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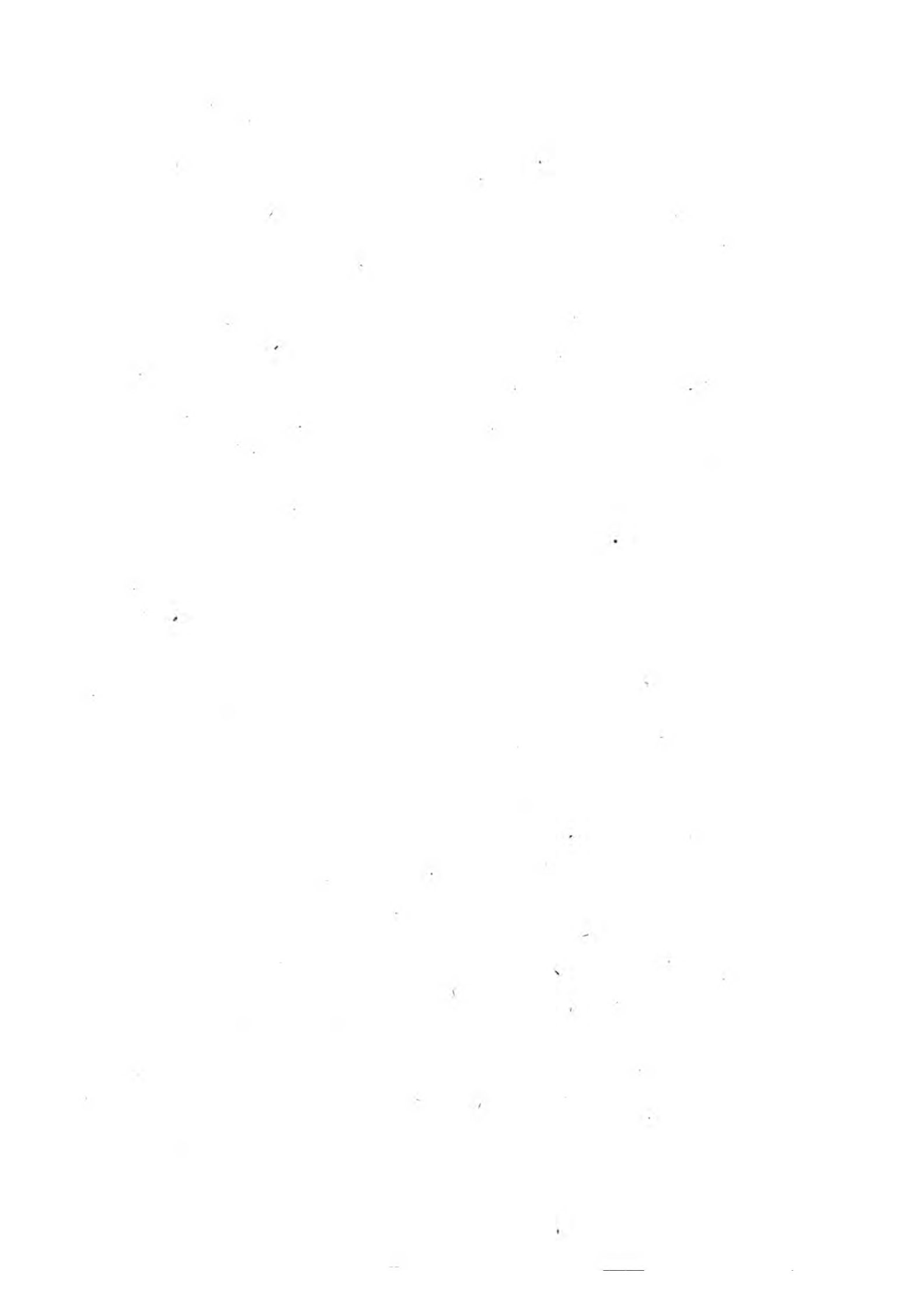
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A
REPLY
TO THE
“ **FAIRLY-STATED CASE** ”
OF
MR. COOKE,
OF THE
MADRAS CIVIL ESTABLISHMENT.

“ You may wonder, Nephew,
“ After so long a *friendship* between us,
“ I should desire your *enmity*.”—

A NEW WAY TO PAY OLD DEBTS.

LONDON:
PRINTED FOR J. M. RICHARDSON, 23, CORNHILL,
OPPOSITE THE ROYAL EXCHANGE.

1816.

THE UNIVERSITY OF CHICAGO

LIBRARY



A
REPLY
TO THE
EXAMINED CASE AND TRIAL
OF
MR. SHERSON,
OF THE
MADRAS ANONYMOUS ESTABLISHMENT;
ALSO, TO
MARSH'S REVIEW
OF THE
Administration
OF
SIR G. H. BARLOW, BART.



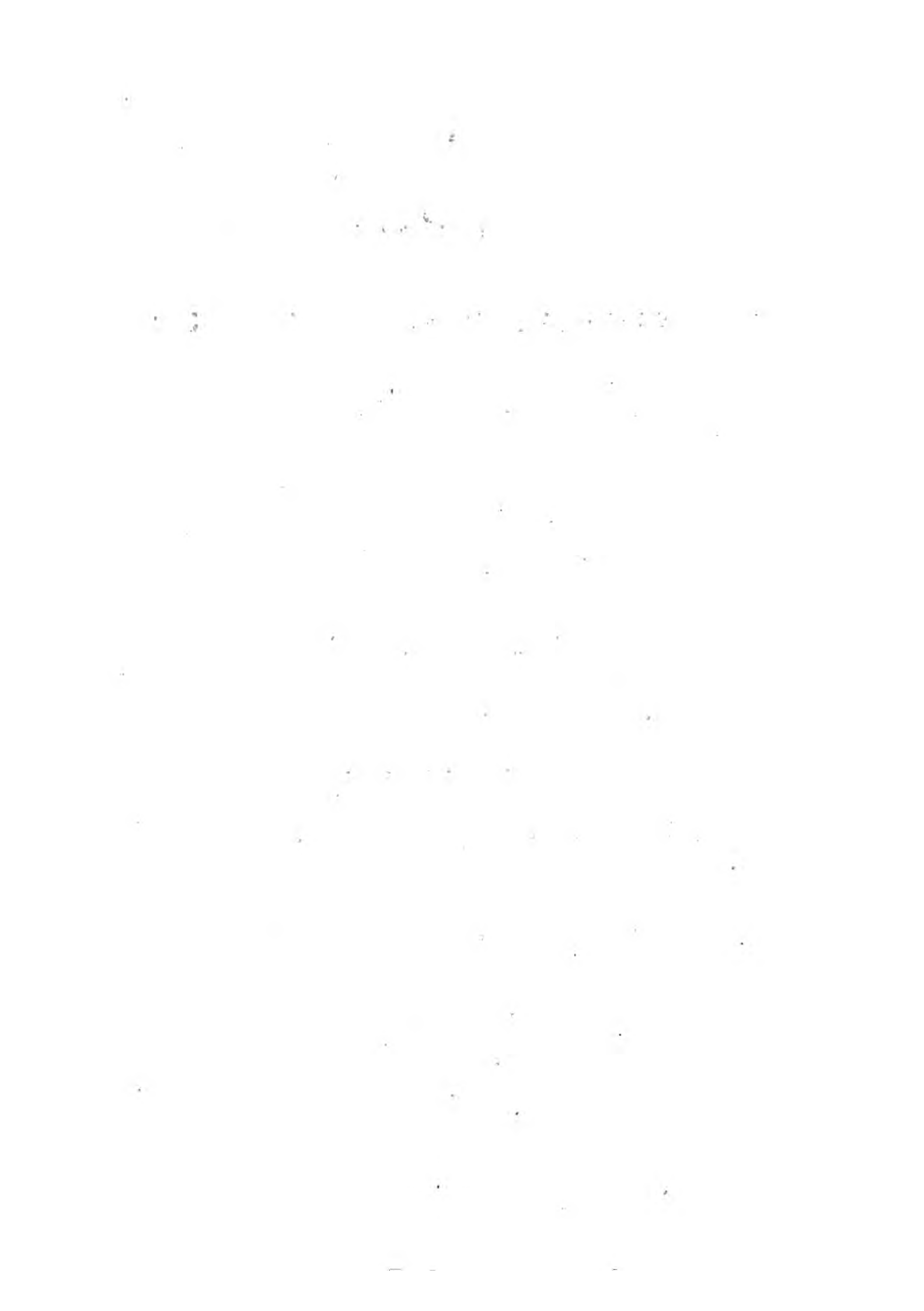
“ The *injustice* done to an individual is sometimes of service to the
“ public. *Facts* are apt to alarm us more than the most dangerous
“ principles.”—*Junius's Letters.*

BY THE AUTHOR OF
“ *A Reply to the Fairly-stated Case of Mr. Cooke.* ”

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**LONDON:**

PUBLISHED BY J. M. RICHARDSON, 23, CORNHILL,  
OPPOSITE THE ROYAL-EXCHANGE.

—•••—  
1816.



## ERRATA

IN THE

*“ Reply to the Fairly-stated Case of Mr. Cooke.”*

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Page 8, line 27, *for* just before, *read* on the 19th.

21, — 2, *for* Tal, *read* Te.

24, — 9, *for* Examinees, *read* Examiners.

25, *omit*—a narrative originating (the *second* time) in that same Custom-house, where the seals of the chest had once already been rubbed away.

43, — 20, *for* Junius, *read* Junius-Marsh.

22, *for* liberties, *read* ‘ properties.’

44, — 18, *for* lettered, *read* letter.

46, — 25, *for* 18th, *read* 19th.

Journal

The first part of the journal describes the early days of the settlement, the difficulties of the first winter, and the progress of the colony. The second part details the various expeditions and the discovery of the gold fields. The third part discusses the political and social organization of the colony, and the fourth part describes the final years of the settlement and the departure of the pioneers.

The journal is written in a simple, straightforward style, and is a valuable source of information for the study of the early history of the West. It is particularly interesting for its detailed account of the hardships and dangers of the pioneer life.



A

# REPLY,

&c. &c.

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IF ONE-HALF of what had been stated against Mr. Sherson could be proved, not only would he be the last *Proprietor*\* to move any amendment expressive of kindness or favour towards him, but he would even vote against the sum of money now proposed.†—More than that could not be desired; so much as that few *Proprietors*‡ ever obtained in Courts of JUSTICE.—Sir, I cannot think the amount of the money-remuneration of no consequence. I think it, Sir, of great moment. Surely, surely, we (*Proprietors*) cannot endure to have it thrown

\* You say you are a MAN.—*Junius's Letters*.

† He (a Director) merely used the word *supposed*, as he did not know it for certain.—*India-House Debates*.

‡ MEN.

B

in our *teeth*, that we have **SQUEEZED** a revenue from *tears* !\*

The first-mentioned legal Proprietor says, the Company's *servants* are the Company's *children* ; let them ever be encouraged to regard that house as their **PATERNAL** † roof ;—speaking for *himself*, he could truly say, they should ever find an *advocate* in him when their cause was worthy. ‡—The second legal Proprietor says, it was eleven o'clock *at night* before he could disengage himself from other (*family*) duties to read the papers connected with this (*family*) transaction. He desired to take no merit for the **PERSONAL** sacrifice he had made ; he felt persuaded,

\* In Adolphus's Reign of George the Third, Burke says, What is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of **REVENUE** than could be *squeezed* from the dry husks of oppressed indigence, or the *straining* of all the politic machinery in the world.

† He again brought forward the stale argument of *parental affection*.—*Adolphus*.

‡ I speak to the *people* as one of the *people*. Let us employ these men in whatever departments their various abilities are best suited to, and as much to the advantage of the common cause as their different inclinations will permit. They cannot *serve* us without *serv*ing themselves.—*Junius*.

that *health* or life itself could not be better expended than in distinguishing right from wrong in the search after truth, and in rendering justice to the oppressed.\*—Our third legal, or colleague-al, Proprietor says, “ Mr. Chairman, before I enter upon the merits of the case, I am desirous of calling the attention of the Court to the paper which I hold in my hand, and which has properly been styled a libel.” Extract from the libel:—*the Company has been plundered to a very large amount, and they who shared in it, or winked at it, are not the persons to be rewarded.* “ If the writer of this libel possess the common feelings of a man,—if he possess one spark of common honour and honesty, let him come boldly forward, in this Court, avow his hostility to Mr. Sherson, and state the grounds on which it is founded ; but let him not in so base, so mean, so dastardly, so assassin-like a manner, stab Mr. Sherson in the *dark*, when he is destitute of THE MEANS of self-defence,” which, may be, when in the *light*. Mr. Sherson is destitute of HIS OWN LETTER in 1808 to Government, wherein he states

\* PROFESSIONS of patriotism are become stale and ridiculous. For my own part, I claim *no merit* from endeavours to do service to my fellow-creatures. Junius again says *Health*, fortune, tranquillity, and private connexions, I have sacrificed upon the altar of the public.

—“ if, therefore, Mr. Cooke has *winked* at the *connivance* of fraud, (and I most solemnly swear, that I am not aware of any frauds having been practised,) his conduct has been replete with the highest injustice towards myself, who am now suffering through his misconduct, and evidently betrays a total disregard for *the Company's interests* and his own engagement.” This letter was written with the view of Mr. Sherson's being reinstated in the Grain-Department,—while the before-mentioned *libel extract* may be best accounted for through the FIRST prefatory letter to the Examined Case. In this letter, *Robert Sherson* states, I am compelled (to publish,) by the *recent* infamous conduct of some persecuting and relentless enemy, who *now*, in assassin form, by an anonymous letter, endeavours to deprive me of the assistance of my friends, expected advocates of my cause, at the General Court of Proprietors, on the 28th instant, when (*only four days following the said letter ; therefore, because, rather than when*) the question of remuneration of the PECUNIARY losses I have already sustained, by more than seven years suspension from the service, is to be taken into consideration. “ If he were heard to the end, the persecutors of Mr. Sherson should that day see the hand-writing upon

the wall;—their own documents should be its interpreter, and public opinion the ‘prophet’ to pronounce upon their fate!” If he, a *legal Proprietor*, were heard;—but Mr. Sherson having said, I am compelled to publish, adds to the Proprietors at large—the World!—the following “Examination” of my case, written many years ago, which will be found, throughout, not less *able and argumentative* than it is remarkable for *coincidence in opinion* with the Judges, who sat on my trial, especially in respect to the forgeries committed in the Cadjan accounts. Mentioning that the Judges did not sit on Mr. Sherson’s trial *till four years after the date of his Examined Case*—a case, occasioned by those forgeries *to which the said Judges are so happily linked*, we proceed to comment, though at some length, upon various *remarkable* coincidences of ability and argument, as well as opinion, among the “*expected advocates*” of Mr. Sherson’s cause.

In the first prefatory letter, Mr. Sherson has himself told us, I am compelled to publish, because attacked, in assassin form, by an anonymous enemy;—yet, in the very same letter, his Examined Case, to whose *manly* author he owes everlasting obligation, though anonymous, (*or assassin-like!*) will not be

deemed MATERIAL.\*—The Examination, recording the *honourable* mention of Sir George Barlow, the SOLE object of its appearance, records itself as at least proving *highly unfavourable* to an opinion of Sir George's discernment, and all this in *justice* and candour to him.†—When *candour*, says the manly-anonymous Examiner, in *his* also prefatory letter, compelled me to state to you, that

\* Mr. Burke displayed, to use the words of an *anonymous author*, all those RARE qualities of the "*head and heart*" with which he was so eminently gifted.—*Adolphus*.

† *Lord T.* Say on.

*Mask.* I have nothing more to say, my lord,—but to express my concern; for I think his frenzy increases daily.

*Lord T.* How! give me but proof of it,—ocular proof, that I may justify my dealing with him to *the world*, and share my fortunes.

*Mask.* O, my lord! consider that is hard,—besides, time may work upon him: then, for me to do it! *I have professed an everlasting friendship to him.*

*Lord T.* He is your friend;—and what am I?

*Mask.* I am answered.

*Lord T.* Fear not his displeasure; I will put you out of his and Fortune's power; *and, for that thou art scrupulously honest, I will secure thy fidelity to him, and give my honour never to own any discovery that you shall make me.* Can you give me a DEMONSTRATIVE proof? Speak.

*Mask.* I wish I could not—

*Double Dealer.*

Mr. Sherson is a *connection* of mine, I should not have omitted to observe,—that the *relationship* is very remote,—that between our families (in England) there had not, for many years, subsisted the slightest correspondence, and that I never saw the subject of these papers, or knew any thing of his DESTINY in life, till, on my return to England, I found him at Madras.\* Nor will it appear less odd, should

\* “Who knows,” says Charles Fox, “but the ministers, in the fulness of their malice, may take it in their heads to prove, that I served, on Long Island, under General Washington? What would it avail me, in such a case, to plead an alibi,—*to assure my old friends, that I was, during the whole of the campaign, in England,*—that I was never in America, or on any other sea, but between Dover and Calais,—and that all my acts of piracy were committed on the brute creation? All this may be very true, says a minister, or a minister’s under-strapper,—you are, for the present, suspected—that is sufficient; this is not the time for proofs:—you may be, and very probably are, innocent,—this bill cares not whether you are guilty or innocent; I will send you, under this sign manual, to study the Erse language, in the Isle of Bute; and, as soon as the operation of the bill is spent, you will be at liberty to return, or go whither you please.—You may then call on your accusers to prove their charges of treason in America, on the high seas, and of piracy;—*but they will laugh in your face, and tell you, they never charged—they only suspected you;* and, the act of parliament will serve as a complete plea in bar, it will answer a DOUBLE end,—it will be at once your *redress* and your *justification.*”—*Adolphus.*

this remote relation prove to be no nearer a connexion than Mr. Sherson's *inveterate* enemy, Mr. Dick,—a passage from each prefatory letter being compared. Thus, this Examination, fully exposing the terms which had positively subsisted between *Mr. Mungo Dick and myself* for years (*between our families there had not, for many years, subsisted the slightest correspondence,*) before I was MOST UNFORTUNATELY AND MOST RELUCTANTLY PERSUADED to undertake the immediate charge of the Grain-Department, by which arrangement Mr. again, Mungo\* Dick was removed from it, (*when candour COMPELLED me to state to you, that Mr. Sherson is a connexion of mine, I should not have omitted to observe, that the relationship is very remote,*) places, in a just and merited point of view, Mr. Dick's assertion, that "he knew very little of me" (*never saw the subject of these papers, or knew any thing of his destiny in life,†*) and "never

\* Junius says, Vide Mungo, on the *use* of quotations.

† With regard to the paper so much talked of, he (a Director) wished to say a word or two. He had attended every meeting, *as a member of the Corresponding Committee*,—and he declared, that he not only never SAW, but that he never HEARD of that paper being brought before the Court to be read, as an official paper, till then. —A *deceased* Director, Mr. Robert Clerk, writes to the



had any *misunderstandings* with me," which

Court, under date, the 7th October, 1812. Since the year 1800, I had no further *knowledge* of Mr. Sherson, until I *saw* him, lately, IN ENGLAND.—Mr. Petrie, in his statement of facts, says, I never *heard*, until I *saw* the minute of the Honourable the President, that he had been consulted by the gentleman who promoted the (*military*) address, previous to its being presented to him, *nor did I then know*, I MEAN, *when I wrote* to the Honourable the President, that he attached so much importance to it, or to the insertion of my signature.—The Authentic Narrative says, "The Commander-in-Chief may not have *seen* the memorial; but that he should not have *known* of it, must be, in any view, either from the knowledge which, as Commander-in-Chief, he was bound to possess, or, as connected with the part he had taken in the recent proceedings, appeared, in a high degree, improbable. Still more improbable is it, that General Macdouall should not have known of the memorial, when, on the 25th of January, (three days before the transmission of that paper,) he refused to release the Quarter-Master-General from arrest, on the earnest request of the Government; and that it was not *until* the precise moment of the attempt to bring the Quarter-Master-General to trial being frustrated, that the memorial was brought to HIS knowledge."—Junius says—"Upon the whole, *I never had a doubt* about the strict right of pressing, *until I heard*, that Lord Mansfield had applauded Lord Chatham for delivering something like this doctrine in the House of Lords. This consideration staggered me not a little; but, upon reflection, his conduct naturally accounts for itself. *He knew the doctrine was unpopular, and was eager to fix it upon the man who is the FIRST*

may refer to the indued phrase "in England."\*  
 —The Examiner says, in this act, we witness a dreadful example of the *accuser and judge* united in the same person to administer justice. The defendant's Counsel says, Dick and Cooke, in this case, acted as *accuser, judge, and jury*.—The Examiner, his *interest* was obviously in strong opposition to his *duty*. Marsh's Review of Barlow's Administration, *interest, and duty*, are now on worse terms than ever.—The Examiner says, his (Barlow's) judgment had been *imposed on* by the false insinuations of *Mr. Sherson's enemies*. Petrie's Facts, a *child*, with this assistance, ought to have penetrated the *designs of Mr. Sherson's enemies*; Marsh's Barlow, such a TALE could scarcely *impose on children*.—The Examiner, prone to suspicion and ignorant of mankind, the *stern rigour* of his nature, had impelled him to adopt MEASURES which, unfortunately, had *ruined* the bright

*object of his fear and detestation. The cunning Scotchman never speaks truth without a fraudulent design.*

\* Why, this is a general combination to distract me; but I will be *heard*. Sir, you are grossly imposed upon; the low contriver of this shallow artifice, I shall find means to discover; and, as to you, with whom I have been suddenly surprized into a CONTRACT, I most solemnly declare, this is the first time I ever sat eyes on you.—Foote's LYAR.

prospects of *an innocent and deserving man*. Junius, you have insisted, that an active, useful officer should be dismissed the service: you have *ruined an innocent man*. Petrie, we exposed our *counsels* to the imputation of weakness, undisguised resentments, and an useless unavailing display of *rigour*. Marsh's Barlow, it will appear, that a *stern* unyielding spirit of authority presided over his *counsels*.—The Examiner, in Mr. Sherson's prefatory letter, has said, as if he (Dick) could possibly expect to be believed, that I should be *so* weak, *so* badly advised, as to publish any thing subject to his *malevolent* attack, the authenticity of which I could not maintain by ORIGINAL documents.\* Sir William Draper, in Junius, writes, “the kingdom swarms with such a number of felonious robbers of private character and virtue, that no honest or good man is safe, especially as these *cowardly base assassins stab in the dark*, without having the *courage* to sign their real names to their *malevolent* productions.” “*If the writer of this libel possess the common feelings of a man—if he possess one spark of common honour and honesty, let him come boldly for-*

\* I will not call you liar, Jesuit, villain, but, with all the politeness imaginable, *perhaps*, I may prove you so.—*Junius*.

*ward in this Court, avow his hostility to Mr. Sherson, and state the grounds on which it is founded; but let him not in so base, so mean, so dastardly, so assassin-like a manner, stab Mr. Sherson in the dark, when he is DESTITUTE of the means of self-defence."*

Would both our colleague-al Proprietor and the manly Examiner have other evidence, particularly of the parenthesis in Mr. Sherson's letter to the Madras Government: *and I declare, most solemnly, that I am not aware of any frauds having been practised*: we give the following. Adolphus says, the remoteness of the Court of Directors from the country subjected to their Government facilitated abuses, and rendered their commands contemptible and unavailing. Men, who became rich by disobeying the orders of their employers, and, by an unprincipled disregard of the ordinary dictates of justice, returned elated with their acquisitions; and not only defied punishment, but their clamours against others, who had *shared in or impeded* their success, &c. — Mr. Burke inveighed with severity against the conduct of ministers, who, since the year 1767, had been receiving, from the East-India Company, £400,000 per annum, and yet *conniving* at their notorious mal-administration, for the purpose of subjecting them so entirely

to their own mercy, that they might *plunder* their property and invade their chartered rights without fear or scruple. — Lord Clive stated the difficulties in which he was involved, from the insincerity of the Court of Directors, in wording his instructions;—how easily he might have added to his fortune, by *conniving at*, and *participating in*, the abuses he was commissioned to restrain, or have consulted his own ease, by resigning himself to the indolence of despair. He, on the contrary, had pursued an intricate path, beset with difficulties and dangers; the welfare of the Company required vigorous exertion, and he took the resolution of cleansing the Augean stable. “It was that conduct,” he said, “which has occasioned the scurrility and abuse against me, with which the public papers have been filled since my return. That conduct occasioned these charges, but that conduct enables me now, in day of judgment, to look my judges in the face. That conduct enables me now to lay my hand upon my heart *and most solemnly declare, to this house, to the gallery, and the world at large*, that I never, in a single instance, lost sight of what I thought the honour and true interest of my country and the *Company!*”—Petrie says, “I take this opportunity of *declaring before God, and upon my honour*, that I

have never given any opinion to Sir George Barlow, nor offered any advice, which, to the best of my judgment, was not calculated to promote the public interests, and the comfort and honour of his government.

The Examination, having a "postscript," is *dated* London, January, 1810; the Examiner's preface, 9th May, 1811; Mr. Sherson's preface, *Clarges-street*, the 24th April, 1815; and Marsh's Review of Barlow's Administration, *published in 1813, has, in its preface*, "but, when I collected and reviewed my materials I found myself embarrassed and perplexed, in deciding as to their comparative fitness to be rejected (*in the review?*) or admitted—(*in the Examination?*) I have not made even a *slight* incidental mention of the shameless persecution of Mr. Sherson, the FIRST act of Sir George Barlow's government, and the PRECURSOR of the *successive* cruelties and oppressions which disgraced it. Should," in the words of the manly Examiner, to whom *we* owe everlasting obligation, "our opinions thus prepare the way for the more ready understanding of a case, not easy of just comprehension, without more than ordinary application, *we* shall deem it one of the most fortunate circumstances of our lives, thinking, in the words of Helme's Fairly Stated Case, "the

*irritability* of conscious innocence can hardly excuse such LIBELS as these."

Admitting, for the moment, that Mr. Cooke has been PROVOKED to swear hostility, by the atrocious epithets, *ingrate, informer, delinquent, traitor,\** may we not swear hostility to a *boy's* beard?—the *lawyer's* teeth? May we not dash, from Sherson's *irrepentant* lips, the *hallowed* cup of joy, that he *cloud* it not with tears of bitterness and anguish? No.†—  
 "It was in 1803, and" (*blessed be his accursed memory!*) "four years before" (*therefore not in 1803 yet in 1799*) "that I had," says this Sherson, had "an *official* dispute with Mr. Dick, who, from that time downwards, became my

\* *O. Wild.* What EVASION, now, monster!

*M. God.* Deceiver!

*O. Wild.* Lyar!

*M. God.* Impostor!

Foote's *Lyar.*

† *Glost.* What! not a word, to pardon, or condemn me!  
 But thou art wise,—and canst, with silence, kill me;  
 Yet, ev'n in death, my fleeting soul pursues thee;  
*Dash not the tears of penitence away.*—

*L. Anne.* Wouldst thou not blame me, to forgive thy crimes?

*Glost.* They are not to be forgiven; no, not even Penitence can atone them.—Oh, misery Of thought, that strikes me with, at once, *repentance* And *despair!*—

*inveterate enemy.* “*Mr. Dick is ‘animated’ with the deepest malice against ME.*”—Mr. Sherson is animated, COOKE, with the deepest malice against thee.—Cooke, thou art animated with the deepest malice against thy official, therefore *inveterate, SUCCESSOR.—SUCCESSOR OR PREDECESSOR* “will not be deemed material.” In 1803 *Mr. Dick* had represented to the then newly-arrived Right Honourable Governor, that my public statements of the external commerce of the territories, under his government, were incorrect; and accompanied that representation with a relation of circumstances, which, *on inquiry*, I found were “not ENTIRELY correct.” I required *of him* to prove what part of the statements or reports (*of MY office*) was incorrect. This he was unable to do, and endeavoured to “escape” by means of “mis-statements.” He AGAIN endeavoured to annoy me, by calling for the statements and documents *of my office.* This I declined, but offered to furnish any information (*government*) wanted, and to this, also, the orders of *government* were, on “reference,” confined. No statement OF REFERENCE was ever after required. *From that period no intercourse has subsisted between us, we were not upon speaking terms.\**—Mr.

\* Junius says: “You brought a positive charge against



Oakes, *in council*, opposed this measure, and termed it "a glaring dereliction of public duty." Mr. Dick's name was frequently mentioned, and it was, your memorialist believes, MINUTED that the grain was SAFE in Mr. Dick's possession. Mr. Dick himself complained of his being deprived of a public trust. *Here then, at this early stage, was evinced a strong personal feeling on the part of Mr. Oakes and Mr. Dick.*—Appendix D of Examination, titled "referring particularly to Mr. Cooke." Mr. Dick proceeded, in my *absence*,\*

me of corruption. I denied the charge and called for your proofs. You replied with abuse and re-asserted your charge. I called *again* for proofs. You reply *again* with abuse only, and drop your accusation. In your fortnight's letter there is not one word upon the subject of CORRUPTION" Adolphus: "If the minister was astonished at this desertion, he was not less surprized at the declaration with which Sir Fletcher Norton accompanied it, that Lord North and he were not *friends, nor had any confidential intercourse subsisted between them since the time, when, in fulfilling his duty*, he had conveyed the sentiments of Parliament to the foot of the throne: a RECENT transaction rendered it necessary for him and the noble Lord *to stand on the most unequivocal terms.*"

\* "On the 19th December Mr. Dick came to the Custom-House with the aforesaid statement, and, after some interrogatories, *which have been already submitted to Government*, he proceeded to the extravagant measure of sealing up all the boxes (desks) in which the accounts of

to examine the principal persons in my employ, and, in this examination, he was assisted by Mr. Cooke, who, after having till then disregarded every opportunity to exert himself in the discharge of his duty, for the FIRST time assumed an active part in the department to which he belonged. From this period he lent himself a ready and willing instrument to detect *supposed* abuses, of which he never hinted to me the existence, much less exercised any industry to prevent them.\* — Appendix F, the hostility, which was evinced against me by Mr. Dick, in the Committee, and by Mr. Oakes, in council, made me desirous of relinquishing a charge which pressed heavily on me, and contributed to impair an already *enfeebled*

the department, under my immediate responsibility and charge, were deposited; not only without making any communication to me, or *leaving me the means by which the servants might SUPPOSE I was apprized of it, but after having expressly informed me, he did not perceive any necessity for my remaining in the office.*—Examined Case.

\* “As yet, however, there was but *bare* suspicion, even against the natives. Mr. Dick naturally felt a repugnance in complaining to Mr. Sherson of his confidential servants, on grounds so incomplete; and Mr. Cooke, his assistant and subordinate, was, as he tells us on his oath, deterred from doing so by Mr. Sherson’s having neglected to take proper notice of *former* complaints.” — *Helme’s Fairly- Stated Case.*

*constitution*; but deference to the commands of my superiors compelled me to retain the charge, contrary to my own inclination and to the advice of my friends, and to *the interests of my family*. Junius says: You insinuate to us, that your ill state of health obliged you to quit the service. The retirement, necessary to repair a *broken constitution*, would have been as good a reason *for not ACCEPTING as for resigning*. There is certainly an error in the press, or an affected obscurity in that paragraph, where you speak of your bargain as contrary to "the interests of" your family. Instead, however, of attempting to answer what *we* do not really understand, permit *us* to explain to the public what *we* really know, which is, that you appear to have suffered more by your FRIENDS than either *enemies* or *yourself*. In mercy to you we drop the subject.

The Advocate-General would not defend Mr. Cooke, because he was *his* (*plaintiff*\* as well as) *witness*: no, but because there was nothing *against him proved*, nothing, save and except the *inveterate rancour which he avowed* to Mr. Sherson, and which (rancour) he is sorry he *must* acknowledge. He (*sorrowful*

\* Sir John Newbolt says, Messrs. Dick and Cooke his real, though *not nominal*, prosecutors.

advocate) did not think Mr. Cooke *guilty* of perjury; no, *he thought himself bound to submit some observations in his favour*, and he submits, a *malignant* mind and (bad) temper are not so bad as PERJURY! When this (*bad, bad,*) Advocate-General arrived in India, he found this suit far advanced, and applied to MR. COOKE for information respecting it. *He applied*, and that *gentleman* simply answered his questions, without attempting to insinuate his FEELINGS into his mind; the (*insinuating*) attempt would have failed *if* (that is, *perhaps feelingly*, if) it had been made. He (*simple* Advocate) had been guided by the bill which he found in his office, and could not tell what the consequence would be; No.\* *He* (*however* a legal proprietor) would have shewn that *the paper* given in evidence by the Advocate-General was *not the paper*† to which the bill directed the attention of Mr. Sherson, and that the

\* The opinion, says Junius, of the Plaintiff's counsel (however it may be otherwise *insignificant*) is weighty in the scale of the Defendant.

† The subject, however, remained in suspense upwards of two months, and *the opinion* which the Commander-in-Chief ultimately followed, was *not the opinion* of his legal adviser, but one which is stated to have originated in a source of a very different description. *Buchan's Authentic Narrative.*

answer of Mr. Sherson was most *correctly* true —that the circumstance of the bill being taken, *pro confesso*, against some of the native servants, proved the ABSENCE of those servants, but not their GUILT; and that the notion entertained of Mr. Sherson being able to secrete those persons, *so that the Madras Government, with the "undivided" empire in their hands*, could neither discover them, nor prove upon Mr. Sherson the concealment, was *most* correctly *ridiculous!* He (another legal proprietor) knew Sir Sam. well, knew him to be a *man* of the highest honour; he had himself formerly recommended him to the chairs as a *man* fit to be THEIR Advocate-General, and he had shewn himself worthy of that high trust. Junius says, but what excuse will he make to the friends of the constitution for *labouring to promote this consummately bad man to a station of the highest national trust and importance.* That he should say *otherwise* is, indeed, very necessary for his own justification, but where will he find CREDULITY to believe him!

These FEELINGS of the Advocate-General were amply elicited by the Defendant's Counsel, who says, the conduct of Mr. Cooke has been very bad throughout the business, and is wholly unjustifiable; he had known him, but did not now wish to have any further *acquaint-*

ance with him. Allowing even this latitude to Mr. Compton, was it fair in the Judges to allow him, having once said, that, during the time the chest was in the hands of Mr. Dick and Cooke, the FALSE accounts were, *probably*, put in, to add that (*positively speaking*) they ARE the same now produced against Mr. Sherson. If so, why does Compton next complain that Dick and Cooke would not allow Mr. Sherson to have the chest in his hands for a day: truly we say, nor for a *night*;—a guard having been set over the chest, and a lighted candle placed upon it, “ a landmark to direct us through THIS sea of troubled controversy, conspicuous and *unremoved* ;” or, if you please, “ a *snare* to the unwary.” Mr. Cooke acknowledged, that he and Mr. Dick wished to turn out Mr. Sherson, and that he was placed in charge in his stead, when he was suspended; he rides on the saddle from which they had torn Mr. Sherson. *Such conduct clothes Mr. Cooke with infamy!* It does; Mr. Sherson’s conduct since 1803, and four years before, clothing him with *seventeen years* infamy! In a note, Mr. Sherson’s manly Examiner, in assassin-form, says, Mr. Dick, it would seem, knew the value of Mr. Cooke *to his purposes*, and depended upon his *influence* over him, as he relied on the friendship of Mr. Oakes *in this stage*

*of the business, and the infatuated want of discernment in Sir George Barlow. Here's infamy wholesale, Cooke, Dick, Oakes, and Sir George!* or do you prefer it *retail*; the former Advocate-General (Sir Alexander Anstruther) advised Mr. Cooke not to go into Court during the pleadings, aware that the *eloquent* Compton was to exert his "abusive" tongue on this occasion.—How *abusive!*—he styles Mr. Cooke accuser, judge, and jury.—What higher compliment can he pay him? *Chancery* jury there was none. Judges,—*better* than none. Accuser,—yes! there was, indeed, an *accuser* in—Sir Samuel Toller!\*

Mr. Justice Macnaghten thought, (*in collusion, we had well nigh said, with the Defendant's Counsel,*) that a FORGERY had been committed against Mr. Sherson, and the *false* accounts put into the chest; *and, therefore, it was very likely that those who wished to ruin Mr. Sherson, removed the Shroffs' accounts to make their forgery the more easy.* If, says

\* They were either apprehensive, lest the disgraceful intermeddling of the governor in a court of law would be proclaimed by the publication, or that the verdict would be found to be established on too strong a basis of proof to give the faintest semblance of plausibility to the false reports they had officially made of the trial, and the *abusive language* with which the verdict was treated at the govern-

this “*upright*” magistrate, the evidence, for the complainants, BE TRUE,—and (*then, again*) if Mr. Dick (*the absent!—therefore, not the present Mr. Cooke*) had been brought forward, he must have been committed to the Jail of Madras, as a *perverter* of justice (*Macnaghten, it may be*) and a poisoner of *its* sources. POISONER!—*Smith died a martyr to his virtues, and his shade cries for vengeance on the author of his sufferings.* There is, indeed, says Sir John Newbolt, one *very remarkable* instance of a trial for murder, where a man (*not judge*) was *convicted* and executed almost entirely from the presumption of guilt arising from his own conduct. On examination, however, these suspicions melt away, adds Sir John; consequently, we return to Sir Francis, whom, like a *simple knight*, we find busily corresponding with one Mr. Wayte. *It is my duty, and, I can,* says the knight, SAFELY add, *my most earnest wish, to do justice to all parties;*\* and I most solemnly ASSURE you, if

ment-house, and by the miserable creatures that crawled about it.—Marsh’s Barlow.

\* *Actuated but by one motive—an earnest desire to do justice to all parties* under my command, I had long deliberated on the uncommon and interesting case of the principal officers of an army having given in charges against one of the general staff.—*Authentic Narrative, page 141.*



(*that is, if*) the conduct of Mr Cooke should come to be further investigated before me, *it shall stand without prejudice, and he shall not be injured, in my mind, even by your most strenuous exertions on his behalf.* I venture, IN THE MEAN TIME, to advise, that you understand the case, or, at least, read (*without understanding*) the evidence, before you dictate to the *judgment* of others; then, after you shall have compared your friend's with other (*friends, because*) testimony, on the SAME side, you may proceed by analogy, and see how—IT—stands by—ITSELF,—or thus, how *Mr. Cooke's analogical testimony* stands by Mr. Cooke's analogical testimony.\* Your Lordship, however, has been pleased to say—Sir John Newbolt intended, *I suppose*, to speak, as I did, from that which appeared in

\* He will in vain search for that knowledge, OR acuteness, OR closeness of reasoning, OR clearness of illustration, OR, above all, the ingenuous honesty, which *erect* (erects) a well-gifted understanding into a control and authority over others. Even allowing something to his industry of research,—a concession of little value, when the *facility of heaping* together cases is considered,—if he has no other claim to the assent of our judgments than an accumulation of authorities which do not apply, *or of ANALOGIES which do not ILLUSTRATE*, it is obvious, that, in real affairs, his opinions must afford but a faint and precarious assistance.—*Marsh's Barlow.*

the cause, but, as *I believe*, he expressed himself with less *reserve*, (reserve; *has your Lordship concealed aught?*) I must conclude, *that a letter from you to him will be proper, or that your's to me is the contrary.\** I do not, continues Sir Francis, desire to shrink from the question; and, although I do not think your statement perfectly justified *by what I said, I am willing to ADOPT it as my own.†* Mr.

\* I trust, it will not be disputed, that I have the uncontrolled and unalienable right of judging of the conduct of every officer under my command; *and I cannot but view your present application as extremely indelicate and disrespectful.—Authentic Narrative.* Junius says, I thought that a question between law and privilege could never be brought to a formal decision, without inconvenience to the public service or a manifest diminution of legal liberty; that it ought, therefore, to be carefully avoided; and when I saw, that the violence of the House of Commons had carried them too far to retreat, *I determined not to deliver a hasty opinion upon a matter of so much delicacy and importance.*

† The quotation from your commentaries is matter of record. It can neither be altered by your friends nor misrepresented by your enemies; *and I am willing to take your own word for what you have said in the House of Commons.—Junius.* Had I conceived it at all necessary to have resorted to the opinion of government, I could myself have laid the papers before it;—but, after much reflection, *I have, I believe, ADOPTED* a measure the least objectionable and the most likely to produce a perfect elucidation of the case.—*Authentic Narrative.*

Sherson *I believe to have* been most wickedly BELIED, and most CRUELLY injured. (*Yet, it seems*) the part taken by Mr. Cooke, in the business, *certainly may prove* to be LESS CRIMINAL than it at present appears. *This was my declaration, and is my wish.\** My Lord, we say, *this was not* your declaration, and if it be your wish, since the trial, you, against your desire, do “shrink from *the question.*” Mr. Wayte says, had the matter rested with the acquittal of Mr. Sherson, I should have been silent, whatever censures might have been passed on the conduct of those who, as it has appeared, have ventured, with very insufficient grounds, on a measure so very injurious to the individual who was its principal object, I should have thought the censures deserved; but, sir, in the present case, *weakness has been AGGRAVATED into guilt*; such, at least, is my sincere opinion. Such, at least, having adopted the opinion of Mr. Wayte, may be your *sincere* opinion; but such is not *our* opinion. FOR, undernotes, Mr. Wayte, every member of the government, by whose authority the prosecution was instituted, every member of

\* If there be a difference between what you have written and spoken, you confess that your *letter* ought to be the standard.—*Junius.*

both the Grain and Examination Committees, save one, (Captain Marshall) who is *professedly* Mr. Cooke's opponent, is either dead or (*what is shameful!*) absent. The Advocate-General, (*Anstruther*) who recommended and undertook the prosecution (*being unfortunately promoted*) did not remain to carry it through. We do not yet desire to shrink from the question, Sir Francis, notwithstanding we cannot think Mr. Wayte's letter to a judge *perfectly justified*. Like your Lordship we are willing to adopt it as our own, —our own *only*, since you could not (however) think, with the Chief Justice, that there were any frauds in the grain-department; *if any were practised,\** it appeared it was AGAINST

\* If the accounts of the Shroffs and Conicopolies did, *bonâ fide*, at the time of seizure of the department, by Mr. Dick, differ from the English accounts, and the native general accounts, from which last accounts the English accounts were written, and which said two accounts are found to agree; observe, Mr. Sherson thinks, supposing them to differ by shewing a larger quantity of grain sold, at any particular period, than accounted for to the head Mutsuddee, or native accountant, and, consequently, than appears in the native general accounts, *it must have been practised by the NATIVE Shroffs and Conicopolies*, for the purpose of keeping a temporary balance of cash in their hands for their private use. Or, can he possibly say, that *the head Mutsuddee himself*, from whose accounts the

Mr. Sherson they were directed, and not BY him on the property of the complainants.

English accounts were transcribed every day, had not *either* distinct, *or* separate, *OR concurrent*, advantage of *this practice, if it* (this practice) *were a practice*. At the same time, Mr. Sherson says, it is but justice to observe, that whatever might actually have been the case at intermediate periods, it, *certainly*, was not the case at the time the department was seized by Mr. Dick; for, on the accounts being made up, there was not a balance, *he believes, speaking from recollection*, of an hundred pagodas from the whole of this immense charge of TWO TO THREE HUNDRED godowns! *Without imputing to any European knowledge and concurrence*, but knowing, as we do, the interested character of the Mutsuddee, or Hindoo accountant, and his extremely venal pliancy to PARTICULAR occasion, &c. *Note.* The principal Mutsuddee, or native accountant, appointed to assist the committee of inquiry in the examination of the Cadjan accounts, was the principal servant of the Board of Trade, of which *Mr. Dick* was not only a member, but sole mover! Entirely a creature of *Mr. Dick!* A selection of course of *Mr. Dick!*" *Sherson's Examined Case*, pages 22, 23, and 24. See *Contrary reasoning urged*, page 62, especially as the English accounts, I would have you to observe, are *exactly* the same as,—most *perfectly* correspond with,—*the accounts of the head Mutsuddee, from which the English accounts, according to universal practice*, are transcribed. But, for further explanation on this particular point, I beg to refer you to my additional notes, (*quoted above*) and to my examination, fol. 4, (*in the manuscript; in the printed publication, fol. 7. where*) Mr. Sherson, very naturally, not suspecting public servants, in whom he himself had been in the habit

Fraud, *if any existed*, was in a LANGUAGE which Mr. Sherson did not understand. Let us then pause, to inquire if Sir John Newbolt (*actually spoke, rather than*) intended to speak, as you did, *from that which APPEARED in the cause.* Sir John, at one time, certainly thought, that a fraud had been committed on the Company, both from the Cadjans and the flight of the *two (say five, Sir John,)* servants on *their (say, accounts)* being seized;—a most suspicious circumstance, coupled with that of their having ever since absconded, which must have been PROVED to the satisfaction of this (*Sir Francis's own Supreme*) Court, or the bill could not have been taken, *pro confesso.* “On the whole,” afterward concludes Sir John, “although Mr. Sherson could not clearly be subject to any *criminal* prosecution for the frauds of his servants, *in which he did not participate*, I should think he would be CIVILLY

confiding largely, upwards of SIX years, the *head man of whom had been in the garrison storekeeper's office THIRTY* years without the *Minute* (of the Conicopolies), and, perhaps, under the *peculiar* circumstances of difficulty at the time, even *necessary* examination, signed the *Estimate.* Marsh's Barlow says, they recommended the investigation of the charges against Reddy Row by a committee. Accordingly, a committee of four was formed, of which Mr. Anstruther was the chairman, and Mr. Orme the secretary!! The result corresponded to these beginnings.

answerable for any loss his employers might sustain by such acts." He (*a LEARNED proprietor*) had not the honour of knowing Mr. Justice Macnaghten, but no *man* could doubt of his talents, who read his letter to Mr. Wayte, a *gentleman* who had been rash enough to expose himself to the BITTERLY-SARCASTIC, YET DIGNIFIED, reproach of the learned judge, whom he had called to account for his judicial animadversions on the character and conduct of Mr. Cooke; it was a work of taste which every *man* ought to have in his library!\* "Upon the whole," my lord, "the charge against you is of a *plain simple* nature; it appears even on the face of your own" letter. "On the contrary, your vindication of yourself is full of subtilty and refinement; and, in some places, not very intelligible. If I were personally your enemy I should dwell with a malignant pleasure upon those great and useful qualifications which you 'certainly' possess, and by which you once acquired, though they could not preserve to you, the respect and esteem of your country; I should enumerate

\* My idea of a man, says Junius, is much superior to yours of a *gentle-man*.—If to the elegance, novelty, and bitterness of this ingenious sarcasm, we add the NATIVE melody of the amiable Sir F—————'s pipe we shall not be surprized that Mr. ————— was unable to make him any reply.

the honours you have lost and the virtues you have disgraced ; but, having no private resentments to gratify,\* I think it sufficient to have given my opinion of your public conduct, leaving the punishment it deserves to your” *library* “and to YOURSELF.” Now, my lord, will you redeem your gauntlet? will you stand the brunt? will you *not retry, but* recommend this cause to be retried? Believe us, you shall not longer have occasion to vociferate, as it were, “hell-hound!” thy whole evidence came from Mr. Cooke, and returned to the *same* kennel! Mungo, mongrel, Dick, thy whole evidence came from government, and returned to the *government* kennel! No. The *new* evidence of the bribe-story shall now come from Mr. Wayte,—mastiff Wayte,—who, seeing his landlord in the garden, does not give loud tongue with his “angry” black mouth, lest he should frighten away the *apprehensive* Peddasawmy, with *Peddasawmy’s* apprehension —Mr. WAYTE’s story of the bribe is—the house in which I at that time resided, was the house at present occupied by *Mr. Macdouall* and Mr. Stewart; there was then only a ground floor, and, *as was my custom*, I slept, says *plain* Wayte, on a plain couch, in the *middle* hall. On the morning following I distinctly

\* Petrie’s Dissent “*having neither partialities to gratify nor resentments to indulge.*”



remember that Mr. Cooke was called, and passed through the hall at an earlier hour than usual, and that when I arose, which was a considerable time after, I saw him walking in the garden with a native, (*Peddasawmy, whose name, as the informer, is concealed*). I did not, at the moment, pay any particular attention to the circumstance, but, on Mr. Cooke's return into the house, he told me what had been the occasion of *the man's* visit. He had been sent, Mr. Cooke told me, to communicate with him on the part of the absconded servants, relative to the restoration of the accounts which had been secured; he added, *that a bribe had been thrown out to him, as he understood, with the privity of Mr. Sherson, who had remained, as he had been informed, at the house of his servant, (Audy Narrain,) in Black-Town, till a very late hour.* Now, Sir Francis, will you still believe Peddasawmy as an *uninterested* witness. Your Lordship says, either Mr. Cooke or Peddasawmy swore falsely; you had *weighed* their evidence against each other. Will your Lordship weigh Peddasawmy against *both* Cooke and Wayte?—or will you “insinuate” and “sneer?”\* You say, that in his original ex-

\* These iniquitous prosecutions cost the best of princes six thousand pounds. In the course of one of them, Judge

amination, Mr. Cooke swears Peddasawmy told him that Audy Narrain was present when the bribe was offered. Peddasawmy does not state any thing of the kind. Would your Lordship have Peddasawmy still further criminate himself; he admits, already, that the two head servants came to his house at *midnight*, while, *having come about two miles*, he himself is seen, by affidavit-Wayte, at *day-break*, in Mr. Cooke's garden. If Peddasawmy travelled *because* Trevangadum and Ramanjaloo *merely* visited, why shall Audy Narrain neither travel nor *visit*? Your "angry" Lordship asks, why did Mr. Cooke say so, and answers your own question, because Audy Narrain was Mr. Sherson's *private Dubash*.\* No wonder your Lordship, ere long,

Aston had the UNPARALLELED impudence to tell Mr. Morris, a gentleman of unquestionable honour and integrity, and who was then giving his evidence, *on oath*, that he should pay very little regard to any *affidavit* he should make.—In his letter to Sir Francis Macnaghten, Mr. Wayte says, I shall be ready, at any time, to make affidavit, *if required*, (in evidence, *on oath*, Sir Francis!) with respect to the circumstances contained in this letter.

\* Mr. Sherson states, at one time, that Audy Narrain *was* not his private servant or Dubash. Audy Narrain states, also, that he was not Mr. Sherson's Dubash, though he very frequently assisted him. At another time, Mr. Sherson states,

asks why Ramasawmy (Mr. Cooke's Dubash) was not examined?—why, (*why*), was he not a witness?—it looked very suspicious that he was not. Mr. Cooke must have concealed Ramasawmy's evidence, *because he was IN COLLUSION with him.* Right, my Lord, being in collusion with his own servant; he places him on Mr. Sherson's dismissal in the immediate charge of the Grain-Department. *In so critical a moment, whom could he place so well?* But, since your Lordship likes to know *why and wherefore*, look only at the shortly-after-discovered frauds in the Customs Department; the FIRST, while under Messrs. Balfour, Sherson, and Cooke, and in which Ramasawmy is not even suspected, though we are told, by a director, that this fraud, *and consequently Mr. Sherson's share*, may “yet be brought to proof.” The SECOND fraud happened while Mr. Cooke held the Customs, in consequence, too, of Mr. Sherson having been suspended from that and every other situation in the service. In this fraud, Ramasawmy, again, is not even suspected:—“Like master, like man,” Mr. Cooke could not, my Lord, be suspected; nor was he,—nothing more ma-

that Audy Narrain *was* his Dubash.—Why state what, it seems, ALL know?

terial than negligence, having been asserted (we cannot so properly call it proved) against him, since the discovery, caused whom?—Mr. Sherson's "very" Dubash, to be expelled the town, *Audy Narrain*, who had been found tampering at his private dwelling, with some of the late Mr. Sherson's inferior Custom-House servants,—and who was now a third time proclaimed a *peculator*. Your Lordship proceeds, Chinnasawmy, to *whom* Padmanaboo told the discovery of the Grain-fraud, was never examined. Why was he not asked about the communication? HE would have given an account of it unfavourable to the complainants, *as* (because) *it affected Mr. Cooke!* Was this your declaration, my Lord?—Is this your wish?—or do you *but* shrink, "*desire to*" *shrink*, from the DEAD Chinnasawmy?

How! thunderstruck!

Is this your *precious* evidence?—This, that makes YOUR interest clear?

Or,

Yet to shut up thy mouth, and make thee give  
Thyself the lie, the loud lie, I draw out  
The precious evidence; if thou canst *forswear*—  
See! here's THAT will make  
My *interest* clear.

“ Mr. Sherson was absent from Madras during a great part of the period in which the *Customs* “ fraud was said to have taken place, and the single circumstance upon which the then Governor of Madras had thought proper to impugn him was, that his *name* appeared among others in a memorandum, or “ *abstract cash* “ account-book, found in the port folio of a deceased clerk, in the office, named *Chinnasawmy*, to the amount of 1,600 pagodas. The account was in the *Gentoo* “ (fraud, if any existed, my Lord, was in a) “ *language*, which Mr. Sherson did not understand, and in the hand-writing of” *Audy Narrain*, appointed by Mr. Sherson, on *Chinnasawmy's* decease, “ one of the MONTHLY writers. This circumstance,” continues the learned Proprietor, “ has been tortured into a proof of guilt in Mr. Sherson, as if this trifling sum, of which Mr. Sherson declared his utter ignorance, could only mean, that it was an account of Mr. Sherson's proportion of the fraud! a description of evidence for which, though contained in an admitted fraudulent account-book, “ the most ignorant justice of the peace would not pass a shilling fine upon the meanest of defendants!” Thus dies Chinnasawmy some time in 1808, the sixth year preceding the trial. Your Lordship first thought,

Peddasawmy was meant, (*is this your reserve?*) who is not brought forward to prove any thing about it. Had *Chinnasawmy* been meant, your “shrunkened” Lordship would still have been wrong, for Sir John Newbolt says, “I allude to *Padmanaboo’s* discovery, in November, 1807, of an item in Runga Pillay’s abstract-account, less by 200 pagodas than the sum stated in the original Conicopolies account.” Adverting to the evidence of Padmanaboo, respecting the error in the accounts, (*of Runga Pillay, before the storm,*) and suppression of the corrected account of *Romanjaboo*, (*by whom again Runga Pillay, and after the storm, is meant,*) your “meaning” Lordship thinks, the statement of Padmanaboo is not to be believed.\* The grant of a pension to Padmanaboo is very reprehensible. Not so “very” my Lord, no pension having been granted till *ten* months subsequent to his discovery,—and then, partly on account of his being sixty years old. Supposing him only worthy belief till September, the month in which he was pensioned, how

\* *Jul.* I read this morning  
Strange stories of the passive fortitude  
Of men in former ages, which I thought  
Impossible, and *not to be believed*;  
But now I look on you—my wonder ceases.

*Grac.* The reason, sir?

*Duke of Milan.*

comes it, that, *afterwards*, he is "not to be believed." Marsh's Barlow says, "it is stated, as a fact, by the petitioners to his (*pensioned?*) majesty, that perjury is become a common and daily traffic among the natives, and they do not hesitate to offer to let out to hire their favourable testimony in the investigations now going on before the Commissioners, or to threaten the reverse, *unless prevented by a bribe*. Your Lordship goes on to say, EVERY man who could give evidence in Mr. Sherson's favour was made a party to the bill. Sir John Newbolt says, "but it is also to be remembered, that Mr. Sherson is now the ONLY defendant before the Court, *the bill being dismissed as against Audy Narrain, and taken pro confesso against the other defendants*. Is your Lordship answered, *as it affected Audy Narrain*. Your Lordship cannot understand why Mr. Sherson's letter to government, stating, that the servants would not come back to their duties, "because *Mr. Dick* was angry," formed a part of the bill. Sir John Newbolt "thinks, Sherson's adherence to the statement of the servants is accounted for, when we see it proved, *in (as?) evidence*, that 43 godowns were cleared (*BEFORE the storm, because*) on the 30th November, with less wastage than is

sustained by individuals;—this was a FAIR reason for his standing up for his servants' report, (AFTER *the storm*,) and Mr. Sherson has to thank himself for having so much weight attached to this circumstance in the *first* (second?) instance, by a BAD reason he gave for adhering to it,—namely, *the objections to it were urged by Mr. Dick, with whom he was not then on friendly terms.* Is your “friendly” Lordship answered, *as it affected Mr. Sherson's letter?* Your Lordship has talked of committing Mr. Dick. You have not committed Mr. Cooke — to “the kennel.” Commit Mr. Sherson, opportunely committed *to your hands.* Do this, and give denial to every semblance of enmity, not to say collusion. “*Forgive this passionate language! I am unable to correct it! It is the language of my heart!*” Is this your wish?—hardly. You replied to Wayte's letter; it was generous where *possibly* you could have punished; repentant, it was just,—nay, godlike. Irrepentant, you proffered to try this cause *over again.* My Lord, beware how you make such *proffers*,—beware how you indulge the *first* emotions of your resentment. Do not furnish us with materials *against yourself.* Do not furnish us with “*Mr. Dick ought to have paid, from his private purse for the LUXURY which his mind*



*received from the unjust accusation of Mr. Sher-  
son, and not have made the Government pay  
for it!"*

In his Opinion, which we take up as in continuation of that of his colleague, Sir Francis Macnaghten, Sir John Newbolt says, *I pass over the circumstances of Padmanaboo being pensioned, and of his testimony not being confirmed by (the dead) Semcoo Chinnoo Sawmy Chitty in parts, WHICH ADMITTED OF IT, IF TRUE, and shall only add one observation arising out of his testimony, which has not been noticed by the other Judges!* I allude to Padmanaboo's answer to the 28th interrogatory, in which he states, *(after six years,)* that the identical Conicopolies account, in which he discovered and pointed out to Trevangadum the fraud in question, was put by Trevangadum into the chest, when it was sealed in the evening of the 19th. This, says Sir John, does to me appear perfectly incredible, for Trevangadum was informed, according to Padmanaboo, of the fraud, in this particular account, and yet we are called upon to believe that, although he destroyed all the *other* accounts of the same period, yet that he preserved THIS, for the sole purpose, as it should seem, of perpetuating the proof of his *(Trevangadum's)* own guilt. But, *if (what, my Lord, again if!)*

Padmanaboo's story IS TRUE, and he swears, in the most positive terms, that he himself saw it put into the chest,—*where is it?* It is not pretended that any such has ever been produced in this Court, or before the Committee, and, *if (so, a third time if!)* that is the case, the accounts have been *garbled*, which leads to suspicions, those who rely on *his* (perfectly *incredible*) testimony, would not readily admit.\* My Lord, the account alluded to is that of

\* A suspicion arose in the mind of Padmanaboo, that the error he had thus detected was not merely accidental, *from the circumstance of his being afterwards sent for by Trevangadum, who, at the suggestion of Romanjaloo, took from him the CADJAN, by which the Abstract had been detected, and told him, in future, to attend at the Godowns, where the labour was more severe, and not at the Cutchery.* This order was afterwards remitted (*at the special interference of Padmanaboo's friend, Chinnasawmy, therefore, now not in consideration of his age;* Trevangadum then cautioning him to attend only to the instructions of *Runga Pillay*, "the business of the Cutchery," said Trevangadum, "being conducted agreeably to the directions of the GENTLEMEN." *Helme's Fairly-Stated Case.* His precursor, on this infamous expedition, was a Dubash of the name of Vencata Row, a person of 'broken' character and desperate fortunes, who, having already arrived at Chillambrum, caused the villagers to be assembled and proclaimed the protection and the favour of *the great men at Madras* to those who would volunteer on the simple service of swearing what was required of them!—*Marsh's Barlow,*

Runga Pillay *before the storm*, and, therefore, cannot have been garbled,—a most MATERIAL circumstance. It was explained by Padmanaboo to Mr. Cooke himself, who, in his letter to Government of 15th February, 1808, says, “the method of keeping the accounts was particularly explained to me,” by Padmanaboo, “as well as some of the persons,” like Runga Pillay, “employed in making out these accounts.” Sir John proceeds, in page 18 of the cross-interrogatories, Mr. Cooke says, that, some time in the month of November, 1807, he was FIRST informed that abuses existed in the grain-department, and that he was so first informed by Peddasawmy Chitty, who stated, that the *entries* in the *abstract* were *short of the amount of cash* received. Your Lordship, as well as Mr. Cooke, for want of his letter to Government, is evidently substituting one witness for another, having, but SIX pages before, said, I allude to *Padmanaboo's* (not *Peddasawmy's*) discovery, (*before the storm, because,*) in November, of an *item* (*entries*) in Runga Pillay's *abstract*, (*abstract above,*) less, by 200 *pagodas*, (*cash*) than the *sum stated* (*short of the amount received*) in the *original* (*Godown*) Conicopolies account. Should your Lordship again ask “where is it?” you are answered, *this is it*. Mr. Cooke, says your Lordship,

did, in the course of a few days, after receiving such first, receive such further, and other (not *information*, but) reports confirmatory, and that he received such, his second, (not *reports* but) information from the said Peddasawmy, who *repeated* the (*confirmatory*) information above stated, so that it turns out that Mr. Cooke's FURTHER and OTHER reports, were MERE REPETITIONS of the *same* story from the *same* person, and this is the information which Mr. Cooke describes, in his letter to Government, as "too CIRCUMSTANTIAL to be disregarded;" and on such evidence it is he accuses Mr. Sherson of fraud. "Mark, how plain a tale shall put you down:" the information of the fraud comes from *Padmanaboo*; the report of the *bribe* comes from Peddasawmy; the *persons* are no less distinct than their *stories*; nor do the persons *interchange* their stories. The necessary concealment, *at first*, of the informers' names has alone perplexed us,—THIS DIFFICULTY IS VANISHED. Your Lordship proceeds with no longer an *if*, but, its tantamount, a *though*, in his answer to the interrogatories. Mr. Cooke ALMOST makes it a *doubt* whom it was he did accuse, for he says, that, "without referring to his letter to Government," he cannot EXPLAIN the information on which he acted, but that, to the best of his re-

collection,\* the *Defendants* (Roe) were the persons against whom *he* (the *Plaintiff* Doe) did ENTERTAIN suspicions. One can hardly think he is serious in this,† adds Sir John,—from whom “ may the gift of *smiling* never depart.” Yet, in our humble conceit, unless for these “ *loose generalities*,” Mr. Cooke had not escaped an *Exhibit* in the pillory! Sir John proceeds, but let Mr. Cooke’s deposition be what it *will*,‡ it is altogether founded on what he heard from, (*not* Chinnasawmy, *but*) Peddasawmy, who is ALIVE!! to be examined, *and has been examined*,§ and in his examination states (on oath) that he has no reason to believe that Mr. Sherson was implicated in any *fraud* whatever, and that all he heard on the subject was from (*Mr. Cooke’s Dubash!*) Ramasawmy. My Lord, we would readily

\* Junius says, the author, indeed, calls God to witness for him, with all the sincerity of an IRISH evidence, *to the best of his knowledge and belief*.

† Hardly serious in this, says Junius, he becomes an *enthusiast*.

‡ Junius says, “ *but let Mr. Wilkes’s deposition be what it MAY*, this at least is certain, that circumstanced as he is, with regard to the public, even his *vices* plead for him.

§ Sir Francis Macnaghten said Padmanaboo swears that he told the business of the discovery of the fraud to Chinnasawmy. He first thought that Peddasawmy was meant, *who is NOT BROUGHT FORWARD to prove any thing about it*.

concede, that all Peddasawmy ever heard of the fraud, might have been from Ramasawmy, your Lordship conceding to us that all Ramasawmy ever heard of the BRIBE was from *Peddasawmy*, or conceding nothing, *and what may a judge concede?* we shall relate MR. COOKE'S story of the bribe. In his before-mentioned letter to government, Mr. Cooke writes, "on the same night in which the chest containing the accounts was sealed, after Mr. Dick and myself had quitted the office, the absconded servants, Trevangadum and Romanjaloo, went, about the hour of twelve, to the house of a *native*," Peddasawmy, "in the Black Town, with whom they knew I was in the *habits of intercourse*;"\* the two former fell on their faces at

\* Marsh's Barlow—this suspicion, wild and unfounded as it was, derived some strength from the spirit of intrigue which governed the councils of Fort St. George, and from the probability furnished by the character of that judge, that the shameless and abandoned attempt to influence, by the civil authority, the solemn offices of British justice would not have escaped the animadversion it deserved. Nor is the matter less to be regretted, since the Chief Justice, whose near connection and *intimate habits* with Mr. Anstruther must have insensibly given his feelings some leaning and direction on a question materially affecting the "reputation" and fortunes of his friend, would have been released from all share in its adjudication, had that mysterious adjournment not taken place.

his feet, while the other, a Bramin, clasped his hands and exclaimed, that the business in which they were engaged was discovered. An explanation being asked," by *Peddasawmy*, "they stated what had passed *at the office*, and offered, that if he would procure *my*" Dick's "seal, which was on the chest, to enable them to remove one bundle of cadjans, and a small" abstract cash "book from the box of the Shroff,\* they would give *him*," *Peddasawmy*, "for *my* use, 5000 pagodas. *Peddasawmy* asked them where they could procure so large a sum, to which they replied, that if necessary they would bring *Mr. Sherson's* note of hand for the amount. This offer, according to *Trevangadum and Romanjaloos*," if not *Audy Narrain's* "desire was made known to me the following morning, *before daylight*, and was by me *communicated*," first to *Mr. Wayte*, who *actually saw Peddasawmy in the garden of Mr. Cooke*, and next "to *Mr. Dick*, previously to the meet-

\* The story of the bribe, said to have been offered to *Mr. Cooke*, deserves attention; a bundle of Cadjans and a little book from the box of the Shroff, it was said, were what the parties wanted to get out of the chest. *Now it is (only) from a bundle of cadjans and a little book, that these discoveries have been made.*—Grain Reports.

ing of the Committee on that day." Having cleared from each other the depositions of Reddasawmy and Padmanaboo, we can take up a more difficult part of your Opinion.—Now the charge which is made by the *whole scope* of the bill against Mr. Sherson is, continues Sir John, that he carried on a fraudulent understanding with the other defendants in concealing, in his accounts, the real amount of the sales of grain, in prosecution of a systematic plan of fraud, of which there is not yet a *scintilla* of evidence beyond the opinion of Mr. Cooke, founded on hearsay. As Mr. Cooke's, therefore, is the testimony on which the counsel for the complainants *can alone call on us\** to

\* Junius says, you will not wonder, Sir, that, with these disqualifications, the declaratory resolutions of the House of Commons should appear to be in perpetual contradiction, not only to common sense and to the laws we are acquainted with, *and which ALONE we can obey*, but even to one another. I was led to trouble you with these observations by a passage which, to speak in lute-string, I met with this morning, in the course of my reading, *and upon which I mean to put a question to the advocates for PRIVILEGE*. Marsh's Barlow says, had this *testimony stood alone*, it might have been liable to some *observations*, but, added to the other *evidence*, it was rather a redundant than a requisite proof.



make the decree he asks, it is necessary to examine the account he gives with great accuracy, and *in many painful observations I shall have to make on his conduct*, I shall STRICTLY confine myself to *all I can know of him in this Court, and that is to what he himself has told us under (or beneath?) the solemnity of an oath, such as we presume, my lord, "to the best of his recollection."* In this "solemn" mood, one cannot but conceive Sir John is arguing; for, continues he, the circumstances I point out may admit of (*future*) explanation; but, standing as they *now* do before the Court, I could not discharge my duty,\* if, *from "motives" of feeling*, I passed them over.

I shall consider first the charge of the bribe, which is, as it were, preparatory to the principal attack, but which the (*wise*) Plaintiff's Counsel has wisely abandoned, *as it affected Mr. Sherson*; but the Court, I think, cannot forget it was *once* brought forward, nor can it, my Lord, any more than we can forget *the dead Chinnasawmy has been ONCE brought forward*. Your Lordship continues, the story is in itself improbable; was it likely that Mr. Sherson, *with the full knowledge he must have had of Mr.*

\* Sir Fletcher Norton, when it was proposed to punish the Sheriffs, declared, in the House of Commons, that they, in returning Mr. Wilkes, *had done no more than their duty*.

*Dick's FEELINGS towards him*, should have made such an attempt at all, and much less is it probable that he should offer to secure the payment of the bribe by his own note of hand. The letter of Mr. Cooke states, my Lord, that Peddasawmy asked where Trevangadum, Romanjaloo, and Audy Narrain, could procure so large a sum, to which they replied, that they would (*not unconditionally, but refreshing Mr. Cooke's WEAK memory*) bring, *if necessary*, Mr. Sherson's note of hand for the amount. Admitting, however, that this is fable, *whose fable is it—Mr. Cooke's or Peddasawmy's?* Your Lordship proceeds, but it may be said his servants did this without his privity, and I think it is sufficient for Mr. Cooke's exculpation to *believe* that Peddasawmy told him so, whether such transaction DID or DID NOT happen *in point of fact*.\* Peddasawmy has been examined, and *certainly* does not admit it, and indeed *presumptively* denies it; but say that Peddasawmy denying it is no proof he might not have told Mr. Cooke so at the time; let us see how the

\* A House of Commons, so formed, would involve a contradiction, and the grossest confusion of ideas; but there are some Ministers, my Lord, whose views can only be answered by reconciling absurdities, and making the same proposition, *which is false and absurd in argument, true in fact*.

FACTS agree with this *supposition*.\* Mr. Cooke says Peddasawmy named Audy Narrain the head and confidential Dubash of Mr. Sherson, as one of the persons who offered the bribe, which is *tantamount*, adds Sir John, *to naming Mr. Sherson himself*; and that he communicated this to Mr. Dick the morning the Committee met. Now, admitting they both had (*informers*) reasons for suppressing their knowledge of the facts at that time, how is it possible that these two gentlemen *professing the greatest fidelity to their employers!* could be in possession of such proof against the honesty of Audy Narrain, and yet permit him to act under Chinnasawmy, in checking the accounts of this very Mr. Sherson, to whom they knew he was so devoted, he would omit no measure *fas aut nefas* to serve him?† My Lord, this “very” Audy Narrain declares that he was appointed, together with this Chinnasawmy, on the 22d December,

\* It is a strange way of arguing to oppose a SUPPOSITION which no man can prove, to a FACT which proves itself. Again, if, in a case of this importance, I thought myself at liberty to argue from suppositions rather than from facts, I think the PROBABILITY is, in this instance, directly the reverse of, &c. Marsh's Barlow says—of the falsehood of the claim there could remain no doubt. *If the claim was false, the bond was of course a fabrication, whether the actual forgery of it had been proved or not.*

† Junius has *per fas et nefas*.

which is "perfectly incredible," as on the 25th of that month he appeared *propria persona* before the Grain Committee, when, (then and there) Mr. Sherson, in Narrain's presence, declares\* that he (Narrain) was not "*directly or indirectly* concerned in the Grain-Department." Mr. Dick, upon this, drily answers, "Narrain, you may retire." Nor can this tacit command of Mr. Dick be, as it has been, construed into any acquittal of Audy Narrain; on the contrary, in the very Grain-Report, which led to the dismissal of various servants, it is said "Audy Narrain, for his *contumacy* to Mr. Dick, on the night of the 18th, (19th?) December, ought, we imagine, to be dismissed the service. We beg leave to refer to the proceedings of the Grain-Committee, dated the 20th December, 1807, respecting the subject; and, from *various* reasons, we are convinced that he was the chief performer in conducting those frauds, and recommend his dismissal MOST strongly." Sir John continues: Mr. Cooke, seems aware of the force of this observation, for, in his answer to the cross interrogatories, page 27, where, (*nine pages after, he swears, to the best of his recollection,*) he is INTERROGATED as to his SILENCE on the subject, he says, that *although* at the time Audy Narrain so assisted

\* The very words of Audy Narrain's own deposition!!

the said Chinnasawmy, he did *suspect* him **GENERALLY** to be privy to the *alleged* frauds and abuses that he understood to have been practised in the Grain-Department, yet that "he did not know of any particular *fraud* in which he was implicated." But how is this consistent with his knowledge of so particular an act as that of offering him a **BRIBE**? Not caring to ask whether your Lordship means *fraud*, bribery, or abuse; we answer in the letter in which Mr. Cooke relates the *act* of the bribe, (for which **HE** continues to be so grossly *abused*,) he acquits Andy Narrain of that of the Grain, saying, "the person who was represented to me, (*by Padmanaboo*,) as a principal agent in the business, was Andy Narrain, (*name not concealed*,) a person *not belonging to the department*, and who, it has since been declared, was "neither directly nor indirectly concerned with it." Sir John continues, on the whole it does appear to me perfectly impossible to reconcile this part of Mr. Cooke's conduct: if he had really been told the story, he says he was by Peddasawmy, how could he justify it to himself to let him act at all\* under Chinnasawmy who, he says, was appointed by the Grain-Committee, **AFTER** Mr. Sherson's removal, and consequently was

\* Marsh's Barlow—"had never been in any *employment* there *at all*"—namely, Anundah Row, in Reddy Row's case.

completely in their power. My Lord, it was not Mr. Cooke's answer (between the inverted commas) so much as the interrogatory (preceding those commas) which says *Narrain was appointed by the Grain-Committee*, an appointment wholly inconsistent with his already-mentioned perfectly incredible declaration, that "he was appointed on the 22d December," although on the 25th it is otherwise declared that he was "neither directly nor indirectly concerned with the Grain-Department;"—on the other hand, Mr. Cooke here shortly answered the interrogatory, that "he was not aware of any particular fraud in which Audy Narrain was implicated," still suspecting him generally, that is, of *abuse, bribery, and fraud*. Mr. Sherson, *secondly*, was removed from the Grain-Department in February, though he contrived to keep possession till the end of March, for reasons which need not be here mentioned, *and which do not operate in his favour*, while Audy Narrain is dismissed the Company's service in May, four months after which Mr. Sherson is further removed from all his various offices, "until the pleasure of the Honourable the Court of Directors shall be known," a *pleasure* that, in our opinion, will "soon return." It may be said, still Audy Narrain could have acted in the Grain-Department till

May, which we cannot indeed account for in evidence, though we can otherwise attempt to explain such intermediate continuance. It is to be observed, that the *Translation-Committee*, of which Mr. Cooke was not a member, had requested government for Translation-Conicopolies, to assist them with the seized accounts, and that, in the usual manner, government ordered the said Committee to act upon their own responsibility—an order exculpating Mr. Cooke in the contingent selection of Conicopolies, if he indeed wants exculpation, as his judges have uncandidly held. Now this selection, and we have mere probability for it, may have been left by the Translation-Committee to Chinnasawmy, a clerk of extraordinary talents as a linguist, who again lingering with a fatal consumption, *presuming that he was alive, which we have not been able to ascertain,\** may have employed Audy Narrain to make the selection unknown to all but themselves and Mr. Sherson, but which, *if known*, so far from inculpating Mr. Cooke, would inculpate Mr. Sherson himself. One thing we know positively, and that is the names of the assistant Translation-Conicopolies; they are AYAHSAWMY, *Chil-lambrum* RAMALINGUM, Writer Export Ware-

\* We made two unsuccessful applications to Doctor Ord, who is said to have attended Chinnasawmy, *but who also attended Mr. Sherson.*

house, (*brother-in-law, we believe, of the absconded Runga Pillay*, TANNAH PILLAY, Curnum, Government department; VENKATAYDOO, Price Current Conicopoly, Reporter External Commerce-Office, and Amildar, in Government Department. Besides these, there were the *originally-appointed* Native Servants, who may have chosen not to understand the Tamul and Telinga dialects sufficiently, and who were the Government Native Interpreter (*Rungiah Naick?*) a Public Servant, each Boards of Revenue and Commerce, as well as the *Military* Board. *Thirdly*, "how could Mr. Cooke justify it to himself, to let Audy Narrain act *at all* under Chinna-sawmy?" If Audy Narrain acted otherwise than above stated, under Chinna-sawmy, it must have been in the Customs Office, in which he had at times been accustomed to act, and where he is said to have succeeded, through nomination by Mr. Sherson, to the office of Chinna-sawmy, on his death; which, therefore, must have happened PRIOR to May, when Narrain was dismissed the service. That Narrain might have been appointed to the Customs by Mr. Sherson, is obvious, from the latter not being dismissed from all his situations, including the customs, till September. Taking the question, yet piece-meal, it may be asked, *fourthly*, "How Mr. Cooke could justify to *himself* " *Narrain's* actions in any department? So far from shrinking from



such a question the Grain-Reports evince a continued anxiety to procure his dismissal, and he is dismissed. So far, indeed, from shrinking, we would urge Audy Narrain's dismissal, *when urged against us*, as a proper reason for Dick and Cooke's labouring to obtain Mr. Sherson's dismissal, and he too was dismissed. We would now fain trust to have sufficiently answered, for the present, at least, Sir John Newbolt's, "*on the whole*, it does appear to me perfectly impossible to reconcile this part of Mr. Cooke's conduct, *if he had REALLY been told the story :*" the interrogatory "*says, he was.*" Yet, still dissatisfied, we might answer your Lordship, that, so far from Mr. Cooke having TAMPERED with Audy Narrain, which must be the meaning of the charge, *having a meaning ;* the very idea, in the words of Mr. Sherson's Examination is "*so gross that none but an IDIOT would practise it, and none but a FOOL not detect it. But, reasoning 'COOLLY' on all the circumstances,*" your Lordship proceeds, *I cannot, therefore, think Mr. Cooke ever had Audy Narrain's name mentioned to him AT ALL!*\* Indeed, in the story of the bribe,

\* NARRAIN, "you may retire!" Mr. Sherson himself having declared (before Messrs. Dick and Cooke in committee) you were "neither directly nor indirectly concerned with the Grain-department. Yet, *ere retiring*, permit us

Peddasawmy admits, that the persons named were Trevangadum and Romanjaloo. These admitted, why, my Lord, might not Narrain have equally been named, since *equally* is now the term? Peddasawmy, admitting one half, “*presumptively* denies” the other! *Mr. Wayte* admitting one half, at length becomes suspected in the other!\* *Friend Cooke*, there is no faith in MAN.† Like Junius, we would “speak

to ask, had you no apprehensions of losing your expected appointment (on Chinnasawmy's death) in the Customs?

\* *Mr. Wayte* says, *I cannot conceive it possible that Mr. Cooke* INVENTED *the story for my amusement*,—motive, at that time, he could have none. *He could scarcely have foreseen*, at that time, all what has since taken place. He could not have anticipated the prosecution which has so recently terminated; *still less could he have seen* that conjuncture of circumstances, which has rendered a casual communication made to me one morning, now upwards of six years ago, an instrument of, perhaps, no inconsiderable consequence to his FUTURE reputation. I question, indeed, whether the perusal of this letter (of which I shall, of course, furnish *Mr. Cooke* with a copy) may not be the FIRST circumstance to recal to his own recollection the communication which I have related. So says Junius:—*He could not possibly come prepared to* TRADUCE *your integrity* to the house, *he could not foresee* that you would even speak upon the question, *much less could he foresee* that you would maintain a contradiction of that doctrine which you had solemnly, disinterestedly, and upon the soberest reflection, delivered to the public.

† It is a “remarkable *coincidence*,” that, about the

*advisedly,*" like him we "are sensible that we have followed your" Lordship's "example too long, and 'WANDERED' from the point." I shall now proceed, says Sir John, to Mr. Cooke's *direct* charge of the fraud against Mr. Sherson: (*but which we have already considered, not thinking with your Lordship*) and here the *importance* of the story of the bribe appears; for, if Mr. Cooke had substantiated it by proof it would have been impossible not to attach the greatest WAYTE to any thing which appeared suspicious in Mr. Sherson's conduct: *on the other hand, as truth can never require the aid of falsehood, not being substantiated, IT recoils on him who brought IT forward.\** My Lord, but, "and," what shall we say to Junius *Newbolt*, Junius, "the grave, the solemn, the *didactic!*" Shall we style his "work of taste," as "deep, solid, and *ingenious,*" as "*De Lolme on the English Constitution.*" "Truth needs no ornament, what she borrows of the pencil is *deformity.*" Shall we say, "the *cold formality of a well repeated lesson* is widely different from the animated expression of the heart,"

same time, just before the grand storm, Mr. Wayte should have gone to reside in Mr. Cooke's house; Mr. Strachey to reside in Mr. Sherson's house.

\* Junius says, the epitaph would not be ill suited to the *character*; at the best, it is but **EQUIVOCAL.**

that "the multitude are easily deceived by the imposing names of *equity* and *substantial justice*;" that, "upon one point, the cause is decided *against*" Mr. Cooke, "upon *another* point it is decided for him," and that "the law and the *language* are well suited to a barrister." Contending that your Lordship was speaking "to those who *are able* to look a little farther than the vulgar," we do not presume to deny that you were, unfortunately! "bound *under* the solemnity of an oath," else you had certainly brought the criminal, less his crime, to *the scaffold*—the scaffold of the pillory! The two facts, says your Lordship, to which *I allude*, are, first, Mr. Sherson's pertinacious adherence to a statement of loss, given in by his servants, which HE was afterwards obliged to abandon; and, secondly, the breaking open his servants desks, immediately after the seizure of the cadjans. *I did not think this the conduct of an innocent man, and it is well known that such evidence is often received in CRIMINAL cases.* On examination, however, these suspicions melt away, has said, the same Sir John, but who, in the outset of his opinion, says "on Mr. Sherson's stating, *in reply* (to Mr. Dick's question *at the Cutchery*), that the STATEMENT had been delivered to him, by *either* Trevangadum *or* Romanjaloo,

Mr. Dick sent for them both and said he would wait their arrival. On this he (Mr. Dick) says, Mr. Sherson *went away*, and, after a considerable time, Trevangadum came, and *named* Runga Pillay as the person who had prepared the statement. Mr. Dick, in consequence, sent for Runga Pillay, (and, while he was gone for, he interrogated Trevangadum respecting the *Godown* Conicopolies accounts of sales. Trevangadum told him, that those accounts, from the same date in the preceding month, were *then in the office*, but that all the previous accounts had been destroyed as useless, *after the ABSTRACTS were made.*) Shortly after this, the Peon, who had been sent for Runga Pillay, returned, and said from him that, *he had been taken suddenly so ill*, he could not attend.”—In the same Cutchery, Romanjaloo, who arrived about an hour after Trevangadum, then also said, “MR. SHERSON gave him the statement to copy,” that “the original was *in the handwriting of AUDY NARRAIN, corrected by Mr. Sherson himself.*”—Once again, this very night, perhaps, Mr. Dick, having gone alone into another room, is joined by Mr. Sherson, who says, “remember my *family.*” Mr. Dick, turning from him, replies, “*Mr. Sherson, I do not understand you.*”—This, therefore, being (with the BRIBE) the whole of the evidence on

which the charge of FRAUD is to be brought home to Mr. Sherson, I can, says Sir John, most *conscientiously* say, not only that in my judgment there is no *legal* proof against him, but that I do, in my own mind, *morally* acquit him of the charge.\* *I think* he goes out of court, as far as we can judge upon the evidence before us, (*in our own minds?*) freed from all *suspicion* of having failed, *in any manner whatever*, in his duty to his employers.

But in this Court what difference does appear?  
 For every one's both *judge* and *jury* here;  
 Nay, and what's worse, an *executioner*!  
 ALL have a right and title to some part,  
 The dreadful men of learning ALL confound,  
 Unless the *fable's* good and *moral* sound.

He says a KEENE proprietor should ask gentlemen a *plain* question—did they mean to *impeach* the verdict? Had not the judges, before whom the question had been discussed, *reasoned* upon it, considered *every* part of it, and heard *all* the arguments against it?—No. We “*impeach*” the *verdict*—we *impeach* *Sir Francis Macnaghten*—we *impeach* *Sir Samuel Toller*, less from his malignity, than because, in his official Report pretending to convey the sub-

\* The expression of that acquittal, says a Proprietor, was in stronger terms than was usual in ANY case of acquittal.

stance of the arguments of the judges and counsel, *himself included among the latter*, he states the arguments used by Sir John Newbolt as those of the defendant's counsel. Had he indeed substituted those of Sir Francis Macnaghten, he would have approached the truth, though he might have accused *both the Judge and himself*. We impeach the *interrogatories*, less from the dead Chinnasawmy having been said to be interrogated *than because Mr. Dick has not here been interrogated*. But the company's counsel has himself impeached them. *It is impossible*, says Mr. Bosanquet, *not to see that Mr. Cooke, in the first part of this passage, has adopted the language of the interrogatory put to him, not shrinking, (thanks, Bozzy) from it, but assenting to it generally, and that he has subjoined an answer in his own words. The substance of his answer, in my apprehension is, that he joined Mr. Dick in pursuing, with unrelenting perseverance, measures adverse to Mr. Sherson, for the purpose of detecting the frauds alleged to have been committed in his own department, and with a view to procure his removal from office on that account; but whether this be the true representation of the passage or not, I do not think that the answer, even if taken literally, admits that Mr. Dick, by joining with Mr. Cooke, thereby committed*

any criminal act. Admitting that Mr. Dick acted and expressed himself with more intemperance than became a person who was accusing another of a crime, *I find nothing in the answers of MR. COOKE, or indeed in any of the other papers, to shew that Mr. Dick knew the charge to be false, or disbelieved it. On the contrary, after the communication made by Padmanaboo, the perseverance of Mr. Sherson in the correctness of his first statement of the loss sustained by the storm, his subsequent retraction of that statement after the native accounts had been secured; the representation, by Mr. Cooke, of Audy Narrain having offered a bribe, to be secured by Mr. Sherson's note of hand, to obtain the seal by which those accounts were secured, and the result of the translation of those accounts, it appears to me, that Mr. Dick had reasonable and probable cause for believing the charge which he concurred with Mr. Cooke in making, and I have seen nothing in MR. DICK'S conduct or expressions which leads to the conclusion that he ever disbelieved it. Nor we Bozzy; on the contrary, we have seen, some FOUR hours, Mr. Halhead's unsigned Report, in which he says Trevangadum, (the head manager) was a poor relation of Runga Pillay, by whom he was employed on that account. Mr. Halhead again speaks of a "bro-*



ken" chain of evidence—Auditor Smith of "broken" periods—Marsh's Barlow of "broken" and "broken." But Mr. Halhead still possesses the FOUL draft of his Report, *as scratched by one or more of the Directors!* Bozzy; it is possible, that "all the personalities that have taken place, might" thereby "be traced to their source," especially as "that paper goes farther than GENTLEMEN are aware of." *All the personalities—no; Mr. Sherson* communicated to the Court of Directors a printed account of the arguments of the judges on delivering judgment: *it no where appears on what authority this publication rests, or by whom the notes were taken; the notes of the arguments of Mr. Justice Macnaghten are much more full than those of Sir Samuel Toller. The Court of Directors, (we are quoting from a Court Record!) cannot quote any authority but that of Mr. Sherson for this ANONYMOUS publication; nevertheless it is left as a memento!* to draw the attention of counsel, *(and it appears to have drawn this drawing counsel's attention by whom it is left,)* to a comparison of Mr. Cooke's testimony with that of Peddasawmy, in order to form a judgment, *if it be material, how far Mr. Cooke is contradicted by Peddasawmy, and how far his testimony contains facts which rest only upon his own assertions, in which he is*

neither supported nor contradicted by any OTHER witness. A knotty case, Mr. Counsel, BE YOU WHOM YOU MAY; and furnishing you, *in Mr. Wayte*, with an additional MEMENTO MORI to Peddasawmy: as an *uninterested* witness, we leave him so recommended to your future attention, "if it be MATERIAL," returning to what we conceive to be the paramount question, namely, *on what authority rests the printed trial, and by whom the notes were taken*, and though thinking this question rather too hard upon "stranger-witnesses," we shall "nevertheless" do our best to answer. In this instance, says Marsh's Barlow, speaking of another trial,\* the interest excited by the extraordinary conflict between power and justice in the *Supreme Court* was so general, that several native writers made as accurate notes of the trial as could have been taken in the most rapid short-hand. In the *Gentoo, Malabar, Hindostanee, and Mahratta*, tongues, accounts of each day's sitting were transmitted to the extreme bounds of India, and read at meetings of their several castes. *They were illustrated too with comments, which shewed how acute an intelligence the intrigues and discords of their European Masters are noted by*

\* At this trial "the prosecutors" says Marsh "employed a person to take accurate notes of the proceedings."

those who are too much considered as the unobservant spectators of what is acting and suffering,\* on that great theatre of our affairs. We say with Marsh, "if the facts already detailed do not amount to unanswerable proof, nothing short of the confession will prove it. *His own explanation, however, is more than a confession.* What is not admitted, is betrayed by the shuffling prevarication with which it is denied." We also say, with the manly Examiner, "when that is made known, we shall be able to shew the groundlessness and the wickedness of his insinuation, as that which is due to an injured servant, in order that *no shuffling or evasion may hereafter be resorted to.*"

When future chronicles shall speak of this,  
They will be thought *romance*, not history.

To recapitulate.—We have an anonymous assassin, *Examined Case*,—an anonymous assassin, *Printed Trial*,—and an anonymous assassin, *India-house Report*,—which last is "no more of the nature of an official document than if it had been the production of a messenger at the" *India-house* "door."† Great God, is it for this

\* Junius uses acting or suffering.

† That was a Report which, *whether an official or an unofficial document*, if in 1809, (the year in which Mr. Sher-

Mr. Cooke is to be tried for a conspiracy! "Alas, Sir, what recompense can we make for the *anguish* of an *agonised* mind; what, for the *violated* feelings of *much-injured* honour?" *Recompense!*—Mr. Dick "had no doubt that the case should be drawn up under the directions of the Proprietors at large; for nothing short of that could make it be understood, and that was ALL he asked for a life spent in their service." We ask, will the Directors still refuse to print the papers; will they still refuse, when "the child yet unborn would possibly have to decide upon this subject, *if it were not THEN to be decided.*"

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If such sentiments were TREASON to the *son arrived in England,*) it had been submitted to the Court of Directors, would have been the means of sparing Mr. Sherson six years of sufferings, as the conclusion of it was, that *the suspension was unwarrantable, and that he should then have returned to his VARIOUS offices and duties.* He must observe, that the *signature* not being to the Report, was a matter of mistake *on the part of the clerk,* and that he believed CONSCIENTIOUSLY! The Report was somewhat *deficient*; he would even say it was an *indigested* Report, but he knew the (*anonymous*) author of it to be a man of such (*assassin-like*) eminence, and that he would only thus far "*glance*" at the subject.—*India Debates.*

majesty of Sir George Barlow, *at that time*, what would he say were he *now here to hear me tell him to his beard*, that Mr. Sherson is *now, to all demonstration*, proved to have been the innocent victim of violence and tyranny.\* We, indeed, do not know what compliment could, safely, have been returned by Sir George, in England; but, in India, the baronet would, probably, have let the Honourable D. J. W. K. “follow the example of his prototype, I. A. G. O. and by pouring POISON into the ears of that,” not this, young “governor, succeeded in making *him to thank him, love him, and reward him*, for making *him so egregiously*,” so “an ass,” which “plan *might have succeeded to admiration, for he is, to this day, enjoying the ill-gotten WAGES of that piece of iniquity.*” But “in order JUSTLY to appreciate the conduct of Sir George Barlow, let us look, for one minute, to dates,” we say—to systems, namely “that system of *mis-rule, which, at one period, had nearly wrested India from our dominion.*” Thus, Lord Minto writes

\* Junius says—the assertion, that VIOLENCE and oppression *at home* can only be supported by treachery and submission *abroad* is applied to a free people, whose rights are invaded, and not to the government of a country where despotic or absolute power is confessedly vested in the prince,—and, with this application, the assertion is true.

home,—it was matter of the highest satisfaction and joy to my mind, that I found, on my arrival at Madras, this dangerous revolt already subdued, by the personal firmness, decision, and energy, of the Governor of Fort St. George. These great and, in such seasons, rare, but invaluable, qualities were, in my apprehension, never possessed or displayed in a higher degree, or exerted with more signal and decisive influence, on the affairs of mankind, than by Sir George Barlow, in the stormy period which is past. *That his Sovereign and country will honour the magnanimity and fortitude of the man, and appreciate the value of his eminent services, I doubt not ;* and that obloquy, purchased by the pure and inflexible discharge of ungrateful—but sacred and indispensable duties, will be effaced, in its appointed hour, by universal respect and esteem, my confidence in the ultimate triumph of truth and justice persuades me to believe. Thus, again—he has conducted your bark out of this tempest into safety, not by any stroke of fortune, or by any *ordinary* measure of exertion, but by the uniform—unsubdued application of firmness, courage, and fortitude, rising in proportion to the difficulties to which they were opposed.

The essence of the crime is the intention ; but Marsh elsewhere says, judicature *humane-*

ly admits the possibility of the relinquishment (the *locus penitentiae*, as it is called), in the interval BETWEEN the contemplation of the crime and its accomplishment. Otherwise the whole order of justice would be subverted.\* Nor may we admit the phrase "judicature humanely admits;" for, as without justice, there can be no humanity, so humanity always increases where justice increases. In other words, justice admits, but humanity *judicially* admits,—otherwise the whole order of humanity (which includes justice) would be subverted. Laying *theory* aside, Padmanaboo,

\* In his defensive letter, written by command of government, dated the 3d of March, 1808, Mr. Cooke says, Captain Marshall is pleased to inform us, that he has "ever been TAUGHT to consider the prevention of crimes as more conducive than their *punishment* to the welfare of the state and the support of morality. Nobody, I imagine, would be inclined to dispute, with Captain Marshall, the EXCELLENCE of this principle, though it seems to have little application to a case where the crime is supposed to have been already committed, and where the object is detection; and, I would ask Captain Marshall, if it be really his opinion, that detection would be likely to ensue from an unreserved and premature disclosure. The Authentic Narrative states, that the natives of India are far from holding the crime of perjury in the same abhorrence that it excites in Europe. The crime and disgrace consist much more in the *detection* than in the offence. It is a fixed rule in *Mysore* to suspect as false the testimony of every witness, until its truth is otherwise supported.

though pensioned *for his zeal and fidelity*, becomes a perfectly incredible witness; yet—does not stand in the pillory! Peddasawmy, in the habits of intercourse with Mr. Cooke, (a phrase we trust, one day, will be accounted for,) hesitates not to receive Trevangadum and Romanjaloo, though just from the Cutchery, into his dwelling house at midnight, and, subsequently, to travel *for them* about two miles before break of day; yet—does not stand in the pillory!\* Receiving the whole of his proportion of Grain-Commissions, (observe Mr. Sherson had declined all receipt, because of the incidental famine and starving population, *yet on condition of a proposed or promised remuneration*,) Mr. Cooke is and must be a forger as well as falsifier and interpolator of FORGED accounts; yet—does not stand in the

\* He (a Director) must say, with submission to the Government of Madras, that, if any blame were attributable to them throughout the whole of this business, it was, that they did not direct their Advocate General to institute a suit against Mr. Balfour and Mr. Sherson, in order to shew what farther sums the Company had been defrauded of, (in the Custom-Department,) besides what the Board of Trade had traced. However, he would not censure the Government for having acted from motives of leniency,—for, he must say, that the Government were always very lenient to their servants: *perhaps, it proceeded from something of NATIONALITY amongst them they did so.*



pillory! If the evidence for the (less frequently styled plaintiffs than) complainants be true; and, again, if Mr. Dick had been brought forward, he must have been committed to the jail of Madras, as a perverter of justice and poisoner of its sources; yet, although in England, Mr. *Mungo* Dick—does not stand in the pillory! The gratitude of the government to Munro was instantaneous; the situation of Agent, with a salary of near £2000 per annum was bestowed on him—an office totally incompatible with that of Judge-Advocate-General. It will easily be imagined that some *obnoxious* person was removed to make way for this *meritorious* individual; yet, pension-Munro—does not stand in the pillory!\*

\* The Authentic Narrative says, it may be proper to explain, that the duty of the Advocate-General, at Madras, is nearly the same as that of the Attorney-General in this country. The Judge-Advocate-General is a military officer, and the *legal* adviser of the commander-in-chief. To this explanation we subjoin the following extract from the Quarterly Review, December, 1812, page 347,—“a *FORUM* orator, some years ago, published a tour, in which he described the gratification which he felt in the act of being over-turned in a stage-coach,—because, never having experienced such an accident before, it gave him a new sensation. Gentlemen, whose lives and limbs are matter of such trifling concern to themselves, may be equally well disposed to try what sort of sensation *the overthrow of a government would produce.* It is

It is necessary, (however,) for a right understanding of the beginnings of these transactions, to distinguish the *collateral* facts from the originating causes. The measure of reduction of the Tent-Contract originated with (*Lord Clive's Bengal rather than*) Lord William Bentinck's Madras Government. It excited no clamour against the latter upright and *beloved nobleman*, no—it excited DEATH under Clive and Major Munro; it excited CLAMOUR as well as death under Barlow and *Lieutenant-Colonel* Munro. Is then the story of the Tent-Contract a base fiction, for the purpose of imparting a character of mercenary meanness to the *mutiny*, (the murder's out!) which, wholly indefensible *as it was*,\* had no other origin than the arbitra-

no new thing for wretches to set fire to a house, for the sake of plundering during the confusion; ought we then to doubt, that there may be those who would commit STATE-ARSON for motives of a like nature? But, whether they commence their career thus, without principles, or under the influence of erroneous notions or mistaken zeal, *personal feeling* brings them to the same state of mind; they get within the reach of the law at some time or other, and then beginning, in good earnest, *to abhor the government which has corrected them*, they labour in their vocation with hearty virulence, hoping one day to change places with—the Attorney-General."

\* How comes it, then, to be now defended? Such are the disgraceful contradictions in which men involve themselves, when they wander from the high road of fair and

ry and relentless punishments, new to military usage, and contrary to military law, of many of the most meritorious and *beloved officers* of the service. In truth, the abolition of the Tent-Contract was no PECUNIARY deprivation to the commandants of corps. The Tent-Contract is, indeed, *incidentally* mentioned in the Memorial of the army, which General Macdougall forwarded to government; yet—the renewal of the Tent-Contract *is not once hinted at*, nor does it form any part of the *prayer* of the Memorial, which ONLY petitions for a *participation* of the Bazar fund, and an *equality of allowances* with the Bengal service. Notwithstanding the *parade* of military economy, which is visible throughout the Report, it is remarkable that BOTH Sir John Cradock and Lieutenant-Colonel Munro concur in estimating the advantages of the Contract, as not being more in peace than were adequate to reimburse (*perhaps by sinking fund?*) the expenses of war. Hence, AS the gain of the officers at

ingenuous dealing into the crooked paths and windings of a narrow and selfish policy." Marsh; so Massinger—

"Nay, more, if you will have my character  
 In LITTLE; I enjoy more true delight  
 In my arrival to my wealth these dark  
 And *crooked* ways than you shall e'er find pleasure  
 In spending what my industry hath compass'd."

one time WAS balanced by their *loss* at an other, SO it was deemed a fair (*military*) contract. No *real* saving could accrue from its abolition, but by a reduction of the *camp-equipage*, which WOULD BE—a reduction of the *efficiency* of the army. (ON THE OTHER HAND, incident to its abolition, were the additional expenses of the *indemnities* proposed to be given to the commandants, these (*additional*) indemnities being, in peace the *half* batta, and in war the full batta of the rank immediately *above* them.—It requires no very profound discernment nor nice calculation of probabilities to pronounce which of the two plans is most liable to malversation, that which is carried on by an UNCONTROLLED individual or that which is under the mutual inspection and check of a body of officers of *rank and reputation*. It may be necessary to inform those who are ignorant of the course of *military business*, that it is principally conducted by the commander-in-chief and a military board of officers of: not rank and reputation, but: *trust and experience* in the service. At the instance of the *military* board, the GOVERNMENT entered into contracts with the commandants of native corps, who, in consideration of what was deemed a fair allowance, undertook to keep their camp-equipage in a state of preparation for field-service. This re-

commendation was suggested by the inconvenience and inefficiency of the former system, namely, *the accounts of the COMMANDANTS having been subjected to the audit and superintendance of the military board.* Hence, duty and interest are *now* on worse terms than ever, that is, *the government and the commandants.\** Hence, the measure of reduction of the Tent-Contract, though originating with *Lord William Bentinck's* government, excited no clamour against that upright and beloved nobleman, *nor did it diminish the regrets with which his ill-omened departure was bewailed.* It is, therefore, to be taken as a *fundamental* fact, that the

\* We entirely concur in opinion with you, that the general order, published by Lieutenant-General Macdouall, subsequently to the removal of the arrest, was of a nature to strike at the foundation of the authority of the government. It appears to us, to have been calculated and intended to separate and place in competition the CIVIL AND MILITARY power; to have been subversive of the principles of subordination, and to have had in view the degradation of the government, in the estimation of the army and the public. Again, the term—"Representative of the Army" would imply, that the commander of the army is responsible to it for his acts;—that he is, in fact, delegated by it;—and that it is not, as a British army, according to the laws and constitution of Great Britain, an instrument in the hands of the executive government, but is competent, through its representative, the commander-in-chief, to judge and controul the public acts and councils.

revolt is coeval with the government of (not Lord William Bentinck nor Lord Clive, but) Sir George Barlow. Had this position been tolerably susceptible of proof, or rather not too absurd to be ventured, it would have established an important point in exculpation of the MADRAS GOVERNOR. *It would have shewn, beyond all doubt, that the disaffection was neither coeval with his administration, nor the result of his oppressions.* How then are we to account for the omission of this topic by Lord Minto, and even *Sir George Barlow* himself? To his *Lordship* is not to be imputed too rigid a parsimony of words, nor the habit of passing over subjects capable of such expanded apology for the person over whose character and counsels, from the first stage of the tumult to the last, he has thrown the shield of his sanction and authority.

AN ULTERIOR QUESTION STILL remains, *and it is not a light and insignificant one*,—whether the subsequent policy has been well calculated to heal the disunion and tranquillize the distraction of those perturbed events. On the 3d of February, Sir George Barlow invited *each* officer of a corps to dinner. *Each* of them declined the invitation. The colonel, however, urged them, as a point of military duty, to retract their answers; and, on being asked whe-

ther they were his orders, as commanding officer, he told them that they were. They (*the corps of each officer*) obeyed, and the Governor of Madras enjoyed the luxury of receiving TWELVE guests, (*surely Marsh dreams of jurymen,*) who sat at his table with a sort of funereal solemnity, refusing to partake of *one* dish (*each?*) or to drink *one* glass (*each?*) of wine.\* A military academy, *instituted by Lord William Bentinck, and approved by the Court of Directors, for the preparatory instruction of the cadets in the studies of the profession,* was dispersed, because eighteen or twenty boys had refused to wait on LADY Barlow.† *Fancy can-*

\* "And, though my fortunes  
Are in thy fury burnt, let it be mentioned,  
*They served but as small tapers to attend*  
*The SOLEMN flame at this great FUNERAL;*  
And with them I will gladly waste myself,  
Rather than undergo the imputation  
Of being base or unthankful."

*Duke of Milan.*

† "These were your father's words. If e'er my son  
Follow the war, tell him, it is a *school*  
Where all the principles tending to honour  
Are taught, if truly followed. But, for such  
As repair *thither* as a place in which  
They do presume they may with licence practise  
Their lawless RIOTS, they shall never merit  
The noble name of soldiers."

*A New Way to pay Old Debts.*

not conjecture a state of things more disgraceful and humiliating!\* But, happily, the contemplation of it is not destitute of *instruction*.† Let me not, however, do such injustice to the world we live in, as to suppose that Sir George Barlow has one admirer or many defenders. Even in the Court of Directors, who, in sub-

\* The Governor of Madras made it a subject of *facetious* remark at his table—the ruin of an amiable old man, reduced by one blow from affluence to MISERY. What a “heart” must that be which could extract a joke from this terrible vicissitude of fortune! See, also, Mrs. Roebuck’s *affecting* letter to the Court of Directors, “the severities unjustly inflicted on this gentleman for taking steps to protect his property from depredation, and bringing to justice, a man whose guilt is now acknowledged, even by the Governor of Madras himself, reduced him, by one blow, from affluence to PENURY. What a heart must that be which could extract a joke from this terrible vicissitude of fortune!!

† Marsh’s Barlow says, the petty jury which had been impanelled for the trial of Reddy Row, (*a trial of which the “devolution” is tantamount to its devilish-ion*), was composed, in general, of the lowest description of European population; some of them appeared in court, more than once, in a degrading state of drunkenness.—I here subjoin the list of the jury, with a *slight* notice of their characters and stations; and undertake to assert that the LIBELLOUS attack of the author of the Narrative, *facetiously* styled Authentic, is as destitute of truth as it is of probability. Juryman—Henry Branson, *rather dissipated*, but honest. What a “head and heart” must those be which could—NOT—extract a joke from this HORRIBLE vicissitude of fortune!!!



servience to Lord Melville, so long protected the late Governor of Madras, there were not wanting voices, which, animated with the ardor and breathing the eloquence of virtue, loudly protested against the remorseless injustice and cruelty of his conduct. In the name of that "loud" virtue, then, which has consecrated their efforts, let ME thank Mr. Elphinstone, Mr. Pattison, Mr. Daniell, Mr. Thoruton, and Mr. Bannerman, for their spirited remonstrance against the iniquity, spleen, and oppression, which they have so skilfully unveiled (*through me?*) and so forcibly exposed to the contempt and indignation of MANKIND. But the awful revolutions of the western world have conferred a greater importance on the *eastern* branch of our empire.\* It already begins to occupy a wider space in our reflections; and if we may judge from the unusual keenness, which has been felt in the controversy, concerning the recent dissensions at Madras, an EARNEST dispo-

\* *Steph.* I know no such hazard;

His guards are strong and sure,—and, though war rages

In most parts of our *western* world, there is

No enemy near us.

*Tib.* Dangers, that we see

To threaten ruin, are with ease prevented;

But those strike DEADLY that come unexpected.

*Duke of Milan.*

sition is awakened to inquire into and ultimately, it may be hoped, to redress the grievances of that settlement.\* And though the misrepresentations of that party, who are interested in defending and supporting the Governor of Madras, have been, for a long time, triumphant, it is a matter of no unpleasing augury, that the langour and apathy of mind which formerly rendered the public as indisposed to investigate the dissensions of that distant part of our dominions, as if they had been no more than what Milton (speaking of the disorders of the heptarchy) calls "the skirmishings of *kites* and *crows*," have been aroused by these portentous events into alarm and consternation.†

To conclude:—Lord Minto states,—I have, for purposes of conciliation, done much in mi-

\* The author of this calumny in England was the person whom Sir George deputed, for the special purpose of telling his story to the Court of Directors. The same FALSEHOOD appeared specifically in his pamphlet, shaped into the bold assertion, that "the agitation was far from being confined to the military, but extended in nearly an equal degree to the *civil* branches of the service; and that the *factionous parties*, in both departments, were closely connected in their criminal views." —*Marsh's Barlow*.

† It is said, that, following up some learned argument which had taken place in a court of justice, Anstruther, with his fist, actually knocked Marsh down in the streets of Madras.—"A little spark makes a great conflagration."

igation of punishments ; but it would be a vicious indulgence of that principle to sacrifice the claims of fidelity and service to the passions of adversaries. I have, therefore, omitted no opportunity of pronouncing, *even in the ears of those to whom it sounds most harshly*, the claims of Sir George Barlow to public esteem and gratitude.\* It is on these principles that I presume to press this suggestion on your notice more earnestly than it would have become me to do, if I did not feel its deep and fundamental importance in the present conjuncture of your affairs.—The Court of Directors say, with respect to the particular case of Lieutenant-Colonel Munro, it may be observed, that the communication was not only official, but confidential. Its insertion in the records of government was no act of his, but the act of the Commander-in-Chief. By what means this paper became public, we have no authentic information,—no reason, whatever, has appeared for supposing that its publicity was owing to the Quarter-Master-General. *Were we acquainted with the channel through which it became public,*

\* Descending lower into transactions which must *sound so harshly to ears* that are organized to the chaste tones of equity and justice, probably some ground will be furnished for *retaliating*, and *probably* by the SOLEMNITIES of legal proceeding, &c.—*Marsh's Barlow*.

*and afterwards circulated through the different stations of the army at the possible hazard, though, we trust, not with the direct view, of creating discontent, we should think it necessary to mark such a breach of confidence with our HIGH disapprobation.\**—Adolphus says, but although the American states had thus obtained the desired boon of peace and independence, and secured, as public property, the spoils of the loyalists, they found their troubles not terminated, but *varied*. The army by which congress had been enabled to attain the favourite objects of their wishes, and who had encountered incredible hardships and privations, found themselves unrewarded and unpaid, and did not obtain even the means of a decent subsistence. An ANONYMOUS publication proved a sufficient incitement to impel men, *thus situated and in possession of arms*, to active exertions for their own benefit. The most formidable effects were

\* Let not the enemies of Mr. Sherson impute the anxiety he expressed to the rumour then prevailing at this Presidency AND IN BENGAL, that your Memorialist was to be Private Secretary to the new Governor; for no ground existed, at least, in the knowledge of your Memorialist, for crediting that *rumour*; and, when the event had *actually* taken place, never did Mr. Sherson use a direct or indirect endeavour to influence the new Governor through the channel of the (new?) Private Secretary.—*Strachey's Memorial to the Court of Directors.*

apprehended from a menaced combination,\* but averted through the temperance and judgment of General Washington. He first mollified the minds of the officers in separate interviews; and, afterward, in a general meeting, represented the infamy of adopting measures which would sully the glory of seven years service in such glowing colours, that they unanimously declared *no circumstance of distress or danger should shake their confidence in the justice of their country, and that they viewed, with abhorrence and rejected with disdain, the INFAMOUS proposition of the anonymous address.* Again, at a late period of the year, Congress issued a proclamation, applauding their armies for having displayed, in the progress of an arduous and difficult war, every *military and patriotic* virtue, thanking them for their long, eminent, and faithful, services; and declaring the third day of November the day of their dismissal.† On the day preceding their se-

\* Placed at the head of an army of near seventy thousand men, commanded by as brave and PATRIOTIC a body of officers as ever did honour to the profession of arms, it is a duty I owe to them and to the high situation I hold, to do every thing in my power to protect their rights and redress their grievances.—*Accurate and Authentic Narrative.*

† At present, it is sufficient to remark, that the (*tendency, to revolt thus pointed out as the constitutional infirmity of the Indian army, has been emphatically negatived by the language of the*)

paration, the general issued his valedictory address in ENDEARING language, imploring “ the choicest favours of heaven on those (*beloved officers*) who, under divine auspices, had secured innumerable blessings to others.” He announced, at the same time, his intention to retire from the service, “ the curtain of separation was soon to be drawn, and the military scene, *to him!* closed for ever.”\*

Governor-General, in his order, of the 25th September, 1809, (*in which, with no common solemnity, he,*) declares, “ That, up to the hour of the mutiny, the Madras officers were distinguished by their practice of every MILITARY virtue.”—*Marsh's Barlow.*

\* The Accurate and Authentic Narrative says, from the nature of the service, he (General Macdouall) can have little chance of ever meeting with them again. “ That success may continue to attend their steps, that their dear-bought laurels may never decay, and that their bravery and discipline may gather additional wreaths in the field of honour, is *the SINCERE prayer* of a man, who will never forget them :” —a man, who, when in Ceylon, says the same narrative “ would have given the world, that ‘ the mischief ’ had never happened.”

THE END.

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