, with the sanction of the Honourable the Court of Directors, and 100 rupees, an allowance to which he has become entitled by the rules of the service from the period of servitude as dufturdar. He dwells on the heavy sacrifice which the loss of these allowances would occasion to him, and prays that Government would, in its liberality, continue them as a special case, in consideration of his long and faithful services in his present responsible situation, the fatigues of which alone have incapacitated him for the further performance of its duties. He also expresses his hopes that his acceptance of an appointment of inferior salary may not be allowed to operate to his disadvantage in the adjustment of the terms of his pension, if one should ever be granted to him. He concludes by submitting other requests, which, in the event of the above being considered inadmissible, he would feel himself reluctantly obliged to prefer.

3. It will be for the Honourable the Governor in Council to determine how far these requests can be complied with. If there should be no objection to Nursoo Luxmon accepting the situation which has been offered to him, I can only say that although his services would be much missed in this department, where his experience has made him very useful, his statement as to the infirmity of his health incapacitating him for a longer endurance of its fatigues, is, so far as my observation goes, but too true; and under such circumstances, I should be sorry to offer any impediment to his transfer to a less laborious situation.

4. The

4. The character and services of Nursoo Luxumon are well known to Government, and repeated testimony has been borne to his merit by my predecessors; to which I have only to add, that in my shorter acquaintance with him I have had every reason to be satisfied, and to consider him worthy of any indulgence which, in reference to his present petition, Government may in its liberality be pleased to extend to him. Case of Nursoo Luxmon.

Revenue Commissioner's Office,
Kaira Districts,
Aleena, 15 December 1843.

I have, &c.,
(signed) *R. K. Pringle,*
Revenue Commissioner, N. D.

No. 617 of 1844.—Territorial Department, Revenue.

To *R. K. Pringle,* Esq., Revenue Commissioner, Northern Division.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 1,293, dated the 15th December last, handing up an application from Nursoo Luxumon, the dufturdar of your department, for permission, in consequence of ill health, to accept the appointment of native agent to the Baroda Presidency, and to retain the two hundred (200) rupees per mensem, by which his present salary exceeds that of the situation of agent.

2. In reply, I am instructed to acquaint you that it was recently decided in the Political Department, on Mr. Boyd's application for the services of the dufturdar of Khandeish, that he could not take his superior salary with him, and that that decision is applicable to the present case.

3. An allowance granted as a reward for services performed may, perhaps, I am desired to observe, be deemed personal, and to be held in addition to the pay of any situation which the grantee may hold. But the periodical increases to the dufturdars' pay, according to their length of service (under the rules of 15th of March 1824), cannot be so considered.

4. Nursoo Luxumon draws 500 rupees per mensem, that is 400 rupees as dufturdar of more than ten years' standing, and 100 rupees as a personal allowance, granted on the 10th October 1833; which latter sum should, the Governor in Council imagines, be continued to him above his salary so long as he remains in the public service, and whatever appointment he may hold, the allowance of (50) fifty rupees per mensem for a palanquin, granted to him on the same date, is, his Honour in Council presumes, a life grant, and to be held without reference to his being in service or a pensioner.

Rs. 500.
Rs. 400.
Rs. 100.

5. It would, his Honour in Council considers, form an inconvenient precedent to grant pensions, otherwise than as laid down in the rules; that is, on the average salary of the last five years. At all events, Government cannot pledge itself to do so, but each case should be treated as it may arise, on its own merits.

6 The Governor in Council cannot entertain either of the propositions made by the dufturdar, that he be allowed leave of absence for two years on full pay, or that his pension may be calculated as though he had served 30 years, instead of 25 years.

7. It is not to be forgotten that this individual holds a village rent-free for three lives, calculated to produce him a yearly income of 1,200 rupees.

I have, &c.
(signed) *L. R. Reid,*
Chief Secretary.

Bombay Castle,
20 February 1844.

(True copies.)
(signed) R. K. Pringle,
Revenue Commissioner, N. D.

THIS is to certify that Nursing Rao Luxumon has served under me as native agent for the period of ten months, since I have been Resident at Baroda. The high character which he has already established as a man of business, and deserving of the confidence of Government, makes it hardly necessary for me to say anything on this subject. I have much pleasure now in adding my testimony to those he already has, of his abilities as a public officer, and of the prudence and judgment with which he conducts his duties in his present situation.

(signed) *R. K. Arbuthnot,*
Resident.

Baroda, 27 April 1846.

My Dear Nursoba,

I CANNOT leave Baroda without thanking you for the valuable assistance that you afforded me as native agent, during the period that I acted as Resident. I was indebted to you on several occasions for valuable information, and the talents, zeal, and fidelity with which you discharged the duties of your responsible and delicate office afforded me the greatest satisfaction, and much facilitated my discharge of my own duties.

 Wishing

Case of Nursoo Luxmon.

Wishing you health and prosperity, and that you may live long to enjoy the honourable rewards bestowed on you by the Government that you have so long and faithfully served,

Believe me, &c.

Baroda, 31 May 184[illegible]. (signed) *W. C. Andrews,*
Late Acting Resident.

Baroda Residency, 1 May 1850.

NURSOO PUNTH has been native agent of this Residency during the period I officiated as Resident, or from November 1848 to April 1850 inclusive.

I found him, in all respects, a most excellent man and public servant. In nothing did I find him wanting.

(signed) *P. T. French,*
Acting Resident.

Nursoo Punt, Native Agent.

Sir,

I HAVE no wish that you should retire in September, and shall be glad if you do not do so; but of course you are entitled to take your pension and retire then, if you choose.

Should you go, however, it is not my intention to recommend your son, Keshewrow, to succeed you; because I object, on principle, to political offices of this nature running in the same family, and becoming as it were hereditary, or being considered so at least.

It is from no personal objection to Keshewrow that I should not wish him to succeed you. I have no doubt he is fully trustworthy and deserving, and I only object to him as your successor on the principle above stated.

Your friend,

Baroda, 4 April 1848. (signed) *J. Outram.*

Appendix (B.)

No. 204 of 1849.—Political Department.

From *Arthur Malet,* Esq., Chief Secretary to Government, to Captain *P. T. French,* Officiating Resident at Baroda.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of Lieutenant-colonel Outram's letter, No. 215, dated the 7th September last, with enclosures, reporting the result of his inquiries into the affairs of Gorajee Pole, a pagadar of his Highness the Gaekwar, holding the British guarantee, and to convey to you the following observations and instructions thereon.

2. With reference to paras. 2 to 13 of his report, in which Colonel Outram explains the reasons which obliged him to obtain the assistance of Venaik Moreshwur Furkey, a person not in the employ of Government, in investigating the claims of Parukh Jugjeewun Kandass against the Pole, I am desired to inform you that the Colonel was justified, when his suspicions were excited, in making use of extra aid in prosecuting his inquiries into this case, but that he greatly erred in seeking it from a person whose employment in a political office had before been forbidden by Government; a procedure which makes it evident that he could not have examined the records of his office, in which the correspondence concerning this person existed.

3. With reference to the suggestions in para. 14, for the adjustment of the parukh's asserted claims against Gorajee Pole, his Lordship in Council directs that the banker be held bound by the terms of the agreement guaranteed by Sir Robert Arbuthnot, under which a yearly expenditure of five thousand four hundred and twelve (5,412) rupees should be admitted, as well as such arrears, according to the agreement, as may be proved to have been paid. But Government can in no way be responsible for the adjustment of any other payments which the Parukh may have made to the pagadar.

4. The annual amount of the seven years' lease to the patels, of the village revenues, must also be considered as the yearly revenue received by the banker, viz. five thousand and seven hundred (5,700) rupees, so that, according to Colonel Outram's calculation, Gorajee Pole will be, on the two years, a creditor to the amount of two hundred and seventy-eight rupees, five annas, and five pies; but as there are said to be other advances made to Gorajee Pole, this sum should be left at his credit with the bankers. You will be pleased to inform him of this decision, and at the same time intimate that he is at liberty to recover it, or allow it to be carried to his account, as he may wish; but that Government will not interfere to recover it for him, as it is evident that much of the embarrassment of the case has been caused either by his connivance or imbecility.

5. Colonel

Case of Nursoo Luxmon.

5. Colonel Outram's proceedings as reported at the commencement of his 16th para., and his suggestions for making the patells abide by their seven years' contract, are approved by Government. In short, the parukh and the pagadar should be mutually bound to adhere to the terms of their engagements, and the patells who leased the villages for seven years should likewise be held to their contract, and with respect to any pecuniary transactions between any of the parties not under the British guarantee, you should abstain from all interference.

6. With reference to para. 17, I am directed to inform you that if there are no other claims against the pagadar than those discussed in the present report, the arrears of the payments from his Highness the Guikwar should, to such extent as you may report advisable, after defraying the arrears guaranteed to the banker, the amount of which ought to have been specified, be retained in the Treasury as a fund wherefrom to meet the expenses which have annually to be incurred on account of the paga, previously to the realisation of the revenues.

7. In submitting his report under reply, as well as his report on the case of Govindrow Guikwar, No. 209, of the 31st August last, Colonel Outram has represented the conduct of native agent, Nursoo Luxumon, as open to the gravest suspicions, either of apathy and disregard of his duties to Government, or of culpable collusion with fraudulent and unprincipled parties.

8. His Lordship in Council considers it to be due to this hitherto distinguished native officer, who has passed a large portion of his life in the service of Government, whose character has hitherto been unassailed, who was long considered the most able and most faithful of the native revenue servants under this Presidency, and on whom the Honourable Court of Directors, in token of its approbation, has conferred the grant, for three lives, of a village of the annual rental of (1,200) twelve hundred rupees; that serious accusations of this nature should not be lightly entertained against him; that before any decision is passed upon his conduct, those accusations should be thoroughly sifted, and that if any doubt still remain, opportunity should be afforded him of explaining whatever may appear detrimental to his character, and may throw upon him a shadow of suspicion.

9. The gravamen of Colonel Outram's charge in this case is, that Nursoo Punt did not assist him, as he ought to have done, in the investigation of the case of Gorajee Pole, either "from apathy and most blameable carelessness or culpable collusion with the parukh, in the frauds the latter has been carrying on." His Lordship in Council, however, after a most careful perusal of the papers, finds no sanction whatever for either of these charges.

10. Colonel Outram, I am desired to observe, has viewed the office of the native agent and the duties required of him in an erroneous light. He would, as is very apparent throughout his examination of Nursoo Punt of the 26th of August, render him answerable for what are really the acts of the Resident, as though the Resident could do nothing but what the native agent dictated to him.

11. His Lordship in Council is of opinion that the answers given by Nursoo Punt to the queries put to him are quite satisfactory. He seems in these, as well as in his reports of June and July 1848, to have explained all that could be required of him. Government may not agree with him in his opinion as to the necessity or expediency of relieving the patels from their seven years' engagement, or granting them more favourable terms; still there is nothing to blame in that opinion, and it is probable that many persons, if they thought the terms too hard (Furke's report, para. 13, art. 1, admits that there were losses), would have deemed it right to make some abatement. This, I am desired to observe, is contemplated in the lease itself, in the concluding clause of which it is particularly specified that if, on an examination of accounts, it appears that the lessees are losers, the Resident will grant a remission, a fact which the Resident has nowhere noticed in his proceedings.

12. But the question of the rent of the villages, so far as the patells are concerned, is a matter wholly foreign to the principal subject, which is the state of the account between Pole and the parukh. The bond of 14th January 1846 distinctly lays on the parukh the obligation of maintaining the leases. He might make with the patels any arrangement he pleased, still he was answerable to Pole for the whole sum, and Government cannot perceive that there was the slightest necessity for any inquiry into what the parukh really got from the villages, nor for any investigation into their management, so long as the patells did not themselves complain of extortion or any violation of their contract, or the parukh of being unable to realize his dues.

13. Furke's Report of August 1848, if true, shows that the villages are mismanaged. Probably they are so, but this is irrelevant to the question at issue; and his Lordship in Council is unable to understand how any portion of that report reflects on Nursoo Punt. It was no part of his duty to manage the villages, or to see that the contract was observed, that the Pole was not defrauded, or that the village lands were not alienated.

14. Nursoo Punt may have conscientiously thought that the village lease was far too high a sum. He did not make those minute inquiries, nor could he be expected to make them, which Furkey carried on. Reasoning generally from what the parties may have stated to him, he might, without any imputation of fraud, have formed that opinion; but, as before observed, this is quite a matter of indifference. If the parukh chose to relieve

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the patells from their contract to pay (5,701) five thousand seven hundred and one rupees annually, this could not relieve him from the obligation to give Pole credit for that sum.

15. Colonel Outram alleges in para. 7 much that is to the discredit of Nursoo Punt, in regard to what is termed the cancelling of the lease; but the reasonings of that officer are not concurred in by Government. The lease in reality is not cancelled, it is in force to this day; it cannot be cancelled without the sanction of the Resident, and that has never been given. There is no reason for believing that this fact was not as well known to the Acting Resident, Mr. Andrews, as to the native agent. The lease was, by the Pole's bond of the 14th January 1846, placed in the parukh's hand. If he chose to "relinquish the security," this was his business; so long as he did not complain to the Resident that the patells did not furnish security, or pay the full amount, there was no necessity for the Resident, or any one connected with the Residency, to know whether the lease was enforced or not.

16. And even if Nursoo Punt was informed of the facts of its being so (which, however, is a mere assumption) this is no crime. He affirms (*vide* answer to Query 24) "that it has always been customary to transact business in their (the Residents') presence, and the native agent has never had private interviews with people on matters of business, neither has he ever interfered in any case without orders to that effect. Whatever anybody had to say was said before the Resident," &c. His Lordship in Council believes this to be strictly true, especially as Colonel Outram does not gainsay it. It is a very easy process to assume that the native agent saw everybody and knew everything, and then to argue that he concealed his knowledge. It is only one further step in the assumption, that he concealed it from fraudulent motives.

17. As regards the account between Pole and the parukh, his Lordship in Council quite concurs in the decision which Nursoo Punt advocates. He distinctly says that the parukh cannot claim the Government guarantee to any sum beyond that advanced by him to the Pole, for the payment of arrears due for the expenses of the paga, and the annual sum of (5,412) five thousand four hundred and twelve rupees. It is true, the amount of arrears is not given in the bond; it ought undoubtedly to have been so, but to provide for this was the duty of the Resident, and not of the native agent, who declares (and there is no reason to doubt his word) that the whole transaction was conducted by Sir Robert Arbuthnot in person. It is unfair to inpute blame to the native agent for the Resident's acts or omissions.

18. The parukh claims a large balance from the Pole, for sums advanced annually beyond stipulated amount of (5,412) five thousand four hundred and twelve rupees. Nursoo Luxumon distinctly states, that for this the British Government is not guarantee (*vide* answer to 17th Question at its conclusion). In so doing, his Lordship in Council can perceive no desire on the part of the native agent to aid the parukh in an unjust demand.

19. Colonel Outram dwells much on the obligation which the parukh had entered into in the bond not to expend a rupee beyond a certain sum, (5,412) five thousand four hundred and twelve rupees. *Vide* para. 6 of his letter, in which he further states "neither does the native agent in his report, nor did he even do so verbally, bring to my notice that the parukh was pledged in his bond to limit the expenditure to (5,412) five thousand four hundred and twelve rupees."

20. After a very careful perusal of the bond, his Lordship in Council can find no such stipulation or pledge. The parukh binds himself to pay yearly for the expenses of the paga (5,412) five thousand four hundred and twelve rupees; but there is not a syllable of pledge that he will not advance a single rupee more. The native agent, therefore, is not to be blamed for not bringing to the Resident's notice a fact which has no existence. The sum of (5,412) five thousand four hundred and twelve rupees was the minimum amount which the parukh bound himself to expend, and the maximum amount for which Pole's villages were liable under the bond, and to which the guarantee extended. If he chose to advance more he became a mere ordinary creditor of the Pole for the excess.

21. Whatever were the conditions of the bond, Colonel Outram was as able to know them as Nursoo Punt himself. The bond itself was before him, and if he could not read the original, the translation sent to Government by Mr. Andrews was sufficient. It cannot be supposed that Nursoo Luxumon, a man not deficient in ability or acuteness, could have thought that Colonel Outram would have decided a matter of this kind without looking at the principal document connected with it, or that he would have been so egregiously blind as not to see that if from any improper motive he misrepresented the contents of the bond, his scheme could not remain for half an hour undetected.

22. How far the Pole is liable for sums which the parukh can prove to have been paid to him, or by his authority, beyond the arrears, and the annual sum of (5,412) five thousand four hundred and twelve rupees, is another question. For the recovery of such excess, the parukh clearly can claim neither the interference of the Resident, nor the possession of the villages. But he is not prohibited from urging his claim before a competent court. Government would in all probability, as it is bound to maintain the efficiency of the paga, not permit any tribunal, if it thought the demand against the Pole just, to interfere with he management of the villages assigned for its support, but it could not object to its liquidation from any other property that the Pole might possess.

23. On

23. On these grounds, his Lordship in Council cannot see any great impropriety in Nursoo Punt's suggestion, that any sum really due to the parukh beyond the (5,412) five thousand four hundred and twelve rupees per annum, after deducting the revenues of the villages, should be paid from the sum received from the Durbar. If the Pole really owed such a balance, and this Colonel Outram does not doubt (*vide* para. 14), he might have justly thought that it should be paid, although there were no guarantee to it. This could have been at least a better mode of disposing of the money received from the Durbar, than to make it over to Pole, who would at once have squandered it; and it is solely from a desire on the part of Government to avoid any interference in unguaranteed affairs, that I am directed to instruct you, when the expenses alluded to in the 6th para. of this letter shall have been provided for, to make the balance over to the Pole, instead of his creditor. Should any competent court make an award against him, the remainder of these balances should be held available in liquidation of it, in preference to the measure now directed, of paying them to Pole.

24. Matters might, in the opinion of Government, have been better conducted had the villages been managed by the Resident. But so long as the parukh is considered bound to give Pole credit for the amount of the seven years' lease, it is clear, as urged by Nursoo Punt, and admitted by Colonel Outram, that this could not be effected without a previous settlement of the parukh's claims. In fact, his consent was obviously necessary to the arrangement, unless it could be shown that he had in any way infringed the stipulations of his bond.

25. When Nursoo Punt was asked by Colonel Outram why this arrangement had not been carried out, he stated this objection, and also that it was requisite, previously, that the answer of Government should be received as to the exact amount available from the arrears of the (1,000) one thousand rupees per annum paid up by the Guikwar. This second reason Colonel Outram stigmatises as a mere excuse for delays. To his Lordship in Council, however, it seems a valid reason, because, until that answer was received, the account between the Pole and the parukh could not be adjusted, and there is, therefore, nothing suspicious in Nursoo Punt's having advanced it.

26. There appears, moreover, nowhere throughout these proceedings, any admission by Nursoo Luxumon of the correctness of the paruk's account of the sums disbursed by him to and by order of the Pole. Colonel Outram does not allege that Nursoo Punt ever examined them in detail, and his Lordship in Council understands them to have been received from the parukh subsequently to the Resident's suspicions having been excited. Had Nursoo Punt examined these accounts, and proposed to allow the paruk credit for objectionable or unreal items, then there might have been some reason for doubting his uprightness.

27. Although the Right honourable the Governor in Council is of opinion that Colonel Outram, with his suspicion excited, was justified in employing another person than the native agent in the investigation, he is also of opinion that Colonel Outram's grounds for suspicion were unsound, and that it is, therefore, much to be lamented that he intrusted to another a duty which he might have required Nursoo Punt to perform; his integrity would have been fairly tested had he been intrusted openly, and with that confidential expression of his own views, which is due from a Resident to a native in such a situation, with the scrutiny into the parukh's account.

28. On a careful consideration of the circumstances of the case, his Lordship in Council is of opinion that there are, as shown in the papers before Government, not sufficient grounds for any suspicions that in this affair of Gorajee Pole, Nursoo Punt has acted otherwise than a faithful servant of Government. Colonel Outram appears to Government to have exacted from the native agent a duty and responsibility of a very unusual nature; one, in fact, which ought more properly to have devolved either upon himself or his assistant. When, moreover, the Resident was dissatisfied with the manner in which the duty had been performed, the native agent was subjected to a most searching cross-examination, from which he escaped without any criminatory matter being elicited against him, his replies to the Resident's interrogatories being candid and straightforward, and not those of a guilty man.

29. The charges against Nursoo Punt arising out of the case of Govindrow Guikwar's debt to the firm of Hurree Bhugtee, are,

1st. That his report (B.) on this claim, instead of clearing up the Resident's doubts, only added to his suspicions (para. 2), and to cite Colonel Outram's words in para. 6, "he neglected to point out to me causes of suspicion which he now acknowledges to exist, and others which I have indicated, which, although he does not admit, could scarcely otherwise than have occurred to so shrewd a native as he is."

2d. That he did not produce or allude to the accounts marked (E.) and (G.) which had previously been given in by the soukar.

30. Nursoo Punt's report (B.) is, I am desired to observe, simply a statement of the facts of the case. It does not appear that in it he committed himself to a single opinion. It therefore by no means bears the character that the Resident has given to it (para. 2), as embodying Nursoo Punt's views on the demand. It is impossible to say what precise points Colonel Outram directed that the report should embrace. In his answer to the first question

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question, in his examination of the 31st August (D.), Nursoo Punt observes, that he was asked for a statement of how the matter stood, and he simply gave it, but without a word of comment.

31. In his examination (D.), his opinions on the transactions are to be found. He would, at once unravel the intricate knot, by giving, as interest, only a sum equal to the amount of the principal, an opinion in which, on a careful consideration of the case, Government has concurred, as intimated to you in my letter of the 15th ultimo, No. 5249, and after this, it is quite unnecessary to go further to decide on his connivance at a fraud, or his collusion with the firm, and this fact at once acquits him of all participation in the injustice which the firm may have desired to perpetuate.

32. On the 2d charge, Nursoo Punt admits that the documents (E.) and (G.) had been received in the office at the periods of their dates in 1842 and 1845, and can only urge that the latter, which had been received three years back, and since he joined the office (in June 1844) had escaped his memory. He gives a detailed account of the search being made for its discovery, and that of the memorandum of 1842, and he attributes the difficulty of finding them to the impossibility, with the existing establishment, of keeping the dufter in proper order, and registering all the documents reeeived.

33. This story is plausible. The question is whether it is true. Colonel Outram (para. 5.) admits the possibility of its being so, but he took no steps to ascertain the fact. There is no examination of the karcoons as to the circumstances of the search, and no explanation whether the dufter is in the state alleged, and whether from the inefficiency of the establishment it is necessarily so.

34. Government has before it the bare fact that the documents were missing, and were subsequently discovered; were there the slightest grounds for suspecting collusion between Nursoo Punt and the firm, his Lordship in Council could not hesitate to view it with some suspicion. But the only known circumstance bearing on this point at all, viz. his suggestion that no interest should be allowed beyond a sum equal in amount to the principal, has a directly opposite tendency.

35. Under these circumstances, and considering the high and honourable character which Nursoo Punt has borne, his Lordship in Council has no hesitation in expressing his belief of his statement, and cannot think that such a want of memory as he has unfortunately displayed should of itself suffice to brand him with ignominy, and to neutralise the merits of a long and unblemished service.

36. There can be no doubt that Colonel Outram himself overlooked Mr. Remington's report on the causes of Vinaik Moreshwur Furke's disqualifications for political office, and the decision of Government founded thereon. They are nevertheless on the Residency records, and this fact proves that documents may be lost sight of without attaching culpability to the party by whom they are overlooked, of so serious a nature as has been imputed to Nursoo Punt by Colonel Outram.

37. With respect to the employment of Vinaik Moreshhur Furke in investigating Gorajee Pol's accounts, I am again desired to express the opinion of Government, that it was both improper and injudicious, not only under the recorded opinion of Government that this person was not eligible to be employed in any political capacity, but likewise because it could not have been expected that he would act with impartiality as a referee, on any matter in which the native agent was concerned, since Furké was not only a rival candidate for the office of native agent when Nursoo Luxumon was appointed in 1844, but now aspires to succeed him in the event of his removal, and Colonel Outram, notwithstanding the opinion of Government of 1844 (in which his Lordship in Council entirely concurs) of his ineligibility for this responsible office, has actually proposed that Vinaik Moreshwur should be appointed on the retirement of the present native agent.

38. His Lordship in Council feels himself compelled to enter at some length into the charges alleged against Nursoo Punt, because, while it is an easy matter, and requires but few words to cast imputations on a native servant, and on general considerations, to declare him frandulent and untrustworthy, his relief from such imputations cannot be so summarily effected. The characters of native servants of high rank and standing ought to be objects of the peculiar care of Government, which should not admit of their being assailed lightly,* to be sufficient.

* Or on grounds not shown after severe scrutiny.

39. In conclusion, I am desired to inform you, that so far from concurring in Colonel Outram's opinion, his Lordship in Council, is persuaded that the examination into the cases before Government, has removed from Nursoo Luxumon all suspicion of misconduct in respect to them. Under these circumstances it is unnecessary even to inform him of the nature of the imputations cast on him (which seems not yet to have been intimated to him), or to require explanation on any single point in these transactions.

I have, &c.

Bombay Castle, 12 January 1849. (signed) *A. Malet*,
Chief Secretary.

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Appendix (C.)

ENUMERATION of CHARGES against *Nursoo Luxumon*, commonly called *Nursoo Punt*, late Native Agent to the Residency at Baroda.

Charge I. THAT in the case of Joita Baee Settanee, a suitor for redress at the hands of the British authorities, Nursoo Punt conveyed or caused to be conveyed, erroneous information to his official superior, and withheld from him information which it was his duty to communicate, and otherwise behaved falsely and unfaithfully in the following instances:

Inasmuch as between the 2d and 15th of November 1848, he communicated to Captain French an erroneous account of certain petitions from Joitabaee Settanee, and her mother, Larbaee, then lying untranslated in the Residency Office, thereby misleading Captain French, to the prejudice of Joitabaee Settanee.

Inasmuch as he informed Captain French, or led him to believe, or encouraged him to believe, or did not disabuse him of the belief, that the popular voice of Baroda pronounced the husband of Joitabaee Settanee to have been impotent for such a length of time previous to his decease, as proved the alleged pregnancy and delivery of Joitobaee Settanee to have been fictitious, and that the fictitious nature of the alleged events was so notorious at or soon after the date of their occurence, that Sir Robert Arbuthnot, Baronet, then Resident at Baroda, refused to countenance with his presence the ceremony of naming Joitabaee's child.

Inasmuch as he withheld from Captain French, or failed to communicate to him, the real nature and features of Joitabaee Settanee's case, he himself being well acquainted with them; and further, inasmuch as he withheld from Captain French the fact that, at the date of the arrival of that officer at Baroda, only a representation to the Durbar was required to secure the transmission for submittal to the Resident's review, of the proceedings of the punchayet that had been assembled at my instance, to investigate the complaints preferred by Joitabaee Settanee against Baba Nafra, the moonim goomashta of her late husband's bank.

Inasmuch as when directed by Captain French to draw up a summary of a petition, addressed by Joitabaee Settanee to the Right honourable the Governor in Council of Bombay, and dated 7th of May 1849, and its enclosures (copies of petitions), he prepared or caused to be prepared, and gave or caused to be given to Lieutenant W. Battye, Assistant Resident, for translation, a document containing an incorrect version of the aforesaid petition, and an inaccurate description of its enclosures, knowing that the said incorrect version and inaccurate description were to be transmitted to the Right honourable the Governor in Council of Bombay.

That in the case of Govind Row Gaickwar, he allowed a false claim, to the extent of nearly (3) three lacs of rupees, set up by Baba Nafra, to be prosecuted in my office, without expressing to me the slightest doubt of the justice of the said claim, though he knew it to be unjust, and that he culpably withheld from my notice, documents in his custody*, which proved the unjust nature of the claim, thereby betraying his trust as head of the native establishment of the Baroda Residency.

That he was guilty of a similar betrayal of his trust, in the case of Gorajee Pole, in the following instances:

Inasmuch as he had connived at embezzlement, by not bringing to the notice of his superiors the cause of the rapid diminution being the result of and clearly indicating embezzlement on the part of the individual to whose management the estate had been confided.

Inasmuch as he allowed a certain lease † to be abandoned or cancelled, without bringing the circumstances to the notice of the Resident, though well aware that by maintaining the leases on the original terms, the revenues of Gorajee Pole would have been preserved intact.

That he, on or about the 12th May 1845, received from Baba Nafra, managing goomashta of the firm of Hurree Bhugtee, the sum of (20,000) twenty thousand rupees, as a bribe, given apparently with a view to secure his (Nursoo Punt's) services on behalf of the firm; supposed to be on account of the case then pending before Government, concerning the dispute between the above firm, and the sons of the late Gungadhur Shastree.

That

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* 1. A memorandum of account submitted by the firm of Hurry Bhugty, dated 10th Falgoon Sood, Sumwut 1898 (February 1842).

2. A yad presented by the same firm, dated 7th Ashad Sood, Sumwut 1901 (11 July 1845).

† Dated 14 September 1844, by which the Patells bound themselves to make good the revenues of the three villages to the amount of (5,703) five thousand seven hundred and one rupees per annum for seven years, giving "nisha" (banker's security) for the same.

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That he, on or about the 19th or 20th of October 1848, received from Baba Nafra, as a bribe, the sum of (28,070) twenty-eight thousand and seventy rupees, being in part payment of a sum of 78,070 rupees to be paid by Baba Nafra, for the exercise of his influence in Baba Nafra's favour, in the inquiry respecting the alleged abduction of the child of Joitabaee Settanee.

That on or about July 1848, he instigated Baba Nafra to depute an agent to Bombay, for the purpose of bribing the Honourable Mr. Reid, late member of Council.

That at various times between the 12th of September 1848 and the 1st of May 1850, he made an improper and unauthorised use of the name of the Honourable Mr. Reid, late member of Council, and encouraged the belief at Baroda that he enjoyed the support and confidence of that gentleman.

(signed) *J. Outram*,
Resident.

Baroda Residency, 10 June 1850.

(True copy)
(signed) W. E. Frere.

Appendix (D.)

EXTRACT from Government Letter to the Resident at Baroda, dated the 20th January 1852, No. 291.

4. AFTER a most patient and lengthened investigation of these charges, extending over a period of upwards of four months, Mr. Frere closed his proceedings on the 22d October last.

5. On a most careful consideration of which, the Right honourable the Governor in Council desires me to convey to you the decision of Government in regard to each charge.

1. Nursoo Punt is acquitted on all the counts of Charge No. 1, as worded by the Prosecutor, though from the finding of the Commissioner it would appear, that had the charge been made to include the misleading of Colonel Outram himself, his (Nursoo Punt's) entire exoneration on this head might not have resulted.

2. That Nursoo Punt is guilty of Charge 2.

3. That Nursoo Punt is acquitted of Charge 3, but that his conduct with reference to circumstances connected with this charge is open to animadversion.

4. That the evidence is insufficient to convict Nursoo Punt upon Charges 4 and 5, but that considerable suspicion attaches to him upon both these charges.

5. That there is nothing in the proceedings to implicate the character of Nursoo Punt, with reference to Charge 6.

6. That the alleged misuse by Nursoo Punt of Mr. Reid's name, embraced in Charge 7, has not been established.

Nursoo Punt having, by his conviction to this extent, been pronounced guilty of a betrayal of his official trust in the instance therein specified, as the head native servant of the Baroda Residency, the Right honourable the Governor in Council cannot allow that individual any longer to retain his present employment; and orders have accordingly been issued for his removal from his situation of dufturdar to the Collector of Ahmedabad. Nuroo Punt will be considered ineligible for re-employment under Government.

(True extract.)
(signed) *A. Malet*,
Chief Secretary.

(True extract.)
(signed) E. L. Jenkins,
Acting Collector.

Appendix (E.)

TRANSLATION of the Memorandum drawn up by *Nursoo Luxumon* relative to Govindrow Guickwar's Debt.

Memorandum.

1. MEMORANDA of (the firm of) Hurree Buk ee, dated the 6th July 1848, and the 5th August 1848, Nos. 1, 2, have arrived, the same being to the effect that in payment of the debt due to them, the money due on account of Azum Govindrow Guicowar's draft should be received.

2. On looking at the former proceedings in respect to this, it appears that the account relative to the money claimable from Govindrow Guicowar, as having been formerly received (by him) from the Company's Government, and due to the firm of Hurree Buktee, having

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having been made up, the Political Commissioner, Mr. Williams, wrote him a letter dated 21st of February 1833, to the following effect: "There are claimable from you on the part of the Government, *Rs.* 1,945. 31¼., and besides money for expenses at Surat, was received rupees; and 32,002 rupees obtained from Hurree Buktee are due, together with interest. In order that the liquidation thereof may be effected, 10 rupees a day being deducted from your allowance, you will receive the balance, 20 rupees a day, for expenses." To this effect it was written; there is a separate translation thereof, No. 3.

3. The management having proceeded in the above manner, upon the completion of the payment of the Government money, Mr. Boyd sent to the Bombay Government a report, No. 304, dated the 10th April 1842, with a translation of the letter No. 3. Their order, No. 1540, dated the 7th June of the same year, arrived to this effect, "Agreeably to what you have written the money should be paid to Huriee Bucktee on account of the debt."

4. Consequent upon the above order, money having been received by the firm of Hurree Buktee out of the Residency Treasury, from Sumvut 1898, corresponding with the year 1842–43, to Sumvut 1903, corresponding with 1847–48, agreeably to the balance remaining in Govindrow Guicowar's account, they have received up to this day altogether 33,089 Shahsee rupees, so the payment of the principal is about completed.

5. Now in this case, the permission of the Bombay Government being obtained, I think that it should be in some way determined to what period, and how much money should be received by Hurree Bucktee's people, for in the first order of the Bombay Government this has not been cleared up; and in respect to the money deducted out of his own allowance for the liquidation of the debt, a petition of Govindrow Guicowar having gone to the Bombay Government, the order of the Government, dated the 25th February 1848, No. 851, arrived to the effect, that in respect to this he would hereafter receive an answer; and agreeably to a letter of instructions from the Bombay Government of the 9th of December 1848, No. 4734, relative to a statement of his account being sent by the Resident, one was sent. In answer to a letter relative to the recovery from the Guicowar's Government of the difference on account of the Baba, shaee (currency), having been written under date the 16th of March 1848, No. 1146, arrived, but nothing come in writing relative to what was to be done in future as to his (Govindrow Guicowar's) debt.

6. At present, about the principal money of Hurree Buktee's people has been received in full. Now, on being asked what balance they drew out, they made up an account of what is claimable from Govindrow Guicowar, and have presented two memoranda, the balance therein to the end of Ashadh, corresponding with July 1848, is as below.

		Rs.	*a.*	*p.*
One account, memorandum relating to one bond, Sumvut 1876, the (Christian) year 1820; 9,000 rupees, interest one rupee per cent., per mensem - -		1,91,873	3	9
One bond, 10,001 rupees; and one bond, 13,000 rupees; total 23,001 rupees, two bonds, Sumvut 1887, the (Christian) year 1831, interest at ¾ rupee per cent., per mensem - - - - - -		1,11,257	6	–
Principal Rupees 32,001.	*Rs.*	3,03,130	9	9

As above described, a balance claimable is stated, the interest being made up that is drawn out as the balance at the Diwallee.

7. In the above account three bonds are mentioned, whereof a copy of the bond for 9,000 rupees of Sumvut 1876 (1820) was not before filed in the records, but in the first bond, of Sumvut 1887 (1831), for 10,001 rupees, there is a reference to this bond. In that bond there is written a stipulation for drawing out interest every 12 months for the sum of 10,000. The signature of Mr. Williams is appended to it by way of attestation. In the other bond, for 13,000 rupees, there is written a stipulation for receiving interest at the rate of 12 annas, and in this it is not written that interest is to be drawn out every 12 months. Upon it there is written an English endorsement to the effect that this bond having been brought by Radhabaee's karkoon, it was given to Huiree Buktee, with the acquiescence of the Resident, and there is the signature of Mr. Malet. A copy of the bond of Sumvut 1876 (1820) has now been obtained from the parukh; in it interest at the rate of one per cent. is mentioned. The attestations of the Sahebs are not to it, and it is not mentioned that interest is to be drawn out every 12 months; these are the circumstances relating to the bonds.

8. According to the draft for Govindrow Guicowar's allowance, there are received from the Guicowar's Government annually, in two instalments, 12,400 Shahsaee rupees, amounting to Company's *Rs.* 10,839. 1.; whereof about 6,646 Company's rupees for expenses are received by him annually, through the medium of the collector of Ahmedabad, (and) there remains a balance of 4,193 for the liquidation of the debt. Now on the day of there is a balance of 6,000 rupees to his account.

In short, in respect to this the specific orders of Government are necessary.

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Appendix (F.)

TRANSLATIONS of Murathee Bonds.

(B. 4.)—To *Rajshree Hurreebhaee Bukteedass Parukh.*

FROM the friendly Govindrow Futehsingrow Guicowar, the Soor Sun (year) 1230, I obtained from Rajshree Moorleedhurdass Balgovind, and Bhookundass Narayendass, money for expenses, whereof I have caused to be paid to the above-named on account, money received from you, (viz.) 13,001 rupees, in letters (thirteen thousand and one rupees); having received the same on loan from you I have had the same paid. Accordingly this money having been paid, the following are to be received into charge.

1 One bond, Poushwud 1st, Sumvut 1884 (3 January 1828) *Rs.* 6,511. 13½. (six thousand five hundred and eleven rupees and thirteen and a half.)
1 One bond, Magh Wud 5th, Sumvut 1884 (6th February 1828) 4,101 rupees, in letters (four thousand one hundred and one) on account of other bonds.

2

For the above 13,001 rupees, interest is agreed for at the rate of ¾ rupee (12 annas) per cent., per mensem, as follows: I will liquidate the principal money with the interest out of my settlement. The 5th of the month of Kartik Sood, Sumvut 1887 (21st October 1830.)

With the permission of the mother, Radhabaee Saheb Guikwar, this has been truly written. The handwriting of Rowjee Narrayen Shastree, written (by him) by order of the mother, Radhabaee Saheb.

(English Endorsement.)

Radhaby's carcoon having come to the Residency, has given this note to Hurree Buktee, to which the Resident consents, this 21st day of October A.D. 1830.

(signed) *A. Malet,*
Acting Resident.

(B. 5.)—To *Rajshree Hurreebhaee Bhukteedass Parukh.*

From the friendly Govindrow Futehsingrow Guikwad, the Soor Sun (year) 1230.

The cause of writing is as follows:

I have received, on loan from you, principal money, as follows:—

	Rs.	*a.*	*p.*
Agreeably to a bond which is with you, for what was formerly due to you - - - - - - -	9,000	–	–
Received now on Kartick Shood 14th (29 October 1830) principal money, for which interest at the rate of ¾ rupee (12 annas) per cent. per mensem has been agreed to be paid; agreeably to which, I will pay off the interest with the principal, without abatement. It has been agreed that the interest shall be drawn out every twelve months -	10,001	–	–
Rs.	19,001	–	–

In all, rupees nineteen thousand and one, I will pay off as above when my arrangement is effected.

This has been truly written. Friday, the 14th of the month of Kartick Shood, Sumvut 1887 (29 October 1830).

The bond has been written by order of the mother, Radhabaee Baya Saheb.

The handwriting of *Rowjee Narrayen Shastree.*

(In English.)

(signed) *James Williams.*, Resident.

29 October 1830.

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(B. 6.)—Bond for Debt, Friday, 5th Magh Wud, Sumvut 1876 (12 February 1830).

On that day a bond is written to the creditors, named , by the debtors, named Govindrow Futteh Sing Guikwad. The reason of writing is, that I have received for my own purpose principal *Rs.* 9,001, in letters, nine thousand and one received. The interest and premium hereof for one month have been deducted and paid. Hereafter I will pay interest to accrue at the rate of one rupee per cent. per mensem. This has been truly written. Out of the money which may be first received on account of my allowance, I will make payments for this bond.

Appendix (G.)

Translation of a Guzeratee Paper of Questions and Answers.

Questions to the bankers of Baroda, the answers to which are to be obtained through the medium of the Guickwar's Government.

Questions.	*Answers*, as follows:
1. Supposing a certain person should owe a banker a debt for which a bond has been passed; if another loan should be obtained from the same banker again, then at the time of writing the new bond, supposing the amount of the former bond to be *Rs.* 9,001, with respect to entering that amount in the new bond, should exactly nine thousand, or (that sum) with the surplus unit one, be stated; what is the custom in respect to this?	1. If a loan should have been first given, and a bond got made, and if a new loan should be given again, for which a bond should be written, and if the first bond should be included therein, then it is indeed customary that agreeably to the first bond, the amount (thereof) should be included; but if the surplus, one rupee, should not have been paid, then the exact amount should be stated.
2. At the time of writing the new bond, there being a separate bond for the former debt, is the whole amount of the former principal money with the interest calculated up to that date stated, or is the principal of the former bond only stated, the interest thereof being calculated separately, or how?	2. At the time of writing the new bond, there being a former separate bond, should (this) be intended to be included in the new bond, (and) should the account thereof, calculating the interest, have been made up to the date of the new bond, it is to be included accordingly; and if the account should not have been made up, then the amount of the principal is to be included in the new bond, and the account of the interest thereof may be made up separately, if the borrower (should choose) to make it up separately, (and if it should be intended) to make up the accounts of both bonds together, they may be made up together. This is indeed customary.
3. In the new bond in which the amount of the former bond is included, is it customary to mention the date of the old bond and the rate of interest mentioned therein, or how; and if after the old sum has been entered in the new bond, the old bond should become cancelled, in that case if no other mutual settlement should have been made, then if anything should have to be paid on account of the old bond up to the date of the new bond, is the same included in the new bond, or how?	3. In the new bond the amount of the former bond may be included. In it the date of the old bond should be stated, if the account should not have been made up, and of the interest of the first and the second (bond) should be the same, then it is not necessary to mention the interest; and if it should be more or less, it will be requisite to mention it. This is indeed the custom. If the interest is more or less than what is mentioned in the first bond, and if the accounts of both the bonds are to be made out separately, a notice merely may be inserted in the new bond, and it may also be mentioned that that bond is for rupees; and if the amount of the old bond, with the interest added, should be entered in the new bond, or if the old bond should not be included in the new bond, nevertheless the old bond does not become cancelled, and the payments which may be received for it may be credited in the old bond. Notwithstanding this, should an agreement have been made, it is to be acted up to. After the making of the old bond, if anything should have been paid, and debited in the account books, it is to be included in the new bond. Such is indeed the custom.

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Questions.

4. When there are such sums as one thousand, two thousand, ten thousand, which terminate in ciphers, do bankers write these identical sums in bonds, or when a sum ends in a cipher, do they always write a unit in lieu of it, or do they write the figures one or two in place of a cipher at the end of a sum; for example, if the sum of one thousand is to be written in a bond, are one thousand and one, one thousand and two, &c., to be written in that place; what is the custom in respect to this?

To the questions above stated, answers should be written. The English date, the 22d of the month of July 1850. At the Baroda Residency.

Examined by
Soorujram Gungaram.

(An English Signature.)

Answers, as follows:

4. Money being lent, if a cipher should occur at the bottom in the bond which may be got made, the unit one should be inserted in that place; and when the person who gets a bond written, and he who executes it, have any doubts relative to the cipher, they have the exact amount written down. It is indeed customary to write in both ways.

The above answers have been caused to be written. They are correct.

Ashadh Shood, 14 Sumvut 1906 (23 July 1850).

1. *Pureekh Gopalrow Myral.* The handwriting of Gunnesh Ramchundru.
1. *Pureekh Hurree Bhaee Bhukteedass.* The handwriting of Pitamber Siwulal.
1. *Pureekh Samuldass Beheecherdass.* The handwriting of Babajee.
1. *Pureekh Khooshal Chund Ambaeedass.*
1. *Pureekh Munguldass Sukheedass.* The handwriting of Suckharam Sadasew.
1. *Pureekh Ruttunjee Kahandass.* The handwriting of Nutho Punt Sadasew. In the Murathee character.
1. *Pureekh Hemchund Wuckutchund.* The handwriting of Dulputram.
1. *Pureekh Manickchund Jugjeevandass.* The handwriting of Jugjeevan.
1. *Pureekh Munsookh Bhaeedass.* The handwriting of Runchord Bhaee.
1. *Pureekh Purbhoodass Kaseedass.* The handwriting of Nurrotum.
1. *Pureekh Purmanund Nurbheram.* The handwriting of Hurgowund.

Appendix (H.)

TRANSLATION of an Extract from *Nursoo Luxumon's* written Defence to the First Charge.

2. THE respected Colonel repeatedly writes and verbally asserts, that in consequence of relationship (existing) between me and Baba Nafuda, I am his confederate and favourably disposed to him. Now this thing became known to the above-named gentleman in consequence of some one having told him. What impediment then was there to my being questioned in regard to this, and to its being clearly demonstrated what sort of relationship it is, and what is the significance thereof? (For there is no actual relationship between Baba and me; but in consequence of there being few houses here, belonging to my caste, reciprocal marriages have been contracted between one and another of them. He is, therefore, connected with my connexions in the manner below described:

1st. This Baba was the nephew of Wishnoo Punt Nafudeh, my wife's sister's husband, the first manager of Hurree Buktee. This is the original relationship of the connections; but in consequence of this connection, no friendship whatever subsisted between him and me; because when his parents died Aba Nafudeh, the son of Wishnoo Punt, was an infant of the age of six months; consequently (Baba Nafudeh) having himself usurped the situation and appointment of Wishnoo Punt in the shop, afterwards when that boy grew up, he gave him a small situation and separated from him, and having shown that boy the debt of the time of Wishnoo Punt, he threw that load on his head, and reduced him to extreme poverty. For this reason the greatest hostility has existed between them both; and in consequence of there being a good understanding between Aba Nafuda and me, there is hostility on the part of Baba towards me. This thing is well known to (the people of) my caste and tribe, and others in this city, and was also known to the elder Maharaj, and I heard

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heard that he said to some one, that in consequence of my connection with Aba Nafuda, I entertained enmity towards Baba. Now, in consequence of there being no one to assist me, I am unable, on this occasion, to prove that assertion; but if any one were to make inquiries independently, in a proper manner, he would be satisfied.

2d. The second connectionship with connections is as follows:—Latterly since I arrived here in the Sumvut year 1901, my elder brother informed me relative to his being about to give his daughter to his (Baba Nafuda's) son. I did not acquiesce in that, upon which he yielding to the persuasions of his wife without having obtained my full consent, gave his daughter to Baba's son. Since then there has existed a disagreement between my brother and me, and his family lives at Borsud, apart from me.

3d. The third connectionship with connections is as follows:—Latterly in Sumvut 1901, the daughter of Baba's sister-in-law's husband was given (in marriage) to my son, (and) enmity subsists between those two sisters.

These being the facts, I have no intercourse whatever with Baba Nufada. Now in regard to this, the Surkar should consider that among us native people, although there is no other real relationship than that of full brother's offspring of the same parents, and father and son, and wife and husband, among whom great amity should subsist, yet among such relations even, enmity exists, such as to lead them to seek to take the life of one another. As to this the following is a very brief illustration. The sons of Gungadhur Shastree here, are full brothers, yet such enmity goes on between them, that while residing in the neighbourhood of each other, on the occasion of the death of a member of the family of one or the other of them, one did not visit the house of the other. There are thousands of more examples of this. It is unnecessary to lengthen the paper by writing in detail on this point. Amity and union are not at all dependant on relationship. That is a different matter. But he who acts with integrity does not preserve the least connection with father or son, or as many other relations as he may have, if their conduct should be improper. There are hundreds of examples of this. It was, therefore, necessary to have made a minute inquiry independently, without (the intervention of) my enemies, as to whether I preserve any connection with Baba or not.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

THIS memorial contains no facts which have not already been submitted to the Honourable Court of Directors, being mainly a review by Nursoo Luxmon, of the nature of the evidence adduced on his trial before Mr. Frere, with arguments founded thereon.

It may be sent to the Honourable Court, with the remark that we see no reason to comment on it, or to change our opinions already recorded.

(signed) *Falkland.*
D. A. Blane.
18 September 1852. *A. Bell.*

No. 4487 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to the Government of Bombay,
to *Nursoo Luxmun*, Bombay.

IN reply to your letter dated 9th ultimo, I am directed to inform you, that the memorial to the address of the Honourable the Court of Directors, therewith forwarded, will be transmitted to that authority by the overland mail of the 16th instant.

By order, &c.

Bombay Castle, (signed) *A. Malet*,
14 October 1852. Chief Secretary.

(True extract.)
(signed) A. Malet,
Chief Secretary.

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Extract Bombay Political Consultation, January 1853.

MEMORIAL from *Nursoo Luxumun*, formerly Native Agent at the Residency of Baroda, and late Dufterdar of Ahmedabad, to the Right Honourable Lord Viscount *Falkland*, Governor and President in Council, Bombay,

Most respectfully showeth,

THAT to the great grief of your Lordship's memorialist, the late Collector of Ahmedabad, Mr. Mansfield, forwarded to him a copy of a Government letter (with an endorsement upon it, No. 783, dated 13 October 1852, by the acting collector), to the address of the Civil Auditor, No. 3768, dated 28 August 1852, a copy of which was forwarded to the Collector by Government for his information, with an endorsement, No. 3772, dated 28th August last, stopping from the date of his suspension, the monthly allowance of 50 rupees, sanctioned as Palkhee allowance to your memorialist, by order of the Honourable Court of Directors on the 30th March 1836, which was continued to him at the time of his dismissal, on the 20th January. That your memorialist is deeply grieved at this, since, while applying for redress according to the principles of justice against the former harsh treatment, Government, not content with the punishment then awarded, has against their usual rules added thereto by issuing the order now complained of.

2. Your Lordship's memorialist most humbly craves that your Lordship in Council will kindly consider his case with commiseration, and save him from the deep sorrow and disgrace into which he has been thrown by the measures adopted by Government.

3. Should your Lordship in Council have any objections to grant this prayer, your Lordship's memorialist solicits that your Lordship in Council will be graciously pleased to forward the accompanying memorial (furnished in triplicate), to the Honourable the Court of Directors, with a favourable recommendation from your Lordship in Council. Your Lordship's memorialist humbly begs to be pardoned for having given trouble.

And he, as in duty bound, shall ever pray.

Bombay, 21 December 1852. (signed) *Nursoo Luxumun.*

To the Honourable the Court of Directors for the Affairs of India, London.

The humble MEMORIAL of *Nursoo Luxumun*, formerly Native Agent at the Residency of Baroda, and late Dufturdar to the Collector of Ahmedabad,

Most humbly showeth,

THAT your memorialist served the Bombay Government for about 33 years, from the year 1818, in several appointments of high trust, in the course of which his conduct invariably elicited the highest encomiums from his superiors, but on the 20th January he was unjustly dismissed from his appointment. Your memorialist being ignorant of the grounds of his dismissal, made three applications to Government, requesting information on the subject, but Government disregarding the rules of justice, declined to disclose the same. Upon this your memorialist forwarded through the Bombay Government two memorials to your Honourable Court, dated the 18th July and 31st August last, the former briefly, and the latter circumstantially, giving an account of his case, which your memorialist hopes may have reached your Honourable Court by this time.

2. Your memorialist earnestly trusts that your Honourable Court, after giving a fair and unbiassed consideration to his case, will relieve him from the unjust severity exercised towards him. The Bombay Government declare your memorialist guilty of betrayal of trust with regard to the second charge, and acquit him of the other six charges preferred against him by Colonel Outram, late Resident at Baroda, though remarking that his conduct is open to animadversion in respect to one, and to suspicion in respect to two charges, but the

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the grounds on which they have come to such an unjust decision are studiously concealed from your memorialist, even when he humbly requested to be informed of them. Being ignorant of the views entertained in his case, your memorialist cannot be expected to explain everything satisfactorily to the Court. He has, however, met the case against him as far as his knowledge of it enabled him to do so. Should the explanations, therefore, of your memorialist appear imperfect to your Honourable Court, he hopes that your Honourable Court will give him an opportunity of learning in detail the grounds of his conviction and of defending himself against them, and if necessary, of yielding him a second trial in a judicial way, so as to enable him, a public servant of long standing and high merit, to obtain justice.

3. An unexpected occurrence mentioned below has compelled your memorialist to trouble your Honourable Court with this before receiving any answer to his other memorials. The dismissal of your memorialist from the situation of dufturdar of Ahmedabad was commuicated to him by the acting collector, Mr. Jenkins, by an order (a true translation of an extract from which is herewith annexed, marked (A.), stating that your memorialist was removed from the situation of dufturdar, and that his salary as dufturdar and the personal allowance of 100 rupees was stopped from the day of his suspension. He was thus given to understand that the personal allowance of (100) one hundred rupees a month sanctioned by the Honourable Court, was discontinued from the date of his suspension. He patiently submitted to this injustice, in the sanguine expectation of its being disposed of when the question of his dismissal should be finally settled; your memorialist was moreover honoured with the grant of a "Palkhee," with the endowment of an allowance of 600 rupees per annum to support it, sanctioned by your Honourable Court, independently of the above 100 rupees per month. To the great grief of your memorialist, the late acting collector of Ahmedabad, Mr. Mansfield, lately sent him a copy of a Government letter, with an endorsement upon it, dated the 13th October last (copy of which is enclosed marked (B.), stopping this grant of 600 rupees from the date of your memorialist's suspension, which was continued to him at the time of his dismissal, as if Government, not satisfied with the unjust punishment already inflicted upon him, meant to increase it to the utmost of their power.

4. Your memorialist has not been accused of treason to the State, nor of being concerned in rebellion, nor of having conspired against the Government, nor of any other high offences of the like degree. He was accused of not pointing out discrepancies in the account of one banker advancing claims against another; of not producing papers regarding them at the time required from the duftur, of having received bribes, and of negligence in the discharge of his duties, as many other servants are frequently charged with in the Revenue and Judicial Departments. Such being the nature of the imputations, your memorialist is at a loss to understand why such extraordinary severity has been so long and is still being practised towards him, and why Government has not investigated the charges openly according to the judicial system, as is generally done in the case of their servants. The accusations being of the nature above mentioned, your memorialist cannot imagine why Government should have made it a matter of secrecy merely from this circumstance, that the complaints first arose in the Political Department. Government may think that your memorialist has no reason to complain, since he was tried according to Act, No. XXXVII. of 1850 of the Government of India, by Mr. W. E. Frere, Commissioner; but your memorialist begs to observe, that he cannot write anything about it here openly; suffice it to say that Government did not pay any attention to your memorialist's two applications of 1 June and 18 October 1851, made at the commencement and the close of the trial, showing the difficulties in his way, and what he had to suffer.

5. The Bombay Government, when disposing of the case, state that the Commissioner, "after a most patient and lengthened investigation extending over a period of upwards of four months, closed his proceedings," but that period is merely nominal. The Court sat only about days; the rest of the time being lost in obtaining the answers to questions put to individuals in different parts of the country, &c., and thus giving the inquiry an air of extreme seriousness.

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6. The charge of which the Bombay Government now declare your memorialist guilty, having been decided previously by themselves after a deliberate consideration in 1849, is now investigated a second time under an Act subsequently passed, viz., in 1850, and they decide it contrary to their former decision, and they have exercised the severity of the punishment against him, by stripping your memorialist afterwards of an enam previously granted to him. Your memorialist is at a loss to comprehend the motives which actuate Government to exercise that tyranny towards him. Never was an instance known of superior authority increasing the punishment once awarded in a case; it is against the law of the Government. A sentence may be remitted or commuted, but not increased in severity.

7. It has been declared that considerable suspicion attaches to your memorialist in the 4th and 5th charges, but Government would not have attached any weight to the forged papers produced in proof of these charges, if the firm of Hurree Bhugtee or Baba Nafuda themselves had been the prosecutors, and had advanced them. It is because Colonel Outram is the prosecutor that these forgeries have had importance attached to them. After all, since from extraneous evidences they appear to be forgeries, in fact, your memorialist cannot understand how Government could attach any suspicion to him in respect of the charges they were adduced to prove.

8. Your memorialist respectfully solicits, in conclusion, to be tried according to the system of a judicial court openly, or by a jury, or in the presence of the present Resident of Baroda, in the language of the country, and he is ready to suffer any punishment which Government may think proper to inflict on him, should he be found guilty of a criminal charge. But your memorialist trusts that your Honourable Court will not sanction the unjust proceedings of the Bombay Government in depriving him of his claims to pension, and of his Palkee grant given to him as an acknowledgement of former services, now extending over a period of 33 years; and your memorialist further trusts that your Honourable Court will take into mature consideration the different charges, the nature of their proofs, and the decision regarding them, and relieve him from the punishment and disgrace under which he is labouring.

And your memorialist, as in duty bound, shall ever pray.

Bombay, 21 December 1852. (signed) *Nurso Luxumun.*

(A.)

TRANSLATION of Para. 2, of a Yadee from the Acting Collector of Ahmedabad, Mr. *Jenkins*, to *Nursoo Luxoomun*, Dufturdar, of Ahmedabad.

I HAVE written this to inform you, that a letter from the revenue secretary, Mr. Goldsmid, dated 23d January, No. 516, of 1852, has been received, stating that you are removed from the situation of dufturdar of this zillah, and that your salary and personal allowance of (100) one hundred rupees per month, is to cease from the date of your suspension.

3 February 1852. (signed) *E. L. Jenkins.*

(B.)

No. 3768 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to the Civil Auditor, Bombay.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you copy of a letter (No. 516), addressed, on the 23d January last, by the Secretary to Government in the Revenue Department, to Mr. Jenkins, acting collector at Ahmedabad, directing the resumption, from the 21st May 1851, of the personal allowance of (100) one hundred rupees per mensem, granted to Nurso Luxoomun, in the Government (revenue) letter, to the address of

of your predecessor, dated the 10th October 1833, No. 2948, and to inform you that the palanquin allowance of (600) six hundred rupees per annum, conferred upon him in the same letter, has also been resumed from the above dates.

I have, &c.

Bombay Castle, 28 August 1852. (signed) *A. Malet*, Chief Secretary.

No. 3772 of 1852.—Political Department.

COPY of the above document is forwarded to the Collector of Ahmedabad, for information.

By order, &c.

Bombay Castle, 28 August 1852. (signed) *A. Malet*, Chief Secretary.

No. 783 of 1852.

Ahmedabad Collector's Office,
13 October 1852.

TRUE copy forwarded for information to Nursoo Luxoomun.

(signed) *S. Mansfield*, Acting Collector.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane*.

THE whole of our proceedings connected with this individual have been submitted to the Honourable the Court of Directors, to whom this memorial should be forwarded by the Southampton mail of the 14th proximo, with an intimation that we perceive no grounds for reconsidering the decision against which this appeal is made.

(signed) *Falkland.*
30 December 1852. *D. A. Blane.*

No. 162 of 1853.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *Nursoo Luxumun*, Bombay.

I AM directed to inform you that the memorial to the address of the Honourable the Court of Directors, forwarded by you on the 21st ultimo, will be transmitted to that authority by the overland mail of the 13th instant.

By order, &c.

(signed) *A. Malet*,
Bombay Castle, 11 January 1853. Chief Secretary.

(True extract.)

(signed) A. Malet,
Chief Secretary.

Imprisonment of Baba Nafra.

Imprisonment of Baba Nafra.

EXTRACT Political Letter from Bombay, dated 30 September (No. 89) 1852.

Para. 1. IN the 1st para. of our political despatch, dated the 24th July last, No. 72, we reported that we had directed Mr. Davies, the Resident at Baroda, to submit the information called for in the extract, quoted in the margin, from your Honourable Court's letter, dated the 2d June last, No. 17. We have now the honour to forward copy of Mr. Davies' reply to this reference, dated the 11th instant.

EXTRACT Political Letter to Bombay, dated 26 January (No. 3) 1853.
(Answer to Political Letter, dated 30 September (No. 89) 1852.)

(1.) Report from Mr. Davies respecting the imprisonment of Baba Nafra.

16. IT is satisfactory to find, that in Mr. Davies' opinion, the Guicowar is not disposed to show undue lenity to Baba Nafra.

Extract Bombay Political Consultation, September 1852.

No. 3854 of 1852.—Political Department.

From the Chief Secretary to Government, Bombay, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

IN drawing your attention to my letter, No. 792, dated the 24th February last, relative to Baba Nafra's imprisonment, I am directed by the Right honourable the Governor in Council, to request that you will have the goodness to report the measures you have adopted consequent on the instructions therein contained.

I have &c.

Bombay Castle,
6 September 1852.

(signed) *A. Malet*,
Chief Secretary.

No. 3855 of 1852.—Political Department.

From the Chief Secretary to Government, Bombay, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

IN drawing your attention to my letter, No. 3077, dated the 10th July last, enclosing copy of a despatch from the Honourable the Court of Directors, No. 17, dated the 2d of June previous, I am directed by the Right honourable the Governor in Council to request that you will have the goodness to submit the information alluded to in the 2d paragraph thereof at your early convenience.

I have, &c.

Bombay Castle,
6 September 1852.

(signed) *A. Malet*,
Chief Secretary.

Imprisonment of Baba Nafra.

No. 723 of 1852.—Political Department.

From *John Marshall Davies*, Esq., Resident at Baroda, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letters, No. 3077, of the 10th July last, and 3855 of the 6th instant, the former transmitting copy of a despatch from the Honourable Court of Directors, and both calling upon me for information on the points alluded to in the 6th and 9th paragraphs of the latter document.

2. In reply, I beg you will submit for the perusal of his Lordship in Council (Accompaniments 1 and 2), copies of minutes recorded by me a few days after the receipt of Government's letters, No. 792 of the 24th, and 863 of the 27th February last, respectively, after having on each occasion personally communicated with his Highness. I may add that from all I could then gather, and have since observed, there would appear to be on his Highness's part an evident determination to see justice done in both respects. I have also taken other opportunities, since becoming better acquainted with his Highness, and with his advisers, to inculcate an open and straightforward course in respect of the criminal, Baba Nafra.

3. This reply disposes of your other letter, No. 3854 of the 6th instant.

I have, &c.

Baroda Residency,
11 September 1852.

(signed) *J. M. Davies*,
Resident.

Accompaniment, No. 1.

MEMORANDUM.

THE subject of this letter* was mentioned to his Highness at an interview in the Motee Baugh, in presence of Mr. Battye and of Sumbhooram Wukeel.

His Highness (who appeared to wince a little under the message of the Government) protested that, beyond easing Baba Nafra of his heavy irons, which caused sores on his legs, and substituting lighter ones, he (his Highness) had no intention of extending any undue degree of favour towards the criminal.

* No. 792 of the 24th February 1852.

Saturday, 28 February 1852.

(signed) *J. M. Davies*, Resident.

(True copy.)

(signed) J. M. Davies, Resident.

Accompaniment, No. 2.

MEMORANDUM.

ON Wednesday the 10th March (the occurrence of the Holy festival having rendered it impossible to call on an earlier day), I waited upon his Highness at the Motee Bagh, accompanied by my assistant, Mr. Battye, when the contents of this letter† were explained to the Maharaj. His Highness received the communication with some impatience, and asked why the British Government doubted his doing justice to all his subjects? He again adverted to the subject of his reported lenient treatment of Baba Nafra as a criminal; and said, that if I wished it, or if the Government wished it, he, the Maharaj, would load him with irons of any weight. He added that he would see justice done to the firm of Hurry Bhugtee, but that he would be better pleased if the examination of Baba Nafra touching the alleged defalcations was made before the Resident. To this I replied that it was left to him to see justice done, and the conference broke up.

† No. 863 of the 27th February 1852.

(signed) *J. M. Davies*, Resident.

(True copy.)

(signed) J. M. Davies, Resident.

Imprisonment of Baba Nafra.

MINUTE by the Right Honourable the Governor concurred in by the Board.

THIS information may be communicated to the Honourable Court of Directors by the next mail, with reference to paragraph 6 of their despatch, No. 17, dated 2d June last.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

24 September 1852.

(True extract.)
(signed) A. Malet, Chief Secretary.

Memorial from Joetabhaee Setanee.

Memorial from Joetabhaee Setanee.

No. 129 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. WITH reference to the correspondence noted in the margin,* we have the honour herewith to forward a memorial in original to the address of your Honourable Court, from Joetabhaee Setanee, second widow of the late Bechur Samul, head of the guaranteed banking firm of Hurree Bhugtee, of Baroda.

2. In this memorial Joetabhaee Setanee, after recapitulating her previous statements on the subject of her complaints, solicits, 1st, that the firm of her deceased husband may be compelled to liquidate certain debts which she states she has incurred; and 2d, that she may be permitted to adopt a son. She also alleges that the sentence passed upon Baba Nafra, late manager of the firm, is in effect eluded through the favour of his Highness the Gaekwar, and that large sums of money belonging to the firm have been expended by Baba Nafra for purposes of bribery.

3. For our sentiments upon the above memorial, we beg to refer to a minute by our Right honourable President, dated the 2d instant, concurred in by the Honourable Mr. Blane, and to state that instructions to the effect therein resolved on have been communicated to Mr. Davies, the Resident at Baroda.

* *See* below.

We have, &c.
(signed) *Falkland.*
D. A. Blane.

Bombay Castle,
16 December 1852.

No. 138 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. WITH our Political despatch, dated the 16th instant, No. 129, we forwarded a memorial in original, to the address of your Honourable Court, from Joetabhee Setanee, second widow of the late Bechur Samul, head of the guaranteed

* Political despatch from the Bombay Government to the Honourable the Court of Directors, dated the 30th August, No. 84 of 1849, paras. 1 and 3. Reply from the Honourable the Court of Directors, dated the 13th February, No. 4 of 1850, para. 2. Further despatch from the Bombay Government, dated the 3d December, No. 91 of 1851. Further despatch from the Bombay Government, dated the 31st January, No. 9 of 1852. Further despatch from the Bombay Government, dated the 28th February, No. 22 of 1852. Further despatch from the Bombay Government, dated the 3d May, No. 46 of 1852. Further despatch from the Honourable the Court of Directors, dated the 2d June, No. 17 of 1852. Further despatch from the Bombay Government, dated the 30th September, No. 89 of 1852, para. 1.

guaranteed banking firm of Hurree Bhugtee, of Baroda, soliciting the interference and assistance of your Honourable Court in the matters therein referred to. Memorial from Joetabhaee Setanee.

2. We at the same time forwarded copy of a minute recorded on the 2d instant, by our Right honourable President, concurred in by the Honourable Mr. Blane, containing our sentiments upon the several points embraced in the memorial, and stated that we had called upon Mr. Davies, Resident at Baroda, for certain information in connexion therewith.

3. We have now the honour to forward copy of the reply Mr. Davies has returned to the above reference; and for our sentiments thereon, we beg to refer to a minute by our Right honourable President, dated the 21st instant, concurred in by the Honourable Mr. Blane.

We have, &c.
(signed) *Falkland.*
Frederick Fitzclarence.
D. A. Blane.

Bombay Castle,
31 December 1852.

EXTRACT Political Letter to Bombay, dated 6 April (No. 13) 1853.

(Answer to Political Letters, dated 16th December (No. 129) 1852; 31st December (No. 138) 1852.)

15. JOITABHAEE'S requests are, 1st, that the debts unavoidably incurred by her during the prosecution of her claims to justice, amounting, as she says, to 75,000 rupees, be paid by the firm; 2d, that she be admitted to all her rights and privileges as a widow of the late Bechur Samul; 3d, that she be allowed to adopt an heir. Memorial of Joetabhaee Setanee.

16. We agree in the view which you have taken of all these points.

17. The first request is evidently just; and we are happy to learn that, on a representation from the Resident, the Guicowar gave orders that the 75,000 rupees claimed by Joitabhaee should be paid to her by instalments, and that the payment will very shortly be complete.

18. With respect to her second request, her right to be restored to the full benefits of her position as a widow of Bechur Samul has been acknowledged, and must be enforced. Mr. Davies, however, is of opinion that the arrangement proposed by the Guicowar, and reported in Lieutenant-colonel Outram's letter of 23d December 1850, is satisfactory. By this arrangement, though you did not think it liberal as to the amount of the pecuniary allowance, the two widows were placed on exactly the same footing, both in point of allowances and of power over the management of the firm. We think therefore that on this score Joitabhaee has nothing to complain of.

19. With regard to the sanction of an adoption, Joitabaee should be informed that the British Government cannot interfere.

20. You very properly called the attention of Mr. Davies to the assertion of Joitabaee, that the punishment of Baba Nafra is still little more than nominal. Should Mr. Davies have good reason for believing this to be the case, a strong remonstrance should be addressed to his Highness on the subject.

EXTRACT Bombay Political Consultation, 31 December 1852.

To *A. Malet*, Esq., Chief Secretary to Government, Political Department, Bombay.

Sir,

I DO myself the honour to submit the accompanying memorial in triplicate to the address of the Honourable Court of Directors, and to request that the Right honourable the Governor in Council will kindly be pleased to take early measures in forwarding the same to its destination.

I have, &c.
(signed) *Joitabaee.*

Baroda, 16 November 1852.

Memorial from Joetabhaee Setanee.

To the Court of Directors of the Honourable East India Company, East India House, London.

The humble Memorial of *Setanee Joiteabaee*, widow of the late Bacherdass Samuldass Hakker, of the Firm of Hurry Bhugtee, Native Bankers of Baroda,

Showeth,

That your memorialist has during the last five years often petitioned and memorialised the Guicowar of Baroda, the British Resident at that Court, and the Bombay Government, concerning the matter which she now humbly brings to the notice of your Honourable Court, all her endeavours to obtain justice for the past wrongs have hitherto been in vain; your memorialist therefore, as a last resource, brings her case before your honourable body, with the certain hope that this memorial will receive due attention from your Court, and that justice will be granted to one who has received treatment of the most unparalleled atrocity at the hands of wicked and unprincipled men.

2. Your memorialist will not enter into a full detail of all the indignity and sufferings to which she has been subjected. To relate the case minutely, would only lengthen out this memorial to a degree which would weary your Honourable Court in perusing the same.

3. Your memorialist is the widow of Bachurdass Samuldass, a soucar or banker of Baroda, and head of the well-known firm of Hurry Bhucktee of that city, and a grandson of Hurry Bhucktee. Your memorialist's husband died in 1845, leaving two widows; one named Maha Luxumee, and the other your memorialist. The said Maha Luxumee had, at the death of Bachurdass Samuldass, one son, aged four years; your memorialist had no child at the time, but three months after her husband's death gave birth to a posthumous infant, a son. When your memorialist's husband thought he was likely to die, he gave directions that the business of the firm should be carried on by a head gomashta or manager, with four assistant gomashtas under him. This business was to be thus carried on under the direction of the two widows, and, according to Hindoo law and custom, for the benefit of the said two widows, until the child of the one, and the expected child of the other, if a male infant, should be of an age to manage the affairs of the firm for themselves. The name of the head manager of the firm, in whose hands your memorialist's husband left it, was Baba Nafray. This person, whose name must often have appeared before your Honourable Court in connexion with Baroda matters, acted apparently the part of an honest man during the time your memorialist's husband was alive, and himself superintended the management of the firm; but it is entirely owing to Baba Nafray's roguery, as will be afterwards proved in this memorial, that your memorialist has been brought from being a happy mother in affluent circumstances, to be a childless woman, for many years in absolute poverty, positively without the means of ever seeking redress. Even now your memorialist has but her food and clothes given her in the house, where by rights she ought to be joint mistress of everything, whilst for five or six years her sole means of sustenance was the charity of her friends.

4. Your memorialist will be pardoned if she here brings to the notice of your Honourable Court the riches of the firm of Hurry Bhucktee at the period of her late husband's death. At this period, the money actually contained in the treasury of the firm amounted to 15 lacks of rupees, besides jewels to the value of 13 or 14 lacks of rupees, and good debts (or rather money in mercantile circulation) to the amount of 60 lacks of rupees. Besides this treasury, which was called the small treasury, there was a large treasury, which has never been opened since the death of Bachurdass Samuldass, or until your memorialist was obliged to remove herself from the house when oppressed by Baba Nafra; but the memorialist cannot say if Baba Nafra has treacherously opened the same thereafter. The sums which this latter treasury contain is not known, but from the circumstance of strict injunctions left by the memorialist's husband at the time of his death, that the large treasury may be opened by the consent and in the presence of his two wives, on an urgent want of the firm,

Memorial from Joetabhaee Setanee.

firm, which should be supplied by drawing about eight or ten lacks of rupees, and the amount so drawn be kept back when convenient, it is surmised that there was a very large stock of money in this treasury.

5. That all this wealth was left, as your memorialist has stated above, under the charge of Baba Nafray, the head gomashta and agent, who was to manage the affairs of the firm until the elder widow's child, and the expected child of your memorialist (if a son), should be of an age to take the management of the firm into their own hands.

6. That about three months after the death of her husband, your memorialist was confined of a male child.

7. That the fact of this infant being your memorialist's child was never doubted for an instant by any one for about 12 or 13 months. According to custom, a number of distinguished persons, amongst whom was his Highness the Guicowar, came to your memorialist's house and made presents to the child, consisting of ornaments and clothes; on this occasion return presents were, also according to custom, made to his Highness on the part of the child's parents, and the child was named Motelall. A few days after this, the great sowcar Gopall Row Myral, of Baroda, called at the memorialist's house and contracted the marriage of her son with the daughter of his gomasta; and on the occasion of this betrothment certain ceremonies, usual among the tribe, having also been performed according to the respectability of the family. The midwives who were present at the birth of the child are now alive, and were examined by Colonel Outram, the ex-Resident of Baroda, at the trial of Baba Nafray. All these witnesses bore testimony to the birth of the child. The truth of what your memorialist here advances can be easily ascertained by a reference to the Bombay Secretariate, where, no doubt, a record of the above trial has been kept.

8. That about 11 or 12 months after the birth of the child, your memorialist had a disagreement with Baba Nafray, the gomashta, or manager of the firm. This man wished, for purposes of his own, to open the large treasury, which your memorialist has mentioned above. To this step the elder widow, Maha Luxumee, agreed, but your memorialist (remembering that her late husband had enjoined that the larger treasury was never to be opened except in the event that the firm was in dire necessity and want, and knowing also that the smaller treasury had contained 15 lacs of rupees, which were as yet unaccounted for, not to mention the 60 lacs of rupees belonging to the firm which were in circulation) objected to the measure, and signified her objection to Baba Nafray. From this date your memorialist's troubles may be said to have commenced.

9. That shortly after the above difference with Baba Nafray, the latter began to circulate a story that your memorialist's child was not her own offspring; that it had been purchased for a sum of money from some villagers in Guzerat. Of this report your memorialist was for some time in ignorance, Baba Nafray remaining, as far as outward appearance went, her friend. Baba's wife about this time borrowed a large quantity of valuable jewels from your memorialist, which to this day have never been returned to her, under pretence that your memorialist was a widow, and as such did not require ornaments. These jewels and ornaments, which were personal property, and borrowed privately by Baba Nafray's wife, were, instead of being returned to the owner, said by Baba Nafray to have been placed in the treasury of the firm. Your memorialist, however, has only Baba's word for the truth of this, for she has never been able to ascertain whether the jewels were placed there or not. Baba Nafray's object in taking away these jewels must be obvious to your Honourable Court. He had already began to plan her destruction; but before fully and openly declaring himself her enemy, it was necessary for the perfection of his own plans that Baba Nafray should leave your memorialist without any jewels, or other private resource. Had these jewels been left with your memorialist, she would have been able, by the sale of these ornaments, to have placed herself in funds, to go where she liked, and obtain the means of defending herself against her enemies.

10. That shortly after the above circumstances, some villagers from the neighbourhood of Baroda came to that city, being paid by Baba Nafray for the same.

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same. These men first came to the house of your memorialist, and demanded back a child which they declared your memorialist had taken from them some months before, on condition that she (your memorialist) was to pay the parents and relations of the child the sum of 10,000 rupees, but that the latter part of this contract had not been fulfilled by your memorialist. Your memorialist's child was, upon the day when these villagers came to her house, at the residence of its grandfather, the parent of your memorialist; upon learning which these men took their departure for the said house, and then demanded the child again. Their request was, of course, not complied with; but Baba Nafray pretended to believe their story, and at once set a guard over the infant at the house of its grandfather, not allowing it again to come near your memorialist, its own mother.

11. That shortly after the above event taking place, your memorialist's child was forcibly removed altogether from its grandfather's house by Baba Nafray, and sent to a village some little distance from Baroda. Into the details of these facts your memorialist need not enter, as they have, no doubt, previously come before your Honourable Court in the papers connected with Baba Nafray's trial and conviction by Colonel Outram, the late Resident at Baroda. In the documents referred to will be found a full confirmation of all your memorialist has here advanced.

12. That after your memorialist's child was taken away by order of Baba Nafray, it is supposed that the infant was killed. Of this no certain evidence has yet been adduced, although in the trial above referred to there is but too much testimony given that the atrocious scoundrel, Baba Nafray, thus accomplished his wicked designs.

13. That your Honourable Court may ask what reason Baba Nafray could have in destroying or making away with a child like that of your memorialist's, which was only a few months old, and had never hurt a living creature? The answer to this question would be:

14. That Baba Nafray had, at the period when he first disagreed with your momorialist about opening the larger treasury, as detailed above, persuaded the elder widow of your memorialist's late husband, that in the event of the child of your memorialist being put aside, or declared not to be the offspring of your memorialist, the child of the said elder widow, Maha Luxumee, would be the sole heir of all the enormous wealth left by your memorialist's late husband. The elder widow was, and is, a woman easy to be convinced by any one. This Baba Nafray knew well, and wished to have this person and her child in his power, in which case he would become, in point of fact, the proprietor of the banking-house of Hurry Bhucktee; for, with merely a weak-minded woman and a young child to control his actions, this man would have done what he liked with the funds of the house. So long as your memorialist continued or seemed to acquiesce in all that Baba Nafray did as manager of the house of Hurry Bucktie, all matters went smooth enough; but no sooner did she dispute the wisdom or propriety of opening the larger treasury of the house, than Baba became her determined enemy. He saw that so long as your memorialist had any influence or power in the firm, he would not be allowed to do as he liked, and therefore that the sooner your memorialist was deprived of her rights as a widow of the late Bachurdass Samuldass, the sooner would he, Baba Nafray, obtain the desired end. This will account to your Honourable Court for the reasons which this man had for acting as he did towards your memorialist, and for endeavouring to put her child out of the way.

15. That when the above circumstances took place, your memorialist naturally looked about for one of her own sex in whom she could place confidence, and who might have influence in obtaining justice for a mother deprived of her child. The most natural person to apply to was the wife of his Highness the Guicowar. This your memorialist did by means of her own mother, Ludbaye. Your memorialist was at this time under restraint, being confined to her own house by order of Baba Nafray; but her mother, the above mentioned Ludbaye, went and detailed the whole circumstances of the infamous accusations and child stealing (as perpetrated by Baba Nafray) to Geerjabaee, the younger wife of his Highness the Guicowar. This lady, for a time moved with pity, brought the whole case before her husband, but in reply was simply told that the

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Guicowar would not, and that she, his Highness's wife, should not interfere in the matter.

16. That when this circumstance is known, it will be apparent to your Honourable Court, that his Highness, to say the very least, connived at the treatment which your memorialist experienced from Baba Nafray.

17. That the said Baba Nafray not only confined your memorialist, but fearing lest her mother should interfere and complain to the British Resident, he wished to place the latter lady in confinement also. He placed a guard of sepoys around the house of your memorialist's father, and confined both her parents to the premises. Your memorialist's mother managed to escape and obtain an interview with the wife of the Guicowar, as detailed above. This proving fruitless, she was afraid to return to her own house, but went to a friend, and requested him to afford her protection for a few days. This the said friend would not do, as he said he feared bringing down on his own head the vengeance of Baba Nafray; of Nursopunt, the native agent; and of his Highness the Guicowar. The reasons given by this man for not giving protection to your memorialist's mother, together with the fact that the guards placed round your memorialist's house, and around the dwelling of her parents, being all troops of his Highness the Guicowar, must prove to your Honourable Court that his Highness and the native agent, Nursopunt, were both accomplices of Baba Nafray.

18. That the man to whom your memorialist's mother applied for protection, at last agreed to afford her a place to hide in, provided she paid him with some very valuable jewels which were on her person. This she agreed to do, and gave the man her jewels, worth about 8,000 rupees. The object which this lady had then in view was to obtain redress from the British Residency, as she knew that the house of Hurry Bhucktie was under the guarantee of the British Government. She accordingly despatched a messenger to the Residency, stating her case to the native agent, Nursopunt, a man whose name must be well known to your Honourable Court. The only answer your memorialist received was, that if she sought the protection of the British Residency, she should be again imprisoned and delivered over to the Guicowar. Upon this, your memorialist's mother, after a few days, escaped from her place of concealment; and after hiding for a few days in a village near Baroda (where she has also given some valuable presents in order to remain concealed), but belonging to the British Government, she fled down to Bombay, in the hopes that by petitioning the Governor in Council she might obtain justice for your memorialist.

19. That when the circumstance of your memorialist's mother having thus escaped to Bombay became known to Baba Nafray, the latter despatched an agent, Bhana Tricum by name, for the purpose of thwarting the ends which the above lady had in view. This man was furnished with bills of exchange to a large amount, for the purpose of defeating the objects of your memorialist's mother. These bills of exchange were found debited in the accounts of the house of Hurry Bucktie, by Colonel Outram, when that officer tried Baba Nafray.

20. That your memorialist's mother met in Bombay with a few friends of her husband. These persons supplied her with funds, which enabled her to petition the Bombay Government, and also the Acting Resident at Baroda, Mr. Andrews, on the subject of her daughter's wrongs. When Baba Nafray heard of the progress which your memorialist's mother was making in Bombay, he, through the advice of Nursoo Punt, having drawn hoondees to a great extent, sent Jeoteshwur Nagur on a mission to Bombay, for the purpose of gaining over to his side some influential public officers. The account books and papers relating to this transaction were seen by Colonel Outram, at the time of the investigation regarding Nursoo Punt, of which matter he may have informed the Bombay Government and your Honourable Court, whereby your memorialist's statement will be found correct.

21. That about this time Colonel Outram was nominated to the post of Resident at Baroda. Your memorialist's father petitioned that officer regarding the confinement in which himself and his daughter were kept, and also regarding the child which had been forced away from his daughter. Upon this, Colonel Outram gave orders that the guard which surrounded the house of your

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memorialist should be withdrawn. This being done, and your memorialist's father being thus set at liberty, he proceeded to the Residency, and there laid his complaint in full at the feet of the British representative. The Resident then wrote to the Guicowar, requesting to know why your memorialist was kept in close confinement in her own house. The answer to this was to the effect that your memorialist was merely confined to her house, but was not kept in close confinement. Your memorialist's father, however, insisted upon the truth of his story; and the consequence was that Colonel Outram despatched a clerk of the Residency to see and report in what manner your memorialist was confined. This person returned to the Residency, and reported to the Colonel that your memorialist was confined in a narrow dark room, with iron bars to the windows. Upon this the Resident remonstrated strongly with the Guicowar, both on account of the deception that had been practised, and also of the tyranny shown your memorialist. Colonel Outram, moreover, requested that your memorialist should be forthwith set at liberty.

22. That the Resident's request was so far complied with as to have your memorialist moved into a large room without bars to the windows. Nevertheless your memorialist did not receive her liberty, nor was she in any way permitted to leave her own apartments. Upon the above being made known to your memorialist's father, he again represented the matter to Colonel Outram; the latter desired his petitioner to put the affair in the hands of a vakeel, to conduct his case, and to draw out the necessary papers relative to your memorialist's case. Your memorialist's father tried to obtain the assistance of a vakeel amongst the persons of that profession at Baroda; but as it was well known that his Highness the Guicowar was interested against your memorialist, not a single vakeel would give his services. They all knew too well that any one who did so would be an object of persecution to the Guicowar and his Durbar. Your memorialist had then to incur large expenses, by sending to Bombay to engage a vakeel, which she did after considerable trouble and a large outlay of money.

23. That about this time, your memorialist's mother, being in Bombay, and having there petitioned the local government regarding the grievances of her daughter, as before stated, the Bombay Government referred the case to the British Resident at Baroda. This officer requested his Highness the Guicowar to investigate the matter; and the latter named three persons, Gopallrow Myrall, Meer Surfraz Ali, and Bapoo Shastrie, to act as judges in the case. The above-named were all three of them friends of Baba Nafray's, and consequently proceeded in their inquiries exactly as that individual wished. The first step they took in this matter was to require that your memorialist's mother might be sent for from Bombay, and ordered to return to Baroda. The reason they gave for this resolution was that they required to take the evidence of that lady; but the true reason was that they feared lest she being in Bombay free and at liberty to petition the Government, might not disclose some of the dishonest dealings of the Baroda Government with regard to the manner in which your memorialist had been confined, and her child taken from her, by a man whose only desire was to enrich himself with her property, and bribe the Barodah Government, &c., out of that same property to wink at his proceedings.

24. That upon the representation being made by the Guicowar to the British Resident, that your memorialist's mother should be sent for from Bombay, Colonel Outram wrote to that effect to the Presidency, and your memorialist's mother was accordingly desired to proceed at once to Baroda. This she did, although suffering at the time from very severe illness; when she arrived at Baroda, being still very unwell, your memorialist's mother sent a request to the British Resident, requesting that her daughter (your memorialist) might be allowed to visit her. Thereupon Colonel Outram sent a message to the Guicowar, saying that as the lady was sick, her daughter should be allowed to visit her. This remonstrance on the part of the British Resident was replied to by a message from his Highness, to the effect that the lady was only pretending to be ill. Upon this, Colonel Outram ordered the Residency surgeon and a carkoon to proceed to the house of your memorialist's mother, and find out whether she was really ill or not. This was done, and the doctor reported that the lady was very unwell. A second message was then sent to the Guicowar by the Resident, desiring that the mother might be allowed to visit her daughter.

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This second message was paid no attention to: upon which Colonel Outram sent a third time a peremptory order that your memorialist should be allowed to visit her mother; and, at the same time, desired that some peons, belonging to the Residency, should go and see that his orders were carried into effect. The peons came to your memorialist's house at 10 o'clock in the morning, but it was not until five o'clock in the afternoon that your memorialist was allowed by Baba Nafray's people to leave her residence, and then she was guarded by peons of Baba Nafray's and of the Guicowar's, besides a couple of the Guicowar's armed messengers. In this manner your memorialist was conducted from her house to the residence of her mother, and when she arrived there was not allowed to speak a word to her parent, save in the presence of Baba Nafray's people, with armed sepoys in the room, and actually standing between your memorialist and her mother, as well as at the door of the apartment, where they met. After remaining about two hours with her mother, your memorialist was pressed by her guard to leave the house and return to her own residence: this she refused to do, and remained at her mother's house for the present. When your memorialist declined to return to her own house, and declared that her mother was too ill to be left without her daughter, the language which the peons used towards both these ladies was such as cannot be repeated here; nor, indeed, could any respectable person, far less a woman, pollute their lips by uttering the words with which these servants of the Guicowar and Baba Nafray sought to insult two native ladies of rank and station, whose customs and habits forbade, as your Honourable Court knows well, that any man, save only a husband or a brother, can ever enter the apartments set aside for the use of the females of a family. But in this case, not only was a sick mother prevented from talking to her child, but the apartments of the women was violated by the peons, and armed men, who uttered their filthy sayings without the slightest regard to the sex of their hearers, or of the place they were defiling by their very presence. Your memorialist, however, persisted in remaining with her mother, and did so for some months, notwithstanding the daily and almost hourly insults which she continued to receive from these creatures of the Guicowar's and of Baba Nafray's.

25. That notwithstanding the illness of your memorialist's mother, as above stated, the Guicowar sent a message to the Resident requesting that the sick lady might be sent to the public Durbar at Baroda, there to give her deposition. This his Highness did, knowing full well that it is the custom all over India, when a female of respectability is required to make a deposition, that she should do so before two or three persons sent to her house for that especial purpose. Upon this, the British Resident wrote to his Highness the Guicowar, and stated the objections that existed towards examining your memorialist's mother in the manner proposed. Several letters passed to and from the Baroda Durbar and the British Residency, until at last it was decided that two persons in the employment of the Guicowar, Trimbuck Shastree and Mahdoo Lall Gungadur, should proceed to the house of your memorialist's mother, and there take her deposition: this was accordingly done.

26. That when the two persons mentioned above arrived at the house of your memorialist's mother, and perceived the latter with her husband, her daughter, and her vakeel, assembled in the same apartment, they objected to taking the deposition before these others, and desired that the same might be done in the presence of no witness. Upon this your memorialist and her father both left the room, but the vakeel remained. The above two servants of the Guicowar's objected to the presence of the vakeel, and desired that he too should be ordered to leave the room. To this your memorialist's mother objected, declaring that she, a sick woman, could not give her deposition properly without a witness being present. Upon this, both Trimbuck Shastree and Madoo Lall Gungadur took their departure, and falsely told his Highness the Guicowar that your memorialist's mother could not be induced to give her deposition. This misrepresentation was reported by the Baroda Durbar to the Resident, who thereupon declared that unless your memorialist's mother at once gave her deposition, he would no longer interfere in her case.

27. That notice of the Resident, as well as the notion he had formed, regarding the case of your memorialist's mother, was entirely owing to the misrepresentation made by the two persons whom the Guicowar had sent to

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take down the deposition as aforesaid. Your memorialist's mother never said that she would not give her deposition; all she required was, that at least one witness, who was not an enemy of hers, should be allowed to remain in the room, so as to see whether she had justice done her, and whether her words were taken down rightly. This explanation your memorialist sent through her vakeel to the Resident; but that officer, having been misinformed and misled by the native agent, Nursoo Punt, refused to receive the same; and said that unless her mother gave her deposition as required, he (the Resident) would not listen to any representation. Upon this the two agents of the Guicowar came again to the house of your memorialist's mother, and the latter was induced to make her deposition without any friendly witness being present. Whether these men wrote down what your memorialist's mother actually said, or whether they put in words and sentiments to serve their own ends, it is impossible for either your memorialist or her mother to say.

28. That after your memorialist's mother's deposition had been taken as above, justice might then have been obtained for your memorialist, had his Highness the Guicowar been so inclined; but such was not the case. The Guicowar wished that Baba Nafray should gain paramount authority in the banking house of Hurree Bhucktee. The said Baba Nafray was the friend and relation of Nursoo Punt, the native agent at the British Residency; and thus, by these men playing into each others hands, was your memorialist kept out of her rights; and will, unless your Honourable Court take pity upon her and inquire into her case, have to live on in hopeless penury, and childless, to sink into the grave the victim of treachery, such as has been seldom heard of even in the native states of India.

29. That after the deposition of your memorialist's mother was taken, as before stated, the Guicowar began to throw every obstacle in the way of your memorialist employing the vakeel, who, at a great expense, she had induced to come up from Bombay. His Highness's efforts were seconded by Nursoo Punt, the native agent at the Residency, who represented to Colonel Outram, then Resident, that the employment of a vakeel who had been accustomed to plead in the Honourable Company's Court of Sudder Adawlut at Bombay would only delay matters, and hinder the Durbar from arriving at a just conclusion. Thus was your memorialist first prevented, by the well known hostility of the Guicowar to her cause, from employing any vakeel belonging to Baroda, for, as has been observed above, no vakeel belonging to that city would undertake the defence of her cause, knowing that they would thereby incur the displeasure of the Guicowar; and when your memorialist obtained an adviser from Bombay, this was also objected to, for the reason given above.

30. That under various pretexts, Colonel Outram was put off whenever he asked any questions as to how the inquiry into your memorialist's case was getting on, until the Colonel was obliged, through sickness, to leave Baroda, and finally to proceed to Egypt.

31. That shortly after Colonel Outram left Baroda, your memorialist petitioned Lieutenant Battye, then in charge of the Residency, and requested that officer would take some steps towards forwarding her views with the Durbar; this, so your memorialist was informed, Lieutenant Battye did, but without any result.

32. That shortly after this time, Captain French arrived at Baroda, and took charge of the Residency. Your memorialist petitioned this officer that the guards which kept watch round her house should be removed, and that she should be allowed money out of the Treasury left by her late husband to pay her expenses. Upon this, Captain French interfered on your memorialist's behalf, so far as to cause the removal of Baba Nafray's guards, but those belonging to the Guicowar's Government were still kept there, and amongst them were persons who offered your memorialist the grossest insults, whenever they found an opportunity for so doing. The money requested for was not allowed to be given to your memorialist.

33. That your memorialist was, moreover, informed by the Acting Resident, that her case was pending before the Durbar of his Highness, and that it would be finished in the course of a few days; but that it was advisable for each party in the dispute to name two arbitrators by whom the case might be decided, and that

that it would be well for your memorialist to name the two parties whom she wished to arbitrate for her at once.

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34. That your memorialist expressed her objection to this mode of settling her case; this was no common dispute about an inheritance, or no case for civil judicature. Your memorialist's child had been forcibly taken from her; had been probably murdered; what the mother sought, had sought, and now seeks from your Honourable Court was justice against her oppressor, a full inquiry into what had become of her child, and in the event of its being no more, liberty to adopt the child of some kinsman in order to replace the child which was lost. What your memorialist desired was, that the British Resident should investigate the case, as she well knew that her poverty stood no chance of success when her opponent was Baba Nafray, whose ill-gotten gains were used to bribe every one, right and left; in point of fact, the riches left by your memorialist's husband were used by his agent to procure injustice towards the widow of the former.

35. That nevertheless your memorialist agreed to the suggestion of the Acting Resident, as she saw no other chance of her case ever being even inquired into, far less settled. Your memorialist, therefore, sent a petition to the Acting Resident, and declared herself willing to nominate her two arbitrators, so soon as the names of Baba Nafray's arbitrators were made known unto her. To this petition your memorialist received no answer for some time; when she did so it was to the effect that the Bombay Government would not interfere in her case, which must be left entirely to his Highness and the Baroda Durbur to settle.

36. That your memorialist cannot help bringing to the notice of your Honourable Court that her late husband and all his family were under the protection of the British Government, and that she is therefore at a loss to conjecture why so singular an answer should be returned by the Bombay Government in her case; and the only reason she sees for it was, that her enemy, Baba Nafray, through the native agent, Nursoo Punt, his relation and intimate friend, misled Captain French, the Acting Resident, in this matter.

37. That after receipt of the above answer, your memorialist's mother again proceeded to Bombay for the purpose of petitioning the local Government in her daughter's behalf; and shortly after this, your memorialist, being afraid that if she returned to her own house she would again be imprisoned and insulted as formerly, also proceeded to the Presidency and joined her mother. At this time his Highness the Guicowar had also proceeded to Bombay and the Deccan, the Baroda States being left in charge of Bhow Tambekur and Sumbooram Kooshall, who were both friends of Baba Nafray's. As soon as it was known that your memorialist had left Baroda, these men despatched horsemen and others in order to bring your memorialist back: these she was enabled to escape from, and managed to escape from the Baroda States, and to reach Bombay in safety.

38. That about this time three gomashtas who, your memorialist has reason to believe, had helped Baba Nafray to carry off her child, were cast into prison by the said Baba; he using his influence with Bhow Tambekur to have these men kept in close confinement, as being too much in his secrets.

39. That in this assertion your memorialist does not speak upon hearsay, neither is she without the power to prove what she has advanced above, as she will presently show, and, she trusts, most entirely to the satisfaction of your Honourable Court.

40. That about this time the Resident at Baroda, Colonel Outram, returned from Egypt, and resumed his functions at the Residency. This was one great advantage for persons, who, like your memorialist, were seeking for justice at the hands of the British Government. But another circumstance happened about this time, which also was a cause of congratulation to all who were situated like your memorialist; this was, that Nursoo Punt, the native agent at the Baroda Residency, was appointed to another situation, that of dufturdar at Ahmedabad, and owing to this latter circumstance, the former difficulties which beset every one who sought for justice at the British Residency were greatly diminished.

41. That your memorialist would draw the attention of your Honourable Court to the fact that she has not either here or elsewhere spoken of Nursoo Punt worse than that man deserves; whilst this memorial is in the course of

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preparation Nursoo Punt has been publicly proclaimed by the Bombay Government as dismissed from their employment on account of his various misdeeds, and as incapable of ever serving the British Government again.

42. That after Colonel Outram arrived in Baroda, the gomashtas to whom your petitioner has alluded to above, represented to Colonel Outram how unjustly they had been treated by Baba Nafray. This first opened the eyes of the Resident to what was going on with regard to your memorialist, and Colonel Outram at once requested his Highness the Guicowar to place Baba Nafray in close confinement until these matters could be investigated; he, Baba Nafray, was thereupon confined by the Guicowar something like a state prisoner, and in his own house.

43. That upon Maha Luxumee, the elder widow of your memorialist's husband, hearing what step Colonel Outram had taken, immediately sent a message to say that unless Baba Nafray was released from confinement she would proceed to Bombay, first closing the banking firm of Hurry Bucktee, and then reporting to the Bombay Government that Colonel Outram's doings had obliged her to act in this manner.

44. That when Colonel Outram received the above message he intimated to the Guicowar that the banking firm of Hurry Bucktee was protected by the guarantee of the British Government, and that the said Government would hold his Highness responsible for any irregularity or mismanagement in the affairs of the said firm.

45. That upon receiving this intimation from Colonel Outram, his Highness appointed a person called Peetamber to be managing gomasta of the firm of Hurry Bhucktee, but the Durbar gave this man strict injunctions that not a single rupee was to be issued from the treasury of the firm at the direction of your memorialist. Moreover, Bhow Tambakur threatened this new gomasta, that should he, on the return of your memorialist from Bombay, hold any communication with her, it would be at the risk of meeting with imprisonment and other harsh treatment from the Baroda Durbar.

46. That about this time Baba Nafray, in order to procure his release from prison, offered a bribe of 15,000 rupees to the native agent at Baroda, Soorujram, successor to Nursoo Punt, the person mentioned above. Soorujram, however, brought both the money and the bearer of it before the Resident, and the above money is now in the treasury of the British Residency at Baroda. Of this fact your Honourable Court may test the truth, either by a reference to the reports in the Bombay Secretariate, or by questioning Colonel Outram now in England.

47. That no sooner was the Resident satisfied that Baba Nafray had subjected himself to the gravest suspicions concerning the manner in which he had acted towards your memorialist, than he caused a strict inquiry to be made in all that regarded the matter, and entirely satisfied himself concerning the truth of what your memorialist had complained of, as also of the treachery and cruelty which Baba Nafray, Nursoo Punt, and Bhow Tambakur, the minister of the Guicowar, had used towards your memorialist.

48. That your memorialist has good reason to believe that the substance of what she has stated above was communicated to the Bombay Government by the late Resident at Baroda, Colonel Outram.

49. That shortly after the late Resident had inquired into the above matter, your memorialist, being then at the Presidency, received instructions from Colonel Outram, communicated through the Bombay Government, to proceed to Baroda, an injunction which she immediately obeyed.

50. On the arrival of your memorialist at Baroda, Colonel Outram proceeded at once to satisfy himself regarding one portion of the infamous charges brought against your memorialist by Baba Nafray, namely, that she had never given birth to a child, but had procured an infant which was not her own, and had endeavoured to pass it off as the lawful posthumous child of her late husband.

51. Your memorialist was then required by Colonel Outram to proceed to the Residency; this she did, and was there examined by English doctors and also by a committee

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a committee of matrons; amongst the latter were some English ladies and other females experienced in these matters.

52. One and all of the above persons declared that your memorialist had been pregnant, and had brought forth a child at some former period.

53. A communication regarding the results of this last inquiry was made by Colonel Outram to his Highness the Guicowar, who then invited your memorialist to the apartments of his ladies, where she was invested with a costly dress of honour, the Guicowar pretending to believe that he considered her a greatly and much injured person.

54. This dress of honour your memorialist received, thinking that by refusing it she might annoy Colonel Outram, the only man from whom she had ever obtained the shadow of justice, or even a fair inquiry into her wrongs

55. But your memorialist never for an instant contemplated that the above gift was intended as a recompense for the persecutions she had endured, or for the outrages which had been committed by Baba Nafray and others with regard to her property, her child, and her good name.

56. Before obtaining even this slight redress, your memorialist had undergone a persecution of five years; her child had been forcibly carried off, and, in all probability, murdered, whilst she had been subjected to insults such as the poorest Hindoo woman would not have submitted to.

57. But, in addition to these injuries, your memorialist had been unlawfully kept out of the property to which, as widow of the late Beecherdass Samuldass, she had an undoubted right. For five years your memorialist had been subsisting upon the money lent her by varous persons, and these sums, together with what she had spent in endeavouring to procure her own rights, in travelling to Bombay with her retinue, in attempting to procure legal advice, and with the interest upon money lent, had, by the time your memorialist returned to Baroda, involved her in debts to the amount of 75,000 rupees.

58. After the proceedings of the above inquiry were finished, and Colonel Outram had forwarded them to the Guicowar, his Highness wished to institute another inquiry, which was to be conducted by people of his own, through whom, with the help of false witnesses, the Guicowar, no doubt, hoped to procure a reversion of the Resident's sentence upon Baba Nafray.

59. Upon this determination of the Guicowar's being brought to Colonel Outram's notice, he intimated to his Highness that no second trial of Baba Nafray was either required or at all expected, and that all the Guicowar was expected to do was to pronounce sentence upon Baba Nafray for the crime of which Colonel Outram had found him guilty.

60. Your Honourable Court will scarcely believe that for all the crime detailed in this memorial, for ruining your memorialist with regard to her property, for murdering, or, at any rate, making away with her child, and for the gross breach of trust with regard to the property of his late master, this man, Baba Nafray, was only sentenced to an imprisonment for seven years, and to pay a fine of 15,000 rupees.

61. With regard to the punishment inflicted on Baba Nafray, your memorialist may be permitted to remark that his imprisonment at Baroda has been, and is now, by the connivance of the Guicowar's Government, purely nominal. Baba Nafray is allowed to reside in a most comfortable dwelling; his family have access to him at all times; and, except when visited by some person whom the authorities fear might mention the circumstance to the British Resident, Baba Nafray is not even in chains. In short, since the departure of Colonel Outram from Baroda, every leniency and every consideration has been shown the Baba by the servants of the Guicowar, and there is good reason to believe that Baba Nafray is allowed at certain times to visit his own residence.

62. With regard to the fine imposed upon Baba Nafray, let your Honourable Court compare the sum of 15,000 rupees with the least amount which he is convicted of having taken from the treasury of the firm of Hurree Bucktee.

63. Let your Honourable Court compare the position of your memorialist with

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with that of her persecutor; she has now endured a persecution of upwards of seven years; she has been deprived of her child by force, and her rightful share in the property of her late husband has been taken from her. In endeavouring to obtain justice, she has incurred a debt of 75,000 rupees, and is now treated like a stranger in the house to which she has an equal right together with the elder widow of her late husband. Food, clothing, and house-room is all that is given to your memorialist in the house of her late husband, and even in these matters she is treated like a pensioned menial instead of as the widow of one of the richest soucars in India.

64. These latter facts your memorialist brought to the notice of Colonel Outram, who, in answer, informed her that the grievances of her case had been laid before the Government of Bombay.

65. Upon a second representation to the Resident, and upon your memorialist declaring to him that her debts, which she had incurred during her five years of persecution, ought to be forthwith settled, Colonel Outram wrote to the Guicowar desiring that the required sum should be paid to your memorialist from the treasury of her late husband's firm.

66. To this the Guicowar would not agree, but desired that a detailed account of your memorialist's debts, together with a list of the persons who had furnished her with money during her troubles, should be forthwith sent to the Durbar.

67. To this proposition it was impossible that your memorialist could agree, and this his Highness as well as his minister, Bhow Tambakur, knew full well. To give up the names of those who had assisted your memorialist when she was persecuted by Baba Nafray, the protégé of the Guicowar and the friend of Bhow Tambakur, would have been tantamount to injuring these persons in every possible way. Those who befriended your memorialist were and are considered the enemies of his Highness; and had their names been given in as having assisted your memorialist with funds, their property and even their lives would have been endangered.

68. One of your memorialist's chief creditors was and is her own parents, who had sold jewels to a very considerable amount in order to help your memorialist in procuring justice, and also in journeying to and from Bombay for this purpose.

69. Your memorialist therefore submits that she could not, and cannot, in justice to those who advanced her funds when she was in trouble, publish to the world the names of these persons. To do so would be to subject others in a great measure to the same persecutions which your memorialist has herself undergone.

70. Whilst the question relating to the circumstances detailed in paragraphs 63 to 69 were still pending the decision of the Resident at Baroda, and the reference made to the Bombay Government (as mentioned in paragraph 64), Colonel Outram left Baroda for Bombay. Shortly after his departure, it became known at Baroda that the Colonel had been dismissed by Government from the situation he held as Resident of Baroda; and at Baroda it was publicly reported that the influence of Bhow Tambekur was the cause of the Colonel being dismissed.

71. This report your memorialist knew well was false, but by many people in Baroda it was believed, and made people the more afraid to help your memorialist against the well-known wishes of the minister, who was the friend and protector of Baba Nafray, your memorialist's bitter enemy.

72. Another report was rife about this time in Baroda, namely, that Colonel Outram had been dismissed from his situation, because he annoyed Bhow Tambekur by protecting your memorialist, and, by seeing justice done her. It is needless to say how these stories grieved your memorialist, and how they injured her cause in every way. By her friends your memorialist was looked upon as having been the cause of Colonel Outram's disgrace, whilst her enemies thought that she had not now the slightest chance of ever gaining her cause, as the minister of his Highness gave out publicly that a British officer had been ruined whilst endeavouring to obtain justice for her.

73. Shortly

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73. Shortly after this, the Bombay Government replied to Colonel Outram's report in the matter of your memorialist's affairs. The letter was addressed to Mr. Davies, the new Resident. Upon the receipt of the same, the last-named gentleman communicated with his Highness the Guicowar's Government, to the effect that money to pay her just debts should be allowed to your memorialist, from the funds of her late husband's estate.

74. To this the Baroda Government would not agree; saying that unless a detailed account of her debts, together with the names of the parties to whom the money is due, was sent in, that no larger a sum than 10,000 rupees could be paid to your memorialist.

75. The above answer was communicated to your memorialist by Mr. Davies, but for reasons before given it was impossible for her to furnish the names of those who had helped her in her difficulties; and as her debts amounted to about 75,000 rupees, it would have been injudicious of her as well as unjust to her creditors to accept of the sum offered. Your memorialist therefore respectfully declined the offer that was made her through the British Resident.

76. When your memorialist's answer became known to the minister, Bhowo Tambekur, that person accused her of endeavouring to ruin the firm of Hurry Bucktee, by making most exorbitant demands upon its funds, and this in spite of every care which he (the Bhawo) had taken to preserve and promote the opulency of the firm.

77. Your Honourable Court will not fail to perceive that these accusations could only have been made by Bhawo Tambekur, in order to screen his own guilt. Your memorialist already has shown how Baba Nafray plundered, swindled, and ruined your memorialist, and how he was protected and upheld in his wicked proceedings by Nursoo Punt, the agent of the British Government, as well as by Bhowo Tambekur, the minister of the Guicowar. These two persons, each playing into one another's hands, and each receiving a share of the money which Baba Nafray took by thousands of rupees from the treasury of Hurree Bucktee, as payment for the manner in which they connived at his iniquities, were powerful enough to ruin any person; and they most effectually accomplished their ends towards your memorialist.

78. The annual personal expenditure of the persons connected with the firm of Hurree Bucktee is about two lacs of rupees; and last year the elder widow of your memorialist's husband was allowed an additional two lacs to expend on the marriage of her son; and yet your memorialist is refused 75,000 rupees, which she demands as her just right, as the sum she had borrowed in order to live, and in endeavouring to obtain justice during a period of five years.

79. Your memorialist, then, earnestly entreats your Honourable Court that she may be allowed, out of the treasury of the firm of Hurry Bucktee, the sum of 75,000 rupees, which she hopes and trusts this memorial shows has been expended by her during the period when she was suffering from the persecutions of bad men. This is the first item of the prayer which your memorialist desires to present to your Honourable Court.

80. But although the first, the former is not the most important desire which your memorialist has.

81. From what has gone before, your Honourable Court must have perceived how your memorialist was deprived of her child, which she now believes to have been murdered by the agents of Baba Nafray. This child was, no doubt, taken from your memorialist, in order that the latter might thus lose all right to claim a portion of her late husband's property, and in order to make the elder widow sole possessor of the same. For these and other reasons, your memorialist prays that she may be allowed to adopt as her own a child belonging to her own family and caste, and that she, as widow of the late Beecherdass Samuldass, may be restored to her legitimate position both with the family of her late husband, and as to her share in the wealth of the firm.

82. A case very similar to that of your memorialist took place in the province of Rewa Caunta some years ago, a narrative of which your Honourable Court will perhaps excuse your memorialist for introducing here.

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83. In the above province there is a small town called Sanore, which belonged to a rana called Some Singh, a Rajpote thacore. This man had three wives, one of whom gave birth to a male child. The brother of this rana, by name Doorjun Bawa, misrepresented the case to Mr. Arthur Malet, who was then Political Agent in Rewa Caunta, and declared to this gentleman that the child was not the offspring of the rana, but that it had been procured from some indigent persons, in order to keep the informant out of his property when the elder brother died.

84. Mr. Arthur Malet investigated the matter thus brought before him, and decided that the child was the legitimate son of Somesingh.

85. Very few years after Mr. Malet's decision, the Rana Somesingh died, and his son inherited the state as Mr. Malet's decree had settled.

86. Not content with the Political Agent's decision, Doorjun Bawa caused the boy to be poisoned by a servant, and accompanied by an armed band of 400 or 500 men, he took possession of the property without consulting the British authority, thus making himself the lawful heir of the territory.

87. The painful account mentioned in the preceding para. was made known to the native agent at Rewah Caunta, when on leave at Baroda, by a person sent thither by Somesingh's wife. The former immediately communicated the information he had received to Mr. Remington (who had in the meantime succeeded Mr. Malet as Political Agent in Rewa Caunta, and who was at the time in the purgannah); and having investigated the matter without delay, that gentleman found that it was proved that Somesing's brother had poisoned the Rana's son, which circumstance he communicated forthwith to the Bombay Government, and forwarded his proceedings therewith of the inquiry which he had made.

88. In consequence whereof the murderer, Doorjun Bawa, and his accomplices were transported for life; and the former's son (Somesing's nephew) was at the same time deprived of his inheritance to the estate. The Government of Bombay also ordered that the widow of Some Sing should adopt a son (who was a very distant relation of Some Sing) and that the estate should be made over to his possession, in whose hands the same now remains, which arrangement your memorialist has been informed received the sanction of your Honourable Court.

89. That when the widow of Some Sing applied for justice, it was her good fortune to do so at a time when the above-mentioned native agent, an honest man ever to be found amongst natives, was doing business under Mr. Remington. Had your memorialist been equally fortunate, she would never have been obliged to petition your Honourable Court as she is now doing. At the period when all her persecutions took place the native agent at the Baroda Residency was Nursoo Punt, a man who has lately been proclaimed as unfit to serve the British Government, and whose infamous character must be well known to your Honourable Court.

90. And now, in conclusion, your memorialist would wish to impress upon your Honourable Court how she, the widow of a wealthy soucar, who enjoyed the British guarantee, has been rendered childless, robbed, defamed, and made a beggar by the machinations of men whose sole aim was to possess themselves of the property of her late husband. An examination of the books of the firm of Hurree Bucktee will show that very large sums have been debited to what is therein called, in Guzerattee language, "Litty Khatta," a term which cannot be properly translated into English, but which every one conversant with soucars' books in Guzerat knows, is simply a sort of mysterious way of putting down sums of money which have been expended in bribery, or any other manner which is not deemed creditable. Colonel Outram discovered many memoranda and details connected with the "rough accounts" of Hurree Bhucktee amongst the papers belonging to Baba Nafra, which having been compared with the original chopdas (account-books) were found to agree therewith: and thereby, the sums which had been given away for bribes were already proved; this matter your Honourable Court will probably be acquainted with from the reports of Colonel Outram and Mr. Frere, the Commissioner.

91. Under this head alone, several lacs of rupees were debited to the firm of Hurree Bhucktee, whilst Baba Nafray was manager of the estate.

92. Whilst

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92. Whilst this memorial was in preparation, orders seem to have been received at Baroda, from the Bombay Government, to pay your memorialist the full amount of her claims, 75,000 rupees, in order that she may discharge the debts which she was obliged to contract during the five years of her persecution.

93. Bhow Tambakur, the minister of his Highness the Guicowar, is, however, throwing every possible obstacle in the way, and is endeavouring to induce your memorialist to sign certain papers or documents (called kullum bundu), which would materially injure her interest, inasmuch as the authority of the Guicowar Sirkar and Bhow Tambekur, would be established against the firm of Hurree Bhucktee, and your memorialist's claims completely upset.

94. To this proposition your memorialist cannot agree, knowing that Bhawoo Tambekur, as the friend and protector of her old persecutor, Baba Nafra, and that the interest of the latter is one with that of the Guicowar's minister, and she fears that if Bhow Tambekur has ever any power given him in this matter, that he will again put Baba Nafra to be manager of the house of Hurree Bhucktee.

95. Another obstacle which Bhow Tambekur is throwing in the way of your memorialist is this; he wants her to accept of 37,000 rupees, on condition that she sign a paper, which take away from her all claims ever to adopt her a son, for it would cause the son of the elder widow to be the sole proprietor of the property after he comes of age, and your memorialist would again be reduced to poverty in her own house. Such is still the object of Bhow Tambekur; your memorialist therefore humbly looks for justice to your Honourable Court, as her sufferings have been consequent on the acts of both the English and Guicowar Government. Your memorialist does not demand money from the treasury of the Guicowar Government, nor from Bhow Tambekur's private property, but she claims payment of her expenses out of the property of her own husband, to part with which Bhowoo Tambakur, exhibits great reluctance. When lacs of rupees were stolen by Baba Nafra, the public officers of the respective Governments instituted no inquiry into the matter, which is a surprising fact, and will so appear, your memorialist believes, to your Honourable Court.

PRAYER.

96. Your memorialist then humbly prays your Honourable Court to take the justice of her claims, and the persecutions which she has endured during the last five years, into your favourable consideration.

97. And your memorialist further prays, that your Honourable Court will graciously give such directions to the Bombay Government as will ensure the money which she claims being paid her at once.

98. Your memorialist was not attacked by robbers in the jungles, nor was her son thus murdered, but in the very heart of the city of Baroda, and near the Guicowar palace, where your memorialist resides; in that spot was all the violence alluded to done to your memorialist by Baba Nafra. Nevertheless the Guicowar afforded no address. For this reason, and from all that is above stated, your memorialist hopes that your Honourable Court will not suppose that she is likely to obtain any redress from the Guicowar Government.

99. Further, your memorialist prays, that it having been proved that she had a child, and as it was also proved upon Baba Nafra's trial that he took away that child, which your memorialist has never seen again, she may be allowed to adopt a child of some relative of her family, and that the adopted child may have the same rights and privileges as your memorialist's own child would have had in the event of Baba Nafra not having made away with him.

100. Your memorialist further prays, that she may be admitted to all the privileges and just rights as a widow of the late Becherdass Samuldass, of the banking firm of Hurree Bhucktee.

101. This earnest prayer and petition can never be fully granted, as the members of your Honourable Court must know full well, unless your memorialist be allowed to adopt another son according to Hindoo custom.

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102. Your memorialist's ancestors not relying on the justice of the Guicowar's Government, obtained the guarantee of the British Government for the security of their lives and property, in consequence of which the British Government frequently impressed on the Guicowar Government the necessity of pursuing measures in conformity with the guarantee which had been given, but notwithstanding no attention was paid thereto by the Guicowar Sirkar. Your memorialist, however, is confident that your Honourable Court will take measures to cause her to receive redress.

103. And your memorialist will, as in duty bound, ever pray.

Baroda, 20 October 1852. (signed) *Joeetabie.*

P. S.—With reference to para. 19, since this memorial is prepared, the Resident of Baroda have* communicated to the Guicowar Government, and our firm, to pay your memorialist from our bank the sum in question, and a part of payment is made, and to be liquidated within two or three months, the whole amount.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane.*

1. BEYOND a recapitulation of previous statements on the subject of her complaints, Joitabaee's requests in the present memorial may be said to be confined to the following:

1st. She desires that the firm of Hurree Buktee should be compelled to liquidate her debts contracted, as she avers, to her parents and various parties during the years of persecution under which she suffered, and during which she received nothing from the firm. The debts which she asserts amount to 75,000 rupees, were incurred in the prosecution of her claims to justice, but she has hitherto objected to give up the names of the parties to whom she is indebted (her father and mother excepted) from a well-grounded alarm lest she should expose them to the enmity of her powerful enemies at Baroda.

2d. Her second request is, that she be allowed to adopt an heir. There are two other points which may be noticed, and which have no reference to these requests. The first is the allegation that the imprisonment of Baba Nafra by his Highness the Gaekwar is, in its assumed severity, a mere deception; the other is the mention made by Joitabaee, as if it were a well ascertained fact that large sums have been remitted to Bombay by Baba Nafra from the funds of the firm, to bribe some influential parties at the Presidency. Now, as regards the first request, the case of Joitabaee is so peculiar, the treatment she has met with so unparalleled, and her position (from the decision of the Honourable Court and of ourselves being to a certain extent in her favour,) so dependent on the support which she may receive from this Government, that I think a rigid adherence to ordinary routine in disposing of her request would be inconsistent with justice.

2. Undoubtedly she has sustained a heavy wrong at the hands of her husband's servant, in the face of proved and admitted facts, whatever opinion may have been formed of her claim to be the mother of a legitimate son.

3. It is undeniable that she was in the position of joint mistress of the bank, with the elder widow; that she was denied her title to that position by the acts of Baba Nafra; and that after years of suffering, the immediate consequence of that denial, the result of her appeal to her sovereign and to the British authorities for justice, is the recognition of her pretensions.

4. So situated, any expenses to which she has been *bonâ fide* put by the chicanery and injustice of the manager of the firm, her husband's confidential man of business, and in point of fact, executor, and which the denial of her rights entailed, should be borne by the firm.

5. If his Highness the Gaekwar decline to interfere or refrain from intering in the matter, I think we are bound to step beyond formalities and ordi-

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nary rules in this extraordinary case, and consistently with our own decision, and with a just consideration for the rights so long denied her and withheld, to see that she is relieved of her liabilities, whatever they may amount to, and placed in her husband's house in a position of perfect independence.

6. This is, as it seems to me, the least reparation which can be made for sufferings which her husband's elder widow, and in some degree our own representative, Captain French, have been instrumental in protracting.

7. It is very natural that Joitabaee should be unwilling to name the parties to whom she is indebted, and the pretext that to do so would be to subject them to persecution and mortification at the hands of her enemies, is both specious and reasonable.

8. On the other hand, any instructions which we may communicate to our Resident on a claim so delicate and entirely unsifted, should, as far as possible, be so framed as to avoid the risk of our giving credence to a fictitious tale, and authority to an unreal transaction.

9. It is evident that we should have some safeguard for Joitabaee's sincerity and good faith.

10. This can be afforded by her consenting to trust to the honour of the British Resident, to whom she may confide on a pledge of secrecy the particulars of her pecuniary embarrassments, and to whom she may impart such details as will enable him, either by making private inquiries, or by obtaining access to dufters, to satisfy himself that in the main her statements are correct, and to estimate the amount necessary to set her free from her liabilities.

11. In Colonel Outram's letter of the 11th November 1851,* he states that Joitabaee addressed a petition to him on this subject (which he submitted, *see* Appendix (H.) to that letter), and to which he replied, that on furnishing the details of her debts the claim would be considered. To which he adds, "This, however, she has never done, averse probably to naming parties who supported and assisted her pending the confirmation of Baba Nafra's sentence by Government, lest they should incur the enmity of his friends;" the plea advanced by herself in her present memorial.

* Reported to the Honourable Court in Political Despatch, dated the 31st January, No. 9, of 1852.

12. To this course, however, she can object no longer under the precautions proposed, since no one but the Resident himself would become cognizant of the particulars.

13. And therefore her consent or refusal to follow the stipulated course would serve as a test of her sincerity, and a guarantee of the reality of her obligations.

14. In our letter† addressed to Lieutenant Battye in charge of the Residency, and dated the 2d January 1852, we have directed that his Highness the Gaekwar be moved to require from the firm of Hurree Buktee, the payment to Joitabaee "of any share or allowances to which her position may have entitled her from the date of the death of her husband."

†

15. It is to this letter that Joitabaee apparently refers in the 73d para. of her memorial, in which she states that on its receipt, Mr. Davies "communicated with his Highness the Gaekwar's Government, to the effect that money to pay her just debts should be allowed to your memorialist from the funds of her late husband's estate."

16. In para. 63 of the memorial, the amount of this debt is stated at 75,000 rupees, and in a postscript to the memorial she remarks, "Since the memorial is prepared, the Resident at Baroda have [*so in original*] communicated to the Gaekwar Government, and our firm, to pay your memorialist from our bank the sum in question, and part of payment is made, and to be liquidated in two or three months, the whole amount."

17. It is therefore highly probable that this demand of Joitabaee is in train for being settled. But since we are in the dark as to what has intermediately taken place, and since it is desirable to leave no doubt as to the course which we intend should be taken, I propose that we address a letter to our Resident,

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with an extract of the paras. of the memorial bearing on this subject, and of the postscript, calling on him to report his proceedings referred to in detail.

18. It should not be our object to leave it with the Resident to act as his own notions of justice and expediency may dictate, but to prescribe a definite course for his guidance. Our sentiments on the justice of admitting and satisfying this claim of Joitabaee, under the prescribed conditions, should therefore be communicated to the Resident in full, and he should be instructed, in case the claim have not been settled, or if any difficulties in settling it should arise, to wait upon his Highness the Gaekwar, and explain to him courteously, but firmly, the views which we have taken, leaving it to him to enforce payment of the amount which the Resident may fix upon from the firm of Hurree Buktee, but intimating the necessity we are under at the stage at which the proceedings have arrived, of requiring that payment be positively made, and that Joitabaee be restored to independence.

19. Mr. Davies will not of course make any such communication, unless it be necessary. I am in hopes, from the terms of the postscript, coupled with the alleged nature of Mr. Davies' communication to his Highness on the subject, that this may not be the case.

20. The second request now preferred by Joitabaee, that she be allowed to adopt an heir, is one that we can never countenance. But as it is made not to our Government, but to the Honourable Court, I may confine myself to referring first to the Honourable Court's despatch of the 6th November 1833, in the case of Crustna Rao Wittul, in which the Court remark in disallowing an adoption unsanctioned by the Gaekwar; "he" (the Gaekwar) "affirmed that his consent to every case of adoption was a part of his state and prerogative, that an adoption was not legal without it;" second, and to the case of Gunputrow Narraen Rao, in which Mr. Boyd, the Resident, refused to countenance in any way the adoption of an heir by his widows. On this the Honourable Court remarked in their despatch of the 15th November 1843: "Mr. Boyd acted quite rightly in refusing to have any communication with Gunputrow's widows, on the subject of an adoption. To comply or not with an application of the nature, rests exclusively with the Gaekwar."

21. And once for all, if my opinion on this request were of any weight, I must distinctly say, that in the case in question I should think it wrong to encourage any proposal for an adoption. When the son of the deceased comes to be of full age, Joitabaee, like the elder widow and the mother of that son, must be content with the allowance prescribed to Hindoo widows of their rank and position by the laws and customs of their caste, and of the Shasters.

22. I desire, in the next place, to notice briefly Joitabaee's allegation that the sentence passed upon Baba Nafra is in effect eluded through the favour of the Gaekwar.

23. I would simply refer to our instructions on this head to the Resident, of the 24th February last*, approved of by the Honourable Court in their despatch of the 22d June last, No. 17.

24. Mr. Davies, to whom this despatch was communicated, in his letter of the 11th September last†, observes, that "there would appear to be on his Highness's part an evident determination to see justice done," in allusion to the enforcement of Baba Nafra's sentence by his Highness.

25. His particular attention may again be drawn to Joitabaee's statement, so directly at variance with this opinion, and his report required upon the facts.

26. The Honourable Court have already before them all the evidence which has been elicited touching the reported expenditure by Baba Nafra of the funds belonging to Hurree Buktee's firm for the purposes of bribery; two cases

* Reported to the Honourable Court in Political Despatch, dated the 28th February, No. 22 of 1852.

† Reported to the Honourable Court in Political Despatch, dated the 30th September, No. 89 of 1852.

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cases would seem to have been traced, while there are others, the suspicious appearance of which lend an apparent weight to the imputations contained in this memorial.

27. The cases I refer to are those of Mr. Craig,* who received a considerable sum, in connexion, as there is every reason for believing, with the case of Joitabaee Setanee; and of Soorujram Gungaram,† the native agent at the Baroda Residency, for whom Baba Nafra transmitted a bribe of 20,000 rupees.

28. As a case which is fraught with suspicion, I may refer to the charge, No. 5,‡ tried by Mr. Frere against Nursoo Punt for having received a bribe of 28,070 rupees, in part payment of a sum of 78,070 rupees.

29. Whatever such entries of payments may amount to, his Highness the Gaekwar has been moved by us to hold Baba Nafra responsible for the production of the books of the firm, or for the payment of the estimated defalcations, and of such defalcations, entries of bribes paid by Baba Nafra from the funds of the firm, will of course form a part.

30. The particular attention of Mr. Davies may be directed to these portions of the memorial, with the expression of our full confidence, that if at any time circumstances should become known to him, which promise to throw a further light on the truth or falsehood of these imputations, he will spare no pains to follow up the clue, and to justify by his conduct the policy of the British Government.

31. I would propose that we address a letter to Mr. Davies, embodying the above remarks, and that our proceedings, together with Joitabaee's memorial, be forwarded to the Court by the next mail.

(signed) *Falkland.*
D. A. Blane.

2 December 1852.

No. 5337 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you, in original,§ a memorial from Joitabaee Setanee, widow of the late Bechur Samul, of Baroda, to the address of the Honourable the Court of Directors, dated the 16th ultimo.

2. In forwarding this memorial‖ I am to remark that there can be no doubt that Joitabaee has sustained a heavy wrong at the hands of her husband's servant, and it is undeniable that she was in the position of joint mistress of the bank with the elder widow; that she was denied her title to that position by the acts of Baba Nafra, and that after years of suffering, the immediate consequence of that denial, the result of her appeal to her sovereign, and to the British authorities for justice, is the recognition of her pretensions.

3. Joitabaee being so situated, the Right honourable the Governor in Council is of opinion that any expenses to which she has *bonâ fide* been put by the chicanery and injustice of the manager of the firm, her husband's confidential man of business, and, in point of fact, executor, and which the denial of her rights entailed, should be borne by the firm.

4. Should

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* Reported to the Honourable Court in Political Despatch, dated the 3d April, No. 37 of 1852.

† Reported to the Honourable Court in Political Despatch, dated the 3d December, No. 91 of 1851. Collection No. 3, enclosures Nos. 32 to 39, and despatch, dated the 14th September, No. 87 of 1852, Collection No. 4.

‡ Reported to the Honourable Court in Political Despatch, dated the 17th February, No. 19 of 1852.

§ To be returned with your reply.

‖ *Vide* more particularly paras. 9; 18 to 20; 29, 57, 61; 63 to 68; 73 to 79; 90 to 95, and postscript.

Memorigl from Joetabhaee Setanee.

4. Should his Highness the Gaekwar decline to interfere, or refrain from interfering in the matter, Government is bound to step beyond formalities and ordinary rules in this extraordinary case, and consistently with its own decision, and with a just consideration for her rights so long denied her, and withheld, to see that she is relieved of her liabilities, whatever they may amount to, and placed in her husband's house in a position of perfect independence.

5. The Right honourable the Governor in Council is of opinion that this is the least reparation which can be made for sufferings which her deceased husband's elder widow, and in some degree the British representative at the Court of his Highness the Gaekwar, Captain French, have been instrumental in protracting.

6. It would appear natural that Joitabaee should be unwilling to name the parties to whom she is indebted, and the pretext that to do so would be to subject them to persecution and mortification at the hands of her enemies, is both specious and reasonable; on the other hand, to avoid the risk of giving credence to a fictitious tale, and authority to an unreal transaction, it is necessary there should be some safeguard for Joitabee's sincerity and good faith.

7. His Lordship in Council considers that this object can be attained by Joitabaee consenting to trust to your honour as British Resident at the Court of his Highness, to whom she may confide, on a pledge of secrecy, the particulars of her pecuniary embarrassments, and to whom she may impart such details as will enable you, either by making private inquiries, or by obtaining access to dufters, to satisfy yourself that in the main her statements are correct, and to estimate the amount necessary to set her free from her liabilities.

8. I am to observe, that in Lieutenant-colonel Outram's letter of the 11th November 1851, he states that Joitabaee had addressed a petition to him on this subject, on the 26th March preceding, to which he had replied that on furnishing the details of her debts the claim would be considered. This, however, Lieutenant-colonel Outram added, "she has never done, averse probably to naming the parties who supported and assisted her pending the confirmation of Baba Nafra's sentence by Government, lest they should incur the enmity of his friends." This plea is reiterated by Joitabaee in her present memorial.

9. The Governor in Council is of opinion, however, that Joitabaee can no longer object, under the precautions proposed, to furnish the information required from her by your predecessor, since no one but yourself would become cognisant of the particulars, her consent or refusal would serve as a test of her sincerity, and a guarantee of the reality of her obligations.

10. In the Government letter to the address of Lieutenant Battye, in charge of the Residency, dated the 2d January 1852, it was directed that his Highness the Gaekwar should be moved to require from the firm of Hurree Buktee the payment to Joitabaee "of any shares or allowances to which her position may have entitled her from the date of the death of her husband."

11. To this letter Joitabaee apparently refers in the 73d para. of her memorial, in which she states, that on its receipt you communicated with his Highness the Gaekwar's Government, to the effect that money to pay her just debts should be allowed to your memorialist from the funds of her late husband's estate.

12. In para. 63 of the memorial, the amount of this debt is stated at 75,000 rupees, and in a postscript to the memorial, Joitabaee remarks, "Since this memorial is prepared, the Resident at Baroda have [*so in original*] communicated to the Gaekwar Government and our firm to pay your memorialist from our bank the sum in question, and a part of payment is made, and to be liquidated in two or three months the whole amount." It appears, therefore, to Government to be probable that this demand of Joitabaee is in train of settlement.

13. I am, however, to request that in case this claim has not been settled, or if any difficulties in settling it arise, you will wait on his Highness the Gaekwar, and explain to him in firm but courteous language the view which Government has

Memorial from Joetabhaee Setanee.

has taken, leaving it to his Highness to enforce payment of the amount which you may fix upon from the firm of Hurree Buktee, but intimating the necessity Government is under, at the stage at which the proceedings have arrived, of requiring that payment be positively made, and that Joitabaee be restored to independence.

14. This communication will, of course, be made by you only when you are satisfied that it is necessary to make it, and are in a position from the information that Joitabaee may give you, to specify the sum which in your opinion the firm should be called upon to pay. From the tenor of the postscript to the memorial, coupled with the alleged nature of your communication to his Highness on the subject, his Lordship in Council is in hopes, however, that the steps which are here indicated may not be requisite.

15. I am next desired to draw your particular attention to Joitabaee's allegation, that the sentence passed upon Baba Nafra is in effect eluded through the favour of the Gaekwar. This statement is directly opposed to the intimation conveyed in your letter, No. 723, dated the 11th September last, and your report upon this point is requested.

16. With reference to Joitabaee's statement, that large sums of money belonging to the firm of her deceased husband have been expended by Baba Nafra for purposes of bribery, I am desired to refer you to the Government letter dated the 27th February last, No. 863, in which you were directed to advise his Highness the Gaekwar to hold Baba Nafra responsible either for the production of the books of the firm, or for the payment of the estimated defalcations, and of such defalcations, entries of bribes paid by Baba Nafra from the funds of the firm will, of course, form a part.

17. I am directed to express the full confidence of Government with reference to the above point, that if at any time circumstances become known to you which promise to throw further light on the truth or falsehood of the alleged bribes having been paid from the funds of the firm, by Baba Nafra, you will spare no pains to follow up the clue, and to justify by your conduct the policy of the British Government.

I have, &c.

Bombay Bastle,
8 December 1852.

(signed) *A. Malet*,
Chief Secretary.

No. 5352 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, to *Joitabaee Setanee*, Widow of Bechur Samuldass, Baroda.

Madam,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, dated the 16th ultimo, and in referring you to the Resident at Baroda, on the subject-matter of the memorial therewith forwarded, to state that it will be transmitted to the Honourable the Court of Directors by the next overland mail.

I have, &c.

Bombay Castle,
9 December 1852.

(signed) *A. Malet*,
Chief Secretary.

(True extract.)

(signed) A. Malet,
Chief Secretary.

Memorial from Joetabhaee Setanee.

Extract Bombay Political Consultation, 31 December 1852.

No. 950 of 1852.—Political Department.

From *John Marshall Davies*, Esq., Resident at Baroda, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 5337, of the 8th instant, transmitting in original a memorial from Joitabaee Setanee, widow of the late Bechur Samul of Baroda, to the address of the Honourable the Court of Directors, dated the 16th ultimo, and to offer the following observations on its merits.

2. After some correspondence and a good deal of verbal communication with his Highness the Gaekwar and his minister, consequent upon the letter of Government, dated the 2d January last, alluded to in the 10th paragraph of your letter under reply, and with the details of which there appears to me to be no reason for troubling Government, his Highness, I am happy to say, agreed that the amount claimed by Joitabaee, viz., 75,000 rupees, should be paid to that lady by the firm, by certain instalments, commencing with the past Dewallee, and without calling upon Joitabaee for any details. The payment of this sum is now in train of liquidation, and will very shortly be complete.

3. Pretermitting this claim, the settlement of which will, I trust, be deemed satisfactory by his Lordship in Council, the complaint of Joitabaee embraces the following points.

Her want of influence in the management of the firm, and the incompleteness of the measure of redress afforded her, unless she be allowed to adopt a son as a representative of her lost child.

The memorialist complains, also, of the indirect injury done to her by the lenient treatment of her enemy Baba Nafra.

4. With regard to the first subject of complaint, I beg to say that Joitabaee has nobody to blame but herself and advisers, to which category may be added, perhaps, the unfortunate incidents of a house entirely divided against itself. Both the widows, Luxmeebaee and Joitabaee, have parents living, of whom it is scarcely speaking uncharitably, to say that three more ill-assorted, perverse old creatures it would be difficult to encounter within the circle of one family. They have not a single element of cohesion about them, unless when chance leads them to oppose whatever is most reasonable. Of the daughters (the widows of the late Samul Bechur), the elder, Luxeemeebaee, appears to be one easily guided by those who desire to guide her; and being so much the more fortunate of the two in the possession of a fine boy, now 10 years of age, the only surviving son of her late husband, is naturally somewhat elated with her position, and perhaps treats the younger widow, Joitabaee, with a hauteur which the latter is not inclined to put up with. The younger widow herself appears to be either naturally, or taught, perhaps, by her many past sufferings, the most intelligent member of the family; but I regret to see that she is in a great measure led by intriguers, whose aim seems to be to foment the already existing differences in the family.

5. I must now beg to refer you to my predecessor's letter, No. 280, of the 23d December 1850, with accompaniments, in evidence of the endeavours which his Highness the Gaekwar suggested should be made, to induce the widows of Samul Bechur to adopt the necessary steps for fulfilling the duties which had devolved upon them in the proper management of the firm. These consisted, first, of a schedule of personal allowances to which both widows were to assent; and secondly, of a paper of conditions whereby the general management of the concern would vest in a manager acting under them, subject to the control, in matters of more than ordinary importance, of his Highness the Gaekwar, as conservator of the interests of the firm, pending the minority of the son and heir.

6. To both measures Government signified its assent in its letter, No. 275, of the 21st January 1851, simply premising with respect to the maintenance schedule, that "the allowances proposed appeared to be very small for a house

of

Memorial from Joetabhaee Setanee.

of such reported wealth," and sanctioning the conditions proposed for managing the firm "as a temporary measure," pending a further report on the legitimacy of Joitabaee's child.

7. I would here beg to observe, with reference to Government's remarks on the scale of the proposed expenditure, that an apparent stinginess in this respect is (out of Bombay, perhaps) a distinguishing characteristic of the caste of which the deceased Samul Bechur was so opulent a member. But a perusal of the concluding paragraphs of the schedule is sufficient to show that, notwithstanding a scale of economy such as Sowcars and Banians delight in devising, there is no lack of provision to meet unusual expenses of a contingent nature. Indeed the clauses of the second and more important paper make this fact abundantly evident. For instance, clause 5th, provides that "whatever expenses there may be which have continued from the time of the Shet, regarding * * * charity, giving of presents from the shop on occasions of marriages," &c., shall be continued. Paragraph 6th also states that, "the expenses on account of holy places and of holidays shall be continued in the same manner as in the time of the Shet;" and clause 7th provides that, "the garies, horses, palanquins and sebundees (retinue) shall be retained as in the time of the Shet."

8. In fact, the terms proposed for the joint acceptance of the widows are no less liberal, in my opinion, for their maintenance and respectability, than are the proposed conditions of management advantageous to the authority of the widows over the affairs of the firm. But they were never accepted. The tenor of Government's reply of the 21st January 1851 was communicated to the Durbar; but owing to mutual jealousies, and to the constant bickerings of the old folk, as I am given to understand, this highly desirable arrangement has hitherto been in abeyance. Seeing how the case stood, I have used my utmost influence with Joitabaee's father, and her advisers, to get her to give her assent to the proffered terms (the elder widow having been all along willing to accede to them), and have spared no pains in representing to her that her independence and control would be at once thereby secured to her. My arguments, however, I regret to say, have had no effect; and to all I urged, I was as constantly met with what she deems to be her standing grievance, to wit, the want of authority to adopt a son, without which she declares she will not hear of anything else. I then volunteered to obtain a revision of any of the clauses to which she objected, or to have others inserted; but I was equally unsuccessful there also.

9. Under such circumstances can it be wondered at that Joitabaee should, to a great, and even to a painful degree, find herself, as she expresses it, a pensioner in her late husband's household, shut out at once from that friendly intercourse with her sister-widow, which it lies exclusively between themselves to foster, and excluded, by her own obstinacy, from any active share in the concerns of the firm?

10. I now come to the second source of Joitabaee's complaint, her want of an adopted son. Allowing everything for her feelings, as a mother deprived of her child, this is even a more unreasonable grievance than the last; unreasonable, because Joitabaee herself knows that both by the law of her faith, and by the usages of Hindoo society, her request is quite untenable. The religious code of the Hindus, which allows of a plurality of wives, principally, it would appear, to provide against the misfortune of a father dying without male issue, looks to that object, and to that only. A son surviving by one widow places the others, less fortunate in that respect, in a minor position, and for another widow to hint at adopting a son under such circumstances is considered akin to an insult to the claims of the real son. It is true that, when a man dies without male issue, his widow, duly authorised, may adopt a son, but it is on her husband's account and for his sake that she does so, not for her own. All writers on Hindoo law agree in this. The male issue provided, the end of the Hindoo marriage law is accomplished.

11. The example cited by Joitabaee in paragraphs 83 to 88 of her memorial, is not a case in point. Here the son of the murderer, Doorjun Bawa, being disinherited (as stated) died a civil death, and the widow of Somesingh was allowed to adopt a son in lieu of her husband's murdered child. Sir Thomas

Memorial from Joetabhaee Setanee.

Strange, in his Elements of Hindu Law (vol. 1, page 65), thus lays down a parallel case.

"The right of adoption is, in one destitute of legitimate male issue, competent to the performance of his funeral rites; never having had any or having lost what he had. The right of inheriting and that of performing for the ancestor his funeral obsequies being correlative, if, by any of the legal disabilities, as by degradation from caste, by insanity, incurable disease, or otherwise, living issue have become disqualified in law for the former, the effect for the purpose in question being the same as if none existed, it is inferred that the right to adopt attaches."

12. Here we have a distinct enunciation of the right of adoption in cases where the living male issue fails. Taking the converse of this, we may rest equally assured that the right of a widow to adopt, in the face of competent living male, is an extravagance in Hindoo jurisprudence.

13. My native agent informs me that the question of adoption was much urged before my predecessor by Joitabaee and her mother, but that Lieutenant-colonel Outram gave it a distinct denial. Under any circumstances, indeed, the sanction for such a proceeding would appear to rest wholly and solely with his Highness the Gaekwar as Suzerain, and if this be the case, it is a question calling for no further discussion in this place.

14. It now remains that I should notice the matter alluded to in the 15th paragraph of your letter under reply, the treatment, namely, of the criminal, Baba Nafra. In my letter, No. 723 of the 11th September last, I did myself the honour of conveying to Government the susbtance of the observations made by his Highness the Gaekwar, in reply to the communication which I was some months ago directed to make to him on this subject. Beyond taking his Highness's word for the truth of the matter, I really feel quite at a loss as to how I should proceed in a delicate case of this kind. There is no doubt as to Baba Nafra's confinement; but the actual place of his incarceration is so situated that to obtain a sudden and unexpected view of his prison would be almost impossible, under the precautions taken, apparently for his safe custody, but in reality, I believe, to prevent surprise. On the other hand, the very attempt to do so would plainly argue a doubt of his Highness's word, which would naturally be most offensive to him, and might, after all, be productive of nothing certain. The withdrawal of Government's guarantee from the criminal has, moreover, left Baba Nafra entirely at his Highness's disposal as his own subject, deprived of the shield of foreign interference, and his Highness might, if driven to an explanation, plead rules of prison discipline different from those observed in more civilized communities. The entire subject is indeed fraught with difficulty. As to what the petitioner may have heard respecting the treatment of Baba Nafra, I set little account by any such information acquired in Baroda: but let her information be what it may, I am most respectfully of opinion that there is nothing in it sufficient to outweigh the very serious consideration of adopting (as the only mode of solving the doubt involved as to Baba Nafra's treatment) any overt act of espionage which, if frustrated, it is to be feared would jeopardise the good understanding which now so happily obtains with Gumputrao Gaekwar.

15. The subject treated of in your 16th paragraph shall, I beg to say, engage my best attention.

16. I would, in conclusion, respectfully observe that my only reason for deferring to submit the subject matter of this report until now called upon to do so, has been a wish to convince the memorialist, Joitabaee, of the wisdom of complying with the course which her lawful sovereign has proposed to her, and of the hopelessness of passing her days in peace and quietness so long as she seeks to maintain her present untenable position.

17. I beg to return the original memorial which accompanied your letter and to be,

Yours, &c.
(signed) *J. M. Davies*,
Resident.

Baroda Residency,
16 December 1852.

Memorial from Joetabhaee Setanee.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane*.

COPY of this letter should be sent to the Honourable Court of Directors by the next mail, in continuation of our letter of the 16th instant; and I would approve Mr. Davies' proceedings, at the same time informing him that, on any favourable opportunity, we expect that he will express to his Highness our hopes that his Highness's opinion as to the treatment to which Baba Nafra should be subjected may coincide with our own, and will be acted up to.

(signed) *Falkland.*
D. A. Blane.

21 December 1852.

No. 5598 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, No. 950, dated the 16th instant, and to inform you that your proceedings therein reported are approved.

2. I am at the same time to inform you, that on any favourable opportunity his Lordship in Council expects that you will express to his Highness the Gaekwar the hopes of Government that his Highness's opinion as to the treatment to which Baba Nafra should be subjected, may coincide with its own, and will be acted up to.

I have, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle,
24 December 1852.

(True extract.)
(signed) A. Malet, Chief Secretary.

Military Honours paid to Krishna Rao Wittul and to Bhow Tambekur.

Military Honours to Krishna Rao Wittul and to Bhow Tambekur.

No. 11 of 1853.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. WE beg to forward to your Honourable Court an extract from our proceedings, on the subject of Mr. Davies, Resident at Baroda, having, without previous reference to Government, complied with an application preferred to him by Krishna Rao Witul, adopted son of the late Witul Rao Dewajee, to be received with military honours, and also subsequently acceded to a similar request preferred to him by his Highness the Gaekwar, in behalf of his *de facto* minister, Bhow Tambekur. Baroda.

Military Honours to Krishna Rao Wittul and to Bhow Tambekur.

2. For our sentiments on this subject we beg to refer to the minutes, as per margin,* recorded by our Right honourable President, and by the Honourable Mr. Blane, and to the letter which, in conformity with the resolution of the majority of our Board (the Honourable Mr. Blane dissenting), was addressed to Mr. Davies by our Chief Secretary on the 24th instant.

We have, &c.

(signed) *Falkland.*
Frederick FitzClarence.
D. A. Blane.
A. Bell.

Bombay Castle, 28 January 1853.

EXTRACT Political Letter to Bombay; dated 11 May (No. 25) 1853.

Letter from, dated 28 January (No. 11) 1853.
Military honours paid by Mr. Davies, the Resident at Baroda, to Khrisna Rao Wittul, and to Bhow Tambekur.

2. THE honours in question, though only such as were paid to the three sirdars of the Baroda court named by Mr. Davies, ought not to have been conceded by him without a reference to you.

3. We are also of opinion that Krishna Rao Wittul's position, as the adopted son of a former dewan, does not entitle him to such honours.

4. With regard to Bhow Tambekur, as he is not formally invested with the office of dewan, he cannot be considered as entitled to have the honours paid to him, which might be due to the recognised minister of the Guicowar. Considering the character of Bhow Tambekur, and how strong the suspicions are of his being implicated in some of the most nefarious practices at Baroda, we cannot but regret that any such marks of consideration should have been paid to him.

Extract Bombay Political Consultation, 31 December 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane.*

WITH reference to a para. in the "Telegraph and Courier" of the 23d instant, on the subject of alleged military honours having been paid, by order of the Resident at Baroda, to Bhow Tambekur, Mr. Davies should be requested to inform Government if there be any foundation for the statement therein made.

(signed) *Falkland.*
D. A. Blane.

29 December 1852.

EXTRACT from the "Bombay Telegraph and Courier" Newpaper of the 23d December 1852.

THE following letter appeared in yesterday's "Times."

"To the Editor of the 'Bombay Times.'

"Sir, In the 'Telegraph and Courier' newspaper of the 11th instant there appears a lengthy article, professing to be the substance of the translation of a native letter received by the editor of that paper from the city of Baroda, which, amongst certain matters on which it reflects, is one relative to Bhao Tambekur having been received by the Resident, on the evening of the 24th ultimo, with the honour and respect due only to the Raja, the British regiments at the station having been ordered to form a street for the great man on the occasion.

"Will

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* Minute by the Right Hon the Governor, dated the 11th January 1853, concurred in by the Hon. Mr. Bell. Minute by the Hon. Mr. Blane, dated the 12th January 1853. Further Minute by the Right Hon. the Governor, dated the 14th January 1853, concurred in by the Right Hon. the Commander-in-Chief and the Hon. Mr. Bell. Further Minute by the Hon. Mr. Blane, dated 15 January 1853. Further Minute by the Right Hon. the Governor, dated the 18th January 1853, concurred in by the Board.

"Will you do me the favour to contradict the above, as I most positively assure you it is entirely at variance with fact, no such occurrences having ever taken place.

"*Probitas.*"

Military Honours to Krishna Rao Wittul and to Bhow Tambekur.

We are sorry to contradict "Probitas," or any other correspondent of the "Times" or any other journal; but as the article referred to above was the substance of a native letter written to us by a native of Baroda, and was authenticated by the writer, as well as by another native, whom we know very well, and who is perfectly incapable of telling a falsehood; we must beg leave to state, that until the above writer proves his story to be incorrect, we decline to believe him. Will "Probitas" assert that no honours "such as are only due to the Gaekwar" were shown Bhao Tambekur, by Mr. Davies' order, on the evening of the 24th ultimo? or can he say that no compliments were paid the "infamous minister" by the British regiments stationed at Baroda? It will take a much more clear, distinct, and emphatic denial than the above to disprove, to our satisfaction, what we before advanced on the very best authority possible. Our correspondent may have somewhat exaggerated the extent of the honours which the British Resident caused to be paid to Bhow Tambekur, but we have heard, from several quarters, that similar respect was never before paid to any minister of the Gaekwar, and that, taking into consideration the light in which Colonel Outram regarded the Bhow, it was in the worst possible taste, and most impolitic of the present Resident to pay him the honours to which our correspondent referred. If "Probitas" is going to take up the cudgels for Mr. Davies, let him beware. All that we have shown up with regard to the present state of affairs at Baroda is a mere nothing compared to a mass of information we have lately received on the same subject. Kutput of the very worst sort never was more rife at Baroda than now, and never was the British name looked upon with so little respect. Of this we have ample proof.

No. 5682 of 1852.—Political Departmen

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

WITH reference to the annexed extract* from the "Telegraph and Courier" newspaper of the 23d instant, alleging that on the occasion therein mentioned military honours were, by your order, paid to Bhow Tambekur, minister of his Highness the Gaekwar, I am directed by the Right honourable the Governor in Council to request, that you will report to Government whether there is any foundation for this statement.

* To be returned with your reply.

I have, &c.
(signed) *A. Malet*,
Chief Secretary.

Bombay Castle, 31 December 1852.

No. 6 of 1853.—Political Department.

From *John Marshall Davies*, Esq., Resident at Baroda, to *Arthur Malet*, Esq. Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 5682, of the 31st ultimo, transmitting an extract from the "Telegraph and Courier" newspaper of the 23d idem, and requesting that I would report to Government whether there was any foundation for the allegation therein made, that military honours were paid by me, on a late occasion, to his Highness the Gaekwar's minister, Bhow Tambekur.

2. In reply I beg to state, that the allegations put forth in the "Telegraph and Courier," that honours "such as are only due to the Gaekwar" were shown to Bhow Tumbekur by my order, or that "compliments were paid him by the British regiments stationed at Baroda," are false and groundless; what has taken place I shall briefly mention.

3. Certain sirdars of the Baroda court are entitled, by custom, to have arms presented them on their entering the precincts of the Residency, on visits of ceremony, by the treasury guard stationed within the gateway. The sirdars who have lately been, or are still entitled to this honour, are so far as I can ascertain, Bhasker Rao Withul, the adopted representative of the Dewan,

Military Honaurs to Krishna Rao Wittul and to Bhow Tambekur.

Babajee Appajee; Gheerjojee Rao, alias Appa Sahib Dhumdereh, the Sir Soubeh, and the deceased Seetaram Raojee Dewan.

4. On the late occasion of the restoration to his Highness's favour of Crishna Rao Withul, also the adopted representative of a former dewan, the young man made it his particular request that he should have arms presented to him by the treasury guard, in the same manner as was accorded to his cousin, Bhasker Rao, and to this I acceded.

5. Some time after this latter occurrence his Highness mentioned to me that it would give him pleasure to hear that Bhow Tambekur, his minister, met with a similar reception by the treasury guard, on occasions of his visiting me on affairs of state. His Highness added, that he would have preferred this request long ago, but that for reasons which might be easily understood he latterly dreaded a rebuff; but that, seeing the favour extended toward Crishna Rao Withul, he felt that it was an appropriate opportunity for opening the subject. I expressed surprise to his Highness that an honour of so ordinary a description should be withheld from his *de facto* and confidential minister, when it was granted to the representatives in the third generation of former dewans, and also to the Sir Soubeh, and promised that the omission should be rectified, since so long as Bhow Tambekur came to me as his Highness's accredited minister, and was recognised as such by the Bombay Government, he should be received with the same measure of distinction as the other sirdars above named.

6. Bhow Tambekur usually pays me about two visits, on the average, in the course of the month, and on these occasions the guard has, since the date of his Highness's request, had orders to pay him the same precise degree of respect which is claimed by and paid to Bhasker Rao Withul, and the Sir Soubeh, and which I had before directed should be paid to Chrishna Rao Withul. I ought to mention that Bhow Tambekur himself never from first to last broached the subject before me; what I did was in deference to his Highness's personal and particular request, and was and is confined to the precincts of the Residency, to the ordinary guard over the treasury.

I have, &c.

Baroda Residency,
4 January 1853.

(signed) *J. M. Davies*,
Resident.

P. S.—The printed accompaniment to your letter I have the honour to return.

(signed) *J. M. Davies*,
Resident.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Bell*.

THE request of his Highness the Gaekwar regarding the honours to be paid to Bhow Tambekur appears to have originated in the fact that similar honours were accorded to Krishna Rao Witul; this latter person is not, however, as his father was, the minister of the Gaekwar Government, the permanency of his office being guaranteed by us, and Mr. Davies should not therefore have acceded to Krishna Witul's request without communicating with his own Government on the subject; the inconvenience likely to result from the course Mr. Davies has adopted has speedily become manifest by the request of his Highness the Gaekwar that Bhow Tambekur should be distinguished in a similar manner with Krishna Rao Witul.

I conceive Mr. Davies to have been altogether in error in conceding the favour asked by the last-named person, and though I would not now reverse what our Resident at Baroda has done, I think he should be so informed.

With regard to Bhow Tambekur, I do not conceive that we could have refused the Gaekwar's request, had Mr. Davies apprised us of it, as he ought to have done, before granting it.

Bhow Tambekur is, *de facto*, the minister of the Gaekwar, and certainly more really his confidential agent and trusted servant than he would have been had he

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he been thrust on his Highness by us and maintained in office, irrespective of the prince's will. He is recognised by us in so far as that he frequently transacts business with our Resident as the Gaekwar's agent, though his appointment as minister has never been formally notified to or recognised by this Government, and under these circumstances it appears to me, as I have said above, that we could scarcely have declined to consent to his Highness's wishes.

(signed) *Falkland.*
A. Bell.

11 January 1853.

MINUTE by the Honourable Mr. *Blane*.

MR. DAVIES has not, I think, acted with his usual judgment in this matter.

2. It appears to me desirable that a distinction should be kept up between a formally acknowledged minister (*vide* Sir J. Carnac's Minutes, dated 13th February 1841), and a person merely employed for a time as a "Karbharee."

3. This I am of opinion might be intimated to Mr. Davies, and made by him a ground for discontinuing the distinction, both to Khrishna Rao Wittul and Bhow Tambekur, as it will leave an option to his Highness the Gaekwar to propose the formal appointment of a minister if he should see fit.

12 January 1853. (signed) *D. A. Blane.*

Extract alluded to in the 2d Para. of the Honourable Mr. *Blane*'s Minuta, dated 12th January 1853.

EXTRACT Para. 26 from a Minute by Sir J. R. Carnac, Governor of Bombay, dated the 13th February 1841, detailing Proceeding at Baroda during that and the preceding Month.

Para. 26 I FOUND his Highness extremely averse to the appointment of a minister. He alleged that while he continued to transmit business in person with the Resident, no such appointment was at all necessary, and most earnestly begged to be excused from this stipulation; and that I would give him a written abandonment of our right to insist upon it for ever, or at least during his lifetime. On this point I could not consent to his request; but, observing the intimacy and cordialty which existed between him and Mr. Boyd, I felt no disposition to insist on an immediate nomination. I therefore informed the Gaekwar that so long as he continued on good terms with the Resident, listened to his advice, and avoided all breach of his engagements, I would refrain from insisting on the appointment of a minister, but that I could not abandon our right to enforce this appointment should he adopt a different course from that which he had now pledged himself to pursue.

Extract alluded to in Para. 2 of the Honourable Mr. *Blane*'s Minute, dated the 12th January 1853.

EXTRACT Paras. 42 and 43 from a Minute by Sir *J. R. Carnac*, Governor of Bombay, dated the 13th February 1841, detailing his Proceedings at Baroda, during that and the preceding Month.

42. THERE is but one other subject to which I think it necessary particularly to advert, that is, the obligation on the Gaekwar to appoint a responsible minister, with the approval of the British Government. Syajee Rao's objection to this no doubt arises from the impression that a minister so appointed would claim a nemnook, and that we might interfere to perpetuate his enjoyment of it, as has been done on former occasions. I do not think that even if a minis-

Military Honours to Krishna Rao Wittul and to Bhow Tambekur.

ter were appointed we should be justified in so interfering; and yet a minister without a fitting remuneration, and holding his office at the sole pleasure of the Gaekwar, would be of little service, and could bear no weight of responsibility.

43. Influenced by this consideration, and observing the friendly intercourse which existed between Syajee and the Resident, I deemed it inexpedient to insist upon this matter, so long as the necessity for it was no more apparent than at present; all that I required was, that when it was his pleasure to appoint a karbaree, he should select a man against whom the British Government had no objection to urge according to existing engagement.

Further MINUTE by the Right Honourable the Governor, concurred in by the Right Honourable the Commander-in-Chief and the Honourable Mr. *Bell.*

THE course proposed by my honourable colleague, Mr. Blane, would, in my opinion, unnecessarily mortify and humiliate the Gaekwar, who will of course evade nominating a responsible minister approved by the British Government.

Circumstances are much changed since the date of the Minute of Sir J. Carnac, quoted by my colleague; we have ample means of obtaining from the Gaekwar any concession we can justly demand, without forcing him to take a step so disagreeable to his feelings. His Highness has hitherto proved himself to be much more tractable and compliant than his father ever was, and yet Sir J. Carnac did not insist on the fulfilment of this naturally obnoxious stipulation by Syajee Rao.

I adhere to my Minute of the 11th instant.

(signed) *Falkland.*
F. FitzClarence.
14 January 1853. *A. Bell.*

Further MINUTE by the Honourable Mr. *Blane.*

I HAVE no further remark I wish to offer.

15 January 1853. (signed) *A. Blane.*

Final MINUTE by the Right Honourable the Governor, concurred in by the Honourable Board.

A LETTER may now be drafted in accordance with the opinion of the majority. I should wish it to be circulated for approval before it is despatched.

(signed) *Falkland.*
D. A. Blane.
18 January 1853. *A. Bell.*

No. 321 of 1853.—Political Department.

From *A. Malet,* Esq., Chief Secretary to Government, Bombay, to *J. M. Davies,* Esq., Resident at Baroda.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, No. 6, the 4th instant, and to inform you that Witul Rao Dewajee, the adoptive father of Krishna Rao Witul, was the recognised and guaranteed minister of the Gaekwar Government, to which office the adopted son has not succeeded; you ought not therefore, I am to state, without distinct authority from Government, to have acceded to the request preferred to you by Krishnu Rao Witul, to be received with military honours.

2. The

Military Honours to Krishna Rao Wittul, and to Bhow Tambekur.

2. The inconvenience resulting from your unadvised compliance with this application was speedily manifested, by his Highness the Gaekwar requesting that a similar honour might be paid to Bhow Tambekur.

3. Your having, without reference to Government, complied with Krishn Rao Witul's request was the more inopportune, because in his letter to you, dated the 25th September last, translation of which was forwarded by you to Government, with your letter, dated the 27th of the same month, No. 759, Krishn Rao Witul had solicited, amongst other requests, that he might be "treated with the honours due to his late adoptive father." In reply to this communication you were informed, on the 1st November last, that any further orders which might be considered necessary thereon would hereafter be communicated to you. The above, and the other points alluded to in Krishn Rao Witul's letter, were on the 3d November last, referred for the orders of the Honourable the Court of Directors, whose decision Government had resolved to await before furnishing you with instructions thereon.

4. Bhow Tambekur may perhaps be considered *de facto* the minister of the Gaekwar, and in so far regarded in that capacity by the British Government, that he frequently transacts business with its representative at Baroda, by whom he is received as the agent of his Highness the Gaekwar. The appointment of Bhow Tambekur as the Gaekwar's minister has never, however, been officially notified to, nor formally recognised by the British Government.

5. His Lordship in Council is therefore of opinion that in this case also you ought to have referred for the instructions of Government, previous to complying with his Highness' request of according a similar honour to Bhow Tambekur to that you had granted to Krishna Rao Witul. Government being, however, influenced by a wish to avoid rendering your position any way irksome, will not annul your proceedings in either of these cases; but you are to understand the privilege you have granted to Krishna Rao Witul cannot be confirmed by Government until after a reply shall have been received from the Honourable Court to the despatch referred to in para. 3 of this letter.

I have, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle, 24 January 1853.

(True extract.)
(signed) A. Malet, Chief Secretary.

Replies of Political, Judicial, and Revenue Officers under the Bombay Presidency, on the subject of "Khutput."

Replies of Officers under the Bombay Presidency on Khutput.

Extract Political Letter from Bombay, dated 17 September (No. 69) 1851.

8. For reasons explained in the proceedings which form Collection No. 4, accompanying this despatch, we, on the 15th May 1850, caused the following Circular to be issued to the heads of the several departments in the Political, Revenue, and Judicial branches of the service :—

"Government has been led to believe that an impression prevails in some parts of the Mofussil that by means of intrigues at the Presidency, the arrangements of the local officers can often be defeated or superseded by the parties interested secretly obtaining the friendship of persons in power,

Circular:
Political Consultation, 1849:
30 May, No. 4077 to 4079; 31 Oct. No. 8990.
Political Consultation, 1850:
22 May, No 3999 to 4003; 12 June, Nos. 4629 and 4630; 12 June, No. 4794 to 4797; 10 July, Nos. 4962 to 4964; 10 July, No. 5283; 31 July, No 6159; 21 Aug. No. 6889; 30 Oct. Nos. 9028 and 9028 (A); 4 Dec No. 9981.
Political Consultation, 1851:
22 Jan. No 499; 5 Feb. Nos. 768 and 769; 28 April, No. 2658; 7 May, Nos. 3353 and 3354.
Revenue Consultation, 1850:
22 May, No. 8060.

Replies of Officers under the Bombay Presidency on Khutput.

power, who, it is expected, will, irrespective of right or wrong, interest themselves for the party soliciting their favour, and that, by these means, objects are obtainable which, if left to be sifted and reported on in a deliberate and regular manner, could never be secured.

"This species of intriguing is termed in the Muratha and Canarese districts, 'making khutput in Bombay,' and is stated to be regarded as a remedy under difficulties of whatever kind. It is even held to be considered as effectual in obtaining the restoration to place of official servants, who for incapacity or dishonesty have been discharged from the Government service, and to be even capable of effecting the release from gaol of a convicted criminal.

"A belief in the existence of a system of this nature is calculated greatly to embarrass the officers of Government, and to undermine the confidence of the ryots in the justice of the system by which they are governed. I am accordingly directed to request that you will have the goodness to report, after making any inquiries you may deem requisite, whether you have reasons for supposing that any such belief prevails generally, or amongst any particular class of persons within the limits of your charge; and, if so, that you will offer any suggestions that may occur to you as to the best means for eradicating the same."

9. We have received replies (copies of which accompany this despatch), from all the authorities to whom the above circular was addressed, with the exception of the Resident at Baroda, and the collector in Khandesh. The former of these officers, in a letter dated the 14th April last,* has explained the cause of the delay in submitting his report on this subject, and the attention of the collector in Khandesh has been again called to the subject. After the receipt of these replies, our further proceedings will be reported to your Honourable Court.

* Copy of which forms Enclosure No. 30, to Collection No. 4.

No. 87 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. In continuation of our Political Despatches mentioned in the margin,† we beg to forward to your Honourable Court extracts from our further proceedings on the subject of the alleged prevalence under the Bombay Presidency of a system of intrigue designated "Khutput."

† Despatch dated 17 Sept. No. 69 of 1851. Despatch dated 29 Nov., No. 89 of 1851. Despatch dated 22 May, No. 55 of 1852.

2. In the 9th paragraph of our Political Despatch, dated the 17th September, No. 69 of 1851, we forwarded to your Honourable Court copies of the replies we had received from the heads of the several departments in the Political, Revenue, and Judicial branches of the service, to the reference we had caused to be made to them on this subject in the Government circular of the 15th May 1850. We at the same time stated that the Resident at Baroda and the collector of Khandeish had not, at the date of the above despatch, submitted their report upon this subject. Copy of the former officer's report was forwarded to your Honourable Court with our despatch, dated the 22d May last, No. 55; and a copy of the reply from the collector in Khandeish, dated the 17th December last, accompanies this despatch.

3. For our sentiments generally upon the above reports, we beg to draw the attention of your Honourable Court to a minute by our Right Honourable President, dated the 2d instant, concurred in by the Honourable Mr. Blane, and to one by the Honourable Mr. Bell, dated the 4th instant, and to state that effect has been given to the several resolutions contained in the former of these minutes.

4. Such of the former proceedings of this Government alluded to in our Right Honourable President's minute as have not been already forwarded to your Honourable Court, accompany this despatch.

We have, &c.
(signed) *D. A. Blane.*
A. Bell.

Bombay Castle,
14 September 1852.

Replies of Officers under the Bombay Presidency on Khutput.

EXTRACT Political Letter from Bombay, dated 3 November (No. 109) 1852.

Para. 2. WITH our despatch, dated the 14th September last, No. 87 of 1852, we forwarded to your Honourable Court copy of a letter * we had on the preceding day addressed to the Government of India, submitting to that authority for such notice, as they might appear to deserve, extracts from a letter from Mr. W. E. Frere, in his capacity of Commissioner, under Act 37 of 1850, for the trial of Nursoo Punt, late Native Agent at Baroda, on charges of bribery and corruption, together with extracts bearing on the same subject from Lieutenant-colonel Outram's report on khutput, in which were noticed defects which these officers consider exist in the above Act, and certain amendments in the Act were suggested for the consideration of the Legislature.

* *Vide* Enclosure No. 6, to Collection No. 2.

3. We now beg to forward copy of a letter from Mr. A. R. Young, Under Secretary to the Government of India in the Legislative Department, intimating to us, in reply to the above reference, that "after giving the matter attentive consideration, the Governor-general in Council is of opinion that the necessity for change in the law has not been made out."

No. 117 of 1852.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

1. WITH reference to Enclosure No. 12, to Collection No. 2, accompanying our Political Despatch to your Honourable Court, dated the 14th September last, No. 87 of 1852, we beg to forward copies of two memoranda by our Judicial Secretary, dated the 19th ultimo, and the 10th instant, reporting the result of his interview with Juggonath Sunkersett, Esq., on the subject of his name having been made use of in the intrigues alluded to in the correspondence noted in the margin.†

† *See* below.

We have, &c.
(signed) *D. A. Blane.*
A. Bell.

Bombay Castle,
16 November 1852.

No. 39 of 1853.—Political Department.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Honourable Sirs,

IN continuation of Enclosures Nos. 8 and 9 to Collection No. 2, accompanying our Political despatch to your Honourable Court, dated the 14th September, No. 87 of 1852, we have the honour to forward copy of a memorandum by our Revenue Secretary, dated the 5th January last, and of one by our Chief Secretary, dated the 14th ultimo, submitting information those gentlemen had been requested to furnish connected with alleged cases of khutput in political and revenue matters, alluded to in the replies returned by our officers employed in those departments to the Government circular addressed to them in May 1850, calling for their report as to the existence or otherwise of a belief by the native community residing within the limits of their charge, that objects otherwise unattainable may be accomplished by corrupt means.

We have, &c.
(signed) *Falkland.*
Frederick FitzClarence.
D. A. Blane.
A. Bell.

Bombay Castle, 29 March 1853.

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† Enclosures No. 20 and 45 to Collection No. 4 to Political despatch, dated the 17th September, No. 69 of 1851.
Para. 22 of Enclosure No. 2, and Enclosure No. 12 to Collection No. 2 to Political despatch, dated the 14th September, No. 87 of 1852.

Replies of Officers under the Bombay Presidency on Khutput.

Political Department, dated 20 April (No. 15) 1853.

Our Governor in Council at Bombay.

Political letters, dated 17 September (No. 69) 1851, p. 819. 14 September (No. 87) 1852, entire. 3 November (No. 109) 1852, pp. 2, 3. 16 November (No. 117) 1852, entire.

Para. 1. WE now reply to the communications noted in the margin, transmitting the answers of the Political, Judicial, and Revenue officers under your Government, to a letter addressed to them on the 15th May 1850, calling for reports on the alleged existence among the natives of India of a belief in the efficacy of what is termed khutput; *i. e.*, attempts to obtain favourable decisions from the officers of Government and the courts of justice, by private solicitation and influence, through the agency of money or otherwise, at Bombay.

2. You were induced to issue your letter, by a case to which your notice was called by Mr. Hart, the Enam Commissioner, on the 15th of April 1850. It appears that in 1842, an action was brought in the Poona Adawlut by one Himmunt Bhickajee Hurrup, against the family of the late Ramchunder Chowdree, for a sum equal to the amount of one year of the pension granted by Government to the chowdree's daughter; the claim being grounded on a deed of agreement executed by the defendants, promising that amount to the plaintiff in case the pension were obtained within two months. As the pension was granted before the time specified had elapsed, the moonsiff gave a decree in favour of the plaintiff, which decree was reversed by the acting assistant judge (Mr. Hart himself), but affirmed on appeal by the Sudder Adawlut on the 8th August 1843.

3. It is obvious that a very pernicious impression must be made on the natives of India, by seeing our courts of justice lend themselves to the enforcement of an engagement to pay money for services generally believed to be of an illicit nature, in obtaining a decision from Government. It is a recognised principle of law, that no court of justice ought to enforce a contract founded on a consideration contrary to morality or even to public policy; and if to prevent such engagements as the one in question from having legal force under your Presidency, any additional enactment be necessary, application should be made to the Legislature of India for that purpose.

4. You directed various officers in the Mofussil to report, whether it was within their knowledge that there existed among the natives of India a belief that a reversal of the decisions of the local authorities might be obtained by the employment of influence at the Presidency. Their replies are almost unanimous in testifying to the generality and inveteracy of the belief.

5. The prevalence of such a belief cannot but affect most injuriously the reputation of the Government, and weaken its moral power. We regret to say that it is clear from the papers before us, that a persuasion of the efficacy of khutput to compass its ends is by no means confined to the native community. There appear, in the answers to your circular letter, indications in several instances, and plain statements in others, which demonstrate that the very officers of the Government, and those not of the lowest rank, entertain the conviction that khutput is not mere delusion practised upon ignorant persons at a distance from Bombay by crafty intriguers at the Presidency, but that the system may be worked to such purpose as really to effect the restoration to office of native servants properly dismissed, and even the reversal of sentences pronounced upon wealthy men, justly convicted of crime. Mr. Bazett, the judge of Khandeish, mentions several instances in which for some reason the conviction of rich men had been on appeal annulled; and states that, having "carefully examined the records of the Adawlut from the date of Khandesh being made a separate judgeship, the result certainly seems such as might possibly encourage the opinion, at least, that the wealthy and influential or their friends are more successful in obtaining the reversal of the sentences passed against them than the poorer classes." Mr. Elphinston, the collector of the same district, cites a case which he believes to have been one of successful khutput; uses language which implies his belief, that the serishtadars in the Sudder Court are frequently the agents of the system; and adds, "from the prevalence of the belief that the expenditure of money can indirectly purchase the reversal of an unfavourable decision, I fear there must be some foundation in truth to account for the rumour." Mr. Shawe, the Revenue Commissioner, says,

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says, "In the Southern Mahratta country, I have frequently heard from natives and European missionaries, who converse freely with the inhabitants of the country, that no wealthy man could be brought to justice, and that if so, and convicted, his punishment would hereafter be remitted. There is an idea (doubtless erroneous) amongst natives, that if a party can afford to entertain an European vakeel, or pleader, he will carry his case. I was upon one occasion told by a native judge, that it was usual for every sudder ameen and moonsiff to fee the visiting Judicial Commissioner's sheristudar. The same or similar (no doubt unjust,) reports I have heard freely discussed in Googerat and other places." Mr. H. Harrison, the judge of Ahmedabad, says, "The belief in the efficacy of such a system is not likely to be altogether without foundation; the natives are not in the habit of parting with their money without due consideration, and unless they entertained reasonable hope of obtaining the end desired, they would not risk it in Presidency intrigues." The testimony above recited has reference to the Sudder Court.

6. In the Political Department, the evidence of the majority of the officers who answered your circular letter is still more positive as to the great extent to which khutput is attempted both by native princes or their ministers, and by individuals, and of the general belief that the decision of Government on important questions may be influenced by khutput. It is not necessary to specify the instances, both recent and in former years, in which proof has been obtained that large sums of money have been expended by native sovereigns or their ministers, and by other persons, under this belief.

7. Your President, in his minute, reviewing the replies to your circular letter, says, "It would appear from the reports of our functionaries, employed in the several departments in the Mofussil, that they are all but unanimous, both as to the influence among the native community of the idea regarding khutput, and the detrimental effects of that idea on the native mind. At the same time, on an attentive perusal of the various replies furnished in accordance with our requisition, I am utterly unable to attribute the general inclination to place reliance on indirect or discreditable means of obtaining an end, either to the existence of improper conduct on the part of our European or native officers, or to any inference that can be fairly drawn from the conduct of Government itself." He adds the expression of his "very decided opinion that the members of the service under the control of Government are as upright a body of officers as any in the world," and that "the belief regarding the efficacy of khutput is attributable not to any system of wilful favouritism, still less to venality on their part, but to the low morality of the native community," who have been accustomed, from time immemorial, under the despotic rule which the British Government superseded, "to look for the redress of their grievances, or the attainment of their objects, through efforts to influence, in an illegitimate manner, authorities totally regardless of fixed and determined principles, or of public opinion, and swayed solely by the dictates of personal interest or caprice." In the opinion thus expressed of the integrity of our covenanted service we are happy to be able to concur. But the strongest conviction on our part, and on the part of your Government, of the purity of the service, can produce no effect in removing from the mind of the native population their belief in the efficacy of khutput. It is obvious, moreover, that an opinion which, however unfounded, it may be, is generally prevalent, that corrupt influence may be largely and successfully practised, must shake the confidence of the public in the administration of justice, nearly as much as if the practice really existed. Ignorant persons, and those at a distance, are unable to distinguish whether it is the judge of the Sudder Court or his sheristadar, the Resident or his native agent, who is to be approached in this illicit manner, and thus their respect for the decisions of the courts of law, and for the character of even the highest officers of the Government, must be impaired. No doubt there is much truth in the sentiments stated by your President in the passage above quoted, with regard both to the origin of the belief in the efficacy of illegitimate influence, and to the impossibility of entirely eradicating it by the mere efforts of the Government and its officers, until the minds of the native community are raised to a higher standard of morality. But we have no reason to suppose that that standard is lower throughout the provinces subject to Bombay, than in other parts of British India; where, nevertheless,

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nevertheless, neither the practice which is designated by the term khutput, though doubtless of occasional occurrence, nor the general belief in its efficacy, appears to prevail to any thing like the extent to which they are proved, by the almost unanimous testimony of the highest and best informed of the Mofussil authorities, to prevail throughout your Presidency. Indeed, the circumstance that these practices have received at Bombay a distinctive name, whilst elsewhere in India they must be described in order to be understood, is in itself sufficient to demonstrate their far more general prevalence in the one case than in the other. It is obvious, therefore, that we must not rest satisfied with attributing an evil which, with reference to its extent and virulence, may be termed peculiar, to a cause so universal in India as the low moral condition of society; and that, consequently, we are not bound to the conclusion that it could not be mitigated, at least, if not in a great measure removed, by means far more simple and speedy in their operation, than any by which we could expect to effect the regeneration of a people.

8. Looking then, as it is evident we must look, for the special causes of an exceptional state of things, a careful consideration of the replies of the local authorities to the circular letter which you addressed to them respecting the system of khutput, has led us to think that the prevalence of that system at Bombay may in some degree be ascribed to a difference in practice between the administration of that Government and the Governments of the other Presidencies respectively. It would seem that, from an over anxiety to maintain a vigilant supervision and control over officers exercising high and responsible functions at a distance, appeals from them to your Government have been so much encouraged as both to weaken the hands of the Mofussil authorities, and to throw upon the Government a great mass of business which might well have been disposed of by competent officers and tribunals at a distance from Bombay; and that the effect of this undue centralisation has been to draw to the seat of Government, in person or by deputy, every individual who has a real or imaginary right to assert or grievance to redress. And these parties are thus brought into contact with a class of persons who have not only the means, but a direct interest in persuading them of the possibility of exerting their influence, and who, probably, derive no inconsiderable profit from the imposition which they practise on the ignorant and unwary: a state of things which naturally tends to its own perpetuation and increase, and to the engendering, in such a condition of society as your President has spoken of, the most corrupt and mischievous abuses.

9. Whatever tends to diminish this disposition to resort to Bombay, will, of course, diminish this evil; and several of the officers whom you consulted appear to us to take a correct view on this point. The letter of Mr. H. B. E. Frere, in particular, seems to be very deserving of attention. He quotes, as a notable instance of the belief in khutput, the case of the ex-rajah of Sattara, who, we doubt not, relied on its efficacy not only in India, but in England also. He states that the delusion arises principally from those whom he designates the "swindlers of the metropolis." And he says that, to put an end to the delusion, "the most effectual measure of all would be an alteration of the system under which, at present, an appeal lies to Government from the acts of local functionaries." Therefore he proposes that the "Government should make over entirely to the various high functionaries, who go on circuit, the duty of receiving and disposing of such petitions,* only those which are of real importance, and require the decision of Government, being sent up with all the materials for forming a judgment, and disposing of the case accompanying them."

* Such as described in paras. 30 and 31 of his letter.

10. We may observe, with reference to the suggestions offered in the foregoing paras., that the Governments of Bengal and of the North-western Provinces have gradually, and upon system, during many years, invested the superior courts and boards, and even the Commissioners of Revenue, with the power of disposing finally of many important matters, which, according to former rules of practice, were reserved for the orders of the Government itself; and the best effects have resulted from this system as regards the general working of the administration. We are of opinion that you will do well to apply to the Supreme Government for such information on this point as may enable you to judge how far such rules of practice as we have here adverted to may,

Replies of Officers under the Bombay Presidency on Khutput.

may, in their spirit, *mutatis mutandis*, be applied to the conduct of affairs at your Presidency. We are satisfied that that system will be found to work best in all parts of India which proceeds upon the principle of carefully selecting trustworthy instruments for high and responsible office, and then reposing in them full trust and confidence; leaving them to be governed by the regulations and the general rules of practice laid down for their guidance, with a studious abstinence, on the part of the Government, from all interference except in matters of serious importance.

11. The adoption of measures such as we have thus briefly indicated will no doubt tend to check the resort to Bombay of persons practising or attempting to practise "khutput"; but even this will be of little avail, unless the greatest vigilance is exercised in the control and superintendence of the different establishments of the officers at Bombay. We have on various occasions within the last few months been under the necessity of adverting to this subject; and the disclosures as to the conduct of many of your public servants in subordinate situations, both European and native, have been most discreditable. We cannot on this subject do more than repeat the instructions which are contained in paragraphs 26 and 27 of our letter in this department of the 23d of June 1852, No. 19, in which we observed:

"The malpractices which it has been our painful duty to notice among the subordinate functionaries in the Government offices in your Presidency, have been continued through so many years, and are of a character so injurious both to the public interests and to the reputation of the British Government, that you ought not to shrink from the exercise of any severity which may be necessary for their entire suppression. Prosecution in a criminal court should be had recourse to, when legal evidence can be obtained in any case. All persons, either directly or indirectly concerned in the corrupt receipt of money, or in divulging the secrets of Government, or in the clandestine communication of official documents, or being even cognisant of such practices without bringing them to the notice of their superiors, should be dismissed from office, and their employment in any department of the public service strictly interdicted.

"In cases where it may not be possible to fix the breach of trust upon a particular individual, but where it may be ascertained that it has been committed in some branch of a department, reluctant as we should be to inflict injury on any who may be innocent, we should feel it our duty to dispense with the service of the whole body rather than fail to reach the treacherous and corrupt members of it."

12. These directions appear to contain all that can be said in respect to the officers of your establishments.

13. We observe that it is stated by several of the local officers that judgments are often reversed in the Sudder Courts for mere trifling defects of form, and that these decisions, being at variance with the common belief as to the justice of the case, are popularly attributed to khutput.

14. It would be improper on the part of the executive Government to attempt to interfere with the judges of the Sudder Court in the exercise of their judicial functions, but it would be quite proper to bring these observationst o their notice.

15. It is essential to the ends of justice, especially in a country under such social circumstances as India, that decisions, substantially just, should not be lightly reversed on grounds purely technical. We should wish you to request the judges of the Sudder Court to consider whether they might not obviate this evil, which is in truth one of the greatest consequence, quite independently of the confirmation afforded by it to the belief in khutput, by some alteration in their rules of practice, for the purpose of simplifying their proceedings; and if, to give effect to such alteration, additional legislation be necessary, the subject should be brought to the notice of the Indian Legislature.

16. Of the importance of giving the utmost publicity to the reasons on which decisions, whether by yourselves or by the Sudder Court, are founded, you seem to be already fully convinced, and you have taken measures to give effect to that sound principle. The Sudder Court ought, moreover, to be clearly apprised of the injurious suspicions which appear to prevail in regard to the alleged frequent and successful use of corrupt means, for the purpose especially

Replies of Officers under the Bombay Presidency on Khutput.

of obtaining the reversal of sentences passed by authorities in the Mofussil, dismissing native servants or condemning wealthy individuals. The allegations affecting the integrity of their serishtadars should be thoroughly investigated by the judges, and those who, after such inquiry, may appear to lie under grave suspicion should be at once removed from office.

17. We trust that by carrying out the above instructions, you will have applied the most efficient remedies to any evil or corrupt practices at the seat of your Government. But at the same time that this is done, it will manifestly be necessary to use every precaution in order to prevent the like practice from striking root in the several offices in the Mofussil, whether fixed or of circuit, which may be made the depositaries of appellate jurisdiction. You can hope to effect this, upon which the good result of any change of administration must entirely hinge, only by taking the greatest care in the primary selection of the best officers for the exercise of the highest local authority; and by warning them against any such relaxation of constant vigilance on their part as would permit even the semblance of power for good or evil being vested in the subordinate officers of their several establishments. Any failure in this respect would certainly lead to the courts of the Commissioners of Revenue or circuit being made the focus of intrigues, as active and mischievous as those which are now alleged to be carried on at the Presidency, with the aggravation of being further removed from the influence of whatever of healthy public opinion may obtain in the larger and better educated community at Bombay.

18. If such proper vigilance be exercised, we trust that great advantage may accrue from a change of system which shall preclude the interference of the Government with every thing coming under the head of administrative details, and leave all business which is not of the highest importance to be finally disposed of by those functionaries who may be selected to superintend and control the executive local authorities.

19. We are of opinion also, on the same principle which has led us to recommend relying more on the judgments of your superior officers, that you ought to be extremely cautious in interfering with their discretion in dismissing the subordinate public servants employed under them. They must naturally be the best judges of the qualifications, and services, and honesty of the persons immediately under their own constant observation; and if persons dismissed by them have not availed themselves within a reasonable time of appealing to the controlling authority, they ought not to be restored.

20. The observations which we have made as to the conduct to be pursued by you and by your officers within the Presidency, apply with equal force to your conduct as regards the Residents and officers in the Political Department beyond the Presidency, and to their conduct also in regard to the persons employed under them.

21. It is, indeed, with regard to matters connected with this branch of the service that the most serious cases of corruption, and alleged corruption of khutput, and attempted khutput, have occurred; and beyond anything that may be done with respect to persons in the employment of your Government, we should wish that intimation should be conveyed to the native courts which are in any way dependent upon, or connected with, the Presidency of Bombay, that whatever power of control or interference we have a right to exercise with them will be exerted to the utmost for the purpose of bringing to punishment any of their ministers or servants who may hereafter be found to have been implicated in transactions of this description.

22. With respect to one of these native courts, that of Baroda, so much has been disclosed in recent transactions of the corruption prevalent there, and of the existence of secret communications for evil purposes with persons at Bombay, including some of the subordinate officers in the Government offices, to which the near neighbourhood of the two cities affords great facility, that we have under our consideration a step, for which many reasons exist, namely, that of placing the Resident at the Guicowar's court, and the political relations with his territories, under the direct superintendence of the supreme Government of India.

23. It

23. It will be necessary for us, however, upon this question to communicate with the Governor-general in Council.

We are, &c.
(signed), *R. Ellice.*
J. Oliphant.
London, 20 April 1853. &c. &c. &c.

Political Department, dated 8 June (No. 22) 1853.

Our Governor-general of India in Council.

Para. 1. We have recently addressed a despatch to the Bombay Government respecting the measures necessary to be taken for correcting the impression which recent information has shown to be widely prevalent among the natives on that side of India, that the proceedings of Government may be affected by the employment of undue influence, personal or pecuniary, at Bombay.

2. Although it is said that scarcely any part of the Bombay territories, or of the native states connected with the Bombay Government, is free from this injurious belief, the place where it appears to be strongest, and to exist in the worst form, is Baroda; and that place also has furnished by far the greatest number of incidents, which have in various ways more or less tended to confirm an impression so pernicious to the public, and so dishonouring to British rule.

3. We are convinced that we cannot deal so effective a blow at this belief, which, however groundless in general, cannot but be most injurious to the honour and interests of the British Government, as by transferring the control of our relations with the Guicowar state from the Government of the subordinate Presidency to the Governor-general of India in Council; and we communicated our view of this subject to the Government of Bombay, in the concluding paragraph of our despatch above referred to, as follows:

"We should wish that intimation should be conveyed to the native courts, which are in any way dependent upon or connected with the Presidency of Bombay, that whatever power of control or interference we have a right to exercise with them, will be exerted to the utmost for the purpose of bringing to punishment any of their ministers or servants who may hereafter be found to have been implicated in transactions of this description.

"With respect to one of those native courts, that of Baroda, so much has been disclosed in recent transactions of the corruption prevalent there, and of the existence of secret communications for evil purposes with persons at Bombay, including some of the subordinate officers in the Government offices, to which the near neighbourhood of the two cities affords great facility, that we have under our consideration a step for which many reasons exist, namely, that of placing the Resident at the Guicowar's court, and the political relations with his territories, under the direct superintendence of the Supreme Government of India.

"It will be necessary for us, however, upon this question to communicate with the Governor-general in Council."

4. There can never exist between the seat of your Government and the capital of the Guicowar the same degree of intercourse that must always exist between Bombay and Baroda. The dependents of the Guicowar will not have relations and connexions resident in your neighbourhood, and employed in your offices; and the only link between your Government and his Durbar will be your duly constituted Resident at Baroda.

5. Such a transfer would indeed only be in conformity with a plan which has been heretofore suggested, that of placing all British officers accredited to native states under the immediate control of the Supreme Government of India. There are many reasons for adopting such an arrangement, into which it is unnecessary for us at present to enter. We will not now discuss the general question. We allude to it only for the purpose of remarking that there are

Replies of Officers under the Bombay Presidency on Khutput.

arguments in favour of the system which we desire to introduce as regards Baroda, independently of those applying at the present time peculiarly to that state.

6. We have not arrived at the opinion we have expressed, without being aware that the change we contemplate will be attended with some inconvenience. There is no other state in India of which the interests, and even the territories, are so much intermixed with the possessions and concerns of British subjects, or of persons entitled to British protection, as the state of Baroda. The petty princes and chiefs, from whom we collect tribute for the Guicowar, are several hundred in number; and if the affairs of these chiefs, as well as those of the superior state, were transferred to the direct superintendence of your Government, numerous questions would still arise in which those chiefs or their dependents, or in which the Guicowar or his subjects, would be interested on one side, and on the other British subjects or dependents, who would necessarily remain under the control of the Bombay Government; and these questions might become matter of argument before the Government of India. But we should hope that, if care is taken in selecting your representative at Baroda, any serious difficulty may be avoided.

7. It is also true that all the acquired knowledge which exists among our servants respecting the rights, usages, tenures, and social relations of Guzerat, as well as respecting the history of past transactions in that province, is confined to the Bombay Government and its officers, and almost all the documents which can be referred to in default of such personal knowledge are recorded only at Bombay. Some time may therefore elapse before your Government and its officers will be, in point of experience, equally well qualified with the Bombay Government and its officers for the administration of Guzerat affairs.

8. But, notwithstanding these objections, we deem it of such paramount importance to take every step in our power with a view to putting an end to the systematic mal-practices, of the prevalence of which we have had of late such deplorable proofs; that it is our desire that you take this subject into your immediate and serious consideration; that you enter into communication respecting it with the Bombay Government, to whom we shall send a copy of the present despatch; and that, after having duly weighed whatever that Government may urge on the question, you report to us your opinion of the manner in which the transfer may be made with the least practicable delay, and the arrangements which you would recommend for the purpose of effecting it.

We are, &c.
(signed) *R. Ellice.*
J. Oliphant.
&c. &c.

London, 8 June 1853.

Extract Bombay Political Consultation, 30 May 1849.

No. 1083.

From *W. Hart*, Esq., Enam Commissioner, to *J. G. Lumsden*, Esq., Secretary to Government, Bombay.

Sir,

On the 23d May 1839 a letter, No. 962 in the Political Department, was addressed by Government to the agent for Sirdars in the Deccan, intimating the grant by the Supreme Government of India of a pension to Ramchunder Chowdree's daughter of 1,500 rupees per annum, to commence from the 31st of the preceding January.

2. I have the honour to request that you will be so kind as to inform me on what date the sanction of the Supreme Government here alluded to was received in Bombay, as this information will probably enable me to expose a breach of trust with which it seems important that Government should be made acquainted.

I have, &c.
(signed) *W. Hart*,
Enam Commissioner.

Dharwar, 26 April 1849.

MINUTE by the Honourable Mr. *Willoughby*, concurred in by the Honourable Mr. *Bell*.

No. 4078.

THE sanction is communicated in the letter from the Secretary with the Governor-general, and is dated Simla, 4th April 1839.

It may have reached this Government about the 16th or 17th, but there is no means of determining positively, as no register was then kept of the receipt of letters. Mr. Hart may be informed of the supposed date of receipt.

(signed) *J. P. Willoughby.*
D. A. Blane.

12 May 1849.

No. 2114 of 1849.—Political Department.

From *W. Courtney*, Esq., Acting Secretary to Government, to *W. Hart*, Esq., Enam Commissioner.

No. 4079

Sir,

I AM directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter dated the 26th ultimo, No. 1083, and to inform you that the communication from the Secretary with the Right Honourable the Governor-General, authorising the grant of a pension of 1,500 rupees per annum to Ramchunder Chowdree's daughter, is dated Simla, the 4th April 1839, and may have reached this Presidency about the 16th or 17th of that month; the exact date of receipt cannot, however, be now ascertained.

I have, &c.
(signed) *W. Courtney,*
Acting Secretary to Government.

Bombay Castle, 17 May 1849.

Extract Bombay Political Consultation, 31 October 1849.

No. 4568 of 1849.—Political Department.

From *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to *W. Hart*, Esq., Enam Commissioner.

No. 8938.

Sir,

WITH reference to your letter, dated the 26th April last, No. 1083, and to Mr. Acting Secretary Courtney's reply of the 17th of the following month, No. 2114, connected with the grant by the Supreme Government of a pension of one thousand five hundred (1,500) rupees per annum to the daughter of Ramchunder Chowdree, I am directed by the Right honourable the Governor in Council to request that you will be pleased to report whether anything has been subsequently elicited tending to confirm your suspicions that a breach of trust has been committed in connexion with this case.

I have, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle, 26 October 1849.

Replies of Officers under the Bombay Presidency on Khutput.

Extract Bombay Political Consultation, 22d May 1850.

No. 1901.

No. 3999. From *W. Hart*, Esq., Enam Commissioner, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to reply to your letter, No. 4568, dated 26th October 1849. This letter referred to a correspondence originated by me with reference to some circumstances not immediately connected with my present office, so that it was not in the Acting Enam Commissioner's power to answer it during my late absence.

2. In my letter No. 1083, dated 26th April 1849, to which yours under reply refers, I stated that I considered it probable that some information sought by me would enable me to expose a breach of trust connected with the grant of a pension to Ramchunder Chowdree's daughter. Perhaps the most satisfactory course I can follow in explaining the grounds on which I formed this opinion will be to submit a simple narrative of the circumstances which led me to adopt it.

3. In a suit, No. 3232, filed in the Poona Adalut on the 5th May 1842, one Hunmunt Bhikajee Hurrup (whose mookhtiar was Dajee Wamun Putwardhun), sued three persons of the late Ramchunder Chowdree's family for a sum equal to the amount of one year's pension granted to Ramchunder Chowdree's daughter, on the grounds that this was promised in a kurarnama, or deed of agreement, executed by the defendants.

4. The deed of agreement was dated on the 1st April 1839, and purported, that whereas Hunmunt Bhikajee Hurrup had employed himself (oodyôg chalvila ahi) in getting Government to grant a nemnook to one of the chowdree's family, it was therefore agreed that he should receive from them a sum equal to the nemnook for one year, provided that within two months from that date an order for the grant of the nemnook should be received in Poona by the collector or agent for Sirdars.

5. The genuineness of the deed of agreement was proved, and it was shown that the order of Government for the grant of the nemnook had been received by the agent for Sirdars a few days before the expiry of two months from its date. The moonsiff therefore decreed for the plaintiff.

6. But, in appeal, the acting assistant judge held, that though the deed was really executed, and though the order for the grant of the nemnook was received in Poona within two months from its date, the plaintiff, Hunmunt Bhikajee, was not entitled to recover on it, because there was nothing to show that it was owing to his exertions (a condition implied in the deed) that the pension had been granted, because no exertions of any kind had been proved; and because, if any such exertions had been made, they must have been *primâ facie* illegal and irregular, not being made through the agent for Sirdars, the officer appointed to communicate with Government on such subjects. The acting assistant judge therefore annulled the moonsiff s decree.

7. The acting assistant's decree was, however, in its turn reversed by the Court of Sudder Dewanee Adalut, on the grounds that the note of hand (kurarnama) was proved "correct," and that the pension was granted, according to the condition, within two months; the Court further stating, that the appellant (original plaintiff) appeared to have rendered service that was useful in forwarding the views of the family, though their decree does not state how this appeared.

8. The decree of the Sudder Adalut was of course final in the case, but I confess that it was not enough to satisfy me (who was the acting assistant judge above referred to), that some great abuse had not been perpetrated. As it was impossible to believe that the nominal plaintiff, Hunmunt Bhikajee Hurrup, could really have had any influence with Government in obtaining the pension alluded to, I could not help fancying that the news of the grant of that pension must

must have reached him (through some breach of confidence), before the date of the kurarnama, and that he had then got the defendants to execute it, by inducing them to believe that he had been and could be useful in obtaining from Government the nemnook; but as the deed is dated 1st April, and as you have informed me that the sanction for the pension could not have reached Bombay till about a fortnight after that date, this supposition must have been incorrect.

9. At the same time, I beg most sincerely to disclaim all intention of adopting the opinion which seems to be implied in the decree of the Court of Sudder Dewanee Adalut; for I can never believe that Government, having an agent at Poona for the settlement of such claims as the chowdree's, could be influenced by any Hunmunt Bhikajee Hurrup.

10. With this explanation of my reason for imagining the breach of trust alluded to in my former letter, No. 1083 (but which now appears not to have been committed), I beg to forward a copy of the decree of the Court of Sudder Dewanee Adalut in the case alluded to, as Government may probably wish to call for the proceedings connected with it, should it seem advisable to institute inquiries as to who and what the appellant Hunmunt Bhikajee and his Mookhtiar Dajee Waman are, and whether or not a traffic in kurarnamas of the nature of that filed in the chowdree's case is common; for it is evident that the existence of such a traffic must be mischievous, as leading to the belief that pensions and similar grants are purchasable, and that their purchase is recognised by the highest court of law in the country.

11. In concluding this letter, called for by the particular case to which it relates, I trust I shall be pardoned for adverting to a general subject of the same nature. There unfortunately exists among the inhabitants of this part of the country, and I fear elsewhere, an idea that intrigues at the Presidency will often defeat or supersede the arrangements of local officers in the Mofussil; I do not mean by the course of open appeal from the local officer's orders, but by secretly making friends in high places, who will, irrespective of right or wrong, interest themselves for the intrigue; and that this sort of patronage will often enable a person to obtain objects which he could have no chance of obtaining, were the propriety of them left to be sifted and reported on in a deliberate and regular manner.

12. This sort of intriguing is here familiarly called "making khutput in Bombay;" and such "khutput" is looked upon as a remedy for all sorts of difficulties. It is considered as of sufficient virtue to obtain the restoration to place of an official servant dismissed for incapacity or dishonesty, or even the release from gaol of a convicted criminal.

13. Should Government feel inclined to look upon what I have stated as a chimerical idea of mine, I trust that it may not be condemned as such until the existence of the mischievous belief which I have asserted to exist be tested, as it may most easily be by a reference to the judges, collectors, and other heads of departments throughout the Presidency. I feel confident that, if such a reference be made, Government will be startled by the extent to which the belief will be found to prevail, and by the amount of embarrassment caused by it to their local officers. The latter might at the same time be able to offer some suggestions as to the best means of checking the existence of such a belief, which is evidently calculated to undermine the confidence of the ryots in the justice of the system by which they are governed.

I have, &c.
(signed) *W. Hart,*
Enam Commissioner.

Bombay, 17 April 1850.

Replies of Officers under the Bombay Presidency on Khutput.

Bombay, Tuesday the 8th August 1843.

In the Sudur (Seal) Dewanee Udawlut.

No. 2038, Appeal.

Hunmunt Bhicajee Hurup, his Mooktiyar Dajee Wamun Putwardhun, Appellant, *v.* Roopram Bin Ramchunder Row Chowdree, Respondent.

Rupees 1,500.

In this case, appellant prays the reversal of a Decree passed in the Court of the Assistant Judge of the Zillah Poona, setting forth that appellant originally sued in the Court of the Moonsiff of said Zillah, to recover the amount of one year's pension on the ground of a kararputru (a note of hand) having been executed in his favour by the respondent and two others, Dhunsing and Dowlitram Chowdree, stipulating that should his exertions prove successful in getting a nemnook (allowance) sanctioned by the Government, he should be remunerated with one year's pension. That two of the defendants, in answer, offered general objections to the claim, and the last one admitted the truth of the note of hand. That the moonsiff found the truth of the note of hand fully established, and as the pension was proved to have been granted within the time specified therein, he gave judgment in the favour of appellant, against the present respondent only. That the assistant judge, in appeal by the respondent, fully admitted the correctness of the note of hand; but considering that as it did not appear that the appellant either could have done or did do any service towards obtaining the pension for respondent from Government, and moreover that had he done any, the performance would have been illegal, he reversed the judgment of the moonsiff, and rejected the claim altogether.

Whereat, holding himself aggrieved, appellant preferred his appeal in the Sudur Dewanee Adawlut.

Whereupon the said case being this day called on for hearing, and the parties being represented by their wukeels, and the record, proceedings, and judgments of the courts below being read and recorded, and mature deliberation in the matter had, the court is of opinion that the assistant judge's decree would appear to be erroneous; for the note of hand being proved to be correct, and it being established that the pension was granted according to the condition within two months, the appellant is entitled to payment of the money according to the agreement. The appellant appears to have rendered service that was useful in forwarding the views of the family, which gave rise to the execution of this agreement. The Court therefore reverses the decree of the assistant judge, and upholds that of the moonsiff, with costs on respondent.

	HEAD OF EXHIBITS.		HEAD OF EXHIBITS.
(A.)	Letter from the Judge of Poona, forwarding Petition of Appeal.	(H.)	Precept to, and Return from, the Judge, with Summons.
(B.)	Petition of Appeal.	(I.)	Summons to Appellant.
(C.)	Decree of the Acting Assistant Judge.	(J.)	Summons to Respondent.
(D.)	Decree of the Moonsiff.	(K.)	Order to the Zillah Nazir, with his Report.
(E.)	Appellant's Mooktiarnama.	(L.)	Respondent's Wukalutnamah.
(F.)	Appellant's Security Bond for Costs.	(M.)	Appellant's Heirs, Mooktiyarnamah.
(G.)	Precept to, and Return from, the Judge, forwarding the original Papers and Proceedings from the Acting Assistant Judge's Court, from No. 1 to 7, and Two Dufturs from the Moonsiff's Court, from No. 1 to 28.	(N.)	Appellant's Wukalutnamah.
		(O.)	Decree of the Sudur Dewanee Udalut.
		(P.)	Precept to the Judge of Poona, forwarding an attested copy of the Decree.

BILL of COSTS.

	Rs. a. p.	Rs. a. p.	Rs. a. p.
Costs incurred in the Zillah Courts:			
In the Assistant Judge's Court - - -	- - -	168 9 -	
In the Moonsiff's Court - - - -	- - -	240 9 -	
			409 2 -
Costs incurred in the Sudur Dewanee Adawlut:			
By Appellant:			
Petition, with additional Paper - - -	72 - -		
Security Bond for Costs - - - - -	1 - -		
Batta to Peon - - - - - - -	- 1 -		
Mookhtiyarnamah - - - - - -	2 - -		
Wukulutnamah - - - - - - -	2 - -		
Fee of Wukeel, Gungadhur Sudasew - -	45 - -		
		122 1 -	
By Respondent:			
Wukulutnamah - - - - - - -	2 - -		
Fee of Wukeel, Ramchundur Chintamun -	45 - -		
		47 - -	
			169 1 -
		Rs.	578 3 -

(signed) *W. Simson*, P. Judge.
B. Hutt, P. Judge.
H. Brown, Acting P. Judge.

(True copy.)
(signed) S. Babington, Deputy Registrar.

MINUTE by the Right Honourable the Governor, concurred in by His Excellency the Commander-in-Chief and the Honourable Mr. *Blane*.

THE inquiries proposed by Mr. Hart may be made by circular. I fear, however, that even if the result of those inquiries go to prove the accuracy of Mr. Hart's impression, we shall find it very difficult to devise a specific remedy for the evil of which he complains.

(signed) *Falkland.*
W. Cotton.
D. A. Blane.

30 April 1850.

Replies of Officers under the Bombay Presidency on Khutput.

(Circular.)

No. 2265 of 1850.—Political Department.

No. 4001. From *H. E. Goldsmid*, Esq., Secretary to Government, Bombay, to the Commissioner in Sind.

Sir,

GOVERNMENT has been led to believe that an impression prevails in some parts of the Mofussil that, by means of intrigues at the Presidency, the arrangements of the local officers can often be defeated or superseded by the parties interested secretly obtaining the friendship of persons in power, who it is expected will, irrespective of right or wrong, interest themselves for the party soliciting their favour, and that by these means objects are attainable which, if left to be sifted and reported on in a deliberate and regular manner, could never be secured.

2. This species of intriguing is termed, in the Maratta and Canarese districts, "making kutput in Bombay," and is stated to be regarded as a remedy under difficulties of whatever kind. It is held to be considered as effectual in obtaining the restoration to place of official servants, who for incapacity or dishonesty have been discharged from the Company's service, and to be even capable of effecting the release from gaol of a convicted criminal.

3. A belief in the existence of a system of this nature is calculated greatly to embarrass the officers of Government, and to undermine the confidence of the ryots in the justice of the system by which they are governed; I am accordingly directed to request that you will have the goodness to report, after making any inquiries you may deem requisite, whether you have reasons for supposing that any such belief prevails generally, or amongst any particular class of persons within the limits of your charge; and if so, that you will offer any suggestions that may occur to you, as to the best means for eradicating the same.

I have, &c.

Bombay Castle,
15 May 1850.

(signed) *H. E. Goldsmid,*
Secretary to Government.

No. 4002. THE same as above to the following Authorities:

The Resident at Baroda.
The Political Agent in Katteewar.
The Political Agent in Mahee Kanta.
The Political Agent in Rewa Kanta.
The Political Agent in S. M. Country.
Agent for the Right Honourable the Governor, at Surat.
Agent for Sirdars in the Deccan.
Political Superintendent of Kothapoor.
Political Superintendent of Pahloonpor.
Political Superintendent of Sawunt Warree.
Political Agent in Kutch.
Commissioner at Sattara.

Bombay Castle,
15 May 1850.

(signed) *H. E. Goldsmid,*
Secretary to Government.

No. 2266 and 2267 of 1850.

No. 4003. RESOLUTION of Government in the Political Department.

ORDERED, That a copy of the foregoing Circular be transferred to the Revenue and Judicial Departments, that a similar call may thence be made on the authorities under those departments, the result being communicated to the Political Department.

Bombay Castle,
15 May 1850.

(signed) *H. E. Goldsmid,*
Secretary to Government.

Replies of Officers under the Bombay Presidency on Khutput.

Extract Bombay Political Consultation, 12 June 1850.

No. 237 of 1850.—Political Department.

No. 4629.

From *Robert Keays*, Esq., Acting Agent for Sirdars in the Deccan, Poonah, to the Secretary to Government, Bombay.

Sir,

In reply to your circular, No. 2265, of the 15th instant, I have the honour to report that the belief in the efficacy of the practice of making khutput in Bombay is, I have reason to think, very prevalent throughout the Mofussil, and I have often heard of parties sending large sums of money to Bombay to keep up agitation.

It is very difficult to suggest a remedy for this, which will not interfere with appeal, but I am of opinion that the evil might be partially averted if Government placed greater confidence in its local officers, and refused to receive any petition except through the officer, to whom it would under the present system be referred for report.

Local officers should be instructed to receive and forward such petitions with explanations as quickly as possible; and the Government being thus simultaneously placed in possession of both sides of the question, might dispose of it before intriguing parties could have time to endeavour to make interest at the Presidency.

I have, &c.

Agent's Office, Poona, 25 May 1850.

(signed) *R. Keays*, Acting Agent.

Minute by the Honourable Mr. *Willoughby*, concurred in by the Honourable Mr. *Blane*. No. 4630.

This may be considered when replies are received from the other authorities, to whom the Government Circular, of the 15th instant, has been addressed.

(signed) *J. P. Willoughby.*

29 May 1850. *D. A. Blane.*

No. 904 of 1850.—Political Department.

From the Commissioner in Sinde to the Right Honourable Viscount *Falkland*, Governor and President in Council, Bombay. No. 4794.

My Lord,

I have the honour to acknowledge the receipt of Mr. Secretary Goldsmid's circular, No. 2265, dated the 15th instant, relative to the prevalence of an impression in the interior, that a reversal of the measures of the local authorities may be effected through the medium of intriguing agents at the Presidency.

2. The connexion of this province with Bombay is so recent, that I do not think an impression of the nature alluded to as yet prevails to any great extent, but I have no doubt it would do so, were the interference exercised with the internal administration very frequent and minute. At present I only recollect one or two instances indicative of such a feeling; and I have heard, but know not with what truth, that his Highness Meer Ali Morad has lately deputed an agent to Bombay, doubtless with some such views.

3. The credulity of the natives is so unbounded, notwithstanding the little success which may attend such expedients, that it is difficult to suggest any measures which would tend to disabuse them of their erroneous impressions, without at the same time interfering with the facilities for procuring the redress of real grievances; I am therefore inclined to think it is an evil which may be best left to find its own remedy, in the conviction derived from experience of

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the caution and impartiality with which any interference with the legitimate authority of its subordinate agents will ever be exercised by a just and firm Government.

I have, &c.
(signed) *R. K. Pringle,*
Commissioner in Sind.

Kurrachee, 24 May 1850.

No. 200 of 1850.

No. 4795. From Captain *J. D. Leckie,* Acting Political Superintendent, Pahlunpore, to *H. E. Goldsmid,* Esq., Secretary to Government, Bombay.

Sir,

WITH reference to your circular letter, No. 2265, of the 15th instant, I have the honour to report, for the information of the Right honourable the Governor in Council, that I do not think that any persons under this superintendency are impressed with the idea that they can gain their ends by any intrigue or other means than what has been usually adopted by them to obtain justice; viz., by referring their complaints either through the Political Superintendent, for the information of Government, or direct to Government for settlement by the agent.

I have, &c.
(signed) *J. D. Leckie,*
Acting Political Superintendent.

Pahlunpore Agency Office,
Mount Aboo, 24 May 1850.

No. 301 of 1850.—Political Department.

No. 4796. From *H. W. Reeves,* Esq., Political Agent in the Southern Mahratta Country, to *H. E. Goldsmid,* Esq., Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 2265, dated 15th instant, drawing my attention to a system of intriguing, called "khutput in Bombay," and directing me to report, after making any inquiries I may deem requisite, whether I have reasons for supposing that a belief in the existence of such a system exists generally, or amongst any particular class of persons within the limits of my charge; and, if so, to offer any suggestions that may occur to me as to the best means for eradicating it.

2. I venture, in reply, to submit my opinion that a belief does exist in the minds of the wealthier portion of persons in this agency, chiefly those connected with the Sirdar and other landed estates, of the efficacy of private influence in Bombay in procuring the reversal of decisions passed here.

3. It is, however, easier to point out the existence of this belief, than to suggest the means for counteracting it, for it seems to me to be connected with that honest freedom of action between which and mere intrigue it is almost impossible to draw the line. I may, however, observe, that as all the officers of Government are supposed to have enough in the division of official labour to employ them fully in their own offices, and as they ought all to be animated by the one great desire of advancing the public service; and since, again, it is evident that in occupying himself with what does not concern him, one public officer must not only waste his own time, but also run the risk of seriously embarrassing the exertions of another, it may be advisable for Government to caution them against lending an ear to the representations or complaints of parties who may privately endeavour to interest them in public questions unconnected with their own duties.

I have, &c.
(signed) *H. W. Reeves,*
Political Agent S. M. Country.

Political Agent's Office,
Belgaum, 28 May 1850.

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MINUTE by the Honourable Mr. *Willoughby*, concurred in by the Honourable Mr. *Blane*.

THESE three letters, numbered 1605, 1563, and 1593, may be recorded, pending the receipt of the rest of the replies.

(signed) *J. P. Willoughby.*
D. A. Blane.

6 June 1850.

No. 4797.

Extract Bombay Political Consultation, 10 July 1850.

No. 92 of 1850.—Political Department.

From *W. C. Andrews*, Esq., Agent for the Right Honourable the Governor at Surat, to *H. E. Goldsmid*, Esq., Secretary to Government, Bombay. No. 4962.

Sir,

IN reply to your circular of the 15th instant, No. 2265 of 1850, I have the honour to report, for the information of his Lordship the Governor in Council, that as regards political matters I am not aware that an impression of the nature therein alluded is prevalent among any class of persons within the range of this agency.

I have, &c.

(signed) *W. C. Andrews*, A. G.

Surat, Office of Agent for the Right Hon. the Governor, 30 May 1850.

Extract Bombay Political Consultation, 10 July 1850.

No. 68 of 1850.—Political Department.

From the Political Superintendent of Sawunt Warree to *H. E. Goldsmid*, Esq., Secretary to Government, in charge of Political Department, Bombay. No. 4963.

Sir,

IN reply to your circular letter, No. 2265, dated 15th instant, I have the honour to state, that the belief is very general of influence at the Presidency being of use in thwarting local measures, although I cannot say that any cabal has been formed there touching Sawunt Warree affairs during my administration. It is very difficult to suggest any plan for eradicating this belief, because it springs out of our appeal system. The reversal of decrees on mere technicalities is not appreciated by the community; and when, as is sometimes the case, criminals are thus set at large, or a point of law overrules an equitable claim, the people attribute it to what they understand, rather than to abstract notions of British justice, to them often incomprehensible. The belief is fostered by every one in Bombay whose love of lucre is stronger than his sense of virtue, and who can turn the credulity of his up-station correspondent to account. The persons who went there from this state some years ago, to intrigue against the minister, or against Mr. Spooner, have thus come back beggared; for instance, the Subnees family, once the richest in the state, is now almost starving, owing to the exorbitant sums spent and borrowed whilst at the Presidency; the evil is probably less in provinces like this, not subordinate to the sudder, as here the revising power does not feel itself so much bound by technicalities.

2. The persons most prone to clamour against the local authorities are, as far as my experience has gone, of disreputable character. They hesitate not to tell untruths and malign. Generally they are shrewd men, who have suffered for forgeries, and such like crimes, and vent their venom against the authors of their suffering (as they deem the officers of justice) by inveigling men to petition under false pretences against them. I think it would tend to dis-

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courage the useless waste of time and loss of confidence in ignorant minds thus engendered, if Government were to abstain from addressing answers to petitioners direct, save and except when their case, from its merits, might appear worthy of such notice.

I have, &c.
(signed) *G. L. Jacob,*
29 May 1850. Political Superintendent.

No. 130 of 1850.—Political Department.

No. 4964. From *T. Ogilvy*, Esq., Political Agent in Cutch, to *H. E. Goldsmid*, Esq., Secretary to Government, Bombay.

Sir,

In reply to your circular of the 15th instant, No. 2265, I have the honour to state, for the information of Government, that a belief, fostered by the ignorance of suitors, and by the cupidity of designing persons, prevails in this province, though less extensively perhaps than in those more immediately under British control, that objects, unattainable through the regular channel for seeking redress, may be accomplished at the Presidency by agitation and intrigue.

2. Soomrajee of Teyra, having sold his estate some years back to his Highness the Rao, has ever since been intriguing to recover it. With this object he proceeded to Than, in Katteewar, where he remained for a considerable time petitioning, and thence to Bombay, from whence an anonymous letter on this subject, attempting to extort money, was addressed to his Highness the Rao. Though repeatedly invited to Bhooj, by direction of Government, that his representations might receive a full and impartial hearing, Soomrajee has never yet made his appearance.

3. Poonjajee Jareja of Pulanswa, while Cutch was under Sind, sent a vukeel to Calcutta, and he has now, I understand, one in Bombay. He has lately entered into a combination with the chiefs of Wowanea, Cheetrore, Beyla, and Kunth Kote, with a view, as far as can be learnt from their vague complaints, and from their reported meetings with agents from Morvee, to shake off entirely his Highness the Rao's authority, which they have already succeeded in weakening.

4. Government have declared his Highness to be independent in his own territory, and bound to keep his chiefs under subjection; but with reference to the third para. of your letter under reply, and with a view to check the embarrassing practice alluded to, it appears to me desirable that Government should further publicly intimate that they will receive such petitions only as contain definite charges of oppression against his Highness the Rao, supported by tangible evidence, and which have already been referred for redress to the British local authority; and that all complaints pushed beyond the prescribed channel, or vexatiously litigated, will subject those preferring them to pecuniary penalties.

I have, &c.
(signed) *T. Ogilvy,*
Cutch Political Agency, Mandavee, 29 May 1850. Political Agent in Cutch.

(No. 595.)

No. 135 of 1850.—Political Department.

No. 5283. From *H. B. E. Frere*, Esq., Commissioner in Sattara, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I have the honour to acknowledge Mr. Secretary Goldsmid's circular letter, No. 2265, dated 15th May 1850, regarding the species of intriguing termed "making khutput" in Bombay; and, as directed in your last paragraph, to state the following facts regarding the practice in these districts.

2. "To

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2. "To make khutput" is to agitate, and the process is very various, but it is seldom, if ever, applied to the regular modes of obtaining redress; it almost invariably implies something beyond the ordinary routine of appeal to superior authority.

3. The process is, for the party aggrieved, or some one in his interest, to proceed to Bombay, or to wherever the head-quarters of Government may be, and there obtain an introduction to somebody who is known as a successful maker of "khutput;" in other words, a professed agitator, who makes it his business to manage such matters, and who advises as to the course to be pursued.

4. The party interested supplies information and funds, and acts according to the course pointed out by his adviser until either success is attained or the funds fail.

5. The directing parties who manage these affairs at the Presidency are, I have reason to believe, sometimes persons connected with the offices of practitioners in the Supreme Court or Sudder Adawlut; sometimes, though rarely, European professional gentlemen are mixed up in such proceedings; and Brahmin and Purvoe writers in public offices, especially those who come from or are connected with the Mofussil, are very apt to dabble in such intrigues. I have reason to think that some people make a practice of going, periodically, round certain circuits where they have a connexion, looking for business of this kind, and saving the party principally interested the trouble of a journey to Bombay.

6. Occasionally the up-country complainant has really no course open to him but an appeal to Government, or a petition to the Sudder; in such case the Presidency adviser has nothing more to do than point out the correct and regular channel of redress, in order to ensure success, to obtain for himself a reward greatly disproportioned to his exertions, and to establish a great reputation in the neighbourhood from which the complainant comes as a successful maker of "khutput."

7. Such cases are, however, very rare; perhaps in 99 out of a hundred, or in even a greater proportion of cases, the Presidency is not the proper place for seeking redress, and consequently in such cases the whole system becomes one of unmitigated deception.

8. The schemes resorted to on such occasions to make the party principally interested believe that something is doing, and that his views are being secretly promoted by influential parties, are sometimes remarkable, at all events, for their ingenuity.

9. I have had an instance vouched to me on very respectable authority, where the maker of "khutput" promised his up-country friend to introduce him to the Governor and Council. The introduction was to take place not at Parell, "because the matter required secresy and management, but at one of the garden houses to which the Governor and Council resorted on such occasions." Accordingly the petitioner was driven out to a bungalow near Parell, and introduced to four or five Europeans in broadcloth coats, who conversed with him through an interpreter, and, after hearing his case, promised to arrange all as he wished for a pecuniary consideration, the amount of which, and the sum to be paid in advance, were all settled. The Europeans then sat down to tiffin, and after drinking freely became so quarrelsome, that the petitioner was dismissed by his friend, with the assurance that in such matters the "greatest Sahibs were no better than the lowest." Nor was it till long after that he became suspicious of having been imposed upon. From what the man stated, the impression left on my informant's mind was, that advantage had been taken of an entertainment given by some broker or "duhash" to some seafaring men, to whom the petitioner was introduced, and who had possibly very little idea of the exalted characters they were made to personate.

10. This occurred not many years ago, and is not the only instance I know of in which the dupe was introduced to persons who, he was told, were members of or secretaries to Government.

11. When the petitioner is of rank, a very favourite device is to take him to call on some gentlemen, with whom his conductor converses in English, and

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easily persuades his up-country friend that his affairs have been the subject of conversation. If, as often happens, the gentleman visited be acquainted with the petitioner's native province, and can be persuaded to give any friend there a note simply begging his attention to the case, the delusion is complete, and the conductor has no difficulty in carrying on the deception for a lengthened period, on the strength of such a proof of his influence.

12. Some gentlemen, I am sure, without any idea of the deception to which they lend themselves, or the mischief they do, are a kind of permanent unconscious accomplices to frauds of this kind; and many of the more respectable native merchants are far too accommodating in giving and receiving introductions of parties who are, or fancy themselves, aggrieved. It is not necessary to particularise individuals; but I may be allowed to mention one very striking exception in Sir Jamsetjee Jejeebhoy, who, with every inducement, from his great influence and the exceeding benevolence of his character, never, as far as my experience goes, lends himself to the dangerous practice of patronising parties engaged in obtaining redress of their grievances, whether real or supposed, by indirect influence, apart from the substantial merits of their case.

13. I have had circumstances related to me by men who had been on such expeditions to Bombay, which left on my mind no doubt but that they had been introduced into the houses of gentlemen high in the Government service, by men who had been employed to purchase jewels, shawls, &c. The up-country dupe, introduced to the members of the family perhaps as a friend, or as owner of the goods required, understood not a word of what passed; but he saw his conductor walk about the carpeted rooms with his shoes on; and if he did not shake hands with the members of the family, he would pet the children, seat himself on a chair, and give what to his up-country *protégé* were unequivocal proofs of excessive familiarity with the family of the great man, which would be quite sufficient to remove any doubts of his influence with the great man himself.

14. The above are some of the devices resorted to by those whose up-country clients possess rank or money. For the humbler class of suitors, it is at first quite sufficient to see their adviser pass the guard of peons, and disappear up the steps of the Secretariate or Town Hall; after which what the petitioner may have to give is easily got from him, before he discovers that to possess the *entrée* to these buildings does not imply the possession of power to ascertain or to influence the decisions of Government.

15. In some particular cases, the petitioner is furnished with extracts, which his adviser professes to have obtained from the records of Government by means of influence with subordinates in the Secretariate. In many cases, no doubt, such extracts are fabricated for the occasion; but their production is a valuable proof of influence, and highly paid for; occasionally articles are inserted in the local papers, to which the parties interested naturally attribute an influence over the decisions of Government much greater than they really possess; and the power to get such articles published is regarded as a sufficient proof of the possession of influence of a very valuable description, and to be paid for accordingly.

16. With regard to the extent to which such a belief prevails, it may be said to pervade all classes in this and, I believe, in all other provinces. The process of making "khutput" is a very expensive one, and hence not to be resorted to on ordinary occasions; but of its efficacy very few individuals of any class, from the prince to the peasant, have any doubt; nor is there any limit to what it is supposed capable of effecting. The common exclamation of a suitor when he fancies he has little chance of redress through the regular channels, is, "I care not what I spend, if I have to carry on the agitation" (khutput) "as far as England;" or, as the phrase sometimes runs, "as far as the Parliament, the Queen in Council, or the Court of Directors."

17. This is hardly to be wondered at, if it be considered that a system of Government, according to fixed rules and unvarying laws, is a perfect novelty to all natives of India. They have been for centuries accustomed to see everything effected by and dependent on personal influence, and to know that influence to be purchaseable in the case of even the highest Government officers; consequently a system of which the principal objects are to exclude personal influence,

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influence, to secure a body of Government officers inaccessible to pecuniary temptation, and to reduce everything to unvarying rule, as far as possible independent of the individuals who administer it, is in their estimation a state of things which, if it ever existed at all, has never been heard of on earth since the heroic ages of antiquity.

18. That, in spite of such deeply-seated prepossessions, numbers of the better informed natives have just and correct notions of the principles of our administration, and of the purity of those who are employed in it, I regard as one of the greatest triumphs of our system, and as a great encouragement to further exertions; but such well-informed parties form a very small minority, and the general popular belief is quite the other way.

19. Of the infinite mischief produced by this prevalent belief in the efficacy of "khutput," there can be no question; it very seriously impairs the character of our Government, for it always supposes a degree of weakness, if not of venality. It, in many ways, thwarts and hampers the local officers of Government, and is almost certain in the end to injure the cause, even when just in itself, of those who have recourse to it.

20. I could multiply instances, but one or two may suffice. There is the case of the ex-Raja of Sattara, who was, beyond all doubt, encouraged to persevere in his opposition to the wishes of the British Government by his belief in the efficacy of "khutput." His private correspondence with his agents in Bombay contains specimens of many of the various ways in which the delusion is kept up, and forms a most curious picture of the mingled shrewdness and credulity which characterise the agents employed. To some extent the ex-Raja's agents were doubtless duped by others in Bombay; but they were often willing instruments in deceiving their master as long as he retained the means of paying them for their inventions.

21. In the case of the late Dackjee Dadeejee, the Guicowar was led, by his belief in the efficacy of the "khutput" which he was told Daekjee was making, to pay him very large sums of money; and the correspondence seized at the time by Government discloses, to any one who can give the time and trouble necessary to unravel it, a great number of the tricks and counter-tricks employed where both parties have agents engaged in playing the same game of intrigue.

22. Very lately I had the honour to submit to Government the details of a case in which the daughter of the ex-Raja was persuaded, by some of those who had helped to deceive her father, that she might advance her cause by such agitation and intriguing in Bombay. I have little doubt but that, while she believed they were engaged in making active "khutput," her agents did little more than make a show of exerting themselves; they probably guessed correctly that her application would be successful, and were prepared to claim the merit of any favourable result which might follow.

23. Still more recently I had a message through a very respectable person, now on a pilgrimage at Benares, from the ex-Raja's widow there. He was told, by a near relation of hers, that "she had spent all she had in fruitless agitation (khutput) at the Presidencies and in England; that she was now convinced of its folly, and would promise, if allowed to come to Sattara, to give up the practice entirely." I, of course, referred the Ranee's messenger to the Governor-general's Agent at Benares; and I mention this merely to show how difficult it is to eradicate the belief in the efficacy of "khutput" even from those who, like this lady, might have been supposed, years ago, to have learnt better.

24. No part of my duty, since the death of the late Raja, has been more difficult than to counteract the advice of those who are constantly endeavouring to induce the Ranees to despatch envoys to Bombay, and engage in a course of "khutput" for the attainment of all they desire; nor could my efforts have been successful, had not the influence it has been my endeavour to maintain been backed by the natural good sense of the eldest Ranee, and the judgment and fidelity of Succaram Bapoojee Furnese, her most influential adviser.

25. As regards the means of putting a stop to the practice, it may be observed that it is too much to expect that ignorant rustics, or the ill-educated agents of half civilised chieftains from up-country districts, can ever be entirely secured against

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the deceptions practised by the swindlers of the metropolis; but I think much may be done to put a stop to the practice as a general and, as it now is, an almost universal resort for all persevering suitors who are or fancy themselves aggrieved. The belief has its origin in ignorance of the real principles and system of our Government; whatever informs and removes that ignorance will go towards eradicating a belief in the efficacy of "khutput."

26. Much might be effected by giving the upper classes, and through them their inferiors, juster notions of the mere machinery of our Government. When a chief or a Sirdar visits the Presidency, a lesson on this subject should be given as regularly as a visit to the dockyard or mint, and would not, I am sure, be the least interesting to him of the things he would learn in Bombay. Much more than might be at first supposed would be apprehended from such a lecture, given while the chief was visiting the Town Hall or Secretariate; including, as it might, a brief account of the process through which all questions must pass before they were finally decided on by Government, and showing him how much more depended on the intrinsic merits of a case, and its bearing with regard to the laws and regulations of Government, than on the personal influence of those who had to decide on it, and how utterly powerless were the whole tribe of self-appointed advocates of the aggrieved, who profess to be able to sway the decisions of Government.

27. It may be supposed that I overrate what may be done by such simple means; but I am well assured that few natives of rank, who go for the first time from the up-country to Bombay, would believe but that the peons who carry round despatch boxes could give information as to their contents, or that the clerks who draft the letters of a secretary could, if they found it worth their while, alter without chance of detection the purport of what they wrote.

28. I think very good effects might be produced by a couple of public notifications on the subject: one addressed to the natives showing the folly of the practice, and warning suitors of the bad consequences of resorting to it; the other addressed to servants of Government, directing them to do their best to discountenance and stop it. This latter, besides pointing out the ill effects of the practice as regards the character of Government, and the true interests of the parties concerned, should intimate that Government will view with extreme displeasure the conduct of any of its officers who may lend himself to maintain such a delusion, by interfering, otherwise than officially, in any matter which can or ought, in regular course, to come officially before any of his fellow servants. It should strictly prohibit the granting notes, even of introduction, to public officers, when the bearer is himself a suitor or acting on behalf of a suitor for justice, in a case which can or ought to come before any public officer in the regular course of business; and it should direct every public officer to discourage, by every means in his power, the practice of any of his friends, European or native, sending any such letters of introduction to himself.

29. But the most effectual measure of all would be an alteration of the system under which, at present, an appeal lies to Government from the acts of local functionaries.

30. The system, as Government is aware, is to present a petition, sometimes in very bad English, more often in the petitioner's vernacular language, to the Governor in Council. This petition, after going the round of various offices to the functionary complained of, ultimately returns to Government with his explanation. Every petition which affirms that the petitioner has already unsuccessfully addressed the local authorities is forwarded for report, whether it be an accusation of misconduct, or a simple appeal against an order which it was within the province of such local officer to issue.

31. I believe there are few officers who do not feel convinced that the small degree of check imposed on official wrong-doing, and the very minute amount of redress afforded for real grievances, is wholly out of proportion to the amount of public time wasted by this very cumbrous system of reference.

32. It would, I am sure, be every way a very great improvement were Government to make over entirely to the various high functionaries who go on circuit the duty of receiving and disposing of such petitions, only those which were of

real

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real importance, and required the decision of Government, being sent up with all the materials for forming a judgment, and disposing of the case accompanying them.

33. The department of the Secretariate which now receives and translates petitions, might then confine its labours to noting on all petitions sent in to Government the proper channel for bringing that grievance to notice, or for appealing against any particular decision; and would thus have more time for the numerous important duties which are now unavoidably postponed to that of translating petitions. Perhaps it might be well to make an exception in favour of petitions which directly charged any European head of an office with corruption or criminal misconduct, and to lay all such before the Governor in Council for orders.

34. In their several lines, the Revenue and Judicial Commissioners ought to be able to detect and correct, either by their own authority or by invoking the authority of Government, every real abuse brought to notice by a petition which called for the interference of an authority superior to the local officer. Due attention to this branch of their duty might be ensured by requiring them to report, after each annual circuit, the number and general character of the petitions presented to them in each district, bringing forward any which they considered to merit the notice of Government.

35. This would provide for redress in all branches of the administration, except the Political, the superior officers of which might, as representatives of Government, be freed from any check, except that of being obliged to report annually on the petitions they had received, in the same manner as the Revenue and Judicial Commissioners.

36. I would not on any account discourage the presentation of petitions to the head of the Government, when visiting the provinces attended by a competent Persian secretary, as no check could, in my humble opinion, be more beneficial than the local inquiries the Governor might thus be enabled to make. But the petitions so given to the Governor on his tour should be referred for report, not as a matter of course, but only on special occasions, or when the character of the local officers was attacked.

37. Should it be considered unadvisable entirely to close the direct appeal to Government, I can imagine no objection to restricting it to a system of formal memorials sent up through the local officers' hands, in the same manner with similar reports and remarks from the party complained against, and under the same rules and restrictions as memorials to the Court of Directors go through the local Governments, the period within which they must be forwarded by local officers to Government and other similar points being laid down, and compliance with such rules enforced by severe penalties.

38. Some such alteration of the present system is, I am respectfully of opinion, the only means of relieving both the Government and the local officers from a vast deal of unnecessary and useless labour, and of checking, if it does not stop, the most pernicious system of making "khutput."

39. It may seem presumptuous in me, but I offer the opinion with much confidence in its soundness, that the character of our administration generally, and of the judicial branch in particular, would be greatly raised if the duties of the Sudder Adawlut in Bombay could be confined to the decision of intricate legal questions, appealed from the lower courts; and if all the miscellaneous duties which now devolve on the Court could be performed by the Judicial Commissioner on his circuit, holding open court in the district where the questions arise.

40. Of course there may be obstacles of various kinds, and good reasons against such a system, and I speak merely with reference to the single point of public opinion regarding the decisions passed.

41. I will only instance one kind of business: petitions from Government servants dismissed, and praying to be re-instated. I am convinced nothing can be more injurious to the character of the Court and of our administration generally, than the misconceptions which prevail among the natives up the

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country, regarding the means whereby compliance with the prayer of such petitions is often obtained.

42. Natives up the country, unless engaged in trade, are usually very ill-informed regarding what passes in Bombay; their ignorance is far deeper than would be believed by any one who considered merely the distance and facility of intercourse; even in Bombay the public in general know little of the proceedings in the Sudder. There are few or no reports of proceedings in the newspapers, and the consequence is, that it is very rarely any one but the party immediately interested knows anything of the grounds on which the judgment of the Court in such cases is founded.

43. It is natural that in such cases the decision should be often attributed to other than the real grounds on which it was passed; and the reinstatement of a dismissed servant is thus, I am well assured, often attributed to "khutput," when there were ample reasons for the measure which only required to be stated and generally made known, in order to ensure their justice being acknowledged.

44. This would not be the case if such questions came on before the judicial Commissioner, sitting in open court in the place where the case which came before him had arisen. The Court would, I am convinced, be crowded by all who knew the parties, or cared about the case; and there would be little danger of public misconception regarding the reasons which the Judicial Commissioner would orally give for his decision.

I have, &c.
(signed) *H. B. E. Frere*,
Commissioner.

Commissioner's Office,
Sattara, 13 June 1850.

Extract Bombay Political Consultation, 31 July 1851.

No. 185 of 1850.—Political Department.

No. 6159.

From the Political Agent in the Mahee Caunta, to *A. Malet*, Esq.,
Chief Secretary to Government, Bombay.

Sir,

In reply to your circular, No. 2265 of 1850, dated 15th May last, calling upon me to report whether any impression prevails generally, or amongst any particular class of persons within the limits of my charge, that certain objects may be attained by means of intrigues in Bombay, I have the honour to state that I have no reason to believe that any such impression has existence in the Mahee Caunta.

2. Perhaps I may be permitted to remark, that of late years there has been an increase in the number of petitions presented to the Right Honourable the Governor, or transmitted in some way to Bombay, by individuals in the Mahee Caunta. These have been generally petitions for the interference of Government with the petty chiefs of the Mahee Caunta, or appeals against some decision of the Political Agent. I think it is desirable that such appeals or petitions should have every facility; but there is one point in the system of dealing with them which may admit of amendment. It appears to be usual at the time that the original petition is transmitted by the Secretary to Government to the Political Agent for his remarks, to address a communication to the petitioner to the effect that his case is under consideration; and it has on several occasions come to my knowledge, that unfounded expectations are raised by the receipt of such a missive, and on one or two occasions lately such communications from Government have been brought to me by the petitioners, under the idea that they conveyed a decision in their favour. I would therefore suggest that such mere formal communications should be discontinued, unless in particular instances; and the only answer sent, the rejection or otherwise of the petition.

3. Most of these petitions are drafted by some person at Ahmedabad, and many are written in English, when they are of course quite a sealed document to the petitioners; the interim reply from Government to English petitions

appears

appears to be written always in English, and from the (to an ignorant villager) imposing form of the envelope, and the unknown language in which it is couched, invariably raises futile hopes which it is difficult for the Political Agent to dispel.

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I have, &c.

Political Agent's Office, Sadra, 5 July 1850.

(signed) *R. Wallace*, Political Agent.

Extract Bombay Political Consultation, 21 August 1850.

Government, No. 100.—General, No. 244 of 1850.

From the Political Agent in Kattywar, to *Arthur Malet*, Esq., Chief Secretary to Government, Bombay.

No. 6888.

Sir,

WITH reference to Mr. Secretary Goldsmid's letter of the 15th May last, No. 2265, regarding the impression supposed to prevail in some parts of the Moofussil, that by means of intrigues at the Presidency the arrangements of the local officers can often be defeated or superseded, I have the honour to inform you that I doubt the existence of any such feeling in this province amongst the chiefs generally, or any of the influential or better informed members of the community. The practice of sending petitions direct to Government has however greatly increased of late years, but so has the spirit of litigation generally throughout the province; and I think the petitions made by disappointed suitors in their own names are sufficiently to be accounted for, by the hope they doubtless entertain that any further investigation their *ex parte* statements may lead to is likely to better their cause, without supposing the existence of any expectation of undue support from persons in power at the Presidency. Anonymous petitions are of course the work of intriguing, unprincipled, and revengeful parties, who probably consider themselves partly rewarded if they succeed in hurting the pride and wounding the feelings of those they assail; but are doubtless further influenced by a vague hope that their clamours, however unfounded, will sooner or later injure the objects of their enmity or revenge.

2. There can be no question, however, that except in cases where real injustice is done by the local authorities, the system of appealing direct to Government is a serious evil as regards the interests of the people of the country themselves, besides the trouble and inconvenience it causes to Government and its officers; and it is equally certain that the tendency of such a system, even without much encouragement, must ever be to increase, particularly in a province like this, where there are so many parties directly interested in keeping up every kind of litigation. Whatever measures therefore Government can safely introduce, to discourage all direct resort to the Presidency on the part of petitioners from the Moofussil, must I think be productive of much good; and I have great satisfaction in consequence in submitting the accompanying reply from Captain Aston to the circular under acknowledgment, which that officer had prepared before my return from Scinde to Kattywar, and beg strongly to recommend the different suggestions it contains for the consideration of the Honourable Board.

I have, &c.

Kattywar Political Agency, Rajcote, 20 July 1850.

(signed) *W. Lang*, Political Agent.

Political Department.

From Captain *H. Aston*, First Assistant Political Agent in Charge, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

1. I HAVE the honour to acknowledge the receipt of your circular letter of the 15th ultimo, No. 2265, and to observe, that the impression has obviously prevailed in Kattywar, that by means of intrigues at the Presidency, the arrangements

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arrangements of the Political Agent may be defeated or superseded by the parties interested secretly obtaining the friendship of persons in power, who it is expected will, irrespective of right or wrong, interest themselves for the party soliciting their favour, and that by these means objects are attainable, which, if left to be sifted and reported on in a deliberate and regular manner, could never be secured; and that this species of intriguing has been considered effectual to obtain the restoration to place of official servants, who for incapacity or dishonesty have been discharged from the Government service.

2. As to the extent to which such an impression may have prevailed, and the particular classes to which it may have been confined, if indeed confined to any particular class, I can hardly venture with confidence to express an opinion; but I may remark that, in the present condition of Katteewar, where such a system as that which causes the impression has been commenced, it is almost certain that it will increase, and be at length limited only by the pecuniary means of disappointed or designing men who would profit by it, unless there be some direct effective check to its exercise.

3. In confirmation of the existence of such an impression, and in illustration of its effects, I may mention the following facts:

1st. The district in the neighbourhood of Limree was kept in a constant state of ferment for several years, by the intrigues of parties who, by despatching agents to Bombay, were long enabled to support their agitations by misrepresenting their proceedings, and raising false expectations of the reversal of existing arrangements of the Political Agent. During this period the town of Limree was twice threatened to be attacked. On one of these occasions a detachment of British troops was sent from Rajcote for its protection. Continued trouble was given to the Political Agent, with some apprehension of disturbance; and bitter animosity was perpetuated for years that would have ceased in as many months, if the people generally had felt confidently assured of the stability of the existing arrangements and the futility of attempts to reverse them. In a report upon one of the concerted attacks alluded to, I specially brought to notice the evil account to which the presence of intriguing agents at the Presidency might be turned, by the means that were used to induce the people to join in the attack, in making them believe that it had been sanctioned from Bombay.

2d. In the family of the Thacor of Bhaonuggur there have been violent disputes about succession and maintenance, during which, on several occasions, disturbance in the district has been threatened by the assembly of armed followers. A younger son has sought to get the elder disinherited against all right and reason, or to secure for a maintenance a portion of the estate large beyond all reason. These disputes have been for some years fomented, and the animosity of the parties exasperated, by the proceedings of such Bombay agency. Even a special decision of Government in the matter has been treated as nought, its reversal being confidently hoped for. About five years ago, being in that neighbourhood, and hearing that the Parsee Dadabhaee Framjee (the man since turned out of the province for his bad character and malpractices) had been in communication with the Thakoor's younger sons, with the view to prosecute their objects in Bombay, I took occasion to warn them of the expensive futility of such agency, but to no purpose; and even after one of the sons has been decoyed to Bombay and swindled out of large sums of money, the pernicious impression you have alluded to still exists, and, indeed, seems ineradicable, as may be inferred from a letter I lately received on the subject, a copy of which is herewith enclosed. It bore the Bombay post mark of the 15th May last. The signature is, I doubt not, fictitious.

3d. When the Joonaghur affairs had been thrown into utter confusion in 1844 by the sudden and unexpected assumption of power by the Nuwab, then a minor, and the abolition of the Regency, it became necessary, in consequence of the youth and inexperience of this chief, and the great importance of the state of affairs in his territories with respect to the general peace of Kattywar, for the Political Agent to supervise the arrangements that were made for the management of the estate. These arrangements were made in concert with the Nuwab, and he expressed his fullest satisfaction with them. Busy intriguers, however,

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however, succeeded in prevailing upon the young Nuwab, on the departure of the Political Agent, to hesitate to carry out these arrangements, and he was preparing to subvert them. To enable him to effect this, agents were prepared to proceed forthwith to Bombay, a Mussulman adventurer, related to Meer Surfuraj Alee, of Baroda, being the leader. A very heavy mohsul, however, confounded both the Nuwab and the intriguers; and the Political Agent's arrangements, already approved by Government, were carried out, and this important state saved from utter confusion, from which perhaps it would not have recovered itself, and would have extended evil consequences into other states of Kattywar.

4th. Very lately, as I have been informed, an agent has been despatched by the Nuwab to Bombay to support him in proceedings in which he has been long and consistently striving by violence, in the mere insolence of greater power, to encroach upon and usurp parts of the neighbouring territory of Poorbunder, in which he is now obstinately persisting against all right and reason, and in direct and open opposition to the Political Agent's authority. Whether he has or has not so deputed an agent agitator to Bombay, the report that he has done so equally indicates the existence of the impression in Katteewar, alluded to in your letter under reply.

Poorbunder Affairs.

5th. In Poorbunder, the estate of the late Soonderjee Verjee, one of the most respected and most wealthy merchants of the place, has been kept wholly unsettled for more than five years, in consequence of this Bombay agency. The estate has been consequently materially damaged, of course, as there were very large sums of money outstanding to be recovered, and a profitable business required promptly to be carried on by some representative. The desired objects would, I doubt not, have been attained through the Rana so as to give satisfaction to the respectable inhabitants but for the interference of Bombay agents, which excited unreasonable hopes in one of the contending parties, and took away all confidence in his own authority from the Rana, who became, and still continues, wholly afraid to take any step whatever without our special sanction. The Rana has told me that the townspeople taxed him with his not compelling a settlement, as he would do in any other of their cases, remarking that he is afraid of what the people in Bombay will do. The Rana added, that hereafter his people will be disposed to disregard his authority, and go to Bombay to embarrass him in the disposal of Poorbunder matters that should be settled by himself alone. In this case, until lately, the intriguing agent preventing a settlement was the Parsee Dadabhaee Framjee, above-mentioned, who was employed by an elder widow in possession of all the property; and his expulsion under the authority of our Government had led me confidently to hope that all would now be arranged easily by the Rana, since the younger widow had before become disposed to accede to terms that would have satisfied all parties. But in the meantime she had followed the successful example of the elder widow, some one having succeeded in raising her hopes, through the Bombay agency system to which she has resorted, and she now proclaims her expectation of having things arranged her own way; so the Rana's attempts at effecting a settlement have been again frustrated, and matters remain *in statu quo*. The evil effected in this matter is not to be measured by the extent merely of the private family affairs to which the intriguing had more direct reference, though this in respect to the place and the family is very great. One of the most respectable mercantile houses, indeed, has been dwindling away for want of settlement of the estate of the late head; relations have been kept out of their just claims, several lacs of rupees. From the same cause, many outstanding debts, out of which these claims should have been satisfied, will not now be recoverable. Bitter animosity between the relations has arisen, and increased with years, that might have been averted originally by a prompt settlement of the estate, and the town has been agitated by the disputes. Still worse, the Rana's authority, on which the peaceable and prosperous conduct of the affairs of his estate depends, has been checked and impaired.

Mangrol Affairs.

6th. In consequence of the dismissal of Hubeeb Khan, the Joonaghur minister, his friend and relative, Nooroodeen, the karbaree of Mangrol, who had been kept in power through his influence, was also dismissed. Of course, as usual, these men resorted to intrigues. The principal and immediate object of

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Nooroodeen being restoration to place; that of Hubeeb Khan, besides assisting his friend into place and influence that could afterwards be turned to his own advantage, had a more direct and immediately important object, the escape from a just settlement of his liabilities to the Nuwab. A pretended anxiety for a settlement of his accounts with the Durbar was Nooroodeen's declared ground of agitation. One branch of their intrigues was a conspiracy to accuse members of the Political Agent's establishment of bribery and corruption; a mode of attaining their ends indirectly, either by frightening the accused into using their imagined influence for them, or by getting them supplanted in office by others more compliant, or merely by displaying their own power, by whatever means, in giving direction to the proceedings of Government and its agents, and causing them to exchange their servants. These accusations, as usual, were unsupported by proof; but the accusers, Hubeeb Khan and Nooroodeen, sent agents to Bombay to carry on their intrigues there, giving out boastingly that they would procure the reversal of the Political Agent's decision, either in Bombay, or by application to the Court of Directors, so powerful was to be their means and so extended their operations. Great trouble, inconvenience, and loss of much invaluable time, with proportional interruption of business, was caused in this agency, besides other collateral evils, by these proceedings of Hubeeb Khan and Nooroodeen.

Mudarsing mixed up in this conspiracy.

7th. Mixed up in this conspiracy, and as the tool of the more wily Hubeeb Khan and Nooroodeen, was a man named Mudarsing; who, having formerly given evidence to convict his chief of infanticide, for which he was duly rewarded, has ever since endeavoured to procure unreasonable advantages in suits before the Political Agent. I mention his name merely to remark, that after the conspirator's agents had commenced their proceedings in Bombay, it was spread abroad that Mudarsing had received an answer (directly or indirectly from Government) to the effect that the evidence in his case had been sent for, and it would be investigated in Bombay. It was also given out soon afterwards that the Governor in Council had written to the Political Agent, directing him to get Nooroodeen's affairs in Mangrol settled immediately.

Mankhan and Dadabhaee Framjee implicated in this conspiracy.

8th. It may not be out of place to mention here, that one of the agents of these conspirators, who proceeded to Bombay, was a man of infamous character, a convicted thief, who had been a pander to a brothel, and had formerly been hired as the tool of some concealed intriguer to accuse the native agent of taking presents. This accusation, when investigated, proved obviously and impudently false. Another, who was in communication with the conspirators at Rajcote, while concerting their measures for the Bombay Agency, and proceeded to Bombay with their other agents, was the Parsee Dadabhaee Framjee. He had been engaged in Poorbunder as abovementioned, when the time and the schemes of the conspirators falling in with his own schemes, he arranged to provide a residence for the widow in Hubeeb Khan's family town, Kotiana, to which she was to be removed out of the jurisdiction of the Rana of Porebunder.

Cause of the impression.

4. With respect to the means of eradicating this pernicious impression, before any effectual means can be devised, it is necessary to advert to the causes to which such an impression is attributable. The principal cause, as I believe, which, if not originating, has confirmed the impression, is the manner and extent of receiving and disposing of petitions by the Right honourable the Governor in Council. Another cause, and that which perhaps originated the impression, I believe to be a vague notion of some extraordinary power that can be effected through persons connected with the Supreme Court. A third cause is the writing of letters to officers of the agency directly, or through their friends, by gentlemen in office in Bombay, on matters pending before the Political Agent. The effectual influence of the petitions, or of the agents of the Supreme Court, or of the letters, being supposed to be attainable by Bombay intriguing.

5. I will here recur to the proceedings of the Parsee Dadabhaee Framjee, in illustration of the mode by which such impostors deceive the people of the country. He gave out as he travelled, as specially reported in a letter written by me to the Political Agent in May 1845, that he was a wukeel of the Sudder Adawlut, and spoke of his great intimacy with high Government functionaries

and

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and the influential parsees at the Presidency; and after he had been in communication with Hubeeb Khan and Nooroodeen, on the occasion of the failure of their conspiracy to oust certain members of the Political Agent's establishment, these conspirators gave out that they would send their agents to Bombay and employ an English barrister, &c. Afterwards this parsee, from jealousy, lost influence, or, in a spirit of slander, wrote gratuitously to the Political Agent, disclaiming all participation in the proceedings of the agents, asserting that they were prosecuting their objects through Juggunath Sunkerset The agent of one of the great Ahmedabad merchants was asserted to be furthering their intrigues.

6. A remedy for the evil of letter-writing by gentlemen in office may perhaps be found in the issue of a public notice and prohibition of the practice; and the evil of letter-writing by gentlemen not in the office may be mitigated, and the practice itself checked, by prohibiting all notice of such letters by the functionaries to whom they be addressed, except to refer the writers to the petition-box. The ordinary false assertion that former petitions have been suppressed, is fully met by consenting to receive a petition in the Guzerattee language direct; but this petition should on no account have any preference as to time of reading or otherwise, but be put into the box, and afterwards taken up in its turn, and disposed of in the regular course of business. However indifferent may be the substance of such letters, the intriguing agents know how to turn to evil acconnt the mere fact of any letters being so written, and suitors themselves are self-deceived by their fancied influence. Exaggerated notions of the power of agents connected with the Supreme Court will perhaps be corrected fully only by the increased intelligence and experience of the people; but so far as these notions might depend on the proceedings of such agents, of whatever class, in Katteewar, they might be in some degree checked by withholding all official notice of these agents, and rejecting all direct applications from them, referring them to chiefs and their wukeels, and consistently requiring all proceedings whatever to be conducted in the Guzerattee language, in which the business of the country is transacted. Moreover, I beg to remark that it were expedient that no paper whatever from, or for, or on behalf of, or relating to, any party having business before the Political Agent, should be received and recorded that is not in the Guzerattee language. Of course, a correspondence with the public functionaries in neighbouring districts, and perhaps elsewhere, on cases pending before the Political Agent will be necessary, and it must sometimes be conducted in English; but it is very desirable that English shall be resorted to only when Guzerattee cannot so well accomplish the object of the correspondence. Correspondence in Guzerattee, while saving trouble, becomes at once a perspicuous record to the natives, and obviates all doubt and mystery. Suitors sometimes resort to the sending of petitions or letters in English, for the express purpose of producing an impression of their intimacy or influence; and under this veil of a foreign language they hesitate not to make false and exaggerated statements, that for very shame they would not have exhibited in Guzerattee. Whether the practice of receiving petitions by the Right Honourable the Governor in Council may be diminished, it will be for his Lordship to determine; it will probably be found that, in the case of most of these petitions professing to be appeals against the Political Agent's decision, no opinion can be formed but upon the grounds reported by the Political Agent, upon which his decision was formed, and that these grounds must necessarily determine the judgment of his Lordship. This consideration may perhaps suggest the rejection of some of these petitions, and other grounds for rejection may perhaps be found; perhaps all petitions might be rejected with advantage if not written in the language of business of the country to which they relate, except there be special reasons for receiving them. This might tend to correct in some degree vague notions regarding the power of agents connected or supposed to be connected with the Supreme Court, whose wonders are to be worked out under the mysterious veil of English, to which alone, as an instrument, considerable importance is sometimes absurdly attached.

7. I am induced to add, ere concluding, a few remarks on the evil attending the present mode of receiving and disposing of petitions against persons of the Political Agent's establishment, or even against the Political Agent himself or his assistants, is considerable. The petition may contain degrading calumnies; it

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may be anonymous, or bearing only a fictitious signature; it may be written, or nominally written, by one of character the most infamous; still, considerable importance is given to it by its being recorded, and (if in Guzerattee) translated, and formally referred to the Political Agent to be reported on, and by the inquiry instituted by the Political Agent accordingly, and his subsequent report. It may be that Government is informed that the petition is anonymous, or that its contents are false; still, the object of the intriguers is attained; they have exhibited a power that has moved the Government to inquire into charges affecting the character of the accused; they have caused these charges to be put on record, and assuredly somewhat of them, through the proceedings of the intriguers, will continue to stick to the accused; for even if the petition be not publicly read, the fact of the inquiry after the writer concealed under a fictitious name will afford opportunity to the intriguers to disseminate their own version of its contents, though no one of the Political Agent's establishment should reveal them. It is the policy of the knavish wukeels and karbarees to keep up by every means in their power an impression of the efficacy of bribery, because monies placed in their hands for bribes are, of course, easily retained; and should the impression of the efficacy of bribery kept up by these men cause offers of bribes to reach the natives of the Political Agent's establishment, men of integrity are likely to be corrupted by these offers who never would have invited them, nor would the tempting offers have been made but for the impression of their probable efficacy, caused by these designing intriguers.

8. The following are suggestions for at least diminishing the evil caused by these calumniating petitions. First, that no petition whatever be translated or recorded before it be clearly ascertained who is the writer of it; and if the writer do not come forward after the assumed name be called out twice in open kutcherry, at the interval of one week, that the petition be publicly destroyed in open kutcherry. That no such petition whatever be openly read or exhibited to be read until the writer come forward, that it be then treated as a regularly recorded accusation, and that such proceedings as the case suggest be instituted thereon, and the accused be put on his defence, having a copy of the accusing petition or charges against him furnished to him as soon as expedient. I will remark, in passing, that no delay should be allowed in furnishing the accused with such copy without special reasons, since such delay would certainly be taken advantage of by a false accuser to perfect his schemes for the ruin of the accused, who remains in the meantime confounded and helpless, and unable to counteract the machinations of villany; his character suffering seriously, however innocent, in proportion to the length of time he may be kept in degrading suspense. The accuser should now be required to prove his accusations, and if he fail, he should be subjected to some punishment, severe in proportion to the greater evil of such false accusations in Katteewar than in a country under established laws, through which redress may be had by the calumniated against false accusers and conspirators through the courts. In the Company's districts the terror of a prosecution and its consequences deters from conspiracy and libel, which at once blast the reputation of individuals or of whole establishments, and reflect an injurious effect on the public morals. In Katteewar the accused have no means of redress through the law, and can look only to the Government to do that for them direct which the Government has deemed it necessary to be done, under its own rule, by the law. At present any man, however notoriously infamous he may be, instigated by his own mere effort to come into notice, though by the villanous means of slandering some one in office, or put forward as the tool of some more designing knave, may record the foulest calumnies against any individual with perfect impunity, causing incalculable trouble, taking so much from the time and attention of the Political Agent that is required for the disposal of business of suitors who are looking impatiently in vain, for want of that very time and attention so perverted. Party feeling and cabals in the establishment, moreover, must always be the fruit of these proceedings, and the impression of a corrupt establishment is extended and confirmed; the formal acquittal of the accused cannot stop the extension of this impression, the false accuser easily finds means to make this a ground of further and higher accusations, while this impunity seems in the eyes of the people of the country to countenance their truth. He now becomes the ill-used person; the Political Agent has denied him a fair hearing; has thwarted him in his attempts to prove his accusations;

and,

and, in fact, wholly prevented his doing so by his partiality for his favourite subordinates.'

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9. The investigation of cases of accusation of bribery and corruption, it is of course impossible to avoid, but it is probable that in every case, even when the accusations be true, and lead to conviction, the evil attending and resulting from such investigations outweighs the good, much more in all other cases. Bribery will be cured by the growing intelligence of the people; that will prevent their being duped; by the introduction of laws in the place of the will and discretion of individuals, by the substitution of fixed salaries in place of other modes of remuneration by the chiefs, and by increasing the power, personal responsibility, and salaries of the natives of the Political Agent's establishment, so that they shall dispose of much of that business that is at present overwhelming to the Political Agent. But in the meantime, bribery and corruption will perhaps be extended and increased by frequent agitations of the subject, in a country where a universal interested agency has the will and the power to keep up a belief in its efficiency. Prosecutions of its servants or others by Government, and proclamations of its views and sentiments generally, or in particular cases, will exhibit its own purity of intention, but co-operate to confirm the impression that these agents would keep up. Nor do acquittals, as before suggested, in a country so circumstanced, tend to eradicate this impression, especially when the accuser escapes with impunity; the people may easily be made to believe, notwithstanding the exhibition of public notices in our kutcherrees and the distribution of circulars in the country to the contrary, that the impunity of the accuser is proof that the Government sees ground enough to justify the accusation. The fear of punishment in the case of failures of proof might indeed occasionally prevent persons accusing of instances of corruption, true, but of doubtful proof; instances not provable would be best never heard of, and the risk of concealment of provable instances might be diminished by rewarding those who adduce proofs, according to the condition of the person and the circumstances of the case; in particular, members of the Political Agent's establishment might be with advantage encouraged with public favour and praise, and with suitable promotion, as opportunity serve, to outweigh the odium of revealing the misdeeds of others, assuming as a rule, with good policy, that their motives are pure, and treating them as contributors to the public good.

Agitation tends to increase bribery.

I shall send this letter through Major Lang, who is on the eve of returning to Katteewar, in order that you may receive with it any remarks that his greater experience may suggest.

I have, &c.
(signed) *Henry Aston*,
First Assistant Political Agent in Charge.

Katteewar Political Agency,
Camp, Porebunder, 15 June 1850.

Forwarded to Mr. Chief Secretary *Malet*, dated 15 June 1850.

Captain *H. Aston*, First Assistant in Charge Kattewar Political Agency, Rajkote.

Sir,

As I can no longer refrain from bringing the following transactions to your special notice, I beg leave to do so, trusting to your honour and integrity for the close retention of the secrets of this communication.

It might be known to you that the present old Raja of Bhaonuggur has a grandson, the rightful heir to the Gadee, and a young son by his last marriage. The mother of this lad, having failed in all her schemes to secure the Gadee for him on the demise of his father, at last thought proper, through the persuasions of some of her private carbarees, to send for Mr. Leech (an European attorney) to Bhaonuggur. This individual, on being made acquainted with all her wishes, assured her and her carbarees in the most positive manner, that as he had great influence with all the consequential gentlemen at the Presidency, he would not only get her son proclaimed heir and successor to the Gadee, but also as the rightful lord and proprietor of all those villages which she had purchased, and others which she had obtained by way of mortgage, &c. These and all other property in her possession should by right be considered as belonging to the reigning Raja, for all the money expended on them belonged to the State. Notwithstanding all this, Mr. Leech, who was perfectly aware

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of the final arrangements that had been effected by the Political Agent at Rajkote, with the knowledge and consent of the Raja in respect to his successor, and the disputes which had subsisted among his family, continued to invigorate the old lady and her ignorant cárbarees with grand hopes of success in all their desires, which stimulated them to such a degree that they made no scruples in acceding to the proposals of the clever attorney, who received from the lady, at his last interview, a pair of thick gold thorahs of the value of 3,500 rupees, one handsome saddle horse, and 20,000 rupees in cash, in part payment of 1,25,000 rupees. The remainder was, according to engagement entered into between them, to be paid to him on the completion of the business in question. Mr. Leech's factotum gave them to understand that the best part of the money he had received in advance he would be obliged to make over to one or two individuals at Rajcote, &c., in order to secure their aid and support in their cause. This might have been mentioned with the view to show that Mr. Leech would retain but a very small portion of the specie for his own use. On his return to Bombay this clever gentleman prepared a strong memorial and submitted it to the Right honourable the Governor, representing, as we have been given to understand, the great injustices done to the surviving son of the Raja by the recent arrangements of the British Government, and giving his reasons why they should be revised, &c. This is according to the report that has been afloat at Bhaonuggur and Bombay. It has also been circulated throughout those places, that immediately on the receipt of this famous memorial, the Right honourable the Governor in Council ordered it to be forwarded to the Political Agent at Rajcote for his speedy report on the different subjects complained of, and that on its arrival the required revisions would be made in favour of the son of the Raja. It has further been circulated by Mr. Leech and his dependents, that some private letters having been obtained from your intimate friends at Bombay, they had been sent up to you by post, requesting your assistance and support in recommending the proposed arrangements in favour of the Raja's son. These rumours and reports are so hurtful to the feelings of the old Raja and his grandson, and so very injurious to their cause, that I have been induced to lay these facts before you, with a particular request that you would see the necessity of satisfying yourself as to their correctness or otherwise, and more particularly as to whether Mr. Leech has had anything to do with the lady in question on the subjects specified above. It is also solicited, that on your being satisfied of the truth of my statements, you will in justice to the old Raja and his grandson, be pleased to take some steps to deter Mr. Leech and his dependents from again using improper means of extracting money from her, or from having anything further to do with any of the females in particular belonging to the Raja and his relatives, &c., which would be the means of preserving peace and quietness among them, and enabling the Raja and his dependents to act up to the commands, as also to the friendly advices of the British Government and its representatives on all matters connected with the internal and external affairs of the state of Bhaonuggur ; and this would redound to the honour and credit of the English Government. Sir, if you make this letter public, I shall have to suffer the consequences thereof, for under present circumstances the old Raja an his grandson shall not be able to protect me from the power of the old lady, who does everything as she wishes, and the Raja is unwilling to disoblige her in anything for fear of being poisoned to death. These are, further, facts known to all Bhaonuggur, consequently I humbly beg you will have the goodness to act prudently in the business, and thus save me from entire ruin and disgrace. Please make no inquires about me. If you should but go to Bhaonuggur and make private inquiries about the sayings and doings of Mr. Leech, you will be fully satisfied as to the truth of the information contained in this epistle. The Raja and his ministers are quite sure that Mr. Leech, combined with all the barristers and attornies of Bombay, would not be able to obtain any revision in the arrangements effected by him (the Raja) and the British Government in respect to his successor, &c. I here beg to assure you, Sir, that nothing but fear of the old lady has deterred him from personally complaining against the conduct of Mr. Leech to the Bombay Government.

I remain, &c.
(signed) *Virjbookund Juveree.*

(True copy.)
(signed) Henry Aston.
First Political Agent in Charge.

No. 6889. MINUTE by the Honourable Mr. *Willoughby*, concurred in by the Honourable Mr. *Blane*.

To be considered on receipt of the rest.

(signed) *J. P. Willoughby.*
D. A. Blane.

16 August 1850.

Extract Bombay Political Consultation, 30 October 1850.—Cons. No. 80.

No. 330 of 1850.—Political Department.

No. 9028.

From Major *Lewis Brown*, Political Agent in the Rewa Caunta, to *J. G. Lumsden*, Esq., Secretary to Government, Bombay.

Sir,

I BEG to acknowledge the receipt of your circular letter, regarding kutput, under date the 15th May last, No. 2265, and calling on me to state whether I have any reasons for supposing the belief prevails generally, or amongst any particular class of persons in the Rewa Caunta, that "making kutput in Bombay" is regarded as a remedy under difficulties of whatever kind, such as the restoration to the service of a discharged Government servant, or release of a convicted criminal by intrigue, &c.; and if such a belief does prevail, what suggestions I have to offer as the best means of eradicating the system.

2. In reply, I beg to state, I have no reasons to suppose the belief does prevail in these districts. The people generally are too simple to suppose that, by means of any kind of intrigue in Bombay, the decisions of the Political Agent can be upset or superseded; but I am afraid that the native chiefs have occasionally been led to believe in the existence of such a system; though, as yet, fortunately no instance has occurred to confirm such a belief, except the following:

3. In 1845-46, the Raja of Rajpeepla was made to believe, by some intriguing persons, that his supposed grievances were to be redressed direct by the Government of India. The Raja was soon convinced of the deception being practised against him; but it is to be regretted that the parties who were fraudulently making use of the names of the high authorities of Calcutta were allowed to go unpunished, in consequence of the evidence against them not being quite complete, according to the opinion of the Advocate-general of Calcutta.

4. It is true, as supposed by Government, that, in some parts of the Mofussil, particularly Baroda, Kaira, and Ahmedabad, an impression prevails, that by "making kutput in Bombay," the decision of the local authorities can be altered. The cause of such a belief appears to be as follows: when the decision of the local authorities is altered by their superiors in Bombay, the people, who have neither means or penetration to discover the actual reasons that influenced the Bombay authorities, are made by the designing parties to believe that it was in consequence of some interest in Bombay the local decision was reversed.

5. Indeed there is little doubt that every decision of a local authority which is reversed, shakes the confidence of the Ryot in that authority, and increases the belief in the existence of kutput.

6. To eradicate the evil entirely and at once, I look upon as impossible. It can be only done gradually, even if that is possible. For this purpose, I would suggest that local decisions are reversed as little as possible. In order to secure this object, it is necessary the local authorities should exercise sound and deliberate judgement, avoid any appearance of prejudice or haste, pay strict attention to the forms and rules of their superiors, and take every pains to convince all parties concerned that their decision is actuated by fair motives of justice, and that it could not be subverted by any underhand means. At the same time, the higher authorities should always uphold the decision of the local authorities, so long as it does not interfere with the principle of justice. Some slight omission of forms, or some other trifling cause, should not be allowed to upset the just decisions of the local authorities. And in the cases in which they are obliged to reverse the local decisions, the full reasons thereof should be at once made known not only to the parties concerned, but, if possible, to the public at large, in order that their proceedings may not be misapprehended.

I have, &c.

Rewa Caunta Agency,
Baroda, 18 October 1850.

(signed) *Lewis Brown*,
Political Agent.

Replies of Officers under the Bombay Presidency on Khutput.

No. 9028 A.

MINUTE by the Honourable Mr. *Willoughby*, concurred in by the Honourable Mr. *Blane*.

RECORDED, pending the receipt of all the replies.

(signed) *J. P. Willoughby.*
D. A. Blane.

25 October 1850.

Extract Bombay Political Consultation, 4 December 1850.

No. 6710 of 1850.

No. 9981.

Transfer from the Judicial to the Political Department.

MINUTE, 9 November 1850.

ORDERED, that the letters noted in the margin* be transferred, in original, to the Political Department, in reply to the transfer from that department of the 15th May last, No. 2267.

(signed) *J. G. Lumsden,*
Secretary to Government.

No. 967 of 1850.—Judicial Department.

To the Secretary to Government, Bombay.

Sir,

IN reply to your circular letter, No. 2136, dated the 23d ultimo, I have the honour to state that the belief alluded to therein prevails very generally in this zillah, particularly amongst the Government servants.

I am unable to suggest any remedy to prevent intriguing; but when the decisions of local officers are reversed in Bombay, I would beg to propose that the superior authorities should invariably assign reasons in detail, in order that the local officers may learn in what way their decision was faulty, and on what ground it was upset.

I have, &c.

Conkun Court of Adawlut, 20 June 1850.

(signed) *A. K. Corfield,*
Acting Judge and S. Judge.

No. 17 of 1850.—Judicial Department.

To *James Grant Lumsden,* Esq., Secretary to Government, Bombay.

Sir,

WITH reference to your circular of the 23d ultimo, No. 2456 of 1850, I have the honour to report, for the information of Government, that I have reason to suppose that an impression similar to that therein alluded to is prevalent among some classes of the community here, as regards the Court of Suder Adawlut; but here it is thought that the object sought is to be gained by means

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* From the Acting Judge of Konkan, dated 20 June last, No. 967.
From the Judge of Surat, dated 6 June, No. 17.
Ditto - - ditto - - dated 23 June, No. 19.
From the Judge of Ahmedabad, dated 9 August, No. 400.
From the Acting Judge of Ahmednuggur, dated 5 August, No. 74.
From the Judge of Kandeish, dated 4 June, No. 307.
From the Judge of Dharwar, dated 11 July, No 1112.
From the Judge of Sholapoor, dated 6 July, No. 240.
From the Acting Judge of Poonah, dated 25 May, No. 248.

means of "sifarush," or the recommendation of influential persons to persons in power.

2. With regard to the means of eradicating this impression, the only suggestion I have to make is, that the greatest circumspection be exercised by the Judges and others connected with that Court in their private intercourse with individuals of the respectable classes of the natives of Bombay.

I have, &c.
(signed) *W. C. Andrews,*
Judge and Session Judge.

Court of Adawlut, Surat,
6 June 1850.

No. 19 of 1850.—Judicial Department.

To *James Grant Lumsden*, Esq., Secretary to Government, Bombay.

Sir,

With reference to my letter of the 6th instant, No. 17, I have the honour to forward an original letter from Mr. J. R. Morgan, senior Assistant Judge at Broach, dated 26th instant, No. 151.

I have, &c.
(signed) *W. C. Andrews,*
Judge.

Court of Adawlut, Surat,
28 June 1850.

No. 151 of 1850.

To *W. C. Andrews*, Esq., Judge, Surat.

Sir,

With reference to your endorsement of the 27th ultimo, on circular letter No. 2456, of the 23d August (May) last, from Mr. Secretary Lumsden, I have the honour to inform you that from inquiries I have made, I am led to believe that an impression prevails here, but amongst no particular class of persons in particular, that by obtaining the interest of parties in power in Bombay any arrangement or act of the local officers can be defeated. To what extent, however, this impression prevails I am unable to state, having been so short a time in this station. I doubt any persons being found to come forward and openly avow that this is the case. I feel myself at a loss to offer any suggestions for the purpose of eradicating this impression.

I have, &c.
(signed) *J. R. Morgan,*
Senior Assist^{t} Judge.

Court of Adawlut, Broach,
26 June 1850.

No. 400 of 1850.—Judicial Department.

To *James Grant Lumsden*, Esq., Secretary to Government, Bombay.

Sir,

In acknowledging the receipt of your circular No. 2456, of 23d May last, I have the honour to report that the result of my inquiries leads me to suppose that a belief in the existence of such a system as is therein described does exist in this zillah, and that it is, as in the Mahratta and Canarese districts, known under the name of "khutput."

2. The apparent facility with which information is obtained by parties concerned in cases appealed to Bombay (the result of the appeal or complaint being frequently known to them privately long before any official communication regarding it is received) has frequently surprised me, and shows, I think, the higher classes of natives in most, if not in all, large cities in the Mofussil, have friends or agents in Bombay, through whose influence they are able to obtain the earliest information on all subjects of local interest.

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3. This is doubtless generally known, and it is not to be wondered at therefore that a belief should obtain of their power to extend this to the attainment of the objects specified in your circular under acknowledgment.

4. The system is one upon which the records of an office are not likely to throw much light; but I have met with one recorded instance, which, as tending to prove that such a belief does exist in this zillah, I take the liberty of mentioning.

5. A sowkar of this city, by name Purshotum, was tried before this Court on charges of forgery and conspiracy, and convicted of the same. He was a trader of some consequence, being the owner of several shops, and well to do in the world, and amongst his own caste his case excited great commiseration. Referring to his case in a letter to the registrar of the Sudder Foujdaree Adawlut, No. 214, of 27 May 1846, my predecessor, Mr. Remington, writes, "The Nugun Sett Heemabhaee, told me of his own accord, when he came to register a bond a few days afterwards, that the trade intended to take the case up, and petition for a reversal of the sentence; and both on native and European authority I have it, that large sums have been remitted to Bombay to effect their object."

6. The belief in the efficacy of such a system is not likely to be altogether without foundation. The natives are not in the habit of parting with their money without due consideration, and unless they entertained reasonable hope of attaining the end desired, they would not risk it in Presidency intrigues.

7. As long as success is found to attend these intrigues, so long will the belief in their efficacy continue to exist in the Mofussil; and I am respectfully of opinion, therefore, that to be effectual, any remedy must have for its object to defeat their end by securing the deliberate and regular sifting and reporting of all matters referred to Bombay, whether in appeal or otherwise.

I have, &c.

Ahmedabad Court of Adalut,
9 August 1850.

(signed) *H. Harrison*,
Judge.

No. 746 of 1850.

To the Secretary to Government, Judicial Department, Bombay.

Sir,

In reply to your circular, No. 2456 of 1850, dated 23 May 1850, I have the honour to state that I have little doubt that an impression exists amongst a great portion of the native community, that by means of intrigues at the Presidency the arrangements of the local officers can be defeated or superseded, and that sums are constantly being sent to Bombay with the view to effect this object.

2. These sums, I imagine, find their way into the pockets of the employés in the different offices in Bombay, who are supposed to have influence with their superiors, and who of course, whether it be true or false, encourage the idea that favourable decisions are attainable through their means. Presents are also at times, I am led to believe, made to parties unconnected with the Government service who are reputed to be on terms of intimacy with the heads of departments at the Presidency, with the hope of securing their interest.

3. In thus giving utterance to my own belief on this point, I beg distinctly to state that I bring no charge against any individual or public body, and that of course I should be unable to prove the existence of the state of affairs I have described, though I am myself satisfied that it does exist.

4. The remedy for the evil adverted to lies in Bombay. Information not officially received, or at any rate not publicly placed on record, should not be allowed to influence official acts. Were this rule never deviated from by the central authorities, were support invariably accorded to the local officers except when their acts or decisions were shown to be palpably wrong, and were no reversals or alterations made without the reasons being distinctly assigned, the

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notion now prevalent would soon be dispelled, and parties avoid an expenditure of money, which they would find to be useless.

5. In the Judicial Department, I feel convinced that great and immediate benefit would be produced were the Sudder Adawlut obliged by law to furnish the subordinate courts with their reasons when they interfere with their decisions either civil or criminal. Except in appeals from regular civil suits, this is seldom done now, and the inferior tribunals, who are obliged to state in writing the reasons for their judgments or orders, are often left in ignorance of the grounds on which these judgments or orders have been set aside.

I have, &c.
(signed) *J. W. Woodcock*,
Acting Judge and S. Judge.

Ahmednuggur Court of Adawlut,
5 August 1850.

No. 307 of 1850.—Judicial Department.

To the Secretary to Government, Bombay.

Sir,

In reply to your circular letter, No. 2456, dated 23d instant, I have the honour to reply, that the result of the inquiries I have made leads me to believe that an impression prevails at this place, and to a certain extent pervades this zillah, in common with other parts of the Moofussil, that the arrangements of local officers are often defeated without adequate reason, by the suffering parties having friends to interest themselves in their behalf at the Presidency, and that, through the system of making "khutput" in Bombay, convicted criminals even occasionally succeed in effecting their release from gaol.

2. That this belief, whatever be its foundation, is injurious in its tendency, as calculated to shake the confidence of the ryots in the justice of the system by which they are governed, and thereby to deter them from complaining against Government officers, and other influential persons, cannot be doubted; indeed it is a natural result.

3. With a view of ascertaining on what basis this belief, more especially as regards the power of convicted criminals to effect their escape from gaol, rests, I have carefully examined the records of this Adawlut from the date of Khandesh being made a separate judgship, and the result certainly seems such as might possibly encourage the opinion at least that the wealthy and influential, and their friends, are more successful in obtaining the reversal of sentences passed against them than the poorer classes. Far be it from me to insinuate that this is the result of corruption or partiality; I will simply state a few facts as I find them, and leave the Government to draw its own conclusions.

4. Of the criminal cases decided in this Court from the date of Khandesh being made a Judgeship, till the 1st May last, I find 11 cases were forwarded to the Suder Court for confirmation, in one of which cases (No. 15 of the General Calender of 1849) only, the party convicted was a man of wealth and influence, being a Deshmookh; this one conviction was reversed, the other 10 were confirmed.

5. During the period above alluded to, 33 decisions in all were appealed against, of which 12 appeals were admitted and their cases reviewed; all the parties whose appeals were rejected are poor, and mostly of the lower castes; of the 12 cases reviewed under appeal, eight (Nos. 46, 58, 60, 71, 83, 64, 54, and 101, all of 1849) were reversed, and four (Nos. 86, 96, 108 of 1849, and No. 2 of 1850) were confirmed. In the eight cases reversed, the parties convicted were as follows:—Luxumon Oiah (case No. 46 of 1849), a late mamlutdar of this zillah; two Coombees (cases Nos. 60 and 83 of 1849), who committed perjury, and one of whom pleaded "guilty," in order to screen the said Luxumon Oiah. A wealthy Bora (case No. 71 of 1849) who committed perjury in order to screen a mamlutdar, charged with receiving a present, and

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a Brahmin and a Coombee (case No. 58 of 1849), who instigated to commit perjury in order to screen from punishment for conspiracy the Luxmon Oiah before mentioned, and two other influential parties. In the remaining three cases (64, 54, and 101), the convicted parties were people of little influence, though none of them of the lowest classes of society.

6. I feel quite unequal to offer any suggestions as to the best means of eradicating the injurious belief above referred to; it may be wholly without foundation, and if so, education and a better acquaintance with our regulations and system of Government will, I hope, gradually remove it. Should it be found to be based to any extent upon truth, the Government, being once satisfied of this, will be better able to apply, than any local officer (entertaining doubt in the matter) can be even to suggest, a remedy.

I have, &c.
(signed) *R. Y. Bazett*,
Judge and Session Judge.

Khandesh Court of Adawlut, Dhoolia,
4 June 1850.

No. 1112 of 1850.—Judicial Department.

To *James Grant Lumsden*, Esq., Secretary to Government, in the Judicial Department, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 2456, dated 23d May last, directing me to report whether I have reason to suppose that a belief in the efficacy of making khutphut in Bombay exists generally among the people here, or among any particular class of them, and to offer any suggestions that may occur as to the best means of eradicating it.

2. In reply, I have the honour to request you will inform the Right honourable the Governor in Council that it is beyond doubt that a belief does very generally prevail throughout this part of the country in the efficacy of making khutput in Bombay; and so congenial is that feeling to the native mind, that I fear it cannot be removed. I am credibly informed, but whether it is susceptible of proof or not, I cannot tell, that there are agents in Bombay from every part of the country to whom people write to make khutput for them. These agents, if my information is correct, are not men of consideration, and probably are not personally known to any of those in authority in Bombay, but they know those who have access to men in power, and whether the agents ever speak to their friends, or the latter ever speak to those in authority on the subject, does not signify, the clients are made to believe they do, and if they are successful there is then proof positive sent to the whole zillah that such or such an agent in Bombay has great success in making khutput. But if the petitioner himself happens to be known to those in power in Bombay, and proceeds thither to press his suit, and his journey be successful, however much he may have been injured, and however just the favourable decision may have been, he will, I fear, be more inclined to ascribe his success to khutput than to the triumph of right and justice.

3. We know how in the ordinary affairs of life one prophecy or dream coming true tends to confirm the belief of the superstitious, or how one cure by an empiric raises him to be a physician, and we therefore cannot be surprised when we know the love and admiration the natives have of intrigue and cunning, at the readiness with which they believe in the efficacy of khutput, or at the tenacity with which they may be expected to adhere to that belief.

4. If Government feel the evil to be very great, it will require and justify the application of a strong remedy; and the only means I see of checking it, so far as the belief of its being effectual in obtaining restoration to office of discharged servants is concerned, will be by Government making it a rule never to restore a discharged servant unless the injustice exercised towards him be so great that they feel at the same time called upon to punish the local authority by whom the act of injustice was committed. It might appear hard to cut

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off from their inferior servants all appeal, unless they can show some positive misconduct on the part of their immediate superior; but still, if the evil to be suppressed is great, it hardly seems to be asking too much of Government to put so much confidence in the heads of the different departments in the Mofussul, guarded as it will at the same time be if Government visit with punishment any wanton abuse of it.

5. It will perhaps be more easy to remove the impression that convicted prisoners may be released by khutput, as that only affects our courts of justice, wherein, when the administration of justice is healthy, all acts should not only be public, but notorious; in this, notoriety might be gained by requiring the Sudur Adawlut to publish every week the whole of their decisions of the week before, together with the whole cases, as sent from the zillah. This, in criminal cases, might be done by publishing the Session Judge's proceedings, and the minutes and decisions of the Judges of the Sudur Foujdaree Udaulut, and in civil cases by publishing the Zillah Judges' decision or reports, and the minutes and decisions of the Judges of the Sudur Dewanee Udawlut thereon. If none of the numerous daily papers now published (to whom I should think so much matter would be a boon) chose to print them, it would not, I imagine, much increase the bulk of the "Government Gazette," if they were printed as a weekly appendix to it, the reports would be most valuable, and the effect would, I am convinced, be admirable. It would raise up something resembling a public opinion in this country; it would make the Zillah Judges more careful in their proceedings, and as the reports would be published immediately the decision was passed, it would prevent the Sudur Adawlut from being thought (what the absence of all public opinion leads to) an irresponsible court, or one responsible only to that most treacherous of all masters, individual conscience.

I have, &c.
(signed) *W. E. Frere,*
Judge, and Session Judge.

Dharwar Court of Adawlut,
11 July 1850.

No. 240 of 1850.—Judicial Department.

To the Secretary to Government, Bombay.

Sir,

I HAVE the honour to reply to your Circular, No. 2456, dated 23d May 1850. My short experience in this zillah scarcely enables me to speak with any confidence as to the prevalence of such a feeling as that referred to in regard to the efficacy of indirect means to obtain objects unattainable in the regular course of public business. It is too consonant to the disposition of the people of this country for its existence to be doubtful. I apprehend, however, that its extent will depend altogether upon the encouragement it meets with from success or otherwise generally attending such manœuvres as are alluded to. I have no means of knowing whether appeals from the decision of local officers in all departments of the State are more frequently affirmed now than formerly, but such information must be within the reach of, if not upon the records of, Government: and the result of an inquiry directed to this end, would perhaps show whether there were any grounds for the supposition that, backed by money payments, indirect influences can be brought to bear upon the highest constituted authorities. In the absence of such grounds, it seems to me that it would be only a fair conclusion that the feeling in question is not so prevalent as to amount to an evil of the magnitude which is apparently supposed.

Of the system of criminal jurisprudence established in this Presidency, it is, I believe, an acknowledged principle that the judicial officer before whom evidence is recorded face to face with the witnesses from whose mouths it is taken, is the best judge of the value of that evidence; and that the confirming or appellate authority is the best judge of the sentence to be passed. This principally applies, perhaps, to other departments likewise. A departure from it to any extent must indicate want of confidence in those charged with local authority, and lead to the inference either that the latter are not fitted for the

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responsibility devolving upon them, or that they are interfered with to an extent that is inconsistent with the public good. In either case, encouragement is lent to the idea that their decisions, even when just and right, are to be evaded.

Whether, however, the appellate jurisdiction is rightly exercised or not, and whether the right of appeal is abused or not, it does not appear to me that the latter should be restricted. If people find that money is thrown away in endeavours to carry a bad cause, they will cease to waste it.

In regard, therefore, to a remedy, it is my opinion that that lies with the authorities whom such an influence as the one under consideration is supposed to affect. Being forewarned of its existence, they must be forearmed against it. It cannot be treated as a crime that men make use of all the influence they can command in times of adversity. It is not considered one among ourselves to make interest for advancement, or for redress of real or imaginary injustice; yet this is "khutput," without the money payment, which the native of India as a matter of habit considers an essential part of the business.

I have, &c.

Sholapoor Court of Adawlut, 6 July 1850.

(signed) *W. H. Harrison*, Judge.

No. 248 of 1850.

From *Robert Keays*, Esq., Acting Judge of Poonah, to the Secretary to Government in the Judicial Department, Bombay.

Sir,

In reply to your letter, No. 2456, of the 23d instant, I have the honour to report that the belief in the efficacy of the practice of making khutput in Bombay is, I have reason to think, very prevalent throughout the Mofussil, and I have often heard of parties sending large sums of money to Bombay to keep up agitation.

It is very difficult to suggest a remedy for this which will not interfere with appeal, but I am of opinion that the evil might be partially averted if Government placed greater confidence in its local officers, and refused to receive any petition except through the officer to whom it would, under the present system, be referred for report.

Local officers should be instructed to receive and forward such petitions with explanation, as quickly as possible; and the Government, being thus simultaneously placed in possession of both sides of the question, might dispose of it before intriguing parties could have time to endeavour to make interest at the Presidency.

I have, &c.

Poonah Court of Adawlut, 25 May 1850.

(signed) *R. Keays*, Acting Judge.

No. 9982. Minute by the Honourable Mr. *Willoughby*, concurred in by the Honourable Mr. *Blane*.

Recorded, pending the receipt of the remaining replies.

(signed) *J. P. Willoughby*, *D. A. Blane*.

13 November 1850.

Extract Bombay Political Consultation, 22 January 1851.

No. 269 of 1851.—Political Department.

No. 499. From *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to the Resident at Baroda.

Sir,

I am directed by the Right honourable the Governor in Council to draw your attention to the Circular from this department, dated the 15th May last, No.

No. 2265, requesting information as to whether the impression prevails in the interior, that a reversal of the measures of the local authorities may be effected through the medium of what is termed "making khutput in Bombay." Replies of Officers under the Bombay Presidendy on Khutput.

I have, &c.,
(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
21 January 1851.

Extract Bombay Political Consultation, 5 February 1851.

No. 14 of 1851.—Political Department.

From *H. L. Anderson*, Esq., Acting Political Superintendent, Kolhapoor, to *A. Malet*, Esq., Chief Secretary to the Government of Bombay. No. 768.

Sir,

I HAVE the honour to acknowledge the receipt of Mr. Secretary Goldsmid's letter of the 15th May, No. 2265 of 1850, relative to the practice of making "khutput" in Bombay.

2. In reply, I have the honour to state that my own experience in Kolhapoor, and the information derived from the minister and other officers, together with a consultation of the records, have led me to the opinion that the practice has not extended yet to the affairs of this office. I may, however, mention, that in my own appointment under the Southern Mahratta Agency, I have observed in a few instances traces of the practice alluded to.

3. I am, however, of opinion that something of the kind must exist in some shape or other, under almost any Government, and especially under one constituted like Indian Governments. There are two prominent facts connected with the work of Government in India, which are calculated to produce the impression alluded to by Mr. Secretary Goldsmid. Great centralization in the mode of administering the Government, and great ignorance on the part of the general mass of the governed. Every petty intriguer knows that, however preposterous may appear a complaint, there is a tribunal in Bombay which will listen to and investigate it. He also is perfectly aware how easy it is to persuade an inhabitant of the Mofussil that a remedy can in some manner, direct or indirect, be obtained in Bombay for every complaint, however absurd.

4. The former of the facts here alluded to is the peculiar glory of British Government in India. I believe in no country in the world is the principle more fully carried out, that every man's complaint shall be investigated, and if necessary remedied. As, however, all good things must have some alloy of evil, I believe that it may lead to the impression among the ignorant, that khutput in Bombay is the great redresser of wrongs.

5. I would wish to be understood as only speaking according to my actual experience. As far as that is concerned, I can only say, that even in Belgaum, where I have observed what I thought traces of khutput (I allude particularly to the affairs of Jumkhunda), it has never been to an extent to embarrass me in the performance of my duties. But my experience, except as a subordinate officer, has been so brief, that I have felt considerable diffidence in offering an opinion on the subject, and am only now induced to submit the above few remarks, in order that the reference may not be left unanswered.

I have, &c.
(signed) *H. L. Anderson*,
Acting Pol. Superintendent.

Kolhapoor Pol. Superintendent's Office,
6 January 1851.

MINUTE by the Right Honourable the Governor, subscribed to by the Board. No. 769.

RECORDED, pending the receipt of the remaining replies.

(signed) *Falkland.*
John Grey.
J. P. Willoughby.
D. A. Blane.

28 January 1851.

Replies of Officers under the Bombay Presidency on Khutput.

Extract Bombay Political Consultation, 28 April 1851.

No. 1557 of 1851.—Political Department.

No. 2658. From *H. E. Goldsmid*, Esq., Secretary to the Government of Bombay, to Lieutenant-Colonel *James Outram*, C.B., Resident at Baroda.

Sir,

I AM directed by the Right honourable the Governor in Council, again to draw your attention to the circular from this department, dated the 15th May 1850, No. 2265, requesting information as to whether the impression prevails in the interior, that a reversal of the measures of the local authorities may be effected, through the medium of what is termed "making khutput in Bombay."

I have, &c.

Bombay Castle, 10 April 1851. (signed) *H. E. Goldsmid*, Secretary to Government.

Extract Bombay Political Consultation, 7 May 1851.

No. 69 of 1851.—Political Department.

No. 3353. From Lieutenant-Colonel *James Outram*, C.B., Resident at Baroda, to *H. E. Goldsmid*, Esq., Secretary to the Government of Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 1557, dated the 10th instant, reminding me that Government have already expressed their desire to be furnished with my reply to your communication, No. 2265, of the 15th May last, calling for information concerning khutput.

2. In reply, I have the honour to inform you, that I have nearly completed the draft of my report on khutput, and that no time shall be lost after its completion in placing it in the copyist's hands.

3. I feel assured that the Right honourable the Governor in Council will pardon the delay that has occurred in transmitting my khutput report, when I call his attention to the fact, that since the receipt of your circular letter, I have been engaged in a series of most intricate and harassing investigations, the difficulties of which have been intensely aggravated by the belief, here universal, in the efficacy of "khutput made in Bombay."

4. The reports I have recently had occasion to transmit, illustrating the fact that not only the servants, but members of Government are, by the natives of Baroda, considered to be accessible to corrupt considerations, will, I trust, be deemed conclusive evidence that I have been neither idle nor indifferent to the subject to which my attention was called in your circular letter of May last. His Lordship will see from these reports that since my return from Egypt my time and best energies have been directed to a struggle with, and an exposure of, the baneful consequence of the prevalent belief in khutput, and that I have earnestly recommended certain measures as not only in themselves just, but indispensably necessary for the eradication of that dishonouring belief. But I should fail in my duty did I not explicitly state my opinion, formed neither hastily nor on insufficient data, to the effect that the belief in the efficacy of khutput made in Bombay will not be easily or speedily eradicated; it is too widely spread, too deeply rooted, and, in native estimation, too well supported by circumstantial evidence to be readily relinquished.

I have, &c.

Baroda Residency, 14 April 1851. (signed) *James Outram*, Resident.

Replies of Officers under the Bombay Presidency on Khutput.

No. 1901 of 1851.—Political Department..

No. 3354.

From *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to Lieutenant *M. Battye*, Assistant Resident at Baroda in Charge.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of Lieutenant-colonel Outram's letter, dated the 14th instant, No. 69, and to inform you that the report therein promised on the subject of what is termed making "khutput" in Bombay will be awaited by Government.

I have, &c.

Bombay Castle, 2 May 1851. (signed) *A. Malet*,
Chief Secretary.

No. 2266 of 1850.

EXTRACT from the Proceedings of Government in the Political Department. No. 860.

Circular.

No. 2265 of 1850.—Political Department.

To

Sir,

GOVERNMENT has been led to believe that an impression prevails in some parts of the Mofussil that by means of intrigues at the Presidency, the arrangements of the local officers can often be defeated or superseded by the parties interested secretly obtaining the friendship of persons in power, who it is expected will, irrespective of right or wrong, interest themselves for the party soliciting their favour, and that by these means objects are attainable which, if left to be sifted and reported on in a deliberate and regular manner, could never be secured.

2. This species of intriguing is termed, in the Mahratta and Canarese districts, "making khutput in Bombay," and is stated to be regarded as a remedy under difficulties of whatever kind. It is even held to be considered as effectual in obtaining the restoration to place of official servants who, for incapacity or dishonesty, have been discharged from the Government service, and to be even capable of effecting the release from jail of a convicted criminal.

3. A belief in the existence of a system of this nature is calculated greatly to embarrass the officers of Government, and to undermine the confidence of the ryots in the justice of the system by which they are governed. I am, accordingly, directed to request that you will have the goodness to report, after making any inquiries you may deem requisite, whether you have reasons for supposing that any such belief prevails generally, or amongst any particular class of persons within the limits of your charge, and if so, that you will offer any suggestions that may occur to you as to the best means for eradicating the same.

I have, &c.

Bombay Castle, 15 May 1850. (signed) *H. E. Goldsmid*,
Secretary to Government.

MINUTE, 15 May 1850.

ORDERED, that a copy of the foregoing circular be transferred to the Revenue Department; that a similar call may thence be made on the authorities under that department, the result being communicated to the Political Department.

(signed) *H. E. Goldsmid*,
Secretary to Government.

Replies of Officers under the Bombay Presidency on Khutput.

Circular.

No. 4138 of 1850.—Territorial Department.—Revenue.

No. 8061. To all Collectors of Land Revenue (except Bombay), Collector Continental Customs and Excise, Superintendents of Surveys, Settlement Officer, Poonah Agent at Colaba, and Inam Commissioner, Dr. Gibson, and the two Claim Commissioners.

GOVERNMENT has been led to believe that an impression prevails in some parts of the Mofussil, that by means of intrigues at the Presidency, the arrangements of the local officers can often be defeated or superseded by the parties interested secretly obtaining the friendship of persons in power, who it is expected will, irrespective of right or wrong, interest themselves for the party soliciting their favour, and that by these means objects are attainable, which if left to be sifted and reported on in a deliberate and regular manner, could never be secured.

2. This species of intriguing is termed in the Mahratta and Canarese districts, "making khutput in Bombay," and is stated to be regarded as a remedy under difficulties of whatever kind. It is even held to be considered as effectual in obtaining the restoration to place of official servants, who for incapacity or dishonesty have been discharged from the Government service, and to be even capable of effecting the release from gaol of a convicted criminal.

3. A belief in the existence of a system of this nature is calculated greatly to embarrass the officers of Government, and to undermine the confidence of the ryots in the justice of the system by which they are governed. I am accordingly directed to request that you will have the goodness to report, after making any inquiries you may deem requisite, whether you have reasons for supposing that any such belief prevails generally, or amongst any particular class of persons within the limits of your charge, and if so, that you will offer any suggestions that may occur to you as to the best means for eradicating the same.

(signed) *H. E. Goldsmid,*
Secretary to Government.

Bombay Castle, 20 May 1850.

No. 4139 and 4140.

COPY to be sent to the Revenue Commissioners of the Northern and Southern Divisions, with a request that they will answer the reference from their own observations and experience; the replies of the collector will be sent direct to Government.

(signed) *H. E. Goldsmid,*
Secretary to Government.

No. 706 of 1850.—Territorial Department.—Revenue.

No. 8654. To *H. E. Goldsmid*, Esq., Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter (No. 4138 of 1850), dated 20th May 1850, stating that the Government had been led to believe that an impression prevailed that by means of intrigue at the Presidency the arrangements of local officers can often be defeated and frustrated by persons secretly obtaining the friendship of persons in power, and that this species of intriguing was termed in the Maratha and Canarese districts of "making khutput in Bombay," requesting to know whether I had reason for supposing that any such belief prevails generally within the limits of my charge, and that I would offer any suggestions that may occur for eradicating the same.

2. In reply, I have the honour to inform you, that the impression above alluded

alluded to is universal amongst both Europeans and natives; it is alluded to in para. 4 and 11, of my letter in the Judicial Department, dated June 12th, 1846, and in other parts of the correspondence I had with Government, particularly in my charge of malversation against Mr. Simson.

Replies of Officers under the Bombay Presidency on Khutput.

3. I think a Committee should be at once appointed to inquire into this pernicious system, when I shall be very glad to give my evidence; excepting under such protection, I do not wish to make assertions which I might be called upon to prove in the face of a system which is regarded as a remedy under difficulties of whatever kind, which is even held to be considered as effectual in obtaining restoration to place, and even capable of effecting the release from gaol of a convicted criminal.

4. I have come to the opinion that the loss of the cotton trade, together with the increase of intemperance, and the impossibility of improving either the character or condition of the people of this Presidency, arise from the system to which you allude, for as long as the officers of Government are embarrassed, and the ryots' confidence in the justice of the system by which they are governed undermined, it is not possible to suppose any amendment can take place.

5. I have, as you are probably aware, already petitioned the Supreme Government for a Committee to inquire into very nearly the same facts as those which I am informed by your letter under reply, the Government are led to believe are credited in some parts of the Mofussil. I cannot, therefore, too strongly urge the necessity of a strict investigation into the subject.

6. I fully believe myself to have been ruined by this system of "making khutput in Bombay;" it is of every-day occurrence, or at least believed to be so, and I can only therefore trust that the Government, having noticed the fact, will not, as in the case of pecuniary embarrassments of public servants, add to the injurious effects of such a system by neglecting to institute the most searching investigations. My evidence is perfectly ready, and I think I can adduce some facts to prove that the Government have been very correctly led to believe the system of intrigue alluded to by you, exists to the extent and to the results indicated in your letter under reply.

7. A public investigation, with the publication of the evidence taken, would, I think, alone induce individuals to come forward; anything short of that will only tend to confirm the system, which is already mischievous to a degree to which the police abuses in Calcutta afford no parallel. I was openly assured, when I arraigned Ardasher Dhunjeeshaw Bahadoor, that his influence (khutput in Bombay) would be too much for me, and that I should be ruined; he could suppress evidence, or create it, by the mere assertion of this khutput, whether it existed or not; but it did exist, as I shall be prepared to state and prove one such case, so successful and glorious to one party, and so ruinous and disastrous to the other, in the face, as the world knows but too well, of the justice of the cause, is quite sufficient to strengthen, if not establish a system of the kind; the belief in it is, however, quite universal, and to doubt it, and to act as if it did not exist, incurs only the feelings of pity and contempt.

I have, &c.
(signed) *R. D. Luard,*
Coll. of Continental Customs, and Excise.

Tanna Office of
Coll. Cont. Customs and Excise,
25 May 1850.

No. 1278 of 1850.—Territorial Department, Revenue.

To *H. E. Goldsmid,* Esq., Secretary to Government, Bombay. No. 9012.

Sir,

I HAVE the honour to acknowledge the receipt of your circular, with your memorandum No. 4139, of the 20th instant, addressed to all collectors, relative to the existence of certain intrigues at the Presidency, through which arrangements of Mofussil officers are often defeated, and by which much detriment is supposed to be occasioned both to the interests and character of our Government.

Replies of Officers under the Bombay Presidency on Khutput.

2. In reply to this delicate inquiry upon which you call upon me to state my experience, I most respectfully beg to be considered as having only surmised the observations I may make, and as by mentioning names I might be doing an injury to persons whose reputation may be most unjustly aspersed, and thereby very properly lay myself open to a prosecution for libel, I shall content myself therefore with hinting a few remarks, which I believe are generally current through the country.

3. In the Southern Mahratta Country, I have frequently heard from natives and European missionaries, who converse freely with the inhabitants of the country, that no wealthy man could be brought to justice, and that if so, and convicted, his punishment would hereafter be remitted.

4. There is an idea (doubtless erroneous) amongst natives, that if a party can afford to entertain an European vakeel or pleader, he will carry his case.

5. I was upon one occasion told by a native judge, that it was usual for every Sudder Ameen and moonsiff to fee the visiting Judicial Commissioner's sheristedar.

6. The same or similar (no doubt unjust) reports I have heard freely discussed in Goozerat and other places.

7. I will mention a circumstance, as (to the best of my recollection) it was told me on my recent tour in Goozerat by an European officer, who, being a party concerned, might probably have taken a wrong view of the case.

8. There was a functionary, whom I will call a native judge, who passed a decree, and some days afterwards recalled his judgment, and altered it. It was believed he did this without any bad intentions, but his European superior, who might have been a zillah judge, hearing of the circumstance, reported the matter to his superiors at, I believe, the Presidency, and recommended that he should be severely fined for his indiscretion, and reprimanded.

9. The superiors would not consent to this lenient punishment for so great an offence, but directed the native subordinate to be put on his trial; he was, and on his trial he shifted his former defence of indiscretion, and attempted to deny the act. He was consequently dismissed the service.

10. This native functionary, it is said, then immediately proceeded to the Presidency, taking with him hoondees and money to a large amount, and was reinstated in his office by the superiors, who, in the first instance, refused to allow a lenient punishment for the indiscretion, after he had been convicted of the fraud.

11. I have heard of a mamletdar saying, in his kutcherry, that he had got one collector removed from a district, which would be the fate of a certain assistant if he gave him trouble. But I dare say it was a malicious report, invented by his carkoons.

12. Many little anecdotes of the above description are, I apprehend, related by rustic politicians at the village chowree; and, judging from the anonymous petitions I sometimes receive, insinuating instances of undue influence, I am constrained to say that my private opinion is, that there is an invisible power, or may be superior wisdom, at the Presidency, which takes a very different view of a matter than that which it bore in the Mofussil. I believe also, from Dharwar to Ahmedabad, that this erroneous impression is entertained, and that missionaries who intermix and associate with natives have also more or less imbibed it.

13. Human nature, I would respectfully observe, as human nature, is not infallible; and, without intending to calumniate natives, it might be asked whether it is reasonable to expect that one or two carkoons, annually in company with a Judicial Commissioner taking the same tour, will not occasionally give a little colouring to a case.

14. I would venture to suggest that no native sheristadar should take the same tour two consecutive years with a Judicial Commissioner.

15. That a Judicial Commissioner should hold his court and take petitions in the Zillah Judges' open court.

16. That

Replies of Officers under the Bombay Presidency on Khutput.

16. That no native or European authority should be allowed to accept fish, fruit, sugar, &c.; and that all presents (if presents need must be) should be confined to flowers. Trifling presents of this description, I am sensible, weigh nothing with an European officer, but are viewed differently by natives; and when received from one, lead others to think it is a compliment which should not be omitted.

17. I have not touched upon one subject, the debts of functionaries; but I cannot imagine how one party can refuse an ordinary favour to another who holds the power of casting him into gaol, and ruining him at his pleasure. The orders on this subject in the Mofussil should be enforced at the Presidency.

18. I have heard that certain opulent and respectable natives have great influence in the patronage of offices, and it is said they receive fees for exerting themselves in favour of a party appealing to a higher authority at the Presidency.

19. It is no uncommon thing for Mofussil authorities receiving applications in favour of district servants, with request to alter arrangements officially made from influential parties at the Presidency.

I have, &c.

Revenue Commissioner's Camp, Khandalla, 24 May 1850.

(signed) *A. N. Shaw,*
Revenue Commissioner, N. D.

No. 497 of 1850.—Territorial Department, Revenue.

To *H. E. Goldsmid,* Esq., Secretary to Government, Bombay.

No. 9013.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 4138, dated 20th instant, drawing my attention to a system of intriguing called "kutput in Bombay," and directing me to report, after making any inquiries I may deem requisite, whether I have reasons for supposing that a belief in the existence of such a system exists generally, or amongst any particular class of persons within the limits of my charge, and if so, to offer any suggestions that may occur to me as to the best means for eradicating it.

2. I venture, in reply, to submit my opinion, that a belief does exist in the minds of the wealthier portion of persons in this collectorate, chiefly those connected with the Sirdar and other landed estates, of the efficacy of private influence in Bombay, in procuring the reversal of decisions passed here.

3. It is, however, easier to point out the existence of this belief than to suggest the means for counteracting it, for it seems to me to be connected with that honest freedom of action, between which and mere intrigue it is almost impossible to draw the line. I may, however, observe, that all the officers of Government are supposed to have enough in the division of official labour to employ them fully in their own offices, and as they ought all to be animated by the one great desire of advancing the public service, and since, again, it is evident that in occupying himself with what does not concern him, one public officer must not only waste his own time, but also run the risk of seriously embarrassing the exertions of another, it may be advisable for Government to caution them against lending an ear to the representations or complaints of parties who may privately endeavour to interest them in public questions unconnected with their own duties.

I have, &c.

Belgaum, Collector's Office, 28 May 1850.

(signed) *H. W. Reeves,*
Collector.

No. 2,743 of 1850.—Territorial Department, Revenue.

To *H. E. Goldsmid,* Esq., Secretary to Government, Bombay.

No. 9041.

Sir,

I HAVE the honour to acknowledge the receipt of your Circular of the 20th instant, No. 4138, and to state that I have long been aware of the "impression"

Replies of Officers under the Bombay Presidency on Khutput.

on the native mind, alluded to in your first paragraph, that the "species of intriguing" in Bombay, described in your letter, is the effectual antidote against the practices of the Government officers in the interior.

2. Among a people who so dearly love intrigue as the natives of India, nothing can be more difficult than to get rid of such an idea. It is quite in accordance with the native systems of Government, in which bribery and corruption are all in all; and though Europeans pride themselves on their superior integrity, the natives generally do not, so far as I have seen, believe them to be generally incorruptible.

3. There have been times when sufficient caution was not observed at the Presidency, in the intercourse of various official characters with natives who visited it on matters of business, and when the consequences of those visits favoured the general "impression" alluded to in your letter; as an instance, I beg to refer to the third and following paragraphs of Mr. Hart's report, dated 20th February 1847, forwarded to Government with mine of the 26th November of that year (No. 2911).

4. But even when nothing really occurs at the seat of Government to encourage the belief that intrigue and private representation will avail to thwart the ends of justice, the agents employed for these purposes in Bombay persuade their employers that to their visits to certain influential characters they must attribute either the favourable completion of their business, or that it did not terminate more unfavourably than it did.

5. Acts which Europeans treat as mere matters of courtesy are, either through ignorance or design, magnified into proofs of consideration and deference, or explained to imply promise of favour and protection. A native in the Belgaon collectorate of very inferior rank, once produced before me, in a civil suit (as a sort of patent of nobility), an invitation to a public ball at Parell. This he had obtained through the influence of a native friend at Bombay, and he endeavoured to prove by it his position in society, which however was sufficiently well known at Belgaon to prove that he owed his invitation to the absence of similar information at Bombay.

6. For the purpose of eradicating such a belief, I can offer no "suggestions" but such as will occur to every mind of ordinary reflection, viz., that in holding intercourse with a people of a very low standard of integrity, and who are always ready to take or to offer a bribe in any or every shape, the greatest circumspection is necessary both in receiving visits and in accepting favours; nor should this caution be limited to visitors from the interior, for some natives in Bombay have the credit of using their influence very extensively in favour of those who are not possessed of European friends and acquaintances at the seat of Government.

I have, &c.
(signed) *E. H. Townsend,*
Revenue Commissioner, S. D.

Revenue Commissioner's Camp,
"Nehr," 31 May 1850.

No. 16 of 1850.—Territorial Department Revenue.

No. 9243.

To the Secretary to Government, Bombay.

Sir,

I have to acknowledge the receipt of your circular letter, No. 4138, of the 20th ultimo, informing me that Government has been led to believe that an impression prevails in some parts of the Mofussil, that, by means of intrigues at the Presidency, the arrangement of the local authorities can often be defeated or superseded by the parties interested secretly obtaining the friendship of persons in power; and directing me to report whether or not I have any reason to suppose that such belief prevails, and to offer any suggestions that may occur to me as to the best means of eradicating it.

2. In reply, I have the honour of stating that the impression described in your

your letter is very prevalent in the Deccan, particularly in the Poonah zilla. It is generally believed that any decision, however much opposed to recorded evidence, may be obtained by private interest.

Replies of Officers under the Bombay Presidency on Khutput.

3. Where cases are decided upon their recorded merits, there can be no good ground for such belief, but in order to obviate erroneous impressions, I think it is very desirable that the grounds on which the proceedings of inferior officers are annulled, should be distinctly stated and explained to the parties concerned. While the reasons on which decisions are founded are withheld, misapprehension will, in my opinion, always prevail.

I have, &c.
(signed) *J. N. Rose,*
Commissioner for Claims on Transit and other Duties, S. D.

Poonah, 3 June 1850.

No. 383 of 1850.—Territorial Department, Revenue.

From *E. C. Jones,* Esq., Agent at Colaba, to *H. E. Goldsmid,* Esq., Secretary to the Government of Bombay. No. 9244.

Sir,

In reply to your circular, dated 20th ultimo, No. 4138, I have the honour to inform you, that I believe the practice of personally proceeding to Bombay, to complain of real or imaginary grievances, arising from the decisions of the Mofussil officers, is very common. I think there must be a set of people in Bombay on the look-out for such petitioners, who persuade them that the only chance of success is to leave the matter in their hands with a consideration for their trouble; and should this have been successful in a few instances, it is easy to account for a belief arising among natives, that a similar process will always succeed, whether the grounds of complaint be just or unjust, and it is to the interest of the agent in Bombay to foster such a belief.

2. I regret that I have no information to give you on this subject, as none is to be gained by questioning the natives, and I have never myself detected that any undue influence has been exerted in cases of reference between Government and this Department.

I have, &c.
(signed) *E. C. Jones,*
Agent at Colaba.

Agent's Office, Alibagh,
4 June 1850.

No. 327 of 1850.

From *J. D. Inverarity,* Esq., Collector of Sholapoor, to *H. E. Goldsmid,* Esq., Secretary to Government in the Teritorial Department, Revenue, Bombay. Nos. 9458 & 9459.

Sir,

I have the honour to acknowledge the receipt of your letter, No. 4138, of the 20th ultimo, calling upon me to report whether I have reason for supposing that a belief prevails generally among the natives of the Mofussil, that by intriguing in Bombay the arrangements of the local officers can often be defeated or superseded.

2. In reply, I beg to append reports by my second assistant, and by Assistant Magistrate Hosken, who both testify to the prevalence of the opinion among natives, that "making khutput" in Bombay is attended with success provided pecuniary inducements are dealt out with a liberal hand.

3. In regard to the use of the Begumpoor police officers, Venkutesh Rugonath and Naro Chrishn, noticed by the second assistant magistrate, I find the following in a letter from the Registrar Suddur Foujdaree Adawlut, No. 3417, dated 14th December 1849, and received on the 17th of the same month.

Replies of Officers under the Bombay Presidency on Khutput.

"Para. 2. With reference to case No. 12, that of Venkutesh Rugonath, I am desired to request you will state whether the Shetee was furnished with a police sunnud, as provided for in the interpretation on section 8, of Reg. XII. of 1827, dated 8th April 1841." The following reply to this was furnished by the magistrate in his letter, No. 704, dated 26th December 1849.

"3. With reference to case No. 12, I beg to state that the Shetee Venkutesh Rugonath was in possession of a police sunnud."

4. Under date the 18th December 1849, a precept, No. 1010, was issued to the magistrate, returning the papers and proceedings certified by him on the 3d December 1849, in the case of Naro Chrishn and Venkutesh Rugonath, with the following extract from the proceedings of the Suddur Foujdaree Adawlut, dated the 18th December 1849: "The Court annuls the conviction and sentence, and directs the discharge of the prisoners or the refund of the fine in the case of Venkutesh Rugonath if paid." "The Court remarks that the Shety's sunnud not being on the record of the trial, it is assumed he does not possess one, and consequently he was not amenable to the charge."

5. Here it is obvious that between the 14th December 1849, when the magistrate was directed to report whether Venkutesh Rugonath was furnished with a police sunnud, and the 18th December 1849, when the Court annulled his conviction and sentence, on the assumption that the Shety's sunnud not being on the record of the trial, he did not possess one, there was not by any possibility, under present postal arrangements, time for the Court to receive a reply to the first reference, which reached the magistrate only on the 17th December, the day preceding that on which the Court annulled the conviction and sentence passed by the local officer.

6. Man Koo Vittul, late sheristadar in this collectorate, whose dismissal from and non-re-employment in the service of Government was directed in Mr. Secretary Goldsmid's letter, No. 3961, of the 15th ultimo, and whose conviction and sentence were annulled by the Suddur Foujdaree Adawlut on the 5th of February 1850, is said to have visited Bombay with 100 rupees in his pocket for private expenses, and two hoondees of 700 and 300 rupees for expenditure as "Durbar or Khutput Khurch."

7. There being little doubt that the system of khutput making in Bombay is supposed by natives to be an effective means of defeating or superseding the arrangements of local officers, I would, with all deference, offer my suggestion, as required in the conclusion of your letter, that a certain time should be allowed for the presentation of an appeal, which should be preferred through the local officer, who should be required to forward the same within eight or 10 days, with all papers and proceedings connected therewith; this course, while it preserved the full freedom of appeal, would close the door against parties in Bombay, who, for their own ends, interest themselves in the affairs of others, irrespective of right or wrong.

I have, &c.
(signed) *J. D. Inverarity,*
Collector.

Sholapoor, Collector's Office,
5 June 1850.

From *J. S. Inverarity*, Esq., Second Assistant Collector, to *J. D. Inverarity*, Esq., Collector, Sholapoor.

Sir,

With reference to endorsement No. 295 of 1850 from your office, I have the honour to report that as far as my experience goes, the belief that by means of intrigues at the Presidency, the arrangements of the Mofussil officer can be defeated, is by no means confined to any particular class of persons, but generally prevails throughout all grades of society in the districts under my charge.

2. The following cases are instances of the prevalence of this idea.

Gunnesh Ramchunder, suspended mamlutdar of Talooka Kurumlla, is said to be at Bombay for the purpose of making "khutput," and, whether true or not I cannot

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I cannot say, to have left this with 300 rupees in gold bars, and a hoondee on a banker in Bombay for 500 rupees. It is currently reported and believed that with the assistance of this, combined with the fact of his being a particular friend of the Revenue Commissioner's dufterdar, he will receive an order, not exactly for reinstatement in his old district, but to the effect that he may be again employed whenever a vacancy occurs.

Vankutesh Rungnath and Naro Krishn, police shetis of Beegumpoor, Talooka Mohol, were fined by the session judge for "making undue exactions," and in a second instance punished by the second assistant magistrate, whose sentence was confirmed by the magistrate for "misconduct in their official duties." In this case it is reported that Govind Rungnath, their brother, first went to Bombay with 300 rupees, and Naro Krishn thus having been released from gaol, himself went thither with 200 rupees, and so, being besides a great friend of the head sheristdar of the Sudder Foujdarree Adawlut, the sentence passed by the session judge was cancelled.

The above instances, which might be considerably multiplied, will show the prevailing impression in the districts under my charge.

I have, &c.
(signed) *J. S. Inverarity,*
Second Assistant Collector.

Sholapoor, Assistant Collector's Office,
3 June 1850.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Willoughby* and the Honourable Mr. *Blane.*

To await other replies. I think it as well to take no notice of particular cases brought to our notice before all answers are received.

(signed) *Falkland.*
J. P. Willoughby.
D. A. Blane.

14 June 1850.

From *Richard Hosken,* Esq., Assistant Magistrate, to *J. D. Inverarity,* Esq., Magistrate of Sholapoor.

Sir,

IN reply to your memo. No. 300, of yesterday's date, referring to Government Circular, No. 4138 of 1850, I have the honour to inform you that several respectable natives with whom I have conversed have appeared strongly impressed with the idea that the decisions of the Mofussil officers can be reversed on appeal to Bombay, whether right or wrong, for a consideration, which usually ranges from 300 to 1,500 rupees, the price varying according to the importance of the case.

I have, &c.
(signed) *R. Hosken,*
Assistant Magistrate.

Sholapoor, 29 May 1850.

No. 99 of 1850.

To *A. Malet,* Esq., Chief Secretary to Government, Bombay. No. 9972.

Sir,

WITH reference to the Circular, No. 4138 of 1850, I have the honour to inform you that the system of intriguing therein alluded to would not appear to have its existence in the department under my control. There is, however, good reason to suppose that amongst the heads of our native establishments, mamlutdars, moonshiffs, mahalkurries, &c., this kind of intriguing does obtain, and is looked upon quite as a legitimate channel for advancing their interests; and further, in cases of dismissal from office, a belief in its efficacy to bring about a reinstatement is also entertained. In the Southern Mahratta Country

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I have often heard of influential natives going to Bombay and Poonah to make "khutput" when any case in which they were interested was under reference to Government, and it was only the other day that an instance of the kind came under my notice. The Dharwar Desaie's carkoon called on me requesting I would permit his master to pay me a visit, and on inquiring the object of the Desaie's coming to Poonah, he said it was to make "khutput" to get a decision of the Dharwar Collector's reversed; but though this practice be followed by the higher classes of our native revenue and judicial officers, I am of opinion the lower orders are yet but little acquainted with it.

2. I am unable to offer any suggestions for the direct suppression of this system of intriguing; I would, however, observe that if due consideration be given to the proceedings of the local officers, and appeals and petitions against their decisions be decided on the merits of the case, without reference to the party interested, "khutputism" will be rendered a harmless occupation, and from being unprofitable, will soon be discontinued entirely.

I have, &c.
(signed) *J. Francis*, Lieutenant,
Assistant Settlement Officer in Charge.

Poonah,
19 June 1850.

No. 1,363 of 1850.—Territorial Department, Revenue.

No. 10,093.

From *R. Spooner*, Collector of Ahmednuggur, to the Secretary to Government, Bombay.

Sir,

Intrigues at the Presidency, or making Kutput in Bombay.

I HAVE the honour to acknowledge the receipt of your circular, No. 4138, dated the 20th ultimo.

2. In reply, I respectfully beg to state that generally, and amongst all classes of persons, there would appear to be an impression that if a petitioner proceeds to Bombay or employs a person to act in his behalf there, that he is more likely to secure what he wants than if he merely sent his petition to Bombay.

3. Some persons, however, would appear to send agents to Bombay merely with the view of obtaining early intelligence as to the result of their applications.

4. It would also appear that such agents do sometimes obtain full information; for instance, in the case alluded to in the margin,* the petitioner applied for the continuance of an allowance, and my report was forwarded by Government to Mr. Hart, the Enam Commissioner, for his opinion; a very few days after the report was so referred to Mr. Hart, petitioner came to me, and said that my report was approved of; that he was much obliged to me for having written in his favour, but that he heard that the report had been referred to Mr. Hart, and that therefore he had come to me to inquire who Mr. Hart was, and why the report was referred to him. On being questioned as to how he obtained his information, he told me that he had sent his brother to Bombay, as he thought that it was necessary for him so to do, and that his brother had written to him giving him the said information. On my assuring him that no advantage could be obtained by his brother staying at Bombay, he replied that he would at once recall him, as the expenses incurred there were very heavy.

5. I regret that I am unable to offer any suggestions as to the best means of eradicating the evil alluded to by you; whatever is done, takes place at Bombay, and it is at that place therefore that the remedy must be applied.

I have, &c.
(signed) *R. Spooner*,
Collector.

Ahmednuggur, Collector's Office,
17 June 1850.

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* Petition from Jeejaba bin Wishurnath, Gosavee Bharday Inamee, Jagheerdar of Moujeh Wurkbeir, dated 19 March 1850; Government Indorsement thereon to the Collector, No. 2160, dated 19 March 1850. Collector's Report, No. 702, dated 16 April 1850. Government Letter to Mr. Hart, No. 3801, dated 7 May 1850. Government Indorsement to Collector, No. 3802, dated 7 May 1850.

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No. 987 of 1850.

To the Secretary to Government in the Territorial Department, Bombay.

No. 10,094.

Sir,

In reply to your circular letter, No. 4138, dated the 20th ultimo, requiring me to report whether an impression prevails within the limits of my charge that the arrangements of the local officers can often be defeated and the ends of justice frustrated by the secret exertion of the influence of persons in power at the Presidency, I have the honour to state that there seems to be no room to doubt that such an impression is very general, and that it more particularly exists among the members of our establishments.

2. I do not think that the existence of such an impression is so much a matter of surprise as of regret, for it is a feature, and perhaps the most remarkable feature of the character of the natives of this country, that they are never contented to seek the attainment of even just ends by direct and straightforward means. To a people so constituted, and whose knowledge of the character of their rulers is still so imperfect, it is very natural to suppose that those practices, which are usually effectual in obtaining any desired end among themselves, are not totally inefficacious among Europeans. The effects of our rule upon the state of the native mind are notoriously imperceptible in so far as regards any moral improvement or elevation; on the contrary, there can be little question that at the present moment the public mind is more debased than it was a hundred years ago. We have, it is true, destroyed the foundation of many superstitions by our system of education; but we have not succeeded in substituting the only basis which has, in the modern history of the world, been known to enlighten and elevate the mind. We have broken the moral ties of the native superstitions and substituted none in their place.

3. In this state of the native mind is, I believe, to be found the chief cause of the existence of the mischievous belief which has attracted the attention of Government; its eradication I believe to be quite impracticable, though it may be, to a certain extent, controlled by extreme circumspection in interfering with the proceedings of local officers, and by the invariable observance of the most strict justice and impartiality by all parties in power, and especially those at the Presidency, and by assigning fully the reasons of reversing the decisions and acts of local officers.

4. I ascribe the fact that the impression in question prevails more among our native servants than among other classes to their being more frequently interested as a body in appeals to the authorities in Bombay, and to the discussions which every decision affecting them naturally excites among themselves.

I have, &c.
(signed) *W. W. Bell*,
Collector.

Dharwar, Collector's Office,
17 June 1850.

No. 137 of 1850.

To *H. E. Goldsmid*, Esq., Secretary to Government, Bombay.

No. 10,217.

Sir,

With reference to your circular, No. 4138, dated 20th May 1850, I have the honour to make the following remarks:—

1. I have reason to think that a belief does prevail that by appealing to the authorities at the Presidency there is a chance of getting a decision of the local authority set on one side. I doubt if this impression prevails among the ryots in this part of the country, who, on account of their distance from the Presidency, and vague ideas regarding authorities there, look little beyond the authorities on the spot, and those who make periodical tours of inspection, the Judicial and Revenue Commissioner.

2. An impression of the kind alluded to is, I think, entertained by the higher classes of natives and by Government servants, who have not yet learnt

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to discriminate accurately between the principles guiding our Government and those by which the former Governments of the country were actuated.

3. During the number of years that the British Government has held the country, the belief in the supereminent value of private intrigue, in order to obtain redress of real or imaginary grievances, would have died out of itself; had not this method of proceeding been found, or imagined to have been found, of efficacy.

4. A belief of this nature appears to me to be, in some measure, the unavoidable concomitant of the existence of the right of appeal from the decision of the local officers. A native in the Mofussil wishing to gain a point in opposition to a decision of the local officers, and having directly or indirectly the means of gaining access to any person in power at the Presidency, would at once endeavour to obtain his assistance, and if he succeeded so far as to obtain a bare hearing for his story, and afterwards, on the merits of the case, obtained a reversal of the original decision, would at once attribute this result to the influence of his powerful friend, and afterwards, in all probability set himself up as able to successfully intercede for others.

5. The only remedy seems to me to be, the causing decisions of the local authorities to be considered final, as much as possible, by restricting the right of appeal from them within the narrowest limits consistent with justice, and by enforcing a strict adherence to the rule that no Government servant shall be again employed in any capacity who has been dismissed from his situation for dishonesty, or for gross carelessness; but no remedy can be effectual as long as it is believed by natives that persons in power give ear to complaints with which they have no official concern.

I have, &c.
(signed) *W. C. Anderson,*
Actg. Supt. Rev. Survey and Assist.,
Southern Mahratta Country.

Superintendent's Office, Dharwar,
22 June 1850.

My dear Settjee,

Excuse me for the introduction of the bearers Ramerustna, Bappoo Annundrow Govind, carkoons of Bhugwuntrao, Ramchund, Nisbet, Sinday, Sirkar, Alija, Bahadoor, Deshmook, Deshponday, Praganay, Vunay, whose case of seizing his jageer, pending in the Adawlut of Surat, which I have undertaken upon success, by your support, to get about (6,000) rupees, and copy of which agreement and all his proceedings had therein, together with a sealed packet of or order, or how otherwise God knows, from the Resident of Gwalior to the address of the Collector of Surat. All these papers I did submit to your favourable consideration for my nephew Nuthia, in hopes that you would be pleased to forward the said sealed packet with your influence to the Collector of Surat; this has been done from last Vysak, and since I had written to your Honour, among others, more than half a dozen times, but no any answer I received from you, whether you have done so or not; however, under such a case, the bearers principal, because so much anxious to visit your feet in order that you would kindly give them every satisfaction of what has been done, and how to be done for future. I humbly trust not to make them quite hopeless, but on reserving my weight in the matter, you must put them to right, and please get them to write me that they had every satisfaction, and that in case if they succeed their object, I am sure by your high weight they will no doubt fulfil the said agreement entered into with me, and excuse me all this trouble, and oblige, only give them every attention.

I am, &c.
(signed) *Hurreechund Runsordjee.*

Punchoraty,
20 August 1846, Thursday.

P. S.—If you see the said agreement so given to me rather weak, and not strong binding upon their principal for not being written upon stamped paper, so every body says here, let them remain there at their own expense, and be pleased to order them to write their principal to have it written upon the stamped

stamped paper; you can alter the substance, make it more special, and by the time they shall be there got written, because they say will get it done after business is done, but no certain of these people, please think well. I leave it to you, and oblige.

(signed) *Hurreechund Runsordjee.*

No. 371 of 1850.

From *E. M. Suart*, Esq., Sub-Collector of Nassick, to *Richard Spoor*, Esq., Collector of Ahmednuggur. Nos. 10963, 10964.

Sir,

Kutput.

ON the receipt of the circular which accompanied your endorsement of the 31st ultimo, No. 1148, a conversation which took place with Dr. Costelloe three years back, about a case of "Kutput," came to my recollection, in which the name of Juggoonath or Nana Shunkersett was implicated; on searching his old records of assistant magistrate, the papers relating to it were found: translations of the only two of importance are herewith forwarded for the information of Government.

2. Juggoonath Shunkersett's name also appears in the business of the Trimbuck Brahmins, whose petition was sent direct for my report by Government, under endorsement No. 2374 of the 13th June, and answered under date the 19th instant, No. 331.

3. My dufturdar informed me that it was a matter of common report in Trimbuck that the petitioners had invoked Juggoonath Shunkersett's aid to obtain the object of their petition, had expended much money as "Durbar Khureh," and were much mortified at all the measures they had adopted having failed.

4. There is no doubt that an impression does prevail in the Mofussil that by means of intrigues at the Presidency, and a liberal expenditure of money, any object, right or wrong, can be effected; who are the parties through whose means such an impression has got abroad, it is difficult to imagine, unless it is the subordinates in the public offices at the Presidency: to prove this is difficult, to put a stop to the system by a legal or other enactment, more so, when the object of all parties is to conduct their measures with the utmost concealment.

I have, &c.

Nassick, Sub-Collector's Camp, Warreeawara, 29 June 1850.

(signed) *E. M. Suart*, Sub-Collector.

TRANSLATION of a Yad from *Bhugwuntrao Ramchunder*, Deshmook and Deshpondia of Purgunna Wam, and Jageerdar of Mouze Wund, Purgunnah Chickly "Seekanavees" Nisbut, or in the service of Sindia Aleeya Bahadoor, at present at Nassick, to *D. Costelloe*, Esq., Assistant Magistrate, Nassick.

I HOLD in enam the village of Wund, Purgunna Chickly, the management of which was under me and my ancestors from time immemorial. Lately, I went to Gwalior, and in my absence, my brother's wife Suruswuttee-baee Coin Gunput Row Luxumon, lived in my house, and had the management of the village, &c. in my behalf. On her demise, the village, as well as the house and other property, was placed under attachment, but the latter two were made over to me on my producing a certificate of heirship from the civil court. With regard to the village, Hurreechundra Runchod, a resident of Bombay, at present in Punchwutty, told me he would make arrangements to get it released from attachment, and with this view he obtained all the documents in support of my claim thereof; also, an English letter, together with a written agreement from me. Though seven months have elapsed, he has made no arrangements whatever, nor returned the said documents to me, though I have made constant

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demands for them; consequently I am sure they have been fraudulently retained by him, and as he is now on the point of leaving this for Bombay, I solicit you will cause the said documents to be returned to me, without which I am unable to make any arrangement to get my village released from attachment.

Dated 13 November 1846.

TRANSLATION of a Statement of *Hurreechundra Runchodjee Shetjee*, surname, *Mahajun*: caste, goldsmith; aged about 50 years; occupation, writer; inhabitant of Bombay, at present in Nassick, made before the Joint Police Officer of Nassick, on the 21st November 1846.

Question 1. A complaint has been preferred by Bhugwuntrow Ramchundra Deshmook and Deshpondia, of Purgunna Wunnee, accusing you of having fraudulently retained certain documents, together with an agreement for 6,000 rupees, which you had taken from him, on the conditions of getting his enam village of Mouje Wund Purgunna Chickly released from attachment; state, therefore, what have you to say to this?—*Answer.* I have not retained with fraudulent intent the documents I obtained from Bhugwunt Row Ramchundra (the complainant). About seven or eight months back, in the month of Chytra, the complainant came to me and requested that as he has been reduced to poverty in consequence of his village having been attached, and I was an inhabitant of Bombay, I should undertake his affair, and make arrangements to get the village in question released from attachment; accordingly I undertook the work, and took a written agreement from him for 6,000 rupees, also the documents as per separate list. As he (the complainant) was hard up for cash, I myself gave a draft for 50 rupees to my nephew, named Atmaram, and sent him to Bombay (giving him a pony of complainant's to ride) for the purpose of nominating a wukeel there; all this occurred in the presence of the complainant's carkoon, named Anyaba, who himself put all the documents and the hoondee in an envelope, and dispatched it to Bombay with the said Atmaram, so they are not with me; only the list and agreement are in my possession, which have now been produced. I also gave a note of recommendation to Nana Shunkersett. The business I undertook is in progress in Bombay; such being the case, the complaint has been made without any grounds.

2. Do you agree to give back to the complainant the agreement (now in court), and other documents?—The documents have been sent to Bombay, only the agreement is with me. The business is in progress in Bombay, and till the result of it is known, I object to return the documents to the complainant. The agreement and the list should be returned to me.

3. Was the English note,* now shown to you, given by you for Nana Shunkersett?—Yes.

4. At whose shop was the hoondee purchased?—The hoondee was purchased from Diaram Atmaram's shop.

(signed) *Hurreechund Runchodjee.*

21 November 1846.

Question. You state the documents belonging to the complainant were sent to Bombay; what is the name of the person to whom they were sent?—*Answer.* The documents were sent to Nana Shunkersett (who is a relation of mine), to whom I wrote that I had undertaken the complainant's business, and requested him to be so kind as to despatch the letter enclosed to the Collector of Surat.

Why did you give the note† for Nana Shunkersett?—The complainant came to me and said, that as the result of his business was not known, he proposed going to Bombay to see what had been done, and how far it had advanced, and requested of me a note to Nana Shunkersett; accordingly it was given to him.

You have sent the documents to Nana Shunkersett; state the name of the person through whose interest he is to get the complainant's affair settled?—I sent the documents to Nana Shunkersett, who was to send them to Surat by any one he might make choice of, and get the work done; but through whose interest it was to be done I do not know.

Is the letter of the Resident which was given to you by complainant still at Bombay, or has it been sent to Surat; if so, on what date was it despatched, and when was it received; if not sent, will you produce it now or not?—The Resident's letter to the Collector of Surat was sent to Bombay; thence it was despatched to Surat on the 14th July 1846, and in proof of which the post receipt is now produced. The letter in question having been sent to Surat, I am unable to produce it now.

The

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* The one now sent, not the one alluded to in answer to question No. 1.

† The one alluded to in question No. 3.

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The note to the address of Nana Shunkersett is sealed; open it yourself?—The note in question, which the Sirkar has now given to me, I have now opened.

Who introduced the complainant to you, and in whose presence was the conversation between yourself and the complainant held?—On my arrival at Nassick, complainant himself came, and visited me at "Indrukoond," and there the first conversation was held. After this, he (the complainant) paid constant visits to me through the medium of Sudo Bhaoo Rajgooroo Akolkur, who, though unacquainted with me, was in the habit of coming to me and saying "he often went to Bombay, and that he knew Nana Shunkersett," and begged me to write to the said Nana Shunkersett and get the complainant's business settled; I therefore undertook the business.

You have taken a written agreement for 6,000 rupees from the complainant; state therefore to whom the money is to be paid; will you receive it yourself or pay it to another; if so, what is the name of that individual?—I myself will receive the money, and will pay it to no one else.

By *Complainant.*] Through whose medium was the petition made to Government regarding the matter in question, and who attested the signature to it?—I sent all the documents to Nana Shunkersett at Bombay, but have heard nothing from him, so I am unable to say whom he nominated as vakeel in the matter, or whether a petition was presented to Government or not, or the name of the person who signed it. Should the complainant wish to receive back his documents, I am ready to make them over and the original agreement and the list, excepting an English note which was despatched to Surat, but I have the post receipt. If the complainant will not be satisfied with it, then he may write to the gentleman at Surat, and receive an answer on the subject.

(signed) *Hurreechund Runchodjee.*

(True translation.)

(signed) E. M. Suart, Sub-Collector.

Note by Translator.—Allusion is made to a letter "from the Resident to the Collector." This must have been from the Resident at Gwalior, where the petitioner was in service.

No. 408 of 1850.—Territorial Department, Revenue.

From *E. G. Fawcett*, Esq., Collector of Surat, to *A. Malet*, Esq., Chief Secretary to Government, Bombay. No. 11141.

Sir,

I HAVE the honour to acknowledge the receipt of Mr. Secretary Goldsmid's circular, No. 4138, dated 20th May last, relative to the existence of intrigue to obtain reversals of the orders of local authorities in some parts of the Mofussil. I have the honour to inform you that no specific instance of this kind has come under my observation to which I could refer; but one can hardly expect otherwise than that impressions of the description mentioned are very likely to exist amongst a people who have not many years emerged from a corrupt system of Government; and it is probable that this impression will require time to wear out.

2. The reason of its having lasted so long may possibly be attributable to the parties not understanding why the acts of local authorities are reversed. Orders of this description are frequently given in such laconic terms, that the parties concerned are at a loss to know why and wherefore, and naturally attribute the final decision to underhand influence, notwithstanding the reasons for the reversal would be amply convincing that it was a sense of right alone that guided the decision were they made known.

I have, &c.

Surat, Collector's Office, 10 July 1850.

(signed) *E. G. Fawcett*, Collector.

No. 291 of 1850.—Territorial Department, Revenue.

To *A. Malet*, Esq., Chief Secretary to Government, Bombay. No. 11349.

Sir,

I HAVE the honour to acknowledge the receipt of Mr. Secretary Goldsmid's circular letter, dated 20th May last, No. 4138, calling upon me to report whether

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whether I have reason to believe that an impression prevails within the limits of my charge, that the arrangements of the local officers can often be defeated by means of intrigues at the Presidency.

2. In reply, I beg to state, that I do not think that such an impression exists except to a certain extent in regard to political cases, and those in which native officials are implicated. It is likely to be, in a great measure, owing to the misrepresentations of the wukeels employed on such occasions, who, in order to exaggerate the value of their services, may tell their clients that the desired result has been brought about by secret intrigues, and by obtaining the assistance of persons in power, although in reality a decision may have been passed after regular and deliberate inquiry.

3. The native officers serving in the same cutcheree are often divided into two parties, between whom the greatest enmity exists, and if a prominent member of one party should be convicted of some official misdemeanor before a local court, and afterwards acquitted on appeal, the members of the other party will believe, although without any just grounds, and will often circulate reports that this was accomplished by private influence and intrigues. One circumstance which tends to strengthen such erroneous impressions is, that the Suddur Audawlut very rarely assigns any reasons for acquittals.

4. Such a belief seems to be mostly confined to the native servants of Government, and the classes with whom they have familiar intercourse; and as long as their general character remains unchanged, I doubt whether anything effectual could be done to counteract it; nor have I any suggestions to offer on the subject.

I have, &c.

Tannah, Collector's Office,
17 July 1850.

(signed) *J. S. Law*, Collector.

No. 2057 of 1850.—Territorial Department, Revenue.

Nos. 11723, 11724.

To the Secretary to Government, Bombay.

Sir,

I HAVE the honour to report on the circular No. 4138, dated 28th May last, regarding "khutput."

2. The impression that the species of intrigue alluded to has influence with the authorities in Bombay and elsewhere, is, I believe, universal; the extent of its supposed power probably varies with the imagination, or the means of the party seeking its assistance, who, in proportion to the extent of his fancy or expenses, is no doubt frequently more or less disappointed in the result.

3. It is a thing inseparable from the nature of our system, as many grades of offices as there are, so many will be the appeals, and through each do we often see anxious or litigious applicants urging their cases. In Bombay there are certain parties who, justly or unjustly, have obtained a "khutput" reputation, and that, I may remark, is no difficult object; a party with just and sufficient grounds for appeal, has recourse to the far-famed individual, as well as the person who hopes success from intrigue alone; the happy result of his application is made notorious, and the reputation of the intrigue is confirmed; unhappy issues are, we may suppose, concealed as much as possible, and thus the matter prospers; we need not be astonished that imaginary or really injured individuals have recourse to parties who are notoriously successful in their supposed interference.

4. Government have issued orders tending to suppress in some measure the system of anonymous and other petitions being presented in the first instance direct to Government, but it appears difficult to carry out the order, as it is not strictly observed; much "khutput" arises from this.

5. I am not aware of any measure that can be adopted for eradicating the evil complained of; but it might perhaps be mitigated if Government and the Court of Suddur Audawut, and all courts deciding cases in appeal, were to give in

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in full their reasons for reversing any orders of the courts below, as in the absence of any reason, people are apt to assign their own, and while the impression of successful intrigue is universal, it is not strange that it should obtain the credit, in the absence of any other good cause, of success to the appealing or petitioning parties.

6. I beg to forward a report on the same subject from my first assistant, Mr. Karr; the second assistant, Mr. Reid, was called on for a report, under date 17th June last; but he has not furnished it, though again called on under date 26th ultimo. I do not think the subject of sufficient consequence to delay my answer to your reference longer.

I have, &c.

Collector's Office, Poonah, 1 August 1850.

(signed) *H. P. Malet*, Acting Collector.

No. 42 of 1850.

To *H. P. Malet*, Esq., Acting Collector, Poonah.

Sir,

In reply to your memorandum, No. 1502, dated 17th ultimo, I have the honour to submit the following report on the subject of the circular letter from Government, No. 4138, (Territorial Department, Revenue), dated 20th May 1850.

2. The circular in question contains two questions; viz., 1st, whether a belief in the utility of "making khutput in Bombay" prevails generally, or amongst any particular class; and, 2d, what are the best means for eradicating such a belief.

3. To the first of these questions I have the honour to reply, that a belief that "khutput in Bombay" will effect objects otherwise not attainable is beyond any doubt prevalent, but it does not seem to be confined to any particular class of persons.

4. The word "khutput" signifies not only improper solicitation, such as bribery, but also, in a good sense, "activity" and "importunity;" and there is nothing singular in a belief that because of much importunity a thing may be conceded, which would not otherwise be got. The natives of this country in particular have great faith in importunity. I have often heard a petitioner attribute his success to it, and I can recall to mind many instances of a person returning again and again with the same rejected petition.

5. Besides this, the natives have a distrust of agency. They attach much importance to the opportunity of a personal statement of their cases; and these reasons, and also a hope that opportunities of making khutput in the worse sense described in my 4th para. will occur, leads many persons to Bombay. It seems to be thought that appellants from decrees of the civil, and from sentences of the criminal courts especially, rely on the belief that the native officers of the Suddur Audawlut are open to khutput.

6. With regard to the 2d question in the circular letter, viz., "What are the best means for eradicating such a belief?" I am humbly of opinion that from the natural causes stated in my 4th para., viz., the general bent of human nature, and from the peculiarity of the oriental mind, that very slow progress by any means can occur in undeceiving petitioners and other persons alluded to in the circular letter. The publication of a zahirnama, however clearly expressed, would have a result different, I have reason to think, from that contemplated, and would in the end mislead many persons into the idea that the Government wished to discourage the practice of petitioning.

7. Besides the publication of a zahirnama, no other means occur to me of eradicating the belief, excepting the prohibition of the personal attendance of

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petitioners in Bombay, and this measure would be such an interference with personal freedom as could not, I apprehend, be advocated.

I have, &c.
(signed) *G. B. S. Karr*,
First Assistant Collector.

Poona, 27 July 1850.

(True copy.)
(signed) H. P. Malet,
Acting Collector.

No. 554 of 1850.

No. 11917.

To the Secretary to Government, Revenue Department.

Sir,

I HAVE had the honour to receive the circular letter of Government, No. 4138 of 1850, under date the 20th May.

2. In reference to the important point therein mentioned, I have the honour to state, that from my continued employment in outlying districts, I have very many opportunities of learning the sentiments of respectable natives touching the extent to which private influence acting on public departments is made to serve particular interests, often to the detriment of just claims, and in all cases to the injury of the reputation of Government; to say, however, that I could give instances based on evidence sufficient for judicial purposes is impossible.

3. Such matters transpire in the course of casual conversation, or are brought to my ear by parties who vainly imagine that I either can or will exercise some counteracting influence. The cases in which, according to my experience, the influence is most frequently attempted to be applied, are,—

1st. The succession to estates or wutuns.

2d. The reproduction of the original decisions of country moonsiffs by a reversal of the judgment of provincial judges. To explain myself, I would observe that the decisions of the former are (owing to circumstances into which I need not here enter) believed by the district population to be too frequently governed by motives the reverse of pure, and these are, I presume, not uncommonly set aside by the provincial judges; then follows the appeal, made by the party who has the greatest command of means, to the Final Court of Review, in Bombay.

3d. The modification, commutation, or annulling of the decisions of local magistrates or judges in criminal cases, by private influence exerted on subordinates connected with the reviewing authority, viz., the Court of Criminal Justice in Bombay.

4. In the time of the Bangria Band I had occasion particularly to observe the extent to which these practices were carried, and the embarrassment which was thus caused to the local executive officers.

In several instances I heard that parties of notorious character, who had harboured or otherwise assisted rebels, or who, taking advantage of the confusion which was beginning to be general, had taken means for committing violence or collecting plunder on their own account, and whom it was found necessary to confine on heavy security, boasted that within a certain time the order from Bombay for their release would be received, and it was received accordingly.

5. Under such circumstances we cannot wonder that the impression on the native mind as to the efficiency of this species of intrigue should be universal.

6. With respect to a remedy for a state of things so detrimental at once to the interests and reputation of the Government, the primary one which occurs to me has no doubt already suggested itself to the high authorities who have had the subject under their consideration. Of means auxiliary, I may respectfully

fully state my opinion, that in all practicable cases matters, be they in the Judicial or Revenue Department, should, previous to the final decision by the central power, in case the decision proposed is contrary to that made by the provincial authority, be once submitted to that authority, with the reasons on which it is proposed to base the reversal or anulment.

It may be argued that to do this would be in fact to subject the higher to the review of the lower authority; but as the power of final decision continues to rest with the former, this source of objection would be weakened.

7. Further, I am of opinion that all judicial appointments should be made direct by the Government, on the recommendation of the provincial judges and collectors, as thus one source of native influence would be diminished or cut off; also, that there be a more frequent selection of judicial officers from the Revenue Department than is now the case.

Further, that the carkoons and peons of the Moonsiff Courts be not, as at present, appointed by the moonsiff, but taken either by rotation or otherwise from the more deserving of the Revenue or Police Departments; also, that the difference between the amount realised as batta for serving summonses, and the actual payments made by the moonsiff to the peons entertained for that purpose, be brought to Government accounts, and adjusted in the mamlutdar's kutcherry, the accounts being kept open for inspection by the public.

In case it be argued that in making these last proposals I have travelled from the subject, which is, "the extent of private influence at the Presidency," I would respectfully answer, that I consider the total isolation of the Judicial Department in the country districts as one of the first causes of the growth of this influence, the final effect of which is afterwards so widely extended.

In the above suggestions I have confined myself to general points as to the existence of private influence, without specifying the channels through which it follows. One of the main channels of this influence is unquestionably that indicated in para. 1 of the Government letter, viz., secretly obtaining the friendship of persons in power, who it is expected will, irrespective of right or wrong, interest themselves for the party soliciting their favour.

I am not in a position to say how often this influence is obtained at second-hand, viz., through wealthy natives resident at the Presidency, but if report speak true, the latter class turn this their reputation for interest to a good account.

I have, &c.
(signed) *A. Gibson,*
Conservator of Forests.

Karli, 5 July 1850.

No. 65 of 1850.

To the Acting Collector, Poonah.

Sir,

With reference to your endorsement, No. 1503, of the 17th June, on a circular letter from Government, No. 4138, of the 28th May, and subsequent letter, No. 2000, of the 26th July last, on the subject of intrigues, &c., at the Presidency, I have the honour to report that, as far as my experience goes, the idea is sufficiently prevalent that an undue influence can be exerted at the Presidency through favour or corruption; I consider this feeling to be general, but its correctness can only be known among the classes engaged in litigation or place-hunting.

2. That this idea should prevail is quite accordant with our knowledge of human nature in general, and the native character in particular. We are all disposed to fancy that importunity must gain us our object, and we each strive in the fashion most suited to our moral sense.

3. The low scale of native morality is sufficiently well known, and so long as people can earn a livelihood by giving evidence in favour of any who can pay them, and successful villany is a passport to rank and station, legislative enactments are not likely to succeed in producing a change of opinion or practice in persons whose moral sense is perverted.

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4. No remedy appears to me available when the exercise of a strict supervision on the part of local functionaries is not wanting. Much may be done by this and by a marked reprobation of such proceedings in the way of prevention, but the cure, I fear, must await the time when honesty comes to be considered the best policy.

I have, &c.
(signed) *L. Reid,*
Second Assistant Collector.

Poona,
Second Assistant Collector's Office,
7 August 1850.

No. 11918.

No. 2141 of 1850.—Territorial Department, Revenue.

FORWARDED for the information of the Right honourable the Governor in Council with reference to the Acting Collector's letter, No. 2057, of 1st inst.

Collector's Office, Poona,
8 August 1850.

(signed) *H. P. Malet,*
Acting Collector.

No. 6728 of 1850.—Territorial Department, Revenue.

From *A. Malet,* Esq., Chief Secretary to Government, Bombay, to *George Coles,* Esq., Collector of Rutnagiree.

Sir,

I HAVE been directed by the Right honourable the Governor in Council to request that you will expedite your reply to the Government Circular, No. 4138, of the 20th May last, relative to the alleged system of intriguing called "kutput" in Bombay.

I have, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle,
12 September 1850.

The same, to the Collector of Khandesh, No. 6729 of 1850.
The same, to the Collector of Ahmedabad, No. 6730 of 1850.
The same, to the Collector of Broach, No. 6731 of 1850.
The same, to Superintendent Revenue Survey and Assistant Ahmednuggur, No. 6732 of 1850.
The same, to Inam Commissioner, No. 6733 of 1850.
The same, to Claim Commissioner, Northern District, No. 6734 of 1850.

(signed) *A. Malet,*
Chief Secretary.

Bombay Castle,
12 September 1850.

No. 858 of 1850.—Territorial Department, Revenue.

To *A. Malet,* Esq., Chief Secretary to Government, Bombay.

Sir,

WITH reference to Mr. Secretary Goldsmid's circular, No. 4138, dated the 20th May 1850, I have the honour to inform you, from the inquiries I have made on the subject of making "khutput" as therein described, that there appears to exist a belief in such a practice, but from the secrecy with which it is carried on, as might naturally be supposed, it is impossible to obtain any information as to the class of natives by whom it is principally resorted to; for the same reason I have been unable to elicit any suggestions for a remedy. A "zahirnamah" or notice of prohibition, might perhaps be beneficial in the Zilla, if the practice does obtain to any great extent, though the remedy to be effectual, by preventing the success of such intrigues, should, I presume, be applied at the Presidency.

I have, &c.
(signed) *C. G. Prendergast,*
Acting Collector.

Kaira Collector's Office, Cambay,
19 August 1850.

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No. 192 of 1850.—Territorial Department, Revenue.

To *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 6731, of the 12th instant, calling my attention to Mr. Secretary Goldsmid's circular, No. 4138, of the 20th May last, on the subject described therein as that of making "khutput" at the Presidency.

2. The question is, I would respectfully observe, an embarrassing one, since such an impression, if it exists at all, must necessarily be, more or less, the result of some degree of success, irregular modes of making interest, or of seeking relief. I answer, therefore, in the spirit in which the question is put, that an undefined, though not unnatural belief to the effect noticed in the circular, does appear to obtain generally amongst a people incorrectly informed of the internal machinery of our Government; but that the impression really extends to the more intelligent and better informed, I do not give credit.

3. To suggest a specific remedy for correcting so vague a belief, pervading a people residing at a distance from the seat of Government, thousands and tens of thousands of whom have never known more of the practical working of the Government under which they live, than they have seen in the persons of a few European local officers; a people, moreover, who within the present generation have passed from a corrupt Government of their own, and who are naturally prone to intrigue, is so utterly beyond me, that I shrink from attempting it. To time, and time alone, does it appear to me must be abandoned the task of overcoming the ignorance of the masses, and their want of confidence in the inflexible justice of the Government of this great empire.

I have, &c.

Broach Collector's Office, (signed) *J. M. Davies*,
16 September 1850. Collector.

No. 2218.

To *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to reply to your circular letter, No. 4138 of 1850, dated 20th May last, respecting the species of intriguing termed "making khutput" in Bombay.

2. I have been for some time aware of the prevalence of a general belief amongst the natives of the Western Deccan and Southern Mahratta Country, that it is feasible to obtain objects not otherwise procurable, including the reversal of the orders and sentences of local officers, by interesting persons, whether Europeans or natives, in the public service or out of it, who may be supposed, either from their known intimacy or dealings of any sort, to have influence with members of Government or of the higher Courts in Bombay.

3. It is said, but I do not know whether falsely or not, that an individual surnamed Simayee, formerly connected with the management of the Nurgoond chief's affairs, and another person named Fukeer Gowda Hebbal (who is further believed to be actually living in the house of a sheristedar of the Sudder Adawlut), have severally constituted themselves commission agents, as it were for khutput, in cases connected with the Southern Mahratta Country; and that they make large incomes by pretending to have an influence at the Presidency, which of course they cannot possess.

4. I fear that the morality of the natives of this part of the country is of so low a standard, that it will be most difficult, if not impossible, to at once disabuse them of their belief in the existence of the kind of influence alluded to. The only means which have occurred to me as calculated to effect this object are the following, viz.:

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1st. That Government should not recognise the Bombay agent of any individual who may petition them; but on the receipt of any petition, whether from such an agent or otherwise, should at once send the petition for the investigation (and if necessary, the report) of the local officer to whose department its subject belongs, and at the same time write to the petitioner (not to his agent) to inform him of this having been done.

2d. That the attention of all officers under Government should be directed to the fact, that any conduct on their part which could lead their native visitors, or others, to believe that they would in any way interfere in the departments of other officers, with which they have no real connexion, is dangerous, even if it be the result of nothing more than formal courtesy. I am convinced that if every officer were to take the trouble of clearly explaining, on all occasions on which his mediation, or even sympathy, might be solicited by each visitors, that his interference or mediation in any case, not concerning his own duties, was forbidden by Government, and must be regarded as improper and impossible, the belief in the efficacy of private intriguing would eventually die away.

3d. That the rule which enforces on all civil courts the duty of recording in their decrees the grounds of their decisions, should be made binding also on courts of criminal jurisdiction, and that in all cases in which a superior criminal court reverses, or in any way modifies, the sentence of an inferior one, the grounds of its revision should be recorded in detail for the instruction of the inferior court, and also published for the information of all parties concerned. At present the proceedings of the highest criminal tribunals of the Presidency, though theoretically open courts, are so little known to the ryots, that, with their low ideas of morality, they are prone to ascribe the reversal of an original sentence to intrigue, though it has really been the consequence of simple and severe justice.

5. Should the second of the suggestions made in the preceding paragraph be adopted, I would respectfully recommend that any one who may by accident become aware of abuses in a department with which he is not connected, should not be discouraged from bringing them to the notice of the head of the department concerned, provided he does so by a public and official communication.

I have, &c.

Belgaum, 20 September 1850. (signed) *W. Hart*,
Enam Commissioner.

No. 455.

To the Secretary to Government, Revenue Department, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of the Government circular, No. 4138, dated the 20th May last, relative to the system of intriguing called "khutput" in Bombay; and in reply, to state for the information of the Right honourable the Governor in Council, that I am of opinion the impression described very generally exists among the natives, and I should say among all classes of them. Officers of Government in the habit of conversing with the lower classes of natives they may meet away from their offices, and office people must I think be impressed with the belief that it is their impression that influence in high quarters will carry a man through the thickest mire. I however do not think the notions of the poorest classes, and those who have not had much to do with our offices and courts, are very defined as to the locality in which this influence lies or is desirable.

2. Those of them who have experience in our offices and courts, think that a man in difficulties, if he but have a few friends, or can muster means to employ an European advocate of his cause, is nearly certain to escape the penalties of his misdeed inflicted by the local authorities, upon appeal to Bombay; and I am of opinion that this impression is stronger and more general in Guzerat than in the Deccan, partly perhaps because the people there have been longer under our rule, as also because they are naturally of a more intriguing disposition.

3. Every

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3. Every one as he rises in the service, must I think be convinced that such is the impression, from the simple circumstance of the frequent applications made to him for "only a note (chittee)," or by being asked to say a few words to any one with whom the applicant believes him to be on terms of friendship. I can call to recollection many such applications, which it is not requisite, nor would it be proper to enumerate.

4. That the belief also exists in the minds of our native functionaries, from the highest to the lowest, must be familiar to almost all European officers, from the letters addressed to them by these parties, when they get into trouble or have any object to gain.

5. Government has requested me to offer any suggestions that may occur to me for eradicating this belief. In compliance therewith I have the honour to state, that I think the only effectual means for effecting this object is by giving publicity in the native language, in a clear, short, and concise manner, in the zilla, collectorate, or talooka, of the grounds on which the decision of the local authorities has been reversed or set aside, in every case of local interest and importance; and especially in the acquittal or remission of punishment, on appeal, of all offenders found guilty by the local authorities of grave offences.

I have, &c.

Camp at Dhoolia,
24 September 1850.

(signed) *A. D. Robertson*,
Commissioner for Huckdar's Claims, N. D.

No. 245 of 1850.—Territorial Department, Revenue.

From *E. L. Jenkins*, Esq., Acting Collector of Ahmedabad, to *H. E. Goldsmid*, Esq., Secretary to Government, Bombay.

Sir,

With reference to the Government circular, No. 4138, dated the 20th May last, relating to a species of intrigue, which is commonly termed "making khutput," I have the honour to inform you, that I find the duty imposed upon me of making a report on such a subject to be not only a delicate but also a most difficult one, as I have no certain data to go upon, nor any positive proof to bring forward in support of any opinion that I may hold in the matter.

2. I beg respectfully to state, however, that, agreeably to the instructions received, I have made inquiries on the subject, and I have been assured by a person who has been long resident in this collectorate, that it has not been uncommon for native functionaries and others, who have got into scrapes, to apply to the sowkars of Ahmedabad to use their influence in their behalf, and that these sowkars have written to rich natives in Bombay, with whom they have mercantile connexion.

3. I believe there is no doubt whatever that the natives generally are under the impression that influence of this nature has some effect, and I conceive that this impression has been strengthened by instances which have occurred, in which persons who may be supposed to be possessed of some wealth or interest have been pronounced guilty, not only by the magistrate or his assistants, but also by the session judge; and have been subsequently set at liberty by an order from the Judges of the Sudder Foujdaree Adawlut, in consequence of some informality in the proceedings of the local officers.

4. It must be remembered that, in cases of the above description, the guilt of the parties is for the most part undoubted in the neighbourhood to which they belong; and as the lower class of natives are not sufficiently acquainted with the Regulations to understand the point of law on which the Sudder Court have grounded their decision, they naturally conclude that some undue influence has been used.

5. Under these circumstances, I beg respectfully to state, that the mode of proceeding which suggests itself to me as most likely to eradicate or weaken a belief in the power of khutput, is, that whenever the Judges of the Sudder Adawlut consider it necessary to reverse the sentences of the local authorities,

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they should state their reasons for so doing as fully and as clearly as possible; and it also appears to me to be advisable that interviews between wealthy natives and European officers generally should be for the most part held in as open a manner as possible, as there is little doubt that there are some of the former who will take an undue advantage of the circumstances of their having the ear of a person in authority, if they can establish a belief amongst the native community that such is the case.

6. In conclusion, I beg respectfully to state, that the remarks which I have now ventured to make are general, and that they are not intended to apply to any particular case or person; and, in short, as I have never held an appointment in Bombay since I have been in the service, I am very little acquainted with the place itself, and still less with any intrigues that may be carried on amongst its inhabitants.

I have, &c.

Ahmedabad,
15 October 1850.

(signed) *E. L. Jenkins*,
Acting Collector.

No. 2015 of 1850.—Territorial Department, Revenue.

To the Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 20th May last, calling upon me to report, after inquiry, whether generally or amongst a certain class of persons there exists an impression that justice can be controverted, and the arrangements of the local officers can be superseded, by obtaining the assistance of the friends of persons in power in Bombay.

2. I regret to say that I believe the impression is very general in the Southern Concan, but more particularly among the class of the community from which our native service is supplied; and that it extends also to other classes who have to carry their appeals to Bombay.

3. The friendship of a few particular natives who move in the best society of Bombay is, I believe, considered highly advantageous where advancement of interest or the attainment of particular objects is sought for; connexion by caste, in some instances, is apparently the cause of the interest taken, but it is to be feared also that there are persons in Bombay who make a profitable business of pretending to get transactions favourably attended to.

4. From what I have seen in these districts, I am led to believe there are individuals, both Brahmins and Mahrattas, who are looked up to as persons fitted to obtain the redress of grievances; and these people often, I believe, urge the ryots to complain, and keep up a system of agitation. Disputes between the khotes and their ryots are often to be traced to such origin, and it is astonishing what a change will sometimes occur in a village from the advent of some old inhabitant who has been some time resident in Bombay.

5. I do not mean to say that, although these quarrels often arise from the enmity of individuals, the ryots have not as often good grounds for complaint; but I confess I look upon whole villages in a body coming up to petition with much suspicion, and have endeavoured, since I have held office in this zillah, to discountenance these wholesale complaints, and by every means in my power to induce the ryots to bring their individual grievances themselves to my notice. To accomplish this I have given them every access to the cutcherry. During the rains, three days in the week were devoted to petitions and civil business, as well as hearing appeals on "Chalte Wywat" cases.

6. Notices were posted up of the days on which the box was opened, and at 10 o'clock (with very few exceptions later) I was always present to commence business, and the people well know that until 12 o'clock I was willing to receive and read immediately any petitions that were personally presented, and even after that time they were taken; but the parties had to wait if I had commenced other business. On the other days in the week I was also ready to receive petitions, but my attendance in the hall below was not scrupulously regular,

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regular, as I might be writing up stairs, examining accounts, or hearing mamledars' reports, &c. The room, or rather hall, was open to all, and whenever the ryots, as they often will, remained at the door, they were invited inside; and I endeavoured always to make them understand that I was willing to go through their individual cases in their presence. Civil suits were gone through in the presence of the parties, without previous preparation of the points at issue in chambers, as it may be called.

7. I have mentioned the above, because I am of opinion that the surest method of putting a stop to the impression that the influence of people of authority is useful, when the ryots' affairs are under investigation, is to give the utmost publicity to our proceedings. The great cause given to the natives to suspect that improper influence is used, not only in Bombay but also in the Mofussil, is, that they become aware that the European authorities are for hours closeted with their head native subordinates, and they know not what pains are taken to sift their cases.

8. I should be inclined to recommend that all references not strictly belonging to civil judicature should be made and answered in English, and all proceedings sent up to the court of appeal translated, and that the Mahratta paper should not be opened until they were before the court; this, I consider, would do much to eradicate from the minds of the natives the feeling that the authorities were guided at all in their decisions by those around them, and the Mahratta papers being only opened and referred to in court, all parties would be aware that the whole paper, and a correct version of it, had been read and listened to, and not only the substance given, which must enable the person relating it to give a strong or light colouring to the matter contained in it, as it suited his purpose.

9. The employment of the barristers of the Supreme Court would, I should think, tend to destroy the faith which the natives now have of the benefit to be derived by gaining over to their interests the good-will of influential Parsees or Hindoos.

10. A good plan was mentioned to me once by a friend, that he always threatened to put on the file in the case any note that was brought to him from the hands of people in Bombay; and I do not think it would be a bad course for Government to direct, that whenever official matters were referred to in private notes, that either the "chits" themselves, or extracts from them, should be entered on the record. I can well remember that, when assistant in charge of the Kullyan Prant, a serious affray having taken place between the Mussulmans and Hindoos at the Mohurrum, I was pestered with notes from Shastrees and Moulvees, and others; and having occasion to visit Bombay whilst this case was pending, many natives of much influence called upon me, whom I had before merely known by name.

11. I confess that to suggest a certain remedy for the evil under discussion appears to me a matter of the greatest difficulty. We are anxious to cultivate the good-will of the leading members of the native society among whom we are thrown, but in doing so it often no doubt leads to the impression that they obtain an improper influence over us. I can only advise that Government should express to the service generally their objection to official matters, relating to individuals of the public service, being made a subject of private correspondence or conversation with natives, and in every way discountenance the unfortunate practice of getting into debt to natives, which has given occasion more than once to much scandal.

I have, &c.
(signed) *Geo. Coles*,
Collector.

Rutnagiree Collector's Office,
28 November 1850.

No. 17923.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Board.

THE only replies now due are those from Collector Candesh, and Superintendent Ahmednuggur Revenue Survey and Assessment. The former officer should be requested to expedite transmission of answer. I see no reason for troubling

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troubling the latter officer for a reply, as he is not in a position, nor had experience of the description likely to enable him to furnish much useful information or suggestions on the subject.

(signed) *Falkland.*
W. Cotton.
J. P. Willoughby.
D. A. Blane.

9 December 1850.

No. 9554 of 1850.—Territorial Department, Revenue.

From *H. E. Goldsmid,* Esq., Secretary to Government, Bombay, to *A. Elphinston,* Esq., Collector of Candesh.

Sir,

With reference to Mr. Chief Secretary Malet's letter, No. 6729, dated the 12th September last, I have been directed by the Right honourable the Governor in Council to request that you will expedite the transmission of your reply to the Government circular letter, No. 4138, dated the 20th May last, relative to the alleged system of intriguing called "khutput" in Bombay.

2. You will at the same time be pleased to report why the above letters have not been entered in your monthly lists of unanswered references.

I have, &c.
(signed) *H. E. Goldsmid,*
Secretary to Government.

Bombay Castle, 13 December 1850.

(True extract.)
(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation.

Extract para. 3 from a Letter from the Political Agent in the Southern Mahratta Country, dated the 14th April, No. 82 of 1852.

3. Bapoo Bheemajee's petition, as already stated in my former report, No. 64, contains nothing but falsehood, and this is apparent from his present deposition. The frequency with which such false petitions appear to be despatched by post, seems to require the promulgation of an order for the prepayment of postage on such documents; a measure by which considerable relief might be anticipated to the Post-office Department in being saved the carriage of such trash.

Minute by the Right Honourable the Governor, concurred in by the Board.

Extract para. 3 should be transferred to the khutput papers, for consideration with them.

(signed) *Falkland.*
D. A. Blane.
A. Bell.
J. Warden.

12 May 1852.

No. 11345 of 1851.

Transfer from the Revenue to the Political Department.

Resolution, 2d December 1851.

No. 2266, dated 15 May 1850.
No. 5087, dated 29 Nov. 1851.

With reference to the transfer from the Political Department, and to the Chief Secretary's memorandum, of the numbers and dates given in the margin, Ordered, That compilation 1339 of 1850, containing replies to the Government Circular,

Circular, No. 4138, dated the 20th May 1850, issued from the Revenue Department, be, transferred to that department, to be returned when no longer required.

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Ordered also, That it be intimated to the Political Department, that the delay in communicating to that department the result of the inquiries made in the Revenue Department is owing to the non-receipt of a reply to the circular from the Collector of Khandesh, who has again been requested to expedite its transmission.

(signed) *H. E. Goldsmid,*
Secretary to Government.

No. 11920 of 1851.

Transfer from the Revenue to the Political Department.

RESOLUTION, 22d December 1851.

WITH reference to the resolution of Government in the Revenue Department, No. 11345, dated 2d instant, ordered that two letters from the Collector of Khandesh, Nos. 2125 and 2126, dated 17th idem, with the Minute of the Honourable Board recorded thereon, be transferred to the Political Department as the last of the reports due by the revenue officers of Government on the subject therein mentioned.

2. Ordered also, That the letters and minute above mentioned be returned to the Revenue Department when no longer required.

(signed) *H. E. Goldsmid,*
Secretary to Government.

No. 2125 of 1851.—Territorial Department, Revenue.

From *Alexander Elphinston,* Esq., Collector of Candeish, to *H. E. Goldsmid,* Esq., Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your circular, No. 4138, bearing date 20th May 1850, calling upon me to state whether I am aware of the prevalence of a belief among the natives that by means of "khutput," or intrigues at the Presidency, the arrangements of the local officers in the Moofussil may be defeated or superseded; and in that case, what remedy I would propose to obviate this evil.

2. Of the existence of such a belief among the natives, and its efficacy, there is no room to doubt. But I have been prevented from earlier replying to this letter, by the difficulty of meeting the command to offer any suggestion to remove the evil which would be likely to prove acceptable.

3. The centralisation of all power in the hands of Government and the Sudder Adawlut, both at the Presidency, and the little real power enjoyed by the local officers of Government, whose decisions and smallest fines of peons and menial servants are open to reversal, are calculated to weaken the authority of the local officers, and teach the people to look to Bombay as the place where they can get the decisions of the local officers reversed. This object is not always effected by the legitimate course, but by the expenditure of money.

4. When a native obtains an unfavourable decision of fine, imprisonment, or dismissal from service, his first step is to secure funds, far beyond his own wants and legitimate law expenses, to bribe people in Bombay. This is so well understood, that on his return his acquaintances generally greet him by saying, "How much had you to expend?" For it is by the force of money, and the extent to which it is used, that many decisions are supposed to be reversed.

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5. As an instance, I knew a case where a Brahmin dessai at Rutnageeree was sentenced to imprisonment by the session judge. The prisoner and his friends sent off a mookhtiar, or agent, to the Sudder Adawlut, with sums to expend, and boasted to the dufterdar of my office that the order would be reversed; and the hoondees, or sums taken up from a sowkar of the town, to be expended in Bombay, to the amount, I think, of about 900 rupees (whereas from 10 to 30 would have amply sufficed for the messenger's own expenses) were also mentioned to me; and finally, the result of the appeal was known to the family and friends of the prisoner, and was public in the bazaar, some days before the official notification of the result reached the station. But as no proof was procurable to whom the money had been paid, it would have been useless taking official notice of the matter. The money could not have been paid legitimately in court, as all criminal justice (except vakeels and lawyers' fees, and I did not hear they had been employed) is gratuitously conducted.

6. It is currently believed by almost all, if not all natives, in the Moofussil, that the sherustedars of the Sudder Adawlut take bribes; and they are said to live expensively, and beyond their pay. But if your informant is questioned, and proof is demanded, the question is met with a smile of derision, and some such reply as, "You know, sir, to pay, and then to 'peach, is disgraceful; and no man would ever be trusted again by an official, if he had occasion to go to one a second time, after having once betrayed the fact of the bribe's acceptance."

7. It is only the lower orders of people, and they often only under the force of circumstances (such as a quarrel or dissatisfaction with the officer who received the bribe), who ever avow, before an officer of justice, having paid a bribe.

8. I regret to state that, according to my own observation, and the opinion of intelligent natives, it is generally considered to be honourable and meritorious to commit perjury, to run the risk of its penalties, to save the recipient of a bribe, and to incur any hardship rather than give up his name, or to admit, even if put on oath, that any bribe was given. At the same time the amount of strictly legal proof required to insure conviction in a court of justice is so great, that a resolute withholding of the truth is all that is necessary to make conviction, in cases of bribery and perjury, nearly impossible.

9. In a case of perjury committed for trial by the magistracy to the Session Court, the session judge found a conviction; but the Sudder acquitted, because the person through whom the bribe was delivered to the district officer was asked if he had given him the bribe, and he denied the fact; and on appeal from the sentence of the session judge, the Sudder ruled that the witness, though giving evidence on his oath, did not commit perjury, because if he had replied in the affirmative, he would have rendered himself liable to prosecution for an attempt (by the act of bribery) to pervert the course of public justice. But the witness might have refused to reply, or have obtained a promise of exemption from prosecutor. This, however, did not suit him; he was determined at all hazards to deny the fact of having given the bribe to save the officer who took it; and by the refinements of English law, unhappily for public example required to repress such crimes, escaped merited punishment. But such refinements of law are ill adapted to the state of the people in the Moofussul, and will render future convictions of native officers nearly impossible, if the person who gives the bribe, and is principal witness, may withhold his evidence with impunity.

10. The agency by which bribes are said to be given to the sheristadars of the Sudder is by the vakeel of the Zillah Court writing to the vakeel of the Sudder Court, who pays the money to the Sudder sheristedar; but sometimes the party interested goes himself to Bombay, and either by direct communication with the Sudder's sheristedar, or through the agency of his Sudder vakeel, settles what he is to pay to procure a favourable decision. Of this, however, I am only informed by public rumour.

11. In most cases, I imagine the sheristedars merely delude the parties from whom they are supposed to take bribes, in making them imagine the bribe can be of any efficacy to the cause they profess to help to a favourable decision. In some cases the Sudder sheristedars are supposed to give the Sudder judge to whom they take the papers an abstract of the chief features of the case, and of the

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the evidence, to notice any illegalities, irregularities, or inconsistencies in the evidence, and by this means to give the mind of the judge a previous bias, *pro* or *con.*, which may exercise an important influence upon his ultimate decision; and it is only upon this presumption of his utility that a bribe could ever be offered to the sheristedar.

12. In civil business both sides are on a par, and their merits are equally discussed. In criminal business there is no appointed public sworn prosecutor in attendance, when the case comes before the Sudder to delineate the facts and the evidence in support of the lower court's decisions; and if the case be voluminous and intricate, it may happen, in taking a mass of evidence all at once, that the mind of the judge may be fatigued and his attention flag, and some of the points and bearings of the case may be overlooked, and a decision may be given very different from what that judge would have given if he had heard that evidence piecemeal, as with labour and cross-questioning it was gradually extracted *vivâ voce* from each successive witness by the zillah judge.

13. I am, therefore, of opinion that generally the Sudder judge cannot be in so favourable a position as the session judge to ascertain and determine the value of the evidence, and whether it establishes the facts charged, and that reviews of the evidence are likely to do harm in releasing criminals, and that their reviews should be confined to the examination of points of law on which doubt may be entertained.

14. To make public justice of a less fluctuating character, and more highly thought of by the people for whose benefit it is intended, more should be done in sight of the people by giving the local courts more power, and abstracting it from the Sudder. I would, therefore, propose as a remedy that each zilla judge should have three selected native judicial functionaries of the highest character as sworn permanent jurors; and when they unanimously concur with the zilla judge in finding a prisoner guilty, to that sentence, except on a point of law, no appeal should be open to the Sudder, unless it may be in cases of capital punishment.

15. It is remarked by the natives, and was mentioned to me also as his opinion by Mr. Bazett, the judge of Candeish, that penal sentences against wealthy persons, and more especially against influential Government servants, were more frequently reversed than decisions against poor people. In proof of this, he mentioned to me in conversation his having, on the 4th July 1849, sentenced to transportation for life Umrootrow Wulud Soorajee Deshmook, charged with murdering his kept woman while she was sleeping with him, but the prisoner was discharged by the Sudder. And, on the other hand, he stated that in another case, where three persons went to rob a patel's house of some grain, who were not professional robbers, and probably for the first time had committed an offence, that on the 6th April 1850, he passed sentence of death on Dhurma Wulud Chimun Naik, a poor Bheel, one of these robbers, as he had stabbed the patel to escape from his grasp when he caught him robbing his house. The judge, however, recommended the prisoner to mercy; but on him, by order of the Sudder, capital punishment was executed. Further, in the case of one Gungadhur Ramchunder, head carkoon in charge of the Pachora Mahal, who compelled one Balla Wulud Dhunjee to send to his father, Dhunjee Wulud Nagoo, for 500 rupees to escape being imprisoned and having irons put on his legs, which disgrace the head carcoon, without just cause, threatened, unless the bribe he demanded of 500 rupees was given him,—Mr. Bazett, the judge, on the 27th April 1850, sentenced this head carcoon to three years' imprisonment with hard labour, and a fine of 1,000 rupees, or two years' further imprisonment with hard labour. When the case was first sent up for trial to the session judge, the carcoon was charged with extorting the bribe; but as the two persons through whom the negotiation was conducted on behalf of the carcoon, and through whom the money was paid, denied the fact, the judge directed that all three persons should be sent up on a charge of conspiring to injure public justice. But the time and place of the conspiracy not being clearly defined in the charge, the prisoners, by the Sudder, were discharged. The zilla judge informed me, that on trivial grounds weighty evidence against the prisoners had been overlooked and set aside, and his judgment reversed. Money was rumoured on this occasion to have been sent to Bombay, and an active, intelli-

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gent agent, one Shamrow Ramchunder, well acquainted with all the people of the Sudder, was despatched to the Presidency immediately after the zilla judge gave his decision, in order to get it reversed.

16. From the prevalence of the belief that the expenditure of money can indirectly purchase the reversal of an unfavourable decision, I fear there must be some foundation in truth to account for the rumour; and the only remedies I can suggest for the removal of the evil is to give the sentences of the zilla courts, more especially in the cases where Government servants have been convicted, the support in the Sudder of a Government public prosecutor, a sworn officer, to uphold the decisions of the zilla courts, so far as may be consistent with the evidence and reasons recorded; and that there should be no appeals in criminal cases from the Session Court on the fact of whether the prisoner was innocent or guilty, if three selected native judicial functionaries of the highest character concurred with the judge in finding the prisoner guilty.

I have, &c.

Candeish Collector's Office, (signed) *Alex. Elphinston*, Collector.
Dhoolia, 17 December 1851.

No. 2126 of 1851.—Territorial Department, Revenue.

From *Alexander Elphinston*, Esq., Collector of Candeish, to *H. E. Goldsmid*, Esq., Secretary to Government, Bombay.

Sir,

In acknowledging the receipt of your letter No. 11344, dated the 2d instant, I beg, in reply, to refer you to my letter to your address, No. 2125, of this day's date, and to which I should have earlier replied had it not been for the difficulty of offering an effectual remedy to the evil complained of.

I have, &c.
(signed) *Alex. Elphinston*, Collector.

Candeish Collector's Office,
Dhoolia, 17 December 1851.

Minute by the Right Honourable the Governor, concurred in by the Board.

Transfer to Political Department, as the last of the reports due by the revenue officers of Government.

(signed) *Falkland.*
J. Grey.
D. A. Blane.
A. Bell.

20 December 1851.

(True extract.)
(signed) A. Malet, Chief Secretary.

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Further Proceedings on the subject of the alleged Prevalence, under the Bombay Presidency, of a system of Intrigue designated "Khutput."

Extract Bombay Political Consultation, September 1852.

POLITICAL OFFICERS.

R. Keays, Esq., Acting Agent for Sirdars in the Dekkan.

HAS reason to think that belief in the efficacy of the practice of making khutput in Bombay is prevalent; has often heard of parties sending money to Bombay to keep up agitation.

Suggests that Government should refuse to receive petitions, except through the local officers.

R. K. Pringle, Esq., Commissioner in Sind.

Connexion of Sind with Bombay so recent, that he does not think the impression prevails to any great extent.

It is difficult to suggest any remedy which would not interfere with the facilities for procuring redress of real grievances; thinks it may be best left to find its own level.

Captain *J. Leckie*, Acting Political Superintendent, Pahlunpoor.

Is not of opinion that other than the usual modes of obtaining redress exist.

H. W. Reeves, Esq., Political Agent in the Southern Muratha Country.

Is of opinion that in the minds of the wealthier portion of persons, chiefly those connected with the Jageerdars, a belief exists of the efficacy of private influence in Bombay, in procuring the reversal of decisions by the local authorities.

Almost impossible to draw a line between it and legitimate modes of obtaining redress.

Government might caution its officers against lending an ear to the representations of parties who may endeavour privately to interest them in questions unconnected with their own duties.

W. C. Andrews, Esq., Agent for the Governor, Surat.

Is not aware that in political matters any impression of the sort prevails in the limits of the agency.

Major *G. L. G. Jacob*, Political Agent, Sawunt Waree.

The belief is general of influence at the Presidency being of use in thwarting local measures; but no cabal has existed at Sawunt Waree during his administration.

Difficulty of suggesting any plans for eradicating it, as it springs out of the system of allowing appeals, reversals of decrees on mere technicalities, and the belief fostered by designing persons in Bombay.

Suggests that answers to petitions should be sent through the local officers.

T. Ogilvy, Esq., Political Agent in Kutch.

Reports that a belief exists, in Kutch that objects unattainable through the regular channel may be accomplished at the Presidency by agitation and intrigue.

Suggests that Government should publicly intimate that they will receive such petitions only as contain definite charges of oppression against the Rao.

Replies of Officers under the Bombay Presidency on Khutput.

H. B. E. Frere, Esq., Commissioner in Satara.

Defines khutput to be agitation; the process of making it varies; the term seldom applied to the regular modes of obtaining redress; it almost invariably implies something beyond the ordinary routine of appeal to superior authority. Details modes of fostering the belief in it in Bombay; considers that a belief in its efficacy pervades all classes; that it has its origin in ignorance of the real principles and system of our Government. Whatever informs and removes that ignorance tends to eradicate the belief in the efficacy of khutput. Suggests lectures to chiefs on visits to Bombay on the system of Government. Public notifications, one addressed to natives showing the folly of the practice; the other to Government servants, directing them to do their best to discountenance and stop it. Alteration of the system of appeal to Government.

Paras. 32 to 40.

Captain *R. Wallace*, Political Agent, Mahee Kanta.

Has no reason to believe that belief in the efficacy of khutput exists in Mahee Kanta. States that the practice of petitioning Government has increased, and suggests that no intermediate communication be made to petitioners pending the reply to their petitions.

Major *Lang*, Political Agent, Kattywar.

Doubts the existence of the feeling in Kattywar among the chiefs, or any of the better informed members of the community. Considers the increasing system of petitioning Government an evil, and should be discouraged.

Captain *H. Aston*, First Assistant Political Agent in Charge, Kattywar.

Para. 6.

Considers that the belief prevails in Kattywar; suggests a notification prohibiting the writing of introductory letters; the non-receipt of any paper relating to suitors not written in the language of the country to which they belong; that no calumnious petition be recorded or translated, until the writer of it be clearly ascertained, with other details for disposing of such petitions. Shows the evils attending anonymous petitions, and inquiring into accusations of bribery; the expediency of punishing false accusers, and rewarding those who can prove their accusations.

Para. 7.

Major *L. Brown*, Political Agent, Rewa Kanta.

Has no reason to suppose that the belief prevails in the districts under his agency.

States the belief in it in other places.

Suggests that the decision of local authorities be reversed as seldom as possible, and never for technicalities. In all reversals of decisions, the reasons to be given fully.

H. L. Anderson, Esq., Acting Political Superintendent, Kolhapoor.

Is of opinion that the practice of khutput has not extended to Kolhapoor, though he has known instances of it in the Southern Muratha Country.

Considers that the impression must exist under every Government, especially under one of such centralisation as that of India, the glory of which is, that every man's every complaint shall be investigated, and, if necessary, remedied.

Has never known it in the Southern Muhratta Country carried to such an extent as to cause embarrassment.

J. D. Inverarity, Esq., Political Agent, Southern Muratha Country.

Suggests prepayment of postage on all petitions transmitted to Government.

Lieutenant-colonel *Outram*, C. B., Resident at Baroda.

Considers that he has proved that a belief in the efficacy of khutput extensively prevails in the Gaekwar territories. Suggests that full support should be given to the local officer. (1.) A letter be written to his Highness the Gaekwar,

Gaekwar, expressing the sentiments of Government in forcible terms, and the hopes of Government that his Highness will co-operate with the Resident in eradicating the system; that his Highness will dismiss his minister, who has lost the confidence of Government; that his Highness will publicly proclaim his unalterable resolve to punish those who seek to gain assistance from officials by improper means; that his Highness will proclaim his firm resolve to punish such of his subjects who may thwart or embarrass the proceedings of any legally-constituted British court or commission. (2.) That Government should address the Resident a letter, to be read by him in full Durbar, expressing deep interest in his efforts to root out corruption, its satisfaction at his success, its determination to give cordial and powerful aid, and declaring its hope in the result of his labours. (3.) That some substantial mark of acknowledgment be given to Venayek Moreshwer Furkey in public Durbar. (4.) That the Resident be authorised to address to Soorujram, the native agent, a decisive expression of its approbation for rejecting a bribe, and for aid in tracing iniquity; and that some substantial token of that approbation be given to him. (5.) That Nursoo Punt's offences and punishment be publicly notified. (6.) That Government authorise the Resident to express publicly to Setanee Joetabhaee its deep sympathy with her sufferings, &c., and its sincere regret that it had been misled into indirectly permitting the persecution she had endured. (7.) That a court be established for the trial of official servants of the Residency for bribery and corrupt breach of faith. (8.) That if such a court be not established, a legislative enactment be framed, declaring those offences to be felony, and defining their punishment. (9). That the Act XXXVII. of 1850 be amended in four instances.

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Judicial Officers.

A. K. Corfield, Esq., Acting Judge of the Konkun.

States that the belief in the efficacy of khutput exists very generally in that zillah, particularly among Government servants.

Suggests that the superior authorities should invariably assign reasons in detail for the reversal of the decision of the local authorities.

W. C. Andrews, Esq., Judge at Surat.

Has reason to suppose that an impression of the efficacy of khutput is prevalent among some classes of the community as regards the Court of Sudder Adawlut.

Suggests that the greatest circumspection be exercised by the judges and others connected with that court, in their private intercourse with natives of respectability in Bombay.

J. R. Morgan, Esq., Assistant Judge at Broach.

Is led to believe that an impression prevails that by obtaining the interest of parties in power in Bombay, acts of the local authorities may be defeated. Offers no suggestions.

J. C. Harrison, Esq., Judge, Ahmedabad.

Supposes that the belief does exist.

Thinks that the higher class of natives in the large cities in the Mofussil have friends or agents in Bombay, through whose influence they are able to obtain the earliest information on all subjects of interest, and that a belief obtains that this power may be extended to attain objects.

Is of opinion that any remedy must have for its object to secure the deliberate and regular sifting and reporting of all matters referred to Bombay.

J. Woodcock, Esq., Acting Judge, Ahmednuggur.

Has little doubt that the impression prevails, and that sums of money are therefore constantly being sent to Bombay.

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The remedy lies in Bombay; information not officially received or not publicly placed on record should not be allowed to influence official acts; no reversals or alterations of local decisions should be made without the reasons being distinctly assigned, and this should be obligatory by law.

R. Bazett, Esq., Judge, Khandesh.

Is led to believe that the impression exists in Khandesh of the efficacy of khutput; the injurious tendency of such belief; reasons for its existence proved in the reversal of decrees affecting wealthy natives, while those affecting poor persons are confirmed.

Cannot suggest any remedy.

W. E. Frere, Esq., Judge of Dharwar.

It is beyond doubt that a belief of the efficacy of khutput in Bombay does exist; fears that, as it is so congenial to the native mind, it cannot be eradicated.

Is credibly informed that there are agents in Bombay, to whom natives write from all parts of the country, to make khutput for them.

Tendency to ascribe success to khutput rather than to the justice of a cause.

The only means that he can see is, that Government should make it a rule never to restore a discharged servant, unless the injustice be such as to require at the same time the punishment of the authority who committed it.

The Sudder Adawlut should publish weekly the whole of their decisions, with the whole cases, as sent up from the zillah.

W. H. Harrison, Esq., Judge, Sholapoor.

Believes in the existence of the feeling, but considers that unless there be grounds for the supposition that by money payments, indirect influence can be brought to bear on the highest authorities, it will be only fair to conclude that the practice is not such as to amount to an evil of the magnitude supposed.

It cannot be treated as a crime, that men make use of all the influence they can command in time of adversity; it is not considered one among ourselves, to make interest for advancement or for redress of real or imaginary injustice; yet this is khutput without the money payments, which the native of India, as a matter of habit, considers an essential part of the business.

R. Keays, Esq., Acting Judge, Poonah.

Has reason to think the belief is prevalent, and has often heard of large sums of money being sent to Bombay to keep up agitation.

Suggests that petition should only be received by Government through the officer to whom, in natural course, it would be referred for report.

REVENUE OFFICERS.

R. D. Luard, Esq., Collector of Continental Customs and Excise.

STATES that the impression of the efficacy of khutput is universal, both among Europeans and natives.

Thinks a committee should be appointed to inquire into this pernicious system, under the protection of which he could give his evidence.

Is of opinion that the loss of the cotton trade, and the increase of intemperance, and the impossibility of improving the character and condition of the people, arise from the system.

Considers a public investigation necessary.

A. N. Shaw, Esq., Revenue Commissioner, Northern Division.

Believes that the impression prevails; gives instances which he has heard.

Suggests that no native sheristadar should take the same tour two consecutive years with a Judicial Commissioner; that a Judicial Commissioner should hold his court and take petitions in the judge's open court. That no native or European

European authority should accept fish, fruit, sugar, &c.; that the orders on the subject of debts in force in the Mofussil should be applied at the Presidency.

H. W. Reeves, Esq., Collector, Belgaum.

States that the belief does exist among the wealthier persons in the collectorate, chiefly those connected with landed estates. Suggests that Government servants should be cautioned against listening to representations from parties who may endeavour to interest them, in matters unconnected with their own duties.

E. H. Townsend, Esq, Revenue Commissioner, Southern Division.

Has long been aware of the impression of the efficacy of khutput among the natives; suggests great circumspection in admitting the visits of natives at the Presidency.

J. N. Rose, Esq., Commissioner for Claims on Transit Duties, &c.

States that the impression is very prevalent in the Dekkan, particularly in the Poona Zilla.

Suggests that the reasons for reversing the decision of the Mofussil authorities should be always given.

E. C. Jones, Esq., Agent at Colaba.

Believes that the practice of personally proceeding to Bombay, to complain of real or imaginary grievances, is very common. Has never detected that any undue influence has been exerted, in cases of reference between Government and his office.

J. D. Inverarity, Esq., Collector, Sholapoor.

Has little doubt that the system of khutput making in Bombay is supposed by natives to be an effectual means of defeating or superseding the arrangements of local officers.

Suggests that a certain time should be allowed for the presentation of an appeal, which should be preferred through the local officers.

J. S. Inverarity, Esq., Second Assistant Collector, Sholapoor.

Reports that the belief is common throughout all grades of society in his districts.

R. Hosken, Esq., Assistant Magistrate, Sholapoor.

States that several respectable natives have appeared strongly impressed with the idea that the decision of Mofussil officers can be reversed in Bombay for a consideration, which usually varies from 300 to 1,500 rupees.

Lieutenant *Francis*, Settlement Officer, Poonah.

States that it does not appear that the belief exists in his department, but has good reason to suppose that it does obtain in the Revenue and Judicial establishments. Cannot suggest any mode of suppressing it; but considers that, if decisions are only reversed on good reasons, it will be harmless.

R. Spooner, Esq., Collector of Ahmednuggur.

States that generally, and among all classes, an impression exists that if a petitioner proceed to Bombay, or employ a person there, he is more likely to succeed than if he merely forwarded his petition. Agents are sometimes kept in Bombay, merely to supply early intelligence.

Cannot offer any suggestion.

W. W. Bell, Esq., Collector, Dharwar.

Has no room to doubt that the impression is very general, particularly among the members of the Government establishments. Considers it inherent in the native mind, which is more debased now than 100 years ago; as we have by our system of education broken the moral ties of the native superstition,

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and substituted none in their place. Believes its eradication to be impossible; but that it may be controlled by extreme circumspection in interfering with the proceedings of local officers, by justice and impartiality, and by assigning full reasons for reversal of the decisions of local officers.

Lieutenant *W. C. Anderson,* Acting Superintendent Revenue Survey, Dharwar.

Thinks that a belief does prevail among the higher classes, that by appeal to the Presidency there is a chance of getting a decision of the local authorities set aside; that it is in some measure the unavoidable concomitant of the existence of the right of appeal to Government. Suggests that the decision of the local authorities be considered final, as much as possible, by restricting the right of appeal; and that no Government servant should be re-employed who has been dismissed for dishonesty or gross carelessness.

E. M. Suart, Esq., Sub-Collector of Nasik.

Has no doubt that an impression does prevail, that by means of intrigues at the Presidency and a liberal expenditure of money, any object, right or wrong, can be effected. Gives a detailed instance.

Makes no suggestions.

E. G. Fawcett, Esq., Collector, Surat.

Reports that no specific instance has come under observation; can hardly expect but that such impression must exist among a people lately under a corrupt system of government, which will take time to wear out.

Suggests that reasons for the reversal of Mofussil decisions should be given.

J. S. Law, Esq., Collector, Tapna.

Does not think the impression exists, except to a certain extent in regard to political cases, and those in which native officials are implicated; attributes it to the misrepresentations of vakeels; the belief mostly confined to the native servants of Government. Suggests that reasons for acquittals be given by the Sudder Adawlut.

H. P. Malet, Esq., Acting Collector, Poonah.

States his belief that the impression of the efficacy of khutput is universal. Much khutput arises from the difficulty in carrying out the order relative to anonymous petitions. Suggests that reasons for reversal of the decisions of the local authorities be given in full.

G. B. Seton Karr, Esq., First Assistant Collector, Poonah.

Reports that the belief is prevalent, but not confined to any particular class, that khutput not only is used in a bad sense, but merely to signify importunity, in which natives have great faith. Considers that any notification on the subject would lead to the idea that Government wished to discourage petitioning.

Alexander Gibson, Esq., Conservator of Forests.

Cannot wonder that the impression on the native's mind as to the efficacy of khutput should be universal.

Suggests that previous to ordering a reversal of a local order, the reasons for it should be sent to the person whose order it is intended to reverse for his explanation; that all judicial appointments should be made by Government on recommendation from the local officers; that moonsiffs, karkoons, and peons be Government servants.

That the accounts of batta for summonses should be publicly kept; considers the total isolation of the Judicial Department in the districts one of the first causes; mentions a report that wealthy natives at the Presidency turn the belief to good account.

L. R. Reid, Esq., Second Assistant Collector, Poonah.

Considers the feeling to be general.
Can suggest no remedy but time.

C. G. Prendergast, Esq., Acting Collector, Kaira.

States that there appears to exist a belief in the practice.
Suggests that a proclamation might be beneficial.

J. M. Davies, Esq., Collector of Broach.

States that an undefined, though not unnatural belief in the efficacy of khutput, appears to obtain among people incorrectly informed of the internal machinery of Government; does not believe that it extends to the more intelligent and better informed.

Cannot suggest any remedy; time alone can overcome the ignorance of the masses.

W. Hart, Esq., Inam Commissioner.

Has for some time been aware of the prevalence of the belief; names two persons who are said to be agents in Bombay, for cases connected with the Southern Muratha Country. Suggests that Government should not recognise the Bombay agent of a petitioner, but at once send the petition for investigation or report to the local officer, informing the petitioner, not the agent, of their course; the prohibition of any appearance on the part of Government officers of interfering with other officers, that grounds of decrees in criminal courts should be recorded; as also for all reversals or revision by the superior courts.

A. D. Robertson, Esq., Commissioner for Claims, &c.

Considers that the impression is general, but stronger in Guzerat than in the Dekkan.

Suggests publicity, in the language of the zilla, of the grounds for reversal of decrees.

E. L. Jenkins, Esq., Acting Collector, Ahmedabad.

Believes that there is no doubt that natives generally believe in the efficacy of khutput.

Suggests in all reversals of the decrees of the local authorities the reasons should be fully given; that interviews between Europeans and wealthy natives should be as public as possible.

G. Coles, Esq., Collector, Southern Konkun.

Believes the impression to be very general in the zilla. Suggests the utmost publicity in all official proceedings. That all references, not strictly belonging to civil procedure, should be made and answered in English, &c. That the employ of English barristers will destroy the faith in the benefit to be derived from native friends; that all private notes on official matters should be recorded. That Government should prohibit matters relating to individuals in the public service being made the subject of correspondence or conversation with natives; that getting into debt to natives should be discouraged.

Alexander Elphinston, Esq., Collector, Khandesh.

States that there is no doubt of the existence of a belief in the efficacy of khutput.

Attributes it to the centralization of power in Sudder Adawlut and Government.

Suggests in criminal cases before the Sudder, the employment of a public paid and sworn prosecutor; that the local courts should have more power, each having three selected native permanent jurors, and that on a unanimous verdict, no appeal should lie to the Sudder.

(signed) *A. Malet*,
Chief Secretary.

10 June 1852.

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MINUTE by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane*.

1. THE correspondence contained in the accompanying mass of papers had its origin in the following circumstances:—In May 1839, the Bombay Government* informed the agent for Deccan Sirdars that the Government of India had granted† the daughter of a deceased Sirdar a pension of 1,500 rupees per annum. On the 1st April preceding, a person had obtained a written agreement from the members of the family of the deceased Sirdar, to the effect that, as he was making efforts to get Government to grant an allowance to one of the family, he was to receive a sum equal in amount to one year's proceeds, provided that, within two months from that date, an order for the allowance being granted should be received at Poona. The genuineness of the deed having been established, as also the receipt of the order before the expiry of two months, the moonsiff decided for the plaintiff.

"Because there was nothing to show that it was owing to his exertions (a condition implied in the deed) that the pension had been granted; because no exertion of any kind had been proved; and because, if any such exertions had been made, they must have been *primâ facie* illegal and irregular, not being made through the agent for Sirdars, the officer appointed to communicate with Government on such subjects."—Para. 6 of Mr. Hart's letter, No. 1901, dated 17th April 1850.

2. His decision was reversed on appeal by the Acting Assistant Judge (Mr. Hart), on the grounds that it had not been proved that efforts had been made by the plaintiff, and supposing they had been made, they must have been illegal and irregular. The Sudder Adawlut, in their turn, reversed the Assistant Judge's decree, and upheld that of the moonsiff, on the grounds that "the note of hand (agreement) was proved correct, and that the pension was granted, according to the conditions, within two months, the Court further stating that the appellant (original plaintiff) appeared to have rendered service that was useful in forwarding the views of the family, though their decree does not state how this appeared.‡

Para. 8 of Mr. Hart's letter.

3. It occurred to the Assistant Judge, Mr. Hart, that intimation of the grant having been made must have reached the nominal plaintiff, through some breach of confidence before the date of the agreement, and that "he had then got the defendants to execute it by inducing them to believe that he had been and could be useful in obtaining from Government the allowance," and Mr. Hart appears to have availed himself of the opportunity afforded by his being subsequently placed at the head of the Inam Commission, of corresponding direct with Government, to ascertain§ whether this surmise was correct.

"At the same time, I beg most sincerely to disclaim all intention of adopting the opinion which seems to be implied in the decree of the Court of Sudder Dewanee Adawlut; for I can never believe that Government, having an agent at Poona for the settlement of such claims as the Chowderies, could be influenced by any Hummunt Bheekajee or Hurrees."—Para. 9 of Mr. Hart's letter.

"For," Mr. Hart observes, "it is evident that the existence of such a traffic must be mischievous, as leading to the belief that pensions and similar grants are purchasable, and that their purchase is recognised by the highest court of law in the country."—Para 10 of Mr. Hart's letter.

4. On being informed‖ that the sanction for the pension could not have reached Bombay for about a fortnight after the date of the agreement, he was led to infer and admit that his supposition must have been incorrect; but with reference to the opinion which he considered was implied in the decree of the Court, he suggested that inquiries should be made as to who the appellant, Hummunt Bhekajee, and Dajee Wamun were, and whether or not a traffic in agreements, of the nature of that filed in the case under disposal, was common, and he remarked as follows:

"I trust I shall be pardoned for adverting to a general subject of the same nature. There unfortunately exists among the inhabitants of this part of the country, and, I fear, elsewhere, an idea that intrigues at the Presidency will often defeat or supersede the arrangements of local officers in the Mofussil. I do not mean by the course of open appeal from

* Political Department, letter, dated 3d May 1839, No. 962.

† Reported to the Honourable the Court of Directors, in Political despatch from the Bombay Government, dated the 22d June, No. 21 of 1840, paras. 112–122.

‡ Para. 7 of Mr. Hart's letter, dated 17th April 1850, No. 1903. *See* also decrees passed by Messrs. Simson, Hutt, and Brown, judges; a copy and its translation annexed to Mr. Hart's letter.

§ *Vide* para. 8 of Political despatch from the Bombay Government to the Honourable the Court of Directors, dated the 17th September, No. 69 of 1851, and Enclosure No. 1 to Collection No. 4 of proceedings accompanying that despatch.

‖ He was misinformed, as will be seen from my separate minute. Secretary's letter to Mr. Hart, dated 17th May 1849, No. 2114.

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from the local officers' orders, but by secretly making friends in high places, who will, irrespective of right or wrong, interest themselves for the intriguer, and that this sort of patronage will often enable a person to obtain objects which he could have no chance of obtaining, were the propriety of them left to be sifted and reported on in a deliberate and regular manner.

"This sort of intrigue is here familiarly called "making khutput," in Bombay, and such khutput is looked upon as a remedy for all sorts of difficulties. It is considered as of sufficient virtue to obtain the restoration to place of an official servant dismissed for incapacity or dishonesty, or even the release from jail of a convicted criminal."

5. Our circular* recited the above assertion in almost the same terms as those used by Mr. Hart, and called upon the various officers of Government to state whether or not such a belief as that alluded to by him existed in their jurisdiction, and if so, for their opinion as to the best means of disabusing the minds of the people on the subject.

6. Mr. Hart has, I believe, rendered fairly enough the meaning of a word which has recently become so familiar to the inhabitants of this Presidency, that any person visiting Bombay for the first time would learn with surprise, that previous to the issue by Government of our circular of the 15th of May 1850, the existence of such a term was known but to very few Europeans.

Revenue Department, 20th May. Judicial Department, 23d May.

7. In as far as I have been able to ascertain from persons critically acquainted with the Mahratta language, the English word "canvassing" best and most correctly expresses the signification rightly to be attached to it; such signification has, however, by a gradual perversion of the original meaning, come to be "intriguing," in the sense of seeking a desired object by secret and corrupt means," and in this latter and worse sense it would appear to be now very commonly used. It has, in fact, become a cant term; the sense attached to it by natives and others having, in consequence of the excitement originating in the correspondence which has lately taken place relative to Baroda affairs, been perverted from its original meaning, and every one who has, or conceives he has, a grievance, now protests that he is the victim of khutput, not perhaps quite comprehending the purport of the word, but having an indefinite idea that it is something very bad. Ignorance of the exact nature of an evil, or the want of a clear knowledge of the degree in which it may affect them, does not, however, render it less dreadful to those who conceive they are likely to suffer from its influence.

8. Before considering the tenor of the replies received as relating to the belief in khutput, I would recall to the recollection of my colleagues that the answer† of Mr. Luard, collector of Continental Customs, recited sundry grounds of complaint against the proceedings of the Bombay Government some years before my arrival in India, but did not furnish the information or suggestions for which we had asked him, and was therefore entirely useless as an aid to our deliberations with regard to the measures to be taken to remedy practically an evil, the existence of which is not to be denied, although it may be more than doubted, first, whether it pervade this Presidency more than any other part of India; and next, whether, if such be the case, more cause exists here than elsewhere for its asserted prevalence. The tone of Mr. Luard's communication is extremely objectionable; but consideration for the morbid feelings of the writer on the subjects to which it particularly refers induces me to abstain from further notice of it, as the matters to which it alludes have already been fully reported by our predecessors in the Government, and pronounced on by the Honourable Court. With these remarks, I dismiss the first letter of the collector of Continental Customs.

9. Mr. Luard had previously addressed to Government a letter,‡ equally devoid of information with the former, but couched in such reprehensible terms as

* Reported to the Honourable Court in paras. 8 and 9 of Political despatch, dated the 17th September, No. 69 of 1851.

† Copy of this letter formed enclosure No. 34 to Collection No. 4, accompanying Political despatch from the Bombay Government, dated the 17th September, No. 69 of 1851.

‡ Copy of which was forwarded to the Honourable Court with Revenue despatch, dated the 1st May, No. 60 of 1851.

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as to render it imperative on us to intimate to him our determination to remove him from his appointment unless he withdrew it, which he did.

10. The tone and temper of the reply* of Lieutenant-colonel Outram, the then Resident at Baroda, was likewise such as to call for the animadversion of Government.

11. It was to the effect that, not only is it generally supposed at Baroda that intriguing with parties in Bombay, who, regardless of the merits of a cause, would espouse it, and undertake to obtain the ear and bias the judgment of persons in authority, is commonly efficacious in obtaining the reversal of the decisions of the local officers, whether right or wrong, but that the course taken by Government in various cases, which he cites, has been such as has naturally tended to confirm the belief that persons in authority are themselves apt to be corrupt and ready to be so biassed. To prove this, he gives several instances in which the opinions of the Residents at Baroda for the time being have been overruled during the last 16 or 17 years, and reviews the proceedings of Government on each occasion; the direct inference to be drawn from his reasoning being, that khutput must obtain in its most objectionable form, unless Government virtually waive the right of reviewing, or at least of interfering with, the decisions of its Resident. It is, I conceive, impossible to admit the validity of the reasoning which would lead to such a result; but as the peculiar nature of Lieutenant-colonel Outram's reply has already rendered it necessary that we should transmit† it entire to the Honourable Court, with such observations as the part of it above referred to called for, it would be superfluous for me again to apply myself to that portion of it.

§ Summary of which is appended.

12. It would appear from the reports‡ of our other functionaries employed in the several departments in the Mofussil,§ that they are all but unanimous, both as to the influence among the native community of the idea regarding khutput, and the detrimental effects of that idea on the native mind; at the same time, on an attentive perusal of the various replies furnished in accordance with our requisition, I am utterly unable to attribute the general inclination to place reliance on indirect or discreditable means of obtaining an end, either to the existence of improper conduct on the part of our European or native officers, or to any inference that can be fairly drawn from the conduct of Government itself.

13. The several cases brought forward by our officers in the Mofussil as examples of the grounds which have existed for belief in the use of khutput should be laid before us by our secretaries, with a view of discovering whether, on declaring our decisions, there has been any such deficiency of explanation regarding the grounds of the orders issued in each case as could have fairly given rise to any misrepresentation of the opinion or intention of Government with respect to them, or whether there is anything in any of the cases requiring particular orders, or explanations, with reference to the circumstances alluded to by the officers who have adduced them in illustration of their replies.

14. A similar course should be followed with regard to such of the above cases as were decided by the Sudder Adawlut, their proceedings in each being called for by our judicial secretary.

15. Colonel Outram's letter differs from Mr. Luard's in this, that he proposes several measures of local application, the adoption of which he conceives would have a beneficial effect at Baroda, and of these I proceed to dispose at once.

16. They are, first, that a kurreeta should be addressed to his Highness the Gaekwar, communicating the regret felt by Government at the lax political morality prevalent in his capital, and urging his Highness to dismiss his minister

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* Copy of this reply was forwarded to the Honourable Court with Political despatch, dated the 29th November, No. 89 of 1851, and the "report" accompanying it was transmitted with Political despatch. dated the 22d May, No. 55 of 1852.

† Transmitted with Political despatch, dated the 22d May, No. 55 of 1852.

‡ Copies of these reports were forwarded in para. 9 of Political despatch to the Honourable Court, dated the 17th September, No. 69 of 1851.

minister Bhow Tambekur, and to issue two proclamations. With all or any of these recommendations it would not, I conceive, be judicious to comply.

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2d. That a letter should be addressed to Lieutenant-colonel Outram himself, expressive of the concurrence of Government in certain opinions which he entertains. The removal of Colonel Outram from Baroda would render such a letter futile, even were it advisable to send it, which, in my opinion, it is not, for other reasons.

3d. That a reward should be conferred on Moreshwur Furkey. The case of this individual is now under the consideration* of the Honourable Court.

* Referred in Political despatch, dated the 5th of June, No. 60 of 1852.

4th. That praise should be given to Surujram, the present native agent, "for the rejection and exposure of the enormous bribe offered to him by Baba Nafra." This was done on the 16th April, in reply to a letter from Mr. Davies, relative to the disposal of the money in deposit.

5th. That Nursoo Luximun's offences, and the punishment they entailed, should be publicly proclaimed. When the proceedings relative to Nursoo Luximun were disposed of by us, we dismissed him from the revenue appointment he held, such dismissal of itself involving a prohibition against his ever again being employed in the service of Government,† and since our receipt of the Honourable Court's despatch, No. 19, dated the 23d June last, a formal circular‡ has been issued on the subject. As full publicity has therefore been given to Nursoo Luximun's disgrace already, from the various important offices filled by this individual, and his former high character sufficiently notorious, as is ever given by us to the degradation of any public functionary.

6th. That the sympathy of Government should be publicly expressed to Joetabaee Setanee. This has, I conceive, been already sufficiently done by the proceedings of Government towards that lady.

7th. That measures should be adopted to establish a new court for the trial and punishment of Government servants guilty of bribery and corruption. The establishment of a court which will embrace such cases has been assented to by his Highness the Gaekwar, on the representation of the present Resident, Mr. Davies, who communicated his Highness's assent to Government, under date the 24th of February last. Mr. Davies' proceedings were approved by Government, and authority given to establish the court on the 15th March.

8th. That if it be not advisable to establish such a court, a legislative enactment be obtained, declaring certain offences to be felony, &c. &c. The steps taken with regard to recommendation 7th render the consideration of this proposal unnecessary.

9th. That a legislative enactment should be obtained to amend Act XXXVII. of 1850.

Both Lieutenant-colonel Outram and Mr. Frere§ consider this Act to be defective.

The Act was prepared by the Government of India, and with our reply to their letter forwarding the draft of our opinion, we submitted some very sensible remarks by our legal remembrancer, deprecating any attempt to define the mode of procedure, and suggesting that it should be left to Government or the Commission "to pursue the inquiry on each case by the form of procedure best adapted to the circumstances;" had these suggestions been adopted by the Government of India, the criticisms of Lieutenant-colonel Outram and Mr. Frere would not have been apposite.

I do not, however, consider the Act so defective as it is supposed to be either by Lieutenant-colonel Outram, or by Mr. Frere.

The prosecutor should be eligible as a witness.

Firstly. As regards Lieutenant-colonel Outram's objections, I do not think that sections 5, 13 and 17, can be held to debar a party originating the accusations, and carrying on the prosecution, under the orders of Government, from giving evidence as a witness, and undergoing examination by the accused. The words "when the prosecution is not conducted on behalf of Government," used

† *See* Honourable Court's orders, despatch No. 42, date 6th August 1851; circulated by Government under date 12th November 1851, No. 1487.

‡ Reported to the Honourable Court in Political despatch, dated the 28th August, No. 76 of 1852, para. 13.

§ *Vide* Mr. Frere's letter, dated the 22d October 1851, copy of which formed Enclosure No. 1 to Collection No. 2, to Political despatch to the Honourable Court, dated the 17th of February, No. 19 of 1852.

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used in section 17, appear to me, when taken in connection with the rest of the Act, to be merely intended to show that all cases are embraced in the permission accorded for giving evidence, with the exception of a case in which a person with whom the accusations have not arisen, might be employed by Government to conduct the prosecution.

The reply of the prosecutor should be entered in the proceedings with that of the accused.

I agree with Lieutenant-colonel Outram that the reply of the prosecutor should be recorded in the proceedings, as well as that of the accused. Under the law as it now stands, however, the Government, before passing judgment, can refer the proceedings to the prosecutor, if the party accused be subordinate to him. *See* section 22 of the Act.

In case the original charges be altered at the requisition of the Commission, it shall, in giving an opinion on these amended charges, also give an opinion whether, and how far, the charges as they first stood have been substantiated.

I dissent from this opinion. I do not think the Commission ought to be required to give an opinion as to how far charges from which the accused has not had an opportunity of defending himself have been proved. It may be noticed, the Commission is required by section 21 of the Act to submit to Government "such observations as they think fit in the whole case."

If the accused employ a legal adviser, time should be given for the prosecutor to secure similar assistance, if he be so minded.

In this also I agree. In the case, however, in which Lieutenant-colonel Outram was interested, the accused did not employ a legal adviser.

Secondly. As regards the defects complained of by Mr. Frere.

That the Act gives no power to reject irrelevant evidence.

This I deem to be a power inherent in a court so constituted, and I cannot consider express authority requisite.

There is no provision in the Act as to the language in which the proceedings are to be conducted.

There being no provision to the contrary, the self-evident conclusion is that the proceedings should be conducted in the language of the accused.

The Act contains no power to enforce obedience to the authority of the Commission in a foreign State.

As regards Baroda, the difficulty will, I believe, be met by the consent lately accorded by his Highness the Guicowar to the establishment of a court. I cannot conceive a case, however, in which respect to a Commission issued by the British Government will not be paid, in countries to which it is at all probable a Commission under the Act will ever extend.

The Commission cannot, at present, by sect. 14, call for fresh evidence after the close of the prosecution.

There is certainly a defect in section 19, rather than in section 14; the Commission should have power to call for fresh evidence at any stage of the proceedings, and the accused should be allowed to call further witnesses, and record evidence to rebut that newly taken.

The objections taken as above by Mr. Frere and Lieutenant-colonel Outram, and their remarks, if concurred in by the Board, may be sent to the Government of India for such notice and further legislation as they may deem advisable; but it appears to me utterly unreasonable to suppose that the alterations proposed by Lieutenant-colonel Outram, even if useful in themselves, could have any material effect in disabusing the minds of the people of Baroda, as to the firm belief he alleges them to entertain with regard to the efficiency of khutput. The Act after all is merely one prescribing the mode in which preliminary inquiries into the conduct of public servants may be conducted, and the acquittal of an accused person on charges preferred under it does not entail the necessity of his being retained in the public service, nor does either his acquittal or conviction preclude after proceedings in a criminal court.

That a strict conformity with the letter of the Act, or with the mode of procedure laid down for criminal courts, is not always considered necessary, appears from the fact of Mr. Frere having, without amending the charge, convicted Nursoo Luximun of an offence which formed no part of the charges preferred against him by the prosecution.

17. I now come to the consideration of the suggestions of the other officers of Government, who treat of khutput as an evil general in its nature, and to be met by measures founded on general principles of administration; but I do not propose to enter into detail in examining the various propositions of these functionaries, as I believe that almost all those of any value, or likely to have a direct and practical effect, have been already anticipated by the orders of Government.

18. The

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18. The rules under which petitions have hitherto been received and decided on, may however be reviewed, and consolidated by the Chief Secretary in a memorandum, which he will have the goodness to lay before us as soon as possible. It is probable that some of the rules now existing may have become obsolete, and that others may require correction, but no modification should, I conceive, be introduced, which would tend to limit the opportunities for legitimate appeal.

19. The means of giving publicity to the grounds of decisions by Government are provided for by the local officer being in each case, where his orders are overruled, informed of the reasons influencing Government, so that he can never be at a loss to afford the requisite explanations to the parties concerned (who are invariably referred to him for a reply), and he ought to be held answerable that this is always done.

20. The grounds of the decisions of the Sudder Court have lately been systematically communicated, not only to the parties concerned and to the court of original judicature, but even to the public by means of newspapers.

21. With respect to publicity, therefore, there seems nothing wanting on the part of that court or the Government.

22. Mr. Suart gives an instance of khutput in its worst sense, and as the name of the native gentleman concerned in it also appears in Captain Aston's report, I would have the judicial secretary orally to communicate to Mr. Juggunath Sunkersett what is on record on the subject, and express a hope that he will see the impropriety of a gentleman in the commission of the peace mixing himself up with such matters.

23. I conceive the belief as to the advantages to be obtained from khutput, as used in a bad sense, to have originated in the proneness to intrigue and the low state of morality, as far as truthfulness is concerned, of the natives of this country, who in their present state of education appear as a class incapable of conceiving that there is a human being unbiassed by feelings of moral cowardice, partiality, hatred, or other unworthy motives; and while the minds of natives are so constituted as to be unable to comprehend the existence of honourable feeling and purity of intention, and while they are ready to believe the wildest assertions made by the agents they employ, whose own interest it is to obtain as much money as possible from their employers on whatever pretence, this attempt to practise khutput must continue; and experienced and unprincipled agents will ever be found able to persuade their employers that if money be supplied, they, the agents, can corrupt, if not the authorities in Bombay, at any rate those under whose influence their dupes may be led to suppose those authorities to be. The remedy for this, to be effectual, must be gradual, and the offspring not only of the honesty, but of the circumspection of our functionaries, both native and European, in the discharge of their duties.

24. While expressing this conviction, however, I cannot but think that, if the officers of Government had invariably observed in their intercourse with native visitors, or with those inclined to take an interest in their affairs, a circumspect line of conduct of the nature indicated in my minute* of the 13th October 1851, the mischievous belief which exists regarding the efficacy of khutput could not have obtained the prevalence which it has. I yet, however, consider the subject to be one on which it will be impossible to issue minute instructions. The common sense, as well as probity of each individual, must be to a certain degree relied on, and although I would address the accompanying brief circular to the officers of Government, I would not attempt a code of precise instructions, for where the dictates of honour, discretion, and common sense are wanting as a guide, it is vain to hope that a code of regulations, which may be acted on to the letter and evaded in the spirit, could produce the effects desired.

While fully sensible of the advantages attendant on our civil officers being at all times accessible to natives, I am equally convinced that the utmost care should be taken during interviews to prevent such matters being discussed or adverted to as would, on inquiry, be likely to form a matter of grave consideration, either by themselves or public officers, and thus to avoid giving the impression of bias having been received, or any particular interest taken in such affairs.

25. It

* Copy of which formed enclosure No. 10 to Political despatch to the Honourable Court, dated the 3d December, No. 92 of 1851.

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25. It must not be forgotten that, although it is our duty to do all in our power to prevent just grounds of mistrust in the decisions or orders of Government officers, we cannot reasonably hope that a belief which has extended so widely can be at once removed. I fear that we shall always find discontented persons, who will attribute a decision opposed to their interests, or the reversal of any inequitable or injudicious proceedings on their part to khutput, for it is much easier for such persons to suppose or assert that an adverse decision has originated in that bugbear, than for them to become convinced or be induced to allow that their case was bad or their judgment was faulty.

26. I cannot close these observations without recording my very decided opinion, that the members of the services under the control of Government are as upright a body of officers as any in the world, or without again affirming that the belief regarding the efficacy of khutput is attributable, not to any system of wilful favouritism, still less to venality on their part, but to the low morality of the native community. There exists what is khutput in essence, however it may be called, in all countries and under all Governments, even under those which are theoretically most purely administered, and most directly acted on by public opinion, and it would be well indeed if, in all, it had led to as little corruption as it has hitherto engendered here amongst those who are placed over a people, that, from the beginning of time, have been accustomed to regard the science of Government as the interested exercise of arbitrary power, and to look for the redress of their grievances or the attainment of their objects* through efforts to influence, in an illegitimate manner, authorities totally regardless of fixed and determined principles or of public opinion, and swayed solely by the dictates of personal interests or caprice.

(signed) *Falkland.*
D. A. Blane.

2 September 1852.

Extract from Lieutenant-Colonel *Outram*'s Khutput Report.

The Act XXXVII. of 1850 appeared to me to be simply permissive, not obligatory; to authorise, not to compel Government to bring unworthy servants to a public trial; to prescribe the mode of procedure to be followed when a public trial was resolved on, and not by any means to deter political officers from denouncing their subordinates, by compelling them to prove their accusations to the satisfaction of a legal tribunal. The Act simply provides that "whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of imputations of misbehaviour by any person in the service of the Honourable East India Company, not removable from his office with the sanction of the same Government, it shall cause the substance of the imputations to be drawn up into distinct articles of charge, and shall order a formal public inquiry to be made into the truth thereof."

14. This inquiry "may be committed either to the Court, Board, or other authority to which the person accused is subordinate, or to other person or persons to be especially appointed by the Government Commissioners for the purpose."

15. The Commissioners' penal powers are limited to the punishment of "contempts and obstructions to their proceedings;" they cannot award any sentence. It is not even provided that they may recommend one; the Act simply ordains, that after the close of the inquiry, the Commissioners shall forthwith report to Government their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the articles of charge separately, with such observations as they think fit on the whole case. The accused is allowed to record as lengthy defences as he chooses: not one word of the prosecutor's replies is allowed to be recorded.

16. It

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* What is now called "khutput," seems fairly described as an existing principle under the name of "patronage," in that portion of the Honourable Mountstuart Elphinstone's "Report on the conquered Territories," which relates to "the defects of the judicial system."

16. It is further prescribed by Act XXXVII. of 1850, that "when special Commissions have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court, or other authority, to which the person accused is subordinate, for their opinion of the case, and should finally pass such orders thereon as appear just and consistent with their powers in such cases."

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Extract from Lieutenant-Colonel *Outram*'s Khutput Report.

I would therefore recommend

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7. That some measure be adopted for the establishment of a court by which the official servants of Government attached to the Residency of Baroda may be tried and punished for bribery and corrupt breach of trust.

8. Or, if such a court be not established, that a legislative enactment be obtained, declaring the above offences to be felony, and punishable with fine or imprisonment, or both combined, in addition to the repayment of any pecuniary consideration the parties convicted may have received.

9. That a legislative enactment be obtained to amend the Act XXXVII. of 1850, by providing,

1. That in every case the prosecutor be eligible as a witness.

2. That the reply of the prosecutor as well as that of the prisoner be entered on the proceedings.

3. That in case the original charges be altered at the requisition of the Commission, it shall, in giving an opinion on those amended charges, also give an opinion whether, and how far the charges as they first stood, have been substantiated.

4. That if the accused employ a legal adviser, time shall be given to the prosecutor to secure similar assistance if he be so minded.

Extract Paras. 1, and 25 to 29, from a Letter from the Special Commissioner, Baroda, dated 22 October 1851.

I have the honour to forward herewith, for the purpose of being laid before the Right honourable the Governor in Council, my proceedings as Commissioner under Act XXXVII. of 1850, on the enclosed charges brought by Colonel Outram against Nursoopunt Luxumun, late native agent at Baroda, to which duty I was appointed in your letter, No. 165, of the 16th May last.

25. As regards the working of Act XXXVII. of 1850, I would observe, that as the Commissioner cannot, like a Session Judge, conduct the trial, and is not furnished with anything similar to the proceedings of a magistrate, it would always be desirable that the prosecution should be conducted by a person well versed in judicial inquiries, as the only means of preventing the proceedings of the Commissioner being oppressed with irrelevant matter. The Right honourable the Governor in Council will perceive, that in the present case several letters and reports of Colonel Outram have been recorded which were perfectly useless, but which the Commissioner could not have suggested should not be filed, without leading either one party or the other to imagine that the trying authority was biassed, and several documents also are entered on the prosecutor's list of exhibits, which would have been perfectly useless, but which, had Colonel Outram insisted on filing them, as the Act gives the Commissioner no power whatever to reject any evidence tendered, he must have placed on record. In the present case, I had no hesitation, when depositions were tendered as evidence, in saying they were of no use, the witness must attend himself, or that we had the witness's deposition, which was evidence, while that taken elsewhere was not so, but it would not have been right in me, as mentioned above, to have with equal publicity rejected the reports and letters offered, and therefore, as the less of two evils, I thought it better to record them, and trust to my being able,

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when weighing the evidence, to reject all that was not really and legally proof, rather than give either party an opportunity of imagining they could see the bent of my mind.

26. Another defect I observed was, that there is no provision in the Act as to the language in which the proceedings should be conducted; notes of the evidence are to be recorded in English, but there is no provision for the evidence being explained to the prosecutor or accused, if they do not happen to understand the language of the deponent, nor for the accused being made acquainted with the purport of the opening address, if delivered in a language he does not understand.

27. In this case Nursoopunt was attended by his sons, who understand English remarkably well, and I always read out the answer to a question as I wrote it down, in order, if the prosecutor or accused took any objection to my note, it might be corrected at once; and the difficulty attending the opening address was got over by Colonel Outram's allowing the accused to take it home and read it himself after it had been delivered; but similar facilities might not be afforded in other cases, and in the event of the prosecutor making a *vivâ voce* address without committing it to paper, the accused would have no opportunity of knowing what was said, and justice might be much impeded. The difficulty might be overcome by providing that the language of the Commission should be the accused's mother tongue, or some language with which he was equally conversant, though the record should be kept, as it is now, in English.

28. It also occurred to me, that when proceedings are held as in this case, in foreign territories, difficulties might arise in protecting the Commission from contempts and perjuries. I am not in the habit of making everything that will bear that construction a contempt, and in one instance passed over unnoticed the unbecoming conduct of a sirdar, feeling certain that the respect due to the Commission would not suffer from it; but on another occasion, finding repeated injunctions to be punctual were of no effect, and as a want of punctuality is not only a contempt of the Commission, but an inconvenience to all parties in attendance; and again, when a man had clearly committed perjury, I sent the offenders, through the Resident, to the Durbar, with a request that the fine I mentioned might be inflicted on the former; and if there was any law within his Highness's territories that would reach the man who had perjured himself, he might be punished, and my request was attended to in both cases. But equal respect might not be shown elsewhere to a Commission of this nature; some difficulty, however, is perhaps unavoidable, for the same authority who would not respect a British Commission sent into his territories, would refuse to allow his subject to leave his jurisdiction for the purpose of appearing before a Commission held within the British territories.

29. The last defect that I have noticed in the Act appears to me the most serious, it will be found in the 14th section; this restricts the Commissioner from calling for fresh evidence before the case for the prosecution has been closed; now, as on examining witnesses, the Commissioner ought not to put any questions until the prosecutor and accused have asked all they require; so in the trial of a case, until the Commissioner has seen all the evidence the accused will produce on his defence, he cannot tell whether the evidence that during the prosecution seems necessary, is required or not; and therefore the only time at which a Commissioner, without almost prejudging a case, can tell whether fresh evidence is necessary or not, must be, after the evidence has been heard on both sides, and therefore the provision should be that the Commissioners, before the close of the case, may themselves call for fresh evidence, and not merely before the close of the case for the prosecution. The propriety of having some such provision appears the more manifest from Government having, in section 22, authority to order the Commissioner to take fresh evidence, and the probability is, that the Commissioners, if the able men they ought to be, would be the very people to suggest to Government the necessity of requiring thus further evidence, which they, however, of their own free will, were unable to call for.

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(Circular).

No. 3947 of 1852.—Political Department.

From *A. Malet*, Esq., Chief Secretary to the Government of Bombay, to the Heads of all Departments.

Sir,

The Governor in Council has had under consideration the replies which have been submitted to the circular, calling for suggestions as to the best means of eradicating the alleged belief of a large portion of native community in the success attending endeavours to obtain objects from Government and the authorities at the Presidency by a system of intriguing at variance with the legitimate course of procedure and appeal.

Political Department, No. 2265, dated 15th May 1850.
Judicial Department, No. 2456, dated 23d May 1850.
Revenue Department, No. 4138, dated 20th May 1850.

2. It appears from the replies of several local officers to the circular, that there is an idea prevalent that there are individuals who attempt to forward by their personal influence with officers who receive them on familiar and friendly terms, the views of those in whose affairs they are interested, and that either these individuals, or the parties who make use of them, are inclined from motives of self-interest to encourage the belief that they can do so.

3. While fully sensible of the advantages attendant on the civil officers of Government being at all times accessible to natives, the Right honourable the Governor in Council is equally convinced that the utmost care should be taken during interviews with them, to prevent such matters being discussed or adverted to, as would on inquiry be likely to form subject of official consideration, either by themselves or other public officers, and thus to avoid giving the impression of a bias having been received, or any particular interest taken in such affairs. His Lordship in Council cannot but think that if the officers of Government had invariably observed in their intercourse with native visitors, or with those inclined to take an interest in their affairs, a circumspect line of conduct of the nature indicated, the mischievous belief which exists could not have obtained the prevalence it has.

4. Private discussion of matters within their official jurisdiction is prohibited to judicial officers by Regulation III. of 1827, section 2; the spirit of this rule is of course applicable to all departments, and his Lordship in Council does not feel it necessary to add more precise instructions, for he feels confident that the officers to whom the circular is addressed will be glad of the opportunity it gives them of precluding for the future all possibility of their being importuned in a manner of which they must disapprove, and he hopes that it may further serve to ensure them from any embarrassment which in its absence might be occasioned to them, either by their appearing unnecessarily to discountenance applications made to them for their sympathy and advice, or by their listening to such, affording the slightest grounds for any expectation that they would consent to meddle privately with matters for the settlement of which an open and regular course of application or appeal is available for all willing to pursue it.

5. A compendium of the rules observed in receiving and disposing of petitions addressed to Government will be transmitted hereafter, for the information of all local officers.

I have, &c.

Bombay Castle,
13 September 1852.

(signed) *A. Malet*,
Chief Secretary.

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MINUTE by the Honourable Mr. *Bell.*

I CONCUR most fully in this Minute, with the exception of the observation against which I have affixed this mark * in para. 16; the prohibition to examine the prosecutor, in the instance adverted to, being in my opinion only too plain; as also in regard to the remark thus described ○ in para. 16, it being opposed to the last para. but one of my Minute, dated the 12th December 1851, on Nursoo Punt's trial, and which, for ready reference, I request may be transcribed, as an accompaniment to this Minute.

(signed) *A. Bell.*

4 September 1852.

Seen.

(signed) *Falkland.*

" MINUTE by the Honourable Mr. *Bell*; dated 12 December 1851.

" AFTER a most careful investigation of the mass of irrelevant matter which has been addressed in elucidation of the charges preferred by Lieutenant-colonel Outram against Nursoo Punt, I regret I am unable entirely to concur in the observations contained in the Minutes of the Right honourable the President, and of my honourable colleague.

" I coincide in the view recorded by the Right honourable the President on the first charge, excepting that I see no necessity for requiring explanation from the Commissioner, as proposed in the 11th para. of his Minute, as it is only too evident that had Nursoo Punt misled, or attempted to mislead Lieutenant-colonel Outram, he, Lieutenant-colonel Outram, would not have omitted to include it among the instances of the charge.

" The second charge, betraying his trust, by allowing a false charge against Govind Rao Gaekwar to be prosecuted before the Resident, knowing it to be so, and withholding from the Resident documents which would have shown a part of the claim to be unjust, having, in the Commissioner's opinion, been proved against Nursoo Punt, requires that I should record my reasons at length for dissenting from his recordes view.

" The betrayal of trust would appear to have consisted in being less explicit in his report than he should have been on a claim brought by the firm of Hurree Buktee against Govind Rao Gaekwar. There is nothing on the proceedings to show us the exact nature of the report required from the native agent, and the following remark, which stands recorded in the Commissioner's finding on this charge, does, in my opinion, to a very great extent, if not entirely, exonerate Nursoo Punt from all blame in the transaction.

" Mr. Frere writes: 'Much that is obscure in this case would have been avoided, as has also been remarked in the first case, if it had been the custom of the office to give written orders to the native agent, when calling for his report; as is, or used to be done by collectors in the new provinces, when requiring reports from dufterdars.'

" Had Nursoo Punt given his views unasked on the subject then under the consideration of the Resident, he might, I cannot but think, have laid himself open to a charge of unduly influencing the judgment of the Resident, to whom it belonged to adjudicate the matter in dispute; so at least I should have looked on such interference on his part. Indeed, he would hardly have needed to be told that in case any advice offered by him had been followed, the general opinion would have ascribed the merit of the act to him, and not the Resident.

" The second part of this charge is, 'withholding from the Resident documents which would have proved a part of the claim to be unjust,' and it is on the suppression of these documents that Lieutenant-colonel Outram founds the charge that Nursoo Punt must have known the claim to be unjust.

" The following is Nursoo Punt's explanation on this point: 'On this the Colonel said to me, Mr. Williams wrote a letter to Govind Rao Gaekwar in 1843, in which he gave a detail of the debt, from which it is more than probable the pareck's accounts must have been made up. Search the records (dufters), and

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and see whether the accounts have been formerly sent in. I therefore caused the old dufters to be examined by Nurrain Rao, a Residency karkoon, and others, but no papers were found. Afterwards, on searching the dufters, subsequent to 1842, the 'yad,' written by the banker, Hurree Bhugtee, to the late Mr. Boyd, in 1842, was discovered.'

" Considering the state of confusion into which the dufters appear to have fallen, and the evidently careless procedure which appears of late years to have crept into the mode of conducting proceedings at the Residency, it is by no means surprising that the native agent should not at first have been able to place his hands on the missing documents.

" There is nothing in the evidence which in my opinion can justify the conclusion arrived at by the Commissioner, that these missing papers must have been produced by the native agent himself.

" The third charge is a similar betrayal of trust, but as Nursoo Punt has been acquitted on this charge, no comment is required from me.

" The fourth and fifth charges are, having received bribes of 20,000 and 28,070 rupees respectively, but in both of these instances the charge is not established, though the Commissioner remarks, 'much suspicion attaches itself to Nursoo Punt.'

" The document on which these charges depend, and the circumstances of its discovery, are so full of suspicion, that I would discard it at once as unworthy of credit, and the charges also.

" That much 'Durbar kurch' may have been expended is probable enough, but the evidence adduced is insufficient to bring home the receipt of the alleged bribes to Nursoo Punt.

" The sixth charge is, having instigated Baba Nafra to depute an agent to Bombay to bribe the Honourable Mr. Reid. On this charge a qualified finding is recorded; namely, that Baba Nafra deputed a person to Bombay, who spent large sums of money ostensibly for purposes of corruption, and that Nursoo Punt was aware of the person being so deputed, and connived at it; but it is not proved that he, Nursoo Punt, instigated Baba Nafra to depute the man, or that he was deputed with the specific object of bribing Mr. Reid.

" I entirely concur in opinion with the Right honourable the President and the Honourable Mr. Blane, on the proceedings recorded on this charge; namely, that there is nothing to implicate the character of the accused.

" On the seventh and concluding charge, Nursoo Punt is accused of having, at various times between the 12th of September 1848 and the 1st of May 1850, made improper and unauthorised use of the name of the Honourable Mr. Reid, late member of Council, and encouraged the belief at Baroda that he enjoyed the support and confidence of that gentleman.

" The conviction which has been recorded against Nursoo Punt on this charge is so fully set forth in the 46th para. of our President's Minute, that it is unnecessary for me to recapitulate it here.

" This is so loosely defined, embracing as it does a period of 20 months, as to leave it extremely difficult for the accused to rebut the accusation preferred against him.

" Another difficulty with which Nursoo Punt has had to contend, is the entire omission in the charge of the specific words made use of; for, as Mr. Blane most justly remarks in the 4th para. of the Minute, 'little reliance can be placed on evidence to words spoken in conversation at so distant a period, the character of which might be so easily perverted by the bearing assigned to them; for instance, whether the protection against malicious intrigues, or to support in obtaining impunity for malpractices.'

" On the finding, then, on this charge, I am disposed to concur entirely with my honourable colleague, Mr. Blane. There is unquestionably a mystery connected with the note bearing the signature of 'Maurrice,' and the explanation afforded by Nursoo Punt on this point is certainly less satisfactory than the rest of his replies, as shown on these proceedings, and which, to my mind, are nearly conclusive of his innocence.

" I have only one further observation to offer on these charges, which have occupied so much of the time and attention of Government.

" In following Mr. Frere in his reasoning regarding Nursoo Punt's guilt, I am unable to divest myself of the impression that he has arrived at his conclusion, not so much on the evidence adduced in support of the prosecution, as that

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Nursoo Punt has failed, on his own showing, to exonerate himself from the imputations advanced, thus throwing the *onus probandi* on the accused, instead of leaving it to the accuser to substantiate the allegations he has brought forward, a proceeding totally at variance with the principle commonly adopted in criminal cases.

"After the very strong terms of invective and accusation used against Nursoo Punt by Lieutenant-colonel Outram in his Khutput letter, I cannot but consider the result of this investigation a great failure.

"All that appears to me to have been established against Nursoo Punt amounts to grave suspicion, and against this he might well plead a course of 30 years' uninterrupted meritorious service.

"The Right honourable President has observed, para. 49, in his Minute, that Nursoo Punt has always borne the highest character from his masters in the Revenue Department, and it is in a case like the present that the value of previous character becomes most important to a public servant, and I would entertain a hope that consideration for Nursoo Punt's acknowledged good service, and the circumstance that, had he been allowed, he would have retired from office and from temptation two years ago, may save him from the disgrace of dismissal, and that he may be allowed to retain, not only his enam village, but his pension also. Removal from office will, in my opinion, sufficiently mark the sense Government entertain of the position in which he has suffered himself to be placed, and the ignominy will be less acute.

"The defects in the Act, alluded to by Mr. Frere, do not appear to be of sufficient importance to require any alteration of the law. Punishment for contempts is sufficiently provided for in section 8, and the language in which the proceedings are to be conducted should of course be left to the option of the accused. In the present instance, Nursoo Punt does not seem to have objected to the use of English at the proper time.

"With regard to the calling for fresh evidence before the close of the case, I am of opinion that a limit must be fixed, and that that limit should exclude the admission of evidence after the close of the prosecution. In this I entirely differ with Mr. Frere.

"In conclusion, I venture to recommend that the attention of the Resident, Lieutenant-colonel Outram, should be directed to the present disgracefully confused state of the Baroda dufter, in view to putting it on an entirely new footing, and that the practice which at present prevails of issuing verbal orders in the preparation of important reports, as suggested by the Commissioner, should be discontinued, for had greater attention been paid to these matters, it is probable that much of this tedious inquiry might have been avoided, and no charges but such as were clearly tangible and susceptible of proof brought forward against the character of an old and meritorious servant.

(signed) "*A. Bell.*"

No. 111 of 1852.—Political Department.

(Office No. 3948.)

From *A. Malet*, Esq., Chief Secretary to Government, Bombay, to the Secretary to the Government of India, in the Legislative Department, Fort William.

Sir,

As connected with the letter to your address from the Secretary to this Government in the Judicial Department, dated the 24th May, No. 44 of 1850, I am directed by the Right honourable the Governor in Council to transmit to you, for such notice and further legislation as the Most Noble the Governor-General of India in Council may deem advisable, extracts from a letter addressed to this Government by Mr. W. E. Frere, on the 22d October 1851, in his capacity of Commissioner, under Act XXXVII. of 1850, for the trial of Nursoo Punt, late native agent at Baroda, on charges of bribery and corruption.

2. I am

2. I am also desired to forward extracts, bearing on the same subject from Lieutenant-colonel Outram's report on Khutput, copy of which report was forwarded entire to the Government of India, with my letter to the address of Sir Henry Elliot, dated the 7th February last, No. 4.

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3. In these extracts, Mr. Frere and Lieutenant-colonel Outram have called attention to defects which they consider exist in Act XXXVII. of 1850, and have suggested for consideration certain amendments to that Act.

4. I am also desired to forward extracts from a Minute recorded by the Right honourable the Governor with reference to the above extracts (concurred in by the Honourable Mr. Blane), together with copy of a Minute by the Honourable Mr. Bell, dated the 4th instant.

I have, &c.
(signed) *A. Malet,*
Chief Secretary.

Bombay Castle,
13 September 1852.

No. 3949 of 1852.

RESOLUTION of Government in the Political Department.

RESOLVED, that copy of the above letter, and of its enclosures, be transferred to the Judicial Department for information.

(signed) *A. Malet,*
Chief Secretary.

Bombay Castle,
13 September 1852.

No. 3950 of 1852.

RESOLUTION of Government in the Political Department.

WITH reference to circular No. 4138, dated the 20th May 1850, issued from the Revenue* Department to the authorities subordinate thereto, calling for information relative to the alleged prevalence, under the Bombay Presidency, of a system of intrigue, designated "khutput," and to the replies returned to that circular by those authorities; ordered that the above extract, para. 13, from a Minute by the Right honourable the Governor, concurred in by the Board, dated the 2d instant, be transferred to the Revenue Department, that a memorandum may be there prepared and submitted to the Honourable Board, containing the information therein required.

*Political, dated 15th May, No. 2265.

Bombay Castle,
13 September 1852.

(signed) *A. Malet,*
Chief Secretary.

No. 3951 of 1852.

THE same, to the Political Department, with the requisite alteration.

Bombay Castle,
13 September 1852.

(signed) *A. Malet,*
Chief Secretary.

No. 3952 of 1852.

RESOLUTION of Government in the Political Department.

WITH reference to circular No. 2456, dated the 23d May 1850, issued from the Judicial Department to the authorities subordinate thereto, calling for information relative to the alleged prevalence, under the Bombay Presidency, of a system of intrigue, designated "khutput," and to the replies returned to that circular by those authorities; ordered that the above extract, para. 13, from a Minute by the Right honourable the Governor, concurred in by the Board, dated the 2d instant, be transferred to the Judicial Department that a memorandum

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randum may be there prepared, and submitted to the Honourable Board, containing the information therein required.

Resolved also, that para. 14 from the same Minute be also tranferred to the Judicial Department for information and guidance.

Bombay Castle,
13 September 1852.

(signed) *A. Malet,*
Chief Secretary.

No. 3953 of 1852.

Resolution of Government in the Political Department.

Resolved that the above extract, paras. 18 and 19, from a Minute by the Right honourable the Governor, dated the 2d instant, concurred in by the Board, be transferred to the Political Department, that effect may be given by the Chief Secretary to the instructions of Government contained in the former paragraph.

Bombay Castle,
13 September 1852.

(signed) *A. Malet,*
Chief Secretary.

No. 3954 of 1852.

Resolution of Government in the Political Department.

Resolved that the above extract from a letter from Mr. Suart, sub-collector, Nasik, dated the 29th June, No. 371 of 1850, and from a letter from Major Aston, first assistant political agent in Kattywar in charge, dated the 15th June 1850, together with an extract, para. 22, from a Minute by the Right honourable the Governor, dated the 2d instant, concurred in by the Board, be transferred to the Judicial Department, that an oral intimation may be made by Mr. Secretary Lumsden to the native gentleman therein alluded to.

Bombay Castle,
13 September 1852.

(signed) *A. Malet,*
Chief Secretary.

No. 3955 and 3956 and 3956 A. of 1852.

Resolution of Government in the Political Department.

No. 3956, Judicial; No. 3956 A. General.

Resolved, that copy of the above circular be transferred to the Revenue Department of the Secretariate, with an intimation that the same has been issued to the heads of all departments subordinate thereto.

Bombay Castle,
13 September 1852.

(signed) *A. Malet,*
Chief Seeretary.

No. 112 of 1852.—Political Department.

(Office No. 3957.)

From *A. Malet,* Esq., Chief Secretary to Government, Bombay, to *C. Allen,* Esq., Officiating Secretary to the Government of India, Fort William.

Sir,

In continuation of my letters, dated the 7th February last and the 4th ultimo, Nos. 4 and 93, I am directed by the Right honourable the Governor in Council to transmit to you, for submission to the Most Noble the Governor-general of India in Council, copies, as per annexed list, of the further proceedings of this Government on the subject of the alleged prevalence, under the Bombay Presidency, on a system of intrigue, designated "khutput."

I have, &c.

Bombay Castle,
13 September 1852.

(signed) *A. Malet,*
Chief Secretary.

(True extract.)
(signed) A. Malet,
Chief Secretary.

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Extract Bombay Political Consultation, August 1852.

MINUTE by the Right Honourable the Governor.

ON taking up with a view to disposal the replies to our circular relative to the supposed practice of khutput, the following circumstance requiring explanation by the Chief Secretary attracted my attention.

Mr. Hart, the Enam Commissioner, under date the 26th April 1849, requested to be informed as to the date on which the sanction of the Government of India to a pension of 1,500 rupees per annum, to the daughter of Ramchunder Chowdree, had been received in Bombay, observing, "this information will probably enable me to expose a breach of trust with which it seems important that Government should be made acquainted."

The above, being merely a request for information from the records, was disposed of in Bombay without being brought under my notice, or that of the Chief Secretary, who was at the time with me at Mahabuleshwur.

Mr. Willoughby minuted on Mr. Hart's letter as follows: "The data on which his minute is founded being evidently obtained from the Chief Secretary's office, in which the minute would seem to have been originally written in pencil by one clerk, and afterwards inked in by another.

"The sanction is communicated in the letter from the Secretary with the Governor-general, and is dated Simla, 4th April 1839. It may have reached this Government about the 16th or 17th, but there is no means of determining positively, as no record was then kept of the date of the receipt of letters.

"Mr. Hart may be informed of the supposed date of receipt."

Mr. Hart was accordingly informed to the above effect, under date of the 17th May 1849, and on the 26th of October following Mr. Hart was requested to report "whether there had been anything subsequently elicited tending to confirm your suspicions that a breach of trust had been committed."

He replied by the letter which gave rise to our circular, and showed that there would have been strong grounds for suspicion, had the Governor-general's letter, sanctioning the pension, been received before the 1st of April 1839, but that there could be none, as it was not received till about a fortnight after that day, and was dated from Simla so late as the 4th April.

The above reply of Mr. Hart was placed before me by the Chief Secretary without any intimation that the reply of the Governor-general, sanctioning the grant of the pension, was dated 31st January 1839, must have reached Bombay about the 10th February 1839, and was placed before Government with the then Political Secretary, Mr. Willoughby's memorandum, on the 20th of that month.

The letter from the Governor-general, dated Simla, the 4th of April, being in fact but an answer to a reference of this Government, dated the 15th March 1839, and having relation only to the period from which the payment of the pension already granted by the letter, dated the 1st January 1839, should commence, there is therefore every reason to think that the breach of trust conceived by Mr. Hart to have taken place had actually occurred.

I beg the Chief Secretary to show why the incorrectness of the admission of Mr. Hart, that his original surmise was groundless, and was produced by the incompleteness of the information afforded him by our letter of the 17th May 1849, was not pointed out to the Board, when the communication containing that admission was afterwards laid before us by himself.

26 July 1852. (signed) *Falkland.*

MEMORANDUM by the Chief Secretary to Government in the Political Department.

IN reply to the instructions conveyed in the last para. of the Right honourable the Governor's minute, date 26th instant, the Chief Secretary has the honour to state, that when laying before the Board Mr. Hart's letter of the 17th April 1850, no reason was apparent for doubting the accuracy of the information conveyed to that gentleman in the Government letter of the 17th May 1849, on which the letter above noticed was based, and therefore that no cause existed for

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verifying the assertions contained in the minute of the 12th May 1849, signed by the Honourable Messrs. Willoughby and Blane, which fully disposed of the question raised.

The gross blunder contained in the minute is unaccountable, the very letter cited in it containing directions that the pensions were to date from the former order issued on the 31st January 1839.

The pencil minute alluded to by the Right honourable the Governor is in the handwriting of Mr. Smith, who was at the time the senior assistant in the office, Mr. Thomas, the head assistant, being absent at Mahableshwur.

Mr. Smith being absent from his duty from sickness could not, if that course were advisable, be examined in time to allow of these proceedings being sent to Poonah by to-day's post.

(signed) *A. Malet,*
Chief Secretary.

Bombay, 29 July 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Honourable Messrs. *Blane* and *Bell.*

I REGRET much this evidence of the very unsatisfactory manner in which the business of the political branch of the secretariate has been at times conducted; the more so as the ascertained neglect was, in this instance, of a nature to arrest further inquiry relative to what would seem to have been a breach of official confidence in the political branch of the secretariate in the year 1839.

Mr. Hart, being now at Poonah, should be requested to ascertain who Hunmunt Bhichajee and Dajee Waman were; Mr. Hart should of course be informed of the mistake which has occurred.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

31 July 1852.

No. 3473 of 1852.

From *A. Malet,* Esq., Chief Secretary to Government, Bombay, to *W. Hart,* Esq., Inam Commissioner.

Sir,

1. IN your letter, No. 1083, dated the 26th April 1849, you requested to be informed of the date in which the sanction of the Government of India to a pension of one thousand five hundred rupees per annum to the daughter of Ramchunder Chowdree had been received in Bombay, and at the same time observed that this information would probably enable you "to expose a breach of trust with which it seems important that Government should be made acquainted."

2. Under date the 17th May 1849 you were informed in reply, that "the communication from the Secretary with the Right honourable the Governor-general, authorising the grant of the pension to Ramchunder Chowdree's daughter, is dated Simla, the 4th April 1839, and may have reached this Presidency about the 16th or 17th of that month; the exact date of receipt cannot, however, be now ascertained."

3. On the 26th August 1849, you were requested to report whether anything had been subsequently elicited to confirm your suspicions that a breach of trust had been committed in connexion with this case.

4. In reply to the above reference you, under date the 17th April 1850, stated that there would have been strong grounds for suspicion, had the Governor-general's letter sanctioning the pension been received before the 1st of April 1839, but that there could be none, as it was not received till about a fortnight after that date, and was dated from Simla so late as the 4th April.

5. I am now desired to inform you that it was through a mistake that 4th April 1839 was mentioned to you as the date of the letter sanctioning the pension. The letter conveying this sanction bore date the 31st January 1839, and must have reached Bombay about the 10th February 1839.

6. The

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6. The letter from the Secretary with the Right honourable the Governor-general of India, dated the 4th April, was in fact but an answer to a reference of this Government, dated the 15th March 1839, requesting information as to the period from which the pension already granted by the letter of the 31st January 1839 should commence.

7. As therefore these dates allow ample time for the commission of the breach of trust conceived by you to have occurred, I am directed to request that you will institute an inquiry into the matter, and submit to Government any information concerning it which you may be able to obtain; and that you will also ascertain and report to Government who are Hunmunt Bhichajee and Dajee Wamaa, the two individuals alluded to in your letter of the 17th April 1850.

I have, &c.
(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
11 August 1852.

No. 996.—Political Department.

From *W. Hart*, Esq., Inam Commissioner, to *A. Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 3473, dated 11th August 1852, and to report the result of all that I have been able to do in pursuance of the instructions conveyed to me in its 7th paragraph.

2. Hunmunt Bhikajee Hurrup never was a resident in Poonah, and if such a person ever existed, which appears doubtful, his history can be traced only in Bombay. I find that the person introduced as Hunmunt Bhikajee in 1839 by Dajee Wamun Putwurdhun to Roopram Chowdree and his guardians, was a man of from 25 to 30 years of age, whose general appearance was that of a purvoe or sowar.

3. Dajee Wamun Putwurdhun, who was a notorious character in Poonah for many years, is now dead. He came to this part of the country about the time of the conquest of the Deccan, in the capacity of a servant to one Appa Shewuré, who was a karbharee of Ramchunder Chowdree. Afterwards, on Roopram's son, Ramchunder Chowdree, calling Shewuré to account for money said to have been made away with by him, Dajee Wamun attached himself to the interests of the Chowdree, whom he assisted in his suit against the karbharee, his former master. He is said, at various periods, to have acquired the intimacy of Ballajee Punt Nathoo Bheem Row, the political agent's sheristadar; Ballajee Punt Limayee, and Vidyaram, now sheristadars in the Suddur Adawlut; Govind Shastree, now law officer of the same court, and other persons of influence, and to have become a trafficker in all manner of iniquitous transactions, which he was supposed to be able, through their friendship, to carry out successfully. He is stated to have been the prime contriver, if not fabricator, of a forged deed of gift of 50,000 rupees, purporting to have been executed by the Temboorneekur, and to have at one time succeeded in over-reaching Gunesh Punt Kelkur, the most notorious sheristadar of the agent's court, to the amount of 14,000 rupees, by borrowing that sum from him on the security of jewels afterwards discovered to be false, and under such circumstances that Gunesh Punt could not venture to make a public complaint.

4. Dajee Wamun was never intimate with any of the European officers of Government in Poonah, nor does he seem to have been personally acquainted with any of them.

5. I am unable to discover how Dajee Wamun obtained the information which he probably was possessed of when he induced young Roopram Chowdree and his uncles to execute the agreement of the 1st April 1839, which the Court of Suddur Adawlut enforced in his favour by their decree of the 8th August 1843.

I have, &c.
(signed) *W. Hart*,
Inam Commissioner.

Poonah, 28 August 1852.

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MINUTE by the Right Honourable the Governor.

AFTER a lapse of so many years, it is impossible to surmise whether there was a breach of confidence in the secretariate in 1839, or the information was obtained consequent on what might have been patent to the whole world, being mentioned in conversation by some member of Government or secretary.

The extraordinary decision of the Sudder in August 1843 is much to be regretted; had they taken the same correct view of the case as was taken by Mr. Hart, the acting assistant judge, the true facts of the case might have been elicited, and at any rate such shameless acts of extortion and intrigue would have been discouraged.

The information given by Mr. Hart relative to the influence of the late Dajee Wamun, &c. should be considered in the Judicial Department.

(signed) *Falkland.*

11 September 1852.

MINUTE by the Honourable Mr. *Blane.*

I CONCUR in the remark in para. 1 of the Right Honourable President's Minute.

Mr. Hart's information appears to me of a very hearsay nature, hardly deserving of much reliance.

(signed) *D. A. Blane.*

13 September 1852.

MINUTE by the Honourable Mr. *Bell.*

I CONCUR in the first and last paras. of the Right honourable President's Minute, but abstain from offering any opinion on the 2d para. until in possession of the former proceedings, which I request may be circulated when the matter is reconsidered in the Judicial Department.

(signed) *A. Bell.*

13 September 1852.

(True extract.)

(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation, April 1852.

No. 53 of 1852.—Political Department.

From *John Marshall Davies*, Esq., Resident at Baroda, to *Arthur Malet*, Esq., Chief Secretary to Government, Bombay.

Sir,

WITH reference to the correspondence noted in the margin* on the subject of an intercepted bribe amounting to 9,300 rupees, intended for the native agent of this office, which amount is still in deposit in this treasury, I have the honour respectfully to solicit the instructions of the Right honourable the Governor in Council relative thereto.

2. Government will have gathered from the 3d para. of Lieutenant-colonel Outram's letter of the 11th July 1850, that an additional sum of 5,549 rupees, which there is no reason to doubt formed a portion of the entire bribe which it was attempted to offer the native agent, was seized at the time, and is still under deposit with his Highness the Gaekwar, who has lately twice addressed the Resident relative to its ultimate disposal, now that the case of Baba Nafra has been concluded.

I have, &c.

Baroda Residency, (signed) *J. M. Davies,*
27 February 1852. Resident.

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* Resident's letter, No. 159, of 11th July 1846. Government ditto, No. 3679, of 2d August, *idem.* Resident's ditto, No. 188 of 11th *ibidem.* Government ditto, No. 3989, of 26th *ibidem.* Ditto, ditto, No. 4038, of 27th *ibidem.*

Replies of Officers under the Bombay Presidency on Khutput.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

I AM inclined to let the disposal of these sums lie over pending the decision of the Honourable Court on the guarantee to the firm of Hurree Bhugtee.

(signed) *Falkland.*
A. Bell.
J. Warden.

22 March 1852.

No. 1597 of 1852.—Political Department.

From *H. E. Goldsmid*, Esq., Secretary to the Government of Bombay, to *J. M. Davies*, Esq., Resident at Baroda.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 53, dated the 27th February last, relative to two intercepted sums of money, intended as bribes for your native agent, Soorujram Gungaram, and to inform you that the Right honourable the Governor in Council will postpone deciding on the mode in which they should be disposed of pending a final decision by the Honourable the Court of Directors with reference to the guarantee held by the firm of Hurree Bhugtee.

2. In the meantime you may convey to Surujram, the native agent, the approval by Government of his conduct, reported by Colonel Outram on the 11th July 1850.

I have, &c.
(signed) *H. E. Goldsmid*,
Secretary to Government.

Bombay Castle,
16 April 1852.

(True extract.)
(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation, November 1852.

No. 820.—Home Department, Legislative.

From *A. R. Young*, Esq., Under Secretary to the Government of India, to *A. Malet*, Esq., Chief Secretary to the Government of Bombay.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 111, dated the 13th ultimo, submitting extracts from a letter from Mr. W. E. Frere, in his capacity of commissioner under Act XXXVII. of 1850, for the trial of Nursoo Punt, late native agent at Baroda, on charges of bribery and corruption, together with extracts bearing on the same subject from Lieutenant-colonel Outram's Report on Khutput, in which are noticed defects which these officers consider exist in the above Act, and certain amendments in the Act are suggested for the consideration of the legislature.

2. After giving the matter attentive consideration, the governor-General in Council is of opinion that the necessity for change in the law has not been made out.

I have, &c.
(signed) *A. R. Young*,
Under Secretary to the Government of India.

Fort William,
13 October 1852.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

COPY to be sent by the next mail to the Honourable the Court of Directors, in continuation of our political despatch, dated the 14th ultimo, No. 87, forwarding a copy of the letter to the Government of India, to which this is a reply.

2. Copy to be also transferred to the Judicial Department, in continuation of the transfer made to that department on the 13th September, No. 3949 of 1852.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

26 October 1852.

Replies of Officers under the Bombay Presidency on Khutput.

No. 4755 of 1852.—Political Department.

RESOLUTION.

IN continuation of the transfer from the Political to the Judicial Department, No. 3,949, dated the 13th September last, Ordered, that the accompanying copy of a letter from the Under Secretary to the Government of India, No. 820, dated the 13th ultimo, be transferred to the latter department.

(signed) *A. Malet*,
Chief Secretary.

Bombay Castle,
1 November 1852.

(True extract.)

(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation, October 1852.

No. 4375 of 1852.

RESOLUTION of Government in the Political Department, dated the 8th October 1852.

ORDERED, that extract, being para. 1 of a letter addressed under date 29th June 1850, No. 371, by Mr. Suart to the Collector of Ahmednugger, the note (in original) from Hurree Chund Rum Chodjee to Juggunath Sunkersett, Esq., and copy of the translation of the letter from Bugwunt Row Ramchunder to Dr. Costelloe, and of the whole of the statement made by Hurree Chund Rum Chodjee, be transferred to the Judicial Department, with a request that the judicial secretary will show them to Juggunath Sunkersett, and orally express the hope of Government, that he will see the propriety of a gentleman in the commission of the peace doing his utmost to prevent his name being mixed up in such matters.

EXTRACT Para. 1. from a Letter from the Sub-Collector of Nassick to the Collector of Ahmednugger, dated the 29th June 1850, No. 371.

Khutput.

Para. 1. ON the receipt of the circular which accompanied your endorsement of the 31st ultimo, No. 1148, a conversation which took place with Dr. Costelloe, three years back, about a case of "khutput," came to my recollection, in which the name of Juggunath or Nana Shunkursett was implicated; on searching his old records of assistant magistrate, the papers relating to it were found. Translations of the only two of importance are herewith forwarded for the information of Government.

Punchoroty, 20 August 1846,
Thursday.

My dear Settjee,

EXCUSE me for the introduction of the bearers, Ramcrustna Bapoo and Anundrow Govind, carkoons of Bhugwantrow Ramchund, Nisbat Sinday Sirkar, Adeja Bahadoor Deshmook Desh Panday Praganay Vany, whose case of seizing his jahagur, pending in the Audalut of Surat, which I have undertaken, upon success, by your support, to get about (6,000) rupees, and copy of which agreement and all his proceedings had therein, together with a sealed packet of, or order, or how otherwise God knows, from the Resident of Gwalior to the address of the Collector of Surat; all these papers I did submit your favourable consideration for my nephew Nuthia, in hopes that you would be pleased to forward the said sealed packet, with your influence, to the Collector at Surat; this has been done from last Vysack, and since I had written to your honour, among others, more than half dozen a time; but no any answer I received from you, whether you have done so or not. However, under such a case, the bearers principal because so much anxious to visit your feet, in order that you would kindly give them every satisfaction of what has been done and has to be done for future. I humbly trust not to make them quite hopeless; but on reserving my weight in the matter, you must put them to right; and please get them to write me that they

they had every satisfaction, and that in case if they succeed their object, I am sure by your high weight they will no doubt fulfil the said agreement entered into with me, and excuse me all these trouble and oblige, only give them dry attention.

I am, &c.
(signed) *Hurrychund Ransord.*

P. S.—If you see the said agreement, so given to me, rather weak and not strong binding upon their principal, for not being written upon stamped paper, so everybody says here, let them remain there at their own expense; and be pleased to order them to write their principal to have it written upon the stamped paper; you can alter the substance, make it more special, and by the time they shall be there get written, because they say will get it done after business is done; but no certain of these people. Please think well; I leave it to you, and oblige.

(signed) *Hurrychund Ransord.*

TRANSLATION of a Yad from *Bhugwuntrao Ramchunder*, Deshmook and Deshpondia of Purgunna Wun and Jagheerdar of Monje Wund, Purgunnah Chickly, "Seekanavees" Nisbut, or in the Service of Sindia Alleeza Bahadoor, at present at Nassick, to D. Costelloe, Esq., Assistant Magistrate, Nassick.

I HOLD in inam the village of Wund, purgunna Chickly, the management of which was under me and my ancestors from time immemorial. Lately I went to Gwalior, and in my absence my brother's wife, Suruswuttee Baee com Gunput Rao Luxumon, lived in my house, and had the management of the village, &c. in my behalf. On her demise the village, as well as the house and other property, was placed under attachment; but the latter were made over to me, on my producing a certificate of heirship from the Civil Court. With regard to the village, Hurreechundra Runchod, resident of Bombay, at present in Pimchimtee, told me he would make arrangements to get it released from attachment, and with this view he obtained all the documents in support of my claim thereof; also an English letter, together with a written agreement from me. Though seven months have elapsed, he has made no arrangements whatever, nor returned the said documents to me, though I have made constant demands for them; consequently, I am sure they have been fraudulently retained by him; and as he is now on the point of leaving this for Bombay, I solicit you will cause the said documents to be returned to me, without which I am unable to make any arrangement to get my village released from attachment.

Dated 13 November 1846.

TRANSLATION of a Statement of *Hurreechundra Runchodjee Shetjee*; surname, Mahajun; caste, Goldsmith; aged about 50 years; occupation, Writer; inhabitant of Bombay, at present in Nassick; made before the Joint Police Officer of Nassick, on the 21st November 1846.

Question 1. A COMPLAINT has been preferred, by Bhugwunt Rao Ramchundra Deshmook and Deshpondia of purguna Wunnee, accusing you of having fraudulently retained certain documents, together with an agreement for 6,000 rupees, which you had taken from him on the conditions of getting his inam village of Monje Wund, purgunna Chickly, released from attachment; state, therefore, what have you to say to this?—*Answer.* I have not retained with fraudulent intent the documents I obtained from Bhugwunt Rao Ramchundra (the complainant). About seven or eight months back, in the month of Chytra, the complainant came to me and requested that, as he has been reduced to poverty in consequence of his village having been attached, and I was an inhabitant of Bombay, I should undertake his affair, and make arrangements to get the village in question released from attachment. Accordingly, I undertook the work, and took a written agreement from him for 6,000 rupees, also the documents, as per separate list. As he (the complainant) was hard up for cash, I myself gave a draft for 50 rupees to my nephew, named Atmaram, and sent him to Bombay (giving him a pony of complainant's to ride), for the purpose of nominating a wukeel there. All this occurred in the presence of the complainant's carkoon, named Anyaba, who himself put all the documents and the hoondee in an envelope, and despatched it to Bombay with the said Atmaram, so they are not with me; only the list and agreement are in my possession, which have now been produced. I also gave a note of recommendation to Nana Shunkurset. The business I undertook is in progress in Bombay; such being the case, the complaint has been made without any grounds.

2. Do you agree to give back to the complainant the agreement (now in Court) and other documents?—The documents have been sent to Bombay; only the agreement is with me. The business is in progress in Bombay; and till the result of it is known, I object to return the documents to the complainant. The agreement and the list should be returned to me.

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3. Was the English note,* now shown to you, given by you for Nana Shunkursett?—Yes.

4. At whose shop was the hoondee purchased?—The hoondee was purchased from Dieram Atmaram's shop.

21 November 1846. (signed) *Hurreechund Runchodjee.*

You state, the documents belonging to the complainant were sent to Bombay; what is the name of the person to whom they were sent?—The documents were sent to Nana Shunkersett (who is a relation of mine), to whom I wrote that I had undertaken the complainant's business, and requested him to be so kind as to despatch the letter enclosed to the Collector of Surat.

Why did you give the note† for Nana Shunkersett?—The complainant came to me and said, that as the result of his business was not known, he proposed going to Bombay, to see what had been done, and how far it had advanced; and requested of me a note to Nana Shunkersett; accordingly it was given to him.

You have sent the documents to Nana Shunkersett; state the name of the person through whose interest he is to get the complainant's affair settled?—I sent the documents to Nana Shunkersett, who was to send them to Surat by any one he might make choice of, and get the work done; but through whose interest it was to be done I do not know.

Is the letter of the Resident, which was given to you by complainant, still at Bombay, or has it been sent to Surat; if so, on what date was it despatched, and when was it received; if not sent, will you produce it now, or not?—The Resident's letter to the Collector of Surat was sent to Bombay; thence it was despatched to Surat on the 14th July 1846; and in proof of which, the post receipt is now produced. The letter in question having been sent to Surat, I am unable to produce it now.

The note to the address of Nana Shunkersett is sealed; open it yourself?—The note in question, which the Sirkar has now given to me, I have now opened.

Who introduced the complainant to you; and in whose presence was the conversation between yourself and the complainant held?—On my arrival at Nassick, complainant himself came and visited me at "Indrukoond," and there the first conversation was held. After this he (the complainant) paid constant visits to me, through the medium of Sudo Bhaoo Rajgooroo Akolkar, who, though unacquainted with me, was in the habit of coming to me and saying, "he often went to Bombay, and that he knew Nana Shunkersett," and begged me to write to the said Nana Shunkersett, and get the complainant's business settled. I therefore undertook the business.

You have taken a written agreement for 6,000 rupees from the complainant; state, therefore to whom the money is to be paid; will you receive it yourself, or pay it to another; if so, what is the name of that individual?—I myself will receive the money, and will pay it to no one else.

By *Complainant.*] Through whose medium was the petition made to Government regarding the matter in question, and who attested the signature to it?—I sent all the documents to Nana Shunkersett, at Bombay, but have heard nothing from him, so I am unable to say whom he nominated as wukeel in the matter, or whether a petition was presented to Government or not, or the name of the person who signed it. Should the complainant wish to receive back his documents, I am ready to make them over, and the original agreement and the list, excepting an English note which was despatched to Surat; but I have the post receipt. If the complainant will not be satisfied with it, then he may write to the gentleman at Surat, and receive an answer on the subject.

(signed) *Hurreechund Runchodjee.*

(True translation.)

(signed) E. M. Suart, Sub-Collector.

Note by Translator.—Allusion is made to a letter from the Resident to the Collector. This must have been from the Resident at Gualior, where the petitioner was in the service.

No. 8058 of 1852.

Transfer from the Judicial to the Political Department.

MEMORANDUM.

THE Secretary in the Judicial Department has the honour to report, that this morning Juggonath Sunkersett called upon him in pursuance of an engagement to that effect.

The

* The one now sent, not the one alluded to in answer to question No. 1.
† The one alluded to in question No. 3.

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The Secretary informed him of the substance of this transfer, and drew his attention to the objectionable use that had been made of his name, by a party professing to be his relation.

Juggunath Sunkersett stated, that in effect the individual referred to was a connexion of his, but denied that he had ever communicated to him the documents in the case referred to, or that he (Juggunath) knew anything whatever of that case.

He stated that he would take measures to express his displeasure at the improper use that had been made of his name, and the conversation terminated.

(signed) *J. G. Lumsden,*
Secretary to Government.

19 October 1852.

MINUTE by the Right Honourable the Governor, subscribed to by the Honourable Board.

THIS may be recorded in the Political Department, and sent to the Honourable Court, in continuation of our former proceedings.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

23 October 1852.

RESOLUTION.

ORDERED, That copy of a memorandum by the Judicial Secretary to Government, dated the 19th ultimo, and of the Honourable Board's Minute thereon, of the 23d idem, be transferred to the Political Department, with reference to the transfer from that Department, No. 4375.

Minute, 3 Nov. 1852.

(signed) *J. G. Lumsden,*
Secretary to Government.

MINUTE by the Right Honourable the Governor, concurred in by the Board.

To be reported to the Honourable Court of Directors by the next mail, with any subsequent proceedings on this subject.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

10 November 1852.

No. 8190 of 1852.

Transfer from the Judicial to the Political Department.

MEMORANDUM.

THE Secretary has the honour to circulate a note received from Juggonnath Sunkersett, Esq., on the subject of the communication made to him by order of the Board. It is to be observed that in this note, whether designedly or not, the writer refrains from repeating the positive denial which he made to the Secretary, of having taken any part in the intrigue with which his name had been connected.

(signed) *J. G. Lumsden,*
Secretary to Government.

Replies of Officers under the Bombay Presidency on Khutput.

My dear Sir,

As I have been slightly indisposed since I had the pleasure of calling at your house on Tuesday last, I could not write to you ere this; I felt truly obliged to you for your having shown me the papers relative to the conduct of one of my connexions, and thus afforded me an opportunity of severely reprimanding him, and I have every reason to hope that my scolding to this man will serve as a lesson to my other connexions, relations, &c., dependants, and be the means of protecting me from a recurrence of similar liberty in making use of my name.

Believe me, &c.

22 October 1852. (signed) *Juggonnath Sunkersett.*

Minute, 10 November 1852.

Memorandum by the Judicial Secretary, with Note from Juggonanath Sunkersett, Esq.

ORDERED, that copies of the papers noted in the margin be transferred to the Political Department, in continuation of the transfer to that department of the 3d instant, No. 8058.

(signed) *J. G. Lumsden.*
Secretary to Government.

(True extract.)

(signed) A. Malet, Chief Secretary.

Extract Bombay Political Consultation, March 1853.

No. 3951 of 1852.

Extract from the Proceedings of Government in the Political Department.

EXTRACT para. 13, from a Minute by the Right Honourable the Governor, dated 2 September 1852, concurred in by the Honourable Mr. *Blane.*

Para. 13. The several cases brought forward by our officers in the Mofussil, as examples of the grounds which have existed for belief in the use of khutput, should be laid before us by our secretaries, with a view of discovering whether, on declaring our decisions, there has been any such deficiency of explanation regarding the grounds of the orders issued in each case, as could have fairly given rise to any misrepresentation of the opinion or intention of Government with respect to them, or whether there is anything in any of the cases requiring particular orders or explanations with reference to the circumstances alluded to by the officers who have adduced them in illustration of their replies.

Minutes, 13 September 1852.

WITH reference to circular No. 2265, dated the 15th May 1850, issued from the Political Department to the authorities subordinate thereto, calling for information relative to the alleged prevalence, under the Bombay Presidency, of a system of intrigue designated "khutput," and to the replies returned to that circular by those authorities, ordered, that the above extract para. 13, from a Minute by the Right Honourable the Governor, concurred in by the Board, dated the 2d instant, be transferred to the Political Department, that a memorandum may be there prepared and submitted to the Honourable Board, containing the information therein required.

(signed) *A. Malet,*
Chief Secretary.

Replies of Officers under the Bombay Presidency on Khutput.

Memorandum.

1. In the replies which have been submitted to Government by the authorities to whom the Government circular (Political Department) of the 15th May 1850 was addressed, calling for their report as to the existence or otherwise of a belief by the native community residing within the limits of their charge, that objects otherwise unattainable may be accomplished by corrupt means designated khutput, the following cases connected with past proceedings in the Political Department are referred to as favouring this belief:—

Inam Commissioner—Mr. *Hart.*

2. In these reports, Mr. Hart has submitted information tending to show that a breach of trust was committed in the early part of 1839, connected with the grant of a pension to the daughter of the late Ramchunder Chowdree. This case has been disposed of by the 1st. para. of the Right Honourable the Governor's Minute,* dated the 11th September last, which has been concurred in by the Board, and no further proceedings are required.

Report, dated the 26th April 1849. Ditto, ditto, 17th April 1850. Ditto, ditto, 28th August 1852.

Resident at Baroda—Lieutenant-Colonel *Outram*, C.B.

3. In this report, Lieutenant-Colonel Outram alludes to various past proceedings connected with Baroda, the Maheekanta, &c., extending from the year 1835 to 1851, which in his opinion have afforded grounds for the general belief which he considers to exist in the Gaekwar territories, in the efficacy of khutput. These cases have been noticed in the Chief Secretary's memorandum annexed to the Right honourable the Governor's Minute, dated 29th April 1852, in which and his Lordship's further minute (paras. 10 to 16) Lieutenant-colonel Outram's report has been reviewed and disposed of.

Dated the 31st October 1851; ditto, 13th January 1852; with appendices.

Commissioner in Sind—Mr. *R. K. Pringle*, late Commissioner.

4. Mr. Pringle, the late Commissioner in Sind, states as a report, that his Highness Meer Ali Morad has lately deputed an agent to Bombay, doubtless with the view of agitating on his behalf.

Dated 24th May 1850.

5. It is now known that Meer Ali Morad had amongst his agents, lately in his employ, a European named "Malcolm," who visited Bombay and proceeded to England on his Highness' behalf, and who while lately returning to Sind, was drowned on his passage to Kurrachee; his Highness also obtained the agency of Major Shaw, of the 22d Regiment N. I., whose case has been referred for the orders of the home authorities. No further proceedings are called for in these matters.

Kutch—Mr. *Ogilvy*, late Political Agent.

6. Mr. Ogilvy, the late Political Agent in Kutch, alludes to two instances of endeavours by chiefs of that province to obtain their ends by making "khutput," Soomrajee, of Tera, and Poomjajee, of Pulaswa; in both of these cases, the Rao's authority was upheld by Government, and no further proceedings seem requisite.

Report, dated 29th May 1850.

Commissioner at Sattara—Mr. *H. B. E. Frere*, late Commissioner.

7. In the 20th para. of his report, Mr. H. B. E. Frere, late Commissioner at Sattara, notices the case of the ex-Raja of Sattara, who was beyond all doubt encouraged to persevere in his opposition to the wishes of the British Government by his belief in the efficacy of "khutput." All matters connected with the ex-Raja of Sattara may be considered closed.

Report, dated the 13th June 1850.

8. In the 21st para. Mr. Frere alludes to the frauds practised on his Highness the late Gaekwar by the late Dhaskjee Dadajee. These frauds were brought to light in the year 1842, and such proceedings were at the time adopted as appeared to the Government of the day to be called for, with reference to the facts elicited.

9. In the 22d para. Mr. Frere refers to the daughter of the late ex-Raja of Sattara having been led to believe "by some of those who had helped to deceive her

* *Vide* also paras. 1 to 4 of the Right honourable the Governor's Minute, dated the 2d September 1852.

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her father, that she might advance her cause by such agitation and intriguing in Bombay." Mr. Frere was informed, that previous to the receipt of his report, Gozra Sahib's case had been favourably recommended to the Government of India, but directed him to communicate to her their sentiments on her conduct.

10. In the 23d para. of his report above alluded to, Mr. Frere stated that he had been apprised by a respectable person, who had received the information from a near relation of the widow of the ex-Raja of Sattara, then at Benares, that "she had spent all she had in fruitless agitation (khutput) at the presidencies and in England; that she was now convinced of its folly, and would promise, if allowed to come to Sattara, to give up the practice entirely." All proceedings connected with this lady subsequent to the arrival of the ex-Raja at Benares were conducted by the Government of India. No further proceedings in any of these cases are called for.

Kattywar—Major *Aston*, First Assistant Political Agent in Charge.

Report, dated 15th June 1850.

11. Major Aston in his report alludes to the following cases, as showing the evils with which the hope of success by agitation in Bombay is attended:—

1st. The succession case at Simree, in which the hopes of the unsuccessful party were buoyed up for years apparently by the misrepresentation of their agents.

2d. The attempt of the younger sons of the late Thakoor of Bhownuggur to procure the alteration of the orders of Government relative to their maintenance.

3d. An intention of the Nuwab of Joonaghur to agitate in Bombay the disturbance of arrangements for the management of his country during the latter part of his minority, but which was frustrated by the Political Agent.

4th. Another intention by the same chief to send agents to Bombay, but which does not appear to have been carried out.

5th. A dispute in the family of a banker in Porbunder, the settlement of which was delayed by Bombay agency.

6th. An intrigue at Mangrol, which it seems was intended to have been carried through by Bombay agency.

12. No further proceedings than what have already been adopted appear to be called for from Government in any of the cases alluded to by Major Aston.

Rewa Kanta—Report from the late Major *Brown*, Political Agent

Report, dated 18th October 1850.

13. In his report, dated the 18th October 1850, the late Major Brown, Political Agent in the Rewa Kanta, alluded to the case in which, in the year 1845-46, the Raja of Rajpeepla was made to believe by some intriguing person, that his supposed grievances were to be redressed direct by the Government of India; that the Raja was soon convinced of the deception being practised against him, and the matter was referred to Mr. Colville, Advocate-General, Calcutta, who stated, "I have considered the papers relative to the fraudulent practices of Narroo Bapoojee against the Raja of Rajpeepla, and I am sorry to say that, as at present advised, I see little or no chance of convicting the person of any definite offence known to the criminal law." No further proceedings are necessary in this case.

(signed) *A. Malet*,
Chief Secretary.

14 February 1853.

Minute by the Right Honourable the Governor, concurred in by the Honourable Mr. *Blane*.

1. None of the cases alluded to in the Chief Secretary's Memorandum require further notice from Government.

2. Para. 34 of the report of the late Commissioner at Sattara, dated the 13th of June 1850 (copy of which is annexed), should be transferred to the Revenue and Judicial Departments for such notice as the observations it contains may appear to deserve.

3. Paras.

3. Paras. 39 to 44 of the same report, should also be transferred to the Judicial Department for the same purpose.

4. Copy of the Chief Secretary's Memorandum and of this Minute should be forwarded to the Honourable Court when our proceedings relative to the petitions are reported to that authority.

(signed) *Falkland.*
D. A. Blane.

19 February 1853.

MINUTE by the Honourable Mr. *Bell.*

I ADHERE to my Minute of the 13th of September last, and until I have the opportunity of satisfying myself as to the correctness of the observation contained in the 2d para. of the Right honourable President's Minute of the 11th idem, I feel unable to concur in the first para. of the above Minute, as it contains a severe censure on the judges of the Sudder Dewanee Adawlut, of which court I was a member in 1843, and may perhaps have been one of the judges who sat in the case alluded to.

23 February 1853. (signed) *A. Bell.*

Seen.

(signed) *Falkland.*
D. A. Blane.

24 February 1853.

EXTRACT para. 34, from a Letter from the Commissioner at Sattara, dated the 13th June, No. 135 of 1850.

Para. 34. IN their several lines, the Revenue and Judicial Commissioners ought to be able to detect and correct, either by their own authority or by invoking the authority of Government, every real abuse brought to notice by a petition which called for the interference of an authority superior to the local officer; due attention to this branch of their duty might be ensured by requiring them to report, after each annual circuit, the number and general character of the petitions presented to them in each district, bringing forward any which they considered to merit the notice of Government.

(True extract.)

(signed) *A. Malet,* Chief Secretary.

EXTRACT paras. 39 to 44, from a Letter from the Commissioner at Sattara, dated the 13th June, No. 135 of 1850.

" Para. 39. IT may seem presumptuous in me, but I offer the opinion with much confidence in its soundness, that the character of our administration generally, and of the judicial branch in particular, would be greatly raised if the duties of the Sudr Adawlut in Bombay could be confined to the decision of intricate legal questions appealed from the lower courts; and if all the miscellaneous duties which now devolve on the court could be performed by the Judicial Commissioner on his circuit holding open court in the district where the questions arise.

Para. 40. Of course, there may be obstacles of various kinds, and good reasons against such a system, and I speak merely with reference to the single point of public opinion regarding the decisions passed.

Para. 41. I will only instance one kind of business, petitions from Government servants dismissed, and praying to be reinstated. I am convinced nothing can be more injurious to the character of the court, and of our administration generally, than the misconceptions which prevail among the natives up the country, regarding the means whereby compliance with the prayer of such petitions is often obtained.

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Para. 42. Natives up the country, unless engaged in trade, are usually very ill informed regarding what passes in Bombay; their ignorance is far deeper than could be believed by any one who considers merely the distance and facility of intercourse; even in Bombay, the public in general know little of proceedings in the Sudder. There are few or no reports of proceedings in the newspapers, and the consequence is, that it is very rarely any one but the party immediately interested knows anything of the grounds on which the judgment of the court in such cases is founded.

Para. 43. It is natural that in such cases, the decision should be often attributed to other than the real grounds on which it was passed, and the reinstatement of a dismissed servant is thus, I am well assured, often attributed to "khutput," where there were ample reasons for the measure, which only required to be stated, and generally made known, in order to insure their justice being acknowledged.

Para. 44. This could not be the case if such questions came on before the Judicial Commissioner sitting in open court, in the place where the case which came before him had arisen. The court would, I am convinced, be crowded by all who knew the parties, or cared about the case, and there would be little danger of public misconception regarding the reasons which the Judicial Commissioner would orally give for his decision.

(True extract.)

(signed) *A. Malet*, Chief Secretary.

No. 991 of 1853.—Political Department.

RESOLUTION.

Judicial.

ORDERED, That the above extract, para 34, from a letter from the late Commissioner at Sattara, dated 13th June, No. 135 of 1850, be transferred to the Revenue Department for such notice as the observations it contains may appear to deserve.

(signed) *A. Malet*, Chief Secretary.

Bombay Castle, 7 March 1853.

No. 992 of 1853.

(The same to the Judicial Department, with the alteration in the margin.)

(signed) *A. Malet*, Chief Secretary.

Bombay Castle, 7 March 1853.

No. 993 of 1853.—Political Department.

RESOLUTION.

ORDERED, That the above extract, paras. 39 to 44, from a letter from the late Commissioner at Sattara, dated the 13th June, No. 135 of 1850, be transferred to the Judicial Department for such notice as the observations it contains may appear to deserve.

(signed) *A. Malet*, Chief Secretary.

Bombay Castle, 7 March 1853.

No. 27*t* of 1853.

Transfer from the Revenue to the Political Department.

MEMORANDUM.

As directed at close of resolution of 13th September 1852, No. 3950, the Secretary in the Revenue Department has the honour to place before the Honourable Board the only proceedings connected with the four cases of khutput in revenue matters alluded to by the local revenue officers.

2. The

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2. The case quoted by Mr. Townsend, the then Revenue Commissioner, and referred to in the third para. of his letter of 31st May 1850, No. 2793, was one on which the Government of 1841-42 did not make such minute inquiries as the present Government would institute, before sanctioning an exchange of villages; and results show that it would have been better had the then Government been more circumspect.

3. It is, however, to be recollected that Mr. Anderson was a member of that Government, and that he had served from some time as Principal Collector and Political Agent in the Southern Muratha Country, and it is probable that his acquaintance with the applicant and localities may have been considered sufficient to render unnecessary the delay which would have attended further and fuller references to the local officers.

4. Mr. Spooner's case goes for nothing; he reported on a claim to an hereditary allowance, and he appears to be astonished that claimant's brother became aware that the case was referred by Government to the Inam Commissioner.

5. Mr. Spooner explains that claimant's brother was in Bombay, and it appears that this brother was the person concerned in presenting to Government the petition in which the claim was advanced.

6. The Revenue Secretary thinks it very probable that the said brother may have been one of the many petitioners who assemble at the door of the Secretariate, and that the Secretary may have told him, as he is in the habit of telling others, that his remaining in Bombay could answer no purpose, and that he had better repair to the camp of the local officer, to whom his case had been referred.

7. The case of Gunesh Ramchunder, suspended Mamlutdar of Kurmulla, is not tangible, for all Mr. J. S. Inverarity gives are rumours, for the ascertainment of the truth of which he professes not to be able to give any clue.

8. The rumour quoted by Mr. J. S. Inverarity, second assistant to Mr. J. D. Inverarity, is that the Mamlutdar is said to be in Bombay for the purpose of making khutput; Mr. J. S. Inverarity, at the time of stating this, was at Sholapoor, and the head of his office. Mr. J. D. Inverarity had been officially informed that the man was in Bombay; his English petition, dated Bombay, 9th April 1850, against the proceedings of the Collector, having been referred to Mr. J. D. Inverarity for report by the Sudder Dewanee Adawlut on the 8th May 1850.

Report of the 3d June 1850.

9. The Secretary is not aware of the merits of this man's case, his death having rendered a review of it unnecessary, but although the two Messrs. Inverarity entertained opinions most unfavourable to the character of Gunesh Ramchunder, it may be seen that from what is incidentally stated in a report Mr. Seton Karr wrote since, that these opinions were not concurred in by the latter, who is an officer of discretion, judgment, and experience.

Government letter of 27th August 1850, No. 6648, to Revenue Commissioner, S. D.

Mr. Seton Karr to Revenue Commissioner, S. D., of the 7th August 1852, No. 558.

10. The case of Mankoo Vittul is also instanced by Mr. J. D. Inverarity; that Mankoo Vittul visited Bombay, was well known to the Revenue Secretary, for the man was constantly meeting him on the high road and at the Secretariate door, and requesting that his case might be attended to; he was dismissed by Government, although acquitted by the Sudder Foujdaree Adawlut; the case therefore is one, if requiring consideration at all, to be considered in the Judicial Department.

11. The Secretary begs to remark, that if khutput be held to mean the making of exertion with a view to effect a purpose, there is as much khutput in suggesting that a party deemed guilty is using khutput to ensure his being acquitted by the reviewing authority as in any other form, for there can be nothing so well calculated to prejudice a man's cause, as a belief on the part of the reviewing authority that the accused is endeavouring by unfair means to influence his own judgment, or to corrupt his subordinates.

(signed) *H. E. Goldsmid*,
Secretary to Government.

5 January 1853.

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MINUTE by the Honourable Board, dated the 10th January 1853.

THERE is nothing tangible in these cases; the compilation of replies from revenue officers to be transferred to the Political and Judicial Departments, in order that any cases relating to those departments may be there considered and disposed of.

2. Paragraph 10 of the Secretary's memorandum also to be considered in the Judicial Department.

(signed) *Falkland.*
D. A. Blane.
A. Bell.

10 January 1853.

RESOLUTION, 15 January 1853.

WITH reference to the transfer from the Political Department, No. 3950, dated the 13th September last, ordered that copy of a memorandum by the Revenue Secretary, dated the 5th instant, and of the minute recorded thereon by the Honourable Board, under date the 10th idem, be transferred to the Political Department for information and guidance.

2. The compilation (No. 1339 of 1850, and 2570 of 1851), referred to in the Honourable Board's minute, are also herewith sent, with a request that they may be made over to the Judicial Department when no longer required by the Political Department.

(signed) *H. E. Goldsmid,*
Secretary to Government.

MEMORANDUM.

THERE are no cases embraced in the reports on khutput recorded in the Revenue Department, and contained in these compilations, which have reference to the Political Department; the compilations should be made over to the Judicial Department as required in the resolution.

7 March 1853. (signed) *A. Malet,* Chief Secretary.

No. 997 of 1853.

RESOLUTION of Government in the Political Department.

Transfer from the Revenue Department, No. 278, of the 15th January 1853.
Revenue Compilations, Nos. 1339 of 1850, and 2570 of 1851.

ORDERED, That the documents noted in the margin be transferred in original to the Judicial Department for consideration, with a request that, when no longer required, they may be returned to the Revenue Department.

(signed) *A. Malet,*
Bombay Castle, 7 March 1853. Chief Secretary.

(True extract.)

(signed) A. Richardson,
Deputy Secretary to Government.

Dissents of certain Directors from the Despatch to the Bombay Government of the 26th June (No. 20) of 1852, respecting the Removal of Lieutenant-Colonel Outram.

Dissents of certain Directors respecting the Removal of Lieut.-colonel Outram.

Dissent by Lieutenant-Colonel *Sykes*.

Para. 1. I DISSENT from the Draft, No. 482, dated 24/6/52, on Colonel Outram's case, not less on account of the alterations made in it by the Board of Control against the sense of the majority of the Court, than on account of the feeble and inadequate expression, even in the original draft, of those vivid feelings and sentiments necessarily expected from the Court upon matters affecting the honour of the British name; equally, also, on account of the indisposition manifest in the draft to give due weight to Colonel Outram's explanations of his offensive bearing towards the Bombay Government, which explanations, if they do not justify his conduct, give a less offensive character to it.

2. A foul scandal had long pervaded the public press in India, and the native mind, that parties connected with the Bombay Government were open to bribery by the Guickwar, his agents, or by the agents of bankers, or others, in Baroda and in Goozrat, for the purpose of effecting political or personal objects at the seat of power; it seemed, therefore, to be the imperative duty of the Bombay Government, conscious in the rectitude of the high officials connected with it, and jealous of the British name for purity in administration, to have taken the initiative in establishing the truth or falsehood of the degrading scandal, which dated as far back as 1835; nevertheless, Colonel Outram (then Captain Outram) Mr. Malet, Acting Resident at Baroda, and subsequently Mr. Sutherland, the Resident, in their arduous struggles to expose corruption (if it existed), felt that they laboured under great difficulties; and Colonel Outram in his Khutput Report, now before the Court, sect. 2, para. 3, says, "The belief appeared to have its origin in certain decisions of Government respecting disputed successions, which it was thought could only have been effected by bribery, and the leniency with which parties who were accused and were convicted, were treated by Government, strengthened the impression."—Para. 8.

3. The various cases in which this leniency is supposed to be manifest are arranged in chronological order in the Khutput Report, and it will suffice to give a passing reference to some of them. First, in the Umleara succession case, when Colonel Outram took charge of the Political Agency in the Mahee Kanta in 1835; then in Motee's case of perjury, 7/4/38; then in the Thakoor of Gorasar's case; then in a list of cases of bribery forwarded to Government in a memorandum of Mr. H. Malet, in which the names of European gentlemen were used, 31/12/37, in this memorandum; and in a letter of Colonel Outram's to Sir Robert Grant, 1/1/38, nearly similar language is used. "Odium has in consequence (of bribery) been heaped on the British name, and a stigma has been attempted to be cast on the reputation of some of the most honourable and distinguished servants of Government."—Sect. 5, para. 8.

In the case of Anund Row, of the Political Agent's Office, who was suspended by Mr. Malet, and restored by Government, 29/10/37 sect. 6, para. 1. In the case of Dadoo Punt, 25/11/37, in which Mr. Malet was informed by Government, "Nor is there any law by which native servants employed in the Political Department, guilty of receiving bribes, can be punished otherwise than by dismissal from the public service," 19/12/37. In the case of Motee Lall Purshotum, head karkoon of Rajpeempla, 28/1/36, in which Mr. Courtenay is commended for the man's acquittal, and Mr. Malet is subsequently commended for his conviction. In the case of Brijlall, native agent, Baroda Residency, sect. 8, implicated with Dadoo Punt, 25/11/37, and charged with bribery, in which the Government set aside the arrangements of Mr. Sutherland, the Resident at Baroda, which he thought necessary to ensure the conviction of Brijlall, 28/3/38, and when he was

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ultimately convicted of receiving 4,000 rupees, Government declined, 29/10/38, adopting Mr. Sutherland's urgent request that Brijlall should be publicly declared incapable of serving the Government in future; Government also prohibited further investigations; but in prosecuting Dadoo Punt, Brijlall was found to be implicated, 26/12/38, and was again convicted of bribery, and again Mr. Sutherland begged he might be proclaimed in the Gazette; and again the Government refused. In the case of the firm of Hurree Bugtee at Baroda, with British guarantee during good behaviour; but which lent itself to all the corruptions, sect. 9, para. 4, *et seq.*, the Government refused to sanction, 30/12/37, Mr. Malet's application to be allowed to insist upon the firm producing their books for examination, and censured his conduct at the same time; the Government, under Sir George Arthur, doing the very reverse in a similar case in 1813, when Mr. Boyd was Resident, 13/7/43. On 26/10/38, Colonel Outram (then Captain Outram) wrote (sect. 10, para. 6) to Government, "All the exertions of the local officers to perfect the regeneration of Goozrat, now in progress, and for the reform of abuses, must prove abortive so long as the Bombay Government is looked upon, as it now is throughout this country, as patronising and encouraging a class of persons so notoriously and thoroughly proved culpable. Until Government has cleared itself from that imputation, the power to thwart our measures remains in the hands of a body of men (the Nagur Brahmin family) the most powerful, wealthy, and unprincipled in Goozrat; and that power to do evil can only now be stemmed by an immediate, distinct, and public declaration of the abhorrence with which Government regards the practices which have come to light, and of its determination to punish such offences with the utmost rigour in future;" and he concluded, "I implore Government, if it consider I have by my former services established any claims to its consideration, as the only favour I have to ask at its hands, to receive my most earnest appeal, by attending to its requests, and overlooking aught that I have written in the fervour of my feelings that could in any way be deemed presumptuous or disrespectful;" and he finally pledged himself to prove 15 cases in which a strong bias on the part of Government appeared in favour of parties accused of bribery; sect. 10, para. 7. This was as far back as 1838.

The Guickwar, judging from these cases, followed in the same steps in 1840, in the notorious Dackjee Dalajee's affair, and the very Motee Parshotum, previously convicted and dismissed, was employed in his corrupt practices. The Advocate-general in his report to Government, 31/1/43 stated, that the following sums were to be appropriated by the Guickwar to effect his objects:—

	Rs.
To Sir James Carnac	10,00,000
To Mr. Willoughby	2,50,000
To Mr. Reid	60,000
To Shree Crustna	36,000
To Dr. Brown and minor parties	1,10,000
TOTAL *Rs.*	14,56,000

In 1838 Captain Outram left Goozrat, and joined the force proceeding to Affghanistan, and only returned to Baroda as Resident when appointed by Sir George Clerk in 1847. The former Residency agents of the Nagur family had been convicted and removed, but had not been proclaimed, and the feeling in the efficacy of Khutput remaining, it was soon found the new servants were as bad as the former; and parties who lent their aid to detect corruptions experienced their malice. In the case of Venaick Moreshwur Furkey, otherwise Baba Furkey, a servant of some years' standing, who had assisted Mr. Malet in his struggles against the corruption of his day: this man, instead of progressive reward, had his office broken up, and a portion of its duties only offered him on a diminished salary; and subsequently applying for the vacant office of native agent at the Residency at Baroda, being recommended by Colonel Outram, it was intimated by Government that he was not "a fit person to be employed in a political capacity," Part II., sect. 11, para. 15, although Colonel Outram found him almost the only man courageous and able enough to give him assistance in his inquiries into the practices of the Residency agent, Nursoo Punt. Baba

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Baba Furkey had been arrested and confined in his house by the Guickwar, with the knowledge of Captain French, the Acting Resident, and was only released on its being known that Colonel Outram was returning to Baroda. In consequence of these inquiries Nursoo Punt proposed to resign on his pension, and Colonel Outram recommended Baba Furkey to Government as his successor, but Colonel Outram being obliged to leave Baroda on the 12th September 1848 for Egypt, on account of his health, on his return to Baroda 15 months afterwards, he found Nursoo Punt had withdrawn his resignation, and he himself had been reprimanded by Government during his absence for doubting Nursoo Punt's integrity, and for recommending Baba Furkey as his successor, 18/1/49. Colonel Outram, 22/6/50, then asked Government to be allowed to investigate Baba Furkey's case, and was told (6/10/50) that a previous decision of the Government was final; and, even after a reference to the Court of Directors, the Bombay Government still refused (28/6/51) to consider Baba Furkey's complaints. Then follow the details of the case of Nursoo Luximin, otherwise Nursoo Punt, late native agent of the Baroda Residency. In 1843 Nursoo Punt gave up 400 rupees a month, as an assistant in the revenue branch of the Deccan, and obtained the office of Residency Native Agent, at Baroda, on 300 rupees a month; quitting the best climate of Western India (the Deccan), for the worst (Baroda). Nursoo Punt was connected by family ties with several parties at Baroda, his sister being married into the family of Baba Nafra*, and another into that of Dadoo Punt, &c., whose misconduct had occasioned the notice of Government. Nursoo Punt concealed these family ties from the Resident and from Government. On the 21/3/44, Nursoo was charged with corruption on petition. It was referred by Government to Mr. Remington, Acting Resident, who said it was too late in the day to inquire into it. In 1847 Colonel Outram was appointed Resident at Baroda, and his first impressions of Nursoo Punt were decidedly favourable, and for some time after his appointment he was ignorant of the family ties between Nursoo Punt and Baba Nafra. But his suspicions were raised in the cases of Govind Rao Guickwar, and Gorajee Poll, both against Nursoo Punt and Baba Nafra, in the first case, in Nursoo Punt asserting ignorance of an important document in his possession, which he afterwards produced, and in the second case for conniving at embezzlement of the Pol's revenues. Nursoo Punt, as previously stated, applied to be employed elsewhere, Colonel Outram having got the assistance of Baba Furkey, which aid, then given, has ended in his own ruin. Colonel Outram being obliged to leave Baroda on sick certificate for Egypt, Nursoo Punt withdrew his application for pension, or other provision, and Colonel Outram still found him at Baroda on his return. The subsequent misconduct, conviction, and dismissal of this man, are discussed in Court's despatch in the Political Department, No. 479, dated 23/6/52. Then follows the Hurree Bhugtee guarantee question, in which Colonel Outram, on reaching Bombay (17/9/48), personally urged on the Secretary to Government, and on one of the members of Government, that advantage should be taken of the frauds committed by the Hurree Bugtee firm to withdraw the British guarantee from it. This was not attended to, nor was a despatch of the Court on the same subject, 13/2/50.

The subsequent exposure of the atrocious proceedings in the Widow Joitabaee's case; the seizure of the papers of the banking firm of Hurree Bhugtee, which led to the knowledge of the betrayal of Government and the Baroda Residency by clerks communicating secret records; the tracing money to the hands of Government clerks in Bombay, particularly to Mr. Craig, of the Secret and Political Department; Government letting the matter lie from October 1850 to the receipt of the Khutput Report in November 1851, and the trial and condemnation of Nursoo Punt, have been so lately discussed by the Court, that nothing more than mention of them is necessary.

On the 10/1/51, Colonel Outram (part II., sect. 4, para. 11) wrote to Government that he had suspended four of his kharkoons; that he could prove that Nursoo Punt had received 28,000 rupees in Joitabaee's case, and accompanied

* Baba Nafra, the manager of the Baroda banking firm of Hurree Bhugtee, had been convicted by Mr. Malet of nefarious practices; he had been mixed up in the conspiracy to bribe Sir James Carnac, and has since been convicted of the abduction of a son and heir of his late master; and of a foul conspiracy against one of his master's widows, Joetabaee.

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panied the letter with a strong remonstrance. On his arrival in Bombay he had an interview with the Governor, Lord Falkland, and stated his perfect readiness to withdraw every statement or expression that might be regarded in the slightest degree as appearing to arraign the proceedings of his superiors; and he assured his Lordship that nothing was further from his intentions than to treat himself or his Government with disrespect, and he expressed his desire to erase from his statement and letter every passage calculated to give offence. Lord Falkland intimated his approval of this resolution; and his hope that Baroda affairs would be settled to the satisfaction of all parties. Again: In the still unfinished investigation of the suspicions against the Baroda Minister for a purpose to bribe parties to get the charge for the Goojrat Horse withdrawn, Government refused to sanction a guarantee being given Govind Row Rorea (23/11/51), in case he gave evidence on the subject.

4. Because the draft does not notice Colonel Outram's paper of suggestions of measures to guard against future corruptions, nor does it notice the rejection by Government of the whole of them. Sect. 6, para. 11, concluding sections.

5. As Colonel Outram's Khutput Report was the necessary result of the Government Circular of the 15th May 1850, calling for information from subordinates, on the supposed belief in the native mind of the efficacy of bribery with Government officials, it was Colonel Outram's duty to trace the belief at Baroda from its origin; the terms, therefore, in the Minutes of Council (22/11/51) applied to the Report, and to Colonel Outram personally, of "Monster Report," "Monomaniac," and "it is impossible Colonel Outram in his right mind could persist, &c.," seem misplaced, and gratuitously offensive, and ought to have been noticed, in my opinion, in the Court's draft.

6. Because Lord Falkland, in his Minute of the 28th February 1852, having said, "We have not charged Colonel Outram with disrespect in any of his reports, though I am far from deeming that we had no ground for doing so, but only in his letter of the 31st October 1851." It would seem the decision of the Court on this branch of the subject should be confined to this letter.

7. Because the draft omits all mention of the present critical position of the parties who gave their assistance to Colonel Outram, in the procuring the conviction of offenders, and does not suggest any measures to guard them against the sure prospect of persecution and consequent personal damage to which they will be exposed.

8. Finally: Sufficient notice has been taken of cases, facts, and dates, without entering into elaborate details to demonstrate in the clearest manner the comparatively eminent success of Colonel Outram, under the most embarrassing difficulties, in his praiseworthy and honourable efforts to relieve the British Government from the scandal attached to its name of being indifferent to the corruption of its servants and agents, and to discriminate and to fix upon the proper parties, not only criminality, but the punishment due to criminality. It appears to me, therefore, that the draft does not sufficiently dwell upon the eminent services and persevering zeal of Colonel Outram; that it does not make a natural and reasonable allowance for the irritation consequent upon finding his efforts for a great public object through a course of years constantly thwarted, or inadequately supported; and above all, that it does not take that elevated tone befitting the character of a great Government, in reprobation of corrupt conduct on the part of any of its servants, and in reproof of parties, however high their stations, whose apathy, prejudices, or mis-judgment, may have led to the continuance of an odium and a scandal which a vigorous manifestation at an early period might have either obviated or crushed at once. For the above reasons I dissent from the Draft.

(signed) *W. H. Sykes.*

India House, 7 July 1852.

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DISSENT by *R. D. Mangles*, Esq., concurred in by Others.

I DISSENT from the despatch to the Government of Bombay, in the Political Department (No. 20), which passed the Court on Saturday last, the 26th of June.

1. Because it appears to me that Colonel Outram rendered to the Government of Bombay, and, through it, to the Government of India, a service of the greatest value by denouncing, and, as far as he was permitted, by exposing a system of corruption, which, though in reality not extending beyond the underlings of the public offices, has, beyond doubt, deeply compromised the character of that Government in the estimation of its native subjects.

2. Because, although I strongly condemn the intemperate and disrespectful language which Colonel Outram allowed himself to use in addressing the Government of which he was the servant, I cannot but regard even his culpability in this respect as light in the balance when weighed against the zeal, ability, and fearless energy which that officer was bringing to bear upon the important object of his investigations, and which it was the bounden duty, as assuredly it was the interest of the Government of Bombay to encourage, and support.

3. Because the circumstances of the case in general, and particularly the instances of Govind Row Roria and Nursoo Punt, commented on in our despatch No. 19, of the 23d ultimo, demonstrate to my mind that Colonel Outram did not receive from the Government of Bombay all the confidence and support which he deserved, and which a right view of the great importance of vindicating the purity of our administration in the opinion of the native community, ought to have led that Government to extend to him.

4. Because it appears to me, that a sufficiently generous allowance was not made by the Government of Bombay for the feelings of a zealous and high-spirited public officer, engaged in a keen and arduous conflict with the crafty and unscrupulous agents and supporters of an inveterate system of corruption; and that this want of sympathy and consideration is manifested by the whole tenor of Lord Falkland's Minutes, and more especially by the application by Mr. Blane of the expression "monomania" to those feelings.

5. Because I consider the proceedings of the Government of Bombay in removing Colonel Outram from an office where he was engaged in exposing the system of corruption spoken of in the foregoing reason, on the very spot where that system had its origin, and where its principal agents and abettors lived and acted, to have been eminently ill-timed and injudicious, inasmuch as that proceeding must necessarily have given a triumph to those persons whose malpractices Colonel Outram was endeavouring to bring to light and to punishment; and as it could not fail, at the same time, to generate a not unreasonable suspicion in the minds of the native community, that the Government was not sincere in its professed desire to expose and put down the system in question.

6. Because, fully admitting the necessity of checking the disrespectful tone of Colonel Outram's correspondence, and of correcting his very erroneous view of the power and privileges of a Resident at the court of a native ally of the British Government, it would appear to have been an easy and obvious matter to effect these objects without subjecting a most meritorious officer to severe loss and humiliation, and the public service itself to the heavy detriment pointed out in the foregoing reason, and inseparable from the course actually taken by the Government of Bombay.

7. Because, with the exceptions which I have stated, I consider that Colonel Outram acted rightly, and in furtherance of the true interests and honour of the British Government of India in all essential respects (to which category, in comparison with the vital importance of the real objects at stake, I cannot think that the admitted exceptions belong); and that with regard to whatever differences arose between that officer and the Government of Bombay in such essential respects, the superior authority was wrong.

Dissents of certain Directors respecting the Removal of Lieut.-colonel Outram.

8. Finally, because it appears to me, that in the case before us, the general policy and duty of supporting the Government falls into a secondary place in comparison with the paramount obligation upon the Court to take no step, and allow no step to be taken, calculated to damp the spirit with which officers of high station and trust ought to be encouraged to maintain the honour, and vindicate the character of our administration when labouring under suspicion, or tending to afford even plausible ground for the continued prevalence of such suspicion in the minds of our native subjects.

Wherefore, I am compelled to dissent from a despatch which appears to me to lose sight, in a great measure, of the great interest at stake, namely, the honour of the British Government of India; to censure heavily the zealous and honest public servant who was doing his utmost to vindicate that honour, for lapses of respect, and for an error of judgment, which, however gravely to be condemned, are of little importance when compared with the vast moment of the one grand object in view, and to give at least implied approbation to proceedings on the part of the Government of Bombay, which appear to me to be of very questionable policy, and to be fraught with consequences most injurious to the character of our administration of British India.

India House, 1 July 1852. (signed) *Ross D. Mangles.*

I concur in this dissent.

(signed) *Wm. J. Eastwick.*

I concur in this dissent.

(signed) *John Cotton.*

I concur also in this dissent.

(signed) *W. H. C. Plowden.*

Dissent by *W. B. Bayley*, Esq, and Others.

We dissent from the Court's resolution of the 26th ultimo, ordering the draft No. 482, to Bombay, in the Political Department, on the subject of the removal of Lieutenant-colonel Outram from the Residency at Baroda, to be signed as altered by the Board of Commissioners for the Affairs of India.

Because we consider that the words in paragraph 9, quoted in the margin, which* were approved by the Court on the 23d ultimo, and subsequently cancelled by the Board, are essential to the complete exposition of the views of the Court on this important subject.

(signed) *W. B. Bayley.* *John Whiteman.*
Charles Mills. *E. Macnaghten.*
H. Shank. *Robert Campbell.*
Henry Willock. *W. H. Sykes.*
J. A. Moore.

East India House,
1 July 1852.

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* "But we regret that you did not take an early opportunity of pointing out to him the objectionable expressions which rendered him justly liable to your censure, and of enabling him to withdraw or modify those expressions. Such a course might have probably rendered his removal unnecessary, and might have secured the prosecution to a more complete and satisfactory issue of the very important inquiries in which he was engaged."

Dissents of certain Directors respecting the Removal of Lieut.-colonel Outram.

I sign this dissent, because I object to the omission of the passage above quoted, which appears to me to take a correct view of the particular point to which it relates, although, for the reasons stated in my separate dissent, I think that the Court has come to a wrong conclusion on the whole matter under its consideration.

(signed) *Ross D. Mangles.*

I agree with the above sentiments.

(signed) *Wm. J. Eastwick.*

(True copies.)

(signed) *T. L. Peacock,*
Examiner of India Correspondence.