

THE
T R I A L

O F

Maha Rajah NUNDOCOMAR, Bahader,

F O R

F O R G E R Y.

Published by Authority of the Supreme Court of Judicature
in Bengal.

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T R I A L

O F

Maha Rajah NUNDOCOMAR, Bahader,

F O R

F O R G E R Y.

J U N E 8th, 1775.

At a Court of Oyer and Terminer, and Goal-delivery, holden in and for the Town of Calcutta, and Factory of Fort William, in Bengal, and the Limits thereof, and the Factories subordinate thereunto, on the Third Day of June, 1775,

Before the Hon. { Sir ELIJAH IMPEY, Knight, Chief Justice,
ROBERT CHAMBERS,
STEPHEN CÆSAR LEMAISTRE, } Esqrs. Justices,
And JOHN HYDE,

The KING, *vers.* Maha Rajah NUNDOCOMAR,

THE Prisoner being called to the bar, and arraigned, and the indictment read, his Counsel tendered a plea to the jurisdiction of the Court; but the Chief Justice pointing out an objection thereto, which went both to the matter of fact and the law contained therein, and desiring the Counsel to consider if he could amend it, and take time for so doing, he, after having considered the objection, thought proper to withdraw the plea; whereupon the Prisoner pleaded, Not Guilty: And being asked by whom he

would be tried? he answered, by God and his Peers. The Court desired to know whether he had any particular reason for using the word Peers? His Counsel answered, that the Prisoner being a man of the first dignity in this kingdom, thought he should be tried by people of equal rank with himself, agreeable to the law of England, which permits every man to be tried by his Peers. The Court asked, who the Maha Rajah considered as his Peers? His Counsel answered, he must leave that to the Court.

B

Chief

Chief Justice. The trial can only be by such persons as are by the Charter required to form the Jury. A Peer of Ireland tried in England, would be tried by a common Jury. The Charter directs, that in all criminal prosecutions, the Prisoner should be tried by the inhabitants of the town of Calcutta, being British subjects.

It being late, the Court adjourned till the next morning at seven o'clock.

JUNE 9th, 1775.

THE Counsel for the Prisoner informed the Court, that the Maha Rajah had been ill in the night, and had now a flux and fever, which rendered him incapable of taking his trial.

The Court desired Dr. Anderson and Dr. Williams to examine the Prisoner, which they did, and reported that he complained of having been indisposed in the night, but that he had neither flux nor fever, and was very capable of taking his trial; whereupon he was called to the bar.

The Prisoner being informed of his right to challenge when the Jury came to be sworn, challenged the following Gentlemen, from a paper held in his hand:

<i>John Lewis,</i>	<i>Ramsay Hannay,</i>
<i>William Atkinson,</i>	<i>Thomas Adams,</i>
<i>John Williams,</i>	<i>Bernard Messick,</i>
<i>William Dickson,</i>	<i>William Hamilton Bird,</i>
<i>Richard Johnson,</i>	<i>Charles Moore,</i>
<i>Joshua Nixon,</i>	<i>Alexander Macneil,</i>
<i>Robert Donald,</i>	<i>James Lally,</i>
<i>James Miller,</i>	<i>William Briggs,</i>
<i>Tilly Kettle,</i>	<i>Philip Coales.</i>

The Counsel for the Crown challenged,
Samuel Stalham,

The following Jury was sworn:

<i>Edward Scott,</i>	<i>John Ferguson,</i>
<i>Robert Macfarlin,</i>	<i>Arthur Adie,</i>
<i>Thomas Smith,</i>	<i>John Collis,</i>
<i>Edward Ellerington,</i>	<i>Samuel Touchet,</i>
<i>Joseph Bernard Smith,</i>	<i>Edward Satterthwaite,</i>
<i>John Robinson,</i>	<i>Charles Weston.</i>

The Jury elected Mr. John Robinson their foreman.

Mr. William Chambers, the principal interpreter, not being yet come from Madras, and the two assistant interpreters, on account of their imperfect knowledge of English, being deemed insufficient for a trial so long as this was expected to be, Mr. Alexander Kyn: Elliot, Superintendent of the Khalsa Records, a gentleman eminently skilled in the Persian and Hindostan languages, and Mr. William Jackson, lately admitted an Attorney of the Court, who speaks the Hindostan tongue fluently, were requested, by the Court, to interpret.

The Counsel for the Prisoner desired that the evidence might be interpreted to him in the Hindostan language, as it was most generally understood by the audience, and requested that the interpreter of the Court might be employed for that purpose, and objected to the interpretation of Mr. Elliot, as being connected with persons who the Prisoner considered as his enemies.

Chief Justice. The principal interpreter of the Court is absent; the gentlemen of the Jury have heard the interpretation of the assistant interpreters on other occasions. Do you, Gentlemen, think we shall be able to go thro' this cause, with the assistance of those interpreters only?

Jury. We are sure we shall not be able.

Chief Justice. It is a cruel insinuation against the character of Mr. Elliot. His youth, just rising into life, his family, his known abilities and honour, should have protected him from it.

[Mr. Elliot desired he might decline interpreting.]

Chief Justice. We must insist upon it, that you interpret: you should be above giving way to the imputation: your skill in the languages, and your candour, will show how little ground there is for it.

Mr. Farrer. I hope Mr. Elliot does not think the objection came from me; it was suggested to me.

Chief Justice. Who suggested it?

Mr.

Mr. *Farrer*. I am not authorised to name the person.

Chief Justice. It was improper to be made, especially as the person who suggested, does not authorise you to avow it.

Jury. We all desire that Mr. Elliot, whose character and abilities we all know, would be so kind as to interpret.

Mr. *Farrer*. I desire on the part of the Prisoner, that Mr. Elliot would interpret.

Mr. Elliot and Mr. Jackson sworn to interpret.

The Jury being impanelled, were charged with the Prisoner, and the Clerk of the Crown read the indictment as follows:

Town of Calcutta, and Factory of Fort William, in Bengal, } I. To wit. THE Jurors for our Lord the King, upon their oath present, That Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature at Fort William, in Bengal, after the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and twenty-nine, to wit, on the fifteenth day of January, one thousand seven hundred and seventy, in the tenth year of the reign of our sovereign Lord George the Third, King of Great-Britain, at the town of Calcutta afore said, with force and arms, feloniously did falsely, make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain bond in the Persian language, purporting to be sealed by one Bollakey Dofs with the seal or chop of him the said Bollakey Dofs, the tenor of which bond is as follows [here the bond is wrote in Persian] with an intent to defraud the said Bollakey Dofs of the sum of forty-eight thousand and twenty-one sicca rupees principal, and of four annas on each rupee of the said principal sum, as premium or profit on the said principal sum, against the form of the statute in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the Jurors afore said, upon their oath afore said, do further present, that the afore said Maha Rajah Nundocomar, Bahader, af-

terwards, to wit, on the fifteenth day of January, in the year last above said, at Calcutta afore said, a certain false, forged, and counterfeited bond in the Persian language, purporting to have been sealed by the said Bollakey Dofs, with the seal or chop of him the said Bollakey Dofs, feloniously did utter and publish as a true bond; which said bond is in the words, characters, and figures following, [Persian bond again recited] with an intent to defraud the said Bollakey Dofs of the said sum of forty-eight thousand and twenty-one sicca rupees principal, and of four annas on each rupee of the said principal sum, as premium or profit on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing of the said false, forged, and counterfeited bond by him as afore said, then and there, well knowing the said bond to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the Jurors for our Lord the King, upon their oath do further present, that Maha Rajah Nundocomar, Bahader, late inhabitant in the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature, at Fort William in Bengal, on the fifteenth day of January, in the year last above said, with force and arms, at the town of Calcutta afore said, feloniously did falsely make, forge, and counterfeit, and did cause to be falsely made, forged, and counterfeited, a certain bond, written in the Persian language, and purporting to be sealed by one Bollakey Dofs (then deceased) in his life time, with the seal or chop of him the said Bollakey Dofs; the tenor of which is as follows [Persian bond again recited] with an intent to defraud Gungabissen and Pudmohun Dofs, executors of the last will and testament of the said Bollakey Dofs, of the sum of forty-eight thousand and twenty-one sicca rupees as principal, and of four annas on each rupee, as a profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the peace

of our Sovereign Lord the King, his crown and dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present, that the aforesaid Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the said fifteenth day of January, in the year last aforesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited bond, purporting to be sealed by the said Bollakey Dofs (then deceased) in his life time, with the seal or chop of him the said Bollakey Dofs, feloniously did utter and publish as a true bond; which said bond is in the words, characters, and figures following, to wit, [Persian bond again recited] with an intent to defraud the said Gungabissen and Pudmohun Dofs of the said sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited bond, by him as aforesaid, then and there, well knowing the said bond to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the Jurors for our Lord the King, upon their oath aforesaid, do further present, that on the fifteenth day of January, in the year last aforesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature, at Fort William in Bengal, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language, purporting to be sealed by the said Bollakey Dofs, with the seal or chop of him the said Bollakey Dofs, the tenor of which writing obligatory is as follows [Persian bond again recited] with an intent to defraud the said Bollakey Dofs of the sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four an-

nas on each rupee of profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Maha Rajah Nundocomar, Bahader, afterwards, to wit, on the said fifteenth day of January, in the year last aforesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited writing obligatory, in the Persian language, purporting to have been sealed by the said Bollakey Dofs, with the seal or chop of him the said Bollakey Dofs, feloniously did utter and publish as a true writing obligatory; which said writing obligatory is in the words, characters, and figures following, [Persian bond again recited] with an intent to defraud the said Bollakey Dofs of the said sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum; the said Maha Raja Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited writing obligatory, by him as aforesaid, then and there, well knowing the said writing obligatory to have been false, forged, and counterfeited, against the form of the statute in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

And the Jurors for our Lord the King, upon the oath aforesaid, do further present, that on the fifteenth day of January, in the year last aforesaid, Maha Rajah Nundocomar, Bahader, late inhabitant of the town of Calcutta, and a person subject to the jurisdiction of the Supreme Court of Judicature at Fort William in Bengal, with force and arms, at the town of Calcutta aforesaid, feloniously did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language, purporting to have been sealed by the said Bollakey Dofs (then deceased) in his life time, with the seal or chop of him the said Bollakey Dofs; the tenor of which writing obligatory

is as follows [Persian bond again recited] with an intent to defraud Gungabiffen and Pudmohun Dofs, the executors of the said Bollakey Dofs, of the sum of forty-eight thousand and twenty one sicca rupees of principal sum, against the form of the statute in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

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and counterfeited, a promissory note for payment of money, in the Persian language, purporting to be sealed by the said Bollakey Dofs, with the seal or chop of him the said Bollakey Dofs; the tenor of which promissory note is as follows, [Persian bond again recited] with an intent to defraud the said Bollakey Dofs of the sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the peace of our said Lord the King, his crown and dignity.

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And the Jurors for our Lord the King, upon their oath aforesaid, do further present, that Maha Rajah Nundocomar, Bahader, late of the town of Calcutta, being a person subject to the Supreme Court of Judicature at Fort William in Bengal, on the fifteenth day of January, in the year aforesaid, with force and arms, at Calcutta aforesaid, feloniously did falsely make, forge and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain writing obligatory in the Persian language; the tenor of which certain writing obligatory is as follows, [Persian bond again recited] with an intent to defraud Gungabissen and Hengoo Laul, the two nephews and trustees named in the last will and testament of Bollakey Dofs, deceased, of the sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum, against the form of the statute in that case made and provided, and against the said peace of our said Lord the King, his crown and dignity.

And the Jurors for our Lord the King, upon their oath aforesaid, do further present, that Maha Rajah Nundocomar, Bahader, late of the town of Calcutta, being a person subject to the Supreme Court of Judicature, at Fort William, in Bengal, on the fifteenth day of January, in the year aforesaid, at Calcutta aforesaid, a certain false, forged, and counterfeited writing obligatory, in the Persian language, feloniously did utter and publish as a true writing obligatory; the tenor of which writing obligatory is as follows, [Persian bond again recited] with an intent to defraud Gungabissen and Hengoo Laul, the two nephews and trustees named in the last will and testament of Bollakey Dofs, deceased, of the sum of forty-eight thousand and twenty-one sicca rupees of principal, and of four annas on each rupee of profit or premium on the said principal sum; the said Maha Rajah Nundocomar, Bahader, at the time of publishing the said false, forged, and counterfeited writing obligatory, by him as aforesaid, then and there, well knowing the said writing obligatory

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aforesaid, then and there, well knowing the said obligatory writing to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

(Signed)

June 7, 1775.

J. A. PRITCHARD,
Clerk of the Crown.

(Signed)

W. M. BECKWITH,
Clerk of the Indictment.

TRANSLATE of the PERSIAN BOND,
recited in the Indictment.

I who am Bolaukee Dofs.

AS a pearl necklace, a twisted kulghah, a twisted serpache, and four rings, two of which were of rubies and two of diamonds, were deposited by Rogonaut Roy Geoo, on account of Maha Rajah Nundocomar, Bahader, in the month of Assar, in the Bengal year 1165, with me, in my house at Moorshedabad, that the same might be sold; at the time of the defeat of the army of the Nabob Meer Mahomed Cossim Cawn, the money and effects of the house, together with the aforesaid jewels, were plundered and carried away. In the year 1172, Bengal style, when I arrived in Calcutta, the aforesaid Maha Rajah demanded the beforementioned deposit of jewels; I could not produce the deposit when demanded, and, on account of the bad state of my affairs, was unable to pay the value thereof; I therefore promise and give it in writing, that when I shall receive back the sum of two lacks of rupees, and a little above, which is in the Company's cash at Dacca, according to the method of reckoning of the Company, I have agreed and settled, that the sum of forty-eight thousand and twenty one sicca rupees is the principal of the amount of the said deposit of jewels, which is justly due by me, and over and above that, a premium of four annas upon every rupee. Upon the payment of the aforesaid sum from the Company's cash, I will pay that sum, without excuse and evasion, to the aforesaid Maha Rajah. I have, for the

It is witnessed,

Mehab
Roy.

It is witnessed,

Scilaubut the
Vakeel of Seat
Bolakee Dofs.

It is witnessed,

Abdehoo
Commaul
Mahomed.

Alabd

Bolaukee
Dofs.

above

of a bond under my signature, that when it is necessary it may be carried into execution.

Written on the seventh day of the month of Bhadoon, in the Bengal year 1172.

The Counsel for the Prisoner desired that the witnesses might be kept separate.

Court. The great number of witnesses in this cause, the difference of their casts, and the length of time the trial is likely to take up, renders it almost impossible to confine them. If any method can be proposed, by which these inconveniencies will be removed, we shall be very ready to grant the request.

After a short debate it was agreed, that peons should attend the witnesses to keep them separate, and prevent any person having communication with them; and that each witness, immediately after having given his evidence, should be kept in the gallery; and that a constable should attend there, to prevent any natives from having access to them.

MOHUN PERSAUD called and sworn on a *voir dire*.

Quest. from Mr. Farrer, Adv. for the Pris. Has Gungabissen made you any promise, in case the Prisoner is convicted?

A. I am to have five per cent. on any money received.

Court. Is it a special promise on this occasion?

A. It is a general commission that I am to have upon all the affairs of Gungabissen

Q. from Mr. F. Is it a promise in writing, or by word of mouth?

A. It is a written letter of attorney: originally it was a letter of attorney to me, Mr. Hamilton, and Mr. Lodge: the two last withdrew, upon the commitment of the Prisoner. I have likewise in my possession a Nagree letter of attorney, drawn by Mr. Driver.

JAMES DRIVER.

Q. To whom is that Nagree letter of attorney made?

A. It was a power of attorney made to Mohun Persaud, and one John Love. After-

wards I drew one in English, to Mohun Persaud singly.

The Counsel for the Prisoner desiring that the papers might be produced, Mohun Persaud, together with the Clerk of Mr. Janett, Attorney for the Prisoner, was sent to fetch them: upon which the Counsel for the Crown called

COMMAUL O DIN CAWN, sworn upon a *voir dire*.

Quest. from Prisoner's Counsel. Do you know the punishment of perjury by the English law?

Court. You had better tell it him.

Couns. When the life of a man is at stake, if you tell falsely, you will be deemed infamous, put in the pillory, and burnt in the hand.

[Counsel for the Crown desired that the questions might be interpreted to the witness in the Persian language, as the witness understood that language best.]

Court. What language do you understand best?

A. Persian.—[Being again interrogated, he said he understood both equally well, and could answer in either]

Court. Which can you most easily explain yourself in?

A. I will answer in either. Hindostan is my native language.

Court. Which language will you be examined in?

A. I think I shall be best understood in Persian.

Q. per Pris. Couns. Have you received any money from Mohun Persaud, or any other person, to give evidence on this occasion?

A. No: defend me, good God! I never do such devilish things.

Q. Do you expect any favour or protection, or have you had any promise of money from any person, for giving evidence on this occasion?

A. No.

Sworn in Chief.

Quest. Counsel for Crown. Whose seal is to that bond? [shewn the bond.]

C

A

Anfw. It is my feal; but the words fignifying "it is witnessed," are not of my fignature.

Q. Whofe name is expreffed in that feal?

A. Obdahu Mahomed Commaul.

Q. Is that your name?

A. That was my original name.

Q. When, or upon what occafion, did you change your name?

A. At the time of the Nabob Nutchum al Dowla, I got a royal title, and I am fince called Commaul O Deen Ally Cawn.

Q. Did you affix your feal to that bond?

A. No, I did not.

Q. Can you give an account how it came fixed there?

A. No, I cannot fay.

Q. Was the feal ever out of your poffeffion?

A. I fent the feal to Maha Rajah Nundocomar, at Mongheer.

Q. When did you fend it?

A. At the time the war between Jaffier Ally Cawn, and Coffim Ally Cawn, fubfifted.

Q. Upon what occafion did you fend it?

A. When I was releafed from confinement, Maha Rajah Nundocomar defired a fervant of mine to defire me to fend my feal to him—my fervant had been before that with Maha Rajah Nundocomar.—The representation the man made with regard to fending the feal was this—

Q. per Court. Is that man alive?

A. He was killed that fame evening.

Court. What was his name?

A. Eoll Mahomed, my Jemedar. He likewife defired the fervant to request me to fend a nazzar with the feal, that he might, with the feal, fend a petition to the Nabob, and prefent it with the nazzar. I then delivered to Shaik Coffim Ally, my Confumah, one gold moheer and four rupees, as a nazzar to Maha Rajah Nundocomar, and one gold moheer and four rupees as a nazzar to the Nabob; and likewife the feal, of which this is the impreflion, [pointing to the feal on the bond] in order that he might put them into a bag, that it might be fend by a melfenger to Maha Rajah Nundocomar.—The bag was accordingly fend by a melfenger.

Court. Do you know the name of that melfenger?

A. I do not know what the Coffid's name is; there are twelve hundred at that place.—It is fourteen or fifteen years ago.

Q. Do you know if it was ever received by the Prifoner?

A. I do; for Maha Rajah Nundocomar wrote me a letter in confequence of it. [The letter produced.]

Counfel for Prif. I admit the Maha Rajah had the letter

Counfel for Crown. Read the letter.

Court. Go through with your evidence.

Counfel for Crown. The letter does not fay the feal was received; but it acknowledges the receipt of the letter, and the feal was inclofed in the letter.

Court to Prifoner's Counfel. Do you fee the confequence? Do you mean to admit it?

Counfel. I have duly weighed what your Lordfhip faid, and therefore will not admit it.

Witnesses read the letter, of which the following is a tranflate, omitting unneceffary compliments.

[After the customary compliments]

"I have received your letter, with which I have made myfelf acquainted, and by which I have been rendered joyful—Thanks to the great God, you have been releafed. The nazzar of congratulation which you fend to me, has arrived. May the great God reward you with victories! In confequence of your letter I have got an arzee for you written out; have prefented it, together with the nazzar you have fend for that purpofe, to the Nabob; and having received an answer, fend it inclofed in this letter. You will be made acquainted with the contents, by infpecting it. With refpect to the circumftance of calling you to the army, about which you have written, as the Victorious (the Nabob) intends fhortly to leave Mongheer to go to Patna, there is no neceffity for your making fo long and troublefome a journey; you had better ftay fome time longer at your own houfe. When God is willing that the victorious army fhould return to Moorshedabad, you will attend there, and make me joyful by your company.—Every thing then will be fettled

“settled properly.—Rest contented.—Remain certain that I am your friend, and write an account of your health. The cloth you before sent is arrived.—What else shall I write?”

Directed to Shaik Mahomed Cummaul.

Dated the 2d of Rubbee, ul Akher, in the fourth year of the reign.

CROSS EXAMINATION.

Quest. Is it always customary to affix the seal to all arzees presented to the Nabob?

Ans. Yes.—An arzee is never presented to the Nabob without a seal.

Q. Was your seal ever returned?

A. No.

Q. Do you know who has got it?

A. Maha Rajah Nundocomar.

Q. How do you know?

A. I sent it, and never got it back.

Q. Have you ever applied for it?

A. Yes, I have several times. I have likewise complained concerning its not being delivered.

Q. Did you ever receive any answer to those complaints?

A. I demanded the seal of Maha Rajah Nundocomar, who said it was not in his possession. I told Coja Petruse of it: I intended to complain, but Munshy Sudden o dein advised me not.

Q. When would you have made your complaint?

A. At the time when Mr. Palk confined Maha Rajah Nundocomar; it was about three years ago, then Munshy Sudden o dien advised me not to complain, because the Governor had given his son Rajah Gourdas the khallat for the office of Dewan of the city of Morshedabad.

Q. Who did you mean to complain to?

A. To the Governor and to the Audalet.

Q. Did you want to complain to any other person?

A. No.

Q. Did you ever hear of your seal being put to any bond?

A. Yes, Mohun Perfaud first told me that my seal was to a bond, and then the Maha Rajah himself told me he had put my seal to a bond; I saw the bond once before himself

[The bond stated in the Indictment produced]
Q. What passed between Mohun Perfaud and you upon the time when he told you of the seal?

A. First, he bid me pay 600 rupees, which I owed the estate of Bollakey Dofs. I said, “I am a poor man out of employment; how shall I get the money?”

Q. When was this?

A. It was about two months before Mr. Palk confined the Maha Rajah. It was about two months before I got my post, which is three years since.

C. Go on with your story of what passed between you and Mohun Perfaud.

A. Mohun Perfaud then asked me if I was a witness on behalf of Maha Rajah to a bond of Bollakey Dofs, or if my seal was affixed to it. I said I was a witness for no man, and that I knew nothing with respect to this matter. He then asked if my seal, with the name of Abdahu Mahomed Commaul, was fixed to that bond. I then said there may be a great many people of the name of Mahomed Commaul. I then went to Maha Rajah Nundocomar, and repeated to him what Mohun Perfaud had said to me. He said, It is true; having confidence in you I have fixed your seal, which was in my possession, to the bond of Bollakey Dofs. Having sworn, you will give evidence of this before the Gentlemen of Audalet. I answered, How shall I be able to take a false oath? He answered, I had hopes in you. I answered, Men will give up their lives for their masters, but not their religion; have no hopes of me. I then went and informed Coja Petruse and Munshy Sudden o dien of what had passed.

Q. Was Bollakey Dofs alive or dead at the time the seal was sent?

A. He was alive; he had absconded from Mongheer. Some years after, he came to Calcutta.

Q. After you had told Coja Petruse and Munshy Sudden o dien, did you tell it to any others?

A. No.

CROSS EXAMINATION.

Q. When did you change your name?

A.

A. Ten or fifteen days before Mahomed Reza Cawn was appointed Naib Subah. I have got a seal, which was given me at the time, which has got the day and year upon it. I can produce it.

Q. Where is the sunnud?

A. The sunnud is dated some years before I took the title; at the time the King and Colonel Coote were at Patna a sunnud was procured for me by Shitabroy, who sent it to Maha Rajah Nundocomar, who detained it some time in his possession. In the time of the Nabob Nutchum al Dowlah I was appointed to the Foujdarry of Hidgelee, from which time my title commenced.

Q. Where is the sunnud?

A. It is at Hugly, but the great seal is with me.

[Mr. Farrer desired it might be produced, which was agreed to.]

Q. What did the dignity consist of?

A. I was by that means named Cawn, but received no jaghire.

Q. Is it not customary for natives when they receive a title to take it immediately?

A. Whenever the Subah confirms it and gives him a seal, it is then customary to make use of it.

Q. At what time did the Nabob confirm it?

A. Maha Rajah Nundocomar was at that time Naib Dewan. About ten or twenty days after he was dismissed, and Mahomed Reza Cawn was appointed in his place.

Q. Was Nutchum al Dowlah Nabob at the time Colonel Coote and the King were at Patna?

A. He was Nabob at the time the title was "jarree."

Interp. This word literally interpreted means "to flow;" but what is meant by it is, "confirmed."

Q. When did you begin to use the seal with your titles?

A. At the time of the Nabob Nutchum al Dowlah, when two seals were given me, I was appointed Foujdar of Hidgelee, and had two seals, one great and one small one, sent me from the Government.

Q. When a royal title is given to a native,

can he make use of it without the permission of the Nabob?

A. He gets the sunnud, and perhaps a jaghire from the King, but cannot make use of it 'till a seal has been given by the Nabob, and he is permitted to use it.

Q. How came you to apply to Maha Rajah Nundocomar to draw up your arzee?

A. As I had no connection with the Nabob, why should I draw up an arzee myself? The Maha Rajah desired I would send my seal to put to an arzee, and I did so.

Q. In executing any bonds or deeds, do you make use of your signature or your seal?

A. When I execute a bond on my own account, I write the word *Oolaubd* (the Slave of God) and fix my seal under it. When I witness any paper, I write, "It is witnessed," and fix my seal under those words.

[He produced a paper sealed with the same seal, to prove he had the seal. The Jury compared it with the impresson on the bond, and think them the same; each of the impressons shewed a small flaw which was in the original seal. He likewise produced the great seal, which he had from the Soubah.]

Q. Was you ever upon terms of friendship with the Maha Rajah?

A. He was a friend of my father, and my grand-father. We were often in friendship, and often broke off.—The Maha Rajah protected me from ten years of age. When he was Dewan of Mahomed Heha Beg Cawn, I was farmer of Choongi. The first difference, that happened between me and Maha Rajah, was when I was appointed to Hidgelee. It was not a dispute, but a difference of two days.

Q. per Court. What was this dispute about?

A. It begun thus. First he said he would be my security, and afterwards went off from his promise. I got another man to be my security, and afterwards went frequently to Maha Rajah's house.

Q. To what amount was he to be security?

A. The revenue, for which he was to be my security, was between three and four lacks of rupees.

Q. Were

Q. Were you so reconciled together as to live upon friendly terms?

A. Yes.

Q. Who were present when the Maha Rajah acknowledged having put his seal to the bond?

A. No one.

Q. Is it usual for the Maha Rajah to have no attendants?

A. Where he is private, or has business, he is certainly very often alone.

Q. Did he make his acknowledgment more than once?

A. No.

Q. Was it before or after you quarrelled?

A. It was before two or three months.

Q. *per Court.* You say in your examination, "I am witness to no man:" then how came you to produce papers, to shew how you sign your name as witness?

A. I did not mean to no person whatsoever, but to no man upon this occasion.

Q. *per Court to Interp.* Would you, from the idiom of the language, understand him to say, "I am no witness to any man?"

Interp. His own words are, "to a man a witness I am not."—[The witness said this was the idiom of the language, and his common mode of expressions, and mentioned some instances of it.]

Court. Point out the words, "It is witnessed," which you say are not your handwriting. [He points to the words wrote over his seal in the bond.]

Q. *Court.* Do you mean to say, that the impression of that seal appearing upon the face of this bond is the impression of your seal?

A. I do; that is the place in which I usually write these words.

Q. *Court.* Have you ever paid the 600 rupees to the estate of Bullakey Dofs?

A. I have. About five or six months after I was appointed to Hidgelee I paid that money. I have got the acquittal.

Q. *Counf. for Prif.* What did you do for a seal in the intermediate time between the time your seal was sent to Maha Rajah Nundocomar, and the time you had your new one? What seal did you make use of?

A. I had another seal made for me.

Q. Where is that seal?

A. When I got my new title, I destroyed that seal, I defaced it.

Counfel for Crown. Is not that customary upon getting a new title?

A. It is at the option of the party. Some people keep their seal, some are afraid to do it.

Court. Have you any papers with the impression of that seal?

A. How should I have any papers? My house was twice beset by the servants of Mahomed Reza Cawn, and all my papers destroyed.

Q. Was the second seal of the same size and characters as the first?

A. I do not remember.

Q. How came it that you kept the papers you produced, as you said you lost all your papers?

A. I lost most of my papers.—A little box was saved, and these three papers were in that box.

[*Counfel for Prisoner* desires that these three papers may be deposited in Court—they were.

Mr. Farrer, Counfel for the Prisoner, observed, that in England a Prisoner, from his knowledge of the language, had an opportunity of hearing the evidence and making his own defence, which Maha Rajah Nundocomar was deprived of: he therefore thought it reasonable that his Counfel should be permitted to make a defence for him.]

Court. All the evidence has been given in a language the Prisoner understands. Any defence he chuses to make will be interpreted to the Court.

The Counfel also observed, that Commaul o Dien said the Maha Rajah had confessed to him that he had made use of his seal. He must therefore know that he had put his life in his power; was it likely then that he should quarrel with this man on so trifling an occasion, as the being his security?

COJA PETRUSE.

Q. In what language do you chuse to be examined?

A.

A. In Persian, Hindostany, or Portuguese; but rather in Persian.

Q. Are you acquainted with the last witness, Cum. o Dein?

A. I have known him upwards of twenty years.

Q. Had you any particular conversation with Cummal o Dein, respecting a seal?

A. It was three or four years ago.

C. Tell the particulars of that conversation.

A. I will tell what I remember—One day I was sitting in my house, Cummal a'din Cawn came to me and said, "My seal is in the possession of Maha Rajah Nundocomar: I wanted to get it again, but could not."—I then asked, why his seal was in the possession of Maha Rajah Nundocomar? He told me, "When Jaffier Ally Cawn was Nabob, he had desired my seal, that he might put it to a request, and get me some employment. I sent it to him in consequence; but he does not now return it to me. I will go to Mr. Barwell, and complain."—This was the conversation that passed between us that day; there was no other conversation. On another day there was, respecting the business of Hidgelee, where he said that Maha Rajah Nundocomar had agreed to stand his security. I said it was very well. Some days after, I asked how that business was settled? He answered, "Maha Rajah Nundocomar is not my security." I asked, how so? He said, "he demands three things from me: First, That I should give a writing, that I was a witness to the bond of Bullucky Dofs, to which my seal is affixed:—Second, That I should represent receipts of money [*Burramed*, the Persian word] against Mr. Luffington: Third, That I should represent another *Burramed* against Bussunt Roy. I answered, I cannot sell my religion."

Q. Was you acquainted with Bollakey Dofs?

A. Yes, he used to come to my house.

Q. Was you acquainted with his circumstances?

A. No; I do not know if he was in good or bad circumstances.

Q. *from the Jury*. You have known Cummal

a'din Cawn twenty years; what is his general character?

A. I never heard he had a bad name.

Q. Has he a good name?

A. I never knew any thing bad of him; the world is apt to give good or bad names with very little reason: some speak well, some speak ill of him; I never knew any harm of him.

Q. What is his general character?

A. Ten people speak well of him, to four who speak ill of him.

Q. Is there not now, and has there not been for some time, a declared enmity between you and Maha Rajah Nundocomar?

A. He may have an enmity to me, but I do not know that he has; and I have none to him.

MOONSHEE SUDDER O DEIN called and sworn.

Q. Are you acquainted with Cummal a Din Cawn?

A. Yes, I have known him for near twenty years.

Q. Had you at any time any conversation about his seal being affixed to any bond?

A. I had, in the month of Assar, Bengal year, 1179.

Q. Do you recollect that conversation? if you do, tell it as well as you can.

A. He was conversing with me about the farm of Hidgelee; the circumstance of the security was mentioned. I said, Now you are a competitor for the farm of Hidgelee, you will undoubtedly be obliged to give security. You are always going backwards and forwards to the house of Maha Rajah Nundocomar: if you can get him to be your security, it will be better. He said, I shall probably not be able to get him to be my security, because he has affixed a seal of mine to a bond of Bollakey Dofs; and he says to me, It is necessary for you to give evidence: but I have refused it, saying, I will not give up my religion. I asked him in what manner the seal had come into Maha Rajah Nundocomar's hands, and how he had fixed it? He answered, I formerly sent him my seal to be fixed to an arzee to be presented by Maha Rajah Nundo-

Nundocomar to the Nabob Jaffier Ally Cawn, and that seal is with him; he now has affixed that seal to a paper of Bollakey Dofs's without my knowledge. I do not therefore now desire him to stand my security.

Q. Did any thing more pass that day?

A. I remember no more that day. He came to me upon another day, and said that Gungabiffen would be his security. I then informed Mr. Barwell, that Gungabiffen would be his security; but he answered that security would not be approved of by the Council. Four or five days after, Commaul o Dien Cawn came to me again, and said that by intreaty he had persuaded Maha Rajah Nundocomar to be his security: of this also I informed Mr. Barwell, who said that if he would come and stand his security, it would do. Maha Rajah Nundocomar afterwards wrote a letter to Council respecting his standing security; but whether he did or not, I cannot tell.

Q. Had you any further conversation with Commaul o Dien?

A. I soon after went to Moorshedabad and Dacca: when I returned, Commaul o Dien said to me, Maha Rajah Nundocomar has produced two papers; first, that I should give evidence about the seal of the bond of Bolackey Dofs; second, about standing security for Hedgelee, and said, Take this and sign this, pointing to the two papers. I would not; and afterwards got Lane, Dutt, and others, to be my securities.

[MOHUN PERSAUD returned with the papers.]

Q. *by Couns for Pris.* Have you brought all the letters of attorney uncanceled, relative to the estate of Bolaukee Dofs?

A. I have.

Q. Have you any other instrument in writing, relative to the estate of Bolaukee Dofs, besides those you have produced?

A. I have his books.

Q. Have you any other deed, relative to the estate of Bolaukee Dofs, executed to you by Gungabiffen?

A. No other.

[The joint power of attorney to Mohun Per-

saud, Mr. Hamilton, and Mr. Lodge, is produced. Another to Mohun Persaud and John Love. Another to Mohun Persaud singly, dated sixth of May, 1775, which appeared to be a general power of attorney in English, without any mention of a commission of five per cent.]

Q. Have you the promise of any sum of money, in case the Maha Rajah Nundocomar should be convicted on this trial?

A. None.

MOHUN PERSAUD examined in chief.

Q. How long was you acquainted with Bolaukee Dofs?

A. It is now fourteen years since I first knew him.

Q. How long has he been dead?

A. About six years.

Q. Where did you first know him?

A. At Muxadavad.

Q. When did he come to Calcutta?

A. Ten years ago.

Q. What business did he follow?

A. That of a shroff.

Q. Was he esteemed a man of property?

A. He was thought a rich man.

Q. Had he a house at Banarass?

A. He had a correspondence there.

Q. Did he draw for any considerable sums upon that house?

A. For many sums. He drew one bill to Lord Clive for a lack of rupees.

Q. Was the bill paid?

A. Yes, the money was paid to Mr. Chamier, then resident at Banarass.

Q. Was that money ever repaid by Lord Clive?

A. It was, five months afterwards, to Bolaukee Dofs in his life time.

Q. Was there any account open between Maha Rajah Nundocomar and Bolaukee Dofs?

A. There are debits and credits between them in Bolaukee Dofs's books to a great amount.

Q. Are the books now in being?

A. They are in my possession.

Q. What

Q. What language are the books wrote in?

A. In the Nagry language.

Court. The books must be produced, as we cannot receive parole evidence of their contents.

Mr. Durham, Counsel for the Crown, acquainted the Court that the books were then at hand, in consequence of a notice from the Defendant to produce them, but added that, as they were in the Nagry character, he could not point out the entries to which he meant to have examined Mohun Purfaud, and therefore declined making any use of them. The books were then ordered to be kept in Court, for the Defendant's Counsel to avail themselves of them if they should be able.

A Nagree Mounshy was called and sworn. He was ordered to translate a paper, which the Counsel for the Crown said was a general power of attorney to Mohun Perfaud and Pudmon Dofs, executed by Bollakey Dofs before he went to Banaras, of which the following is a translate.

The WRITING of BOLLAKEY DOSS.

BEFORE this, being in a bad state of health, for which reason deeming myself obliged to go to Banaras, I have appointed my brother Mohun Perfaud and Padmohun Dofs my attornies to tranfact my business, and to receive and pay, and to answer and make any demands for me, and in paying and receiving whatever durbar expences may be incurred, after my severall debts are collected; and whatever remains, after the disbursements of the durbar expences, to be paid to whom it may be due; and of what is due after that I have written in a paper with my own hand, which you will pay.

ACCOUNT whatever concerns DEBTS.

Maha Rajah Nundcomar	10000	
Doolub Ram Twarry on account	} 3025	
of a bill in Muxadabad - - -		
Gou Mullick - - - - -	2707	8
On Roy Mohun Sing's house at	} 3500	
Moorshedabad, on account of		
a bill - - - - -		

Golab Dofs Palate - - - - -	1000
Raganaut Deu Shroft, one bill - - -	506
Nurbaram on bill - - - - -	850

ACCOUNTS.

My own Factory at Moorsheda-	} 10000
bad, rather more or less - - -	
Poog Kiffou Dofs at Banaras - - -	5000
	<hr/>
	36588 8
	<hr/>

Roy hu Perfaud's, what will remain due to him on settling his accounts.

Meer Cuttul Ally, whatever may appear.

Besides these, whatever small debts may appear in my papers.

ACCOUNTS, CREDITS.

The English Company at the Dacca Factory.
 Nabob Jassaraut Cawn at Dacca.
 Meer Amoo Sait at Haugly houses:
 One house at Calcutta.
 One house at Moorshedabad.
 Two houses at Patna, mortgaged for 3500
 Chaja Wanyfs principal in China concern 2200
 Balance of accounts of salt in partner- } 1500
 nerfhip, Gobin dun Dofs - }
 Dacca goods at Banaras, valued at - 10,000
 Besides this, as by my papers may appear.

To be received from Dr. Fullerton

To be received from Mr. Moore

This is wrote by guefs; and, besides this, whatever may appear from my papers is true debts and credits. Besides this,

The bond of Meer Askruff was sold to Mr. Bolts; the bond of the Court of Cutcherru, as well as the kerranamah, or written agreement, which he gave in the name of Mohun Perfaud. He took the seal in the name of Mr. Sparks the Vakeel: upon it Mr. Sparks filed a complaint in the Audalet: you will appear and answer about it. Upon whatever other ourstanding balances you shall recover, you shall receive five per cent. whatever contingent expences you may find it necessary to disburse in Calcutta, and papers you shall receive.

receive. I have appointed you my attorney for two years; whether I remain here or not, I have vested you with a power in my affairs, and in payment of money. I am not concerned in trade here.

Dated nine days after the middle of Poos, in the year 1825.

Witnessed Goodharru	Signed Kiffen Jewin
Perfaud, Mookaus	Dofs.
Bollakey Dofs.	Signed Bolaukee Dofs,
Witnessed Kiffen Jew-	Dofs Jevo.
in Dofs.	Signed Kiffen Jewan
Witnessed Gherub	Dofs.
Dofs, Puttick, Dia-	
arane Dutt.	

To prove this letter of attorney, Kiffen Juan Dofs was called in and sworn.

Q. *per Court.* Is that paper your writing?

A. It is my writing and witnessing, but I did not see it executed.

Q. Is the name Kiffen Juan Dofs, at the bottom of the paper, written as a witness to the execution?

A. It is written by way of witness.

Q. Of what?

A. As witness to the signature of Bollakey Dofs.

Q. How came you to put your name as a witness to a paper being signed by Bollakey Dofs, if you did not see him sign it?

A. It was carried by Pudmohun Dofs to Chandernagore, signed there by Bollakey Dofs, and brought to me; and I, knowing his handwriting, witnessed it.

Q. Did you witness it as seeing it signed, or as knowing his signature?

A. Seeing Bollakey Dofs's signature to it, I set my name as a witness.

KEREE DOSS PULLOCK called in and sworn.

Q. Do you know this paper? [shewn letter of attorney.]

A. I do; it is a power of attorney from Bollakey Dofs.

Q. Did you see him sign it?

A. I was present, and saw Bollakey Dofs sign his name.

CROSS EXAMINATION.

Q. Where was Bollakey Dofs, when you saw him sign his name to it?

A. At Calcutta.

Q. What house?

A. His own house.

Q. At what hour of the day?

A. I don't know.

Q. Who else was present when it was executed?

A. Mohun Perfaud, Pudmohun Dofs, and Kiffen Juan Dofs.

[Question repeated by the Court.]

A. Mohun Perfaud, Pudmohun Dofs, and two or three other people. It is now two or three years ago; how can I remember?

[Mr. Elliot desired to explain Mr. Jackson's interpretation, and said that the witness did not say that Kiffen Juan Dofs was present, but that Kiffen Juan Dofs's signature was to it; and being again asked if Kiffen Juan Dofs was present, answered he was not.]

Q. What did you mean to say about Kiffen Juan Dofs?

A. That his signature was to it.

Q. Do you know his hand writing?

A. Yes.

Q. Did you see him sign it?

A. Yes.

Q. Where was he?

A. In Bollakey's Dofs's house.

Q. Was it at the same time Bollakey Dofs signed it?

A. It is six years; I do not recollect. I know Kiffen Juan Dofs signed it.

[Mr. Elliot observes he signed it once when he wrote it, and once as a witness.]

Q. *by Couns. for Pris.* You have sworn that Kiffen Juan Dofs signed it, then you must know when he signed it.

A. Kiffen Juan Dofs wrote the paper, and gave it into the hands of Bollakey Dofs.

Q. Did you see it?

A. Bollakey Dofs gave it me, and desired me to sign it, which I accordingly did in Persian.

D

Q. When

Q. When did Bollakey Dofs sign it, before or after you did?

A. Bollakey Dofs having signed it, gave it me to sign.

Q. Did you see Kissen Juan Dofs sign it?

A. I do not recollect.

Q. Then how do you know that he signed it at all?

A. I know nothing about his signing it.

KISSEN JUAN DOSS called again.

Q. *per Court.* When did you write this paper?

A. Having inspected the papers of Bollakey Dofs which were at Calcutta, I from them drew up this paper.

Q. But when?

A. It may be within two or three months of six years, I cannot speak with precision.

Q. By whose directions and from what materials did you write it?

A. By the directions of Pudmohun Dofs, he is my superior; having both of us inspected Bollackey Dofs's papers, we drew up that paper.

Q. Did you take what you wrote from the books, or from what Pudmohun Dofs told you?

A. What I wrote I took from the books.

Q. If the books are given you, can you point out the parts from whence you drew these papers?

A. I can.

Q. Do you recollect how many books were in your possession?

A. Two books, called the Rôey Nâmah, and the Cotta.

Q. Were those all the books?

A. Our books are drawn up from year to year: in those two books are the contents of this paper.

Q. Were there only two books for each year?

A. When there was a great deal of business in the house, two books were filled up in a year; when not so much, two books might last for four years.

Q. Do you recollect how many books you examined to make up this account?

A. I have been thirteen or fourteen years a servant, and during that time six books have been used.

Q. How many books did you examine to make out that paper?

A. We had three books within the first five years, one called the Kuffara, where every thing is entered fully; from thence it is entered fairer into the Roey Namah, and from the Roey Namah to the Cotta.

Q. From what particular books did you take this paper?

A. All the books were in my possession; but what is contained in this paper, I extracted from one book, the Cotta. It is the custom to draw up papers from the Cotta; but the Roey Namah and the Kuffara being more full, Merchants frequently refer to them in the drawing up of papers.

Q. Are these all the books that contain Bollackey Dofs's transactions?

A. There are two books more besides these three.

[The Court directed all the books to be brought.]

Q. You said before there were six books; how comes it that there are only five now mentioned?

A. One, a Kuffara, is lost; but the substance is extracted into the Cotta.

Q. How came you to sign this paper twice?

A. One signing, which is in the body of the paper, is because it was wrote by me; the other as witnessing, having seen Bollakey Dofs's signature to it.

Q. What is the first date of those three books?

A. Nine years and something less than two months from this time; it is dated the 13th day of Savoon, Naugree stile, 1823. The three books depend upon each other, and begin with the same date.

Q. What is the last date in the books?

A. The second of Maug, Nagree stile, 1827.

Q. Do the books now produced, contain transactions prior, or subsequent to these?

A. There are two before.

Q. to Mr. Elliot. How does the Nagree and Bengal year differ?

A. The Nagree year begins the first day of Choit; there are 750 years difference between the Nagree and Bengal; the present year is 1832 Nagree, and 1182 Bengal.

Q. Are these the books from which you made out the paper produced?

A. They are.

Q. Are all the transactions between Bollakey Dofs and Maha Rajah Nundocomar contained in those books?

A. All the business transacted with Maha Rajah Nundocomar at Calcutta is contained in those books, but what was transacted before he came to Calcutta is not.

Q. Do all the six books you mentioned, relate to transactions at Calcutta?

A. Two books relate to the transactions at the army; he was at that time with the army at Mongheer: what was done there was entered in his books, those are the books not brought. Bollakey Dofs remained with the Nabob: whatever he transacted there, is in those books; he had houses at Moorshedabad, and other places, and at each place there was a different set of books: whatever was transacted in those places, was in books there.

Q. How came this account of the debits and credits of Bollakey Dofs to be drawn up from three books, when he had separate books at different places?

A. What had his affairs elsewhere to do with a statement of his debts and credits at Calcutta?

Q. Then this paper was only a statement of his debts and credits at Calcutta?

A. Yes.

[Upon inspection of the Persian bond in the indictment, it appeared to bear date in the month of Badoon, 1182, Bengal year, which answers to the Nagree year, 1823.]

Mr. DRIVER.

Q. Court. Were those the books deposited in the Mayor's court?

A. Yes.

Q. What other books and papers were delivered from the Court?

A. I have no account of the books and papers delivered from the Court.

[The Court ordered Mr. Sealy, late Register of the Mayor's court, and now Register on the equity side of the court, to attend with the other books and papers in his possession, belonging to the estate of Bollaky Dofs.]

SATURDAY, 10th JUNE, 1775.

MOHUN PERSAUD.

Q. HAVE you the two books relating to Bollaky Dofs's transactions with the army?

A. I do not know where the two books kept with the army are; I never saw them.

Q. How came you to select those three books?

A. I brought these books, because they contain the Calcutta accounts.

Q. Are these all the books and papers you received from Mr. Sealy?

A. There are many books in the chests. I had two chests of papers from Mr. Sealy; they may contain accounts: these three books were at my house; I have three other books at my own house, which may be brought.

[The Court ordered them to be brought immediately.]

KISSEN JUAN DOSS.

Q. Do you know what are become of the other two books?

A. They are at Mohun Persaud's house, he has taken them out of the chest.

Q. When did he take them out of the chest?

A. Fifteen or twenty days, or perhaps a month ago.

Q. Did you see him take them out of the chest?

A. I took them out of the chest, by Mohun Persaud's order, and carried them to his house.

Q. Did he know what they were when he directed you to take them out?

A.

A. He did know.

Q. At what place did you take them out of the chest?

A. At Mr. Driver's house.

Q. Who were present?

A. Five or six persons, whose names I do not know; Mr. Driver was not there.

Q. How do you know that Mohun Persaud knew the contents of those books?

A. He told me to take out the books of the army, and of Calcutta, out of the chests; he then took them home.

Q. Who kept the key of the chest?

A. [by Mr. Driver,] I think Mohun Persaud; it was given to Gungabissen, and I believe he gave it Mohun Persaud.

KISSEN JUAN DOSS.

Q. Where are the accounts of the first year after Bollakey Dofs's arrival at Calcutta?

A. They are in the books of the army accounts.

Q. How comes it so?

A. There was no harm in that, as the balance was put into the new books.

Q. Does that balance contain a balance of the Calcutta accounts only, or of the Calcutta and army accounts?

A. Of all the accounts; when one year ended, the balance was carried to the next year's accounts.*

JUNE 10th, 1775.

MOHUN PERSAUD.

Q. **W**HEN did Bollakey Dofs die?

A. In the month of Assar, Nagree year, 1826, or June, 1769.

Q. Did Bollakey Dofs make any will?

A. He left a power of attorney.

Court, The probate is the only proper evidence.

The Probate of the will, of which the following is a translate, was read.

By the MAYOR'S COURT at Calcutta, at Fort William in Bengal.

(L. S.)

II. MAY, REG^R.

BE IT KNOWN to all men by these presents, that on the eighth day of September last, one thousand seven hundred and sixty-nine, the will of Bollakey Dofs, deceased, a copy whereof is hereunto annexed, was exhibited and proved before the court; and administration of all and singular the goods, chattels, and credits of the said deceased, in any wise belonging, was, and is hereby committed to Gungabissen, one of the executors in the said will named, being first sworn, well and truly to administer the same, and to pay the lawfull debts of the deceased, and the legacies in the said will contained, as far as the goods, chattels, and credits of the said deceased shall extend, and the law oblige; and also to exhibit into this court a true and perfect inventory of all the said goods, chattels, and credits, on or before six months from this day; and to render into this court a true and just account of all the effects of the said deceased, on or before the twenty-fourth day of October, which will be in the year of our Lord, one thousand seven hundred and seventy. Dated the day, month, year and place above mentioned.

Signed, DAVID KILLICAN, ☉
Mayor.

Signed, CORNELIUS GOODWIN, ☉
Alderman.

Q. What do you know concerning the transactions between Bullakey Dofs and Maha Rajah Nundocomar?

A.

* It being now eleven o'clock, the Court made no adjournment, but one of the Judges at least always remaining in the court, or in a room adjoining, and open to the court, the Jury retired to another adjoining room, under the charge of the Sheriff's officers, to take refreshment and to sleep. The Court met the next day about eight in the morning, and proceeded on the cause; the like was done at the end of each day, and at other times in the trial, when refreshment was necessary.

Q. The accounts of them are in the Cotta, Nagree year 1825, or 1768 Christian æra.

A. What do you know of Maha Rajah Nundocomar's transactions with Pudmohun Dofs, and Maha Rajah Nundocomar's with Bollakey Dofs in his lifetime?

Q. About five months after the death of Bollakey Dofs, Pudmohun Dofs and Gungabiffen obtained the bonds from the Company, on the account of Bollakey Dofs, and carried them to Maha Rajah Nundocomar. In the evening of that day, Pudmohun Dofs informed me of that circumstance. I then shewed Gungabiffen the power of attorney granted to me, and which I had before shewn to him, in order to prove to him that ten thousand rupees only were due to Maha Rajah Nundocomar; and the day afterwards, I went to the house of Maha Rajah Nundocomar. He desired me to sit down, and said, The Company's bonds are received; some durbar expences will arise on them. I answered, I am an Attorney; to whom ever money is paid, their names must be written down, and filed in the audalet: to which he answered, What is that to you? I will do it. I then went to my own house: four or five days after, I returned to Maha Rajah Nundocomar: he asked me if Pudmohun Dofs had spoken any words to me; I answered, No: he then said, I and Pudmohun Dofs have drawn out (teekkeeah) three papers; the amount of one is 48021 sicca rupees; the amount of the other two together is 35,000 arcot rupees. I remained silent, and some little time after went home.

Fourteen or fifteen days after, Pudmohun Dofs said to me, Come along with me to the house of Maha Rajah, and take the Company's bonds, which he has received. I with Gungabiffen and Pudmohun Dofs accordingly went thither: it was night time, the lamps were burning, and the Maha Rajah was sitting above stairs: we sat down by him, and Maha Rajah called for his escurtore and opened it, and took out all the papers that were contained in it, and spread them before him: he cancelled (by tearing the top) a Nagree bond for 10,000 rupees; he also produced the potta of the house, and gave

the cancelled bond and the potta into the hands of Gungabiffen; he likewise tore the heads of three Persian papers, and said to Gungabiffen, Do you take these.

[Bond shewn him]

Q. Is this one of the papers he cancelled?

A. I did not then know what the papers were, I cannot read Persian; this is one of them. I have since informed myself of the circumstance: at that time I could not tell, I now know that it is for certain. After having torn the tops of the papers Maha Rajah Nundocomar offered them to Gungabiffen, who said, Give them to Pudmohun Dofs. Maha Rajah then looked at me sideway angrily, and turning to Pudmohun Dofs said, Do you take the papers. Pudmohun Dofs took them; Pudmohun Dofs and Maha Rajah kept counting by their memories some sums of money on their fingers, but wrote nothing down. Maha Rajah said, I will take eight bonds: having separated the other seven, he put them into the hands of Pudmohun Dofs: there were originally nineteen bonds; the Governor and Council took two, on account of commission due to one Michael; the other seventeen were given to Maha Rajah. When he gave the seven bonds to Pudmohun Dofs, he said, You have before taken two: he answered, I have. Maha Rajah said to Pudmohun Dofs, Indorse the eight bonds I have taken: Pudmohun Dofs answered, I will get them indorsed by Kiffen Juan Dofs, the Gomastah of Bollakey Dofs. Maha Rajah put the eight bonds into the hands of Choiton Naut Podar. I, Pudmohun Dofs, Gungabiffen, and Choiton Naut, (into whose hands the bonds were put) went out together, and sat down in my bhaita khauna (sitting room) Pudmohun Dofs sent a man to call Kiffen Juan Dofs. Kiffen Juan Dofs arriving, indorsed the eight bonds, and Pudmohun Dofs gave them to Choiton Naut Podar, who carried them away.

Q. Do you know of any receipt or acknowledgement for those bonds?

A. I was at that time confined in the court of Cutcherry: he never wrote, or signed any

any receipt before me. Pudmohun Dofs took a receipt from him, but I do not know when he got it. [Paper shewn to witness, marked F] This is the receipt: I know it, because I took a copy out of the Mayor's Court.

Q. Are you sure this is the original?

A. I do not read Persian; the Monshy took the copy by my directions.

Q. Do you know of any further transactions?

A. I know a deal more of Bollakey Dofs's business, but not of these eight bonds.

Q. Did any conversation pass between you and Commaul O'Dien Ally Cawn about this transaction?

A. Some money was due from Commaul O'Dien on account of Bollakey Dofs; I did not know what the amount was. Commaul O'Dien said it was about 600 rupees: I then said, Pay it to me: the demand was made three or four different times. Commaul O'Dien one day came to me at my house, and said, I cannot pay this money, I have none. I then shewed him copies of the different papers I had taken out of the court, and desired him to look at them: he read them, and having read them, said, This is the impression of my seal: when this paper (hkkut) was written I do not know; the name on the seal is mine; where, or when the paper was written I do not know, I am not a witness to it. About four, five, or six months afterwards Commaul O'Dien again came to me, and said, Maha Rajah Nundocomar is security to government for me, for the pergunah of Hidgellee: he says to me, Do three things, and I will be and remain your security: with respect to the bond of Bollakey Dofs say that you are a witness, and having sworn before the Gentlemen of the adawlut give evidence of it: write out also an account of receipts of money (Burrâ mud) against Mr. Lushington: write out likewise a Burrâ mud against Bassent Roy. Cummaul O'Dien told me, he then answered that he could not speak away his religion: if I can get any one else to stand my security, I will give up all thoughts of him. I at that time sent for Mahomed

Allum, who lives three doors from the house I inhabited, in a house belonging to me: he came to me, and I told him all the Maha Rajah had said to Commaul O'Dien, and likewise told him Commaul O'Dien's answer to Maha Rajah Nundocomar; I likewise said to him—

Court. What you said to Mahommed Allum is no evidence.

Q. Do you know if Bollakey Dofs could write Persian?

A. He neither could read it nor write it, nor did he understand it well.

Q. Did you ever see him execute bonds or other papers?

A. I have seen him. Sometimes he wrote the bonds himself in Nagree, sometimes in Bengal, but always signed them with his own hand: he did not write the body of the bond with his own hand, for he could not write Bengal.

Q. How did he execute bonds?

A. He always put his sign manual to a bond.

Court. [Q. to Mr. Elliot.] What word does he use for bond?

A. *Immasook*, which is a Persian word; it is *kbut* in the Nagree language.

Q. [To witness.] Did he put any thing besides his sign manual?

A. He put his seal to letters; I never heard of his putting his seal to obligatory papers, on which money was to be received.

Q. What is the usual manner of Nagree Merchants executing bonds; do they put their sign manual, or seal?

A. At Agrah, Delhy, Lahore, Guzerat and Surat, it is the custom of Shroffs to get the body of the bond wrote by their Gomastahs, and they sign it with their own hands.

Q. How do Nagree Merchants and Shroffs in Calcutta execute bonds?

A. Shroffs in Calcutta sign a bond, and do not fix any seal.

CROSS EXAMINATION.

Q. Where does Gungabissen now live?

A. In my house.

Q. How

Q. How long has he lived there?

A. It may be two years and a half, or three years.

Q. What age is he, and in what state of health?

A. I do not know his age exactly, he is a young man.

Q. Has he any particular infirmity you know of?

A. He has been sick something above two years; he was at first very ill, then got better; he is now worse.

Q. How long is it since he relapsed?

A. How can I tell when he became worse? He is not a dying man, but very ill.

Q. How do you know that he has got worse?

A. Because he is in my house, I see him every day.

Q. When did he get better?

A. I cannot ascertain that date so exactly to commit it to writing.

Q. I do not ask the exact date; will you tell it as near as you can?

A. Some days he has violent purgings, at other times he gets better; it sometimes continues upon him for ten days, more or less.

Court. Give a positive answer to the question.

A. I cannot tell.

Q. How was he yesterday, how is he today?

A. I do not know, I was here all day.

Q. Would not you have heard if he had been so ill as not to be able to come out?

A. I heard nothing of him last night, he has not for a long time been in a state able to go out of the house; some time ago he went twice to the court house to sign papers.

Q. Can you particularize the time?

A. About a month or two months ago, I believe; I cannot tell exactly.

Q. Has he ever been out since he was last at the court house?

A. He has never been out of his house since the time he came to the court house to sign the papers.

Q. Has he since then been so sick as not to be able to go out?

A. He is so weak that he has been obliged to be held up by people when he came out of the house.

Q. Can any person that wanted to see him have access since he went to the court house?

A. Any person having business has access, several have seen him since.

Q. Who has seen him?

A. I do not put a watch over him; how can I tell who has seen him?

Q. Mention one that has seen him?

A. Kissen Juan Dofs, Baul Govin, Kirib Dofs Pattuck.

Q. Do you know any more?

A. A great many people have seen him besides; any body that wishes to see him may.

Court. Q. Name some others?

A. Monic Chud Baboo, the son of Huzzy-mull, Jaggernait Dugonaut Duboo.

The Counsel for the Prisoner, suggesting that Gungabissen was under confinement, and not so ill as alledged by the witness, the court requested Dr. Williams and Dr. Stark to examine Gungabissen, and report to the court whether he could safely come out and give evidence, or not.

Q. You said Bollakey Dofs drew a draught on Benares in favor of Lord Clive for a lack of rupees. Is that transaction in those books?

A. It is.

Court. How do you know it was paid?

A. It appears in the books, a receipt was transmitted from Benaris, and Lord Clive paid the money.

Q. Can you find it out?

A. I can.

Mohun Perfaud and Kissen Juan Dofs examined the books, and found the following entry.

[Kissen Juan Dofs.] The particular account of this transaction is in the Rosenamma.

ENTRY read.

“ The cotta written in the name of the Dewan Nabkiffen.

	R.	
Debit side, page 403	-	20000 0
420	-	100000 0
428	-	7000 0
Making in the whole		127000 0
Credit side, page 427	-	33517 8
429	-	93482 8
		127000 0

Court. Give a translation of the Rosenamma, page 424.

“ In the name of the Dewan Nobkiffen, 14 Maug, 1822, (Saturday 1st of August) 20000 0

Particulars as follows

Paid by Dukee Ramfeil 14600 0
10000 of which was paid on the 21st of Fagun, and 4600 on the 24th day of the same month.

Court. Look whether there is any mention of the lack of rupees of Banaris in this page.

Mr. Elliot. We are not now upon the lack, but upon the 20000 rupees.

Dr. Williams and Dr. Stark returned from examining Gungabiffen, and inform the court he was so ill that he could not possibly attend.

Kiffen Juan Dofs continues reading from the Rosenamma.

“ Page 424. In the name of the Dewan Nabkiffen, a letter of credit (sefaurush) has been written upon Bridjoo Mohun Dofs and Curhick Dofs, on account of Lord Clive, and paid to Mr. Chamier at Banaris, for which a receipt was given on the 5th day of Chyte, one lack of sicca haulee Banaris rupees.

MOHUN PERSAUD, *Cross Examination.*

Q. Whose property was the money in that account? was it belonging to Bollakey Dofs, or the house at Banaris?

A. How should I know? It will appear in the books.

Q. Has any notice been served upon you by Mr. Jarut?

A. Yes.

Q. Who was the witnesses to the bond you say is a false one?

A. Mahomed Cummal Selabut, and Matob Roy, I believe.

Q. Do you know or can you give any account of Matob Roy?

A. I never knew, saw, nor heard of Matob Roy; I may have seen many people of that name, that I do not know.

Q. Do you know Selabbut?

A. He was of the same cast with me, I knew him well.

Q. Where is he?

A. Dead.

Q. Where did he die?

A. In Calcutta, in the house of Bollakey Dofs. Bollakey Dofs was then living.

Q. How long before Bollakey Dofs's death?

A. Bollakey Dofs died in 1826, or 1769. my house and the house of Bollakey Dofs are near.

Q. How long before the death of Bollakey Dofs did Selabut die?

A. I cannot tell exactly, he died some time in the year 1823 of Nagree, 1767.

Q. What was Selabut?

A. He was a Vakeel of Bollakey Dofs's. I knew him well, he came to Calcutta before Bollakey Dofs: he was an Agra Walla; I never eat rice with him, nor he with me; he would eat rice which my servants dressed.

Q. What was Selabut's usual method of attesting papers as a witness?

A. I have seen him frequently with my own eyes take off his seal, wet two or three papers, and fix his seal to them.

Q. Was not Selabut bred to some kind of business with Bollakey Dofs?

A. He was Vakeel of Bollakey Dofs, and executed whatever business he ordered.

Q. Did

Q. Did he write Nagree?

A. I never saw him; he wrote Persian in my presence: he has also fixed his Persian seal in my presence; I have now in my possession writings of his.

Q. Were Bollakey Dofs and Sielabut of the same cast?

A. They were both Agra Walla's, but I do not know if of the same cast: by Agra, I mean the place he came from.

Court. Was he a Nagree Merchant or Shroff?

A. I do not know.

Q. When did you know, according to your own account; or when did you suspect this a false bond?

A. After the bond had been given by Maha Rajah Nundocomar to Pudmohun Dofs, and I had read it, then I imagined it to be forged.

Q. Was that the first time?

A. From the day on which Maha Rajah Nundocomar mentioned to me Durbar charges, some doubts arose in my mind.

Q. When was it that you first heard mention of the bond?

A. I never heard of it till Pudmohun Dofs shewed it me. Maha Rajah Nundocomar had mentioned a circumstance of three papers, but had not specified this bond.

Q. What were those doubts you mention?

A. That the Durbar charges were not just and fairly charged, because I knew Mr. Verelst, Mr. Cartier, and Mr. Ruffel had not received any.

Q. Was any mention made of their names?

A. Their names were not mentioned, but Mr. Verelst was Governor, and Mr. Cartier was second.

Q. When did you first hear of Durbar expences?

A. When Pudmohun Dofs had told me of the Company's bonds, I went the next day to Maha Rajah Nundocomar, and then heard of the Durbar expences. I heard it before from Pudmohun Dofs, who had mentioned some circumstances concerning Gocul, Gosaul, and Nobkissen; and he said, You must prepare a jewel, and then the Gentlemen will pay you your money. I do not remember having

heard any thing else concerning Durbar expences, before I heard it from Maha Rajah Nundocomar.

Q. Who were present when those papers were delivered?

A. I, Gungabissen, Pudmohun Dofs, and the Maha Rajah. Choitanaut came in to receive the bonds; a person of the name of Goossud, by the orders of Maha Rajah, brought a little escuratore. I saw no one else.

Q. Can you take upon you to say there were no one else?

A. How can I say there was no one else? I saw no one else.

Q. If there had been any one else, should you have seen him?

A. We sat in the dhalan, (hall); there was no one present but those that had been mentioned. When Goossud came in, and had delivered the escuratore, Maha Rajah sent him away.

Q. Were you three, Gungabissen, Pudmohun Dofs, and you, ever at Maha Rajah Nundocomar's house at any other time?

A. Frequently, together and separate.

Q. Mention the time.

A. I used to go every day, I cannot mention any particular period when we were all together.

Q. Can you tell me if at any other time papers were produced?

A. I never saw him at any other time take or give papers relative to Bollakey Dofs's estate.

Q. When you saw the papers at Maha Rajah Nundocomar's, you knew not what they were: how come you now to know the bond to be one of them?

A. Maha Rajah Nundocomar put this paper in the hand of Pudmohun Dofs: he tore it at the top; I did not read it at that time; Pudmohun Dofs afterwards brought it to me, and explained it to me as one of the three papers.

Court. Are there any other circumstances by which you know it?

A. There is also this circumstance, that I knew Bollakey Dofs did not owe Maha Rajah more than 10000 rupees.

E

Q. Did

Q. Did you ever see Bollakey Dofs execute any bond?

A. I never did: was I to see his hand writing, I should know it.

Q. [Question repeated]

A. I saw him execute a bond for 1000 rupees.

Q. *by Court.* Was you intimate with Bollakey Dofs at the time of the wars between Jaffier Ally Cawn, and Cossim Ally Cawn?

A. I have been acquainted with Bollakey Dofs 14 or 15 years: we corresponded then.

Q. Did you ever hear of any jewels belonging to Maha Rajah Nundocomar, being deposited with Bollakey Dofs?

A. I never did. I was together with Nobkissen when he introduced Bollakey Dofs to Lord Clive.

Q. Have you discovered any material transaction of Bollakey Dofs, except this bond, which he did not tell you of?

A. Bollakey Dofs used not to inform me of all he hid.

Q. Do you recollect being at Mr. Driver's house some time ago, and taking away some books of Bollakey Dofs's?

A. I took them, [pointing to the books produced in court.]

Q. Who was present when you took them?

A. Kissen Juan Dofs and Mr. Driver's firicar.

Q. Did Kissen Juan Dofs take them from the chest, or did you take them?

A. He did.

Q. Did you tell him the books by name?

A. I desired him to look into the books respecting an account of Rogoo, and also into the Calcutta books.

Q. Did you ask for any other books?

A. I did not.

Q. Did you not ask for the army books?

A. I did not particularly mention the army books, but desired him to look for the books of Rogoo's accounts.

Q. Are the books concerning Rogoo the army books?

A. I do not know whether it was entered in the army books or no.

Q. Do you now know, whether Rogoo's accounts is in the army books or no?

A. I have not looked into the books.

Q. Don't you know there are books called army books?

A. I do not know.

Q. Do you know whether, among Bollakey Dofs's books, there are any that relate to transactions at the army?

A. I had not seen the books before, when Kissen Juan Dofs brought them to my house, and examined them.

[The bond produced.]

Q. [Counsel for the Crown.]

Is this one of the three papers you saw Maha Rajah Nundocomar tear, and deliver into the hands of Pudmohun Dofs?

A. Yes.

Q. Was there money paid on this bond?

A. The Company's bonds were thereupon indorsed to Maha Rajah Nundocomar.

Q. Did Maha Rajah Nundocomar, before this transaction, before the three met, when the bond was delivered up, ever mention to you his having such a bond?

A. Maha Rajah Nundocomar told me, that he and Pudmohun Dofs had drawn up these three papers, one of the papers for 48021 rupees, and two papers for 35000 rupees. Gungabissen was not present.

Court. Q. Where was the bond found?

A. It was deposited in the Mayor's Court, as part of the estate of Bollakey Dofs.

Q. When Maha Rajah Nundocomar told you that he had drawn up three papers, was Gungabissen present?

A. He was not.

Mr. SEALY, late Register of the Mayor's Court, called and sworn.

Court. Q. Look at that paper, [bond shewn him] was it among the papers belonging to Bollakey Dofs?

A. It was.

Q. Was it torn then?

A. It was.

Q. Are you enough acquainted with money transaction in this country, to know whether that is the customary way of cancelling bonds?

A. I am not.

Q. Was this paper delivered with other papers belonging to the estate?

A. I do not know. I was not then Register; it was one of the papers that was delivered to me as belonging to the estate of Bollakey Dofs.

RAJAH NOBKISSEN.

Q. Do you know whose seal this is? [paper produced]

A. The name upon the seal is Maha Rajah Nundocomar. It appears to be his seal; I cannot tell who affixed it.

The paper of which the following is a translate read by Mr. Elliot.

Nundocomar Bahader Maha Rajah.

FORMERLY the jewels belonging to me were deposited with Seat Bollakee Dofs. In the Bengal year, 1172, he gave me a bond as the value thereof, for the sum of rupees, forty-eight thousand and twenty-one, and a premium. I having delivered over the said bond to Gungabissen, who is the nephew and manager of the business of the aforesaid Seat; he paid all together the sum of current rupees sixty-nine thousand six hundred and thirty, in bonds of the English Company, which is the amount of my demand, as principal, premium, and batta.

Written on the fourth of Maug, in the Bengal year, 1176.

Court. Is the affixing a seal, the manner in this country of authenticating papers?

A. There are three sorts of customs in this country. First, for money matters, Merchants among themselves sign and witness, but do not seal; that is, the Bengal and Calcutta Merchants.

Second. Among Mogul Mussulmen, who know no character but Persian, they write Alaabd, and set their seals.

Third. Government affairs pass by seal, without sign manual of any kind.

Q. Is the application of a seal sufficient to such a paper as that? [shewn receipt, letter F.]

A. As one might know Nagree, and the other Persian and Bengal, such a seal might be sufficient. This paper being only a receipt, a seal is sufficient. The word Alaabd is not needful in this case.

Q. Is it necessary that such a writing as this be confirmed by witnesses?

A. It is not necessary. [Translate of bond exhibit A. read.]

The Prisoner desired he might ask Rajah Nobkissen a Question.

Court. Let him consult his Counsel before he ask the question. [The question being over-heard by Nobkissen, he said, "Maha Rajah Nundocomar had better not ask me that question:" Upon which Nundocomar declined asking the question.]

Court to Jury. You must receive no prejudice from this; you must forget the conversation, and judge only by the evidence at the bar.

[The Jury said they would only judge by the evidence.]

Q. How long did you know Bollakey Dofs before his death?

A. I believe, three or four years, when Lord Clive was Governor.

Q. What was Bollakey Dofs's business?

A. He was not then in any business in Calcutta.

Q. Was you intimate with him?

A. I was very well acquainted with him.

Q. What was his general character?

A. A very honest man.

Q. Did you know Pudmohun Dofs?

A. I did.

Q. Do you know any thing of Bollakey Dofs's circumstances?

A. He was reckoned a monied man.

Q. Are you acquainted with Bollakey Dofs's manner of executing bonds?

A. I know nothing about it.

MOONSHEY SUDDER O' DIEN.

Q. Did you know that seal? [receipt exhibit F. produced.]

A. The name of Maha Rajah Nundocomar, Bahader, is to the seal. I frequently, when I was Moonshy to Mr. Graham at Burdwan, had occasion to see the Rajah's seal; this appears to be his: as an oath has been taken, I have only to say, that it appears to me in my mind to be the same: I believe it to be the seal of Maha Rajah Nundocomar.

Q. Is the application of the seal alone, without the word Alaubd, deemed sufficient authentication to such a paper?

A. It is proper that a receipt should be signed.

Q. You are asked if the seal alone is sufficient authentication. What is the custom? Is it generally esteemed sufficient in a country court of justice?

A. This is what I think; a man of rank, whose seal is well known in the country, and is known to above ten people, it is a sufficient authentication for such a person as this. If the chief person of the court is not satisfied, he can call witnesses and swear the person himself.

Q. Have you sat as a Judge in a country court?

A. I was once a Durongah of a Cutcherry at Burdwan, under Mr. Graham.

Q. Would you, as a judge of the Court of Audalet, admit the authenticity of such a paper, supposing the identity of the seal to be acknowledged, without the assurance of the person, that he had sealed it himself?

A. I would call witnesses if it was denied; I would call witnesses and oaths.

Q. To what purpose?

A. I would enter into a regular trial, to prove if his seal had not been stolen by his servants, or whether it was a forged seal.

SABOOT POTTACK.

Q. Was you acquainted with one Sielabut?

A. I remained in the same place with him, from the time I was ten years old, till he died. When we were at Delhi, our houses were separated; at Mongheer and Calcutta we lived together in the same house: Sielabut was Vakeel to Bollakee Dofs, and wrote Persian for him.

Q. Have you seen him write?

A. I always used to see him write.

Q. Do you know his hand writing?

A. Perfectly well.

Q. What name is upon this bond?

A. That of Sielabut, Vakeel to Bullakee Dofs.

Q. Is this the hand writing of Sielabut?

A. No.

Q. Can you take upon you positively to swear it is not his hand writing?

A. I can swear it.

Q. On what grounds are you so positive?

A. I am well acquainted with the form of the letters of the hand writing in my possession.

Q. How did Sielabut use to attest Persian writings?

A. He used to witness and put his seal under it.

Q. What do you mean by that expression?

A. Writing the word Witness, and putting his seal under it.

Q. Have you seen him attest any paper?

A. I have seen him very often.

Q. Did he write better or worse than the paper shewn you?

A. This is a better hand writing than Sielabut's.

Q. Did he write a good or bad hand?

A. He wrote rather a bad hand.

[A paper produced.]

Q. Whose hand writing is that?

A. The hand writing of Sielabut.

[More papers produced.]

Q. Do you discover Sielabut's hand writing among these papers? If you do, separate them from the rest.

A. There is not any of Sielabut's hand writing among them.

[More

[More papers produced.]

Q. Is there any of his hand writing among these?

A. Those three papers have his hand writing. [The three papers were put aside, and marked G.]

Q. Have you any more papers of Sielabut's hand writing?

A. I have none.

Q. When did Sielabut die?

A. Six years and three months ago.

Q. Where did he die?

A. In an out-house near the dwelling-house of Bollakey Dofs. It was a Bearer's house.

Q. Was you present when he died?

A. I was present.

CROSS EXAMINATION.

Q. Where was you born?

A. At Delhi.

Q. When did you first leave Delhi?

A. About nine years ago.

Q. Where was Sielabut born?

A. Sielabut was an older man than me when he died; I cannot tell where he was born.

Q. What cast was Sielabut?

A. He was an Agra Walla, and a Banyan.

Q. What cast are you?

A. A Bramin.

Q. Are there any Bramins among the Agra Wallas?

A. They are all Banyans.

Q. Where is Agra?

A. Agra is a village, or town, in the pergunnah of Huffaul.

Q. When did you first see Sielabut.

A. I saw him first at Delhi, but do not recollect when.

Q. How old was you when you first saw Sielabut?

A. Ten years old.

Q. When you first saw Sielabut, upon what business did he come to Delhi?

A. He acted at that time as Vakeel to the Kings Wolocky, Cavalry.

Q. In whose service are you now?

A. I am in no body's service. I carry on a little business of my own.

Q. Upon what occasion came you to live with Sielabut?

A. When Sielabut served the Wollaky troops, I was a servant to him.

Q. What service could you do him at that age?

A. Persons of five years of age enter into the service of Merchants; I was ten years of age; I did whatever he bid me, assisted him in his trade, went of messages, and gave answers.

Q. How long did Sielabut remain at Delhi?

A. He left Delhi with Mynhier O' Dowlah, into whose service he entered.

Q. Where was that?

A. I do not exactly remember, it may be about fourteen years ago.

Q. Did you leave Delhi with him?

A. I did not go away with him: my father did.

Q. What employ had your father under him?

A. He did not serve Sielabut, he was above being in his service.

Q. How came you first to Calcutta?

A. I came to Sielabut.

Q. How came your father above serving Sielabut, when you did?

A. I served him in a particular manner: he left much business under me.

Q. When Sielabut executed any paper of his own, did he put his seal, or signature?

A. When he executed deeds of his own, he began, "I who am Sielabut," and fixed his seal to the deed.

Q. Did you ever see Sielabut sign or attest any paper instrument?

A. When I and Sielabut went to Jagger-naut, Bollakey Dofs paid him some money, for which he gave a receipt; he put a seal to it.

Q. How old are you now?

A. Thirty nine years.

Q. How long did you live with Sielabut at Delhi?

A.

A. I was with him when he was Vakeel to the Royal Cavalry, to the Nabob Buckah.

Q. At what different places was you with him?

A. I was with him at Delhi, at Bauneehenvonput, which is the jaghire of Naggeer Pollywn: I was with him in the Nabob Sujah al Dowlah's army at Buxar. Sillabut came to Calcutta with Bollakey Dofs, and I went home: He went from Calcutta to Jaggernaut, from whence he returned to Calcutta, where he died.

Q. Have you been with him at any other places?

A. I have been at other places with him on a journey: I have lived with him at the places I have mentioned, but no other.

Q. *Court.* Was you with him at Mongheer?

A. I was not at Mongheer; nor was he there, that I know of.

Q. How came you to know the situation of this house at Mongheer?

A. I know nothing of his house at Mongheer, nor have I said any thing about it.

Q. How come you to say you lived at Mongheer?

A. I did not give such evidence, that I lived at Mongheer.

[Mr. Jackson observed, that the witness made use of the word *Latcar* (Camp) and Calcutta; which Mr. Elliot interpreted, Calcutta and Mongheer.]

Mr. ELLIOT.

I have frequently interpreted Army and Mongheer as synonymous, because the army was there.

Q. Have you understood this witness perfectly?

A. I have not all through understood this witness so easily as the others, tho' by a repetition of the questions I perfectly understand what I interpret. His Moors is higher than what I am used to.

Mr. JACKSON.

I perfectly understand this man; I learnt my Moors by residing two years high in the

country. I did not so perfectly understand Kerree Dofs Pottack, the father, from whom I interpreted last night.

Court (to Mr. Jebb.) We are informed you say, that the witness Kerree Dofs Pottack did not understand the interpreter, Mr. Jackson.

A. Kerree Dofs Pottack told me last night, when he went from the bar, that he was confused: I told Mr. Driver, that he did not understand the interpreter: I collected this from what the witness told me, not from my own observation.

[The Counsel for the Crown attempted to call Kerree Dofs Pottack to the matters deposed by Subboh Pottack; which was opposed by the Counsel for the Prisoner; and Mr. Justice Chambers being of opinion, that the contradiction upon his evidence was such that he ought not to be believed upon his oath, the Court refused to suffer him to be called.]

RAJAH NOBKISSEN.

Q. Did you know Sillabut?

A. Yes; he was a Vakeel and Munshy of Bollakey Dofs.

Q. Are you acquainted with his hand-writing?

A. I am; I have seen him write many times.

[Bond shewn him.]

Q. Is this the hand-writing of Sillabut?

A. The words "Sillabut, Vakeel of Bollakey Dofs," are not of his hand-writing; it is not his common writing: I have seen several papers of his hand-writing.

Q. Can you take upon you to swear it is not his hand-writing?

A. Sillabut has wrote several letters to me and Lord Clive, and has wrote several things before me: this is not the kind of writing I have seen him write; but God knows whether it is his hand-writing or not.

Q. What is your opinion about it?

A. The prisoner is a Bramin; I am a Coit; it may hurt my religion: it is not a trifling matter; the life of a Bramin is at stake.

Q. Do you, or do you not, think this the hand-

hand-writing of Sillabut? Remember, you are upon your oath, to tell the truth, and the whole truth.

A. I cannot tell what is upon my mind on this occasion about it.

Q. Why not?

A. This concerns the life of a Bramin. I don't chuse to say what is in my mind about it.

Q. Did Sillabut write a better, or worse, hand than this?

A. The letters on this paper are well formed: those of Sillabut are not badly formed, but are not so good as these.

[The papers are shewn him which were shewn to the former witness, for the purpose of selecting those which were the hand-writing of Sillabut: he immediately fixes on the three papers before proved to be the hand-writing of Sillabut.]

Witness. These three are the hand-writing of Sillabut; I can find no other papers of his writing among these.

Q. Did you ever see these papers before?

A. Never in my life: I never was in such a cause: I would rather lose a great sum of money than be in such a cause.

HUSSEIN ALLY.

Q. In whose service are you?

A. I am a servant to Commaul O'dien Ally Cawn.

Q. How long have you been his servant?

A. Two years this last time: I was formerly in his service, and quitted it, and returned to him again.

Q. While you was in his service did you ever receive directions to send a seal to Maha Rajah Nundocomar?

A. I had directions: it was the seal of Commaul O'Dien Cawn; but he was not at that time called Commaul O'Dien Cawn, but Mahomed Commaul.

Q. Did you send the seal in consequence of those directions?

A. I packed the seal in a bag.

Q. Was there any thing put in the bag besides it?

A. I sewed up the bag with my own hand: in it I put three goldmoheers and eight

rupees, besides the seal; and delivered it to Cummaul o Dien Cawn, who said he intended to send it to Maha Rajah Nundocomar.

Q. Did you see the bag afterwards?

A. Never since.

Q. Have you seen the seal since?

A. I have not.

Q. Did you send it away, or did Cummaul o Dien Cawn send it?

A. Cummaul o dien sent it; I did not.

CROSS EXAMINATION.

Q. Do you know Cummaul o Dien's Munshy?

A. I do.

Q. How is he called?

A. Cordan Nowas Cawn.

Q. Do you know of his being applied to to give evidence in any cause?

A. Yes; Cummaul o dien Cawn applied to him to give evidence in the affair of Maha Rajah Nundocomar and Mr. Fowke about the arzee.

Q. Did he use any inducement to persuade him; and what?

A. I know nothing of any.

Q. What passed on that occasion, to your knowledge?

A. I do not know of any thing that passed.

Q. How do you know the Moonshy was applied to?

A. I know that he was applied to, because he actually went to the house of the Lord Chief Justice, to give evidence; I have heard from many people.

Q. Do you know of Cummaul o dien Cawn's offering money to Cordan Nowas, his Munshy, to induce him to give evidence?

A. I do not know of any such offer.

Q. Do you know one Mahomed Wassen, a seal cutter?

A. I do.

Q. Do you know of his having been applied to to give evidence?

A. I do not know of his having been applied to; he asked him if he had cut a seal, of which he shewed him an impression, and said, Tell the truth, and do not throw your religion unto the wind. This is all I know.

A.

Q. In what capacity did you serve Com-maul o Dein Cawn?

A. I am his Consumma.

KISSEN JUAN DOSS.

Q. How long did you serve Bollakey Dofs?

A. It is twelve or thirteen years since I went into his service.

Q. In what capacity did you serve him?

A. It was my particular province to write the papers.

Q. Was you well acquainted with all Bollakey Dofs's business?

A. Bollakey Dofs had many servants, of all whom Pudmohun Dofs was best acquainted with his affairs; he was the chief. What papers I wrote, I wrote them understanding them.

Q. What was your particular business under Bollakey Dofs?

A. To write papers.

Q. Did you write in the books?

A. Pudmohun Dofs and I wrote in them; he was the chief; what I wrote I understand; other people also wrote in them.

Q. Did you read what was written by other clerks?

A. I did.

Q. Did you ever know of any debts due from Bollauky Dofs to Maha Rajah Nundocomar?

A. I knew it from Pudmohun Dofs only.

Q. Did you know of any bond to Maha Rajah Nundocomar from Bollauky Dofs, of your own knowledge?

A. I knew of one for ten thousand rupees.

Q. Did you ever hear of any jewels of Maha Rajah Nundocomar's being in Bollauky Dofs's possession?

A. I did not hear it from Bollauky Dofs.

Q. Did you write the bond for ten thousand rupees?

A. No; Mohun Persaud's brother, Iwalatte Persaud, wrote it at Chandernagore. I have seen the bond here.

CROSS EXAMINATION.

Q. How many books of Bollakee Dofs have you seen here?

A. Eight, [eight books produced] five of which are of consequence.

Q. Do these five contain all the accounts of business which came within your knowledge and charge?

A. Yes.

Q. Had not Bollakee Dofs, besides his business account, many of a private nature which came into these books?

A. There were other private accounts contained in books which were stolen or destroyed from Bollaukeey Dofs, when we were at Buxar with the army. This will appear by the books produced; you must not take it from my mouth: I never saw those books that were stole; balances from those books are entered in the books on the table.

He turns to the books, and reads this entry.

“The Jumma of Dean Chund Ruttingar, as entered in the private cottah of Bollakee Dofs.”

“YOUR Jumma in the private accounts of Bollakee Dofs. Those papers were plundered at the battle of Buxar; therefore Rut-ton Chund having drawn out your accounts, and having extracted your accounts from your books, according to orders, an entry is made of them here.”

Witness. There is an account in the Rose-namma here produced, of the contents of all the papers and books that were stolen.

JUNE 11th, 1775.

MR. Justice Le Maistre having suggested, that Dr. Williams had informed him, that Gungabissen might be brought into court on a cott, to give his evidence, and the Jury being very desirous to hear it, the Court declared their opinion, that Gungabissen having a great interest in the estate of Bollakee Dofs, which was divided by his will in shares accordingly to the component parts of a rupee, the Counsel for the Crown would not be entitled to call him; the Prisoner was therefore told to advise with his Counsel, and say whether he wished to have him called. The Court at the same time acquainted the Jury, that as Gungabissen was a witness who would not be called on the part of the Crown, they must receive no prejudice if the Prisoner declined calling

calling him; because, if called by the Crown, he would have a right to object to him, on account of his interest. The Prisoner having consulted with his Counsel, returned for answer, that if he was sure Gungabissen would speak to the truth, he should be desirous to have him called; but that he considered him as under the influence of Mohun Perfaud, and therefore feared that he might not speak the truth, and that he declined calling him; but the Jury shewing a strong desire that he might be called, the Prisoner and his Counsel consented that his evidence should be received; whereupon Dr. Williams and Mr. Stark were again sent, and on their return Mr. Williams was sworn.

Q. for Court. How was Gungabissen yesterday?

A. I went to Mohun Perfaud's house; I found him laying upon his cot. The first question I asked him was, what his name was: He said, Gungabissen. I asked him as to his disease: he told me, he had a severe flux; ten, twenty, or thirty stools a day; a continual thirst; and that on drinking, he went to stool, and it came from him immediately. I felt his pulse, and found him to have a slow hectic fever; and I believe he has a scirrhus liver.

Q. When you saw him yesterday, did you think he could be brought into court?

A. I thought he could not with safety. On my return, I reported to the Chief Justice in court, that I did not think it safe to bring Gungabissen to the court. I thought it, and reported it. I afterwards acquainted Mr. Justice Le Maistre, that if there was an absolute necessity for his appearance here, I thought he might be brought on a cot; and I would attend him myself. Mr. Justice Le Maistre having before that said, that the Gentlemen in the House of Commons were sometimes brought in their flannels, then I said what I mentioned about the cot. I went to see Gungabissen this morning, with an intention, if possible, to have brought him here. I was the first person that entered his room: I found him off his cott: no one was in the room I saw him in yesterday: he was not in the room I saw him in yesterday; but in a

little room of Veranda, contiguous to that in which he lay, supported by three or four people, at stool, and so much exhausted, that he tumbled on the cot when they brought him to it, and it was some time before he could give me an answer. After recovering his strength, I asked him some questions relative to his disorder; he told me he was worse, and that his very bowels were coming from him: I told him he must go with me in a Dooley: he said that it was impossible; did not I see what a state he was in? and held out his hand to me. He was then in a cool sweat, with a low pulse. I further proposed to him, that he should go in his cot, and be lifted over the Veranda by ropes, and be covered up. He replied, he must die if he went; he could not go; he must die. I then desisted from any farther persuasion, and returned.

Q. What is your opinion?

A. That the man could not be brought here, and carried back again, without imminent danger of expiring from fatigue; and that he has not strength to undergo any examination, after the fatigue of bringing him to court: Had he not told me that he has been exceedingly ill near two years, I should not have supposed he could live many hours, from the state he appeared in this morning.

[Master Mac Veagh, Keeper of the Records, being called, produces three papers.]

Q. What papers are these?

A. The original will of Bollakey Dofs, and a translate of it; together with an account current of Bollakey Dofs's estate.

Q. From whence had you these papers?

A. I received them from Mr. Sealy, the late Register of the Mayor's Court.

MR. SEALY.

Q. Did you deliver these papers to Master Mac Veagh?

A. I did.

Q. Where did you get them from?

A. I took them from the records; they are part of the records of the Mayor's court, and were among the other records and muniments.

Q. Is the account current in English an original paper?

F

A

A. It is.

Q. Are these any part of the muniments of the late Mayor's court?

A. They are.

[The translate of the will of Bollakey Dofs was read, of which the following is a copy.]

A WILL of BOLLAKEY DOSS, in Nagree Language, translated into English.

I, BOLLAKEY DOSS AUGURWALL, being weak in body, do make this my will, as I pretend to dispose of my estate personally, should I live longer; but, in case of my decease, then my said estate to be distributed as follows: After the money due to me by the Company is received, First, I request my debts be paid, agreeable to accounts, and the remainder to be divided into sixteen parts, or sixteen annas, whereof to be distributed for the divine service, viz.

To Sree Goberdun Nautjee, one anna (1 a.) To Saut Mundier, or Seven Pagods, named Sree Be-tthol Nautjee, Sree Mothureshjee, Sree Gocul Nautjee, Sree Modun Mohonejee, Sree Duarrackow Nautjee, Sree Goculchunder Mohunjee, Sree Nownit Peeawjee, two annas, (2 a.) To Sree Bridjupauljee, half an anna, (6 p.) To all the Ballokes of Guffainjee, one anna, (1 a.) To Sree Modun Mohunjee, and Sree Bhugguerrutjee Boho, half a pic, or English (1½ p.) To Sree Govindjee Tickoytmow, half a pic, (1½ p.) To Sree Mohaw Probhojee, half a pic, (1½ p.) To Sree Gopœul Nautjee, and Sree Govindjee, half a pic, (1½ p.) To Poorestum Khetter, half a pic, (1½ p.) To the Bustnubs of Gocul and Brendabun, a quarter of an anna, (3 p.) To all persons assisting in the Sreejeer Saut Mundier, half an anna, (6 p.) To Sree Brayjayr Mohunt, Buyragguies, and Goburden Tulhatty, a quarter of an anna, (3 p.) For the making of Sree Nautjee's garden, one anna, (1 a.) To Sree Bollodebjee, a quarter of an anna, (3 p.) To Sree Gopaul Lauljee, at Banarass, a quarter of an anna, (3 p.) To Sree Jomunahjee, half a pic, (1½ p.) To Sree Baulkiffonjee, at Surat, half a pic, (1½ p.) Ditto, one anna, (1 a.) making in the whole nine annas. The remainder seven annas to be distributed as follows, viz.

To my wife, four annas, (4 a.) To Gungabissen, and Hingoo, my nephews, one anna, (1 a.) To my three daughters, named Shebun Bebee, Gungaw Bebee, and Motichun, three quarters of an anna, (9 p.) or three pics each. To my brother, Sam. Dofs, a quarter of an anna, (3 p.) and from the remainder one anna, (1 a.) To Kissen Jebun Dofs, five hundred rupees, (500 r.) To Pautuckjee, one hundred rupees, (100 r.) To Bafsjee, fifty rupees, (50 r.) and the remainder to other persons.

After the Company's money is received, out of the said money ten per cent. to be paid to brother Prodoomone Dofs, as I have given him a note; and after my debts are paid off, the remainder and residue to be distributed according to the particulars above mentioned.

I have given Baubo Dhorromchun a note for four thousand rupees, (4000 r.) which are to be paid him.

And besides this, the outstanding debts at Dacca, Rungpore, Denazpoze, Purneah, Muxadavad, Houghly, Mungair and Patna; to be recovered agreeable to books and accounts on those places, and the same to be distributed as follows, viz.

To Sreejeer Duarroy, Gooroor Duarroy, and Saut D. Mundier, two annas, (2 a.) To make a garden and well in my name, to be given to the Brahmons, two annas, (2 a.) To my wife, four annas, (4 a.) To Gungabissen and Hingoo, my nephews, four annas, (4 a.) To Prodoomone Dofs, for his trouble and pleasure, four annas, (4 a.) making sixteen annas.

I do further declare, that I had made a power of attorney, before this, in the names of brothers Mohun Persaud, and Prodoomone Dofs; which I leave to the pleasure of brother Prodoomone Dofs. I request, all I owe, and what is owing to me, be paid and received, according to accounts of every settlement. This is my will, which I thought proper to make in my life-time, and desire to be executed in the same manner as aforesaid; and at the request of my wife, I appoint Gungabissen and Hingoo Laul, my two nephews, my trustees. And the management of all the business,

business, debts and dues, books and papers, I leave to the care of Prodomone Dofs.

Mitty, or month of June, fourth day of the moon Sumbet, or the Nagree year, 1826.

Written by Kissenjebun Dofs.

Signed by Bollakey Dofs, who approved of the above writing.

Witness Dorromchurn, Kissenjebun Dofs, being declared by Bollakey Dofs.

Bengal year, 1176, June 12th.

[A true Copy.]

Signed, RICHARD M^c. VEAGH,
Keeper of the Records.

Court. This account is properly no evidence; it is not delivered in by an executor; and very little would arise from it if it had been signed by the executor; for, as the money had certainly been paid, whether properly or not, the executor would have brought it into his account; otherwise he would have been himself chargeable with it.

The Counsel for the Crown closed their evidence.

The Counsel for the Prisoner objected, that there was no evidence of the forgery and publishing of the bond produced; but the Court being unanimously of opinion, that there was sufficient evidence to put the Prisoner upon his defence,

The COUNSEL for the DEFENDANT stated his defence as follows.

That, first, he could call witnesses present at the time when Bollakey Dofs executed the bond: that two witnesses to the bond, now dead, were living when this transaction came to the knowledge of Mohun Persaud: that he would produce letters in Bollakey Dofs's hand writing, admitting the bond, and the circumstances of the jewels, and an account signed by Mohun Persaud and Pud-

mohun Dofs, in the presence of Gungabissen, in which the sum contained in the bond is included, as also a paper in the hand writing of Bullakey Dofs, in which the particulars of the transactions are stated: and that entries were made of the same in the books that were lost, and letters of correspondence between Bollakey Dofs and Maha Rajah Nundocomar, in which this transaction was mentioned.

TAGE ROY called.

Q. Have you got any natural brother?

A. I have one brother only, called Maitabroy; he was my elder brother.

Q. Is he living or dead?

A. He is dead.

Q. Where was he during the last eighteen months before his death?

A. Sometimes at Houghly, and sometimes at Calcutta.

Q. What was his native place?

A. Bareai Adampore, at Donacollah, in the chucklah of Burdwan.

Q. Have you ever seen your brother write?

A. I have.

Q. Can you read Bengal?

A. Yes.

Q. Is this your brother's writing?

[A letter produced, marked I.]

A. It is not my brother's writing.

Q. Who then wrote it?

A. I did, by my brother's direction, in his presence.

Q. Look on the cover: whose seal is that?

A. It is my brother's seal.

Q. Can you read Persian?

A. I cannot read Persian, but I know the seal.

Q. Was the impression on your brother's seal affixed by you?

A. I set the seal.

Q. How came your brother not to write?

A. My brother was engaged in other business, and desired me to write.

Q. To whom was it directed?

A. Mahomed Heeamut Seeragut Roopnarain Chowdrowjee.

Q. When did your brother die?

A. About two years and half ago.

Q. Was your brother a person well known in Calcutta?

A. He was known to rich and poor in Calcutta.

Q. To whom? mention some persons.

A. He was a servant to Sam. Buchy, who was in the gaol. Baboo Huzreymull and Diachund Baboo knew him.

CROSS EXAMINATION.

Q. Was your brother a servant to Sam. Buchy?

A. He was.

Q. On what account was Sam. Buchy in gaol?

A. He was six years in gaol, on a dispute about the Company's salt.

Q. How old are you?

A. Thirty-three.

Q. How old was your brother?

A. Three years and a half older than me.

Q. When did you come to Calcutta?

A. Nine days ago.

Q. From what place?

A. Donyacalla in the chuckla of Burdwan.

Q. On what account did you come to Calcutta?

A. A letter came from Burdwan, from the Rajah of Burdwan's house, calling me there: I did not go on that letter: afterwards Roopnarrain Chowdree wrote me a letter; a peon came with the letter.

Q. Have you got that letter?

A. The letter was wrote to the Jannadar; he did not give me the letter: another letter came to me with a peon and kittree, from Roopnarrain Chowdree: when they arrived I was busy, and was not found; when I was found, they gave me a letter, requiring me to come to the Presence.

Q. What do you mean by the Presence? do you mean the court?

A. I do not mean the Adawlet: they did not tell me plainly where I was to come: they told me I must tell what I knew: I said I knew nothing but what I knew from my brother: I came on that letter: I received it the third of Justin,

Q. Was you ever in Calcutta before?

A. I came to Calcutta nine years ago.

Q. Where did your brother die?

A. At Donyacolly, in his own house: he was ill five months.

Q. Was you ever in Calcutta when your brother was there?

A. Yes.

Q. Who did he live with?

A. Sometimes in the house of Mohun Loll and Nundo Loll: he always staid with Sam. Buchy, being his servant.

Q. When was your brother acquainted with Roopnarrain Chowdree?

A. From the time when he went to Burdwan.

Q. How long ago is that?

A. Ten or twelve years ago.

Q. How long did your brother stay in Burdwan?

A. He never staid long.

Q. What do you mean by the time of your brother's going to Burdwan?

A. My brother went three different times to Burdwan upon business.

Q. When did he first go?

A. The year Mr. Sumner went Chief to Burdwan: he went with Coffenaut Baboo; that was the first time.

Q. Was your brother ever in Burdwan before in his life?

A. Not in the town of Burdwan.

Q. Was he ever in the province of Burdwan?

A. He was born in a chuklah of that province.

Q. Was your brother a servant to Coffenaut Baboo?

A. No: he went with Coffenaut Baboo, who promised to give him employment, as I have been informed.

Q. How long did your brother stay with Coffenaut?

A. Ten or twelve days.

Q. Did your brother write Bengal?

A. Yes.

Q. Did your brother write his letters himself, or you for him?

A. When

A. When I was with my brother, and he desired me to write, then I used to write.

Q. How long is it since you wrote that letter?

A. Thirty-six months.

Q. Where is your brother's seal now?

A. With me: I can produce it.

Q. How long have you had it?

A. It was in my house after the death of my brother: I had it.

Q. Have you sealed any letters with the seal since you had it?

A. No: Why should I seal with the seal of a deceased person?

BABOO HUZREY MULL.

Q. Was you ever acquainted with a person of the name of Matheb Roy?

A. My house is a house of charity: a great many people come backwards and forwards to and from my house: I do not know what Matheb Roy you mean.

Q. Do you know any body of the name of Matheb Roy?

A. There was one Matheb Roy, a kitree, here a great while ago: he came from the westward.

Q. What sort of a man was he?

A. He wore a chowran (broad) turban: he was rather old.

Q. How old might he be?

A. Something above fifty.

Q. How many years ago is it since he seemed to be above fifty?

A. About ten years ago.

Q. Was he fifty ten years ago, or would he appear to be that age now?

A. I saw him then; I speak of his age as then: I have not seen him since.

Court. Have you seen him more than once?

A. I may have seen him two or three times: I do not recollect: it was a great while ago.

Q. Have you ever heard of any body else of the name?

A. I am much employed in business: I cannot tell whether I have seen any other person of the name.

Q. Did you know any of his connections? did you know his relations?

A. I did not.

Q. Do you know whether he had a brother?

A. People know these things by enquiry: I do not.

Q. Did you know whether he was a servant to Sam Buchy, or to any man in gaol?

A. Sam Buchy was formerly my Gomastah: afterwards he set up business for himself: I cannot say whether he was or was not servant to Sam Buchy, as many people went backwards and forwards to my house.

Q. Do you believe he was a servant of Sam Buchy's?

A. I do not remember.

Q. Are you sure that Matheb Roy ten years ago appeared to be above fifty?

A. I never enquired his age: it is only from looking at him: I have mentioned that he appeared above.

Q. Are you sure that he was more than twenty-six years?

A. He certainly was more than twenty-six years: I before said he was fifty years: I cannot tell to a year.

Q. Can you say with certainty, whether you sent a man of the name of Matheb Roy to Burdwan?

A. I do not remember: I cannot say for certain: Sam Buchy can best tell.

Q. Is Sam Buchy alive or dead?

A. He is alive.

COSSENAUT BABOO.

Q. Did you ever know any man of the name of Matheb Roy?

A. What Matheb Roy do you mean?

Q. Did you ever keep any man in your family of that name?

A. There was a person of that name, who was son of Bungoo Loll Sunnuh, Kittree of Burdwan, who used to come backwards and forwards to my house: he did not live in my house, but eat and drank there: Bungoo Loll was a man of consequence; he was a servant to the Nabob.

Q. How

Q. How long have you known Matheb Roy?

A. About twenty-five years.

Q. Is that since you first knew him?

A. Yes; I knew him well; he was a man of this country as well as myself.

Q. What was his figure?

A. A whitish man, marked with the small pox.

Q. How old would he be if alive now?

A. I cannot say for certain; I imagine about fifty, if alive now.

Q. Do you take his age from his appearance, or from your knowledge?

A. From seeing him.

Q. When did you first know him?

A. The time of the Marattas disputes, when the Nabob fled to Ballaw, in the year 1148, or 49, I first knew him: thirty-four years ago, A. D. 1741.

Q. How old was he when you first knew him?

A. He was a young man, from eighteen to twenty.

Q. How many children had Matheb Roy?

A. Four; one called Ballub Roy, the second called Matheb Roy, the third called Saheb Roy, and the fourth called Panjeb Roy.

Q. How many children had Saheb Roy?

A. One son, I knew of no more.

Q. Did you ever know any Matheb Roy, the son of Saheb Roy?

A. No; I am sure, I did not know a Matheb Roy, the son of Saheb Roy.

Q. Did any Matheb Roy go to Burdwan with you in the time of Mr. Sumner?

A. I do not remember.

Q. Are you positively sure that no Matheb Roy was the son of Saheb Roy?

A. I did not know a Matheb Roy, the son of Saheb Roy.

Q. Was there any Matheb Roy, the son of Saheb Roy, that you promised to get an employ for?

A. I do not remember.

Q. Do you know the son of Saheb Roy?

A. I do know the son of Saheb Roy, the son of Bungoololl.

Q. Do you know his name?

A. His name is Doman, I believe.

TAJEE ROY is called and shewn to COFFENAUT.

Q. Is that the son of Saheb Roy?

A. This is no son of any Saheb Roy, I know.

Court. Tell this man what Coffenaut has said, and tell him the consequences of speaking falsely.

A. by Tajeer Roy. I am the son of Saheb Roy, the son of Bungoololl.

Q. How many sons had your father?

A. One.

[Coffenaut says, there is another Bungoololl of another cast.]

Q. Of what pergunnah was the last Bungoololl?

A. I do not know where he was born; he was in service at Mancoor, and lived at Hougly.

Q. Do you know his family?

A. I do not.

Q. Of what pergunnah was the first named Bungoololl?

A. Of the city of Burdwan.

Q. Are you sure he was not of Doynacolly?

A. I cannot determine; I knew him at Burdwan, and I did not know him at Doynacolly.

Q. Did you know the other Bungoololl?

A. I do not know the man now here, the other Bungoololl was in service at Mancoor.

Q. to Tajeer Roy. Is your father, Saheb Roy, alive or dead?

A. Dead.

Q. Where did your grandfather Bungoololl live?

A. At Saitagong, in the district of Hougly.

Q. How many children had he?

A. Only one.

Q. How came you to say that your brother went to Hougly with Coffenaut in the time of Mr. Sumner?

A. I do know that he went to Hougly with Coffenaut; if Coffenaut does not recollect it, I cannot help it; he was a poor man; I can prove that he did go by a hundred people.

Q. to Coffenaut. If any man of that name or family had gone with you, should you have recollected it?

A. When

A. When I went to Burdwan, many persons went with me: I cannot say he did not go.

Q. As you knew the family of the Bungoololls of Mancoor; if one of them had gone with you, should you know him?

A. I believe I should have known if any person of the name of Matheb Roy had gone with me.

[Question repeated by one of the Jury]

A. If such a man had gone, I certainly would know him.

[Question again repeated.]

A. I did not know Bungoololl of Hougly's family; therefore cannot say whether I should have known him.

Q. How old was Bungoololl of Hougly?

A. I cannot tell.

Q. How long is it since you saw him?

A. I have taken an oath; I cannot safely say.

Q. How many people do you guess might follow you to Hougly, expecting employment?

A. Great men and little men were with us: I cannot say exactly, I believe about 500 or 1000.

TAGGE ROY.

Q. Is your grandfather alive?

A. No.

Q. How long is it since he died?

A. Fourteen years.

Q. Do you know whether your grandfather was in any service?

A. He was Izardar at Hougly.

Q. Do you know a place called Mancoor?

A. Yes.

Q. Was your grandfather in service there?

A. I know Mancoor; it was my grandfather's farm.

Q. Where was the house of your grandfather?

A. At Hougly.

Q. Was it not at Barree Adam Poor?

A. My grandfather's house was at Hougly.

Q. Where was your father's house?

A. My father lived with my grandfather.

Q. Did your father live in the house after your grandfather's death?

A. I was very young.

Q. Where was you born?

A. At Chirifura, at the time of the Maratta invasion.

Q. Where was your brother born?

A. At Barree Adam Poor in his uncle's house.

Q. Have you ever been examined before, about the matters you have given in evidence to-day?

A. Whatever I was asked, I answered truly.

Q. To whom did you say that?

A. To the Gentlemen.

Q. To what Gentlemen do you mean?

A. That Gentleman, [pointing to Mr. Jarret, Attorney for Prisoner.]

Q. Where was that?

A. In the house of the Gentleman with Mr. Jarret, [pointing to Mr. Farrer, Counsel for the Prisoner.]

ROOPNARRAIN CHOWDREE.

Q. Did you know any person of the name of Matheb Roy?

A. I did.

Q. Where is that person now?

A. Dead.

Q. Do you know the family of Matheb Roy?

A. He was of one cast, and I was of another: I do not know his family.

Q. What was his father's name?

A. Saheb Roy,

Q. How many brothers are there?

A. Taijee Roy and Matheb Roy.

Q. Did you know his grandfather?

A. No.

Q. What were the names of the brothers of the Matheb Roy you know?

A. Taijee Roy and Matheb Roy.

Q. Do you mean two sons of the father, or three?

A. Two only used to come to me.

Q. Do you know when Matheb Roy died?

A.

A. In the month of Maug, 1179.

Q. Did you receive any letter from Matheb Roy before his death?

A. Yes, in the month of Baudon, 1179.

JOYDEB CHOWBEE.

Q. Did you know the late Bollakey Dofs Seat?

A. I did.

Q. Did you know of his ever executing any bond to Maha Rajah Nundocomar? Tell what you know about it.

A. I remember that Bollakey Dofs Seat wrote out a bond in the name of Maha Rajah Nundocomar; his writer wrote it.

Q. Did you see his writer write it?

A. I myself with my own eyes saw the writer write it in the Persian hand.

Q. Did you see it afterward executed?

A. I saw Bollakey put his seal to it.

Q. Who were the witnesses to it?

A. Mahomed Commaul of Muxadavad, Matheb Roy, a Kettry, and Sillabut, the Wakeel of Bollakey Dofs.

Q. Did you see them witness it?

A. I myself saw those three men witness it.

Q. What was the amount of the bond?

A. I do not remember exactly: I believe it was within 45,000 rupees, and something above 40,000.

Q. At what time of the year was this?

A. I do not recollect.

Q. Tell as near as you can what month it was?

A. It was in the rainy season.

Q. Do you know the person now called Commaul O'Dien Ally Cawn?

A. I do know him.

Q. Is he the person you saw witness that bond you mention?

A. No.

Q. Who was the Mahomed Commaul you saw witness it?

A. A man of Muxadavad.

Q. Did you know his father?

A. I did not.

Q. Is that Mahomed Commaul living?

Q. He is dead.

Q. Do you know him to be dead, of your own knowledge?

A. I do certainly know.

Q. How long is it since his death?

A. About five or six years.

Q. Where did he die?

A. I went to the house of Maha Rajah; I was by when he was carried to be buried: I enquired whether it was a Bramin or a Mussulman going to be buried: they answered, it was Mahomed Commaul.

Q. Did you know Matheb Roy? who was he?

A. Matheb Roy was a kettry of Burdwan; I knew him; he was frequently coming backwards and forwards to the Maha Rajah.

Q. How long have you been acquainted with Bollakey Dofs?

A. I knew him when he lived at Muxadavad, and often saw him after he came to Calcutta.

Q. What connection had you with Bollakey Dofs?

A. He was a Banian, and I was a Bramin; there is no relationship; there was friendship between us; I knew him, and he knew me.

Q. Had you any connection in business with him?

A. There was no connection in business between us; he was a great Shroft; I frequently went to sit down in his house; he desired it.

Q. What was your business?

A. I was formerly a servant of Maha Rajah Nundocomar: he is now without employment; his employment is gone, and so is mine.

Q. Where is the bond you speak of executed?

A. The bond was executed in the house of Baboo Huzree Mull in the Burra Buzar.

Q. Who lived in that house?

A. The bond was there written: people belonging to Huzree Mull lived in it; there was a part of it separated from the rest, in which Bollakey Dofs lived; it was in the separate house where Bollakey Dofs lived.

Q. Can you read Persian?

A. I do not know Persian; how can I read it?

Q. Were you there by chance, or sent for?

A. Bollakey Dofs called me and carried me with him.

Q. Did he come to your house for you?

A. He came to the house of Maha Rajah Nundocomar, where I was then sitting. Maha Rajah Nundocomar said to Bollakey Dofs, Money has long been due from you to me; now pay it. Bollakey Dofs said in answer, I have lost every thing by plunder at Dacca; I have not now the power of paying; a great sum of money is due to me from the English; when I receive that, I will pay you first of my creditors. Having said this, he added, I will now write out a bond. Bollakey Dofs in this manner pressed Maha Rajah Nundocomar a good deal, and put his hands together in an attitude of praying; and at last Maha Rajah consented. Bollakey Dofs then said to Maha Raja, Send Mahomed Commaul with me to my house; I will there write out the bond immediately. Having said this, Bollakey Dofs, in company with Mahomed Commaul, left Maha Rajah's; I likewise obtained dismissal from Maha Rajah. Having gone down stairs, Bollakey Dofs said, Come along with me to my house, and I having executed a bond before you and Mahomed Commaul, will send it to Maha Rajah. After this, Bollakey Dofs and I went to the house of Baboo Huzree Mull, in the Burra Buzar: being arrived there, he sent for his writer. The writer came, and was ordered to write out a bond in the name of the Maha Rajah. The writer wrote out a Persian bond, and put it in the hands of Bollakey Dofs Seat. Bollakey Dofs Seat, having seen the bond, took the ring off his finger, and sealed it, and said to Mahomed Commaul, Be you a witness to it. Mahomed Commaul affixed his own seal, with his own hand, as a witness; he said to Matheb Roy, Be you also a witness to this: Matheb Roy sealed it with his own hand. He said to Seillabut, Be you also a witness to this; and he signed it with his own hand. Seillabut having put it into the hands of Bollakey Dofs Seat, he put it into the hands of Mahomed Commaul,

and said, Carry it with Seillabut to Maha Rajah Nundocomar's.

Q. You say Seillabut signed the bond; what did he write on it?

A. He wrote his own name, as a witness; I do not know Persian; I imagined he signed it.

Q. Did Bollakey Dofs read the bond before he signed it?

A. The writer put it into the hands of Bollakey Dofs, and he, having seen it, signed it.

Q. Did he read it?

A. The writer read it to him; he heard it.

Q. What is that writer's name?

A. I do not remember it.

Q. Was you acquainted with him?

A. I have seen him with Bollakey Dofs; I was not acquainted with him.

Q. Do you remember what sort of a man he was?

A. I do; his colour was black; he was about forty years of age.

Q. Do you know Seillabut?

A. I did not know Seillabut.

Q. What was he?

A. A Vakeel of Bollakey Dofs.

Q. How many years was he with him?

A. I do not know.

Q. How many years did you see him about Bollakey Dofs?

A. Three or four years.

Q. Do you mean three or four years before signing the bond?

A. I do not remember how many before; Seillabut lived sometimes with Bollakey Dofs, and sometimes with Maha Rajah Nundocomar.

Q. How long after sealing this bond did you know this person about Bollakey Dofs?

A. Two or three years.

Q. Where did he go then?

A. He went within that time to Jaggernaut, to perform religious ceremonies along with Mohun Persaud; when he returned to Calcutta he died.

Q. When did he die?

A. I do not know; I was told he returned: I heard of his death.

Q. Did any body else write upon the bond?

G

A.

A. No body else.

Q. Did any body besides Sillabut write any thing at all upon the bond?

A. Sillabut wrote upon it: Mahomed Commaul sealed it: Matheb Roy sealed it.

Q. Did any body else use a pen?

A. Not to my remembrance.

[The Chief Justice, in a low voice, told the Counsel to shew him another bond with three seals.]

Court. You have sworn positively; you must answer positively.

A. I speak from certainty what I know: I saw no body else write upon the bond: I do not remember it.

Q. Do you know Mahomed Commaul?

A. I was acquainted with him.

Q. Where was you acquainted with him?

A. He was a servant of the father of Maha Rajah Nundocomar: when his father died, Mahomed Commaul used frequently to come backwards and forwards to Maha Rajah Nundocomar's house.

Q. Was you intimate?

A. There was no friendship between us: I had seen him two or three times at Maha Rajah's.

Q. What was his employment when the bond was signed?

A. A ruffeck (dependent) of Maha Rajah Nundocomar.

Q. What sort of a man was Mahomed Commaul?

A. A middling size man, of a yellow colour, rather whitish.

Q. What was his age?

A. He was near 35.

Q. Did Matheb Roy or Mahomed Commaul seal first?

A. Mahomed Commaul sealed first.

Q. Who sealed next?

A. I do not remember whether Matheb Roy sealed next, or Sillabut signed.

Q. In what part of the bond did Bollakey Dofs put his seal? Was it at the top or at the bottom?

A. It is a great while ago: I know nothing of such a dispute to come: I cannot be positive as to such things.

Q. What size was the paper? Was it as large as this?

[The indictment, consisting of two half sheets of parchment, doubled, was shewn him.]

A. I do not remember if it was large or small?

Court. Do you remember if the seal was on the inside or the outside of the paper?

A. Bollakey Dofs, I remember, sealed in a place like this, [pointing to a margin in a Persian paper, shewn towards the right hand corner at top.]

Q. Are you sure of that?

A. I remember.

Q. Where did Mahomed Commaul seal?

A. If I were to see the bond I should be able to tell.

Q. Was it larger or smaller than this paper? [A large sheet of Bengal paper shewn him.]

A. I cannot tell whether it was larger or smaller: how can I speak to what I do not remember?

[A very small piece of paper shewn him.]

Q. Was it as large as this?

A. I know not.

[The back of the real bond shewn him.]

Q. Was it like this?

A. I do not remember; but if I was to see the real bond, I could tell the seal and the size.

Q. Could you know the impressions of the seals, if you saw them?

A. If I see the impressions of the seals as they were, I should know them.

Q. Should you know Bollakey Dofs's seal?

A. I know Bollakey Dofs's seal; from seeing the impression of the seal, I shall know it.

Q. How came you so well acquainted with Bollakey Dofs's seal?

A. It is a (buddamie) almond seal.

Court. Let him describe the shape. [He describes an oval on a paper.]

Q. How can you know the impression of Bollakey Dofs's seal, not understanding Persian?

A. I frequently saw it upon his hand.

Q. Did you ever see Bollakey Dofs's seal but upon his finger?

A. I never saw his seal in any other place than his finger.

Court.

Court. Was you to see the seal of Bollakee Dofs upon a paper, should you know it from any other?

A. I should know the impresson of Bollakee Dofs's seal if I was to see it; I have frequently seen it upon his finger.

Q. Do you know the impresson of Mahomed Commaul's seal?

A. I should know it; I have frequently seen it upon his finger.

Q. Was you to be shewn a paper with the impresson of Mahomed Commaul's seal on it, should you know it?

A. I could not read the letters, but should be able to judge from the shape.

Court. Should you know the seal? Many seals are of the same shape.

A. I do not read Persian; but I think I should be able to know the seal.

Court. Have you often seen the seal on Mahomed Commaul's finger?

A. I have often seen it on his finger; he used often to come to the house of Maha Rajah Nundocomar, and I used to see the seal on his finger.

Q. Who sealed first after Bollakee Dofs?

A. Bollakee Dofs having sealed it, put it into the hands of Mahomed Commaul, and he sealed it.

Q. Where was it wrote?

A. In the house of Huzree Mull, in the Burra Buzzar, in the presence of us all.

Q. What room was it in?

A. There is a long room runs East-West, the door to the South: it was executed there.

Q. Who was present besides?

A. Shaik Ear Mahomed, Choyton Naut, Lollah Domanking, Matheb Roy, Sillabut Vakeel, and the person who wrote the bond.

Q. What was his name?

A. He was not of this country; I did not know him.

Q. What hour of the day was it?

A. It was before mid-day.

Q. Did any particular conversation pass at that time?

A. There was no conversation.

Q. Was there not between the rest of the company, while the bond was writing?

A. I remember no conversation: when the

bond was finished, he put it in the witnesses hand: we said nothing: what should we say?

Q. How long was the writer writing the bond?

A. One gurre, (22 minutes).

Q. Who brought in the ink for the seals?

A. The ink-stand was near Bollakee Dofs; he dipt his seal on the cushion, and sealed the bond.

Q. Did he bring it with him?

A. He was a shroft of consequence, possessed of a sicca ink-stand: it was silver.

Q. Who brought it into the room?

A. I first saw it near Bollakee Dofs.

Q. Was the ink-stand in the room, or brought afterwards?

A. Bollakee Dofs went with his sewarry before us; when we came in, we found him sitting, with his ink-stand before him.

Q. What conversation passed, while you were at Maha Rajah Nundocomar's?

A. I have already related.

Q. Did no more pass?

A. No.

Q. Was there any conversation about what the sum of the bond was for, at Maha Rajah's?

A. There was no conversation about the amount of the bond at Maha Rajah's.

Q. Do you remember any mention of a premium to be given?

A. No.

Q. Do you remember the sum?

A. I do not.

Q. Did you hear the bond read?

A. The writer read it, but I did not understand; it was read in Persian: how should I know what the bond was?

Q. How do you know the sum?

A. I did not know the amount of the bond: I heard that it was within fifty, and above forty thousand rupees.

Q. When did you hear that?

A. It was two or three days after the time.

Q. Did Bollakee Dofs look at any books before he ordered the bond to be wrote?

A. I did not see him examine any books before the bond was executed; when I came he was sitting down, and I did not see him examine any books.

Q. How long did you come after him?

A. He went in his palankine ; I followed him : it might be half a gurry, (11 minutes.)

Q. Did you find the other persons you mentioned, sitting when you came in ?

A. Four of us came together ; myself, Mahomed Commaul, Choyton Naut, and Shaik Ear Mahomed. Matheb Roy, Lotta Demon, Sing Sillabut, and the writer, were there when I came in.

Q. Had the writer began to write when you came in ?

A. After we had sat down, the writer began to write.

Q. In what language did Bollakey Dofs speak to the writer ?

A. He talked in Moors : he spoke Moors.

Q. Does he understand Persian ?

A. I do not know ; he talked Moors.

Q. Was the bond read in Persian ?

A. Yes.

Q. Was it, after being read in Persian, explained in Moors ?

A. No : it was read in Persian, and was not explained in Moors.

Q. Did you hear Bollakey Dofs give any direction as to the sum ?

A. Bollakey Dofs said nothing in my presence about the sum.

Q. Did Bollakey Dofs, any time before, tell him the sum ?

A. God knows whether he told him before.

Q. You say you heard Bollakey Dofs give directions to write the bond : what were the directions ?

A. He spoke these words : Write out a bond in the name of Maha Rajah Nundocomar.

Q. Did he say any more ?

A. No ; he spoke no other words.

Q. Did Bollakey Dofs say a bond, or the bond ?

A. He said, a bond.

Q. Did he say any thing about consideration ?

A. When I went, he spoke the words I said, and no more.

Q. Do you know this paper ? [bond produced.]

A. This seal of the bedamee (amond oval) shape, is Bollakey Dofs's.

Q. What is this paper ?

A. This little seal is Mahomed Commaul's.

Q. Can you swear to that positively ?

A. I do not know the words : the largest seal is Matheb Roy's.

Q. How came you to know the seal of Matheb Roy ?

A. I have seen his seal on his finger : I saw him frequently at Maha Rajah Nundocomar's house.

Q. If the Gentlemen of the adaulet were to put the seal of Mahomed Commaul on another paper, should you know it ?

A. I should.

Q. Was there any conversation of jewels at the Maha Rajah's ?

A. No.

Q. Was there any at Bollakey Dofs's ?

A. No.

[The seal of Commaul O Dien Ally Cawn, before produced to the Jury, is shewn him.]

Q. Do you know whose seal this is ?

A. I do not.

[Joseph Satcheb, Clerk to Mr. Jarret, is called to prove the delivering of notice to Mohun Persaud to produce an original nagree paper, given to him by Maha Rajah Nundocomar, when he, Gungabiffen, and Podmohun Dofs, were in the Maha Rajah's house; signed in the proper hand-writing of Bollakey Dofs, and to produce it as evidence for the defendant.]

Q. to Mohun Persaud. Have you produced any papers, in consequence of the notice ?

A. I cannot produce it ; I have produced all the papers I have : I have no paper under such description.

MOHUN Doss called.

Q. Do you know Gungabiffen ?

A. I do.

Q. Do you know Mohun Persaud ?

A. Yes.

Q. Did you know Pudmohun Dofs ?

A. I did.

Q. Did you know Bollakey Dofs ?

A. I did.

Q. Have you seen him write ?

A. I have.

Q. Are you acquainted with his hand-writing?

A. I am.

Q. Do you remember Maha Rajah Nundocomar, Gungabiffen, Pudmohun Dofs, and Mohun Perfaud, in conversation together?

A. I do; at Maha Rajah Nundocomar's house.

Q. Did you, upon that occasion, see any papers?

A. Pudmohun Dofs said to Maha Rajah Nundocomar, Give me papers. Maha Rajah having got the papers, bid me copy them: I observed to Gungabiffen, Mohun Perfaud, and Pudmohun Dofs, that Maha Rajah had bid me copy the papers; and asked them, if I should do it; they all answered, Write them out. Having wrote them, I gave them to Maha Rajah Nundocomar: Pudmohun Dofs took the original, and the copy remained there.

Q. What did Pudmohun Dofs do with them?

A. The copy I wrote remained with Maha Rajah Nundocomar; the original remained with Pudmohun Dofs.

Q. What did Pudmohun Dofs do with the papers?

A. He took them himself, and put them up: whether he carried them out of the house I know not.

Q. Have you ever seen the papers since?

A. Never. [A paper shewn him: a copy of the paper was offered to be given in evidence.]

Court. You have traced it into the hands of Pudmohun Dofs, but not into the hands of Mohun Perfaud. This is not sufficient to entitle you to give the copy in evidence. [A Nagree paper is produced]

Q. Is that signature the hand-writing of Bollakey Dofs? [After looking at it for some time, shewing great difficulty to make it out, he said,]

A. If I see the original paper from which I copied, I can read it.

Q. Are the words at the bottom Bollakey Dofs's hand-writing?

A. Bollakey Dofs's name is written at the bottom.

Q. Is that of his hand-writing?

A. There were only five letters of Bollakey Dofs's name on the paper I copied. I cannot tell whether this is his hand-writing: I do not know: I am not his gomastah. Kissen Juan Dofs knows Bollakey Dofs's hand-writing and Pudmohun Dofs's.

KISSEN JUAN DOSS.

[Nagree paper shewn him.]

Q. Look at that paper: whose signature is it?

A. Bollakey Dofs's signature; it is his hand-writing; the body is the hand-writing of Pudmohun Dofs.

Q. Are there any words wrote by Bollakey Dofs besides his name?

A. There are.

Mr. Elliot delivered into Court the following translate of Nagree papers, which mark Exhibit L.

MAHA RAJAH DEHRAJE NUNDOCOMAR GEOO, at Calcutta, with compliments, written from Chinfura, by Bollakey Dofs, with many obeissances. May God always grant him health, and I shall be joyful. I myself am by your favour in health; you have written a Persian letter, which has arrived; by the reading of which I have been rendered joyful and contented. You have written, that till the Governor shall come, you wish me to stay at Chinfura. Accounts are received that the Governor will shortly arrive. I have, according to your desire, remained here. The Governor arriving, as business will quickly be done, you will do: I have hopes in you.

You will hear other circumstances where you are; I am unjustly oppressed; you are the master. What else shall I write?

You have written about Derrumchund; therefore he and I acquittal have settled, which you know; besides this, nothing respecting state is unknown to you; accordingly you have told, and what you say I

pay great attention. The Company's money being received, out of it rupees two thousand, out of that self will give. I am not disobedient to your orders.

At this time from the side of expences much trouble is; therefore rupees five hundred you bestow upon me; then I will give it with the rest. Business quickly will be done there first will give. Brother Pudmohun Dofs is going; you will be acquainted with other circumstances by him; you are a master of every thing. At this time you have considered every thing; and who, except yourself, will do it? What other representation shall I write? There is no more.

In the year 1826. In Jente the 26th Tuesday.

Signature, BOLLAKEY DOSS.

You are my master; it is necessary you should make enquiries about me at this time. The circumstance above written, you will make yourself acquainted with.

Mr. Elliot. In translating the Nagree paper exhibit L. I at first wrote, "yourself;" but as the Counsel for the Prisoner desired I would translate it literally, and charged me not to deviate in the smallest degree from the words and idiom of the original, I have now written "self," the word signifying only "self." The Moonshy understands it as meaning the person to whom it was written: I fear the translation will scarcely be understood.

JUNE 12th, 1775.

LUTCHMUN DOSS.

Q. DO you know Mohun Persaud?

A. I do.

Q. Did you know Pudmohun Dofs?

A. Pudmohun Dofs was my elder brother: why should not I know him?

MOHUN PERSAUD.

Q. Is this your hand-writing?

A. It is.

Q. Is that the signature of Pudmohun Dofs?

A. One of the signatures is mine: I cannot tell whose the other is exactly.

Q. Have you often seen him write?

A. I have.

Q. Are you acquainted with his hand-writing?

A. I have many papers of his writing.

Q. Do you believe this to be his?

A. It is my opinion it is not; if you will order me, I will bring another paper of Pudmohun Dofs's hand-writing.

LUTCHMUN DOSS.

Q. Do you know the hand-writing of your brother Pudmohun Dofs?

A. I do.

Q. Is the signature his writing?

A. It is.

Q. Who wrote all the paper?

A. It is all his writing.

[Nagree paper fixed and marked exhibit M, of which the following is a translate.]

ACCOUNTS.

Rs.	As.	
66,320	7	Amount of a bond
50,488	7	One time
10,920		One time
61,408	7	
4,912		Batta at 8 Rs.
60,000		One time Durbar and other expences
11,362	8	A bond on account of a mortgaged house.
2,552		Ready cash 2200 Rs.
596	2	On account of Dearcam Chund Ghee Tawn 527 Rs.
140,804	1	
3,000		Paid by Chitonaute at one time. 1500
		1500
145,804	1	
73,435		Tomusook
		4 bonds 20000, 20000
		13435
		Khut

Rs. As.	Khut,
60,000	Three notes 20,000, 20,000
	Khut.
10,000	One note 10,000
<hr/>	Tomufook.
143,435	Bonds 8
2,369	Current rupees remain due
<hr/>	
145,804	

(Signed)

MOHUN PERSAUD,
PUDMOHUN DOSS.

KISSEN JUAN DOSS.

Q. Have you seen Pudmohun Doss write?

A. I have.

Q. Do you know his hand writing?

A. I do.

Q. Look at this paper: is it Pudmohun Doss's hand writing?

A. It is.

JOYDEB CHOWBEE.

Court. Are you sure you saw Mahomed Commaul carried out of Maha Rajah Nundocomar's house to be buried?

A. I heard it with my own ears that Mahomed Commaul was dead, and saw them carrying him out to be buried.

Q. Are not the customs of burying Mussulmen and Gentoos very different?

A. They are: I who am a Bramin will not go near a Mussulman that is dead.

Q. How do they carry out a Bramin?

A. When a Bramin dies, they either put him on a cot, or sticks laid in the form of a cot: they put a cloth over his body, and he is carried out on the shoulders of eight or ten men.

Q. Is there any thing else particular in the burial of a Bramin?

A. When a Bramin dies, all his relations and friends, and all the other persons of the village, go to him: he is carried on the shoulders of eight men, and about twenty other people go with him: they carry him to the river side and place him on wood, which his son, if he has any, sets fire to.

Q. Are there any other particular marks to distinguish the burial of a Bramin?

A. There are particulars in their dress according to their rank: if a rich man, he may

have very valuable cloths: a poor man would have a cloth from five to ten rupees over his shoulders.

Q. Is there any thing particular in the form of the dress of those who attend them?

A. They wear their dooty, and throw a cloth over their shoulders.

Q. What is their dooty?

A. The cloth which common firears tie round their loins.

Q. Are there any more particularities attending their burial?

A. No.

Q. In what manner do they carry out a Mussulman to be buried?

A. He wears his own cloths: when they carry a rich man, a fine dress is wore: the dress of a poor man is not more than two rupees.

Q. Are they always carried on a cot?

A. They throw a cloth over his body: I do not know exactly the manner.

Q. What was Mahomed Commaul?

A. A Mussulman.

Q. What cloths had he when he was carried out?

A. They throw the same cloth over a Mussulman as over a Bramin.

Q. Was you to see a man carried out to be buried, attended by Mussulmen, should you know whether he was a Bramin or a Mussulman?

A. I saw from far he was a Mussulman: I should know by Bramins being with him, if he was a Bramin, and because the Gentoos is about the neck of a Bramin.

[Question repeated.]

A. I should know it was a Mussulman, because the Jamma is tied on the right side.

Q. Do you mean the Jamma of the deceased, or of his attendants?

A. I mean of the people.

Q. Was you to see Mussulmen attending a corps, should you know it to be a Mussulman?

A. I should conceive it to be a Mussulman certainly.

Q. What persons were attending the body of Mahomed Commaul?

A. I saw that they took away the body: I do not know who attended him.

Q. You

Q. You say you know Mussulmen from Bramins at a great distance: were the persons attending Mahomed Commaul's corps Mussulmen or Bramins?

A. Mussulmen.

Q. Do you mean when you first saw the body carried out?

A. I mean when I first saw the body carried out.

Q. Was you sure they were Mussulmen?

A. I can speak with certainty.

Q. If, as soon as you saw the body come out, you saw it was attended by Mussulmen, how came you to ask whether it was a Bramin or a Mussulman?

A. I never asked whether it was a Bramin or a Mussulman.

Q. Was it because you knew him to be a Mussulman that you did not ask the question?

A. I did not ask: I heard Mahomed Commaul was dead, and I saw Mussulmen attending the body.

Q. Did you hear, at that time, or before, that he was dead?

A. I heard before.

Q. What was the name of the man?

A. Mahomed Commaul.

Q. Are you very sure?

A. Yes.

Q. Are you sure he had not "Ally" to his name?

A. He went by the name of Mahomed Commaul: I never heard of any other name he had.

[Mr. ELLIOT informs the Court, that the Word OBLAHU on the Seal is no part of the Name, but means the Slave of GOD.]

CHOYTON NAUT.

Q. Did you know Bollakey Dofs?

A. I did.

Q. Did you ever know Bollakey Dofs execute any bond to Maha Rajah Nundocomar?

A. I did.

Q. Did you see him execute any bond?

A. I saw myself, and heard it,

Q. Who witnessed the bond you saw Bollakey Dofs execute?

A. Mahomed Commaul, Seilabut and Matheb Roy.

Q. Did you see them witness it?

A. Yes, I did with my own eyes.

Q. What was the amount of the bond?

A. Above forty, and within fifty thousand rupees.

Q. Where is the Mahomed Commaul you saw witness the bond?

A. His house was at Muxadavad; when he witnessed the bond he staid here some time, and afterwards went home.

Q. Where is he now?

A. He is now dead.

Q. Did any other person witness the bond?

A. No other than Mahomed Commaul, Matheb Roy and Seilabut.

Q. Do you know one Commaul O'Dien Cawn?

A. Yes.

Q. Is he the same person that witnessed the bond?

A. No; this is Commaul O'Dien; that was Mahomed Commaul.

Q. Do you know that paper?

[Exhibit M.]

A. Yes.

Q. What is it?

A. An account.

Q. Can you read it?

A. Yes.

Court. Read part of it. [He did so.]

Q. Was you present when the account was settled?

A. Yes.

Q. Who else was present?

A. I was present, and Joydeb Chowbee, and Puffudden Gooptoo.

Q. Who else was present?

A. No body else.

Q. Who was in the room at the time, besides Joydeb Chowbee, and Puffudden Gooptoo?

A. Mohun Perfaud, Gungabiffen, and Pudmohun Dofs,

Q.

Q. Are you sure no body else was present?
 A. Maha Rajah Nundocomar was also there.
 Q. Was the Nagree writing wrote in your presence?
 A. The signatures at the bottom were wrote in my presence.
 Q. Whose writing are the signatures?
 A. Mohun Perfaud's and Pudmohun Dofs's.
 Q. Where was this account signed?
 A. At Maha Rajah Nundocomar's house.
 Q. Where?
 A. In Calcutta.
 Q. Was you at Maha Rajah Nundocomar's house before the parties came there?
 A. Yes.
 Q. Was you present when they came?
 A. Yes. On one day, the three persons before-mentioned settled the account in conversation: on another day, two of them only were at the house of Nundocomar, and signed the account.
 Q. Was there any Company's bonds at either of those times produced by Gungabiffen, Pudmohun Dofs, and Mohun Perfaud?
 A. Yes.
 Q. What became of them?
 A. Pudmohun Dofs gave eight bonds to Gungabiffen, and Gungabiffen gave them to Maha Rajah.
 Court. Tell what passed on the occasion.
 A. Upon Gungabiffen's giving the bonds to Maha Rajah, Maha Rajah said, You give me these bonds in payment. Maha Rajah told Gungabiffen to indorse the bonds, and further Maha Rajah Nundocomar said to Gungabiffen, Are you satisfied with this account? upon which Gungabiffen replied, If any body should call you to an account about this account, I will say, Maha Rajah has nothing to do with it. Then Gungabiffen took an oath to be answerable to his father, brother, and mother, or any other person, if they should enquire about the account: upon which eight bonds were delivered to Maha Rajah Nundocomar, and he kept them: Gungabiffen said it was late, he would indorse the bonds in the morning: after they were gone, Maha Rajah Nundocomar desired me to come to him early

in the morning, and take the bonds to Gungabiffen to get them indorsed. Next morning I went to Maha Rajah Nundocomar's, and took the bonds with me to Mohun Perfaud's house, where I saw Gungabiffen, Pudmohun Dofs, and Mohun Perfaud: I said to them, Indorse the bonds; on which Gungabiffen sent for Kiffen Juan Dofs: when he came an indorsement was wrote, written by Kiffen Juan Dofs, and Gungabiffen signed it and delivered them to me: I then took them away, and delivered them to Maha Rajah Nundocomar.

CROSS EXAMINATION.

Q. Who are you?
 A. Choyton Naut.
 Q. What is your business?
 A. I am a Shroff of the Banyan cast.
 Q. How long have you been in Calcutta?
 A. About fifteen years.
 Q. Where did you come from?
 A. I had a house at Muxadavad; I have one in Calcutta.
 Q. Have you always resided in Calcutta?
 A. I have been to my own house, and come back again.
 Q. How often?
 A. Three or four times.
 Q. How long have you staid at a time at Muxadavad?
 A. Sometimes one, sometimes two, and sometimes four months.
 Q. You knew Bollakey Dofs: had you any business with him?
 A. I had no connections in business with him; I was well acquainted with him; Bollakey Dofs had a house at Muxadabad, near mine.
 Q. When did Bollakey Dofs die?
 A. About six years, more or less.
 Q. How long had he lived in Calcutta before that?
 A. He came to Calcutta in 1172.
 Q. Where did he live in Calcutta?
 A. In Huzreymull's house in the Burrah Buzar, when he first arrived: he afterwards lived in several other houses.
 Q. How long did he live in that house?
 A. I

A. I believe, two or three months; I cannot tell for certain.

Q. Do you know what house he afterwards went to?

A. To Boggy Conty's house, to the eastward of Mohun Perfaud's house in the Burrah Buzar; after leaving that house, he lived in Mohun Perfaud's house, with him.

Q. You say you was present at the settlement of accounts between Maha Rajah and Bollakey Dofs; at the time of the first adjustment were any books or accounts produced?

A. I saw no accounts brought.

Q. Were there any the second time?

A. Not that I saw.

Q. Was you present the whole time?

A. I was.

Q. What was the balance settled?

A. 2369 r. 1. [This agrees with the account produced.]

Q. Was the balance struck the first or the second time?

A. When the said bonds were delivered to Maha Rajah, then the balance was struck.

Q. Who wrote the Bengal writing on that paper?

A. Poorfudden Gooptoo.

Q. Who is that man?

A. He was a writer to the Maha Rajah.

Q. When did he write the Bengal account?

A. Three or four days after.

Q. Where is the man?

A. In Calcutta.

Q. Who wrote the Nagree writing on the paper?

A. Pudmohun Dofs.

Q. Can you read both Bengal and Nagree?

A. No.

Q. Did you see Pudmohun Dofs write it?

A. I did.

Q. What sort of a man is Pudmohun Gooptoo?

A. A thin man, of a yellow colour.

Q. You say Kissen Juan Dofs indorsed some bonds: Do you know what bonds?

A. The Company's bonds.

Q. Was any body else present?

A. Nobody else was present.

Q. You say you was present at executing a

bond by Bollakey Dofs: was it in his own house, or where?

A. It was in Hudjeerymull's house, then inhabited by Bollakey Dofs.

Q. How came you there?

A. Shack eer Mahomed, Mahomed Comaul, and Joydeb Choubee, and I were present at Maha Rajah's: afterwards Bollakey Dofs came in, and went to Maha Rajah. Maha Rajah demanded from Bollakey Dofs the payment of his money; Bollakey Dofs answered, "I have at present no money, I cannot pay it, I will write out a bond." Maha Rajah's Nundocomar said, "Very well, write out a bond, fix your seal to it, and having got it witnessed, send it to me." Bollakey Dofs then said, "Give me Mahomed Commaul, that he may go with me, I will give the bond to Mahomed Comaul, and one of my own servants, and send it to you." Bollakey Dofs having got dismissal from Maha Rajah Nundocomar, went down stairs with Mahomed Commaul: I likewise got dismissal, and I, Joydeb Chowbee, and Shaik eer Mahomed, went down stairs together. Mahomed Commaul and Bollakey Dofs were standing there. Bollakey Dofs having got into his palankeen, went to his own house; and we four men, half a gurry afterwards, went after him. Bollakey Dofs was before that sitting in his own house; we went to him, and sat down by him. Four other people were there; Matheb Roy, Seillabut the writer, and Diman Sing. Bollakey Dofs said to the writer, "Write out a bond in the name of Maha Rajah Nundocomar." He wrote it in Persian. Having wrote it, Bollakey Dofs said, "Read it." The writer having read it, he Bollakey Dofs heard it. Bollakey Dofs said it was good. Mahomed Commaul said it is good. Bollakey Dofs had a ring upon his finger: he took it off, and sealed it with his own hand: he then said to Mahomed Commaul, Do you affix your seal as a witness: he then said to Matheb Roy, "Do you fix the seal of testimony to it:" he then said to Seillabut, "Do you write testimony to this:" he wrote, and both of them sealed. Bollakey Dofs put the bond into the hands of Mahomed Commaul, and he said to Seillabut, "Do you go along with him, and both of you deliver

deliver the bond to Maha Rajah Nundocomar." Having taken the bond, they both went away, and I went to my own house.

Q. Do you understand Persian?

A. I can neither read nor write it.

Q. Was you acquainted with Seilabut?

A. I was: he was Vakeel of Bollakey Dofs.

Q. How long?

A. He came along with Bollakey Dofs: from that time I knew him.

Q. Where is Seilabut now?

A. I don't know where he is: I heard he went with Mohun Persaud to Jaggernaut, and that upon return he died.

Q. What sort of a man was he?

A. Not a very whitish man, nor a very old man.

Q. Was you acquainted with Mahomed Comaul?

A. I used to go to Muxadabad: he was at that time the servant of the Keblagaw, or father of Maha Rajah Nundocomar.

Q. In what capacity did he serve him?

A. A Muffaheb. [companion.]

Q. How long ago is that?

A. Formerly; I don't know how long ago.

Q. Did you know him in Calcutta?

A. I did: when Maha Rajah's father died, he came to Maha Rajah's in Calcutta.

Q. When did that happen?

A. I do not recollect.

Q. When did he come to Calcutta?

A. I do not remember the express period; it was in the Bengal year 1172.

Q. Was he a very black man?

A. Not very black.

Q. Was he tall or short?

A. Of a middling height, neither very tall nor very short.

Q. Of what age was he?

A. Within 35, that is about 33, or 34, when he arrived at Calcutta.

Q. Where is he now?

A. He died in Calcutta.

Q. In what house?

A. I do not know, I heard that he died in Calcutta.

Q. How long ago?

A. It might be five or six years ago.

Q. Do you remember Matheb Roy?

A. I did not know him.

Q. Are you a servant of the Maha Rajah?

A. I was formerly a servant of the Maha Rajah; I am not now, he is out of employment; I am yet in hopes.

Q. What are your hopes?

A. That I shall obtain some employment; I was once the Nabob's Huffanchee, [Cass-keeper]. I was likewise the Maha Rajah's Huffanchee.

Q. What reason have you to hope for an employment?

A. I have no reason. Maha Rajah is a great man, a man of consequence; I am in hopes he may get me employment.

Q. How long have you had those hopes?

A. From the time the Maha Rajah has been out of employment; I have gone every two or three days to his house: he says, Very well, when I am in employment I will get something for you.

Q. Where was Matheb Roy born, and what is his employment?

A. Matheb Roy's was in the district of Burdwan. I do not know what his employment was: he used to come once in two or three days to Maha Rajah Nundocomar's house.

Q. Had he much respect shewn him at Maha Rajah Nundocomar's house?

A. Not much.

Q. Did Matheb Roy understand Persian?

A. I don't know whether he read Persian or not; he had a Persian ring upon his finger.

Q. What sort of a seal was Matheb Roy's?

A. Neither very large, nor small; a four-cornered seal.

Q. Did you ever see him write Persian?

A. I never saw him.

Q. Did Mahomed Comaul understand Persian?

A. I do not know. He had also a Persian seal on his finger.

Q. What shape was it?

A. It was also a four-cornered seal, but smaller than the other.

Q. Did Bollakey Dofs wear a seal upon his finger?

A. He

H 2

A. He had one.

Q. Of what shape was it?

A. A Budelamie seal.

Q. Of what size?

A. Neither very large, nor very small.

Q. Do you know the sum of the bond you saw executed?

A. It was above forty and under fifty thousand rupees.

Q. How do you know that?

A. When the bond was read before Bollakey Dofs, in the house of Bollakey Dofs, I asked Bollakey Dofs, as I did not understand Persian, what was the amount: he told me between forty and fifty thousand rupees.

Q. Was it mentioned in the house of Bollakey Dofs, at the time of executing the bond, that it was for that sum?

A. I cannot say, I do not remember well: it was between forty and fifty thousand rupees.

Q. Was it mentioned at that time?

A. I do not remember, I don't know.

Q. How come you then to know it?

A. Bollakey Dofs ordered the writer to read it; I heard it, and remember that.

Q. Did the writer read the whole bond?

A. He did from beginning to end.

Q. Was it only from hearing it read, that you knew the amount?

A. I knew it from no other reason; I heard of the bond at Maha Rajah's before.

Q. Did you hear the sum at that time?

A. No.

Q. In what language was it read?

A. In Persian.

Q. Was it read more than once?

A. I remember no more than once.

Q. Was it read in any other language?

A. I do not remember that it was.

Q. What is Persian for forty thousand?

A. How should I say? I do not understand Persian.

Q. If you did not understand Persian, and only knew the sum of the bond from its being read in Persian, then how can you tell the amount of the bond?

A. You have sworn me upon the water of the Ganges: how can I tell more than I remember?

The Court, desirous of elucidating every part of this witness's evidence, asked Mr. Elliot, if he was certain that the witness understood him. Mr. Elliot answered, "The witness seems to understand what I have said perfectly well; he understands Moors as well as any person I have examined here in that language. N. B. The man had desired to be examined in Bengal, alledging that he did not understand Moors well.

Messieurs ELLIOT, JACKSON, and JEBB sworn.

Mr. ELLIOT.

The man seems to understand what I said perfectly well. I have no doubt of his understanding me: he seems to me to understand Moors as well as any man I have examined, and speaks it more grammatically than common Bengalers do: I am sure he understood the questions I asked respecting the sum.

Mr. JACKSON.

When Mr. Elliot began to examine this witness, he desired me to give particular attention, during the examination, to the evidence he gave with regard to the preciseness of the interpretation. I did so, and confirm what Mr. Elliot has said in every particular.

Mr. JEBB.

The witness perfectly understood Mr. Elliot; he understands Moors perfectly.

Mr. Weston, one of the Jury, well conversant in the language, being asked whether he thought the witness understood Mr. Elliot, answered, he certainly understood him, he understands Moors perfectly well, and speaks it better than he does Bengally.

Mr. Jebb interpreted to him, in Bengally, all the questions that had been put to him in Moors, respecting the sum of the bond, to which he answered,

A. When the bond was read in Persian by Bollakey Dofs, as I did not understand Persian,

I asked the amount of the bond, and Bollakey Dofs told me it was more than forty thousand and under fifty thousand rupees.

Q. Did Bollakey Dofs do any thing more than put his seal to it?

A. No.

Q. Did the others?

A. Both the witnesses, whose seals are there, wrote something over their seals.

Q. Do you know what they wrote?

A. No.

Q. Did they write much?

A. No.

Q. Have you Bollakey Dofs's seal?

A. No: the papers sealed were in the possession of Pudmohun Dofs.

Q. Did Maha Rajah readily agree to take the bond?

A. He did.

Q. Was he asked more than once to take it?

A. Maha Rajah pressed him to give money; he said, he could not give money, but that he would give a bond.

Q. Did Maha Rajah, without repetition, or pressing, agree to take it?

A. He did.

Q. Did Bollakey Dofs put his hands together in a supplicating posture?

A. He put his hands thus, [joining them], and said, I cannot pay money, take my bond; and he agreed to it.

Q. In what room of Bollakey Dofs's was the bond executed?

A. In the room where he sits; a long room.

Q. Who produced the ink?

A. Bollakey Dofs went half a gurry before: when we came, a Sicca dewat was by him; nobody went for it.

Q. What sort of an ink-stand?

A. A silver octagon Sicca dewat; it was neither large nor small.

Q. Do you remember Bollakey Dofs's seal?

A. If I was to see it, I should know it.

Q. Should you know the impression?

A. I should.

Q. Should you know the impression of Mahomed Commaul's, if you saw it?

A. I should.

Q. Should you know that of Matheb Roy?

A. I should.

Q. By what means should you know Bollakey Dofs's seal?

A. I took particular notice of it, at that time, and should know it.

Q. Should you know it upon any paper?

A. Not upon any other paper; upon the bond I should.

Q. When the Mohurir read the Persian bond, was Bollakey attentive?

A. He listened with attention.

Q. When he said, Very well, did he appear satisfied?

A. He seemed, I thought, pleased and contented.

Q. What was the size of the bond?

A. I have taken an oath; I cannot speak with certainty: if I was to see the bond, I should know it.

Q. Do not you recollect the size?

A. I do not; I have taken an oath.

Q. How come you to remember that one of the seals was smaller than the other?

A. With my own eyes I saw that the seal of Mahomed Commaul was smaller than that of Matheb Roy.

Q. Did you not see the bond with your own eyes?

A. I saw the bond; I saw also the seal.

Q. What was the size of it?

A. How can I remember? a bond may be large, or it may be small.

[A bond shewn him.]

Q. Is this it?

A. No.

Q. Was it larger or smaller than that?

A. Shew me the bond, and I shall be able to tell.

Q. How can you know that bond from another by the impression of the seal, if you do not know those seals upon another paper?

A. There is Siclabut's hand writing, and two seals besides Bollakey Dofs's: by these marks I know it.

[An impression shewn him of Matheb Roy's seal.]

Q. Do you know this?

A. I do know it.

[An impression of the seal of Commaul O'Dien shewn him.]

Q. Do you know this?

A. I do not know it.

LOLLAU DOMAN SING, called and sworn.

Q. Did you know Bollakey Dofs?

A. I did.

Q. Did you ever know Bollakey Dofs execute any bond?

A. How can I know any thing of former works?

[Question repeated.]

Q. This I have seen.

[Question again repeated.]

A. Yes, I did see him one time.

Q. Do you recollect at what time you saw him execute a bond?

A. I do not remember the date.

Q. Do you mean the particular day or particular time?

A. It is ten years ago: how should I remember the time?

Q. In whose name, or for whom, was the bond you saw executed?

A. In my presence he wrote a bond in the name of Maha Rajah Nundocomar.

Q. Did you see him execute it?

A. I did with my own eyes.

Q. Were there any witnesses to the bond you saw executed?

A. There were.

Q. Who were they?

A. One Mahomed Commaul, one Matheb Roy, and Seilabut.

Q. Did you see them witness it?

A. Yes; I did.

Q. Do you remember the amount of the bond?

A. It is ten or twelve years ago, it is impossible to tell exactly: I can tell by guess.

Q. Tell by guess.

A. I think forty-six or forty-eight thousand rupees.

Q. Did you know a person of the name of Commaul O'Dien Ally Cawn?

A. Yes; he is here.

Q. Is Commaul O'Dien Ally Cawn the man you mentioned by the name of Mahomed Commaul?

A. That was another man: I saw him before I saw this now.

CROSS EXAMINATION.

Q. What are you?

A. I am in service.

Q. Whose service are you in now?

A. I go through question and answer with Roy Radachurn: [the son-in-law of Maha Rajah Nundocomar] I am in his service.

Q. What do you mean by going through question and answer with Roy Radachurn?

A. I go through question and answer with Rajah Buffan Roy.

Q. What do you mean by going through question and answer?

A. When Rajah Buffan Roy sends letters, I deliver them to the Governor, or General, and get the answers.

[Question repeated.]

A. I can say no more.

Court. [To Mr. Elliot.] What do you understand by question and answer?

A. I understand the words he makes use of (Jewaub Sowaul) to be a conversation: it is commonly used for an examination, but is never applied to a correspondence.

Q. Who is Raja Buffan Roy?

[Mr. Elliot says he was the person mentioned by Commaul O'Dien Cawn, as a relation of Ramnarrain Roy.]

Q. How long have you been in the service of Roy Radachurn?

A. Eighteen or nineteen months.

Q. How often have you been in Calcutta?

A. I have often been in Calcutta.

Q. Where was you born?

A. At Patna.

Q. When did you first come to Calcutta?

A. In the year 1172.

Q. With whom did you come?

A. I came alone.

Q. Whose servant was you when you first came?

A.

A. I was in the service of Rajah Derrick Narrain.

Q. Was Rajah Derrick Narrain in Calcutta?

A. No; he was at Patna.

Q. Into whose service did you enter when you came to Calcutta?

A. Rajah Derrick sent me down.

Q. How long did you remain in his service?

A. Two years since he died.

Q. To whose service did you enter at his death?

A. When he died I went to my own house.

Q. Where was that?

A. At Patna.

Q. How long did you stay at Patna?

A. When the Governor, Mr. Hastings, went to Banariss, I went with him: I then came to Patna, staid there as long as the Governor did, and then returned to Calcutta: it was a month more than two years.

Q. What were you employed in, all the eight years from your coming to Calcutta?

A. I was in the service of Rajah Derrick.

Q. How was you employed?

A. I returned to Patna in 1172, in the month of Carcekt, a particular feast of the Hindoos.

Q. Can you read Persian?

A. I can.

Q. In what month was you here?

A. I do not remember whether it was in Byfack, or in Joite, it was one of them: it was in the rainy season.

Q. What business did you come to Calcutta upon?

A. I was sent to Maha Rajah Nundocomar.

Q. What house did you live in at Calcutta?

A. At Joorabadun.

Q. Where did you see this bond executed that you speak of?

A. At the house of Huzzrey Mull.

Q. Did Huzzrey Mull live in the house?

A. Bollakey Dofs lived there.

Q. How came you in the house?

A. I frequently went backwards and forwards there.

Q. What kind of a man was Bollakey Dofs?

A. Of a yellow colour, and old.

Q. Who was present at the execution of the bond?

A. Mahomed Commaul, Joydeb Chowbee, Choyton Naut, Shakeer Mahomed, Seilabut, Matheb Roy, and myself.

Q. Was no body else present?

A. There was a writer.

Q. What was his name?

A. It is many years ago: I have forgot.

Q. Did you ever know it?

A. I have forgot.

Q. Was you acquainted with all the people you named?

A. I knew them all before, except the writer.

Q. How long did you know Mahomed Commaul?

A. I did not know him before I used to see him sometimes at the house of Maha Rajah.

Q. Did the writer belong to Bollakey Dofs?

A. I do not know.

Q. How came you to the house of Bollakey Dofs that day?

A. I used now and then to go; it happened I went then.

Q. Had you any particular reason to go?

A. I went by chance: as I used to go before, so I went then.

Q. Who was there when you went?

A. Matheb Roy and Seilabut.

Q. What time of the day was it?

A. Before mid-day.

Q. Was any other person in the room when you went?

A. No body but Matheb Roy and Seilabut.

Q. Was it near mid-day when you went?

A. It was.

Q. Was Matheb Roy and Seilabut in the room that the bond was executed in?

A. They were.

Q. Was Bollakey Dofs there when you first came?

A. No.

Q. Was the writer there?

A. No.

Q. When did Bollakey Dofs come?

A.

A. It might be one gurree, or one gurree and a half, that I was there before he came.

Q. Did any one come to them before Bollakey Dofs came?

A. No.

Q. Who came with Bollakey Dofs?

A. He came alone, only his kidmutgar.

Q. Did any one else come with him?

A. No.

Q. What did he do when he came? did he speak to you?

A. He did not speak to any body: he took off his clothes and sat down.

Q. When did the writer come?

A. After Bollakey Dofs had arrived, half a gurree after Mahomed Commaul and the others came.

Q. Did they come before the writer, or after?

A. When Bollakey Dofs arrived, he called for the writer, and the writer first arrived.

Q. Did any conversation pass between the writer and Bollakey Dofs?

A. No conversation passed.

Q. Do you know that for certain?

A. I tell it for certainty.

Q. Are you very positive there was no conversation between Bollakey Dofs and the writer?

A. There was no question and answer between them; there was no words between them.

Q. When Bollakey Dofs came into the house, did he come directly into the room where you were?

A. He came directly to the place where he sat.

Q. Are you sure he went to no other room?

A. I was sitting in the place where Bollakey Dofs afterwards sat: I saw him sit down.

Q. Did you see him enter the doors and come up stairs?

A. I was sitting above stairs; I did not see him come up stairs, or come into the doors of the house.

Q. Did he come in a palankeen?

A. I was within; I did not see.

Q. Did you hear the noise of Sewarry?

A. He was not of so much rank that he should make so much noise.

Q. When did the writer come in?

A. When Bollakey Dofs came into the house, he sat down, and ordered the writer to be called.

Q. Who did Bollakey Dofs send for the writer?

A. His kidmutgar.

Q. What did he say to him?

A. It is long ago: I do not remember.

Q. How long was it before the writer came?

A. I do not know exactly, it was a little time.

Q. Did they mention his name?

A. I do not remember their sending for the writer by name.

Q. *by the Jury.* Did the writer live in the house, or out of the house?

A. I do not know.

Q. Could Seilabut write Persian?

A. He could.

Q. Did Bollakey Dofs send for the writer directly when he came into the room?

A. No, he sat down a little, said a few words, and then sent for him.

Q. How long?

A. He sat down, spoke two or four words to Seilabut, then sent for the writer.

Q. What did he say to the writer?

A. After his arrival Mahomed Commaul and the other persons before mentioned came.

Q. Did Bollakey Dofs give any directions to the writer before they came in?

A. After they came, he ordered him to write.

Q. Did he before?

A. No orders were given before they came.

Q. What did he order him to write?

A. After they came, Bollakey Dofs gave directions to the writer.

Q. What directions did he give?

A. What the writer wrote in the bond.

Q. What was that?

A. I do not remember; it may be seen in the bond.

Q. Do you remember what Bollakey Dofs told the writer?

A. He

A. He told him the subject of the bond in the Moor language.

Q. What was that?

A. I do not remember; it is what is in the bond: if I remember'd it, why should I keep it with me?

Q. Do you remember nothing that was in the bond?

A. I know nothing at all, not a word.

Q. How long was the writer writing the bond?

A. About a gurry.

Q. Did Bollakey Dofs repeat once or twice, or how often, what was to be wrote in the bond?

A. As far as I can recollect, he told him to write a bond, to this particular purpose; and then directed what he was to write.

Q. What was the sum?

A. About 47 or 48,000 rupees.

Q. Was any mention of interest, or any thing else, in the bond?

A. I do not well remember.

Q. Do you remember at all?

A. I do not.

Q. After the bond was wrote, what passed?

A. Having prepared and finished it, he put it in the hands of Bollakey Dofs. Bollakey Dofs returned it to him, and said, Do you read it over; he then read it once in Persian, and gave it to Bollakey Dofs.

Q. Was it read more than once?

A. It was not.

Q. Are you sure it was read in Persian?

A. I am.

Q. Did any thing farther pass?

A. Mahomed Commaul was sitting next to Bollakey Dofs: he said, Do you witness Mahomed Commaul put his seal: he said to Matheb Roy, Do you likewise witness it; and he sealed it: he likewise said to Seillabut, Do you likewise witness this; and he signed it.

Q. Did any body else write on the bond?

A. Nobody else.

Q. Did Bollakee Dofs seal the bond?

A. He did.

Q. When did he seal it?

A. He first put his seal to it, and then the witnesses.

Q. Who sealed the bond first?

A. Mahomed Commaul.

Q. Are you certain?

A. I was sitting, and saw him.

Q. Are you certain?

A. I say so.

Q. Who sealed next?

A. Matheb Roy.

Q. Do you speak with certainty?

A. I do speak with certainty.

Q. Who sealed next?

A. Seillabut then signed.

Q. Are you certain?

A. I am; I speak with certainty.

Q. Are you sure, that nobody else wrote after Seillabut?

A. Nobody else wrote but Seillabut and the writer.

Q. Did nobody else use a pen?

A. No: nobody else.

Q. What! nobody but Seillabut and the Writer?

A. No.

Q. What place was the bond sealed in?

A. As is customary in Persian bonds.

Q. What is that custom?

A. They write this way (obliquely). The right hand is the place for the seals.

Q. Show the position of the seals on paper.

A. The bond was wrote obliquely, from right hand to left; the seals in a line, on the margin.

Q. Whereabouts did Seillabut sign?

A. Near Mahomed Commaul's seal, he signed it.

Q. Do you know Bollakey Dofs's seal?

A. I do.

Q. How do you know it?

A. I knew it, because he used to write letters to my former master Roy Derrick.

Q. Do you know Mahomed Commaul's seal?

A. I do: I frequently saw it on his finger.

Q. Should you know it, if on any other paper than the bond?

A. I certainly should know the impression of the seal wherever I saw it.

Q. What shape is it?

A. A four-cornered seal.

Q. How often did you see Mahomed Commaul before he signed this deed?

A. When I went to Maha Rajah's, I sometimes saw him, and sometimes did not.

Q. How often have you seen him?

A. I cannot count how often I have seen him.

Q. Have you seen him twice?

A. I cannot say I have seen him twice. Why should I say twice? I have seen him many times.

Q. Did you often see his seal?

A. I used to see it on his fingers.

Q. Did you ever take it off his finger, and examine it?

A. I have seen the seal on his finger. I never took it off to examine it. Why should I take off the seal of another man?

Q. Then you never did take it off to examine it?

A. I did not. Why should I take the seal of another man?

Q. Do you mean that, if you saw the impression, you should be able to read the name; or should you know it from any other circumstance?

A. When I see it, I will think of it. I shall be able to tell.

[Question repeated; no answer could be obtained.]

The question was several times repeated, but no answer could be procured.]

Q. Do you know Matheb Roy's seal?

A. I know it a little: if I was to see it on the bond, I should know it.

Q. Should you know it on any other paper than the bond?

A. I shall be able to tell when you try me.

Q. Do you believe you should?

Interpreter. He does not chuse to answer the question. I can procure no answer from him.

Q. Should you know the seals from their places on the bond, or from the seals themselves?

[No answer could be procured.]

Question repeated.]

A. I before said, Shew me the bond, and I will tell.

Q. Will you say, whether you should know the seals from their place on the bond, or from the seals themselves?

A. What I know I say: if you shew me the bond, I think I should know the seals.

Q. What size was Matheb Roy's seal?

A. It was larger than the seal of Mahomed Commaul. [A paper given him to describe on.]

Q. Shew how large the seal was.

A. I am not a seal-cutter. How should I mark it? Having sworn, I will say what I remember; I cannot say what I do not.

Q. Making a mark is not speaking words. [He is again asked to make a mark.]

Witness. Observe that you order me to make a mark.

[He makes a mark near the size of the seal.]

Q. What was the shape of Bollakey Doss's seal?

A. A Buddamee seal.

Q. How large was that seal?

A. Not very large, nor very small.

Q. Who brought the inkstand?

A. His Kirmutgar.

Q. Are you certain, he brought it in?

A. Very certain.

Q. Was he sent for it?

A. The Kirmutgar brought it.

Q. Was it before Mahomed Commaul or the witness came?

A. Before.

Q. What was the ficca dewat made of?

A. Silver.

Q. What size?

A. The size they generally are.

Q. What size is that?

[He describes by his finger as before described.]

Q. What size is the bond?

A. I remember thereabout half a cubit, nearly the size of the bond.

Q. What was done with the bond?

A. When the bond was executed, he gave it to Mahomed Commaul, whom he sent with

Seillabut,

Seillabut, to give it to Maha Rajah Nundocomar.

Q. Where did the witness go to?

A. A little after the departure of Mahomed Commaul, and Seillabut, Shaik Mahomed, Choyton Naut, and Chowdeb Chowbee, having got their admission, went away. Half a gurry after that, I went away too.

Q. Was then any conversation passed, whilst the writer signed the bond?

A. Before the writing of the bond, some conversation passed between Matheb Roy, Bollakey Dofs, and myself.

Q. What was it?

A. I will relate to you what I remember. Bollakey Dofs said to Seillabut, I have been to Maha Rajah Nundocomar; and we have settled every thing about the jewels. He is my patron, and I have done according to his pleasure. For such a business as this, it is not proper to have any difference with him. I am therefore to write out a bond. Seillabut and Matheb Roy said, You have done right. He is your patron; it is proper you should not do any thing contrary to what he says. After that they called for the writer.

Q. Were Joydeb Chowbee, and Mahomed Commaul there?

A. No: they came after.

Q. Did you mention this conversation to any one before?

A. I never did.

Q. Was there no mention of these jewels in the bond?

A. It may be; but I do not remember.

Q. Was Bollakey Dofs pleased when the bond was read?

A. He was pleased, and satisfied.

Q. Did Bollakey Dofs understand Persian?

A. He must have understood Persian; he said it was very well, but he did not write it; and I do not know that he could speak it; I never heard him.

Q. Did you, by any other means, know whether he understood Persian or not?

A. I did not.

Q. Did Mahomed Commaul say any thing?

A. He said nothing.

Q. Are you sure?

A. He did not.

Q. Did not Mahomed Commaul say it was very well?

A. I do not remember.

[He proves a seal of Bollakey Dofs to three envelopes, which had been opened, and which the Counsel for the Prisoner offered in evidence, but was overruled by the Court, there being no signature from Bollakey Dofs to the papers inclosed, nor any proof, whose hand-writing they were, or that those papers were originally inclosed in the envelopes; because, if they were allowed to be given in evidence, they might impose what papers they pleased on the Court, by putting them into the envelopes. The Jury having desired to look at the papers, the Foreman observed on inspecting them, that it was an insult to their understanding, to offer those papers in evidence, as papers of the date which they purported to be of.]

[The Counsel for the Prisoner speaking in a warm and improper manner to the Jury.]

Court. This is a manner in which the Jury ought not, and shall not be spoke to. The Prisoner ought not to suffer, from the intemperance of his advocate. You, Gentlemen of the Jury, ought not to receive any prejudice to the Prisoner on that account, nor from the papers themselves, which not having been admitted in evidence, you should not have seen; and having seen, whatever observation you have made, you should forget: it is from what is given in evidence only, that you are to determine.

Jury. We will receive no prejudice from it. We shall consider it the same, as if we had not seen it: we will only determine by the evidence produced.

MEER USSUD ALLY, called.

Q. Did you know Bollakey Dofs feat?

A. Yes. Meer Cossim Ally Cawn sent me with treasure from Rotas to Bollakey Dofs

Dofs feat. I delivered the treasure to him, and took his receipt for it.

Q. Where was Bollakey Dofs at that time?

A. At a place called Dues Gauty.

Q. Where is that place?

A. To the westward of Sasserum.

Q. Is there any seal to that receipt?

A. There was one seal of his to it.

Q. Where has that receipt been ever since?

A. With me ever since. [He produced a paper, wrapped in a wax-cloth, closely pressed and doubled into the size of less than an inch square, bound tightly down with a string, which was cut open, and the paper carefully unfolded, and produced as the original receipt.]

Q. Did you see Bollakey Dofs affix his seal to the paper?

A. If you want to know, there is another gomaftah of Bollakey Dofs's in Court; call him.

[Question repeated.]

A. I did see it with my own eyes.

Q. How long ago is it?

A. Look at the paper, you will see the date there.

Court. You must give a positive answer.

A. It is ten or twelve years ago; it was in the time of Cossim Ally.

Q. What are you at this time?

A. I am at present in no business: I come to seek employment in this part of the country.

Q. How long have you been here?

A. About two months.

Q. From whence came you last?

A. From Patna.

Q. What was you there?

A. In service.

Q. In what capacity?

A. With Shittab Roy; I was Daroga of the Mint.

Q. What was your business immediately before your leaving Patna?

A. I was out of employment, and obliged to come here to seek it.

Q. How long since you left Patna?

A. About six months past.

Q. When was you last in service?

A. Since I left Shetab Roy, I have entirely been out of service.

Q. To whom have you applied for employment since you came to Calcutta?

A. It is now eight years since I came to Calcutta: I had an interview with Maha Rajah Nundocomar, who promised me that, God willing, when he got employment, I should.

Q. What employment did you want?

A. I wanted an appointment under Molauck ul Dowlah, that I might receive some monthly wages.

Q. When did you first see Maha Rajah Nundocomar?

A. When Major Munro brought me to Calcutta, I first saw the Maha Rajah.

Q. How soon did you see him after you came to Calcutta?

A. About four days.

Q. Are you sure of that?

A. Can there be any advantage in telling a lye on this occasion?

Q. In whose service were you before you served Shetab Roy?

A. I was formerly a servant of the King at Delhi when he came to Bengal: I was afterwards in the service of Meer Cossim Ally, and after that with Jaffier Ally.

Q. When you came from Patna, why did you bring this paper with you?

A. No no; I was at Muxadavad, when hearing of this affair, I told to some body, I had a paper with Bollakey Dofs's seal to it.

Q. Who did you tell so?

A. I said no such thing; I never heard of this affair at Muxadavad.

Q. Did you know any thing of this affair when you left Patna?

A. No.

Q. How came you to say you know this affair? was it at Muxadavad that you told the man you had this receipt?

A. I left Muxadavad in the month of Maharun.

Q. Did you mention any thing of this paper to any person?

A. No; why should I mention any thing of a paper of my old master's?

Q. Think well, and say whether you ever mentioned having this paper to the Maha Rajah, or to any other person?

A. Why should I tell any one I had such a receipt? if any one can say that I did, I deserve punishment: I had a receipt of my old master's in my possession; if I had given it to any one, and my children had fallen into the hands of my master, they would have been slain.

Q. Who desired you to bring this receipt here?

A. Maha Rajah Nundocomar asked if I had such a receipt; I told him I had, and he desired me to bring it here.

Q. Are you very sure you never told any person of a receipt, that could tell Maha Rajah Nundocomar?

A. I told no one of the circumstances of the receipt.

Q. How did Maha Rajah know you had a receipt?

A. In the course of conversation, he mentioned to me the circumstances of the persecution: I told him I had a paper with a Persian seal to it, and this was the paper.

Q. Can you shew in Bollakey Dofs's books any account of the receipt of this money?

Court. Look for it.

Witness. I said I had a receipt of Bollakey Dofs's; this is the paper.

Q. Did you, at that time, tell the Maha Rajah any thing more than that you had a Persian seal?

A. I said that I had the impression of the seal of Bollakey Dofs.

Q. What did you mean, when asked if you told Maha Rajah Nundocomar, that you said particularly you did not?

A. I excepted Maha Rajah Nundocomar.

Court to Mr. Elliot. Did he or not?

A. He did not.

Q. to witness. Why did you bring the receipt to Calcutta?

A. I did not bring it to Calcutta; I left it at Muxadavad: when I told Maha Rajah I had such a receipt, he desired I would send for it: I sent a servant of my own, of the name of Berzey, to Muxadavad.

Q. Have you a house at Muxadavad?

A. I have.

Q. Why did you say you came from Patna?

A. I went from Patna to Muxadavad.

Q. How long had you been at Muxadavad before you left it the last time?

A. I arrived at Muxadavad on the month Zeehidjah; I left it in the month of Mahaurun this year.

Q. When did you come last to Muxadavad?

A. I arrived there on the tenth of Zeehidjah, and left it on the 22d of Mahaurun.

Q. In whose possession did you leave the seal at Muxadavad?

A. I left a little box with my wife, in which was this paper.

Q. Did you send to your wife for the receipt?

A. Yes.

Q. Did you send a verbal or a written message?

A. I wrote a note.

Q. In what language?

A. My own was in Persian.

Q. What countrywoman is your wife?

A. A Bengal woman; a native of this country.

Q. Does your wife understand Persian?

A. No; how should she?

Q. What did you write to her in the note?

A. I wrote to her to send the receipt in the Tavuze bauzu.

Q. What is the meaning of Tavuze bauzu?

A. It is what is kept under the jamma, bound round the arm: the receipt was shut up in the Tavuze bauzu.

Q. What answer did your wife send?

A. She sent the Tavuze bauzu, and a note informing me she had sent it.

Q. Did you read it?

A. Does not a man read a note he receives?

Q. In what language was it wrote?

A. In Persian.

Q. Did she write it herself?

A. Do women know how to write?

Q. Does any body in the house write Persian?

A. She would probably send for a Mulla to read my note, and get the answer wrote: I am a poor man, and have no servant of that sort.

Q.

Q. Was you used to wear this tavuze bauzu about your arm?

A. I formerly did, but since my master was gone I threw it into a little box.

Q. Why did you?

A. My master, to whom it belonged, being gone, I threw it into the box: why should I keep it any longer?

Q. Did you then consider it of any further value when your master was gone?

A. When my master was gone, I was at Rotasgur, where my master had sent me: I kept it out of fear.

Q. Why did not you give it your master?

A. I did: He said, Keep it yourself, and I will take it of you hereafter: it remained with me.

Q. What did the treasure consist of, you carried to Bollakey Dofs?

A. They were bags of rupees which I paid to Bollakey Dofs.

Q. How many?

A. It is impossible to say how many bags in so large a sum. There were many bags containing 2000 rupees; some might contain more.

Q. Where did you carry it from?

A. Rotasgur.

Q. To what place?

A. I was carrying it from Rotasgur to the Nabob Cossim Ally Cawn: he ordered me to carry it to Bollakey Dofs.

Q. Where was Bollakey Dofs?

A. In a tent at Doorgauty.

Q. How far was that from Rotasgur?

A. It is 12 coss from Sasiram, and that is three days journey to Rotasgur.

Q. Who went with you?

A. My own people.

Q. How many?

A. 150 horsemen, and 150 peons.

Q. Can you produce one?

A. I cannot tell where to find one. Some are at Muxadavad, some at Patna, and some dead.

Q. Can't you produce one?

A. How should I? I know of none.

Q. Where is the man that brought the receipt to you from Muxadavad?

A. In town: I will bring him to-morrow.

Q. What is his name?

A. Buzzoo.

Q. What sort of a man is he?

A. A poor man; young, not old, and shaves his beard; of a middling size, neither fat nor thin.

Q. Is he your servant, or any other person's?

A. He is a Raffeek of mine; what I get he eats with me.

Q. If he is a Raffeek, why did you before say you sent your servant?

A. He is called servant sometimes, sometimes a raffeek, and sometimes a brother.

Q. How many servants do you keep?

A. I have likewise a slave boy; he and I eat rice together.

Q. Have you any other servant?

A. I have no power to have servants.

Q. What religion are you of?

A. A Mussulman.

Q. What is Buzzoo?

A. A Shaik (Mussulman).

Q. Have you ever had any promise for coming here?

A. I have not received the smallest thing from him; [pointing to the Prisoner] he only said he would procure me to be a servant of the Nabob's.

Q. When was you to enter into your employment at the Nabob's?

A. When he (Maha Rajah) should be released and sent to his own house, he would give it me.

Q. At whose expence have you lived since you have been at Calcutta?

A. The circumstance is this; I brought some rupees with me to Calcutta.

Q. You have been long out of employment; how have you subsisted?

A. I had jewels and valuables; I have sold them all, and by that means maintained myself. Major Munro gave me 2000 rupees.

Q. Was Bollakey Dofs the usual Shroff of Cossim Ally Cawn?

A. If he was not, why should he pay the money to him?

Q. Did you know of Cossim Ally paying any other sum of money to Bollakey Dofs?

A. No.

A. No; I was a fervant, and did only as I was ordered.

Q. Did you ever pay any money to Bolla-key Doss for Coffim Ally before?

A. I never did.

Q. How do you know he was a banker?

A. I had two bills on him from Coffim Ally.

Q. Whose province was it to settle the accounts with his banker?

A. How should I know? I was a poor man.

[Question repeated.]

A. The name of the office is Mustowaffah: his name is Mustowaffee.

Q. How could the Mustowaffee settle the Nabob's accounts without this receipt?

A. At that time the country was in great troubles: his household was in great disorder, and the Nabob ran away.

Q. What part of Calcutta do you live in now?

A. I live on the Subah Buzar.

Q. In your own house?

A. In a religious house, in which I live for nothing.

Q. Did you, or not, know of this affair at Muxadavad?

A. No.

Mr. Elliot. I cannot be positive that he said that he heard it at Muxadavad; and that may serve to clear up the inconsistency, in his saying he had told no one, as he had not at that time told the Maha Rajah.

Q. to Mr. Elliot. How long is it since the date of that receipt?

A. I believe ten years and two days; but I cannot be certain without calculating.

KISSEN JUAN DOSS.

Q. Do you know any thing of this transaction?

A. No.

Meer Uffud Alli. You were present when the money was paid.

Q. to Kissen Juan Doss. Do you know any thing of it?

A. I do not remember.

Q. Had you been present when so large a sum of money was paid by the Prince of the Country, should you not have known it?

A. I don't remember: great sums of money

were paid in the house, from 25 to 50 lacks: I can't remember all.

Q. to Uffud Alli. Have you been at Patna since Shetab Roy died?

A. No: I have been to Calcutta, also to Purnea, and other places, in search of employment.

Q. to Kissen Juan Doss. Is there a separate account of Coffim Ally Cawn?

A. There is.

Q. Why did you look over this book, knowing it in the other?

A. It would likewise have been in this book: I could find easier in the other.

JUNE 1, th, 1776.

Question to Mr. ELLIOT.

WHAT is the Persian word for forty-thousand?

A. Chekill Hazuar: in Moors it is Chaleefe Hazaar.

Q. What is 50,000?

A. It is Pensaw Hazaar in Persian, and Putehaa Hazaars in Moors. [Mr. Welton, one of the Jury, added, that in Bengally the fums were the same as in Moors]

COLONEL GODDARD.

Q. Was you the officer who took Rotargur?

A. I was.

Q. What year was it?

A. I don't recollect the year by the He-gyra: I can tell by that of our Lord: it was in 1764.

Q. When did Coffim Ally leave Rotargur?

A. I cannot ascertain when he left it: I believe he never was there: he was not there when I took it.

Q. Was you at the battle of Muxat?

A. No.

Q. When was it fought?

A. Twenty-second or twenty-third of October, 1764.

Q. Had Coffim Ally then left the Provinces?

A. After taking Patna, in 1763, Coffim Ally had no place of strength left in the Provinces, excepting Rotas.

Q.

Q. Can you tell where he fled across the Caramanassa?

A. I was wounded, and left at Patna: he passed the Caramanassa at that time: after the reduction of Patna, the army passed into the Caramanassa, following Cossim Ally.

Q. When did he return?

A. He returned into the Provinces in 1764.

MR. HURST.

We took Patna in November, 1763: our army marched immediately to the Caramanassa: Cossim Ally and the troops with him passed the Caramanassa at that time: about November or December, 1763, he returned to the Provinces, with Sujah ul Dowlah: about April, 1764, our army retreated to Patna: the cannonade from Sujah ul Dowlah was the 3d of May, 1764: Cossim Ally and Sujah ul Dowlah retreated from, and Cossim Ally never returned again to, the Provinces. Buzar indeed is just within the Provinces. The battle of Buzar was fought the 23d of October.

MAJOR AUCKMUTY.

Court. Do you remember where Cossim Ally was encamped, three weeks or a fortnight before the battle of Buxar?

A. I think at Buxar.

Q. In going to Buxar, do you not go through Jaffaram?

A. You do.

Q. Had Cossim Ally any fixed camp after his departure from Patna, till the intrenchment at Buxar?

A. I believe he had not any camp: he was with Sujah ul Dowlah's army.

Q. Had they any camp at Doorgolly?

A. I do not know of any: I think they would neither of them leave the body of the army. Jaffaram is inland, Buxar is on the river. I cannot say but he might have had a camp at Doorgolly.

Mr. Elliot. I can now ascertain the date of the receipt produced to the Court by Meer Af-fad Ally. I can swear to the date by the records of the khalsa.

Q. Have you examined the records of the khalsa?

A. I have; and find that the 14th of Rubuffanee, in 1178, Hegyra, which is the date

of the receipt now produced, answers to the 28th of Assum, 1174, Bengal year; which is exactly 10 years, 8 months, and 5 days, from this time, (13th June, 1775,) I mean calendar months, which brings the date of the receipt to the 8th of October, 1764. N. B. 45 days before the battle of Buxar.

Q. From what place is the receipt dated?

A. It is not dated from any place: Dorgolly is mentioned in the paper.

KISSEN JUAN DOSS.

Court. Have you examined, and do you find these and the books produced last night to be all the books in which Cossim Ally's accounts with Bollakey Doss are contained?

A. They are all, and I have examined them: I did not look over the books yesterday so carefully: one book contains all the accounts between Bollakey Doss and Cossim Ally.

Q. Does that book contain the whole of the accounts between Cossim Ally and Bollakey Doss?

A. It does.

Q. What are the periods when the accounts in these books begin, and when they end?

A. They begin in Babuzanee, 1175, and end in the month of Saubem Nagree, 1821.

Q. Is there any mention of such an account as this mentioned in the receipt?

A. There is no such entry: it is certainly not in the books: I cannot ascertain when the books close.

Q. Is the date of the beginning of the transactions in the books regularly entered there?

A. It is.

CAPTAIN CARMAC.

Q. Was you with the army in 1764?

A. I was.

Q. Do you remember Sujah Dowlah and Cossim Ally's retreating from Patna in that year?

A. Their army was defeated before the walls of Patna: 3d May, 1764, they retreated to Banaras, and continued there.

Q. How far is Rotargur from Doorgolly?

A. I believe Doorgolly is a town on the banks of the Soame: there is more than one place of that name.

Q.

Q. Is there a river called Doorgotty?

A. There is: I apprehend you cross it in going from Jafferam to Buxar. It falls into the Soam.

Q. How far is Jafferam from Rotafgur?

A. It is esteemed 12 cofs.

Q. Did you ever travel it?

A. I have.

Q. In how many hours?

A. I set out early in the morning, and breakfasted there, I apprehend, about 10 o'clock. I rode very hard: they are long coffes, and through a hilly country: it was in the cold weather.

Q. Can you tell where the army of Sujah Dowlah and Cossim Ally were, fourteen days before the battle of Buxar?

A. I believe, encamped at Buxar.

KISSEN JUAN DOSS.

Q. What is the last date mentioned in the books?

A. The last date mentioned in the books is taken from a teep, or promissory note: I entered it long after the date of the receipt: I entered it at Calcutta. It was after the return of Bollakey Dofs from the army.

Q. Was you with Bollakey Dofs with the army?

A. I was.

Q. Do you know the river Doorgotty?

A. I do.

Q. Was Bollakey Dofs in a tent near that river, about the 14th of Rabufanee, 1178?

A. He was with the army: I know not when.

Q. Was Bollakey Dofs with the body of Cossim Ally's army, a little before the battle of Buxar?

A. He was.

Q. Where was the army 14 days before the battle?

A. A month before that battle they were in cantonments at Buxar.

Q. Did the river Doorgotty run near Buxar?

A. The army was once near the river Doorgotty; but not when they were encamped at Buxar.

CAPTAIN CARMAC.

Q. Do you know Buxar?

A. I do.

Q. How far is the river Doorgotty from it?

A. I do not know.

KISSEN JUAN DOSS.

Q. When the army was near Doorgotty, do you remember a man coming with treasures, escorted by three hundred men, on account of Cossim Ally?

A. I do not remember any thing of it.

Q. If such a transaction had happened, must it not appear in Cossim Ally's account?

A. Such matters were always minuted in the Persian office: when any treasure was brought, it was kept in this book; but no account at large was kept at Patna.

Q. Was the teep you referr'd to in the book, paid in Calcutta, or only entered there after the transaction?

A. The entry was made by Bollakey Dofs: I can give no more particular account.

Mr. Elliot. I understand that these books end in 1176, Hegyra.

Q. Do you apprehend that any part of the army with which Bollakey Dofs might be, would be detached to the river Doorgotty, within a month of the battle of Buxar?

A. I know of no such detachment.

Q. Do you remember when the body of the army was there?

A. The army was frequently in motion. I can give no account of the time of its being there. When the army was in the field, it was expected the rain would come on: the army went to the cantonments at Buxar.

Q. Was the army at Buxar before the rains?

A. I cannot speak to the motions of the army.

Q. Were the rains set in when the army went to the cantonments at Buxar?

A. I can't tell whether it rained any one day.

Q. Was it, or was it not, before the rains, that the army came there?

K

A. Ten

A. Ten or twelve days after our arrival, I remember it rained.

Q. Had the rainy season set in?

A. I don't mean to say that the rainy season began 10 days before, or 10 days after our arrival.

MR. HURST.

Q. About what time does the rainy season set in at Buxar?

A. It generally sets in, the latter end of June, or the beginning of July.

Q. Does it hold up 10 or 12 days, during the rainy season?

A. There are instances of it.

Q. When does the rainy season end there?

A. The rainy season generally ends in the month of September, or in the beginning of October.

KISSEN JUAN DOSS.

Q. Was you at the battle of Buxar?

A. I was. I have reason to remember it. I was, after the battle, flung into confinement.

Q. Did the army, or any part of it, after its first going into cantonments, move towards Doorgotty?

A. I am not well acquainted with the circumstances. I was confined before the battle. All Cossim Ally's people were confined by Sujah Dowlah.

Q. Was Bollakey Dofs also confined?

A. He was.

Q. How long before the battle was Bollakey Dofs confined?

A. I believe above a month, perhaps six weeks.

Q. Did Bollakey Dofs act as a Shroft for Cossim Ally during his confinement?

A. What kind of question is that? Cossim Ally himself, was in confinement. Where should he have money to send to his Shroft?

Q. What kind of confinement was Cossim Ally in?

A. In a tent near Sujah Dowlah: his own attendants were removed, and chowkies put over him.

Q. What confinement was Bollakey Dofs under?

A. I have taken an oath, and I will tell the truth. The Nabob, Sujah Dowlah, wanted to get money from Bollakey Dofs, in confining him first, before the rest of Cossim Ally's servants. The treasurer of Sujah Dowlah (Collic Joqu) desired the Nabob to put Bollakey Dofs under his charge; and promised to get money from him. Sujah Dowlah likewise plundered all the goods and effects of Cossim Ally; he even infringed the rights of his Zenana. It was not till after the battle of Buxar, Cossim Ally obtained his liberty: they did not think it of consequence enough to confine me at first with my master. I was confined 14 or 15 days after the confinement of Bollakey Dofs.

Q. How many days were you confined?

A. Twenty-one days.

Q. Did you ever, to the best of your recollection, see Meer Huffud Alli before yesterday?

A. I have often seen him lately going about in Calcutta; but never before.

Q. Have you seen him with the army?

A. I have seen many thousands whom I do not recollect: I know nothing of him.

Q. Did you see Cossim Ally's principal servants?

A. I did not know them. I sat in my tent.

Q. In case any treasures had come to Cossim Ally, or Bollakey Dofs, during their confinement, what would become of it?

A. When a man is in confinement, he who confines him will take it: whatever Bollakey Dofs had, Collic Joqu took from him.

Q. Did Collic Joqu give a receipt for the money he plundered?

A. I don't understand such conversation.

Q. If any treasures had come to Bollakey Dofs, which Collic Joqu had taken, would Bollakey Dofs have given a receipt for it?

A. Why should I suppose treasure would come at that time, or why should he give a receipt for it?

Q. Can you take upon you to swear that no such treasure arrived?

A. From the time that I was in confinement,

ment, I can take upon me to swear that no treasure was brought.

Q. Was Cossim Ally Cawn, and Bollakey Dofs in the same army together?

A. Bollakey Dofs was in the same army with him.

MR. WILLIAMS.

Q. Do you know the river Doorgotty?

A. I do not know the names of the rivers in that country.

Q. Do you know at what time the army of Sujah Dowlah entered their cantonments at Buxar?

A. They cannonaded Patna in May: I can only answer for the motions of our own army. The battle of Buxar was the 23d of October.

KISSEN JUAN DOSS.

Jury. For how long a time have you seen Meer Huffud Alli about Calcutta?

A. Ten or fifteen days from this time.

Q. How often have you seen him?

A. About twice.

Q. Did you talk with him?

A. No.

Q. How came you to know him?

A. I saw him once on horseback. He said I know you, you were Bollakey Dofs's servant; I answered, Very probably: there was a servant of mine with me.

Q. What is his name?

A. I do not know.

Q. Had you ever seen him before?

A. Once: nothing then passed between us.

Q. How came you to know his name?

A. I did not know his name when I saw him in court.

Q. Did you go to the house of Maha Rajah Nuncodomar?

A. I never went near him. I like to sit in my own house.

Q. Was there more than one body of the army at Buxar?

A. The two armies were separate: there might be a coss or a coss and a half betwixt. Cossim Ally carried equal army from hence;

but at the time of the battle, I believe Cossim Ally had not more than from 500 to 2000 men belonging to him.

Q. Was Cossim Ally close confined on the day of the battle?

A. He was; and at the end of his confinement, he could not be said to have any army at all; several were gone, and he had given dismissal to others: he had dismissed Sumroo: Cossim Ally was not released till after the battle.

SHAIK EAR MAHOMED.

Q. Do you know Mahomed Commaul?

A. I did.

Q. Do you know more than one of that name?

[The question was repeated several times, but no answer could be produced.]

Mr. Elliot. It is impossible he can mistake me: he will give no answer.

At last the witness said, I did not know any other Mahomed Commaul.

Q. Do you know Commaul O' Dien Ally Cawn?

A. I did.

Q. Is the Mahomed Commaul you speak of, and Commaul O' Dien the same person?

A. They were different.

Q. Is the Mahomed Commaul you speak of alive or dead?

A. Dead.

Q. How do you know?

A. I buried him.

Q. When did he die?

A. Five or six years ago: I do not remember exactly.

Q. Where did he die?

A. He died in the house of Maha Rajah Nundocomar, in Calcutta.

Q. Where did he usually reside while living?

A. In a little place separate from the house of Maha Rajah: when he came from Muxadavad, Maha Rajah put him there.

Q. Do you know whether that Mahomed ever witnessed any bond to Maha Rajah Nundocomar?

A. I saw him witness it with my own eyes: I saw him put his seal to it.

Q. Who gave the bond to Maha Rajah Nundocomar?

A. Bollakey Dofs.

Q. Do you know who were the other witnesses?

A. Matheb Roy, a kittree, and Sielabut the vakeel of Bollakey Dofs: those three.

Q. Do you recollect for what sum of money it was?

A. I remember it was for 48,021 sicca rupees.

CROSS EXAMINATION.

Q. Whose servant was you?

A. I am not a servant; I used, a long time ago, to trade in salt: I am no one's servant: I go back and forwards to Maha Rajah: my uncle has a house at Siedabad, where we have carried on business for a long space of time: my uncle used frequently to go to Maha Rajah's: when I was little I used to go with him: I have now been ten or fifteen years in Calcutta, and always with the Maha Rajah.

Q. How came you to see the bond executed?

A. Mahomed Commaul, Joydeb Chowbee, Choytounaut, and myself were sitting in the house of Lucky Caunto Seat, in the Borrabonah with Maha Rajah; Bollakey Dofs likewise came in, and sat down by us: Maha Raja Nundocomar lived in that house: having sat down, Maha Rajah Nundocomar said to Bollakey Dofs, You have for a long time had my money; it shall remain no longer with you; now pay it me: then Bollakey Dofs answered Nundocomar, My money, which was in the house of Muxadavad and Decca, has been plundered; I have not now the power of paying the money; a great sum of money is due to me from the English Company: having received that money, I will pay you first, and after that will pay others: I will now give you a bond for that money, do you take it from me. He then pressed Maha Rajah very much, with his hands joined, to take the bond. Maha Rajah

consented, and said, Very well, write a bond: he then said, Give me Mahomed Commaul with me, and I having gone to my own house, will write out a bond, seal it, and get proper witnesses to it and send it back by Mahomed Commaul: Maha Rajah Nundocomar said, Very well. Bollakey Dofs, taking Mahomed Commaul with him, obtained dismissal: Maha Rajah then got up, and we three likewise took our leaves: when we went into an outer house, Seat Bollakey Dofs said to me, Do you likewise come along with me; and I having gotten a bond written out and sealed, you will see it done: he having said this, I agreed; he having got into his palankeen went away, we four people followed him, he having gone with his palankeen, half a gurry after we followed him, we likewise arrived at his house. We saw Bollakey Dofs sitting, and along with him Matheb Roy, Sillabut Lallo Doman Sing, and a Mohurir: We sat down. Bollakey Dofs said to his writer, Write out a bond for 48,021 sicca rupees, in the name of Maha Rajah Nundocomar: he wrote out a bond in Persian, and the Mohurir having read it, Bollakey Dofs heard it, and took it into his hands, and having taken it in his hands, he took off a ring, which was on his finger, and when he had taken it off, he dipped it in a sicca dewat (ink stand) which was lying before him, and affixed the seal to the paper which was lying before him, and having sealed it, he said to Mahomed Commaul, Do you likewise be a witness to it, and gave the bond into his hands. He having likewise taken his seal off his finger, affixed it to the bond as a witness. Bollakey Dofs then said to Matheb Roy, Baboo Matheb Roy, Do you likewise witness it; Matheb Roy likewise, having taken his seal from his finger, affixed it, and was a witness. He then said to Seillabut, his vakeel, Do you likewise be a witness to this bond; who having taken the ink stand in his hand, wrote his name in Persian, as a witness: Bollakey Dofs then took the bond in his hand: then Bollakey Dofs put the bond into the hands of Mahomed Commaul, and said to Seillabut, Do you likewise accompany Mahomed Commaul, and deliver

deliver this bond to Maha Rajah Nundocomar. Mahomed Commaul and Seillabut having taken the bond, went to the house of Maha Rajah Nundocomar: I likewise went to my own house. Of the bond being sealed and executed, I know this.

Q. When Bollakey Dofs came to Maha Rajah Nundocomar, had he any servants?

A. He had Peons and Kidmutgars; I could not tell them: one Kidmutgar went up for his shoes.

Q. How many?

A. I cannot tell.

Q. Was any on horseback?

A. No.

Q. Was there five or six?

A. I cannot tell their number.

Q. What did Maha Rajah Nundocomar say, when first he came to his house?

A. He said what I have given in evidence.

Q. What did he first say?

A. It has been already written.

[Question repeated.]

A. I have related every thing, from the time he came, to the end.

[Question again repeated.]

A. If I begin at the beginning, I can tell, I cannot begin in the middle.

Court. Let him begin again.

A. Joydeb Chowbee, Choyton Naut, Mahomed Commaul, and myself were sitting in the house of Luckyaunt Seat, with Maha Rajah, Seat Bollakey Dofs likewise came, he likewise sat down by Maha Rajah: Maha Rajah said to Bollakey Dofs, There has been money of mine a long time with you; it shall not remain longer; you now pay it me: Bollakey Dofs answered, My house at Muxadavad and Decca have been plundered; I have not now the power of paying it, there is a great sum of money due to me by the English company; when I have received that money, I will pay you first, and will after pay others: I will now write out a bond for you, do you take it; and he pressed him very much to take it. Maha Rajah consented: Bollakey Dofs then said to Maha Rajah, Give me Mahomed Commaul along with me, and having

gone to my own house, and having written out a bond, and having got it sealed and properly witnessed, I will send it to you by Mahomed Commaul. Having said this, he obtained dismissal.

Question to Mr. Elliot. Does he repeat in the same words?

A. The paragraph is repeated in the same words.

Maha Rajah likewise got up; and we likewise too took leave. Having gone into an out-house, Bollakey Dofs said to me, Do you likewise come along with me to my house: he having got into his palankeen, he went before us. We four men, Mahomed Commaul, Joydeb Chowbee, Choyton Naut, and myself, went half a gurry afterwards.

Witness. I cannot tell the same words.

Court. You need not tell the same words: tell only the substance. We had rather you repeat it in other words.

Witness. We arrived there. Bollakey Dofs was before sitting there, and Matheb Roy, Seillabut, Lalloo Doman Sing, and a Mohurir were there. We four people, likewise sat down: Seat Bollakey Dofs said to his Mohurir, Write out a bond to Maha Rajah Nundocomar for 48,021 rupees. Having written out a Persian bond, and read it to him, he gave it into the hands of Bollakey Dofs: he having taken off a ring from his finger, dipt it into the sicca dewat, which was before him, and fixt it to the bond; and he put it into the hand of Mahomed Commaul; and said, Do you likewise be a witness to it. Then Mahomed Commaul, having likewise taken off his seal from his finger, dipt it in the sicca dewat; and affixed it on the bond. Then Bollakey Dofs said to Baboo Matheb Roy, Be you likewise a witness to this: he likewise having affixed his seal to it, was a witness. He likewise then said to his Vakeel Seillabut, Do you likewise be a witness: he likewise having taken the ink-stand into his hand, wrote his name in Persian; and became likewise a witness. Seillabut then put the bond into the hands of Bollakey Dofs. Bollakey Dofs gave the

the bond into the hands of Mahomed Commaul; and said to Seillabut, Do you go along with Mahomed Commaul, and give this bond to Maha Rajah Nundocomar. Seillabut and Mahomed Commaul having taken the bond, went away; and I likewise went to my own house. This is what I know about witnessing it.

Q. How long is it since you was acquainted with Mahomed Commaul?

A. About a month or two before this bond being executed. He used to go backwards and forwards to the Maha Rajah Nundocomar. I likewise went backwards and forwards.

Q. Was he the servant of Maha Rajah Nundocomar?

A. He was not servant of Maha Rajah Nundocomar; he had been the servant of Maha Rajah's father, and went backwards and forwards at Maha Rajah's. He remained sometimes two, three, or four months afterwards here, and went to Muxadabad.

Q. When did he come back?

A. About four or five years after.

Mr. Elliot. I bid him not repeat so often; he says he repeats that he may be sure.

Q. Did he stay at Muxadabad four or five years?

A. He came back four or five years after signing the bond; and then I saw him at Maha Rajah's.

Q. Was he a servant of Maha Rajah's?

A. I know when a man comes backwards and forwards; but I do not know if he is a servant.

Q. Where did he live?

A. When he returned from Muxadabad, Maha Rajah Nundocomar gave him a place, near his own house to live in.

Q. Was he long ill before his death?

A. He was well for three or four months: after that he was sick; and then he died.

Q. What was the situation of the place he had given him?

A. It was within the four walls of Maha Rajah's house, and belonged to the house.

Q. What sort of a place was it?

A. It is here in Calcutta. I can shew it if you will go.

Q. In the mean time, do you describe it.

A. It is raised upon a terrace, [chund]. There is a Chubbuckin under it; there were three openings: one to the southward; one to the westward, which Maha Rajah Nundocomar ordered to be filled up with mats; and left the other opening for the door.

Q. Was the third opening to the north, or to the east?

A. To the east.

Q. How large was the place?

A. I cannot tell how many cubits it is. That place yet remains.

Q. Who lives in that place now?

A. Maha Rajah Nundocomar's Peons, Kidmutgars, &c. It is not appointed for the use of any particular persons, as in Mahomed Commaul's time.

Q. Are the Kidmutgars, &c. of the Maha Rajah's, Mussulmen or Hindoos?

A. They are both one and t'other.

Q. Do any of them sleep there?

A. How can I tell whether they sleep there? I see them sit in the day-time.

Q. How came you then to know, that Mahomed Commaul slept there, and the orders given about it?

A. I saw Maha Rajah with my own eyes, order the house to be fitted out for him; and he lived there.

Q. Did you use to go backwards and forwards, at that time and place?

A. As I went to Maha Rajah's Durbar, I used to pass by the place, and made my salam to him.

Q. Did you see him when he was sick?

A. I did: I saw that physic from Maha Rajah was sent him.

Q. What year did he die?

A. I do not know the month or year; it was in the rainy season.

Q. Who was at his burial?

A. I carried him out to be buried: other people likewise went out.

Q. Who else was there?

A. Many people, Shah Mahomed, Chawn abb

abb Chubdar, Rund Mutt, Cawn Jemut, Jummiatt Cawn, Ika Cawn, Cawn Mahomed, and five or six Coolies; nobody else.

Q. Was these all who were there?

A. Except the Coolies, there was no one else. I speak with certainty.

Q. Did you ever attend the burial of anybody else?

A. It is a custom among us Mussulmen to go out with the bodies of any of our friends and relations, when they die. Since I came to the age of maturity, I believe I have attended 200 or 300 of them.

Court. Tell the names of some.

A. I went out with Shau Mahomed, Cawn abb Chubdan, Bullab Cawn. Need I mention any more?

Q. Who were the other persons that attended?

A. Mussulmen of the Maha Rajah's family.

Q. How came you to remember their names so exactly?

A. The morning after the night of his death, Maha Rajah was informed of it; the burial was made, and I remember these people.

[Being pressed with this question over and over again, Mr. Elliot said, I cannot get him to give any reason.]

Q. Did you see any of your acquaintance that morning?

A. No: it rained very hard.

Q. How long have you been acquainted with Choyton Naut?

A. Ten or eleven years.

Q. How long have you been acquainted with Joydeb Chowbee?

A. As long as I know Choyton Naut.

Q. Were you first acquainted with them both in the same place?

A. I was: they used to come backwards and forwards to Maha Rajah's.

Q. Did you see Joydeb Chowbee the day of the funeral?

A. They both used to come to Maha Rajah's Durbar: I do not recollect, with respect to that day in particular.

Q. How long have you been attending at the Maha Rajah's?

A. I have before said, I came to Calcutta twelve or thirteen years ago.

Q. Did Joydeb Chowbee and Choyton Naut come to Maha Rajah's together?

A. I did not say that: I said, when I came to Maha Rajah I saw them.

Q. What conversation passed at the house of Bollakey Dofs Seat?

A. I have kept no account of it. He spoke what I said to the Mohurir.

Q. Had that Mohurir any papers or accounts with him?

A. No: he was sitting without any.

Q. Do you understand Persian?

A. I do understand it little, but do not write it well.

Q. Was you asked to witness the bond?

A. He desired nobody, but who are already named.

Q. When the writer read the bond to Bollakey Dofs, what did he Bollakey Dofs say?

A. Nothing, except well, or some such word.

Q. Did any body present ask Bollakey Dofs the amount of the bond?

A. No one asked, as I recollect. I think I speak with certainty. I do not remember it.

Q. Did Bollakey Dofs Seat mention the particular sum the Mohurir was to make the bond for?

A. He did.

Q. Do you know Bollakey Dofs Seat? Was you well acquainted with him?

A. I knew him very well.

Q. Did Bollakey Dofs give that order in Persian?

A. No, in Moors.

Court. Repeat that order. [He repeats the sum in Persian.]

Mr. Elliot. I examine him in Moors, he always repeats the words of the sum in Persian, which is contrary to the usual manner of speaking; for those who speak in Persian, when they come to sums, almost always mention

tion

tion them in Moors. He now repeats it in Moors.

Q. How came you always to mention that sum in Persian, which Bollakey Dofs gave orders for in Moors?

A. I spoke it for your information. [Addressing himself to Mr. Elliot.]

Mr. Elliot. If you did that for my information, why not every part of your evidence in Persian, as I am to interpret the whole to the Court?

A. I happened to say it: I did not say it for your information.

Q. How came you to do so three times over?

A. For your information. [To Mr. Elliot.]

Court. Was it, or was it not, for the information of the interpreter?

A. There was no particular reason.

Court. How came you to be so particular in your account of the sum?

A. I remember it from the long dispute there has been about the bond.

Q. When did you first hear of the dispute about the bond?

A. I do not mean in particular the bond. I know it; because Mohun Persaud and Gungabiffen proceeded against Maha Rajah, in the Court of Cutcherry, in the time of Mr. Palk, and also in Mr. Rous's Cutcherry.

Q. For what sum was that complaint?

A. They complained for 1,29,000 rupees, on account of a deposit.

Q. Why do you give that as a reason for knowing the bond was for 48,021 rupees?

A. I never gave that reason for remembering it. I know it from the mouth of Bollakey Dofs Seat.

Court. [Question repeated.]

A. I never said so.

[Mr. Elliot and Mr. Jackson both depose, that he did give that reason. Mr. Weston, (a Gentleman of the Jury), also says, that he did so.]

[Question again repeated.]

A. I never said that Mohun Persaud and

Gungabiffen sued Maha Rajah Nundocomar for 48,021 rupees, in the Cutcherry.

Q. How long ago was this suit in the Cutcherry?

A. About three years ago.

Q. In which did it commence? Whose Court?

A. Mr. Palk's.

Q. Do you know any dispute in the Mayor's Court, about this matter?

A. I do not know of any.

Q. Did you give evidence in that cause?

A. In the time of Mr. Rous's I did give evidence.

Q. In your evidence, did you mention the sum of 48,021 rupees?

A. No mention was made of it.

Q. Have you ever, from the time of executing the bond to this time, mentioned the sum of that bond to any body?

A. Nobody ever mentioned that sum to me, nor did I mention it.

Q. What, never since Maha Rajah has been confined? Not to any body?

A. I do not remember telling to any body.

Q. Did you never tell the sum to Mr. Jarret, nor any body concerned for Maha Rajah?

A. When Mr. Jarret asked me about this business, I told him of it; I gave account of it, and Mr. Jarret wrote it down.

Q. Did you never mention it to this Gentleman? [Pointing to Mr. Farrer.]

A. Never. I never did? [Mr. Farrer confirms what he said.] When Maha Rajah was put into confinement, he desired me to go to Mr. Jarret, and give him what information I could. Nobody else asked me about it.

Q. Did you tell Maha Rajah himself?

A. I did not.

Q. How came you to mention so exactly the sum?

A. I heard it from the mouth of Seat Bollakey Dofs.

Q. Did Bollakey Dofs Seat mention it in Persian?

A. No: in Hindostan.

Q. Have you never since heard it from any other person?

A. When Maha Rajah was first thrown into confinement, he told me, It was on account of a forged bond, which I had been present at the execution of. I have not heard of it, from the time I heard it of Bollakey Dofs till now. I told him that the complaint was an unjust one, as I was present at the execution of the bond; and that the Gentlemen of the Audawlet would do him justice.

Q. Was you at the execution of any other bond?

A. No: I had not much business with Bollakey Dofs Seat. I never was at the execution of any other.

Q. Or of any other person's bond?

A. Yes: many.

Q. Do you mean to Maha Rajah Nundocomar?

A. No: I have seen bonds of his; but not seen them executed.

Q. Have you seen any other bond executed?

A. I have seen several; but do not remember the persons.

Court. Name the name of any person you last saw execute a bond?

A. I have seen persons sign and seal bonds; but do not recollect who or when.

Q. Have you, since this bond was executed? Say to whom; and who were witnesses?

A. Yes: I certainly have; but how should I know who the witnesses were, or whom in favour of?

Q. If you are so particular in your recollection of this bond, and its sum, how comes it that you cannot remember any thing concerning the others you have been present at?

A. In my presence a great many bonds have been signed; and witnesses have affixed their seals to them since that of Bollakey Dofs's.

Q. Name the names of those witnesses.

A. I did not mean I saw bonds executed:

I spoke of the custom of the country. I thought you asked me as to the custom of the country, from my having seen bonds executed.

Q. Have you, or have you not, been present at the execution of any bond, since that of Bollakey Dofs's? If you do not give a plain answer to a plain question, you will be committed.

A. You are my masters: you may punish me as you please.

[Mr. Elliot being called upon, declares: his words were, "in my presence, bonds have been frequently signed, and witnesses have affixed their seals to them, since the bond which we have been speaking of." He now says, that he answered without understanding what was said to him; and that he thought I asked him as to the custom of the country; but this pretence cannot be true, because he first gave me a relation of the custom with respect to sealing bonds. I stopped him, and told him, I did not ask him to the custom; but whether before his face any bond had been sealed and signed? He asked me, whether I meant to know, if he had seen any sealed before his face: on my answering Yes, he gave the answer above rehearsed.]

Court. Have you seen any other bonds executed since this of Bollakey Dofs? Now you understand the question: answer it.

A. I do not recollect to have been present at the executing of any bond. I know the custom of executing bonds.

[Question repeated.]

A. I thought you asked what the custom of the country was, as to executing bonds from my own knowledge, and having seen them.

Q. Do you know the custom? What is it?

A. I know the custom of executing bonds: one puts a seal here, another there. I have been present.

Q. How should you know the custom of the country, if you have never seen bonds executed?

Mr. Elliot. He won't give an answer.

L

[Question

[Question again repeated.]

A. I have been in trade for many years, and have seen many bonds signed and executed to myself.

Q. When was the last?

A. I am speaking of 15 or 20 years ago; or when I was 15 or 20 years of age.

Q. Have you never seen any bonds executed, but the bond in question, and those to yourself?

A. I do not remember; I cannot remember; I cannot pretend to say.

Q. You say that you have seen bonds executed; but do not remember to whom, and in whose favour. How came you not to remember those to yourself?

[No precise answer could be obtained.]

Court. Does he appear intimidated?

Mr. Elliot and Mr. Jackson. He does not appear the least intimidated.

Jury. He certainly is not intimidated. He understands the question.

Mr. Elliot. He said that he had seen bonds executed since this; but could not remember the persons who were present at the execution. I asked him if he knew any of the persons who were present at the execution, he having said that he had seen many since.

Q. How came you to recollect the precise sum of Bollakey Dofs's bond?

A. In my presence Bollakey Dofs ordered the Mohurir to make out a bond for that amount.

Q. How came you to remember the exact sum of a bond executed so long ago?

A. What is in my remembrance, I remember. What I have forgot, I have forgot.

Q. Why don't you then remember the sums in others?

A. This one I remember. Why don't you ask me why I have not forgot it?

Q. Why have you not forgot it?

A. If I forgot a thing, I must be content with it. This I remember perfectly well: what answer shall I give to, Why I have not forgot?

Q. What reason have you for remembering it?

A. I remember it, because I remember it. What I have forgot, I forgot.

Q. Have you, or have you not, any reason for remembering it?

A. I remember: therefore I have told you I have no reason.

Q. Do you recollect any sum of money you ever saw a bond given for, since that time?

A. I remember one Mr. Morrison taking 15,000 rupees from Maha Rajah Nundocomar, and giving his bond for it.

Q. Was you a witness to it?

A. No.

Q. When was it?

A. I only remember the sum: I do not remember the date.

Q. Was it since this bond?

A. Yes.

Q. How long ago was it?

A. Something above six years.

Q. Was you present at the execution of Mr. Morrison's bond?

A. I saw him sign: Maha Rajah sent me for it.

Q. Who were the witnesses?

A. He signed it before none. I do not know who were the witnesses.

Q. Was it in English?

A. Yes, it was early in the morning; nobody was there: he put a seal of wax, and signed it: he told me he was making out a bond to Maha Rajah, and said, Do you take it.

Q. In what language did you tell it him?

A. I told him in Persian.

Q. Who was this Mr. Morrison?

A. He was Chootan Sahab (second in rank) at Muxadavad.

Q. Where was the bond given?

A. At Calcutta.

Jury. Might the name of the person you call Morrison be Maddison?

A. I know not: they called him Morrison.

Q. What sort of a man was he?

A. A little short man, and wore spectacles.

Jury. From the similarity of the sounds, and the description of the person, it is evident the witness must mean Mr. Maddison.

Q.

Q. Did you ever see any other bond executed?

A. I never did see any other bond executed: I have no remembrance: what shall I tell you?

Q. Did you know Bollakey Dofs very well?

A. Yes.

Q. Did Bollakey Dofs wear ear rings in his ears?

A. I saw no ear rings in his ears: whether he wore them or not I cannot tell; but I did not see them.

Q. Do you know his seal?

A. I have seen three or four letters of Bollakey Dofs, that came to Maha Rajah Nundocomar's, with seals; and by comparing them with the bond, I shall be able to tell.

Q. How came you to see these letters?

A. When Bollakey Dofs wrote a letter to Maha Rajah Nundocomar from Chinsura, I was there, and saw the seal, and one more seal of a letter of Bollakey Dofs, which Maha Rajah sent to Mr. Jarret.

Q. How came you to see that letter that was sent to Mr. Jarret?

A. Joydeb Chowbee carried it from Maha Rajah's to Mr. Jarret: I was then at Mr. Jarret's house, and saw it in the hands of Joydeb Chowbee. I saw it in his hands and asked, what letter was that? he said, Bollakey Dofs's. I looked at the seal, and saw it was Bollakey Dofs's.

Q. How came you to remember the seal?

A. I had in my mind a letter Bollakey Dofs wrote from Chinsura: I remember that, and seeing that in Joydeb Chowbee's hand, I saw they were both alike. I saw him put it to that bond: I have seen him put it to several other papers, at a distance.

Q. What do you mean by a distance, and what distance?

A. It was at the distance of 5 or 6 cubits, (or hauds)

Q. What paper have you seen Bollakey Dofs put his seal to, besides that bond?

A. I have seen it only upon these two letters and that bond.

Q. What are the papers which you have seen him put his seal to at the distance of 5 or 6 cubits?

A. I have seen his seal only three times:

once to the bond; I was then at the distance of 5 or 6 cubits (or hauds:) the second time I saw it, was that on the letter wrote from Chinsurah: the other was that I saw at Mr. Jarret's, that Joydeb Chowbee carried.

Q. How many other papers have you, with your own eyes, seen him put his seal to?

A. I never saw Bollakey Dofs, with my own eyes, put his seal to any other paper than the bond: the appearance of the seal and that of the two letters agree.

Q. Did you take the bond into your hand to examine the seal?

A. I saw when Bollakey Dofs gave it into the hands of Mahomed Commaul; when he gave it into the hands of Matheb Roy, and told him to witness it. I likewise saw it when he gave it into Seillabut's hands. I likewise saw it when I did not take the bond into my hands.

Q. What distance was you from it when it was put into the hands of Mahomed Commaul?

A. It may be at the distance of three or four hauds or cubits.

Q. What distance was you when it was put into the hands of Matheb Roy?

A. I was rather nearer to him than to Mahomed Commaul.

Q. At what distance were you when it was put into the hands of Seillabut?

A. I was near Seillabut: I cannot be exact as to the distance.

Q. Which was you nearer to, Matheb Roy or Seillabut?

A. Matheb Roy was near.

Court. Tell us the position in which they were.

A. Matheb Roy, Seillabut, Doman Sing, were all with their faces to the southward: Seillabut in the middle, Matheb Roy on the right, Doman Sing on the left: we four, Mahomed Commaul, Joydeb Chowbee, Choyton Naut, and I, had our faces to the north: Bollakey Dofs with his face to the west, and back to the east.

Q. Who was on the right hand of Bollakey Dofs?

A. Doman Sing was on the right hand, and Mahomed Commaul on the left.

Q. What was the month?

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A. It was the rainy season: I do not remember the month.

Q. If you remember so particularly the places of all these persons, how came you not to remember the month in which it was executed?

A. I do not remember the month: I had no reason to remember that: I am positive to the situation of the persons: they certainly sat in that position.

Jury. If you was to see the bond at the distance of three or four cubits, would you know it?

A. I would not possibly know it, for this reason: I was not a witness to the bond: if I was to put my own seal, or write my own name, and if I had read the bond, on seeing it again I should know it.

Q. Do you mean to say, that if this bond was put into your hands, you should immediately know it to be that bond?

A. By the appearance of the seal, and the signature of the witnesses, I should be able to guess; but would not positively say, that was the bond.

Q. Did you ever put your name as a witness to a bond?

A. I very well remember I never put my name or seal, as a witness, to any bond since the time of the above: whether I did before or not, I cannot tell.

Court. Take a pen, and write the name of the Company.

[He writes a very bad hand, not like that of the bond.]

Q. You say you know Mahomed Commaul's seal: would you know it again, if you was to see it?

A. I have not sworn that I should know Mahomed Commaul's seal.

Q. Do you remember any other circumstances of the bond and the sum?

A. I do not: what Bollakey Dofs said, I remember.

Q. Was it a simple bond for the payment of money?

A. What I heard from Bollakey Dofs I know: I know nothing else that the bond was about: it might be as well one thing as another.

Q. Do you know any particular circumstance being mentioned in the bond, when you heard it read?

A. I did not say that I heard it read: his writer went close to him, and read it gently to him: I was at a distance, and did not hear it.

Q. Did Seillabut read it?

A. He might have read it to himself: I did not hear him: he did not read it aloud.

Q. Did any body write any thing with a pen on the bond, except Seillabut?

A. I saw with my own eyes Bollakey Dofs, Mahomed Commaul, and Matheb Roy, put their seals; and Sillabut wrote his name.

Q. Did any other person make use of a pen?

A. No.

Q. Are you sure?

A. I heard it with my ears, and saw it with my eyes.

Q. Are you very sure?

A. Very sure. I am certain.

Q. After Sillabut signed it, what was done with it immediately?

A. Seilabut gave it to Bollakey Dofs: Bollakey Dofs gave it to Mahomed Commaul, &c. as before.

Q. You say, the writer read the bond low: was it so low that you could not hear what was said?

A. When the Mohurir had wrote the bond, and carried it to Bollakey Dofs, he gave to Bollakey Dofs, to hear it in the customary way.

Q. At what time of the day was it, when the first conversation passed at the Maha Rajah's?

A. About noon.

Q. Was the bond read so low that you could not hear it?

A. I could not hear it well.

Q. Did not you hear one word?

A. If I did not hear, how can I say I did hear?

Q. Did you hear nothing of the contents?

A. I heard nothing of the contents.

Q. What, not a word?

A. What else shall I say? I did not hear one word.

Q. Was you deaf, or had you any disease in your ear?

A.

A. I was neither deaf, nor had I any disease in my ears.

Q. How then came you not to hear a word?

A. I did not pay so strict attention, nor did he read it in so high a voice, that I should hear it.

Q. Did any body else hear it but Bollakey Dofs?

A. I cannot tell.

Jury. Did you know the Mohurir?

A. I saw his face then: he was no friend of mine.

Q. How came you to go to Bollakey Dofs's house then?

A. I went that time, and now and then went at other times.

Q. Did you ever see the Mohurir before or since?

A. Neither before nor since have I seen him: I only saw him that time.

JUNE 14th, 1775.

KISSEN JUAN DOSS.

Q. DO you know Bollakey Dofs?

A. I was his chief gomastah: I used to superintend his other gomastahs, and sometimes write myself.

Q. Do you know of all the accounts that have ever passed between Bollakey Dofs and Maha Rajah Nundocomar?

A. I know all the accounts that were entered in the books at Calcutta. I likewise am acquainted with the accounts of Pudmohun Dofs.

Q. Do you know of any accounts respecting jewels?

A. I do not know any thing of jewels between Bollakey Dofs and Maha Rajah Nundocomar.

Q. Did you see, in the hands of Bollakey Dofs, any papers concerning his accounts with Maha Rajah Nundocomar?

A. When I drew up the accounts of the Roze Nama, there was at that time no account of any jewels of the Maha Rajah's. I asked Pudmohun Dofs, "Where is the account of the jewels for which we are now paying a bond? make my mind easy." Pudmohun Dofs then said to me, "When Maha Rajah Nundocomar gave the jewels to Bollakey Dofs, you was not his servant."

Court. This is no evidence.

Q. Did Pudmohun Dofs then shew you any papers?

A. He did shew me a canatama, wrote by Pudmohun Dofs, and signed by Bollakey Dofs.

Q. Are you sure Bollakey Dofs's hand was signed to it?

A. I saw with my own eyes, that the handwriting of Bollakey Dofs was to it.

Q. Was his name signed to it?

A. These are the words written in the handwriting of Bollakey Dofs: "It is written by Bollakey Dofs: written above by Pudmohun Dofs, the space of six months."

Q. Have you ever seen that paper in any body's hands?

A. After having written from that paper myself, I have not seen it in the hands of any body.

Q. How long ago is it since you saw it?

A. About four years: I speak from guess.

Q. How long has Pudmohun Dofs been dead?

A. Three years and seven months.

Q. Are there any entries made of this transaction in the books of Bollakey Dofs, taken from the contents of that paper?

A. Yes; there was an account for 60,730 rupees, 7, on account of a bond, the date of which is entered in those books.

Q. In the corra nama is there any mention of a bond, or only of jewels?

A. I will inform you of what I know. It is first written, that a sum of money, the amount of which I do not recollect, was to be paid to the Governor and Mr. Pearson; 2,500 rupees on account of teeps; mention of a bond on account of jewels is made, in which it is specified that no interest is to be paid.

Court. Repeat what you before said about interest.

A. To which I can pay no interest, and therefore pay it without (*sewawy*.)

Mr. Jackson. The meaning of *sewawy* is, that at that time he could not pay interest: he was to pay four annas.

Mr. Weston, one of the Jury. By *sewawy* he means, that as he could pay no interest, he was to pay an additional quarter rupee.

Mr.

Foreman. I understand the word *sewawy* as used, to be, "I can pay no interest now, but will pay a fourth more, as a premium for lending the money, as it would be a long space of time from the date of the bond before it would be paid."

Mr. Elliot says, That when a bond is given, and it is expected to be so long a time before it is paid as to double the sum, it is settled *sewawy*, to pay a quarter more as a premium, instead of interest.

Q. Did you, from the date of that paper, make any entry in the books?

A. Yes.

[Books produced, and the following entry made.]

In the private account of Bollakey Dofs, the sum of 129,620:7 is the jamma side of the account of Maha Rajah Nundocomar Gee: the particulars of which are on the credit side of the account given on inspecting a dust avaize: The receipt is taken, and it is written on the credit, "Maha Rajah Nundocomar's account with you."

Q. Was the entry made after the death of Bollakey Dofs?

A. It was.

Q. How came it to be entered in the accounts "with you?"

[Meaning Bollakey Dofs after his death.]

A. I had seen that Corranama; and Pudmohun Dofs having told me the accounts were settled in that manner, I made it after his death.

Q. What was the date of the entry?

A. There is no date to that particular entry.

Q. What is the date of the transaction before or after it?

A. The thirtieth of Choit, 1827, is the date of the one before the account: the last entry is taken from the date of a note of hand: there is no date after: it is not the date of the transaction; it is only the date of the note.

Q. What is the date next preceding the note?

A. That which I have mentioned is the date next preceding.

Q. Were there any accounts after the note?

A. Many.

Q. As the account was entered after the death of Bollakey Dofs, how came you to say "with you?"

A. They are the books of Bollakey Dofs; it is customary to address yourself to the person in whose name the book stands.

Q. What! after their death?

A. Yes.

Q. Is there any other account entered in the book after the death of Bollakey Dofs, where it is said "an account with you?"

[The books were inspected, and it appeared there was.]

These are the particulars on the credit side.

The jamma of Maha Rajah, 69,630:7, the bond of which Bollakey Dofs wrote the particulars, 48,021 rupees, a bond bearing date 7th August, 1765, in English words, but Nagree characters: the date of the bond is the 7th Baudon, 1172, Bengal style; 1205:4 the account of interest *sewawy* has been settled: which sums cast up make 60,026:14—9,604:3:16 per cent. on account of sicca rupees added to that, makes 69,630:7; there is an end of the account.

Q. Was this entry made before or after the bond was paid?

A. It was made long after: I did not know when the bond was paid: when the papers were called for by the Audawlet, I entered it.

Q. Did you make the entry from the inspection of the dustavaize immediately after, or from an account in the adawlut?

A. I saw it the same day I saw the dustavaize.

Q. What did you mean by the expression "for which we are now paying the bond?"

A. I only meant "for which a bond has been paid."

Mr. Elliot says one word makes the difference; the difference is only as between *dixit* and *dicit*.

Foreman. The entry ought to be made "when the bond was paid."

Q. Why, instead of describing the bond, by "the bond of which Bollakey Dofs had wrote the particulars," you did not describe

it by the name of the Persian bond, which having been paid, must be in their possession?

A. They did not shew me the bond: I was dependant upon them: they did not shew me the original bond, but only the corra nama: I obeyed their orders.

Q. Who do you mean by they?

A. Mohun Persaud, Pudmohun Dofs, and Gungabissen.

Q. Were they all there?

A. No, Mohun Persaud was not present: I went to ask him: he said, Pudmohun Dofs is the head man, go to him.

Q. Do you know if Mohun Persaud and Gungabissen were ever acquainted with this transaction at the time of the entry?

A. I cannot say they knew of it at the time of the entry.

Q. Did they ever after?

A. They knew afterwards.

Q. How soon afterwards?

A. How can I tell when they knew of it first? they must have known it by the paper in the dewanny adawlet.

Q. Do you know whether Gungabissen, or Mohun Persaud, ever saw this entry in the accounts?

A. I do not know: I can tell I wrote it; that is a fact to which I can speak; but I cannot say whether they read it or no.

Q. Did you ever tell them, or either of them, about the entry?

A. I did inform them of it; Pudmohun Dofs was privy to all accounts and papers of the deceased: Gungabissen and Mohun persaud were not acquainted with the accounts.

Q. Do you mean you said both, or either, and whom?

A. Why should not I have told them? they said the papers were wanted in adawlet, and told me to draw them up.

Q. What did you say in particular?

A. I went and informed them I had entered the accounts as they desired, and that they were ready for the adawlet. When Bol-lakey Dofs died, Mohun Persaud and Pudmohun Dofs transacted all the business: Gungabissen is in reality master: Mohun Persaud and Pudmohun Dofs at first agreed on the

accounts that were to be sent to the Adawlet. Afterwards Mohun Persaud would not agree. Pudmohun signed it alone, and it was sent into the Adawlet.

Q. Do you know of their signing more than one account?

A. Yesterday, when I looked over the papers, I saw a paper signed by them both; therefore there must have been two.

Q. In the account you saw the other day, was there any mention of these accounts?

A. There is no account in that paper of the bond.

Q. What did they say when you told them of the entries?

A. When I first informed Mohun Persaud and Gungabissen of entering these accounts, they said nothing: after that, Mohun Persaud settled the accounts of Goffein, and they jointly gave a promissory note in the account so settled, and paid him the whole but fifteen or sixteen thousand rupees, and told him they would pay him the balance: after Mohun Persaud told Goffein to receive the money from Pudmohun Dofs: the amount of the

was about thirty-six or thirty-eight thousand rupees; but afterwards, Pudmohun Dofs said to him, I have not money, but outstanding balances which I have not received, due to the estate, which I shall receive: for the sums which have already been paid to different people, you will demand receipts: If you will stay, I will pay you whatever sum the balance amounts to: Pudmohun Dofs, Mohun Persaud, and Gungabissen separated, and God knows what they said after; Mohun Persaud and Gungabissen complained against Pudmohun Dofs, and then all the papers were brought to the Adawlet: these three people, Goffein, Gungabissen, and Mohun Persaud, joined together in counsel to complain; but only Goffein complained: Goffein's name is Bridjoo Ibishees Gee: I do not say exactly who complained with Adawlet; that will appear by the proceedings.

Q. What distance of time, as near as you can recollect, between making entries in Bol-lakey Dofs's books and the complaint in the Adawlet?

A. I made the entries about four years and a half ago, as nearly as I can remember.

[*Mr. Farrer* produces an office copy of the executors accounts, delivered in by Pudmohun, filed the first of October, one thousand seven hundred and seventy-four.]

Q. Can you be certain that it is about four years and a half ago?

A. I believe it is, but cannot speak precisely.

Q. Can you speak to half a year?

A. I believe it was four years ago, but will not swear to a paper that has no date to it: there is no date to the entry, I cannot be any ways certain.

Q. Will you swear it was more than three years?

A. If I thought I should be questioned by such gentlemen as you, I would have wrote down what I was to say: I can swear to this, That I first entered this account a little time after the accounts came into the Adawlet: by a little time, I mean two or three months, or any thing under a twelvemonth.

Q. Are there any articles without?

A. Yes I can show you fifty.

Q. Do you know of any objection made by Mohun Perfaud and Gungabiffen, at the time of your writing the accounts, to the time they were delivered in?

A. I do not know whether they were displeas'd or no; I know they were in counsel with Goffein, who afterwards complain'd; but what their counsel was I do not know.

Q. Was you ever with Bollakey Dofs at the army?

A. I was.

Q. How long ago?

A. About ten years ago.

Q. When you was with him, do you know any thing of his being plundered?

A. I have before said that he was plundered at Buxar of every thing.

Q. Tell as near as you can the particulars of what he lost?

A. A little trunk of private papers, which he never showed to any body: how can I remember what was taken from him? his tents were taken; nothing was left him but his jamma.

Q. Do you know of his having jewels at that time?

A. He was not plundered of any jewels at Buxar: I have heard that at Muxadavad he lost a small quantity of jewels mortgaged to him: I was not there myself.

Q. How long since did you hear it, and from whom?

A. The Gomastah who had absconded from Muxadavad during the troubles, came in to Bollakey Dofs, and informed him of it: I was present when the Gomastah said they were plundered.

Q. What quantity did he say, and whose property?

A. A very small quantity, not above two or three thousand rupees worth. A Shroff at Muxadavad had taken a small quantity of money from Bollakey Dofs, and pledged these jewels.

Q. Do you know of Bollakey Dofs's having been plundered of any jewels at any other time?

A. I heard of no other jewels: I have told you all I know about jewels: I never heard any word of his being plundered of any other jewels.

Q. Do you know of any money being recovered by means of Maha Rajah Nundocomar from the company for any person?

A. Pudmohun Dofs used always to attend at Mr. Verelst's with Maha Rajah Nundocomar: when the Governor was going to Europe, he was at Belvidere: Pudmohun Dofs went with Maha Rajah Nundocomar to wait upon him, and occasioned the Company's bonds to be paid to Gungabiffen.

Q. When Maha Rajah Nundocomar's accounts were settled, do you know of the balances having been paid him?

A. I do not know if the balance ever was paid him or not.

Q. Was you present at Belvidere with these persons and Mr. Verelst?

A. I was not: I knew of their going there for the purpose of getting the bonds: I saw them set out, and saw them return.

Court. Give evidence of nothing but what you know of your own knowledge.

A. This I know, that a man was sent to call Gungabissen and Pudmohun Dofs: one went in a palanquin; the other in a carriage: they brought Company's bonds; they told me they were going to Belvidere, that Maha Rajah called them to go along with him.

Q. When they set off, do you know where they were going?

A. They told me they were going there: Maha Rajah sent for them.

Q. Do you know the papers for which they were going?

A. The payment of the money had been daily expected: they went to get the Company's bonds: Pudmohun Dofs and Gungabissen said the Governor was going in a few days, and they certainly should get the Company's bonds. Upon their return, they brought the bonds and carried them to the widow of Bollakey Dofs: a few days after the Governor went away.

Q. Do you know of any of these bonds being paid to Maha Rajah Nundocomar, for a debt due to him by Bollakey Dofs?

A. The widow of Bollakey Dofs, when the bonds were brought, desired that they might be carried to Maha Rajah Nundocomar; because, she said, they had been obtained by his means: I was present: I heard her with my own ears: she said he had been very generous to her, and had shewn great attention: she added, having first settled with him, she would afterwards settle the other accounts of the House. Pudmohun Dofs delivered an account to Gungabissen: Pudmohun Dofs sitting down, ordered me to write out the account of Maha Rajah Nundocomar with the deceased: this was in the presence of the widow: they gave the accounts to the widow of Bollakey Dofs; a person of the name of Durhamchurn, desired her to make herself mistress of the business of those accounts: Durhamchurn told me so.

Court. You must not mention what Durhamchurn told you.

Q. Did you see the widow?

A. I did see her.

Q. Did she seem pleased or displeased with the accounts?

A. I cannot tell whether she was pleased or no.

Q. Did she read the accounts herself?

A. She could not read: Pudmohun Dofs might have explained it to her.

Q. Where is the widow now?

A. She is at Banaris.

Q. How long has she been at Banaris?

A. About a month or two after receiving the Company's bonds, she went there: Pudmohun Dofs accompanied her part of the way.

Q. Is Banaris within the jurisdiction of the Court?

A. No.

[The Counsel for the Prisoner insisted upon giving parole evidence of the contents of the account given to her.—Mr. Justice Lemaitre objected, that such evidence could not be admitted, as no proof was produced, to show that any endeavours were made for the attendance of the widow, or the original papers in her possession; to which objection the Court acceded, but allowed the evidence in favor of the Prisoner.]

Q. Was there any mention in that account of the bond?

A. There was no mention made of this bond in that paper: it was only a gross sum.

Q. What was it an account of?

A. It was not an account, it was only a bill, containing an account of money received from the Company, which was obtained by means of Maha Rajah Nundocomar: there is an account of the different sums due to the creditors, and a balance of 60,000 rupees.

Q. Was it after paying Maha Rajah his demand?

A. After paying all the creditors, that balance remained due.

Q. Do you mean that Maha Rajah's account was included in it?

A. Yes.

Q. Do you know of Bollakey Dofs's being confined in prison?

A. He was confined in the Court of Cutcherry one night and one day: when the summons was issued against him, he went to Chandernagore.

Q. Do you know any thing of the death of Bollakey Dofs?

A. He arrived the first day of Assen, six or seven years ago; Bollakey Dofs was then very sick; Maha Rajah came to his house to see him about three or four days after his arrival. Bollakey Dofs's wife and daughter, Pudmohun Dofs, and many other people; and I likewise was there. Bollakey Dofs said to Maha Rajah, "Here is my wife and daughter, and Pudmohun Dofs; I recommend them to your care, and I wish you to behave to them as you have behaved to me; Pudmohun Dofs has the management of all my business of whatever nature, I recommend him to you." I then went away to my own house to eat.

Q. When did Bollakey Dofs die?

A. He died on the 11th of Assen.

Q. Did Bollakey Dofs understand Persian?

A. He could neither read nor write it; nor do I know whether he understood it: he went to the Durbar; what he spoke there I know not.

Q. Had Bollakey Dofs a Persian seal?

A. He had one; but I do not know that I should be able to know it if I saw it.

CROSS EXAMINATION.

Q. In what language did Bollakey Dofs generally do his business?

A. Bollakey Dofs never executed any Persian bonds in my presence: he had Persian writers; whatever he did in that way, must have been with them: I can answer to any of his Nagree business.

Q. Was you with Bollakey Dofs in 1172?†

A. When he first arrived here, I went to Banaris to a marriage: I came to Calcutta with Bollakey Dofs: some months after I went to Banaris, I staid there a year, and then came back.

Q. Was you at Calcutta the year in which the bond was executed?

A. I do not know whether I was, or was not; I can find out by the books, when I came, [looked at books] I arrived the 1st of Srawon, 1822. ‡

Q. How long did you stay in Calcutta before you went to Banaris?

A. Four or five months.

Q. Had Bollakey Dofs any Munshy?

A. He had a Munshy called Balkopen; he had also a Vakeel called Seillabut.

Q. Do you know what is become of Balkopen?

A. I understood he died at Jaggernaut.

Q. Where did Seillabut die?

A. In Calcutta.

Q. Where did Bollakey Dofs live in Calcutta?

A. Baboo Hazzreymull gave him his house in the Burra Buzar: he lived there.

Q. Had Bollakey Dofs another house?

A. Bollakey Dofs had a house at Muxadabad; when he was a little man, he was in business with Durrachund, and Kissenchund, the father of Diachund: the business was carried on in that house; it was a great while ago; it was before any thing you have heard; when he became a great man, and had the business of Coffin Ally, he bought a house at Muxadabad, of Durrachund, where he settled the accounts with Kissenchund and Durrachund: the house was not his own before he settled with them.

Q. Was it a house of much business?

A. All the world, at that time, knew that to be a house of Bollakey Dofs's: it was a house of much business.

Q. Do you know whether he kept jewels, or other valuable effects there?

A. I only know of his having some money, and those jewels I mentioned: I know of no others.

Q. Do you know Roy Jaggernaut Jew?

A. I do not.

Q. Where are the accounts of that house?

A. I know nothing of the accounts of that house.

Q. Do you believe that jewels to a very great amount could have been taken from that house without your hearing of it?

A. I must have known of it, in case any jewels to a great amount had been plundered; a thousand people must have known it.

Q.

Q. Did you ever see Bollakey Dofs put a Chop or seal to any bond ?

A. If he executed any paper of this kind, his Munshy would have known it.

Q. Have you any paper of Bollakey Dofs's writing ?

A. I have not.

Q. Do you know any person in Calcutta that is acquainted with the hand writing of his Munshy ?

A. I do not.

Q. How long did he live with him ?

A. I can shew how long he lived with him by my books.

Q. Have you any paper of his writing ?

A. No.

Q. Do you know any body that has ?

A. No. I do not understand Persian, and therefore did not trouble myself with his hand writing.

Q. Do you know whether there are any of that Munshy's writing among the papers ?

A. No.

Q. Did you ever know Bollakey Dofs give a Persian bond ?

A. When Bollakey Dofs, in the course of business, gave any bonds, he ordered a writer to write them in Nagree, and signed them with his own hand.

Q. Do you remember, in the whole course of his business, his ever giving a Persian bond ?

A. I do not remember ; if any thing of that sort passed in Persian, it must have been in the Persian office : I never was present when he executed any Persian bond.

Q. If any bond had been given in Persian, must not you have known it, to have entered it in the books ?

A. The accounts were regularly kept ; but if a bond was given, I do not know whether it was particularly specified ; but if the bond came to be paid, it would be paid if regularly executed.

Q. Was ever a Persian bond brought you to be paid ?

A. I never saw any Persian bond of Bollakey Dofs's.

Q. How came you not to mention the bond in the account ?

A. If my master received any money, and gave a bond, I entered the receipt of the money, but did not enter the bond into the book till it was paid.

Q. Do you believe, that if a bond for so large a sum, had been given by Bollakey Dofs, about eight or nine days after he came from Banaris, you should not have known it ?

A. When I first came to Calcutta, I roved about the town to see every thing I could see. I do not know.

Q. How could the accounts be regularly kept, or Bollakey Dofs know what he was worth, if only the money received, and not the bond, was entered ?

A. He may, or may not mention the bond, without being irregular.

Q. Suppose a Persian bond is brought to your master to be paid ; he orders you to pay it : how would you enter that in the books ?

Q. According to the orders of my master : if he simply bid me pay 1000 rupees, I should : if he ordered me to take notice of it, I should : I should search the debit side of my master's account, and see if I could find such an account.

Q. If money is paid in, and a bond given, do you make no memorandum of the bond ?

A. I make no memorandum ; if money is first paid in, and afterwards asked for ; if it is desired to be kept, and the answer is, that then it must be upon interest, and a bond given ; I should not enter that last transaction.

Q. Do not Nagree merchants enter bonds in their books ?

A. Some do, and some not.

Q. Do Nagree merchants ever give Persian bonds ?

A. Nagree merchants of rank may give Persian bonds.

Q. [bond shewn him]. Can you tell which is Bollakey Dofs's seal ?

A. I cannot tell which is the seal ; I see seals I do not know.

Q. Did you know Bollakey Dofs's seal ?

A. I see seals I do not know ; it was round

silver set in gold; all I know of it is, it was round silver set in gold.

Q. Do you know if it is either of those on the bond?

A. I know it is not one of the square ones; the other it may be.

Q. Where did Bollakey Dofs keep the seal?

A. When Bollakey Dofs was with the Nabob, he wore the seal on his finger: when he came to Calcutta, he kept it in his ink stand.

Q. Have you often seen the seal of Bollakey Dofs on his finger?

A. I have often seen it, but I should not know it.

Q. Did not you frequently see him put it to the outside of letters?

A. When he used to write to the Nabob, and great people, he used to put his seal to the letter: I have seen him.

Q. You hear that there are several witnesses, that have seen the seal of other people two or three times upon their fingers, that are able to swear to the impressions; cannot you recollect, that have seen it so much oftener?

A. They have excellent memories; I am not blessed with such a one.

Q. Was Pudmohun Dofs any natural relation of Bollakey Dofs?

A. No: nor was he of the same cast; but he had a very great liking to him; if he pleased, he might make use of a lack of rupees: Pudmohun Dofs was another Bollakey Dofs.

Q. Was he his adopted son?

A. He called him his son, but he was not his adopted son.

[Sheer Ulla Cawn, and Nuzzer o Dien, two Munshies, being called upon by the Court to compare accurately the original bond with the bond laid in the indictment, having compared the same, are sworn.]

NUZZER O DIEN.

Q. Did you read the original bond, word by word, while Sheer Ulla Cawn read the several parts of the indictment, wherein it is recited?

A. I did.

Q. Is the bond the same in all respects, and in every part as that laid in the indictment?

A. There is some variance.

SHEER ULLA CAWN.

Q. Did you read what was in the record accurately?

A. I did.

Q. Is there any variance?

A. On the record there are two marks under the word "nittan wadisteer:" in the original, there are no such marks.

MR. ELLIOT.

Q. What are those marks?

A. They are merely dots, called nochkts.

Q. Are those dots material?

A. I take it, they are not. Persian papers are wrote sometimes with them, and sometimes without them: if the omission or insertion of those dots was to be deemed a mistake, there would always be at least 20 mistakes in every 10 lines of Persian.

Q. Are they understood to be material?

A. They never are so understood: nor is the Persian language ever wrote with that accuracy.

Q. Don't the insertion of the nochkts, make the distinction of singular and plural in this case?

A. They do.

Q. Is it the custom in Persian to speak of every body, even yourself, in the plural number?

A. I think it is: I must correct myself as to speaking of one's self; I am not so clear as to that.

Q. Does this variance run thro' all the counts?

A. No.

Q. To which count does it apply?

A. To the fifth only.

Q. What is the fifth count for?

A. For forging, with an intent to defraud Bollakey Dofs.

Q To

Q. To Munshy: Is there any other variance?

A. The words, "nocklie tamafook" (i. e. copy of bond) are wrote in Persian, on the top, in every count.

[The Counsel for the prisoner insisted on this being a material variance; but the Court overruled the objection, thinking it to be no more than a repetition in Persian, that it was the tenor of the bond, and not meant to be laid as any part of the bond.]

MR. DRIVER.

Q. Who were the bonds and other papers belonging to Bollakey Dofs's estate delivered to?

A. To Gungabiffen.

Mr. SEALY, late Register of Mayor's Court.

Q. Do you know of any application, either to this court or to the Mayor's court, to get the papers out of the Register's hands?

A. There was an application made to the Mayor's court by Mr. Driver for these papers, and rejected.

The Foreman of the Grand Jury, who had been one of the Aldermen, and served the office of Mayor, desired that the records of the Mayor's court might be produced; they were produced accordingly by Mr. M'Veagh, the keeper of the records of this court, and the several extracts, herein after mentioned, were read at his desire, for the purpose of proving, that Gungabiffen had ever been treated in the proceedings of the Mayor's court as a weak man, incapable of transacting his own business.

On the 8th of November, 1769. a motion was made and agreed to, that the will of Bollakey Dofs should be deposited in the court.

13th November, 1770.

A citation issued, for the executors to bring in their accounts, together with the balance of the estate, and to deposit the same in the Company's cash.

1st October, 1771.

IT being suggested to the court, that Pudmohun Dofs had conveyed away several books and papers belonging to the estate of Bollakey

Dofs; the court ordered, that Pudmohun Dofs should deliver, or deposit in the registry of the court, all such books, papers, and vouchers, touching, or any way relating to the accounts of the estate of Bollakey Dofs, deceased; and that the said Pudmohun Dofs shall be permitted to attend his own affairs, under the custody of proper Sheriff's Peons, until the said accounts are carefully examined.

14th January, 1772.

GHOSAIN by his attorney, William Magee, informed the court, that Pudmohun Dofs, one of the executors to the last will and testament of Bollakey Dofs, was lately dead, and that Gungabiffen and his brother Hingoo Lollan, who is at Patna, are the remaining executors; and that Gungabiffen is incapable of taking charge of the affairs of the said Bollakey Dofs. Ordered, that William Magee, register of this court, shall forthwith take charge of the books and papers of the estate of the said Bollakey Dofs, deceased, and settle the same, and report to this court a true settlement thereof.

January 21st, 1773.

ORDERED, that a citation shall issue against Bridjoo Rotoon Dofs, Kebolram Ponda, and Gungabofs, requiring them to be, and appear before the court, on Tuesday next, to shew cause, if they have any, why they should not deliver over unto Mr. William Magee, register of this court, the books, papers of accounts and others, belonging to the estate of Bollakey Dofs, deceased, conformable to the order of this court of the 14th instant.

January the 28th, 1773.

THE Sheriff's officers returned the citation against Bridjoo Rotoon Dofs, Kebolram Ponda and Gongga Bose executed.

WHEREAS Pudmohun Dofs, one of the executors or trustees of Bollakey Dofs, deceased, on the 1st day of October last, was ordered to deposit in the registry of this court, all the books, and papers of accounts belonging to the estate of the said Bollakey Dofs, deceased; in consequence whereof, the said

faid books and papers were deposited in a room of the house of the said Pudmohun Dofs, in order to be perused and examined, which room was secured with two locks; the key of one of which locks was in the possession of Balgovin, and the other in the care of the said Pudmohun Dofs's people. Balgovin this day appearing in court upon oath, declared, that one day, when he went up to the said room, he found the door had been opened, and that his lock, together with a knot he had tied upon it, had been opened, and on going into the room, he found that the greatest part of the papers were taken away, together with some other things of value. That upon making an exclamation, and threatening to come to court to complain, one Kebolram Ponda, then in the house, requested him to be quiet, and not to go to complain to the court, but go and speak to the widow; and soon after Mohun Persaud came in, when he and the said Kebolram Ponda went near the widow, and spoke to her something, which he this deponent could not hear, as he stood at some distance from them; and soon after Mohun Persaud, and the said Kebolram Ponda came to the place where he was, and begged him not to expose her, and that she would deliver up all such papers as remained in her possession, and accordingly the said Kebolram Ponda went and dug the ground in the compound, and got some books and papers out of it, and delivered the same to this deponent, which he put into a chest, and locked up: and whereas, the said Pudmohun Dofs having lately departed this life intestate, and no one having yet petitioned this court for letters of administration of the estate of the said Pudmohun Dofs, deceased:

ORDERED, That public notices be affixed, at public places of this town, notifying, That, if some person or persons do not within 14 days, from this day, petition the Court for letters of administration of the said Pudmohun Dofs, deceased, the Court shall appoint a proper person to take charge thereof.

July 2d 1772. IT WAS ORDERED,

That the papers of Pudmohun Dofs should be separated from those of Bollakey Dofs.

This order was not carried into execution, till the 27th April, 1773.

25th March, 1774.

Mr. DRIVER, attorney for Gungabiffen, read a petition from him, stating, That, by the order of the Court, all the papers belonging to the estate of Bollakey Dofs, were deposited in the Court, among which were twenty-eight bonds, receipts, and vouchers; that he had commenced suits in the Dewannee Adawlet; and wanted the said bonds, receipts, and other vouchers, in order to establish the same: and praying, that they may be delivered to him, giving the usual receipt for the same.

The Court deferred the consideration of the said petition till next Court day.

ORDERED, That an officer of the said Dewannee Adawlet be permitted to attend at the Register's office, to inspect the books, papers, and vouchers aforesaid.

25th Day of January, 1775.

Mr. FARRAR, advocate for Gungabiffen, surviving executor of Bollakey Dofs, deceased, moves, that two chests, containing papers, accounts and vouchers, relative to the accounts of the estate of the said Bollakey Dofs, deceased; and also twenty-eight bonds and receipts, belonging to the said estate, which were deposited in the Registry of the late Mayor's Court, at the instance of William Magee, who was constituted attorney of Bridjoo Seer Goshain, a legatee named in the will of the said deceased, may be delivered to the said Gungabiffen.

ORDERED, That the Register do look into the proceedings of the late Mayor's Court, relative to the above papers, accounts and vouchers; and inform the Court thereof, on Monday next the 30th instant.

January 30th, 1775.

Mr. FARRER, advocate for Gungabissen, surviving executor of Bollakey Dofs, deceased, moves, That two chests, containing papers, accounts and vouchers, relative to the accounts of the estate of the said Bollakey Dofs, deceased, and also twenty-eight bonds and receipts belonging to the said estate, which were deposited in the Registry of the late Mayor's Court, as mentioned to this Court, on the twenty-fifth instant, may be delivered to the said Gungabissen.

Mr. Brix, advocate for Seebnaut Dofs and Lauchmon Dofs, administrators of Pudmohun Dofs, deceased, who was one of the executors of the said Bollakey Dofs, deceased, objects thereto.

IT IS ORDERED, That the Register do, in presence, and with the assistance of Huzzermaul Baboo, and Cossenaut Baboo, both of Calcutta, examine the said papers, accounts, and vouchers, bonds and receipts; and separate such as appear to belong to the estate of the said Bollakey Dofs, deceased, from those which appear to belong to the estate of the said Pudmohun Dofs, deceased: and that he do deliver the former unto the said Gungabissen, and the latter unto the said Seebnaut Dofs.

March 24th, 1775.

Mr. FARRER, advocate for Gungabissen, surviving executor of Bollakey Dofs, deceased, moves, That two chests containing papers, accounts and vouchers, relative to the accounts of the estate of the said Bollakey Dofs, deceased; and also 28 bonds and receipts belonging to the said estate, which were deposited in the Registry of the late Mayor's Court, may be delivered to the said Gungabissen; they not having yet been examined, pursuant to the order of this Court, of the thirtieth day of January last, owing to Cossenaut Baboo's not attending.

Mr. Brix, advocate for Seebnaut Dofs and Lauchmon Dofs, administrators of Pudmo-

hun Dofs, deceased, who was one of the executors of the said Bollakey Dofs, deceased, objects thereto.

IT IS PEREMPTORILY ORDERED, That the Register do, in presence, and with the assistance of Huzzermaul Baboo, and the said Cossenaut Baboo, in case they both attend, or if one of them only attends, then in presence, and with the assistance of such one, examine the said papers, accounts, and vouchers, bonds and receipts; and separate such as appear to belong to the estate of the said Bollakey Dofs, deceased, from those which appear to belong to the estate of the said Pudmohun Dofs, deceased; and that he do deliver the former unto the said Gungabissen; and the latter, unto the said Seebnaut Dofs and Lauchmon Dofs, administrators of the said Pudmohun Dofs, deceased, within one month from this day; and in case neither of them, the said Huzzermaul Baboo, and Cossenaut Baboo, do attend, that the Register do examine, and separate them in the best manner he can, and deliver such of them to the said parties respectively, as he shall think right, within the time aforesaid.

Mr. SEALY.

Q. Did you, in consequence of the last order of the Court, examine and separate the papers?

A. I did, after having examined them with and without Cossenaut and Huzzermaul, by the agreement of the parties.

Q. When did you deliver the bonds, and the other papers, relating to Bollakey Dofs's estate, to Gungabissen?

A. About 27th April last.

LAUCHMON DOSS.

Q. Did you know Bollakey Dofs?

A. I knew Bollakey Dofs when I was young.

Q. Did you stay with Bollakey Dofs?

A. Yes.

Q. How many years?

A. One year.

Q. Have you ever seen him execute any papers?

A. I have seen him sign and seal many papers.

Q. Was you his servant?

A. I was.

Q. Have you seen him sign any papers?

A. I used to see him sign Nagree papers, and seal Persian. I have seen him with my own eyes.

Q. Have you ever had a brother?

A. I had two.

Q. Was Pudmohun Dofs your brother?

A. Yes.

Q. Was you his administrator?

A. His affairs and effects are in my hands.

Q. Have you obtained an order of Court to be his administrator?

A. I have.

Q. Where is it?

A. Mr. Jarret has it. [Letters of administration produced to him and Seibnaut Dofs, his father.]

[Mr. Jarret proves service of notice on the witness, to produce a Nagree paper given to Pudmohun Dofs by Maha Rajah Nundocomar, when Mohun Perfaud, Gungabiffen, and Pudmohun Dofs, were at his house, in Bollakey Dofs's own writing, dated about the 9th of Poofe. He likewise proves the same notice on Seebnaut Dofs.]

SEEBNAUT DOSS.

Q. Have you any paper belonging to your late son Pudmohun Dofs?

A. I was at Patna, when he died. I have never had any of his papers.

LAUCHMON DOSS.

Q. Have you any papers belonging to Pudmohun Dofs?

A. Both Pudmohun Dofs's private papers, and those of Bollakey Dofs were in the Court. Gungabiffen has taken away Bollakey Dofs's papers. Pudmohun Dofs's re-

main there. I arrived here 8 months after the death of Pudmohun Dofs. That paper was not in my possession.

Q. Have you looked over the papers in Court?

A. I have not.

KISSEN JUAN DOSS.

Q. When you went with Mr. Sealey, what papers did you look for?

A. I looked for a paper wrote in Bollakey Dofs's hand, signed by Pudmohun Dofs. It was a paper, in which all the agreement was drawn.

Q. Did you look over every paper?

A. I looked over every one paper, and can swear it was not among them.

Jury. Q. Would not the Curra Nama have been given up, on a bond given to perform the contract?

A. It is the custom to take away the first contract, when the second is given.

LAUCHMON DOSS.

Q. Did you know Bollakey Dofs's seal?

A. From seeing it I shall know whether it is such as he used; but I do not understand Persian. I should know whether the seal was like it from the shape.

CROSS EXAMINATION.

Q. Did Bollakey Dofs sign, when he sealed Persian papers?

A. He did not.

Q. What part of the paper did he seal on?

A. I have seen him seal many papers. He used to put his seal to letters and papers.

Q. What servant was you?

A. I used to write letters. I had charge of the treasury.

Jury. Did you ever see Bollakey Dofs write or seal?

A.

A. He has signed his name on Nagree, and put his seal on Persian papers.

Q. How near was you, when you saw his seal?

A. I have seen his seal on his finger very near. When the Sepoys used to bring drafts for their pay from the Nabob, Bollakey Doss used to take from the Sepoys the draft, and give them a paper in Persian, on which he put his seal.

Q. Did you ever see him put it to a bond?

A. I never did.

MR. SEALEY.

Q. Was you present with Kissen Juan Doss, when he looked over the papers?

A. Yes.

Q. Did he look at all the papers?

A. No. He would not look at some, because of the indorsement, and some because they were old, and some because he tied them up himself. I apprehend the papers could not be examined in less than three days.

KISSEN JUAN DOSS.

Q. Did you examine every bundle?

A. There were several large bundles of papers of old accounts, that I did not examine, thinking them of no use.

Court. This will not entitle you to read any paper, or make what Kissen Juan Doss said evidence. But tho' it is not strictly so, I will nevertheless leave it to the Jury.

MONOHUR MUNSHY.

Q. Do you know Mohun Perfaud?

A. I do.

Q. Has he ever sent for you lately?

A. He has.

Q. Did he shew you some papers?

A. He did.

Q. In what language?

A. In Persian.

Q. Tell the Court truly what passed on that occasion?

A. He called me three days before Maha Rajah was put in gaol: it was about 6 gurry of the day when he sent for me (half past nine): he sent a man with his salam, who desired me to come to Mohun Perfaud, for he had a great deal to say to me. I said, I could not come now; I had business: I will go at noon. At noon I went to his house: he was very glad to see me. When I arrived at his house, he bid me sit down by him: we two sat down together: there was no body else. After we sat down, he took out some papers: he first took out two teeps that were torn at the top: he said, I have heard these are in your hand-writing. I said, Give them to me, and I will look at them. I took them, looked at them, and said, They are not my hand-writing. He said, You was before a servant of Maha Rajah; I have heard they were of your hand-writing: I said, They are not of my hand-writing; if they were, I would tell you. After that he took out a bond (tamafook) and said, I have also heard this was your hand-writing; look at it. I looked at it and read it, and said, Neither is this of my hand-writing: in that bond something is wrote about pearls. He said, I heard this is your hand-writing: there is a friendship between you and me: why don't you tell about this? I again said, they are not my hand-writing. Mohun Perfaud said, If you will say they are of your hand-writing, Maha Rajah will be a great liar, and will meet with great punishment. I do not want you to tell for nothing; I will give you 4 or 5000 rupees. I said, I cannot tell such words as these: it is not my hand-writing: how can I tell it is? He then said, Well, if you will not say it is your hand-writing, find out a man that will say it is his hand-writing: whatever is to be given I will give him; I will likewise make you joyful. Mohun Perfaud said, Enquire for such a man: I answered, I cannot do this: I said that he was advising me to do a very bad business, and I went from thence.

Q. Did you relate this to any one, upon your getting home?

A. It is a month and 10 or 11 days ago, since this happened: how many men have asked me about this I know not, it is so long ago

ago: as I mentioned, many friends and relations have asked: how can I tell any one in particular?

Q. Have you told it to any body?

A. I mentioned it to no body immediately.

Q. Did you tell any body that day?

A. I did not.

Q. Did you the next day?

A. I do not know: [he recollects] upon the evening of that day I mentioned it to Permanund Mokerjee.

CROSS EXAMINATION.

Q. Who was at Mohun Perfaud's house when you went there?

A. I saw Kiffen Juan Dofs; he also saw me; but in the room into which I was carried, there was no body but Mohun Perfaud and myself.

Q. Were none of Mohun Perfaud's people there?

A. I went up stairs: I saw Kiffen Juan Dofs sitting there: I saw no one else.

Q. When Mohun Perfaud spoke to you, did you understand that he wanted you to tell whether you had wrote it or not, or to say that you had absolutely wrote it if you had not?

A. How can I tell what passed in his heart? I tell what happened: I have taken an oath: you have put questions to me: what I know I told you.

Q. What did he say to you?

A. "If you do say it, Maha Rajah will be proved a liar, and will have great punishment. You will not say it for nothing; you will have 4 or 5000 rupees."

Q. Did Mohun Perfaud mean to get the man that wrote it, or one who did not, but would swear he did?

A. He said, "If it is not your hand-writing, find out such a man for me, who will say, These are my letters: what is proper to give I will give; and I will render you joyful."

Q. Where does Permanund Muckerjee live?

A. In the same compound with me.

Q. What is his employment?

A. He is in no employment.

Q. Did Permanund Mokerjee ask you, or did you tell him?

A. He asked me.

Q. How came he to ask you?

A. Because he saw the peon come, he asked me why Mohun Perfaud sent for me?

Q. What was the peon's name?

A. I asked his name: I don't well remember; but I believe it was Cawota: he said he was Mohun Perfaud's man.

Q. Did the peon go with you to Mohun Perfaud's?

A. He did not.

Q. When did he call you?

A. At 7 guries: I went after mid-day.

Q. Had you ever been at Mohun Perfaud's before?

A. I have, because I owed him 72 rupees: I never was in that room before.

Q. Did you tell any body else that day?

A. I only told Permanund that day.

Q. Did you tell any one the next day?

A. I did not that day: after that day it got wind, and a great many people asked me: I told them.

Q. Did Mohun Perfaud bid you keep it a secret?

A. No; but there was a great friendship between us.

Q. Who did you tell it to next, after you told it to Permanund?

A. I cannot remember: many people asked me, and I told them.

Q. Who did you tell it to besides?

A. I told it Mr. Durham.

Q. How came you to tell Mr. Durham?

A. Mr. Durham asked me, who was my master?

A. Did you tell any other Englishman?

A. No: what have I to do with Englishmen?

Q. Did you never tell it to Mr. Jarret?

A. He asked me in this court: I did not tell all.

Q. To how many black people did you tell it?

A. I do not remember.

Q. Did you ever tell it to Kiffen Juan Dofs?

A. I did not: I do not remember any other black man I told it to.

Q

Q. Do you remember any other person that asked you about it?

A. I do not remember one that asked me: there were a great many, but I do not remember them.

Q. As many witnesses remember accurately for 14 or 15 years, cannot you remember for a month?

A. I am a Company's servant: why should I take such pains about it?

Q. Who do you keep company with?

A. Mr. Durham.

Q. Can't you remember any one that has asked you?

A. I cannot remember one.

Q. Do you go to make salams to Maha Rajah?

A. Since he has been confined in gaol I have not paid salams: I used before.

Q. Are you sure you have not visited him since he has been in gaol?

A. I do not remember that I have visited him in gaol.

[Question repeated.]

A. The gaol is the same street with the cutcherry: I went to the gaol one day. I heard, Rajah Nobkissen and several persons of rank had been to pay salams: I likewise went to pay salam: I did not see him. I never went but that time.

YEANDEL, (Gaoler) sworn.

Q. Did you ever see this man at the gaol?

A. I think I have seen him about the gaol.

Q. Did you ever see him more than once?

A. I cannot say with precision: I think I have seen him once, and remember him well.

MONOHUR METRE.

Q. Did any body else shew you these Persian papers?

A. Yes, Mr. Durham also shewed me the teeps: I do not remember whether he shewed the bond: he asked me if they were in my hand writing?

Q. Was Mohun Perfaud present?

A. Yes.

Q. Was this before or after what passed at Mohun Perfaud's house?

A. It was after

Q. Did Mr. Durham shew you the bond?

A. I remember the teeps: I do not remember the other. Mohun Perfaud shewed me three papers.

Q. How long after the conversation at Mohun Perfaud's did Mr. Durham shew them to you?

A. It was one or two days after Mohun Perfaud had shewn them to me.

Q. Did you tell Mr. Durham any thing of Mohun Perfaud's offer?

A. No.

Q. Relate what passed at Mr. Durham's.

A. Mr. Durham looked at those papers, and asked me if they were of my hand-writing: he desired me to be certain, and speak the truth. I told him I would shew him my hand-writing in the book of the cutcherry: when they were compared they were found not to agree.

Q. Who were present beside Mr. Durham?

A. Mohun Perfaud and Jaggutchund, the son-in-law of Maha Rajah.

Q. Did you then say that Mohun Perfaud had asked you the same questions before?

A. No: why should I do more than answer his questions?

Q. Did you any other time tell Mr. Durham of the offer made you by Mohun Perfaud?

A. Another time Mr. Durham sent to me, and asked if Mohun Perfaud had offered me any money: I told him what I have before related.

Q. How long is it since Mr. Durham sent for you?

A. It was before the Grand Jury met.

Q. How long before?

A. About 4 or 5 days: I can't tell with certainty.

Q. Did you come when Mr. Durham sent for you first?

A. A man came to me about mid-day: I said I was sick, I would come the next day.

Q. Was you really sick?

A. I was feverish, and had a purge.

Q. What conversation passed between you and Mr. Durham?

N 2

A.

A. He asked me if Mohun Perfaud had offered me money: I asked what, in what manner; and told him what I have before related.

Mr. DURHAM sworn.

I was told by my fircaar, about three days after the commitment of Maha Rajah, that the man that wrote the bond was the Munshy of the Cutcherry, and that he had been at that time Munshy to Maha Rajah. I shewed him the bond, and asked him, in the presence of Jaggut Chund and Mohun Perfaud: he took the bond and read it; looked at it long and accurately: I gave him all three; I do not know which first. He looked accurately at the first, and then said it was not his hand. I desired him to be exact, to recollect himself, and if he had wrote it to tell: he still said it was not his hand. I then bid him bring me the Cutcherry, which he brought immediately: from my idea of Persian I did not think them the same hand. Mohun Perfaud insisted they were, from his idea of Persian. He knew as little of Persian as I did myself. Not a word passed of any offer from Mohun Perfaud, or his having seen the papers before: every day after that he was at my house; he never mentioned a word of any offer from Mohun Perfaud: one of the Mollahs of the Court he was to lay to. I sent for Monohur, and he told me just what he has now related.

Memorandum. Two of the witnesses, Ramnaut and Bolgovind, that were on the back of the indictment, not having been called by the Prosecutor, and it having been observed by the Court, and the Counsel for the Prisoner being told that they might call for them, the Counsel for the Prisoner said, he was well acquainted with, and could give the reasons why the Counsel for the prosecution had not called them, and that he should immediately call them.

RAMNAUT.

Q. Do you know Mohun Perfaud?

A. I do.

Q. Was you present when Maha Rajah was examined for the forgery before the Judges?

A. I was examined that day.

Q. When was it?

A. It was on Saturday: it was upwards of a month ago.

Q. What day of the month was it?

A. I do not know.

Q. What induced you to go there then?

A. There was formerly a great friendship between Maha Rajah and Mohun Perfaud: they both took a great deal of notice of me about that time they quarrelled, and I went equally to both when they were separated.

Q. At what time was this?

A. I remember the time, when Maha Rajah one day said to me, You know I like no one better than Mohun Perfaud, except my son: now he wishes to ruin me in this affair of Bollakey Dofs; he is only an attorney in this affair: tell him he cannot get more than 5, 7, or 10 thousand rupees, by succeeding in this affair; tell him, if he pleases, I will give him 15, or 20,000 to desist from this prosecution; I told Mohun Perfaud, and Mohun Perfaud said, I have told a great many English Gentlemen of it; I cannot desist.

Q. When was this conversation?

A. It was 9 or 10 months before I gave evidence of this affair before the Judges. There was a suit, at that time, in the Dewan-
Adawlet. MOHUN PERFAUD having heard what I related about Maha Rajah Nundocomar, asked me about it, and desired me to come, and give evidence of it on the water of the Ganges.

Q. Do you understand English?

A. No, I do not.

Q. When did Mohun Perfaud first hear what you have said?

A. I have before said, it was 9 or 10 months, before I gave evidence before the Judges: he desired me to give evidence, respecting this business. I believe it was in the month of Assen.

Q. When?

A. When this affair was coming into the Adawlet (this Court), he said, You remember what passed between you and Maha Rajah; you must give evidence of it.

Q. How long was this before you gave evidence?

A. About ten or twelve months before I gave evidence. There are accounts, payments, and receipts between us.

Q. Did this conversation pass at this time?

A. I went one day to his house; and he there desired me to give evidence of what passed between me and the Maha Rajah.

Q. Who was present?

A. This is God's Adawlet, and I will tell no lies. I went upon business to his house, and nobody was present.

Q. At what time of the day was it?

A. About three or four guries of the day remained.

Q. In what room of Mohun Perfaud's house was it?

A. On a terrass, up stairs, there is an upper room, where Gungabissen lives: on the outside of that, there is a gunja; where we sat.

Q. Were you sitting at that time?

A. We were sitting.

Q. Who got up first?

A. I got up first; and got my dismissal, and went away.

Q. How long was he there?

A. Three guries of the day remained, when I went there; and when I went away the lamp was lighted. Gungabissen was asleep upon his cott; there were two or three servants there.

Q. Where did you see these servants?

A. In Gungabissen's room. I went out of the room, they were there.

Q. Be particular in telling Mohun Perfaud's answer.

A. When I delivered the message from Maha Rajah, he said, I have told a great many English Gentlemen of this affair, and cannot desist.

Q. Did he say any thing else to him?

A. He said, I have told many English Gentlemen; think within yourself, how can I desist.

Q. Did not Mohun Perfaud say, if I had known this sooner, it might have been done?

A. He said no more: he said he had told

many Gentlemen: think within yourself, how can I desist?

Q. Did Mohun Perfaud say, if this affair had been mentioned before, it would have been possible to have done it.

[He gives the same answer, and says, these are the words. Mohun Perfaud spoke as I have before related.

No further answer could be obtained; being threatened with commitment, he said, These are the words Mohun Perfaud spoke; what more should he say?]

Q. Was the lamp lighted before you went away from Mohun Perfaud's?

A. Yes: the lamp was lighted before I went away.

Q. How long?

A. I went at the time the lamp was lighted, or about a minute or two afterwards.

Q. Who lighted the lamp?

A. There was no lamp where we were: the lamp was in Gungabissen's room.

Q. What kind of a day? was it fair or not?

A. It was a rainy day: I went with my shoes on: I walked there.

Q. Was not this 15 days before Maha Rajah was taken up?

A. I said it was ten or twelve days.

Q. Had you any conversation with Mohun Perfaud on this subject?

A. I used almost every day to go to Mohun Perfaud's. I went after that on my own business; there was no other conversation on this subject, till I came here. I have myself a suit in this Court, and come almost every day. He told me the morning of the day I gave evidence, to come here. I came here in the morning; the first sight I had of him, was in the Adawlet.

Q. Do you mean the first or second time you was examined?

A. I was examined before those Gentlemen the first day. [Pointing to Mr. Lemaitre and Mr. Hyde.]

Q. Where did you see Mohun Perfaud, after you gave the evidence?

A. The first sight I had of him was here.

Q. Who do you come to at the Adawlet?

A.

A. I always come to that Gentleman. [Pointing to the Under Sheriff.]

Q. When did you see Mohun Perfaud, after you gave your evidence the first time?

A. I used to see him every day.

Q. When did he tell you to come here?

A. He told me, the day I conversed with him on the subject, that I was to give evidence here. He said I must be there on Saturday se'nnight. How should I have known when to come, if Mohun Perfaud had not told me?

Q. When he told you so, was it the first time he was examined?

A. It was the first time he was examined.

Q. Did Mohun Perfaud offer to give you any money before the Judges?

A. Why should he give me rupees in such a case? Why should you ask me such a question? I am not worthy such suspicion, as the Gentlemen of the Counsel, and all the principal people in Calcutta, well know. I am much engaged in business with Mohun Perfaud, 13,000 rupees is due to me. I gave Mohun Perfaud a writing, that when I received it, I would give Mohun Perfaud four annas in the rupee; this was, if Mohun Perfaud would give me 500 rupees, in ready money. I have not received all the money.

Q. Did Mohun Perfaud never make any promise of giving you any money?

A. He never did.

Q. Do you know Gopenaut Dofs?

A. I do not.

Q. Do you know Rada Cunt Roy?

A. I do not.

Q. Do you know Gungadar?

A. I do not.

Q. Had you ever any conversation with Gopenaut Dofs, at the time you examined before the Grand Jury, or before Mr. Justice Lemaitre, or Mr. Justice Hyde?

A. I do not know him. I do not recollect having any conversation with such a person.

Q. Have you any relation of the name of Gopenaut Dofs?

A. My house is at Malda. I do not know I have any relation in Calcutta of that name.

There is a Gopenaut Dofs at Malda, who is a relation of mine. He is of my Cast.

[A man is produced; and the witness is asked, if he knows him.]

A. I do: his name is Gopenaut Nazzar.

[The man being sworn, is asked his name.]

A. My name is Gopenaut Dofs.

RAMNAUT.

Every body calls him Gopenaut Nazzar. He one day asked me, if I would enter into friendship with him. He asked me if I would have a farm; and said, Come to my house, if you will do these things, it will be better for you. I answered, I do not know your house. On another day he sent a man to me: I then sent an Adawlet Peon with him, to see where his house was. I did not want any thing with him: I did not go to his house.

Q. What did he say to you?

A. He said, Will you have a farm? Will you come to my house? There are some persons, whose business it is to be witnesses.

Q. What was his reason for coming to the house?

A. He put his palankine down at my door. I don't know his reason.

Q. What did he say to you?

A. He told me what I have said; if I have told you wrong, you may punish me. I know of the state of this man.

Q. Why did he offer the farm?

A. I never knew the man: I had no conversation with him; I wondered he should offer me the farm. I believe he is a farmer, a native, collector, and a nazzar.

Q. Whose nazzar is he?

A. I have heard him called Gopel Mezer. I don't know whose nazzar he is.

Q. Is he any relation of yours?

A. He is no relation of mine: a great many things of this sort will come out. I was standing at the door of Mr. Kellican: Sheck Mahomed Gellamey began to say to me, Maha Rajah is a Bramin, he will now be ruined. Do you save him; you owe Maha Rajah money. That he will excuse you.

[The court here interrupts him; and said, he must not tell what another man had said to him, and told the Jury they must take no notice of it.]

Q. When was the offer of the farm?

A. It was after Maha Rajah was in confinement.

Q. Do you know of Gowanny Chun Nag?

A. No.

Q. Do you know Ram Gopaul Gofs?

A. No.

Q. Do you know Hurrikissen Muckerjee?

A. I know him: I believe he is the brother of Harry Cunt Muckerjee.

Q. Did you make him write any paper?

A. I did occasion him to write a paper; but if you can prove that I offered or gave money to any one to swear, let me be punished: they occasioned Muckerjee to write it. I went to the house of Mr. Driver; Hurrykissen Muckerjee was there. I said to the three men, two of them were my men, that were witnesses in the affair with Mahomed Gullamee. I said to them, Whatever you know about this affair, give me in writing. They said to Hurrykissen, Write to me. The paper had been wrote. They two, Govin Sing, and Gundaram Roy, signed it. I said to Hurrykissen, These men have given me a paper, witness it: he said, I will not be a witness to the paper: I shall be called into the Adawlet, if I am. There was another sircar there; and that paper being torn, the sircar wrote out another.

GORPE NAUT DOSS.

Q. Do you know Ramnaut?

A. I know him.

Q. How long have you known him?

A. I have seen him in Calcutta four or five years. I saw him when Mr. Hastings first came to the government.

Q. Had you any conversation with him about any evidence against Maha Rajah Nundocomar?

A. I had.

Q. Relate it.

A. On the 9th day of Choite, I was going to the house of Mr. Cottrell: I saw him

to the south of this house; he made a salam: I asked him, where he was going; he said, I have taken a buzar in farm. He was on horseback, and I was in my palankine; we kept company on the road. I asked him what became of the evidence he gave in Maha Rajah's affairs: he said to me, Mohun Persaud has paid the expence of my house, and given me 300 rupees to give evidence. I said, If you have done this, you have done a bad affair; no words are secret in the Adawlet. He went one way, and I went another.

RAMNAUT.

He says he was in a palankine, and I was on horseback: is it likely such a conversation should pass?

ATTARAM BOSE.

Q. Do you know Mohun Persaud?

A. I do.

Q. How long have you known him?

A. Fifteen or twenty years.

Q. What is his character?

A. I know nothing of his character.

Q. What do people say of him?

A. Nobody speaks well of him.

Q. Do they speak ill of him?

Court. You should ask, whether he is to be believed upon his oath or not.

NEMO DOSS.

Q. How long have you known Mohun Persaud?

A. Twenty or twenty-five years.

Q. What do people say of him?

A. They speak ill of him.

Q. Is he to be believed upon his oath?

A. I cannot say, he is not to be believed upon his oath.

MOHUN PERSAUD.

[Shewn exhibit marked M.]

[For a copy of this, vide page 46.]

Q. On what occasion was this paper drawn out?

A. To shew to Bollakey Doss's wife.

Q. Were the papers shewn to Maha Rajah Nundocomar?

A.

A. No: never.

Q. Was it, when drawn out, represented to Bollakey Dofs's wife?

A. Pudmohun Dofs alone signed it, and carried it away.

Q. When did you yourself sign it?

A. When there was a dispute between Bollakey Dofs's widow, and Pudmohun Dofs, I signed it.

Q. Was this after you settled Maha Rajah Nundocomar's account?

A. Long after.

Q. How long?

A. Eighteen or twenty days after Maha Rajah received the bond.

Q. With what view did you sign it?

A. When Bollakey Dofs's widow called me to her, she observed my signature was not to it: upon which Pudmohun Dofs observed that the widow of Bollakey Dofs had taken notice of my signature not being to it. He said, "Here is no name, no teeps, no account; only put your name to this. Why do you make any doubt about it? only sign it, and I will give it you back."

Q. Is this Maha Rajah Nundocomar's account, or not?

A. Look if you can find his name to it?

Q. Is it his account or not?

A. It is not his account.

Q. Do you mean that this paper does not contain the account of Maha Rajah Nundocomar?

A. No; the name of Maha Rajah Nundocomar is not in it, nor was it delivered to him.

Q. Does any part of this paper constitute Maha Rajah's account?

A. It is Maha Rajah's account: the Durbar Karrutch is there; he took the bond for 129,000 rupees, and obtained 60,000 rupees for Durbar expences.

Q. Will you swear positively that this account was settled at the Maha Rajah's house, in the presence of Choyton Naut and others?

A. No, it was not.

Q. Was it never settled, either in writing or verbally, at the Maha Rajah's house, when you was present?

A. It was never settled when I was at the Maha Rajah's house.

Q. You have mentioned the Durbar charges: are the other articles right and true?

A. I have not said the 60,000 rupees were either right or wrong.

Q. What do you say now, were they right or wrong?

A. There was not a cowrie expended in Durbar expences.

Q. How can you possibly know, that the Maha Rajah never paid any Durbar charges?

A. He may upon his own account; not upon this.

Q. When was it you first suspected this account?

A. When Maha Rajah first mentioned to me, that some Durbar expences would arise, I from that time had doubts.

Q. When did you first suspect the bond to be forged?

A. Four days after, Maha Rajah Nundocomar himself, said to me, We have prepared three papers.

Q. Was not that at the time the bonds were paid?

A. He had the money in his possession. The bonds were with Maha Rajah, when Pudmohun Dofs said, Let us get the bonds.

Q. When did Pudmohun Dofs first inform you of it?

A. When the bonds were put into the possession of Maha Rajah.

Q. Why did you not begin this prosecution sooner then?

A. I had very little power in the business of the deceased. Pudmohun Dofs was the master.

Q. When did you begin to have the management of the business?

A. Upon the death of Pudmohun Dofs.

Q. When was that?

A. In the month of Castick, 1828 †, about four years ago.

Q. Did you ever mention your apprehensions of forgery to Pudmohun Dofs, and advise him to prosecute?

† Nagree year.

A. When Pudmohun Dofs brought the bond from Maha Rajah Nundocomar in the night, and read it to me; I asked him the following morning if he had brought all the bonds. He shewed me the three papers, and had the Persian read to me: I said, nothing was due on those papers: what did they mean? Pudmohun Dofs said, Remain quiet, and I will inform you of the circumstances of it. After that, the widow of Bollakey Dofs complained to Mr. Russell thro' Coffinaut: Goshein likewise complained in the adawlet (i. e. Mayor's court) and made Mr. Magee one attorney, and Mr. Sealy his law attorney.

Q. Did Pudmohun Dofs ever after give you satisfactory accounts of these bonds?

A. No: he always put me off, by saying he would inform me of the circumstances.

Q. Did you apply often to him for that purpose?

A. I did not press him much: Goshein did: and Pudmohun Dofs, in consequence, was thrown into confinement.

Q. If you suspected forgery, why did you not press him?

A. He used always to put me off, by saying he would tell me the circumstances.

Q. You ought to have pressed him much; why did you not?

A. I and Bollakey Dofs's widow, Goshein, Gungabissen, and Ballgovin, used always to be pressing Pudmohun Dofs to settle the accounts, and deliver them over.

Q. Did you ever mention your suspicions to the widow?

A. I did not with my own mouth, because I was not with her, but by the means of Durhamchurn I did.

Q. Did you ever by those means inform her, that you thought it a forged bond?

A. What I told her thro' Durhamchund was, that the Durbar expences charged in the account were unjust.

Q. Tell at what time you first suspected forgery of the bond; and that the seal of Bollakey Dofs was improperly made use of.

A. Maha Rajah mentioned to me the bond, and then I suspected.

Q. How soon?

A. The morning after the night the bond was sent.

Q. What did you see to make you suspect it?

A. I had before reason to suspect it, because Bollakey Dofs kept regular accounts, and that no mention had been made of it in his accounts: I had never heard it from Bollakey Dofs: I had seen the letter of attorney, in which ten thousand rupees were mentioned as a balance.

Q. Did you see upon the face of the bond any thing to make you suspect it?

A. It was not signed by Bollakey Dofs, and I knew that Seillabut was dead a year and a half before.

Q. Before what?

A. A year or two before Bollakey Dofs died.

Q. What objection could his death be to the witnessing a bond in seventy-two?*

A. A man may write a bond and antedate it.

Q. When was you so far certain as to prosecute?

A. When I saw the account of jewels, the name of Rogonaut, and the mention of plunder, I knew it was forged, and from the nature of the bond, which is not regular in itself, being conditional: bonds are not commonly made out so when money is received.

Q. Was it from the sight of the seals or signature, or the contents of the bonds, that made you first suspect?

A. All these circumstances together; I mentioned it often to Mahomed Commaul.

Q. Are not the eight bonds on the Nagree account, charged by you and Pudmohun Dofs to Bollakey Dofs's estate?

A. I wrote nothing; Pudmohun Dofs wrote every thing forcibly himself.

Q. Are they not charged to Bollakey Dofs's estate?

A. The books were in Pudmohun Dofs's hands, he might enter what he pleased.

Q. Were, or were not, the bonds charged to the estate?

A. Pudmohun Dofs and I never acted in conjunction in such a business.

O

Q. Then

* Bengal year.

- Q. Then we are to understand that you did not charge it to the estate?
- A. I was not permitted to see any thing.
- Q. What is the amount of those eight bonds?
- A. One lack, 43,485 rupees.
- Q. Who brought the bond to your house the morning you first suspected?
- A. Pudmohun Dofs brought it.
- Q. Was you present, when Maha Rajah gave it to Pudmohun Dofs?
- A. I was, and so was Gungabiffen.
- Q. Were any other bonds or teeps cancelled besides?
- A. There were three papers cancelled, the bond and two teeps; two were for 35,000 rupees, the other for 48,021 sicca rupees, besides batta.
- Q. When did you first see this account [M]?
- A. When it was signed, and afterwards in the Dewanny Adawlet, only those two times.
- Q. Where did you sign it?
- A. At the house where I now live.
- Q. Are the other articles besides Durbar charges true?
- A. It is no account at all: it is not regular.
- Q. Do you know of any of the sums in it? Is any one article right?
- A. How can I tell if it is right?
- Q. Why then did you sign it?
- A. To satisfy Pudmohun Dofs and the widow.
- Q. Do you know Choyton Naut?
- A. I do.
- Q. Who is he?
- A. A servant of Maha Rajah's.
- Q. Look at the account, and say in what rupees it is?
- A. It is not specified.
- Q. Look at the last line but one.
- A. It is current rupees.
- Q. Do you know of an entry in the books of 129,630 rupees?
- A. No, I do not.
- Q. Do you know of an article in the Curra
- Nama of 69,630 rupees, written by Pudmohun Dofs, and signed by Bollakey Dofs?
- A. No.
- Q. Do you know Monohur Munshy?
- A. I do.
- Q. Had you ever any conversation with him about any evidence he was to give in this cause, or about the bond, and what passed on that occasion?
- A. I shewed the bond first to Juggutchund: I shewed it also to Coja Petruse; his Munshy read it: I then shewed it to Mr. Durham, to shew it to Monohur; he accordingly did so.
- Q. Did you shew it to Monohur before Mr. Durham shewed it him?
- A. It was not in my possession before; I could not shew it him; I shewed him a copy, which I also shewed to many people.
- Q. Did you not shew him the original, the day before you shewed it him, thro' Mr. Durham?
- A. I can take my oath I never shewed him the original, before I shewed him the copy.
- Q. Where did you get the copy?
- A. I took it out of the Mayor's court.
- Q. Did you ever send for Monohur to your house on this occasion?
- A. He owes me 100 rupees, I have sent for him often on that account.
- Q. Did you ever send to him about the bond, and ask him if he wrote it?
- A. I never sent to him purposely to shew him the copy.
- Q. Did you send to him, and did you shew him the copy?
- A. It is two years since I shewed him the copy.
- Q. Have you not shewn him the bond or copy, within these three months?
- A. No.
- Q. Did you ever shew any teeps to Monohur?
- A. Yes, in the house of Mr. Durham.
- Q. Did you not shew him the teeps about three days before Maha Rajah was in confinement?
- A. No.

Q. Did

Q. Did you never shew them to him, except at Mr. Durham's?

A. No.

Q. Did you ever desire Monohur to say he wrote the bond?

A. No.

Q. Did you ever ask him if he had written the bond or teeps?

A. Yes, a great while ago; not lately; two years, or two years and a half ago.

Q. What answer did he make?

A. That it was a good while ago: he could not recollect, whether he had or had not; but when he should see them he might tell.

Q. Did he ever say any thing of finding another person who had wrote them?

A. Yes. I told him, if he knew the person who wrote them, I wished he would bring him: he said that Maha Rajah seldom wrote different papers with the same Munshy, and that as I had not the original bond to shew, he should not be able to find out the persons who wrote them.

Q. Did you make him any promise, in case he produced the man?

A. I did say, that if he would bring the man that really wrote the bond, I would give him a sum: he said to me, he thought the Munshy who wrote it was turned off from Maha Rajah, and gone to Moorshedabad.

Q. Did you ask the name of that Munshy?

A. No: I did not ask.

Q. Why not, if you wanted to procure him?

A. I did not, because Monohur promised to find out the man when he came back, and I might shew him the bond: a man of the name of Buloll Cawdy, first directed me to Monohur, in consequence of which, I spoke to him.

Q. How long ago?

A. About two years and a half.

Q. Was you not acquainted with Monohur before?

A. Yes, long ago: he was a servant of Maha Rajah's.

Q. Was not you and Maha Rajah, once upon good terms together?

A. Yes; upon terms of strict friendship: he loved me as his son.

Q. Was Kissen Juan Doss at your house, when you shewed the copy to Monohur?

A. It was a year, or a year and a half ago: I can't remember.

Q. Has Kissen Juan Doss been at your house, a few days before the commitment of Maha Rajah; and was Monohur there at the same time?

A. Kissen Juan Doss, before Maha Rajah's confinement, always slept in Gungabissen's room; but since that time he has not: a great many people come to Gungabissen, whom I do not see: I did not see him at the time you mention.

Q. How came you to quarrel with Maha Rajah?

A. About this business.

Q. Did you see Monohur at your house, any time within a week, before the commitment of Maha Rajah?

A. I never did.

KISSEN JUAN DOSS.

Q. Do you remember being at Mohun Persaud's, and seeing Monohur, and when?

A. On the other side of ten or twelve days of Maha Rajah's confinement, about noon, or or two in the afternoon. One day I was walking before the door of Mohun Persaud's house. Monohur was at the door, and made his salam: I went and sat with Gungabissen: afterwards, Mohun Persaud and Monohur came into the house; two or three guries after that, Monohur went away.

Q. Did you see any papers produced to Monohur?

A. I did not see any papers: they were in another room.

MONOHUR.

Q. Was there any wax seal to the papers shewn you?

A. There was no wax seal: there were ink seals.

Q. Are you sure it was three days, before the commitment of Maha Rajah Nundocomar?

A. I am very clear it was three days.

MR. DURHAM.

I had the bonds in my possession, three days before the commitment of Maha Rajah.

JUNE 15, 1775.

MR. Farrer offers to read a paper, as a copy of the original paper, which the representatives of Pudmohun Dofs had been served with notice to produce.

Court. You must prove service of notice on Gungabiffen: Mohun Perfaud said all the papers of Gungabiffen were in the hands of the register: if any paper, was delivered to Maha Rajah Nundocomar, it was not in his presence.

MOHUN DOSS.

Q. Do you know Gungabiffen?

A. Yes.

Q. Do you know Maha Rajah Nundocomar?

A. Yes.

Q. Did you know Bollakey Dofs?

A. Yes.

Q. Did you ever see Bollakey Dofs write?

A. No: I never saw him write on any paper whatsoever.

Q. Did you copy any paper in the presence of Mohun Perfaud, Gungabiffen, and Pudmohun Dofs?

A. Yes, I did, by order of Maha Rajah. [A paper is produced]

Q. Is this your hand writing?

A. It is.

Q. Was the original, of which this is a copy, delivered to any one?

A. Maha Rajah delivered a copy to Pudmohun Dofs.

Q. Was any objection made to signing the original papers, when delivered to Pudmohun Dofs?

A. He said nothing: he signed, and I gave the copy to Maha Rajah.

Q. Who are you? what is your business?

A. I am in trade.

Q. Where do you live?

A. I have a house at Cossimbuzar: I have been there these two years: I have been go-

ing backwards and forwards, from Hugly and Chinfura to Calcutta, for thirty years past.

Q. How came you at Maha Rajah's?

A. I used to go backwards and forwards to Maha Rajah's: at that time I went to pay salam.

Q. Is the whole paper your hand writing?

A. The body of the paper is my hand writing, and my name is to it.

Q. What became of the original?

A. Maha Rajah gave it to Pudmohun Dofs, and kept the copy himself.

Q. How long have you had a house at Cossimbuzar?

A. All my family are there: I went to Cossimbuzar at the time of the disputes between Meer Jaffier and Sujah ul Dowlah: I principally reside here.

Q. Have you a house at Chinfura?

A. Yes, in the Ophium Buzar.

Q. Have you a house any where else?

A. I principally reside at Calcutta: I formerly rented a house in Calcutta, which I have bought for 50 rupees: I used to pay seven rupees per month: I argued with myself, I had better buy it.

Q. Do you pay a rent for your house at Calcutta?

A. It is my own property.

Q. Is the house at Chinfura your property?

A. It is my own property.

Q. What is your trade?

A. I trade in every thing: I trade in long cloth, lead, and every thing else: I am a merchant; for 30 years the place of my habitation has been in Chinfura.

Q. You say, you trade in so many articles, and have different houses: do you carry your commodities with you?

A. I go backwards and forwards, once in two years: I send my Gomastah to those places.

Q. Who is your Gomastah?

A. Kiffenchund was my Gomastah: I have no Gomastah now.

Q. What servants do you keep?

A. I keep servants in proportion to my income.

Q. Is

Q. Is your income large?

A. My income is 1000 rupees: or else how could I pay all my servants?

Q. Describe where your house is in Calcutta.

A. The place I have in Calcutta is Huzreymull's, but I pay him a quit rent: my house is in Calcutta, in Huzreymull's garden, in the Buzar road.

Q. Who did you buy it of?

A. I bought it from a beetle merchant.

Q. What is his name?

A. Rampurfaude.

Q. Have you got the potta?

A. No: I get a chit from Huzreymull.

Q. How much do you pay Huzreymull?

A. One rupee per month.

Q. What occasion have you for so many houses?

A. I live here now: I go sometimes to Chinfura; I do not like to hire one: at Cossimbuzar my family live.

Q. Why do not you live with your family?

A. Women don't like travelling: they live at Cossimbuzar, where they get their livelihood easiest.

Q. How many wives have you?

A. For a good man, one is enough.

Q. What are you?

A. A Banian Nagree Wallah.

Q. What was your business, the day you wrote the copy at Maha Rajah's?

A. I did not go particularly that day: I used to go backwards and forwards frequently to make salam.

Q. Do you go to make salam to any other great man, besides Maha Rajah, in the town?

A. I go to no other great man: I am acquainted with no other.

Q. Are you in any intimacy with Maha Rajah?

A. There is a friendship between us.

Mr. Elliot. The word he uses does not convey so strong an idea as friendship, but means something beyond an acquaintance.

Q. Was you ever a servant of Maha Rajah's?

A. No: I am a merchant,

Q. Do you know whether Maha Rajah kept any Nagree writer?

A. I do not know: there are a thousand people under him.

Q. Did you, at any other time, write any paper for Maha Rajah, when you called in?

A. I never wrote any other paper for him.

Q. Was you ever in the room before, when Maha Rajah transacted any private business?

A. I never was present, when he had any other private transaction.

Q. How long ago was it since you wrote this paper?

A. About six years.

Q. What time of the year was it?

A. Before the rains.

Q. Was it morning or night?

A. Three or four guries of the day were remaining.

Q. How long was you writing that paper?

A. $\frac{1}{4}$ or $\frac{1}{2}$ a gurry.

Q. Are you sure it was so much?

A. It was $\frac{1}{4}$ of a gurry.

Q. Are you sure it was quite a quarter of a gurry?

A. Try me.

Q. Did you bring the pen with you?

A. No: it was in the house.

Q. Was the ink stand there?

A. Yes, Maha Rajah was sitting in the hall.

Q. Did you write in the same room?

A. Yes.

Q. Who brought you to Maha Rajah to write that paper?

A. No body called me.

Q. Had you ever wrote in the same room where Maha Rajah was before?

A. No.

Q. How came Maha Rajah to ask you to write?

A. I am a merchant; every body knows I can write.

Q. Who was present besides Maha Rajah, Gungabissen, and Mohun Perfaud, when you wrote the paper?

A. Choyton Naut, and another person, a Bramin.

Q. Was

Q. Was any one else?
 A. No one else.
 Q. Who was the other person?
 A. I do not know.
 Q. What was his name?
 A. I do not enquire the names of every body I see: I have heard his name is Sangoo Loll.
 A. He knows himself: I do not know.
 Q. Did Sangoo Loll come about business, or to pay salam?
 A. I do not know; he came.
 Q. Was Sangoo Loll a servant of Maha Rajah's?
 A. I do not know.
 Q. Were the whole company sitting, or standing?
 A. All sitting together.
 Q. Did you ever sit in Maha Rajah's presence before this time?
 A. I always sit in his presence.
 Q. Did any one write on the paper besides?
 A. I wrote: They all signed it.
 Q. Who is all?
 A. Choyton Naut and Sangoo Loll.
 Q. Who wrote first?
 A. Sangoo Loll first, after I had signed it.
 Q. Who desired Sangoo Loll to sign it?
 A. All three of them desired of him; Gungabissen, Mohun Perfaud, and Pudmohun Dofs.
 Q. Who desired Choyton Naut to sign?
 A. The three men before mentioned.
 Q. Did Maha Rajah say any thing?
 A. Yes: he desired them to witness the paper.
 Q. Did Maha Rajah desire any of them to sign it?
 A. Maha Rajah said it was necessary to witness it to make it pukka; and they said so too, and then signed it.
 Q. Did Maha Rajah desire Pudmohun Dofs to sign it?
 A. No: he did not ask Gungabissen, Pudmohun Dofs, or Mohun Perfaud: he only desired it to be witnessed.
 Q. Do you ever pay any customs in the course of your trade?
 A. I never paid any in Calcutta.

Q. How came you not to pay customs in Calcutta for long cloth, lead, &c.?
 A. I bring lead and long cloth into Calcutta, and send them out of Calcutta.
 Q. Name a person to whom you have sold commodities in Calcutta.
 A. Ten or twelve years ago I bought a quantity of cloths from Jugal Latty.
 Q. Have you had any cloth since that time?
 A. No.

JUGAL LATTY.

Q. Do you know Mohun Dofs?
 A. I do.
 Q. What is he?
 A. He is in business: I remember he bought some cloths from me when I was servant to Mr. Senior: he told me he had got some salt about a year and a half since.
 Q. Is he at present a principal merchant?
 A. I know him very well: he and his brother were formerly deeply concerned.
 Couns. for Pris. Do you think him a man of credit, when upon oath?
 A. I do not know what passes in his mind.
 Q. Is he a man of credit?
 A. He formerly was.
 Q. Was his name hurt, or not?
 [No answer could be procured.]
 Q. Do you know any thing of him?
 A. He is of a good cast: I know his brother is a good man.

SANGO LOLL.

Q. Did you ever attest a copy of any paper at Maha Rajah Nundocomar's?
 A. I did attest a copy of a curra nama.
 Q. Who were present?
 A. Mohun Perfaud, Gungabissen, Pudmohun Dofs, Choyton Naut, and Mohun Dofs.
 Q. What do you know of the paper?
 A. What should I know of the paper? I know it is my name at the bottom. Maha Rajah told Mohun Dofs to take a copy of a paper; when Mohun Dofs had taken a copy, he desired me to be a witness. I asked Pudmohun Dofs whether Bollakey Dofs's name was to it: he said it was, and then witnessed it.

Q. Who witnessed the paper besides Mohun Dofs?

A. Choyton Naut.

Q. What became of the original after it was copied?

A. I know nothing of the original: I know we three were witnesses to the copy: what do I know of the original?

Q. Did you compare the copy with the original?

A. No, I did not.

Q. Did you read the one or the other?

A. No, I did not: Pudmohun Dofs said they were the same.

MOHUN DOSS.

Q. Did you compare the original with the copy after you wrote it?

A. What words I did not understand, Pudmohun Dofs explained: after making the copy I read it, and the words that were wrong I altered.

SANGO LOLL. CROSS EXAMINATION.

Q. Did not you read the words over your name, which are, "I, Sango Loll, have examined the original, and attested this copy?"

A. I could not read it: I did not read it: I could not compare the paper: I cannot read it.

Q. Could you read it at that time? Could you read the original paper?

A. I cannot read others hand-writing, though I can read my own. I could not read the original.

Q. What time of the day was it?

A. There were 4 gurrries remaining when he began to write; and it was evening when he had done.

Q. Was he 4 gurrries in writing it?

A. I cannot say whether it was 4 gurrries, or 4 $\frac{1}{2}$ gurrries; he began a very little time to write after I arrived.

Q. Was he 4 gurrries writing it?

A. I do not know how many gurrries of the day it was when I went: 4 gurrries remained when he began to write: it was the evening before he finished.

Q. Did you see him write the whole?

A. Yes.

Q. Did all the people who were present when he began, sit by him till he finished?

A. Every body.

Q. Who are you?

A. I am a Bramin and a merchant.

Q. How long have you been a merchant?

A. I have been ten years in this town.

Q. Where do you live?

A. In the Burra Buzar.

Q. What trade do you carry on?

A. I am a shop-keeper, and sell goods.

Q. How long have you known Maha Rajah?

A. Ten years.

Q. Are you well acquainted with him?

A. Very well.

Q. Do you go often to visit him?

A. I do.

Q. How came you to be there at that time?

A. I went to pay salam.

Q. Did Mohun Dofs copy it from the paper before him?

A. Mohun Dofs copied it from seeing the original, but when he did not understand, he asked Pudmohun Dofs.

Q. What things do you deal in?

A. I sell China goods, sometimes fruit, and what I can get two rupees by.

Q. Is your shop full of goods?

A. Yes.

Q. What is the value of them?

A. They may be worth about 5 or 600 rupees.

Q. Was you ever in any other way of business? why do you call yourself a merchant?

A. I never have been a merchant; I never made any great sum in Calcutta, to be called a merchant.

Q. Can you write?

A. I can a little in my own business.

Q. Did you ever attest any other paper at Maha Rajah's?

A. No.

Q. Do you know Choyton Naut?

A. Yes.

Q. Has he been examined in this cause?

A. Yes.

- A. Yes.
 Q. What is his business?
 A. He is a servant of Maha Rajah.
 Q. Do you know where he came from.
 A. I know he lives in Calcutta now.
 Q. Did he sign his name in Nagree or Bengal?
 A. In Bengal.
 Q. Did you go to fetch Mohun Dofs, or Mohun Dofs go to fetch you?
 A. Mohun Dofs did not call me; I went to make salam.

CHOYTON NAUT.

[The last witness says this is the man]

- Q. Was you a witness to a paper with this man? [pointing to the last witness.]
 A. I was.
 Q. In what characters did you sign your name?
 A. In Bengal.
 Q. Do you understand Nagree?
 A. No.
 Q. Do you talk Hindoostan?
 A. Yes.
 Q. Did you hear the Nagree paper, that you are a witness to, read?
 A. Yes.
 Q. Who explained it to you in Bengally?
 A. Pudmohun Dofs.

KISSEN JUAN DOSS.

[An account marked Q. is shewn him, found by him among the papers deposited in the court.]

- Q. Do you know that paper?
 A. This account was written by me, and

is signed by Pudmohun Dofs and Mohun Persaud.

- Q. What does that account contain?
 A. This account is not entered in the books, but was drawn out in a hurry to be delivered to the Adawlet.
 Q. What Adawlet?
 A. The former Adawlet, not this.
 Q. Was there any account previous to this delivered into the Mayor's court?
 A. There was an account given into the Mayor's court, of which this is a continuation.
 Q. Is the balance of that former account carried into this?
 A. The balance that remained due in the former account, is brought over into this.
 Q. Who wrote the former Nagree account?
 A. I did.
 Q. What is the reason Mohun Persaud returned to sign the account delivered into the Mayor's court?
 A. After the confinement of Pudmohun Dofs and Gungabiffen, Pudmohun Dofs set about drawing accounts preceding: This was at that time drawn out: after that, when Gungabiffen was released, Gungabiffen, Pudmohun Dofs, and Mohun Persaud, met at the house of the late Bollakey Dofs; and they jointly wrote out this account. Pudmohun Dofs desired Mohun Persaud to sign it. Mohun Persaud, in answer, desired Pudmohun Dofs first, and then Mohun Persaud.
 Mohun Dofs delivered in the Nagree paper [exhibit M] which he had been copying, and it appeared that he had been one hour and a half in copying it.

MOHUN PERSAUD.

[Exhibit Q. shewn him.]

Dr.		Cr.
23,817--5	Balance of precedent account.	38,854--10--2
7,500	Two bonds, by Baboo, Mohun Persaud	Paid to different people as per following particulars, cur- rent rupees.
	5500 one bond Mr. Loofe, writer.	5,800 paid to Mohun Per- saud, balance of 11262--8, which

Dr.			Cr.
23,817-5	Brought over.		
	2000 Mr. Hare.	8,500	which was to be paid as follows, 10,862--8 C. R. by order of Bollakey Dofs, and 400 at different times in the life time of B. D. after the execution of the power of attorney, out of which 10,862--8
14,392--11--3	Bamboo Mohun Perfaud.		—5462--8, was paid in the life time of B. D.
	1,924---9--1 Pudmohun Dofs.		
	<hr/>		
20,400	23,817---5 Ct. Rs. borrowed from Coja Petruse, for which a bond was wrote, dated 7th May English, and for which the following things were pawned.	2,000	Account sales of allum belonging to Mohun Perfaud, brought to his credit on the house at Moorshedabad, and paid him here.
	Purchase deeds of house, 2 bonds of Mr. Gulver, one for 7,639--4, one for 5000.		
	1 receipt of Magal Caluftry, for 5000.	29,164-2-2	Paid to Lewis Calluftry, attorney to Mr. Sparks, the attorney agreeable to a decree of the Mayor's court.
6,947-2	Paid by Allumchund Cuttry, for which one bond was wrote, dated 7th May English, for current rupees.	21,850	Principal.
		6,059--8--1	Interest.
2,000	A debt discharged by Mr. Gulver, for current rupees.	1,254-10-1	Exps. adawlet.
		<hr/>	
334	Paid by Lewis Caluftry, the balance of accounts current rupees.	29,164--2--2	
666-13-1	Sales of a sloop and Muffagur cloth, 140 arc. rups. four pieces of Muffagur at 35 rups.	36,964-02-2	
	550 Ct. rups. sale of sloop.	276-11-1	Paid Kiffenchund, gomostah at Patna, acco. his wages
	11--3--1 Batta on the 140 arc. at 8 per cent.	176-11-1	at Patna.
		100	at Calcutta.
		<hr/>	
	701--3--1	276-11-1	
	34--6	1550	Paid Meer Abdul Rupool
	Duty on the sloop at the Custom house	1160	Principal
	666-13-1 at 6--4 per cent.	390	Int. and expences,
1,913	On account will.	<hr/>	
	1400 Baboo Gungabissen gee	1550	
	513 Sawon gee	63-12-3	Paid Pottuck Gee acct. Bill 55 sicca rupees
	<hr/>		
	1913		
159-6-2	The supposed amount sales of things from the house at Patna.	38854-10-2	
	40 Matta, two strings	2484-10-2	Paid accord. to the will of B. D. as follows.
	14--8--2 Bras pot, in weight 9p. 11 $\frac{1}{2}$ at 1 $\frac{1}{2}$ per feer.		C. R.
		500	Gurreeb Dofs Pottock
	104-14 Silver bullion	400	Moolychund, by the hands of Ruttun Chund
	<hr/>		
	159--6--2	900	

Dr.	Cr.
210--3--1 On account, outstanding balance at Dacca.	1000 Kissen Juan Dofs,
95 2 bills for sic. R.	19,00
100 account fundries ct. rs.	562-12-3 Bahoo Gungabiffen,
15--3--1 Batta on 95 sic. rps. at	21-13-3 Mootychund, by the
16 per cent.	hands of Ruttunchund
210--3--1	2484-10-2
111 Out standing balance at Patna,	70 Goodun Dofs acct. floop expences
paid by Oges Sein Gomastah.	from 17 May, to 2d of Baadoon.
56,558--14	209-5-3 Adawlet expences.
	4665-1-1 For the expences of house, ser-
	vants, &c.
	600-11-1 Acct. profit and losf, as by Par-
	tar in the books
	47,071-15-1
	9,486-14-3
	56,558-14
	Balance as follows,
	7500 Two bonds, Mohun
	Perfaud,
	1936-3-3 Baboo Mohun Per-
	faud.
	52-11 Pudmohun Dofs.
	9486-14-3
	(Signed) PUDMOHUN DOSS.
	MOHUN PERSAUD.

Q. Do you know that account?

A. It is an account settled; it is an account paid to different creditors.

Q. Why did you sign it?

A. I signed it, because the monies were really paid to the different creditors. I do not know whether the former account was right.

Mr. JOHN STEWART called in, to produce the books of the Council.

Q. Have you brought the books you were required to bring?

A. I have no authority to carry books out of the office, or to produce them without order. I acquainted the Board with the subpoena: the Board desired me to acquaint the Court in their name, that they conceive it to be liable to many inconveniencies and ill consequences to exhibit the proceedings of the Council in an open court of justice, especially as they may sometimes contain secrets of the utmost importance to the interest, and even to the safety of the state, and as they conceive

that if it was allowable in one instance, it would be a rule in all.

Court. In this, as well as in every other instance, we should consult the interest and convenience of the Company as much as possible. We are not surprized, that the Governor General and Council should be desirous to prevent their books being examined, which might tend to the consequences they mention: it would be highly improper that their books should be wantonly subjected to curious and impertinent eyes; but, at the same time, it is a matter of justice, that if they contain evidence material to the parties in civil suits, that they may have an opportunity of availing themselves of it. Humanity requires it should be produced, when in favor of a criminal; justice, when against them. The papers and records of all the public companies in England, of the Bank, South-Sea-House, and the East-India-House, are liable to be called for, where justice shall require copies of the records

cords and proceedings, from the highest Court of Judicature, down to the Court of Pye Powder, and continually given in evidence. When it is necessary they should be produced, the Court will take care they are not made an improper use of. To wish the Council to be put to the least inconvenience possible, we wish they would consider whether they think the inconvenience of the production of their books and proceedings, or the granting copies of such parts as may be required to be given in evidence, may be the least liable to objection. The bringing the books and papers may subject them to the hazard of being lost, and may impede the business. On the other hand, if copies are granted, the court cannot hold so strict a hand over impertinent curiosity as they can, if the books and papers are produced in the open court: if copies are taken not relevant to the cause, the court would most certainly censure the party offending therein; but the mischief might be done by having taken the copies. If they are produced in court, the court will oblige the party to inform the court of the matter proposed to be read, and will not allow it, except they see that it is applicable to the cause. I wish you to inform the Governor General and Council of what is now said, and let them know that we wish to accommodate our practice as far as possible to the convenience of the East-India Company; we wish likewise that you would remind the Governor General and Council, how anxious we are that they should make application to the court to have such of their officers excused from serving on juries, whose attendances in their several offices cannot be dispensed with, without detriment to the affairs of the Company. At the time of the application to us from the different servants to be excused from serving on juries, we mentioned how impossible it was for us to judge who it might be necessary to excuse, and whom not. That we might err on the right side, and not prejudice the affairs of the Company, we were obliged to be liberal in allowing the excuse made; but we have since found that several of the persons excused have since owned, that there was little or no excuse for them,

and that they did not expect it, but thought, when they saw others excused, they might put in their claim: we cannot do this in future, and therefore are very solicitous to be informed by the Governor General and Council, what servants they wish to have exempted from serving on juries, that neither the business of the Court, nor that of the Company, may suffer. The purpose for which the books were desired to be produced was to discredit Shaik ear Mahomed, who, as the Counsel for the Crown stated, had been guilty of perjury before the Council, and had been by them censured for the same. The Court was of opinion, that the evidence was not admissible, it being a particular fact, and not to general reputation; and that no perjury could be committed, in swearing before the Governor General and Council, who do not constitute a court of record: if they were a court of record, the only proper evidence would have been a record of the conviction for the perjury; the books were therefore not desired to be produced.

[The counsel for the prisoner informed the court that the prisoner had something to say.]

Court. By all means; let us hear it: but would it not be more proper for you to ask him what it is, that you may judge of what he has to say?

Counsel. I know it is not improper.

Court. What is it?

A. The Maha Rajah desires that Kissen Juan Doss may be asked further as to the Curra Nama.

Court. Has he any thing else to say?

A. Nothing else.

Court. Do you chuse to ask the question? or that Maha Rajah should ask them himself? You had better ask them.

KISSEN JUAN DOSS.

Q. Did you ever explain the Curra Nama you spoke of to Mohun Perfaud?

A. Mohun Perfaud went in his palankine to the house of Maha Rajah, and I followed after. I do not know what conversation passed between Maha Rajah and Mohun Perfaud

faud: Maha Rajah sent for the Curra Nama to his own house: Mohun Perfaud was present when I read it. The Curra Nama was afterwards shewn to Pudmohun Dofs.

Q. When you shewed the Curra Nama to Mohun Perfaud, what did he say?

A. He said nothing.

Q. Did he make no objection?

A. He did not say a word of it in my hearing. He only said the space of six months is written.

Q. Did Mohun Perfaud see Bollakey Dofs's name written to it?

A. He did.

Q. Why did Mohun Perfaud desire you to go to Maha Rajah?

A. He desired me to go along with him.

Q. Why?

A. He did not tell me any thing particular. I explained to him the Nagree paper.

CROSS EXAMINATION.

Q. What was the sum mentioned in the Curra Nama?

A. I saw a promise in favour of the Governor and Mr. Pearson; likewise account of a bond for jewels. There was some promise in favour of Maha Rajah; and lastly for 35,000 rupees, on account of teeps. To the article of the bond for jewels, no sum was specified. There were sums specified to the Maha Rajah and the Governor; but I do not recollect what they were.

Q. Is the Curra Nama you now mention, the same you made up the books from?

A. It was the same, but I did not extract the account. Pudmohun Dofs did.

Q. Who produced the Curra Nama, Mohun Perfaud, or Maha Rajah?

A. Maha Rajah sent for it from his house. There was another Persian letter.

Q. Did you point out to Mohun Perfaud the name of Bollakey Dofs on that paper?

A. Mohun Perfaud took the paper in his own hand, and read it.

Q. Was this the first time you had seen the paper?

A. Mohun Perfaud took me to the house Pudmohun Dofs shewed me before.

Q. Why did not you mention this before?

A. Mohun Perfaud forbid me to mention it: he has given me no victuals for these four years.

Q. Did you then remember it?

A. Mohun Perfaud had forbid me to tell.

Q. As you were sworn to tell the whole truth, and have mentioned this Curra Nama so often, why did you not mention this circumstance before?

A. If nobody asked me about it, why should I tell the bad actions of Mohun Perfaud?

Court. Because it is to save the life of an innocent person.

A. Now you ask me the question, I recollect it; I did not before.

Q. Who have you conversed with since last night?

A. I went down to examine the papers; came here, went home, and did not see or converse with any one last night.

Q. Have you spoke to any body to-day?

A. I went to the house of Mr. Jarrett, to converse with a Nagree Mohurer.

Q. Were there any other people at Mr. Jarrett's?

A. There were 10 or 12 people.

Q. Did you converse with any of them?

A. I did not: I conversed with my own man.

Q. Did you speak to your own man about the Curra Nama?

A. I did not speak to any one. I spoke to nobody but the Court.

Q. Did not you send a written account to Maha Rajah of every thing that you knew?

A. I did write a Persian letter to Maha Rajah: Maha Rajah wrote a Persian letter to me. Having read it, I wrote him an account of books, and accounts, and a few words of circumstances that happened before Bollakey Dofs's death.

Q. Did you in that paper relate this circumstance?

A. So far as related to Pudmohun Dofs, I did.

Q. Did you write that paper for the purpose of acquainting the Maha Rajah of all you knew?

A. I did inform him of all the circumstances, but this.

Q. Why did you not inform him of this?

A. Mohun Perfaud desired me to say the words were erased and scratched out; and therefore I did not say any thing about it.

Q. When did Mohun Perfaud desire you to say this?

A. He told me a great while ago before Ballgovin of all the circumstances.

Q. Did you mention in your letter, that you wrote to Maha Rajah what Mohun Perfaud had said to you?

A. No.

Q. Why did you not? can you tell any honest reason?

A. Because I am a servant to Gungabissen, and Mohun Perfaud is his attorney, and Gungabissen lives with Mohun Perfaud.

Q. Did you shew Mohun Perfaud the letter you wrote to Maha Rajah?

A. I did not: I only wrote to Maha Rajah to acquaint him with the accounts.

Q. Did you write nothing, but concerning accounts?

A. I must own the truth. I did not write to Maha Rajah any thing about this circumstance: Mohun Perfaud is a great man; he told me not.

Q. Was not Maha Rajah a greater man than Mohun Perfaud?

A. I was much afraid of Mohun Perfaud.

Q. Did you recollect this circumstance at the time you wrote this letter?

A. I did not.

Q. If you had recollected it, would you have wrote it?

A. I certainly should.

Q. Then your being afraid of Mohun Perfaud, was not the reason why you did not write it?

A. I am much afraid of Mohun Perfaud.

[Question repeated.]

A. I was afraid of Mohun Perfaud.

[Question again repeated.]

A. I did not recollect it.

Q. The being afraid of Mohun Perfaud, and the not recollecting it, are two different reasons. Both of them cannot be true: was it because you was afraid of Mohun Perfaud, or because you did not recollect it?

[No answer could be procured.]

Q. When did Mohun Perfaud first bid you mention it?

A. He took a written paper from me: in this written paper, he made me write ten words I did not know, and leave out ten words I did know.

Q. Do you mean that Mohun Perfaud occasioned you to write to Maha Rajah?

A. Mohun Perfaud and I were on bad terms, when the affair was in the Adawlet. I gave evidence in favour of Maha Rajah: the complaint was, that Maha Rajah had taken money oppressively. I gave evidence that he did not.

Q. Was you at that time afraid of Mohun Perfaud?

A. No: I was not afraid at that time.

Q. Were you afraid of Mohun Perfaud, when you said that the books of the army were separated from Bollakey Dofs's other papers by his order?

A. Mohun Perfaud forbid me to tell. I am afraid of him.

Q. When was it Mohun Perfaud told you not to mention it?

A. I believe a year and an half, or two years ago. In the late prosecution Maha Rajah told me, if I would write out a paper, I should have my wages. I did write out a paper: I do not know the particulars.

Q. Did that paper contain all you know of this transaction?

A. I wrote it out, and I copied it.

Q. Did Mohun Perfaud tell you what to write, or did you tell him?

A. Mohun Perfaud wrote it out first: he used to tell me, when I wrote it out, he would pay me the wages; it remained 10 or 14 days on the bed of Gungabissen.

Q. Did Mohun Perfaud, at any other time, except the time last mentioned [i. e. about

two years, or a year and an half ago] desire you not to mention it?

A. In the paper he gave me to copy this is not mentioned, which I observed could not add any thing to it.

[Question Repeated.]

A. No; about two years, or two years and a half ago, he told me two or three times, but never told me since; I put him in mind I knew another circumstance.

Q. Did he ever mention it but these times?

A. No.

Q. When did you receive the letter from Maha Rajah?

A. It is eight, ten, or fifteen days since I got Maha Rajah's letter.

[Here the evidence closed.]

Lord Chief-justice

Lord Chief Justice IMPEY.

THE Prisoner stands indicted for forging a Persian Bond, with an intent to defraud Bollakey Dofs; and also for publishing the same, knowing it to be forged. This offence is laid in several manners, by different Counts in the Indictment, sometimes calling it a Writing Obligatory, and sometimes a Promissory Note; and it is laid to be with an intent to defraud different people, differently interested.

I shall lay out of the Case all those Counts to which I think no evidence can be applied; and shall only mention those to which it may, and shall point out those to which it most particularly applies. I lay out of the Case the Counts where the publication is said to be to defraud Bollakey Dofs, as the publication which is proved was after his death: as also those which charge it to be to defraud Pudmohun Dofs and Gungabissen as joint executors, there being no proof that Pudmohun Dofs ever was an executor.

The only Counts to which any evidence, in my opinion, can be applied, are the first, fifth, ninth, and thirteenth, which charge this Instrument to be forged with intent to defraud Bollakey Dofs: The eighteenth, which charges it to be forged with intent to defraud Gungabissen and Hingoo Loll, nephews and trustees named in the will of Bollakey Dofs: The nineteenth, to which the evidence most forcibly applies, for publishing the same knowing it to be forged, with intent to defraud Gungabissen and Hingoo Loll: The twentieth and twenty-first, which charge the forgery and publication to be with intent to defraud Gungabissen, the surviving executor.

There has been no evidence at what time the Instrument was actually forged; and therefore it may be difficult for you to ascertain whether it was in the life of Bollakey Dofs, and consequently whether to defraud him, or such persons as had interest in his estate after his decease.

The publication was clearly after his decease; and therefore, if you should think the

Prisoner guilty of that, you would not have the same difficulty as to whom it was to defraud, as it must be his executors, or other persons who took benefit by his will. As the estate was distributed according to the division of the Rupee, which is a custom in this country similar to that of the Romans dividing the As; there is no doubt it must have been to the prejudice of his nephews Gungabissen and Hingoo Loll.

I will however, after I have gone through the whole evidence, point out that part of it which applies to the actual forgery, and then what applies to the publication, knowing it to be forged.

As the trial has now taken so many days, and the evidence is so long, notwithstanding you have given an attention that I have never before seen in a Jury through so long a trial; it will be necessary, for the purpose of bringing it together, and to refresh your memories as to those parts which passed early in the trial, to recapitulate the whole of the evidence.

[Here the Chief Justice read over the whole of the evidence, and then proceeded.]

By the Laws of England, the Counsel for Prisoners charged with felony are not allowed to observe on the evidence to the Jury, but are to confine themselves to matters of Law: but I told them, that, if they would deliver to me any observations they wished to be made to the Jury, I would submit them to you, and give them their full force; by which means they will have the same advantage as they would have had in a Civil Case.

Mr. Farrer has delivered me the following observations, which I read to you in his own words, and desire you to give them the full weight, which, on consideration, you may think they deserve:

“It is no forgery on Bollakey Dofs, because it is not proved to have been forged in his life-time.”

He is certainly right in the observation, that there is no proof adduced of the time of the actual forgery.

“ No forgery on the executors, because
 “ the prosecutor’s evidence prove that they
 “ were previously informed of the forgery,
 “ and voluntarily paid the Bond. Pudmo-
 “ hun Dofs expressly knew it.”

This will depend on the evidence, which I shall observe upon hereafter, whether Gungabissen was so informed. I think there is great reason to suspect that Pudmohun Dofs was privy to the fraud, if any fraud has been. But I have laid those Counts out of the Case, which charge either the forgery, or the publication, knowing of the forgery, with an intent to defraud Pudmohun Dofs and Gungabissen as joint executors, because the prosecutors have failed in this proof of Pudmohun Dofs’s being an executor. They produced no probate to Pudmohun Dofs, and would have proved it by his having signed an account delivered into the Mayor’s Court. This we did not think sufficient to prove him executor: Mohun Persand by that means might likewise have been proved an executor; for he has signed an account which was delivered in to that Court.

“ No forgery upon the trustees, or residuary legatees, because they had only a
 “ contingent interest at the time of the publication, and not a vested one. It was not
 “ an interest *debitum in presenti solvendum in futuro*: had they died before the contingency happened, the interest would not
 “ have gone to their representatives as such, and as claiming under them, but to the
 “ next of kin of Bollakey Dofs; therefore
 “ they could not be defrauded.”

This is a point of Law, and I cannot help differing from Mr. Farrer in it; for, in my opinion, and in all our opinions, the interest of the nephews and residuary legatees is a vested interest, and would, whenever the money due to Bollakey Dofs from the Company should be paid, go to the representatives. The receipt of that money is, I suppose, what is understood by Mr. Farrer to be the contingency.

This objection seems to be made from mis-stating an observation made early in the cause by my Brother Chambers, and which I

was at first struck with; which was, That neither the appointment of executors, or any part of the will, was to take place till after the payment of the debt from the Company; that is, that Bollakey Dofs considered himself worth nothing but that debt, and meant only to make a will in case that money should be recovered. But, on looking into the will, I pointed out to my Brother Chambers that there were dispositions of other monies; and we are both satisfied that the appointment of executors would have taken place, and the will had sufficient to operate upon, though that money had not been paid; and that, if it was not, Bollakey Dofs did not mean to die intestate. But, however, there is evidence that it has been satisfied by Company’s bonds.

Mr. Farrer has likewise given me these further observations:

“ Persian Letters, sealed in the usual mode
 “ of the country, not allowed to be given in
 “ evidence: by our Laws, Letters sealed in
 “ the usual mode in England would.”

You cast your eyes on those Letters, and observed on the recency of the writing. You thought them an imposition; but, as they were not given in evidence, I desired you would not suffer it to make any impression on you. I have no apprehensions the Laws of any country would permit them to be given in evidence. They were Letters, enclosed in a cover, sealed with the seal of Bollakey Dofs; but were separated from the covers, which had been opened. Any writings might have been put into those covers. There was no signature to the Letters. There was no attempt to prove that the direction of the covers were of the same hand-writing with the Letters themselves, or that they were the hand-writing of Bollakey Dofs, or of any of his writers. If this was allowed, any evidence might be fabricated, to serve all purposes. Letters in England have the signature of the writer, and his hand-writing may be proved: it is impossible these could be given in evidence.

“ The witnesses are dead, the transaction
 “ is stale, and long since known to the pro-
 “ secutor.”

These

These are objections of weight, which you, Gentlemen, ought carefully to attend to, when you take the whole of the evidence into consideration, for the purpose of forming the verdict; and I have no doubt you will attend to them.

“ No evidence of Defendant’s having forged Bullakey Dofs’s seal, for which he alone stands indicted.”

There is clearly no direct evidence of his having actually forged the seal. But Mr. Farrer is mistaken, when he says the Prisoner stands only indicted of forging the seal: he is inaccurate in saying he stands indicted of forging the seal; it is for forging the bond. But he does not stand indicted of that only: he is indicted for publishing it knowing it to be forged; and, as I shall hereafter shew, it is to that the evidence chiefly applies, and to which I must require your more immediate attention.

“ The absurdity of the Defendant’s confessing a circumstance, which would endanger his life, to people with whom he was not in terms of confidence—his refusing, three months after, to become security for Comaul O Deen in his Farm; a thing trifling in its nature, when contrasted with the consequences which might naturally be expected from a refusal—the small degree of credit due to a confession made only once, and nobody present but the party and the witness, which are the words of Comaul’s evidence.”

It is highly proper you should take these circumstances into consideration: you will consider on what terms they were at the time of these conversations. Confessions of this nature are undoubtedly suspicious; and to which, except there are matters to corroborate them, you should be very cautious in giving too much credit.

“ Nothing any ways extraordinary in Comaul’s mentioning the circumstance of the Defendant’s confession; as it is well known that, in the most common occurrences, the natives of this Country form the most iniquitous schemes, which are not brought to maturity, or disclosed to the Public, for

“ a much greater period of time than the present; and that their truth and falsehood are so artfully interwoven, that it is almost impossible to come at the truth.”

My residence in the Country has been so short, and my experience so little, that I can form no judgement of the truth of this observation: it is an appeal to the notoriety of the dispositions of the natives. You have been resident long in the Country: some I see who were born here; you know how far it is true, therefore I leave it intirely to you.

Mr. Brix has communicated to me the following observations:

“ Improbability of the Bond’s being forged, from its being conditional only; for which there could be no necessity if it was forged, as it rendered the obligation less strong, without any apparent reason.”

It certainly would have been as easy to have forged an absolute Bond. But there is no evidence when the Bond was forged, if it was forged: it might have been after the payment of the debt due to Bullakee Dofs; it might be to give an air of probability to it. But this is matter proper for you to judge upon.

“ From the circumstance mentioned therein of the jewels being robbed, as that very circumstance lessens the value of the obligation, it might entitle the deceased or his representatives to relief in equity.”

This circumstance of mentioning the jewels is undoubtedly one that makes the transaction very suspicious, as there is no evidence given of any loss of jewels; and indeed the evidence that has been produced on that head goes a great way to prove that no such jewels had ever been lost. It is ingenious to turn this to the advantage of the Prisoner. You will determine whether it can be so applied.

These are the observations made by the Prisoner’s Counsel: you will consider them, together with the observations I have submitted to you upon them.

I shall now make some few observations on the evidence, both on the part of the Crown and the Prisoner; desiring, as I have frequently

ly during the course of the trial, that you will not suffer your judgments to be biased, or the Prisoner to be any way prejudiced, from any thing that has past, nor by any matter whatsoever, which has not been given in evidence.

The evidence on the part of the Crown, to support the actual Forgery, is that of Mohun Persaud, who says, That Maha Rajah Nundocomar declared, that he had *prepared* or drawn out three papers, the amount of one of which was 48,021 rupees, which is the amount of the present Bond, and is applied as a confession of the actual forging; but, as the confession may bear a different interpretation, there being no distinction in general made in the interpretation of the evidence, between writing or causing to be wrote, drawing or causing to be drawn, it may mean, that he caused Bollakey Dofs to draw or prepare the Bond, and therefore I think the first would be an hard and rather a forced construction of his words; and indeed he did not actually specify this Bond. Comaul O Deen also gives evidence that will apply to the Forgery. Maha Rajah Nundocomar told him, That he had himself fixed Comaul O Deen's seal to the Bond; and he proves a requisition from Maha Rajah Nundocomar, to give evidence, That he was a witness to the Bond, and makes him promises if he will. This is the evidence of the Forgery; but I think it will be more necessary to attend to the evidence in support of those Counts which I have said the evidence may be applied to, and which charge the *publication* with an intent to defraud.

The evidence which applies to the actual Forgery, applies likewise to the knowledge of its being forged. Mohun Persaud proves the Bond produced by Maha Rajah Nundocomar. A receipt of Maha Rajah Nundocomar for the Company's Bonds, paid in satisfaction of the Bond in question, and the actual satisfaction received by Maha Rajah Nundocomar.

Two witnesses depose, That the name purporting to be in the hand-writing of Sillabut,

is not of his hand-writing. Sabboot Pottack swears positively to this: he says, He was well acquainted with his writing; and speaks as to the usual manner of his attesting which he says, is different to that on this paper.

Rajah Nobkissen, on the paper being shewn him, swore positively, that it was not the hand-writing of Sillabut; but afterwards retracted the positiveness of his opinion: but the circumstance of his immediate fixing on the three papers, which were before proved to be of Sillabut's writing, is a stronger proof of the knowledge of his hand-writing, than any positive oath.

I must again caution you against receiving any impression unfavourable to the Prisoner, from the hesitation and doubts or exclamations of this witness, or from any other circumstances except what he actually deposed to.

Both these last witnesses agree, that the hand to this Bond is better than Sillabut's hand.

Other circumstances are adduced to draw an imputation on this business. An account subsequent to the date of the Bond, which is in 1772, is produced to shew, that Bollakey Dofs was at that time indebted to Maha Rajah Nundocomar only in the sum of 10,000 rupees; but I think no great stress can be laid on that, as it contains a reference to such other debts as may appear by his books.

The Counsel for the Crown have proved, that a draught for a large sum of money was paid at Banaras, about the time of the Bond given, on the credit of Bollakey Dofs, in favour of Lord Clive. This was adduced for the purpose of shewing Bollakey Dofs to be at that time in good circumstances, and to infer from thence an improbability of his entering into this Bond: but I think it proves no such thing; a much larger sum would no doubt have been paid on Lord Clive's credit alone; and it is certain, that Bollakey Dofs was at that time a debtor to Maha Rajah Nundocomar.

There

There is another circumstance; that Bollakey Dofs had never mentioned either the deposit of the jewels, or the loss of them; and that there is no entry of it in his books.

Comaul O Deen produced a paper with the impression of his own seal, which he swears to be in the possession of Maha Rajah Nundocomar: you before said, you thought it to be the same with that to the Bond; you will accurately examine it; I have not; I am told, there is a flaw in both the impressions.

Comaul O Deen accounts for his seal being in the possession of Maha Rajah Nundocomar, and swears, he has not received it back: his evidence is supported by Coja Petruse, whose character you all know, and Moonshy Sudder O Deen, to whom he repeated the conversations with Maha Rajah Nundocomar, when they had recently past; you know the practices of the natives, and whether it is probable, as the Counsel for the Prisoner has suggested, that this is a deep-laid scene of villainy.

The character of Comaul O Deen was enquired into from Coja Petruse, and you have heard his answer.

Subornation of perjury was endeavoured to be fixed on him by the evidence of Hufflein Alli; but as to Cawda Newas, nothing was proved: as to the seal-cutter, his conversation with him seems rather to strengthen than impeach his credit.

This Bond was found cancelled among the papers delivered into the Mayor's Court, as belonging to the estate of Bollakey Dofs; but the papers of Pudmohun Dofs and Bollakey Dofs were mixed.

This is the substance of the evidence for the Crown; and no doubt, if the witnesses are believed, whatsoever you may think of the forgery, there is evidence of publication, with knowledge of forgery.

On the other hand, if you believe the witnesses for the Prisoner, a most compleat answer is given to the charge.

There are no less than four witnesses present

at the execution of the Bond by Bollakey Dofs, three of whom had been privy to a conversation at Maha Rajah Nundocomar's, when the consideration of the Bond was acknowledged by Bollakey Dofs: the same persons prove the attestation of the Bond by the three witnesses thereto, who are all dead.

The brother of Matheb Roy is produced, who says, that Matheb Roy was well known to Huzree Mull and Coffinaut: Huzree Mull and Coffinaut did know a Matheb Roy; but it is clear, from their description of the person, that it is not the brother of the witness at the bar. However, Coffinaut gave an account of the family of the man he knew, whose father was Bungoo Loll; but said, there was another Bungoo Loll. It seems extraordinary that there should be two Bungoo Lolls, two Saheb Roys, and two Matheb Roys, in two different families: however, there is no doubt of the existence of two Bungoo Lolls and two Saheb Roys; the improbability then decreases, and both Tage Roy and Roopnerain swear to the existence of the other Matheb Roy. It is extraordinary, however, that this man, who is described by his brother to be a poor man, and servant to a prisoner in the gaol, and was not known to Coffinaut or Huzree Mull, should be described by the Counsel for the Prisoner as a man of note and family, and as being acquainted with Coffinaut and Huzree Mull.

In contradiction to what Comaul O Deen had said, the defence introduces another Comaul; and all the four witnesses swear positively to his attesting the Bond. He is proved by two witnesses to be dead; one Joydes Chowbee saw a man going to be buried, and was told it was Comaul.

The other Sheekear Mahomed actually attended his funeral.

Comaul O Deen swears positively it is his seal, and these witnesses swear to the attestation by another Comaul. Joydel Chowbee mentions a circumstance by which he knew it to be the funeral of Comaul: he asked,
Whether

Whether it was a funeral of a Bramin or Mussulman? It seems, the mode of carrying out Mussulmen and Bramins differ. You must judge from his evidence, whether he must not have known whether it was a Mussulman or Bramin, without enquiry; indeed he has said, That he did; and the observation was so strong, that he after positively denies he ever said he made such enquiry.

As Comaul is said to have died in the house of Maha Rajah Nundocomar, it seems extraordinary, that no one but Sheekear Mahomed is brought to prove his actual death; it must have been easy to have brought many persons of Maha Rajah Nundocomar's family, especially as he mentions five persons by name that attended his funeral, besides Cooleys; three indeed he has buried since, but there are two still alive. This must have been known to be very material, for this is not the first time that Comaul O Deen has given evidence concerning his seal.

It is admitted on both sides, that Seelabut is dead. It is remarkable, that no account whatsoever is given of the Mour who wrote the Bond: he would have been a material witness: there is no proof whose writing it is: it is proved, that Bollakey Dofs had at that time a writer whose name was Balkiffen, who is dead: there is no evidence that it was of his hand; he was, I think, known to one of the witnesses to the execution of the bond.

A witness says, that Seelabut was a Persian Writer as well as Vakeel to Bullaker Dofs, and Kiffen Juan Dofs seems to confirm it; being asked, What Persian Writer Bullaker Dofs had at that time? he answers, "He had one named Balkiffen, and Seelabut also understood Persian." It is not said to be of his writing; and if Seelabut acted in that capacity, what occasion had Bullakee Dofs to call for another writer?

There is no evidence of any particulars being mentioned to the writer who made out the Bond, though it contains very special matter, except by one witness: all agree that no directions were given in the room before

the people came from Maha Rajah Nundocomar to Bollakey Dofs's; and all the witnesses, except one, deny any specific directions being given after. It is possible, he might have spoken to the Mour before his coming into the room, which the other witnesses at this distance of time might have forgot.

Though there are some variations in their evidence at the time of the execution, that is not at all extraordinary; what is most striking is, the very accurate memories which they preserve as to some circumstances, and their total forgetfulness as to others.

The most remarkable instance of their memory is the knowledge of the seals, which some of them swear to positively, only from having seen them three or four times on the fingers of the owners, from which (though the seals must be reversed when applied to paper, and though some of them do not understand Persian, and consequently not the characters engraved on the seal) they swear positively to their being able to know the impressions; and it is true, for they do point out to whom the impression of each particular seal on the Bond does belong. Kiffen Juan Dofs, who must have seen Bollakey Dofs's seal oftener than any of the witnesses, does not take upon him to remember the impression; and on being told the other witnesses did, he said, they had excellent memories; he was not blessed with such.

They are likewise uniformly accurate in ascribing the order in which the witnesses sealed and signed.

I shall make no observation on the variances of the witnesses to the execution; for, except in two instances, one of the witnesses, who remembered the sum in the Bond, from its being explained in a language he did not understand, the other, Sheekear Mahomed is the only witness that spoke with precision as to the sum. You heard him deliver his evidence, and will form your own judgement on that and on his whole evidence, in which he affirms and denies the same thing in the same breath.

As to the other, it was suggested, that the same words expressed the same sums in Moors and Persian, which drew on an enquiry; and we had the Persian and Moor words for the sums mentioned delivered in evidence; you will see how far you think they agree or disagree.

Nor shall I observe on the manner in which the witnesses on either side gave their testimony. You saw and remarked them. The Jury having the opportunity to make their observations on the conduct of the witnesses, and of hearing the questions put as circumstances arise, is the great part of the benefit of a *vivâ voce* examination.

The defence does not attempt to prove either the deposit or the loss of jewels. And indeed Kissen Juan Dofs, on whose evidence I shall hereafter observe, says, "That he never heard of such a loss; had it happened, he must have heard it; and a thousand people must have known it." He speaks of the loss of jewels to a trifling amount, but those belonged to another person. This, as I said before, is a suspicious circumstance. But if the jewels were actually deposited, of which there is no evidence, except what I am going to take notice of, the Kurfa Nama: though they were not lost, Bollakey Dofs might have told Maha Rajah Nundocomar that they were; and the Maha Rajah might give credit to Bollakey Dofs; or might chuse rather to take a Bond than enquire further into the matter. It might possibly have been a fraud on Maha Rajah Nundocomar.

Meer Affud's evidence may be very material. He produces a paper, purporting to be a receipt given by Bullakee Dofs to him, for valuable effects of Cossim Alli, delivered by the witness to Bollakey Dofs, which had the seal of Bollakey Dofs to it. The impression you will examine; you will find it to be the same as is on the Bond. This was for the purpose of proving the correspondence of the impression of the seal on this receipt, with the seal on the Bond; and by that means to prove, that the seal to the Bond was the identical seal of Bollakey Dofs, not one that was forged. This transaction was said by the wit-

ness to be when Bollakey Dofs was with the army at Durghotty. It seems clear beyond doubt, from the date of the receipt, from the place the army was then in, and from the circumstances that both Cossim Alli and Bollakey Dofs were in at the time the receipt bears date, that the receipt could not have been given by Bollakey Dofs, and that the whole is a fiction.

A very striking observation arises from this: It may account for the witnesses remembering the seals so accurately. Taje Roy says, He is in possession of Matheb Roy's seal. The seal of Comaul O Deen is proved to have been in the possession of Maha Rajah Nundocomar; and the person who fabricated this receipt must have had that seal which made the impression on the Bond and the receipt. If the witnesses by any means have seen those seals, it is no longer surprizing that they should be well acquainted with the impressions. This is a strong observation; but it is but an observation; I would have you consider it deliberately and maturely before you adopt it.

Kissen Juan Dofs delivered all his evidence, till this morning, with such simplicity, and with such an air of candor and truth, that I gave full assent to every thing he said; and I am extremely chagrined that there has arisen any cause to suspect any part of his evidence. He mentioned a paper, which he calls a Kurfa Nama, in which the whole of this transaction was wrote, and which was acknowledged and signed by Bollakey Dofs. Though the entry made in the book after the death of Bollakey Dofs, by order of Pudmohun Dofs, and purporting to be in the life-time of Bollakey Dofs, carried marks of suspicion with it; yet, I own Kissen Juan Dofs had so compleatly gained my confidence, that I gave implicit credit to him. Many attempts were made to establish it in evidence, which failed of legal proof; but as I thought so well of Kissen Juan Dofs, and as it would have been extremely hard, if such a paper had existed, that the Prisoner should be deprived of the benefit of it, I said (having first asked the consent of my Brethren), that, though it was not strictly evidence, I would leave it to you to give such weight to

it as you thought it deserved. I still leave it to you; and if you believe that such a paper ever existed, it would be the highest injustice not to acquit the Prisoner.

Attempts were made to bring this to the knowledge of Mohun Persaud; and if it did exist, and was in the knowledge of Mohun Persaud, this prosecution is most horrid and diabolical. Mohun Persaud is guilty of a crime, in my apprehension, of a nature more horrid than murder.

But, I own, what passed after the Counsel for the Prisoner had closed his evidence, has very much weakened the confidence I had in Kissen Juan Dofs. The Counsel did not desire that he should be called, assigning as is usual for their reason, that they had forgot to examine to any particular point which was contained in their instructions; but we are informed that the Maha Rajah had something to say. All that he says is, That he desires Kissen Juan Dofs may be further interrogated as to the Kurfa Nama. The question then is immediately put to him, Whether he ever explained the Kurfa Nama to Mohun Persaud? and then he gives the account of Mohun Persaud's having seen it at Maha Rajah Nundocomar's.

When he is examined to the reason of his not having told it before, all that simplicity, all that air of truth and candor, which we had remarked in him, instantly vanished; his looks were cast down, his tongue faltered, he prevaricates, he contradicts himself, he did not seem the same man. "He did not tell, because he was not asked." "He did not mention it to Maha Rajah Nundocomar in his letter, because he was afraid of Mohun Persaud." "He did not mention, because he did not recollect it." "He did not deliver it in evidence, because afraid of Mohun Persaud." Mohun Persaud is a great man. He was not afraid to write the letter. He did not shew the letter to Mohun Persaud: why should he be afraid to insert this circumstance? If he now stands in so much fear of Mohun Persaud as not to mention this in his evidence, was he so much afraid of him when he vo-

luntarily and directly confronted him as to the army books?

All this fear arises from no recent threat: it is in consequence of a conversation at the distance of some years.

It is for you to determine how far he really stands in awe of Mohun Persaud, and what the effects of that intimidation was when he delivered his evidence.

It is strange, as the witness was so often examined, and so particularly to this Kurfa Nama, that Maha Rajah Nundocomar never before suggested this matter to his Counsel.

If this latter part of Kissen Juan's evidence is true, he must be either guilty of perjury or very strong prevarication in his former evidence. Being asked as to Mohun Persaud and Gungabissen's knowledge of the entry made from the Kurfa Nama? He says, "I cannot say that Mohun Persaud and Gungabissen knew of it at the time of the entry; they knew of it afterwards. How can I tell when they knew of it first? They must have known it from the papers in the Dewanny Audalet; they were all called for there. I should tell, if I knew Gungabissen or Mohun Persaud knew of the entry."

He must have known it was more material to prove that they knew of the Kurfa Nama itself, in which the particulars of the account which formed the sum in the entry were wrote, and which Bollakey Dofs had signed. But he presently afterwards positively says, That Mohun Persaud and Gungabissen were not acquainted with the accounts.

In another part of his evidence, he says to Pudmohun Dofs, "Make my mind easy about the Bond we are now paying, or (for there was a doubt in the interpretation) which we have paid."

The time that this explanation was made at Maha Rajah Nundocomar's is not ascertained; but it must have been before the payment of the Bond; for afterwards it could be of no use. If then Kissen Juan Dofs had before seen this Kurfa Nama, and explained it to Mohun Persaud, why did he demand that his mind should be made easy about the Bond?

and

and how was it made easy, only by the production of a paper that he had seen before?

I am much hurt, to be obliged to make these observations on the evidence of a man that I entertained so good an opinion of. I must desire you to recollect, with regard to this observation, and every one that I submit to you, that you are to make no farther use of them, than as they coincide with your opinions and observations; and when they do not, you should reject them; for it is you, not I, that are to decide upon the evidence.

Attempts were made, by means of Mohun and other Witnesses, to impeach Mohun-perfaud, by particular facts, of attempts to suborn, and by general character. You must judge how far they have succeeded. They totally failed in the same attempts, as to Comaul O Deen.

It is to be observed, likewise, that no person has been called to impeach the Witnesses brought by the Defendant.

There are many observations to be made in favour of the Prisoner; and I am sure your humanity will prompt you to enforce them, as far as they will bear.

I before said, that the defence, if believed, was a full refutation of the charge; it is not only so, but it must fix an indelible mark of infamy on the Prosecutor.

There are four positive Witnesses of the actual execution of the Bond by Bollakey Dofs.

In opposition to Comaul's evidence, there are as many to prove, that the Witness attesting was another Comaul.

Matheb Roy was not mentioned by the evidence for the Crown. Four Witnesses saw him attest it; and two other Witnesses, one of them his brother, likewise prove that there was such a person.

In opposition to Rajah Nobkissen and Pattock, who swear the name Sillabut to the Bond, is not of Sillabut's hand-writing; four Witnesses swear positively to the having seen him write it.

Much depends in this prosecution on the evidence of Mohun Perfaud: you must judge how far his credit has been shaken: most of you know him: you must determine how far he deserves credit; and how probable it is, that he would, through malice, or any other corrupt motive, accuse an innocent person of a capital crime. If you think him capable of it, you should not give the least attention to his evidence. He swore positively to the Bond produced by Maha Rajah Nundocomar, and for which the Company's Bonds were given, being the same Bond that was produced in evidence; he said, he knew it from circumstances, but did not explain what those circumstances were; this I mention as going to his credit only; for the whole defence proceeds on indentifying this Bond, and proving it a true one.

You will judge how far he is contradicted by Kissen Juandofs, as to the army books; and which of the two are to be believed.

An imputation was attempted to be thrown on Mohun Perfaud, for preventing Gunga Visier from attending, who was said to be able and willing to appear as a Witness: but that has been cleared up, to the full satisfaction of us; and, I do not doubt, to your satisfaction likewise. He could not be called by the prosecutor, on account of his interest; and no prejudice should accrue to the Prisoner, for not calling him, for the same reason.

The Counsel for the Prisoner have urged the hardship of this prosecution being brought at this distance of time. You have heard when Mohun Perfaud first suspected the forgery; and when, by Comaul's declaration, he had reason to be confirmed in the suspicion.

You have heard, when the Papers were delivered out of the Court; if there has been any designed delay, and you think Mohun Perfaud had it in his power to carry on an effectual prosecution before he has; it is a great hardship to Maha Rajah Nundocomar, especially as the Witnesses to the Bond are all dead; and you ought to consider this among

the other circumstances which are in his favour. Though, to be sure, this hardness is much diminished, as there were so many Witnesses still alive, who were present at the execution of it.

There are two pieces of written evidence relied on by the Prisoner: one, the entry in the book from the Kurra Nama, on account of the agreement of the sums; and you will find that the sums said by Kissen Juan Dofs to be contained in the Kurra Nama; *viz.*

Durbar expences	6,000 R°
Bond Batta and premium	69,630 7
	<hr/>
Do amount to the sum of	75,630 7
	<hr/>

which is the sum in the entry.

The other is the account delivered by Mohun Perfaud and Pudmohun Dofs, subsequent to the account delivered in by Pudmohun Dofs, in which Pudmohun Dofs had taken credit for this sum; and the subsequent account likewise contains it.

I do not think much can be drawn from this, for the sums had, as Mohun Perfaud says, been paid, and therefore they certainly would take credit for them, to prevent their being charged with them; this they would do, were the monies properly or improperly paid.

There is certainly great improbability that a man of Maha Rajah Nundocomar's rank and fortune should be guilty of so mean an offence for so small a sum of money.

It is more improbable, as he is proved to have patronized and behaved with great kindness to Bollakey Dofs in his life-time, that he should immediately after his decease plunder the widow and relations of his friend.

There does likewise appear to have been a suit in the Audalet, which must have been a Civil suit; but it does not indeed appear that Mohun Perfaud was a party; and, indeed, for what reason I know not, neither side have thought fit to produce the proceedings.

I have made such observations on the evidence as the bulk of it, and the few minutes I had to recollect myself, would allow me to make.

You will consider the whole with that candour, impartiality, and attention, which has been so visible in every one of you during the many days you have sat on this cause.

You will consider on which side the weight of evidence lies; always remembering, that in Criminal, and more especially in Capital cases, you must not weigh the evidence in golden scales; there ought to be a great difference of weight in the opposite scale before you find the Prisoner Guilty. In cases of Property, the stake on each side is equal, and the least preponderance of evidence ought to turn the scale; but in a Capital case, as there can be nothing of equal value to life, you should be thoroughly convinced, that there does not remain a possibility of innocence before you give your verdict against the Prisoner.

The nature of the defence in this case is such, that, if it is not believed, it must prove fatal to the party; for if you do not believe it, you determine, that it is supported by Perjury, and that of an aggravated kind, as it attempts to fix perjury and subornation of perjury on the Prosecutor and his Witnesses.

You will again and again consider the character of the Prosecutor and his Witnesses, the distance of the prosecution from the time the offence is supposed to be committed, the proof and nature of the confessions said to be made by the Prisoner, his rank and fortune. These are all reasons to prevent your giving a hasty and precipitate belief to the charge brought against him; but, if you believe the facts sworn against him to be true, they cannot alter the nature of the facts themselves. Your sense of Justice, and your own feelings, will not allow you to convict the Prisoner, unless your consciences are fully satisfied beyond all doubt of his Guilt. If they are not, you will

will bring in that verdict, which, from the dictates of humanity, you will be inclined to give; but, should your consciences be | thoroughly convinced of his being Guilty, no consideration, I am sure, will prevail on you not to give a verdict according to your oaths.

The Jury retired for about an hour; and brought in their verdict, Guilty.

G L O S S A R Y.

- ADAWLUT.* Literally signifies Justice; but often used for a Court of Justice.
- Arzee.* A representation in writing, or letter from an inferior to a superior.
- Banyan.* A particular Cast amongst the Hindoos.
- Batta.* Difference of exchange upon coins.
- Chucklab.* A District.
- Consumab.* A Household Steward.
- Cooly.* A Labourer, or Porter.
- Cossid.* A Messenger.
- Daregab of a Catcheree.* Superintendant of a Court.
- Durbar Expences.* Money given to persons in power.
- Ferd.* An Arabic word, expressing Unity; but technically signifies a Sheet of Paper, containing an Account.
- Foujedurree.* A particular office under the Government.
- Gold Mohir.* Sixteen rupees.
- Gomestab.* Agent.
- Gurree.* A portion of time containing about 22 minutes.
- Hircarrab.* Litterally a Spy; but commonly means a person who runs on messages, and attends the palanquin.
- Jamma.* Part of the dress of a native of India.
- Jammab.* Debit side of an account.
- Khalsa.* Exchequer.
- Khelaat.* A dress of investiture given to a person upon his nomination to an office.
- Kidmutgar.* A Waiting Servant.
- Kulghab.* An ornament for the Turban.
- Kuttree.* A particular Cast amongst the Hindoos.
- Mohivir.* A Writer.
- Moonshce.* A Secretary or Writer.
- Mullab.* A Teacher.
- Nuzzser.* A present of compliment made by an inferior when introduced to a superior.
- Peon.* A Footman, or person to go on messages.
- Pottab.* Title Deed.
- Ruffeek.* Litterally a Friend; but means all through this trial a half-friend and half-dependant.
- Serpaiche.* An ornament for the Turban.
- Sewarree.* Equipage.
- Shroff.* A Banker, an Exchanger of money.
- Sunnud.* A grant from the Government or its Officers.
- Tzaradar.* A Farmer.
- Vakeel.* An Attorney.

E R R A T A.

- Page 9. Column 1. at the top, before *of a bond*, read, *reasons given, these words in the form of a bond, &c.*
- P. 48. for *Oblaboo*, r. *Obdaboo*.
- P. 63. for *Punfaw*, r. *Pinjaw*.
for *Puchaa*, r. *Puchaus*.
for *Huzzaars*, r. *Huzzaar*.
- P. 65. for 45, r. 14.

T H E

T R I A L

O F

JOSEPH FOWKE, FRANCIS FOWKE, MAHA RAJAH
NUNDOCOMAR, AND ROY RADA CHURN,
For A CONSPIRACY against WARREN HASTINGS, Esq.

AND THAT OF

JOSEPH FOWKE, MAHA RAJAH NUNDOCOMAR,
AND ROY RADA CHURN,

For A CONSPIRACY against RICHARD BARWELL, Esq.

To which are prefixed,

SEVERAL DEPOSITIONS;

AND

An Examination into the CLAIM of ROY RADA CHURN to the
Privilege of an Ambaffador, as Vakeel of MUBARICK UL DOWLA.

L O N D O N :

Printed for T. CADELL, in the Strand.

M D C C L X X V I .

C O N T E N T S.

Depositions concerning a Conspiracy against Warren Hastings, Esquire.

Examination into the Claim of Roy Rada Churn to the Privilege of an Ambaffador,
as Vakeel of Mubarick Ul Dowla, Nabob of Bengal.

Trial of Joseph Fowke, Francis Fowke, Maha Rajah Nundocomar, and Roy Rada
Churn, for a Conspiracy against Warren Hastings, Esquire.

Trial of Joseph Fowke, Maha Rajah Nundocomar, and Roy Rada Churn,
for a Conspiracy against Richard Barwell, Esquire.

DEPOSITIONS

CONCERNING

A CONSPIRACY against WARREN HASTINGS, Esq;

Calcutta, April 20th, 1775.

ON the 19th Instant, about nine in the morning, Comaul O Deen Alli Cawn, the Farmer of Hedgelee, came to Mr. Hastings, with a complaint against Mr. Joseph Fowke, for having extorted from him, by violence, accusations against Mr. Hastings and other persons. The particulars of his story will be related at large in his deposition. He said, he had that instant made his escape from the hands of Fowke and Nundocomar. His jammah was torn, his face pale, and he was, or appeared to be, out of breath. Mr. Hastings told him, he could afford him no redress; and referred him to the Chief Justice. He went. The Chief Justice, having heard the complaint, summoned the other Judges to meet him in the evening; and late that night Mr. Hastings received the following Letter from them:

*The Honourable Warren Hastings,
Esquire.*

S I R,

A Charge having been exhibited, upon oath, before us, against Joseph and Francis Fowke, Maha Rajah Nundocomar, and Rada Churn, for a conspiracy against you and others; we have summoned the parties to appear to-morrow, at ten o'clock in the forenoon, at the house of Sir Elijah Impey, where we must require your attendance.

We are,

Sir,

Calcutta,
April 19th, 1775.

Your most obedient

humble servants,

(Signed)

{ E. IMPEY.
ROB. CHAMBERS.
S. C. LEMAISTRE.
JOHN HYDE.

The

The same intimation was sent, in the same form, to Mr. Barwell, Mr. Vansittart, Maha Rajah, Rajebullub, and Cantoo Baboo.

The next morning Mr. Hastings attended, as did the other persons named in the Letter.

The persons examined, as evidence on the charge, were Comaul O Deen, his Moonshy, Mathew Heranda and Timothy Percira, two writers of Mr. Fowke, Akramanna a Gentoo, and a Moonshy, both servants of Mr. Fowke, and Yar Mahomed a well-known servant of Nundocomar. The examination lasted till eleven at night.

It will be necessary, before we proceed, to remind the Reader of a representation which was made to Mr. Hastings by Comaul O Deen, of the like attempt made by Mr. Fowke in December last, to extort accusations from him; and which was laid before the Board on the 13th of that month. In the course of the late examination it appeared, that Mr. Fowke had sent to the Board of Revenue a Letter, dated the 18th of April, accompanied by a paper, bearing the seal of Comaul O Deen, and containing a formal recantation of his former representation. Mr. Hastings had not yet seen these papers.

The following are copies of the Depositions which were taken before the Judges.

Deposition of
COMAUL O DEEN ALLI CAWN,
upon oath.

Having a demand on the Dewan of the Calcutta District, for the sum of 26,000 rupees, on account of the advances made on the Collaries in the Hedgelee districts, which he had not paid to me; to frighten him, I went to Maha Rajah Nundocomar, and gave him three arzees; two against the said Dewan, and the third against Mr. Archdekin, telling him to keep the two arzees against the Dewan in his own hands; and that when Moonshy Sudder O Deen should arrive from his house, and I should receive my money through his means, that I

would make him (Nundocomar) a present of 6,000 rupees, and take back my arzees from him: I also desired that he would lay the arzee which I had given him against Mr. Archdekin before the Committee, and afford me his patronage. The said Rajah agreed to this, and dismissed me. Another day Maha Rajah told me, that his business depended on Mr. Fowke, whom I must visit. I answered, that, in the month of Poos, a quarrel happened between that Gentleman and me, and that I therefore could not go. He replied, It did not signify. At his desire, I accompanied Rada Churn to visit the said Gentleman, who talked to me very friendly. In the mean time, Moonshy Sudder O Deen arrived, and told me to get back my arzees; and that he would settle my affairs with the aforesaid Dewan. I went to the Maha Rajah, and desired to have my arzees returned to me. Maha Rajah replied, Give me the 6,000 rupees, according to agreement; and take back your arzees. I said, I have not yet received the money; as soon as I have, I will assuredly give it you, and will give you a written agreement to this effect. He would not consent to this; and on the 5th of Byfaac said to me, In the month of Poos, you gave in an arzee of complaint against Mr. Fowke, on which account he is displeas'd with you, and will not return them to you. I replied, I gave the arzees in trust to you, and not to Mr. Fowke. He answered, Do one thing, and I will return your arzees: I will give you a draft of an arzee, which you must write, and present to the General, and agree, that when you are appointed to Poorniah, you will present this arzee against the Governor to the Council: if you do not agree to this, your arzees will not be returned. I said, Shall I give a false arzee to Mr. Fowke, to procure the return of my own arzees? He replied, You need not give this arzee, or put your seal to it; he only wants to hear the particulars of it once from you: this is of no consequence to you. Being remediless, I said, Give me whatever draft you please. Afterwards, at night of the 6th Byfaac, at his own office, he caus'd me to have

have it written by my own Moonshy, and took it from me; and on the 8th Instant he sent me with Rada Churn to Mr. Fowke. The said Gentleman called me into his chamber, and, placing two Writers and two Bengallies over me, first of all asked of me, What sums did you give to the Governor, Mr. Barwell, Mr. Vansittart, &c. as bribes? I answered, I gave no bribes. Having heard this, he suddenly flew into a passion, and took up a book which lay near him, to strike me, saying, Do you desire your own welfare? Write what I desire you, and put your seal to this arzee. Being frightened, I put my seal to the arzee, and said, Tell me what you desire I should write, that I may write it. He said, Write that you have given 45,000 rupees, within three years, as bribes to Mr. Barwell, 15,000 rupees in nuzzies to the Governor, 12,000 to Mr. Vansittart, 7,000 to Maha Rajah Rajah Bullub, and 5,000 to Baboo Kissen Cantoo. I was confined in a chamber, without any power; and, being in fear of my reputation and life, I wrote what was desired of me with my own hand, and gave it, and thereby obtained my liberty; and when I got out of the chamber, I stood at the top of the stairs, and called aloud to Mr. Fowke's son and Rada Churn, "Give me back the fallities which I have been obliged to write, and have been taken from me; otherwise I will go and lodge a complaint before the Audauler." Shimsheer Beg and his Moonshy are Witnesses to the truth of this. Mr. Fowke's son, hearing, went to his father, and after much conversation came out, and said to me, Go for the present to your house; the Maha Rajah will come here to-morrow, do you come here at the same time; I will then satisfy you. Being remediless, I came to my own house, and went to Moonshy Sudder O Deen, and said, Do you go and give notice to Mr. Barwell and Mr. Vansittart, that Mr. Fowke has this day exercised great oppression on me, and has made me write a great number of fallities against the Gentlemen, which he has taken from me; and that, whatever is to be done, will be executed to-morrow. This day, being

the 9th of Byfaac, I came to Mr. Fowke's house, and saw that he, his son, and the Maha Rajah, were consulting together in his chamber. I stood without. About two guries afterwards, the said Gentleman, the Maha Rajah, &c. came out, and got into their palanquins. I came before them, and called for Justice from the Council and Audauler, and desired that they would return me the writing which they had yesterday forced me to write, and taken from me. The said Gentleman and Maha Rajah, being enraged, told their people to take me, and keep me within the house. I opposed them with all my force, and got into my palanquin; there were near 20 people with me. The quarrel continued between my people and theirs till I arrived at the house of Rajah Bullub, when their people returned. I went to the Governor, and represented all these particulars to him: I hope for Justice.

Seal.

Comaul O Deen Alli Cawn.

Quest. When was it you first applied to Nundocomar with the arzees?

Ans. The latter end of Chite.

He delivered the three arzees to Rada Churn, who carried them to Nundocomar, whom he himself did not see that night; but the next day he saw Nundocomar, who told him he had received the arzees; that he would give the one against Mr. Archdekin to the Committee, and keep the others by him.

His offer was, by means of Rada Churn, 4,000 to Nundocomar, and 2,000 for himself.

He says, he made this offer because he expected that Nundocomar, by his great influence in Calcutta, which is well known, would be able to procure the payment of the money.

That Rajah Nundocomar had always influence, but particularly since the Rajah of Burdwan obtained his Kellaut.

That the said Rajah and the Rajah of Radshue paid him attention, and that he has frequently 50 palanquins at his door.

He did not himself, at that time, mention the money to Nundocomar, but only made the offer to Rada Churn; it not being usual to offer money to the principal, but through an intermediate person.

What he mentioned, concerning the draft of the arzee, was said by Nundocomar in a whisper; and heard by no one except Rada Churn, son-in-law to Nundocomar, who conducts Mr. Fowke's business, and is supposed to be his Banian.

He says, that Nundocomar dictated the draft of an arzee to his (Comaul's) Moonshy; and, after having altered it, desired that he would order his Moonshy to write it fair. He then complained of illness, and went away, leaving his Moonshy there.

That Nundocomar sent his Moonshy, about ten at night, under the charge of another person, with the arzee, and directed him to affix his seal to it, which he then refused; saying, that he had made no such agreement.

That, on the eighth, when he went to Mr. Fowke's, there were no others in the room except Mr. Fowke, Rada Churn, and two Bengallies and two Writers. Young Mr. Fowke and others passed in and out of the room several times. Mr. Fowke shewed him the arzee, and desired him to put his seal to it. He says, he was in fear and trembling on account of Mr. Fowke's anger, who took up a large folio, and threatened to beat him with it; that he had laid hold of his feet, and desired forgiveness, and that he would do whatever Mr. Fowke pleased.

What Mr. Fowke desired him to write was, that he gave the sums of money formerly mentioned to the Governor, Mr. Barwell, &c. This was on a separate list, written by himself out of fear.

That he did not put down any reasons for giving these sums, nor was desired by Mr. Fowke to do so. He did not give these sums, nor any other; and should never have thought of accusing these Gentlemen, had it not been

for Mr. Fowke and Nundocomar's conduct.

He took the Farm of the Hedgelee district for five years, and furnished 375,000 maunds of salt, and collects 75,000 rupees revenue. The Company pays him a lack of rupees yearly for the salt which he provides for them.

Deposition of NUNDOCOMAR.

Comaul O Deen Cawn, in his childhood, was with me two or three years; since, some disputes arising, he separated from me; about two months ago, he mentioned to Rada Churn that a violent enmity subsisted betwixt him and me, and begged Rada Churn to endeavour to bring us together; he made many entreaties to this purpose to Rada Churn, who informed me of what had passed; and likewise informed me, that Comaul O Deen was much ashamed of his behaviour to me; and that he begged his faults might be forgiven him. I told Rada Churn, in answer, that he was in the wrong to mention this affair to me; who earnestly requested, that I would forgive Comaul O Deen. I answered, That he was very young, and that this man would occasion more disputes; but at last I gave him permission to bring Comaul O Deen Cawn. One day he said to me, that Gunga Govin Sing had got 26,000 rupees after the manner of a bribe, besides 3000 and 800 which had been taken by his servants. I asked him, if he had ever mentioned this circumstance to any one else. He answered, That Sudder O Deen and Gunga Govin Sing were in friendship; and though I had several times demanded my money from them, they would not pay it. I told him, That, since that was the case, I had no other remedy but complaining to the Council. Another day, having written two arzees, he brought them to me: after reading them, I desired him to carry them to the Council. He then desired me to send Rada Churn with him to Mr. Fowke, that that Gentleman might send the arzees to the Council. I did so, and desired them to give my compliments

ments to Mr. Fowke; requesting, that, if the proofs appeared clear, he would send them to the Council, that Comaul O Deen might obtain justice. He gave the arzees to Mr. Fowke, after which some days elapsed. On the 5th Byfaac, I went to the house of the General, to pay him a visit. While I was at the General's, I received a message from Rada Churn, informing me, that Comaul O Deen and himself were at the house of Mr. Fowke, and requested I would call in as I went home. I went there accordingly. Mr. Fowke told me, That Comaul O Deen had made both verbal and written representations to him, and requested that I would examine them, and inform him what part of his representations were true. Comaul O Deen said, That he had a pain in his bowels, and could not remain any longer, but that he would come with a foul draft of his complaint in the evening. I went home. About seven in the evening, Comaul O Deen came to my house, bringing a foul draft of a paper and a Moonshy with him, and desired Rada Churn to carry him to me. He accordingly came to me with the foul draft; and, upon inspecting it, I asked him, What was the meaning of Gherab Purwar Audalet Gooster? He answered, That the Council were entitled to be called Gherab Purwar Audalet Gooster. He told me, that the copy he had given me was not well worded, and begged of me to make out another. His Moonshy then began to make out another copy. He had written out about half his arzee, when Comaul O Deen observed that he was ill, and would go home. He left his Moonshy behind him, and went away. Just as he was going, he desired me to send Sheik Ear Mahmud with the letter when it was done; and that he would seal it at home, and send it back to me. I then went out of the office, and told Sheik Ear Mahmud to carry the arzee to Comaul O Deen, together with the Moonshy; and in case Comaul O Deen should affix his seal to it, to bring it back to me, and I would send it to Mr. Fowke. When the arzee was wrote, Sheik Ear Mahmud and the Moonshy carried it to Comaul O Deen; who sealed it, and gave it to Sheik Ear Mahmud. Next

morning the arzee was shewn to me: I directed Rada Churn to carry Comaul O Deen with the arzee to Mr. Fowke. This was on Sunday. Comaul O Deen gave the arzee to Mr. Fowke. Two days after, being Tuesday, I went to Mr. Fowke's house, who observed, That if two people witnessed the arzee, it would be better. I said, he was right, if Comaul O Deen would agree to the proposal. One gurry after, Comaul O Deen came. I informed him, that Mr. Fowke thought it would be right to make two persons affix their signatures to the arzee as witnesses. He agreed to it; and two Writers were called, to whom Comaul O Deen said, This is my arzee; witness it. On Tuesday evening Comaul O Deen came to me, and told me, He was informed, that Mr. Fowke intended to deliver in the arzee to the Council next day. He requested to go for one gurry to the house of Mr. Fowke, and to entreat him to deliver in the arzee against Gunga Govin Sing first. He made use of many intreaties, and at last I got into my palanquin, and recommended his intreaty to the consideration of Mr. Fowke. That Gentleman answered, That he would do what was proper. When I was going, Comaul O Deen represented to me, that it was very hard upon him that the arzee against Gunga Govin Sing was not delivered; for, if the other was given in first, he feared he should gain no advantage from that. I advised him to be patient, and to give in his arzee to the Council, where he would obtain redress. He would not attend to what I said, but ran to the Governor's. I went home.

SHEIK EAR MAHMUD *being sworn;*
Rajah Nundocomar *desires he will give an account of the circumstances of this affair.*

One evening Maha Rajah sitting in his Dewan Khasina, or office, Comaul ul Deen Cawn came to him, and sat with him about an hour and a half; when he was going away, he pointed to his Moonshy, who was sitting at some distance writing; and ordered his people to ask, If he had finished the arzee? His people

people returned, and informed him that one half was done. He then requested, that the Rajah would be so good as to send one of his people with the Moonshy and arzee when it should be finished; and that, when he had sealed it, he would return it. Rajah Nundocomar ordered me to carry the paper to Comaul ul Deen when it was finished, and to take the Moonshy with me. I asked the Moonshy, If his arzee was ready? He answered, It was not; but he had only two or three more lines to write. After one gurry, the Moonshy informed me, that the paper was ready; and I went with it, in company with the Moonshy and another person, to the house of Comaul ul Deen; the Moonshy put the paper into his hand. He gave me beetle, and a hooka to smoke. He then read the arzee from beginning to end, and blotted out a word of it, in that part which concerned Mr. Graham; and Goofhaft, he said, to be put instead of it. He then spoke the following words to me: "Sheik Ear Mahmud, I wrote the contents of this arzee; and if a hundred Corans are put on my head, I will swear to the truth of every word in it." He then took off his ring, and ordered his Khidmidgar, or servant, to bring his ink-stand; which was accordingly done. He then sealed the arzee; and asked two Moonshys and myself, who were present, If the paper was well sealed? To which we answered in the affirmative. After that, I carried the paper home. Rajah Nundocomar was asleep. I put the arzee under the care of the Consumma, directing him to give it either to Rada Churn or Rajah Nundocomar in the morning.

Examined, the arzee being shewn to him.

Quest. In what part of this arzee is the word Goofhaft, which you said in your evidence was put in the place of another?

Ans. Comaul ul Deen made an observation, that Goofhaft should be inserted in one part of the arzee where Mr. Graham's name was mentioned; but he did not alter it in my presence.

Quest. Is this the petition which Comaul O Deen's Moonshy wrote in Rajah Nundocomar's house, and which you carried from thence to the house of Comaul O Deen? (*Shewing N^o I.*)

Ans. This is the petition.

Quest. Did Comaul O Deen's Moonshy copy the arzee from a foul draft?

Ans. One man read the foul copy to the Moonshy, who wrote what was dictated by the other person.

Quest. Who was the other person?

Ans. I do not know his name. I should know him if I was to see him again.

Quest. Whose servant is he?

Ans. He is a servant of Comaul O Deen's?

Quest. How do you know.

Ans. He told me so, as I accompanied him to the house of Comaul O Deen.

Quest. Did Rajah Nundocomar read over either the foul draft or the fair copy of the arzee?

Ans. I do not know that he either read the foul draft or the fair copy.

Quest. Who were the Moonshys to whom Comaul O Deen said, Is not the paper well sealed?

Ans. The two Moonshys who accompanied me from Rajah Nundocomar's, and who were Comaul O Deen's servants.

MOONSHY KHADAR NEWAZ CAWN.

Quest. Did Rajah Nundocomar read the petition after it was first wrote from his dictating?

Ans. He did read it. He first gave a foul draft of it into the hands of one of his own people; and then corrected it. He first dictated the arzee to me; it was afterwards again written by one of his own people; and the Rajah then corrected that copy with his own hand, and gave it to me to write fair.

Quest. Have you a copy of it?

Ans. No.

Quest. Do you remember the subject of the arzee?

Ans. I do not remember any thing of it.

Quest.

Quest. Did you write more arzees than one that day?

Ans. Only one that day.

Quest. In whose name?

Ans. Comaul O Deen Cawn's.

Quest. To whom was the arzee meant to complain?

Ans. I do not know.

Quest. Against whom was the complaint?

Ans. Against the Governor, in the arzee that was dictated to me.

Quest. What was complained of in the arzee?

Ans. I before told you, that I could not tell. It is in the petition, which may be produced.

COMAUL O DEEN CAWN.

Quest. Was the complaint against the Governor, Mr. Barwell, Mr. Vanfittart, and Rajah Bullub, in one arzee, or in more?

Ans. They were contained in one.

Quest. To how many papers did you affix your signature that day?

Ans. I put my seal to the arzee, and my signature to one furd on separate paper.

Quest. What did that separate paper contain?

Ans. An account of sums given to different persons.

Quest. What was contained in the arzee?

Ans. I do not know: let it be produced.

Quest. Were the names of the Governor, or any other persons, mentioned in that arzee?

Ans. The Governor's name was mentioned in the conversation held with the Rajah, when the foul draft was written at night. The complaint was against the Governor. Mr. Graham's name, Gunga Govin Sing's, and Sudder O Deen's, were mentioned.

Quest. Was the arzee to which you set your seal at Mr. Fowke's house the same written by your Moonshy on the 6th?

Ans. The arzee sealed by me on the 8th was the same written by my Moonshy on the 6th.

Quest. Did you on the 8th affix your signature or seal to any other paper than the arzee and the furd?

Ans. No, I did not.

Quest. Was the name of any witness affixed to the arzee?

Ans. The servants of Mr. Fowke did affix their names as witnesses to the arzee.

Quest. Did they likewise affix it to the furd?

Ans. No.

Quest. Was there in the arzee any references to the separate paper?

Ans. No.

Quest. Was there no arzee to explain the nature of the separate paper?

Ans. No, there was none.

Quest. Was there any Bemootaula on the furd?

Ans. When the furd first came on the carpet, I was blind and senseless with crying.

Quest. How did you write the furd in such a situation?

Ans. I wrote upon the furd the words Ruffan nedum, or right. I wrote no other part of it.

Quest. What letters or words did you write on the furd?

Ans. I wrote words to shew that I approved it.

Quest. Whether the furd contained a list of names and sums of money, or if it contained any thing else?

Ans. Simply a list of the names and sums collusively taken on account of Hedgelee.

Quest. Who wrote the furd?

Ans. I do not know.

Quest. Who were in the room at the time?

Ans. Mr. Fowke and Rada Churn were present; many other people passed backwards and forwards through the room; who they were, I do not know.

Quest. Who brought the pen and ink in, to write the furd?

Ans. Every thing of the kind was there.

Quest. Was the name of the Governor or any other person mentioned in the arzee?

Ans.

Ans. The complaint was against the Governor. Moonshy Sudder O Deen, Gunga Govin Sing, Mr. Graham, Mr. Vanfittart, Rajah Bullub, and the Governor's Moonshy's names were mentioned in the arzee. I do not recollect any others.

Quest. Was there any thing relating to the Ingalee affair and collusions, in the arzee sealed by you on the 8th?

Ans. The petition was very long: I cannot remember.

Quest. Cannot you remember the least of it?

Ans. I can say nothing respecting the arzee till I have seen it.

Comaul O Deen Cawn represents, there was another small arzee.

I gave in another arzee respecting the Audalet of Hidgelee.

Quest. How did you sign the furd?

Ans. I wrote Ruffan nedum, or I acknowledge it, upon the paper.

Quest. How came you to say you wrote the furd with your own hand, when you only signed it?

Ans. Azduft Khood Novistadada, which are my own words, may mean signing my name with my own hand, as well as writing it out with my own hand.

Quest. Into whose hands was that furd delivered?

Ans. Mr. Fowke said to me, You have given me this. I answered, I acknowledge it. I gave it into Mr. Fowke's hands, after having acknowledged it.

Quest. Did you suppose that the Writers stood over you as guards?

Ans. No, I did not imagine they were put over me as guards.

Quest. Are you certain you did, on the 8th Byfaac, write any thing upon any other paper in Mr. Fowke's house besides the two arzees?

Ans. None but these two papers, besides the furd, which I signed, but did not write.

Quest. Into whose hands was that furd delivered?

Ans. Mr. Fowke said to me, You have given me this. I answered, That I had written Ruffan nedum upon it.

The question repeated.

Ans. I gave it into Mr. Fowke's hands, after writing Ruffan nedum upon it.

Quest. Who was present when the furd was delivered by Mr. Fowke to you to sign?

Ans. I did not mark any witnesses; it was in Mr. Fowke's house; a number of people were going backwards and forwards.

Quest. In what room was the furd delivered?

Ans. In the bed-chamber.

Quest. At what time of the day was the furd delivered? Was it at the same time the other papers were delivered?

Ans. I believe about twelve o'clock the arzee was sealed, and the furd signed at the same time.

Quest. Were they signed in the same room?

Ans. Yes.

Quest. You say that you wrote what was desired of you, and thereby obtained your liberty. What do you mean by obtaining your liberty?

Ans. I was got into a place where I considered myself as subjected to misfortunes; from which I was set at liberty.

Quest. Was you ever in danger of your life?

Ans. I was apprehensive of my reputation; and, when he lifted up the book, even my life might have suffered.

Comaul O Deen gives an account of his signing the arzee, &c.

When Mr. Fowke desired me to seal the paper, I answered, That I had made no such promise to Maha Rajah, and that I had not given the arzee willingly; that, in the petition, Maha Rajah had written Ghereb Puelvar Audalet Gooster, but that I did not know who could be addressed Audalet Gooster, and who it was that would issue orders equal to such a title: that if he would carry me before any such man, I would seal the paper in their presence. Mr. Fowke was angry; and, being impressed with fear, I sealed the paper; and immediately after this went out of the house, and raised the clamour of which you have before heard. I know nothing further.

Quest

Quest. (*Shewing N^o 1.*) Is this the paper your Moonshy wrote?

Ans. My Moonshy wrote it at Maha Rajah's house.

Same question respecting arzee N^o 2.

Ans. My Moonshy did write this paper. When I went to Maha Rajah he asked me, in a friendly manner, What reason tempted you to complain to the Governor against Mr. Fowke? I answered, That I was a Farmer; I did not complain. I gave an account of what had passed from the beginning. When Mr. Fowke asked me improper questions, and was angry at me, I thought it necessary to complain, and gave an arzee into the Governor's hands, to lay before the Council. Maha Rajah asked me, If I had a copy of the petition in my possession? I answered, That I had; and then went home. I sought for it, but was not able to find it; my Moonshy was gone from Calcutta. As I could not find it, I informed the Rajah of it. He then desired me to write down whatever parts of it I could recollect; and that then Mr. Fowke would no longer shew his anger to me. I then made my Moonshy, who has this day appeared as an evidence, write down the arzee N^o II. and gave it to Maha Rajah; who desired me to seal it. I accordingly fixed my seal to it. Since that time, I have heard nothing more about this arzee.

Comaul O Deen further observes, Two Portuguese writers have witnessed the arzee N^o 2. though he affixed his seal to it in his own house.

Quest. (*by Mr. Fowke.*) Whether you recollect, that, when you delivered the arzee to the Governor, the Governor said, Is all this true? In answer to which you said, It is all a lye.

Ans. It is false.

MATHEW MIRANDA,

a Portuguese writer to Mr. Fowke, being sworn.

Quest. When Comaul O Deen first acknowledged the arzee, N^o 1, was any reluctance shewn on his part?

Ans. Not any.

Quest. When this paper was acknowledged by Comaul O Deen, did he do it willingly?

Ans. Willingly.

Quest. Did he appear at all frightened?

Ans. No.

Quest. Did you see any thing like force or violence in Mr. Fowke's behaviour, when he made that acknowledgment?

Ans. No.

Quest. Did he acknowledge before you, that he had told many lies about Mr. Fowke in a former paper?

Ans. Knows not.

Quest. Relate, as well as you can, what passed.

Ans. Mr. Fowke asked Comaul O Deen, When the papers shall be produced in Council, and they shall demand the particulars, whose name will you make use of? He said, The General's. Mr. Fowke asked him over again, Did I mention the General's name, or even my own name, or demand such a paper from you? To which he answered, No. Mr. Fowke then said, Why will you make use of such names? To which he answered, Whose name shall I mention? Then Akermannu asked Comaul O Deen, Who required this paper from you? Did you give it of your own free will, or did any body insist on your giving it? He said, I gave it of my own free will. Then he said, I went to Rada Churn, and told him that I have done a great fault on Mr. Fowke. Rada Churn asked him, What fault he had committed? He then said, He had given him the particulars, which he had brought in writing, in that arzee; and that he shewed it to Rada Churn, who had bid him shew it to Nundocomar; and the Rajah bid him carry it to Mr. Fowke. Mr. Fowke then asked Comaul O Deen, Whether this paper was all true? When he said, It was all true, but one lye; and said, that he concealed the fault of Moonshy Sudder O Deen: and the deponent left the room, and him in it.

Quest. Did you hear Comaul O Deen ask for the paper back?

Ans. I was writing at my desk, and I did hear him ask the papers back, and ask what he should write; and Mr. Fowke told him, he should not have the paper back, nor write any thing in his house.

Quest. Did Comaul O Deen bring the arzees, which you witnessed, along with him to Mr. Fowke's?

Ans. I do not know.

Quest. Did Mr. Fowke, in your hearing, ask any questions about presents?

Ans. No.

Quest. Was Mr. Fowke present when you signed your name to the arzee?

Ans. I signed it in the Veranda. Mr. Fowke was in his own room: both the arzees were sealed in presence of Mr. Francis Fowke, and not of Mr. Joseph Fowke. After they were sealed, they were carried into the room to Mr. Joseph Fowke. They were both sealed at the same time. They were sealed before the conversation.

Quest. Had Comaul O Deen Cawn seen Mr. Fowke before the seals were put?

Ans. I do not know: I was not present at all times when Mr. Fowke and Comaul O Deen were together.

Quest. Can you take it upon yourself to say that Comaul O Deen had been with Mr. Fowke that day, before the seals were put to the arzees?

Ans. I cannot.

Quest. What time of day were they sealed?

Ans. About noon.

Quest. What time did you see Comaul O Deen first that day?

Ans. About ten or eleven, in the Veranda.

Quest. Did you see him write on any other paper?

Ans. I did not.

TIMOTHY PAREIRA,

a Portuguese writer to Mr. Fowke, being sworn.

Ans. Is this your signature to 'the arzee, N^o 1?

Ans. Yes.

Quest. Did you hear Comaul O Deen say it was his seal?

Ans. I saw him seal it.

Quest. Is that your signature to N^o 2?

Ans. Yes.

Quest. Did you hear Comaul O Deen acknowledge the signature as his own?

Ans. I saw him seal it, and heard him acknowledge it.

Quest. Was the ink put on the seal before he put it on both papers?

Ans. The seal was dipt in the ink before it was put to the papers.

Quest. Do you know if Mr. Fowke did, or did not, ask Comaul O Deen any questions relating to presents?

Ans. I do not know: not in my presence.

Quest. What time did Comaul O Deen come to the house?

Ans. About ten or eleven.

Quest. In what room was the seal put to those papers?

Ans. In Mr. Francis Fowke's room.

Quest. Are you sure it was not put to it in the Veranda?

Ans. No, it was not put in the Veranda.

Quest. Does Mr. Francis Fowke's room open on the Veranda?

Ans. No, you go through the hall to Mr. Francis Fowke's room.

Quest. Where was Mr. Fowke when the seals were put?

Ans. In his own room.

Quest. Do you know if Comaul O Deen had been with Mr. Fowke before the seals were put?

Ans. I do not recollect.

Quest. Did Comaul O Deen make any and what noise?

Ans. He was begging and praying; but I do not know for what. He came out to the Veranda, and desired Mr. Fowke younger to intercede with his father; but I do not know for what.

Quest. Did you at any time see Mr. Fowke lift up a book, offering to strike Comaul O Deen?

Ans.

Ans. I did not; but I heard Mr. Fowke bid him go out of his presence.

Mathew Miranda, *being asked the same Questions, makes the same Answers.*

. COMAUL O DEEN.

Quest. (to Comaul O Deen.) Are these two writers, who you alledged were put over you, when you signed the arzee?

Ans. Pareira was one of the writers; the other passed and repassed; and sometimes another came in his place. While I was in conversation with Mr. Fowke, some Bengalees likewise sometimes came. They were both at first present.

A K E R M A N N U,

Servant to Mr. Fowke, being sworn.

Deposes, That Mr. Fowke said to me, and to another writer named Miranda, Listen to what passes betwixt me and Comaul O Deen. Mr. Fowke asked Comaul O Deen, When you carry those papers to Council, and shall be asked about them, what will you say, and whose name will you make use of? He answered, That he would make use of the General's name. Mr. Fowke then said, Why will you make use of the General's name? Did the General ask you any thing himself, or did I ask you any thing in the General's name? Comaul O Deen answered, No. Mr. Fowke then said, Why do you use the General's name? He said, Whose name shall I use? Mr. Fowke said, Make use of those persons names who make inquiries from you about this business. I then asked Comaul O Deen, If he had himself, of his own free will, written these papers? or if he had been obliged to write them? Comaul O Deen said to me, I went one day to Baboo Rada Churn, and desired him to make me acquainted with Mr. Fowke, as I had said something of him bad: Rada Churn said, What bad things have you said of him? On which I informed Rada Churn of every thing concerning it; and said,

I have brought the foul draft of these particulars: Rada Churn said, Shew it to Maha Rajah. Mr. Fowke asked Comaul O Deen, If what he had written was true or false? Comaul O Deen answered, It is all true; there was one fallhood. Mr. Fowke asked, What is it? Comaul O Deen answered, There are some bad circumstances relating to Sudder O Deen, which I have concealed. Mr. Fowke said, There is not one lye; you have only let one man escape.

Quest. Was you in Mr. Fowke's bed-chamber with Comaul O Deen?

Ans. Yes.

Quest. Did you see Mr. Fowke lift up the book to strike Comaul O Deen?

Ans. No.

Quest. Was you in the room all the time with Comaul O Deen?

Ans. Comaul O Deen was in Mr. Francis Fowke's room. When Mr. Fowke called me into his, either Mr. Fowke or Rada Churn desired that Comaul O Deen might be called: I called him, and carried him into Mr. Fowke's room with me.

Quest. From that time, did you continue in the room till Comaul O Deen went away?

Ans. I was all the time present, and not absent a moment.

Quest. Was Miranda all the time in the room with you?

Ans. He was. He went out for a moment, to shut the door.

Quest. Was Pareira in the room all the time?

Ans. He was not in the room: he was waiting in the Veranda.

Quest. While you was in the room, did Mr. Fowke use any words or actions that might tend to intimidate Comaul O Deen?

Ans. No.

Quest. Whether you are sure that Comaul O Deen was not in the room, before he went into Mr. Francis Fowke's room?

Ans. We were in the Veranda before. He had been in Mr. Fowke's room before that.

Quest. How long had he been in Mr. Fowke's room?

Ans. I do not know. I know that he was in Mr. Fowke's room.

Quest. Was it about a gurry?

Ans. I do not know.

Quest. Do you recollect if there was any pen and ink in Mr. Fowke's room?

Ans. I did not see any.

Quest. Did you hear Comaul O Deen cry, or make any noise?

Ans. No.

Quest. Do you recollect Comaul O Deen's going out of the house?

Ans. It was past one o'clock.

Quest. Did you see him go out?

Ans. I did.

Quest. Did Comaul O Deen go out of the house immediately after going out of Mr. Fowke's room?

Ans. No, he went out of the room, and remained some time in the Veranda.

Quest. Did he return again into the room?

Ans. He went into Mr. Fowke's room; but not in the room of Mr. Fowke senior.

Quest. During the time he was in the Veranda, did he express any signs of discontent?

Ans. He was displeas'd, and request'd the papers might not be sent into Council that day, but deferred to the next.

Quest. Did he desire to have the papers back again?

Ans. He did not demand them; but said that he would write them better for next day.

Quest. Did he make any outcry when he went into the street?

Ans. No.

Quest. Was Shumsherbeg in Mr. Fowke's house when Comaul O Deen went away?

Ans. I know no one of the name of Shumsherbeg. If I see the person alluded to, I shall be able to answer.

Quest. Name all the persons who were present at the time.

Ans. I do not remember.

Quest. Were there many people there?

Ans. No.

HERRASAUTULLA,

Moonshy to Mr. Francis Fowke, being sworn.

Quest. Whether you remember Comaul O Deen's going away from Mr. Fowke's house on the 8th Bepaac?

Ans. I do not remember it.

Quest. Do you remember Comaul O Deen's asking to have any thing restored to him, and what he said?

Ans. Yes, he did ask for something back; and said, I will give it in writing afterwards.

The Question repeated.

Ans. He did not ask to take it back; but said, if it was returned to him, he would alter it.

Quest. Did he say any thing about falsity?

Ans. He did not say there was any thing false: he said, There is something wrong in it; give it me, and I will alter it.

Quest. Did he complain that he was forced to write it?

Ans. When Mr. Fowke began to fold up the Letter, he began to cry out that force had been used.

Question repeated.

Ans. He did cry out that force was used, although it had been attested by two witnesses.

Quest. How do you know that the paper he called for was the same attested by two witnesses?

Ans. He did not demand that paper which was attested by the witnesses.

Quest. What paper was it he demanded?

Ans. That paper which was not sealed in my presence, but which he brought from home: it has the word *Ifshaad* upon it.

Quest. Did not you ask the meaning of some words and expressions in the arzee that has the word *Ifshaad* upon it?

Ans. I did not.

Quest. Did you copy out the contents of the arzee, N^o 1; and do you not know the contents of it?

Ans. I did; I know the subject and contents of the arzee: I learnt it first from the mouth of

of Comaul O Deen, and afterwards made myself acquainted with it by reading the arzee, where I found some little difference from the information I had received from him.

Quest. Do you remember any thing of a conversation between Comaul O Deen and Mr. Fowke's Moonshy, Mahmud Mushruff?

Ans. Yes. Moonshy Mahmud Mushruff, upon seeing Comaul O Deen, expressed some anger against him, for having, as he said, once before made him give oath; and asked Comaul O Deen, if he came to the house with the intention of doing the like again? Comaul O Deen answered, I did not occasion you to swear by my own pleasure: I wrote out an arzee for the preservation of my own character; if I had not written it, my reputation would have suffered.

Quest. How many petitions do you know of Comaul O Deen's signing?

Ans. He put his seal to one arzee in my presence: other four, which I have seen in the hands of my Master, though I know not from what particular persons he got them, were under his seal.

Quest. Was either of these two petitions, N^o 1 and 2, the arzees he sealed in your presence?

Ans. Yes, this was, N^o 2.

Quest. Where was this N^o 2 sealed?

Ans. In Mr. Francis Fowke's room, before me.

WHAT Mr. Fowke said in his defence was not minuted. He affirmed that the arzee came into his hands (whether brought by Comaul O Deen or not he could not remember) ready sealed. That Comaul O Deen acknowledged it in the presence of the two witnesses, who attested it, with every expression that could mark it to be his own voluntary and chearful act; that, after Comaul O Deen had quitted the chamber, he returned, forcing his way into Mr. Fowke's presence, declared his unwillingness to have that arzee presented to the Council; intreated and implored Mr. Fowke to give it back to him, fell at his feet, and embraced his legs with such violence as to give him pain. That, provoked with this, Mr. Fowke did lift up a book, which was a

volume of Churchill's voyages, and with difficulty restrained himself from striking him with it. That every syllable of the furd, or paper of bribes, was false; and that he never saw or heard of such a paper. Mr. Barwell in reply said something upon the subject of this part of the accusation; on which Mr. Fowke, addressing himself in a very earnest and pointed manner to him, said, Will you, Sir, declare upon your honour, or your oath, that you never received that money? (meaning the 45,000 rupees said to have been mentioned in the furd as received by Mr. Barwell.) Mr. Barwell replied, "That he did deny it upon his honour and oath." Then, said Mr. Fowke, "I must acquit you." The rest of his defence consists in protestations of his own innocence; and declarations, that, while he lived, he would ever use his utmost endeavours to detect and prevent oppression, whatever might be the rank or power of the oppressor; in investives against the character of Comaul O Deen, and appeals to the integrity of his own, with much and violent declamation.

The examination being closed, the Judges required of the persons affected by the supposed conspiracy, to declare whether they would prosecute the authors of it at the next Session of Oyer and Terminer; and the morning of the 23d was appointed to receive this determination. Mr. Barwell, Mr. Vansittart, and Mr. Hastings, attending at the time appointed, declared their intention to prosecute Joseph Fowke, Maha Rajah Nundocomar, and Rada Churn. Mr. Vansittart and Mr. Hastings required bail should be given, and bound themselves by a recognizance to prosecute; Messieurs Lacam and Farrer were sureties for Mr. Fowke; Colonel Thornton and Captain Webber for Nundocomar and Rada Churn.

Sir John Doily was employed as Interpreter in the first examination of Comaul O Deen Cawn, before the Chief Justice and the Judges, on the 19th; fearful of not possessing sufficient resolution in the presence of many people, he desired that some other person might assist him in this office on the next day; and Mr. Elliott was accordingly desired

fired to attend with him, which he did, and was, in effect, the only Interpreter on the 20th.

The part which Sir John Doyley had chose in this business drew on him the severe displeasure of the Board, that is to say, of General Clavering, Colonel Monson, and Mr. Francis, who had been assembled as usual, this being their day, to a Board of Inspection, and formed themselves into a Council for the General Department; they censured him for neglect of duty, in terms which directly imply a censure for having obeyed the orders of the Governor General, and threatened him with dismissal from his employment on the next instance of the like neglect.

N^o 2 and 3 are Extracts of the consultations of the 20th and 24th instant, containing the examination of Sir John Doyley, and other minutes, which respect the affair in question. These are in themselves of no moment; but they mark the temper of the majority, and the interest which they took in the prosecution.

But of this they afforded a more conspicuous proof on the evening of the 21st, which was the day following the meeting of the Judges. General Clavering, Colonel Monson, and Mr. Francis, accompanied by the elder Mr. Fowke and others, whose names are not sufficiently ascertained, went to the house of Maha Rajah Nundocomar, and, as it is said, gave him public encouragement and assurances of protection.

This visit is mentioned without evidence or vouchers, as a circumstance of such notoriety, that it requires neither; for the substance of the conversation comes only report. Such an honour paid to such a man, and on such an occasion, by the actual Rulers of the State, too plainly indicates their participation in the mysterious intrigues which have been long carried on in the offices of Fowke and Nundocomar. The nature of the intrigues, and the legality of them, will be best understood by the future event of the Trial, at the approaching Assizes.

On the 25th instant, Mr. Fowke addressed a Letter to the Board of Revenue, in which he inclosed three arzees of Comaul O Deen

Cawn; these appear to be the same which were first presented by Comaul O Deen against Ginga Govin Sing and Mr. Archdikin, and to which frequent allusion is made in the depositions. N^o 4 is a Copy of Mr. Fowke's Letter, and N^o 5 Translations which have been made of the three arzees.

To the Honourable Warren Hastings
Esquire, Governor General, &c.
Council of Revenue.

Honourable Sir and Sirs,

On the 13th of December last, Comaul ul Deen Ally Cawn delivered to your Board a paper containing many falsities injurious to my reputation; which I refuted upon my oath, and the oaths of two other persons. He has now put another paper into my hands, which I take the liberty of inclosing to you for my further justification. In this paper it is pretended, that the Governor General was active beyond the limits of Justice to forward a charge tending to my dishonour. If it contains a calumny, I shall rejoice to hear that the author has a brand of infamy set upon him, as a public warning to all calumniators and detractors. But, whatever may be the issue of the inquiry, it is evident that the Governor General once thought Comaul O Deen Ally Cawn a person whose testimony was not to be rejected when against me; and, therefore I hope I may be indulged in a request, that the recantation of Comaul Ally O Deen may have a place on the records as well as his former accusation. Conscientious of the respect I owe to Government, I cannot mention the Governor General's name without pain, though essentially necessary to my own particular justification.

I have further the honour to inclose a paper which Comaul Ally O Deen Cawn declares to have been the first account which he wrote with his own free will.

I am, with the greatest submission,
Honourable Sir and Sirs,

your very obedient and faithful

Servant, (Signed) JOSEPH FOWKE.

Calcutta, the 18th April, 1775.

Translation of the accompanying Paper,
N^o 1.

I am desired to give an account of what conversation passed between me and Mr. Fowke: I do here declare, upon the faith of my religion, the truth of this transaction; viz.

Banasser Ghose preferred a complaint against me, on account of salt of his Tecka Collaries; and the cause was referred for examination to Mr. Fowke. After Mr. Fowke, having heard both parties, had dismissed us, I went in the evening to Moonshy Sudder O Deen, Mr. Graham's Moonshy, and related to him the conversation that had passed at Mr. Fowke's. Sudder O Deen, "I comprehend the affair: it is proper you should relate this to Gunga Govin Sing, Dewan of the Calcutta Committee." I replied, "What is the good of relating this to the Dewan? do you yourself relate to the Dewan whatever you think proper, but pay attention to my advantage and interest: my affairs wear a very severe aspect with respect to administration, and I am in great difficulties." On the 19th Paghooon, I went to Dewan Govin Sing, and related the conversation to him; to which he made no reply, but went to the Durbar. On the 20th Paghooon, at 12 o'clock, Moonshy Sudder O Deen sent for me, and told me, that the interrogations put to me by Mr. Fowke, and my answer upon the subject of the Tecka Collaries of salt, had been related to Mr. Graham by Dewan Govin Sing; that Mr. Graham, without making any reply, had gone to the Governor, and related the whole circumstance to him; and, returning to his own house, had directed him (Sudder O Deen) to send for me, and tell me to write a petition upon this subject, and deliver it to the Governor. In conformity to what Sudder O Deen had said, I drew out a petition, and shewed it to him: having perused it, he told me to shew it to Gunga Govin Sing, and make whatever deductions and additions he should direct me; and added, "What I now tell you, is by the direction of Mr. John Graham." I shewed the

petition to Govin Sing; who told me to write it in this manner: That Mr. Fowke, in the business of the Tecka Collaries, had asked me how much I had given as douceurs to the English Gentlemen, and how much to the natives in power, threatening me with severe punishment if I did not declare: I replied, "That Mr. Fowke did not say so to me; and if there should be any suspicion of falsehood in the petition, my oath would be required:" Gunga Govin answered, "Go you to Moonshy Sudder O Deen, and ask his advice, and I will follow you." Whilst I was relating this conversation to Sudder O Deen at his house, Gunga Govin came in: after some conversation betwixt them, they told me, that I should not have to swear; and that I need be under no apprehensions on that account: having no resource, I complied with the Moonshy's and Dewan's desire, went home and wrote the petition, which I kept by me: on the 26th Paghooon, Gunga Govin Sing said to me, "You have not yet delivered the petition, and Mr. Graham is very angry about it; you ought to go immediately to the Governor, deliver your petition, and wait upon Mr. Graham to-morrow, with the account of your having done so, and I will be at Mr. Graham's house at that time too." I went immediately to the Governor, and presented the petition I had prepared. When the Governor had read it, he said to me, "You have written this account in a different manner from what Mr. Graham related it to me;" I answered, "That I had not mentioned any thing of it to Mr. Graham:" the Governor replied, "Mr. Graham informed me, that Mr. Fowke told you to declare what you presented to the Gentlemen, and what to the Mutsuddies; and that, if you did not, you should be well punished." From the fear that Mr. Graham's honour might suffer; "I answered, "That I would correct the petition to the manner in which Mr. Graham had related to his Honour, and bring it the day following. The Governor replied, "You must not put it off till to-morrow, write your petition immediately in this place." I said, "That I had not my Moonshy with me;"

the Governor answered, "My Moonshy is at hand, dictate to him, and let him write what Mr Graham said." I was thus constrained to indite this petition to the Governor's Moonshy, which I delivered, when finished, to the Governor; but I obtained no copy of it. I then declared to him, that a false oath would extinguish the light of my religion: if there should be any interrogations made to me respecting the petition, I could not take an oath to it: after hearing this, he dismissed me. I went on the 27th Paghooon to Hooshear Jung (Mr. Vansittart); gave him the account of the petition I had delivered to the Governor, concerning the conversation at Mr. Fowke's, and told him, that, if I were to be simply interrogated upon it, it was very well; if my oath should be required, that I would not give it. I likewise said the same to Maha Raja Roy Bullub. I have, in this address, related the truth of this transaction: and God's pleasure be done with respect to the determination of the Honourable Governor and Council upon it. I have no other support but God and his Prophet, and the Gentlemen of the Council; from the commencement of Mahawbut Jung's time to the present, I have acted uprightly, and have never before any of the successive Rulers of this Country uttered an untrue or unbecoming word. I have here related the truth, and shall intrude no further.

Translation of the accompanying Paper, N^o 2.

Banasser Ghose Yar Mamudar, by means of Latta Ajail Roy, of certain Tecka Collaries, preferred a complaint against me for five thousand maunds of salt; in consequence of which, the General sent for me, and then referred me and Banasser Ghose to Mr. Fowke, that the Gentleman might inquire into the cause. In the course of the discussion, Banassar Ghose said, "This man has given large presents, and by this means obtained the business of the Tecka Collaries." Mr. Fowke said to me, "If those be true, and you have given any thing to any Mutsuddie, declare it." I answered, "That Banasser Ghose

"had declared what was false; and that I had not made any presents." Mr. Fowke afterwards took down, in writing, the representations of both parties; and then said, "I perfectly comprehend this cause, and shall relate it to the General, who will decide upon it."

To the Honourable Warren Hastings Esq;
Governor General, &c. Council of
Revenue.

Honourable Sir, and Sirs,

I take the liberty of inclosing three Petitions, which were put in the hands of my son Francis some time since, to translate, with intention that they should be afterwards laid before your Board. Comaul Alli Cawn will determine, whether he chuses to proceed on these Petitions or not: he has never countermanded his former order; but, as he may not scruple to say falsely that I act without his privacy and consent, I beg leave to inform you, my sole intention in laying these papers before you is, that they may be safely deposited in your hands, in case it should be thought necessary hereafter to refer to them, on a charge of conspiracy exhibited against me by Comaul Alli Cawn, for which I am bound to hold up my hand at the Bar at the next Sessions of Oyer and Terminer and Gaol Delivery; the Honourable Warren Hastings Governor General, and George Vansittart Esquires, being my prosecutors: Besides these Gentlemen, I was charged with a conspiracy against Richard Barwell Esquire, the Rajah Bullub, and Baboo Kishen Kunt, as will appear in the summons issued by the Chief Justice, and Justices of the Supreme Court of Judicature, dated the 19th day of April 1775. At the close of the evidence, on the oath of Comaul Alli Cawn, Richard Barwell Esquire waved his demand for a bail; but said, he should prosecute, or not, as future circumstances might appear. The Rajah Bullub and Baboo Kishen Kunt, as I understand, withdrew their prosecution entirely: being now to rise or fall by the Laws of my Country, I shall say nothing at this
time

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time, to influence any man either to my condemnation or acquittal, leaving Truth to find its way.

I am, with the most perfect submission,

Fort William,
25th April, 1775.

Honourable Sir, and Sirs,

Your very obedient

and faithful servant,

(Signed)

JOSEPH FOWKE.

Translation of three Arzees, inclosed in Mr. Fowke's Letter to the Board of Revenue, dated the 25th April, 1775.

1st.

In the Bengal year 1181, at the end of the month Maugh, I farmed, from the Gentlemen of the Calcutta Committee, all the salt works in the Purgunnahs of Keura' Ma'l, &c. Manjeh. Mooteth, and Docodumna, &c. in the district of Hedgelee, for four years, at an agreement of 100,000 maunds of salt, to be delivered at twice, at 100 rupees; and I received in advance upon the account 60,500 rupees out of that sum; the Dewan Gunga Govin Sing, by an underhand settlement, persuaded me to give him 26000 rupees, upon this agreement, that whatever quantity of salt I could contrive to make more than the specified 100,000 maunds, he would cause it to be given up on the part of Government, so that I should have an opportunity of disposing of that salt wherever I should chuse, and the profits should be for myself. Upon this agreement, Gunga Govin Sing received from me, the first time, 15000 rupees in mohurs, upon this underhand settlement. In the month of Jeyt, I made a demand upon the Dewan to have the salt given up; the Dewan did not give up the salt, but forcibly took from me 15000 rupees more, on account of the underhand settlement: I was therefore unable to pay up the advance of the salt-works without a balance. Those salt-workers now bring their

claims against me, and endeavour to lay their complaints before the Huzzoor. I have been very importunate with the Dewan; and have represented to him, that I am poor, and am not able to fulfil my obligations for the aforesaid sum, and have intreated him to settle it; but he pays no regard to me; and I am utterly at a loss where to raise the money, to compleat the investment. I humbly request, that the aforesaid Dewan may be summoned; and, upon the justice of my claim being established, that he may be ordered to return my money, with the interest due to my creditors upon it, that I may be released from the importunities of the salt-workers and my other creditors, and have leisure to compleat the Government's investment.

Sealed,

COMAUL ALLI CAUN.

2d.

Arzee from COMAUL O DEEN
ALLI CAUN.

In the year 1180, Villacety, when the Bundobust of the farms took place, a Daroga of the Audalet to the Hidgelee District was appointed from the Prefence; upon condition that he should not have any thing to do with farming, but should confine himself to the distribution of Justice, in disputes concerning property, and in causes of murder and robbery; and that the Officers of the Farmers should sit with him in the Cutcherry. On these terms, Ram Ram Bhoze was appointed, on the part of Mr. William Lushington, and went into the said district, where he examined in that appointment for the space of one year, and did not interfere in the farming business; and even consulted with the officers of the Farmer, in the determining matters of property. He did not interfere, in any manner, with the farming business. On account of unseasonable rains that year, there was a deficiency of many thousand maunds of salt. In the year 1181, on the dismissal of Ram Ram Bhoze, Muddun Gopaul was appointed in his place;

place; and, within two or three months after his arrival, had committed such oppressions as produced complaints to the Presence against him from great numbers of the Riots; and there were great deficiencies in the quantity of salt made; and the Salt Bangas were not opened at the proper season. Afterwards Dewan Gunga Govin Sing dismissed Muddun Gopaul, and sent Roop Ram on his own part there, who arrived at the end of Chite, and exercised great oppressions on the Salt Riots. He kept the Salt Tavildars and Kialandars two months in chains, and collected 3800 rupées from them and others in the name of Dewan Gunga Govin Sing. Having given such sums collusively, how could they, without plundering the salt, make good their revenue? The said Kialandars entered false records in the Daftar, and delivered the salt at such a short weight, that the surplus, which was established at 54 M^{bs} per hundred maunds, did not amount to 10 maunds. He now demands from my Renter, on account of the deficiency of the overplus of salt, sixty rupées for every hundred maunds. In the Pottah which I obtained from the Government, and in the agreement which I gave, there is no such condition mentioned. At the same rate at which I deliver it to the Government, I receive it from the Riots; for I received advances from the Government, and paid them to Riots. The said Riots having plundered the salt, and made short deliveries; if I do not receive it from the Riots, from whence am I to give it? I issue an order to the said Dewan, demanding of him on what pretence Roop Ram kept the Kialandars and Tavildars two months in chains. No advantage is derived from Roop Ram's remaining in the district; but, on the contrary, ruin to the Farmer and loss to the Government. I am hopeful that the Audalet business may either be intrusted to me, or to the said Ram Ram Bhoze. It was necessary that I should make this representation to you.

3d.

Arzee from COMAULO DEEN
ALLI CAWN.

In the month of Bepaack, 1181, Velarplu, Rampufand Muckerjee under-farmed the Tecka Colaries from me, on account of Baboo Leekenace and Nundee giving Mr. Archdeckin as his security. In the month of Chyte the said person complained against me to the Gentlemen of the Council, under pretence of a claim upon me for the expence of working six collaries; by which I was put under great uneasiness for three months; but after that time, having been unable to establish his claim by the agreement entered into between us, the Committee did not find it valid. In the mean time Muckerjee died; and, during eight months afterwards, none of his heirs either came nigh me, nor adjusted settlement of the farm, nor delivered the salt, according to the agreement executed by the Dewan. The said Gentleman, under pretence of being the security, has since, without giving me intimation, distributed the advances in the different Purgunnahs and villages of the Tecka Collaries, although I am the person who farmed them from Government; and the good or evil, or the profit or loss, which may ensue, is my concern. By what grant has Mr. Archdeckin taken upon himself the management of this business, to the prejudice of my affairs? The said Gentleman was security for Muckerjee, and I have demanded upon him. Notwithstanding, from a motive of injustice, he has obtained possession in the country, and has complained against me to the Council, on account of the advances.

The said Gentleman having been appointed to superintend the salt business, upon his arrival in the district, instead of living at the usual place, took up his residence at the Tackfiel Cutcherry, and pulled down the old accommodations, and built a new one for himself, after turning out the Officers of the

Cutcherry.

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Cutcherry. When the Officers of the Cutcherry have no place to stay in, what must the character of the Farmer be in the country? The Zemindar, Reiois, &c. attend chiefly on the said Gentleman; next to him on Ropram, and only wait upon the poor Farmer at their leifures. The responsibility lays with the Farmer; but Mr. Archdeckin exercifes an authority: there cannot be three rulers in one district, without occafioning a lofs both to the Farmers and the Company. I am hopeful for Juftice, &c.

(A true Translation.)

Signed, W. CHALMERS,

Pⁿ. Translator to the Khalsa.

EXAMINATION

INTO THE

CLAIM of ROY RADA CHURN

To the Privilege of an AMBASSADOR, as VAKEEL of
MUBARICK UL DOWLA, Nabob of BENGAL.

Supreme Court of Judicature.

FORT WILLIAM, June 21st, 1775.

P R E S E N T,

The Honourable { ROBERT CHAMBERS,
STEPHEN CÆSAR LEMAISTRE, } Esquires.
JOHN HYDE,

The KING, on the Prosecution of Warren Hastings Esq; Governor
General, against ROY RADA CHURN and others, for
a MISDEMEANOR.

THE Chief Justice, being prevented by
indisposition from attending the Court,
sent them the following Letter and copy of
Memorial, which he acquainted them he had
received from the Governor General and Coun-
cil.

To Sir Elijah Impey Knight, Chief
Justice, and the rest of the Judges
of the Supreme Court of Judica-
ture at Fort William.

Gentlemen,

Enclosed we have the honor to transmit you the copy of a Memorial, which has been presented to us by Roy Rada Churn, the Vakeel of the Nabob Mubarick ul Dowla, representing, that a Bill of Indictment has been presented and found against him in the Supreme Court of Judicature.

As this person is the Vakeel, or Public Minister, of the Subah of these Provinces, we conceive him to be entitled to the rights, privileges, and immunities, allowed by the Law of Nations and the Statute Law of England to the Representatives of Princes. We therefore claim those rights in his behalf; and desire that the process against him may be void, and that the persons suing out and executing such process may be proceeded against in such a manner as the law directs.

We have the honor to be,

Gentlemen,

Revenue Department,
Fort William, 20th
June, 1775.

Examined, R. S. Sec.

Your most obedient,
humble servants,
JOHN CLAVERING.
GEORGE MONSON.
PHILIP FRANCIS.

Copy of a Memorial inclosed in the above.

To the Honourable the Governor General and Council, at Fort William, in Bengal.

The Memorial of Roy Rada Churn.

Your Memorialist begs leave to represent, that he has for two years last past been resident at this Presidency, as Ambassador or Minister of his Excellency Mubarick ul Dowla, Nabob of Bengal, and has the charge of all his affairs and concerns there; and has never, during that period, acted in any other character or capacity whatsoever, nor been the servant of, or directly or indirectly employed by, the Honourable the East India Company, or any British subject; and therefore conceives himself no ways subject or amenable to the Laws of Great Britain, but, on the contrary,

entitled to all the privileges granted by such laws to the Ministers of all foreign potentates or states resident within any of the settlements or possessions of the King of Great Britain. That a short time ago a summons was issued, by Sir Elijah Impey Knight, one of his Majesty's Justices of the Peace, requiring your Memorialist personally to appear on the then next day, to answer to a pretended charge of conspiracy against Warren Hastings Esquire, Governor General, and others; and that your Memorialist, wholly ignorant of the nature of such charge, and of the rights and privileges to which he was entitled by the Laws of Great Britain as Ambassador or Minister as aforesaid, attended in consequence of such summons, and was required to give bail to appear at the then next Sessions of Oyer and Terminer to be held for the said Presidency; which he accordingly did. That your Memorialist is informed, that a Bill of Indictment has since been preferred and found against him, on the said pretended charge of conspiracy, which, your Memorialist apprehends and is advised, is an infringement of the laws of nations, and of the established rights and privileges to which he is by law entitled in the character aforesaid.

Your Memorialist therefore claims the interference of the Government of this Presidency, in support of his said rights and privileges; and that such censure may be passed on the parties concerned in the above outrage on your Memorialist, as the nature of the case may seem to require.

A true copy, (Signed)

Revenue Department, ROY RADA CHURN.
R^d SUMNER, Sec.

The Court directed Richardson Mac Veagh Esquire, one of the Masters of the Court, to acquaint the Governor General and Council with the resolutions of the Court in consequence of their Letter, which were as follows:

That the Court is of opinion, That all claims of individuals ought to be made directly to the

the Court by the individuals, and not by the authority of the Governor General and Council.

That it is contrary to the principles of the English constitution, for any person or persons to address a Court of Judicature by Letter missive, concerning any matter pending before such Court; and that the higher the station is, the act is the more unconstitutional.

That the style of the Letter now before the Court, seeming to be of the nature of an Order rather than Petition, is a style in which no Court of Justice ought to be addressed.

JUNE 23d, 1775.

Present, all the Judges.

MR. Jarrett, Attorney for the East India Company, offered two papers to the Court, which, he acquainted them, he was directed to deliver from the Governor General and Council.

Court. We cannot receive papers in that irregular manner: if you will deliver the papers to the Counsel for the Company, and he thinks proper to acquaint the Court with their contents, we have no objection.

The Counsel for the Company, having perused the papers, said, he saw nothing improper in them; upon which he read them to the Court, as follows:

Extract of Consultation, the 22d June, 1775.

We have received two papers from your Court by Mr. Mac Veagh, who, as we understand, came to us as one of the Masters in Equity. If he was sent from you in that character to us, we must observe a want of form and respect due to the Government of this Country, as he came without his usual formalities.

We observe with deep concern, that the claim made by this Government, of certain privileges and immunities in behalf of a person, who, being a Public Minister, appears to us entitled to such privileges, should be deemed by the Judges of a very extraordinary kind.

We inform you, that Roy Rada Churn is no common Vakeel: he receives a considerable salary from the Soubah of Bengal, as his Public Minister at this Presidency. At his appointment, he was honored with the Surpeach dress and Horse, which are marks of high distinction; and on the delivery of his credentials to the Governor General, he received Paun and Ottar from him.

We have made such replies to your resolutions, as we think consistent with our honor and dignity; and we have directed our Attorney to instruct our Counsel to move to quash the Indictment, so far as it concerns Roy Rada Churn, the Soubah's Vakeel.

A true extract.

(Signed)

H. AURIOL, Assistant Sec.

Extract of the Consultation, the 22d of June, 1775.

1st Resolution.

That the Court is of opinion, That all claims of individuals ought to be made directly to the Court by the individuals, and not by the authority of the Governor General and Council.

The claim in question is not that of an individual, but of the Government of this Presidency, on behalf of the Minister or Representative of the Chief Indian Potentate, or Power, within the Province of Bengal, Bahar, and Orissa; between whom and the East India Company a Treaty subsisted previous to the passing the late Act of Parliament (under the authority of which, and His Majesty's Charter granted in pursuance thereof, the Supreme Court is established) and with whom the Government of the Presidency have been instructed, since the passing of such Act, to make

make a further treaty or treaties: for these reasons, it was incumbent on the Government to make such claims of exemption, on complaint to them made by the party injured, as would, under similar circumstances, have been made by the authority of Government in England. The Government of this Presidency must, in all their negotiations and transactions with the Country Powers, be considered in every respect as invested with sovereign authority and all its incidents, under the express sanction of the British Laws.

The Company have now a Public Minister residing at the Court of the Nabob, Soubah of these Provinces.

The application now under consideration has been made, as near as circumstances would admit, in the manner above alluded to, there not being in this country any Officer of the Crown or Company invested with powers similar to those of his Majesty's Attorney General in England; who would there have been the proper officer to have taken cognizance of such a complaint, on the representation of Government, without putting the party injured to the necessity of personally

2d, That it is contrary to the principles of the English Constitution, for any person or persons to address a Court of Justice by Letter missive, concerning any matter pending before such Court; and that the higher the station is of the person or persons so addressing, the act is the more unconstitutional.

3d, That the style of the Letter now before the Court, seeming to be of the nature of an Order rather than a Petition, is a style in which no Court of Justice ought to be addressed.

or directly making his claims to a Court, the authority of which he conceives himself no way amenable to.

The idea of an address from individuals seems to run through the whole of this Resolution also. It is sufficient for us to observe, that the application made to the Court was not made, by the members who have signed it, in their private capacities, but in their political one, as constituting the Government of this Presidency, conformable to the powers vested in the majority of the Governor General and Council by the late Act of Parliament.

The opinion of the Supreme Court does not apply at all to the present case, how far soever it may be right on general principles.

This Resolution will be more fully and satisfactorily answered, by referring to the terms of the application, than by any remark thereon.

The claim of a right is not *an Order*, either in form or substance; neither was it our intention to address the Court by Petition.

A true extract.

H. AURIOL,

Assistant Secretary.

The

The Court inquired whether either of the papers had any address, and were informed they had not. The Court then returned the following answer to the above papers.

The Court, with very great concern, perceive, that a message sent by the First Officer of their Court, for the purpose of preventing a correspondence, which, if carried on, must end in altercation, has been esteemed by the Council a want of respect in the mode of delivering it, and has produced that very altercation which it was evidently intended to prevent; an altercation which, in the first instance, ought to be stopped; and therefore the Court will not make one single observation on the want of address to the Court, or the subject-matter of their papers. Those who first end a dispute which may be of so much consequence to the public, in our opinion, act with the most dignity, and deserve best of the public. The issue of this business sufficiently evinces the impropriety of the mode of application by the Governor General and Council; if the Company thought it right to apply, there are but two modes in which it could properly be done. Though neither the Crown nor the Company have an Attorney General, they have a standing Counsel; a motion ought to have been made by that Counsel; if they did not think proper to instruct that Counsel, the proper mode was by Petition; it is the mode that the Charter has prescribed for the East-India Company, whose Agents the Governor General and Council are. An appeal, under the circumstances described by the Act, is a matter of right: to preserve that decency necessary in applications to His Majesty's Court of Justice, the East India Company, as well as all other appellants, must not claim, but prefer an humble Petition. These are the words of the Charter. It is a false point of honour to decline it, there is nothing humiliating in it; it is mere matter of form. This being thus explained; to prevent any further altercations of this nature, the Court must inform the Board, that they cannot (respect being had to the dignity of His Majesty's Court, and to the welfare of the Company) receive in future any Letters or Messages but

in that form. With respect to the application itself, the Court does not esteem it any question relative to the East India Company having a power of receiving Ambassadors, nor what right Ambassadors properly constituted and received by them may be intitled to. We observe, that Roy Rada Churn states in his Memorial to the Council (for what purpose we know not), that he was called upon by a summons issued by Sir Elijah Impey knight, one of His Majesty's Justices of the peace. We must acquaint the Board, that, the matters laid to the charge of Roy Rada Churn being of a public nature, and affecting the First Member of Government in this Presidency, the Chief Justice, unwilling to act alone, called upon all his Brethren for their assistance; and that the summons was signed, and every order in the cause made, by every one of the Judges of the Supreme Court of Judicature, after mature deliberation, and an examination that took up a whole day. Roy Rada Churn was not at that time apprized of his being invested with the sacred rights of an Ambassador: Though his claim is made very late, if he is really and *bona fide* invested with such rights, they will most undoubtedly be allowed him in their full extent. The claim seems serious, and deserves the attention of the Court, as it is made by the Governor General and Council; they know the facts upon which they claim it; the Court cannot be apprized of them. As we are confident the claim would not be made without grounds, we shall expect to be informed of the following circumstances, without which we cannot determine the claim. The question appears to us to be, whether the Nabob Mubarick ul Dowlah stands in such a relation to the East India Company, as to be able to send to this Presidency a Public Minister, upon whom the rights of an Ambassador can attach; therefore we shall expect that the Gentlemen, who made the claim in his behalf, do verify, by affidavit, that the Nabob Mubarick ul Dowlah is a Sovereign independent Prince. That he is in a situation to make war and peace with this Settlement. That he is a Prince *sui juris*. That he appoints

appoints his Ministers, and performs all acts of Sovereignty, independently, and without the controul of this Government. That he is in all negotiations treated as a Prince *sui juris*. These are facts within the knowledge of the Gentlemen of the Council; they can verify them; and if they do not, the Court will understand that they do not consider him as *Princeps sui juris*. It will be necessary likewise to inquire who the person is that is sent as Vakeel, or Ambassador, and what are his powers. We shall expect to have it verified by affidavit, that a Vakeel is a Public Minister, having the right *jus revocandi domum*; where he was commorant at the time he was appointed Vakeel, and for twelve months before, *et cujus ditioni tunc subditus fuit*. We shall likewise expect it to be verified by the Gentlemen of the Council, that they have always treated Roy Rada Churn as a person invested with all those rights which they claim on his behalf, and that they do in no respect whatever consider him subject to the order or controul of this Government. These matters must be cleared up; otherwise the allowance of this claim may be an inlet to a grievance much complained of, the exertion of the power of a Double Government. These circumstances are pointed strongly, that they may, if possible, be obviated. As a treaty is mentioned in the papers between the Honourable the Company and Mubarick ul Dowlah, the Court expect that treaty to be laid before them.

JUNE 28th, 1775.

Present, all the Judges.

Mr. *Farrer*. I have the directions of the Governor General and Council to move the Court, that Roy Rada Churn, a Public Minister, or Vakeel, of the Nabob Mubarick ul Dowlah, may be exempt from a prosecution commenced against him by Warren Hastings Esquire, Governor General; and that the prosecution, so far as it concerns him, may be quashed; and that the Court may pass such censure and punishment as they shall think proper on the persons who have commenced the prosecution.

Court. You must specify the censure and punishment you wish the Court to pass.

Mr. *Farrer*. I did not conceive that to be necessary; I beg leave to withdraw that part of the motion.

(The words *in Italic* were accordingly struck out.)

Mr. *Farrer*, in support of the motion, said,

That Roy Rada Churn, having being informed that a prosecution had been commenced against him, had presented a Memorial to the Governor General and Council, stating, that he was a Vakeel, or Public Minister, to the Nabob, and claiming the privilege of an Ambassador. That, in consequence of that application, the Governor General and Council had sent a Letter to the Court, claiming, for him, such privilege; that an answer was sent to that Letter by the Court, which had produced a message from the Board; to which an answer had likewise been sent by the Court. That as the Court, in their last answer, had said, that they did not consider this as any question relative to the right the East India Company might possess of receiving Ambassadors, he would decline saying any thing as to that point.

Court. We have given no decisive opinion: therefore exercise your own judgement.

(Mr. *Farrer* then proceeded to make some observations on the message sent by the Court to the Council.)

Court. We think it highly improper that any message from us should be commented upon by Counsel; what was mentioned in that message was intended as hints to the Gentlemen who made the claim on behalf of Roy Rada Churn, of what it would be necessary for them to prove, which no doubt they have done; we therefore wish you would confine yourself to what you can support by affidavits.

Mr. *Farrer*. We have affidavits to prove every thing that is necessary to be proved; what has been mentioned as necessary to be supported by affidavit, I do not conceive requisite; many of the things are what cannot be sworn to, but which I hope will be admitted

mitted from their public notoriety. First, I shall prove the Nabob Mubarick ul Dowlah to be a Sovereign Prince, and that he exercises acts of Sovereignty; I conceive, that in all matters, where the Laws of England have not altered his situation, he must be a Sovereign Prince; he exercises criminal jurisdiction throughout his dominions, and signs the death-warrants, without any controul whatsoever from this Government. He has exercised the right of sending Ambassadors time immemorial. He is possessed of a royal mint, and coins money. He keeps in pay a body of troops. From all these circumstances, it is evident, he is a Sovereign Prince. I will also beg leave to mention an observation of the Chief Justice the other day, which was, "That the Ambassador of a powerful Prince would be intitled to no more privilege on account of his potency." Therefore *à fortiori* the present weakness of the Subah should be no argument why his Ambassadors should not have their privilege; they ought rather on that account to meet with protection from His Majesty's Courts of Justice. If the Nabob is not the Sovereign, I should be glad to know who is. Other European Settlements acknowledge the Sovereignty of the Nabob; and I am instructed to say, that a Frenchman is now under actual confinement for some misdemeanor committed within the Provinces. The asserting that the Nabob is not the Sovereign, would be productive of the most dreadful consequences. It would, in all probability, be productive of a war between us and the several European nations who have Settlements within the Provinces. For, if the Sovereignty is vested in the Company, all the disputes within the Provinces must of course be decided by us. As to the Nabob's being *Princeps sui juris*, that cannot be verified by affidavit; it is sufficient if he is received as such by his own subjects. Rada Churn Roy was invested with the ensigns of his office from the Nabob, which was attended with an extraordinary degree of honour in the mode of conferring. He received his letters of credence in September 1772. Roy Rada Churn has resided

in this Settlement, in the character of Vakeel, or Public Minister, ever since that time, except for an interval of a few days, from the 22d of May to the 30th. Though he should have been dismissed in the intermediate space; yet, if the Indictment was found afterwards, it ought to be quashed. Roy Rada Churn, by virtue of his appointment, receives from the Soubah a salary of 900 rupees per month.

The Counsel for the Company, in support of the motion, produced the following papers.

1st, Memorial of Roy Rada Churn. Copied page 2.

2d, The letter from the Council to the Court, which inclosed that Memorial, dated 20th June, 1775, which had been altered by the Clerk of the Crown (with the permission of the Court) into the proper form of a petition. Copied page 2.

3dly, The following affidavit of Roy Rada Churn.

The King, at the prosecution of Warren Hastings, Esquire,
against

Roy Rada Churn and others, for a Misdemeanor.

Roy Rada Churn, the person abovementioned, maketh oath, that he is a Hindoo native of the province of Bengal, and is now, and for two years and upwards last past has been, resident in Calcutta, at Fort William aforesaid, as the Public Minister, or Vakeel, of Mubarick ul Dowlah, Nabob of Bengal, Bahar, and Orissa, (except for about the space of ten days in the month of May last) and charged with the conducting and transacting his affairs and concerns with the Honourable the East India Company and others, at the Presidency of Fort William aforesaid; and that he receives a monthly salary of nine hundred rupees in virtue of such his appointment and office aforesaid; and was, on his being invested therewith, honoured by his said Master the Nabob with a Chauxpurchait Kelaut, a Surpaitch Mariffah, a Jaighaw, a Calaughee and Horfe, as ensigns

ensigns of such his appointment and office; and that the Surpaitch Mariffah was tied on this Deponent's head by the Nabob himself, as a mark of distinguished honor. And this Deponent further saith, that on his introduction to Warren Hastings Esquire, the then Governor, as Minister, or Vakeel, as aforesaid, he received from him Beetle Nutt and Ottar, which, this Deponent saith, he believes are not usually given to Vakeels of Rajahs, or others of inferior rank, but only to the Public Ministers, or Vakeels, of the Subahs, Nabobs, or other superior Indian States and Powers.

And this Deponent further saith, that he is not, nor during the period first above written has been, in the service or employment of the said East India Company, or of any British subject whomsoever; but is resident in Calcutta as the Public Minister, or Vakeel, of the said Nabob, and on no other business whatsoever. And this Deponent further saith, that there is not now any other Minister, or Vakeel, of the said Nabob Mubarak ul Dowlah resident in Calcutta, or at the Presidency aforesaid, as this Deponent verily believes.

Signed, راجن

Subscribed, the mark or name of
ROY RADA CHURN.

Sworn at Calcutta, this 28th day
of June, 1775, before me, J. HYDE.

4thly, Copies of Letters of Credence, Dismissal, and Re-appointment, from the Nabob, addressed to the Governor General.

From the Nabob Mubarak ul Dowlah, to the Governor; received the 23d of September, 1772.

Roy Rada Churn, who has been honoured with the appointment of Vakeel at your presence, on the dismissal of Roy Ramnaut, now proceeds to you. He will attend upon you for the transaction of my affairs; and your favour toward him is greater than I can express.

A true translation.

WM. REDFEARN, Persian Translator.

From the Nabob Mubarak ul Dowlah to the Governor; received the 22d May, 1775.

As Roy Rada Churn has, for some time past, been an idle person, and considering his being retained as my Vakeel intirely useles, I have dismissed him from the 1st of Suffer, in the 16th Sun (year of His Majesty's reign); and write this for your information.

A true translation.

WM. REDFEARN, P. T.

From the Nabob Mubarak ul Dowlah to the Governor; received the 30th of May, 1775.

I some time ago informed you, that I had dismissed Roy Rada Churn, at the solicitation of Yatebar Ally Caun. As the said Roy has been for a long time employed as my Vakeel to you, I have reinstated him; and I request that you will shew him the same degree of favour as formerly, and pay attention to whatever he represents to you on my part.

A true translation.

WM. REDFEARN, P. T.

The following Affidavit of Mr. Redfearn was affixed to the above Letters.

The King, at the Prosecution of Warren Hastings Esquire,
against
Roy Rada Churn and others, for a Misdemeanor.

William Redfearn, of Calcutta, Gentleman, maketh oath, and saith, that the Persian writing, in the paper hereunto annexed contained, is a true copy of the original Letters of Credence, Dismissal, and Re-appointment, of the aboven-amed Roy Rada Churn, as Vakeel to the Nabob Mubarak ul Dowlah, which have been filed among the records and muniments of the Honourable the East India Company, at their Presidency of Fort William aforesaid, taken and made by this Deponent from, and carefully compared with, such originals; and that he has a knowledge of, and is conversant in, the Persian language; and that the English writing, contained in the said annexed

annexed paper, is a true translation of the said original Letters, to the best of this Deponent's judgement and belief.

Signed, WM. REDFEARN.

Sworn at Calcutta, this 28th day of July, 1775, before the Court,
JA. PRITCHARD, Clerk of the Crown.

5ly, Articles of a Treaty and Agreement between the Governor and Council of Fort William, on the Part of the English East India Company, and the Nabob Mubarick ul Dowlah.

On the Part of the Company.

We, the Governor and Council, do engage to secure to the Nabob Mubarick ul Dowlah, the Soubahdarry of the Provinces of Bengal, Bahar, and Orissa, and to support him therein, with all the Company's forces, against all his enemies.

On the Part of the Nabob.

ARTICLE I.

The Treaty which my Father formerly concluded with the Company, upon his first accession to the Nizamut, engaging to regard the honor and reputation of the Company, and of the Governor and Council, as his own; and that entered into with my Brothers the Nabobs Nazim ul Dowlah and Syef ul Dowlah; the same Treaties, so far as is consistent with the true spirit, intent, and meaning thereof, I do hereby ratify and confirm.

ARTICLE II.

The King has been graciously pleased to grant unto the English East India Company the Dewanneeship of Bengal, Bahar, and Orissa, as a free gift for ever; and I, having an intire confidence in them, and in their servants settled in this country, that nothing whatever be proposed or carried into execution by them, derogating from my honor, interest, and the good of my country, do therefore, for the better conducting the affairs of the Soubahdarry, and promoting my honor and interest, and that of the Company,

in the best manner, agree, that the protecting the Provinces of Bengal, Bahar, and Orissa, and the force sufficient for that purpose, be intirely left to their discretion and good management; in consideration of their paying the King Shah Aalum, by monthly payments, as by treaty agreed on, the sum of rupees two lacks sixteen thousand six hundred and six, ten annas, and nine pice rupees (216666 10 9); and to me Mubarick ul Dowlah the annual stipend of rupees thirty one lacks eighty one thousand nine hundred and ninety-one nine, annas (3181991 9); viz. the sum of rupees fifteen lacks, eighty-one thousand nine hundred and ninety-one, nine annas (1581991 9), for my house, servants, and other expences, indispensably necessary; and the remaining sum of rupees sixteen lacks rupees (1600000) for the support of such Seapoys, Peons, and Bercundaffes, as may be proper for my affwarry only; but on no account ever to exceed that amount.

ARTICLE III.

The Nabob Minauh Dowlah, who was at the instance of the Governor and Gentlemen of the Council appointed Nabob of the Provinces, and invested with the management of affairs, in conjunction with Mah Rajah Doolubram and Juggat Seat, shall continue in the same post, and with the same authority; and, having a perfect confidence in him, I moreover agree to let him have the disbursing of the above sum of rupees sixteen lacks, for the purposes above mentioned.

This Agreement (by the blessing of God) shall be inviolably observed for ever.

Dated the 21st day of March, in the year of our Lord 1770,

Signed, JOHN CARTER, &c.

(A true Copy)

Signed, W. WYNNE, Sec.

6thly, A Sunnud from the Nabob Meer Jaffier, in consequence of a Fermaun from the King, confirming a former Sunnud to the Company, for coining money in Calcutta, in the name of the King.

Mr.

Mr. Newman. As Counsel on the prosecution against Roy Rada Churn (together with others) for a Conspiracy against the Governor General, I cannot but rise to oppose this extraordinary application.

I understand the Motion chiefly to be, That, Roy Rada Churn claiming the privileges of an Ambaffador, the Council, by their Advocate, moves the Court, that the Indictment, for a Conspiracy against him, may be quashed; the latter part, at first mentioned, of the Prosecutors of it being punished, being withdrawn. In support of this Motion, the following propositions are urged; viz.

1st, The Sovereignty of the East India Company. Their power to declare War and make Peace; and consequently to receive Ambassadors for the latter purpose.

2d, That Mubarick ul Dowlah is a Sovereign Prince, possessing the right of sending Ambassadors, which right he has always exercised; and that he exercises acts of Sovereignty likewise in the following instances:

1st, By keeping a standing Army.

2d, And by possessing the power of administering Criminal Justice.

And in behalf of his Excellency, we are informed of his appointment as Vakeel, or Public Minister; his being invested with all the solemnities usual on the occasion; the possession of a salary of 900 rupees a month, and being distinguished and received by the Governor as an Ambaffador, for that he gave him Ottar and Beetle Nutt. In support of which last allegations, on behalf of the person sent as an Ambaffador, an affidavit of Roy Rada Churn is produced; and we are told, that every thing is sworn to which the case will admit of, which is the only just position that has been mentioned, and which renders it very unnecessary for me to say more upon the present occasion, than taking up the sole point of right in the person sending the Public Minister; for, if that is not established, the right of the person sent ceases of course; and it is immaterial how far the persons to whom such Ambaffador is sent are

vested with the power of receiving or treating with him.

On the first application of the Council on this occasion, your Lordships announced five things necessary to be established by affidavit, in support of the claim on behalf of Mubarick ul Dowlah, the person sending a Public Minister:

1st, That Mubarick ul Dowlah is a Sovereign independent Prince.

2d, That he is in a situation to be able to make War and Peace with this Settlement.

3dly, That he is *Princeps sui juris*.

4thly, That he appoints his Ministers, and performs all acts of Sovereignty, independently, and without the controul of this Government.

5thly, That he is in all negotiations treated as a Prince *sui juris*.

In support of which facts, instead of any affidavit being produced, the Minister's supposed Letters of Credence are read; and a Treaty of 21st March 1770, between the Nabob and the Company, exhibited; by the latter of which it is very obvious, that the two first requisites for establishing the claim are disproved, and the dependancy of the Nabob on the Company fully established. Instead of being able to make War or Peace with this Settlement, the Company agree to support him in his Subahship with their forces, and to allow him an annual stipend of Rupees 3,181,991. 9, which they think proper to make the disposition of, by settling the expences of his salary, by limiting the number of his Peons, Seapoys, &c. They stipulate for the continuance of the then Officers and Ministers in their posts, and expressly appoint one of those Ministers to have the disposition (in the manner therein mentioned) of one moiety of the money at that time allowed him by the Company; which stipend, so allowed him, was in the ensuing year, by order of the Court of Directors, reduced to the sum of 1,600,000 rupees *per annum*. Will these acts and power in the Company shew a Sovereign independency in Mubarick ul Dowlah, and his being able to make War and Peace with this Settlement?

Do

Do they not, on the contrary, incontestably prove, not only his dependency on the Company; but that, though nominally a Nabob, he is in fact no more than an instrument, and may be deemed an Agent of theirs? It does not appear that he ever thought himself a Sovereign Prince, or till on the present occasion ever conceived he had a right to send an Ambassador, which he could only now have been prompted to by some friends of Roy Rada Churn, in order to lend him an assisting hand on so pressing an emergency?

The only presumptive act of Sovereignty vested in or exercised by Mubarick ul Dowlah, is his signing the warrants on capital convictions in the Presidency Audalet Court, before they are carried into execution; but even this is a delusion: and political motives in the Company, when they created these Courts, induced them to vest this power in him, which will be presently fully explained; and we shall shew the constituting the Courts, and administering Criminal Justice, to be Sovereign Acts of the Company, and not of the Nabob. As to the Nabob's standing army, announced as an instance of the Sovereignty of the Nabob, and of which, though we are informed by the Counsel, there is not one jot of proof; your Lordships will find his army a very inoffensive one; for it is no other than his Swarry, of which the number of Seapoys and Peons is limited by the Company: nor can the Nabob have occasion for an army, who has no possessions to lose, and who is protected in the place he holds by the forces of another power, which the Company, by the treaty which has been produced, have undertaken to protect him in.

That Mubarick ul Dowlah is not a Prince *sui juris*, will not bear a moment's contention. His being a Nabob would not make him such, if he had obtained his Subahship by the regular line of appointment from the Mogul, whose officer a Nabob originally was, temporarily created to superintend the affairs of a province, and was removeable at pleasure; but there has not been a lawful Nabob since the death of Sujah Caun, which happened in the year 1739. It is well known that Mu-

barick ul Dowlah is a son of Meer Jaffier, the Jammada, who was created a Nabob by Lord Clive; from which circumstance, the idea of a *Princeps sui juris* ceases immediately; and I believe, after what has been shewn, will presently appear more fully: I need not suggest that the Company, in their negotiations, have not treated or ever considered Mubarick as a Prince *sui juris*; so that there does not appear the least proof before the Court, of any one of the five requisites declared as necessary to be established, or a ground for a supposition of Sovereignty in the person said to create and send the Public Minister or Ambassador to this Settlement; which renders it unnecessary for me to consider how far the Company have or have not an unlimited authority for sending or receiving Ambassadors. From the deficiency of evidence in support of the present claim, it is unnecessary on our parts to produce the affidavits we have obtained, to disprove what we thought might have been attempted to have been supported; but, in order to convince your Lordships how ill-advised and ill-grounded the claim is, we shall evince, by the affidavits of the Governor General and other Gentlemen of the old Council, that Mubarick ul Dowlah is every way dependent on the East India Company, who appoint his officers and servants, allow him an annual stipend, and themselves possess the entire command of the military power of Bengal; that he has neither a Seapoy to command, an inch of land to enjoy, nor a rupee in his treasury, more than what the Company may think proper to allow him; and although the Criminal Courts were nominally the Courts of the Nabob, yet that these Courts were created by the Company, in the month of August 1772, by their own authority, without consulting or requiring his concurrence; and the mode of the said Province, settled by the late President and Council, to be under the inspection and controul of the Company's servants.

With respect to Roy Rada Churn, who is taught to swear himself a Public Minister, I believe it never entered his imagination before, that he was more than a common Vakeel;

nor is a Public Minister ever constituted by that name; for at the court of Delhy, where Ambassadors are received, and a real power is possessed of creating them, they are distinguished by the name of Elchee; and by the affidavits before mentioned, it will appear from Gentlemen long resident in this country, a Vakeel was never looked upon as a Public Minister, or entitled to the rights of an Ambassador: but even supposing, for a moment, the creation was legal and regular, and Roy Rada Churn actually had been a Public Minister appointed in the year 1772, it appears, and is admitted, that he was dismissed by the Nabob as an idle fellow on the 3d of April, 1775, and is not re-admitted till some time in May following. In the intermediate time between his dismissal and re-appointment, the crime for which he is indicted was committed, discovered, and a prosecution for it actually commenced; so that his Excellency's Ambassadorial claim, if there was a ground for it would stand him in no stead on the present occasion, and it only exposes the wishes of those who prompted him to make it. I therefore hope your Lordships will dismiss the Motion, with costs.

Mr. Brix. Mr. Newman has so fully observed on the insufficiency of the evidence produced in support of the claim, that I think it unnecessary to add any thing to what he has said on that head. I shall therefore proceed to point out the definition of an Ambassador, as I find it laid down in the books, which will incontestably prove that Roy Rada Churn cannot be considered in that light; and then proceed to shew, from the nature of the Mogul Government, how far the Nabob Mubarick ul Dowlah comes under the description of a Sovereign independent Prince.

Ambassador is a person sent by one Sovereign to another, with authority, by Letter of Credence, to treat upon affairs of State. Coke, 4 Inst. 153.

It is therefore requisite, that the person who calls himself Ambassador should be sent by a King, or Absolute Potentate or State; and that he should have Letters of Credence from the Sovereign by whom he is sent, con-

taining his appointment and instructions. Coke, 4 Inst. 153.

Therefore one who hath not Sovereign authority cannot send an Ambassador to another. Ib. Grotius de B. & P. l. ii. c. 18. § 2.

No subject, though he be very great; nor a Viceroy, in whom it would be high treason. When the Scots (*inconsulto Principe*) sent Lowden and others to Lewis XIII. to treat in the name of the whole nation for assistance, he would not receive them. Queen Elizabeth, in like manner, refused to receive Christopher Affonville, sent to her in quality of Minister of State from the Duke of Alva, then Governor of Flanders, he having no Commission or Credentials from the King of Spain. Molloy, de Jure Mar. 120.

It is the actual exercise of Sovereignty that gives the right of sending Ambassadors; inasmuch that Kings, that are conquered in a declared open war, lose that right, together with other privileges, Grot. ib.

The principal rights of Sovereignty of which the Subah Mubarick ul Dowlah must be possessed, to give him such a relation with respect to the India Company as to enable him to send any person with the privilege of an Ambassador to this Presidency; are, 1st, That he is a Sovereign independent Prince: 2dly, That he is in a situation to make Peace and War with the Settlement: 3dly, That he appoints all his Ministers, and exercises all acts of Sovereignty, independent of any other power, and without the controul of this Government; and lastly, that he is in all negotiations considered and treated as *Princeps sui juris*. Let us see how far the Subah Mubarick ul Dowla comes under this description.

Whatever the forms of Government in this country may have been in earlier times, it is notorious, that, since the establishment of the Mogul Empire, Bengal hath been a Province thereof. The Subah of Bengal, during the time that the Empire continued to maintain its original vigour and strength, was no more than the King's Viceroy or Governor of Bengal, Bahar, and Orissa: as such, he had the command of the military forces for the defence

defence of the Provinces, and the administration of Criminal Justice. The branch of the revenue and justice in civil matters was intrusted to a distinct office independent of the Subah, viz. the Dewan of the Empire. In progress of time, as the Empire weakened, the Subahs grew stronger, and appropriated to themselves the revenue of the Provinces; but even in the weakest state of the Empire, the Subahs always acknowledged the Emperor as their Sovereign, styled themselves their servants, and took the investitures of the Provinces from them.

It is, therefore, by usurpation only that they at any time exercised the rights of Sovereignty; but these, I apprehend, entirely ceased with the expulsion of Meer Cossim Ally Cawn. Meer Jassier, whom the Company placed in the Nazimut, had only a shadow of power, and not even that shadow remained with either of his children.

The present Subah Mubarick ul Dowlah is so far from being an independent Prince, that he is in all things dependent on the English government. They alone receive the revenues of the Province; he only a pension of 16 lack of rupees for his support: so far from being in a situation to make Peace and War, he cannot even raise the smallest body of troops, nor hath he the appointment of any officers. It is in evidence before the Court on a late trial, that Rajah Goordafs Roy received the investiture of Dewan to his household from Mr. Hastings, when at the head of the late Administration, and the same hath been confirmed by the present Governor General and Council.

The late Act of Parliament, and the Charter by which the Supreme Court is established, clearly evince, that, in the eyes of the British Legislature, the Provinces of Bengal, Bahar, and Orissa, are considered as a conquered country, in which the Conqueror hath a right to introduce his Laws, and make them obeyed. How can he be called a Sovereign independent Prince, whose subjects are at liberty to evade his Civil or Criminal Jurisdiction, by becoming directly or indirectly

the servants of the English Company, or of any British subject?

Affidavit of WARREN HASTINGS Esq; Governor General of Bengal.

This Deponent maketh oath, and saith, That the late President and Council did, on or about the month of August 1772, by their own authority, appoint Mance Begum, relict of the late Nabob Meer Jassier Ally Cawn, to be guardian of the present Nabob Mubarick ul Dowla; and Raja Goordafs, son of Maha Raja Nundocomar, to be Dewan of the said Nabob's household, allowing to the said Mance Begum a salary of 140,000 rupees *per annum*; and to the said Raja Goordafs, for himself and officers, a salary of 100,000 rupees *per annum*. That the said late President and Council did, on or about the month of August 1772, plan and constitute regular and distinct Courts of justice, civil and criminal, by their own authority, for administration of justice to the inhabitants throughout Bengal, without consulting the said Nabob, or requiring his concurrence; and that the said Civil Courts were made solely dependent on the Presidency of Calcutta; and the said Criminal Courts were put under the inspection and controul of the Company's servants, although ostensibly under the name of the Nazim, as appears from the following extracts from the plan of the administration of Justice, constituted by the President and Council.

Article I. That in each district shall be established two Courts of Judicature; one by the name of the Musufful Sudder Audalet, or Provincial Court of Dewannee, for the cognizance of Civil Causes, the other by the name of Phoufdance Audalet, or Court of Phoufdance, for the trial of all Crimes and Misdemeanors.

Article IV. That in the Phoufdance Audalet, the Cauree and Musfee of the district, and two Moulewys, shall sit to expound the Law, and determine how far the delinquent shall be guilty of a breach thereof; but that the Collector shall also make it his business to attend

attend to the proceedings of the Court, so far as to see that all necessary evidences are summoned and examined; that due weight is allowed to their testimony; and that the decision part is fair and impartial, according to the proofs exhibited in the course of the trial; and that no causes shall be heard or tried, but in the open Court regularly assembled.

Article V. That, in like manner, two Supreme Courts of Justice shall be established at the chief Seat of Government, the one under the denomination of the Dewanee Sudder Audalet, and the other the Niramut Sudder Audalet.

Article VII. That a Chief Officer of Justice, appointed on the part of Nazim, shall preside in the Nizamut Audalet, by the title of Darroga Audalet, assisted by the Chief Cauzee, the Chief Muftee, and three capable Mouluoys; that their duty shall be to revise all proceedings of the Phousdance Audalet in capital cases, by signifying their approbation or disapprobation thereof, with their reasons at large, to prepare the sentence for the warrant of the Nazim, which shall be returned into the Mofussull, and there carried in execution. That, with respect to this Court, a similar controul shall be lodged in the President and Council, as is vested in the Collectors of the districts; so that the Company's Administration, in character of the King's Dewan, may be satisfied that the decrees of justice, on which both the welfare and safety of the country so materially depends, are not injured or perverted by the effects of partiality or corruption.

And the said Deponent further saith, That he believes the above to be true extracts from the said plan of administration of justice, as entered into the consultations.

The said Deponent further saith, That the management of the Revenues of the said Province of Bengal has for some years past been, and now is, entirely in the hands of the East India Company, and their Representatives in this country, without the smallest participation of the said Nabob. And this Deponent further saith, That, in consequence of orders from the Court of Directors, dated in April

1771, the annual stipend allowed to the said Nabob Mubarick ul Dowla was reduced from the sum of 3,181,991. 9 rupees *per annum*, to the sum of 1,600,000 rupees *per annum*.

And lastly, the said Deponent saith, That he believes all the above facts to be publicly known, as they are particularly set forth in a printed book, entitled, "Reports from the Committee of the House of Commons."

(Signed)

WARREN HASTINGS.

Sworn before me, this
28 day of June, 1775.

E. IMPEY.

Affidavit of GEORGE VANSITTART.

This, Deponent maketh oath, and saith, That, to the best of his knowledge and belief, Mubarick ul Dowla, the present Nabob of Bengal, is not a Sovereign independent Prince, nor in a situation wherein he can or is entitled to make war on the East India Company or its Settlements. That the said Mubarick ul Dowla does not appoint his own Ministers, nor perform other Acts of Sovereignty, independently, and without the consent of the Representatives here of the East India Company. The said Deponent further saith, That the whole military power of this Province of Bengal has been for several years past, and now is, solely and entirely under the command of the said East India Company and their Representatives, without being in the smallest degree under the controul or influence of the said Nabob. That the sole management of the revenues of the said Province has also been for some time past, and now is, in the hands of the Representatives of the said Company, without the least participation of the Nabob. That a mode for Administration of Justice both Civil and Criminal to the inhabitants of the said Province was settled by the late President and Council, in or about the month of August 1772, by their own authority, without consulting the said Nabob, or requiring his concurrence; and that that plan was carried into execution, by which the Civil
Courts

Courts throughout the Province were put entirely under the Presidency of Calcutta, and the Criminal Courts under the inspection and controul of the Company's servants, although the latter were nominally the Courts of the Nabob.

That, in the year 1772, the said late President and Council did, by their own authority, appoint Manee Begum, relict of the late Nabob Meer Jaffier, to be guardian of the present Nabob; and Raja Goordafs, son of Maha Raja Nundocomar, to be Dewan of the Nabob's household; and by their own authority appointed salaries to the said Manee Begum and the said Raja Goordafs. And the said Deponent further saith, That, in consequence of orders from the Court of Directors signified, he is informed, in their Letter of the 10th of April 1771, the annual stipend of about 3,200,000 rupees, agreed to be paid to former Nabobs, and to the present Mubarick ul Dowla, was reduced to 1,600,000 rupees *per annum*.

The said Deponent further saith, That, during his residence in India, he has never understood that a person residing under the denomination of Vakeel, was a Public Minister, entitled to the rights of Ambassadors; but conceived such a person to be liable to the local jurisdiction of the Courts Civil and Criminal where he resided.

(Signed)

GEORGE VANSITTART.

Sworn before me, the 27th
day of June, 1775.

S. C. LEMAISTRE.

Two other affidavits were read, one made by Mr. Hurst and the other by Mr. Lane (both Members of the late Council) in exactly the same words as that of Mr. Vansittart.

Mr. Farrer. There has not been the least attempt to prove that the right of these Provinces is not in the Nabob Mubarick ul Dowlah; his being divested of the power is no argument against his possessing the right of

Sovereignty: I therefore hope, that he will meet with full protection from this Court, and that his Vakeel Rada Churn will be allowed the right of an Ambassador.

Chief Justice. You are hard pressed, to make use of that argument: the Company will not thank you for stating the right to be in Mubarick; for, if it is, the exercise of the power must be an usurpation in the India Company; but I do not take it to be so, for the Treaty which you have produced is a surrender by him of all power into the hands of the Company.

In the decision of this question, it will not be necessary to enter into the common-place learning concerning the rights of Ambassadors, nor in what manner they have been sanctified, not only by the most polished, but even the most barbarous nations. All nations, who have had intercourse with others, have held their characters sacred; the rights of Ambassadors, as far as they relate to the question before us, *jus revocandi domum*, are clearly established by all the Writers on the subject; nor will it be necessary to decide, whether the East India Company have or have not a right to receive Public Ministers, upon whom all the rights of Ambassadors will attach: they are authorized to make treaties, war, and peace, with the Country Powers in India. It is most certainly necessary, that they should receive Agents from those Powers, for the transaction of their public business: I do not absolutely say, that it is a consequence, that those Agents should be put in the situation of Foreign Ministers at European Courts; nor would I by any means be understood to put a negative upon it: it is not necessary in this case, and perhaps no case may ever arise wherein it may be necessary, to determine it. I give no opinion about it; and I desire that may be clearly understood: therefore, however this case may be determined, the dignity, honor, and powers, of the Government of this Settlement are safe: they are not affected by it: the Court will always support them, when they are fairly, openly, and legally exercised. There is enough and enough to determine

determine this claim, without entering into that question.

But, though the rights themselves are clearly established, it will be proper to consider the true and substantial reason that has induced that common consent of nations, which is called the *Jus Gentium*, and gives sanction to them. One reason, and a common one assigned, is, that they represent the person of their Prince, and carry his Majesty about them; and therefore their persons must be sacred: this is rather a captivating and dazzling than a substantial reason; it is a fiction. No nation was more civilized than the Romans; no nation (with very few exceptions) was more attentive to the privileges of Ambassadors; yet mere sacredness of person did not, among them, protect from justice: the Vestal Virgins, the Tribunes of the people, the High Priests, the *Pontifices maximi* (unless actually officiating), and all others, who had nothing to protect them but the sanctity of their persons, were subject to the Courts of Justice: I do not recollect any claim made simply on that ground, but the exemption claimed by the Popes for the Romish Clergy, *persona enim quantumvis sancta sola in jus vocatione non violatur*. There is another fiction, that Ambassadors are not considered as within the territory of the Prince to which they are sent; this and what I before mentioned are not properly reasons, but fictions, formed to satisfy the reasonings on the Municipal Laws of the countries to which the Ambassadors are sent: the true and substantial reason is derived from the necessity of protecting persons sent on material business, in which the Public is concerned; it is, *ne ab officio suscepto legationis avocentur, ne impediatur legatio, ne prohibeantur publico munere fungi*; the main great business, which chiefly operates to give this right, is, that of making Treaties, more especially such as concern War and Peace, *quia pacis et fœderum sunt nuntii et proxenetae, et sine his gentium societas et amica quies salva esse nequit*. Among Powers capable of making real Treaties, and making War and Peace, it is absolutely necessary that there should be intermediate Agents, whose persons should be protected even from

the Laws, lest the Laws should be made the instrument of defeating Negotiations, which might be of the utmost consequence to the State; otherwise Nations must live in eternal War, or in insidious Peace; for, if there were not persons, harbingers of Peace, who could with safety come to the opposite party to propose Peace, and the terms on which it should be held inviolable, though the contending Powers were each peaceably inclined, the horrors of War must continue; and, when they were tired out, an insecure Armistice would take place, to last no longer than till one of the parties had recovered strength and spirits sufficient to renew hostilities. It is from the real business between Nation and Nation, not from any representation of supposed Majesty, that their rights are substantially founded. Is Mubarick ul Dowlah, or was he ever, a Prince in a situation of transacting any public business of consequence with this Settlement? Is he, from the evidence before us, capable of making War and Peace with this Settlement? If not, though there may remain in him a shadow of Majesty, I think, no sanctity of person can be derived to his Vakeel, which will be sufficient to give him the rights of an Ambassador: for this reason I threw out, when this was before mentioned, what I thought would be necessary for the Governor General and Council to make out, before they could support this claim: I did it, that, if they could not make it out, they might have an opportunity of relinquishing a claim, which I was fully aware must embarrass them; they have chosen to persist in it, and to force the Court to a determination on a question, which their Counsel states to be Political; and that to protect a man, charged (whether properly or no, will appear when the Indictment is tried) with a conspiracy against the first man in this Settlement, the Governor General. Whatever my opinion may be, the Gentlemen of the Council must have been clearly convinced of the justness and indispensability of the claim; or, in such a case, I am sure, they would not have made it.

We had said, it would be necessary that the Governor General and Council should verify,

verify, by affidavit, that Mubarick ul Dowla was a Sovereign Prince, in a situation to make War and Peace with this Settlement: that he was *sui juris*; that he appointed his own Ministers; that he performs all acts of Sovereignty independently, and without the controul of this Government; that he is in all negotiations treated as a Prince *sui juris*: that a Vakeel is a Public Minister, having the *jus revocandi domum*: that the Governor General and Council have always treated Roy Rada Churn as invested with the rights which they claim for him, and that they do not consider him subject to the order and controul of this Government: no such affidavit has been made; I should have been much surprized if there had; but the reason given for want of the affidavits is not the true one; namely, That the facts would not bear them out: the reason given by their Counsel is, That the Governor General and Council could not make the affidavits required, because they are a Corporation.

I cannot imagine from what confusion of ideas this notion has sprung; in fact, they are no Corporation; if they were, could it enter into the mind of any man, that it was sufficient for a Corporation merely to make a claim, without supporting it by proof? to bring a claim on paper into Court, and leave it to establish itself without evidence? Though a body corporate, *quà* corporate, cannot make an affidavit, each individual that composes it can: in fact, the Governor General has: the individuals, if the facts would have borne them out, might, and I have no doubt would, have made the affidavits, especially as the Court had informed them, if they did not, the negative of the question put would be taken *pro confesso*. They have not even sworn, or given any evidence, that they themselves do now, or ever have treated Roy Rada Churn as a person invested with the rights they claim for him from us, nor that they do not consider him subject to the order and controul of this Government: is he then to be treated as a Public Minister, merely to elude justice, and in no other respect to be so treated? I have little doubt but that this man was originally

appointed by the influence of the late Administration; and am not surprized that those who form the Government of this Presidency, which undoubtedly exercises authority over the Master, cannot swear that they do not think the Servant liable to the controul of the Government of this Presidency.

What has been produced in support of this claim? A paper, which is called, A Treaty with Mubarick a Sunnud of Meer Jaffier Ally Kaun, the Affidavit of Roy Rada Churn, and two Letters to the Governor General, which are called the Credentials.

The Treaty indeed, by its first Article, nominally guarantees to him the possession of Bengal, Bahar, and Orissa; but, by the other Articles, all power whatsoever is taken from him, nothing is left him but an empty title, and 3,181,991 rupees annually; even that sum is appropriated, all but 16 lack, to his household; and it is expressly stipulated, that the remaining 16 lack should be expended, by the officer named in the Treaty, in maintaining the Peons, &c. of his Swarry. He is thereby obliged to keep up the ensigns of power, and maintain the outside pomp of a Prince, by the very instrument, which is an actual surrender of his Sovereignty, if he was, which is not in proof, ever possessed of it.

It was stated, by the Counsel at the Bar, to induce the Court to believe that the military power, that substantial evidence of Royalty, was in his hands, that he kept an army on foot: what does it turn out to be? a mere Swarry, to keep up ostensible pomp, and make him appear what he is not. It is a miserable attempt to impose on the Court. As to the Sunnud of Meer Jaffier, that is produced, to shew that Mubarick has a right to a mint, another mark of Sovereignty: does it prove it? It proves that the East India Company had exercised the right of coining money; and what they possessed before, is confirmed to them by the grant of Jaffier. By what authority the East India Company claimed it before this grant, does not appear; it does appear they exercised it: but though Meer Jaffier might be a Sovereign, how is Mubarick connected with him? no title has been attempted

attempted to be derived, nor any succession proved, from Jaffier to Mubarick. Is there any proof that Mubarick ever coined money in his own name? He certainly did not. All this is mere color, and so faint that I can hardly induce myself to think that the Gentlemen who made the application do themselves believe what they are desirous the Court should believe. The Credentials, as they are called, instead of supporting the claim, prove expressly that Roy Rada Churn was not Vakeel to Mubarick, either at the time the offence charged in the Indictment was committed, or at the time that the matter was inquired into, and Roy Rada Churn bound over by the Judges to appear at the present Sessions. He was appointed two years ago; on the 22d May 1775, the last Letter was read by the Governor from Mubarick ul Dowlah, informing him, that Roy Rada Churn had been a very idle person, and that he considered his having a Vakeel as a useless expence, and therefore he had dismissed him from the first of Suffer, which corresponds with the second of April. The fact complained of, and the binding over, was all in April. He is reinstated the 30th of May. The grounds on which he was discharged are worthy observation; I cannot help feeling for Mubarick, who, by that Letter, seems to feel his own situation; he thinks the having a Vakeel, or, as he is affected to be called, a Public Minister, was needless, and the expence unprofitable. So it was: had he any affairs of consequence to negotiate here? could he make War or Peace? Why was Rada Churn dismissed? Because he was an idle person, and because he was chargeable to the Nabob; he is discharged for a good cause. Is any reason given why he was restored? Had he become less idle? Had Mubarick more business to transact? The saving his salary could not be great during his short dismissal; was the Nabob grown richer? Why then was he restored? The true reason is too obvious. Roy Rada Churn had got into a disagreeable scrape. Mubarick was desirous of protecting him from it. Though the idea of protecting in this manner is by no means

Asiatic; I will not suppose that any influence other than the personal interest of Roy Rada Churn was exerted over the Nabob on this occasion.

We next come to Roy Rada Churn's affidavit. I think the person that drew that affidavit, and suffered him to swear to it, is most highly to be censured. What is he made to swear? That he now is, and for two years and upwards last past has been, resident in Calcutta, as the Public Minister, or Vakeel, of Mubarick, except for about the space of ten days in May last, and in no other character; and that he has been charged with conducting and transacting his affairs, with the East India Company and others, at this Presidency. That there is not any other Public Minister, or Vakeel, of the Nabob Mubarick resident in Calcutta, as he verily believes. This last is, I have no doubt, perfectly true, and he might, I dare say, have safely added, nor any other place whatsoever. The Letters to the Governor General are not credentially for transacting business with the East India Company and others; but what I chiefly blame is, the suffering him to swear, what is not true, that he resided as a Public Minister, or Vakeel, when he was not Vakeel. It is said he did not know till these Letters were shewn him that he had been dismissed; why then did he make an exception to ten days in May? He must have known it when he swore the affidavit; if he did not, the affidavit might have been amended; if it was not amended, at least it should have been explained to the Court when the affidavit was read. I called upon the Counsel, when the Letter was read, to acquaint the Court, whether the facts charged on Roy Rada Churn, and the inquiry into them, was during the time of his dismissal; but could receive no answer. He that drew the affidavit must have known it. He swears, he was in the character of Vakeel for two years last past, except ten days in May. If that had been true, he would have continued Vakeel till after the time he was bound over. He thought, or rather those who drew the affidavit thought, the time material. It is plain
this

this could not be accident. He is either made to swear what is not true, or to prevaricate most abominably.

But there is another circumstance in which the drawer of the affidavit is most highly culpable. He is made to swear to what he could not understand, the term Public Minister; it conveys ideas that are hardly to be explained to the Natives of this Country: and for what purpose? Could it be expected that the Court would only attend to the sound of words? Could it be thought he was nearer proving himself a Public Minister on whom the right of Ambassadors would attach, by using these words, than if he had simply sworn himself Vakeel? There is no affidavit of the place of residence of Roy Rada Churn before his first appointment. But it turns out from this affidavit, that he was resident here before his last appointment, and therefore subject to the English laws. If so, he is answerable here; for an Ambassador, any more than another person, is not to commit crimes with impunity. He will be subject to that Tribunal to which he was subject before he was invested with his Public Character. If he was a subject of the Prince who sent him, he will be subject to his Courts of Law; if he was answerable to the Courts of Law of another Prince, he must be called upon in that Prince's Courts; if he was before subject to the State in which he was employed, which is the present case, he will still be amenable to the Courts. For if before the Embassy he was not subject to the Prince in whose employ he is, the sole act of making him Ambassador will not make him liable to his Courts; except, perhaps, in matters which relate to his Embassy. There are differences of opinions on this subject, as I stated the other day; but I take the reason and weight of authorities to be on this side. I then stated why Wicquefort was a strenuous opposer of this doctrine. Bynkershoeck is firm in this opinion.

Thus it stands on the evidence in support of the claim. It is mere colourable evidence; but when the affidavits on the other side are read, that colour immediately vanishes.

The Governor General swears, that the late Administration, by their own authority, appointed Monur Begum to be Guardian to the Nabob, and Rajah Gondafs Dewan of his household, allowing each of them large salaries: That the same Administration planned and constructed Criminal and Civil Courts by their own authority, without consulting the Nabob, or requiring his concurrence; the Civil were made dependent on the Presidency solely; and the Criminal, though held in the name of the Nabob, are, in fact, under the controul and inspection of the Servants of the East India Company: That the management of the revenue (the sinews of war) are intirely in the hand of the East India Company and their Representatives, without the smallest participation of the Nabob: That, in consequence of orders from the Court of Directors, the annual stipend, which was allowed him, was reduced from 3,181,991 rupees, to 1,600,000, rupees.

By what authority did they appoint a Guardian? The Company had no natural connection by blood with Mubarick. By what authority did they appoint the Dewan of his Household, and allow them large salaries? It could only be done in their Political Capacity, by that authority which they exercised over him. If the Treaty given in evidence was in the nature of a real Treaty with a Sovereign Prince, where there were mutual agreements and considerations, how came this *Stipend*, for so it is called, (a word hardly applicable to an independent Sovereign Prince) to be reduced to 1,600,000, rupees? By what authority did they erect the Courts of Law, and exercise the Administration of Justice, without any communication with him? Had he himself any idea he was a Sovereign? Does he complain of the reduction of his Stipend, or the infringement of Treaties? No: He considers himself, what he really is, absolutely dependent on the Company, and was willing to accept any pittance they would allow him for his maintenance. He claims no right. Does he complain that the Administration of Justice is taken into the hands of the Company? No: By the Treaty, the pro-

protection of his Subjects is delivered up to the Company; and he well knew, whoever is held up as the ostensible Prince, the Administration of Justice must be in the hands of those who have power to enforce it.

The Governor General, who I suppose had a delicacy to state more than what has been before made public, closes his affidavit with saying, all that he has deposed to he believes to be publickly known, as it is particularly set forth in the Reports of the Committee of the House of Commons. I knew it was there, and therefore was surprized at this application. It is so notorious that every body in the Settlement must have known it; when I say every body, I mean with an exception to the Gentlemen who apply to the Court. The only reason I can give for their applying is, the little time they have been in the Country, and the want of knowledge of former transactions of Government, and the customs and manners of the people. I wished the Governor General had pointed out the passage to them; for, if he had, it ought, and I have therefore no doubt would, have prevented this application.

The Governor General's affidavit proves the revenues, their collection, the whole administration of Justice, both Civil and Criminal, and even in appointing the Officers of his household, to be in the Company. Mr. Lane, Mr. Hurst, and Mr. Vanfittart, all Members of the late Council depose, that the Military is so likewise. They swear that the whole Military Power of the Province is, and has been for several years, intirely under the controul of the Company and their Representatives. They swear that he performs no acts of Sovereignty independent of and without the consent of the Representatives of the East India Company. Nothing therefore is left to Mubarick but an empty title. This has been said to be a political question, and that the determination of it against the right of the Vakeel might be productive of quarrels with foreign Nations, especially the French. I think it can have no such effect, for whether the Territorial Acquisitions belong to the Crown or the Company, if either of them

have a right to execute Sovereignty here, and chuse so far to postpone their own dignity, as to set up another person, through whom, and in whose name, they will exercise the power, I don't know that any Foreign State has any right to complain, nor do I think this determination can affect the legality of the Courts established in this Province. All that is determined in this case is, that Mubarick ul Dowlah, who has surrendered his power intirely into the hands of the English Company, cannot himself, nor can the East India Company in his name, protect delinquents, subject to the jurisdiction of this Court, from being punished by the Laws of Great Britain; that the Agents of the East India Company cannot, by making him the instrument, do indirectly what they would not do directly. It cannot be a political question of a serious nature in the opinion of the Gentlemen making the claim; had it been so, they would not have pressed a decision on it in this very unfavourable case. It is no right claimed by the Nabob; both he and his Vakeel, as the Vakeel as to himself candidly confessed in his memorial, were wholly ignorant of the rights and privileges to which he was intitled by the Laws of Great Britain, as an Ambassador, or Public Minister: If any material consequences follow from it, the Gentlemen should have been backward in forcing us to a decision; for we must give such an opinion, whatever may be the consequences, as we think founded in Law. They were to judge of the Politics. They have thought it right to have it determined. The evidence is before us; we cannot determine contrary to it. We must judge by Laws, not by Politics. Perhaps this question might have been determined merely on the dates of the Letters to the Governor General; but as the Counsel have made the other a serious question, I should not have thought that I had done my duty if I had not given a full and determinate opinion upon it. I should have been sorry if I had left it doubtful, whether the empty name of a Nabob could be thrust between a delinquent and the laws, so as effectually to protect him from the hands

of Justice. Had this been allowed, I don't know how far it might have been carried; the rights claimed extend not only to the Ambassador, but his family and servants. It is proper that the Public should be relieved from the anxiety they must necessarily be under from such a doubt. It is proper Mubarick should be informed of our opinion, that he may not make the same attempt in future.

The Rights of Ambassadors, as we have been treating of them, are founded on *jus gentium* in Europe; it is by no means clear that precisely the same ideas rule in this great peninsula of Hindostan, where the laws, customs, and manners of the Nations, that inhabit it, are as dissonant from those of the Nations in Europe as the country is far removed from it. We know by history that the character of an Ambassador of a certain rank is held sacred here, or perhaps more so than in any part of Europe, but does it follow, though in Europe the rights of Ambassadors are given to all Public Ministers of whatsoever denomination, that it is so in this Country? Has there been any proof of it? There is to the contrary. Mr. Hurst, Mr. Lane, and Mr. Vansittart, who has resided long in this Country, swear, they never understood that a person residing under the denomination of a Vakeel was a Public Minister, intitled to the rights of an Ambassador; but that they conceive such a person liable to the local Jurisdiction of the Courts Civil and Criminal where he resides. What is there to oppose this? In Europe there was a time that these were at some Courts denied to Agents and Residents. As I have been informed that one of the Gentlemen of the Council has served in the character of a Public Minister, I will not suppose him not acquainted with the Law of Nations on the subject.

I do not go so far as to say that Mubarick ul Dowlah might not have a Public Minister here; but I think the Minister, in the highest character which he could send him, cannot have any pretensions to the full rights of an Ambassador sent from a Sovereign independent Prince. The highest light such Mini-

ster could be received in would be (which is carrying it a great way) that of the Provincial or Municipal Ambassadors sent to Rome in the time of the Roman Empire. They were considered rather as Mandatarii or Procuratores, and were amenable to the Courts at Rome for offences committed during their Embassy. This Country does appear to me in some measure in the nature of a Province. I would observe, what has been before observed by several Authors, that the distinction of Ambassadors from Foreign Princes and those Ministers who were sent from the Provinces and Towns subject to the Empire, clears up that which otherwise in the Roman Law seems contrary to the *jus gentium*, as now understood, concerning the rights of Ambassadors; whatever is said derogatory to those rights is where they are treating of Provincial Municipal Ministers. Of the rights of those of Foreign Powers no Nation entertained, in general, an higher reverence, or acted with greater delicacy. In the infancy of Rome, when the Ambassadors of Tarquin conspired with some of the Roman citizens to restore him, Livy says, l. ii. c. 24. *Proditoribus extemplo in vincula conjunctis de legatis paululum addubitatum est, et quanquam viri sunt commississe at hostium loco essent, jus tamen Gentium valuit.* They acted exactly conformably to the present idea of the Law of Nations.

I am glad I am reminded of the application for punishment; it would not have escaped me, I was on the point of coming to it: it was demanded in the Memorial, in the Letter from Council, and is again repeated from the Counsel at the Bar. That is indeed treating this affair with a very high hand. In my opinion, the application is indecent and unjust. Who are the persons to be punished? The prosecutor and those who served the process. Who is the prosecutor? The Governor General, the first Magistrate in this Settlement. The very persons who apply to have him punished very well know no punishment can be inflicted upon him by the Court. The calling for it is indecent to the highest degree. A punishment can only be

be inflicted for a crime; it must be known both to the Counsel and his Clients, that, except of treason and felony, the Governor General and Council are exempt from the Criminal Justice of this Court. Those who served the process did it by express command of all the Judges: is it decent to apply to have them punished? Is it not like taking out a process in a Civil suit, which is the voluntary act of the party, under no coercion of any order from a Magistrate? Is it just that any one should be punished on this account? The Vakeel says, he was ignorant of the rights now claimed for him when he was bound over. He had no apprehension that he had such rights: could it be supposed that those, who served the summons, and acted under the order of the Judges, could be apprized of those rights that Roy Rada Churn himself was ignorant of? On what idea of justice then, can a demand be made to punish innocent men, acting expressly under the order of all the Judges, for violating rights which they never heard of, and which in fact do not exist? But, was it a case for punishment, I should be of opinion, that a punishment should be devised similar to that inflicted at Naples on one of the principal officers of an Ambassador from an Italian Prince; it was the Pope's Nuncio. His Reverence had been found, by the officers of the Police, in a Public Brothel; they hurried him away to the Magistrates; who declared, that the sanctity of his character exempted him from their jurisdiction: the Reverend Father complained to his Reverend Excellence, who complained to the Viceroy. The Viceroy was incensed at the indignity which had been put on so high an officer of the Nuncio; and resolved to punish it with all the severity due to so gross an outrage on the Law of Nations. He condemned the officers of the Police to this infamous punishment; that they should be carried through all the markets, streets, and public places in the city, with this scandalous label on their backs; These men are exposed to shame, because they would not suffer the Reverend Father, First Minister and Confident of his Reverend Excellence, the Nuncio of our Holy Father the

Pope, to indulge himself in the innocent recreation of the stews.

The more I consider it, the more I am scandalized at the affidavit made by Roy Rada Churn; I do not so much blame him as the drawer: it is scandalous, it is flagitious, to let him swear to his being a Public Minister, an idea which is almost impossible to be explained to him; to make him swear to what is not true, as it turns out, that he was a Public Minister, or Vakeel, for upwards of two years, with the exception only of ten days; those who made that exception for him must have known he was without that character for a longer time. If I again see an affidavit of this nature, sworn by a native, we will inquire who drew the affidavit, and the Court will animadvert most severely upon him: it is not to be endured, that the consciences of the natives, swearing in a Foreign language, should be thus ensnared.

I consider this to be an attempt of Mubarick (for I desire it to be understood clearly that I do not suppose any influence exerted over him in this case), to see how far the Court would suffer him to interpose himself between Criminals and Justice; an attempt the more bold, as the party, intended to be screened, was actually under prosecution before the writing the pretended Letters of Credence.

Mr. Justice *Chambers*. I agree with my Lord Chief Justice in opinion, that Roy Rada Churn is not entitled to exemption from this prosecution, and that the Indictment ought not to be quashed; though, in delivering the reasons of my opinion, I may not, perhaps, expressly and entirely assent to all the positions from which his Lordship has deduced that conclusion.

In considering this subject, I shall nearly follow the method observed by the Advocate who made this motion on the part of the India Company; and shall shortly examine, 1st, The right of the India Company to receive Ambassadors; 2dly, The privileges of Ambassadors so received; and, 3dly, Whether, in fact, Roy Rada Churn is now, and was at the time when the offence was committed,

mitted, actually invested with the character of an Ambassador, by having been duly appointed and duly received.

That the East India Company has, in India, a right to make War and Peace, will not, I believe, be denied; and I agree with my Lord Chief Justice, that the right of making War and Peace is the chief ground of sending and receiving Ambassadors. That Law, by which the person of an Ambassador is secured from violation, is universally allowed, because universal reason has demonstrated, that of War there could be no end, unless some man might safely propound the terms of Peace; and that a cessation of hostilities, produced by mere lassitude, could not long continue, unless an Ambassador might safely offer conditions for its continuance. The power, therefore, of receiving Ambassadors, does not appear to me to be such an incident to the right of making War and Peace, as may or may not accompany its subject: it seems rather to be an essential property, without which the subject cannot exist. Without such power, it would not be a right of making War and Peace, but a right of making War without possibility of end; a right, which every sound moralist will allow, that man can neither possess nor confer.

Many instances might be given of Viceroys and Generals, who, by virtue of a delegated power to make War, have sent and received Ambassadors. In the present case, as the power of making War, delegated by the Crown to the East India Company, is comprized to the East Indies, their reception of Ambassadors must, I conceive, have the same limits; and an Ambassador to the East India Company may be received in this Settlement by the Company's Representatives the Governor and Council.

2. The privileges and exemptions of Ambassadors so received must, I conceive, be the same, which they might lawfully claim if they had been received in England by the King Himself. The East India Company can neither wage War, nor receive an Ambassador, by any intrinsic authority of its own; it does both by the authority of the King of

Great Britain, and under sanction of his Sovereignty. The Minister, whose public character is acknowledged by virtue of this delegated power, may be considered as acknowledged by the King Himself, and may therefore expect from the King's Court the immunities due to that character.

I have already said, that the first great immunity of an Ambassador, the security of his life, depends on natural law universally observed; and it may not be improper to add, that it is observed by Mahometan Princes, even towards Christian enemies, not merely by imitation, but as a religious and moral duty, *quæ sine peccato committi nequeunt*, I say this on the credit of Relandus, in his Treatise, *de jure militari Mohammedanorum contra Christianos bellum gerentium*; but I mention it rather as matter of curiosity, than of importance to the question before us; because he says nothing of other privileges that pass beyond personal security; and also, because I take it to be clear, that in England the Ambassador of the most inconsiderable Mahometan State is entitled to the same exemption from Civil and Criminal Jurisdiction, which is allowed to the Minister of the most powerful Prince in Christendom.

3. It is of more importance, in the present case, to enquire what the facts are on which Roy Rada Churn founds his claim to be exempt from prosecution. He states himself "to have been for above two years ^{امیر} Vakeel, or Publick Minister, of Mubarick ul Dowlah, Nabob of Bengal, &c. and charged with the conducting and transacting his affairs and concerns with the Honourable East India Company and others, at the Presidency of Fort William." This is by no means a clear and sufficient description of an Ambassador; and it is certain, that our ideas of an Ambassador are not necessarily comprized in the term Vakeel, which generally means no more than Agent, and is frequently applied to very low people, employed by private men in the management of their affairs. It is true, that if he be really a Public Messenger sent by a Sovereign, with authority to represent his Person to a Foreign Power, he must be intitled

to the legal privileges and exemptions of an Ambassador, by whatsoever title or denomination he is distinguished. But know that the term *Elchey* is as much appropriated to the office among the Mahometans, as Ambassador is in Europe; and it has not been proved, that a Public Minister, either of the first or second order, is ever called a Vakeel: Neither, if proved, would it in any degree avail Roy Rada Churn, who appears, on examination, not to have been in fact employed by Mubarick ul Dowlah, either at the time when the offence with which he is charged is sworn to have been committed, or at the time when the enquiry into it was set on foot. The Nabob says, in one of his Letters now given in evidence, that he had dismissed Roy Rada Churn from the first of Suffer, that is, from the second of April last; and the subsequent Letter replacing him was not received by the Governor General or Council till the 30th of May; during which interval both these events happened: this, in my opinion, entirely puts an end to his claim of exemption; for surely no one will say, that his second appointment as Vakeel ought to put a stop to a prosecution already commenced, for an offence committed while he resided here as a private man.

In the last century, Wicquefort, a native of Amsterdam, who had an employment with a salary under the States General, was appointed by the Duke of Lunenbourg to be his Resident at the Hague: while he remained there in that capacity, he was tried by the Court of Holland, for revealing, by letter, some secrets of the Republick, which it was his duty to have concealed, and was condemned to perpetual imprisonment and forfeiture of goods. Of this treatment, as of a violation of the Law of Nations, he complains in a Work which he published soon after. While those, who defended the decision of the Dutch Court of Justice, insisted, that if a native, or settled inhabitant of any country, is appointed by a Foreign Prince to be his Ambassador in that country, he continues subject to the same jurisdiction as before; this has been, among the Writers of Natural Law, a disputed question

ever since; and, to avoid the necessity of determining it for the future, both the States of Holland and the French Court have resolved, that they will not hereafter receive a subject of their own as an Ambassador. But had Wicquefort's offence been committed, and the prosecution against him been commenced, before the Duke of Lunenbourg made him his Minister, I believe no one would have dreamed that this new character could stop the course of justice, and exempt him from punishment.

Being, for this reason, clearly of opinion, that the Indictment against Roy Rada Churn ought not to be quashed: I think it unnecessary to determine, whether the Nabob Mubarick ul Dowlah is a Sovereign independent Prince, who can give to his messenger the privileges and immunities of an Ambassador. Were there no objection to his Sovereignty and independence but his nominal subordination to the Mogul, I should not perhaps hesitate to say, that if he and his ancestors, Subahdars of Bengal, have exercised the power of making Peace and War, they have as good a right to receive Ambassadors as the Princes and Free Towns in Germany, which owe a nominal obedience to the Emperor and Laws of the Empire; but the difficulty which I feel is greater in itself, and more perplexing on account of its consequences: on the one hand, it appears by a very solemn Treaty, very lately executed, the English India Company have guaranteed to the Nabob the possession of the three Provinces of Bengal, Bahar, and Orissa, with the Title of Subahdar: on the other hand, it is manifest, partly from the depositions of the Governor General and other Gentlemen, that he has no military force, no revenue except a pension from the Company, and no share in the distribution of Justice throughout the Country, except a nominal superintendance over the Criminal Courts.

In this state of things (the cause before me not calling for such determination) I should not think myself obliged, whatever might be my private opinion, unnecessarily to decide, that the King my Master is not Sovereign of these Provinces; and to decide that he is, I would

would wish likewise to avoid, because the Parliament seems cautiously to have avoided it, by founding the jurisdiction of this Court, over those who do not reside in Calcutta or the inferior Factories, on personal not on local subjection; and because such a decision might engage us in quarrels with the French and other European nations who have possessions in Bengal.

Mr. Justice *Lemaistre*. I desire to testify my acquiescence to every part of my Lord Chief Justice's learned and ingenious argument; and desire to be understood as giving no precise opinion as to the question, whether or no the East India Company can or cannot send and receive Ambassadors, or Public Ministers, upon whom the rights of Ambassadors or Public Ministers (as acknowledged in Europe) will attach.

Though I am very far from acceding to my Brother Chambers's opinion, that such right actually does exist in the East India Company, as a necessary incident to that limited right of making Peace and War, which they have, from his Majesty's Charter, for the protection of their Settlements; I think it a question of great consequence, which will admit of a considerable degree of doubt, and ought not to be determined without argument, and upon mature deliberation.

Every definition of an Ambassador, or Public Minister, that I have met with in the book, is a person sent from one Sovereign to another, with authority, by Letters of Credence, to treat upon affairs of State. I cannot admit any right of Sovereignty in the East India Company: in every Charter granted to them by the Crown, there is an express reservation of Sovereignty to the King of Great Britain, His Heirs and Successors; and I am inclined to think, by some of the late Charters granted to the East India Company, that their rights under former Charters have been very strictly construed, and that no more *jura regalia* have been allowed them, beyond what expressly appears upon the face of such grant.

When the East India Company had taken plunder, it was doubted if that plunder could be vested in them, without the King's Grant.

A Charter was therefore applied for, and granted for that purpose.

When they were inclineable to conclude a Treaty of Peace, they had considerable doubts how far they could give up any forts or places, the Sovereignty of which was vested in the Crown. Application was made for a Charter to this purpose; which they likewise obtained.

Surely the having the property in plunder, and the right of surrendering forts and places taken by their forces, are as necessary incidents to a right of making Peace and War, as the receiving Ambassadors; and if the King's Law Officers doubted as to these points, and did not consider them as incidental to the power granted by former Charters, I think the present matter full as doubtful and deserving of consideration.

With regard to this phantom, this man of straw, Mubarick ul Dowlah; it is an insult to the understanding of the Court, to have made the question of his Sovereignty.

But it came from the Governor General and Council: I have too much respect for that Body, to treat it ludicrously; and I confess I consider it seriously.

Mr. Justice *Hyde*. I am very happy to find I agree in opinion with my three Brethren, that Roy Rada Churn is not intitled to the privilege claimed for him by the Governor General and Council, not claimed by him.

My Brother Chambers seems to differ, but does not really differ, from my Lord Chief Justice; for no opinion was declared by his Lordship on the right of the Company to receive Ambassadors.

My Brother Chambers has declared his opinion, that the Company have such a right. I desire to be understood to give no opinion on the subject, whether they can or cannot receive Ambassadors, who will be entitled to all the privileges annexed to that character. It is unnecessary to decide the question in this case, because the situation of the person sending is sufficient for the decision: but whenever it does arise, it will be a question of great consequence, and will deserve much consideration; the safety of this town may depend on it:

it: If it shall be understood that Public Ministers, with the vast retinue which the custom of this country requires to attend them, are exempt from any legal restraint, it may be attended with great inconvenience; even the possession of the town may be hazarded.

The substantial reason for the privileges of Ambassadors is, that persons may with safety come to treat of Peace or War; but it does not appear to me necessary for that purpose, that they should be exempt from all legal restraint. When the question comes before us, it may be necessary to be informed, and to consider, what rights are understood in this country, in Hindostan, to be conferr'd on Ambassadors; and whether the customs of this country do not make a distinction in the degree of the person sent, giving to one styled Elchee, privileges which are not given to a Vakeel.

By the Treaty which has been read, it appears, Mubarick ul Dowlah deprives himself of the great ensigns of Sovereignty, the right to protect his own subjects: he declares that shall be done by the Company.

The Act of Parliament does not consider him as a Sovereign Prince; the jurisdiction of this Court extends over all his dominions, to such persons who are servants of the Company or of any British subject, and to every one of his subjects who chooses to submit himself to our jurisdiction and exempt himself from that of his Courts, by making a controul above 500 rupees in value, and declaring any dispute on it shall be determined in this Court only; so that, if we allowed this claim, his Vakeel would be the only person in his dominions, to whom he could extend the arm of protection.

Roy Rada Churn has not produced his instructions, which ought to have been done, to shew he came on public business, such as is the proper subject of treaty between Sovereign Powers; for what appears, if this were a proper place for it, his business as a Vakeel might be to buy horses.

On the whole, therefore, I am of opinion, the Defendant is not intitled to the privilege claimed for him, because I think the situa-

tion of the person sending him is not such as will enable him to confer the character of Ambassador.

JULY 6th, 1775.

Present all the Judges.

The Chief Justice communicated to the Court the following Letter, which he had received from the Governor General and Council, inclosing a copy of a Letter from the Nabob Mubarick ul Dowlah.

To the Hon. Sir ELIJAH IMPEY Knight,
ROBERT CHAMBERS,
STEPHEN CÆSAR LEMAISTRE, } Esqrs.
JOHN HYDE, }
Judges of the Supreme Court of Judicature.

Honourable Sirs,

We beg leave to transmit, for your information, the translation of a Letter, which we have just received from the Nabob Mubarick ul Dowlah; from which it will appear that he looks upon himself as Soubah of these Provinces, and Roy Rada Churn to be his Vakeel: we request that you will be pleased to inform us in what light we are to consider those declarations, which we understand have been made from the Bench, publickly denying the Sovereignty of the Nabob, that we may know how to act when any case occurs with respect to the signing of warrants for the execution of criminals; or what answer we must give to the Foreign Companies, and particularly the French Nation, who, the better to assert their claims of Independency, maintain with us the same argument which we understood has been used by Sir Elijah Impey, that there is no Double Government in this Country, and consequently that the proceedings of the Courts of Dewanny against their Subjects, who reside without those places which have been assigned to them by the Treaty of Paris, are direct attacks of the English Nation against that of France.

If it be true, that the Sovereignty of Mubarick ul Dowla be not admitted by the Supreme

preme Court, we are persuaded that the Chief Justice and the other His Majesty's Judges will see how important it is, not only to the tranquillity of this Country, but likewise to the preservation of the Peace which subsists between the King and the European Powers who are settled in this Country, that we should not be left in doubt as to the right to whom the Sovereignty belongs. The late Act of Parliament, as we understand, only subjects such of the Natives to the jurisdiction of the British Laws, as are, or were, employed in the service of the Company, or of British Subjects, at the time when the suit, action, or complaint, against them arose; from whence we are led to conclude, that though the King's Sovereignty were admitted to be extended over those who are so particularly described, yet it does not follow, according to our idea, that it includes the rest of the natives of Bengal, Bahar, and Orissa.

We are, Honourable Sirs,

Fort William,
3d July, 1775.

Your most obedient,
humble servants,

(Signed)

J. CLAVERING.
GEO. MONSON.
PH. FRANCIS.

The above Letter, being altered by the Clerk of the Crown into the form of a Petition, was filed.

Copy of a letter from Mubarick ul Dowlah, to the Governor General and Council.

Roy Rada Churn has for these three years been my servant, and is now in Calcutta, in the capacity of my Vakeel: I am now acquainted by him, that somebody has complained against him to the Court. As the said Roy is now actually employed in the affairs with which he is entrusted by me, and for these three years hath been in no other

service but mine; I beg leave to represent to you, that, if complaints against my Vakeel are to be admitted in the Court, it will reflect the greatest disgrace and indignity upon me. You Gentlemen, I hope, will not approve of such a proceeding; but speak in such terms to the Gentlemen of the Court, as will prevent my affairs being impeded or disgraced; in doing this, you will confer the greatest favour upon me.

A true copy from the translation.

WM. BRUENE,
Sub-secretary.

The Chief Justice delivered the sentiments of the Court, in the following words:

It is with the deepest concern we find the Council still persist, notwithstanding the frequent declarations and unanimous opinion of the Court (for it is a mistake if it is thought my Brother Chambers was of a different opinion) to address the Court by Letter.

We declared our apprehensions that it would, if the opinion of the Court and that of the Council should not agree, lead to altercations; the least ill consequence of which would be, the lowering both the Court and the Council in the eyes of the Public, and would be prejudicial to the affairs of the Company. We have done all in our power to avoid it; and, assailed as we have been both in and out of Court, we will not be provoked to depart from that sobriety of sentiment, which is peculiarly necessary for our stations.

I shall ever be for furnishing the East India Company with every right and every assistance, judicially or extra-judicially, which I think I legally may, be the application ever so improper, or the conduct of their servants so exceptionable.

We have asserted the impropriety of this mode of application; they give no attention to our representations, and pay no respect to our unanimous opinions. There is no Power here to decide between us; they still persist:

nothing but absolute outrage will provoke us to appeal to His Majesty, or their Honourable Employers: we will not encrease the embarrassment his Majesty's Ministers must labour under on account of India affairs, nor add to the distress of the East India Company: the proceedings will be sent to both: our conduct shall speak for itself, without a comment: in the mean time, we must steer between creating confusion and losing our dignity.

The Letter from the Council encloses one of a most extraordinary nature from the Nabob Mubarick: his situation is such, that there is no man, either in England or in India, will believe he would be induced to write such a Letter, was it not either dictated to him by the Agents of those who rule this Settlement, or unless he was perfectly convinced it would be agreeable to, and coincide with, their sentiments. We always have and always shall consider a Letter of business from that Nabob, the same as a Letter from the Governor General and Council.

He says in that Letter, that, if complaints against his Vakeel are to be admitted in the Court, it will reflect the greatest disgrace and indignity on him.

There never was such an idea entered into the head of an Indian Nabob with respect to his Vakeel. The Vakeel, in his Memorial, has no such idea; he claims only as a new right given to him by the laws of England, of which right he was wholly ignorant.

That is not all: I have an affidavit in my hand, made by Roy Rada Churn for a different purpose. He says, "I never heard of the word Public Minister: I understand Vakeel; but what is the meaning of Public Minister I know not; Vakeel is one thing, Elchee is another. I never before imagined I should have been exempted from punishment because I was a Vakeel. People every where respect the Vakeel of the Nabob. I never before heard, that if the Vakeel of the Nabob, or even if the King Himself, should commit a crime, he would be exempted from the punishment established for such a crime. Perhaps, if the Nabob or King was to write a Letter, the Vakeel might be forgiven,"

I will order a copy of this affidavit to be delivered, with the minutes of the Court, as it will give great light into this matter.

Can any one after this believe, that the Nabob himself really entertained the sentiments which he adopts in the Letter?

If this was the opinion of Roy Rada Churn, it would have been candid in the Counsel for the Company to have laid it before the Court.

But the close of the Letter is really alarming; it is addressed to the Governor General and Council: speaking of complaints being received in the Court; he says, "You, Gentlemen, I hope, will not approve of such a proceeding, but speak in such terms to the Gentlemen of the Court, as will prevent my affairs from being impeded or disgraced." Did the Nabob ever write in this style to the Governor and Council before? The Letter is transmitted to us after our opinions have been given. If it is the real opinion of the Nabob, that we can be spoke to in such terms as to influence our judgements, from whence did he learn it? We have a right to demand of the Council, that, in answer to that Letter, they do acquaint him, it is highly derogatory both to the honour of the Council and the Court, to entertain any idea that the Council would speak in the terms he desires; and if they did, that the opinion of this Court could be in the least influenced by them. We think it necessary, on this occasion to assert, if a contrary idea should any where prevail, that there doth not reside in the Governor General and Council any authority whatsoever, to correct or controul any acts of the Judges, either in or out of the Court, be those acts ever so erroneous: and that no supposed necessity whatsoever can authorize any check or controul over those acts. The law of necessity is the law of tyrants: if the Governor General and Council should assert such a right, as they make themselves judges of the necessity, they, and not the King's Justices, would administer the Law in this Country.

We could have hoped that the Governor General and Council, instead of transmitting this

this insulting Letter to the Court, desiring such illegal interposition, would have acquainted the Nabob how highly criminal it would be in them to comply with his solicitations.

I cannot help observing a small circumstance. I have, since the claim made by the Council for Roy Rada Churn, received two Letters from the Nabob directed to myself, and one original Letter from him, directed to the Governor General and Council, inclosed in a Letter from them to the Court. Though improper, we took no notice of that Letter. I had before received Letters from him; they had the usual alcob, the same that is given to the first in Council. The Letters to me since the dispute, to give him a higher air of consequence, make the alcob much inferior. The same artifice is made use of in that sent to the Governor General and Council. The alcob sent to the Governor General and Council is infinitely inferior to that formerly sent to the first in Council and myself. They best know whether at any other period they would have admitted a Letter from him with that alcob. They best know whether the Company in future is to be treated with the same inferiority.

This observation will not be so striking to those who are not conversant with the customs and ideas of the natives, and do not know how tenacious they are of that address.

If our opinions are carefully examined, we think no doubt can arise as to the question of signing warrants for the execution of criminals. But, lest they may have taken their idea of our judgement from loose notes and partial representations, the Judges have written their opinions, which were delivered on the late question, and will transmit them to the Governor General and Council, with the present opinion of the Court. Mr. Justice Chambers, having taken no notes of what he said, has delivered his opinion from his recollection and such notes as the Chief Justice was able to furnish him with. The opinion of the rest of the Court is, as near as may, in the very words they were delivered. But, lest any doubt after that should remain, and

to prevent any possible occasion of impeding or obstructing the justice of the Country, we explicitly declare, that there is nothing, in the opinion of the Judges, which ought to prevent the warrants being signed as usual by Naib Nazem, who is paid out of the Khalsa treasury. Nothing is decided by that judgement, but that neither the East India Company nor their Servants, both being subject to the Laws of Great Britain, can, by interposing the name of the Nabob, screen any Criminal from the justice of this Court.

We have expressly said, that our opinions did not affect the Country Courts established in this Province.

How far Mubarick is a Sovereign, with respect to the Company, in the opinion of these Gentlemen, is apparent, by putting the question, how *they* are to act with respect to the signing of warrants for the execution of Criminals. It is plain, we do not differ in opinion upon that question. Nobody, either in England or in India, will dispute to the Chief Justice the making use of arguments because they have been used by the French; nor can it be thought that arguments are weaker because they have occurred to others. What the Chief Justice said, was not simply his opinion; if it was not in every circumstance the opinion of the whole Court, it was that of the majority of the Bench had not he been there. But, in fact, neither the Chief Justice nor any of the Justices made use of the arguments attributed to them. They never asserted there was any Double Government in this Country. All that a negative is put upon is, the illegal exertion of the powers of a Double Government to defeat the King's Laws. They were very far from drawing the consequence imputed to them, namely, that the proceedings of the Courts of Dewanny, against the French who reside without those places that are assigned to them by the Treaty of Paris, are direct attacks of the English Nation against that of France. We never thought of the Treaty of Paris. We think the position itself, as stated by the French, not true; and are astonished to see it asserted as our opinion. We have affirmed the

the very contrary. We have frequently desired, to prevent partial and malicious representations, that the Company would employ a person able to take down the opinions of the Court correctly.

I can foresee no political consequences from our decision: but be it remembered with what reluctance we entered into the question. We flung out what it was necessary for the Council to maintain, and told them the consequences of not maintaining it. We did it to save the Honor of Government. We did it that they might not persist in a claim which we feared it would be impossible for them to support. They were judges of their own politics. They urged us to a decision we wished to avoid. We were obliged to judge, from the evidence before us, of the legality of the claim, not of the political consequences. If, which we do not believe, any ill consequences follow to the State, they who unnecessarily urged us to a decision, not we who are bound to decide according to Law, are answerable for them. Did they expect that we, who must administer justice according to our oaths, should, contrary to evidence, determine that, which, though within their own knowledge, they would not take upon themselves to swear to? We don't know a worse character than a political Judge; we don't know a more dangerous one. Can any one believe this strong struggle with the Court is simply to protect Roy Rada Churn? Is he *dignus vindice*? It is clearly to serve other purposes, which, for fear of prejudicing the ensuing trial, I will not mention. But the attempt is on mistaken principles. The Rulers of a State should be very reserved in bringing on political questions of real importance, except they are sure the Law on the subject is with them. They must not expect complaisance from Judges. We must execute stern Justice. Were Judges to look to political consequences, they must ever be dictated to by those that hold the powers of the State. It was necessary to determine that question in this case. Mr. Justice Chambers avoided it, and hinted something like what is advanced now by the Council; but the other Judges

could not rest their opinion simply on the dates of the Credentials. As Mr. Justice Chambers was of opinion that an Ambassador, a subject of the State in which he is employed, is not amenable to the Courts of Justice where he resides; Rada Churn, being a Vakeel, and so accepted by the East India Company (if that should give him the rights of an Ambassador), on those principles ought not to be amenable to this Court, though the offence was committed when he was not an Ambassador. The Chief Justice, though of a different opinion, advanced what he said on that head with a degree of diffidence; and only gave his opinion on which side the weight of authorities lay. The other Justices likewise thought the same.

As to the question put concerning the right of the Sovereignty of this Country; it seems to us as if it was meant to draw us into a dilemma; but we were never less embarrassed as to the state of Mubarick ul Dowlah; we have before declared, it is not altered by this decision. As to the question between the Crown and the Company, it is of a very delicate nature: both the Crown and the Company have been anxious to avoid bringing it to a decision: We therefore are much surprized that the Servants of the Company should press an extrajudicial opinion upon it; nor, if given, do we conceive it would operate upon their conduct. We should be much concerned if they brought a case before us which would make it necessary for us to determine it. We would avoid it if we could. If it became absolutely necessary, we would not retract from giving our opinion; but we would not give it until we had heard every thing that could be said on either side, nor until we had obtained all the lights and information that could be obtained on the subject. But we must decline precipitately and wantonly giving an extrajudicial opinion of so much consequence, especially as such high offence was taken, that the Court had tried an Indictment, in which a robbery which was committed here was charged to be committed on the *King's highway*; it being erroneously understood that the Court thereby had

had taken upon itself to determine the very question now proposed to the Court, though it had been, and must have been, the form of the Indictment when the President and Council were Justices of Oyer and Terminer and Gaol Delivery. We will not enter into an argument on a matter of Law with the Gentlemen; much less break into their province, to decide upon matters of Politics. We should have declined taking any notice of this Letter, had we not feared that occasion might have been taken from our silence to put a stop to the Criminal Justice in the Provinces.

We take this opportunity to declare, that the establishment of this Court hath made no alteration in respect to the administration of Criminal Justice, except only in this Town and the Factories subordinate to this Settlement. We declare it, that, if there is a stoppage of justice, it may be clear that it is not occasioned by this Court.

My Brother Chambers has pointed out to me a passage in Roy Rada Churn's affidavit, which I had neglected to make any observation upon.

He says, "He thinks he is obliged to obey the orders of the Council, and that they may summon him. That, in fact, he was called to appear before the Council when those Gentlemen, who make the claim for him, were present." He said, in his instructions for the affidavit, "It was not left to my pleasure whether I would come or not; it was said, Come."

What then was the sense of these Gentlemen, as to his having the rights of an Ambassador? Is he not to be considered merely to elude the justice of the Court?

The above, having been signed by all the Judges, was sent, together with their former opinions and the following affidavit, to the Council.

Translation of the Affidavit made by Roy Rada Churn, before Sir Elijah

Impey, Knight, the 4th day of July 1775.

I knew nothing with respect to the rights of a Vakeel, or Elchee, till Mr. Farrer * asked me what was my employment; to which I answered, that I was a Vakeel of the Nabob. When Mr. Farrer and Mr. Jarret † were together, I mentioned to them that I had been the Nabob's Vakeel for near three years; and they caused an arzee to be written, which I signed. I imagine that it was necessary for me to obey any order issued to me by the Council, and that I must attend upon them in conformity to any summons they may send to me. I was one day called to appear before the Council, or Committee; and attended accordingly. The Governor, the General, Colonel Monson, and Mr. Francis, were present; Comaul O Deen had before that presented some papers to Mr. Fowke: the Gentlemen of the Council asked me, if he had given the papers to Mr. Fowke to keep, or with the intention that they might be presented to the Council.

Mr. Farrer and Mr. Jarret caused a paper to be written out in the English Language, to the truth of the contents of which I swore before Mr. Hyde; but they never explained the words Public Minister to me, they only mentioned the word Vakeel. I know nothing with respect to my having been dismissed from the service of the Nabob for ten days. The Nabob never wrote any thing of it to me: perhaps Mr. Farrer and Mr. Jarret may have heard it from report. Mr. Farrer said to me, "You was not in the Nabob's service for *ten days*;" and said nothing more. He probably heard this from others. I never heard any thing of it from any one. Mr. Farrer never told me that I had been dismissed from the beginning of the month of Suffer. One day I went to the house of Colonel Monson, who said, Perhaps you was dismissed for some days from the service of the Nabob: do you know any thing of it? I answered, I

* Counsel for the East India Company.

† Attorney for the East India Company.

know nothing of it. This conversation passed after I had made the affidavit before Mr. Hyde. I never heard the words Public Minister. I understand Vakeel; but what is the meaning of Public Minister, I do not know. Vakeel is one thing, and Elchee is another. I never before imagined I should have been exempted from punishment because I was a Vakeel. People every where respect the Vakeel of the Nabob. I never before heard that if the Vakeel of the Nabob, or even of

the King himself, should commit a crime, he would be exempted from the punishment established for such crime. Perhaps, if the Nabob or King was to write a Letter, the Vakeel might be forgiven.

Mr. Farrer said to me, I heard that you was dismissed from the Nabob's service for ten days: this was after I had made the affidavit: I never before had heard a word of it.

Signed, RADA CHURN.

THE END.

T R I A L

O F

JOSEPH FOWKE, FRANCIS FOWKE,
Maha Rajah NUNDOCOMAR, and
ROY RADA CHURN,

F O R

A CONSPIRACY against WARREN HASTINGS, Esq;

Town of Calcutta and
Factory of Fort Wil-
liam in Bengal, to wit, { THE JURORS
for our Lord the
King, upon their oath,
present, that Joseph
Fowke of Calcutta, Gentleman, Francis Fowke
of the same place, Gentleman, Son of the
said Joseph Fowke, Maha Rajah Nundocomar,
Bahader, late of the same place inhabitant,
and Roy Rada Churn also of the same place in-
habitant, all of whom are subject to the juris-
diction of the Supreme Court of Judicature at
Fort William in Bengal, being persons of evil
name and fame, and dishonest reputation, and
wickedly devising and intending Warren Hast-
ings Esquire, Governor General of the Pre-
sidency of Fort William, in Bengal afore-

said, not only of his good-name, credit, and
reputation, to deprive, and to bring him into
the ill-opinion, hatred, and contempt, of all
His Majesty's subjects in the said province of
Bengal, and of the native inhabitants thereof;
and by that means, as much as in them lay, to
disturb the good Government of the said
Country, and the management of the com-
mercial concerns of the Honourable East India
Company therein, which are so eminently in-
trusted to the said Warren Hastings, but also
to bring upon the said Warren Hastings the
ill opinion and hatred of the King Himself, and
of the Two Houses of the Parliament of Great
Britain, and of the Proprietors and Directors
of the said East India Company, did, on the
nineteenth

nineteenth day of April, in the fifteenth year of the reign of our Sovereign Lord George the Third, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, in Calcutta aforesaid, in Bengal aforesaid, conspire, combine, and agree among themselves, falsely to charge and accuse the said Warren Hastings of divers enormous and scandalous offences; particularly, that he the said Warren Hastings had then lately, by divers sinister and unlawful means, procured a certain false accusation against the said Joseph Fowke, in the name of one Cummaul ul Deen Allee Cawn, to be made and wrote, which said false accusation he the said Warren Hastings had himself presented to the Governor General and Council at Fort William aforesaid, knowing it to be false; and also that he the said Warren Hastings had heretofore, corruptly and collusively, received several sums of money from the said Cummaul ul Deen Allee Cawn, in the nature of Bribes, for services rendered or to be rendered to him the said Cummaul ul Deen Allee Cawn; by that means representing him the said Warren Hastings as guilty of wilful Bribery and Corruption in his office and duty. And the Jurors aforesaid, on their oath aforesaid, do further present, that the said Joseph Fowke, Francis Fowke, Maha Rajah Nundocomar, and Roy Rada Churn, on the said nineteenth day of April, in the year aforesaid, at Calcutta aforesaid, in Bengal aforesaid, according to the said conspiracy, combination, and agreement among themselves as aforesaid, did, falsely and wickedly, for the evil purposes aforesaid, frame and make, and caused to be framed and made, a certain paper writing in the Persian language; purporting, that he the said Warren Hastings had then lately, by divers sinister and unlawful means, procured such false accusation as aforesaid, in the name of the said Cummaul ul Deen Allee Cawn, to be made and wrote against the said Joseph Fowke, and had presented the same to the said Governor General and Council at Fort William aforesaid, knowing it to be false; thereby falsely and scandalously representing the said Warren Hastings as guilty of the said offence of pro-

curing the said Joseph Fowke to be falsely accused. And the Jurors aforesaid, on their oath aforesaid, do further present, that the said Joseph Fowke, Francis Fowke, Maha Rajah Nundocomar, and Roy Rada Churn, afterwards, to wit, on the said nineteenth day of April, in the year aforesaid, at Calcutta aforesaid, in Bengal aforesaid, according to the conspiracy, combination, and agreement aforesaid, between them had as aforesaid, did, for the purposes aforesaid, by certain sinister and unlawful means, to wit, by intreaties, promises, and threats, procure the said Cummaul ul Deen Ally Cawn to affix his seal, containing the impression of his name, to the said paper writing, so framed and made as aforesaid; and that the said Joseph Fowke, in pursuance of and according to the conspiracy, combination, and agreement, between him and the said Francis Fowke, Maha Rajah Nundocomar, and Roy Radachurn, so as aforesaid had, afterwards, to wit, on the said nineteenth day of April, in the year aforesaid, at Calcutta aforesaid, in Bengal aforesaid, did, against the will and consent of the said Cummaul ul Deen Allee Cawn, and notwithstanding the express declaration of him the said Cummaul ul Deen Allee Cawn, that the said paper writing had been forcibly and illegally obtained, and that the contents thereof were false, take and carry away the said paper writing, and present the same to the Governor General and Council at Fort William aforesaid, or to some or one of the members thereof, as an arzee or petition of him the said Cummaul ul Deen Allee Cawn to the said Governor General and Council. And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Joseph Fowke, Francis Fowke, Maha Rajah Nundocomar, and Roy Rada Churn, afterwards, to wit, on the said nineteenth day of April, in the year aforesaid, at Calcutta aforesaid, in Bengal aforesaid, according to the Conspiracy, Combination, and Agreement aforesaid, between them as aforesaid had, did, for evil purposes aforesaid, unlawfully, wickedly, and unjustly, frame and make, and caused to be framed and made,

Conspiracy, and
on the Arzee.

made, a certain paper writing in the Persian language; purporting, that the said Warren Hastings and others had, indirectly and collusively, received from the said Cummaul ul Deen Allee Cawn, by way of Bribes for services rendered or to be rendered to him, sundry sums of money; to wit, the said Warren Hastings Esquire the sum of fifteen thousand rupees, Richard Barwell Esquire forty-five thousand rupees, and to Hoshyar Jung, thereby meaning George Vansittart Esquire, twelve thousand rupees; and that the said Joseph Fowke, in pursuance of and according to the Conspiracy, Combination, and Agreement, between him and the said Francis Fowke, Maha Rajah Nundocomar, and Roy Rada Churn, so as aforesaid had, afterwards, to wit, on the said nineteenth day of April, in the year aforesaid, at Calcutta aforesaid, in Bengal aforesaid, did, by divers sinister and unlawful means, to wit, by force, threats, and menaces, procure the said Cummaul ul Deen Allee Cawn to write on the said paper-writing certain words, purporting that he acknowledged such sums to have been paid by him, notwithstanding the express declaration at the same time of the said Cummaul ul Deen Allee Cawn, that the facts thereby pretended to be acknowledged were false; and notwithstanding in truth and in fact the said Warren Hastings has not received such several sums of money, or any part thereof, nor is guilty of all or any of the charges or accusations so made against him as aforesaid, to the great damage of him the said Warren Hastings, to the evil example of all others in the like case offending, and against the peace of our said Lord the King, his crown and dignity. And the Jurors of our said Lord the King further, upon their oath, present, that the said Joseph Fowke, Francis Fowke, Maha Rajah Nundocomar, Bahader, and Roy Rada Churn, all of whom are subject to the Jurisdiction of the said Supreme Court of Judicature at Fort William in Bengal aforesaid, being persons of evil name and fame, and dishonest reputation, and wickedly devising and intending Warren Hastings Esquire, Governor General of the Presidency of Fort William in Bengal, not only of his good name, credit, and reputation to deprive, and to bring him into the ill-opinion, hatred, and contempt, of all His Majesty's subjects in the said province of Bengal, and of the inhabitants thereof; and by that means, as much as in them lay, to disturb the good government of the said Country, and the management of the affairs of the Honourable East India Company there, which are so eminently entrusted to the said Warren Hastings, but also to bring upon the said Warren Hastings the ill-opinion and hatred of the King Himself, and of the Two Houses of the Parliament of Great Britain, and the Proprietors and Directors of the said East India Company, did, on the nineteenth day of April, in the fifteenth year of the reign of our Sovereign Lord George the Third, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, at Calcutta aforesaid, in Bengal aforesaid, conspire, combine, and agree among themselves, falsely to charge and accuse the said Warren Hastings of divers enormous and scandalous offences; particularly, that he the said Warren Hastings had then lately, by divers sinister and unlawful means, procured a certain false accusation against the said Joseph Fowke, in the name of one Cummaul ul Deen Allee Dawn, to be made and wrote; which said false accusation he the said Warren Hastings had himself presented to the said Governor General and Council at Fort William aforesaid, knowing it to be false. And the Jurors aforesaid, on their oath aforesaid, do further present, that the said Joseph Fowke, Francis Fowke, Maha Rajah Nundocomar, and Roy Rada Churn, on the said nineteenth day of April, in the year aforesaid, at Calcutta aforesaid, in Bengal aforesaid, according to the said Conspiracy, Combination, and Agreement among themselves as aforesaid had, did falsely and wickedly, for the evil purposes aforesaid, frame and make, and caused to be framed and made, a certain paper writing in the Persian language; purporting, that he the said Warren Hastings had then lately, by divers sinister and unlawful means, procured such false accusation as aforesaid, in the name of

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the said Cummaul ul Deen Allee Cawn, to be made and wrote against the said Joseph Fowke, and had presented the same to the said Governor General and Council at Fort William aforesaid, knowing it to be false. And the Jurors aforesaid, on their oath aforesaid, do further present, that the said Joseph Fowke, Francis Fowke, Maha Rajah Nundocomar, and Roy Rada Churn, afterwards, to wit, on the said nineteenth day of April, in the year aforesaid, at Calcutta aforesaid, in Bengal aforesaid, according to the Conspiracy, Combination, and Agreement aforesaid, did, for the purposes aforesaid, by certain sinister and unlawful means, to wit, by intreaties, promises, and threats, procure the said Cummaul ul Deen Allee Cawn to affix his seal, containing the impression of his name, to the said paper writing, so framed and made as aforesaid; and the said Joseph Fowke, in pursuance of and according to the Conspiracy, Combination, and Agreement, between him and the said Francis Fowke, Maha Rajah Nundocomar, Bahader, and Roy Rada Churn, so as aforesaid had, afterwards, to wit, on the said nineteenth day of April, in the year aforesaid, at Calcutta aforesaid, in Bengal aforesaid, did, against the will and consent of the said Cummaul ul Deen Allee Cawn, and notwithstanding the express declaration of him the said Cummaul ul Deen Allee Cawn, that the said paper-writing had been forcibly and illegally obtained, and that the contents thereof were false, take and carry away the said paper-writing, and present the same to the said Governor General and Council at Fort William aforesaid, or some or one of the members thereof, as an arzee or petition of him the said Cummaul ul Deen Allee Cawn, to the said Governor General and Council; they the said Joseph Fowke, Francis Fowke, Maha Rajah Nundocomar, and Roy Rada Churn, thus endeavouring to represent the said Warren Hastings as having procured the said Joseph Fowke to be falsely accused; whereas, in truth and in fact, the said Warren Hastings is not guilty of all or of any of the Charges or Accusations so made against him as aforesaid; to the great damage of him the said Warren

Hastings, to the evil example of all others in the like case offending, and against the peace of our said Lord the King, his crown and dignity.

Signed, JAS. PRITCHARD,
Cl. of the Crown.

19th June 1775, W. M. BECKWITH,
Clerk of Indictments.

COMAUL O DEEN CAWN.

Quest. Are you acquainted with Maha Rajah Nundocomar?

Ans. Yes.

Quest. Was you so in February last?

Ans. Why should I not know him? I have known him for thirty years.

Quest. Did you ever apply to him to borrow money?

Ans. Yes.

Quest. When the last time?

Ans. In the month of Chale, I applied to him, to borrow 3000 rupees.

Quest. Did any conversation then pass?

Ans. At that time this conversation. I went to Maha Rajah Nundocomar; he desired me to sit down, and said to me, Do you know any thing of the Barramut in the business between the Governor and me? I answered, I have heard something of it; I have not heard all. He said, There has been enmity between Mr. John Graham and me: he was my enemy, I was his. I was thinking of the enmity between me and Mr. John Graham, and of that with the Governor; and the Governor has, without cause, been angry with me, and forbid me his house; and has told me, I will do bad things to you; be upon your guard. Being remediless, I took the advice of Mr. Fowke. Mr. Fowke gave this answer: Until you get the paper of Barramut, till you produce Barramut against the Governor, Mr. Barwell, Hulhia Jung, meaning Mr. Vansittart, and other Gentlemen, I cannot say any thing to the Gentlemen in your behalf; but if you do this, I will get you the Kellaut of Aumeen. Being remediless, I gave the Barramut papers, the Barramut in the business of Munny Begum; and I have proved the Governor culpable.

pable. Do you likewise consider of this. I (C. O Deen) said, What you yourself have done, you have done well. But in the hearing of the world, it will appear shameful, that you being such a man should do such business. When Maha Rajah heard this, he laughed, and said, To it, and write a bond for the rupees, which you have applied through Rada Churn for on loan, and get the rupees from him; and two days hence the Burdwan people will receive the Kellaut; and then I will converse with you. He then gave me two Pauns, and my dismissal. Nothing more passed then.

Quest. Had you ever any demand against the Dewan of the Khalsa for any sum of money?

Ans. He was not my debtor. I had a demand on him for the Tuka collary.

Quest. Did you ever send any arzees to Maha Rajah Nundocomar or Roy Rada Churn, with respect to this demand?

Ans. I deposited two arzees with Maha Rajah Nundocomar, but did not mean to complain.

Quest. Did you present these arzees to Maha Rajah, or Roy Rada Churn?

Ans. To Rada Churn, and desired him to explain to Maha Rajah.

Quest. What passed when you presented the arzees to Rada Churn?

Ans. I said to Rada Churn, Do you take these two arzees in deposit; I don't deliver them in as complaints; was I to complain, I would complain of what is true. In order to frighten him, I have wrote what I pleased myself. Do you take these as a deposit: when Moonshy Sudder O Deen comes from his out-house, then we shall settle it among ourselves; and at that time I will take these two arzees of you again. I will give 6000 rupees; 4000 rupees to Maha Rajah, and 2000 rupees to you. I gave him then 12 golden mohurs.

Quest. Did any particular conversation pass?

Ans. I came to my own place, after having given him the arzees, and desired him to explain them to Maha Rajah. I went again the next morning to Maha Rajah's. Maha Rajah said, I have heard from Rada Churn that you have deposited with him two arzees against

Gunga Govin Sing; why don't you present them to the Council? I will procure for you from the General ready money to the amount of the demand, and I will settle it with Gunga Govin Sing. Mr. Fowke is at enmity with you; do you go with Rada Churn, and be reconciled to him again; and being reconciled to Mr. Fowke, he will introduce you to the General, the Colonel, and Mr. Francis; and he will get you the appointment to Purnea; and I shall, in three or four days, obtain the Kellaut of the Aumeeny of the Khalsa. I replied, When you have got the Kellaut, I will get introduced by your means to the Gentlemen; but it does not signify being introduced to Mr. Fowke. I cannot go to-day, I will go with Roy Rada Churn to-morrow. He said, It is well. I then went home to my own house, and went the next day to Mr. Fowke, with Rada Churn. Mr. Fowke was laying upon a couch in the hall; I presented him with a nuzzeer of five rupees: he put his hand upon the nuzzeer, but did not take the rupees. He told me to sit down. I sat down. He got up, and went into a room. Then Rada Churn took me with him into the room Mr. Fowke went to. Mr. Fowke shewed me tokens of kindness; he gave me beetle, rose-water, and ottar; and told me, Do you do what Maha Rajah shall tell you. I have heard your praises from Maha Rajah; do you be perfectly contented. Do you do what Maha Rajah tells you, and I will give you the business of Purneah, and confer many favors on you. Having given me beetle, rose-water, and ottar, I took my dismissal, and went home; and staid at home two days: I neither went to Maha Rajah's, or Mr. Fowke's. I thought the business bad, and therefore did not go out of my house for two days. The third day, in the evening, I went to Maha Rajah's; and told him, I will go to Houghly to-day, I have private business of my own; I am come to get my dismissal. He said to me, That arzee which you gave in to the Governor in Mr. Fowke's name, did you give it the last of Aughun, or the first of Poos, and when the Governor gave you the arzee back? Where is that arzee? Bring it me, I will see it, and

Mr. Fowke wants to see it; do you bring it to me to-morrow evening, and then go. I then came to my own house: the man who was my old Moonshy was gone home at 12 o'clock; the next day I made my new Moonshy Kewdernawaz write out whatever I remembered. Having made him write it, I kept it myself; and in the evening, having put my seal to it, carried it to Maha Rajah's, and said to him, Sir, this is the arzee. He took it, and then gave me my dismissal.

Quest. What else passed?

Ans. I don't remember.

Quest. What was the business you thought bad? State it, if you can.

Ans. I looked upon this as bad business. Maha Rajah told me to give this Barramut against the Governor, Mr. Barwell, Mr. Vanfittart, &c.

Quest. Who asked you to give the Barramut?

Ans. Maha Rajah Nundocomar and Rada Churn told me. I saw his house was a cutcherry of Barramuts; the Radshaky man went with a Barramut, and others went with Barramuts. I was a poor man, and was frightened.

Quest. Did you see the Radshaky men go with Barramuts?

Ans. I saw the Radshaky people there; and all the world know they went with Barramuts.

Question repeated.

Ans. I sat in the Dewan Connah, and saw the Radshaky people there; and from hearing from one and another, my own sense pointed out to me that they went with Barramuts.

Quest. Was the Barramut which Maha Rajah spoke to you about already made, or one that was to be prepared?

Ans. They told me to prepare one: How should it be ready! had I a Barramut cutcherry, that it should be ready?

(Comaul O Deen desired to go on with his story.)

Having received my dismissal from Maha Rajah, I went to my house at Houghly; four or five days after I heard that Moonshy Sudder O Deen was come to Calcutta. I came to

Calcutta, and one or two days after Moonshy Sudder O Deen arrived: after he arrived, the business between Gunga Govin Sing and me was settled. I went to Maha Rajah's, and told him, that the business between Gunga Govin Sing and me is settled, by means of Moonshy Sudder O Deen: Give me back the two arzees. Maha Rajah then said to me, What is to happen in relation to those rupees you conversed with Roy Rada Churn about? I said, Sir, I have not received those rupees yet; when I receive back the arzees, I will make the settlement with you, and pay you; and, if you please, I will give it you in writing, I will give you a receipt for it. Maha Rajah then said, Roy Rada Churn has, without my knowledge, given the arzees to Mr. Fowke, and he has translated them. I said, I had not given them to Mr. Fowke; I had not complained; I deposited them with you: what is the reason of your having given them? He then said, Never mind the arzee which you presented against Mr. Fowke by directions of the Governor; do write thus, that the Governor and Mr. Graham made you do it by force against your will; give a writing to this purpose; and Mr. Fowke, from seeing it, will be pleased with you, and he will remember you in his own mind; he will give you that arzee and the two arzees back, when you have got the business of Purneah. Do then give me an arzee of this kind. I was then remediless, and considered in my own mind how I should get back the two arzees; and came home, and wrote down whatever occurred to me, *i. e.* I caused it to be written. At noon I went again to Maha Rajah's; Maha Rajah was not at home. I sat down till he came. I gave him the arzee, as he was getting out of his palanquin. Maha Rajah read it; and said, This arzee is worth nothing; you have not wrote well; do you bring your Moonshy with you in the evening, it shall be wrote here. I was angry, and tore that arzee, threw it away, and came home. I went again in the evening, took my Moonshy, and brought him into the presence of Maha Rajah. Then he called his own Moonshy Doman Sing; having called him, he caused my

my Moonshy to write out a foul draught; and then directed his own Moonshy to write it out fair. I am not sure whether he made Doman Sing or my Moonshy write out the foul draught. After that, Maha Rajah took it, and struck out some things with his pen, and made my Moonshy write it out fair. When Maha Rajah took the pen to alter the draught, I told him I had a pain in my belly, and wanted to go home, and that my Moonshy would write it out fair. Then Maha Rajah said, Are you in a great deal of pain? I said, I am. He then said, Go, and come to-morrow morning; Rada Churn will go with you to Mr. Fowke's, and will there cause the arzee to be given to you: I will speak to Rada Churn to that purpose. I went home, and then it was about a par or a par and a half of the night; my Moonshy and Shuk Yar Mahomed came from Maha Rajah's. Shuk Yar Mahomed said, Maha Rajah sent this arzee, do you put your seal upon it. I said, There was no agreement between Maha Rajah and me about sealing it. I then gave Sheik Yar Mahomed my Hooka to smoke, and then he went away. At that time my seal was not in my hand; it was in my chest. In the morning I went to Mr. Fowke's; Rada Churn was sitting in young Mr. Fowke's room; I went and sat down there: when I had sat down Rada Churn went in to old Mr. Fowke. Rada Churn staid a gurry or two with Mr. Fowke. Then Rada Churn came from there, and sat down where he sat before, in young Mr. Fowke's room. In a few minutes Accour Munnah came and called me, and told me that Mr. Fowke wanted me. I went to him; Mr. Fowke was sitting on the bed, and gave me a chair to sit down opposite to him; he first said a few civil words to me; he then took the arzee from the bed, and desired me to seal it. There were two Tringy waiters and two Bengallies standing behind me, one of the Bengallies was Aubos Munn; the other I do not know. Mr. Fowke said, Seal this, and give it. I said, there is no agreement between Maha Rajah and me to seal; it is not an arzee; it is a jacob sawaul. Who is the person to whom the words Gurreeb, Puri-

ver, and Adawlet Gnoften apply? and who issues the order? Mr. Fowke said, Leave that to me. Then Mr. Fowke was angry with me; when he was angry, I grew afraid. When I saw he was angry, I put my jamma in this manner about my neck, and fell at his feet, and said, Mr. Fowke, this is all a lie; I am a poor man; don't ruin me. Mr. Fowke, hearing this, took up a book, and cried out, G—d d—n you, you son of a bitch! When he took up the book, and called me names, I said, Bring it, and I will seal it. He then put down the book; my body shook for fear, and I sat down on the ground in this manner; I cried, and sat on the ground. He then gave me the arzee, and I sealed it. He then cried out, Tell these people to be witnesses; I said, It is very well. He then took out a furd, and shewed me. Within three years have you given 45,000 rupees to Mr. Barwell; *i. e.* 15,000 rupees *per annum*? I said, I have given it. He then said, Did you give the Governor a nuzzeer of 15,000 rupees? I said, I gave it. Did you give Husheia Jung 12,000 rupees? I said, Yes, I did. Did you give Rajah Ragibullub 7,000 rupees? I said, I did. Did you give Cantoo Baboo 5,000 rupees? I said, I did. He said, Sign this. Upon some of the names I wrote, I had given; upon others I wrote, I delivered. Having taken this from me, he said, Go. I ran away from them, wiping my face. Running away from thence, I came to the stair case, and stood there. Samsheer Beg was standing there; I said to him, See, this force is put upon me. Samsheer Beg said to me, I see that you are shaking; but what is the matter? I have not heard. I said to him, Will you hear what is the matter? Young Mr. Fowke and Rada Churn came out laughing; and stood at the door of the hall. I then said to young Mr. Fowke, Give me back those papers which your father has taken from me by force, or I will go and complain to the General and to the Colonel. When I had said this, he told me to stay; they both went in to Mr. Fowke; they came out from thence, after having staid a long time. Young Mr. Fowke brought out a cover of a letter of this size, and said, Your

arzee

arzees are all within this ; I will put them to-day in my own chest ; do you come here in the morning ; Maha Rajah will come also : whatever Maha Rajah says, and will be your pleasure, shall be done. I was remediless, and came to my own house. When I got to my own house, I eat nothing ; fear arose in my mind. When four guries of the day were remaining, I went to Moonshy Sudder O Deen's, and said, Roy Rada Churn has dealt treacherously (dagger) by me ; they have caused me to write a very scandalous paper of Baramuds : if in the morning Maha Rajah gives me back this paper, it is very well ; if he does not, I shall ruin myself : do you enquire after me in the morning, and acquaint Mr. Barwell and Mr. Vansittart, that this oppression has been used upon me. I am going now to Maha Rajah's, and at night I will come to you. Having said this, I went to Maha Rajah's ; Maha Rajah was in private ; Roy Rada Churn was with him : Samsheer Beg, Shirk Yar Mahomed and I sat down in the gateway. I said to them, Four pars of the day this oppression has been upon me ; that I have yet four pars of the day to remain in this manner. I asked Yar Mahomed for a glass of water ; and he gave it me. Samsheer Beg and I in the evening said our prayers together. After saying our prayers, I went to Roy Rada Churn, and said to him, On your account I have been abused and disgraced by Mr. Fowke ; and he has, by force, caused me to write a paper I cannot prove : I cannot sit, give me a pillow to lay down. He then gave me a pillow, and I laid down. Roy Rada Churn said, I have explained this matter to Maha Rajah, and he is very angry with Mr. Fowke. Maha Rajah will just now come ; do you go to him, he will tell you all. I lay there about a gurry or more, when Maha Rajah came out into the Dewan Connah : I then went to him, and sat down. Maha Rajah said, I have heard every thing from Roy Rada Churn ; never mind, I will go in the morning to Mr. Fowke's ; whatever will content you shall be done. He then gave me beetle and my dismissal. I then went to Moonshy Sudder O'Deen, and told him what

had passed between Maha Rajah and me, and then went home. The next morning I went again to Mr. Fowke's ; and there was Mr. Fowke, Maha Rajah, and Roy Rada Churn ; I do not know where young Mr. Fowke was. For fear, I stood on the stair case, and did not go into the room. About a gurry after Mr. Fowke came out of the room ; I saluted him ; he took no notice of it, and went out : then Maha Rajah and Roy Rada Churn came out ; then I asked of Maha Rajah, What have you done for me ? He answered, I have spoke to Mr. Fowke about it, but he does not hear me : do not you mind. In saying this, Maha Rajah got into his palanquin, and went away. I called out, Duoy on the King, and the Court, the Governor and on the Council. Having called out Duoy, I tore my jamma, and cried out, Mr. Fowke, Maha Rajah, and Roy Radachurn, have caused me to write out a false baramud paper against gentlemen, and I am going to the court to complain. Then Yar Mahomed and Nelloo Sing laid hold of my hands, or one of them ; having disengaged my hands, I went into my own palanquin. Many people, I do not know whether Mr. Fowkes, Maha Rajah's, or Roy Rada Churn's went scuffling along with my people and my bearers as far as a house of Rajah Rajibullub's, Inash Connah. Then they went back. I came and gave notice of it to the Chief Justice Lord Saub. I am fifty years old ; I have seen the Durbars of Soubah and Kings, and such a Court I have never seen. I have read of such a court that now shah wan ; and at the time I lodged the complaint, I had no idea it was such a Court. I understood that Mr. Fowke was oppressive and powerful, and Maha Rajah and Rada Churn were so likewise ; and did not expect to have found such justice to a poor man. I thought to myself, I shall be ruined, my post will go from me. When I go away from the Adawleet, Mr. Fowke or Maha Rajah, who are the masters of the country, will imprison me, and very great ruin will ensue ; and no ruin will accrue to you, from hearing Mr. Fowke's, Maha Rajah's, and Roy Rada Churn's words. From doing this business to the pleasure

sure of Mr. Fowke, Maha Rajah, and Roy Rada Churn; I thought, if I would agree to take a false oath before the Committee, no ruin would ensue; but my religion would go.

Quest. Did Maha Rajah or Roy Rada Churn ask you for the Barramut? and did they tell you for what purpose they wanted it?

Ans. What Maha Rajah told me about it I have caused to be wrote down, about the Governor's being put to shame in *Europe*: Mr. Barwell, Mr. Vanstittart, and Mr. John Graham, and their consequence in this affair, will be less.

Quest. From whom did you hear that the Governor and the other Gentlemen would be brought to shame?

Ans. I heard it from the Maha Rajah, Mr. Fowke, and Rada Churn.

Quest. When you had sealed the arzee, was it returned to you or Mr. Fowke?

Ans. Mr. Fowke kept it.

Quest. Do you know what use was made of the arzee?

Ans. I know nothing of it.

Quest. When you say you know nothing of it, do you mean, you have never seen it since?

Ans. I can't say I have never seen it since; I saw it at Lord Saule's, and in that room, (*pointing to the Grand Jury room*).

Quest. Did you give those sums to the Governor and the other Gentlemen?

Ans. I never gave any body five rupees.

Quest. Then why did you say to Mr. Fowke that you had?

Ans. Mr. Fowke had taken up a book, and was in a great passion. I did it through fear; if you was to frighten me, you might make me sign an assignment of the kingdom of Indostan.

Quest. How came you, when you was frightened, to say Yes to the questions put by Mr. Fowke?

Ans. I was frightened; if he did not intend that I should say Yes, why did he write the paper?

Quest. Why did you think it would be agreeable to Mr. Fowke?

Ans. Whatever Mr. Fowke would have bid me write, I would have written.

Quest. Why should you think Mr. Fowke would be angry if you said No?

Ans. I was in his power; he was in a passion, and angry with me.

Quest. Don't you know that Mr. Fowke wanted you to say, I did not give?

(*Could get no other answer to this question than what was given to the last.*)

Quest. What did Mr. Fowke say to you about the furd?

Ans. He asked me if I had given Mr. Barwell 45,000 rupees? I answered, Yes; I was so frightened, I should have said Yes to anything he said.

Quest. Could you collect, from the manner of Mr. Fowke's putting the question, that he expected you should answer Yes?

Ans. I know very well, if I did not say Yes, I should be disgraced.

Quest. How did you know that?

Ans. When I was sworn at, and called names, and the book lifted up, what remained but to answer as Mr. Fowke pleased? He did not tell me to say Yes; but he asked me if I did; and I answered Yes.

Quest. What reason had you at that time to suppose, that Mr. Fowke wanted you to say those Gentlemen had received money?

Ans. At first when I went to Maha Rajah, he asked for a Barramut, and for the Barramut of Hidgetee. Why am I asked this question, when he has a catcherry of Barramuts?

Quest. Who do you mean by *he*? Mr. Fowke or Maha Rajah?

Ans. It was first held at Maha Rajah's, afterwards at Mr. Fowke's. Who is he, that all the world should go to him? he is no Counsellor: there is no other person in Calcutta that has such an assemblage of black people at his house.

Quest. Who ordered the persons to follow your palanquin, when you went from Mr. Fowkes?

10 TRIAL OF JOSEPH FOWKE, FRANCIS FOWKE,

Ans. I do not know.

Quest. Whose servants are Sheik Yar Mahomed and Netto Sing?

Ans. Maha Rajah Nundocomar's.

Quest. Did any body else touch you?

Ans. Yes all the Hircarrabs.

Quest. What do you expect would be done to you, if your people were less powerful than theirs?

Ans. How do I know whether they would carry me to the General's or elsewhere? I thought they would either confine me in their own house, or carry me to the General's.

Quest. Why did you particularly think they would carry you to the General's, more than to any other of the Council?

Ans. Mr. Fowke used to go to three Gentlemen, the General, Colonel Monson, and Mr. Francis. I have seen it with my eyes.

Quest. If Mr. Fowke had wanted you to swear to thus furd, would you have done so?

Ans. If he had killed me, I would not have sworn falsely; but if he had demanded of me to promise to swear it another time, I would have permitted it; but I would not have done it.

Quest. You say, you have seen the Radshaky people, and that it was bad; what did you mean by bad?

Ans. I saw them there; and I thought the keeping a cutcherry of Barramuts was bad.

Quest. Do you know Barnassy Ghose?

Ans. I do; he is a ryot of mine.

Quest. Did he make any complaint against you?

Ans. Yes, he did, to the General; he sent for me; he laid his hand upon the nuzzer of five rupees which I offered, but did not take it, and gave me beetle, and told me to come to-morrow. His Dewan told him I was come; the General wrote a chit, and sent it and another paper, together with me and Barnassy Ghose, to Mr. Fowke, and Mr. Fowke would enquire into it, and report it to him; then the General's man went with me and Barnassy Ghose to Mr. Fowke's house; he went up stairs, and left us two below; the servant

then came down; and said, he had delivered the chit to Mr. Fowke; that Rada Churn was then with him; and when he was gone, we should be called up. He went away in about four gurrys. We went up; Mr. Fowke was sitting upon a chair; he then began to enquire of me about Hedgelee, the revenues of it, what it was worth, and every circumstance about the salt, and all other matters about that country. Barnassy Ghose then told Mr. Fowke, that I had rented the Tecka Collaries, of English Gentlemen, at a very great expence.

Quest. What do you mean by a very great expence?

Ans. Barnassy Ghose told Mr. Fowke, that I had expended large sums of money on bribes to English Gentlemen for the Tecka Collaries. Mr. Fowke then asked me, Does this man speak truth? I said, He lies. Mr. Fowke replied, You have given rupees to the English Gentlemen. Then young Mr. Fowke came, and there was a great deal of conversation between them; and then young Mr. Fowke gave me my dismissal; and told me to come next day. I went accordingly the next morning; and Mr. Fowke again interrogated me, as to all the business of the country; and again asked me if I had not given money to Mr. Vansittart. I answered, It is all a lie; and then Mr. Fowke was angry, and he and young Mr. Fowke talked English together, and dismissed me. I went again on the third day.

Quest. What date was all this?

Ans. I do not remember accurately the day I received the chit from the General; this conversation was either the last day of Aughun or first of Poos.

Quest. What passed on the third day?

Ans. He asked me what I had given to the English Gentlemen, and what to the Mutfuddies. He told me to tell the truth: if I did not, I should be greatly punished. I said, I had given nothing to any body. He said, You speak this without reason. I then said, I am a farmer, and no thief.

Quest. Did any thing more pass on the third day?

Ans.

MAHA RAJAH NUNDOCOMAR, AND ROY RADA CHURN.

Ans. I only went to my own house.

Quest. Did you go to the General's?

Ans. I went; but did not meet with him at home.

Quest. What did you next?

Ans. I came home, and considered in my own mind, Whatever has past between Mr. Fowke and me, if I write, and give so much, I do not know whether the Governor will be angry with me.

Quest. ———

Ans. What did I know that the Governor would be angry with me! therefore I did not write much; but, having caused a little to be wrote, I went and gave it to the Governor, and I told him all by word of mouth. The Governor said, You have wrote in your arzee little, and by word of mouth you say a great deal; whatever you tell me by word of mouth write down in an arzee, and I will enquire about it in the Committee. I answered, I have not my Moonshy with me; I will write it out, and bring it to-morrow morning. The Governor answered, If you have not your Moonshy with you, take mine; and whatever you have to write, he will write it. The words the Governor then used, in the Hindostan language, I did not understand. He desired Mr. Vansittart to explain them to me in Persian; then Mr. Vansittart explained them to me, that the Governor had said, My Moonshy is here; do you cause it to be wrote by him. I agreed to it; and the Governor called his own Moonshy Shereit Oollah Cawn, and told him, Whatever this man has to write, do you write for him. I then caused him to write whatever had passed between Mr. Fowke and me: having wrote it, I gave it to the Governor; and the Governor having caused it to be read to him by the Moonshy, he kept it, and gave me my dismissal, and returned me the small arzee I had given him. I then came to my own house.

Quest. Was what you dictated to the Moonshy a true account?

Ans. Whatever passed between Mr. Fowke, Barnassy Ghose, and myself, I caused to be wrote truly.

Quest. Did the arzee contain any thing more than what passed between Mr. Fowke, Barnassy Ghose, and you?

Ans. There might be a word or two wrote more, about my own affairs, which I do not remember, whether relative to Mr. Fowke, Barnassy Ghose, and myself.

Quest. After you went to Rajah Rajebullub, who did you first apply to?

Ans. I first applied to the Governor; he said, I cannot administer justice to you; they are three Gentlemen; I am but two.

Quest. Who did he mean, by *three* and *two* Gentlemen?

Ans. I do not take upon me to explain the Governor's meaning. He said, If you have any complaint, the King's Court is here; lodge your complaint there.

Quest. Did you lodge any complaint?

Ans. I then said, How shall I get to the Adawlet, to lodge my complaint? Mr. Fowke's people will take me on the road. Then the Governor spoke to a Chubdar, and said, Do you go along with this man to the Chief Justice's house. I then went to the Chief Justice's, and came into his presence.

(*Mr. Summer produces two arzees, and a letter in which they were enclosed.*)

Quest. From whom did you receive these?

Ans. I received them from one of the Secretaries of the public department; I received them from Mr. Auriol.

Cross Examination of Comaul O Deen.

Quest. Have you conversed with any body on the subject of your examination?

Ans. With nobody,

Quest. Have you given an account, in conversation or writing, directly or indirectly,

Ans. I have not said any thing to any body, or seen the appearance of pen and ink.

Quest. Has any Moonshy?

Ans. I do not know that any Moonshy was above; he was below; I did not speak to him about it.

Quest. Tell the day of Chile you went to borrow money of Maha Rajah Nundocomar?

Ans. I first demanded it on the first of Chyle; I got the rupees the 13th or 14th.

Quest. Did you receive the money?

Ans. Yes; I was paid in gold mohurs.

Quest. Did you give any security?

Ans. I gave a Tomassuk.

Quest. When did you apply to borrow the money?

Ans. I often before borrowed money of him; this was not the first time.

Quest. When was the last time before this, you borrowed money of Maha Rajah? was it within two or four months?

Ans. Not within two or four months.

Question repeated.

Ans. It was between 12 or 14 months.

Quest. Are you sure it was not more?

Ans. I paid the balance due to Maha Rajah.

Question repeated.

Ans. It was two or four years since I borrowed, when Rupea O Din Cawn was Phoufdar of Houghly; I have borrowed none since; I borrowed through the means of Roy Rada Churn; it was in the year of the famine, five or six months before the famine; I cannot exactly fix the date.

Quest. Did you never apply between that time and Chyle to borrow money?

Ans. I never made any application.

Quest. Had you ever visited between?

Ans. I had frequently.

Quest. When did you last visit him before the month of Chyle?

Ans. My son was married in the month of Phaugun, and I then paid the customary compliment to Maha Rajah of sending sweetmeats.

Quest. When did you visit the Maha Rajah?

Ans. I carried the sweetmeats myself, and presented him with a nuzzeer. We were on terms of friendship a long time before.

Quest. How long before the month of Chyle, in which you borrowed the money?

Ans. It was the last of Phaugun.

Quest. Why did you apply to borrow money?

Ans. I had occasion for it; therefore I borrowed it. The bond carries an interest of one rupee per month.

Quest. Had you any conversation on any other subject with Maha Rajah?

Ans. Whenever I went, he conversed with me on no other subject but the Barramut.

Quest. What conversation had you the day you received the money?

Ans. I did not see Maha Rajah when I received the money.

Quest. Had you any conversation with Maha Rajah at the time he desired you to go to Roy Rada Churn about the money?

Ans. There was that conversation about the Munny Begum I related yesterday: if you please, I will tell it again.

Quest. Did Maha Rajah ask any questions of you yourself?

Ans. He asked me if I had heard what had passed between the Governor and him; he said, I was not his enemy; I was John Graham's.

Quest. Did he ask any other question?

Ans. (Relates word for word what he saw yesterday.)

Quest. Did Maha Rajah ask any particular questions?

Ans. Hear me what I am going to relate: he asked Barramuts.

Quest. What did he ask about Barramuts?

Ans. He said to me, That when the Governor told me, I will be revenged on you, I, being remediless, consulted with Mr. Fowke. If you will bring to me the papers of Barramuts against the Governor, Mr. Barwell, and Mr. Vansittart, those Gentlemen will meet with shame at home, and I will give you the business of Aumeen of the Khalsa.

Quest. Did he ask you any other words except those about the Barramuts?

Ans. He said, Do you this business of Hedgelee Comgeer, Tumlook, and the salt Mhaults, and from wherever you can. By business, I mean Barramuts.

Quest. Did this conversation pass on the day Maha Rajah bid you apply to Roy Rada Churn?

Ans.

Ans. Yes, that day; and he laughed and told me, When the Burdwan Rajah gets his dress, then I will confer with you.

Quest. How came this particular conversation to be introduced?

Ans. How should I know what was Maha Rajah's reasons for introducing it?

Quest. In what manner was it introduced?

Ans. I went there to visit him; he told me all these words, and gave these answers.

Quest. Tell the conversation.

Ans. First, in the month of Phaugun I went to Roy Rada Churn, and told him, Do you tell Maha Rajah, that there is to be a wedding of my son, and beg him to receive the sweetmeats. Roy Rada Churn said, Maha Rajah will take the sweetmeats at your son's wedding, and will shew you many kindnesses; this is your old home; you must be on terms of friendship with Maha Rajah. He has taken proper measures about the Governor, Mr. Barwell, and Mr. Vansittart, and other Gentlemen. What they have ate, they will be obliged to disgorge; and will be put to shame in their own country, and will be called thieves.

Quest. Did Roy Rada Churn say, proper measures taken? or did he say, that Maha Rajah Nundocomar said so?

Ans. It was what Maha Rajah said.

Quest. Go on.

Ans. And in proportion to the bad name that the Gentlemen have given to Maha Rajah here, he will have a good one in England. I (Comaul) said, There used to be great friendship between the Governor, Mr. Barwell, and Maha Rajah.—Was it this? What is the reason of their separation? He answered, Maha Rajah was Mr. John Graham's enemy; he was not an enemy of the Governor or Mr. Barwell. The Governor and Mr. Barwell had themselves made the Maha Rajah their enemy, and had forbid him to go to their houses; and now the Governor presses Maha Rajah to come to his house; and Maha Rajah says, I will never see his face; I will never go; and I shall consider well of him. I then asked, Why does Maha Rajah go to Mr.

Barwell's and Mr. Vansittart's? Roy Rada Churn answered, They are always calling him, in order to reconcile him to the Governor; but Maha Rajah will not. I said, Great men know the business of great men; I am a poor man: Go and tell so much for me to the Maha Rajah, that I am going to the wedding of my son, and request of him that he will agree to accept of the sweetmeats. He then said, Do you sit down; I am going to Maha Rajah. He returned in two guries after, and said, I have satisfied Maha Rajah; he will accept the sweetmeats. If you are to go to Houghly to-day, go, and send the sweetmeats; and if you do not go to-day, come to-morrow, and get your dismissal from Maha Rajah. I said, I have taken dismissal from the Governor, and all the Gentlemen, except Mr. Cottrell; I will go to-morrow and get my dismissal from him; and at a par and a half of the day I will come to Maha Rajah, and get my dismissal from him. I went next morning, got my dismissal from Mr. Cottrell, and at a par and a half or two pars of the day I went to Maha Rajah's. He was not there, nor Roy Rada Churn. I sat down in the Dewan Connah: just as I sat down, Maha Rajah's Sewarry came, and he also came. I then went down, and Maha Rajah was got out of his palanquin; as he was going in, I paid my Salams to him; Maha Rajah stopt, and said, I have heard from Roy Rada Churn about your marriage: May God prosper it! Undoubtedly, when there is a marriage at your house, and you send sweetmeats, I will receive them; and if there is a marriage at my house, I will send sweetmeats to you. He called for the Pandor, gave me Beetle, and my dismissal. I then went to Houghly; and at the marriage of my son, I sent the sweetmeats to Maha Rajah and Rada Churn; they both accepted of them. I returned the 1st of Chyle—I do not know whether the 3rd or 4th of Phaugun or 1st of Chyle. The first day after my arrival I went to pay my respects to the Governor, Mr. Vansittart, and all the Gentlemen. The 2d day I went to Maha Rajah's. Maha Rajah was not there; I went and sat down in the Dewan Connah; in a little

time Maha Rajah came. I presented him with a nuzzeer of one gold mohur. He took it, and desired me to sit down; which I did. He first asked me about my health, and the marriage. He then said, Did you hear at Houghly what passed between the Governor, and how I have proved him to be in the wrong? I said, I have not heard particularly; but I have heard you gave in Barramuts against the Governor, and that you have been before the Council with respect to the Barramuts. I have not heard the particulars; but people in general say, that there was great friendship between the Governor and you, and now there is a great nuzzeera; people laugh at this. If the Zemindars had done it, it would not have signified; but that you have done it, is very bad. Then Maha Rajah said, What can I do? I was to escape from the Governor's hands. If I had not done it, I should not have escaped from the Governor's hands: being remediless, I did it. He then began to relate what I related yesterday and to-day. The conversation went on as I yesterday related it.

Quest. When did you speak to Roy Rada Churn about the rupees on loan?

Ans. When I went up to Houghly. Maha Rajah then told me to go and get the rupees from him.

Quest. What passed about Barramuts on this last day you mentioned?

Ans. What I have related, *interpreting many* during the course of the examination.

Quest. What was said about Barramuts?

Ans. He said, I was an enemy to John Graham, and he was to me. The Governor said, Be on your guard, I will consider of you. I have consulted with Mr. Fowke. Mr. Fowke says, Do you give me Barramuts against the Governor, Mr. Barwell, Mr. Vansittart, and other Gentlemen; they will meet with shame in their own country; and I will procure for you the Kallaut of the Aumeen of the Khalsa. I, being remediless, gave in a Barramut against the Governor, on account of Munny Begum. There was a conversation in the Council about the Governor and me till one part of the night. I have proved the Governor to be in the

wrong. Do you bring Barramuts of widgelee, &c. against the same Gentlemen.

Quest. Did Maha Rajah desire you to get false Barramuts?

Ans. He said nothing to me of false Barramuts; he desired me to bring such as I could get.

Quest. Did he desire you to get false Barramuts, or of such people who had actually given money?

Ans. He never said false or true.

Quest. Did you understand that he meant false or true?

Ans. How should I know what was in his breast?

Quest. If you had been willing to oblige him, do you think false Barramuts would have answered that purpose?

Ans. What I know, and he said, I tell. I cannot tell what he thought.

Quest. Was the matter of the arzees, complaining of Gunga Govin Sing, true or false?

Ans. I did not give them in as complaints; I did it to frighten him. I wrote therein whatever I thought.

Quest. repeated.

Ans. I did not do it as a complaint; I wrote much, to frighten him. There was some money due to me: I put in a great deal more to.

Quest. What is the amount of the money demanded by the arzees?

Ans. You have the arzees, look at them.

Quest. Was the whole of the money due demanded in the arzees?

Ans. It is the custom of Farmers, where one rupee is due, to put in four. If I complained, I should specify; if on oath, I should specify. There may be money due from me to the Company: I should, if asked, say there was none due.

Quest. Is that matter settled between Gunga Govin Sing and you?

Ans. It is, by Moonshy Sudder O Deen.

Quest. What did you receive?

Ans. No one talks of their own riches.

Quest. repeated.

Ans. If Mr. Cottrell was to know what I received, he would, upon my going away from hence, immediately imprison me. I am indebted

indebted to other Merchants : if they were to know I had received money, they would come upon me. Whatever was wrote in the arzee, I got.

Quest. Did you get 26,000 rupees, which is mentioned in the arzee ?

Ans. I did get 26,000 rupees. Farmers engaged in business have various accompts. I owed him money ; that was deducted. I received some money.

Quest. Did you receive the whole in money, or was the debt of yours to him set off ?

Ans. It was settled by Moonshy Sudder O Deen. What was due to me I got ; what was due to him he got.

Quest. Did you get 6000 rupees in money or securities ?

Ans. I got more.

Quest. Did you get it in cash ?

Ans. I received in ready money more than 6000 rupees.

Quest. Did you receive more than is due ?

Ans. I got 10,000 rupees in ready money : 16,000 was due from me to him ; that was allowed him.

Quest. Was the matter of complaint in the arzees true or false ?

Ans. What was wrote in the arzees was partly true, and partly exaggerated from the enmity between us. I had separate accompts, by which part of the business was settled.

Quest. Was that 16,000 rupees due on account mentioned in the arzee ?

Ans. It was not ; that I wrote to frighten him ; I had not lodged a complaint, I had not taken an oath. Now I have, I will answer whatever you ask.

Quest. Were the 10,000 rupees due on the reasons in the arzee ?

Ans. Gunga Govin Sing, as Dewan to the Committee of Revenue, should have made advances to me on account of the salt-works : instead of making them, he detained as a deposit, and made over that sum as a transfer, for my account of land revenues.

Quest. Was you greatly indebted on account of your land revenue ?

Ans. I was indebted a large sum of money.

Quest. Did Nundocomar ever tell you, that

Roy Rada Churn had informed him what passed when he delivered the arzees ?

Ans. Yes. That when the account came before the Council, the General would see that justice was done. How do I know what was in his breast ? What he told me, I have answered.

Quest. When did you first after go to Mr. Fowke's ?

Ans. I don't remember the day.

Quest. As near as you can recollect ?

Ans. I think the day following.

Quest. Who did you see at Mr. Fowke's ?

Ans. How can I tell ? There was a cutcherry there.

Quest. Do you remember the names of any persons you saw there ?

Ans. I can't tell the name of any one. There were a great many people ; Zemindars, Moguls, Bootans, and Hircarrahs.

Quest. Do you know the name of any one person you saw in the house ?

Ans. I did not go to write down their names. I might have seen many whose names I knew, but don't recollect. There was one of Mr. Fowke's Moonshys, either that or the next day, I don't know which, quarrelled with me ; and Roy Rada Churn threatened the Moonshy.

Quest. Did you see any one the first day whose name you recollect ?

Ans. I do not recollect the name of any one.

Quest. Did you see Mr. Fowke ?

Ans. I presented a nuzzeer to him.

Quest. Did you see young Mr. Fowke ?

Ans. He was in the room ; I saw him writing in his room.

Quest. Did you speak to him ?

Ans. No.

Quest. Was there much conversation between Mr. Fowke and Roy Rada Churn ?

Ans. Much laughing and joking.

Quest. Did you tell Mr. Fowke what had previously passed between Maha Rajah and you ?

Ans. Not at that time [Do what Maha Rajah bids you]. I neither understood it to be with respect to Gunga Govin Sing, or any body else. I understood in my own breast, I under-

understood Maha Rajah and Mr. Fowke talk in this way. I said to myself, I am poor, don't go into such company; and I went to neither of them for two days. I went on those two days to pay visits; why should I go on this business?

Quest. Where was Moonshy Sudder O Deen at that time?

Ans. He was at his out-house; not in Calcutta.

Quest. Did you make any objections to what Maha Rajah struck out of the arzee?

Ans. No.

Quest. What were the words?

Ans. I remember, *Gereb Puriver* (and repeats some other words); I heard it read; but do not remember.

Quest. When did you go again to Mr. Fowke's?

Ans. The next day, at nine in the morning, or rather after.

Quest. Who was in Mr. Fowke's room when you went in?

Ans. Accoor Munnah called me, and carried me with him. Mr. Fowke was sitting on his bed, with his feet up; there were two Bengallies and two writers standing behind me.

Quest. How long did the two Bengallies and two writers stay there?

Ans. As long as there was good conversation between Mr. Fowke and me, I know that four men stood there; when he took up the book, and I threw myself down on the ground; I then looked up, and said, Bear witness; and after that, I don't know who went or came; I was down on the ground crying.

Quest. When you called to bear witness, were the two Bengallies and two writers in the room?

Ans. I do not know whether any one was there; I hardly saw myself. When Mr. Fowke took up the book, and I sat on the ground, and called out, Bear witness, I do not know whether there were a hundred or none: I was distressed at my own situation.

Quest. Did any body say any thing to you?

Ans. No.

Quest. Did any person in the room do any thing?

Ans. What should they do?

Quest. When you went into the room, was the door fastened?

Ans. When I went in, it had been fastened; when I came out, it was not fastened; when I went away, it was opened.

Quest. Were there many people about in the Veranda?

Ans. At that time there were but two or three people; it was past noon; they were all gone.

Quest. Did you offer to go away when Mr. Fowke threatened you?

Ans. How could I go, without Mr. Fowke's leave?

Quest. Did you ever ask leave?

Ans. Why should I ask leave? I put my clothes round my neck, and laid down.

Quest. Did any person besides Mr. Fowke threaten you?

Ans. Young Mr. Fowke shewed me kindness.

Quest. Was he in the room then?

Ans. No; when I came to the stair-case, I saw young Mr. Fowke and Rada Churn.

Quest. Are you sure you had not sealed the arzee before these threats?

Ans. I did not.

Quest. When you sealed it, did you sign it?

Ans. I do not remember whether I signed the arzee or no: I think not.

Quest. Do you mean by signing, putting your name to it, or putting *volaab* to it?

Ans. I was at that time out of my senses; I can say with certainty, that in my remembrance I did not sign it.

Quest. Was you ever threatened by Mr. Fowke more than once?

Ans. Not after the other dispute in the month of Poos.

Quest. Did he threaten then?

Ans. It was harsh conversation; but not so bad as the last. I have not seen him since, except at the Chief Justice's and here.

Quest. Are you sure you did not see him again that day?

Ans.

Ans. Why should I? Young Mr. Fowke comforted me: I went away to my own house.

Quest. At the time the book was taken up, who were there?

Ans. The four men were there; but not when I was crying on the ground.

Quest. Did you write on the ground?

Ans. Yes.

Quest. Did you carry a pen and ink with you?

Ans. There was a Sicca Dewar, pen and paper, ready upon Mr. Fowke's bed.

Quest. Do you recollect what was wrote?

Ans. First, the name of Barwell was wrote, 15,000 rupees per year for three years, 45,000 rupees. The Governor, in a Nuzzurana, 15,000 rupees, the word Governor was not used, but Mr. Hastings.

Hushier Jung 12,000 rupees.

Raja Rajebullub 7,000 rupees.

Cantoo Baboo 5,000 rupees.

Quest. Had you ever seen that furd before?

Ans. No.

Quest. Have you since?

Ans. No: It is not a furd; but such a piece of paper as this (*shewing a sheet of white paper.*)

Quest. Was there any other writing?

Ans. Nothing more was wrote; what he told me, I wrote; nothing else was wrote: the words I wrote were *Ruffan nedum* and *Dadum*.

Quest. How many times did you write these words?

Ans. On the first name I wrote *Ruffan nedum*, I wrote one or the other on the five names.

Quest. Did Mr. Fowke read the furd to you?

Ans. He took it in his hand, and asked me, Have you, for three years, given 15,000 rupees a year to Mr. Barwell? He did not tell me so from reading the furd? I answered, Yes, Sir, I have given it.

Quest. In what language was the furd wrote?

Ans. In Persian.

Quest. In whose hand did it appear to be written?

Ans. I don't know; the letters appeared to be Rada Churn's: I speak from guess.

Quest. How came you to say Yes, rather than No, to Mr. Fowke's question?

Ans. He held up a book to me, when I refused to seal the arzee; I intended to say No.

Quest. Did you think Mr. Fowke would strike you, if you did not say Yes?

Ans. When he held up the book, upon my saying No to his desire of sealing the arzee, I conceived he would have struck me if I had answered No to the question put as to the furd.

Quest. What distance of time was there between your fixing your seal to the arzee No 1, and your signing the furd?

Ans. I cannot tell the moments or minutes; but, as soon as the arzee was done with, Mr. Fowke produced the furd.

Quest. Did any thing pass, between your sealing the arzee and Mr. Fowke's producing the furd?

Ans. No; nothing passed.

Quest. Did you see the long arzee witnessed?

Ans. I did not see it; it was not before me: Mr. Fowke said, Be witnesses to it.

Quest. Were the two Tringy writers in the room black or white?

Ans. Black: I know one; the other I do not.

Quest. Where was the little arzee sealed?

Ans. In my own house.

Quest. Did you seal any other arzee?

Ans. Two against Gunpa Govin Sing, in my own house. I sealed no other in Mr. Fowke's house.

Quest. Was there any body in the room besides Mr. Fowke and yourself?

Ans. Yes; there were some men.

Quest. Do you believe they were the same men who were first in the room?

Ans. I cannot tell. As soon as Mr. Fowke told me to go, I went.

Quest. Did you observe any different people in the room, at the time of your recollection?

Ans.
D d

Ans. How do I know? I went away wiping my face.

Quest. Did any body offer to stop your going out of the room?

Ans. No; when Mr. Fowke bid me go, I went.

Quest. At the time Mr. Fowke lifted up the book, what position was he in?

Ans. He sat upon the bed, with his feet hanging down.

Quest. At the time you sealed the large arzee, where was it?

Ans. Mr. Fowke took it from the bed, near the pillow; and asked me whether I had given that arzee? I said, Sir, this is not an arzee; it is a jabob sawaul: Maha Rajah, having taken a draught, has given it for your satisfaction. When I was upon the ground, he gave it into my hands, and I sealed it.

Quest. Did you either sign or seal the furd?

Ans. I signed it.

Question repeated.

Ans. I neither put my seal, nor wrote my name. I wrote *Ruffan needum* and *Dadum*. Whatever Mr. Fowke had told me, I should have done.

Quest. Did Mr. Fowke bid any body be witnesses to the furd?

Ans. I put my duskeet to the furd, and Mr. Fowke bid me go.

Quest. When Mr. Fowke gave you the furd, did he bid you do any thing with it?

Ans. He told me to write upon it.

Quest. After you had wrote upon it, as Mr. Fowke did not understand Persian, did he desire any body to explain it?

Ans. No.

Quest. At the time you went to the Governor, why did you carry an arzee different to that which you afterwards wrote by the Governor's Moonshy?

Ans. The General had referred me to Mr. Fowke for enquiry. Mr. Fowke is an Englishman, and I am a poor Farmer; the Governor is the master of the country. God knows whether he will be angry with me if I write a long arzee, therefore I wrote a little, and said

a great deal by word of mouth. In the little arzee was wrote, The General has referred me to Mr. Fowke; Mr. Fowke has said so and so to me; and then, having given in the small arzee to the Governor, I told him every thing by word of mouth.

Quest. Was it the small arzee that was sealed and sent to Mr. Fowke, and then carried to the Governor?

Ans. When Maha Rajah required the arzee from me, the man who had been my Moonshy was gone home. I caused to be wrote whatever was in my remembrance by my new Moonshy.

Quest. Was that the same that was given to the Governor?

Ans. It was.

Quest. At the time the Barramuts were first mentioned, by whom were they mentioned?

Ans. When I spoke about the sweetmeats, Rada Churn first told me.

Quest. Did Rada Churn tell you to get Barramuts, or did he tell you that Maha Rajah wanted them?

Ans. At that time he told me what I have repeated about their coming to shame in England.

Quest. Did Roy Rada Churn ever desire you to get Barramuts?

Ans. Whenever I saw him, he asked them from me.

Quest. Mention the particular time when.

Ans. Whenever people have any business with Maha Rajah, they first apply to Rada Churn; Maha Rajah is the master, Rada Churn the son.

Questions by Mr. FOWKE.

Quest. Did Gunga Govin Sing know that you had put the arzees against him into mine or Rada Churn's hands?

Ans. Gunga Govin will tell you; how should I know?

Quest. Did any body else know?

Ans. How should I know?

Quest. How could Gunga Govin Sing be frightened, if he did not know it?

Ans. There was a conversation upon it between Gunga Govin Sing and me.

Repeat

Repeat that conversation.

I said to Gunga Govin Sing, Pay me my rupees; if you do not, Maha Rajah's doors are open for Barramuts; I will go, and, having written a great deal, will present an arzee against you to the Maha Rajah. Gunga Govin Sing said, What will be the effect of your giving an arzee? at last you will be put on your oath on it in the English Durbar. Do I forbid your giving in an arzee? whatever balance is due from you on account of the revenues, I will imprison you, and get from you; or else let Moonshy Sudder O Deen come, we will settle it among ourselves; if not, and you wish to be a great man, go and take a false oath before Maha Rajah. I said, Give me my dismissal, and I will go to the Moonshy, and I and the Moonshy will come together. He said, You are at liberty to go or stay; why do you want dismissal from me? get dismissal from Mr. Cottrell. The next morning I caused the arzee to be wrote.

Quest. Did you ever acquaint Gunga Govin Sing that you had actually lodged it?

Ans. Every day he threatened me, and I threatened him. He laughed, and I laughed. We staid in expectation of the Moonshy's coming.

Quest. Did you, at any time, acknowledge your seal to be put to the great arzee before witnesses?

Ans. From that time I have complained, that Mr. Fowke caused me to put my seal to the arzee by force.

Quest. How often did you go to visit Mr. Fowke senior before the long arzee was sealed and witnessed?

Ans. All together I went about three times to his house; when I came from Houghly, I do not remember.

Quest. When was the first time?

Ans. Every thing was from the end of Chyle to the 7th of Byfaak.

Quest. Knowing Mr. Fowke's house to be a catcherry of Barramuts, how came you to go to it?

Ans. Maha Rajah told me to go, and be reconciled to him.

Quest. Did you ever tell any body that you had given the fums mentioned in the furd?

Ans. If I had given, I should have told; should I say I had, if I had not?

Questions by the Court.

Quest. Was any thing said about carrying the arzee to Council?

Ans. Mr. Fowke desired me to go; and then said to Roy Rada Churn and young Mr. Fowke, As you have caused me to write this arzee by force, and you will send it to Council, having my torn jammah, I will go to the Council before it.

Quest. Did you ever desire of Mr. Fowke, or Maha Rajah, that the arzee should not be carried to the Council?

Ans. At the time I came out of Mr. Fowke senior's room, I said to Roy Rada Churn and young Mr. Fowke, Give me back that arzee and furd which Mr. Fowke has caused me to sign, or I will immediately go to the Council and complain.

Quest. Did you ever ask Mr. Fowke to return the arzee?

Ans. I demanded it of him the next day, in the room; Maha Rajah was there, Roy Rada Churn, and Mr. Fowke.

Quest. Did you ever consent to have that arzee delivered into Council?

Ans. I never did.

Quest. Was the pen English or Persian?

Ans. It was an Hindostannic pen and a silver ink-stand; the Sicca Dewat and ink-stand were both silver.

Quest. Had you any reason to think that Mr. Fowke knew of your coming?

Ans. The night before the draught of the arzee had been wrote at Maha Rajah's, he sent to call me.

Quest. When did he send to call you?

Ans. In the evening, when I was going to get my dismissal, Maha Rajah said, Write an arzee, and carry it to Mr. Fowke; Roy Rada Churn will go with you; an Huncarah of Rada Churn's the next day called me to go to Mr. Fowke's, when I was at Mr. Cottrell's.

Quest. Were the fums in the furd in words at length, or in figures?

Ans. The names were in words; the fums in figures.

Quest. What sort of figures were they wrote in?

Ans. In Persian.

Mr. SUMNER.

I received two arzees enclosed in this letter, signed, Joseph Fowke; together with two English translates of the arzees. I am Secretary to the Revenue Council. It is customary to remove papers from one office to another, when they are sent by mistake. It should have been sent originally to my office. Presenting an arzee is the mode of instituting an enquiry. I have known censures and punishments inflicted by the Board in consequence of arzees. I have known examined both on oath and without; the parties accused examined: I believe, I have known the party accused examined on oath. The subject of the arzee was proper matter to be enquired into in my department: I allude to the large arzee.

Mr. AURIOL.

Young Mr. Fowke called on me one morning at breakfast, and gave me a Letter addressed to the Governor General and Council; which, as they were to sit that morning, I desired might be delivered to them. That letter contained these papers. I delivered them to the Council; the Governor General was not present. I received no order respecting them, till Mr. Fowke had sent a second Letter to the Board, applying for original papers he had before delivered in. I was then directed to send these papers, excepting the Persian, which was ordered to be translated, as the original papers which Mr. Fowke applied for had been recorded in the Revenue Department; and to desire Mr. Sumner to attend the Board with all the papers applied for by Mr. Fowke; Mr. Sumner accordingly attended the Board; and received further instructions to carry them to Mr. Fowke, at the Chief Justice's house.

Quest. Were the contents of the arzees mentioned in Mr. Fowke's Letter?

Ans. No.

(*Mr. Aurioi says, the Letter was dated the 18th; and he received it on the 20th, the day the parties were before the Chief Justice.*)

Question to Mr. Sumner.

Do you know this paper?

Ans. I received this paper the 2d of June, of Sir John Doily; I received it as Secretary to the Revenue Department.

Sir JOHN DOILY.

I believe this to be the paper I sent to Mr. Sumner, by order of the Council. I received the paper from the Governor, or one of the Secretaries, and delivered it to Mr. Sumner.

COMAULO DEEN.

This is the true arzee. It is the arzee I delivered to the Governor, to deliver to the Council. It was not my custom to affix my seal to arzees: I did to those of Mr. Fowke's and Maha Rajah Nundocomar's. It was not my custom to write my name to arzees: the Moonshy wrote it. I sealed this, because the Gentlemen desired it. Send for other arzees I have given in to the Committee, and see how many of them have my seals to them. Ask Mr. Cottrell for my arzees, and see how many of them have my seals.

Quest. Don't you seal all arzees?

Ans. I never put it on C. arzees: but I do on darkhausts (*proposals to Government*).

Quest. Why did you put your seal to your arzee; viz. the small one?

Ans. If I had not put my seal to it, Maha Rajah would not have given credit to it. I have put my seal on the arzees of Maha Rajah and Mr. Fowke, and on all the arzees in their possession.

Quest. Why did you put your seal to the arzees against Govin Sing?

Ans. To prevent their being changed, as a mark. If the Governor tells me to put my seal, I put it. I should of my own accord, to know

know my own paper. Roy Rada Churn would not have taken it if it was not sealed. That I sent to Yar Mahomed was not sealed; I did not intend that should be delivered, therefore I did not seal it (*the large arzee*). Mr. Fowke desired me to seal it.

Defendant's Counsel shows him a paper.

Quest. Do you know this arzee?

Ans. I delivered two or three arzees; one from myself, the other two from the Zemindars. I will send for the copy, and tell you whether I delivered it or not.

Quest. Don't you know your Moonshy's hand-writing?

Ans. No.

Quest. Can't you write Persian?

Ans. I can read, but not write well.

Quest. Did your Moonshy ever write in your presence?

Ans. Yes, always.

Quest. Are the seals to the great and little arzee yours?

Ans. Yes, they are.

Mr. Fowke admits the Letter enclosing them to be his.

Mr. William Chalmers proves the translate of the arzees marked A. and B. also of that marked D.

THE GOVERNOR GENERAL.

Quest. Are these arzees of course sent upon the consultation?

Ans. I cannot say of course; but these are.

Quest. Are they sent?

Ans. Not yet; but they are to be sent.

MR. SUMNER.

Quest. Are these arzees transmitted to England?

Ans. They are upon record, and will be sent.

Mr. Fowke's Letter read.

Arzees read.

Mr. Elliot explains his sense of the word Barramut:

An account of the receipts of money improperly received, which may be either true or false,

forming an accusation, or reflecting a disgrace, on such person by whom the money is said to be received.

Captain Camac:

A Barramut is a paper delivered in, either before or after an aumeen is displaced; when it is delivered before, it is meant to get him displaced; if after, to accuse him of money received in his office; is often exaggerated; it may be either true or false.

Mr. Redfearn:

An accusation that may be either true or false.

Mr. Ducarel:

The same.

KEWDERNAWAZ being sworn.

Quest. Whose servant are you?

Ans. I am Comaul O Deen's Moonshy.

Quest. Do you know Maha Rajah Nundocomar?

Ans. Yes.

Quest. Was you ever at his house?

Ans. Yes. I was never but once, which was upon the occasion of this arzee; I went with Comaul O Deen. He went into the Dewan Connah: I staid without. He sent for me. I went and paid salaam to Maha Rajah; who said to me, Come, and sit near me. When I had sat down, he gave me pen, ink, and paper; and bid me write out the foul draught of an arzee. I wrote out a foul draught according to what he told me. When I had wrote out the foul draught, he took it into his hands, and then looked at it, and gave it to Doman Sing; whose name I was not then acquainted with, but have since learnt it, and told him to copy it over on another paper. When Doman Sing had wrote it over, Maha Rajah, having altered it wherever he saw a small difference, told me to write it out fair. Then Comaul O Deen said, I have the disorder of the piles, and a pain in my belly: let me go away; my Moonshy will stay, and write out the arzee according to your instructions. C. O Deen then said to me, I am going home, do you stay and write out the arzee accord-

according to Maha Rajah's instructions. He went away; I staid till about a par and a half of the night; Maha Rajah was sitting, and I was sitting writing the arzee. When I had wrote it fair, I gave it into Maha Rajah's hands. Maha Rajah, having read ten or twelve lines of it, said, This is the fair copy of the arzee I bid you write; it is very well. He said to Yar Mahomed, Go with the Moonshy, and get Comaul O Deen to seal the arzee. We then went both together to Comaul O Deen's house. He was sitting smoking his hooka. Yar Mahomed salamed: I likewise went and sat down. Yar Mahomed sat near C. O Deen; I at a distance. Yar Mahomed said, Maha Rajah has sent this arzee to you; having considered of it, put your seal to it. Comaul O Deen, having read it, said, There is no agreement between Maha Rajah and me for putting my seal to it. If I should put my seal to the arzee now, and should be called on to prove the circumstances in it, I shall not be able to prove it. I will by no means put my seal to it: whatever I have wrote, I wrote to please Maha Rajah. Yar Mahomed then answered, Maha Rajah is the master, he has sent to you; you may either put your seal on it or not, as you please. During the conversation, Comaul O Deen gave him his hooka to smoke, and he soon went away.

Quest. How long have you known Mr. Fowke?

Ans. I have known him only since the disputes. I never went to Mr. Fowke's except the day of the dispute, when I went with Comaul O Deen.

Relate what passed.

Comaul O Deen went up stairs. I staid below. In about three or four guries Mr. Fowke came down, and behind him Maha Rajah, and then Comaul O Deen. I don't exactly fix the number of guries.

Quest. When did this happen?

Ans. It was next day after the arzee was brought to Comaul O Deen. Mr. Fowke and Maha Rajah got into their palanquins. Comaul O Deen stood opposite Maha Rajah, and said to him, For God's sake, give me back that false paper of Barramuts, which you have

forcibly caused me to write. I cannot prove what is wrote in those papers against the Gentlemen. He then called out Duoy on the Gentlemen of the Audalet. He said, His life and honor will be affected by this. Maha Rajah gave no answer. Comaul O Deen then tore the collar of his jammah, and went to go into his palanquin. Then Yar Mahomed, Nettoo Sing, and others, took hold of Comaul's hands, and said, Where are you going? He then got his hand away from theirs, and got into his palanquin. When he got out of the lane which leads to Mr. Fowke's, a hircarrah went and stopt his sawarry, and said, Where are you going? come back. And they kept disputing in this manner, till they got to the Bitah Connah of Rajah Rajebul-lub. He then got rid of them, and went along the high road.

Quest. Was you ever examined concerning this before?

Ans. I was; at the Chief Justice's, and once before the Audalet.

Quest. Do you know Goolaum Hussain?

Ans. Yes.

Quest. Do you know whose servants they were that stopt Comaul O Deen?

Ans. They belonged either to Maha Rajah or Mr. Fowke.

Quest. Do you know whose servants Yar Mahomed and Nettoo Sing are?

Ans. They are servants to Maha Rajah.

Quest. Did Comaul O Deen make any objections to the alterations in the arzee made by Maha Rajah?

Ans. No, he said nothing. He went away while the fair copy was writing.

Quest. Did Comaul understand the contents of it, after the alteration?

Ans. I do not know whether he did or not.

Quest. What time of the day was it, when you went with Comaul O Deen to Mr. Fowke's?

Ans. It was about a par and a half of the day.

Quest. How long did you stay there?

Ans. I cannot exactly tell; it might be about three or four guries.

Quest.

Quest. Did you hear any noise up stairs, at Mr. Fowke's?

Ans. How should I hear any noise in the upper apartments? I was down below.

Mr. Farrer produces a paper, and asks whose writing it is?

Ans. Mine. I wrote it in Comaul's presence. It is a paper about the Audalet.

Quest. Who did you give it to?

Ans. I gave it to Comaul O Deen; he is my master. I gave it into his hands.

COMAUL O DEEN.

Quest. Do you know this paper?

Ans. Yes. I gave it to Roy Rada Churn; it is a durk. Rada Churn said, it would have no effect; and therefore it was not sealed.

KEWDERNAWAZ.

Quest. Is that Comaul O Deen's seal on the arzee?

Ans. It is.

Quest. Did you see Comaul O Deen afterwards?

Ans. When he had gone from the cutcherry to his own house, I did not see him.

Quest. When you was before the Justices, was you asked, Whether you had been at Mr. Fowke's?

Ans. It was not asked as to my being at Mr. Fowke's, before the Chief Justice.

Quest. Where did you go after you left Mr. Fowke's?

Ans. I went with Comaul's palanquin on foot, to Rajah Rajebullub.

HUSSEIN ALLI.

Quest. Whose servant are you?

Ans. I am Confuma to Comaul O Deen.

Quest. Do you know Yar Mahomed and Kewdernawaz?

Ans. Yes.

Quest. Did you ever see them at Comaul O Deen's house?

Ans. Yes.

Relate what passed.

It was about one part of the night when Yar Mahomed and Kewdernawaz came to

Comaul O Deen's house. I don't remember the day; it may be a month or a month and a half ago. Two or three days before the disputes, I met Kewdernawaz on the stair-case. He said, Comaul O Deen is going to seal a paper; do you bring the Sicca Dewat, and the box where the seal is. I brought them. I did not carry them into the room where they were: I gave them both to Huttoo. He took them, and stood with them on the stair-case. I told him, When they call for them, do you give them. I went in where Comaul was sitting, and saw Yar Mahomed sitting near him, and Kewdernawaz at a distance. About a quarter of a gurry, or not so much, Yar Mahomed went away. Then I went out, and said to Huttoo, Perhaps the business for which these things were wanted will not be done; let us take them away again. I took them; and put them in the Tosha Konnah.

Quest. Did Comaul O Deen call for the seal while Yar Mahomed staid?

Ans. No.

Quest. Did he seal the arzee?

Ans. No.

Quest. If he had done it, should you have seen it?

Ans. I must have seen it; the seal was in my possession.

Quest. Was you ever at Mr. Fowke's with Comaul O Deen?

Ans. Yes, I was there the day of the disputes; it was three or four days, I cannot exactly tell which, after that I was at Mr. Fowke's.

Relate what passed.

I do not know what passed above stairs. At the door-way, first Mr. Fowke came out, and got into his palanquin; then Maha Rajah came out, and got into his palanquin. Then Comaul O Deen, addressing himself to Maha Rajah, said, I cannot prove the fact: Patta-muts you have made me write out: this is very bad business, and I shall be ruined; get me the papers back from Mr. Fowke. Maha Rajah gave him no answer. Then he began to tear his jamma, and call out Deey on the King, the Company, and Audalet; and said, See, they have caused me to write this paper

forcibly. When he attempted to get into his palanquin, Yar Mahomed and Nettoo Sing held his hands. They are servants to Maha Rajah Nundocomar. Comaul O Deen disengaged himself from them, and got into his palanquin. As he went out of the lane to come on the great road, two Hircarrahs stooped the palanquin, and said, You must come back. He went on in his palanquin. I left him: I had business in the Bazar. I could not go so fast. I saw as far as Rajah Rajebullub's High Connah.

Quest. Do you know whose Hircarrahs they were?

Ans. They came out of Mr. Fowke's house. I do not know who they belonged to.

Cross Examination of HUSSEIN ALLI.

Quest. Have you charge of Comaul O Deen's seal?

Ans. The seal is always in my possession. When Comaul goes out, or to the Durbar, he puts his small seal upon his finger, and a bundle of papers into his cummerband. When he comes home, he pulls off his cloaths, and puts the ring into the small box again; and that box is under my care. Whatever he has is under my care.

Quest. In what language did C. O Deen address Maha Rajah, when getting into his palanquin at Mr. Fowke's?

Ans. In Moors. What I heard, I remember. I was about two yards distant when he spoke to Maha Rajah.

Quest. Did you tell any body what passed?

Ans. I told it to the Grand Jury; to no one else.

Quest. Did you not mention it to Mr. Durham?

Ans. I don't remember that I did. Comaul O Deen asked me, You was there, did you hear what pass? I said Yes, I was there, and heard it. He wrote out a paper of what pass, and I witnessed it. Comaul said, I have wrote down what passed; do you witness it. I witnessed it.

Quest. Did you read it before you witnessed it?

Ans. I did.

Quest. In what language was it wrote?

Ans. In Persian.

Quest. Do you understand Persian?

Ans. Yes.

Quest. What were the contents of this paper?

Ans. He first wrote and prepared the paper, in which was written: Let those who are Mussulmen upon their oath of God and Prophets, and those that are Gentoos on their oath and Water of the Ganges, and their conscience, if they know any thing of this paper, let them witness it. He first wrote it, and then shewed it to me and others.

Mr. ELLIOT.

Quest. Is it customary to draw out such papers?

Ans. It is. I scarce ever knew a cause in a Country Court, in which a Sooruthall was not produced on one side or the other.

KEEMAGEET.

Quest. Do you know C. O Deen?

Ans. Yes.

Quest. Do you know Mr. Fowke?

Ans. Yes.

Quest. Was you ever at Mr. Fowke's house with C. O Deen?

Ans. No, never. I never saw C. O Deen near Mr. Fowke's.

Relate what you know respecting a fray, which you saw, between Comaul O Deen and others, in the street.

I was going on the road near the High Connah of Rajah Rajebullub; I saw Comaul O Deen in his palanquin, with his collar torn. There was one Hircarah running by C. O Deen, and crying, C. O Deen, stop your palanquin. C. O Deen did not stop his palanquin. The Hircarah ran up, and took hold of it; and having taken hold of it, said, Where are you going? Maha Rajah calls, and the Gentlemen call you. Comaul O Deen called out Duoy on the King, Council, Audalet, and Governor; they have taken a writing from me by force, and now they send a Hircarah to make a disturbance. Having said

said this, and disengaged himself from the Hircarrah, he went on.

Quest. Do you know whose Hircarrah he was?

Ans. What do I know of the Hircarrah?

MAHOMED GHOSE NEWAZ.

Quest. Whose servant are you?

Ans. Nobody's.

Quest. Do you know Comaul O Deen?

Ans. Yes.

Quest. Do you know Mr. Fowke?

Ans. Yes.

Quest. Did you ever see C. O Deen at Mr. Fowke's house?

Ans. Yes, I saw him there the day of the quarrel; it is about three months ago.

Quest. What past there?

Ans. First Mr. Fowke came out, after him Maha Rajah. I was standing below. Behind Maha Rajah was C. O Deen. When C. O Deen came out, he addressed himself to Maha Rajah, and said, Those false papers of Barramuts you have caused me to write give me back again; I am a poor man, I cannot do this business, it will ruin me. Maha Rajah gave no answer. C. O Deen got into his palanquin, and tore the collar of his jammah, and cried out Duoy of the Audalet; when two men laid hold of his hands, and stopt him. He did not mind them. They went on disputing as far as Rajah Rajebullub's Hish Connah. As they were going there, a Hircarrah from some distance behind, cried out, Bring back the palanquin. He came up, and seized the bearers, and stopt the palanquin; and said, Come back. Comaul O Deen then called out Duoy of the Council and Audalet, and got away. Where he went, I do not know.

Cross Examination of Mahomed Ghose Newaz.

Quest. Whose servant did you say you was?

Ans. I am a student; employ my time in reading; am nobody's servant. I never was a servant.

Quest. How long have you lived in Calcutta?

Ans. It is about eight or nine months since I came to Calcutta.

Quest. Where do you live?

Ans. I live in the Mutchec Bazar, in a place I have hired of my own. I give rupees, six annas, per month for it.

Quest. Do you know Moonshy Sudder O Deen?

Ans. I have heard of his name. I do not go backwards and forwards to him. He sometimes goes to the Durbar; I go to the Durbar: I have seen him going there in his palanquin. I never spoke to him. He never sent any of his people to me. As I know the name of Moonshy Sudder O Deen, I do that of Comaul O Deen.

Quest. Did you stop when you heard Comaul O Deen cry out Duoy?

Ans. Yes. He called to the people to be witness.

Quest. Did any conversation pass between you and Comaul O Deen?

Ans. I did not speak to him on the day of the dispute, or since.

Quest. Have not you signed a paper?

Ans. No.

Quest. Have you not signed a Surat Hall?

Ans. No. C. O Deen, when he called out Duoy, said, You will all be called on at the Audalet. I received a summons to appear here; a Peon gave it me, and to five others. I never told any body my name, or where I lived.

Quest. Where was you, when the summons was given you?

Ans. At my own house.

Quest. When did you first see Comaul O Deen?

Ans. When he began to cry out Duoy.

Being shewn the paper called the Surat Hall, and asked, If his name is to it in his own hand, he says, Yes, and calls it a Dewan Putny. At last he said, it was a Surat Hall. Then he called it a Recidadaad, and said, If you had asked me if I had signed a Recidadaad, or any paper concerning this business, I should have answered I had. Being asked, If the paper

paper which he calls a Recidaad is not a paper, he says it is.

KEWDER NEWAZ.

Quest. Do you know the last witness?

Ans. I certainly do. He is my own brother. He is a witness to what passed in the dispute with Comaul O Deen at Mr. Fowke's house.

Quest. Are you own brothers?

Ans. We had the same father and mother; look at his face and mine, we are like; but he is a fool, and has denied it through fear. He knows nothing of business, and never did any in his life. I am forced to give him victuals and cloaths. I was a servant of Comaul O Deen's at Calcutta; he came to me; he was present with me when the dispute happened; Shake Mahomed, Husein Ally, Mahomed Gose Newaz, Mushurer Rahomaun, and Keema-geet were there likewise. At the time of my father and mother I maintained him; and if out of six brothers one happens to be sensible, would he not maintain the others? My brother knows Comaul O Deen through my means. He lives with me in my apartments at Comaul O Deen's house. He is a man: if he has made himself witness upon any business, he understands it; why should he not know truth from falsehood?

Quest. from Mr. Farrer:

Whether you bid your brother go to Mr. Fowke's house that day? or whether any body else to your knowledge bid him go?

Ans. Nobody bid him go. He went of his own accord. Husein Alli and I are Comaul O Deen's servants. We went by his directions.

Quest. Is it customary for you to go with C. O Deen?

Ans. Wherever he carries me with him, I go.

HUSSEIN ALLI.

Quest. Do you know Mahomed Gose Newaz?

Ans. Yes. His brother and he live with me in Comaul O Deen's house. He was with

us at the time of the dispute at Mr. Fowke's house.

Quest. Is he a sensible man, or a fool?

Ans. He is not a sensible man, and yet not quite an idiot.

Quest. Is he such an idiot, as not to know his brother?

Ans. No, I think not. If he was, he would run about naked.

Quest. Does he smoke bang?

Ans. Not that I know.

Quest. Is he more sensible at one time than another?

Ans. Yes. But I never saw him in such a state as not to know his own brother; or not to know who is his brother, if the question is asked him?

MUSHURER RHAMAUN.

Quest. Do you know Comaul O Deen and Mr. Fowke?

Ans. I know them both.

Quest. Was you ever at Mr. Fowke's when C. O Deen was there?

Ans. I was. It may be about two months or two months and a half ago.

Relate what you saw.

I was standing at the door, and saw Mr. Fowke, Maha Rajah Nundocomar, and Comaul O Deen, come out. Comaul O Deen said to Maha Rajah, Give me back that paper which you have forcibly caused me to write. I have never given money, or caused any to be given, to any body. I know nothing of the contents of the paper; give it me back again. Then Comaul O Deen called Duoy upon the Governor and Gentlemen of the Council, and said, Give me back the paper. When they did not give him back the paper, he tore his cloaths, the collar of his jammah, and made a great piece of work; and called out to Gentoos and Mussulmen to bear witness. He got into his own palanquin, and went away. A Hircarrah ran after the palanquin, took hold of it, and said, Maha Rajah and Mr. Fowke call you; you must come back, C. O Deen. C. O Deen went towards the Governor's house,

house, and I went by the Court-house to my own house.

Cross Examination.

Quest. Who bid you go to Mr. Fowke's that morning?

Ans. Somebody's Vakeel. I am Vakeel of Fyzullah Iffalam of Bangha. It is my business to go to every body's Durbar. I did not go particularly to his.

Quest. Did you sign the Surat Hall?

Ans. I witnessed the Surat Hall, and signed it in the afternoon of that day. I did not see the Surat Hall in his hand at the time he cried Duoy.

Quest. What time of the day was it?

Ans. I cannot exactly tell what hour of the day it was; but believe there was three or four guries of the day remaining. When the dispute happened, there were about six guries of the day advanced. I signed the Surat Hall at my own house. Comaul O Deen brought it to me himself, carried me to read and sign it, and went away.

MOONSHY SUDDER O DEEN.

Quest. Do you know Comaul O Deen?

Ans. Yes. I have known him more or less than twenty years; there is a friendship between us.

Quest. Did he ever tell you any thing about arzees?

Ans. One day in the month of Byfaak, Comaul O Deen told me so much on the business of the Tecka Collaries, that the dispute which was before: Maha Rajah wants me to write an arzee, and that there may be such a meaning put in that arzee by which the Governor and Mr. John Graham may get a bad name: he has desired me to write it; but I will not do it; and I will not bring so bad a name upon myself: you are my friend, and therefore I have communicated it to you. This was in the night, upon the business of arzees, he told me so much.

Quest. What time was that in Byfaak?

Ans. It was either the third or fourth, I do not remember. That was all that passed upon

the arzees. When one friend goes to visit another, they talk of various subjects; if you mention any particular subject, I will tell. Again, there was a conversation on the eighth Byfaak; there were four guries of the day remaining. Comaul O Deen came to me, and said, I have been at Mr. Fowke's house, to get back the arzees which I gave against Gunga Govin Sing. He has not given me back the arzees. He has caused me to put my seal by force to an arzee on the business of the Tecka Collaries, and he has made me sign a furd; but afterwards I told him, Do not do so. When I became my own master, I said, Sir, do not do so. Then Mr. Fowke said, Do not you be in a hurry, Maha Rajah will be here to-morrow, and then we will settle it, don't make a disturbance. (Comaul) I am now going to Maha Rajah's, if he will procure me back my arzees and papers very well; and if not, to-morrow I will make a disturbance; or, I will destroy myself. You are my friend, acquaint Mr. Barwell and Mr. Vanfittart with it. Having said this, he said, I am immediately going to Maha Rajah. I will come back again at night, and tell you all the particulars. He went away. He came back at night. I speak from guess, it might be about five or six guries after the night. There was this conversation between us: Seeming pleased, he said, Maha Rajah will give me back the arzee and all the papers; he has told me to come to-morrow. Do you now hear all the particulars: The arzees which I gave against Gunga Govin Sing, and deposited with Roy Rada Churn, with the knowledge of Maha Rajah, upon this condition Moonshy Sudder O Deen is gone; if my dispute with him can be settled, I will take back, and I am to give him 6000 rupees: 4000 rupees to Maha Rajah, and 2000 rupees to Rada Churn. Two days ago I desired Maha Rajah to give them back again, but Mr. Fowke laid out an arzee on the business of the Tecka Collaries, and then you'll get back your arzees against Gunga Govin Sing. I (C. O Deen) said, Maha Rajah, how can I write this? Maha Rajah said, - It does not signify; do you one thing; do you write on one subject; hav-

ing shewn it to Mr. Fowke, that story of yours shall be torn; and you will receive back the arzees against Gunga Govin Sing that are with Mr. Fowke. I said, I have the disorder of the piles, and a pain in my belly; I will go; my Moonshy will remain, and will write it. I went; my Moonshy said. Maha Rajah caused the Moonshy to write the dictates of his own heart; and in the night Maha Rajah sent it by Yar Mahomed for the purpose of getting my seal upon it. I told him, There was no agreement between Maha Rajah and me that I should put a seal to it. I did not put a seal to it. Yar Mahomed went back again upon that business. Mr. Fowke has to-day forced me to put my seal, and tished up a book to strike me, and was very angry with me; for which reason I sealed it, and gave it to him. He took out a furd, in which was wrote the names of Mr. Barwell, the Governor, Mr. Vansittart, Cantoo Bahoo, Rajah Rajebullub; these names, and certain sums, were wrote in the furd, and desired me to put my *Duskut* to it. I asked him what *Duskut* Keir he had put upon it? Comaul O Deen said, In some places I wrote *Ruffan nedum*, and others *Dadum*. And he told me a great deal about his being in a great measure senseless.

Gunniffan Doss being asked as to the difference between Duskut and Duskut Kier:

Duskut generally among great men to inferiors means a mark of authentication, without a name.

Moonshy Sudder O Deen:

It may be either a signing or a single letter, or any mark they chuse to make; the same from an inferior to a superior, as from a superior to an inferior.

Quest. Are the two Persian words mentioned by Comaul O Deen a *Duskut*?

Ans. Yes. For which reason I asked him what *Duskut* he had put to it; and undoubtedly I thought when he told me what it was he had put, I thought it a *Duskut*. After having wrote them, I (C. O Deen) made a

disturbance. All this I told to Nundocomar; who said, To-morrow you shall get back again all your papers and arzees.

Cross Examination.

Quest. Was you at Comaul O Deen's last night?

Ans. I neither saw him nor heard from him.

Quest. Have you heard what evidence he gave?

Ans. It is the custom here for persons to talk about what passes in the Court; some are good men, some bad; and have told me, at different times, Comaul O Deen gave such and such an evidence. Nobody came to my house to inform me of his evidence.

Quest. When did Comaul O Deen first inform you of any disputes between him and Gunga Govin Sing?

Ans. He told me of it when I came from my own house.

Quest. Did Comaul O Deen desire you to obtain from Gunga Govin Sing any sum of money which he had upon him?

Ans. C. O Deen said to me, I have, on your account, deposited arzees against Gunga Govin Sing; do you get the business settled for me.

Quest. Did you settle it?

Ans. I did.

Quest. On what terms? what sum of money was paid to Comaul?

Ans. When I came home, Comaul complained much against G. G. Sing; and he afterwards told me, He is now in my power; you are his friend and mine; if you'll settle it; very well; if not, there will be a dispute; I will injure him very much. He began to talk angrily; and I said, Disputes are not good: why should there be disputes between friends? Such conversation passed every day. They were both my friends; for which reason I told them it was better to settle it; and about the 5th day I settled it, for 10,000 rupees.

Quest. Was 10,000 rupees the whole paid to Comaul O Deen, either in money, or any other consideration?

Ans.

Ans. Comaul O Deen claimed 26,000 rupees; G. G. Sing said, I have written off this to your revenue account: you have no claim upon me. I told this to Comaul O Deen; who then said, I am much in arrears, on account of the Tecka Collaries; and my character will go; if I can get 10,000 rupees, I shall escape. I then told Gunga G. Sing, You are my friend, and he too; it is not well to quarrel among ourselves; and now the times are such, that it behoves every good man to avoid having any complaint against him; it is necessary for you to give C. O Deen 10,000 rupees. Then Gunga G. Sing said, You say this to prevent quarrels; it does not signify; what you say is very well: you tell me to give 10,000 rupees; the remaining 16,000 rupees shall be written off on his land revenues.

Quest. Did Comaul O Deen mention any other arzees than those against G. G. Sing?

Ans. He said something about having given a Duskut for the Audalet of Hidgelee to Maha Rajah.

Quest. When C. O Deen spoke to you about the book being held up to him, was it about G. G. Sing?

Ans. It was to seal the arzee about the Tecka Collaries. He told me nothing of the contents of the arzee, that was wrote at Nundocomar's when he went away and said he was ill, which was carried to his house to be sealed, and about which Mr. Fowke held up the book.

Quest. Was it that arzee, or any other, that Mr. Fowke made him seal?

Ans. From his telling me, I know it was that arzee.

Quest. Which Mr. Fowke was it, that bid him not make a disturbance?

Ans. I did not ask which; he said Fowke Saub.

Quest. Did you ever advise Comaul how to act, when he went to Mr. Fowke's?

Ans. No, never.

Quest. Did you, in your own name, or in any other, ever promise Comaul O Deen any thing, for giving the evidence he has given? or told him, that advantage would result to him from it?

Ans. No, never.

Quest. Did you ever desire him to write an arzee against Mr. Fowke?

Ans. No, never.

Mr. HASTINGS.

Quest. Do you know Comaul O Deen Cawn?

Ans. Yes, I do.

Quest. Did he make a complaint to you, in the month of December last?

Ans. Yes; I will endeavour to relate what passed: Comaul O Deen, in the month of December, complained that Mr. Fowke had attempted, by promise and threats, to extort from him a declaration, that he had given bribes to English Gentlemen, and muckuddies for the grant of the Tecka Collaries, on the adjustment of accounts relative to them; I am not certain which. These were salt works, not originally included in the lease of the farm of Hidgelee, but worked by other farmers, by people brought from other parts, and afterwards given to the farmer of Hidgelee, to prevent competition. I told him, I would not receive a verbal complaint; if he desired me to take cognizance of it, he must commit his complaint to writing, and deliver it in writing. He did so; but in terms so brief and general, that I returned it to him, telling him, that, as he had stated it, it did not amount to a complaint; that I would have nothing to say to it; but if he wished I really would take notice of it, he must mention the facts by which he thought himself injured, in writing, and relate their circumstances. I think, while I was talking to him, Mr. Vansittart arrived in the apartment where we were conversing. I told him what had passed, and what I had been saying to Comaul O Deen; he repeated the same inaudibly to him. Comaul O Deen said, He would like to see the complaint, and make it fuller and more circumstantial; but that he had no Mookshy with him. I told him, Miss should write it, if he would dictate it. He agreed to it, and wrote the first arzee, which has been read; it was then brought to me, I believe by Comaul O Deen.

O Deen, and I laid it before the Council. In conversation between Comaul O Deen and me, other particulars may have happened, which, if there were, I cannot recollect, and have totally forgot.

Quest. Did Comaul O Deen ever tell you that there were fallities in the arzee, to which he could not swear?

Ans. No, never. I understood what was written; and believed it to be true, as far as I could believe a single witness; I put several questions to establish my belief, so far as to lay it before the Council.

Quest. What directions did you give, as to the drawing up of the arzee? or what did you say on the occasion?

Ans. I only said, All circumstances must be related. I believe I might say, If it is true, as you have said, that Mr. Fowke told you it would be better for you to make declaration; and, if not, you would be punished: this is material to the complaint, and should be mentioned. I believe I might have said so, because I think, in like circumstances, I should do so now.

Quest. Did the arzee contain nothing more than the accusation, as related by Comaul O Deen?

Ans. The circumstances put in the arzee did not in the least, I believe, vary from the accusation in essential points; only in a different manner of relating the same facts: they appeared to me the same.

Quest. Had you not connections with Maha Rajah Nundocomar?

Ans. I certainly had; that is to say, I employed him on many occasions; I patronized and countenanced him, it is well known. I never had an opinion of his virtue or integrity, I believe he knew I had not. I beg leave to add, that when I employed him as an instrument of Government, I might have other motives than my reliance on the man's integrity; motives which did not depend upon me. I might have other motives—I had—I considered it as a point of duty, which I could not dispense with; I have, till lately, concealed the motives, because I thought it my duty; but I think it necessary, for my own character,

to declare, that I had the orders of my Superiors to employ this man. He never was, in any period of my life, in my friendship or confidence; never.

Quest. Did not you say, that you would be revenged on him, and would ruin him?

Ans. I never mentioned revenge, or that I would ruin him. I am clear I did not mention these words, because it is not in my disposition.

Quest. Did you never tell Rajah Nundocomar, that you would withdraw your countenance and protection, and would not be his friend?

Ans. My friendship he never had. I certainly did use expressions which implied, that he was neither to expect my protection or countenance; and dismissed him my house.

Quest. Did you ever say, that you would conduct yourself to him as he deserved?

Ans. I never made use of the expression.

Quest. Did you, directly or indirectly, countenance or forward the prosecution against Maha Rajah Nundocomar?

Ans. I never did; I have been on my guard; I have carefully avoided every circumstance which might appear to be an interference in that prosecution.

Quest. When did you first hear of Comaul O Deen's complaining against Mr. Fowke?

Ans. That morning I examined into it. He came with his complaint, and broke in upon me very abruptly. He told me his story, and I put many questions during the relation; and afterwards I doubted it. When he first related it, I asked him questions, to clear up those doubts. I bid him be cautious in what he related. I observed, he seemed much agitated with passion, or had much the appearance of it. And I advised him seriously and repeatedly to weigh what he was about, before he persisted in an accusation, which might be dictated by prejudice, interest, or present passion. He persisted in his story, affirmed the same facts, with much vehemence, in such manner as to induce me to give a degree of credit to it; but, as I was a party, I told him, I could not redress it; that was the reason I assigned, and directed him to make his application

cation either to the Chief Justice or to one of the Judges of the Supreme Court. He said he would go to the Chief Justice, and desired I would procure him an introduction. I sent a Chubdar with him, to prevent any detention or prevention he might have met with from the Chief Justice's Servants. I also wrote a note to him, which I sent by one of my own servants.

Quest. When was it that you interrogated C. O Deen respecting his complaint?

Ans. Between the examination at the Chief Justice's house and the Monday, when we determined to prosecute. I questioned him two days successively, and urged him, by the arguments which I thought most likely to have weight with him, to declare the truth that passed between him and Mr. Fowke. He was strictly consistent when he told the story, repeated always the same facts, varied only in the manner of telling them, and introducing immaterial circumstances; he did not vary in the sense: he did not repeat the same words, or make the same arrangements; the material facts were the same.

Quest. In what language did you examine him?

Ans. In the Hindostanny.

Quest. Did you ever examine any other of the witnesses?

Ans. No, never.

Quest. Did you ever see Comaul O Deen's Moonshy?

Ans. I never saw him but at the Chief Justice's.

Comaul O Deen always persisted in the same story of the furd; it was on that point chiefly that I examined him, because it was less capable of evidence, and I wished to be convinced, as far as I could be, from the man's manner of relating it. I was thoroughly satisfied in my own mind, when I commenced the prosecution, that the story was true; and I have had no reason since to alter my opinion.

Quest. Was Nundocomar never in your private friendship or confidence?

Ans. There never was a period in which he was in my private friendship or confidence: I

may except the small time, till I had acquired an opinion of his conduct. There are some in this Settlement that know on what terms we were before I went to England.

Quest. Would you have employed him, had you not had the orders of your Superiors for so doing?

Ans. I believe I should; but I never should have shewn him that degree of countenance, or continued it. I might have employed him for a particular purpose. I was directed to employ him in a particular service, and to make it his interest to exert himself. I never had orders to give him particular countenance and protection.

Quest. At what time did you employ him particularly?

Ans. It was about the removal of Mahomed Reza Cawn, and the making new arrangements. His interest and inclination were contrary to Mahomed Reza Cawn's, and he was thought fittest to destroy the influence of Mahomed Reza Cawn, till the new arrangements should be confirmed.

Mr. GEORGE VANSITTART.

Quest. Was you at the Governor General's when Comaul O Deen made his complaint?

Ans. I was.

Relate what you recollect of it.

Mr. Hastings was in the south-east room of his house; Comaul O Deen was there, and others, when I went in: Mr. Hastings told me, that Comaul O Deen had been complaining of him, that Mr. Fowke had threatened him with punishment, if he did not deliver an account of Barramuts; that he had been relating every thing very circumstantially by word of mouth; but had given in a Petition, very short, and of no kind of consequence. He desired me to explain to Comaul O Deen, that if what he had related verbally was true, and he meant to complain, he should be as circumstantial in his Petition as he had been in his verbal relation; and particularly, that he should mention the circumstance of Mr. Fowke having threatened him with punishment, if he did not give in the Barramut paper,

paper, or account of bribes; it was on the subject of Teeka Collaries. The Governor then turned to Comaul O Deen, and himself told him to the purport he had been desiring me to tell. Comaul O Deen said, He would go home, and write such a Petition: the Governor said, It was unnecessary he should go home, that he might dictate it to his Moonshy; he would order his Moonshy to write what Comaul O Deen dictated. He then left the room. I repeated over again to Comaul O Deen, in Persian, to the same purport as the Governor had been telling him in the Hindostan language. I particularly asked him if the circumstance of Mr. Fowke's threatening him with punishment was true, and particularly charged him, that he must write nothing but what was strictly true. He said, that circumstance was true; promised he would not write any thing but what was so; he then went with the Moonshy, I believe into the South Veranda, and I returned home; I believe I did stay till it was wrote.

Quest. Did C. O Deen ever give you any reason to think his complaint not true?

Ans. No, never; his assertions have always been that it was true.

Quest. Where was you on the 20th April?

Ans. At the Chief Justice's.

Quest. Did you ever hear Mr. Fowke say, that he used threats to make C. O Deen sign the paper?

Ans. No; he said he lifted up a volume of Churchill's Voyages: I think the reason he gave for it was, that C. O Deen went into his room when he was lying on the bed, and was troublesome to him. I believe it was to get back his arzee. I cannot say that certainly.

Quest. Do you remember any thing else that passed at the C. Justice's?

Ans. I remember Mr. Fowke speaking to Mr. Barwell, with great vehemence, "Can you say, upon your honour and your oath, that you did not receive the 45,000 rupees?" Mr. Barwell replied, upon his honour and his oath, he did not.—I am generally called Hoshia Jung by the black people, it is a title I have.

Quest. Did Moonshy Sudder O Deen ever call at your house?

Ans. Yes.

Quest. When was it?

Ans. On the Tuesday or Wednesday before the Thursday of the examination.

Quest. What time of the day?

Ans. I believe about seven or eight o'clock in the evening. He acquainted me that C. O Deen had called on him, and told him that Mr. Fowke had used him ill that morning; that he had obliged him, against his will, to write an account against Mr. Barwell and me, of bribes pretended to have been received by us; that he was determined, however, to get back what he had written, or would complain to the Governor.

Quest. Did he mention nothing of the Governor's name?

Ans. I do not recollect that he did—I am not sure.

Cross Examination.

Quest. How long have you known C. O Deen?

Ans. I had an acquaintance with him about twelve years ago, and not after till 1773.

Quest. How came you acquainted with him?

Ans. I know him as being member, and he a farmer.

Quest. Do you know of any complaints being preferred against him?

Ans. I do not.

Quest. Had you ever any particular conversation with him at your house?

Ans. I think he has called on me; but whether I had any particular conversation I do not recollect.

Quest. Did you never turn him out of the room, as a man not worthy to be credited?

Ans. No, never.

Quest. What is your opinion of him?

Ans. I never had reason to put confidence in his credibility, or to doubt it. I thought him a creditable man, and never heard any thing amiss of him.

Quest.

Quest. Do you remember any instance of a complaint of his which was found to be groundless?

Ans. No; though I have frequently heard of accusations against him in the Farming business; the only one I can recollect made by him, was against an English Gentleman; and that I believe to be true.

Quest. Did you believe Comaul's accusation to be true?

Ans. I did; else I should not have joined my name in the prosecution.

Quest. Was it not from your doubt of his credit, that made you tell him to write only what was true?

Ans. No; from the nature of his story; and not from thinking his credit doubtful.

Quest. How long have you known Mr. Fowke?

Ans. I have known him 16 years.

Quest. What is your opinion of his character?

Ans. I have ever looked on Mr. Fowke as strictly honest, and of strict honour, according to his own principles; but I believe the violence of his temper may in some points lead him out of the road of honour without he himself being sensible of it. Procuring accusations I think one of those instances that may lead him out of the road of honour. I should be embarrassed to put any other case, but accusations against the Governor General and those immediately connected with him.

Quest. Is Mr. Fowke in the Company's service?

Ans. No, he is not; I believe he is employed by General Clavering; he is in office.

Quest. Did you, or did you not, receive the 12,000 rupees, on account of the Tecka Collaries, as mentioned in the furd?

Ans. I never received that sum, or any other on that account.

MOONSHY SEERAT ALLI CAWN.

Quest. Whose servant are you?

Ans. I am in the service of the Company; but remain about the Governor.

Quest. Did you ever write an arzee for Comaul O Deen by the Governor's order?

Ans. Yes, I did.

Relate the circumstances.

As I go every day to pay Selam to the Governor, that day, as I was standing in the outward room, I was called, and went in. The Governor was sitting at his writing-table, and Comaul O Deen was at a small distance from him. Another person, Cantoo Baboo's Deputy, was there, and the Governor's Aurizbeggy. The Governor called me to him; then he took the arzee, and gave it me to copy it fair; and went out with Comaul O Deen, at some distance from him. When I began to write, Comaul O Deen said to me, Write what I dictate. He then, looking on the other arzee, began to dictate, and I to write: when I had wrote it, Comaul O Deen read it over; towards the latter end there appeared something confused; he put it right, in order to present to the Governor. When I had wrote it fair, I gave it to the Governor. Comaul O Deen followed me. The Governor began to read; and I explained it in places he did not understand. When the arzee was read, the Governor looked at Comaul O Deen, and said, You say one thing, and write another. Comaul O Deen answered, I have written what I before said. The arzee remained with the Governor; I and Comaul went away.

GUNGA GOVIN SING.

Quest. Did you give directions to Comaul O Deen, to complain against Mr. Fowke?

Ans. I did not.

Quest. Did Comaul O Deen ever shew you an arzee, complaining of Mr. Fowke?

Ans. I saw an arzee in his hands, at the Governor's house; I do not know whether he put it into my hands; I did not read it.

Quest. Had you ever any dispute with Comaul O Deen?

Ans. There was something of a dispute between me and him, about 26,000 rupees.

Mr. ALEXANDER ELLIOT.

Quest. Do you remember what passed at the Chief Justice's, respecting a book which Mr. Fowke lifted up to Comaul O Deen?

Ans. Mr. Fowke acknowledged, that he had lifted a volume of Churchill's Voyages against Comaul O Deen, I do not remember why, on the morning of the day he came for the arzee. He said, Comaul O Deen was teasing him; and I think said, seized on his legs; I am not sure; in consequence of which he lifted up a volume of Churchill's Voyages; it was something about the arzee.

Quest. Do you remember any thing that passed between Mr. Barwell and Mr. Fowke at the Chief Justice's?

Ans. Mr. Barwell spoke to Mr. Fowke with some warmth about his conduct in this affair; and Mr. Fowke, appearing to be angry, asked him if he could give his honor and oath that he had not received the 45,000 rupees. Mr. Barwell said, he would give his honor and oath, he had not. Mr. Fowke then said, He must acquit him; that is the way I generally wipe off accusations against myself.

Not guilty.

T R I A L

O F

J O S E P H F O W K E,

Maha Rajah N U N D O C O M A R,

A N D

R O Y R A D A C H U R N,

F O R

A C O N S P I R A C Y against R I C H A R D B A R W E L L, Esq;

Town of Calcutta and
Factory of Fort Wil-
liam in Bengal, to wit,
Fowke of Calcutta Gentleman, Maha Rajah
Nundocomar Behader late of Calcutta in-
habitant, and Roy Rada Churn of the same
place inhabitant, all of whom are subject
to the jurisdiction of the Supreme Court
of Judicature at Fort William in Bengal,
being persons of evil name and fame, and
dishonest reputation, wickedly devising, and
unjustly intending, to deprive Richard Bar-
well Esquire, one of the Members of the
Council for the Province of Bengal, of his
good name, credit, and reputation, and to

THE JURORS
for our Lord the
King, upon their oath,
present, That Joseph

represent him as an unjust and dishonest
person, and unfit to be trusted with the high
office and authority which he holds in the
said Province of Bengal, and thereby to bring
him into the ill opinion, hatred, and contempt,
of all His Majesty's subjects, both in India
and Great Britain, did, on the nineteenth
day of April, in the fifteenth year of the
reign of our Sovereign Lord George the
Third, by the Grace of God, of Great
Britain, France, and Ireland, King, Defender
of the Faith, and so forth, at the town of
Calcutta, and factory of Fort William, frau-
dulently and unlawfully conspire, combine,
and agree among themselves, falsely to charge
and accuse the said Richard Barwell, for that
he

he had corruptly and collusively received several sums of money from one Cummaul al Deen Allee Cawn, in the nature of bribes, or for services rendered by him to the said Cummaul al Deen Allee Cawn, by virtue of his office, and the authority of his station in this province, and by that means to represent the said Richard Barwell as guilty of wilful bribery and corruption in his office and duty: And the Jurors aforesaid, upon their oath

Conspiracy. afore said, present, That, according to the said conspiracy, combination, and agreement, the said Joseph Fowke, Maha Rajah Nundocomar Bahader, and Roy Rada Churn, did at several times, make use of persuasions, promises, and threats, to prevail on the said Comaul al Deen Allee Cawn to accuse the said Richard Barwell of having received the said sums, and of being guilty of the said offence of wilful bribery and corruption; and the Jurors aforesaid, upon their oath aforesaid, do further present, that also the said Joseph Fowke, Maha Rajah Nundocomar Bahader, and Roy Rada Churn, on the said nineteenth day of April, in the year aforesaid, according to the said conspiracy, combination, and agreement between themselves, before had as aforesaid, did make, frame, and write, and caused to be made, framed, and written, a certain writing or paper, purporting, that sums of money

had been so paid and received; to wit, to Warren Hastings Esquire fifteen thousand rupees; to Richard Barwell Esquire forty-five thousand rupees, to Hofhyar Jung, thereby meaning George Vansittart Esquire, twelve thousand rupees, and other sums of money to other persons; and did falsely and wickedly prevail with and force, by intreaties, menaces, and other unlawful means, the said Comaul al Deen Allee Cawn, to write words on the said paper, purporting, that he acknowledged to have paid the said sums to the said persons: whereas in truth and in fact the said Richard Barwell never received any such sum of money; and the said Comaul al Deen Allee Cawn, at the same time, and immediately thereafter, and also since that time, declared the said accusation to have been false, and violently extorted from him as aforesaid, to the great damage of the said Richard Barwell, to the evil example of all others in the like case offending, and against the peace of our said Lord the King, his Crown and Dignity.

Signed,

J^A. PRITCHARD,
Cl. of the Crown.

19th June 1755.
W. M. BECKWITH,
Cl. of Indictments.

T R I A L

O F

J O S E P H · F O W K E,

Maha Rajah N U N D O C O M A R,

A N D

R O Y R A D A C H U R N,

F O R

A CONSPIRACY against RICHARD BARWELL, Esq;

COMAUL O DEEN CAWN being sworn.

Quest. A R E you acquainted with Nundocomar?

Ans. Yes.

Quest. Did you ever make application to him for money?

Ans. I have often.

Quest. Did you in the month of Chyle last?

Ans. Yes; I borrowed 3000 rupees of him in that month.

• Relate the conversation that passed between you and Nundocomar.

When I returned from Houghly, I went to Nundocomar's house: he was not at home:

I sat down in the Dewan Connah, and Maha Rajah came soon after: I gave him a gold mohur: he asked me whether I had heard what passed between the Governor and Council about Barramut, and the Munny Begum: I answered, I have not heard all: Maha Rajah said, Mr. John Graham is my enemy, and I am his: I was not an enemy to the Governor: the Governor has told me, I will think much about you, be upon your guard. I thereupon consulted with Mr. Fowke: Mr. Fowke answered me, Do you get Barramuts against the Governor, Mr. Barwell, Mr. Vanfittart, and other Gentlemen; and I will procure for you the place of the Aumeen of the Khalsa; I then

then gave him the Barramut, on account of Munny Begum, and I have proved the Governor to be in the wrong in the Council. Nundocomar said to me, Do you get Barramuts for the Pergunnah, of Mysadel, Avingun, Tumlook, and whatever places you can get them from. I then answered, You have told me of getting Barramuts against the Governor and other Gentlemen; but on hearing this, the people speak ill of you; you was before in friendship with the Governor, and now you talk of getting Barramuts against him; and there is now a friendship between Mr. Barwell and Mr. Vansittart; you are going backwards and forwards to their houses: Nundocomar said, They send often to call me; therefore I go: I then said, I have given nobody any thing, on account of Hidgellee. What do I know, what has been done at other places? There was other conversation passed, but I do not remember it now: he laughed and said, go and get the rupees you wanted to borrow from Roy Rada Churn, and when the Burdwan man gets his Kellaut, I will talk to you further on the subject.

Quest. When did you see Nundocomar again?

Ans. It was either on the 30 Phaugoon, or the 1st Chyle.

Quest. Did you see Mr. Fowke soon after that?

Ans. Yes; a few days after I went to Mr. Fowke's with Roy Rada Churn.

Quest. On what occasion?

Ans. Maha Rajah had told me, You have had a quarrel with Mr. Fowke; go and be reconciled to him, and by his means get introduced to the General Colonel Monson and Mr. Francis: I said, There is no great things in being reconciled to Mr. Fowke; till you get your Kellaut, I would not be introduced to the Gentlemen: I will not go to-day, I will go to-morrow. The next day I went with him to Mr. Fowke's: I offered Mr. Fowke a nuzzer of 5 rupees, which he did not take: he told me to sit down: he got up and went into his bed-chamber: he then called me in to him, and Roy Rada Churn and I went in together: he said many kind

things to me, that he had heard of my praise of Maha Rajah: he also said, You will be on good terms with Maha Rajah: I will get the business of Purnea for you, and whatever Maha Rajah bids you do, do it: he then gave me beetle, otter, &c. and my dismissal.

Quest. When did you go again to Maha Rajah?

Ans. Two days after, in the evening: I did not choose to go sooner, because I heard bad words.

Quest. What bad words?

Ans. About the Barramut.

Quest. What did you go for?

Ans. I went to get my dismissal to go to Houghly.

Quest. What passed that evening?

Ans. Maha Rajah asked me, Where is the small arzee you before gave in to the Governor against Mr. Fowke? I said, I have it: Maha Rajah said, Bring it to me to-morrow evening, that I may see it: when I have seen it, I will then give you your dismissal: I went: home my old Moonshy was gone to his house; at noon, whatever I remembered, I caused to be wrote by my new Moonshy.

Quest. Why was the old Moonshy gone from your house!

Ans. The arzee was in the possession of my old Moonshy.

Quest. What did you do with what you bid your new Moonshy write?

Ans. I kept the paper newly written in my possession till the evening: I sealed it, and carried it to Maha Rajah. Maha Rajah read it, and kept it, then gave me my dismissal for Houghly.

Quest. Why did you imagine that Mr. Fowke and the Maha Rajah would ask you for Barramuts?

Ans. They talked to me about Barramuts; there was a catcherry of Barramuts, for all the Jemindars: I alone do not know this; all Calcutta knows it.

Quest. You say you went to ask your dismissal for Houghly: When did you return?

Ans. I went to Houghly; while I was there, I heard that Moonshy Sudder O Deen was coming:

coming : hearing that, I returned : I believe about the last of Chyle.

Quest. When did you see Maha Rajah again?

Ans. When I went for the arzee back : about the 4th or 5th Byfaak.

Quest. What then passed?

Ans. I said to Maha Rajah, Moonshy Sudder O Deen is come back, and the business with Gunga Govin Sing is settled : give me the arzee back again : then Maha Rajah said, What has been done about the rupees you spoke to Roy Rada Churn about? I answered, I have not got the rupees from Gunga Govin Sing ; and I will now, if you please, give it you in writing, that when I receive them, I may give you the sum promised.

(Cormaul O Deen here says, that he has not his recollection about him to-day, and accounts for it as follows :)

My vakeel has been tied up by Ramchunder Sein for money, and great disgrace has fallen on me : I am the renter of Hidgelee, I let it to farm out again to Buffunt Roy, and gave security to government : Buffunt Roy pays the rent, and Ramchunder Sein, Dewan of the Khalsa, has tied up my vakeel without Mr. Cottrell's order, or without his being acquainted with it : Ramchunder Sein is a mutsuddy, and I am a man of reputation ; the tying up my vakeel is the same as tying me up.

Quest. What did Maha Rajah say was done with the arzee?

Ans. Maha Rajah said, I have it not, Mr. Fowke has it : I then said, I deposited it with Roy Rada Churn ; why has Mr. Fowke got it?

Quest. What answer did Maha Rajah make?

Ans. He said, What does it signify to you? come to-morrow : when I went the next day to Maha Rajah's, he told me, Mr. Fowke says, the large arzee which you gave to the Governor in the month of Poos, complaining against him ; if you will write thus, that you did not give in the arzee on your own accord, but by the direction of Mr. John Graham and the Governor : write in this manner : Mr. Fowke having read it, will remember you

in his heart ; he will know that you are his own man : I then replied to Maha Rajah : Shall I tell a lie? Maha Rajah said, It must be wrote : it was necessary for me to get back the arzee against Gunga Govin Sing ; and I said, Very well, I will write it when I get home. I came to my own house, and wrote in such manner, as in some measure to comply with his desire, and at the same time to save myself harmless, and left room for my own conscience : I took it to Maha Rajah's ; he was out : I sat down in the Dewan Connah : Maha Rajah soon came, and as he was getting out of his palanquin, I gave him the arzee. He read it, and laughing, said, This is nothing ; in the evening bring your Moonshy with you : I became angry, tore the arzee, and went home ; every body knows, I am a passionate man when I hear a lie. In the evening I returned, and took my Moonshy with me to Maha Rajah's : I sat still in silence : Maha Rajah caused draughts to be wrote out by my Moonshy and his own Domaun Sing ; he then altered them with his own hands, and told my Moonshy to write out a fair copy ; I also told him to do it ; I acquainted the Maha Rajah that I had a great pain in my belly, and desired to go home. Maha Rajah asked me if my pain was very great : I said, Yes, and got my dismissal. When one part of the night was past, my Moonshy and Yar Mahomed came to me : Yar Mahomed said, Maha Rajah has sent this paper, put your seal to it : I said, No ; there is no agreement between Maha Rajah and me about sealing it. I then gave Yar Mahomed my Hookah to smoke ; he smoked a little and went away. In the morning I went to Maha Rajah : He said to me, Rada Churn is gone before, with the arzee ; do you follow him to Mr. Fowke's : I went from Maha Rajah to Mr. Cottrell's ; and as I came out from Mr. Cottrell's, Rada Churn's Hircarra came to me, and said, his master was at Mr. Fowke's house, and called me thither : I then went, young Mr. Fowke and Rada Churn were sitting in his room (young Mr. Fowke's room). After the usual compliments, Radda Churn went into old Mr. Fowke's room ; he came out again in about

two gurrys. A little after, Acoor Munnah came to me, and said, Mr. Fowke called me. I went: Mr. Fowke was sitting upon the bed, with his feet hanging down; and ordered me a chair, to sit opposite to him. Two writers and two Bengalies stood behind me. One of the Bengalies was Acoor Munnah, and I know one of the writers. He then took out the arzee from off the bed, near the pillow, and asked me if I had given that arzee. I said, Sir, that is not an arzee; it is a jacob saward: I wrote it according to the pleasure of Maha Rajah. Then Mr. Fowke put on an angry face. I said, There is wrote in this the words, "Gurry Perivium, Adawlut Boof-ter, and Ershaud Meshawud;" *i. e.* Protector of the Poor, Distributor of Justice; and it is ordered. I said, Who is the giver of orders? Mr. Fowke then angrily told me to seal it. I was afraid; and, putting the end of my jamma about my neck, said, Sir, for God's sake, do not require me to do such business. He then took up a large book, and said, God d—n you, you son of a bitch. I said, Sir, well, give it me, and I will seal it. (*C. O Deen here describes the Book.*) Mr. Fowke laid down the book, and I sat down on the ground: the tears ran down my cheeks, and I quivered and shook through anger and fear. I then sealed it: he took it of me; and then took out a furd, and asked me, Have you given Mr. Barwell in three years 45,000 rupees, at the rate of 15,000 rupees a year? I said, I had. Did you give Mr. Hastings 15,000 rupees? I said, I had. Did you give Mr. Vansittart 12,000 rupees? I said, Yes. Did you give Rajah Rajebullub 7000 rupees? I said, Yes. Did you give Canto Baboo 5000 rupees? I said, Yes. He said, Sign it; and then put the furd into my hands: I looked at it, and saw the five names, with the different sums opposite to each. The inkstand was laying on the bed, and I put my duskut on it—writing "Ruslum Rudum and Dudam." When I had signed the arzee, Mr. Fowke bid me tell the people behind me to witness it. I said, Very well, let them do so. I then gave him the furd, and he told me to go.

Quest. Where did you go?

Ans. I went out, wiping my face, and stood upon the stair-case. There was a man named Samsheer Beg standing there: I said to him, See what violence has been used with me. He answered, I see the consequence; but know nothing of the cause. I said to him, Let me fetch breath, and I will make you acquainted with the cause. Then Roy Rada Churn and young Mr. Fowke, holding each other's hand, came and stood upon the landing-place. I said to them, Tell Mr. Fowke to give me back all the papers which he has by force caused me to write, or I will spoil myself (*arab kurra*), and, tearing my clothes, go immediately to the Council. They then said, Don't be angry; be a little cool, and we will speak to Mr. Fowke. They went to him; and in about one and a half or two gurrys came out again. Young Mr. Fowke had the cover of a letter in his hand, and said to me, Your papers are all in this; I have brought them out, but will keep them with me to-day: You come to-morrow; Maha Rajah will likewise come; and whatever Maha Rajah pleases, and shall be agreeable to you, shall be done. I then came away.

Quest. After you came away, what did you do?

Ans. When four gurrys of the day were remaining, I went to Moonshy Sudder ODeen, and said to him, Mr. Fowke has by force caused me to put my seal upon an arzee, and to sign a furd: I am going to Maha Rajah; I desire, if you have an opportunity, that you will go and acquaint Mr. Barwell and Mr. Vansittart of all the circumstances.

Quest. What was he to acquaint them with?

Ans. Of these circumstances. I went to Maha Rajah's; he was in his inner apartments: I went and sat down with Samsheer Beg; we said our prayers together. I then went to Roy Rada Churn, and, talking to him, took a pillow and sat down. Maha Rajah came out into the Dewan Connah: I went and sat down by him; I then related to him all these circumstances. Maha Rajah consoled me, and said to me, Do you be content;

I will

I will go in the morning, and get you back your arzee. He gave me beetle, &c. and my dismissal. I went away.

Quest. Where did you go to next?

Ans. I went to Moonshy Sudder O Deen, and told him all these things. The next morning I went to Mr. Fowke's: Maha Rajah, Roy Rada Churn, and old Mr. Fowke, were in the room: I stood upon the staircase, and did not go in, through fear. Soon after, Mr. Fowke came out; then Maha Rajah came out, and Rada Churn. I addressed myself to Maha Rajah, and said, Sir, what have you done for me? Maha Rajah said, What can I do for you? I have talked a great deal to Mr. Fowke; but he does not mind me. Saying this, they went down stairs to their palanquins: just as they were setting off in their palanquins, I began to tear my clothes, and called out Douy. I then got into my palanquin: hircarrahs laid hold of it, and scuffled with my people; and went on in that manner, scuffling, till I got to the Bitah Connah of Rajah Rajebullub. I went and complained to the Chief Justice.

Quest. Did you go no where else, before you went to the Chief Justice?

Ans. Yes, I went to the Governor's.

Quest. What did he say to you?

Ans. He said, What can I do? They are three gentlemen, I am but two: I can do nothing for you in this. You must go and complain in the King's Adawlet; I cannot do you justice.

Quest. Whose hircarrahs laid hold of your palanquin?

Ans. How should I know? Do I write down their names? How can I tell?

Quest. Do you know whether they belonged to Mr. Fowke, Maha Rajah, or Rada Churn?

Ans. I do not know whose they were. Why should they belong to any body else but one of them? They called me to come back; sometimes Maha Rajah, sometimes Mr. Fowke, and sometimes Rada Churn, wanted me.

Quest. Why did you call Douy, when Mr. Fowke and Maha Rajah were getting into their palanquins?

Ans. Because they had taken from me, by force, a false Barramud. Why should I not call out?

Quest. In what language was the furd written?

Ans. In Persian.

Quest. Had you ever seen the hand-writing before?

Ans. No.

Quest. Did you form any opinion then whose it was?

Ans. No.

Quest. When Mr. Fowke asked you, if you had paid the sums of money to Mr. Barwell, why did you say—yes?

Ans. I said so, because I knew he wanted Barramuts, and in saying so I should get free.

Quest. Did you ever give those sums to Mr. Barwell, or any other sums of money?

Ans. No, never.

Quest. Had you ever any quarrel with Mr. Fowke?

Ans. That day, and once before in the month of Poos. There was no direct quarrel: Barnassy Ghose complained to the General, and the General referred his complaint to Mr. Fowke. Barnassy Ghose told Mr. Fowke, that I had taken the farm at a very great expence: on which Mr. Fowke said to me, Do you tell true what you have given to the English gentlemen, and what to the Mutfuddies; if you do not tell, you shall be punished.

Quest. What answer did you give?

Ans. I said, I have not given any body any thing: what's the use of telling a lie?

Quest. In consequence of this, what did you do?

Ans. I had numberless thoughts in my own mind; but I went and gave the small arzee to the Governor, and wrote out a little; for this reason, that the Governor was a great man, and Mr. Fowke an Englishman; and that if I wrote a great deal, he might be angry.

Quest. When Mr. Fowke asked you to tell him what sum you gave to the English gentlemen, did he not say something to you about taking an oath?

Ans.

Ans. No, he did not.

Quest. What, not when Mr. Fowke was examining the complaint of Barnally Ghose?

Ans. No.

Cross Examination of Comaul O' Deen.

Quest. Did Maha Rajah tell you to get false Barramuts?

Ans. He did not tell me either true or false: he told me to bring Barramuts.

Quest. Did he tell you to bring Barramuts against any particular people, or only against those to whom you had given money?

Ans. He named the Governor, Mr. Barwell, Mr. Vansittart, the Mutsuddies, and other people. He told me to get whatever Barramuts I could find, from Hidgelee, &c. and named the names as before. I did not mean to lodge a complaint against Gunga Govin Sing; and therefore why should I write every thing that was true? I had a claim against him for 26000 rupees.

Quest. Did you offer Maha Rajah any money, provided he should recover this sum?

Ans. I told Rada Churn that I would give 4000 rupees to Maha Raja, and 2000 rupees to himself, provided he could recover the whole amount.

Quest. Was the whole 26000 rupees (*bona fide*) due to you?

Ans. It was; but Gunga Govin Sing has told me, that he has brought the money due to me for the teeka collaries, to account of money due from me to the revenues.

Quest. Is it not customary with you, when one rupee is due, to demand four?

Ans. I am a farmer: this is a Bengally dispute. Among ourselves we say fifty different kind of things. There was at that time no complaint lodged: when a complaint is lodged, and we are put upon our oaths, we say whatever is true. Ten of my under-tenants may come to me, and I will say to one, You are indebted to me one thousand rupees: he will say, No; I only owe you one hundred. Till this day it never was in the custom in Bengal for zimindars, or farmers,

but to say some lies and some truths, when they are not put upon their oaths.

Quest. Why did you demand more than was really due?

Ans. By my accounts, I judged a sum to that amount was due. G. G. Sing laughed, and said, Are you a fool? you have no such claim upon me. I then said, If you have any claim, you must make it on Buffunt Roy.

Quest. How much did you actually receive from Gunga Govin Sing?

Ans. By the means of Moonshy Sudder O Deen, I got 10000 rupees. I told Moonshy Sudder O Deen, Whatever is due, do you, upon your religion and conscience, adjudge to me. And I told G. G. Sing, Do you, as a Hindoo, upon your religion and conscience, pay me what is due.

Quest. Was 10,000 rupees the whole you received, in money or otherwise?

Ans. I only got 10,000 rupees. I have settled every thing from the 1st of Assin to the end of Bhaudun.

Quest. What became of the other 16,000 rupees?

Ans. Whatever was, Buffunt Roy knows; I do not.

Quest. Was it wrote off, on account of revenue?

Ans. Gunga Govin Sing told me, that whatever remained we would settle with Buffunt Roy. I got 10,000 rupees, which I thought a great deal: it is now public, and all the merchants come to me for money. The claim that was upon me from the revenue, was ended on the last of Bhaudun: from that time to this, there has been no claim on me, on account of revenues. G. G. Sing shewed me many papers, and made many demands. I do not know what was actually due.

Quest. Did Gunga Govin Sing take the 16,000 rupees to settle the accounts?

Ans. God knows: I settled them on his conscience. I was cleared; and he was satisfied in respect to all claims, except salt.

Quest. Who was to pay whatever was due before Bhaudun, on the settlement of that account?

Ans. I was.

Quest. Were the claims made by Gunga Govin Sing on your own account, or of Government?

Ans. I had none but revenue accounts with him.

Quest. When was the first day you went to Mr. Fowke's?

Ans. It was when I went with Rada Churn, towards the last of Chyle?

Quest. The first time you went to Mr. Fowke's house, did you see him?

Ans. I did; and offered him a nuzzeen of five rupees, which he would not accept. It was the first time after the affair of Barnassy Ghose, about the end of Chyle.

Quest. Did you see young Mr. Fowke that day?

Ans. I saw him in his own room: I did not speak to him.

Quest. Did you at this time tell Mr. Fowke senior what had passed between you and Maha Rajah Nundocomar?

Ans. No.

Quest. In the arzee you carried to Maha Rajah, what part did Maha Rajah strike out? The arzee afterwards sent to Mr. Fowke?

Ans. How should I know what he struck out? I did not see what.

Quest. Did you hear the whole dictated to the Moonshy?

Ans. Have I not ears? Why should I not hear?

Quest. Did you make any objections?

Ans. No. What objections could I make? He told me to bring my Moonshy, to write another.

Quest. When did you go next to Mr. Fowke's?

Ans. The next day, after I had been at Mr. Cottrell's.

Quest. What time of the day was it?

Ans. I had no watch; more or less than one par.

Quest. Did you go into Mr. Fowke senior's room?

Ans. When Accoor Munnah called me, then I went.

Quest. Who went with you into Mr. Fowke senior's room?

Ans. Accoor Munnah took me there.

Quest. Were there any body else?

Ans. Accoor Munnah, another Bengally, and two writers, came afterwards.

Quest. Did these people come in directly after him?

Ans. By the time I had sat down, they came and stood behind me.

Quest. Did they stay as long as you did?

Ans. I have already told you, whilst moderate conversation lasted, they were there. When I was on the ground, I know not whether there were four or ten in the room.

Quest. When did you fall on the ground?

Ans. When I asked Mr. Fowke who was the Gurry Purwar, Adauler Booster, &c. and when he was angry: I then went down on the ground, putting the end of my jammah round my neck, as I have already shewn?

Quest. What then passed? What made you go down on the ground?

Ans. Mr. Fowke took up a book, and called out, G—d d—n you, you son of a bitch; when he told me to seal the arzee: on which I said, Give time, and I'll seal it.

Quest. Do you always sit when you sign and seal?

Ans. Sometimes when I am standing, and sometimes sitting.

Quest. What passed when you was down on the ground?

Ans. I cried, shook, and put my seal to the arzee.

Quest. Had you your senses at the time?

Ans. I was not absolutely gone mad, but I was in great fear.

Quest. Do you recollect any thing that passed at the time?

Ans. I put my seal to the arzee, and signed the furd. Mr. Fowke then bid me go: what more should I remember.

Quest. Do you remember the people that were in the room at the time?

Ans.

THE TRIAL OF JOSEPH FOWKE,

Ans. My head was downwards; after he bid me seal, I could not tell who, or how can I now tell, who stands behind me?

Quest. Did any body else speak to you?

Ans. No.

Quest. Did they do any thing else?

Ans. No.

Quest. Was the door shut?

Ans. No.

Quest. When you went out, did you see the people mentioned, or know them?

Ans. No.

Quest. How long do you think you was in Mr. Fowke's room? (Mr. F. senior.)

Ans. I had no watch; about one or two gurrys.

Quest. Was you in Mr. Fowke's room more than one time that day?

Ans. No.

Quest. Was the door standing wide open, when you went in?

Ans. Both when I went in and came out.

Quest. When you went in to Mr. Fowke's room, how many people were there?

Ans. I told you before.

Quest. How many people were there about the House? did you observe several?

Ans. When I went in, there were many; when I came out, there were few.

(Being further interrogated, he cannot say exactly, how many at either time.)

Quest. Do you know, or think, that the four people, two Fringies and two Bengallys, were set on you as guards?

Ans. No.

Quest. Did you ever attempt to go away before you actually did go?

Ans. When Mr. Fowke told me to go, I did go.

Quest. Did you write any thing on the arzee?

Ans. I sealed it.

Quest. Did you ever write your name on the arzee?

Ans. I did not write any thing; the Moonshy wrote my name; I did not; I do not know what Moonshy wrote; it was all wrote at Maha Rajah's house.

Quest. Did Mr. Fowke ever threaten you at any other time?

Ans. No.

Quest. Are you sure that young Mr. Fowke and Rada Churn were in the room when he threatened you?

Ans. I cannot tell; I did not see them.

Quest. When did you first see the furd you speak of?

Ans. I saw it at that time; never before or since: I heard of Barramuds, but not the same mentioned in the furd.

Quest. Was the furd shewn immediately when you went down on the ground?

Ans. After I had sealed the arzee and told the Fringies to be witnesses, the furd was immediately produced.

Quest. Did any thing intervene between your sealing the arzee and the production of the furd?

Ans. I said, Let them be witnesses; he then produced the furd.

Quest. Do you recollect what you wrote on the furd?

Ans. I wrote, "Ruffum Nudum and Dam."

Quest. Was there any thing else wrote on the furd?

Ans. Yes.

Mr. Barwell 45,000 rupees.

Mr. Hastings 15,000

Mr. Vansittart 12,000

R. Rajebulleeb 7,000

Cantoo Baboo 5,000

Quest. Were there no other words what ever on the furd?

Ans. I saw no more.

Quest. Was there any thing of 15,000 rupees a year?

Ans. He told me that by word of mouth.

Quest. At the time you wrote this on the furd, were there any body in the room?

Ans. I don't know.

Quest. Were you frightened?

Ans. Yes; else why should I have been down?

Quest. When Mr. Fowke asked, whether you had given the sums mentioned in the furd to Mr. Barwell, &c. did he bid you say yes?

Ans.

Ans. He did not bid me say Yes.

Quest. Who had the pen and ink when you signed the furd?

Ans. It was upon the bed.

Quest. Did Mr. Fowke take it from the bed and give it you?

Ans. No; I took the pen and ink, and wrote.

Quest. Whose hand-writing was the furd?

Ans. How should I know? how can I guess?

Quest. Was it like any body's hand that you know?

Ans. I know nothing of it.

Quest. Did you seal any other paper at Mr. Fowke's that day?

Ans. No; none except the large arzee, which was by force.

Quest. Did you never say that you guessed who wrote the furd?

Ans. I don't remember that ever I did.

Quest. Did you ever see Rada Churn write?

Ans. He has wrote a thousand times before me.

Quest. Did the Governor General ever say to you these words, "They are three Gentle-men, I am but two; I cannot redress you; you must go to the Adawlet?"

Ans. Yes; the day I went to complain.

(A paper being shewn.)

Quest. Can you form any judgement whose writing this is?

Ans. I can't tell; you may call my Moonshy. I told him to write such an arzee, or requisition, for the Adawlet of Hidgelee.

Quest. Did you ever see any other arzee on any other day at Mr. Fowke's house?

Ans. I never did.

Quest. Are you very certain?

Ans. Except that paper, I never did; what more can I say? I am on oath.

Quest. Had you any reason to think that Mr. Fowke expected you that morning?

Ans. What do I know, whether he expected me or not? A Hircarrah came for me; I went.

Quest. Had you told Rada Churn the night before, that you would next day go to Mr. Fowke's?

Ans. No.

Quest. Did you never at any time tell Rada Churn that you would go to Mr. Fowke's?

Ans. No. I told Maha Rajah.

Moonshy SUDDER O DEEN being called and sworn.

Quest. Are you acquainted with Comaul O Deen Cawn?

Ans. Yes.

Quest. What passed between you and him in the month of Byfaak last?

Ans. He spoke to me two or three times, I believe about the 3d or 4th and 8th of that month.

Quest. What did he say to you? relate it.

Ans. He told me, that Maha Rajah had said to him, that he must write an arzee on the subject of the Tecka Collaries; he would not give it him; he would not bring so much shame upon himself. Maha Rajah also told him to get a Barramut against Mr. Barwell; he gave him a denial: this is all that passed the first meeting between Comaul O Deen and me.

Quest. Did Comaul O Deen mention any other name than Mr. Barwell's?

Ans. I well remember Mr. Barwell's name: I do not recollect any other; at that time he did not mention Mr. Hastings's name.

State what passed on the 8th Byfaak.

When about 4 gurries of the day were remaining, Comaul O Deen came to my house, and said, that he had been that day at Mr. Fowke's; and that Mr. Fowke had by force caused him to seal a paper account of Tecka Collaries, and had made him sign a furd: he said, He sealed the arzee and signed the furd. When he had got into his own management, he disputed with Mr. Fowke; and it was agreed upon, that in whatever manner Maha Rajah should settle it in the morning, so it should be. If, says he, Mr. Fowke will give me back my arzee and papers, it is very well; if not, I will ruin myself. You are my friend, Comaul O Deen said to me, It is proper you should acquaint Mr. Barwell and Mr. Vanhart: He then said, He was going to Maha Rajah's,

Rajah's, and would come back at night; and acquaint me with all the particulars: he came back after 6 gurries of the night were passed, and told me, that Maha Rajah would give him back all his papers: he said, Do you now hear the particulars.

“ I gave in arzees against Gunga Govin Sing, and deposited them with Roy Rada Churn, with the knowledge of Maha Rajah, and said, Let these arzees remain as a deposit: if, upon the return of Moonshy Sudder O Deen, the difference between Gunga Govin Sing and me shall be settled; I will then take back the arzees, and give 4000 rupees to Maha Rajah, and 2000 rupees to you: It is now two days since I made a demand on Maha Rajah for the arzees; and Maha Rajah said, They were with Mr. Fowke: he (Maha Rajah) then said, Do you write an arzee so as to give a bad name to the Governor and Mr. Graham: I said, How can this be? But Maha Rajah said, Do one thing, write a story about the Tecka Collaries; and when I have shewn it to Mr. Fowke, I will get you back your arzees against Gunga Govin Sing: I then told Maha Rajah, that I had a pain in my belly, and wished to go home; I told him, my Moonshy was there to write: I went home; Yar Mahomed came to me at night, and brought the arzee about the Tecka Collaries, and told me to seal it: I answered, There is no agreement between Maha Rajah and me, that I should seal it.”

Comaul O Deen said, That he had been at Mr. Fowke's that day, and that Mr. Fowke was very angry with him, took up a book to beat him, and had caused him by force to seal an arzee, and sign a furd: I asked Comaul O Deen, what signature he had put upon it; he answered, In some I put Ruffun Nudun, and some Dadam. Afterwards, when he became his own master, he made a disturbance about it, as before related: he told Maha Rajah of all this, and Maha Rajah said, He would give him back the paper. This is all that Comaul O Deen told me.

Quest. When did Comaul O Deen say, Maha Rajah would give back the papers?

Ans. On the morrow morning. I likewise remember asking Comaul O Deen, whose names were on the furd? and he told me, Mr. Barwell, Mr. Hastings, Mr. Vanfittart, Raja Rajebullub, Cantoo Baboo. So much I remember.

Quest. You say that Comaul O Deen desired you to acquaint Mr. Barwell what had passed. Did you?

Ans. I told Mr. Vanfittart that day.

Quest. Did you ever acquaint Mr. Barwell?

Ans. There were but 4 gurries of the day remaining; I acquainted Mr. Barwell of something; but he does not know the language; I told him but little.

Quest. You speak of an arzee presented by Comaul O Deen to Rada Churn against Gunga Govin Sing: Do you know any thing of the dispute?

Ans. I heard of it when I returned to Calcutta.

Quest. Was this dispute settled by your means?

Ans. Yes, it was; they both agreed.

Quest. Did Comaul O Deen acquaint you with any quarrel he had with Mr. Fowke in the month of Poods?

Ans. He did.

State what you know respecting it.

Comaul O Deen told me this: That Barnassy Ghose had lodged a complaint against him on account of the Tecka Collaries to the General: the General had referred it to Mr. Fowke: that Barnassy Ghose and he had conversed on the subject before Mr. Fowke; whatever questions Mr. Fowke asked him, he answered: that Barnassy Ghose had told Mr. Fowke that he got the business by giving many bribes; and Mr. Fowke said to him, Tell me what you have given to the different people: Comaul O Deen answered, That he had not given any thing to any body. Comaul O Deen came to me another day, and said, That Mr. Fowke had called on him that day, and told him, To tell truly what he had given

given to the Gentlemen, and what to the Mutsuddies; if he did not, it would not be well for him, and he should be punished. So much I remember.

Quest. You say the dispute between C. O Deen and G. G. Sing was settled by you: How much did you settle to be paid on balancing the accounts?

Ans. I ordered 10,000 rupees.

Quest. How much was demanded by Comaul O Deen?

Ans. 26,000 rupees.

Quest. After having ordered 10,000 rupees, how was the remainder settled?

Ans. Comaul O Deen made a claim of 26,000 rupees: G. G. Sing said, That amount was due from C. O Deen, on account of revenues; and that C. O Deen had no claim upon him: I told C. O Deen what claims were made on each other: C. O Deen said, He should be ruined; many demands were making on him on account of Tecka Collaries; if he could get 10,000 rupees, his character would be safe: I then said to G. G. Sing, You are two friends; this is a bad time to breed quarrels: a man of reputation will now a days rather suffer a small loss than enter into quarrels; it is become necessary to pay Comaul O Deen 10,000 rupees: Gunga Govin Sing said, It is very well, the 10,000 rupees shall be paid him, and the 16,000 rupees shall be carried to account of revenues: do you tell him that I will give him 10,000 rupees: I then told Comaul O Deen; and he agreed.

Quest. Do you know whether the 10,000 rupees were paid, or not?

Ans. Yes; I paid them.

Quest. Do you know if the 16,000 rupees were carried to account of the revenues?

Ans. I did not see the books: if they were not carried to account of revenues, why should C. O Deen be silent?

Quest. How long have you known Comaul O Deen?

Ans. I have known him 20 years; he is my friend; and I believe him to be an honest man, and to be trusted upon oath: if a Mussulman takes an oath, he must be believed; if he swears falsely, he must be ruined here

and hereafter, and will certainly go to hell.

Quest. Do you believe that Comaul O Deen would swear ten times to a falsity?

Ans. No. I believe in my own mind, that a Mussulman who understands the Koran will not take a false oath.

Quest. Did you ever hear of a Mussulman taking a false oath?

Ans. I say that a Mussulman who is acquainted with the Koran will not; others may.

Quest. Do you think that Comaul O Deen will not swear falsely, merely from his knowledge of the Koran?

Ans. I suppose he will not on that account; but he is my friend, and I know him to be an honest man: I believe he would not speak falsely in common conversation; I always found him to speak the truth, when not on oath.

Cross-Examination of Moonshy SUDDER
O DEEN.

Quest. Did Comaul O Deen tell you that Mr. Fowke lifted up any thing besides a book?

Ans. No.

Quest. Did he tell you any thing about a pillow?

Ans. No.

Quest. Why did you tell Gunga Govin Sing that it was necessary to give Comaul O Deen 10,000 rupees?

Ans. Because they are both my friends, and I wished to settle the dispute.

Quest. Are you in any employment?

Ans. I have no settled wages; but I stay about Mr. Barwell's: Mr. Graham recommended me to him when he went away.

Quest. What wages did you receive from Mr. Graham?

Ans. When at Burdwan, Mr. Graham gave 100 rupees per month. After that, I had no settled wages: he gave me what he pleased.

Quest. How long did you stay at Burdwan?

Ans. About three years.

Quest. How long, in the whole, did you live with Mr. Graham?

Ans. Eight years.

Second Day of the TRIAL.

THE GOVERNOR GENERAL
being sworn.

Quest. Did you ever receive from Comaul O Deen the sum of 15,000 rupees, directly or indirectly?

Ans. I never did receive that sum, or a promise of it, nor any other sum, directly or indirectly. I do not believe I ever saw Comaul O Deen till he came to make his complaint: he might have attended in the course of business; but I did not recollect his face.

Quest. Did you ever tell Mr. Fowke, that he might get rid of his scruples, if he meant to be served?

Ans. Never, in the sense which I understand Mr. Fowke has given to them. I knew Mr. Fowke to be a man of great singularity: I might have said, I cannot serve you unless you part with this singularity. I might, out of delicacy, have said, You must part with scruples; but that I ever meant or said any thing which could imply such a meaning, That he must part with his integrity, his virtue, or his honour, I most solemnly deny. I have never betrayed such a licentiousness of sentiment even to my most intimate friends; and I was not on terms of confidence with Mr. Fowke at the time in which this conversation is said to have passed.

Quest. Did you not promise that you would serve Mr. Fowke?

Ans. I did; and I served him. I believe it was owing to my not having served him to the extent of his wishes, even to the gratification of his private resentments, that he has been so inveterate in his enmity to me.

Quest. Do you remember the time the complaint was made to you by Comaul O Deen?

Ans. In the month of December.

Quest. What was the complaint?

Ans. That Mr. Fowke had been very urgent with him to declare, that he had given bribes to the English Gentlemen, and to the Murraddies. The complaint was made to me verbally. I desired to have it in writing.

Quest. What more passed?

Ans. I have said, that I desired him to deliver his complaint in writing. I am not certain whether he brought it to me that day or not: it was short, and I did not think it sufficient for a complaint. I told him, That, if he wished I should take publick notice of what he complained, his paper should contain the whole of his injuries. Mr. Vansittart was there, and said the same words, or to that effect. Comaul O Deen took my Moonshy; they sat down, and drew out his complaint. He laid it before the Board.

Quest. Did Comaul O Deen ever make any other complaint to you?

Ans. He complained to me in April last. He came to me one morning in great agony, and the collar of his jamna was torn: he complained that Mr. Fowke had compelled him to sign an arzee, misrepresenting the contents of the former.

Quest. Do you remember any particular conversation between Mr. Barwell and Mr. Fowke, at the time of the examination at the Chief Justice's?

Ans. Some words of heat passed, respecting the surd. Mr. Fowke addressed Mr. Barwell with much vehemence both in countenance and expression; and said, "Mr. Barwell, will you declare, on your honour and your oath, that you never received the 45,000 rupees?" They were mentioned so pointed, that I believe them to be the very words: I will not say positively they are the exact words. Mr. Barwell replied, He could declare, upon his honour and his oath, that he never had. There were many more words passed.

Quest. Are you acquainted with Comaul O Deen?

Ans. I know him only from circumstances by which I am nearly affected. I have heard nothing particular of his character. The cause of his coming to Calcutta was to answer to a complaint made by Sir Edward Hughes, for want of provisions to supply his ships at Ingella. I desired the Chief of the Committee of Revenue to send for him: I do not know whether he appeared.

Quest.

Quest. Did you say these words to Comaul O Deen, "They are three gentlemen, I am "but two"?"

Ans. I do not recollect. I believe I did not make use of these words, because I did not think his complaint a matter cognizable by the Council.

Quest. Were ever the contents of the furd mentioned in Council, or any where else, that they came from Mr. Fowke?

Ans. I believe, from no other than Comaul O Deen, or from those I understood he had spoke to of it.

Quest. Had you ever any conversation with Comaul O Deen?

Ans. I conversed with Comaul O Deen on the day in which I sent him to the Chief Justice. On the close of the examination, the Judges delivered it as their opinion, That there were grounds for a prosecution. He was allowed till the Monday to declare whether he would prosecute or not. I saw Comaul O Deen on the Saturday and Sunday: On Saturday I examined him, and cross-examined him, and put questions, to sift the truth; and warned him as to the consequences of a false complaint, of the certainty of detection, and its effects; which I told him would be infamy to him, and injury to me. He persisted in it repeatedly, with circumstances which, to my judgement, convinced me there were grounds for a prosecution. I had the precaution to ask the Judges, I think the Chief Justice, Mr. Hyde, and Mr. Justice Chambers, Whether I might, with propriety, see and question Comaul O Deen? To which they replied, That I might. I accordingly saw Comaul O Deen on the Saturday and Sunday.

Quest. Did you interrogate him thus from any distrust you had of his character, or from any doubt of his complaint?

Ans. Neither from any distrust in the character of the man, or circumstances in the story; but from this principle, that I would rather have submitted to the injury, if I had not had the strongest grounds for my own conviction.

Quest. Had Mr. Fowke any employment under Government?

Ans. No.

Quest. How long have you known Mr. Fowke?

Ans. I have seen him some years.

Quest. Did you know him on the Coast?

Ans. I did not know him on the Coast. I do not know his character: I might have heard of him; but nothing that made any impression upon my memory. What I know of him, I know since.

Quest. Did you ever know him guilty of any dishonest or dishonourable act?

Ans. It is a difficult question. I will not pretend to say that I know him guilty of either: unless I could prove such acts, I should not care to mention them in a Court of Justice. He has had disputes, and those disputes have been referred to me; but people that dispute, are apt to place dishonest motives to those with whom they dispute. I always considered him of a violent and morose temper; and, while under that influence, too apt to insinuate actions in which he is concerned to base and bad motives in others. I do not recollect any dishonest or dishonourable acts; but he is violent to the last degree. The disputes were personal quarrels; I believe, never determined. I acted as a Mediator, never as a Judge.

Mr. BARWELL being sworn.

Quest. Do you know Moonshy Sudder O Deen?

Ans. I do.

Quest. Do you remember any conversation that passed between you and him?

Ans. Yes. He gave me information of what Comaul O Deen told him: it was at the time that Comaul O Deen made his complaint of violence by Mr. Fowke and Maha Rajah Nundocomar, which I understood was the making him prefer a complaint, in which the Governor General and my name were mentioned, that papers had been taken from him, which he desired to be returned, from which ruin.

ruin would be the consequence of their being delivered in to the Board. I was, at the period of time Comaul O Deen first went to complain, at my gardens. Moonshy Sudder O Deen did not mention to me any sums: the first I heard of it was when I attended the Judges, on a summons. The manner in which the complaint was mentioned was general.

Quest. Do you remember what passed between you and Mr. Fowke, at the examination, before the Judges?

Ans. As soon as Mr. Fowke made his appearance before the Judges, he declaimed a good deal on the goodness of his character, long established; that, on the charge of such a man as Comaul O Deen, who, he said, was the scum of the earth, and deserved no credit, his character should stand superior. In the course of this declamation, there were many contradictions. I was of opinion at that time, and am at present, Mr. Fowke professed much candour. In proof of this candour, I saw two papers produced, which had been delivered in as the voluntary act of a man who had positively declared they were the papers he asked back; that they were false, and must not be delivered in to the Governor General and Council. In the course of the declamation, Mr. Fowke further said, That he prided himself in the conduct he had taken up; and that it should be his part to bring every villain, rogue, or rascal, or words to that effect, to justice. I did not expect that he would take upon him, before the Tribunal of the Justices, to judge of the conduct of myself. * He applied directly

* Mr. Fowke further led away with this idea.

to me, and said, "Sir, can you, upon your honour and your oath, declare that you never received 45,000 rupees from Comaul O Deen?" I was so much hurt by this, and confess a little irritated, that I interrupted Mr. Fowke, and denied the receipt of the money in the solemn manner he had called upon me. There was more altercation between us; but he, at last, seemed satisfied with my reply: he expressed himself to that effect. This extraordinary call, at the period it was applied, had such an effect upon my

mind, that I declared publickly and positively, before many other Gentlemen concerned, that I would prosecute Mr. Fowke. On this, some remark was made on the vindictiveness of the assurance, and the existence of such a paper as the furd absolutely disclaimed. As I was only offended at the question which had been put to me, and which seemed to confirm the evidence of Comaul O Deen in so strong a manner, I was rendered wavering by the assurance of Mr. Fowke, imagining there might possibly be some mistake, and it might be a means artfully wove-in by a Black Man to engage in his cause: I therefore professed, at the close of the evening, that I would weigh all these circumstances in my mind; that a public assurance from Mr. Fowke might satisfy me; and it was not my intention to have prosecuted that Gentleman. I neither asked bail, nor was bound over to prosecute. But, considering all circumstances, considering that Mr. Fowke was under prosecution, it might possibly be imputed to other motives, if I did not give him an opportunity of acquitting himself to the Public; influenced by these reasons, I directed my Counsel to prosecute, and left the proof to the evidence there might be produced before the Court. Yet, though I have done this, I cannot end without remarking, that it is not consistent with the good of society, or the profession of candour, and attention to the welfare of the community, that a private Gentleman, not possessed of any public trust, should declare that he has, and proposes to hold, an Office for the investigating and redressing of grievances; and, whatever may be the determination of the Jury touching the innocence of Mr. Fowke respecting the furd, I flatter myself, some effectual means will be taken by them, to put a stop to all Offices of Inquisition but what the Law authorizes.

Quest. Did you, or did you not, ever receive the 45,000 rupees, or any part of it?

Ans. I did not receive the money, or any part of it; nor ever benefited by any donation from Comaul O Deen.

Quest.

Quest. Do you recollect any thing that passed, respecting a book which Mr. Fowke lifted up to strike Comaul O Deen?

Ans. What I recollect of the evidence given on the first day before the Judges, and of Mr. Fowke's Speech: It was declared, on the Complainant's side, That, for refusing to authenticate the furd properly, to the best of my recollection, Mr. Fowke spurned him, and lifted up this book, putting himself in a posture to strike Comaul O Deen. Mr. Fowke, on the other side, said, The man was whining and troublesome; that he made some representations about the papers which had been delivered in to the Governor and Council; and Mr. Fowke, not being satisfied with his representations, retained the papers, and ordered him to go about his business; that Comaul O Deen did this in great distress; and soon after, as I understood, returned with Mr. Francis Fowke, to gain a respite of a day or two for the delivery of the papers. The disturbance that arose in the street, I believe, is publickly known to every inhabitant in the town: it was, of consequence, a declared one of the apprehension the man was in for the delivery of those papers; which however were, in despite, delivered in to the public Board: as to one, it seems of a nature that I think might be in some degree admitted; that his character had been scandalized by this man, and this he thought a proper mode to restore it. Your Lordship and the Jury will judge how justifiable these means were, in making that the free-will of a man, which he positively declared was against it.

Cross-Examination of Mr. BARWELL.

Quest. What do you understand to be the cause of Mr. Fowke's lifting up the book?

Ans. I understood Mr. Fowke's reason for lifting up the book was to get rid of a man that was troublesome. Mr. Fowke did confess, that Mr. Francis Fowke sued him for a respite from presenting the papers.

Quest. Did you ever hear of the furd from any other person besides Comaul O Deen?

Ans. I never heard of the furd but from Comaul O Deen and such as he had told it to. The strong presumption I had at first to believe the existence of the furd was from the question put to me by Mr. Fowke, and his public declaration respecting the powers he proposed to execute in the investigation of complaints.

Quest. (by the Jury.) Did Mr. Fowke deny the existence of the furd before he put the question to you, and before you declared you could not prosecute him, or after?

Ans. I do not recollect that Mr. Fowke before denied the existence of the furd; on my reply in asseveration, he said, He was satisfied; it was at or after the time I said I would prosecute him; it was not denied before the question was asked me; that was in the morning, the other in the afternoon.

Mr. ELLIOT being sworn.

Quest. Do you remember any particular conversation between Mr. Barwell and Fowke at the Chief Justice's?

Ans. Yes; Mr. Barwell speaking to Mr. Fowke respecting his conduct in this affair: Mr. Fowke asked him, with a degree of passion, If he could give him his honour and his oath, that he had not received the 45,000 rupees? Mr. Barwell answered, That he could give him his honour and his oath, he had not: on which Mr. Fowke then said, He must acquit him; as he always himself took that method of wiping away accusations brought against him; and he thought that every Gentleman should do the same.

Quest. Do you remember any thing particular that passed respecting Mr. Fowke's lifting up a book to strike Comaul O Deen?

Ans. Some questions being put to Comaul O Deen by one of the Judges, I do not recollect which, with a view to ascertain the fact of Mr. Fowke's having lifted up a great book: Mr. Fowke said, He would save them that trouble, by informing them, that the book he lifted up was a volume of Churchill's Voyages; that he did it because Comaul O Deen

Deen was troublesome, took hold of his legs, and demanded back the arzee which he had before given.

K E W D E R N A W A Z being sworn.

Quest. Was you ever with Comaul O Deen at Mr. Fowke's house?

Ans. I was.

Quest. Did you ever write an arzee by the direction of Maha Rajah?

Ans. Yes.

Relate the circumstances.

One day Comaul O Deen took me to Maha Rajah's house: he went and sat down with Maha Rajah; I staid without: About 2^o or 3 guries afterwards he called me; when I went in, Maha Rajah desired me to sit near him; he gave me a piece of paper, and bid me write out a foul draught of an arzee; I took the paper, and began to write out a draught: when I had wrote out the fair draught, I gave it Maha Rajah; Maha Rajah gave it to Doman Sing, and bid him write it over again; I did not know his name then: Doman Sing wrote it, and gave it to Maha Rajah; Maha Rajah then said to me, Do you write a fair copy of it: Comaul O Deen, addressing the Maha Rajah, said, That he had a pain in his belly, and desired to go home; that he left me to write whatever the Maha Rajah might order, and bad me stay, saying, Do you, having wrote the fair copy of the draught, follow me: he then went away: I staid there one-half part of the night; when I had wrote a fair copy of the arzee, I gave it to Maha Rajah: Maha Rajah read it; and when he had so done, he said it was well, and bid Yar Mahomed go with me to Comaul O Deen: Yar Mahomed and I came away from Maha Rajah's together, and went to Comaul O Deen's; Yar Mahomed sat near Comaul O Deen, and said, Maha Rajah had sent him; do you put your seal to this arzee: Comaul O Deen then took the arzee, and read it; and said, There was no agreement between the Maha Rajah and him, that he should seal it; he said, He never would seal it; that he caused it to be wrote only for the Maha

Rajah's pleasure; and if hereafter he should be called upon, he could not prove it: Comaul O Deen said, How can I seal it? Yar Mahomed then said, You may do as you please; if you won't seal it, I'll go away: Comaul O Deen then gave Yar Mahomed his hooka to smoke; he soon after went away; and when he had got on the stair-case, I also went away: Comaul O Deen, when Yar Mahomed was going away, asked me, What do you think would have been the consequence had I put my seal as Maha Rajah desired: I answered, It would be very bad; whatever you do, look to the consequences.

Quest. Was you at Mr. Fowke's with Comaul O Deen, the day the disputes happened?

Ans. I was.

Relate them.

Comaul O Deen went up stairs; I staid below; about 2 or 3 guries after, at first Mr. Fowke, then Maha Rajah, and after Comaul O Deen, came down; Mr. Fowke had got into his palanquin, Maha Rajah was getting in, when Comaul O Deen went up to him, and said, Get me back those false papers of Barramutts, that you and Mr. Fowke have caused me to write against the Gentlemen; I cannot by any means prove them; this will be very bad both for you and me; but more so for me, both my honour and fortune will be affected; for God's sake, get me them again; and begged by the Duoy of the Company and the Council for them again: I saw this; when Maha Rajah gave him no answer, he then cried out again Douy, and attempted to get into his palanquin: Yar Mahomed and Nettoo Sing asked him, Where he was going? he disengaged himself, and got into his palanquin: When he had got out of the lane which leads from Mr. Fowke's house on to the great road, a Hircarrah came up to him, and said, Where are you going? you must turn back; Mr. Fowke and Maha Rajah call you: having disengaged himself from the Hircarrah, he went to the Governor's: I staid below; Comaul O Deen went up to acquaint him.

Quest.

Quest. Whose servants were Yar Mahomed and Netto Sing?

Ans. I now hear they are Maha Rajah's.

Quest. Did you know whose Hircarrah it was that came up to C. O Deen?

Ans. I did not know then; I since hear he was Maha Rajah's.

HUSSEIN ALLI being sworn.

Quest. Whose servant are you?

Ans. Comaul O Deen's.

Quest. What is your employment?

Ans. I am his Confuma; all the expences of his house and his wardrobes are under my charge.

Quest. Have you the custody of his seal?

Ans. Yes.

Quest. Can it be used without your knowledge?

Ans. When he goes to Durbar, he takes the small seal upon his finger; when it is in my possession, he cannot use it without my privity; it is always in my possession but when he goes out.

The arzee being shewn:

Quest. Is that the impression of the seal which Comaul O Deen used to wear on his finger?

Ans. It is.

Quest. Do you know Yar Mahomed?

Ans. Yes.

Quest. Whose servant is he?

Ans. I hear, Maha Rajah's.

Quest. Did you ever see him at Comaul O Deen's house?

Ans. Yes; that night he brought the paper to seal.

Give an account what passed.

As he and Kewdernawaz were going up stairs, Kewdernawaz said to me, Bring the sua dwoit and the box, in which the seal is, perhaps there will be a paper to be sealed. I went and got the sua dwoit, and the box with the seal, and gave them to Huttoo, and told him to stand with them on the stair-case; Huttoo is Comaul O Deen's cook: I then went to where C. O Deen was sitting, and walked up and down the veranda. I did not

hear what conversation passed between Comaul O Deen and Yar Mahomed. C. O Deen gave him his hooka to smoke, and when he had done, he went away; I followed: Huttoo then said to me, Do you want the sua dwoit and the seal: I said, The business for which it was wanted perhaps will not be done: I took the sua dwoit and the box away, and put them in their proper place, in the jofha connah: I then went to my own apartment.

Quest. Do you know Mr. Fowke?

Ans. Yes.

Quest. Were you ever with Comaul O Deen at Mr. Fowke's house?

Ans. I was, about two or three days after this.

State what passed.

What passed out of doors I know: Mr. Fowke first came out, then Maha Rajah, and then Comaul O Deen: Comaul O Deen said to Maha Rajah, The false Barramut, which you have caused me to write against the Gentlemen, I cannot prove: this will be very bad for me; give me the papers back: whether Maha Rajah gave him any answer or no, I did not hear: Comaul O Deen then tore the collar of his jammah, and began to cry out Duoy upon the King, the Company, and the Court; he went to get into his palanquin, but Yar Mahomed and Hetto Sing laid hold of his hands: he disengaged himself from them, and, crying out Duoy, got into his palanquin, and went away: when the palanquin had got out of the lane upon the great road, there were two Hircarrahs, one laid hold of the palanquin before, and the other was behind: I was at that time at a distance, and did not hear what passed between them: the palanquin went on, and I went on towards the Lilla catcherry.

COMAUL O DEEN again called.

Quest. At the time Mr. Fowke lifted up the book, and fell in a passion with you, what was the occasion of it?

Ans. When he asked me to seal the arzee, I said, this is not an arzee, this is a jabob sawaul.

D d d

Quest.

Quest. Did Mr. Fowke say any thing to you that day about bribes?

Ans. Not that day: we took out the furd, but said nothing about bribes before he flew in a passion, after I sealed the arzee, and was down on the ground.

Quest. Did Mr. Fowke ever direct you to write any thing particular upon the furd?

Ans. He did not tell me what particular words to write: I wrote *Ruffan needum* and *Dadum*.

KEMIJET being sworn.

Quest. Did you see any disturbance, some time ago, about Comaul O Deen's palanquin in the road?

Ans. Yes.

Quest. What did you see?

Ans. I was going on the road near the Bitah Connah of Rajah Rajebullub: I saw Comaul O Deen in his palanquin with the collar of his jammah torn; a Hircarrah from behind called out, Comaul O Deen, stop your palanquin. C. O Deen did not mind him, and went on. The Hircarrah ran up, got hold of his palanquin, pulled it, and said, Where are you going? Maha Rajah calls you, and Saub calls you. The palanquin stopped, and Comaul O Deen called out, Duoy upon the King, the Company, the Audalet, and the Governor; and said, They have caused me by force to write out a paper, and now have sent a Hircarrah, and are making disputes: having disengaged from the Hircarrah, he went on. This is all I saw.

MUSHURER MAHOMED being sworn.

Quest. Do you know Comaul O Deen?

Ans. Yes.

Quest. Do you know Mr. Fowke?

Ans. Yes.

Quest. Do you know his house?

Ans. Yes.

Quest. Did you never see Comaul O Deen there?

Ans. One day I saw him there.

Quest. How long since?

Ans. It may be two, two quarters, or two half months ago.

Relate what passed when you saw Comaul O Deen come out of Mr. Fowke's house.

Mr. Fowke came out first, then Maha Rajah and Comaul O Deen. Comaul O Deen said to Maha Rajah, Give me back again the false papers which you have caused me by force to write: I have given no one any money; give me back the papers: he then called out, Duoy upon the King, the Council, and the Company, and tore the collar of his jammah: he got into his palanquin; and when he had got upon the great road, a Hircarrah, or Hircarrahs, ran up, and laid hold of his palanquin, and said, Maha Rajah calls you, and Mr. Fowke calls you, turn back. They disputed for some time; Comaul O Deen then went away to the Governor; and I came by the Council-house to my own house.

Cross Examination of MUSHURER MAHOMED.

Quest. Whose servant are you?

Ans. I am the servant of Tyzulla Salem, his Vakeel.

Quest. How came you to go to Mr. Fowke's house?

Ans. There is a Durbar there; every body goes there.

Quest. Did any body order you to go there?

Ans. My particular business was, to go there to see if any complaints were lodged against my master.

Quest. Was you up stairs?

Ans. No; I was at the outer gate.

Quest. Did you not usually go up stairs to the Dunbar?

Ans. If I had heard of any complaints, I should have gone up: I had heard there was to be a complaint made against my master by one Permany, and I went there; but upon enquiry, I found that the complaint was not there; I therefore went away: When I had business, I used to go up stairs; when I only wanted to make an enquiry, I staid below.

Colonel.

Colonel THORNTON being sworn.

Quest. Were you formerly acquainted with Maha Rajah Nundocomar?

Ans. I have seen him.

Quest. Were you one of his bail?

Ans. I was.

Quest. Were you one of those Gentlemen who formed the processional visit to Maha Rajah Nundocomar?

Ans. I visited him; I went in my chaise, but not in procession.

Quest. Who went with you?

Ans. General Clavering, Colonel Monson, Mr. Fowke, Mr. Addison; and I believe Captain Webber, but I do not perfectly remember.

Quest. Do you remember the day on which this visit was paid?

Ans. I do not recollect; I think it was the day after, or two days after, the examination before the Judges.

Quest. Was the visit made before you gave bail, or after?

Ans. I cannot recollect.

Quest. At the time of the visit, was you acquainted with the examination?

Ans. Yes.

Quest. Upon what occasion was this visit made?

Ans. I confess that I thought the accusation against Maha Rajah unjust, and that he was very much injured, from what Mr. Fowke told me; therefore I paid him a visit.

Quest. Do you visit every man you think unjustly accused?

Ans. No.

Quest. Did you ever visit Maha Rajah Nundocomar before?

Ans. Yes; and have received visits from him.

Quest. Did you ever visit him in company before?

Ans. No.

Quest. Do you think that his being looked upon as an injured man, was the general reason for the visit?

Ans. I do not know; I only answer for myself.

Quest. Was you present at the examination at the Chief Justice's?

Ans. I was some part of the time; I went upon what I heard from others, not believing the existence of the paper.

Quest. Were any of the other Gentlemen present?

Ans. Captain Webber was present at times; none of the other Gentlemen who were on the visit there.

Quest. Did you ever hear the Gentlemen at any time declare their reason for making this visit?

A. No, never.

Quest. What passed between Nundocomar and the Gentlemen during the visit?

Ans. Nothing but Salams and the common ceremonies.

Cross Examination of Colonel THORNTON.

Quest. How long have you known Mr. Fowke?

Ans. I have known him 14 or 15 years, three of which he has been in India; my acquaintance with him preceded his coming out.

Quest. Do you believe him to be an honest man?

A. I do, from my soul, believe him to be an honest man, of strict honour, and I think incapable of telling a lie on any occasion; I never heard any thing against him, but a great deal to his honour.

(Per Court.) Quest. Did you never hear, before or after the visit, any reason given by General Clavering?

Ans. I did not.

Quest. Did you ever hear that General Clavering paid any other visit, before or since, to Maha Rajah Nundocomar.

Ans. I think not; I do not know.

Capt. JAMES WEBBER being sworn.

Quest. Are you acquainted with Maha Rajah Nundocomar?

Ans. I am.

Quest. How long have you been acquainted?

Ans. Since my arrival.

Quest. Was you bail for him?

Ans. I was.

Quest. Did you ever visit him?

Ans. But once; about three months ago, as the General's Aid de Camp, and attended him, as my duty.

Quest. Who were of the party?

Ans. The General, Col. Monson, Mr. Francis, Col. Thornton, Mr. Fowke, Mr. Addison, and myself. The General called on me at my house, in his carriage: it was but an hour or two before that I was given to understand the General meant to pay the visit.

Quest. Did you ever hear the General, before or since, give any reason for making the visit?

Ans. I do not recollect that I ever did.

Quest. Do you remember the day on which this visit was paid?

Ans. I can't recollect whether it was the day after the examination, or whether it was before or after I gave bail. I think I recollect it was after the first examination.

Quest. Do you recollect what passed at the visit?

Ans. No. I believe Mr. Fowke might interpret the common compliments.

Quest. Did you not think the visit an extraordinary one?

Ans. No, I did not.

Quest. Did you ever know these Gentlemen pay Maha Rajah a visit before?

Ans. I do not know if they had been there before. It is my duty to go on visits with the General; I generally do.

Quest. Did you know the character of Maha Rajah Nundocomar?

Ans. I had heard a bad character of him; but I thought people prejudiced. I heard Mr. Fowke speak well of him.

Quest. Did you ever know General Clavering pay visits to other Black Men?

Ans. I never knew General Clavering visit any Black Man, except him and Mahomed Reza Cawn.

Quest. What do you believe was the reason for this visit?

Ans. I believe they visited Maha Rajah Nundocomar, because he had been formerly Minister of this Country.

Quest. Do you believe they had, or had not, other motives?

[The above Question repeated.]

Ans. I believe they had.

Mr. FRANCIS FOWKE being sworn.

Quest. Did you ever see your father lift up a book to Comaul O Deen?

Ans. I did.

Quest. Where was it?

Ans. In my father's bed-chamber.

Quest. Was you in your father's bed-chamber before Comaul O Deen? or was he there first?

Ans. I was there first.

Quest. Which of you went out first?

Ans. Comaul O Deen did.

Quest. Upon what occasion did your father lift up the book to Comaul O Deen?

Ans. Comaul O Deen came to my father's bed-chamber: I think the words that he said were, "I will write it over again." When he came into the room, I observed the end of his jammah over his neck, and his hands in a supplicating posture. He advanced, repeating, I believe, the same words. My father was sitting on the bed: Comaul O Deen threw himself at his feet, and attempted to take hold of his legs. My father threw himself back, or rather obliquely, on the bed; and his legs, I believe, passed through Comaul O Deen's arms. I am not perfectly clear whether my father had the book in his hand or not: I rather think it was lying on the bed. My father immediately lifted up the book, and peremptorily ordered Comaul O Deen to leave the room. C. O Deen immediately did leave it.

Quest.

Quest. While Comaul O Deen was on the ground, was any paper produced to him by your father?

Ans. Not that I saw.

Quest. If he had produced any paper, should you not have seen it?

Ans. I think I should.

Quest. Did you see your father and Comaul O Deen the whole time?

Ans. I did.

Quest. Was you near to them?

Ans. I was.

Quest. Did you hear your father ask any questions while Comaul O Deen was on the ground?

Ans. I did not.

Quest. If he had, should you have heard him?

Ans. I think I should.

Quest. Have you heard all that Comaul O Deen has said, respecting the furd, while he was on the ground?

Ans. There was no furd produced.

Quest. Who did you hear first mention it?

Ans. I never heard of it till the day of the examination; I then heard of it first from Comaul O Deen.

Quest. Had Comaul O Deen made any noise or clamour in your father's house respecting an arzee?

Ans. He had.

Quest. Did he seal any arzee in your father's house that day?

Ans. He did, in my writing-room.

Quest. Who was in the room at the time your father lifted up the book?

Ans. Rada Churn, and no other except myself.

Quest. You have said that Comaul O Deen sealed an arzee in your writing-room; were there any threats made use of, to frighten him, in order to force him to seal it?

Ans. No.

Quest. Did he ask to have that arzee back again?

Ans. He wanted to have it changed, and to have it wrote over again.

Quest. Did he give any reason why he wanted to have it changed, and wrote over again?

Ans. There was an expression in the beginning of it ["Ershaud Mishawud"] which he objected to, and wished to have it wrote over again. These words mean, in English, "It is ordered, or required."

Quest. What did he say respecting these words?

Ans. Looking at the words, he said, Who orders or requires? This does not respect the arzee sealed in my room.

Quest. What arzee did he seal in your room?

Ans. He sealed a small arzee, which he said was the real arzee he delivered to the Governor. He did not seal the great arzee in my room (presence).

Quest. Did he bring the long arzee ready sealed to your father's house?

Ans. I cannot answer positively to this: I rather think that I recollect the mark of the seal upon the large arzee.

Quest. Let us know all that you know respecting the sealing and signing of any papers at your father's house, the day he lifted up the book to Comaul O Deen.

Ans. Comaul O Deen came to my father's house in the morning of the 18th of April. In my father's bed-chamber, he acknowledged his seal affixed to the large arzee before two witnesses, who attested the acknowledgement to it. In my writing-room, he affixed his seal to the small arzee, N^o 2. There were present, myself, Roy Rada Churn, my Moonshy, Geercustullah, and the two Portuguese writers who attested the long arzee. He sealed the arzee in presence of these two; and also acknowledged the seal, which they attested. My father ordered these two arzees, and the translations of them, to be made up, and directed to the Governor General and Council. Comaul O Deen objected to their being laid before the Governor and Council; and desired that the two other arzees, relating to Gunga Govin Sing, might first be sent into Council. My father did not consent

to this: Comaul O Deen urged him for some time; and afterwards made the objection beforementioned to that expression in the long arzee. He asked my father, When he should be called before the Council? and asked, Who had ordered or required? who he should say? My father answered him, by asking, Who he would say? Comaul O Deen's reply, I think, implied that he would make use of the General's name. My father asked him, Whether the General, or he (Mr. Fowke) in the General's name, had ordered or required him? He said, They had not; but urged the distress he should be under, if that question should be put to him in Council. I believe he repeatedly urged it. My father did not alter his intention of sending the papers into Council. Comaul O Deen soon after left the room: Rada Churn went out likewise; I do not remember whether immediately, or some time after. Rada Churn soon after returned into the room, and said, That Comaul O Deen was crying, and tearing his jammah, because the arzees were to be sent into Council that day. Comaul O Deen, soon after this, came to the door of my father's bed-chamber, and then that passed which I have before related.

Quest. You have told us that Comaul O Deen left the room before you did; did you see him when you went out?

Ans. Yes, I saw him in the hall.

Quest. What passed between C. O Deen and you then?

Ans. He begged of me to intercede with my father that the papers might not be sent in that day, repeating the difficulty he should be exposed to from that expression; and saying, That he would bring his Moonshy the next day, and write it over again. I returned to my father, and urged him to comply with Comaul O Deen's request, which for a long time he refused: he did at last, very reluctantly, comply. I went to the Portuguese writer, took the cover from him, as it was folded, and carried it into my writing-room, where I locked it up. I do not know whether I told C. O Deen that I had got the papers,

or whether he saw them in my hand; but he met me at the door of my writing-room, and thanked me, in very warm terms, for having brought back the arzees. He stooped down, and touched my feet: he said, He would bring his Moonshy with him very early the next morning, to write it anew. He asked me, If he should go in, and take leave of my father. I told him, not to go; that my father paid no great attention to those ceremonies. It was near one o'clock; I was going out to dinner. Myself, Rada Churn, and Comaul O Deen, went down stairs together: when I got into my palanquin, Comaul O Deen came to the door of it, and again repeated his acknowledgements of gratitude.

Quest. Did any other circumstance pass, on the 18th, respecting the arzees?

Ans. There was another circumstance, I did not mention, relating to the arzees. In the long arzee it was written, that the cause of Barnassy Ghose and Comaul O Deen was referred to my father for decision: I told Comaul O Deen, that the expression was wrong; that it was referred for enquiry only, in which he acquiesced. About the time the small arzee was sealed, with his acquiescence, I scratched out, in my writing-room, the word in Persian which signifies *Decision*; and Comaul O Deen, in the presence of the two Portuguese writers who had attested the long arzee, wrote with his own hand the Persian word signifying *Inquiry*.

Quest. Did you ever hear Comaul O Deen declare that day, that the long arzee was false?

Ans. I did not.

Quest. At any other time, did you ever hear him declare it, at your father's house?

Ans. No, never.

Quest. Is there any other material circumstance relating to the arzees?

Ans. When Comaul O Deen was going to write the word, he asked Roy Rada Churn how to spell it: Rada Churn told him the letters; he desired him however to write it down on separate paper, that he might copy it. He did so; and, when he had written it, the ink had

had not marked well, owing to some pounce; and Roy Rada Churn asked him if he should make it plain: C. O Deen gave him leave, and he made it plainer.

Cross-Examination of Mr. FRANCIS FOWKE.

Quest. At what time in the morning, of the 18th, did Comaul O Deen come to your father's house?

Ans. About nine or ten o'clock in the morning.

Quest. Did you see him come into the house?

Ans. I cannot say that I saw him come in.

Quest. In what part of the house did you first see him?

Ans. I think I first saw him in the hall.

Quest. Had you been out of doors, or did you come out of your own room?

Ans. I believe I had not been out of the house, and might have been in my own room?

Quest. How long did he stay in the hall?

Ans. I really cannot say.

Quest. Did you stay with him all the time he was in the hall?

Ans. I cannot recollect.

Quest. When did he come into your writing-room?

Ans. After the attestation of the long arzee; he then came into my room, and sealed the little one.

Quest. Where did he acknowledge the seal to the long arzee?

Ans. In my father's bed-chamber?

Quest. Was you there at the time?

Ans. I was.

Quest. Whether did Comaul O Deen or you go first into your father's bed-chamber at that time?

Ans. I do not recollect.

Quest. What time had you the long arzee in your hands?

Ans. On the 16th, two days before;

Quest. Who shewed you it?

Ans. Rada Churn.

Quest. Was it then sealed?

Ans. I cannot positively declare it was then; but, I think, I have a recollection that it was sealed.

Quest. Was it in your father's house that Rada Churn shewed it to you?

Ans. Yes.

Quest. Do you know what Rada Churn did with it, after he had shewn it to you?

Ans. He left it with me. I translated it: I began to translate it on the 16th; and had not quite finished it that day.

Quest. After translating it, what did you do with it?

Ans. I kept the original.

Quest. How long did you keep it?

Ans. I believe I had it in my possession till the 18th.

Quest. Did you give it to your father before Comaul O Deen came to your house, or after?

Ans. I cannot recollect.

Quest. What were the words Comaul O Deen made use of when he acknowledged it?

Ans. I do not recollect the particular words.

Quest. Was it before or after he acknowledged it, that he objected to those words?

Ans. After.

Quest. After finding fault with these words; how long did he stay in the room?

Ans. He did not go immediately; I cannot precisely say.

Quest. Where did you see Comaul O Deen after that?

Ans. In the hall.

Quest. After acknowledging the long arzee, where did C. O Deen go to?

Ans. Into my writing-room.

Quest. Who desired him to go there?

Ans. I do not recollect.

Quest. Did you stay behind in your father's room?

Ans. I do not recollect whether I went out first, or he.

Quest. Where did you see him next?

Ans. The first time I recollect seeing him was when he sealed the small arzee in my writing-room.

Quest.

Quest. What conversation passed between you and Comaul O Deen in your writing-room, respecting the small arzee?

Ans. I do not recollect any particular conversation.

Quest. Who desired him to seal the small arzee?

Ans. I do not recollect.

Quest. Do you recollect any body talking to him in your writing-room?

Ans. The two writers asked him whether he acknowledged the seal.

Quest. Had Comaul O Deen the little arzee in his own possession?

Ans. He had it; but I don't know exactly how it came into his possession.

Quest. Did he bring it with him?

Ans. To the best of my recollection, the small arzee was given to me, with the long one, by Roy Rada Churn; but I am not clear.

Quest. Did you translate the small arzee?

Ans. Yes, I did.

Quest. Are you sure the long arzee was, or was not, sealed before?

Ans. I cannot charge my memory whether it was or not.

Quest. Is it usual to put two seals to an arzee?

Ans. I remember that, when he put the seal to it, it was blotted, having been laid down carelessly: I believe it was a wet blot: he dipt the seal in the ink; I saw him put the seal to the paper; I do not think the blot was occasioned by sealing twice.

Quest. After sealing the small arzee, did you go into your father's room?

Ans. I cannot precisely say when I went into my father's room.

Quest. You have acknowledged both the arzees to be sealed the same day: how comes it that one is dated the 17th, and the other the 18th?

Ans. It is very true; when I wrote the acknowledgement of the large one, one of the writers told me, I had made a mistake in the date; I thought it immaterial, and did not alter it.

Quest. After sealing the little arzee, did you leave Comaul O Deen in your writing-room?

Ans. I do not recollect; I am more disposed to think that Comaul O Deen went into the hall.

Quest. Did you soon after go into your father's room?

Ans. I did; not long after.

Quest. Who was there?

Ans. Roy Rada Churn was there.

Quest. Any other person?

Ans. I believe Accoor Munnah was there.

Quest. What conversation passed between your father, Rada Churn, Accoor Munnah, and yourself, in your father's room?

Ans. I do not recollect any particular conversation.

Quest. Can you mark by any transaction, when Rada Churn told you, that C. O Deen was crying?

Ans. It was after sealing and attesting both arzees.

Quest. How long after sealing the small arzee?

Ans. I cannot precisely say.

Quest. Cannot you guess?

Ans. I cannot recollect.

Quest. Was there any conversation passed between the sealing of the small arzee, and the time when Rada Churn told you Comaul O Deen was crying?

Ans. There was.

Relate it.

Comaul O Deen desired my father to send in to the Council the arzees against Gunga Govin Sing before these; which my father did not consent to: After this, Comaul O Deen objected to the words mentioned before, and asked my father, If he (C. O Deen) should be interrogated in Council, who had ordered or required, who he should say?

Quest. Where did this conversation pass?

Ans. It was in my father's bed-chamber.

Quest. How often was Comaul O Deen in your father's room that morning?

Ans. I recollect these three times; when he acknowledged the long arzee, at this conversation, and when my father lifted up the book.

Quest.

Quest. Upon what account did Comaul O Deen want the arzee altered?

Ans. I have already said, because of the words (*ersbaud mesbarweed*) which mean (it is ordered or required.)

Quest. Do you think, if there had been no other thing but the alteration of these words, that it was an adequate occasion for his tearing his jammah, &c.

Ans. It is very difficult for me to form a determinate opinion of what may be the ideas of the natives of this Country: my opinion at that time wavered: if I was to judge for myself, it would not; but I considered the timid disposition of the natives of this country; I did not know but C. O Deen might conclude, that, if he did not answer that question, it might be attended with bad consequences to him.

Quest. Did you hear Comaul O Deen that day speak of any false papers that had been forced from him?

Ans. I did not.

Quest. Is Roy Rada Churn your father's Banyan? or does he do business for him?

Ans. No; no business at all.

Quest. Did he formerly?

Ans. I do not recollect.

Quest. What conversation had your father with Maha Rajah Nundocomar? Did you conceive that he promised him patronage or protection?

Ans. I do not know that he made any promise like it; there was an acquaintance between them.

Quest. Was he employed by your father in investigating any sources of corruption in this country?

Ans. I do not know.

(The Judges here put a stop to any further questions of the above nature.)

Quest. Was Maha Rajah Nundocomar at your father's house, the day after the 19th?

Ans. He was; and Roy Rada Churn in the morning.

Quest. Was there any particular conversation between your father, Maha Rajah, Rada Churn, and yourself, that morning?

Ans. I do not recollect any particular conversation.

Quest. Did you see Comaul O Deen there that morning?

Ans. Yes; I asked him, if he had brought his Moonshy? He said, he had, or that he was coming: he also asked me, if my father was calm that morning; and I said, he was.

Quest. Did Comaul O Deen see your father?

Ans. I think he did not in my presence.

Quest. Did you hear any noise?

Ans. I think I heard a noise, as though in the street.

Quest. What did you distinguish?

Ans. I did not hear any words; I heard a person calling out.

Quest. Was it Comaul O Deen's voice?

Ans. I cannot say; it seemed at a distance.

Quest. Did Comaul O Deen say any thing more to you, than ask if your father was cool?

Ans. Yes; he likewise observed some circumstances that had irritated my father the morning before, and attributed his having been in a passion with him to that irritation; he mentioned the translations of the arzees, one or both of which had been lost on a sudden, and we hunted a long while for them; my father was angry at it; the other was, that a person called Douly Chund had come into my father's bed-chamber, and was obstinate in not going out again; he also had made my father angry; and Comaul O Deen marked this circumstance.

Quest. How do you account for Comaul O Deen's coming into the room as he did, with his jammah over his neck, and in a supplicating posture?

Ans. I never saw any one do it before or since; I have heard it is a mark of supplication; I cannot tell from whom I heard it; but I have that idea.

Quest. Do you mean to swear that he had not been before in your father's room?

Ans. I do not pretend to swear that he was never in the room when I was not present.

Quest. Was there not a possibility that such a transaction might pass in your absence?

Ans.
E e e

Ans. I answered this in my last reply.

Quest. You say that Comaul O Deen objected to some words in the large arzee?

Ans. He did.

Quest. Did you ever understand the great arzee was not his production?

Ans. No doubt entered my mind when he objected to the words: I considered it as his production.

Quest. When your father lifted up the book, was it in a very threatening posture?

Ans. No; it was not in a very threatening posture.

Quest. Was your father calm then?

Ans. No; he was irritated; he was angry.

Quest. Did your father call Comaul O Deen any names at that time?

Ans. He might make use of some harsh words; but I do not think that he damned him for a son of a b—h, because I never heard my father make use of those words to any black man.

Quest. Why should a seal be put to the small arzee, which the Governor did not send in to the Council?

Ans. I never understood that to be a copy of the small arzee; I understood it was the original; I thought it was not to authenticate it as an arzee, but an acknowledgement of that part likewise.

Quest. Had Comaul O Deen attested it before he came with his jammah torn?

Ans. He had.

Quest. How long was the interval between his going out the second time, and coming in with his jammah torn?

Ans. I believe a very short time.

Mr. J. Fowke, recollecting himself, says,

I now clearly recollect, that Comaul O Deen had twice before that time repeated the whole contents of that arzee before me and my father; and he repeatedly said, they were true; and that he was ready to take his oath; he insisted very strongly on his innocence respecting the arzee of the 13th of December, grounding it on the contents of the long one.

I was sitting in the hall, I saw him and Roy Rada Churn pass through it into my father's room: soon after Rada Churn came

out, and gave me this arzee, on the 17th; there were particulars of it I did not understand; I asked him concerning those parts, and he explained them to me.

Mr. Elliot. Maha Rajah Nundocomar and Roy Rada Churn had repeatedly requested of me to introduce Rajah Nundocomar to the General; I refused, assigning as a reason, that they were well acquainted with my connection with Mr. Hastings; and that I would not introduce him without his permission. One morning Roy Rada Churn came to my house early, and told me, that he came by direction of Mr. Hastings, to request that I would introduce his father-in-law to the General: I answered him, It was very possible; but I begged leave to have Mr. Hastings's order from his own mouth, before I would comply with his request: I accompanied him to the Governor's, where I met Rajah Nundocomar in one of the outer rooms: Rajah Nundocomar accompanied me into the room where Mr. Hastings was sitting, but fell back when we came to the door, and said, As Mr. Hastings is conversing with some English Gentlemen, he wished I would ask him if I might not introduce him to the General. Every suspicion was by this time removed from me; and I went up in a hurry to Mr. Hastings, and asked him, If I should introduce Rajah Nundocomar to the General: he said, I might if I pleased: I went from thence with Rajah Nundocomar to the General's: when I went in to the General's, he was at breakfast: I put Rajah Nundocomar into another room, and went in to the General myself: When the General got up from breakfast, he retired with me to a window, and asked me the character of the person I was to introduce: I painted his character as I had always understood it to be; a man of deep intrigue, and who would not stick at any thing to carry any point he might have at heart: from thence we went and sat down with Rajah Nundocomar; and I had soon an opportunity of seeing that Rajah Nundocomar did not, though I had introduced him, consider me as his friend; for Mr. Addison, who had in the interim entered into conversation

fation with him, informed the General, That he only wished to make his *Selam* then, and would wait upon him on business another time: I understood what Maha Rajah meant very well; and what passed that day was nothing but general conversation. The next time I waited upon Mr. Hastings, I made more particular enquiry respecting his wishes of having Rajah Nundocomar introduced to the General; and I then found, that the story of Rada Churn was a fiction; and that I had not been desired by the Governor to introduce Rajah Nundocomar to the General.

Quest. Did you ever introduce any other black man to the General?

Ans. I am not sure whether I introduced Rajah Rajebullub to the General, by desire of the Governor; I now recollect that the Governor had first.

Quest. Did you consider this as an introduction from the Governor General?

Ans. I did not consider it as an introduction from the Governor General, but by his permission.

Mr. Elliot recollects, that it was not the same morning in which he saw Rajah Nundocomar at the Governor's that he introduced him to the General.

General CLAVERING being sworn.

A little time after my arrival, Mr. Elliot came to me, to propose himself to be my Interpreter. I acquainted him, That I understood there was an Interpreter on the establishment, who was then with the Army, and I had heard a very good character of him, and therefore I did not chuse to make any disposition of it at that time, but would wait till the Interpreter returned to Calcutta. Mr. Elliot understood it as explained by me, and was pleased to offer me his services, till such time as my Interpreter arrived. From that time I am not conscious that I received any Persian letter, or petition, that I did not put into his hands. In the mean time, divisions in the Council had broke out. Mr. Elliot, I understood, had been admitted a private Secretary to the Governor. About a month

after his tendering his services, Mr. Elliot came to me, and acquainted me, that he understood, that the Interpreter to the Commander in chief had been recommended by the Governor to the late Commander; but, on my making some difficulty to accept an Interpreter that might have been recommended by the Governor to the late Commander, Mr. Elliot opened himself further to me, and told me, in a very honourable manner, that I must be sensible, from his close connection with the Governor General, how unpleasent a thing it would be to him, to accept of such a trust from me.

“ Mr. Elliot here wishes that the General would recollect, whether the occasion of this conversation, was not a letter received from the King at Delhi.”

Mr. Elliot, however, still offered to translate such papers as might be sent to me. I accordingly did send them, I believe, all to him. About the middle of January, I was assaulted in my palanquin by a number of Petitioners, who had nearly overset it: they were the Molungies of the 24 Pergunnahs. I ordered my palanquin to be set down, and took their petition from them: I read it, in my way to the Council-house; and seeing in it what I thought some very gross abuse of power, and that the several petitions which I had before laid before the Council, which had been presented in the streets to me, had had no effect in redressing their grievances, I resolved to inquire into this myself, as well as I could. I therefore told my servant to go to the Salt Contractor's house, and tell him to be with me at my return from Council. The manner in which the Contractor explained himself to me, rendered it necessary that I should have an Interpreter. The man teased me with evasions and contradictions; and having frequently told him that there was now a Court of Justice established in Calcutta, where such grievances would be redressed, I thought he would do better to furnish me with means of redressing them, by procuring them their full weight and full play. I then sent for Mr. Fowke, who, I believe, before that time, had not been above three or four times in my house,

house, nor had once dined with me since my arrival. I referred the complaint to him, as a person of whose honour and integrity I had the highest opinion; more from general report which his reputation bore in England, than from any personal acquaintance with him here. He was acquainted with the language in which this complaint was to be examined, and, as I imagined, with the manners and customs of the country. The Contractor, fearing that Mr. Fowke's report to me would not be so favourable to his cause as he wished, went to complain to the Governor General; when, on the following day, I presented the petition to the Council, I found the Governor had been apprized of the reference made to Mr. Fowke; and reproached me warmly, for taking up a business in which he was so immediately concerned. I, at first, did not understand his allusion. He told me, "You must know that Captain Weller was connected with me." I told him, that I had been intirely uninformed of it, till Mr. Fowke had acquainted me with it, upon the examination of the Molungies. The Governor, on that, said many things against Mr. Fowke; and, as I saw no occasion why Mr. Fowke should have concealed that circumstance from me, I refused to comply with his request of not trusting any more petitions to Mr. Fowke. Some time after this, came the petition of Barnassy Ghose, which I likewise referred to Mr. Fowke, after having previously sent to Comaul O Deen. This reference produced another complaint of the Governor General against Mr. Fowke (the arzee), requesting again that I would withdraw my confidence from Mr. Fowke; or, at least, that I would not suffer him to examine petitions but in my presence. As this complaint and the petitions which accompanied it were to stand upon our consultations, it was the opinion of the Council, that Mr. Fowke should be desired to come there himself, to explain his whole conduct. I assured the Council, that, if Mr. Fowke had acted improperly in the execution of the trust which I had committed to him, I would withdraw it. But the Governor General not chusing that Mr. Fowke should come there to explain his conduct, I had no other means left than to examine him myself, at his return. I desired him to write a Letter to the Council, and to give them the same explanation which had satisfied me; and I think, but am not positive, that I took his affidavit to the truth of the contents of the Letter: but, as I still thought that the assertions made by Comaul O Deen should not, for Mr. Fowke's honour and mine, stand—I desired Mr. Fowke to examine his own servants, who had been present at the examination, and to send their depositions in to the Council. The persons themselves being examined, I was of opinion that all the assurances of Comaul O Deen were entirely false and groundless. Mr. Roberts, my Persian Interpreter, came to me soon after this; and, from that time to this day, I am not conscious that I have ever sent one petition to Mr. Fowke. All my Persian papers I have regularly sent to Mr. Roberts, and the English to Mr. Elliot. Mr. Elliot was, about the 20th of December, appointed Superintendant of the Khalsa Records, with the intention of receiving all petitions. This was done with an intent to prevent my employing Mr. Fowke, and I acquiesced in it: there was no office to receive and examine petitions. Either Mr. Elliot or Mr. Roberts ever since received all petitions sent to me. From the 15th of November, to the 20th of December, was the only time in which I sent petitions to Mr. Fowke.

In regard to Maha Rajah Nundocomar, whether I received my opinion of him from Mr. Elliot, or from other people, it sufficeth to say, that I considered him of an intriguing character; and never, upon any occasion that I know of, intrusted him with the smallest confidence. His having been accused of forgery was not known to me till late; I cannot say exactly, but before the 18th of April. As I understood he constantly visited the Governor General, I did imagine that, if there were any kind of grounds for it, the circumstances must be known to him, as they had all been in the Dewanny Court of Audalet, which was immediately under his own inspection.

Quest. Is the Dewanny Court of Audalet a Court of Criminal Jurisdiction?

Ans. It is not.

Quest. Does the Governor General sit in that Court, or superintend it?

Ans. I do not know that he does.

This answered by the Counsel. It is not.

Quest. Are the proceedings in the ordinary course of business laid before him?

Ans. No, I do not know that they are.

Quest. How could there be a charge of felony in a Civil Court? or how could the Governor General know it, if there was?

Ans. I do not know; but I have reason to think the Governor General did know it.—In the visits which Maha Rajah made to me, I took for my Interpreter the first person who presented himself to me; but always Mr. Roberts, if he was with me: his general conversation was, the declared hatred that the Governor had shewn him. He said, “His enemies were admitted to the Governor: I am told, Mohun Persand; but I do not assert it as a fact.” My answer was, That no innocent man need fear oppression; but would be protected by the English laws. I saw the Maha Rajah twice with Mr. Fowke: once by chance at Mr. Fowke’s house, where I called in; and at another time, by his own appointment, at my own house: these times were without my Interpreter. At Mr. Fowke’s, as much as I remember, he was giving an account of his long services, as Minister of this Country; and I remember it ended with a tale, which I understand is in some of the Persian books; the purport of which was, “A number of people saying the same thing, though it be not true, is at least believed to be true.” I understood from this, he meant to recommend himself to me. I remember now—it was a story about a kid being said to be a dog; and that so many people said the kid was a dog, that at last it was taken for a dog. The other conversation was in my own room; and, as much as I recollect, to offer to give me a state of the country, of the manner in which the Government of it would be best administered.

I believe I desired him to draw up his thoughts on paper, to get rid of the subject; and, in consequence of this, in about a week or ten days afterwards, he did bring me, I think, an English translated paper. I have never read it to this day, nor do I know what I have done with it. Maha Rajah had heard that Col. Monson, Mr. Fowke, and myself, had paid a visit to Mahomed Reza Cawn; and believe he had, some how or other, discovered that Mahomed Reza Cawn had given us such a paper of his ideas of the Government of this Country. Mahomed Reza Cawn’s paper I delivered into Council. On or about the 10th of March, Mahah Rajah sent a Letter to the Council; in consequence of which, the Council gave directions to their Attorney to consult the Counsel, whether an action might not lie against the Governor General on account of the matter contained in that Letter. As to the visit, Maha Rajah was summoned about the 19th of April; and I understood, after having undergone a very long and exact scrutiny of his conduct, there was not found sufficient matter to hold to bail.

Quest. (by the Court.) Were you informed that the Judges declared there was not sufficient matter to hold to bail?

Ans. I was.

Chief Justice. You was much abused and imposed on. The Chief Justice declared that night, that he did not think there was sufficient matter to hold Mr. Francis Fowke to bail.

Quest. Will you inform the Court who told you so?

Ans. I think, Mr. Fowke told me.

Quest. Did Mr. Fowke tell you, that the Judges declared him innocent?

Ans. I don’t remember that he did.

Quest. Did not Mr. Fowke acquaint you that he was ordered to attend the Monday following; and that the Parties were then to declare whether they would prosecute or not?

Ans. I think he did.

Quest. As a Justice of the Peace, would you, in a Misdemeanor, bind over the person complained against, if the opposite parties would not undertake to prosecute?

Ans. I most certainly would.

Quest. To what purpose?

Ans. I would do it.

Quest. Did not your Aid de Camp attend on the Monday, to be bail, with your knowledge, for some of the parties?

Ans. He did.

Quest. Could you then think that the Judges thought the parties innocent?

Ans. I did, because the Judges suffered them to go without bail that night.

Quest. That was by consent of the prosecutors. The examination began early in the morning, and lasted till late at night. Would it not have been severe, when the prosecutors did not desire it, to oblige the persons accused to find bail that night?

Ans. I would have done it in a charge of so high a nature; though the prosecutor did not desire it, yet I think it should have been done.

I understood that there had not been sufficient matter to hold parties to bail, and consequently I was to understand it an unjust accusation; and a crime of so black a die, of accusing innocent people, and particularly such persons as the Governor General and Mr. Barwell, that they would not have been suffered to go out without bail, had there been any reason to suppose them guilty. I had reason to consider this as an attack made on Nundocomar, who had produced an accusation in Council, and to prevent his appearing as an evidence to maintain his charge. It was on that ground, considering him as an innocent man, and the victim of State Policy, I went to see him: I would have done the same thing to any other man in the Settlement. Mr. Fowke certainly did acquaint me, that he was to appear before you on Monday; but I did still imagine there was no ground to suppose him guilty. I conceived that, if you judged there was sufficient matter for a prosecution, you would

have taken bail, without the consent of the parties; and I conceived an idea that the prosecution was done to frustrate the inquiry in Council.

Mr. Fowke came to me in the month of April, and told me Comaul O Deen—[*Stopt.*

Cross-Examination.

Quest. Did you give Mr. Fowke any particular instructions?

Ans. I gave him instructions to inquire into the grounds of Barnassy Ghose's complaint, and report them to me.

Quest. Do you remember the substance of Barnassy Ghose's complaint?

Ans. I understand that Comaul O Deen had let out portions of Salt Works of the Teeka Collaries to different people, and afterwards resumed them.

Quest. On what grounds did the Governor General found his complaint against Mr. Fowke?

Ans. That he exceeded his duty and trust.

Quest. Why was not Mr. Fowke examined before the Council?

Ans. The majority of the Council acquiesced with the Governor General, that Mr. Fowke should not be examined.

Quest. In what manner did you employ him?

Ans. Only to receive petitions through my hands.

Quest. Who gave you the information of what passed at the Chief Justice's?

Ans. Mr. Fowke, and from thence I drew the inference.

Quest. You say, that if there had been sufficient matter for a prosecution, and though the prosecutors did not desire it, you would have obliged them to find bail, or committed them that night?

Ans. I would.

Quest. On what day did you pay the visit to Maha Rajah?

Ans. The day after the examination.

Quest.

Quest. In what light did you consider the prosecution against him?

Ans. I understood it as a prosecution to frustrate that ordered by the Board.

Quest. Are not you first in Council, next to the Governor General?

Ans. I am.

Quest. In case of death, resignation, or removal, are you not to succeed him?

Ans. I am.

Quest. What may your salary be, as second in Council?

Ans. Ten thousand pounds *per* year.

Quest. Don't you think that the Governor General might be discharged, on complaints of peculation from hence to the Court of Directors?

Ans. I think he might.

Quest. Do the Letters from the Council mention that the prosecution is ordered to be carried on against the Governor General?

Ans. I believe they do.

Quest. Is not this prosecution principally founded on the evidence of Nundocomar and Roy Rada Churn?

Ans. No.

Quest. Did you never authorize Mr. Fowke to offer the Kallaut of the Khalsa, or of Purnea, to any body?

Ans. No, never.

Quest. Has not some of Maha Rajah's family been appointed to the first Office under Government, since the commencement of the prosecution?

Ans. I cannot tell that any places have been given to Maha Rajah's family.

Quest. Were not every means taken to afford Nundocomar influence?

Ans. I never did; and should have been sorry to join in any act to give Nundocomar any influence whatsoever.

Quest. Don't you know that any one of Nundocomar's family is provided for?

Ans. I do not know Maha Rajah's family or friends; I do not know that any one has had preferment: Rajah Goordasses; I do not know it; I have been told so.

Mr. ROBERTS.

Quest. What do you think was the General's opinion of Nundocomar?

Ans. I have always heard General Clavering say, that he thought Maha Rajah Nundocomar to be a very busy, troublesome, man.

Quest. Do you recollect the subject-matter of what passed at the visit paid to Maha Rajah?

Ans. I do not recollect any conversation but such as might pass in a visit of compliment.

Quest. by Mr. LEMAISTRE. Where are the four writers that were at Mr. Fowke's that morning? Where is Accoor Munnah, Mr. Fowke's Moonshy? Are they alive?

Defendant's Counsel answers. Yes.

Quest. Are they in Calcutta?

Ans. Yes.

Upon Mr. HASTINGS'S Prosecution,
Not guilty.

Upon Mr. BARWELL's Prosecution,
JOSEPH FOWKE, } Guilty.
NUNDOCOMAR, }
RADA CHURN, Not guilty.