

LETTER

ADDRESSED TO THE

Proprietors of India Stock,

DEMONSTRATING

BRITISH JUSTICE IN INDIA.

BY CAPTAIN W. WHITE,

LATE OF THE BENGAL ARMY.

“He who allows oppression shares the crime.”

Second Edition.

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TO THE

Proprietors of India Stock.



LADIES AND GENTLEMEN,

I MUST freely confess that it is not without feelings of great reluctance and sincere regret, that I have felt the necessity of thus publicly introducing myself to you : but situated as I have been, and now am, were I to hesitate any longer, from motives of private feeling, to discharge an act of public duty—no less due to you, as proprietors of the Indian empire, than to my country and myself,—an act which justice imperatively demands ; I should consider, that after a long and conscientious discharge of my duty,

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I had shrunk at last from the most important task. Without the least apprehension, I trust to the following pages to demonstrate the necessity of the address ; and to justify me from all appearance of unnecessary intrusion.

The contest that I have been called upon singly to maintain, has been attended with trials, vexation, and suffering, sufficient to impress me with some apprehension that the relief I have a claim to expect, may not be altogether attainable ; but, let the result of this unequal contest prove as it may towards myself, it cannot ultimately fail of proving beneficial to many thousands.

Is it not lamentable, in the extreme, to observe the indifference with which Indian politics are viewed in England—the palpable state of ignorance of the country, with regard to the state of our affairs in the East, and the interests of 100 *millions* of inhabitants, under the immediate controul and jurisdiction of the East India Company !

The little that appears about India in the public prints, is supposed to come from Leadenhall Street, from whence, as a matter

of course, the reports are of a favorable character.

The public, no doubt, therefore, are too apt to remain under an impression that the natives of India are happy: but, as I have been forced upon the notice of the public, I feel it an imperious duty to demonstrate that such is not the actual condition of India.

Vast, indeed, is the influence of the Court of Directors in England, from their extensive patronage: and may not this influence be exerted to check enquiry and retard the march of reformation? On this subject I will proceed as becomes me

In 1817, the Provincial Battalion of Moorshedabad, in Bengal, a regiment of about eight hundred men, was under my command. To this battalion I had been many years attached as Adjutant; and in consequence of the absence of the commanding officer, employed on other duty, the command had devolved upon me.

In October, the serjeant-major of the Moorshedabad Provincial Battalion reported to me that a subedar and two non-commissioned officers of the battalion had been wounded by Mr. Wray, an assistant-surgeon,

doing duty with the Honorable Company's European Regiment, and who had been shooting near the huts of the battalion : that they had been thus wounded while sitting in the house of the subedar, and that the person who had committed the outrage, had not only declined to express any concern or contrition for the injury which he had perpetrated, but had used abusive language to the suffering parties.

The subedar and others wounded appeared before me, and confirmed the report of the serjeant-major, and their complaint appeared to me to be so well-founded, and the indifference expressed by Mr. Wray having been corroborated by the serjeant-major, I considered it to be my bounden duty to adopt measures to have the complaint investigated, and to prevent the occurrence of a similar injury to the men under my command, within the houses and the military lines of the battalion.

Although the parties complaining were bleeding with the wounds which they had received, it is but justice to them to state, that they then expressed less indignation at

the personal injury which they had received than at the indignity offered to them by Mr. Wray, *after* it had been ascertained that he had wounded them, and that they were servants of his own Masters. The subedar, a man of high cast, and of great consideration among his brother officers, expressed himself particularly hurt at the language used by Mr. Wray; and all the parties who attended upon me requested me to place their complaint in a course of investigation.

I made every enquiry in my power from the parties complaining, from the serjeant-major, and from several persons who witnessed the conduct of Mr. Wray after the accident, and I was perfectly convinced, and still most solemnly entertain the conviction, that, after Mr. Wray had discovered the injury which he had occasioned, he conducted himself in a cruel and unbecoming manner to the sufferers; and that, instead of expressing his concern, or otherwise atoning for what he had occasioned, he treated the wounded officers with threatening, abusive, and insulting language.

It never suggested itself to my mind that

Mr. Wray had *intentionally* committed the first act complained of; but that he had, in fact wounded the complainants while they were sitting on a spot which ought to have afforded them protection, was placed beyond all question. That Mr. Wray had been guilty of gross imprudence in shooting so near to the houses of the battalion, was a matter unfortunately illustrated by the condition of the wounded, and that he ought to have expressed his concern, and to have abstained from irritating and insulting language at such a season, and after such an accident, were matters that appeared too plain to be doubted.

Though impressed with the belief that the parties wounded had been most improperly treated *subsequently* to the *accident*, I did all in my power to sooth their minds; and assured them that I would adopt proper means to have the conduct of Mr. Wray investigated. And, as I had not then determined what course should be pursued, I desired the serjeant-major, who was conversant with the Hindoostany language, to reduce to writing, in English, the substance of the

complaint, so that I might be enabled to refer to the same, as containing a detail of the injury complained of—while the circumstances were fresh in the recollection of the parties.

The serjeant-major accordingly committed to writing, in the English language, the complaint of the wounded parties—which was afterwards transmitted to me, together with a number of shot, some of which had been taken from the persons of the parties injured, and others from the cot of the subedar, who had been wounded on it. This complaint, as taken down by the serjeant-major and signed by him, is as follows :

Complaints preferred against Mr. Assistant-Surgeon Wray, of the Honourable Company's European Regiment, by Mayput Sing, subedar,* Ajaib Sing, Havildar-major,† and Roudee Sing, court havildar,‡ of the Moorshedabad provincial battalion."

The complainants state as follows:—"On the seventh instant, between the hours of four and five in

* Native Captain. † Native Serjeant-Major. ‡ Pay Serjeant.

the evening, they were sitting in the veranda of the subedar's house, when Mr. Wray came with a double-barelled fowling-piece, and fired off one of the barrels, which wounded the subedar in two places, while quietly sitting on his couch in his veranda: it also wounded Ajaib Sing, havildar-major: 26 shots entering him in different parts—his head, face, body, and arms: Roudee Sing, court-havildar, was, also, wounded in 13 places. The subedar then went out to ask Mr. Wray why he came and shot within the lines people in their own houses. Mr. Wray made no answer, but was going away, when the subedar, asked a native what the gentleman's name was.—The native replied that he did not know—he was not a Servant, but a cooly* from the bazar. Mr. Wray then turned round and abused the subedar, saying, “Jow,† damn your eyes—Jow, damn your eyes—Jow, damn your eyes.” Upon this, the havildar-major went out of the house, with the blood falling from his wounds, and asked Mr. Wray what he meant by coming there to shoot people in their own houses, Mr. Wray then lifted the fowling-piece to his shoulder, and presented it at the havildar-major, saying, ‘Hold your tongue, do not speak to me, or I will shoot you.’ Seeing the piece levelled, and fearing that he might shoot me, I turned back and reported it to the ser-

* A Porter.

† Jow—go.

jeant-major, who came and spoke to Mr. Wray. The spot from which Mr. Wray fired the gun was only 29 paces from the subedar's house and cot."

Evidence.

Monorat Sing, Naik.

Hurdial Tewarce, ditto.

Bowany Sing, sepoy,

Adden Sing. sepoy.

Monorat Sing, sepoy.

A. M'Coy, serjeant-major.

(True Copy.)

(Signed) W. WHITE.

It appears from the foregoing statement, that the parties complaining did not at that time impute to Mr. Wray any intention of firing at them, and that the grievance of which they principally complained, was the insulting language used by Mr. Wray—and the levelling his fowling-piece, when he had been remonstrated with for his *former* shooting. Whether Mr. Wray had or had not been guilty of this misconduct or violence, I had no means of ascertaining,

except from the testimony of the parties who had been wounded, and of those who were present; but I had no reason to disbelieve the complaint which had been preferred, and which was circumstantially corroborated by several seapoys who witnessed the conduct of Mr. Wray.

As the officer then in command of the corps to which the parties complaining belonged, I considered myself bound in duty to receive their complaint—and to adopt all proper means to cause the circumstances complained of to be investigated: in receiving the complaint, and in forwarding it afterwards to be investigated by the magistrate of Moorshedabad, I performed my naked duty. I had no concern with the truth or falsehood of that complaint, and did not instigate or encourage the parties to prefer it—and by directing the serjeant-major to reduce it to writing according to the statement of the parties themselves, and in the plain language of the serjeant, I evinced all becoming impartiality.

If Mr. Wray, after he had discovered the mischief which he had occasioned, had been

desirous of allaying the irritation which his conduct had excited, he might have called on me; but, as Mr. Wray left the scene of injury, without offering any atonement, through what would have been the proper channel, the commanding officer of the parties wounded—I was justified in presuming that the account given of Mr. Wray's conduct, by the complainants, was consistent with the real circumstances of the case.—The evidence given by the serjeant-major before the court of enquiry completely confirms the presumption thus entertained, for the serjeant-major positively denied that Mr. Wray had expressed any concern for the accident, or that he had sent any message to me.

Evidence of Serjeant-Major Mc Coy before the Court of Inquiry.

“On the afternoon of the 7th between the hours of four and five, subedar Mayput Sing, havildar-major Ajaib Sing, and court-havildar Roudee Sing, came and informed me that a gentleman was in the lines, and that they had been struck with shot whilst sitting in Mayput Sing's house. I went out and saw a gentleman distance from the lines 40 or 50 yards. On approaching the gentleman, he said—‘*I believe I have struck one of your men?*’—I replied, ‘No, Sir, you have not only struck one,

you have wounded three—a subedar, a havildar-major, and a court-havildar.’ On saying this, I turned round and shewed these people to the gentleman: who examined them & said, ‘*They will be no worse than they are!*’—I was going away, the havildar-major said to the gentleman, ‘I will complain of you.’ The latter then asked me what the havildar said—I explained it to him. He then observed to me, ‘Let them complain, my name is Doctor Wray.’”

Q. by Mr. Wray. when I held the conversation with you, at the time you have now mentioned, did I not express myself to the following effect: viz. “I am sorry the accident has happened.—I am Doctor Wray, I request of you to inform Lieutenant White of it. The people are very little the worse.”

A. No. you did not, or I should have told the commanding officer so.

Q. Did I appear sorry for what happened?

A. It did not appear to me so, as Mr. Wray went away fowling immediately after.

The conduct of Mr. Wray in approaching so close to the lines of a military body, and firing so near to the depositories of ammunition, was in itself highly improper; and after he had ascertained that he had occasioned such serious mischief, it was the duty of Mr. Wray, who was also a military person, to have waited on me to have explained the nature of the accident, to have offered a reasonable

atonement to the officers who had been wounded.

But admitting that Mr. Wray in the distress or agitation of the moment, had omitted to express his regret for what had happened—surely after he had returned to his house at Berhampore he ought to have written to me and to have requested my interference with the persons who had been wounded. But Mr. Wray would not, and did not condescend, directly or indirectly, to communicate with me on this subject, and I was therefore left to form my conclusions of the transaction, from the complaints of the wounded, and the testimony of those who described the misconduct of Mr. Wray. I was therefore bound to give credit to the statement, and to forward the complaint for public investigation.

Before, however, I adopted any official measure, in the hope that Mr. Wray might be prevailed on to make some atonement to the feelings of the subedar, and the other persons wounded; and unwilling to communicate directly with Mr. Wray on this delicate subject, I caused it to be intimated to

that gentleman, that if he would express his concern for what had happened, I would exert myself with the wounded parties, to prevent any further proceeding. This communication was actually made to major Broughton, the immediate commanding officer of Mr. Wray; who when the matter was noticed, laughed at the transaction; observed that he had heard of it before, and had spoken of it to Mr. Wray, "*who had declared it to be a falsehood.*"—The Major added—"It was of no consequence and would blow over like smoke!"

From the foregoing facts, the situation in which I was placed cannot be mistaken. A subedar, and two respectable non-commissioned officers of the battalion had appeared before me wounded and bleeding, with several shots in their bodies. They complained that they had been wounded by an European gentleman, while sitting quietly in their own house, within the lines of the battalion. They declared that when they had remonstrated with him, he had added insulting language to their previous injury, and had actually presented his gun, threatening to

fire again at one of them. The report of the serjeant-major afforded no circumstance or language in the least degree explaining or extenuating Mr. Wray's conduct: When I caused the matter to be communicated to Mr. Wray's commanding officer, and offered to act as a mediator, my offices were repudiated, and the whole transaction was treated as fabulous, and Mr. Wray's denial of *all* the circumstances was boldly asserted. Thus situated, if I had neglected to receive and forward a complaint so serious and so aggravated, and if such neglect had been afterwards represented to the Commander in Chief, I must surely have been declared unfit to have any charge of a military body, and incompetent to fulfil the duties with which I had been intrusted.

Having thus failed in my efforts to obtain from Mr. Wray such concessions as were calculated to appease the wounded parties and to induce them to forego their complaint, and being urged by them to obtain an investigation of the outrage, I considered it to be my duty to forward the complaint to the civil magistrate of Moorshedabad; and accord-

ingly I addressed a letter to that officer, accompanied with the complaint which had been so reduced to writing by the serjeant-major, as already stated.

W. LOCH, Esq. *Judge & Magistrate of Moorshedabad.*

Sir,

IT is with extreme regret I have to trouble you with the accompanying complaint, preferred by Mayput Sing, subedar; Ajaib Sing, Havildar-Major; and Roudee Sing, Court Havildar, of the battalion under my command, against Mr. Wray, an assistant-surgeon of the Honorable Company's European Regiment, at Berhampore: with a request that you will take whatever steps you deem necessary to redress the complainants.

The injury sustained is trifling from the shot: and I am assured by the complainants that they would readily have submitted to it as an accident, but for the subsequent abuse and threats. The subedar has presented me with a paper, which I have the honor to send you, containing 195 shots, which have been picked off his cot.

I have the honour to be,

Sir,

*Moorshedabad Provincial
Battalion Office.*

October 3, 1817.

Your obedient Servant,
W. WHITE,

Commanding M. P. B.

In the letter addressed to the magistrate,

I did not in any manner exaggerate the complaint, or attempt to give the transaction a higher colour than it appeared to deserve; but, on the contrary, I remarked that the complainants would have readily submitted to their personal sufferings, considering the wounding to have been the result of an *accident*, if Mr. Wray had not subsequently resorted to abuse and threats.

I merely requested the magistrate to take such steps as he might deem expedient to redress the complainants, and left the course of proceeding to his own discretion, transmitting at the same time a parcel of shot, which had been delivered to me by the wounded subedar,

On the same day I received a letter from the magistrate—

Lieut. White, *Commanding M. P. B.*

Sir,

I have been favored with your letter of this date and its enclosures, and beg to inform you that, prior to any steps being taken by me, it is indispensable that the circumstances related in the paper presented to you should be deposed upon oath before me: it would be necessary to examine the evidence and to ascertain the origin and particulars of the case, before I take any de-

cided measures against Mr. Wray, the charges being of a most serious nature ; and I cannot reconcile it to my mind that a gentleman can be capable of such wanton outrages. At all events, I feel convinced that some great provocation must have been given to occasion a person to act in a manner so very extraordinary.

Under these circumstances, I beg you will direct the parties with their evidence to attend to-morrow, or any day you can best dispense with their service : it will also be essential that serjeant M'Coy accompany them. They had better attend early in the morning to avoid the intense heat of the weather.

I remain, Sir,

Fendal Baugh,

Your obedient servant,

October 8, 1817.

W. LOCH, *Magistrate.*

By this letter of the magistrate it will be seen that he appeared to have promptly decided on the innocence of Mr. Wray, and to have doubted the truth of the statement which had been transmitted by me.

It is observable, however, that in the letter he does not profess to consider the charge to be of a capital nature, although serious ; and it is therefore obvious, that, up to this period, the complaint preferred by the wounded parties, did not convey, even to the mind of the magistrate, any imputation

that Mr. Wray had wilfully or intentionally fired at the officers.

In compliance with the request of the magistrate, the complaining parties attended him, and were examined on oath; and, as I was informed, their depositions were reduced to writing and signed by the parties: but, whether all the witnesses who attended to depose to the conduct of Mr. Wray, after the accident, and who were prepared to confirm the statement of the complainants, were or were not examined by the magistrate, I had no competent means of ascertaining.

While the transaction, before alluded to, was under investigation before the magistrate—and before I was apprized of any steps that had been, or were meant to be taken, to redress the grievances complained of, it was reported to me that Mr. Wray had again been firing close to the spot where the previous outrage had been committed—and that several of the shot had fallen upon the house of the wounded subedar.—In consequence of this, and a subsequent report, I addressed the magistrate two letters.

W. Loch, Esq.

Sir,

After the accident reported to you of the 7th, it was but reasonable to suppose that Mr. Wray would have avoided a chance of a repetition. I am sorry though to say it has been reported to me, that Mr. Wray was yesterday evening firing several shot closer to the house than on the former evening. Further, that Mr. Wray had thought proper to call for the Havildar-Major, and directed people to conduct him to the man's house.

The impropriety of this line of conduct being too obvious, I have for the present simply to beg the favour of your addressing Colonel Pine, the commanding officer of Berhampore, to request that he will prohibit any officers shooting again, or, upon any pretence, visiting the lines of the Moorshedabad Provincial Battalion.

October 10, 1817.

W. WHITE.

Sir,

I did myself the honor on the 10th to address you requesting your writing to Colonel Pine on the subject of officers shooting in the lines. I have this day had another complaint preferred by Mayput Sing, subedar, of Mr. Wray having been again shooting last evening in the lines, and that the shot fell upon his house—that he desisted from speaking, as did also the other natives, from a conviction it could only have proceeded from a desire to create words.

As I consider it to be my duty to preserve the security of the men in the lines, I beg leave to inform

you that I have posted sentries to preclude the possibility of its again occurring.—I beg leave, further, through you, to intimate the same to Colonel Pine, commanding at Berhampore, to prevent any unpleasant circumstances occurring, which might take place by an attempt to shoot there again.

*Moorshedabad Provincial
Battalion Office.*
Oct. 14, 1817.

W WHITE,
Commanding M. P. B.

The conduct of Mr. Wray, in thus approaching the lines of the battalion and firing near to the houses, so soon after the mischief which he had occasioned, was highly injudicious, as well as calculated to irritate the feelings of the wounded parties, and to impress them with the idea, that neither justice nor protection was to be obtained: and the repetition of Mr. Wray's conduct produced a sensation among the officers and men of the battalion which I had great difficulty in appeasing. I cannot refrain from remarking, in this place, that *if* the depositions of the complaining parties actually contained a capital charge against Mr. Wray, it was highly disgraceful to the magistracy of Moorshedabad, that this gentleman should have been left at liberty to pursue his sport on the very

spot where he was charged with wilfully shooting at, and wounding, three of the native officers, in the service of his Honorable Employers.

It subsequently came to my knowledge, from proceedings which will be hereafter stated, that the depositions taken by the magistrate, charged Mr. Wray with wilfully and maliciously shooting at the parties who complained.—Now, although the effect of this statement has been subsequently and positively denied by the complainants, it is manifest that if such a charge was in truth preferred, it was the bounden duty of the magistrate to have issued his warrant to secure the person of Mr. Wray, and to have sent him to Calcutta, to take his trial before the Supreme Court, at the then next sessions of oyer and terminer, instead of permitting him to remain at large, with the liberty of further irritating and insulting the parties who had appealed to the protection of the law.

The magistrate, however, instead of adopting the course, which his duty thus plainly prescribed, thought fit to send the proceedings which had been instituted before him in his civil capacity, to Colonel Pine, the com-

manding officer of Berhampore; *an officer with whom I had unfortunately been engaged in a previous controversy.* These proceedings were accompanied by a letter:

To

Service.

COLONEL PINE,

Commanding at Berhampore.

Sir,

The accompanying papers relate to an affair which occurred some days ago, in which Mr. Assistant-Surgeon Wray, of the Honorable Company's European Regiment is chiefly concerned.

The circumstances stated in these papers have been communicated to Mr. Wray, and it is now at his request I submit them for your consideration, and that a public enquiry may be made into the matter.

I have the honor to be,

Sir,

Your obedient Servant,

City of Moorshedabad,

W. LOCH,

16th October, 1817.

Magistrate.

By the perusal of this letter, it will be perceived, that after a subedar and two native non-commissioned officers, had duly applied to one of his Majesty's justices of the peace, for redress of a most serious injury, whether the charge was or was not capital is not material, and after their complaint was veri-

fied on oath, the magistrate thought fit to communicate his proceedings to *the party charged with the offence*—and upon *his* mere suggestion, suspended the measures, which the magistrate by his oath of office was bound to have adopted — and caused the matter complained of to be investigated by a military court of inquiry, instead of sending Mr. Wray to take his trial before the only tribunal which was competent to try the offence, in the shape which it had then assumed.

I shall abstain from unnecessary remark on this singular, and as I believe, unprecedented proceeding, persuaded that it carries its condemnation on its face: but I must observe, that after Mr. Wray had been regularly charged, either with a *capital offence*, or with an *aggravated misdemeanor*, it was a change of jurisdiction not to be tolerated, that the matter, at the instance of the offender, should be transferred from the grand jury of Calcutta, to a court composed of a captain and two subaltern officers, who happened to be in habits of intimacy with the party accused!

A court of enquiry accordingly assembled at Berhampore, when the parties who had

been wounded and their witnesses attended, accompanied by the serjeant-major and several other witnesses, who were prepared to prove the assertions of the complainants, respecting the demeanor of Mr. Wray, *after the firing*, and the wounded parties had remonstrated with him.

The facts stated by the subedar, and by the other parties who complained, were recorded on the proceedings; and Mr. Wray was very properly suffered to be present during the accusation, and to examine the accusing parties. The serjeant-major, whose evidence is very material, was also examined and cross-examined; and after some further questions were put to the complaining parties, the court of enquiry determined "*that it was not necessary to examine any more witnesses on behalf of the complainants;*"—and Mr. Wray was called upon to reply to the charge.

From this resolution of the court of inquiry, it would naturally be inferred, that the court was fully satisfied of the truth of the accusation, by the evidence which had then been received; if the court had not drawn a conclusion *favorable* to the complainants, it was

bound in justice and impartiality, to have examined *every witness* that was tendered by by the accusing parties. It will be seen, however, that, notwithstanding the court "*did not deem it necessary to examine any more witnesses on behalf of the complainants,*" it ultimately appeared to the magistrate, from these *proceedings*, that their accusation was *unfounded*, and that they were directed to apologize to Mr. Wray for the *falsehood* of their imputations,

I here beg leave to represent that the native doctor who had picked the shot out of the wounded parts of the complainants' bodies, and several sepoys, who were present during the *subsequent altercation* between Mr. Wray and the injured parties, were in attendance, ready to give evidence before the court of enquiry,—and were prepared to prove *that Mr. Wray used abusive terms in the Hindoostany language, & actually levelled his fowling-piece, accompanied with the threat mentioned by the complainants*: at the same time although the court of enquiry was urged by the subedar, to receive the evidence of their witnesses, it positively refused to receive their testimony.

Another circumstance, very inconsistent with that impartiality which characterizes investigation in British courts, is worthy of notice. The parties who had accused Mr. Wray were not suffered to be in court when he read his defence, or when his witnesses were examined, notwithstanding Mr. Wray had been permitted to remain in court and to examine the accusers, and the only witness they were *allowed* to produce. What was stated or proved by Mr. Wray, was, therefore, a mystery to the complainants.

It is not necessary for the support of the case, to enquire, very particularly, whether the statements of the accusing parties, before the court of enquiry, did or did not impute to Mr. Wray the *intention* of firing at them, when they received the injury complained of; but it might be fairly argued, that the amount of their evidence imputed to him positively the act of firing, leaving the question of intention to be collected or inferred from his demeanor *after the act*. If the facts detailed by the complainants and their witnesses, had been satisfactorily proved in a court of criminal jurisdiction, the *opinions* or *belief* of the witnesses respecting an act

equivocal in itself, would have had little, if any weight: but the jury would have been left to infer the guilt or innocence of the *actor* from his *conduct at the time*, and his language and demeanor *immediately afterwards*.

If it were clearly proved that a party with a loaded gun, saw human beings in a house, within the reach of his shot, and warned them to retire or depart, but *before* he ascertained that they had withdrawn or departed fired in the direction of the house and wounded the individuals there, previously seen and warned: if it were also demonstrated that the wounded parties ran out of the house to the aggressor, and that, upon remonstrating with him respecting the outrage, instead of his expressing concern or making atonement, he unfeelingly abused the suffering parties and again levelled his piece at one of them, accompanied by threatening expressions: any British judge would leave all these circumstances to the consideration of the jury, and to say whether the whole demeanor of the offending party did or did not evince a guilty intention in the *previous act of firing*.

The subedar and havildars appear to have drawn a conclusion from similar premises. From every thing that I was enabled to collect, as the basis of their opinion, however erroneously it may have been formed, I am convinced that if Mr. Wray had, immediately after the firing, addressed the parties wounded in mild and proper language, they would have considered the affair to have been the mere effect of accident; but inasmuch as the injury was followed by insulting expressions, and a threat to fire again at them, they were thereby induced to believe him, what Europeans in India have too frequently been proved to be, regardless of the value of human life—and they, perhaps, too readily transferred the intention which he avowed in his subsequent threat, to the act from which they were smarting—and which, might have been the effect of *accident*.

But admitting the account given of the transaction by Mr. Wray himself to be strictly correct, it will be impossible to acquit him of a culpable degree of negligence. It appears, from his own account of the transaction, delivered before the court of enquiry,

that he had proceeded to shoot within a short distance of the lines of the battalion: “that he *saw* some sepoy under a matted house or shed, and called to them to go away, by using the word *Jao* once or twice.”

It appears, on the perusal of the evidence of Mr. Wray’s servant, that the persons thus described as sepoy, were the subedar and havildars, afterwards wounded; and it is equally clear that Mr. Wray considered them to be so near to him as to be within the reach of his shot; there can be no other reason therefore for his having warned them to go from the spot where they were sitting.

Mr. Wray adds, that after his servant had also called to the parties, “he *believed they did go away*, or appeared to do so, *as he did not afterwards see them.*” This statement is not to be reconciled with the evidence on either side. It is quite established by the *complainants* that they were wounded in a hut, and many of the shot were picked from the cot on which the subedar was sitting while wounded: and it is difficult to imagine how Mr. Wray could state, with accuracy, “that they *appeared to go away*” from

the hut in which he had seen them sitting. It is also observable that one of Mr. Wray's servants, in deposing to the same circumstance, declares, that after his master had fired, the men who had been required to *jao* or go—"came out of the hut and made a great noise, saying, that a gentleman had wounded them, and was walking off."

Dismissing, however, any further remark on the improbability and inconsistency of Mr. Wray's assertion, that the men had left the hut; and looking at the other parts of the transaction, even in the manner in which it has been represented by Mr. Wray himself, a more careless or improper proceeding can scarcely be contemplated.

Mr. Wray was fully aware that he was close to the lines of a battalion; and that sepoy were sitting in a hut so near him as if he fired in that direction, danger was to be apprehended. He might have called out to them, but it was in terms which he had no right to use to the meanest villager or ryot in the country—*ordering* them to depart from their own house, but before he had ascertained that they *had* removed, and before they had actually re-

moved—he fired in the direction of their house, and wounded three of his fellow-soldiers.—Surely if this transaction had occurred in England, it never would have been treated as at Berhampore, where it was deemed by Mr. Wray’s commanding officer so trifling, “*that it would blow over like smoke.*” I am persuaded that you will be dissatisfied to learn that the lives of the native officers and sepoy, in the service of England, are not entitled to the same degree of protection in their military lines, as is afforded to soldiers housed or barracked in Great Britain.

But admitting that Mr. Wray had not duly reflected on the danger of firing so near to the military huts—or that he had really *believed* the men whom he had seen had taken their departure on his warning—and admitting, that in the hurry and anxiety of his sporting pursuits, he had fired, without anticipating the consequences which actually followed. Mr. Wray’s subsequent conduct, according to his own account of it, was most unfeeling and extraordinary.

Mr. Wray’s servant has deposed “that this

master fired--and that the *men then* came out of the hut, complaining that they had been wounded." Mr. Wray admits that *shortly* after he had fired "a *person came out and made a great noise?*" but as he, Mr. Wray, did not understand what this person said, he, Mr. Wray, called out—" *Chooprao you sir.*"*

Now, if this circumstance occurred, as it is admitted, *immediately* after the firing, and if the "*men*" or the "*person*" came out of the hut from which Mr. Wray had warned them, it would not have been any great condescension on the part of Mr. Wray—or any great relaxation from his amusement, if he had enquired *why* the men or *person* had been induced to make this great noise—which the servant admits was "*a complaint that they were wounded,*"—It might have occurred to Mr. Wray's mind, that, his firing had occasioned some injury, and to a humane and professional person, it would have been suggested to offer some relief to the sufferers.

The contrary of this conduct appears, however, to have been adopted by Mr. Wray—according to his own account, confirmed

* Be quiet, sir.

by the testimony of his servant, he was “*walking off*” from the scene of injury, and when the wounded party or parties called out to him, complaining of what he had done, they received from this gentleman, who disclaims all acquaintance with the Hindoostany language, the taunting and unfeeling reply of “*Chooprao you sir !*”

If this language had been addressed to the meanest person of the lowest cast in India, at a period when he was suffering from shot then in his body, and while the blood was trickling from his wounds, it could scarcely find any palliation in a humane mind ;—but, when it appears that this was the cruel and almost brutal reply, made by an assistant surgeon, professing himself to be a Christian, to the complaints of a subedar and two havildars of high cast, and of a delicate sense of feeling, who had been wounded by this gentleman, while they were peaceably enjoying the presumed protection of their own houses in the lines of the battalion—I am persuaded that the coarseness and inhumanity of the language, thus acknowledged, can admit of no justification.

It is unnecessary for me to state that

native officers who have attained rank and distinction in the military service of the Company, however different in habits from Europeans, entertain opinions as strong, of the respect due to their situation, and are as tenacious of insult and injury, as officers of any service in the world. The persons wounded were all *singhs* and men of high consideration in their sect and in the corps—and each of them would readily have preferred immediate death, rather than submit to abusive language. Under the circumstances described by Mr. Wray himself—no language could have been more offensive, than the expression addressed by him to the complaining party.

The expression “ chooprao you sir,” if understood as conveying partly Hindoostany and partly English, is of itself sufficiently irritating and improper; but if uttered as “ Chooprao you *sooar*,”^{*} an expression too frequently in use by Europeans, I must remark, that such a term of abuse was the most degrading that could be applied to a person of cast and distinction.

* Be quiet you hogs—an animal held in universal abhorrence.

The gravamen of the complaint, was the improper conduct of Mr. Wray, *immediately after the firing*. The wounded parties had expressed their disposition to have considered the shooting as *accidental*, if the wounding had not been followed by abuse and threats ; and Mr. Wray was distinctly charged with having levelled his fowling-piece at one of the parties who had remonstrated with him.

These were surely charges of a most serious nature, whether the former firing had been *intentional* or otherwise. It was these charges which had particularly attracted the notice of the magistrate, when the complaint was forwarded to him, and which the magistrate professed to *disbelieve*. These were, in truth, the only facts which demanded investigation ; for, whether Mr. Wray had fired at a snipe or at the men in the hut, could only be known to God and his own conscience. If the parties wounded had actually seen Mr. Wray present his fowling-piece, which is not pretended, they could not have known, whether he then did or did not aim at a bird, and all that they could have said, would have been what is not denied ; that he seemed to

fire in the direction where they were then sitting, and that they were wounded. Their conclusion respecting his *intention*, could have been nothing more than mere *opinion* and *belief*, founded from what they had *seen*, and the wounds which they had received.

It had never been pretended that Mr. Wray had not fired the fowling-piece, by which the men had been wounded; and he admitted that he had *seen* the men in the hut *before* he had fired. The only question to be ascertained, therefore, was, *how* Mr. Wray had conducted himself to the wounded parties *after* the firing? they having alleged that he had grossly abused them, and that he had levelled his piece at one of them accompanying the act with a threatening expression.

In the complaint, transmitted by me, to the magistrate, the names of five witnesses were mentioned. These persons had been present when the wounded parties remonstrated with Mr. Wray, and were part of the crowd described by his servant. These persons were ready to confirm on oath the statements of the subedar and havildars, and to prove that Mr. Wray *did* use the abusive language imputed to him, and *did* level

his piece and threaten to shoot Ajaib Sing, the drill-havildar. Yet, it does not appear, that the testimony of these witnesses, *if* taken by the magistrate, produced any effect on his mind.

But, whether the magistrate did or did not receive their depositions, it is apparent from the proceedings of the court of enquiry, that these and the other witnesses tendered by the complainants were not examined, although they were in attendance, and although the complainants urged the court to receive the evidence of these persons.

The court was instituted for the purpose of enquiring into *all* the circumstances of the complaint. The most *aggravating facts*, were the *abuse* and *threatening to fire* at one of the complainants. The parties abused and threatened were not suffered to call a single witness, although many attended to prove the truth of their complaint.—The party complained of was allowed to tell his own story and to examine as many witnesses, as *he* thought fit, *behind the back of the parties complaining*, who had therefore, no opportunity of *contradicting* or of *cross-examining* him or his witnesses; and yet the pro-

ceedings thus conducted and terminated, have been subsequently treated and considered as a fair and impartial investigation of the transaction complained of.

From the subsequent proceedings to which the court of enquiry gave rise, it appears that the depositions which had been sworn to, before the magistrate, (whether consistently or not with the meaning of the complainants, it is not necessary here to enquire,) contained a charge against Mr. Wray of having *wilfully and maliciously* fired at the deposing parties. The charge had then assumed a *capital* form, and Mr. Wray ought to have been immediately imprisoned, to answer the felony with which he was thus charged. The depositions containing this accusation, were, however, transmitted by the magistrate, to form the grounds of an investigation, by a captain and two subaltern officers! This will be found a solitary instance, in which a civil magistrate has transferred the trial of a capital offence to a tribunal thus constituted;—if the magistrate acted from ignorance of his duty, it is surprising that he should have been deemed fit to continue in the exercise of functions, which

he so little understood ;—but, on the other hand, if he *knew his duty*, and acted in opposition to the plain and manifest course prescribed to him, the transfer of the investigation to the court of enquiry, was *intended to withdraw* Mr. Wray from the perilous situation in which he had been placed by his temerity and imprudence.

If the real and substantial object of the *enquiry*, was to collect and record *all* the evidence which *supported* the charge—why were not the witnesses of the complainants, examined to the *vital* part of the case? If the object of Col. Pine, or of the magistrate, was to ascertain, whether there was a reasonable ground for sending Mr. Wray to be tried before the supreme Court, or a court-martial—why did the court of enquiry reject the *only* witnesses who could have confirmed or refuted the statements of the accusers? The answers to these questions, are most obvious—the court of enquiry, out of regard to Mr. Wray, were desirous that their proceedings should be transmitted in a *favourable form* to the Commander in Chief, and therefore they lost sight of that impartiality which ought to have governed their conduct.

The calling on Mr. Wray for his defence, and suffering him to produce witnesses, were also, anomalous; and this course was certainly dissimilar from the analogous proceeding of a grand jury; but, the refusal to allow the complainants to be present when Mr. Wray read his defence, and examined his witnesses, was a gross perversion of the forms of judicial proceedings. If the court thought fit to extend to Mr. Wray the benefit of a trial, and to suffer him to establish his innocence, the prosecutors had an *undoubted right* to be present, to hear the defence, and the defensive evidence, and to cross-examine the witnesses; and the refusal or denial of this right rendered the whole proceeding a mere mockery of even the forms of justice.

It was also a most extraordinary feature in this proceeding, that Mr. Wray was suffered to give evidence of his *character*. The court was bound to inquire into *facts*, and not into *opinions* or *presumptions*; and it is certainly strange, that, any court actuated by impartial motives, should have rejected the proffered testimony of several witnesses, who were ready to depose that Mr. Wray

*did use abusive language to the accusing parties, and did level his gun and threaten to shoot one of the havildars ; and yet could receive evidence, founded on general character, which was designed to show, that, the commission of these acts was a “ moral impossibility.”**

If, however, the court had considered itself competent to receive evidence as to *character*—it would have been but fair to have given the accusers an opportunity of offering evidence in support of their characters, respectively : if the testimony of the parties was left in *equilibrio*, so that character could have effected the balance, the complainants ought to have been invited to adduce similar evidence.

If the general gentleness and humanity of Mr. Wray's character were sufficient to raise a presumption against the truth of the charge, the accusers ought to have had the benefit of similar presumptions, in support of their complaint, which an equally good character was likely to have created.

* Major Broughton's Evidence at the Court of Enquiry :—“ I consider his having been guilty of the crimes he is charged with, as a moral impossibility.”

The parties complaining had never seen Mr. Wray before the day of the accident; they had no enmity to gratify, and could not have been actuated by any feeling of hostility, save that which had been occasioned by the abuse and threats which were the subject of investigation. They had verified by their *oaths* the truth of their allegations; and it was not lightly to be presumed, that men who had no motives for preferring an unfounded complaint, would have wantonly and gratuitously committed the crime of perjury. But if such a presumption could have been entertained by the court of enquiry, they ought to have resorted to evidence of the character of the accusers, in order to ascertain whether persons of their *character* were likely to prefer charges so serious and groundless.

The next document to which I beg leave to refer you, is an extract of a letter from Colonel Pine to the magistrate, transmitting the proceedings of the court of enquiry.

“ As it does not appear therefrom that any blame can attach to Mr. Wray, further than having, in the first instance, fired too near the lines of the Provincial Battalion, by which the three men who complain were

wounded, which certainly was entirely accidental, although wrong and unguarded, (and for which he expressed his sorrow and concern,) I think that through your kind offices, the parties may be prevailed upon to apologize to Mr. Wray in yours or my presence, for the gross accusations they have alleged against him, of being intoxicated, of levelling his gun at them, and of abusing them; charges which are positively contradicted by his servants, and not at all likely to have happened from a man of his amiable disposition. The matter may be adjusted, as Mr. Wray merely requires, that his character shall be cleared from these aspersions.

(Signed)

G. H. PINE,

30th October, 1817.

Col. Commanding."

By this letter it will be seen, that a perusal of the proceedings did not convey to the mind of Colonel Pine any conviction that Mr. Wray had been blameable, except for firing too near the lines of the battalion. The depositions which this officer had *previously read*, and which distinctly charged Mr. Wray with outrageous conduct *after* the firing, appear to have entirely escaped the Colonel's recollection, and it did not occur to him, for he has not noticed as extraordinary, *that the court had declined to examine the only witnesses whose evidence was material.*

Colonel Pine was, however, enabled to collect sufficient from the proceedings to reverse the condition of the parties: he considered the innocence of Mr. Wray, and the guilt of the accusers, to be demonstrated, and he invoked the aid of the magistrate to use his *kind offices* to prevail on the parties “*to apologize to Mr. Wray in the presence of the Colonel, or of the magistrate, for the gross accusations they had alleged against Mr. Wray—of being intoxicated—of levelling his gun at them, and of abusing them,*” “charges,” adds Colonel Pine, “which are *positively contradicted by his, Mr. Wray’s, servants.*”

It cannot but be observed that this *decision* and *sentence* of Colonel Pine, is in strict conformity with what might have been expected from the communication of the magistrate, requesting the formation of the court of enquiry in compliance with the *wishes* of Mr. Wray, and equally in unison with the tenor of the proceedings of the court itself. If the whole plan had been previously concocted between the magistrate, Colonel Pine, and Mr. Wray, the course of proceedings could not have run more naturally in *favor*

Mr. Wray, and *against* his accusers.

It was scarcely to have been anticipated, by any person not acquainted with the motives which actuated the magistrate of Moorshedabad, that a charge which had been preferred before him in the regular manner, should have been so diverted from its legitimate channel, and turned *against* the parties who stood forward as *accusers*. It was scarcely to have been expected, that the commanding-officer at Berhampore would have so readily complied with the requisition of the civil magistrate, by directing a court of enquiry to investigate a *capital offence*. It was scarcely to be presumed, that three officers in the service of the Honorable Company, would so conduct their proceedings, that the evidence of one party should be received, and that of the other rejected. Yet all these fortunate coincidences occurred, to stay the criminal proceedings against Mr. Wray—to exhibit his innocence, and to demonstrate the guilt of his accusers!

Colonel Pine states that Mr. Wray “ had expressed his sorrow and concern” for the accident which had occurred. It is very

difficult to collect this fact from any part of the proceedings of the court of enquiry, on which, it is to be presumed, the Colonel's letter was founded. Mr. Wray, in his *statement*, has averred that he sent a message by the serjeant-major to me, expressing his sorrow; but, when the serjeant-major was interrogated by Mr. Wray on this subject, the witness not only failed to support Mr. Wray's allegation, but stated, that, when one of the parties said he would complain, Mr. Wray replied—" *let him complain, my name is Dr. Wray.*" This will be found a correct state of the evidence; and yet Colonel Pine was enabled to discover that Mr. Wray had expressed *sorrow and concern for the accident.**

The next document to which I beg leave to refer, is a letter received by me from the magistrate.

LIEUTENANT WHITE,

Commanding M. P. B.

" Sir,

" I beg to inform you that Colonel Pine has favoured me with a perusal of the proceedings of the late court of

* The regiment which this old woman commanded was ordered to march from Berhampore; he wrote to the Commander-in-Chief to know " *if he was to accompany it!*" Incredible as this may appear it is a fact.

enquiry ; and I have no hesitation in giving my decided opinion that Mr. Wray is entirely innocent of any intentional act of criminality : he has been very hastily and shamefully accused of crimes, not only derogatory to common humanity, but charged with accusations highly offensive to the character of a British officer.

“ That Mr. Wray was inconsiderate in firing so near the lines there can be no doubt ; the regret and sincere sorrow he has expressed for the accident, which his unguardedness occasioned, ought surely, *however*, to afford every satisfaction, while, on the contrary, I think the serious, indeed I may say, the vile aspersions with which Mr. Wray has been charged, imperiously demand an apology on the part of the subedar and others concerned.

“ I conceive it is your particular duty to make them sensible of their error, and that you will point out to them the propriety of complying with this requisition, and in the event of their doing so, you will appoint a day for them to meet at Colonel Pine’s, before whom they will offer up their apology to Mr. Wray.

City of Moorshedabad,

31st October, 1817.

W. LOCH,

Magistrate.”

I had not been in any manner informed of the correspondence between the magistrate and Colonel Pine, to which allusion has herein been made ; but when the subedar and havildars, who had preferred their complaint, were informed that their witnesses would not be examined, and when they

were afterwards prevented from being present when Mr. Wray stated his defence, and examined *his* witnesses, they inveighed against the proceedings, which had been thus directed by the magistrate ; and complained that in a struggle between natives and an European gentleman, equal justice was not to be obtained. The minds of all the native officers of the corps were greatly irritated, and a general sensation of dissatisfaction prevailed.

I heard, from several quarters, that the court of enquiry had been resorted to, as the best means of hushing or smothering the complaint : and the parties complaining appeared to be convinced that the object of the local investigation was to screen Mr. Wray from justice. They predicted, long before the letter of the magistrate, last mentioned, was sent to me, that their complaint would be dismissed ; and they declared that they would not be satisfied unless the transaction should be referred to the supreme government, or to the Commander-in-Chief.

While the parties who had been wounded were in this irritated and irritable state, the

letter last mentioned was received from the magistrate. It was perused by me with stranger feelings than that of surprize ; but deference to the authorities which had thus interfered, and an apprehension of becoming again entangled in a controversy with the magistrate, induced me to communicate the contents of the letter to the parties concerned, accompanied by a recommendation that they would comply with the requisition of the magistrate.

If there be any part of the transaction which has led to this address, in which my conduct has been blameable, and which cannot be reconciled by me to my own sense of duty ; it was in having thus *recommended* the subedar and havildars to make the degrading apology required : but, in truth, at the time I was scarcely capable of acting as a free agent. I had previously been engaged in controversies with the magistrate, on points of public duty, relative to the corps ; and which was under his controul, as judge and magistrate of Moorshedabad. On those occasions I had felt it to be my duty, notwithstanding the vast importance his situation

afforded him, to submit the transactions for the consideration of the supreme government and the Commander-in-Chief. However, as was expected, and is generally the result when an inferior remonstrates against a superior, the government supported the magistrate: and, in one instance, when I had the express order of the government for my guidance, they actually strongly reprobated the adherence to them. So that I was actually afraid of taking any personal share in the transaction, which had already agitated the two principal authorities at Berhampore, each of whom was decidedly hostile to me. I now frankly confess that I considered the conduct of the magistrate to have been grossly irregular, and that I believed the representations of the native officers respecting the proceedings before the court of enquiry. I also felt a powerful inclination to advise the native officers to refuse compliance with the requisition of the magistrate, which I now believe I ought to have done; but actuated by the considerations which I have already mentioned, I *did* recommend a

compliance with the requisition of the magistrate.

On reading the letter, however, to the native officers, they one and all positively refused to make the apology required of them, and besought me to adopt the necessary measures to have the whole matter submitted to the Commander-in-Chief.

It will be seen from the letter of the magistrate; that although he communicated to me his "*decided opinion*," formed from a perusal of the proceedings of the court of enquiry, he neither allowed me to see the proceedings—nor informed me of the sentiments which had been declared by Col. Pine, respecting the necessity or propriety of exacting the atonement, which the native officers were invited to offer to Mr. Wray. It is scarcely necessary to remark, that if the magistrate had sincerely wished that I should *heartily* use my influence with the native officers to promote the object professed to be in view, he would have transmitted to me a copy of the letter of Colonel Pine, and of the proceedings by which it was accompanied.

If these documents had been sent to me,

and if I could have discovered from the proceedings that the case of the complainants had been fairly and impartially investigated—or that they had, before the magistrate or the court, exaggerated the circumstances detailed in their first complaint; or if I should have ascertained, from the statement and evidence adduced by Mr. Wray, that the native officers had coloured their case too highly—or that the adverse testimony had positively contradicted the representations of the accusing parties, as suggested by Colonel Pine; in either of these supposed circumstances I should have been supplied with arguments to persuade the native officers to make the apology required—or to combat the reasons which they most readily and reasonably urged for refusing to degrade and stultify themselves.

It was, however, not considered expedient to send me these documents—nor was it in any manner intimated to me up to the date of the magistrate's last mentioned requisition, that the native officers had, either in their depositions, or before the court of enquiry, aggravated their first statement.

The strong and unjustifiable language employed by the magistrate, in his letter was but little calculated, under the circumstances which had happened, either to induce me to exert what influence I possessed with the native officers—or to persuade the parties themselves to make the atonement demanded: if the magistrate had been desirous of provoking a controversial correspondence with me on the subject, or had felt an anxiety to goad the disappointed complainants to proceed to extremities, he could not have devised means more suitable to attain his ends than by writing the violent letter in question.

Men of high cast and distinction in their country—one a subedar of twenty eight years standing in the army—two non-commissioned officers of particular consideration in the corps, had been, as they had *sworn*, shot at, wounded, abused, and threatened; the aggressor had afterwards been suffered to “pursue his *sport*” on the spot of his former alleged outrage; the sufferers had appealed for protection and redress to a British magistrate—protection had been tardily, and apparently with reluctance, afforded; redress

had been absolutely denied—they had been *compelled* to attend a tribunal inferior to that to which they had resorted, in which they had no confidence, and was alike incompetent to investigate their complaint, or to render them justice: the forms of ordinary judicial proceeding had been violated, and they had been refused the means of establishing their grievances by their witnesses. As an appropriate termination to this extraordinary investigation, it was intimated to them by the magistrate, who had departed from the plain and prescribed line of his duty, to entangle a simple case in the tortuosities and difficulties of a mysterious and ill-defined jurisdiction, that, in his opinion, forsooth! “the accused was innocent of any *intentional* act of *criminality*, and that he had been hastily and *shamefully* accused of crimes, not only derogatory to common humanity, but *charged* with accusations, highly offensive to the character of a British officer.”

I will not stop to criticise or to comment on this farrago of magisterial phraseology; but I will venture to assert, that such an opinion, in such language, and founded on such an

irregular investigation, was never before offered by any person, exercising such sacred functions, to men who had fled for redress to a British justice of the peace !

After having communicated to the native officers the opinion and requisition of the magistrate, in the manner before described, I addressed a letter to that officer,

W. LOCH, Esq.

Judge and Magistrate of Moorshebadad,

“ Sir,

“ I have the honor to acknowledge the receipt of your letter of the 31st ult. in reply, I beg leave to inform you, that having assembled the native officers and others concerned, and read to them your letter, agreeable to the conception you have made on the case, they are so far from being satisfied, where they themselves complain of injury and insult, that they should not only be required to submit without redress, but come forward with an ample apology; they insist that the complaint preferred against Mr. Wray should be instantly forwarded to his Excellency the Commander in Chief.

“ I am not aware of any regret or sorrow expressed by Mr. Wray; your letter of the 31st ult. contains the first intimation of the sort :—this is very unsatisfactory, as I have not been able to explain at what period this contrition was expressed, or its nature, and the objection they have to any accompanied with such charges and requisitions against them.

“ Much as I lament the unfortunate affair, and happy

as I should have been had Mr. Wray at first come forward with a desire to appease the men, to have left it to themselves, under the present existing circumstances, I have no alternative but to submit the affair to the consideration of his Excellency the Commander in Chief.

“ To admit of his Lordship’s obtaining every information, allow me to beg the favor of your submitting to Colonel Pine, commanding at Berhampore, my particular request of having the goodness to forward the proceedings of the Court of Enquiry to the Adjutant-General of the army.

November 2.

(Signed)

W. WHITE.”

On the 2nd of November I received another letter from the magistrate,

EXTRACT.

“ Sir,

“ I beg to acknowledge your letter of this day’s date, and lament to find the officers and men of your battalion are so much dissatisfied with the proceedings of the court of enquiry, and have decided on the steps you mention: I equally regret to observe you should seem to have had so little influence over their minds, and to have adopted very much their sentiments.

“ The charges against Mr. Wray may be comprehended under three distinct indictments, viz.

First. Wilfully and maliciously shooting at a party of soldiers without cause or provocation, by which a commissioned officer and two non-commissioned officers were wounded.

Secondly. For offering reprehensible abuse to the above persons and a second time threatening to fire upon the havildar-major,

Thirdly. For appearing in a state of drunkenness.

“ Now these are literally the charges preferred by the officers of your battalion against Mr. Wray, and can you possibly believe, that a human being in his senses could be guilty of a crime so atrocious, so heinous, so perfectly wanton as the first charge makes him to be? You cannot admit it, and when acquainted with Mr. Wray’s character, his known benevolence and humanity, his mildness of disposition and goodness of heart, you cannot doubt it for a moment.”

From this letter of the magistrate’s I discovered the first official intimation that I was about to be identified with the parties who had complained against Mr. Wray. The magistrate was pleased to express his regret that I had so little influence over the minds of the native officers, and observed “ *that I had very much adopted their sentiments.*” This observation of the magistrate, was not to be justified by any part of my previous conduct or correspondence, and the remark could not have been hazarded, unless under the licence of the magistrate’s vast authority.

On the 4th of November, following, I addressed a letter to the magistrate.

EXTRACT.

Sir,

“ In conformity with your advice I re-assembled the native officers and men, who adhere, after every explanation, to their former resolution ; which renders any further interference with them impossible. Indeed, by so doing, and endeavouring to persuade them to an act they conceive unjust and the demand unwarrantable ; I should subject myself to be complained against, and inevitably fall under the extreme displeasure of His Excellency the Commander in Chief. I have offered no opinion ; and how is it I am accused of adopting very much their sentiments ? I have, as far as my duty warranted, as their commanding officer, explained to them the serious consequences of its being out of their power to prove their charge : also the possibility of their being mistaken, yet they are resolved to trust their commission and every thing to the sentence of a court-martial.

(Signed)

W. WHITE.”

The same day I addressed the adjutant-general of the army :

COLONEL NICOL,

Adjutant General of the Army,

“ Sir,

&c. &c. &c.

“ It is with a considerable degree of regret I have the honor to transmit the accompanying correspondence with the Magistrate of Moorshedabad, relative to a complaint preferred against Mr. Wray, an assistant-surgeon at Berhampore.

“ In compliance with Mr. Loch’s orders, the parties and their evidences attended and deposed on oath in his Court. The evidence there taken down, Mr. Loch informed me, corresponded precisely with that of the serjeant-major.

“ Although it appeared to me unnecessary that any investigation should take place by a court of enquiry, where no oaths are administered, after the affidavit registered in a public court, I directed the attendance of the men in conformity to Mr. Loch’s positive order, contained in his letter of the 19th, and orders issued by Colonel Pine, commanding at Berhampore, for the assembly of the court.

“ On communicating to the officers and men the contents of Mr. Loch’s letters of the 31st ult. and 2d instant, the subedar, havildar-major, and court-havildar, expressed to me an ardent wish to appear before a general court-martial, and requested that I would forward their complaint, and solicit for the same from His Excellency the Most Noble the Commander in Chief.— On my requesting them to assign their reasons, they declared, they were dissatisfied with the proceedings of the court of enquiry; that their feelings had been irritated, their honor impeached, no redress offered; that they would now, neither accept, much less think of offering apologies for insults. The subedar requested me to make known to you, for the information of the Most Noble the Commander in Chief, the due sense of obligation and gratitude they would feel, if his Lordship should be pleased to order the assembly of the court at any station distant from the scene; and he humbly hopes, that no improper motive will be ascribed to their solicitation.

“ I feel it my duty to mention, that the opinion at present formed from the court of enquiry, has been, without the examination of a single evidence but the serjeant-major ; who can give none to the point at issue, not being on the spot at the time of the accident.

“ It may not be superfluous to remark, that on Mr. Wray’s second visit to the lines to shoot, and firing several shot near the subedar’s house, I desired the parties, who appeared much irritated at his re-appearance, to refrain from entering into any communication with Mr. Wray, or any other gentleman, as the most probable means of preventing any thing further.—This, however, has been wrongly interpreted.

“ To conclude, I cannot but lament an accident which might have been easily settled, should, from subsequent provocation and neglect, become the subject of a reference to his Lordship.—Indeed, to such an extent was it carried, it became an object of ridicule ; and an officer, who, at my particular solicitation, mentioned it to the commanding officer of Mr. Wray’s regiment, Major Broughton, was laughed at—who said, he had heard of it before, and had spoken to Mr. Wray, who declared it to be a falsehood ; it was of no consequence, and would blow over like smoke. Thus, unfortunately, debarring me of the only means left to effect a reconciliation ; an object at all times desirable, but more in particular at the present moment, when the Most Noble Lord’s time is so precious.—Irkesome as the task is, and however great the odium that is attached to the performance of duties of this nature, even to officers who have obtained high rank in the profession ; still more so to so young an officer in the service as myself—no pri-

vate reproach can ever shake me in the just discharge of my duty ; which has been my study, and will continue so.—Sincerely trusting his Lordship will view the measures I have pursued to be indispensable with the responsibility attached to the command, I shall feel highly gratified by his Lordship's professing his approval.

Moorshedabad (Signed) W. WHITE,
Provincial Battallion Office, Commanding M. P. B.”
 Nov. 4, 1817.

The magistrate was informed of the transmittal of this letter through the proper channel, and perceiving that I was seriously endeavouring to obtain redress for the officers under my command, he addressed me :

“ Sir,
 “ I have to desire that Mayput Sing, Ajaib Sing, and Roudee Sing, be directed to attend me this afternoon.

City of Moorshedabad, (Signed) W. LOCH,
November 5, 1817. *Magistrate.”*

The mandatory stile of this letter requires no comment. It was complied with, and the parties attended the magistrate in obedience to his commands.

The language which had been previously used by the magistrate towards these unfor-

fortunate and oppressed persons, might have taught them what further they had to expect. What actually passed, I had no means of ascertaining, except from the report of the parties after they had returned from the magistrate; and the statement of the subedar was, at his own request, reduced to writing by me, and forwarded to the adjutant-general of the army, to be submitted, together with the other proceedings, to the Commander in Chief.

“ On the 5th instant, I, Mayput Sing, attended upon Judge Loch.—Mr. Loch called me into a room, and ordered all the attendants and aumlahs out of the room : and after he had done so, and I alone with him, he questioned me concerning the complaint I had lodged against Mr. Wray, and I told him the particulars of it. ‘ He answered, that it was a false complaint that I had lodged against Dr. Wray, and that if I could prove it with sufficient evidence, the gentleman would get hung; and if not, I would lose my commission, and have a rope put round my neck.’

“ And also desired me not to go to Col. Pine, but to attend on Dr. Wray, and to put up my hands and ask pardon for lodging a complaint against him, and that I was sorry for it, and was angry when I had done so, but hoped that he would pardon me. Then I told Mr. Loch that I was not in fault, and therefore I won’t ask his pardon, but would wish to be tried by a general

court-martial. But, to conclude, I beg leave to state, I have no evidence on this subject, and the reason is above stated.

Signed in Nagree,

Moorshedabad,

MAYPUT SING."

6th November, 1817.

A. McCOY, serjeant-major.

It appears from documents with which I have subsequently been furnished, as connected with the proceedings of the court of enquiry, that Mr. Loch, on the 5th of November, and on the same day that he had the communication last alluded to with the native officers, addressed a letter to the secretary to government.

On this document I shall briefly remark, that it contains several allusions to my conduct, which were totally unjustifiable; and that, in particular, the following opinion was without any foundation in fact. The magistrate, after quoting a passage from my letter of the 2d of November, most unjustly remarks—"Here. it evidently appears to me, that so far from Mr. White having used his influence with his men, he actually becomes one of the party, AND IMPEDES OR RATHER THROWS OBSTACLES IN THE WAY TO PRE-

VENT THE AFFAIR BEING SETTLED, but by a general court-martial, &c.*

* To differ in opinion, much less to thwart these gentlemen in any of their ways, is well known to prove prejudicial to the individual, in all probability through life: and many, rather than run the risk will submit to any thing.—In 1814, one of the civilians at Moorshedabad, Mr. Droz, who had a guard from the provincial battalion, had given orders to the sentries, to admit no persons with arms inside of his gates. A servant from one of this gentleman's Indigo Factories one day entering with a spear and sword,—the sentry stopped him. One of the servants reported it to his master. Mr. Droz came out with a heavy hunting whip, and, without requiring any explanation, set to work in a most brutal manner, horse-whipping the unfortunate sepoy. An havildar of the guard ran up to expostulate, but was obliged to run or share the same fate. The subedar of the guard went up to Mr. Droz and said, "what, Sir, are you beating the sepoy for? if he has done wrong, he should be confined and tried; you should not beat him." This remonstrance invoked his wrath upon the officer, over whom he shook his whip, calling him a "kala Banchoot," and threatening to horsewhip him.

The subedar and sepoy proceeded to the commanding officer, Captain Cooper; the sepoy with his coat cut to pieces, and demanded redress. No sooner had they told their story, than in came the aggressor. What followed may be easily concluded. Captain Cooper ordered the officer to his guard, and the sepoy to his corps: acquainting him—"that it had served him right, he had no business to stop the man—that, if Mr. Droz had complained against him, instead of punishing him, he would have got five or six hundred lashes." The sepoy replies, "I could not have been flogged without a Court Martial; and 1,000 lashes at their verdict would not have been half so disgraceful as one from the gentleman with a horsewhip." The sepoy is again ordered to depart, and threatened to be brought to trial for disrespect and

This opinion was a cruel and unjust aspersion on my character, and must have been transmitted by the magistrate to government, for the mischievous purpose of drawing on me the displeasure of that high authority.

On the 3d of November a gentleman of considerable importance at the station, the Rev. Mr. Eales, called upon me, to intreat that I would not forward the complaint to the Commander in Chief. He stated, that if I did I should be ruined; that the magistrate and officers of Berhampore were determined to save Mr. Wray, at all risks; adding, that was a young officer like Mr. Wray to be ruined for a set of black rascals. I urged, my duty left me no choice. This gentleman, a clergyman of the church of England, then replied, "let them go to the devil—save yourself. He walked out of my house, and never spoke

disobedience of orders. He replies—"I demand an investigation—I am disgraced—my cast is gone—no one will associate with me—I cannot live—I must destroy myself, and will, if I cannot be cleared." He retires, poor unfortunate man, to his hut, shuts himself up for the remainder of the day, rejects all food, and on the following morning his hut is found empty: his clothes, bed, money, and every article remaining, and from that time was never heard of!

to me after, notwithstanding we had been on the most intimate terms for upwards of five years.

After my removal from office, an officer informed me, that at the time Mr. Loch forwarded his dispatch to the Secretary to the Government in Calcutta, he addressed a private letter to his cousin, Mr. Adam, then principal private secretary to the Commander in Chief, and with him in the upper provinces. This letter was sent to Major Broughton, to evidence as to the active measures the magistrate was taking to save Mr. Wray, and ruin his adversaries.

Extract of a letter addressed by me to the adjutant-general on the 24th of Dec. 1818 :

“ I had been told in distinct terms, immediately after I had complied with the request of the subedar and havildars, in forwarding their complaint against Mr. Wray, that it would have been better for me had I abandoned them to seek redress where they could find it, for I was totally ruined by a letter the magistrate had written to Mr. Adam, Chief Secretary to the Governor General, for the consideration of His Excellency the Commander in Chief.—The letter had been handed about to the officer commanding the European regiment, to Mr. Wray, and others concerned. My ruin was fully contemplated.”

The suggestion that *I had impeded* or thrown obstacles in the way of the settlement proposed by the magistrate, was unjust and untrue; inasmuch as I had not been furnished with any information or documents, by which I could have exercised any influence with the officers under my command; but I had, nevertheless, in point of fact, and contrary to my own sense of what was right, said every thing that was practicable and consistent in support of the magistrate's requisition, inasmuch, as the harsh and opprobrious language employed by the magistrate against the native officers, was calculated to excite irritation rather than to produce conciliation or conviction.

But the letter from the magistrate to government, failed to produce the intended effect, and the secretary addressed him :

To W. LOCH, Esq.

“ Sir,

“ I am directed by the Honourable the Vice- President in Council to acknowledge the receipt of your letter of the 15th ult. submitting a copy of the proceedings of a court of enquiry at Berhampore, and of your correspondence, connected

with the charge preferred against Mr. Assistant-Surgeon Wray, of having wounded some individuals belonging to the provincial battalion of Moorsshedabad."

"With reference to the nature of the complaint preferred against Mr. Wray, the vice-president in council conceives that the enquiry into it falls properly under your cognizance in the first instance as a justice of the peace. The proceedings of the court cannot be properly considered by the vice-president in council, and the commanding-officer will determine on the steps which he should take with reference to those proceedings, under the rules in force in the military department."

"The whole of the documents which accompanied your letter are herewith returned."

Council Chamber, (Signed) W. B. BAYLEY,
Dec. 9, 1817- Secretary to the Government.

By this letter the magistrate was informed of what he ought previously to have known, namely, that the enquiry into the complaint fell properly under his own cognizance *in the first instance*, as a JUSTICE OF THE PEACE: thereby intimating, in the plainest terms, to the magistrate, that, if the charge preferred against Mr. Wray, was properly and formerly *constituted*, it was his duty, *in the second instance*, to send it to be tried before the regular tribunal, the court of oyer and terminer and general gaol-delivery, at Calcutta.

The manner in which the magistrate obeyed

the constitutional direction of his superiors, will be seen by a letter addressed by him to the commanding officer of Mr. Wray's regiment.

MAJOR T. D. BROUGHTON.

" Sir,

" The papers relative to the late enquiry into the charges preferred against Mr. Assistant-Surgeon Wray by Mayput Sing, subedar, and others of the provincial battalion, having been returned to me by the government; I have the pleasure to transmit them to you, with a copy of the letter from Mr. Secretary Bayley, and also a copy of the letter which I addressed to the government on this subject, for your information.

" You will observe, that the Government conceives I ought to act in the affair in my capacity of justice of the peace, which, however, I do not mean to do, and I will explain to the honorable the vice-president in council, the motives which have induced me to follow the line of conduct I have done."

City of Moorshedabad.

(Signed)

W. LOCH,

October 20, 1817.

Magistrate.

It is to be presumed that the magistrate, afterwards, offered sufficient reasons to the Vice-President in Council for disobeying the direction communicated by Mr. Secretary Bayley: but, as I have not had access to the document which explains the *motives* of the magistrate in departing from the line of his

duty, and in persisting in his aberration, I am compelled to infer motives from the conduct which the magistrate adopted.

If the magistrate had *returned* the depositions to the supreme court, a bill of indictment, founded on the facts which they contained, would have been preferred against Mr. Wray. It would have been either *found* or *rejected*. If rejected, the parties complaining might have been prosecuted for a malicious proceeding, or tried by a court-martial. If the bill had been *found*, Mr. Wray would have been tried by a jury of his countrymen, The prosecutors and *all* their witnesses would have been examined, and Mr. Wray would have had the most fair and ample means of asserting his innocence. The fact of the *firing* would have been investigated according to the rules of law, and tried by the established principles of evidence. The conduct of Mr. Wray *after* the firing, and when the wounded parties remonstrated with the aggressor, would have been sifted and ascertained. The testimony of all the parties, making due allowance for their interests and feelings, would have been justly weighed and appreciated. The contra-

dictions and discrepancies of the evidence, and the probabilities and the improbabilities of the facts detailed, would have been duly considered, and pointed out to the jury by upright and intelligent judges. Mr. Wray, if the case had required it, would have derived all proper benefit from the excellence of his general *character*, and then the ONLY tribunal, competent to decide the question between the accusers and the prisoners, would have pronounced his GUILT or his INNOCENCE.

If Mr Wray had been acquitted upon the ground that the jury *disbelieved* his accusers, or if they had committed perjury in the course of the trial, when their testimony was delivered in open court—when the questions put to them were duly explained, and their answers received through the medium of a *competent* interpreter, they might have been prosecuted in the supreme court for that perjury, and if convicted, they would have received the punishment due to their foul offence.

Such a course of proceeding was *that* which the law prescribed; and it was the duty of the magistrate to have suffered the complaint

which was preferred, to have proceeded in its *natural* and *lawful* channel. If the magistrate had not *diverted* the course of justice, the complainants would have obtained the redress *they* sought, if their case was just. If the complaint was unfounded they would have *failed*, and might have been *lawfully punished*. Mr. Wray's innocence would have been established to the satisfaction of the public, and the desires of his numerous friends at Moorshedabad and Berhampore would have been accomplished.

From the proceedings which have been adopted, in pursuance of the new course of justice devised by the magistrate, Mr. Wray has triumphed over his accusers. The triumph of Mr. Wray, or the ruin of his adversaries, are not, however, subjects which he ought to regard with complacency ; for notwithstanding he has been withdrawn for a season, from the reach of the law ; and notwithstanding the parties who complained against him have been virtually prevented from seeking that justice, which ought to have been administered to them as free as the air of Heaven ; Mr. Wray stands, at this moment, accused, according to the strictest forms of English

law, of having committed a capital offence, for which he has *not* been brought to trial.

It will have been observed, that, until the date of the letter last quoted, the proceedings of the court of enquiry had not been dispatched to the Commander in Chief. On the receipt, by the magistrate, of the letter from the secretary to government, the letter was addressed to Major Broughton; and, on the 22d of December, that officer dispatched the proceedings of the court of enquiry to the adjutant-General of the army.

Before the date of the last letter I received a letter from the adjutant-general, in reply to my letter on the 4th of November:

LIEUTENANT WHITE.

“ Sir, *Commanding M. P. B.*

“ I have laid before the Commander in Chief the papers transmitted in your letters of the 4th and 8th inst.; his Lordship has in consequence directed that the proceedings of the court of enquiry shall be sent to him, that he may thence judge what course to follow. In the mean time I am instructed to say, that the presumption arising from the documents already submitted to his Lordship, is by no means favorable for you.”

Head Quarters, (Signed) JAMES NICOL,
Camp near Eritch, *Adjutant-General of the Army.*
 Nov. 25, 1817.

Although it is manifest, from this letter, that the proceedings of the court of enquiry had not then reached the Commander in Chief, I thus early, had the misfortune to learn, that the documents, which had been *then* submitted, had produced an impression unfavorable to me.

What "*documents*" are referred to by the adjutant-general, I have not been enabled to ascertain; I confidently submit, that my letter, dated the 4th of November, or the documents by which it was accompanied, were not calculated to produce that unfavourable effect which is declared in the letter last referred to.

When the proceedings of the court of enquiry reached the Commander in Chief, they unfortunately produced an effect the contrary of that which I had most confidently anticipated.

I was persuaded that nothing which appeared in those proceedings could have possibly induced the Commander in Chief to draw conclusions to my prejudice. A firm conviction that I had correctly and conscientiously discharged my duty towards the

officers under my command ; and that I had not, in any degree, exceeded the due exercise of that duty—a full persuasion that the officers who had been wounded by Mr. Wray, had been, afterwards, grossly ill-treated—and, that the magistrate had not only denied them the justice which they had claimed—but had insisted on their making a degrading apology, which must have stamped them with indelible infamy—had assured my mind that the very statement of the circumstances of this case would have excited the highest indignation of the Commander in Chief—and would have induced him to have directed that the complaint should be forthwith investigated before the tribunal, from which it had been improperly withdrawn ; and it was, therefore, that I was particularly solicitous and urgent that the matter should be submitted at a period when the magistrate seemed desirous of *with-holding* the proceedings from the consideration of His Excellency.

It had never been suggested to my mind, even as a bare possibility, that the part which I had taken, in affording just protection to the officers under my command, and

in forwarding their complaint to the Commander in Chief, with such explanations as the circumstances of the case seemed to require, could have subjected me to the displeasure of His Excellency. I humbly, but confidently, demand whether I was not bound to comply with the requisition of my native officers in forwarding their representation to the Commander in Chief—and, whether, if I had neglected or refused to transmit their complaint, I would have been worthy of the commission which I was permitted to hold !

I boldly defy the utmost malice and ingenuity of my enemies to point out any instance in which I omitted or exceeded my duty, as an officer, during the proceedings against Mr. Wray.

When the injured parties claimed my interference, I caused their complaint to be prepared in a moderate and impartial manner. I privately did all in my power to induce Mr. Wray to make concessions, which, if *timely* offered, might have satisfied the parties who had been wounded and insulted. My friendly offices having

been rejected with contempt, I forwarded the complaint, without comment, to the civil magistrate.

I afterwards readily obeyed the instructions of the magistrate, by sending the parties and their witnesses before him, and afterwards, before the court of enquiry. Whatever private opinion I entertained of the irregularity and injustice of the subsequent proceedings, that opinion was not avowed to the suffering parties: when the magistrate intimated his opinion of Mr. Wray's innocence, and of his accusers' guilt, although I did not adopt that, but the contrary opinion, I complied with the directions of the magistrate; and when the native officers refused to make the atonement required, and requested me to transmit their complaint to the Commander in Chief I complied with their request. In all these instances, I discharged my duty as a man and an officer; my conduct was open and candid, and my motives, when questioned, were fully explained; and, although the magistrate has dared to insinuate that the native officers were influenced and worked upon by

me; I repel the insinuation with indignation, and boldly pronounce it to be unfounded.

But, notwithstanding these expectations which had been entertained by me, notwithstanding the proceedings of the court of enquiry do not contain a solitary fact which ought to have prejudiced me, and notwithstanding it must have occurred to the enlightened mind of the Commander in Chief that those proceedings were obnoxious to the observations which have been herein before submitted, I had the misfortune to receive from the adjutant-general of the army the following letter :

TO LIEUTENANT WHITE.

Sir,

“ The Commander in Chief has attentively perused the proceedings of the court of enquiry which investigated the charges against Dr Wray.”

“ It appears to His Lordship that you encouraged, in individuals of the Battalion then under your command, the monstrous supposition that a British gentleman had, without provocation, intentionally fired at them.”

“ His Lordship would lament to think otherwise of you than, that the imputation must have been incredible to yourself; yet, instead of attempting to do away misapprehension respecting the accident, as every moral and professional duty demanded, you perseveringly aggra-

vated the irritation, and advised the offended parties to make depositions before the magistrate, which are strongly tainted with a presumption of perjury."

"The Commander in Chief is pleased to remove you from the adjutancy of the Moorshedabad provincial battalion, and to order that you do immediately repair to resume your duties in the 2d battalion 15th native infantry."

(Signed)

JAS. NICOL,

*Head Quarters. Camp Oochar,
January 12, 1818.*

*Adjutant-General
of the Army.*

This letter not only removed me from the Adjutancy and charge of the battalion to which I had been so long attached, but has ruined my prospects: for property which I had unfortunately purchased, and buildings which I had erected, and was then erecting in the neighbourhood of Moorshedabad, were likely to become unproductive as soon as I was withdrawn from their management and superintendence.

Mutiny Act, Geo. iii, cap 35,

"Provided always, and be it further enacted, that if any officer, non-commissioned officer or soldier, shall be accused of any violence or offence against the person, estate, or property of any of his Majesty's sub-

jects, which is punishable by the known laws of the land; the commanding officer and officers of every regiment, troop, or party, is, and are hereby required to use his and their utmost endeavours to deliver over such accused person to the civil magistrate; and, in the event of their neglecting to do so, upon being thereof convicted, he shall be deemed and taken to be *ipso facto* cashiered."

With these laws and penalties before me—was it possible to contemplate such an issue?—In God's name, how are we to obey the laws of the land,—if we are to be disgraced; and punished for non-submission!!

The right of a Commander in Chief to remove an officer from an appointment at pleasure, cannot be denied; but who will declare that he has an equal right, at the same time, to deprive an officer of his reputation and honourable name. When the Commander in Chief brought charges of so black and monstrous a nature forward as the grounds of disgracing me; justice towards me, towards the individuals who were stated to have been led from the path of truth by my evil counsel, justice to the service at large, demanded that

I should have been brought to a general court-martial. The charge would then have been proved or fallen to the ground; and I should have had, that which no one can deny my claim to, an undoubted right to vindicate and justify my conduct.

General orders were now issued by the Commander in Chief for the trial by a general court-martial of the three complainants upon the following charges :

CHARGE.—Mayput Sing, subedar of the Moorshedabad provincial battalion, placed in arrest by order of His Excellency the Most Noble the Commander in Chief, on the following charges :

First, for having, on or about the 10th of October last, at Moorshedabad, falsely and maliciously charged Mr. Assistant-Surgeon Wray, before a magistrate, with having wilfully and intentionally fired at him.

SENTENCE.—The Court find the prisoner guilty of the charge preferred against him, and do sentence the prisoner, Mayput Sing, to be suspended from rank and pay for one calendar month.

LALLOO SING,
President.

Second Charge : for perjury—in deposing falsely before a magistrate that Mr. Assistant-Surgeon Wray levelled his piece at Havildar-Major Ajaib Sing, of the Moorshedabad provincial battalion, and threatened to shoot him, such conduct being scandalous and infa-

mous, disgraceful to the character of an officer, and prejudicial to good order and military discipline.

By order of the Commander in Chief,

(Signed) **JAMES NICOL,**
Adjutant-General of the Army.

Head Quarters, Camp Oochar,

14th January, 1818.

SENTENCE.—The Court find the prisoner, Mayput Sing, subedar, *not guilty* of the charge exhibited against him.

(Disapproved) **LALLOO SING,**
(Signed) **HASTINGS.** Subedar and President.

Ajaib Sing havildar major was also tried, convicted, and sentenced the same.—But the third complainant, Roudee Sing, after being kept in confinement several days was released, promoted to a higher rank and sent away to an outpost of the regiment about two hundred miles off.

General orders are issued by the Commander in Chief in which he declares his disapprobation of the proceedings of the court-martial.—Sets aside their verdict, and by “virtue of the power and authority vested in him,” he dismisses the subedar and havildar from the Honorable Company’s service.

General Orders by the C. C.

“ Among the grains of shot produced in court, as having fallen on the bed where the prisoners were lying, there are several of a much larger size than the quality of the shot which it was proved assistant-surgeon Wray was using. Those large shot are flattened, that it may be inferred with what force they struck the bed frame; but those grains are equally flattened on both sides, so that it is evident they were put into that state between two hard substances. This attempt the Commander in Chief considers in an heinous light—still it is not so grossly culpable as the other points. Four witnesses are brought forward by the prisoners, in their defence, against the second charge, and each of these witnesses gives his answers to a series of questions, not only to the same effect, but, as is observed by the deputy judge-advocate, precisely in the same phrase, so that their evidence was word for word the same. This is a coincidence which could not have happened but from the witnesses having been severally instructed in their lesson before hand; and the Commander in Chief cannot sufficiently express his astonishment that the court did not comment on so gross and palpable a fact. These circumstances greatly aggravate the original guilt in the contemplation of the Commander in Chief, and render a rigorous example necessary.”

The authority here exercised by the Commander in Chief appears questionable. Adye

on court-martials observes,—“court-martials are held by the same authority as the courts of judicature of the country, and the King, (or his generals empowered to appoint them) has the prerogative of mitigating the sentence, but he can no more add to it than alter the decree of any other court.”

This court-martial was in violation of civil and military law. The crime it assembled to try was *not within* its jurisdiction.

The articles of war, section the 24th, article the 2d, declare, courts-martial alone competent to try “all crimes *not capital*, and all disorders and neglects which officers and soldiers may be guilty of to the prejudice of good order and military discipline.” And in the same section, article 4, “Yet in our garrison of Gibraltar, and the island of Malta, or in any place beyond the seas, where our forces now are or may be employed, where there is no form of our civil judicature in force, the general, governor, or other officer commanding in chief for the time being, is to appoint general courts-martial as occasions may require, for the trial of any person under his command, accused of

wilful murder, theft, robbery, rape," &c. &c. &c.

From this quotation it is very clear, that the highest authorities cannot legally try by court-martial any capital offence where the "civil forms of judicature are in force."

It is the first instance of individuals being tried before a court-martial upon a charge of *perjury* committed before a justice of the peace. The charges were founded upon a complaint of the subedar's, made in strict conformity with the 1st article of the 12th section of the articles of war, under the head of "redressing wrongs:" but which complaint had *not been enquired into*, nor had any of the allegations therein contained *been proved*, by a competent tribunal, to be *false or groundless*; and the only notice taken of the complaint was, the Commander in Chief coming forward as prosecutor, contrary to law, equity, and justice; such a proceeding doing away with every means of redress for any injury an officer might receive.

When the general orders of the Commander in Chief had been issued regarding the court-martial, I determined to make an

appeal against the resolution which had removed me from the Moorshedabad Battalion: and, in the anxious hope that the explanations I was enabled to offer might produce a favorable change in the sentiments of the Commander in Chief, I addressed an humble and submissive appeal. But, unfortunately, it failed; and I received in reply the following letter:—

*Commander in Chief's Office,
Head Quarters, Calcutta, 6th Nov. 1818.*

Sir,

“The most attentive perusal has not offered to the Commander in Chief, any altered view of the case.”

“An accident distressing to the British officer, through whose carelessness it occurred, was perverted by a native officer, and non-commissioned officer of your Battalion, into a gross, and obviously false charge against the individual.”

“It does not appear (not to speak more strongly to the point) that you remonstrated with the subedar and havildar, against the extravagant and black color which they endeavoured to fix upon the transaction. They went before the magistrate to lodge their complaint, under that profligate distortion of the occurrence. The magistrate rejected a charge not less absurd than atrocious; directed the complainants to make their excuses to Mr. Wray, for having preferred so groundless and infamous an imputation against him; and warned

them of the consequences of their not preventing, by that conciliation, the prosecution to which they had exposed themselves."

"It does not appear that you endeavoured to sway them to obey this salutary counsel: but it does appear that you did endeavor to fix on Mr. Wray some shade of the guilt ascribed to him, by countenancing the subedar and havildar in their perverse maintenance of the ground they had taken,"

(Signed)

C. J. DOYLE,
Military Secretary.

I next addressed his Lordship direct:—

"My Lord,

"Notwithstanding being charged with a crime of the greatest turpitude, committed in a cool, deliberate, and preconcerted manner, without a passion to incite, without a motive to tempt me, but the blackest that could disgrace human nature, I am neither brought to trial, nor called upon to offer any explanation for such conduct! When I appeal and solicit for trial, for the documents which may have produced the punishment, I am not permitted the one or furnished with the other. The conclusion is natural, that there are NO GROUNDS to substantiate the charge; if there were, I am entitled, I trust, to presume that they would have been produced against me: the crime, a SUBORNER OF PERJURY, being too base for admonition, and one that merited the severest penalty the law could inflict."

"These measures, my Lord, with all due deference, are too much at variance with your Lordship's benevo-

lence and philanthropy to gain credit with any one for a moment. It cannot be, my Lord, while foreign powers are stated to be blessing your Lordship's humanity and benevolence, that your own subjects, devoted to the cause of their country, should have reason to complain of injustice and oppression."

In reply to this appeal to the direct authority of the Commander in Chief, I received another letter from Colonel Doyle, on the 8th of February, 1819, by order of the Commander in Chief, wherein he informed me,—“you pertinaciously insist that you have been stigmatized as a suborner of perjury;—no such imputation has been thrown upon you.”

The subedar, who had been dismissed, also appealed to the Commander in Chief. I submit for your information, some extracts from his petition.

EXTRACTS.

“That your Petitioner demanded for his evidence, against the first charge upon which he was ordered to be tried, Maturgee Lalla, the police sheristadar,* who had received his

* Record-keeper in the police office; a man of high character and integrity. Immediately it was known that this affair would be public, this man, (who was the only material evidence to support the accusations of Mr. Loch) was dismissed from his office by Mr.

complaint at the magistrate's and had caused it to be reduced to writing. Your Petitioner repeatedly prayed the attendance of this man, but was as often refused by the judge advocate. The president of the court also demanded his attendance: the judge-advocate got angry, and told the president that he would not summons him. That your Petitioner demanded the native doctor who had extracted the shot from your Petitioner and the other complainants' wounds, as an evidence; but he was also refused.*

"That your Petitioner's evidence at the general court-martial was most shamefully treated by the judge-advocate. Immediately an evidence came into court, prior to examination, the judge-advocate told him to be careful what he was going to say; that he

Loch. The man immediately proceeded to his home, distant about five or six hundred miles off. The reason for discharging the man was obvious.

* "The general rule that runs through all the doctrine of trials is this, that the best evidence the nature of the case will admit of shall always be required, if possible to be had; but if not possible, *then* the best evidence that can be had shall be allowed. For if it be found that there is any better evidence existing than is produced, the very *not producing of it is a presumption*, that it would have detected some *falsehood* that at present is *concealed*."

knew he had come with a story made up, and prepared to deliver false evidence, but for which he would be punished."

"That, to the first evidence a string of questions was put, and his answers were taken down. The remaining evidences called into court were asked the same questions, but neither of their answers were taken down at the time, This accounts for the evidences appearing before your Lordship in the same words: the judge-advocate has inserted them so, and commented accordingly, to invalidate your Petitioner's evidence."

"That, when Mr. Wray's bearer, who formerly declared himself not to be a servant of that gentleman, but a cooly from the bazar, and did not even know the gentleman's name, was giving evidence favorable for your Petitioner, he was stopped by the judge-advocate, who acquainted him he was giving testimony very different from what he had done at the court of enquiry. The judge-advocate then taking up the proceedings of the court of enquiry, read to him his evidence at that court, together with his answers to questions; after doing which three

or four times, the bearer's testimony was taken down."

"That the judge-advocate on this trial had been present at the court of enquiry. That the interpreter had been a member of the court of enquiry which had so ill used your Petitioner; that, at the time he sat as interpreter he commanded the regiment to which the judge-advocate belonged, who was a junior officer of the regiment; that the president of the court was an officer of the regiment: that the greater part of the members of the court belonged to the regiment. These circumstances your Petitioner submits, were not likely to be favorable to an impartial investigation, but were possible to have an undue influence over the court."

"That your Petitioner's regiment was at the station, but not an officer allowed to sit even as a member of the court. Your Petitioner, therefore, also submits, that he has been deprived of his rights, by not being allowed a portion of his own officers to investigate into his conduct."

"That your Petitioner was thus illegally and oppressively refused his evidence; was

unjustifiably treated by the judge-advocate: had no one to plead his cause, while no one attempted to assist him."

"That the judge-advocate took every method to invalidate the evidence of your Petitioner. He declared, putting his hand upon his heart, on a member remarking that the evidence was clear and strong and precisely the same, that he believed from the bottom of his heart, that the whole was false and a made-up story; and was the same of course, for they had had two months to make it up in."

"That your Petitioner most solemnly swears the shot has been changed since its delivery to the commanding officer, Lieutenant White. The native doctor could have proved the shot he had taken out of their wounds; as also Lieutenant White, whether the shot produced was that they had delivered to him. But all this evidence has been studiously avoided."

"That your Petitioner made his complaint in Hindoostanee to the police sheristadar, Maturgee Lalla, who caused it to be reduced to writing in the Persian language—which your Petitioner neither reads, writes, nor understands. That the petition thus taken

down, without being read or explained to your Petitioner, was offered for his signature, which your Petitioner did not refuse, not supposing it possible such a gross and infamous perversion of his complaint could have been contemplated by a British magistrate."

"That your Petitioner, however, does not now believe that the original depositions do contain the charge of wilful and malicious: if they do, your Petitioner solemnly swears he never made it. The original depositions bear your Petitioner's signature, while those produced in court did not."*

"That, while your Petitioner, has been ruined and deprived of bread, after twenty-four years' service, one of the complainants who swore to the same charge, has been rewarded by promotion to a higher rank."†

"That your Petitioner, having stated the particulars and hardships of his case, ven-

* The presence of the record-keeper would have identified the document produced, or proved the fabrication.

† At the time the Commander in Chief dismisses the subedar and havildar the service, two of the witnesses who had been brought forward by them to prove the conduct of Mr. Wray—witnesses whom the Commander in Chief had declared to have perjured themselves—were, by the same officer, promoted to a higher rank, and one to a staff appointment.

tures to throw himself upon your Lordship's justice for redress. Should, however, these explanations fail of convincing, your Petitioner relies, as your Lordship can have but one motive in view, the public good, that your Lordship will cause the whole affair to be brought before the judges of the Supreme Court, where party spirit prevaieth not, and by whose decision your Petitioner is prepared to suffer transportation or even death; but he never can reconcile it to himself to exist disgraced, degraded, and ruined, without an impartial hearing of his wrongs,"

This Petition was delivered into the Marquis of Hastings' hand by the subedar, as his Lordship was coming out of Church one sunday. It was shortly after returned to him, and on his informing me of the particulars, I transmitted it on the 19th of March to the military secretary of the Commander in Chief, with a letter to that officer, in which I observed :

“ That the subedar had given it to me for the purpose of forwarding it; and that he had informed me that he put the petition into his Lordship's hands, that it was returned to him by the subedar of his Lordship's body-

guard, with a positive injunction not to make any further appeals, as they would not be received, nor would he be allowed a hearing.*”

No notice was taken of the petition or my letter, until the 30th of April, when I received the following letter :

* Subedar Mayput Sing, in 1807, had the command of a guard on duty at the station of Nattore.—The gaol, in which was several hundred convicts, was under his immediate custody. One morning on counting over the convicts, it was discovered that two were missing.—The subedar immediately sent information to the magistrate; and placed the havildar of the watch into confinement: holding him to be responsible. When the judge came, he threw the commanding officer of the guard, Mayput Sing, the second in command, and sixty of the guard into the common gaol, with the felons. The same morning it was discovered that, a serjeant of the guard and two men had deserted. The officers and soldiers were kept in the gaol ten days, the soldiers were then released from this odious confinement. The two officers were sent to Calcutta in confinement: there they remained twelve months, during which time they petitioned upwards of forty times, for trial or liberty; but neither was to be obtained. At the end of the seventh month the convicts were retaken. They declared the facts, that they had paid the serjeant 1000 rupees, or 125£. to let them out; that he had bribed over the two sentries, who had absconded with him. This evidence did not procure the release of the subedar for five months. when he was liberated, with an injunction, to be more careful for the future, as the governor would dismiss him the next time. The Marquis of Hastings has taken notice of this circumstance, after an elapse of fifteen years, and declared, that it formed an additional reason, why the subedar should have been dismissed.

Adjutant-General's Office,

Presidency of Fort William, 30th of April, 1819.

“ Sir,

“ I am directed to apprise you, that it is under consideration by the law-officers of the company, whether a prosecution shall not be instituted against Mayput Sing, for a false, infamous, and malignant libel on divers public functionaries. In the event of such a prosecution being ordered, your presence will be required. The Commander in Chief is, therefore, pleased to cancel the leave of absence granted to you, and forbids your quitting Calcutta till further orders.”

(Signed)

JAMES NICOL,

Adjutant-General of the Army.

Adjutant-General's Office.

Presidency of Fort William, 2d of May, 1819.

LIEUTENANT WHITE.

“ Sir,

“ Though the memorial of Mayput Sing has evidently been framed as a vehicle for profligate calumnies against divers civil and military functionaries, no proof having been forthcoming, that it had been communicated to any one but the Commander in Chief; it is not a subject for public prosecution: however the individuals may institute suits for defamation. The reason for cancelling your leave of absence, of course, no longer exists; and that leave is hereby renewed. The Commander in Chief, however, desires you to reflect on the strong opinion which you have given as to the truth of Mayput

Sing's assertion against the persons abovementioned. If you have any ground for stating that belief, it is incumbent on you to come forward with the charge; otherwise the imputation will be heavy, that you used the memorial as an excuse for conveying injurious insinuations, which you could not openly maintain."

(Signed) JAMES NICOL.

Adjutant-general of the army.

The Commander in Chief, had now been informed, by the company's counsel, of what he might previously have known; viz: that his measures could not be justified or supported by any legal authority; that the subedar would be tried by a *British jury*; that the Lord Chief Justice would be compelled to commit Mr. Wray to take his trial for felony, with which, by the oath of the magistrate Loch on the court martial of the subedar, Mr. Wray stood charged; and that the magistrate would be punished for the gross violation of his oath of office. These were the reasons for dropping the prosecution.

On the fourth of May I replied to the adjutant general's letter of the 2nd, and after expressing my regret that the prosecution had been dropped, and my conviction of

what would have been the result ; I observed to him :

“ If you will have the goodness to point out the particular opinion, on which the Commander in Chief has recommended me to reflect, I shall with as little delay as possible, explain the ground of any belief that I have formed, in support of such opinion.”

“ If His Excellency alludes to the assertion of Mayput Sing, respecting the proceedings of the court of enquiry, in which he alleges that I interfered, I am prepared to prove, in the most solemn manner, that the evidence of the serjeant-major of the Moorshedabad battalion, was not taken down in the manner in which it was delivered ; and that several of his answers were not placed on the proceedings. My interference then, and in other instances, was resisted by the court ; and I was informed, that I was a mere spectator.”

“ But should His Excellency refer to the assertions of Mayput Sing, respecting the manner in which his court-martial was conducted, it must be manifest, that as I was not present at the trial, I can have no personal knowledge of the matters alleged by Mayput Sing. He has repeatedly informed me, that the man who reduced his deposition to writing, was *not* examined before the court-martial ; and that he required the attendance of this person, but the judge advocate refused his request. Mayput Sing has also assured me, that his original deposition was not produced in evidence before the court-martial ; and that, in his original deposition, he did not accuse Mr. Wray, of wilfully and maliciously firing.—I believe these assertions ; and the

grounds of my belief are, the information which I received from Mayput Sing, and the havildar major."

"If His Excellency had been pleased to allow me a copy of the proceedings of the court-martial, it is possible that I might have been convinced, that Mayput Sing, and the havildar major, had misrepresented what had appeared in evidence before the court; but ignorant, as I must be, of what the *proceedings* contain, I trust, I shall stand excused, for entertaining a *belief*, that the assertions to which I have last alluded, are founded in fact."

"The fourth paragraph of my last letter to you will best explain, that in order to ascertain the truth of the facts last alluded to, I requested to be furnished with the evidence adduced before the court-martial. In that letter I did not state my *belief* of the facts; but that the parties convicted by the court-martial had made *declarations* and *assurances* to that effect."

"The design with which I transmitted the memorial is avowed in the letter which accompanied it. I may perhaps have acted irregularly in transmitting it; but, as it contained allegations, which, if true, plainly exculpated me from the charges preferred against me by the magistrate of Moorshedabad, I ventured to forward it to the Commander in Chief. The facts of the memorial which applied to my own conduct, were intended to operate as my own defence, and not to convey injurious insinuations against others."

"I earnestly request that I may be favoured, at your earliest convenience, with a reply to such parts of my application for documents as you have not noticed, in the letter which I have now acknowledged."

(Signed)

W. WHITE.

LIEUTENANT WHITE.

*Adjutant General's Office, Presidency of Fort William,
5th May, 1819.*

“ Sir,

“ I have to acknowledge the receipt of your letter of yesterday's date, and to request that you will be pleased to give your attendance at this office, to-morrow morning, at eight o'clock.”

(Signed) JAMES NICOL,

Adjutant General of the army.

In obedience to this order, I waited upon Colonel Nicol, when he stated, that he had sent for me by order of the Commander in Chief, who had forbid any written reply being made to my letters; that the Commander in Chief would not grant the documents applied for, and insisted that I dropped the subject, and that no more should be heard regarding it; that if, however, I persisted, it would bring upon me the severest displeasure of the government, and be marked in a manner injurious to my future interest. Colonel Nicol added, that my appealing to the court of directors was ridiculous, as they would approve of the proceedings of the government; besides said he, the government care not a fig about the court.

I requested to be informed, “ whether I was to consider the latter part of his speech as communicated by order of the Commander in Chief?” The colonel replied “Oh no, by no means; it is only a private opinion of my own, which I offer for your consideration, and you must be as well aware of the fact as I am!”

The sequel has proved, that Colonel Nicol was right, and that I had most egregiously mistaken the principles of my honorable employers.

The Marquis of Hastings, in his general orders, has declared that,—“*four witnesses are brought forward by the prisoners in their defence, who give their testimony word for word the same!*” The proceedings of the general court-martial are now at the India-house. I do declare that they contain no more than the evidence of one witness on the part of the defence. There are added the names of three other witnesses who are stated, to have been called into court, and who are *stated* to have “*corroborated the testimony of the former witness.*” But it appears from those proceedings, that not an attempt was made, by cross-questioning the

witnesses to get at the truth, as the judge-advocate does not appear to have put a single question to any.

There can be no question of the motives for issuing that order—I have no hesitation in pronouncing it to have been resorted to with a view of imposing on the minds of the officers of the army, the profligacy of the complainants, to qualify such severity of punishment.—It became an object of necessity, as the predicament in which the Commander in Chief had placed himself by the violent measure of my removal from office, and the traducing my character, could alone be justified by the most positive proof of the parties having preferred “*a false and malicious*” charge against Mr. Wray.

The Commander in Chief has also stated, “that, among the grains of shot produced in court as having fallen on the bed where the prisoners were lying, there are several of a much larger size than the quality of the shot which it was proved Assistant-surgeon Wray was using.”

I now most solemnly before my God declare, that when the shot were forwarded by me to the magistrate, that they were *not* in the

state as represented by the Commander in Chief. They were *all of one quality and irregular shapes*. The shot had been in the possession of the magistrate from the 8th of October until the 2nd of November, without his having *discovered*, that “the shot *were flattened on both sides, as though they had been bruised between two bricks!*” It was not discovered until after the magistrate had been informed by me, in reply to his mandate of the 30th of October, that the officers refused to stultify themselves. If the shot were in such a state when sent to the magistrate, what motives can be ascribed to his conduct, when, instead of returning them to me with his observations, he directed,—“*that the parties should be sent to him: it was indispensably necessary that they should depose upon oath to the circumstances?*” When the parties appeared before him, how was it, if he had any *private* motives for not pointing out the *flattened shot* to me, that he did not do so to them? Instead of remonstrating with them, how came he to force them to swear to a criminal charge against Mr. Wray?—Is not the inference clear and obvious, that he was deliberately and maliciously

contemplating my ruin, at the sacrifice of every principle of honor, moral, religious, and professional duty!—Is it not manifest, that, without scruple or remorse, he ruined those men to obtain his object. If the shot do appear as represented by the Commander in Chief, I hesitate not a moment to declare, that they have been *altered* since *I delivered* them to the magistrate: it could not have been done *without* his knowledge, and must have been *resorted to* to impose upon the credulity of the Commander in Chief. It ought to have been proved that they were *sent* in such a state to him. I had abundance of proof as to the shot delivered to me, and the *state* they were in *when* transmitted to the magistrate.

I have already made mention of my property that I was removed from. I must now state,* “that at the period of my removal I had laid out several thousand pounds upon a building I was erecting.—No purchaser was to be found in its then state; it must be finished or the money laid out thrown away. His Highness the Nawab of Bengal, a parti-

* Letter to the court of directors—Dec. 24.

cular friend of mine, proposed to me to extend the building, and lay it out as a country residence for him. There being no probability of any other advantageous offer for the disposal of the property, I embraced it. When the building was nearly finished, the Nawab when breakfasting with me one morning, stated, that Mr. Loch had paid him a visit and had been endeavoring to prevent his purchasing the house—that, upon his Highness's stating that he was bound to do it, and that he should; Mr. Loch, with great wrath and anger, informed him, “that he should write to the government to prohibit his living in it, as he,” Mr. Loch, “would not have the roads cut up by his carriages and elephants; and left him in a passion. The Nawab concluded by saying, that he felt Mr. Loch's conduct very insulting; that he had done every thing in his power to accommodate him; that he had formerly harassed him by ill-using his servants, and confining them, without his knowledge, upon false complaints, neglecting to reply to his letters on the subject, sending and seizing, without ceremony, his servants as witnesses on various occasions: this he attributed to proceed in

consequence of his having refused to give up his principal residence to Mr. Loch : that he had subsequently let him have one, after which he was very polite until now ; and he considered it very hard that he should be so restricted : but that he was determined to have the house as soon as finished. The Nawab did not call again for some time ; he came one morning about eight o'clock and remained until twelve, and he then informed me, that Mr. Loch had communicated to him an order of the government positively prohibiting his purchasing or residence in it,—that if he purchased, the government would reduce his salary, as it was not their intention to allow him money to fool away.—The purchase was declined, and the result was the total ruin of the property.

To revert to the proceedings of the Commander in Chief.—On the 24th of April orders were issued, granting me permission, according to the regulations of the service, to proceed to Europe on furlough. From the 30th of that month, contrary to the usage of the service I was reduced to one half allowances until the 1st of November, and from that period all allowances were stop-

ped. On the 11th of November I transmitted my memorial to the government to forward to the court of directors; and, notwithstanding my pay had been stopped by order of the government, (of which Mr. Lock's cousin had then become a member of the supreme council), the Commander in Chief, under these circumstances, wanted to detain me in India, by holding forth a regulation* of the East India Directors, of fifty years standing, evidently framed for the express purpose of precluding officers pursuing measures to obtain redress.—This re-

*Letter of the Court of Directors, March, 1772; repeated,
30th June, 1778.*

* “ If any commissioned officer in the company's service in the East Indies, shall repair to England under pretence of obtaining relief of any injury he is apprehensive of labouring under, without first having applied through the governor-general of the presidency under which he acts; to the court of directors, for redress, and who, having made such application does not continue in his employ, and wait the determination of the court of directors; but shall return to Europe before an answer is given from them on the subject of his complaint, he shall absolutely and entirely to all intents and purposes, stand, and be held to be dismissed from the Honorable Company's service, and not be restored except by order of three fourths of the court of directors and court of proprietors, according to the terms prescribed by the late act of parliament, of which you are to give the most public notice as soon as possible.”

gulation forced officers under any, and the most cruel circumstances, to continue in India until their pleasure was known:—which might be at a distance of several years, or never, as most suited the convenience or inclination of the court:—or it at once dismissed the officer their service.

My memorial of course, was accompanied with a copy of the documents which had passed on this unpleasant occasion; on the 3rd of November, 1820, I received the following reply from the India House :

LIEUTENANT WHITE.

“ Sir,

“ The court having considered the proceedings connected with your removal from the adjutancy of the Moorshedabad provincial battalion, and all that you have thought proper to state in your memorial of the 5th of November, 1819, I have received their commands to make the following communication to you.”

“ The court have approved of the proceeding of the Commander in Chief, in removing you from the office you held in the Moorshedabad provincial battalion.”

“ The court consider it to be unnecessary to reply to the different points of your memorial of the 5th of November, 1819; but, in regard to that part which prays the court to consider the pecuniary damages your private fortune has sustained, in consequence of your removal from Moorshedabad, they do not hesitate, al-

together, to disapprove of your conduct, in speculating in that description of property (buildings and land) from which the damage is alleged to have been sustained. Upon this point the court are also of opinion, that you were fully indulged in the permission given you to continue your residence at Moorshedabad; a permission, of which you appear to have availed yourself, during a period of fifteen months."

"The court have also had under their consideration the circumstances attending your departure for Europe."

"It appears that, upon notifying your intention to address a memorial to the court, before quitting India, on the furlough which had been granted to you, your attention was drawn, by order of the Commander in Chief, to a regulation, which provides, that any officer who, having memorialized the court, praying the redress of grievances, does not await in India the determination of the court, but returns to Europe before an answer is given on the subject, shall stand and be held to be dismissed the company's service."

"It also appears that you were warned a second time, by a letter from the adjutant-general, of the consequences which might attend your embarkation for England, with that regulation over you; and that you were also verbally warned to the same effect."

"You embarked, nevertheless; and the court are of opinion, that your conduct, in this instance, indicated the absence, on your part, of all proper feelings of subordination."

"Although this opinion would lead the court to enforce the penalty which you have incurred, yet, on a

general review of all the circumstances of your case, they have resolved to adopt a middle course."

"I am commanded then to state, that upon tendering your resignation of the company's service, the court will grant to you a pension of fifty pounds per annum."

"The court are the rather induced to adopt this course, from observing in your letter to the adjutant-general, of the 10th of November, 1818, you stated that you should certainly resign the company's service immediately on your arrival in England."

(Signed)

J. DART,

Secretary.

In reply to this letter of the court of directors, I observed:—

December 24, 1820.

"The resolution of your honorable court in approving of the measures of the Commander in Chief, by no means surprised me:—it was rather expected, as may be collected from the second paragraph of my letter to your court, under date the 21st July last.

"There is one point that has staggered me not a little.—It is that of having, in vain, thrown myself upon the mercy of your honorable court, "*in the event of my memorial not satisfactorily establishing my points, that you would previous to passing sentence, afford me every just opportunity to do so.*"

"I do now officially entreat that I may be furnished with a copy of the Marquis of Hastings's dispatch relative to myself, as also the case of Subedar Mayput Sing. Upon that dispatch your honorable court must have come to the determination so unfavorable to me."

“ It would appear, that, by your court declaring, *that you approved of the proceeding of the Commander in Chief in my removal from the Moorshedabad provincial battalion, and that you considered it to be unnecessary to reply to the different points of my memorial,*” that you considered the only point of reference to be “ *my removal from office.*” I certainly have remonstrated against it as an unjust and oppressive measure ; but the principal ground of my appeal was the unjustifiable attack upon my honor, with which the Commander in Chief thought proper to accompany the removal.”

“ I most seriously and urgently call upon your honorable court deliberately to reconsider your proceedings, and to annul the erroneous opinion that has been formed, to prevent such measures going forth to the world with your sanction and concurrence.—I call upon you in the behalf of those highly injured individuals and myself, in the behalf of equity, justice, and humanity, not to countenance those proceedings to the indelible conviction in the minds of the natives, and more in particular their Indian army, on whose steady allegiance depends the fate of all their possessions, that neither mercy, equity, nor justice is to be obtained !”

“ I am free to confess, that should this, my second and last appeal to the justice and wisdom of your honorable court, fail of producing the desired effects, I shall instantly take measures to bring before the House of Commons the whole of the case, including the petition of the subedar.”

“ The public must judge of the merits and conduct of public officers. If I am compelled to enter upon the stage, and canvass for public opinion, I am free to con-

ness that I shall bring forward to public notice various additional instances of gross injustice, tyranny, and oppression, to shew that it yet continues."

"Your honorable court's orders relative to appeals, must certainly be deemed incompatible with the ends of justice, when it excludes an injured individual from appearing in person before his judges, who are to pronounce upon charges urged against him by superior powers, and who refuse him the opportunity of refuting them. At the time that the government called upon me to obey this regulation, I had not only been deprived of all means of redress; but, also, of my pay. Your court, however, have not only approved of my being thus oppressed and rendered destitute of the means of subsistence in a foreign land, fifteen thousand miles from my home and friends, but censure me for having availed myself of my furlough, which twelve years' service had entitled me to; the only chance of restoring me to health or peace of mind."

"I am not aware that the regulations of the service authorize an officer of my standing, who may chuse to resign, any pension.—I feel sensible of the motives which have induced your honorable court not to enforce the penalty of the regulations; but, if I decline the alternative offered to me, I beg that it may not be considered to proceed from ingratitude or disrespect.—A proper regard for my own reputation, and the sense I feel of injuries unmercifully heaped upon me, compel me to declare, that if the pension of 50 pounds is offered me as a remuneration for my past services of twelve years' hard duty in India, while I hold in my possession a public letter of the Marquis of Hastings,

wherein he declares, in 1817, “ *his remembrance of my merits as an officer;*” and the declaration in February, 1819, that my removal from office was not intended as a mark of disgrace,—and that there was nothing against me but “ *a want of temper ;*” I must decline it as altogether inadequate. If, on the other hand, it is tendered to induce me to flinch from the penalty of the regulations, as the compromise of my honor, I cannot but lament that your court should entertain so degrading an opinion of me, as to suppose me capable of thus tacitly registering my own incapacity and dishonor.—If my services merit any reward, it must surely be allowed that it should be sufficient to enable me to appear like a gentleman; but, if my conduct has been of such a nature as to render me unworthy of continuing in your service, I do declare, that I must be considered, not only by the regulations of the service, as without claim to any provision, but totally unworthy of the pension offered upon the condition of my resigning. It is true that your court does generally provide for such of their officers as may, from various causes, have disqualified themselves:—the invalid and pension establishment lists in India, are living monuments of your unbounded liberality.”

“ If the honorable court thinks it advisable, for the benefit of the service, that I should resign, I trust that they will not look upon it as a matter of indifference, the sacrifice of fourteen of the best years of my life in their service, and relinquishing all my future prospects, arising therefrom; nor will they consider me less entitled to their bounty and liberality than those who have done less, and who have not served

half as long; some who have been found guilty of robbing and plundering those committed to their charge, of false musters, defrauding the government,* and abandoning their post before the enemy.”†

“ There is one part of my public conduct, which, I appeal to your honorable court, merits your serious consideration at the present moment; it ought to have been rewarded before, but, though it has not, I do not conceive my merit can be detached from it in consequence. There are others which I could bring forward to shew my zeal, but as I view them in the ordinary course of service I attach no merit to them; but to the transaction of the mutiny of Barrasut I do.” My extreme youth—the number in open rebellion, nearly 300—the example set of subordination, in being the first of the guard that did turn out to the call of authority—and, last of all, the dangers I underwent, and sufferings I bore on that account, were matters not of ordinary occurrence. I cannot but deem this a proper opportunity to introduce to the notice of your honorable court the sense entertained by the government upon the occasion, addressed by authority to Major M’Leod;—

Fort William, August, 15, 1808.

“ Sir,

“ In answer to your letter of the 7th instant, I am directed by His Excellency the Honorable the Governor General in council, to inform you, that he has been pleased to mark with particular satisfaction, the propriety and good conduct of Mr. S. Kyan, who commanded the guard, and, in particular, that of Mr. William White, one of the gentlemen of that guard on the

* See Appendix, Major Mathews court-martial.

† See Appendix, Capt. L*****.

night of the 30th, in manifesting the orders issued by you. In consequence of which, His Excellency has been pleased to order, that those two gentlemen shall now be struck off the cadet establishment, and be allowed to join their corps."

"I am further directed to inform you, that you will order a copy of this letter to be written in the orderly book of every cadet."

J. NICHOLLS,

(Signed)

Acting adjutant general.

"Whatever merit may have been attached to this zeal, manifested in the service of your honorable court in my youth; although Lord Minto, a month subsequently, on the occasion of a public dinner given to his Lordship by my regiment, took me aside, and condescended to enter fully into detail upon the cause of the mutiny, and to express his approbation, in high terms of applause, upon my conduct throughout; and assured me that when I had served a certain time with my regiment, that he would reward me with an appointment: and notwithstanding Major M'Leod assured me to the same effect, to this hour I have received no mark of approbation, beyond mere expression; while I have seen the ring-leader of the mutiny, and many of the foremost of the mutineers, promoted to honorable and highly lucrative situations."

It is an odious thing for a man to sound forth his own praise; but, as I find I have no one to do it for me, I must, therefore, in justice to myself, undertake the unpleasant but necessary office."

December, 24, 1820, (Signed)

W. WHITE.

LIEUTENANT WHITE.

East India House, March 29, 1821.

“ Sir,

“ The court of directors for the East India company have received the letter which you addressed to them, under date the 24th of December, 1820, and I am commanded to inform you, that they have had again under review the different points connected with the subject, both as they regard yourself personally, and as they relate to other parties.”

“ In their letter to you, which I was directed to write on the 3d of November, 1820, they considered, from your correspondence with the adjutant general of the Bengal army, that it was your wish to resign the service; and thence the proposition was made to you, of which I gave you intimation. Your recent letter to the court seems to convey a different desire; and, therefore, the court have withdrawn the offer of the provisional grant to you.”

“ The decision which has been already passed on the propriety of your removal from the Moorshedabad provincial battalion, and upon all the other personal questions to which your memorial refers, will be communicated in the usual course to the Bengal government.”

“ I am further directed to inform you, that upon the case of Mayput Sing, and Ajaib Sing, and upon the conduct of other individuals connected with the transaction, the sentiments of the court of directors will also be communicated in the usual course to the Bengal Government.”

“ I am directed further to add, that in your letter of the 24th of December, 1820, the court consider that you have made use of many incorrect, intemperate, and improper expressions, which call for the severest reprehension of the court.”

(Signed)

J. DART,

Secretary.

Subsequent to the receipt of this letter several applications were made to the court of directors; to be indemnified for my law expences: upon the grounds, that a man impeached while in execution of a public office, upon public grounds, by his employers, or their agent, his cause is as much their own as it is his, provided his measures prove to have been legal; and their purse should indemnify him. If he has violated the law, his person and fortune alike suffer. The court reply, “ your application to be indemnified for the amount of law charges, said to have been expended by you, in defending yourself against those imputations, which have formed the subject of appeal to the court is inadmissible.” I applied for the allowances that had been cut while I remained in India; and supported my claim,

by producing the orders of the government, in the case of a general officer, who was eighteen months in India, after obtaining leave to proceed on furlough, enjoying his full allowances. This application was also refused. I then applied to be furnished with a copy of the orders sent to India, on my case; or to be allowed a perusal of them. This request was also denied, as was every other.

BREVET CAPTAIN WHITE.

East India House, 4th October, 1822.

Sir,

“ I have laid before the Court of Directors of the East India Company, your letter, requesting permission to remain in this country until the sailing of the last ships of next season, your furlough expiring on the 28th of February next; and in reply, I am commanded to acquaint you, that the Court decline to comply with your request.

(Signed)

P. AUBER,

Assistant Secretary.

*To The Honorable the Court of Directors for the
affairs of India.*

“ Honorable Sirs,

“ I have received Mr. Assistant Secretary Auber's letter of the 4th instant, informing me, that your

Honorable Court has declined complying with my request, to be allowed to remain in England until the sailing of the last ships of this season."

"I must now inform your Honorable Court of the causes which have occasioned my delay in England, as well as that of my wish to remain."

"The laconic and unsatisfactory reply that was given to my memorial, by your Honorable Court, together with the mystery as to the orders sent to India, and the positive refusal to allow me a copy of your dispatch on my own case, induced me to await the arrival from India, of information as to their tenor. Some short time since I heard that no redress had been afforded to those highly injured officers, who were connected with my appeal, and that severe censure had been passed, by the Honorable Court, upon my conduct, for discharging my duty as the law directed, together with strictures on other points."

"As I had been promised an early remittance of a detailed account, I wished to have awaited the arrival, that I might thence have judged of the line of conduct most desirable to pursue."

"I lament that your Honorable Court has forced me to revert to these transactions. I must now be excused, notwithstanding you have refused, again entreating, that I may be furnished with a copy of your dispatch to India, so far as regards myself, that I may thence know what I have to expect at the hands of the government there; that I may save myself the trouble and expence of going out to India, provided it should appear to me, that my situation in your army is not, in every respect, as respectable and honorable as

it was, previous to its being stigmatized by the Governor General, the Marquis of Hastings.”

“ I implore you to consider the equity of this request, as, upon your declining it, I am free to confess, I shall be compelled, in justice to myself, to resign your service.

(Signed) W. WHITE.

October, 11, 1822.

LIEUTENANT W. WHITE.

East India House, 17th October, 1822.

“ Sir,

“ Having laid before the Court of Directors of the East India Company, your letter of the 11th inst., I have received their commands to acquaint you in reply that, they cannot depart from the decision, passed on your former application, to be furnished with a copy of their despatch to the government of Bengal, on the circumstances of your case ; and which was communicated to you in my letter of the 22d November, 1821.”

(Signed) J. DART,

Secretary.

On the receipt of this letter, my resignation of the Honorable Company's service was transmitted to the Court of Directors.

By the Adjutant-General's letter of the 12th of January, 1818, it will have been observed, that my removal from the Moorshedabad Provincial Battalion, and the insults

and injuries with which I was loaded, was in consequence of evidence which appeared on the proceedings of the Court of Enquiry. I have, therefore, submitted an official copy of that document, as furnished to me, some months afterwards, by the Adjutant-General of the army.

I would entreat the reader to a most attentive perusal of that extraordinary court's proceedings, to a confirmation of all that I have said regarding the manner in which it was conducted ; and to be convinced, that the object of the court was not to investigate into the truth or falsehood of the complaint so much as, to enquire into my conduct and to endeavour to fix a charge upon me. However, in that they failed ; and have committed their honor, as *British officers*, to the judgment and decision of the British nation at large.

I am free to confess, that I chéerfully, and without apprehension, trust to the proceedings of the Court of Enquiry, and the letters which I have submitted, to vindicate me from the charges which the Marquis of Hastings so inconsiderately pronounced those proceedings to contain. I do hereby, in the

presence of my God—and before my country, most solemnly deny, that it appears, either from the correspondence between me and the magistrate of Mooshedabad, or from any other document, or evidence, of which I have been informed; or that it is true in point of fact,—that I either directly, or indirectly, “*encouraged in individuals of the battalion under my command, the monstrous supposition, that a British gentleman had, without provocation, intentionally fired at them.*”

Secondly, I similarly, and solemnly, deny that I did, directly or indirectly, perseveringly or otherwise, “*aggravate the irritation of the native officers,*” or that, in any manner, *I neglected or violated my moral and professional duty;*” and I also deny, that any evidence that can justify these conclusions, has been adduced.

Thirdly, I deny that I “*advised the native officers to make depositions before the magistrate, which are strongly tainted with a presumption of perjury;*” as it is evident from the complaint, and letter addressed by me to Mr. Loch, that I was not aware the magistrate required the complaint should be upon oath.

That from a perusal of the complaint, transmitted by me to the magistrate, it does not appear that the complainants charged Mr. Wray with having “*intentionally fired at them without provocation;*” and that I was not at any time, before the termination of the proceedings of the court of enquiry, informed that the depositions contained a charge of “*wilful shooting.*”

Lastly, I most solemnly deny, that, under the circumstances which have been explained, it *was* my duty to endeavour to sway the native officers to follow the “*salutary counsel*” of the magistrate, and avow their own infamy : and I maintain, that, in communicating to the native officers the letter and requisition of the magistrate, as herein before stated, I exceeded, what, in strictness and in conformity with correct principle, was my duty.

Had I acted a different part to what I have done, when the wounded officers appealed to me, as their commanding officer, for redress ; had I neglected their complaint, and shown a disposition regardless of their sufferings, and united with the party who were so studiously and deliberately medi-

tating upon their utter destruction for daring to appeal for redress upon a most wanton and aggravating assault ; so enraged and exasperated were the officers, that, I solemnly believe, they would not have hesitated one moment in taking my life. That such instances have occurred with the native troops, is unhappily upon record.*

When the order of the Commander in Chief arrived, directing my removal from the corps, they were thrown into a state of the utmost confusion : discontent and insubordination prevailed in the countenance

* *Madras Gazette for November, 1817.*

“ On the 30th of October, Major O'Donnell, commanding the 8th regiment of Madras Native Cavalry, in camp at Hurdah, was murdered by a trooper of that corps. It appears that Major O'Donnell was walking before his tent, when the trooper came up, armed with two loaded pistols ; on the first pistol being discharged, the major fell without sign of life. The ball penetrated between the shoulders, and so near had the pistol been carried, that his clothes were set on fire. The assassin immediately made for his lines ; but fortunately was observed returning his pistols to the holsters of his saddle, which led to the discovery of his being the perpetrator. So callous and remorseless was this wretch, that he is said to have avowed that he went armed with the deliberate intention of murdering his commanding officer ; and, as appears, the spirit of revenge was inspired by the most trivial cause. It is said he had gone to Major O'Donnell, with some frivolous complaint, who, after hearing him, viewing it as such, desired him to retire.”

and conduct of officers and men : they were then engaged in cooking their meals, which they, without exception of a man, threw away. The officers and men hastened to my quarters, many of them exclaiming, and entreating that I would permit them to draw up an appeal to the Commander in Chief, praying against the removal ; the officers who had complained, declaring before the multitude, “ *if there is any fault, it is ours : let us be punished ; but let us have a fair trial !* ” To narrate all that passed on the occasion would be tedious and useless ; I will, therefore, only observe, that, for two days and a half, and for three nights, not an individual cooked any food : the serjeant-major of the regiment was up for two nights to prevent meetings of the officers and men consulting together. The first night, at about one o'clock, he had been called up by his servant, when, to his astonishment, he found several hundreds assembled. That when I delivered over the command of the corps to the officer appointed, he was much alarmed at the appearance of the men. To such an extent was the corps agitated, that I felt it a duty I owed to myself, as well as to the govern-

ment, to communicate it privately to Mr. Dowdswell, then vice-president in council.

I now come to a conclusion: and the sequel is, that after a period of sixteen years service, in the employment of the East India company, I have been compelled to resign, and lose so many years of the prime of my life; or return, and be subjected to a repetition of what I have already suffered.


A suspicion (to say the most) entertained by the Commander in Chief of India, was sufficient to cancel all my claims of twelve years' service,—to deprive me of an honorable employment, and also to brand my character as a suborner of perjury. The personal influence of the same officer has been so great, in England, as not only to obtain an approval of his measures, but to induce the Honorable the Court of Directors further to add insult to injury—by offering me a contemptible pension of fifty pounds a year, provided that I would resign their service, and tacitly register my own incapacity, impropriety of conduct, and consequent disgrace;—this peace-offering is held in one hand, with a threat of dismissal from the service in the other, if I did not accede.

I hope, however, the East India Directors will be convinced, that they have some officers, however incapable they may be of procuring redress, who will not, under any vicissitude of fortune, voluntarily become instrumental in their own ruin and disgrace. I hope it may also convince them, that an *impartial* administration of justice is the only bond to secure the submission of their officers, or to engage the affections of the people of India. Every appearance of oppression, whether perpetrated by the government, or masked under the mockery of judicial proceedings, rouse the feelings of individuals :—and when the administration of justice becomes odious and suspected, their servants must live in dismay and despair.

W. WHITE.

LONDON,
April 4th, 1823.

APPENDIX.



PROCEEDINGS OF A COURT OF ENQUIRY, .

ASSEMBLED at Berhampore, this 20th day of October, 1817, by order of Colonel Pine, commanding the station :

President---CAPTAIN WOOD, European Regiment.

Lieut. STEWART, 14th N. I.	} Members.
Lieut. ANDERSON, 14th N. I.	

Lieutenant Swinhoe, interpreter and quarter-master, 2d battalion 14th regiment N. I., attending the Court as interpreter.

The Court assembled at 10 o'clock, pursuant to station orders, and perused the annexed letter from the Cantonment Adjutant, dated the 18th instant, and the several letters therein referred to, from which it appears that the court is to investigate the circumstances of a complaint, preferred by certain native commissioned and non-commissioned officers of the Moorshedabad provincial battalion, against Mr. Assistant Surgeon Wray, of the honorable Company's European regiment.

Mr. Wray called into Court, and also,

FIRST EVIDENCE,

Mayput Sing, subedar, Moorshedabad provincial battalion, who states as follows:---On the 7th instant, a little after 4 o'clock, I was sitting in my hut, in the lines, accompanied by Ajaib Sing, drill havildar of the battalion, and Roudy Sing, havildar, and others. Whilst conversing, I saw a gentleman (who is now in court,) level his gun and fire into the hut. I was hit on the face with two small shot, and Ajaib Sing with many, on various parts of the body, and Roudy Sing also. I went out alone to the gentleman, and said, "Do you come to my hut shooting? I am a subedar of the Moorshedabad provincial battalion, and have been wounded: what is your name?" The gentleman called out, "Jao, you damn rais." The gentleman not mentioning his name, I asked a native who accompanied him; who replied, he was a cooly merely hired for the day, and did not know his name. Ajaib Sing then stepped forward, and said, "Sir, you are giving abuse to a subedar, and have wounded him with shot." On this, the gentleman levelled his gun at him, and cried out, "Jao, nai hum toom ko maringha."* We then went and reported the business to the serjeant-major, who went and spoke to the gentleman; but I do not know what conversation took place between them. The gentleman then looked at our wounds. I told him there would be an inquiry into the affair. He replied, in plain Hindoostanee, "I am Doctor Wray: go and report it to your officer." The serjeant-major was by at the time, and

* If you do not go, I will fire upon you.

Mr. Wray was close to me when he spoke : his face was a good deal flushed ; smelt of liquor, and appeared to me intoxicated. Mr. Wray then went away shooting. On going back to my hut, I picked up several small shot, which were lying scattered over the bed, which, however, had not been pierced by the shot. I took the shot to my commanding officer, Lieutenant White. I saw Mr. Wray again on the 9th, about 4 o'clock, with a gun in his hand, standing near my hut : I was at that time returning from the hospital. I observed Mr. Wray, soon afterwards, walk away, and commence shooting at some distance. On the 13th, about 4 in the afternoon, I was sitting in my hut, with others of the battalion, and saw Mr. Wray, about thirty-four paces off, level his gun towards the hut, and discharge it : several of the shot struck the chopper. I reported the circumstance to the havildar major.

QUESTION BY MR. WRAY. In what state were the shot, when picked up off your bed, and delivered to Lieutenant White ?

ANSWER. They were flattened.

The shot, which were sent to the Court along with the papers received with the Cantonment Adjutant's letter, were here produced, and the subedar says they are those mentioned by him. There are also some others, which were picked out of his body, and the bodies of the havildars.

QUESTION BY MR. WRAY. The first time you saw me near your hut, you said I fired my fowling-piece. Did I actually fire into the hut,---or at a bird near it : or, do you mean to say, I fired at you, or any body else ?

ANSWER. I saw no bird. Observing the piece levelled at me, I conceived Mr. Wray meant to fire at me.

QUESTION BY THE COURT. What reason had you to suppose that any British officer would intentionally fire his fowling-piece at you?

ANSWER. I could only account for such a circumstance, by supposing the gentleman to be intoxicated, and not to know what he was about.

QUESTION BY THE COURT. Did you see Mr. Wray before he fired into your hut : and did you hear the report of any gun previously to that period?

ANSWER. I neither heard the report of a musquet, at the period described, nor saw Mr. Wray, until he discharged his gun, as I have before mentioned.

QUESTION BY MR. WRAY. At the time you went out to speak to me, before you went to the serjeant-major, was there any other person, besides the cooly, in company with me?

ANSWER. I saw no one else.

QUESTION BY THE COURT. During the whole of your conversation with Mr. Wray, did you observe any other gentleman with or near him?

ANSWER. I saw another gentleman, but he was afar off—not within call.

QUESTION BY MR. WRAY. Did you hear me call out “Jao,” to you, or any one else, before I came near to your hut, on the 7th?

ANSWER. No. I did not.

QUESTION BY THE COURT. When you went to the serjeant-major, did you desire him to report to your

commanding officer that Mr. Wray had fired upon you ?

ANSWER. No. Not at that time ; but after the serjeant-major had spoken to Mr. Wray, we requested he would do so.

QUESTION BY Mr. WRAY. Do you know whether the serjeant-major saw me fire at your hut ; or heard the report ; and where was the serjeant-major at the time ?

ANSWER. I do not know. I found the serjeant-major in his bungalow.

SECOND EVIDENCE.

Ajaib Sing, drill-havildar, Moorshedabad provincial battalion, called into court : says he was sitting in the verandah of the hut of Mayput Sing, subedar of the same corps, with others of the corps in company, when he heard the report of a gun, and immediately felt himself hit by small shot ; Mayput Sing and Roudy Sing, havildars, were also struck. On turning round, he saw a gentleman taking a gun from his shoulder,—he cannot say whether the gentleman fired intentionally at them, or at a bird. Mayput Sing went immediately and spoke to the gentleman, who gave him abuse in English. I then went out and spoke to the gentleman, who apparently got into a violent passion, and levelled his piece at me, and said something in English, which I did not understand ; but he made no use of Hindoostanee words. From the gentleman acting in this manner, I conceived that he was intoxicated. I then went and complained to the serjeant-major, that a gentleman had come out shooting, and that I and some others had been struck with his shot.

I found the serjeant-major standing in his bungalow ; he returned with me to the gentleman, and some conversation, in English, ensued between them. I then said to the gentleman, that I would complain against him. The gentleman not understanding me, the serjeant-major explained what I had said ; upon which, the gentleman said to me in Hindoostanee, “ I am Doctor Wray—go and make your complaint against me.” I then sent Manorut Sing to report the circumstance to the commanding officer, Lieut. White.

On the 9th, in the afternoon, Mr. Wray came into the lines to enquire for me and the subedar. Mr. Wray looked at me, and asked if I was well ; I made no reply. Mr. Wray then went away shooting. Two days afterwards, on the 11th, I saw Mr. Wray shooting on the left of the lines, where he was holding conversation with the serjeant-major. On that day, Mr. Wray did not go near my hut, nor did I hear that he went to Mayput Sing’s : from that day I have never seen Mr. Wray in the lines.

QUESTION BY THE COURT. How far was Mr. Wray from the hut when he fired ; and how many shot struck you ?

ANSWER. About 29 paces ; and 26 shot struck me, 14 of which entered skin deep, and were taken out by the native doctor and myself.

QUESTION BY THE COURT. Do you know of any shot being taken to Lieut. White, from whence procured, and in what state found ?

ANSWER. Yes. I assisted in taking them off the subedar’s cot, and the ground ; they were flattened.

QUESTION BY MR. WRAY. Did you pick any out of the cot-frame, or were they found lying on the bedding ?

ANSWER. There were none taken out of the cot-frame ; they were found on the bedding, on the floor, and some in the wall : there was a cloth suspended close to the wall,---the shot must have struck the cloth and wall, and have fallen on the bed.

QUESTION BY MR. WRAY. Was there any person near me at the time I fired, on the 7th ?

ANSWER. Yes ; there was a native near Mr. Wray, and a syce, with a horse, on the road, and another gentleman shooting some distance off.

QUESTION BY MR. WRAY. Did you hear me call out “ Jao,”* to you, or any one, before I came near the hut, on the 7th ?

ANSWER. No. I did not.

QUESTION BY THE COURT. Do you know whether Mr. Wray was firing near the lines any day after the 7th ; and did you hear that his shot had struck any chopper ?

ANSWER. Yes. The day I saw the serjeant-major conversing with Mr. Wray, to the left of the lines, Mayput Sing mentioned to me that Mr. Wray had been shooting again near the lines, and that some of the shot had struck the chopper of his hut.

QUESTION BY MR. WRAY. Was there any other gentleman shooting on the same ground, on the day I spoke to the serjeant-major (not on the 7th) ?

ANSWER. There was another gentleman shooting, but not very near the lines.

QUESTION BY THE COURT. Do other gentlemen frequent the ground, near your lines, to shoot ?

ANSWER. No. I have never seen any.

It being past three o'clock, the court adjourns till 10 o'clock to-morrow morning.

21ST OCTOBER, 1817.

The court having met this day, at 10 o'clock, pursuant to adjournment, the under-mentioned evidences are called in, viz.

THIRD EVIDENCE,

Archibald M'Koy, serjeant-major of the Moorshedabad provincial battalion ; he states as follows :

On the afternoon of the 7th inst. between the hours of four and five, subedar Mayput Sing, Ajaib Sing, havildar-major, and Roudy Sing, havildar, came and informed me that a gentleman was fowling in the lines, and that they had been struck with shot, while sitting in Mayput Sing's house. I went out, and saw a gentleman at a distance from the lines---30, 40, or 50 yards. On approaching the gentleman, he said, "I believe I have struck one of your men." I replied, "No, Sir, you have not only struck one, but you have wounded three,---a subedar, a havildar-major, and a kote havildar." On saying this, I turned round and shewed these people to the gentleman : who examined them, and said, "they will be no worse than they are." He then looked towards the lines, and said, "that is a great distance, I did not think these small shot could have carried so far." I was

going away, when the havildar-major said to the gentleman, "I will complain of you:" the latter then asked me what the havildar said; I explained it to him. He then observed to me, "Let him complain---my name is Doctor Wray." He also spoke to the same effect in Hindoostanee, to the havildar-major; but I do not recollect the precise words. At the desire of the native officers concerned, I had the business reported to the commanding officer.

QUESTION BY MR. WRAY. When I held the conversation with you, at the time you have now mentioned, did I not express myself to the following effect? viz.: -- "I am sorry the accident has happened. I am Dr. Wray. I request of you to inform Lieut. White of it. The people are very little the worse."

ANSWER. Mr. Wray only spoke as I have before stated.

QUESTION BY MR. WRAY. Did you not tell me, that the native officers had mentioned to you, they would have said nothing about it, if I had not turned round and abused them?

ANSWER. I told Mr. Wray, that the subedar had mentioned to me, he would have said nothing about it, if the gentleman had not abused him.

QUESTION BY MR. WRAY. Did I appear drunk at the time?

ANSWER. No: I did not think Mr. Wray drunk. He appeared flushed; but whether from the heat of the sun, or from what had happened, I cannot say.

QUESTION BY MR. WRAY. Did I appear sorry for what had happened ?

ANSWER. It did not appear to me so, as Mr. Wray went away fowling immediately after.

QUESTION BY THE COURT. There appears, among the papers sent to the Court by the cantonment adjutant, one which contains the complaint of the native officers, drawn up by you. Were you ordered to draw up that complaint ?

ANSWER. I was ordered by my commanding officer, Lieut. White, to take down the complaint on paper.

QUESTION BY THE COURT. Did the subedar, or any other person of the corps, make any further complaint against Mr. Wray ?

ANSWER. On the 9th instant, the havildar major reported to me, that the gentleman who had fired into the lines on the 7th, had come to his hut, and enquired if he were better : the havildar major said he had told the gentleman he was better, and that he had complained of him : the gentleman made answer, " Very well." That the gentleman had again fired off his gun close to the subedar's hut, but in a contrary direction to it. On the 13th, in the evening, I saw Mr. Wray shooting near the magazine, which is situated on the left of the lines, about 150 paces from the subedar's hut ; it may be more. I went to Mr. Wray, and told him, that if I saw any gentleman shooting within the limits of the lines, I had received orders to give Lieut. White's compliments, that there was an order against it. Mr. Wray then said,

“ Very well ; shew me the limits.” I then pointed them out, and he went away. Soon after I returned home, the havildar major came, and reported, that the same gentleman, who had lately fired into the lines, had again done so ; and that some shot had fallen on the chopper of the subedar Mayput Sing’s hut, and some on the ground ; and that the subedar had just made that report to him.

QUESTION BY MR. WRAY. Are gentlemen accustomed to shoot near your lines ?

ANSWER. Sometimes gentlemen come ; but I never saw any so near as Mr. Wray was on the 7th. I have seen them often on our side the Kutchra road. This road may be from 250 to 300 yards from the subedar’s hut, as far as I can judge. The hut is in the rear of the 3d or 4th company.

Mayput Sing, subedar, again called into Court, and the following questions put to him :—

QUESTION BY MR. WRAY. When you went to your commanding officer, did you request to be sent to Mr. Loch, the magistrate ; or what did you request to be done on this occasion ?

ANSWER. I requested that the matter might be enquired into. I was ordered, by Lieut. White, to attend before Mr. Loch.

QUESTION BY THE COURT. Would you have been satisfied with your commanding officer procuring you satisfaction for the injury of which you complain, in any other manner, than that of sending you to make oath before the adawlut ?

ANSWER. I had no wish to be taken before Mr. Loch, the magistrate. I wished a proper investigation should take place. I wished an enquiry before a court martial.

Ajaib Sing, havildar major, again called into Court, and the following questions put to him :—

QUESTION BY MR. WRAY. When you went to your commanding officer, did you request to be sent to Mr. Loch, the magistrate; or what did you request to be done on this occasion?

ANSWER. I requested that the matter might be enquired into. I was ordered, by Lieut White, to attend before Mr. Loch.

QUESTION BY THE COURT. Would you have been satisfied with your commanding officer procuring you satisfaction for the injury of which you complain, in any other manner, than that of making oath before the adawlut?

ANSWER. I wished the matter to be investigated by Mr. Loch, as cases in the corps are sometimes sent before him.

The Court does not deem it necessary to examine any more witnesses on behalf of the complainants.* Mr. Wray, on being called upon for his reply, expressed a wish to defer it till the 23d instant: the Court, therefore, adjourns till that day.

* Evidence in attendance: the native Doctor; Manorut Sing, Naik, or Corporal; Hurdial Tewaree, Naik; Bowany Sing, Sepoy; Manorut Sing, Sepoy.

23D OCTOBER, 1817.

The Court having re-assembled at 10 o'clock, pursuant to adjournment, Mr. Wray replies to the complaint preferred against him, as follows :—

That I should be wilfully guilty of deliberately firing my fowling piece, at men whom I had never before seen, or from whom I had never received the slightest provocation, I trust there is no one in this Court will for a moment believe : yet, on perusal of the papers before the Court, and from the evidence of the native officers, given before Mr. Loch, the magistrate, and before this Court, it would appear that those native officers considered me capable of so heinous an offence. Why those officers (knowing, as they unavoidably must, that the shot which were fired from my gun struck them by mere accident,) should swear that I took aim, and fired at them, I am unable to conceive. It could hardly be for the purpose of extorting money from me ; or, when I went to see them, two evenings after the accident, they would have given me a hint to that effect.

That any person could be so insidious and evil-minded, as to invite those officers to give such evidence as to endanger the life of a fellow being, I can scarcely suppose. However, as evidence to that effect has been given against me by those officers, I will, without further comment, endeavour to state to the Court the circumstances as they occurred, before and after the accident, to the best of my recollection ; and will also bring forward such evidences in support of my statement, as were present on the occasion.

On the afternoon of the 7th instant, Lieut. Ledlie and I went out snipe shooting, between Mr. Travers's house and the lines of the Moorshedabad Provincial Battalion : in passing them, I was a short distance to the right of Lieut. Ledlie, and somewhat nearer them. When we had arrived within a short distance of the lines, I saw some sepoy's under a matted house, or shed, and called to them to go away. I made use of the word " Jao " once or twice. One of the servants who was along with me also called out to them ; and I believe they did go away, or appeared to do so. On proceeding a little further, one or two snipes rose up, and was flying nearly parallel to the lines, when I fired, and the bird fell a short distance from the huts. When the bird fell, there were two or three other birds flying ; and Lieut. Ledlie called out, " You have killed two." I replied, " No ; only one." I took up the bird, and turned back from the lines ; and, when I had gone about 150 paces, a person came out, and made a great noise ; but, as I did not understand what he said, I called out, " *Chooprao---you, sir ;*"* but he still continued to make a noise. I then went towards Mr. Travers's house ; but not finding any snipes, I returned towards Lieut. Ledlie, who was at some distance from the lines. On my way, I saw the serjeant-major and some men advancing towards me. I went up to them, and asked the serjeant-major what was the matter ? He said that I had shot three men, and two of them officers. I answered, " Two officers ! What officers ? Are they

* Be quiet, Sir.

European officers?" He replied, "No; two native officers." I asked to see them; and he pointed to three natives: upon which I went and examined them, and found one had received a grain of shot in his forehead, which had just penetrated the skin, and, I believe, one in the lip. Another of them had received a grain of shot in the ear, and a few on the breast, which had only just penetrated the skin. The third man had received a few grains in his arm. After having examined the people carefully, I said to the serjeant-major, that there were none of them seriously hurt, or that they were very little the worse. They afterwards said something, which I did not understand; and, upon asking the serjeant-major, he told me, that they said they would tell their commanding officer. I replied, "By all means;" and asked who was their commanding officer? He said, Lieut. White. I then told him to inform Mr. White that my name was Wray,--- Doctor Wray, and that I was sorry such a thing should have happened; but that it was entirely accidental. He told me the sepoys would not have said any thing about it, had I not abused one of them, when they came to tell me of it; but with which circumstance I am totally unacquainted, more than that I said, "Chooprao, sir, jao." In short, I cannot conceive how I could have abused them, not being at all conversant in the Hindoostanee language, having been but a short time in India, and not knowing the meaning of many more words than those I have already mentioned. I afterwards went to Lieut. Ledlie, and told him the circumstance, and that the people were not severely hurt.

Two nights after the accident happened, I went out shooting with Lieut. Davies, of the 20th regiment N. I.; and, when near the lines of the provincial battalion, I left my fowling piece with my servant, and proceeded to the house where the people had been wounded, to enquire for them. On my arrival there, a sepoy (as far as I could understand by his signs) induced me to suppose that none of the people were within. He afterwards came out, and beckoned me to follow him; and, on going a short distance, we met one of the people who had been hurt, who shewed me his arm, on which I could hardly perceive (except by slight black marks) where the shots had struck. I said to him, “Uch ha:” he replied, “Buhoot uch ha,” and appeared quite satisfied, and not to bear me the slightest ill will, as far as I could judge from his countenance. It appears, from the papers adduced, that this visit to the lines has been construed into another offence. If it was one, I can only say, I was actuated by the best of motives, viz. that of seeing if the people were quite recovered; and, if they were not, to see whether I could be of any assistance to them. I shall now beg leave to call Lieut. Ledlie, who will prove, that, at the time we suppose the sepoy was wounded, he saw me fire at a snipe, and that he called out, “You have killed two of them;” as, at the time I fired, two or three birds were flying away. He will also prove, that I had frequently fired so near the lines, as, in his opinion, to be heard by the men there. I also beg leave to call two natives, who, having been present with me all the time I was out shooting, will prove that I fired at a snipe, at the time

they supposed the natives were wounded ; but they say the bird was not killed. As I had killed four or five before I fired at this, (which my servants, if necessary, will prove,) it is possible they may not now recollect ; however, this is immaterial. I trust it will be sufficient, if they prove that I fired at the snipe ; and that they did not know I had wounded any person, till informed by a sepoy some time afterwards ; and that I did not *wilfully* fire at any one, during the time I was out shooting. The servants, and Lieut. Ledlie will also prove that I was not drunk, as has been vilely alleged against me by the native officers. I beg leave, also, to remind the Court, that the serjeant-major corroborates their testimony in this respect.

The Court, without any remarks from me, must be aware, that many of the grains of shot produced in Court could not have been fired out of my fowling piece, because they are flattened on both sides, as if they had been battered between two flat stones ; which could not have been the case, had they struck against a coarse cloth, or mud wall, as is stated by the native complainants. Neither could the number produced here possibly have been collected, except the fowling piece had been fired within a very few paces of some hard substance, from which they might have been extracted ; but as it has been stated, that the shot had scarcely force sufficient to penetrate through a coarse cloth, or more than the outer skin of a man, it will be quite unnecessary to state, that a single charge of shot, and that snipe shot, fired at such a distance, as to produce no greater effect than what is

mentioned, must have spread so considerably, as to prevent the possibility of collecting the quantity produced in Court.

Adverting to the additional complaint, preferred by the subedar, viz. my having levelled my gun towards his hut, at a distance of 34 paces, and discharged it, when several of the shot struck his chopper, I cannot help observing to the Court, that it gives me additional reason for being convinced, that the whole of the circumstances of this unfortunate accident have been most maliciously misrepresented; for I declare, after the 7th instant, I never was shooting within 150 yards of the subedar's hut, (which I hope to prove to the satisfaction of the Court,) having purposely avoided doing so.

Near the lines, the ground is marshy, and more snipes to be found there, than at any other place near cantonments; consequently, I had greater inducement to shoot there. Licut. Ledlie, who was also in the habit of shooting there, can substantiate my assertion. Having now, to the best of my recollection, stated the whole of the facts as they occurred, I shall now produce my evidences. I am sure the Court will do me the justice to believe, that it is with sensations of the deepest regret, I appear before it, with my character branded with the foul stigma of *drunkenness* and *inhumanity*. Although my conscience acquits me of crimes like these, yet, in justice to myself, I think it expedient to call on Major Broughton, my commanding officer, (who has known me since my arrival in India,) and Dr. Keys, and Mr. Surgeon Browne, under whom I attend daily, at the regimental hospital, to state,

if they ever heard of my being, at any time, intoxicated, and to speak to my general character and disposition; which testimony, with what I have already brought forward, will, I trust, be sufficient to exculpate me in the opinion of this Court, and of his Excellency the Most Noble the Commander-in-Chief, for whose perusal, I hope and solicit that these proceedings may be transmitted.

EVIDENCE FOR MR. WRAY.

Lieut. Ledlie, European regiment, called into Court, states as follows :---

Mr. Wray and I went out snipe shooting, on the afternoon of the 7th instant, in the rear of the lines of the provincial battalion, where we had been before. I saw Mr. Wray fire several shots: one in particular, when he was near the huts, I thought killed a brace; and I called out to him, to that effect. I then went on shooting. About ten minutes afterwards, I saw a sepoy, with five or six natives, proceeding towards Mr. Wray. It struck me, that there must have been some accident, and was thinking of turning back, to assist Mr. Wray in speaking to the natives; but, on observing the serjeant-major still there, I went on. A short time afterwards, Mr. Wray joined me, and mentioned, that he had wounded some men, and seemed much distressed. I told him not to be so, as I had often seen trifling accidents, of a similar nature, without any bad effects attending them. We then went home.

QUESTION BY THE COURT. How far off from the nearest hut was Mr. Wray, when he fired the shot, which you suppose occasioned the accident ?

ANSWER. To the best of my recollection, about 70 or 80 yards.

QUESTION BY MR. WRAY. You know the shot used by me : do you think those now before the Court, and produced by the native officers, are the same kind ?

ANSWER. Certainly not : yours are patent, and those do not appear so. On inspecting them, I observe many are flattened on both sides, which appears to me unaccountable, as I do not believe they could *be so* flattened, when fired against a mud wall, or indeed any substance.

QUESTION BY MR. WRAY. Have you ever seen any person shoot on the same ground we were on, on the 7th, when the accident took place ?

ANSWER. Yes ; that very evening I observed an European, in a white jacket, with a fowling piece in his hand, walk over the ground where the serjeant-major was speaking to you. I have also heard people speak of the spot, as being snipe ground ; and there is no doubt, but it must have been frequented.

QUESTION BY MR. WRAY. Was I at all intoxicated that evening ?

ANSWER. No ; certainly not : nor did I ever see you in that state ; and I can safely say, that you are particularly abstemious ;---an assertion, I am sure, will be supported by every officer in the corps.

QUESTION BY THE COURT. As you reside in the same house with Mr. Wray, do you know of his being out

shooting, near the lines of the provincial battalion, since the 7th.

ANSWER. I do not know what direction he might have taken, but he went out once after that, I believe on the 9th, with Lieut. Davies. I do not think he could have gone out since, without my knowing it, as he almost always asks me to accompany him. I have not been out with him since the 7th.

SECOND EVIDENCE.

Lala Kungaly, servant to Mr. Wray, called into Court, says, that he accompanied his master out shooting, on the afternoon of the 7th. Mr. Wray went to a spot near the lines of the provincial battalion. When about 100 paces from a hut, where some men were sitting, Mr. Wray called out, "Jao, jao." Two snipes got up soon afterwards: his master fired at them. The men then came out of the hut, and made a great noise, saying, that a gentleman had wounded them, and was walking off. A crowd collected, and some one called out, "Mar, mar?" who is that? "Beetee choot," who won't give his name. His master not understanding Hindoostanee, did not know what the men said, but called out to them to "Chooprao." The crowd approaching, his master sent for Mr. Ledlie. Soon afterwards, the serjeant-major came up, with the subedar and others. Mr. Wray and the serjeant-major held some conversation in English. Mr. Wray then examined the native officers, who had been struck by shot. The subedar said he should complain to his commanding officer, which his master not

understanding, the serjeant-major explained to him. Some conversation then ensued in English; and the serjeant-major said to the native officers, "The gentleman says his name is Dr. Wray, and that you may go and complain." Mr. Wray did not say any thing to the native officers.

Two or three days afterwards, in the afternoon, he accompanied his master to the lines of the provincial battalion, shooting. Mr. Wray left his gun with the evidence, and went to the hut where the accident had happened. Mr. Wray soon returned, and continued shooting, at a distance of 200 yards from the lines: he is sure not nearer.

Two or three days after this, the evidence accompanied his master close to Lieut. White's new house—about 200 yards on the left of the lines. The serjeant-major came up and spoke to Mr. Wray; who immediately went away from the lines.

QUESTION BY MR. WRAY. Did you see me put my gun to my shoulder, and level at any of the men who came out of the hut, or at any person, on the 7th, or at any other time?

ANSWER. No.

QUESTION BY MR. WRAY. Did you hear me, either in Hindoostanee or in English, abuse any of the party?

ANSWER. No. You did not.

QUESTION BY THE COURT: Was Mr. Wray at all intoxicated at the time?

ANSWER. Certainly not; he was just in the same state he is now.

THIRD EVIDENCE.

Dussain Bearer, in Mr. Wray's service, called into court ; says he always accompanies his master in his shooting excursions ; corroborates the evidence given by the former witness, except that part which relates to Mr. Wray's conversation with the serjeant-major, as he had then been sent by his master to Mr. Ledlie.

QUESTION BY MR. WRAY. Did you see me put my gun to my shoulder and level at any of the natives who came out of the hut, on the 7th, or any other time ?

ANSWER. No. I did not.

QUESTION BY MR. WRAY. Did you hear me, either in Hindoostanee or English, abuse any of the party ?

ANSWER. No. My master never said any thing but " Jao, Jao."

QUESTION BY THE COURT. Was Mr. Wray at all intoxicated at the time ?

ANSWER. Not in the least.

Doctor Keys, superintending surgeon, on being called upon by Mr. Wray, states as follows :

" I have had daily intercourse with Mr. Assistant Surgeon Wray since my arrival at this station, and the best opportunities of judging of his conduct, which enables me to afford to the court the most unequivocal testimony in favor of his correct, benevolent, and gentleman-like demeanor on all occasions of public duty, or private association ; and which pleasing traits of character, united to manners uncommonly mild and conciliatory, and of habits strictly temperate, he is one of the last persons whom I should think capable of committing any offensive

or wanton act of aggression whatever ; and certainly not of the nature of that with which he is at present charged."

Major Broughton, commanding the Honorable Company's European regiment, being called upon by Mr. Wray, states as follows :

" Mr Wray has been under my immediate command near a twelvemonth, during which time I have had daily opportunities of observing him, in the discharge of the duties of his profession, as well as all those of social life ; and I have no hesitation in saying, that, throughout the whole circle of my acquaintance, I do not know a young man more distinguished by gentleness of his manners, the humanity of his disposition, or the temperance of his habits. I consider his having been guilty of the crimes he is charged with as a moral impossibility."

Mr. Surgeon Browne, European regiment, states to the court, in behalf of Mr. Wray, as follows :

" Since Mr. Wray joined the regiment I have had daily intercourse with him, both public and private ; and from his humanity to all under his care, on the bed of sickness, as well as his conciliatory conduct on all occasions, I consider him incapable of the acts with which he is charged."

Mr. Wray begs to state, that there are many other gentlemen in attendance, ready to offer similar testimony ; but he does not conceive there is any necessity for calling upon them.

The Court therefore closes its proceedings.

(Signed) W. H. WOOD, *Captain and President.*

A TRUE COPY.

JAS. NICOL, *Adjutant-General.*