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A

REPORT

OF

MAJOR HART'S CASE,

OF

Rice-Frauds,

NEAR

SERINGAPATAM,

WITH NOTES;

AND

AN APPENDIX,

ADDRESSED

TO THE PROPRIETORS OF EAST-INDIA STOCK.

BY

W. H. INGLIS,

AUTHOR OF THE ONLY REPORT NOT ANONYMOUS, OF MR. SHERSON'S
CASE AND TRIAL AT MADRAS, ALSO FOR RICE-FRAUDS.

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REPORT,

&c. &c.

WERE any apology necessary for this Report, a sufficient one would be where Major Hart says, "When I add that Major-general Macaulay was my junior officer; that, in consequence of my dismissal, he succeeded to the very regiment which, at this hour, I should have otherwise commanded, and became a general officer so much sooner by my dismissal; I am satisfied that the Honourable Court (of Directors) will think his conduct a *most material* feature in the future consideration of my case."

—India-House-Papers, p. 362.

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Another instance of Major Hart's sinister attack is, where Major-general Macaulay has replied to it, saying, " There remains a farther slanderous insinuation of Major Hart's, that I think myself bound to notice. He has charged upon me, as a leading motive in the censure of his conduct, a settled design of placing myself in the command of the fortress of Palamcottah, and of the forces in the field in Tinnevely, to his exclusion! This strange charge he more than once gave distinct hints of to myself. But he made it directly in the course of his last visit to me, in June 1815, when he behaved so coarsely. It will, I have little doubt, seem somewhat strange, even to your Lordship, (Harris, the commander-in-chief,) but so it is, that to this hour I do not know to whom I owe that command. *I not only never made application directly or indirectly for it, but the idea of applying for it never once entered my mind.*— Papers, p. 388.

But Major-general Macaulay scarce needed this reply, since it is Major Hart himself who can affirm his own error. The Major says,

“ I shall not however pretend to defend the act *acknowledged* of my having carried to the field a quantity of private grain.* No, my Lord, (Harris,) most deeply and sensibly do I feel and deplore the *error* of my conduct.—Papers, p. 352. ✓

And yet, notwithstanding this *pretended* acknowledgment of *real* error, it is the Board of Controul which, in order to allow Major Hart to hold private grain, must set aside the very regulation upon this subject. The 39th Regulation says, “ it being the principle of the present system, by liberal and avowed allowances, to place this department upon so respectable a footing as to leave no temptation to seek for unauthorized advantages, the Commissary of Grain is not on any account, directly or indirectly, to derive any other advantage or emolument from this situation than the *salary* fixed by Government. The strictest economy is, there- ✓

* It will be maintained in the body of this Report, that Major Hart did never carry to the field a quantity of private grain. ^

fore, to be observed in every expense attending this department; and the disbursements and accounts of the Commissary are to be attested on honour, as prescribed in the forms annexed to these Regulations.—Papers, p. 17.

And the mighty Board of Controul, besides allowing Major Hart to hold private grain, and therefore to reap the attendant profit on it *with perfect security*, next considers this both as *another question* and as *not another question*. Thus the Board having said “whether he (Major Hart) ought to have derived any profit upon the original price of the rice, so in his possession, is another question,” can yet add, “but *suppose he ought not*, when he* openly supplied it to our army, and was contented with much less (profit) than he might have obtained with perfect security, we cannot think it a crime of the blackest die.—Papers, p. 232.

The Board continues “this, and the circumstance of his silence, from the 16th to the

* See in page 11, and query he or Captain Macleod; also whether openly or covertly supplied, &c.

22d of April, appear to us the only points of doubt in the whole case, and a conduct doubtful only on two such points does not, in our contemplation, warrant the sentence* that has been passed upon it, with the consequences to his fortune and honour to which it has led." Papers, p. 232.

But, "in our contemplation" of this "whole case," there are yet to be noticed other two grand points of doubt. And first, as Lord Harris writes, "it was not the loss of rice in the department of the Commissary of Grain *alone* that so seriously affected the general store of provision for the army, but," again, secondly, "that infinitely more extensive and entirely unexpected deficiency which was discovered, on the 16th of April, in the quantity

* The propriety of Major Hart's dismissal, after suspension from the Company's service, is, perhaps, self-evident, and might have been a ground of thanks; but who would have thanked the Court of Directors for being now made to deem correct, what formerly they were pleased to deem incorrect, viz. an Act of Parliament, and the one cited on what are called the Mandamus Papers!

carried by bullocks, hired in the Ceded Districts, under the authority of Lieutenant-Colonel Read, and of which Captain Macleod was in the general superintendance."

Lord Harris explains, saying " Captain Macleod, to whom no report of material loss had been made by the carriers on the 3d of April, had, on the 5th, given me a report, of which a copy is enclosed, by which it appeared that rice, the property of government, sufficient for the consumption of 30,000 men, at half a seer per day, for six-and-thirty days, was then in camp, independently of nearly an equal quantity reported by the benjarries (bullock-owners) to be in their possession, and which they had been ordered to retain for the public service. No issues had been authorized from this stock, and the belief that it existed prevented my feeling any uneasiness on the subject of provisions, although I knew the amount in *Major Hart's* charge was nearly expended. The measurement of the rice on the 15th of April, in the course of delivery (not by, observe, because) to Major Hart, pro-

duced the FIRST suspicion of this enormous deficiency, and the report of it, when ascertained the succeeding day, the consequent alarm." Papers, p. 75.

Nor is Lord Harris here alluding towards the whole, but rather to the close of Captain Macleod's Report, where it is stated that "the private and public rice would feed 30,000 men for thirty-three (or, as Lord Harris says, thirty-six) days, exclusive of Major Hart's department. It is supposed Major Hart has 7000 bullock-loads, which would be ten seers each to 30,000 men. (Signed) William Macleod, Superintendant of Supplies." Papers, p. 82.

From these several extracts we have now to gather, that if, on the 5th of April, Major Hart had ten seers each man, equal to ten days rice, at whole allowance, on the 15th he would have no bullock-loads, whatever, remaining "in his possession." Wherefore, from the 16th of April to the 6th of May, (see in page 17,) and, further, from this last date to the 18th following, (see in page 18), the

fraud on the rice, "then in camp," must have been; not only "exclusive of Major Hart's department," but in that of Captain Macleod, from whose stock "no issues had been authorized." We have now to observe, that the real question becomes, not whether Major Hart could hold private as well as public grain? but, whether this could be done by Captain Macleod, and by him after his having returned in his report both classes of grain as "the property of government?" And we presume, once for all, on this nice point, that there will not be urged the existence of one sort of regulation for a Commissary of *Provisions*, as Captain Macleod is sometimes called, and another for a Commissary of *Grain*, as Major Hart is always called.

Contending that he ordered his private grain from Madras, less for the army than for his private followers of it, Major Hart would rest his order upon the affidavit of one of those followers, by name Sadashevah Moodiliar. But this dubash, or confidential servant, will hereinafter be shown, among other of Major

Hart's head people, as tampering with Subidar Enom Beg, during the intervals of this native soldier's examination by the Committee of Inquiry.

To proceed more particularly with Captain Macleod.—It was he who, having first disclosed to Major-General Macaulay, (the private instead of public secretary to Lord Harris,) that Major Hart had a quantity of private grain to dispose of, and who, next observing the surprise with which his communication was received, does, third, and finally, request Major-General Macaulay's "permission to inform Major Hart that he (Major Hart) must, *in future*, communicate directly with me (Major-General Macaulay) upon the subject." Major-General Macaulay subjoins, "to this I assented;" but elsewhere explains, that "with the exception of the conversation that took place with Captain Macleod, when he delivered the original message, I held no communication with Major Hart, but *by letter*." Papers, pp. 159 and 158.

Relative, indeed, to Captain Macleod the

Major-General thinks it equally right to explain, saying " Captain (now Colonel Macleod) well knows my sentiments of his character. Long as he has been in England, it has not happened to me *once to meet him*. But I retain my former respect for his integrity." Papers, p. 369.

It was Captain Macleod who, having said " by this observation (*a slight of hand* in receiving and issuing grain by measure), I do not mean *to attempt* to screen the bullock-contractors;" and added, " who, I am persuaded, *in my own mind*, must have embezzled the greatest proportion of the quantity deficient;" yet does shortly afterwards release from arrest, at the sole desire of the bullock-contractors, of all other men, not indeed a *bullock*, but yet its tantamount, a *flock* contractor, notwithstanding this, " one of the duffadars, Narnapah by name, was detected in having *concealed* seventy bags of rice in the bazar of the Nizam's camp, for the purpose of being sold there;" and, for all that, such seventy bags " were, on *discovery*, removed from the Nizam's bazar to

the grain depôt, near head-quarters." Papers, p. 79.

It was once more Captain Macleod, who having said, "I impute the deficiencies, generally, to the corruption of Sechiram," yet does not confine or arrest this "security for all the contractors,* because his holding a jaghire from government, in the Baramahl was *supposed to be* a sufficient hold upon him," or hold, "which would put it *out of his power to elude* any punishment or penalty that might afterwards be adjudged for his deception." Papers, p. 77.

And such is the mode of reasoning subscribed to, rather than implicitly believed in, by Lord Harris, where his Lordship says, "of Captain Macleod's merits I have already had occasion to speak in terms of the highest praise,† and although placed at the head of

* "Except those of Selum, who appear, by the accompanying statement (part of Captain Macleod's often-mentioned Report,) to have lost or embezzled the *smallest* proportion."

† It will be seen, in page 12, where Major-General

those persons from whose misconduct the most serious mischief might have proceeded, and which did actually produce considerable inconvenience to the army, I hold it incumbent on me to declare that Captain Macleod is, *in no degree*, blamable for this unfortunate business," or business, "which *no means in his power to elude* could possibly prevent." Papers, p. 75.

We have said,—subscribed to, rather than implicitly believed in,—because Lord Harris pursues "the principal carriers and benjarries are now in the Baramahl, (the very place, observe, of Sechiram's jaghire,) and I recommend to the immediate attention of government such measures as it may appear proper to adopt for recovering from them the amount of rice embezzled, and punishing those chiefs of this class of men who stood forward in responsibility, and who certainly knew and connived at the disposal of the rice, *if they were not themselves the managers of the transaction.*"

Macaulay has similarly written: "But I retain my former respect for his integrity."

We now trust to have amply shown why Lord Harris thought, 1st, that “it was not the loss of rice in the department of the Commissary of Grain alone, that so seriously affected the general store of provision for the army ;* but, 2dly, that infinitely more exten-

* In the debate on the Mandamus Papers, a proprietor of stock asks, “What did Lord Ellenborough say? Did he say, that what was done was conclusive evidence of any bargain having been made, or any price being charged? No; Lord Ellenborough said,—No; he is ordered to enter it as an item of account; but that does not give it the character of having been purchased for the public. He acquiesces in the direction to enter it; but it ought to be considered as if he had not so entered and as if it stood in its original situation.” But we must ask, what would Lord Ellenborough have said, had his lordship been informed that the fraud was not solely in Major Hart’s grain, but, also, in that of Captain Macleod, and who, *previously to the discovery of the fraud*, had been ordered, by Lord Harris, to enter, that is, to retain his benjarries, now called, private grain, for “the *public* service.” Of Major Hart’s grain, it can equally be observed, that this had also been publicly returned in Captain Macleod’s Report, which Report has been stated to close thus: “*it is supposed* Major Hart has 7000 bullock-loads, which would be ten seers each to

sive and entirely unexpected deficiency, which was discovered in the quantity carried by bullocks, hired in the Ceded Districts, under the authority of Lieutenant-Colonel Read, and of which *Captain Macleod* was in the general superintendance.

Upon this second and last of our own two points of grand doubt, we shall offer some further extracts, by which it will be perceived that Major Hart's head people were ordered back to the Ceded Districts, in company with Captain Macleod's benjarries, that is, were ordered back to those Districts, not before, but immediately upon the discovery of the fraud, and, as it were, in consequence of it.

Asked by the Committee of Inquiry, "under whose charge was your rice brought forward on the march, and placed at the ground of encampment?" Major Hart replies, "under head people employed by myself, whom I discharged and (though discharged, yet) sent to

30,000 men. (Signed) William Macleod, Superintendant of Supplies."

the Carnatic with *General Floyd's* detachment." In like manner, Captain Macleod states, in one of his letters to government, that "Sechiram joined the army at Kellamungulum and remained with it till the march of *General Floyd's* division towards Caveriporam, when all the public and benjarries cattle, which had at that time survived the campaign, were sent from the army." Papers, p. 77. And under date of 18th April, Lord Harris having confirmed that "*Major-General Floyd*, with all the cavalry and three battalions of Native Infantry, marches to-morrow morning towards Caveriporam to meet Colonel Read, and escort his benjarries to camp," explains that "their arrival is of the utmost consequence, as, on measuring our bags to ascertain the rice they really contained, they were found so much diminished, by loss or fraud, that eighteen days provisions for the fighting men, at half allowance, is all that remains in camp; our supplies must, therefore, arrive before the 6th of May, to save us from extreme distress." Papers, p. 49.

Further beyond this coincidence, Captain Macleod's second of two reports, dated Seringapatam, 29th June, 1799, says, "N.B. The 9025 mercials of rice remained in charge of Captain Macleod till Seringapatam was taken; no part of it was issued before the 18th May. E. E. (Signed) William Macleod, *late* Superintendant of Supplies." Notwithstanding, then, the extreme distress of the army, as just mentioned by Lord Harris, we here find Captain Macleod admitting that he was a holder of three days grain for 30,000 men, at whole allowance, not before but after the 18th of May. Our inference is, what others have frequently drawn in this case, that there was always a plenty rather than ever any scarcity of grain.*

Finally, we are to produce Major Hart's dubash, the already mentioned Sadashevah Moodiliar, as tampering among other of Major Hart's head people, with Subidar Enom Beg, during the intervals of this

* N.B. One mercial is twelve seers.

native soldier's examination by the Committee of Inquiry.

The Committee says, " from the very exact concurrence observed throughout the depositions of the maistries (carriers) and head owners, (of bullocks,) already examined, it appears that a further examination of persons of those descriptions will not tend to afford any new information on the subject under investigation; but as the native commissioned and non-commissioned officers of the details which were employed with the grain-department may, from their observation of the conduct of the maistries and bullock-owners during the service, be able to speak particularly to points connected therewith, the Committee call upon Subidar Enom Beg, of the first battalion of the 12th regiment of native infantry." Papers, p. 53.

And having first disproved, in common with other guards during the march, the alleged irruptions of the enemy's horse, as counterpleaded by the benjarries, even in phalanx form, Subidar Enom Beg, " of his own ac-

cord," next informs the Committee, that, "about eleven o'clock in the forenoon of yesterday, the *head conicopoly* of the grain-department, by name **Dunnacody**, accompanied by a tindall of lascars attached to the department, came to his tent and told him that he had been directed by **MAJOR HART** to inquire of him the names of the subidars and jemidars, also the number of havildars, naigues, and sepoy, which had been employed with the rice-department; that he (the subidar) told the conicopoly that two of the companies were in Seringapatam, and that the company from Major Tolfrey's battalion, in camp, consisted of such a number of havildars, naigues, and sepoy, together with his own name, and that of the jemidar, all of which the conicopoly took down, in writing, and then went away. That in about half an hour afterwards the conicopoly and tindall returned, and asked the subidar to come to **Tumboo Naik**, *one of the principal bullock-owners* and a **DUBASH**, whom he supposed to be Major Hart's (**Sadashevah Moodiliar**, the affidavit-witness,) as they wished to speak to

him, and to come without dressing himself. The subidar answered, 'that as he might be wanted for duty, he could not come without his commanding-officer's leave,' to which the conicopoly replied, 'that, as he would probably be sent for by the Committee sitting near the general's tent, he desired him to keep favour upon him,' and the subidar answered, 'he was in the Company's service and, if sent for, he should tell what he saw, and could not tell any lies.' That the subidar was then sent for by Major Tolfrey, and ordered to come to the Committee, which he did, and that having attended the Committee and been ordered by Colonel Muat (the President) to come again this morning, he was going to his lines when *one of the maistries* meeting him upon the road, asked, 'what news at the Committee?' The subidar answered him, 'you have no right to inquire: I have been to the Committee on business which does not concern you; go about your business.'" Papers, pp. 55 and 56.

We would observe upon this testimony of Enom Beg, that the affidavit-dubash of Major

Hart, Sadashevah Moodiliar, who is wont to describe himself as “ a writer in charge of the public servants in the grain-department,” is not, in our opinion, so important a personage as Major Hart’s head conicopoly Dunnacody, and this because the employment of a head conicopoly is much more *official* than that of a dubash, however greatly any particular occasion, like the present, for instance, may render the latter’s services desirable. But in India it would otherwise appear that the dubash is accounted by far the more important personage of the two, at least if we can judge from Mr. Sherson’s trial at Madras, also for rice-frauds; for, on this trial Sir John Newbölt, as third of three Judges, was pleased to argue, saying, ‘ Audy Narrain, (the dubash of Mr. Sherson,) one of the persons offering the bribe, which is *almost tantamount* to naming Mr. Sherson himself.’ Even in this case of Major Hart there is what is not wholly dissimilar to bribery; namely, where the conicopoly replies, ‘ that as he (Enom Beg) would probably be sent for by the Committee sitting near the general’s

tent, he (the conicopoly) desired him to keep favour on him.' The frequent occurrence among native Indians of the word *lies* is to be here regarded as an Anglo-Orientalism. It is to the probability of Enom Beg and his fellow-soldiers' testimonies over those of Major Hart and Captain Macleod's head people, that attention shall safely be paid.

Relative to the benjarries and maistries of Captain Macleod, as well as to Major Hart's head people, we must differ from the Committee of Inquiry, where saying that "a *further* examination of persons of those descriptions will not tend to afford any new information on the subject." Our cause of difference is, that neither Sadashevah and Dunnacody, nor Sechiram and Narnapah, were *ever* examined by this Committee.

Major-General Macaulay "cannot conceive, under the strong case which appears to be made out, how the government of this country and Parliament can, *with a due regard to character*, abstain from a revision of the whole question."

Neither can we conceive how, in this respect,—
 not the government (of the Board of Controul
 and Court of Directors,) but — Parliament
 abstains.

APPENDIX.

To the Proprietors of East-India Stock.

MAJOR HART, in his advertisement, (*Times*, 24th of April,) says “ I fear that I shall have no alternative but to appeal against such daily slander to the laws of my country.” In other words, he, who sought to fight a duel with Major-Gen. Macaulay, fears. And may he fear!

But Major Hart dares not appeal to the laws of his country, were he even slandered after the *daily* manner of his own advertisement. Major Hart is too old a soldier to have to learn, that

He who fights and runs away,
Lives to fight another day.

Nor can Major Hart forget where Major-General Macaulay states, “ Report—to which, however, I can scarce give credit—assigns this disgraceful production to the pen of a noted Barrister. Be that as it may, Major Hart stands fully (be this as it may, equally fully) responsible.” Major-General Macaulay’s *official* statement is, “ Major Hart addressed a letter to the Court of Directors, dated the 22d of last month: that libellous letter has not yet been printed, by order of the

Court of Directors, for the use of the Proprietors ; but Major Hart has thought fit to print and widely to send it into circulation. I am sorry that it is not inserted in the Papers respecting the *Mandamus* ; the reason may be, that the Court of Directors, possibly viewing it in the light I do, could not have thought it proper to make themselves accessaries to the circulation of a defamatory document, unaccompanied by explanations from me. To that letter from Major Hart is appended a declaration, under the signature of three General Officers ; Gen. Sir John Floyd (Bart. omitted), Lieut.-Gen. Brown, and Lieut.-Gen. Bridges, on what these officers are pleased to term *some important points connected with Major Hart's case*. The words in Italics are so printed in the original."

Proprietors !— Have you never heard of a " Review of *some important passages* in the Administration of Sir George Barlow, Bart. by Charles Marsh, Esq. M.P.?" have you never heard that this " noted Barrister" is the probable author of an anonymous Report of Mr. Sherson's case, if not of his trial itself, or will you not hear your own Directors ?

" The two following Papers, *although private*, having already appeared in print, are here (the Records of the Company) inserted for the information of the Proprietors ; but it *does not* appear from (here) the Records of the Company, that they were ever (during 16 long years) *officially* communicated to the Court of Directors." The two Papers are, " A Letter from the Right Hon. Henry Dundas to David Scott, Esq." a deceased Director ; and an enclosure in the foregoing, signed " William Dundas," and " T. Wallace ;"

which last paper has actually been called by some *A Report of the Board of Controul*. On the other hand, the deceased Mr. David Scott's authority to correspond and correspondence do not appear.

So, in Mr. Sherson's case, there has been published an unsigned or anonymous Report of it, by a Mr. Halhed, one of the clerks in the India-House, whose error "was not his first" of the kind, yet whose Report was ordered, it has confidently been asserted, by only some one or two of the whole Court of Directors. In Mr. Sherson's case again the Board of Controul has compelled the erasure, from a despatch of the Court of Directors, of a paragraph recommendatory of an investigation into the conduct (on this Mr. Sherson's trial) of no less a person than Sir Francis Macnaghten, the *second* of three Judges, of whom the *third* is almost as much concerned as Sir Francis himself.

Nor let these parallels be thought to beg the question, since they might readily have been extended; and since Major Hart's case would prove itself in Courts of Law, whether by artful confessions, or by other and better description of testimony. Unhappily, however, the period for this is expired.

W. H. INGLIS.

3, Mincing-lane.

THE END.

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