

UNCLASSIFIED
EX-100
1970

Government of Madras

SECRETARIAT LIBRARY

MINISTER FOR LOCAL SELF GOVERNMENT

No. of Book XVII
55

Ch. S. III-3-100-1-12-31

EAST INDIA (BARODA, No. 2.)

CORRESPONDENCE

CONNECTED WITH

THE MARRIAGE OF THE GAEKWAR
OF BARODA.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1875.

[C.—1249.] Price 4d.

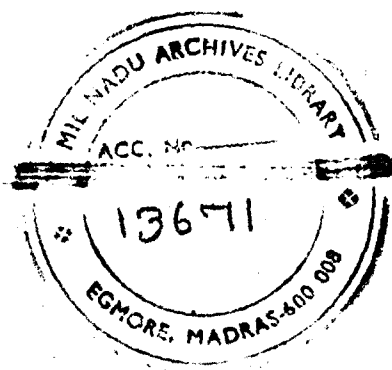
PAPERS AND CORRESPONDENCE

CONNECTED WITH

THE BARODA STATE.

1875.

1. Correspondent connected with the marriage of the Gækwar of Baroda.
2. Papers connected with the deaths of Bhow Scindia and Govind Naik.
3. Correspondence with respect to proposed reforms in the administration of Baroda.
4. Correspondence connected with the desposition of Mulhar Rao.
5. Correspondence relating to the appointment of a commission to investigate certain charges against the Gækwar.
6. Proceedings of the commission appointed to investigate charges laid against the Gækwar.



Presented to both HOUSES OF PARLIAMENT by Command of Her Majesty.

CORRESPONDENCE.

MARRIAGE OF THE GAEKWAR.

Correspondence between Resident at Baroda and Government of Bombay.

No. 111-429, dated Nowsaree, 23rd April 1874 (Extract).

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

ABOUT two months ago it was reported to me at Baroda that a person describing himself as the husband of His Highness the Maharaja's kept-mistress, Luxmee Bai, had just arrived from the British districts and wished to lay a complaint before me regarding the abduction of his lawful wife, the said Luxmee Bai. On due consideration I declined to receive the complaint and caused him to be informed that being a British subject he should lay his complaint before the Magistrate of the district in which his native village was situated, and where the circumstances of his case would be well known.

2. I heard nothing more of this person until a day or two ago when I received from him the following letter:—

"Petition from PANDOO BIN GOVINDRAO KHADWAY, Resident of the village of Deolakee, Kusba Rahoolee, Zillah Ahmednuggur, now at Surat, to Resident at Baroda, dated 17th April 1874.

"I HAVE heard that His Highness the Gaekwar of Baroda has gone to Nowsaree to celebrate a marriage, but the woman is my married wife. The following accused persons seduced her, and taking her to Baroda made her over to the Gaekwar; but the mother of the woman turned out on inquiry to be a dhobie (washerwoman). I have got sufficient evidence about this. If the Maharaja again contracts a marriage with her it will be contrary to the custom of our caste. A son of mine by a former wife is with the said woman.

"I request that the Resident of Baroda may personally take the case into consideration and give me redress and hand over to me the said woman, Bai Luxmee, and the boy referred to."

3. To the above letter I returned the following reply:—

"No. 421, dated Nowsaree, 20th April 1874.

"From RESIDENT at BARODA.

"PANDOO bin Govindrao Khadway, of the Ahmednuggur Zillah, at present residing at Surat, in Jada Bawn's Wadde, near the Delhi Gate, is informed in reply to his petition dated 17th instant, that his complaint regarding the abduction of his wife should be preferred to the Magistrate of the district wherein his native village is situated."

4. I this morning brought the subject of this petition to the notice of Nana Sahib Khanvelker, the present Minister, when he paid me his usual visit; and he expressed himself to the effect that he had heard of the arrival of the man in Baroda and had inquired carefully into the case, but came to the conclusion that there was no truth in the man's assertion, that the Maharaja had deferred marrying Luxmee Bai on account of it for some time past, but that he had now determined to marry her in a few days, probably on Monday next the 27th instant, and that he was about to write a khureeta to that effect; moreover, His Highness intended, while at Nowsaree, to marry another girl who would be his fourth wife, including the first, who died.

5. I have heard accidentally that the girl Luxmee Bai, who is the subject of the petition under notice, has been pregnant for the last two months, which has been assigned as a reason for the hasty marriage.

6. A hope was expressed that I would attend Luxmee Bai's marriage on Monday next, but pending the receipt of the promised khureeta I have not made any movement in the matter, but will report further hereafter.

P.S. 24th.—This morning the minister informed me, with reference to our yesterday's conversation regarding Luxmee Bai, that they have been obliged to send for some more Brahmins to consult them as to the suitability or otherwise of her horoscope, and that until that is settled the intended marriage cannot take place. From this I argue that there may be some truth in the petition of Pandoo bin Govindrao.

No. 114-445, dated Nowsaree, 28th April 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my confidential letter No. 111-429, dated the 23rd instant, I have the honour to acquaint you that this morning the Minister Nana Sahab Khanelker informed me that His Highness' marriage with Luxmee Bai will probably be celebrated on or about the 6th proximo, and requested that according to custom I would be so good as to send for a company of Native Infantry to Nowsaree to render the honours due on such occasions.

2. I replied that being absent from Baroda a good deal of inconvenience might be experienced in complying with the request for a Guard of Honour, but I was told in reply that it was always customary, and that a special train would be provided to bring the company to Nowsaree, and to take it back again to Baroda.

3. It is true that the usual military honours are paid to the Gackwars on the occasion of their marriage, and as I have no lawful reason for altering the routine in the present instance, I shall comply with His Highness' request unless I receive orders from the Government to the contrary. It appears to me that my presence at the marriage with a Guard of Honour will not affect the question as to its legality that may possibly arise should the petitioner Pando bin Govindrao Khadway really prove to be the girl's husband, and it rests with the Government to decide whether they will advise His Highness to clear up this point before contracting a marriage which the circumstances disclosed in the petition show to be a doubtful one.

2. In the absence of orders from Government by telegram I shall attend the marriage with a Guard of Honour.

No. 123-473, dated Nowsaree, 5th May 1874 (Confidential).

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letters as per margin, I have the honour herewith to forward translation of a petition received by me this day from Gungajeerao Khanvelkur, brother-in-law of His Highness Mulhar Rao, and son-in-law of the late Syajceerao Maharaja, as also the uncle of Sivajceerao Khanvelkur, the present Dewan of His Highness.

Translation of yad from GUNGAJEERAO TRIMBUKRAO, Inamdar Mokhasee, to the Resident, Baroda, dated 4th May 1874.

My brother-in-law (wife's brother) His Highness Mulhar Rao Sena Khaskhel Sumshere Bahadoor (the Gackwar), has kept a mistress by name Luxmee Bai, and I have heard he is about to contract a marriage with her. From the ancient time none of his ancestors has ever done so. I have, however, received reliable information that the marriage is to be celebrated, and after the celebration is complete a blot will attach to the whole of our caste; I being a relation of his have pointed out to him that this will materially prejudice the Mahratta

religion, and that he should not contract the marriage. As he is against me he will not hear what I stated; but you, Sir, are considerate, just, and long accustomed to live in Native Courts, and you are also acquainted with the Mahratta religion, and the above irregularity is about to be committed. I therefore write the following with a hope that Your Honour may represent the same to His Highness the Maharaja and prevent the marriage.

There have been many great Rajas up to this day; and they have each married from 5 to 25 wives of high families and belonging to houses with which it has been customary for them to be connected by marriage. They had kept mistresses of low castes, but at no place has any marriage with such a mistress taken place. If a Raja is very fond of her he would give her property to the value of lakhs of rupees; but he would never connect himself with her by a marriage tie. The father of this very Maharaja, the late Syajee Rao Maharaj, had kept mistresses, besides married wives, and some of the mistresses were his particular favourites, but no marriage has ever taken place with them, nor is it customary to do so in any Native Court or Mahratta community. Several witnesses could be had about this. If a subha (meeting) is held and I am invited I shall attend to it. There have been Mahratta States, and as Kolhapoor, Sattara, Poona, Indore, Gwalior, Nagpoor, &c., and some of them are still in existence. If a reference is made to them about it no one would give a reply (in favour of the marriage).

The chief guardian of our religion is Shree Shunkaracharya at Shekswar, Ilaka Kurvir. He is the principal priest of the Hindoo religion, and if referred to for opinion on the present question will give a reply after consideration; also the shastrees, priests, and grabsthas (gentlemen) of the said places will give a correct reply about the religious aspect of the marriage.

The Shastrees of Baroda first refused to give an opinion in favour of the marriage, but subsequently owing to the avarice for money, &c., have given a favourable opinion in deference to the wish of His Highness the Maharaja. This is what I have heard. If this is true, and if they have found out authorities in favour of the marriage from the life of Krishna, it may be stated that Shree Krishna was a complete God and possessed power of saving the world; the authorities are therefore exclusively applicable to Shree Krishna personally; they are of no use to human beings. They (the Shastrees of Baroda) should be asked whether this is right or not. Opinions should also be obtained from the places above-mentioned, and then what is to be done should be done. Nothing should be done in the interim. If anything is done it would act prejudicially towards me. I write this for your information.

If the Maharaja wishes to marry Luxmee it is not advisable to do so, because she has had intercourse elsewhere, and also with the Maharaja for some time past. It could not be clearly ascertained to what caste she belongs. I have also heard that she is pregnant; but until the delivery takes place she is not fit to be given or taken in marriage, because if the issue prove to be a daughter, there are many objections to such a woman being given in marriage. Religious opinion should also be obtained about this. Excepting Luxmee the Maharaja may marry any one in the other Mahratta families such as Sirkey, Mohitay, Mahadeck, Goojur, &c. This marriage is contrary to rule, and therefore should not take place.

I have written the above for your information. The same has also been made known to the Maharaja. A yad has also been sent to His Excellency the Governor-General. This is a matter which should surely be taken into consideration. I have heard it as certain that the marriage is to take place on Waishak-Sood 6th.* It is difficult to get opinion from all places before that time.

I have therefore sent this yad in order that the marriage may be stayed. You are powerful to take the same into consideration and arrange accordingly.

No. 126-479, dated Nowsaree, 7th May 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 114-445 of 1874, dated 28th ultimo, and subsequent telegrams on the same subject, including mine of the 4th instant, to the effect that the marriage of His Highness the Maharaja with Luxmee Bai was announced for the 7th instant (this day), and that I was required to decide at once whether I would go or not, I have the honour to report, for the information of His Excellency in Council, that early on the morning of the 5th instant I communicated to His Highness' Dewan the instructions conveyed in the Private Secretary's telegram of the previous evening, viz., that a Guard of Honour would be furnished as usual, but that I could not attend the marriage. In reply to this the Minister decided that it would be best not to have the Guard of Honour at all.

2. This appeared to me to settle the question, and I heard nothing more regarding it until yesterday evening, when Rao Sahab Bapooobhai and Govind Rao Mama came to me and asked if I could not go in a private capacity. I

replied that it was utterly impossible, the orders of Government being quite clear and distinct, and that I had communicated them to Nana Saheb and themselves on the morning of the 5th instant.

3. This appeared to me to satisfy them, and I heard nothing more about the matter until this morning at about a quarter past 9 o'clock when Rao Saheb Bapooibhai of the Durbar waited upon me with formal khureetas of invitation for His Excellency the Viceroy and Governor-General and His Excellency the Governor of Bombay. There was also a vernacular yād addressed to myself, which I understood to be simply a formal invitation to the marriage similar to what was conveyed in the khureetas above noticed. I gave this yād into the office for translation into English according to custom, and being busy at the time with an important telegram to Government I only detained Bapooibhai for three or four minutes, who before taking leave said that the Minister would wait upon me at about 11 o'clock. Understanding Bapooibhai to refer to the ordinary every-day visit which Nana Saheb pays me for the despatch of current business I assented.

4. Bapooibhai then left, and I resumed the telegram that I had been writing. Within three or four minutes however he returned and asked me whether 11 o'clock would be too early for the Minister to come, and I replied that half-past would be better, upon which he again left.

5. I then went into the office, when the translation of the Durbar yād above referred to was put into my hand, a glance at which showed me that Bapooibhai's allusions to the Minister's visit had been misunderstood by me, and that other means having failed occasion was apparently about to be taken to involve me *volens volens* in the ceremonial marriage proceedings of this day.

6. This view is further confirmed by the fact that a portion of the programme laid down in the yād is antedated; and, moreover, that contrary to all customs only about an hour's notice is given to the Resident for consideration as to the course which he ought to follow in a question which, under the circumstances, involves many points of the highest possible importance.

7. The Durbar yād is as follows:—

“TRANSLATION of Durbar Yad No. 782, dated 7th May 1874.

“THE third marriage of the Sirkar is to take place on the evening of Vaishak Shood 6th, Thursday 7th May 1874. The following arrangements should be made about it by the Residency:—

“1st.—At 9 o'clock a.m. of 6th May Rajeshree Sivajecrao Khanelker Dewan Bahadoor and the bride's father will come with 'axit' (rice).

(On the date aforesaid, i.e., the day of the yād.)

“2nd.—The Resident with all the European Officers should come at 3 o'clock p.m. to the temple of Bukaleshwur Mahadeo at the Newsaree Thanna, where Shrimunt pooja is to be made, and riding on an elephant with the Sirkar should go to the marriage 'Munday.'

“3rd.—Four companies of Regiment with Band should come at 7 o'clock in the morning, and should stop at the left side of the bungalow at the race-course, and at the time of the arrival of the sowaree should only present arms; no firing to take place. The firing should take place along with the firing of the guns when the marriage takes place, and afterwards the companies should return.

“4th.—At 5 in the evening the guns should be brought and kept in the open ground near the place aforesaid, and after the marriage has taken place should give a salute of 21 guns and then return.

“The above has been written, kindly therefore arrange accordingly.”

8. Feeling that consistently with the orders of Government, as well as with what had already happened between myself and the Minister on the subject, I could not give my official countenance to a formal procession of all the Officers of State, accompanied by a large body of troops, bands, &c., from the Palace to the Residency, and there in formal Durbar receive the Minister, offer my congratulations to him and the bride's reputed father, as well as to all the principal

members of the Court, accept the rice which is the symbol of acquiescence in the marriage, and thus publicly testify to the whole of Guzerat the cordial participation of Government in the ceremonial of this day, I at once wrote the following reply to His Highness' yād, and despatched it by my Assistant, Mr. Crawley Boevey, who delivered it to the Minister at His Highness' residence. This measure was rendered absolutely necessary in order to prevent the actual departure of the procession towards the Residency, it being then nearly 11 o'clock: .

“Dated Newsaree, 7th May 1874.

“FROM RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

“I HAVE the honour to acknowledge the receipt of Durbar yād No. 782 of this date, which was received by me from Rao Saheb Bapooibhai at about a quarter past nine o'clock this morning.

“Upon reading the above yād I find that a certain programme connected with inviting me to the marriage is laid down for your Highness' Minister, which was to have been carried out yesterday, but which Rao Saheb Bapooibhai informed me would be carried out in the course of this morning at 11 o'clock, or in about an hour hence.

“At present I have only time to inform Your Highness that as I on the 5th instant privately informed Your Highness' Minister that under instructions from Government I should be unable to accept Your Highness' invitation to the Marriage, I trust that you will be so kind as to countermand the ceremonial procedure laid down in the yād under reply, in which under the circumstances already explained I am unable to take part.

“A Guard of Honour was offered to Your Highness' Minister a day or two ago, but it was not accepted owing to my own non-attendance.

“I received Your Highness' khureetas for His Excellency the Viceroy and Governor-General and the Governor of Bombay this morning, and will duly forward them by post to-day on receipt of English copies thereof and the usual forwarding yād.”

9. Shortly after the despatch of this yād, Rao Saheb Bapooibhai returned to the Residency and endeavoured to induce me to telegraph to Mahableschwur for orders whether I should take part or not in the ceremonial which I have described in paragraph 8 above. I replied, however, that as the marriage was to take place in a few hours, not only was there insufficient time for an answer, but that no additional orders were in my opinion necessary; that the invitation having already been formally declined by me on the 5th instant, under the orders of Government, this formal repetition of it was contrary to all custom, and, if permitted, would oblige me to refuse it again in my own Durbar, and thus matters would assume a serious form which had not resulted from the private mode of settlement adopted by me on the 5th instant; in short, that an invitation formally declined could not with propriety be repeated in the manner desired. Moreover, that even adopting the Durbar's own point of view, they ought to have made their programme known to me some days previously at least; and that their omission to do so until within an hour or so of the actual commencement of the ceremonies was altogether unusual and inexplicable; consequently that any difficulty which the Durbar might experience in this matter was entirely one of their own creation, for which they alone were responsible; finally I assured Mr. Bapooibhai that I was clearly of opinion that it would be impossible for me to take part in the ceremony allotted to me without violating both the spirit and letter of the orders which Government had thought fit to give me.

10. I refrain on this occasion from noticing the detailed procedure dictated by the Durbar in paragraphs 1 and 2 of their yād, which appear to me to be—contrary to custom in such cases.

11. In conclusion I would submit, for the consideration of Government, that if this marriage were an unobjectionable one it would not apparently have been necessary for the Durbar to adopt the unseemly tone which is, I think, clearly discernible throughout the whole of their proceedings in this matter, which from first to last have been different from those followed in any other instance on record, where all the preliminaries to a marriage are settled after the most mature deliberation between the Resident and the Minister. In fact I can arrive at no other conclusion than that a deliberate attempt has been made by the Durbar to defeat the orders of Government, and to entrap me into a formal recognition of the marriage independently of my actual attendance at the palace.

12. The following is the copy of a telegram which I received from Luxmee Bai's reputed father* this day as already reported to Government by telegram :—

* Sic in orig.

"His Highness Mulhar Rao is going to marry with my wife Luxmee Bai; pray prevent the illegal marriage. I have telegraphed to Government."

Mr. Boevey's report is attached :—

Dated 7th May 1874.

From ACTING ASSISTANT RESIDENT at BARODA, to RESIDENT at BARODA.

I HAVE the honour to report for your information, that in accordance with your instructions, I delivered to Nana Saheb Khanvelker the letter addressed by you to His Highness the Gaekwar, and informed him that as Government had prohibited your taking any formal part in the proposed marriage, you were not at liberty to receive the customary marriage procession which you had only just learned it was proposed to despatch to the Residency.

2. I need scarcely add that I was particular to convey my message in as courteous terms as possible.

No. 129-482, dated Newsaree, 8th May 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 126-479 dated yesterday, and in forwarding His Highness the Gaekwar's reply to my letter of the same date, I have the honour to submit, for the consideration of Government, what appears to me to be the present state of this case.

2. That His Highness the Gaekwar, for purposes of his own, determined to contract a highly unpopular marriage of doubtful propriety; that the British Government, for reasons of their own, determined to maintain a neutral attitude with respect to this marriage, and accordingly instructed their Resident to abstain from any personal participation in its ceremonies; that this neutral course proved so distasteful to His Highness, that in pursuance of the normal policy of the Gaekwar he endeavoured by every possible means to overcome it, and as a last alternative adopted a line of unusual and deceptive conduct which he hoped would in the hurry of the moment have secured the success of his plans. He was disappointed however, and the neutral attitude of the Government was maintained intact; yet instead of seeing and acknowledging his fault His Highness has assumed the unreasonable attitude of an aggrieved person; thus in point of fact, denying the right of the British Government to act as their own judgment and policy may dictate to be right under certain circumstances, and making it appear as if the exercise of this right were an insult.

3. In order to show how completely His Highness' sense of propriety with regard to this woman Luxmee Bai has long since been blunted, I may mention that some months ago he endeavoured to induce me to allow her to visit at the Residency, she being his kept-mistress at the time. I merely replied that whilst my wife was very glad to receive the Ranees and his own daughter she could not possibly receive Luxmee Bai. I felt at the time that the proposal was insulting, but knowing Mulhar Rao's character I remained silent regarding it.

4. Again, viewing the whole case as submitted to Government, His Highness has reason to be grateful to them for having tacitly endeavoured to deter him from too hastily contracting a marriage, which seems likely to sever him socially from all the Mahratta Chiefs in India and seriously to disgrace his own family.

Dated Newsaree Palace, 7th May 1874.

From His Highness MULHAR RAO MAHARAJA GAEKWAR SENAKHAS KHEYL SHUMSHER BAHADOOR, to RESIDENT at BARODA.

I HAVE received your letter of this day and am very much surprised and sorry that Government should have at all thought it right to prevent your attendance at my marriage.

You have asked me to countermand the usual ceremonial procedure for your invitation, and your Assistant, while handing to my Dewan your reply, personally told him standing in public Cutcherry that if he went to give you the invitation for marriage you would not receive him. You have thus not only prevented me from doing you the customary honours, but have in every way insulted me on this important occasion.

The original khureetas to Their Excellencies the Viceroy and the Governor of Bombay are in Marathee, copies whereof have already been furnished to you. It is not customary to send a forwarding yâd with such khureetas.

No. 134-494, dated Newsaree, 9th May 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

I HAVE the honour to forward a khureeta addressed by His Highness the Gaekwar to His Excellency the Governor.

2. I cannot but regard the contents of this document, firstly, as a renewal of the attack upon the Government policy respecting His Highness' marriage with Luxmee Bai, which was commenced on the 7th instant; secondly, as an attempt to establish a grievance in connection therewith without any grounds for complaint whatever; and thirdly, as a maliciously false personal attack upon the Resident, because in the performance of his duty he thwarted His Highness' wishes and maintained the strictly neutral attitude which he was ordered by Government to assume with reference to the marriage in question.

3. Before replying to the contents of the khureeta *seriatim* it is necessary to recapitulate the main facts of the case from the commencement, which show that the policy which I followed originated with the Government, not myself, and that His Highness the Gaekwar having adopted an unusual and deceptive line of conduct, tending to defeat that policy, I had no alternative but to counteract His Highness' manoeuvres as I best could.

4. Government will recollect that His Highness' marriage with Luxmee Bai was at first fixed for the 27th April, and in reporting it I remarked that the Minister had promised to send in the usual khureeta, &c., and that pending its receipt I had said nothing about attending, &c.

5. It is here important to remark that according to *usual custom* this was the stage at which the preliminaries about troops, &c., should have been settled by the Resident and the Minister, a formal yâd being written by the Durbar requesting their attendance, according to the terms that might have been agreed upon; but though I was invited to attend the marriage on this occasion nothing about the marriage ceremonies was mentioned.

6. Owing to caste and other difficulties which then intervened nothing more was said to me about the marriage until the 28th April, when I reported "that the marriage was fixed for the 6th May, and that as I had no lawful reason for altering the usual routine in the present instance, I should accept His Highness' invitation and take a Guard of Honour, unless I received orders from Government to the contrary."

I carefully avoided doing so, pending the orders of Government.

I also expressed the opinion that my personal presence at the marriage would not affect the question of its legality or otherwise, but that it rested with Government to decide whether they would advise His Highness to clear up the point of legality before contracting a marriage which the circumstances disclosed in the petition of Luxmee Bai's reputed husband, Pandoo, showed to be a doubtful one."

7. Here again it is necessary to remark that according to *usual custom*, the date of the marriage having been again fixed for the 6th May, any requisition for troops and ceremonial procedure which the Durbar might have wished to make should have been submitted for consideration, and a yâd written accordingly. A Guard of Honour was asked for, it is true, but the Minister sent in no yâd requiring this ceremonial procedure of the Resident, as he ought to have done, none having been previously received.

8. Two days afterwards, viz., on 30th April, I received the following telegraphic reply from Government :—

"Give no Guard of Honour, and do not attend marriage on May 6th, without orders of Government of Bombay."

9. On Monday, the 4th May, the Minister on paying me his usual visit, announced that the marriage was finally fixed for the 7th idem, but that as His Highness had to undergo a preliminary ceremony next day (Tuesday, 5th May), His Highness required a reply whether I would finally accept the invitation or not. I accordingly at once telegraphed to Government, soliciting their decision in the matter, and I received a reply at about 5 o'clock next morning (5th May) dated from Mahableshwar, 4th May, as follows :—

"As it is customary, and cannot be held to imply sanction, furnish guard, but as you doubt the propriety of marriage you should not attend."

10. I at once communicated this final reply to the Minister Nana Saheb and Rao Sahab Bapoobhai and Govind Rao Mama on their calling on me early that morning, the 5th May.

I offered the Guard of Honour as ordered by Government, but it was declined with the remark that unless I attended it was of no use.

11. Here again no mention was made of any ceremonial procedure, obviously enough because the Members of the Durbar themselves had declined to accept the Guard of Honour, and on the part of Government I had formally declined His Highness' invitation, so that my connection with the whole ceremony ceased from this moment. Had the Members of the Durbar named thought otherwise they should at that time have addressed a yâd to me to that effect, and not have deferred it till the 7th instant, an hour before the marriage; had they done so their proposals would have been referred to Government, if necessary, but as no such proposals were made it is reasonable to suppose that no such were entertained, and it naturally followed that the Resident's participation in the affair ceased from this moment, nor did it ever enter into my mind that an invitation, which had been thrice repeated, viz., on the 23rd and 28th April, and again on the 4th May, and had been formally and courteously declined in the name of the British Government on the latter date, would ever be renewed in any form, all negotiations regarding it having ceased on the 5th May in the manner above related.

12. I was well aware that throughout the whole period from the 23rd April to the 4th May, His Highness had been in a great state of excitement about the marriage in consequence of the opposition which he had had to contend against from his own subjects regarding it. During this period he visited me regularly every morning and Thursday morning as usual, but I never once spoke to him personally upon the subject, nor did His Highness ever touch upon it to me, but I knew that he regarded the attitude assumed by Government with the utmost dislike, and that he was at his wit's end to know how to overcome it.

13. On the afternoon of the 6th May, I was a good deal surprised by Rao Sahab Bapoobhai and Govind Rao Mama coming to me privately with a proposal that I should attend the marriage in my *private capacity*. This was in reality insulting, considering all that had occurred; but, knowing the men I had to deal with, I merely said courteously, but firmly, that the orders of Government were precise and clear, and that I could not possibly disobey or nullify them in any way.

14. Having thus failed to gain their purpose by open proposals in the various ways described they, as a last resource, bethought of the "usual yâd," the necessity for which had, of course, been superseded by the transactions of the 5th May, as reported in paragraphs 9 to 11 above. This, however, proved no obstacle, and a yâd was accordingly concocted bearing date the 7th instant, the day of delivery, in which allusion is made to certain ceremonies which ought to have taken place on the previous day (May 6th), but which, in point of fact, did not do so. Rao Sahab Bapoobhai called on me at about 9.15 a.m. on the day of the marriage, and after delivering the khurectas placed in my hand this yâd. He at the time of giving it said that Nana Sahab, the Minister, who usually came to me at 9 a.m., would come that day at 11 o'clock, to which I assented, under the impression that he was then engaged, and would attend for ordinary business afterwards. Bapoobhai then left, as I was busy at the time, but he returned in a minute or two, as asked if 11 o'clock were too early for the Minister to come. I replied that half-past would be better, but as on this occasion he spoke of "axit" in connection with the Minister's visit, I told him I would go and see the yâd, which had by this time been translated. On perusing this yâd I learnt that within an hour or so I was expected to take the same part in the commencement of the nuptial ceremonies of the day as I should have been required to do had I accepted instead of declined the invitation to the marriage on the 5th instant.

15. The yâd is as follows:—

"No. 782, dated 7th May 1874.

"To RESIDENT at BARODA.

"The third marriage of the Sirkar is to take place on the evening of Vaishak Shood 6th Thursday, 7th May 1874. The following arrangements should be made about it by the Residency:—

"1stly. At 9 o'clock a.m. of 6th May, Rajeshree Sivajerao Khanelker Dewan Bahadoor and the bride's father will come with 'axit' (rice).

(On the date aforesaid, that is the date of the yâd.)

"2ndly. The Resident with all the European Officers should come at 3 o'clock p.m. to the temple of 'Bukaleshwur' Mahadeo at the Nowsaree Thanna, where the 'Shrimunt Pooja' is to be made, and riding on an elephant with the Sirkar should go to the marriage 'Munday.'

"3rdly. Four companies of Regiment with Band should come at 7 o'clock in the morning and should stop at the left side of the bungalow at the race-course, and at the time of the arrival of the sowaree should only present arms; no firing to take place. The firing should take place along with the firing of the guns when the marriage takes place, and afterwards the companies should return.

"Fourthly. At 5 in the evening the guns should be brought and kept in the open ground near the place aforesaid, and after the marriage has taken place should give a salute of 21 guns and then return.

"The above has been written, kindly therefore arrange accordingly."

16. It was now near 10 o'clock, and I for the first time clearly understood that if the Minister came with "axit" he would be accompanied by the whole sowaree of about 1,000 men, and within an hour would be on his way to the Residency in pursuance of No. 1 of the above requests.

Nos. 2, 3, and 4 were merely written after true Gackwaree custom, for record in the Residency and their own Dufturs to make it appear hereafter, in case of necessity, as if British troops had been actually present and performed the part allotted to them. In short, the whole composition was meant to nullify the neutrality of the British Government as far as possible now and hereafter.

17. Seeing that no time was to be lost, I at once wrote the following reply, and in the interim despatched a private note to the Minister not to leave the palace until he had received my official reply.

18. That reply was as follows:—

"Residency, Nowsaree, 9-45 A.M., 7th May 1874.

"I have the honour to acknowledge the receipt of Durbar yâd No. 782 of this date, which was received by me from Rao Sahab Bapoobhai at about a quarter past nine o'clock this morning.

"Upon reading the above yâd I find that a certain programme connected with inviting me to the marriage is laid down for Your Highness' Minister, which was to have been carried out yesterday, but which Rao Sahab Bapoobhai informed me would be carried out in the course of this morning, or in about an hour hence.

"At present I have only time to inform Your Highness that as I on the 5th instant privately informed Your Highness' Minister that under instructions from Government I should be unable to accept Your Highness' invitation to the marriage, I trust you will be so kind as to countermand the ceremonial procedure laid down in the yâd under reply, in which, under the circumstances already explained, I am unable to take part.

"A Guard of Honour was offered to Your Highness' Minister a day or two ago, but it was not accepted owing to my own non-attendance.

"I received Your Highness' khurectas for His Excellency the Viceroy and Governor-General and the Governor of Bombay this morning, and will duly forward them by post to-day on receipt of English copies thereof and the usual forwarding yâd."

19. It was near 11 o'clock when this reply was ready for despatch. In order, therefore, to ensure its reaching its destination as speedily as possible, and thus prevent the formation and departure of the procession, I deputed my Assistant, Mr. Crawley Boevey, to deliver it himself at His Highness' Palace, which was done in a most courteous manner, and happily effected the object I had in view, viz., to maintain the neutrality of Government intact and prevent the formation of the procession.

20. Having thus given an exact and detailed recapitulation of what took place from first to last in this matter, I respectfully submit that so far from His Highness having any "open outrage" or "public insult," or even the least shadow of a grievance to complain of, the very reverse in the case; the Durbar procedure on the 6th, in endeavouring to induce me to disobey my orders "privately," and again on the 7th instant publicly, being most improper, and indeed insulting to the British Government. This I felt it to be at the time, but refrained from noticing it particularly in consequence of the orders which I have received to avoid all possible causes of irritation at the present time. It is clear, however, that the procedure of the 7th May was forced upon me in a manner over which I had no control.

21. I now proceed to submit detailed replies to each point mentioned in the khurecta, but before doing so it is necessary to remark, with reference to the personal turn which the Durbar have in His Highness' name given to this affair, that such a proceeding is only in strict consonance with the traditional policy of the Durbar in such cases. A reference to the correspondence which took place during the years 1823 to 1827 between the Resident and Government, *vide* Colonel Wallace's printed compilation, chapter 13, shows that the main object of Syajee and his advisers was invariably to give a personal turn to any difference that might arise between the Resident and His Highness the Gaekwar. Syajee's advisers did not hesitate in the name of their master to charge Mr. Williams, then Resident, with every species of obloquy and crime. The Resident was openly charged with conspiring with the Minister to place the Gaekwar under restraint, with insulting the Gaekwar by not attending the Dussera procession, &c., &c. To such a pass in fact did matters come that Syajee declined to correspond with Government through the Resident, and calumniated the latter by every means in his power.

22. Precisely the same tone was assumed towards Mr. Sutherland in 1839, and Colonel Outram in 1848, and is in fact habitually employed as a last resource with every officer whom the Durbar is unable to move by other means.

Replies to specific statements made in the khurecta.

Account given in His Highness' Khurecta.

I HAVE now with great regret to bring to Your Excellency's notice a public insult which I have received at the Resident's hands.

2. As usual I sent a yâd informing the Resident that the customary invitations for my marriage would be brought to him by my Minister and relation, with the usual ceremonial procedure.

&c. &c., &c.

Remarks by Resident.

No public insult whatever was either offered to, or received by, His Highness. His deceitful attempt to inveigle the Resident into disobeying the orders of Government was merely defeated in a firm, but strictly courteous, manner, called forth solely by His Highness' own act, as explained above and in previous correspondence.

The procedure followed by the Durbar in this instance was absolutely without precedent and not "usual" as incorrectly stated by His Highness the Gaekwar in the khurecta. The usual course on such occasions is for the Minister to settle all preliminaries with the Resident several days previously to the marriage, upon which the Resident addresses the Commanding Officer of the troops, instructing him as to what part his men are to take in regard to saluting the marriage procession as it passes a certain point. Therefore the yâd presented on this occasion an hour before the time for the ceremonies to commence ought to have been presented on either the 23rd or the 28th of April, when verbal invitations were given, in which case a written answer would have at once been given to the effect finally ordered by Government on the 4th of May, and thus all misunderstanding would have been quite impossible. If, therefore, His Highness considers that he has incurred any indignity in this matter (which is not admitted), it is solely due to his own unusual course of procedure, and he alone is responsible for it; the course of action forced on the Resident was carried out in as courteous and dignified a manner as was possible under the circumstances of the case; and nothing that His Highness can urge to the contrary can possibly controvert the facts stated.

In the first place, this proposed procession to the Residency was, strictly speaking, not to give an invitation, as asserted, simply because the invitation had already been formally declined in the name of Government on the 5th instant, and again on the 6th idem, under the circumstances explained. The proposed visit was therefore a deliberate attempt to make the Resident a partaker in the marriage ceremonies, a course which he had been distinctly ordered by Government to refrain from.

3. While the preparations for the procession had advanced more than half the way to the Residency the Assistant Resident brought a letter

The Assistant Resident reports that at the time of his arrival at the Palace no procession had even been formed!! In fact the members of the Court were, as stated by His Highness himself, in the Durbar-room.

addressed to me wherein the Resident asked me to countermand the usual ceremonial procedure, &c., &c., &c.

Thus the main object of my sending the Assistant Resident was satisfactorily effected. Whatever impression the writer of the khurecta intends to convey by the manner in which he has expressed this part of it, it does not affect the facts of the case as reported by Mr. Boevey, in the letter which I forwarded to Government yesterday, viz., that he

8th May.

was particularly careful to be most courteous in his manner towards the Minister and all who were in the Durbar. I regarded the despatch of Mr. Boevey on this duty as an honour to His Highness, whereas the writer of the khurecta seems by his tone to regard it as an "open outrage" and "public insult." The fact is that His Highness is extremely angry at the failure of his scheme for nullifying my neutrality, and is vainly endeavouring to show that he was insulted. His Highness evidently thought that by leaving me no time to consider I should have yielded under the belief that the procession composed of about 1,000 men was already in full march to the Residency, which would have been the case, somehow or other, had I not sent Mr. Boevey to make matters quite sure. So anxious was I upon this point that I even sent a private note to the Minister shortly before Mr. Boevey left, begging him to await the receipt of my official yâd.

4. The effect of all this upon those immediately present and subsequently on all my subjects, not here alone, but in all my territory, cannot but be to lessen the respects of my subjects towards me, and to very largely increase the present difficulties of my Administration.

How His Highness could reasonably arrive at this conclusion in consequence of the deputation of my Assistant to the Minister it is quite impossible to conceive. The real cause of His Highness being lowered (if at all) in the eyes of his subjects is the fact that the proposed connection with Luxmee Bai was one of such doubtful propriety that the British Government deemed it absolutely requisite to hold aloof. Indeed I believe that His Highness' action with regard to this has in fact already produced of itself the very result which he is now anxious to saddle upon the British Government and the person of the Resident. That His Highness' action could have had no other result is evident from the fact that not only the whole of Guzerat, but the Mahratta Chiefs generally, are said to entirely disapprove of the marriage as lowering to His Highness' honour and dignity; and representations to this effect have already been forwarded by me to Government from several Mahratta families of distinction. It is also important to call to mind the instance of Bulwunt Rao Guicowar, mentioned at pages 227 and 581 of Colonel Wallace's compilation, from which it will be seen that although Bulwunt Rao was the son of His Highness Anand Rao by his favourite wife Tukht Bai, who was a Rajpootanee, yet that, not being according to Mahratta law and precedent a legal wife, Bulwunt Rao's claims to the succession were rejected as illegitimate. If, therefore, the offspring of a high-born Rajpoot lady, who was lawfully married to His Highness Anand Rao Guicowar, was considered illegitimate, of how much more doubtful propriety is His Highness' marriage with a woman, who is not only alleged to be the wife of another man, but whose caste and origin are involved in great doubt. This is submitted to show the absolute necessity that existed of scrupulously abstaining from any action which might possibly be construed into an acquiescence in the marriage on the part of Government, and under these circumstances I believe that the action of Government in this matter whilst offensive to His Highness and his evil advisers has commanded the respect and cordial approval of every right-thinking man connected with the Baroda State.

5. Much as I have already suffered in dignity and authority from the Resident's open hostility to my Ad-

It is well that the writer of the khurecta explains that the "open outrage" of which he complains is the cause of this personal attack. He speaks of many

ministration, I have refrained hitherto from complaining thereof, as I was unwilling to increase the difficulties into which that very hostility has brought me with the British Government. But this open outrage to me in the midst of my Durbar makes it impossible for me to remain any longer silent; the more particularly as it was entirely gratuitous and unnecessary. Common courtesy demanded that I should have been allowed to do the Resident the customary honours on such an occasion, but when the conduct on the part of a Resident to a State involves great political consequences, it was the more incumbent upon him to be particularly careful in his acts before the public; the many petty slights, discourtesies, and harsh expressions which I have hitherto thought it proper not to notice have now culminated in this public insult, and I trust I shall not appeal in vain to Your Excellency for redress.

petty slights, discourtesies, and hard expressions which have now culminated in this "public insult." He does not specify, however, one of the petty instances in which I have acted discourteously to him; but it seems clear that if my obedience to the orders of Government as above described constitutes an "open outrage" and a "public insult," the petty discourtesies complained of cannot be very serious. But I can conscientiously state that I have never on any one single occasion either slighted or acted discourteously to His Highness; and up to the 25th of October last at all events, prior to which all my oral intercourse on business matters took place with him, His Highness held a very different opinion. For instance, in his khureeta to His Excellency the Viceroy and Governor-General, dated 25th of October 1873, His Highness thus records the opinion he had formed of me up to that date:—

"I am deeply obliged to Colonel Phayre, whom I consider as my best friend and well-wisher of this State," &c., &c.

* * * * *

"Being backed in my endeavours at reform by a zealous and energetic officer and Resident like Colonel Phayre, who is only, I am happy to say, too glad to assist me with his advice and to the best of his power in carrying on these views as well as those affecting the grandeur, honour, and stability of my State, and whose appointment at such a time as Resident at my Court I have therefore reason to congratulate myself upon, &c., &c., &c."

This was His Highness' opinion up to the arrival of the Commission, since which I have never discussed business matters with him personally, neither have his friendly visits at the Residency ever been interrupted, or the usual interchange of civilities and courtesies at shikar or other parties ceased up to this day. Indeed, it was only on the 5th instant that I forwarded a telegram from His Highness to his Excellency the Governor, proposing that I should accompany his Minister, Sivajeerao Khanelker, to Mahableshtar and Calcutta for the purpose of representing what His Highness wished to say regarding the Commission report; and, moreover, it was only yesterday, the 8th instant, after the alleged "open outrage" and "public insult" referred to in this khureeta is alleged to have occurred that His Highness' Minister invited me to take a trip with His Highness in a small steam tug on the Nowsaree creek, which I accepted, so that His Highness' advisers, according to their usual policy, appear to be carrying on a paper war for their own purposes, whilst the actual routine of friendly intercourse goes on as usual. Had rupture of any kind actually occurred it would have been my immediate duty to have brought the same forthwith to the notice of Government.

The historical sketch of the relations between the two Governments, which I had the honour to submit to Government with my letter No. 128-481, dated 7th May 1874, is the true answer to this portion of His Highness' khureeta, and shows that during the last fifty years and upwards certain periods have occurred during which the exceptionally bad conduct of certain Rulers of Baroda has called for exceptional action on the part of Government and of the Residents under their orders. A perusal of that sketch, as well as the proceedings of the Commission, shows that the Baroda State is passing through such a period at the present time; and as the only tangible accusation which His Highness brings forward on the present occasion is that of the alleged "open outrage" of the 7th instant, I do not deem it necessary to occupy His

6. The duties of the Resident at my Court have been repeatedly and emphatically laid down by several illustrious British officials, but it has been my misfortune to experience a totally opposite treatment for some time past. (Then follow quotations.)

Excellency's time with further remarks on the matter at the present time, although I cannot but feel that if any one has been insulted in the course of the marriage proceedings under report it is the British Government in the person of their representative, and not His Highness the Gaekwar.

23. I have now answered in detail every point mentioned in this khureeta, and in conclusion I have only to invite the serious attention of Government to the following facts which seem to throw an important light on this most improper composition.

24. I have already shown what the personal feelings of His Highness were towards me up to the 25th October, and even in the telegram of the 5th instant, proposing that I should accompany the Minister and certain members of the Durbar to Mahableshtar and Calcutta to represent His Highness' views upon the Commission Report.

25. I have already reported to Government that immediately after the arrival of Mr. Dadabhai Nowrojee at Baroda in December last, a perceptible difference in tone was at once apparent in all official communications from the Durbar, the first public intimation of which was given in the khureeta from the Durbar to His Excellency the Viceroy and Governor-General, dated 31st December last, which was commented on by me at the time.

26. The khureeta under notice corresponds in a most remarkable manner both in thought, argument, and style with the well-known "precedence" khureeta dated 5th December 1872, which is known to have been the work of Mr. Dadabhai, and for the writing of which, and agitation of which question, he obtained Rupees 50,000 from His Highness the Gaekwar. This remarkable similarity leaves no doubt whatever in my mind that this production is the work of Mr. Dadabhai Nowrojee alone; and that this is a fact most material to consider in forming an opinion upon its real weight and significance. Mr. Dadabhai Nowrojee is at the present moment a thoroughly disappointed man; he is unanimously pronounced to be a failure here as an aspirant to the office of Minister, not having been able up to the present time to effect any reforms or carry out any weight whatever in dealing with the ordinary administration of the affairs of the State.

27. The last accounts heard of Luxmee Bai's reputed husband Pandoo are to the effect that a Vakeel of the Surat Session Court and two of the best pleaders of the High Court in Bombay have been retained on his behalf, and that the Surat Vakeel accompanied by Pandoo has proceeded to the Surat District Court to lay his case before the Magistrate having jurisdiction.

P.S.—11th May 1874.—With reference to the supposed connection of Mr. Dadabhai Nowrojee with the khureeta under notice referred to above, I think it material to bring to the notice of His Excellency in Council that when the Minister Nana Saheb visited me this morning, I asked him point blank who wrote this khureeta. He informed me that Mr. Dadabhai Nowrojee was the author of it. I then asked him if he knew its contents, and he replied in general terms that he did; as, however, I doubted the extent of his information, I caused the khureeta to be translated to him orally in Guzeratee, and on hearing the sentence "much as I already suffered in dignity and authority from the Resident's open hostility to my Administration," &c., he at once repudiated the obvious direct meaning of the words, and proceeded to explain that the idea intended to be conveyed was that the statements of persons hostile to the Durbar were heard and acted upon, but disclaimed *in toto* any intention of intimating personal hostility on the part of the Resident. I then asked Nana Saheb whether as a military man he considered the despatch of a letter by an A.D.C. as an honour, or an "open outrage" and a "public insult;" his answer of course was that it was an honour, and on my pointing out that Mr. Boevey's mission was precisely analogous, he of course did not pretend to dispute it. He also expressed his disapproval of the general tone of the khureeta by saying that such a production would never have emanated from any of the old Durbar servants, and appeared to express anxiety as to whether it would be despatched to-day or to-morrow. I replied that it would be despatched to-day, as it was necessary to despatch such a document to Government as soon as possible.

This expression of opinion may or may not be due to a personal feeling of rivalry towards Mr. Dadabhai Nowrojee on the Minister's part, but as I have heard from independent sources that the withdrawal of the khureeta was actually mooted in the Durbar, I feel little doubt of its substantial correctness, and would respectfully submit that Mr. Dadabhai's connection with this insolent production fully justifies the opinion which I have before expressed of him as a "mischievous political agitator," he having in this instance with his excellent knowledge of English customs and habits represented that to be an "open outrage," a "public insult," and an act of open hostility to the Gaekwar which he must perfectly well have known was the very reverse.

Facts like this prove the utter unfitness of Mr. Dadabhai for the work of reform which he professes to have commenced, and, as I pointed out to the Minister, only tend to excite a dangerous irritation in the mind of the Maharaja, leading him to believe that he has a grievance, and thus making him more than ever disinclined to listen to any advice which the Government may think proper to offer him.

In conclusion Government will recollect that in my yād to the Durbar, No. 2501 of 18th October 1873, forwarded to Government with my letter dated 21st idem, I used the following words:—

"Do not think you can divert attention from your own administration and your own personal acts since you came to the throne by a counter-attack on me. Persons may have taught you that such is a clever move to make, but believe me that it is an utterly futile one before the array of facts that can be brought forward. I have done nothing secretly, all has been as clear and open as daylight. I have, as Your Highness knows, endeavoured by argument as well as by entreaty to move you to do common justice to your people, but without avail, and therefore you must attribute the present state of affairs to your own self-will and to the evil influence of bad advisers."

Dated Newsarce Palace, 9th May 1874.

From His Highness MULHAR RAO MAHARAJA GAEKWAR SENAKHAS KHEYL SUMSIER BAHADOOR, to GOVERNOR and PRESIDENT in COUNCIL, BOMBAY.

I HAVE now with great regret to bring to Your Excellency's notice a public insult which I have received at the Resident's hands.

As usual I sent a yād informing the Resident that the customary invitation for my marriage would be brought to him by my Minister and relations with the usual ceremonial procedure. Rao Saheb Bapoobhai, who personally took the yād, gave the Resident to understand clearly what the ceremonial procedure would be, and asked him to appoint a time for receiving my Minister. The Resident thereon expressed his desire that it should be before noon. Some time after a note was sent to my Minister in which the Resident asked him not to proceed to give the invitation before receiving an answer to my yād. While the preparations for the procession had advanced more than half the way to the Residency, the Assistant Resident brought a letter addressed to me wherein the Resident had asked me to countermand the usual ceremonial procedure. While delivering the letter, the Assistant Resident standing, and not even accepting a seat offered to him, told my Minister in the midst of my public Durbar that if my Minister went to the Resident to give him the invitation the Resident would not receive him. The effect of all this upon those immediately present and subsequently on all my subjects not here alone but in all my territory cannot but be to lessen the respect of my subjects towards me, and to very largely increase the present difficulties of my administration. Much as I have already suffered in dignity and authority from the Resident's open hostility to my administration I have refrained hitherto from complaining thereof, as I was unwilling to increase the difficulties into which that very hostility has brought me with the British Government. But this open outrage to me in the midst of my Durbar makes it impossible for me to remain any longer silent, the more particularly as it was entirely gratuitous and unnecessary. Common courtesy demanded that I should have been allowed to do the Resident the customary honours of such an occasion. But when the conduct on the part of a Resident to a State involves great political consequences, it was the more incumbent upon him to be particularly careful in his acts before the

public. The many petty slights, discourtesies, and harsh expressions which I have hitherto thought it proper not to notice have now culminated in this public insult, and I trust I shall not appeal in vain to Your Excellency for due redress.

The duties of the Resident at my Court have been repeatedly and emphatically laid down by several illustrious British officials, but it has been my misfortune to experience a totally opposite treatment for some time past.

Mr. Mountstuart Elphinstone, while exacting some stringent terms for the fulfilment of the Bahadharee, specially guarded against the Resident acting in any way calculated to impair in any degree the respect of the subjects towards their sovereign. In the letter of the Bombay Government to the Resident of the day, he is told:—

"On occasions where it is necessary to advise you should be careful to give it in the least offensive manner and with perfect freedom and candour. It should be given with such privacy as to make the conduct suggested appear to originate with the Gaekwar himself, and on all occasions you should spare no pains to conciliate the confidence and good-will of the Gaekwar, as well as to uphold the character of his administration in the eyes of his subjects."

Even when Sir John Malcolm issued a proclamation for the sequestration of certain pergunnahs in fulfilment of the Bahadharee, Government directed the Resident "to

"maintain a scrupulous kindness of manner towards Sayajee, to forbear cautiously from every word and act that could offend or irritate, and to seize every opportunity of conciliation." Before Sir John Malcolm took the hard step of sequestration he had instructed the Resident:—

"You should indeed take every opportunity you can of disclaiming all right of interference with his internal affairs, and of directing the attention of those who apply to you for favours or indulgences of any kind to their Prince as the medium through which alone you could receive such applications."

Nothing can more add to his consequence and consideration than such daily acts of the British Resident, or tend more to show the desire of that Government to maintain undiminished his authority over every class of his subjects."

Lord Clare, when visiting Baroda, under trying circumstances, desired and was instructed by the Honourable the Court of Directors to meet and treat that Prince "with

"the utmost distinction and consideration."

Sir James Carnac, in his kind khureeta of 1841 says:—"I entreat you to believe that in all the advice which I have given you (I trust effectually) I have been

"influenced solely by a regard to your own welfare and to the maintenance of your high position as the head of the Gaekwar State."

Such has been the solicitude of all these eminent British officials to treat the reigning Prince with consideration and kindness, and they have always instructed the Resident to do so. Almost all former Residents have, it must be acknowledged to their credit, loyally carried out these kind instructions, and it has been only my misfortune that I have had for some time past a totally different treatment.

The chief duty of the Resident at this Court is to preserve and promote the friendly and loyal relations which have subsisted under every possible circumstance from the very commencement of the connection between the two States. But I leave it to Your Excellency to judge whether such a desirable result could be attained with a Resident so continuously unkind towards me and so indifferent to my feelings as to outrage them in the midst of a joyous occasion in my own public Durbar.

Dated Bombay Castle, 27th May 1874.

From His Excellency the GOVERNOR of BOMBAY, to His Highness MULHAR RAO GAEKWAR SENAKHAS KHEYL SUMSIER BAHADOOR.

I LOSE no time in replying to Your Highness' khureeta of the 9th instant, in which I regret to find that you charge the British Resident with having offered you a public insult.

It is therefore necessary for me to recapitulate the circumstances which, in my opinion, led to the transaction which has given Your Highness so much offence.

It appears that on the 23rd April the Resident learned that Your Highness had determined to celebrate your marriage on the 27th of that month, and the Minister intimated to him that the usual khureeta would be sent. A postponement to the 6th May took place; and during that interval representations were made to the British Government that your intended bride had been previously married to a British subject, who was still alive. It was considered proper therefore that until this representation had been proved to be untrue the British Government should abstain from giving that formal countenance to the marriage which would be implied by the official presence of the Resident at the ceremony. Colonel Phayre was therefore directed to furnish a Guard of Honour if required, but not to attend himself.

During all this time no formal communication was made by the Durbar, as is customary on such occasions, to the Resident as to the ceremonial to be observed.

But on the morning of the 5th May (the marriage having been again postponed to the 7th), when three members of the Durbar called on the Resident, he informed them he could not attend, but would give the Guard of Honour, which they said would be of no use. Two of them called again on the evening of the following day to propose that the Resident should be present in his private capacity, which was declined. Your Highness appears to have been left so completely in ignorance by your Ministers of what had passed between the Resident and themselves, that on the 7th May, the day appointed for the marriage, you addressed to Colonel Phayre a communication prescribing the ceremonial to be observed, including that personal attendance which your Ministers had been distinctly informed he had been instructed not to give.

This communication reached him about two hours only before the ceremonies were to begin, and before, as a part of them, a large procession headed by the Minister was to proceed to the Residency as a preliminary to his appearing at the marriage. And Colonel Phayre as soon as he became fully aware of the purport of Your Highness' letter, being most anxious to avoid any public slight, despatched his Assistant with an answer, in the hope that by so doing he might be in time to prevent the formation of the procession.

I feel sure that Your Highness, with this explanation before you, and being thus made acquainted with what had passed between the Resident and your Ministers, will perceive that the former acted in obedience to his instructions, and will acquit him of any intention to offer you a public insult.

No. 154-557, dated Baroda, 29th May 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

I have the honour to state that again this morning Rao Sahib Bapooibhai and Govindrao Mama called at the Residency to invite me to the Aher Durbar, which is to conclude the ceremonies connected with Luxmee Bai's marriage.

2. I informed them that having received, as before intimated to them, the positive orders of Government not to mix myself up with that marriage in any way, I had no reason to believe that Government would rescind those orders. I told them that I had sent on the Minister Nana Sahib's note of invitation, dated 20th instant, for the information of Government.

3. I have been informed that on the 26th instant a large dinner was prepared by His Highness' orders for his relatives and principal men of the Mahratta caste at Baroda, but that with the exception of the Minister Nana Sahib, Hariba, Gaekwar, and the Synaputtee (the brother of the Ranee Malsa Bai) no persons of note attended; and that His Highness' son-in-law, Tatya Sahib Sirke, and others positively declined to attend under the plea that they would lose caste by so doing.

4. This has given great offence to His Highness, who, I have this day been informed, intends to repeat the experiment on or before the 4th June, the last day of the ceremonies, and to use force, if necessary, to compel such Mahrattas as are in the service of the State to attend.

5. I think it right to state that should His Highness be so ill-advised as to adopt this step a disturbance of some kind or other is more than probable, due notice of which will be given by telegram, should the unfortunate intention be persisted in.

No. 164A., dated Baroda, 5th June 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

REFERRING to paragraphs 4 and 5 of my letter No. 154-557, dated 29th ultimo, and my telegram dated the 1st instant, and Government telegram in reply dated 2nd idem, I have the honour to report that yesterday the Mahratta and other Sirdars with their followers attended the Aher Cutcherry at the Palace in honour of the late marriage and presented nuzzerana, &c., &c. The European and other officers of His Highness' regular troop were also according to my information requested to present nuzzerana on this occasion, contrary to all rule.

2. The Mahratta Sirdars were then requested by His Highness the Maharaja to attend the caste dinner in honour of the occasion, which had been prepared at the house of Rukhmajee, the reputed step-father of the bride Luxmee Bai. This they respectfully declined to do, pleading that Luxmee Bai and her step-father, Rukhmajee, not being of the Mahratta caste, any Mahrattas who might partake of the dinner would be put out of caste thereby, and consequently that they would be unable to marry their daughters into respectable Mahratta families, and would be otherwise losers of caste privileges, &c.

3. For a day or two previously rumours were in circulation in the city that if the Mahratta Sirdars and their followers refused to comply with the Maharaja's request to partake of this dinner, force would be used to compel them to do so. No such force, however, was resorted to, though it was said that both police and infantry were held in readiness for the purpose; and doubts were expressed whether these bodies would act against their comrades in such a cause if called upon to do so.

4. When the Durbar was concluded the Mahrattas returned quietly to their homes, where it is said that efforts were made by Rao Sahib Bapooibhai and Govind Rao Mama to induce them to attend the dinner, but without success.

No. 450-1493, dated Baroda, 31st December 1874.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

I HAVE the honour to acknowledge the receipt of your letter No. 7655 of

* Transmitting Government of India letter, 17th instant,* concerning the circumstances No. 2739 P., of 12th December 1874.

attending the alleged marriage of His Highness the Gaekwar with Luxmee Bai, and the birth of a son to His Highness; forwarding also a khureeta from the Viceroy to the address of the Gaekwar to be delivered to him.

2. It appeared to me that if I at the present moment carried into effect the instructions contained in paragraph 2 of the Government of India letter No. 2739P.* of the 12th instant, I might tend to re-agitate the public mind in the Gaekwar's territories in regard to the rights of the infant. For "to cause such honours to be paid as are usual on the occasion of the birth of a son to the Gaekwar" might lead the nobles and other classes to the conclusion that the Government of India recognized the legitimacy of the infant, and that the infant would in all probability inherit the Gadee. And the entertainment of this inference by those classes might, I think, during the present crisis prove inconvenient.

3. Accordingly I submitted a telegram to the Foreign Secretary requesting permission to suspend action in the matter until His Excellency the Viceroy and Governor-General in Council should receive my present report. My request was acceded to, and the khureeta remains with me.

4. In a matter of this kind and under the peculiar circumstances in which this State now finds itself, time is on our side, and I would deferentially suggest that the khureeta be left undelivered for the present; and that when it shall be delivered care be taken to avoid all risk of the community in general being led to attribute to the khureeta any tenor or intention other than the bald acknowledgment of the Gaekwar's khureeta announcing the birth of the infant.

No. 31, dated Bombay Castle, January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I AM directed to acknowledge the receipt of your letter dated the 31st ultimo, No. 450-1493, regarding the khurecta addressed by His Excellency the Viceroy to His Highness Mulhar Rao Gaekwar on the occasion of the birth of a son to His Highness.

2. In reply, I am desired to state that Government concur with you in the suggestion contained in the 4th paragraph of your letter, and the Government of India will be addressed accordingly.

Correspondence between Government of Bombay and the Viceroy.

Telegram, dated 30th April 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

GAEKWAR has asked Resident to provide Guard of Honour at Nowsari for his marriage with his mistress Luxmee Bai on or about May sixth. Formal complaint previously made by the alleged husband, residing district Ahmednuggur, whom Resident referred to the Magistrate District. She is said to have been pregnant for two months. Phayre has been ordered not to give Guard of Honour without our orders. Viceroy and Governor-General's instructions solicited.

Telegram, No. 1000P., dated 2nd May 1874.

From FOREIGN SECRETARY, CALCUTTA, to PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR.

YOURS of 30th. It is not customary to give guards on such occasions in Central India. We are not informed as to Bombay custom, but if it has been customary to give such guards, a guard should not be refused on account of doubts entertained as to the propriety of marriage.

If not customary a guard should not be given on the ground that it is not desirable to alter established usage.

Telegram, dated 3rd May 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

QUITE customary to give Guards of Honour, and Resident attends at recognised marriage of Gaekwar. This marriage exceptional, and reason to believe, if consummated, mistress punishable under Chapter twenty Penal Code. Resident's presence and Guard of Honour mean in opinion of this Government sanction of Government. Without the Viceroy and Governor-General's express orders Government of Bombay will not sanction this step. Except for the recent order of the Viceroy Government of Bombay would have advised postponement of the sudden marriage till allegation of her previously existing marriage were disproved.

Telegram, No. 1002P., dated 4th May 1874.

From FOREIGN SECRETARY, CALCUTTA, to PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR.

VICEROY desires that the guard be furnished as it is customary and cannot be held to imply sanction or approval of Government to marriage. As Resident doubts propriety of marriage he should not attend.

Telegram, dated 4th May 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

MARRIAGE announced for 7th instant. Is Resident to attend or not? I am directed to add that the woman is a dhobee.

Telegram, dated 4th May 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to FOREIGN SECRETARY, CALCUTTA.

ORDERS received and attended to.

Telegram, dated 6th May 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR, to
FOREIGN SECRETARY, CALCUTTA.

My telegram 30th April. Enquiries show that alleged husband is known to police, and addicted to making false charges. His statement appears false. Propriety of marriage still questionable, and therefore Governor presumes late orders need not be modified.

Telegram, No. 1010P., dated 7th May 1874.

From FOREIGN SECRETARY, CALCUTTA, to PRIVATE SECRETARY to GOVERNOR of
BOMBAY, MAHABLESHWAR.

PREVIOUS instructions may stand.

Telegram, dated 8th May 1874.

From SECRETARY, GOVERNMENT of BOMBAY, MAHABLESHWAR, to FOREIGN
SECRETARY, CALCUTTA.

RESIDENT telegraphs this day—Received telegram this day from Surat from Pandu. Requests that marriage of his wife with Maharaja may be stopped. Would Government of Bombay wish me to take any action regarding Pandu. Invitation to marriage for Viceroy and Governor of Bombay received this day. Telegram ends. Resident ordered to take no action regarding Pandu's telegram. We have also received telegram from Pandu and referred him, if he has complaint, to Magistrate.

No. 1P., dated Mahableshwar, 9th May 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the
GOVERNMENT of INDIA, FOREIGN DEPARTMENT.

WITH reference to previous telegrams respecting His Highness the Gackwar's proposed marriage, I beg to forward herewith copy of a report from the Resident at Baroda.

No. 2P., dated Mahableshwar, 10th May 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the
GOVERNMENT of INDIA, FOREIGN DEPARTMENT.

* P. 3. IN forwarding the accompanying copies of reports* from the Resident at Baroda, with reference to previous telegraphic correspondence regarding His Highness the Gackwar's intended marriage, I am directed to state that enquiries are in progress as to the position and family of the alleged husband of the intended bride.

No. 2669, dated Bombay Castle, 13th May 1874.

From ACTING SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the
GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith, for delivery, a khurecta addressed by His Highness the Gackwar of Baroda to His Excellency the Viceroy and Governor-General, inviting His Excellency to His Highness' marriage with his third wife, Luxmee Bai, which was celebrated on the 7th instant.

TRANSLATION of a letter from HIS HIGHNESS THE MAHARAJAH GAACKWAR OF BARODA to HIS
EXCELLENCY THE VICEROY AND GOVERNOR-GENERAL.

I BEG to state that Thursday, the 7th May 1874, has been fixed as the date for the celebration of my wedding with the daughter of Rajeshree Rookmajee Rao, the son of Gungajee Rao Jadhoo of Seeplapoor, and to request that Your Excellency will kindly be present on the occasion to witness the ceremony.

No. 2670, dated Bombay Castle, 13th May 1874.

From ACTING SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the
GOVERNMENT of INDIA, Foreign Department.

WITH reference to my letter of this date, No. 2,669, I am directed to forward, for the information of the Government of India, the accompanying copies of two* letters from the Resident at Baroda, with enclosures, on the subject of the marriage of His Highness the Gackwar with Luxmee Bai.

2. I am to state that in the opinion of this Government the Resident appears to have very properly acted upon the instructions conveyed to him by His Excellency the Governor.

† P. 5.
† P. 8.

No. 2952, dated Bombay Castle, 27th May 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the
GOVERNMENT of INDIA, Foreign Department.

Referring to my letter No. 2670, dated the 13th instant, I am directed to transmit, for submission to His Excellency the Viceroy and Governor-General in Council, copy of the papers marginally noted, regarding an alleged insult offered to His Highness the Gackwar by the Resident in connection with His Highness' recent marriage.

* P. 16.

† P. 9.

† P. 17.

No. 1,225P., dated Fort William, 6th June 1874.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to
SECRETARY to the GOVERNMENT of BOMBAY.

I AM directed to acknowledge receipt of your letters marginally noted, submitting a copy of reports from the Resident at Baroda, and of the communication that passed between His Highness the Gackwar and the Resident relative to His Highness' recent marriage and the proceedings connected therewith.

2. His Excellency the Viceroy and Governor-General in Council entirely approves the manner in which Colonel Phayre executed the orders of the Bombay Government in regard to his attendance at the marriage ceremony and the compliments to be paid to His Highness on the occasion.

3. I am also to intimate His Excellency the Viceroy's concurrence with the reply of His Excellency the Governor to the Gackwar's khurecta of the 9th May, in which His Highness complained of a public insult alleged to have been offered to him by the Resident; and I am to add that His Highness the Gackwar appears from the correspondence to have acted in this affair with grave impropriety. The Government of India notice with much dissatisfaction the tone of, and the expressions contained in His Highness' letter of the 7th May to Colonel Phayre. Any repetition of such language will be very seriously received; and the Resident should be instructed to report at once if at any time he is not treated by His Highness the Gackwar or his Ministers in a manner suitable to his position as representative of the British Government.

Telegram, dated 2nd June 1874.

From PRIVATE SECRETARY to GOVERNOR of BOMBAY, MAHABLESHWAR to
FOREIGN SECRETARY, CALCUTTA.

RESIDENT has been invited to marriage Durbar on 4th, which concludes the ceremonies consequent on Luxmee Bai's marriage. Government have directed him to decline invitation. Resident reported a few days back that a Maharatta dinner was given on the 26th by the Gackwar, at which principal Maharattas

were not present. His Highness was offended, and intended to repeat experiment to-morrow, and use force to compel attendance of such Maharattas as are in his service. He telegraphed last night as follows:—"Some Maharatta Pagadars came up this morning on the subject. I sent my Native Assistant to say I could not interfere or see them. They replied if force were used they would resist, and deprecated responsibility. Some were complainants before Commission. Shall I offer advice. Attempt comes off on 3rd I am told." To this reply has been sent. "Government desires you to adhere to your instructions and offer no advice. You will report events by telegram if necessary."

No. 5P., dated Mahableshtar, 3rd June 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed by His Excellency the Governor in Council to submit, for the information of the Government of India, the accompanying copy of correspondence* regarding the invitation to the Resident at Baroda to attend the last marriage Durbar of His Highness the Gaekwar.

† P. 18.

† * Letter No. 154-557 of 1874 only.

No. 3426, dated Bombay Castle, 18th June 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

IN continuation of my letter No. 5P., dated the 3rd instant, I am directed to transmit herewith, for the information of the Government of India, copy of a further letter* from Colonel Phayre, C.B., Resident at Baroda, No. 164A., dated the 5th idem, reporting in connection with the last marriage Durbar of His Highness the Gaekwar.

* P. 19.

No. 6260, dated Bombay Castle, 29th October 1874.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN continuation of previous correspondence on the subject of the marriage of His Highness the Gaekwar with the girl Luxmee Bai, I am directed to transmit to you, for submission to the Government of India, the enclosed copy of the papers noted in the margin, embodying the results of an investigation into certain allegations made by one Pandoo affecting His Highness the Gaekwar in respect of Luxmee Bai whom Pandoo claims to be his lawful wife.

2. In forwarding these papers, I am to state that His Excellency the Governor in Council has gone carefully through the depositions of the several witnesses who have been examined in this case, and His Excellency in Council is of opinion that the evidence adduced is too weak to justify the issue of an order for the extradition of Luxmee Bai and the other persons alleged to be implicated with her, should a demand for their surrender be made. It is, however, extremely improbable that any such demand will be made, inasmuch as Pandoo, the complainant, would appear to have been bought off by Agents of the Gaekwar, or otherwise got rid of.

3. On the question of the legitimacy of the son born to Luxmee Bai five months and nine days after her marriage with the Gaekwar, I am to observe that the Hindoo law holds a son born of a pregnant bride, and acknowledged by the husband to be his, to be legitimate. Apart, therefore, from other circumstances affecting the lawfulness of the marriage in other respects, Luxmee Bai's son would, according to this view, be regarded as the legitimate offspring of His Highness the Gaekwar.

4. The facts established regarding the antecedents of Luxmee Bai would show that while employed as a cooly in Surat she was taken to Baroda and made over

to His Highness the Gaekwar, but whether this was done at once or after she had passed through other hands is uncertain.

5. Although it would thus appear that the marriage, if valid, is one entirely beneath the Gaekwar's public position, yet in the opinion of His Excellency there are not sufficient grounds for withholding the usual recognition of the Gaekwar's wife.

6. I am to add that His Excellency in Council will await the early orders of the Government of India on the papers now submitted.

No. 2418, dated Ahmednuggur, 3rd October 1874.

From A. H. SPRY, Esq., District Magistrate of Ahmednuggur, to C. GONNE, Esq., Secretary to the Government of Bombay.

WITH reference to your letter No. 33P., dated 2nd instant, requesting immediate report in the matter of the enquiry into the complaint made by Pandoo bin Govindrao Khandwe, I have the honour to inform you that on the conclusion of the enquiry as far as it related to this district, the whole of the depositions taken and other papers connected with the case were forwarded on to Mr. Hope, District Magistrate of Surat, on 31st July last. The enquiry was held before myself, and I now append for information copy of a confidential letter which I then addressed the District Magistrate here on the subject.

2. I think it right to mention that I have been personally acquainted with this Pandoo for a long time. He is a man who wanders about the country with no ostensible means of living beyond that he occasionally furnishes information to the Police respecting offences which have been, or are supposed to have been, committed. This information he picks up in his wanderings. During the monsoon of last year he several times came to me with stories about seditious doings in this district. I caused private enquiries to be made, and from them, as well as from the contradictions Pandoo himself made in his several accounts, I came to the conclusion that there were no grounds for his allegations. From the experience I have had of him I should think that extreme caution should be exercised in accepting any statement made by him, unless the same were corroborated by unimpeachable evidence.

Dated Ahmednuggur, 31st July 1874.

From A. H. SPRY, Esq., First-class Magistrate, to H. B. BOSWELL, Esq., District Magistrate.

WITH reference to your confidential memorandum dated 6th instant, I have the honour herewith to forward the depositions taken by me in the case of Pandoo *vullud* Govindrao Khandwe. I also append for information the following lists:—

A.—Showing the witnesses mentioned in Mr. Hope's memorandum whose depositions have been taken.

B.—Showing the witnesses residing in this district, whose depositions I have been unable to take.

C.—Showing the witnesses mentioned by Pandoo to me, whom I have examined.

D.—Showing the witnesses whom I considered it necessary to examine independently of Pandoo.

2. I have not attempted to call any witnesses residing beyond the limits of this district, and with regard to those who were summoned here arrangements were made by Captain Daniell to prevent their being, as far as possible, tampered with.

3. As the enquiry before me is only a section of a more extensive one, it would be out of place for me to express any opinion on the merits of the case generally. It will, however, be seen that the greater majority of the witnesses profess to know nothing about Pandoo's second marriage, and if many of them are to be believed, it would appear that he has been trying to foist off his first wife's parents as those of the girl Luxmee Baee. It would also appear that he some time ago claimed a woman in his village, one Anandi, as his wife, and that the matter formed the subject of investigation at the Rahuri Thanna. I have had the records there examined, and I find this to be perfectly true, in that Pandoo charged this Anandi with theft, because seemingly he could not gain possession of her.

4. Mention too is also made of one Mohonajee Londya, a native of Kothar, but now living at Bombay, who is alleged to have visited these parts lately, to suborn evidence on behalf of the Gaekwar. Whether this Mohonajee has been doing so I cannot ascertain with any certainty, but I can only point out that the witness who speaks most strongly on the subject, one Kadu bin Vittu (No. 19, List A.), has so contradicted himself in his depositions as to be unworthy of belief. There is, however, one very remarkably suspicious circumstance which would lead one to believe that money has been brought from somewhere and spent lately in the Rahuri Talooka. I need scarcely tell you that the district is a purely agricultural one with little outside trade: and yet I have discovered that during the last May and June a very fair number of currency notes for rupees 50 and rupees 10 have been brought to the Rahuri Treasury to be cashed by people living at Deolah, Kolhar, and the villages imme-

diately adjacent. This is the more remarkable, as scarcely any notes have been brought from other parts of the talooka.

5. The first thing that Pandoo and his Guzerathee Agents told me on their arrival at Nuggur was, that the Gaekwar's emissaries had managed to obtain a copy of the list of witnesses which he (Pandoo) had given to Mr. Hope. Whether there was any possibility of this, Mr. Hope himself is best able to judge. But if the witnesses have been tampered with, it is yet to be explained how it comes to pass that most of the witnesses subsequently mentioned by Pandoo, and of those also called quite independently by me, should still have the same story. It could hardly be assumed that the whole country, almost to a man, had been suborned.

6. But whatever suspicions there may be of the Gaekwar's Agents having been perverting evidence, I am at the same time convinced that Pandoo and his agents are not above bringing forward false evidence too. No one reading the deposition of Wamon Gunesh, Puktaya, and Ramkrishna Mulhar (Nos. 13, 14, and 18 of list C.), could have any impression, I think, other than that they were bazar witnesses, such as are obtainable to swear to anything in any place.

7. With Pandoo himself, too, I had considerable trouble during the course of the investigation from his continually prompting and making signs to deponents, so much so that eventually I had to place a screen between him and them. He also was most urgent to be allowed along with his agent to accompany the persons serving the summons, to point the witnesses out as he affirmed, a proceeding obviously superfluous in places where they were resident. He likewise was most anxious for me to examine witnesses whom he picked up at haphazard in the City of Nuggur and produced, a course which I refused as I could never be sure of the identity of any one not summoned in the usual way. I gave him every reasonable opportunity of mentioning fresh witnesses whom I called up, but finding that he appeared to carry the matter on *ad infinitum*, and judging from the character of some of the witnesses cited by him, I deemed it expedient at a certain stage of the proceedings to tell him that I would receive no more witnesses' names after a stated date.

8. I mention all this, because I consider that the demeanour and actions of a man are in a great measure a criterion of his credibility.

9. I have now despatched Pandoo with a letter to the Deputy Commissioner of Akola, as requested by Mr. Hope in a demi-official to me direct.

10. I return the papers relative to the case which were originally sent me, and add a few which may prove of interest to Mr. Hope.

No. 818, dated Surat, 12th October 1874.

From T. C. HOPE, Esq., District Magistrate, to C. GONNE, Esq., Secretary to the Government of Bombay.

I HAVE the honour to submit the report on the complaint of Pandoo bin Govind Rao called for in your No. 34P. of the 2nd instant.

2. Pandoo's complaint was against (1) Luxmee Bai for marrying again in his lifetime; (2) Ganga and Rukhmajee for enticing her away with a view to such marriage; and (3) Huribai Chiniwalla and Dayabhai Dyaram for enticing and abetting the above offences.

3. In support of his complaint Pandoo offered evidence of four distinct kinds, (1) that Luxmee had been with him and her foster parents, Ganga and Rukhmajee, at Surat, and openly known to be his wife; (2) that Luxmee was the daughter of one Gujao, wife of Rama Dos, and that he was married to her at Khurukwaree in the Ahmednugger Zilla; (3) that Luxmee was seen by certain of the Ahmednugger Missionaries soon after the marriage, and that he was refused Christian baptism because she was his second wife; (4) that about that time he was on his way to Benares when the Patel of a village near Akola in Berar tried to obtain possession of the girl, who was restored to him on his complaining to the Deputy Commissioner. He has never from the first varied in his story.

4. The evidence on the first head has been taken by myself; that on the second and third by Mr. Spry, 1st Assistant Collector, Ahmednugger; and that on the last by the authorities at Akola. The whole of the papers are forwarded this day in a separate registered packet.

5. The Surat witnesses on the whole corroborate Pandoo's statement that Luxmee lived there and was known as his wife.

6. Regarding the second point, the evidence given before Mr. Spry has broken down. The witnesses generally deny all knowledge of Pandoo's second marriage, and some assert that the one wife, Gama, who he really has, is herself the daughter of Gujao, the wife of Rama Dos, a parentage which Pandoo ascribes to Luxmee.

7. Upon the third point, the evidence is in Pandoo's favour, as two Christian Pastors and a Schoolmaster of the Ahmednugger Mission testify to Luxmee, and to her having been the cause of his being refused baptism.

8. The fourth point has not been established at Akola. The register shows that a complaint was made by Pandoo about his wife, but the records have been destroyed, so no particulars are forthcoming. Fresh evidence has therefore been taken, which is entirely against Pandoo, the villagers stating that the woman he complained about was not his wife, and that she was 35 to 40 years old.

9. The question now is, what credit is to be attached to the statements of the several classes of witnesses.

10. It must be borne in mind that Pandoo has brought his complaint under circumstances of unusual difficulty. The first pleaders in Surat to whom he told his story threw him over almost immediately afterwards, and it is very probable that the list of witnesses which he gave them was made over to the Gaekwar. The next pleaders, Kewalram and Jumietram conducted his case fairly and energetically for some time, but subsequently cooled down, and at last the latter, who was the chief mover, withdrew in a manner so suspicious as coupled with the information received by Colonel Phayre to leave little doubt that he had been bought off by the Gaekwar. Again there is no room for doubt that much trouble and money has been spent in Ahmednugger. Monaji Londya, after swearing before me that he knew nothing of Pandoo, went on to Baroda, and is afterwards stated to have been active in the case in the Deccan. Colonel Phayre has received regular information of the passing to and fro of other agents, and parties from the Nuggur villages have more than once been identified at Surat on their way to or from Baroda. The cashing of notes in the Rahuri Mamlutdar's Treasury, one of which has been traced to Baroda, is another circumstance. Finally, at Akola the Editor of the *Berar Samachar* and perhaps other agents were clearly at work on the Gaekwar's behalf.

11. On the other hand, Pandoo himself is a man whose antecedents do not entitle him to much credit, and he is considered to have behaved in a suspicious way and to have brought at least two or three false witnesses before Mr. Spry. He has long followed the trade of an informer, and may be said to be likely enough to bring a false complaint in order to extort money from the Gaekwar. It is also notable that he has not appeared since he left Akola. Whether he has been bought off or deported (as witnesses in the Koth case were) time alone will show, but I have received an anonymous letter from Baroda, written from the Gaekwar point of view, and exulting that "arrangements" had been made for his non-appearance.

12. In rejoinder, it is obvious that though Pandoo may be ever so bad a character, there is nothing improbable in his having a second wife; that he would have the utmost difficulty in proving a true story in the face of the money and influence of the Gaekwar; that a good deal of the evidence against him contains internal indications of falsity, or goes too far, as where his wife Gama says she does not know that he ever visited Guzerat; and that a Court of justice would probably attach great weight to the Christian evidence.

13. Considering the complaint of Pandoo simply as a criminal one, I beg to repeat the doubts which I have already expressed demi-officially, whether any enquiry can legally take place on it without a certificate from the Resident, and if it can, the enquiries at Ahmednugger and Akola, which have been taken up by the officers there as if *proprio motu*, would not be a part of it. The whole, however, would be indirectly useful with the view of deciding whether a warrant should be issued in the event of the complaint coming legally before me for trial. The presence of Pandoo would, however, be essential for this, and he is not forthcoming. The complaint laid must therefore, I presume, be simply recorded.

14. Considering the matter in a political point of view, I beg to report as required in your demi-official of 26th May, that I do not think the evidence in favour of Pandoo's allegations sufficient to warrant a demand for the extradition of Luxmee Bae, Gunga, and Rukhmajee. On the other hand, it cannot be affirmed with confidence that Luxmee Bae is not Pandoo's wife, especially as if she be not so, there is no evidence whatever to show who she really is.

No. 6269, dated Bombay Castle, 29th October 1874.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. ARCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to my letter of this date, No. 6260,* I am directed to forward for delivery, the accompanying khureeta to the address of His Excellency the Viceroy and Governor-General of India from His Highness Mulhar Rao Gaekwar, announcing the birth of a son to him on the 16th instant.

* P. 24.

Khureeta, dated Baroda Palace, 17th October 1874.

From His Highness MULHAR RAO MAHARAJA GAEKWAR SENA KHASKHEL SUMSHAIR BAHADOOR, to His Excellency The Right Honourable T. G. BARING, BARON NORTHBROOK, G.M.S.I., Viceroy and Governor-General of India.

I FEEL great pleasure in informing Your Excellency of the birth, yesterday afternoon, of a son to me, and in forwarding the accompanying bag of sugar as a token of joy. Your Excellency's acceptance of it will gratify me.

I beg to express the high consideration and esteem I entertain for your Excellency, &c.

Khureeta, dated Fort William, 12th December 1874.

From His Excellency the Right Honourable T. G. BARING, BARON NORTH-BROOK, G.M.S.I., Viceroy and Governor-General of India, to His Highness MAHARAJA MULHAR RAO GAEKWAR SENA KHASKHEL SUMSHAIR BAHADOOR Baroda.

I HAVE the pleasure to acknowledge the receipt, through the Government of Bombay, of Your Highness' khureeta dated 17th October 1874, announcing the birth of a son to Your Highness. I beg to express the high consideration I entertain for Your Highness, &c.

No. 2739P., dated Fort William, 12th December 1874.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

I AM directed by the Governor-General in Council to acknowledge the receipt of your letters noted on the margin regarding the circumstances attending the marriage of His Highness the Gackwar with Luxmee Bai, and the birth of a son to His Highness.

2. The Governor-General in Council desires that instructions may be issued to Colonel Sir Lewis Pelly to cause such honours to be paid as are usual on the occasion of the birth of a son to the Gackwar. But His Highness should be informed by Sir Lewis Pelly that the British Government in so doing do not commit themselves to any opinion upon any question which under Hindoo Law, or the customs of the Gackwar's race, may arise hereafter with regard to the rights of the infant.

3. A letter from the Viceroy in reply to His Highness' khureeta of the 17th October last is enclosed, and should be forwarded to Sir Lewis Pelly for delivery to the Gackwar.

4. A copy of the Viceroy's letter is also enclosed for the information of His Excellency the Governor of Bombay in Council.

No. 32, dated Bombay Castle, 5th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to your letter, No. 2739P., dated the 12th ultimo, and its accompaniments, connected with the birth of a son to His Highness Mulhar Rao Gackwar, I am directed to forward to you, for submission to the Government of India, the enclosed copy of a letter from the Governor-General's Agent and Special Commissioner, Baroda, No. 450-1493,† of the 31st idem, together with copy of the letter* sent to Sir Lewis Pelly in reply.

No. 126P., dated Fort William, 14th January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay, Political Department.

In reply to your letter No. 32, dated 5th instant, I am directed to state that the Right Honourable the Governor-General in Council approves of the views and proceedings of Colonel Sir Lewis Pelly as therein reported.

No. 2411P., dated Fort William, 10th November 1874.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to CHARLES SANDERSON, Esq., Solicitor to Government.

I AM directed to forward in original (to be returned) the enclosed letter, No. 6260,* dated 29th October, from the Government of Bombay, and to request that the opinion of the Advocate-General may be obtained upon the question of Hindoo law referred to in paragraph 3, viz., whether a son born of a pregnant bride, and acknowledged by the husband to be his is considered a legitimate son.

If necessary, the Advocate-General may associate with himself Junior Counsel learned in Hindoo law.

An early answer is requested.

No. 2617P., dated Fort William, 30th November 1874.

From F. HENVEY, Esq., Officiating Under Secretary to the Government of India, Foreign Department, to CHARLES SANDERSON, Esq., Solicitor to Government.

I AM directed to invite attention to the letter from this Office dated 10th instant, No. 2411P., and to request that you will move the Advocate-General to submit his opinion on the question of Hindoo law referred to him as early as possible.

No. 2536, dated Fort William, 8th December 1874.

From CHARLES SANDERSON, Esq., Solicitor to Government, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to your letter No. 2411P of the 10th ultimo, I have the honour to forward you herewith a copy of the joint opinion of the Advocate-General and Mr. Montriou on the subject therein referred to.

2. The papers which accompanied your letter are herewith returned.

JOINT OPINION.

The only question here, as seems to us, is whether the Sabodaja (offspring with the bride) who is recognized and defined by both Manu and Yajurveda, as a son or putra, is forbidden in the present or Kali Yuga.

Parasara, who promulgates the changes and disabilities which have supervened, (a) makes no reference to the son with the bride. Moreover Nanda Pandita in his *Dattaka Mimansa* (the text book of adoption law) classes this son among the Mukhya (primary) set of substitute sons; he even apologizes for applying the term substitute to this son at all.

The Kshetrāja or son vicariously begotten, is no doubt forbidden; but it seems to us the Sabodaja remains, and, like to the paunarbhava (son by a second marriage), as shown by Pundit Eshwara Chandra, comes under the head of Aurasa.

We therefore answer the question put to us in the affirmative.

Nevertheless, we cannot shut our eyes to a probability of controversy; and we therefore strongly advise Pundits learned in the Smṛiti authorities being consulted before any decisive step is taken.

5th December 1874.

(Signed) G. C. PAUL.
(Signed) W. A. MONTRIOU.

P. 24.
P. 27.

* P. 24.

† P. 19.

Correspondence between the Government of India and the
Secretary of State.

No. 42 of 1874.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.

MY LORD MARQUIS, Fort William, the 30th June 1874.

* P. 21 to 24. We have the honour to forward, for the information of Her Majesty's Government, a copy of papers* relating to certain circumstances connected with a recent marriage contracted by His Highness the Gaekwar of Baroda. The nature of this affair, and the course of proceedings arising out of it, are fully described and recapitulated in the letter marginally noted from the Resident at Baroda to the address of the Government of Bombay. For the view taken of the case by the Government of India we would refer Your Lordship to our letter to the Bombay Government, No. 1225P*, dated 6th instant.

We have the honour to be, &c.

(Signed) NORTHBROOK.
" NAPIER OF MAGDALA.
" B. H. ELLIS.
" H. W. NORMAN.
" A. HOBHOUSE.
" E. C. BAYLEY.
" JOHN INGLIS.

No. 72 of 1874.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.

MY LORD MARQUIS, Fort William, the 18th December 1874.

p. 24, 27, IN continuation of our despatch No. 42, dated 30th June 1874, we have the honour to forward a copy of papers* relative to the circumstances attending the marriage of His Highness the Gaekwar of Baroda with Luxmeebai, and the birth of a son to His Highness.

We have the honour to be, &c.

EAST INDIA (BARODA, No. 3.)

P A P E R S

CONNECTED WITH

THE DEATHS OF BHOW SCINDIA AND
GOVIND NAIK.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1875.

[C.—1250.] Price 3d.

CORRESPONDENCE.

No. 63 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

To the Most Honourable the Marquis of SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS,

Fort William, the 5th March 1875.

WE have the honour to forward copy of further papers relating to the state of affairs at Baroda.

We have the honour to be, &c.

(Signed),

NORTHBROOK.

B. H. ELLIS.

H. W. NORMAN.

A. HOBHOUSE.

E. C. BAYLEY.

W. MUIR.

No. 15, dated Baroda Residency, 13th February 1875 (Confidential).

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. ARCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honour to bring under the notice of His Excellency the Viceroy and Governor-General the following details respecting the case of Bhow Scindia, a former Minister, and favourite of His late Highness Khunderao Gaekwar, who met his death in the Baroda Jail in 1872 under highly suspicious circumstances.

2. The case was brought before the Government of India and the Home Government at the time, but no distinct conclusion could be arrived at owing to the paucity of evidence on the subject. The light now thrown on the matter by recent investigations may seem worthy of report, as showing that the grave doubts previously entertained by the British Government as to the truth of the story put forward by the Durbar were not without good foundation.

3. I should in the first place remind you of the circumstances of the death and the proceedings attending them.

4. At 11 o'clock on the 1st May 1872, Captain Hancock, Assistant Resident, who was temporarily in charge of the Residency, received an anonymous letter, to the effect that Bhow Scindia had been poisoned in jail. Bappoo Bhai, a Minister of His Highness Mulhar Rao, paid an official call on Captain Hancock at 12 o'clock, and had his attention drawn to this letter, but nothing was done to test its truth.

5. Bhow Scindia died at 2 p.m. that day, and at 6 o'clock Captain Hancock was made acquainted with the fact. He immediately pressed on the Durbar the necessity of holding a proper inquiry into the matter, and requested an interview on the subject with His Highness Mulhar Rao. He moreover suggested that the body of the deceased should be preserved pending an application to the Government of Bombay.

6. None of Captain Hancock's suggestions were attended to; the body was burnt the same evening, and the Durbar afterwards, in defence of their conduct, stated that the prisoner died before they heard of the anonymous letter. They considered the suggestion of Captain Hancock to hold an inquest as unsupported by precedent, and deprecated the interference of the British Government in the matter.

7. The Bombay Government made great efforts to arrive at the truth of the story, but the position of affairs at Baroda at that time was not conducive to any such elucidation. The Durbar put forward their story in the form of an inquest report which was signed by three Native Doctors and supported by the depositions of several of the deceased's fellow prisoners, the purport of which was to prove that Bhow Scindia died of Dengue fever accompanied by vomiting and purging.

8. The Government of Bombay called for a report of the form of Dengue fever in the city of Baroda, but owing to the death of the Residency Surgeon at that time they could only obtain information concerning its appearance in Baroda Camp from Dr. Ross of the 4th Rifles, Native Infantry. This report showed that out of 404

cases which occurred subsequent to the time of Bhow Scindia's death not one casualty occurred, but that "purging and vomiting" did occur in some cases consequent on "irritability of the stomach."

9. Nothing could be done on this scanty evidence and the matter rested for a while; at this stage the Governments of Bombay and of India animadverted on the failure of the Durbar to take the proper steps to clear up the suspicion attaching to the death of the Premier, and the Secretary of State for India regretted that the post mortem examination was not made.

10. I now proceed to the second chapter of the story, viz., the facts elicited by investigations made since the arrest of His Highness Mulhar Rao.

11. I have already alluded in the course of recent correspondence to the "Inquiry and Detective Committee" formed by me to take up the threads of unconnected stories of oppression practised by the late *régime*, and endeavour to weave them into some comprehensive and intelligible form. One of the first cases which attracted their attention was that of Bhow Scindia, and the story elicited from the fourteen witnesses who appeared before them, and whose evidence is attached to this letter for His Excellency's information, is briefly this.

12. The circumstances connected with the death of Bhow Scindia extended over the 29th and 30th April and 1st May 1872. At

Witnesses Nos. 10 and 12.

about 4 p.m. on the 29th two fellow-prisoners, who were accustomed to live in the same room with him and act as his servants, were removed to other cells by order of Boojungrao, the Under-Governor of the Jail.

13. In the evening of the same day four men were seen to enter the prisoner's room, taking with them a cup or glass containing some liquid; their names were, 1, Gunputrao Balwant; 2, Boojungrao, Under-Governor of the Jail; 3, Dadu, a Duffadar of the Jail; and 4, Jumal, a turnkey.

14. At about 8 p.m. Bhow Scindia was heard calling out "what is this violence (*zulum*), I am not ill, I want no medicine," or words to that effect, and voices of Boojungrao and Jumal were heard replying that they were only obeying the Maharaja's orders, or words to that effect.

15. The next day (the 30th April) Bhow Scindia purged and vomited violently, and told Gunputrao,* a prisoner who was sent to clear up his room, that he had been handcuffed

* No. 10.

and held down and forcibly poisoned by the four men who entered his cell the night before, and he begged that the circumstances might be made known.

16. All this day was passed by the prisoner in a miserable state of pain and exhaustion, and the Duffadar, named Dadu, sat outside his room to keep a sharp watch ahead.

17. The next day (the 1st May) Hurrechund,† another prisoner, who went to clean his room, was told the same story by Bhow Scindia, who was still purging and vomiting. On

† No. 12.

this day Boojungrao ordered some canjee to be made for the sufferer under his immediate supervision, after partaking of which (much against his will) the unfortunate prisoner felt more violently ill than before, and a dog which ate either some of the canjee or the matter vomited by the prisoner, died immediately.

18. Bhow Scindia died that day at 2 o'clock. His body was discoloured, and his knees and elbows were much scarified as if from struggling violently. The cremation took place in the evening, and an unusual amount of combustible materials was used to effect a speedy consumption of the body. On the following day the three doctors, who signed the report which was put forward by the Durbar in their defence in 1872, were shown a paper written by Boojungrao, purporting to show that the deceased died of Dengue fever, and they were made (under protest) to sign the paper. The prisoners also who attended the deceased during his last moments were forced by threats of similar treatment to sign false depositions in support of the medical report.

19. Since this was written one of the doctors, named Gunesh Shastree, has died, but the other two‡ give evidence of the utterly

‡ Nos. 13 and 14.

superficial inspection of the dead body of Bhow Scindia which was granted them, and the illegal manner in which their signatures were obtained to the false report of his death and its cause. A son of the deceased

§ No. 1.

doctor, named Balvarao Gunesh,§ deposes that his father supplied arsenic to Boojungrao; the Under-Governor of the Jail, for the purpose of poisoning Bhow Scindia.

20. This witness' evidence makes the three doctors accessories before the fact, but it is unnecessary to clear up this point now. At the trial when the evidence is thoroughly sifted the guilt will probably be found to be attachable to more than the four prisoners whom I have now had arrested, viz., 1, Gunputrao Bulwant; 2, Boojungrao; 3, Dadu; and 4, Jumal. For the present I consider that the evidence of the fourteen witnesses proves a strong *prima facie* case against these four men, and I therefore intend to hand them over to the proper Court in Baroda to be tried on a charge of having been instrumental in the poisoning of Bhow Scindia in prison.

21. Damodhur Punt in his recent confession, in the case of attempt to poison Colonel Phayre, stated as follows:—

"I know that Bhow Scindia, Govind Rao Naik, and Raojee Master, and others were killed by the Maharaja's order, but I was not personally concerned in these matters which were conducted through the Foudaree Department's Officers during the *régime* of Bulwant Rao Rahorekur," at which time I was not allowed access to the Maharaja.

P.S.—Inquiry into this case was forced on the Committee owing to a supposition entertained that the agents in the murder of Bhow Scindia were identical with those used in the case of the attempt to poison Colonel Phayre.

The case will now be referred to the Magistrate in the ordinary way.

(Signed) LEWIS PELLY.

Summary of proceedings in Bhow Scindia's case.

Evidence for prosecution.

Read and recorded the deposition of the following witnesses:—

- | | |
|--------------------------------|---------------------------|
| 1. Baboorao Gunesh Shastree. | 8. Bhaichund Jeewan. |
| 2. Dhondooba Buloo. | 9. Harichund Khemchund. |
| 3. Shibrutun Bhinda. | 10. Gunputrao Krisnajece. |
| 4. Krisnarao Bhimashunker. | 11. Trimbuk Gunesh. |
| 5. Hoossein Khan Purdhun Khan. | 12. Harriba Gopal. |
| 6. Buchoolal Heeralal. | 13. Adurjee Jamsetjee. |
| 7. Eshwantrao Vittoba. | 14. Narayanrao Vinayak. |

Witness No. 1 states—That about two years ago, and about two or three days before the death of Bhow Scindia, the officer in charge of the Jail ordered some powder to be obtained from his father for the purpose of poisoning Bhow Scindia. His father was at the time a Jail Doctor, and used to administer medicines to prisoners requiring medical assistance. Some arsenic from a cupboard in his house having been extracted, his father pounded it on a stone and took it with him to the Jail in company with one Luxumon. A few days after the death of Bhow Scindia he (deponent) told what had occurred to a friend of his named Kesheorao Phunsey. About two or three days before the arsenic was conveyed to the Jail by his father, Adurjee Parsee, a Doctor, Narayanrao, a Surgeon, and his father had a meeting in his father's house in which the question of poisoning Bhow Scindia was discussed. While this was going on he (deponent) was sitting outside the room and heard what passed. These men said that their (Yejman) patron had desired them to administer poison, he (the deponent) understood that the affair was managed at the direction of Mulhar Rao Gackwar. When Luxumon came to ask his father for the powder, he, the deponent, was sitting about four or five yards off on a box. He got hold of Luxumon, and on asking him as to why the powder was required by him, he, the deponent, was told that the same was wanted for a medical purpose. At this time Babajee Mahagaonkur and Boojungrao were in charge of the Jail, who were friends of his father. His father was a most trusted physician as far as Mulhar Rao Maharaja was concerned, who used to take medicine from no one else, the reason being that he was held a trustworthy and confidential man. His father died about a year and a half ago, and Luxumon about a year ago.

Witness No. 2 states—That about three years ago Bhow Scindia was one day confined in a room in the Jail when he was employed at the Jail Gate. At about 3 p.m. Gunputrao Bulwant, who is now the City Fouzdar, accompanied by a Carcoon, called at the Jail. Those men, in company with Boojungrao and Babajee Gunesh, retiring aside had some talk amongst themselves, and under their instructions one Hurriba, a prisoner in Jail, who was deputed for some time to look after Bhow's convenience and used to remain in the same room with Bhow Scindia, was removed from the room, and kept apart in a separate room, Bhow Scindia being kept alone in custody under lock and key. In the evening, that is about the time of lighting lamps, Gunputrao Bulwant, Boojungrao, Dadu Meeya, Duffadar, and Jumal, the Jailor, entered Bhow Scindia's room. When entering the room these men took with them a glass containing some liquid substance, the colour of which was white. This was administered to Bhow Scindia by Gunputrao and Boojungrao, who alleged that His Highness had desired them to do so. Bhow Scindia protested against taking the glass, saying that he was not ill, and required no medicine, but being told that he was bound to obey

and act up to the orders of His Highness, which he did not without a struggle, Bhow Scindia persisted in his refusal to take any medicine, and upon that he was forcibly seized, his mouth opened by a stick being placed in his jaws, and medicine poured in his mouth much against his will. After this was done he was handcuffed for the whole night, Dadu Dufadar being placed on watch duty. While this was going on I was standing outside the room and saw things clearly.

Witness No. 3 states—That he is a Private employed in the Gaekwaree Regiment. He testifies to having witnessed Appa Sahab, Boojungrao, Jumal, the turnkey, and Dufadar Dadu enter the room in which Bhow Scindia was confined, and that three days after this Bhow Scindia died, but he is not aware of what these men did while in the room.

Witness No. 4 states—That about two or three years ago, when Bhow Scindia was a prisoner in Jail, he was confined in a room adjoining to Bhow Scindia's. At about 4 o'clock one day Bulwuntrao Eshwant called at the Jail, and at the direction of Boojungrao, the Jailor, one Harriba, who was a prisoner with him (Bhow) in the Jail, was removed from Bhow Scindia's room, in order to leave Bhow Scindia alone in his room. Appa Sahab and Boojungrao were in Jail till about 8 o'clock in the night that day, and at their direction people connected with the Jail Office were told to go to their houses earlier than usual. Appa Sahab and Boojungrao ordered Bhow Scindia to be handcuffed, his hands being placed behind the back. He (the deponent) heard some bustle in Bhow Scindia's room, but could not comprehend what it was about. Bhow Scindia was in perfect good health till evening that day. One Dufadar Dadu was made to sleep under a *nimb* tree standing close to Bhow Scindia's room. The next day there was a general talk among the sepoys that Bhow Scindia had been poisoned the previous night. The next day he (the deponent) observed Bhow Scindia very ill suffering from constant purging. Dufadar Dadu having been placed to watch him very closely, he (the deponent) could not inquire into the cause of Bhow's bad health. One Wakuskur had visited the Jail twice that day for consulting Baboo Sahab and Boojungrao, the officers in charge of the Jail. Bhow Scindia was fed with *rabdee**, which he did not well eat that day; but

repeatedly complained of sore throat and pain, and said that he was not able to eat anything. This *rabdee*, Boojungrao had got prepared, and the portion which remained was carefully buried in the ground. Bhow Scindia died at 2 p.m. Wakuskur first visited the Jail after Bhow's death; next came in Adurjee and Narayanrao, Doctors. These men went into Bhow Scindia's room and had his fetters removed. The Dufadar was never on any previous occasion made to sleep under a *Nimb* tree closely watching any other prisoner.

Bhow† Scindia was handcuffed while in jail for the first time on that day. He, the deponent, being a prisoner, had for fear of ill-treatment to remain quiet, and what he has stated now was all that he could see from the lattice while sitting in his room which was opposite to that of Bhow Scindia's. After Bhow Scindia's body was disposed of, a certain Guzeratti called at the Jail who obtained the deponent's signature to a document which purported to show that Bhow Scindia had died of Dengue fever. This document (he) the deponent signed only under compulsion.

Witness No. 5 states—That he was serving in the Jail as a Havildar.‡ About two years ago, one day at about 6 o'clock in the evening he saw with Baboo Sahab, the Kamdar at the Jail, 1, Dufadar Dudor; 2, Appa Sahab; 3, Jamal, the turnkey; and 4, Boojungrao. These four latter men entered Bhow Scindia's room in Jail. One Dhondee Naik went to the room to see what these men were doing inside; but he was not permitted to stand by, and told to go away. Jamal had caught hold of Bhow Scindia's hands. Bhow Scindia asked these men not to trouble him, and he was thereupon told to make no noise and to hold his tongue. On the day on which this took place, Hurreeba, who used to remain with Bhow in the same room, was removed by Boojungrao at about 4 o'clock to some other room, Bhow being left alone. Bhow Scindia was not suffering from any disease. On the third day after the above-named individuals had entered Bhow Scindia's room, he died, and until his death Dadu Dufadar was sitting in front of his room. It was customary before that when the sentinel on guard was relieved by a fresh sentinel, the latter should examine the locks of the rooms, but since the day on which the above-named individuals entered Bhow Scindia's room, Dufadar Dadu allowed neither the sentinel on guard nor the officer to go into Bhow Scindia's room.

Witness No. 6 states—That he is employed in the regiment attached to the Jail. About 2½ years ago Bhow Scindia was confined. One day about that time when he was relieved of the duty inside the gate in the Jail, he proceeded§ to the sentinel on guard near the gate and saw Appa Sahab Boojungrao, Dufadar Dadu, and Jumal entering the room in which Bhow Scindia was confined. Next day, while standing on duty as guard, he observed Bhow Scindia coming out of his room constantly to answer the calls of nature. This he (Bhow) did beneath a *Nimb* tree standing by his room, where he fell quite insensible, and was taken into room by Rujub, who put him on his bed. On the third day, about 2 p.m., Bhow Scindia died. While he (the deponent) was passing along, he observed Bhow Scindia sitting in his room, who, on seeing the deponent struck his forehead with his hands, apparently to show that his existence in the world was at an end. Three or four days after the occurrence of this, when the deponent was on duty at the Jail, he was told by prisoner, Gunput Kishunjee, who was serving Bhow Scindia in the Jail, that Bhow Scindia used to say to him (Gunput) that he was being harassed and killed without any fault on his part, and, for mercy's sake, some one should go and tell his (Bhow's) wife that she should endeavour to submit complaints to the British Government, and seek redress at their hands. This was duly communicated by the deponent to Bhow Scindia's sister to meet his wishes expressed at a time when his life was in danger.

Witness No. 7 states—That about two years and nine months ago Bhow Scindia had been confined in the Jail. The news of his death having been communicated to the deponent by Patel Tribhown, he (deponent) proceeded to the Jail accompanied by Rajoo Maunjee, who both entered the room in which Bhow's body was lying. The corpse was covered with a white cloth, which, on lifting up, the elbows and the knees were seen greatly scraped, and the colour of the body unusually dark. This led him to believe that he (Bhow) must have been poisoned; and in order to satisfy himself as to the cause of Bhow Scindia's sudden death when he was in a sound state of health, Boojungrao was asked to state what was given to Bhow. Boojungrao, in evasive reply, said that he had died of Dengue fever, and that His Highness' order was that the body should be conveyed for cremation without loss of any time. On hearing this he, the deponent, with three others, prepared it for cremation. Two Carcoons of the Senaputtee Department were ordered by Balwantrao Ruboorkur to make the necessary arrangement. Camphor, resin, and like other substances were used largely when burning the dead body.

Witness No. 8 states—That he was employed in the Baroda Jail when Bhow Scindia was made a prisoner about four years ago. His duty at the Jail consisted of examining the fetters to see that they were all right. The day before Bhow Scindia's death, when he (the deponent) was going to examine Bhow's fetters as usual, he observed Dufadar Dadoo seated near his room, who prevented his approach, and desired that the fetters might be examined from outside the room. Bhow Scindia was then sleeping. His body was covered with a cloth, but not the feet, which he examined at the distance of five kuddums, and went away. The deponent was never on any previous occasion told to examine fetters of any other prisoner in this way. The next day on the deponent being sent for by Boojungrao at 4 p.m. he went to the jail and removed the fetters put on Bhow's feet after he was dead. He observed the colour of the body changed, and different from other dead bodies.

Witness No. 9 states—That he is a prisoner in Jail. About four years ago he was employed to serve Bhow Scindia while in Jail. He (deponent) cleaned his urine pot, and cow-dunged his room. In order to do these things he has had to visit his room. The day previous to Bhow Scindia's death he had gone in the morning to Bhow Scindia, who then said that he was ill. In the evening also when he went into his room he was found sleepy, and made no inquiries, but returned quietly. The next day when he went again in the morning he found Bhow Scindia very ill, suffering from purging and vomiting. Bhow Scindia told the deponent that poison was administered to him by Boojungrao, Appa Sahab, the Dufadar, and Jamal, and that his life was at an end. He asked the deponent to inform Bulwantrao Keshew of this which was done to him. Bhow Scindia had fetters on his feet. The deponent visited Bhow Scindia on the day of his death to remove his vomit and purging and otherwise cleaning his room. Boojungrao having ordered prisoner Gunputrao to pound Moormoora* and prepare some *rabree*, when he had prepared it, it was given to Bhow Scindia to eat, which he refused to do. Boojungrao pressed him to take it, saying that it would do him good. Bhow Scindia took it accordingly, and commenced to vomit and purge more and more. The portion of this *rabree* which remained in the plate was eaten by a dog, which died the same day on which Bhow Scindia died. After Bhow's death, his corpse was seen by Boojungrao, who said that good work had been done. Bhow's elbows and knees were greatly scratched.

Witness No. 10 states—That he and Hureebro used to attend upon Bhow Scindia while he was in Jail, and he used to sleep in the same room with Bhow Scindia. One day at about 5 o'clock p.m., Appa Sahab called at the Jail, and entered Bhow Scindia's room in company with Jamal, Dufadar, Dadu, and Boojungrao, turning the deponent and Hureebro out of Bhow Scindia's room. In the hands of Jamal was a cup containing some liquid substance. At about 7 o'clock on the night of that day he heard Bhow Scindia's voice crying aloud that he had done no fault, &c. Next day Boojungrao told him (deponent) that as Bhow was suffering from purging and vomiting he should attend upon him. The deponent accordingly went to Bhow Scindia, when Bhow told him that Dufadar Jumal had caught hold of his hands and handcuffed him, and that Appa Sahab and Boojungrao had prevailed upon him much against his will to take poison. Bhow Scindia further said to him that he was done for, and should anybody inquire into the circumstances of his death to tell, for the sake of Heaven, everything that had happened. Next day, after Bhow Scindia's death, the deponent brought this matter to the notice of Bachoo Sing, sepoy, and some other persons. The day on which Bhow Scindia died, Boojungrao had ordered kanjee to be prepared for Bhow Scindia. In this kanjee was mixed some stuff which Boojungrao brought with him tied in a piece of paper. The deponent is not aware what the stuff was; but Boojungrao mixed it up before forcing Bhow Scindia to eat it. The earthen pot in which Bhow Scindia had vomited was placed outside the room, and the dog which happened quite accidentally to put his mouth in the pot and eat the contents of it died after the lapse of an hour or so. The same day Bhow Scindia died at about 2 o'clock. In order to examine him after he was dead, Doctors Adurjee and Narayanrao called at the Jail. Next day, Appa Sahab and Chuggunlal came, who advised the deponent to say that Bhow Scindia had died of Dengue fever, the medicines prescribed by Native doctors having proved inefficacious. The deponent can say with positive certainty that Bhow Scindia was not suffering from any kind of disease prior to this.

Witness No. 11 states—That he was employed as a Carcoon under the Senaputtee in Sawut 1928, in which year one day he had accompanied His Highness to riding excursion, and on returning in the

This differs from other accounts which show that the dog ate some of the remainder of the kanjee. (Sd.) F.H.J.

Trimbuk, a Senaputtee's Carcoon.

evening Huriba Dada told him that Bhow Scindia had died in the Jail, and that he should arrange for his body being disposed of. He accordingly went to Kumath* with Nanajee Eshwunt, where the carcass was burnt in his presence, certain combustible articles being used for the speedy despatch of the business.

* Funeral place.

Witness No. 12 states—That at the time of the death of Bhow Scindia he (deponent) was a prisoner in Jail. He was appointed to act as Bhow's servant, and as such lived with Bhow in the Jail in the same room with him. Bhow Scindia used to receive *mussala* from his sister's house. About 15 days before Bhow Scindia's death Boojungrao, the under Jailor, brought the *mussala* with his own hand; whereas the same was usually brought by the sepoys on guard, and this circumstance naturally roused his suspicion, which was strengthened from Boojungrao having been seen by the deponent to manipulate the *mussala*. In consequence of deponent's suspicion he did not give the *mussala* to Bhow Scindia, but threw half of it on the roof of the house and half in the gutter. Bhow Scindia was an opium eater, and for his use the deponent used to make opium pills as much as would suffice for two or three months and leave them in charge of the guard. Out of these pills he (deponent) used to get every day two pills and give them to Bhow. Three days after the *mussala* was thrown away by the deponent he noticed that the opium pills given to the prisoner were different from those made by him, being somewhat soft, and told Bhow Scindia of this, who in throwing them away resolved not to eat them any more. On the third day Boojungrao came and asked Bhow Scindia how his health was, who replied that it was all right. Five days afterwards Boojungrao removed the deponent from Bhow's room. About 8 o'clock p.m. that day he heard Bhow Scindia crying out in a loud voice "What's this violence, &c." The deponent heard Jamal Sepoy say, "what can we do, it's the Sircar's order." In the morning next day Bhow Scindia washing his hands and face, and made signs to the deponent by placing his hands to the mouth, which led the deponent to understand that he was poisoned. Some time afterwards he heard that Bhow Scindia had died. About an hour before his death a puppy dog, which happened to come into the Jail, having eaten some of the rabree prepared for Bhow Scindia's use, was seized with sudden illness and died immediately afterwards.

Witness No. 13 states—That he is by occupation a Surgeon, and on the day Bhow Scindia died in prison in 1872, he having been sent for, called at the Jail in company with Narayan Gunesh Shastree, a native doctor in the town. Boojungrao, the under Jailor, took them both to the room where the body of Bhow Scindia lay, and, placing them outside the room, asked them to view it while the body lay stretched on the floor inside the room covered with a cloth. These two men inspected the body from a distance of five or six yards. The next day about 9 o'clock in the morning, Boojungrao called at the deponent's house with a written report in his hand, and asked the deponent to sign it, who refused to do unless the contents thereof were made known to him. Upon this he (deponent) was told that the report referred briefly to the circumstance under which Bhow Scindia had died. The deponent took objection to sign the report as he had never attended Bhow Scindia when alive. He was thereupon taken to the Fouzdar, who said that if the deponent did not sign it he would lose his honour (*rizzub*). The deponent thereupon signed the report from out of fear. He was not acquainted with the contents of it.

Witness No. 14 states—That on the day of Bhow Scindia's death he called at the Jail in the afternoon. Dr. Adurjee was with him. Boojungrao told them both to view the body of Bhow Scindia, deceased. They were placed outside the room. The body had no appearance of any disease. This the deponent only stated from the superficial examination which he made. The deponent having been asked to sign a document purporting to be an account of Bhow Scindia's death, on pain of displeasure of His Highness if he declined to do so, he (the deponent) signed the document under protest. The deponent is not aware of the wording of the document up to the present day.

Telegram, No. 733P., dated 25th February 1875.

FROM FOREIGN SECRETARY, CALCUTTA, to Sir LEWIS PELLY, Baroda.

YOUR letter, No. 15, dated 13th July. Case of Bhow Scindia. As case involves indirect charge against Gaekwar, who is being directly charged before another tribunal, it would be better to drop the case unless it has been already commenced in Criminal Court, and misunderstanding would result from non-prosecution of it. If you decide to go on with it, act under legal advice.

No. 93-563, dated Baroda, 25th February 1875.

From COLONEL SIR LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner, administering the Baroda State, to C. U. ARCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honour to enclose a copy of the summary of evidence and report in the case of Govind Naik, drawn up by Captain Segrave and Captain Jackson as Members of the Inquiry Committee.

The investigation of this case was entered into by the Inquiry Committee mainly because of the supposition or conjecture that a regular system had existed in Baroda for the removal of obnoxious persons by poison, and that the same set of agents had been employed in different cases for carrying this system out. It was thus believed that by means of an investigation into this case of Govind Naik facts might be elucidated which would have an important bearing upon the question of the attempt to poison Colonel Phayre.

It does not appear that in this respect the anticipations of the Inquiry Committee have been fully verified, or that by this means any further direct evidence in the poisoning case has been obtained.

From the evidence, however, which has been adduced, it appears that His Highness Mulhar Rao Gaekwar directly gave, or caused to be given, the orders by virtue of which the system of torture was put in force under which Govind Naik finally succumbed.

It appears from the evidence of Bulwuntrao Eshwunt, corroborated to some extent by that of Bulwuntrao Ravelkur, that the latter of those gave to the former, at the Maharaja's request and in his presence, an order to put upon Govind Naik the heaviest fetters he could find; and that subsequently the Maharaja expressed to Bulwuntrao Eshwunt his dissatisfaction at the insufficient weight of the fetters used, and ordered others to be specially made for the purpose of the weight of 1½ maunds. As to the food administered to the prisoner, Bulwuntrao Ravelkur states that the Maharaja ordered Tatya Mahadeo in his presence to see to the prisoner's food and drink, and from the evidence of witnesses Nos. 5, 10, 11, 16, and 17 it is proved that Tatya Mahadeo either with his own hands or under his direct supervision caused the chillies and salt water to be forcibly administered to Govind Naik.

Under the above circumstances, I do not propose to take at present any further steps in the matter by instituting a prosecution of the persons employed in ill-treating Govindrao or otherwise; but I think that it is desirable for me to lay before the Government of India a brief outline of the facts in this case.

List of witnesses in the case of Govind Naik.

CLASS I. Men in Authority.

Bulwuntrao Eshwunt	-	-	No. 15.	Tatya Mahadeo (Toupey)	-	No. 7.
Ditto Ravelkur	-	-	" 16.	Chugunlal Damodur	-	" 11.
Wanunrao Hurree	-	-	" 6.	Datratray Ramchunder	-	" 13.

CLASS II.—Men of the 1st guard who remained up to the time the prisoner released himself from his fetters.

Maiputtee Kanoba (Naik)	-	No. 5.	Gurbar Wucta (Private)	-	No. 11.
Kooshal Babajee (Subadar)	-	" 8.	Becharakara (Lance Naik)	-	" 17.

CLASS III.—Men of the 2nd guard who came on duty two days before the prisoner's death.

Bloa Sing Jemadar)	-	No. 3.	Gungadeen Rugonath (Private)	-	No. 10.
Bhao Khundoo (Havildar)	-	" 4.	Sheik Boorun (Private)	-	" 14.
Ram Surroop (Private)	-	" 9.			

CLASS IV.—Miscellaneous.

Koosajee Oomerjee, deceased's brother (complainant)	-	-	-	No. 1.
Narayan Venayek (Doctor)	-	-	-	" 2.

Summary of evidence in the case of Govind Naik.

1. In the early part of 1872 (about March) His Highness Mulhar Rao summoned Bulwuntrao Eshwunt, chief Fouzdar of Baroda, and ordered him either direct or through his Naib Dewan, Bulwuntrao Ravelkur, to imprison Govind Naik, an old servant of his in charge of the Silleykhana. No reason for the arrest was assigned, but it was generally understood by all who were afterwards connected with Govind's case that he had committed some offence of a private nature against His Highness, probably in connection with the zenana over which he (Govind) had authority.
2. In obedience to His Highness' orders Bulwuntrao Eshwunt had Govind confined in the Futehpour Chabootra, and treated like an ordinary prisoner, that is to say, he was fettered with the ordinary irons, and received food on the following scale:—
- | | |
|--|---|
| One and three quarter seers of bajree flour, | } Being the ordinary fare of prisoners. |
| Quarter seer of dhall, | |
| Half pice worth of ghee, | |
| Half pice worth of vegetables, | |
3. After a few days had passed His Highness summoned Bulwuntrao Eshwunt again, and ordered him to put on Govind fetters weighing $1\frac{1}{4}$ maunds or about 100 lbs.
4. In obedience to this order Bulwuntrao Eshwunt ordered irons of the description required to be specially made for the prisoner. They consisted of—
- | | | |
|--|---|-----------------|
| Leg irons, weighing about | - | 1 maund. |
| Handcuffs, | " | 22 to 25 seers. |
| Padlock of do., | " | 2 " |
| Iron collar for the neck (called toke) | - | 12 " |
5. These were put on to the prisoner by Wamonrao Hurree, Carkoon under, and representative of, Bulwuntrao Eshwunt, and Tatya Mahadeo (Toupey), a Carkoon of the 2nd Regular Regiment, on the part of His Highness Mulhar Rao. Tatya Toupey was introduced to His Highness by Bulwuntrao Ravelkur.
6. Simultaneously with the introduction of these fetters the prisoner's diet was changed to the following:—
- | | |
|---|-----------------------|
| Quarter seer of bajree flour made into bread. | } Chutney composed of |
| Quarter seer of chillies. | |
| garlic. | |
| salt. | |
- A fourth part of the bread and a fourth part of the chutney for a meal, and at the same time the prisoner was given to drink quarter seer of salt in about one seer of water.
7. The changes in the food were made* by Tatya Mahadeo, acting on the part of His Highness, and Wamonrao by order of Bulwuntrao Eshwunt. From this time Tatya Mahadeo and Wamonrao Hurree superintended the prisoner's entire management,† reserving to themselves the right of locking and unlocking his cell door. Tatya was assisted by two sepoy's of the 2nd Regiment in addition to the usual guard.
8. The bajree bread and chutney continued for about 14 days, during which time the prisoner ate little† or nothing, and then Tatya and Wamonrao commenced§ to administer canjee composed of $1\frac{1}{2}$ seers of rice, salt, and water boiled together, and as the prisoner refused to swallow this mixture Tatya Toupey and his sepoy's used force to make him do so.
9. After some days of this treatment the prisoner's limbs shrunk so that he managed to withdraw them from the irons one morning and make an attack on his guard, from whom he demanded a drink of water.
10. In his weak state he was easily overcome and transferred to his cell again.
11. His old guard was then relieved by a new one by order of Bulwuntrao Eshwunt, and the latter were told to keep a strict watch on their prisoner.
12. At 5 o'clock in the afternoon of the day (Saturday) on which the new guard came, Tatya, Wamonrao, and a Carcoon of the Fouzdar's Cutcherry, named Narayen Wakusker, came to the Chabootra and inquired if the prisoner ate or drank anything. On being answered in the negative, they forcibly administered some salt and water, Wamonrao pouring it into the prisoner's mouth with his own hands.
13. They returned the next day, morning (Sunday), and repeated this operation.
14. At 4 o'clock in the afternoon of the same day (Sunday) they returned again and prepared some canjee of flour, goor, salt and water, which Wamonrao poured into the prisoner's mouth while Tatya held his head.

15. Before they left on this occasion, Wamonrao told the guard that if the prisoner asked for water that evening, they might give him fresh water to drink; and he also particularly warned them that if any thing unusual occurred that night, he should at once be told.
16. That night the prisoner was heard by the guard muttering to himself in a delirious state till 10 p.m. After that time he was silent, and his guard being attracted by his unwonted silence looked into his cell, when they found that he was dead.
17. A sepoy immediately called Wamonrao, who told Bulwuntrao Eshwunt, who went to the palace to see His Highness on the subject. Three doctors, named Narayen Venayek, and Gunesh Shastree, and Adurjee, a Parsee Doctor, were there before him, to whom the Maharaja gave orders to examine Govind Naik's body, and report that he died of dengue fever.
18. Bulwuntrao Eshwunt wrote a report of the prisoner's death in the presence of the doctors and, as he says, at their dictation. They deny this, but the point is of not much consequence. It is sufficient that the doctors above mentioned and Bulwuntrao Eshwunt and Wamonrao Hurree were present at the inquest, and that their report attributed the death of Govind Naik to fever and a disease called *Shanneepat*.*
19. The body was handed over to the brother of the deceased, and a sepoy was sent by Wamonrao to report that cremation was complete.
20. Besides that of the inquest, no record concerning Govind's imprisonment was made. The whole proceedings were irregular, because, as Bulwuntrao Eshwunt says in his evidence, the offence was a private affair of the Gackwar's, and "when the Gackwar's will is concerned the law is set aside."
21. On consideration of the evidence the Committee are of opinion that *prima facie* case of having unlawfully caused the death of the prisoner Govind Naik is made out against the chief Fouzdar, Bulwuntrao Eshwunt, Bulwuntrao Ravelkur, Tatya Mahadeo, Wamonrao Hurree, but the Committee also considers that these men were acting under instructions received from His Highness Mulhar Rao Gackwar.

(Sd.) F. H. SEGRAVE, Capt.,
President, Inquiry Committee.
F. H. JACKSON, Capt.,
Member of Inquiry Committee.

Baroda, the 19th February 1875.

P.S.—An extract from the Fouzdaree accounts of the year Sumbut 1928 or A.D. 1872 is attached to show that the fetters alluded to were made specially for Govind Naik.—(Sd.) F. H. J.

Extract from Fouzdaree Accounts of the year Sumbut 1928 or 1872 A.D.

Statement showing expenses incurred on account of Govindjee Naik from the time he was prisoned up to death in Jail.

Paid on account of iron purchased for making fetters, as per details given below:—

	R.	A.	P.	R.	A.	P.
Iron bought through Chandbhai Borah, weighing $1\frac{1}{4}$ Indian maunds and $5\frac{3}{4}$ seers	-	-	-	6	9	9
Iron purchased through Nujmoodin $29\frac{1}{4}$ seers	-	-	-	3	7	6
„ „ „ Petamber Lohar $12\frac{1}{2}$ seers	-	-	-	1	8	0
Expenses incurred for making fetters, handcuffs, by Petamber Hurgovun, and Moti Girdhur	-	-	-	-	-	-
Padlocks purchased for fetters	-	-	-	-	-	-
Expenses of food, as per following details:—						
Wheat flour, 17 seers	-	-	-	1	1	6
Rice, 13 seers	-	-	-	0	10	6
Pulse, $7\frac{1}{2}$ seers	-	-	-	0	8	6
Ghee, $2\frac{1}{4}$ seers	-	-	-	1	1	0
Fire-wood	-	-	-	1	5	0
Jagree	-	-	-	0	4	0
Earthen pots	-	-	-	0	2	0
Vegetables	-	-	-	0	7	0
Spices	-	-	-	0	7	9
Tobacco	-	-	-	0	8	3
Daily butta, &c.	-	-	-	1	15	6
Oil for peons on watch duty	-	-	-	-	-	-
Expenses incurred for funeral obsequies	-	-	-	-	-	-
Total	-	-	-	-	-	-

	8	7	0
	0	1	9
	9	2	0
	38	4	6

No. 1.

Koosajee Oomerjee Dulvee, Hindoo Maratha, age 45, resident of Rutnagery District; occupation, service, at present out of employ, states:—I was formerly a favourite servant of Mulhar Rao Maharaj, and was in charge of the "rasoee" (cooking) department. My brother, Govindjee called "Naik," was in charge of the dispensary. In 1872, a short while before Bhow Scindia's death, Bulwuntrao Ravelkur, who was then Khangee Dewan or Private Secretary, got up a

* Kharab nazar.

charge against my brother of having cast amorous glances on Mahalseebai Rane; that is to say, no written charge was ever made out against him, nor was his deposition taken, but he was suddenly sent before Bulwuntrao Eshwunt, who threw him into prison. For about the first two months he was in prison he was properly fed, and after that they began to give him equal parts of chillies, salt, and bajree flour mixed up with water for "canjee." I heard this from sepoys of the guard at the Jail, and particularly from Maiputtee Naik in the Jail, who was a friend of mine. I got him to convey food from me to my brother, by means of which my brother managed to live on in spite of the attempts to kill him. One day Bulwuntrao Ravelkur said Govindjee has had canjee for (14) days, and yet he lives, "how is that?" He then ordered Tatya Mahadeo, his assistant, to see to Govindjee's food. After this Bulwuntrao Eshwunt, Tatya Mahadeo, and Narayenrao Wakusker used to go every day to the Jail to see my brother. They changed his fetters to heavier ones, and put extra fetters on his neck and wrists, and gave him the canjee again, by which he was reduced to great distress. One day when his limbs had shrunk from this ill-usage, his fetters fell from his wrists. A sepoy was watching near at hand, and his sword lay by his side; my brother snatched up the weapon, and said, "give me water," and threatened the sepoy. The latter said, if you will put by that sword, "I'll let you have a drink." Directly my brother threw down the sword, he was seized and loaded with irons again, and bound tightly with cords. On the second or third day after this, Bulwuntrao Eshwunt, Tatya Mahadeo, and Narayenrao Wakusker went to his cell and forcibly administered poison to him. He died next day. When I heard of it I was in arrest, but I was allowed to go to the Jail. I found my brother's corpse lying outside the Jail. It was attenuated and discoloured. I took it away and burnt it. I did not complain to any one at the time, as I knew it was no use. I was in arrest in my house all this time. I was released by means of my relations, who applied to Colonel Phayre, I was, however, not allowed to appear before the Commission, but was sent off to my own country. I returned about three or four months ago. I have never been up to the bungalow before. Before my brother died, intimation of his ill-treatment was sent to the Residency; nothing was done on it. Almost all the particulars I have related I heard from Maiputtee Naik. He is in Baroda still. I was arrested simultaneously with my brother.

Before me,
(Signed) F. H. JACKSON, Capt.

The 8th February 1875.

No. 2.

Narayan Venayek, Brahmin, Doctor, age 64 years, residing in Baroda, states:—Govind Naik died in the Hindoo year 1928 (about April 1872). I was in the habit of visiting His Highness Mulhar Rao daily in the morning. On one occasion when I went there, I found Gunesh Shastree and Adurjee doctor, about half past 8 o'clock. The Maharaja said to me and Gunesh Shastree, Govind Naik is dead, and is lying at the Futtehpoor Chowkey, go and look at the body, and make out the usual certificate. I asked the Maharaja what I was to write on the certificate, and he said, examine the body and report that dengue fever was the cause of the death of the deceased. I said to the Maharaja, how can I report that he died of dengue fever when I never attended him. The Maharaja said "do as you are told," I am responsible. I went with Gunesh Shastree to the Futtehpoor Chowkey, and saw the body at a distance of two or three paces. The limbs were contorted, as if the deceased had died in great agony, and his face and body much attenuated. The Carkoon (Wamonrao Hurree) at the Chowkey at once made out a certificate to the effect that the deceased had died of dengue fever, which we signed in the presence of Bulwuntrao Eshwunt and Narayenrao Wakusker. There were several sepoys in the Chowkey at the time, but I only know one of them named Bola Sing. After I had seen Govind Naik's body, I was of opinion that he had not died a natural death. I signed the certificate, stating that he had died of dengue fever, because the Maharaja ordered me. I knew that I was wrong in doing so. It was about 10 a.m. when I signed the certificate. When Govind Naik was imprisoned I heard that the fault he was accused of was "intriguing in His Highness Mulhar Rao's zenana." Every one who saw Govind Naik's body believed that he had been murdered, but no one mentioned the subject from fear of the Maharaja.

Before me
(Sd.) F. H. SEGRAVE, Capt.

The 10th February 1875.

P.S.—I read the above, and acknowledge that it is a true report of what I told before Captain Segrave.

(Sd.) NARAYEN VENAEEK.

The 10th February 1875.

No. 3.

Bola Sing Roopsing, Puggee, Jemadar in His Highness the Gaekwar's Police, residing in Baroda, states:—Govind Naik died about three years ago; he was confined in the Futtehpoor Chowkey, where I was doing duty as a Jemadar. A Havildar and four peons were with me. The name of the Havildar is Bhow Khundwa, two of the peons' names I cannot remember; the other two were Rama Soorook and Bhurun. Bulwuntrao Eshwunt told me to keep a strict watch over Govind Naik, as he had lately removed his fetters, and seized a sword belonging to one of the peons at the Chowkey. I was sent with a party of six peons to take charge of Govind Naik at about 12 o'clock noon one Saturday, the date I cannot remember. When I took charge of him he had very heavy chains attached to his neck, hands, and feet. The prisoner's diet was equal quantities of flour and salt. This was given him by order of Tatya Toupey, under instructions from His Highness, and on the day I took charge his food was prepared by a peon named "Gurbur." I was instructed to make a report every day to Bulwuntrao Eshwunt that the prisoner, Govind Naik, was well. On Sunday, the day after I received charge of Govind, I went to Bulwuntrao Eshwunt to report all well; he told me to return to my guard. While talking to Bulwuntrao Eshwunt the sepoy named Bhurun came up and reported that a Carkoon had come to the Chabootra; I returned there. I found Tatya Mahadeo (Toupey), Narayenrao Wakusker, and Wamonrao Hurree, Bulwuntrao's Carkoon. Wamonrao told me that I was to take great care of my prisoner, and if anything unusual happened, or he died at night, to let him know, and that I was to give the prisoner fresh water to drink instead of the usual salt water. Wamonrao told me to tell him, and not the others. My Havildar, Bhao Kundwa, reported to me that instead of giving the canjee twice as was usual, they had given it three times that day, and had also given the prisoner goor in the canjee. After that I went to my house to eat my dinner, and then returned to the Chabootra and set the sentries for the night, and went to sleep. Up to 10 o'clock the prisoner Govind was heard muttering to himself and calling on God to protect his child, &c. About 1 o'clock that night I was awoke by a sepoy, who said that prisoner was silent. I woke the Subadar Kooshal, and went to see the prisoner. He appeared to be dead. I went to tell Wamonrao. He accompanied me to Bulwuntrao Eshwunt's house. I remained below while Wamonrao went up to tell Bulwuntrao. When he came down again he accompanied me to my guard to see for himself. It was now 5 o'clock. In the morning Narayenrao and Gunesh Shastree, Doctors, came to the Chabootra, and Narayenrao Wakusker with them. The door of the prisoner's cell was opened to show the Doctors the corpse. They stood about five yards off to view it. After the Doctors left, the prisoner's brother, who had been summoned, came and took away the body. Narayenrao sent Havildar, Bhao Kundwa, to see that the body was burnt, and to report that it was done. Gurbur, the sepoy, used to give the prisoner the canjee while I was on guard. The prisoner could not resist, as he was so heavily fettered. The prisoner was in a tolerably good state of health when I went on guard. He did not look like a dying man.

Before me,
(Sd.) F. H. JACKSON, Capt.

Baroda, 10th February 1875.

No. 4.

Bhao Khundwa, Hindoo, Maratta, age 25, resident of Baroda, occupation service in Baroda Police, states:—About three years ago, two days before Govind Naik died in confinement at the Futtehpoor Chautrey,* I, being a Havildar of Police, was summoned by Bulwuntrao Eshwunt and told to take charge of Govind, as he had been troublesome, and required a good watch over him. Jemadar Bola Sing and I were the officers, and four privates of the police named (1) Ram Surroop, (2) Burrun, and two whose names I don't remember, were the men of the guard. A man named Gurbur, a sepoy of the Jail, was also over the prisoner, and two men of the 2nd Regiment under Tatya Toupey, Carkoon. We went at 1 o'clock on Saturday before Govind died, and took charge from a Naik named Mahiputtee, who had been made a prisoner for some official act; orders were to give the prisoner salt and water to drink, and "rabree" or canjee composed of flour, goor, and other stuffs. The prisoner did not eat or drink anything to my knowledge while I was on guard over him. At 5 o'clock that afternoon (Saturday), Wamonrao Hurree, Tatya Toupey, and Narayenrao Wakusker, Carkoons, came to the Chautrey and asked if the prisoner ate or drank anything. We said no. They then fell into a rage, and said that we were of no use. They all three then began to make the prisoner drink salt water by force. The prisoner could not move on account of his heavy fetters. Wamonrao gave him the water out of a glass or cup. They then left, telling us to look sharp after our prisoner. The next day (Sunday) they came again. They all three gave Govind more salt and water, Wamonrao pouring it into his mouth with his own hands. They went away and came again at 4 p.m. They then got some goor, flour, salt, and water, and mixed them together, and having removed us from the scene gave it to the prisoner to drink. I say this from what I had seen them do before. I did not see this mixture administered with my own eyes. My Jemadar, Bola Sing, had gone to the Fouzdar's cutchery to give the daily report when they came, so I sent Burrun sepoy to call him. When he came I told him that the Carkoons had been angry with me. I don't know what they said to Bola Sing, but he told me, after they had gone, to give prisoner fresh water if he wanted it, and to take great care of him. Up to 10 o'clock p.m. we heard the prisoner saying, "Ram, Ram," &c., and muttering to himself. After that he was quiet. At 12 o'clock we went to see what was the matter, and found he was dead. Bola Sing went about 1 o'clock to tell Wamonrao. They both came about daylight to the Chautrey. Afterwards, about 8 o'clock, Narayenrao Wakusker, Tatya Toupey, Narayenrao Doctor, and some

other men came and held a punchayut on the body. The deceased's brother was called to take away the corpse. I was ordered by Wamonrao to accompany the brother, and see what he did and hear what he said, and report to him. I reported to him that the body had been burnt about 3 p.m. that day, viz., Monday. I believe that Govind died from the ill-usage he received while in confinement.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

Baroda, the 11th February 1875.

Bhao Kundwa re-examined to day. I recognize the handcuffs and leg irons produced before the Committee as those which Govind Naik wore when I took charge of him.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

Baroda, the 12th February 1875.

No. 5.

Maiputtee Kanoba, Hindoo, Maratha, age 25, resident of Baroda, occupation Private in the Baroda Police, No. 314, states:—I remember when Govindjee Naik died in Baroda Jail in 1872, I was then a Naik in the Police and was appointed with four men to the charge of Govindjee in the Futtehpoor Chabootra. I was placed in charge by Bulwuntrao Fouzdar. For about a month and a half I was ordered to give him good places, food. After that period I was ordered to make bread of quarter seer bajree flour and quarter seer of salt, and also to make chutney of quarter seer chillies and quarter seer garlic and to divide the bread into four parts and place on each part a quarter of the chutney and give it to the prisoner to eat every day. Besides this I had to put quarter seer salt into a seer of water for him to drink. This order I received from Bulwuntrao Eshwunt and Gunputrao Bulwunt, who both used to visit the Chabootra. After five days, to enforce this arrangement, two of the regular sepoy and a Police Naik were appointed over me to carry out the orders to the letter. This was in consequence of a suspicion that I was not carrying them out properly. Tatya Mahadeo, a Carkoon of the 2nd Regiment and a favourite of His Highness Mulhar Rao, used to come to enforce the instructions above referred to. Govindjee would neither eat the food nor drink the water thus prepared for him. Tatya used to open the door of his cell, and ordered no one to open it without his presence. In this way Govindjee lived on for (14) days. After this period Tatya Mahadeo and Wamonrao, a Carkoon in the Fouzdar's Department, came to the Chabootra and examined the prisoner and ordered canjee to be given him instead of the bread and chutney. The canjee was composed of 1½ seers rice and water and salt boiled together. As Govindjee would not drink this mixture Tayta and three or four sepoy* used to hold him closer by force and pour it into his mouth. He used to spit out about half of it and would perhaps swallow about half. Govindjee was so heavily fettered† that he could not make much resistance. Tatya used to sit at the door and give directions, while the sepoy administered the canjee. This went on for four days. On the morning of the fifth day when I and the guard opened the door I found the prisoner's fetters off. He picked up the iron bar of his handcuffs and rushed out threatening us. All the sepoy fled in astonishment at his appearance, knowing that he had been heavily fettered. The sword of Hurreeba Jemadar was lying in the Chabootra, the prisoner snatched it up and said to all the sepoy "give me water." He presently got dizzy and staggered through weakness, and the sepoy easily seized him. There were present one Subadar (Kooshal Sing), one Havildar named Dulput, two sepoy, and myself. After seizing him we gave him two glasses of water and took him back to his cell. Gunputrao Bulwunt came up and abused me, and ordered me and Beechar Naik of the Regulars and four sepoy to be made prisoners. We were sent to the Fouzdary Cutcherry and kept there for three days. This was an account of the prisoner under our charge getting rid of his fetters. On the day I was released from arrest I heard that Govindjee Naik was dead. I never saw him after the event above described. The cruelty I saw practised to Govindjee by order of Bulwuntrao Eshwunt, Gunputrao Bulwunt, Tatya Mahadeo, and Wamonrao, the Fouzdaree Carkoon, was, in my opinion, enough to kill him, and I consider that they intended to kill him by practising it.

* Of the 2d Regiment.

† Fetters about 1½ maund in weight.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Member of Inquiry and Detection Committee.

Baroda, the 10th February 1875.

Maiputrao re-examined.—The handcuffs and leg irons produced before the Committee are those put on Govind Naik eight days before I was relieved by Bola Sing and Bhao Khundoo. The handcuffs weigh, I believe, 22 seers, and the fetters 1½ maunds. There was also a collar for the neck weighing 12 seers. The padlock of the handcuffs weighed about four pounds.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

Baroda, the 12th February 1875.

No. 6.

Wamonrao Hurree, Hindoo, Brahmin, age 50, resident of Baroda, in Rao Poora, occupation, clerk in the Fouzdar's Department, states:—When Govind Naik was thrown into prison about three years ago, Bulwuntrao Eshwunt Fouzdar, under whom I served, called me and told me to

* My duties were to provide the food for all prisoners confined out of the main Jail.

(Sd.) F. H. J.

see to his fetters and his food.* According to orders I put irons on his legs, and served out his food every day; for about five days he got wheat flour and almost anything he liked to eat. After that Bulwuntrao told me to give him kichree, viz., rice and dāl. This was continued for three days. All this time the prisoner was in charge of the police. At this period Tatya Toupey, Carkoon of 2nd Regiment, began to come to the jail by order of the Maharaj, and one day changed the police guard for one of his own regiment. After this one day he put in the police again. The next day Bulwuntrao Eshwunt told me to give Govind only bajree bread and chillies and salt in equal quantities to eat. I gave him this one day, and he would not eat it. I used to go to see the prisoner every morning, and Tatya Toupey used to go at 12 o'clock and in the evening. The sepoy told me after this that Tatya had ordered the prisoner to receive quarter seer of salt in his water. I told Bulwuntrao Eshwunt, and he said very well, do whatever is the order. This went on for three days without the prisoner drinking anything. After this, one day his fetters came off him, and he got out of his room and made a demonstration with a sword which he managed to pick up near the guard. In consequence of this his fetters were increased in weight. This I heard from the sepoy. When I went one day I found the prisoner heavily fettered with new irons made on purpose for him. The leg irons were about a maund, the handcuffs about three-quarter of a maund, a ring round his neck weighing about 15 seers. I used to go to see him every day. He did not eat anything after the day when the bajree bread and the chillies and salt were given him, so he got every day weaker. I don't know anything about canjee given to the prisoner. My duty was only to give the money for his food to the officer of the guard. At first Maiputrao was the officer, and after the salt and water were ordered for the prisoner, another man was put on, I think Bhao Khundoo. About three or four days after the heavy letters were put on Govind died. A sepoy came to my house early in the morning to tell me. I accompanied him to Bulwuntrao's house, and told him also. He called Narayenrao Wakusker and sent him and the sepoy and me before the Maharaja. Narayenrao left us two sitting at the Gurheepāt (steps leading up to terrace of Maharaja's apartments), and went in to the Maharaja by himself. He came out again with Narayenrao, Doctor, and Gunesh Shastree, and told us to come with him to the Futtehpoor Chowkey. As we turned to go down we met Bulwuntrao Eshwunt coming up. He said go on, I'll come on after I have seen the Maharaja. He went on and caught us up before we got to the Chowkey, I and the sepoy being on foot, and the others in bullock carts were left behind. By the time we reached the Chowkey the others had taken the fetters off the deceased, and were engaged in writing the proceedings of an inquest. When it was ready, I was told to look it over and correct it. I saw that it was written in the hand of Bulwuntrao Eshwunt, and it ascribed the death of the deceased to sanipāt (rheumatism) and dengue fever. The corpse seemed to be much attenuated. Bulwuntrao Eshwunt ordered his brother to be called, and gave a sepoy with him, and ordered the corpse to be burnt. He ordered the sepoy to report when the corpse had been burnt.

Cross-examined.—On the day preceding the night when Govind Naik died I went to the Chowkey in the morning alone. I did not go in the course of the day with Tatya Toupey and Narayenrao Wakusker. I did not warn Bola Sing, Jemadar of the guard, that day, that if anything unusual happened, or the prisoner died, I was to be called at once. I did not tell Bola Sing to give the prisoner fresh water to drink that evening. I did not accompany the sepoy who called me on the night of the death of Govind to the Chowkey after seeing Bulwuntrao Eshwunt, but I went, as I have stated, to the Maharaja's palace. I never went to the Chowkey with Tatya Toupey and ordered canjee to be given to Govind. I recognize the Marathi paper shown to me (marked A., F. H. J.), as the original paper written by Bulwuntrao Eshwunt about Govind's death. I am of opinion that Govind Naik died from the torture he was put to by the heavy fetters and restrictions in wholesome food and water. I do not know anything about his having had poison administered to him in canjee or otherwise. I only acted in the matter under the orders of Bulwuntrao Eshwunt.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

Baroda, the 11th February 1875.

Wamonrao re-examined.—I recognize the handcuffs and leg irons produced before the Committee. They were made especially for Govind Naik by order of Bulwuntrao Eshwunt. The letters weigh about one seer less than a maund, and the handcuffs about 25 seers. The collar for the neck weighed about 12 seers.

(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

Baroda, the 12th February 1875.

Wamonrao Hurree, Brahmin, Carkoon, under the late Fouzdar Bulwuntrao Eshwunt, states:—Cases such as those against Bhow Seindia, Govind Naik, Rowjee Mustee, and Gunnoowagh are not entered in the Crime Register, because the Fouzdar Bulwuntrao Eshwunt gave the Carkoons orders not to enter their names, there was no record kept regarding them.

(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police, on Special Duty.

The Residency, Baroda, the
15th February 1875.

No. 7.

Tatya Mahadeo Toupey, Hindoo, Brahmin, age 43, resident of Baroda, in Barranpoora, occupation, Clerk or Carkoon in the 2nd Regular Regiment of His Highness the Gaekwar, states:—I remember about three and a half years ago that a man named Govind Naik was confined in the Futtehpoor Chowkey by order of the Maharaja Mulhar Rao. I do not know what his fault was, but the Maharaja used to send me to him in order to extract a confession from him. The first time I went to see him he had irons or fetters similar to those shown me by the Committee. I cannot swear if they were the same fetters, but they were very like those I see before me. I don't know what his food was, as that was not in my hands. I cannot remember who was in charge of the prisoner, whether it was Maiputtee or not. I went twice to see the prisoner. The first time, after he had been in prison about three days, I only asked him to confess his crime, and I would get him restored to his old place. He would not confess anything. I went two days afterwards, and said the same thing, adding that I knew what his crime was, but he was still silent. I never saw him again. I told the Maharaja what passed between Govind and myself. The Maharaja said, if he wont confess let him alone. I enjoyed the Maharaja's fullest confidence, and was almost always with him. When he slept I used to sit by his bedside.

Baroda, the 12th February 1875.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

No. 8.

Kooshal Babajee, Hindoo, Rajpoot, age 50, occupation, military service, resident of Baroda, in Futtehpoor, states:—About three years ago I was Subadar of the Futtehpoor Chabootra. I remember Govind Naik, a Mankree of His Highness, Mulhar Rao, being brought to the Futtehpoor Chabootra. I was absent eating my meal when he came, so I don't know who brought him. When I returned I found that he was a prisoner; he was placed in a room about four or five gaz in width and length. He was fettered with ordinary light iron fetters on the legs for three days, and received proper food. About three days after his arrival Wamonrao, a Carkoon of the Fouzdar's, and Tatya Toupey, of the 2nd Regiment, came and put on him heavy fetters and handcuffs, and a heavy iron collar. The fetters and handcuffs produced before the Committee are the ones put on Govind Naik. At that time Maiputtee Naik and Beeharkara Naik and four sepoy were in charge of the prisoner, besides two sepoy of the 2nd Regular Regiment. By order of the Carkoons before mentioned the prisoner received for 14 days one part of bajree bread, one part of chillies, and one part of garlic, and one part salt made into chutney to eat with the bread, and to drink salt mixed with water. I remember that the prisoner got fresh water up to the time that he got good food and wore light irons, and that after the irons were changed to heavy ones, the food was changed, and salt was put into the water. The prisoner would not eat this food or drink this water, but would take a little in his mouth and spit it out again. In this way 10 or 12 days passed. After that time his limbs had shrunk so that one morning he was enabled to release them from the irons and get out of his cell. He threatened the guard with the iron bar of the handcuffs, so that they all fled. He then possessed himself of a sword which was lying on the Chabootra, and came to where I was and demanded water. I agreed to give him water if he would be quiet, and I got him into his cell again; all this took about an hour. While I was talking to him, Appa Saheb (Gunputrao Bulwunt), Wamonrao Hurree, Tatya Toupey, and Narayenrao Wakusker arrived. They abused me and made Maiputtee Naik a prisoner for his carelessness in letting the prisoner loose. In consequence of this affair, Govind Naik was removed from his old room to a place with bars on one side which was used for imprisoning women. This was smaller than his old place. In the place of Maiputtee, Bola Sing, Jemadar, and party were put on to relieve Maiputtee and his men. I don't know who gave the order, but from this time the prisoner used to get canjee composed of ghoor, salt, and water. This I heard from the men who gave it. The prisoner died about two days afterwards. The treatment which the prisoner received was entirely owing to the orders given. Tatya Toupey, Wamonrao, and Narayenrao Wakusker came twice to the Chabootra to look at the place. I did not hear him give any orders. I did not hear Gunputrao give any orders either.

Baroda, the 13th February 1875.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

No. 9.

Ram Surroop Takoore Dyal, Hindoo, Purdese Brahmin, age 30, occupation, service in Baroda Police, No. 335, resident of Baroda, states:—About three years ago and two days before Govind Naik, prisoner, died in the Futtehpoor Chabootra, I went with others to mount guard over him at 1 p.m. Bola Sing, Jemadar, commanded my party, and Bhao Khundoo was the Havildar, and the other privates were Kurreem Khan, Booram Khan, and Gungadeen, besides myself. Gurhur, another Private of the Police, was there as an orderly. There were also two Privates of the 2nd Regular Regiment over the prisoner. The police were under Wamonrao, a Carkoon of the Fouzdar, Bulwuntrao Eshwunt, and the regular sepoy were under Tatya Toupey, a Carkoon of that Regiment, and a favourite of the Maharaja. When we took charge, the prisoner, Govind, was heavily ironed with fetters of unusual size. When I went on sentry, I received an order to give the prisoner salt and water out of a lotah, which stood ready if he wanted anything to drink.

I do not know what he had to eat. We did not take formal charge from any one. I did not see Maiputtee, Havildar of Police, at the Chabootra, but I saw Kooshal Subedar of the Police. He had commanded the guard before us in which Maiputtee was. Maiputtee had been confined before we arrived, because when the prisoner had on a late occasion got rid of his fetters and emerged from his cell in a threatening manner, he had run away. I received the order about the salt and water from the sentry whom I relieved. When I arrived at the Chabootra to take charge, I found Wamonrao Hurree, Tatya Toupey, and Narayenrao Wakusker there. Wamonrao showed us the salt and water, and told us to give it to the prisoner. The next day I went on sentry again, but nothing particular happened. In the evening I went on again. I was then told by the sentry who preceded me that the prisoner had been fed with "rabree" or "canjee" by Wamonrao, Tatya Toupey, and Narayenrao. I heard the men of my guard talking to this effect. In the morning when I was on sentry, I remember that the prisoner called for water, and Wamonrao, the Carkoon, ordered Gurhur, the sepoy I have spoken of, to give him some of the salt water. The prisoner could hardly move on account of his heavy fetters, so Gurhur easily poured some salt water into his mouth. He, however, spat it out, and would not swallow it. Govind never ate anything while I was at the Chabootra. On the Sunday I was on sentry from 7 to 9 p.m., but nothing happened. Govind used to mutter a good deal to himself, and never slept during the last days of his existence. At 12 o'clock that night I heard he was dead. He became silent, and the Jemadar, Bola Sing, and Subedar, Kooshal, examined his cell from the outside, and found that he was dead. Bola Jemadar went and told Bulwuntrao Eshwunt, and I called Wamonrao and accompanied him to Bulwuntrao's house. From there I returned to the Chabootra. About 1 o'clock in the morning, Wamonrao and Bulwuntrao Eshwunt, Tatya Toupey, and Narayenrao, and some doctor whose name I don't remember; I don't know what they did, but they wrote some paper. They called his brother, and handed over to him the dead body. I consider that the prisoner, Govind, died from the cruelty practised on him by these Carkoons.

Baroda, the 13th February 1875.

Before me,
(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

No. 10.

Gungadeen Rugonath, Purdese, formerly Police Peon in the service of His Highness the Gaekwar, 45 years of age, inhabitant of Lucknow, now residing in Baroda, states:—About three or four years ago a man named Govind Naik was a prisoner in the Futtehpoor Chowkey, and I was on duty there. By order of Bulwuntrao Eshwunt, and his son "Gunputrao," alias Appa Saheb, the prisoner Govind Naik was shut up in a room and the door locked. Tatya Toupey and Wamonrao Hurree were the persons who gave orders when the door was to be opened, and they gave the prisoner his food. The night before he died Tatya Toupey and Wamonrao Hurree locked the door, and these persons unlocked the door next morning and found Govind Naik dead. During the night, about 12 o'clock, I heard Govind Naik call out for some water, and in the morning I concluded he was dead, because he did not answer when the sentry called out to him. He was in the habit of talking to himself, and as he made no noise, I concluded that he was dead. The sentry on duty, a man named Kurreem Khan, was the first to make a report of Govind Naik's death; this was about 6 a.m., and information was at once given to Appa Saheb, and he sent Wamonrao Hurree and Tatya Toupey to the Chowkey. Appa Saheb also went to the Chowkey. I was only on duty at the Futtehpoor Chowkey the day previous to Govind Naik's death. I don't know what was given him to eat, but he was given salt water to drink, and he drank it in my presence.

The Residency, Baroda,
the 13th February 1875.

Before me,
(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police.

No. 11.

Gurbur Wusta, Cooly, age 30 years, serving in His Highness the Gaekwar's Police, No. 323, inhabitant of Baroda, states:—I was on duty at the Futtehpoor Chowkey about three years ago, and whilst there Govind was made a prisoner and locked up in a room; fetters were attached to his feet. After he had been in the Chowkey about 15 days, very heavy irons were put on his neck, hands, and feet, and he was locked up as before. I was on duty over the female prisoners who were in the Chowkey. The door of the room in which Govind was confined was only opened by order of Wamonrao Hurree and Tatya Toupey, and these persons were always present when food was given to Govind Naik. I heard the peons in the Chowkey say that salt water was given Govind Naik to drink, and I saw some salt being crushed in the Chowkey, which was put into a lotah with some water for the prisoner Govind. I was away from the Chowkey on the night Govind Naik died. When I returned to the Chowkey next morning, I heard that he was dead, and that his body had been taken away to be burnt. I now remember that salt water was only given to Govind Naik after the very heavy irons were attached to his neck, hands, and feet.

The Residency, Baroda,
the 13th February 1875.

Before me,
(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police.

No. 12.

Chugunlal Damodar, Brahmin, age 35 years, Carkoon, formerly Carkoon under Bulwuntrao Eshwunt, residing in Baroda, states:—The report which I sent Rao Bahadoor Gujanahd Vithul yesterday is in my own handwriting. I do not know what charge was brought against Govind Naik; he was arrested by a Fouzdar's Carkoon named Datatray Ramchunder by order of Bulwuntrao Eshwunt and brought to the Fouzdar's Cutcherry. No inquiry was made as to the cause of his arrest, and he was sent off at once in charge of Datatray Ramchunder to the Futtehpoor Chowkey. We, Carkoons in the Fouzdar's Cutcherry, carry on work according to the regulations laid down by His Highness the Gaekwar, but if the case is an important one, we obey the orders of the Fouzdar. When Govind Naik was sent off from the Fouzdar's Cutcherry to the Futtehpoor Chowkey, I did not see whether any Police [peons accompanied him. I do not know what arrangement was made regarding Govind Naik's food, nor do I know when he had heavy fetters and handcuffs put on him. After his death I heard that he had been treated with great cruelty. Bulwuntrao Eshwunt knows why Govind Naik was arrested, and how he was treated during the time he was prisoner in the Futtehpoor Chowkey. I do not remember any one having been arrested and put in prison, as in Govind Naik's case, without some charge being brought against them and without inquiry being made as to the cause of the arrest.

Re-examined:—It is usual to keep a register of all complaints made, and of all arrests. This register is kept in the Fouzdar's Cutcherry. When a prisoner is sent to Jail an order on Jailor accompanies him stating the charge against him and the term of imprisonment; a receipt is taken from the Jailor for the prisoner handed over. When a prisoner is sent to a Chowkey an order is sent to the officer in charge giving the man's name, without any particulars as to the offence of which he is accused, or the term of imprisonment he is to undergo. No receipt is given by the officer in charge of the Chowkey.

The Residency, Baroda,
the 15th February 1875.

Before me,
(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police.

No. 13.

Datatray Ramchunder, age 35, Brahmin, Carkoon under the late Fouzdar Bulwuntrao Eshwunt, residing in Baroda, states:—I do not know what charge there was against Govind Naik, but one evening Bulwuntrao Eshwunt ordered me to go and fetch him from the Silleykhana where he was employed. I did so, and brought him to Bulwuntrao's Cutcherry. Bulwuntrao Eshwunt had some conversation with Govind Naik, which lasted about 15 minutes, but I do not know what they talked about, as I went downstairs to my work. A sepoy came to me, and said that Bulwuntrao wanted me upstairs. I went up to Bulwuntrao, and he ordered me to take Govind Naik to the Futtehpoor Chowkey, and have him put in chains. Wamonrao Hurree and two peons accompanied me with Govind Naik to the Futtehpoor Chowkey. I carried out the orders given me, and reported to Bulwuntrao that I had done so. The chains which were put on Govind Naik by my orders were of the ordinary size. I knew that some heavy chains weighing 2 maunds $4\frac{1}{2}$ seers had been made for Govind Naik, because I paid Rupees Babashye 20-1-9 for them, and made the entry in the account book. I received an order, which I produce, from Bulwuntrao Eshwunt to pay for the chains. I produce also a yad signed by Wamonrao Hurree to the address of Bulwuntrao Eshwunt, detailing the total expenditure (Babashye Rupees 38-4-6) incurred on account of Govind Naik. I never made an entry for such heavy chains as those made for Govind Naik. It is usual to keep a register of all complaints and arrests made in the Fouzdar's Cutcherry, but in Govind Naik's case nothing was kept.

The Residency, Baroda,
the 15th February 1875.

Before me,
(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police.

No. 14.

Sheikh Boorun Lall Mahomed, Mussulman, 30 years of age, serving in His Highness' Police, and residing in Baroda, states:—When I was sent on duty to the Futtehpoor Chowkey, Bola Sing, Jemadar, was the officer who gave me charge of Govind Naik. I came to the Futtehpoor Chowkey a day and a half before Govind Naik died. Nothing unusual occurred the first day, but on the afternoon of the second day, about 4 o'clock p.m., Wamonrao Hurree and Tatya Toupey came to the Chowkey, and after mixing flour and salt in a lotah with water placed it on a fire to boil. After keeping the lotah on the fire until its contents boiled, they removed it, and allowed the mixture to cool. They then took it into the room where Govind Naik was confined, and Tatya Toupey held the prisoner's face whilst Wamonrao poured the contents of the lotah down his throat. Govind Naik was so exhausted that he scarcely made any noise, and he was so heavily chained that he could not move after the contents of the lotah had been given to Govind Naik. Wamonrao Hurree and Tatya Toupey locked the door of the room, and left the Chowkey. This was about half-past 5 p.m. Before leaving the Chowkey they ordered me not to allow any one to have any communication with the prisoner. About 6 o'clock p.m. I was relieved, and left the Chowkey. I did not return until 9 p.m. I was then told by the sepoy on duty, Kurree Khan, that Wamonrao Hurree and Tatya Toupey had been to the Chowkey, and given Govind Naik food in the same manner as I had seen them give him in the afternoon. I saw Govind Naik, he appeared quite exhausted, and did not speak. Shortly after this I went to

sleep, and slept until 12 o'clock, when I got up to go on duty. After I had been on sentry about an hour, Govind Naik, who had been making a noise as if he was dying, became perfectly quiet, and I called the Jemadar, Bola Sing, and told him that the prisoner was perfectly quiet. The Jemadar procured a light, and he, with Subedar Kooshal and Havildar Bhao Khundoo looked through the bars of the door of the room where Govind Naik was confined to see whether he was dead. The Subedar Kooshal shoved a piece of wood through the bars against Govind Naik's leg, and said he is dead. After this the Subedar and Havildar went to sleep, and I remained on duty until 3 o'clock, when I was relieved by a sepoy whose name I don't remember. I went to sleep for an hour, and then went off to my house, where I remained until about 6 o'clock, when I returned to the Chowkey, where I saw Wamonrao, who gave me Rupees $1\frac{1}{2}$ to go and buy cloth to wrap up Govind Naik's body. I bought the cloth, and handed it over to Govind Naik's relatives at the Chowkey, and the body (Govind Naik's) was taken away to be burnt.

The Residency, Baroda,
the 16th February 1875.

Before me,
(Sd.) F. H. SEGRAVE, Capt.,
Superintendent of Police, on Special duty.

No. 15.

Bulwuntrao Eshwunt, Hindoo, Purboo, age 54, occupation formerly chief Fouzdar of Baroda, at present without employ, resident of Baroda, states:—In the month of March 1872 (Fagun 1928) I being chief Fouzdar of Baroda was summoned about half-past 4 or 5 p.m. one day by the Maharaja Mulhar Rao. I went to where he was sitting upstairs in the palace, and found the Maharaja and Bulwuntrao Ravelkur alone together. Bulwuntrao Ravelkur was Naik Dewan at that time, but he really had more influence than the Dewan, who was Gopalrao Myral. The Maharaja said, "Do what Bulwuntrao Ravelkur tells you." The latter said, "Send a Carkoon and apprehend Govind Naik in the Silleykhana, and take him and confine him in the Futtehpoor Chabootra, and put on him the heaviest irons you have got." The Maharaja heard this order given. I said to Ravelkur, "Supposing the man asks me when I put his irons on what is my offence, what shall I tell him?" He replied that it was a private matter, and no business of mine to ask questions about. I then returned to my Cutcherry and ordered a Carkoon named Dalatray Ramchunder to go and apprehend Govind Naik. Dalatray brought him before me. When I told him that he was to go to the Futtehpoor Chabootra as a prisoner, he asked what his fault was; I replied that I did not know, but it was the Maharajah's order. I then sent him to the place assigned for his imprisonment. This was on the same evening that I got the order from Ravelkur. I sent Wamonrao Hurree, a Carkoon under me, to the Chabootra to see about the prisoner's food, &c., and ordered him to give the usual diet prescribed for prisoners. Unconvicted and convicted prisoners got the same food, $1\frac{1}{2}$ seers of bajree flour, one-quarter seer of dhall, half pice worth of ghee, half pice of vegetables. Govind got this food for three or four days. He was ironed in the usual manner, but I had put the heaviest irons I could find according to the order I had received. After three or four days the Maharaja sent for me, and asked how the prisoner was ironed; I told him. He said, "Why did you put on such light fetters?" I represented that they were the heaviest I had. He said, "I want heavier than that; I want fetters weighing $1\frac{1}{2}$ maunds (100 lbs.)." I endeavoured to expostulate mildly with him about the severity of this order, but he got angry with me and sent me away with an order to do what

* Toke.

I was told. At the same time he ordered me to prepare heavy handcuffs, and a ring* for the neck in proportion. I did not know even what the ring (toke) was, but he told me that the "Lohar" would understand. I then returned to my Cutcherry and ordered Wamonrao Hurree to get the irons, handcuffs, and collar made. The cost of these things was entered in the Fouzdaree accounts. When they were ready I acquainted Bulwuntrao Ravelkur with the fact, and at the same time said that I thought they would prove very severe; he replied that we could not help that, but must do as the Maharaj wished. I then ordered Wamonrao to put the irons on. About the same time Bulwuntrao Ravelkur told me that Tatya Toupey, a private servant and favourite of the Maharaja, and Carkoon of the 2nd Regular Regiment, would superintend the prisoner's food, &c., and that I was not to interfere with any arrangement he might make. On this I told Wamonrao Hurree not to interfere with any order that Tatya Toupey might give on the subject of the prisoner's food. Wamonrao told me after this that Tatya had ordered one seer of bajree flour and some chillies to be given to the prisoner daily. After a few days Wamonrao told me that he had been directed to give half a seer of bajree flour, and salt about quarter or half a seer. A

† Hawal dil, not quite so strong as "out of his mind."

few days after this I heard that the prisoner was out† of his mind and did not eat anything. I told him to tell Tatya Toupey, as it was his business to look after the prisoner now. Three or four days afterwards I heard that the prisoner had managed to free himself from his fetters and possess himself of a sword, with which he had threatened the sepoys of the guard. I then heard that he had been seized and confined again. Two or three days afterwards I heard that he was dead. Wamonrao came about 6 o'clock one morning to acquaint me with this fact. I was about to send my Vakeel Narayenrao Wakusker to inform the Maharaja, when a sowar came from him to call me. I went to the palace, and met the Maharaja at the foot of the stairs. He had already heard of Govind's death, and told me that Gunesh Shastree (Vaid) and Narayenrao (Doctor) had been sent to the Chabootra to hold an inquest on the body, and that I was to let the body go after the inquest was held. I went to the Chabootra, and on the way fell in with the Doctors mentioned. We arrived at the Chabootra together, and as they examined the body I wrote out a draft of the report. In the meantime Wamonrao arrived, and I handed the report over to him to be finished properly. He copied it out fresh and

got the Doctors to sign it. As far as I can remember this report assigned as the causes of Govind's death "fever" and a disease called "Shaneeepat." I then ordered Wamonrao to give the body of the deceased to any relation there might be, and I then left the Chabootra.

Question.—After Govind Naik had been imprisoned a few days, did you not order Wamonrao to give him equal parts of bajree bread and salt and chillies to eat?

Answer.—No! Wamonrao told me that Tatya Toupey had ordered certain food as above stated in my deposition, and I merely told Wamonrao to carry out Tatya's orders.

Question.—How was it that your orders were subordinate to those of Tatya Toupey?

Answer.—He was a great favourite of the Maharaja's, and to oppose him in any way was to draw the revenge of the Maharaja on ourself.

Question.—Do you remember who was in charge of the police guard over Govind when he was first imprisoned?

Answer.—No.

Question.—Did you or did you not order this guard to be relieved by another after the prisoner had released himself from his fetters one day?

Answer.—I cannot remember that I did.

Question.—Is it true that Tatya Toupey's sepoy's were engaged at the Chabootra in charge of the prisoner Govind?

Answer.—Yes! Bulwuntrao Ravelkur told me that if Tatya's sepoy's were placed on that duty I was not to interfere. Some sepoy's were there, but I don't remember how many.

Question.—In your opinion did Govind Naik die of fever and "Shaneeepat," or from the ill-treatment he received in his confinement?

Answer.—The ill-usage he underwent was enough to bring on a fever. It was in fact enough to kill him. I did not see Govind in person before or after his death, so I cannot say whether he had fever or not. I wrote the report of his death on what the Doctors said.

Question.—Why did you not, when you knew that Govind was being subjected to ill-usage, go and see for yourself what state he was in?

Answer.—It was a private business of the Maharaja (Khanjee bareek kam) of a delicate nature, so I was afraid after what Bulwuntrao Ravelkur said to interfere in it.

Question.—Do you not know that there is a rule in the Gaekwar's code of laws that if a subordinate receives an unlawful order he is not to perform it?

Answer.—When the Gaekwar's will is concerned the law is set aside. I mean that the Gaekwar's will is the law.

Question.—Is there any record on your files on the subject of Govind's imprisonment?

Answer.—No; the inquest on his body is the only record existing. No record or list of any kind has been ever kept of prisoners confined for offences against the Gaekwar's private life (Khanjee kam meu).

Question.—Do you remember how long Govind was in confinement?

Answer.—Between one and two months as far as I recollect.

Question.—Do you mean to say that you do not know why Govind was subjected to all this ill-treatment?

Answer.—Govind was in the zenana, and I infer from that that his crime was connected with that department, but I don't know for certain.

Baroda, the 17th February 1875.

(Sd.) F. H. JACKSON, Capt.,
Member of Inquiry Committee.

No. 16.

Bulwuntrao Ravelkur, Hindoo, Brahmin, age 44, occupation, formerly in service of His Highness Gaekwar, now out of employ, states:—About three years ago I was a member of the Verest, or High Court in Baroda, and was a favourite of the Maharaja's. One day about 4 p.m., when I was sitting with the Maharaja upstairs in the Palace on the terrace, called Gaitree pat, he sent for Bulwuntrao Eshwunt, Head Fouzdar, and told him in my hearing to take Govind Naik, a servant in charge of the Silleykhana, and remove him to the Fouzdar's Cutcherry and put him in irons. On this Bulwuntrao Eshwunt sent a Jasud to call Govind Naik, while he himself remained at the Gaitree pat. When Govind was brought before us, the Maharaja told Bulwuntrao to take him away to prison. Bulwuntrao took Govind away. Two or three days afterwards I heard that Govind had been imprisoned in the Futtehpoor Chabootra. In my presence the Maharaja ordered Tatya Toupey, a Carkoon of the 2nd Regular Regiment, to see to the prisoner's food and drink. Tatya was a man introduced to the Maharaja by me. After this I do not know what occurred at the Futtehpoor Chabootra. After Govind died, I heard of the event, but I know nothing about its particulars.

Before me,

(Sd.) F. H. JACKSON, Capt.,
Inquiry and Detection Committee.

Baroda, the 18th February 1875.

No. 17.

Beetar Kara, Hindoo, Barrea, age 27, occupation Lance Naik in the Baroda Police, No. 60, residence Baroda, states:—About three years ago I was on duty at the Jemadar's Cutcherry and was deputed to the Futtehpoor Chabootra for duty. I found there a prisoner, named Govind, formerly a servant of His Highness Mulhar Rao. The guard consisted of Maiputtee, full Naik,

myself, and four Privates. The prisoner was heavily ironed with a collar round his neck in addition to the usual fetters. I never saw such heavy fetters on any other prisoner. I went 14 days after the prisoner was imprisoned at the Futtehpoor Chabootra. He was then receiving bajree bread to eat and salt and water to drink, that is to say, these things were offered to him, but he did not eat them. I saw about 14 pieces of bread lying in the cell with the prisoner. About four days after I went to the Chabootra, the prisoner managed to release himself from his fetters and make an attack on his guard in order to obtain water. He was speedily secured, but in consequence of this demonstration on his part, Maiputtee and I and the rest of the guard were relieved by order of Gunputrao Bulwunt. Maiputtee and I were imprisoned for three days. I do not know what happened after this. Wamonrao Hurrec, a Fouzdaree Carkoon, and Tatya Toupey, a Private of the Maharaja's, used to come to the Chabootra to see the prisoner. They ordered that his door was not to be unlocked without their presence. Tatya used to pour salt water into the prisoner's mouth. Nobody else came to the Chabootra while I was there. Gunputrao Bulwunt came after the prisoner released himself from his irons.

Before me,

(Sd.) F. H. JACKSON, Capt.,
Member of Inquiry Committee.

Baroda, the 20th February 1875.

No. 865P., dated Fort William, 10th March 1875.

From F. HENVEY, Esq., Officiating Under Secretary to the Government of India, Foreign Department, to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

In reply to your letter No. 93-563, dated 25th ultimo, submitting a summary of evidence and report in the case of Govind Naik, drawn up by Captains Segrave and Jackson, as members of the Inquiry Committee, I am directed to state that His Excellency the Viceroy and Governor-General in Council approves of your proposal to take no further proceedings at present.

2. The matter should lie over until the result of the investigation made by the Commission appointed to inquire into the charges against Mulhar Rao Gaekwar shall be known.

EAST INDIA (BARODA, No. 4.)

CORRESPONDENCE

WITH RESPECT TO

PROPOSED REFORMS

IN THE

ADMINISTRATION OF BARODA.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY,
FOR HER MAJESTY'S STATIONERY OFFICE.

1875.

[C.—1251.] Price 1s. 2d.

CORRESPONDENCE.

I.—Correspondence between the Resident at Baroda and the Government of Bombay.

A.—Letters forwarded to the Government of India before the 19th November 1874.

No. 269-913, dated Baroda Residency, 28th August 1874.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

I HAVE the honour to forward copies of correspondence with the Durbar upon the subject of the officers of Government required to assist His Highness the Gaekwar in reforming the administration of the Baroda State.

Durbar yad, No. 1459, dated 17th August 1874.
Residency yad, No. 1611, dated 26th August 1874.
Durbar yad, No. 1524, dated 28th August 1874.

2. Mr. Dadabhoy Nowrojee has expressed to me his anxious desire to have these men as soon as possible. It is therefore requested that the Government may be so kind as to make the necessary arrangements for sending them to Baroda.

Translation of a yad from His Highness the GAEKWAR of BARODA, No. 1459, dated 17th August 1874.

WITH reference to that part of the Governor-General's khureeta in which His Excellency informs me that if I require the assistance of officers of the British Government, His Excellency the Governor of Bombay in Council will, on my application, do all in his power to meet my wishes, I shall deem it a favour if His Excellency the Governor of Bombay will lend me for two years the services of the following officers to be employed on the duties specified:

1. Shumbooprasad Luxmilal, Esquire (as Head Revenue Settlement Officer).
2. Pestonjee Jehonghir, Esquire (as Head Settlement Officer for inams, wuttuns, and alienated lands).
3. Shunker Pandoorung Pundit, Esquire (as Deputy to the Sir Sooba).
4. Pitamberdass Jetha, Esquire (Dufturdar to the Political Agent at Bhooj), as Dufturdar to the Sir Sooba.
5. Three experienced and intelligent Mamlutdars to serve in the Revenue Department.

I leave it to His Excellency in Council to fix the salaries of these officers for the period they will be employed in this State. Should I require more officers I shall address you as necessities arise.

It is of the utmost importance that I should have as early as possible experienced, able, and honest men to assist me in carrying out the reforms the Government of India expect me to introduce. I therefore trust that His Excellency the Governor of Bombay in Council will take this request into his earliest and favourable consideration.

Translation of yad from His Highness the GAEKWAR of BARODA, No. 1524, dated 20th August 1874.

IN reference to your yadi, No. 1611, dated 26th instant, I propose the following sums as the salaries of the Government officers to be employed in this State:—

1. "Jummabundee Settlement Officer," Rao Bahadoor Sumbooprasad Luxmilal, Rupees 1,800 Babashai.
2. "Wuttun, Alienation, &c., Settlement Officer," Pestonjee Jehanghir, Esquire, Rupees 1,560 Babashai.
3. Mr. Pitamber Jetha, Rupees 550 Babashai.
- 4, 5, and 6. Three Mamlutdars, if of the 1st Grade, each Rupees 550 Babashai, if of the lower grades, proportionately less.

Messrs. Shumboo and Pestonjee will be directly subordinate to the Dewan. The rest are to be employed in the Revenue Department under the Sir Sooba.

No. 1611, dated Baroda, 26th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR.

ON my arrival here last evening Rao Saheb Bapooobhai called at the Residency with yads, and I requested him to inform Your Highness, with my compliments, that with reference to Durbar yad No. 1459, dated 17th instant, applying for the services of certain officers of the British Government, I should be happy to confer to-day, or whenever it might seem convenient to Your Highness, with your Minister, Mr. Dadabhoy Nowrojee, on the subject, because, agreeably to the request contained in my yad No. 1480 C. I., dated 10th instant, paragraph 3, the conditions of the employment of, and the powers to be vested in, the British officials named, &c., are not specified, as it is necessary they should be for the information of Government.

Please therefore arrange about this as soon as convenient.

The military honours usually accorded to Your Highness' Minister by British guards will be paid to Mr. Dadabhoy Nowrojee, and orders have been issued to that effect.

No. 5238, dated Bombay Castle, 7th September 1874.

Extract from the Proceedings of the Government of Bombay in the Political Department.

Read letter from Resident at Baroda, No. 269-913, dated 28th August 1874, submitting copy of a correspondence with the Durbar regarding the officers of Government noted in the margin, who are required by His Highness the Gaekwar to assist him in reforming the administration of the Baroda State. Soliciting that the necessary arrangements may be made for sending these officers to Baroda.

Mr. Shumboooprasad Luxmilal.
" Pestonjee Jehanghir.
" Shunker Pandoorung Pundit.
" Pitamberdass Jetha.
Three experienced Mamlutdars.

RESOLUTION.—Government will not object to the employment of the officers named, if the Durbar can induce them to accept the appointments, and will communicate the names of three efficient mamlutdars, with whom the Durbar can open negotiations.

2. It should be pointed out to the Durbar that these officers will be required, while employed at Baroda, to contribute a per-centage on their pay according to the rule to entitle them to retain their right to pension and leave allowances from Government.

3. Government will permit any of these officers who may accept appointments at Baroda to retain a lien on their present offices for twelve months.

No. 290-982, dated Baroda, 12th September 1874.

From RESIDENT at BARODA to SECRETARY to the GOVERNMENT of BOMBAY.

WITH reference to Government Resolution No. 5238, dated 7th instant, I have the honour to acquaint you that having communicated the purport thereof in a yad to the Durbar, I have to day received the accompanying reply, No. 1610 of this date, which is forwarded for the consideration of Government.

Translation of a yad from His Highness the GAEKWAR of BARODA, No. 1610, dated 12th September 1874.

RESIDENCY yad No. 1691, dated 9th September 1874, with reference to certain officers of the British Government required for the service of this State is received.

In accordance therewith communication has been opened with the officers. But I cannot help expressing my extreme regret that after having communicated through the Resident my great anxiety on the subject, I have been so unexpectedly disappointed. The time allowed to introduce reforms is very short, and when every hour is important to me, I sincerely trust that the Bombay Government will reconsider their decision, and give me their cordial help by sending the officers I have asked for, as on special duty, without delay. I shall not object to any special arrangements as to salary and per-centage of pension which the Bombay Government may think proper in preference to the terms I have proposed in my yad No. 1524, dated 28th August 1874.

No. 307-1069, dated Baroda Residency, 2nd October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

REFERRING to Government letter No. 22 P., dated 6th August 1874,* paragraph 6, clause 3, and my yad to the Durbar, No. 1503C.8,† having reference to the prohibition to the levy of nuzzerana on appointments in the Gaekwar State, forwarded with my letter No. 254-854,‡ dated 12th ultimo, I have the honour to enclose a copy of the proclamation issued by His Highness the Gaekwar on the subject, together with its English translation.

The manner in which this proclamation is acted up to will be the subject of future report.

Proclamation by SHRIMUNT SIRKAR SENA KHASKHEL SUMSHER BAHADOOR.

It is notified to the public by this proclamation that any person offering a nuzzerana in order to obtain Government employment, or accepting it for conferring such, or any person attempting to do either, shall be liable to the punishment provided for the offence of offering or accepting a bribe; and if such person be a Government servant, he shall be liable to dismissal. Dated 27th Rujub, corresponding with Shravan Sumvut 1931.

No. 316-1100, dated Baroda Residency, 7th October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

WITH my letter No. 252-852§ of 1874, dated 12th August last, I had the honour

Residency yad, No. 1482C.2, dated 11th August 1874, regarding ill-treatment and oppression of agricultural classes.

No. 1483C.3, dated 11th of August, regarding moderate and equitable land settlement, &c. &c.

to forward, for the information of Government, copies of my yads to the Durbar as per margin, to which I received the following replies under date the 17th idem :—

"With respect to yad No. 1482C.2, requesting that the barbarous processes employed in my State for realizing the revenue should be prohibited, and stating that the matter being one of importance could not admit of delay, I beg to assure His Excellency that the matter has engaged my serious attention, the rules and mode of realizing the revenue and all such matters are at present under my consideration. A complete Revenue Code will be prepared as soon as possible, which will leave no room for committing oppression. Offenders in this respect will be duly punished.

"In Yad No. 1483C.3, you have brought to notice the subject of a moderate and equitable land settlement, and a faithful adherence to its terms in future—all further executions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden.

"With regard to this I have to state that the last ten years' settlement has expired in most of the mehals, and it is necessary that for the current year some reasonable settlement of rates should be immediately made. Azum Kazee Shahboodeen made inquiries with regard to the jumabundee of the four northern mehals, viz., Bejapoor, Veesnuggur, Burnuggur, and Khyraloo, and have submitted a report, which not only suggests an immediate reduction of rates, but contains information which will be useful in making a settlement for a term of years. With regard to other mehals arrangements will be made as soon as possible. In the Nowsaree districts the Hoozoor Soobah has been making the necessary inquiries, with a view to make reasonable reductions in the rates of assessment. The advice of His Excellency as regards the rates of jumabundee will be carried out as soon as possible. The terms of settlement shall be adhered to, and no illegal increase made. No oppressive practices on the part of the Durbar officials will be permitted, and any official found guilty thereof shall be punished."

2. With regard to the continued levy of gadee nuzzerana I had the honour

¶ Nos. 271-922, dated 31st August 1874.
¶ " 274-929 " 2nd September 1874.
** " 279-945 " 7th " "

to address the letters as per margin to Government, and in accordance with paragraph 1 of Government Resolution, No. 5376, dated

14th September, I addressed the following yad to the Durbar :—

"No. 1731C.13, dated 16th September 1874.

"From RESIDENT, BARODA, to His Highness the GAEKWAR.

"Referring to the proceedings of the Baroda Commission marginally quoted, and to the khureeta of His Excellency the Viceroy and Governor-General, dated 25th July last, to Your Highness' address, I am desired by Government authoritatively to advise Your Highness not to levy any accession nuzzerana where there is a fixed land assessment."

3. As I did not receive any reply to the above yad, and the complaints of the ryots continued, I spoke to the Minister Mr. Dadabhoy on the subject, who told me that it was under discussion in the Durbar, that it might have a very bad political effect were it admitted to the people that the gadec nuzzeranna would not positively be collected, and therefore that he had thought of entering it into the accounts as "outstanding balance" (Baki). I replied that I had nothing to do with the internal arrangements he referred to, but merely with seeing that the advice tendered not to collect the tax was followed if accepted; and that as the general outcry amongst the agriculturists was great, something should be done.

4. Finding by the 23rd September that no orders had been issued by the Durbar, and that pressure was being put on the ryots in connection with the tax, I on that date addressed the following yad, No. 1771, to the Durbar :—

“From RESIDENT, BARODA, to His Highness the GAEKWAR.

“For nearly a month past written petitions have been received through the post from the Pergunnahs of Puttum, Wurnuggur, Kurree, Petlad, Bisnuggur, Khyraloo, &c., complaining of the difficulties to which they are subjected by Mohsuls and other means to pay up the balance of the accession nuzzerana still due by them.

"In connection with this subject, I beg to invite Your Highness' attention to my yad No. 1731C.3., dated 16th instant.

"I mentioned to Your Highness' Minister a day or two ago that the Wasna Petels had complained to me of their having been deprived of their wuttuns, and common coolies of their village made patels in their place. The Hurnee people also have lately complained to me of the harsh treatment to which they are subjected in connection with their revenue dues. I invariably refer any petitioners who come to the Residency, or accost me on the public road, to go and prefer their complaints to the Durbar, which they assure me they do.

Pp. 25, 26. { No. 1483C.3, dated 11th August 1874.
 " 1484C.4 " " " "
 " 1485C.5 " " " "

5. On the 24th September I had another conversation with Mr. Dadabhoy to much the same effect as in paragraph 3 above, when I told him distinctly that I could not recognize any such expedients as he had suggested, with a view, I imagine, to maintain His Highness' sovereignty in the matter intact, and I added that if His Excellency the Viceroy's advice were accepted at all it must be in the same terms as tendered.

6. Accordingly on the 27th September I received the following yad from the Durbar, No. 1691, dated 27th September:—

* Pp. 11. "Residency Yad No. 1731C.13* of 16th September 1874, about the non-levy of accession tax wherever there is a fixed assessment has been received. In reply we beg to state that the advice given will receive attention."

7. Also a separate yad from the Durbar, No. 1692 of 27th September, in reply to part of my No. 1771 is as follows:—

"I have received the Residency No. 1771, dated 23rd September 1874 about the arrangement for the ryots of the districts of Kuddee, Puttun, &c. With regard to this I have to state that it is good that the people who come to you are referred to the Durbar; but some of the people do not appear here. The cases of those who come are properly enquired into. Dated 27th September 1874."

8. Notwithstanding the fact that negotiations had been in progress from the 11th August and the 16th September respectively, upon the subjects set forth above, large numbers of agriculturists assembled at the Residency gates on the morning of the 28th, and as I had repeatedly referred them to the Durbar where they declared they could not obtain any reply, I resolved to take down what they had to say and embodied it in the following yad to the Durbar, No. 1798, dated 28th September 1874:—

“FROM RESIDENT, BARODA, to His Highness the GAEKWAR.

“In my Yad No. 1731C.13, dated 16th instant, I communicated to Your Highness the authoritative advice of His Excellency the Viceroy and Governor-General ‘not to levy any accession nuzzerana (in Your Highness’ territory) where there is a fixed land assessment.’

"2. On the 23rd idem I again addressed Your Highness, stating that complaints had been received by post from the Puttun, Wurnuggur, Kurree, Petlad, Beesnuggur, and Khyraloo Pergunnahs, complaining of the heavy expense to which the ryots are put on account of mohsuls, in order to compel them to pay up the balance of the accession nuzzerana which they affirm they are utterly unable to do in addition to their heavy land assessment.

“ 3. In your yads as per margin, Your Highness consents to pay attention to the advice of His Excellency the Viceroy and Governor-General upon this subject; and you request that any com-

plainant who may come to me upon this or any other subject should be referred to the Durbar at once, and at the same time state that any such who do go their cases are enquired into, and redress given; but that some persons do not go at all.

"4. Under these circumstances I think it right to bring to Your Highness' notice the following instance which occurred to-day, as there would appear to be some misunderstanding upon this important subject.

"5. When taking my walk this morning, I was accosted by four or five men who said they came from the Kurree Pergunnah, and I told them as usual to go to the Durbar, because I have been informed that orders to stop the collection of this nuzzerana had been issued; they replied that they had been to the Durbar and had not obtained redress, in consequence of which I told them to come to me during Office hours at 11 o'clock to-day, when the leading man, named Keywul Purshotum, patel of the village of Panchote, of the Kurree Pergunnah, stated as follows:—

"6. That about eight or nine months ago foot mohsuls were posted at the village in connection with the gadee nuzzerana tax for which they had to pay about Rupees 70, but that they were afterwards removed. That since the latter part of August last five sowars and four footmen have been again posted as mohsuls at their village of Panchote, in order to make them pay up the balance of accession nuzzerana, amounting to Rupees 2,000; two thousand having been already paid in 1872; that the expenses of these sowars and footmen fall very heavily upon the villagers being as follows:—

“ Subsistence for each sowar per diem, viz. :—

" 10 seers of grain for horse	-	-	-	-	}	0 8 0
" 2 seers of flour for Sowar	-	-	-	-		
" $\frac{1}{2}$ seer of ghee for Sowar	-	-	-	-		
" Grass for horse	-	-	-	-		
" Mohsulee paid in cash to Sowar	-	-	-	-		0 10 0
Total for each Sowar per diem	-	-	-	-		1 2 0
Total for five Sowars per diem	-	-	-	-		5 10 0

" Charge of five Sowars for one month	-	-	Rs. 168 12 0
---------------------------------------	---	---	--------------

“ Foot Mohsuls as follows :—

“ Subsistence—

" 2 seers of flour	-	-	-	-	-	} 0	2	0
" $\frac{1}{16}$ seer of ghee	-	-	-	-	-	}		
" Mohsulee paid to each footman in cash	-	-	-	-	-	0	2	0
" Total for each footman per diem	-	-	-	-	-	0	4	0
" Total for four footmen per day	-	-	-	-	-	1	0	0
" Charge of four footmen per month	-	-	-	-	-	-	-	30 0 0

“ Grand total of both horse and foot mohsulees per one month Rs. 198 12 0

" 7. Thus independently of the accession tax this village alone is alleged to have been subjected to the above charges or thereabouts.

"8. The patel of the village of Panchote continued to state that these mohsuls dunned them incessantly for payment; and that about eight days ago some peons came from the Mysana Thanadar to call him (the patel), and about 44 other villagers to Mysana about the payment of the arrears of accession nuzzerana. The Thanadar is said to have told them that they must pay the arrears due, otherwise they would be placed in the cage with Dhers; they replied that they had not committed any offence, and that they were utterly unable to pay the nuzzérana. The patel states that the Thanadar then ordered them to give bail for their appearance before the Wahiwutdar of Kurree, which they did, and reached Kurree on Wednesday, the 23rd instant. The Wahiwutdar being absent, they allege that they were detained until Friday, the 25th instant, when the Wahiwutdar told them to pay up the money; when they replied that they were utterly unable to do so; and state that they reminded the Wahiwutdar of the fact that about a month ago their crops had been damaged by the overflow of the river owing to excessive rain, and that at the time the Wahiwutdar, on being requested to come and see the damage done, did not do so. They state that the Wahiwutdar again urged them to pay the gadee nuzzerana, else it would be their fate to go to prison, and accordingly the sepoys began to seize the villagers, but owing to the darkness they all escaped except about 11 men who were thrown into prison, and were still there when the Patel Kevul Purshotum left Kurree for Baroda three days ago.

“ 9. The Patel continued to state that he and two other of his villagers, named Munor Bhawa and Jeykurun Amichund, arrived at Baroda by the mail train yesterday at 9 o'clock ; that they immediately waited upon Kazee Shaboodeen, the Revenue Commissioner, and ob-

NOTE.—Compare with paragraph 3 above.
(Sd.) R. P.

the arrears of the accession nuzzerana, and that if they agreed to this, he would think of allowing them a reasonable time of payment.

" 10. Under these circumstances the petitioners accosted me on the road this morning, and, should their general allegations be correct as above set forth, I have thought it proper to address Your Highness in order that immediate steps may be taken to give substantial effect to His Excellency the Viceroy and Governor-General's advice throughout Your Highness' territory, as set forth in my yads above quoted, dated respectively the 16th and 23rd instant."

9. Again, on the 1st October another large assembly of ryots took place at the Residency, and on this occasion I confronted them all with Mr. Dadabhai when he paid me his usual visit on that morning. I at the same time handed to him the following memorandum showing roughly who the petitioners were, and what were their claims. Mr. Dadabhai took the memorandum home with him, and ordered all the ryots to attend at his Cutcherry that day.

The memorandum is as follows :—

" 1. Village of Sakurda, Baroda Pergunnah, seven koss from Baroda on the Mahee Dadabhai Guneshjee and 50 others complain that permission to reap crops is refused by the Mehta and Koomash, Cutchery people. They demand *two sowcars* as securities for *arrears* and *current year's* revenue. These ryots plead that they are ready to pay security as usual, one for another.

" 2. Sokda, Baroda Pergunnah, five koss from Baroda.

" Bapoo Rachadass and others complained the same as No. 1 above.

" About 70 people of Sakda hold alienated land in the Doomla village of Manjoosar in possession of Ghorpaday. Permission to reap crops is refused on the same ground as above, viz., that the security of sowcars is required. Request permission to reap crops giving the usual security (one for another), the salamee tax has also been greatly increased by short measurements.

" 3. Hurnee village, Khanjee Mahal, Tooljee Jewan and four others.

" Same complaint as No. 1 Sakurda.

" 4. Petlaud Pergunnah, Dadran village, Hathibhai Kishorbhai.

" Khunjut Tricumbhai Dyabhai.

" Julsun Lulloo Vurujbhai and three others.

" Mogree Gopal Gullabhai and two others.

" Same complaint as Sakurda, No. 1 above.

" These ryots add that Mogree Havildar has obtained his appointment of payment of nuzzerana, also that such is the case with the village of Badran.

" The whole of the above ryots complain that their crops are being damaged, and that I repeatedly asked them about this, and I have *robbers steal* them owing to the delay caused by the no doubt about their having gone there as stated. Durbar refusing to allow the crops to be reaped. (Sd.) R. P. They have never yet given *sowcars security*, and are

quite unable to obtain such, but they are willing to give security as usual, viz., one cultivator standing security for another. They state that they went to the Durbar, but failed in obtaining redress."

10. I understood verbally from Mr. Dadabhai that the persons described in this memorandum have received permission to cut their crops, and I conclude that the obnoxious innovation of requiring *sowcars security*, and thereby throwing them hopelessly into the power of that class, has been avoided by the representation made.

11. I received the following reply from the Durbar to my yad No. 1798, *vide* paragraph 8 above:—

No. 1727, dated 2nd October 1874.

" I HAVE received the Residency yad, No. 1798, dated 28th September 1874, having reference to the representations made by you regarding the mohsuls, &c., placed by the Wahiutdar of Kurree on certain ryots to recover the balance of the gadee nuzzerana. With

Eleven days' interval, orders could have reached regard to this I have to state that the first yad from Kurree in two or three at most. (Sd.) R. P. you about the gadee nuzzerana was dated 16th September 1874, No. 1731. In reply to this I have sent

* P. 12. yad No. 1691,* dated 27th September 1874, to the effect that attention would be paid to the advice of the Government. This has been carried out.

" If the representations made to you by the people of Kurree about the imposition of mohsuls, &c., is correct, they have reference to a time before the above arrangements were carried out. (Sd.) R. P.

" In paragraph 9 of the yad mention is made of the Sir Soobah's reply. With regard to this, it appears on enquiry of the Sir Soobah that the representations made to you are not correct."

12. I have not sent any reply to this yad, because time will show whether *substantial effect* is really being given to the advice of Government or not.

13. On the 5th October Mr. Dadabhai came specially to the Residency after his usual visit to ask me to give a perwannah for troops to proceed to Petlaud as disturbances had broken out there; and I understood him to say that they had been commenced by some Kolis from the Bersud Talooka, Kaira Collectorate. I therefore wrote the following letter to the Collector:—

" No. 1074, dated BARODA, 5th October 1874.

" From RESIDENT, BARODA, to COLLECTOR of KAIRA.

" His Highness' Minister has just informed me that the Kolis of the Petlaud villages of Kussur, Juda, Mangrol, Mangulpur, Balanta and Cumploee are cutting the crops of some of the Koonbees in their neighbourhood, and he also implied that a kind of retaliation was going on between the above Kolis and British villages of the Muthur and the Borsud Talookas.

" 2. Mr. Dadabhai proposes to send 100 infantry and 25 sowars to Petlaud to keep the peace, and I lose no time in informing you of the fact in order that you may take precautionary measures on your own frontier. These troops will leave Baroda to-night, as yet I have only received a verbal communication from Mr. Dadabhai, but when the formal yad comes, I will make you acquainted with its contents.

" 3. I did not clearly understand what concern we have in this matter, but I was led to conclude from what Mr. Dadabhai said that the Kolis of both districts were committing depredations."

14. Next day (6th October) Mr. Dadabhai's communication of the previous day was embodied in the following yad, No. 1768, dated 6th October instant:—

" No. 1768, dated Baroda, 6th October 1874.

" The Fouzdaree kamdar has sent in a yad, No. 948, dated 4th October, from which we beg to inform you that about 50 armed men of Balada, Talooka Matur, came to Mangrol with the intention of creating a disturbance with the infantry and sowars sent there to preserve the peace along the boundary, but owing to the cautious behaviour of the sowars no disturbance took place. In the same way the Gackwaree ryots of the Petlaud Pergunnah who have gone over to the British villages of Balada, Detlee, Wusace, Sidjiwada, Dewathuj, &c., came over and removed the crops in our villages without permission. We request therefore that the Collector of Kaira may be addressed with a view to put a stop to these depredations in future, and a reply sent to us as early as possible."

15. I at once replied in my No. 1887, dated 6th October, as follows:—

" In acknowledging the receipt of Durbar yad No. 1768 of this date, I have the honour to state that agreeably to the verbal request of Your Highness' Minister I yesterday wrote to the Collector of Kaira upon the subject of the disturbances that have again broken out in Petlaud; and I also issued a pass for one company of infantry and 25 sowars to proceed there.

" 2. With regard to the causes of this disturbance as alleged in Your Highness' yad under reply to have emanated partly from British districts, I have invited the Collector's attention hereto, but at the same time I must invite Your Highness' serious attention to the correspondence which has been going on upon this subject since April 1873, all of which tends to show that the cause of disorder rests with the Koolies of Petlaud District, who are now residing there, or have taken refuge in Kaira villages on the border owing to discontent caused by Your Highness' local revenue arrangements.

" 3. A perusal of the correspondence will show that the present movement is merely a continuance of what is therein referred to, and that the sole means of remedying the evil lies in the adoption of revised revenue arrangements as soon as possible:— (Sd.) R. P.

16. I deem it necessary to place this record of events before Government at the present juncture without further comment than to invite attention to the fact that the Commission closed its sittings in December 1873, that the Commission Report was forwarded to the Durbar on the 11th April 1874; and that in a khureeta addressed to His Excellency the Viceroy and the Governor-General on the 19th April, His Highness the Gackwar assured the Government of India "that the reforms suggested by the Commission under Section 10 of the Report have already engaged my serious attention, &c., &c."

No. 319-1109, dated Baroda Residency, 10th October 1874.

From RESIDENT, BARODA, to SECRETARY to the GOVERNMENT of BOMBAY,
Political Department.

* P. 32. In continuation of my letter No. 264-874,* dated 17th August 1874, I have the honour herewith to forward copies of the following yads addressed to the Durbar pursuant to the orders of Government:—

No. 1731C.13, dated 16th September 1874.

„ 1732C.14

„ 1795C.15, dated 24th „ „

† P. 23. 2. Also with regard to the Durbar replies to my several yads, their reply to yad No. 1480C.1.* was submitted to Government with my letter No. 244-840,† dated 10th August 1874, and I now have the honour to forward the following Durbar replies to successive yads from C.2 to C.14, viz.:—

* (1) Removal of Dewan Syajeerao and others from service of Gaekwar; (2) transfer of services of officers of British Government to Durbar; and (3), with reference to choice of a Minister.

Durbar yad No. 1458, dated 17th August 1874.

„ „ 1460 „ 17th „ „

„ „ 1656 „ 21st September „

„ „ 1668 „ 23rd „ „

„ „ 1691 „ 27th „ „

3. The Durbar reply to my yad No. 1795C.15 will be submitted to Government when received.

4. Such remarks as I have to offer upon the purport of some of these replies of the Durbar will be submitted in a separate communication.

Translation of Durbar yad, No. 1458, dated 17th August 1874.

‡ Pp. 25, 26. I HAVE received the Residency yads,† Nos. 1482C.2, 1483C.3, 1484C.4, 1485C.5, and 1486C.6, about the advice of His Excellency the Governor-General: with regard to these I have to state as follows:—

With respect to yad No. 1482C.2, requesting that the barbarous processes employed in my State for realizing the revenue should be prohibited, and stating that the matter being one of importance could not admit delay, I beg to assure His Excellency that the matter has engaged my serious attention. The rules and mode of realizing the revenue and all such matters are at present under my consideration. A complete Revenue Code will be prepared as soon as possible, which will leave no room for committing oppression. Offenders in this respect will be duly punished.

In yad No. 1483C.3 you have brought to notice the subject of a moderate and equitable land settlement and a faithful adherence to its terms in future, all further exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden. With regard to this I have to state that the last 10 years' settlement has expired in most of the mehals, and it is necessary that for the current year some reasonable settlement of rates should be immediately made. Azum Kazee Shahabudin made enquiries with regard to the jumabundee of the four of the northern mehals, viz., Beejapur, Vusnuggur, Burnuggur, and Khyraloo, and has submitted a report, which not only suggests on an immediate reduction of rates, but contains information which will be useful in making a settlement for a term of years. With regard to other mehals, arrangements will be made as soon as possible. In the Nowsaree districts the Hoozoor Soobha has been making the necessary enquiries, with a view to make reasonable reductions in the rates of assessment. The advice of His Excellency as regards the rates of jumabundee, will be carried out as soon as possible, the terms of settlement will be adhered to, and no illegal increase made, no oppressive practices on the part of the Durbar officials will be permitted, and any official found guilty thereof will be punished.

Yad No. 1484C.4 relates to the adoption of some equitable mode of dealing with the wuttun and inams of my State, so as to remove all grounds for anxiety and discontent among the holders of them. With regard to this I have to state that the wuttuns, which had been attached by His Highness Khunderao, were released from attachment last year, a general enquiry is to be made into the matter. I shall hereafter communicate my views on the important subject of wuttuns and inams.

Yad No. 1485C.5 has reference to the exercise of the strictest supervision over the subordinate officials, so as to prevent the horrible practices of torture which were established before the Commission, and to severely punish those who may be guilty of them. With regard to this I have to state that this important subject under notice has already engaged my attention, and without loss of any time whatever such measures will be adopted as will, in my opinion, effect the desired reform.

In yad No. 1486C.6 I have been requested to arrange that punishments awarded for offences bear some reasonable relations to the crimes committed, and be not scandalously excessive as in some of the cases proved before the Commission. With regard to this I have to state that this subject too has engaged my attention. Better regulations for civil, criminal, and revenue matters than that now in force are under preparation. When those are brought into operation, several of the heads of advice given by His Excellency the Governor-General will have practical effect.

I will at short intervals communicate to you, for the information of the Bombay Government and the Government of India, particulars as to the progress towards reform in each of the matters above set forth; and I will gladly avail myself of your advice as necessity arises.

I trust that, if suitable opportunity is given to me, and I obtain hearty assistance from you, I will be able to assure His Excellency the Governor-General that the confidence reposed in me will not go for nothing; and that every advice of His Excellency will be really carried out as soon as possible.

Translation of Durbar yad, No. 1460, dated 17th August 1874.

I HAVE received the Residency yads Nos. 1502C.7 and 1503C.8,* dated 12th August 1874. * Pp. 26, 27. and No. 1518C.9,† dated 14th August 1874, and with regard thereto I have the honour to † P. 31. state as follows:—

Yad No. 1502C.7 states that His Excellency the Governor-General has directed you to urge on me to conform to the recommendations of the Commission. In connection with this, I have been requested, in consultation with you, to frame general rules for adoption in giving effect to reductions of Sirdars and Silladars, &c. With regard to this some information is to be collected, and the matter is to be fully thought over. I will therefore further communicate with you about it hereafter.

In yad No. 1503C.8, the following subject was brought to my notice, viz., that with the object of preventing the sale of appointments generally in my service by the levy of nuzzerana, and suppressing extortion on the part of office-holders, that I should introduce the system of paying fair salaries for the performance of duty, and issue a proclamation forbidding the levy of nuzzerana on all appointments, copy of such proclamation being furnished for the information of Government. With regard to this I beg to state that I am about to adopt full measures for giving adequate salaries to officials; the practice of taking nuzzeranas has been done away with for some time past. Still a proclamation will be made as desired by the Resident, and a copy sent to the Residency.

In yad No. 1518C.9 you requested me to put a stop to and severely punish any persons concerned in the abduction of women for forced service in the palace. With regard to this I beg to state that the forcible abduction of women for forced service does not take place. If any one is concerned in such oppression he will be punished.

Translation of Durbar yad, No. 1560, dated 4th September 1874.

I HAVE received the Residency yads, Nos. 1532C.10, 1533C.11,† and 1534C.12, dated 17th † Pp. 32, 33. August 1874.

With reference to these I beg to state. In yad No. 1532C.10 the opinion of the Viceroy and Governor-General as regards the relatives and dependants of the late Gaekwar is given, which will be taken into consideration and attended to.

In yad No. 1533C.11 it is stated that proper provisions should be made for the near relatives of the Gaekwar, and if any of the ladies wish to live out of Baroda they should be allowed to do so after an allowance is made to them with the approval of the Bombay Government. With respect to this I beg to state that I quoted the decision of the Bombay Government about not interfering with the Gaekwar's family affairs in my yad No. 117 of 1874, and fully trust that the British Government will not interfere with the Gaekwar's family affairs. The arrangements for the near relatives of this Government are made according to their merits; Ruk-mabai's case is known to you, and according to yad No. 1346 of 1874 sent (to the Residency) arrangements have been proposed for her in accordance with the advice of the Governor-General, and have been communicated to you orally.

In yad No. 1534C.12 it is stated that a proclamation should be issued prohibiting corporal punishment of women and their oppression either in this or in any other way, in prison, courts, or by Police officers, and that whoever does so would be punished.

A proclamation to this effect will be issued and a copy sent to you.

No. 1731C.13, dated 16th September 1874.

From RESIDENT, BARODA, to His Highness the GAEKWAR.

REFERRING to the proceedings of the Baroda Commission as marginally quoted, and to the

1. Paragraph 8, group No. 3, of the Commission Report.

2. Appendix A. Grievances of the agricultural classes.

khurecta of His Excellency the Viceroy and Governor-General, dated 25th July last, to Your Highness' address, I am desired by Government authoritatively to advise Your Highness not to levy any accession nuzzerana where there is a fixed land assessment.

No. 1732C.14, dated Baroda, 16th September 1874.

From RESIDENT, BARODA, to His Highness the GAEKWAR.

REFERRING to the proceedings of the Baroda Commission marginally quoted, and to the Paragraph 8, group No. 2, of the Commission Report. Appendix A., Cases 2, Schedule II. " G. " " " khureeta of His Excellency the Viceroy and Governor-General, dated 25th July last to Your Highness' address, I am desired by Government to bring under Your Highness' consideration the case of the Bijapoor Thakoors, and advise that Your Highness may be pleased to cause a fixed arrangement of the ghasdhana claim to be made for a period of years not less than 10, taking into consideration the opinions expressed by the Commission. I shall be glad to afford any help that I am able to do in this matter.

Translation of Durbar yad, No. 1656, dated 21st September 1874.

RESIDENCY yad No. 1732C.14, dated 16th September, stating that the ghasdhana due from the Bijapoor Thakoors should be fixed to a certain period not less than 10 years. But the cess due from them is jumabundee and not ghasdhana; the matter will however receive due consideration, and any aid required from you will be received with pleasure.

Translation of Durbar yad, No. 1668, dated 23rd September 1874.

* P. 11. AS stated in our yad No. 1460,* dated 17th August 1874, we have prepared and issued a proclamation, two copies of which are herewith sent.

No. 1795C.15, dated Baroda, 24th September 1874.

From RESIDENT, BARODA, to His Highness the GAEKWAR.

THE next subject to which I am instructed to invite Your Highness' serious attention for settlement according to equity and reason in connection with the khureeta of His Excellency the Viceroy and Governor-General, dated 25th July last, and the proceedings of the Baroda Commission, is that of the grievances of certain State and other bankers at Baroda, of certain jewellers and traders of Ahmedabad, and other places trading with Baroda, as set forth in paragraph 8, groups 8, 18, and 20; and cases 37, 57, 58, 61, and 62 of Schedule II., and cases 1, 2, 3, 4, and 7 of Schedule III. of the Commission Report.

His Excellency the Viceroy and Governor-General is of opinion that Your Highness would do well to put a stop to proceedings, such as those taken towards respectable bankers and trading firms, which are described by the Commission as discreditable and spoliatory, arbitrary, and unjust.

I take this opportunity of bringing to Your Highness' notice that representations have recently been received from the firms of Hurree Bhugtee, Chuni Lal Pitambur, Lowjee Oomed, Moti Lal Samul, Antha Runchord, Rutunjee Khandass, and Banabai Lalbhai, which with other cases of this class will form the subject of negotiation prior to authoritative advice being ultimately offered regarding them should such appear necessary.

Translation of Durbar yad No. 1691, dated 27th September 1874.

RESIDENCY yad No. 1731C.13, dated 16th September 1874, about the non-levy of accession tax wherever there is a fixed assessment, has been received. In reply we beg to state that the advice given will receive attention.

No. 331-1139, dated Baroda, 16th October 1874.

From RESIDENT, BARODA, to SECRETARY to GOVERNMENT of BOMBAY.

REFERRING to my telegram of this date to the address of the Private Secretary to His Excellency the Governor, I have the honour to report the circumstances therein referred to as follows:—

2. Government will remember that since May last I have frequently adverted to the caste complications and differences which have arisen between His Highness the Gaekwar and certain Mahratta Sirdars, Silladars, and Mankurees in consequence of his marriage with Luxmeebace, and the consequent introduction into Baroda of her reputed step-father, Rukhmajee, and other persons, all of whom are held by the heads of the caste not to belong to it.

3. It appears in the instance under report that a Sirdar, by name Chander Rao Kudu, was accused by the said Rukhmajee of having stated that on a

recent occasion the sweetmeats, provided at a dinner party at Rukhmajee's, had been brought from the bazaar by a woman of the Mussulman caste.

4. The Maharaja, it appears, took this up warmly; and, according to custom, the Sirdar was summoned to appear before the Senaputtee to answer the charge, which he did; and after due enquiry he was allowed to return to his home. This occurred on the 14th instant, and I have been informed that on the afternoon of that day, in consequence of private information received that he was to be put in irons and carried off to jail, the Sirdar concealed himself during the whole of yesterday, when a strong body of Police and karkoons were in search of him.

5. This morning, however, he appeared in public in the house of a Sirdar, named Nana Sahib Powar attended by about 100 Silladars, Mankurees, &c., and an endeavour was made by the Police to arrest him, which the assembled Sirdars, Silladars, &c., told them would be resisted, because the affair was not a criminal one but a caste or religious dispute, which did not come within the jurisdiction of the Fouzdar, and that by Mahratta law and custom all persons, including the Maharaja himself, were equally subject to caste rules in such cases.

6. About 1 p.m. Mr. Dadabhai came to the Residency, and having related the circumstances set forth in the preceding paragraph, informed me that the procedure determined upon by His Highness was to try Sirdar Chanderrao Kudu by the Sir Fouzdar, Mr. Hormusjee Wadia, on a criminal charge of defaming Rukhmajee, and if guilty, to punish him accordingly, and under the circumstances set forth, Mr. Dadabhai asked me to interfere with my authority to enforce the Durbar's procedure.

7. I replied that I did not see how I could properly interfere in the present stage of the case, that since May last caste disputes have been rife between His Highness and the Mahratta Sirdars, Silladars, and Mankurees in consequence of their having refused on religious grounds to eat with the complainant, Rukhmajee. I, moreover, explained to Mr. Dadabhai that according to my present information I could not consider the Sirdar Kudu's alleged offence, as stated in paragraph 3 above, to be a criminal one; that offences committed by the Sirdars are disposed of in the Senaputtee's Kutcherry, not in the Fouzdar's; and that if a caste offence had been committed, it appeared to me to be capable of adjustment by the Sirdar tendering an apology or making amends in such manner as the custom of the caste dictated. I added that my advice to His Highness was not to push matters to extremity, but to assure the Silladars, &c., that the case would be settled as caste disputes generally are, and that if thus relieved from the fear of criminal proceedings, they would probably disperse and give no further trouble.

8. I assured Mr. Dadabhai that I was quite willing to assist the Maharaja in all matters in which I felt I could do so with propriety; but that as I could not regard the Sirdar Kudu's alleged offence, as described to me, to be a criminal one, I could not interfere in the manner and on the basis proposed by him.

9. I am bound to say in conclusion that I do not believe the case to be a *bona fide* one, but that it is merely a continuation of the efforts that have been already made, as reported to Government, to involve certain Mahratta Sirdars in ruin, owing to their having refused to break caste by eating with Luxmeebai's relatives.

No. 333-1148, dated Baroda, 17th October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter, No. 331-1139* of 1874, dated yesterday, I have the honour to report that Mr. Dadabhai Nowrojee told me this morning that orders had been issued yesterday evening to suspend all further proceedings against the Sirdar Kudu. I asked him whether he had requested Kudu to tender an apology for the alleged offence, but he said that he had not. I was led to conclude, however, that the case was at an end, and up to the time of my writing this report (3 o'clock p.m.) I have heard nothing further from the Durbar on the subject.

2. I have learnt privately, however, from a reliable source that no communication was yesterday made to the assembled Sirdars and Silledars as recommended

in paragraph 7 of my report of that date; and consequently that at the time of Mr. Dadabhai's visit to the Residency this morning the whole of the Silledars, &c., were still assembled at Sirdar Kudu's house, where they had remained all night. It is said, however, to have been intimated to them this morning that Mr. Dadabhai himself would go to speak to them in the course of to-day. The danger of such dilatoriness needs no comment.

3. I have frequently during the last year or so brought to the notice of Government the serious results that may at any moment ensue from the Sirdars and other Military classes of the State being in arrears of pay for upwards of three years; and I have been informed that the danger of an *emeute* has lately been heightened in consequence of the three Regular Native Infantry Regiments, &c., of the Gaekwar's household Brigade being also four months in arrears, which I am informed has never before happened since they were raised, and that consequently they too have now become nearly as discontented as the Sirdars, Silledars, &c., above referred to.

4. I desire to bring to the prominent notice of Government that the Sirdars, Silledars, &c., are overwhelmed with debts which have been accumulating for the last century, and for which the Durbar is in a great measure responsible; and that instead of paying their arrears the Durbar has ordered the Bankers not only to refrain from making any advances to them, but to file suits against them, consequently being without the means of obtaining either credit or their just arrears of pay, they and their families and followers are thrown into circumstances of absolute want, from which I am satisfied the Gaekwar will never relieve them, unless under the pressure of authoritative advice from us.

5. Added to all this, the Durbar in its final statement before the Commission on this class of cases has alluded to the "necessity of a reduction in numbers of this" as well as other departments of the State service, consequently on a probable "decrease of the revenue from the proposed revision and lowering of the land assessment."

6. Moreover, notwithstanding the present state of debt and arrears in which the whole mass is at present involved, a circular was issued on the 7th instant by the Maharaja to the effect that in order to reduce State expenditure from the current year onwards, no less than 25 per cent. will be deducted from the pay and allowances of Pagadars, Silledars, Seebundy, and other Karkhanedars, subordinate to the Native Commander-in-Chief (Senaputtee).

7. Thus from the two preceding paragraphs it is seen that reduction in the number of Sirdars, Silledars, &c., in the first instance, and an excessive reduction of pay in the next, have been carefully provided for by the Durbar, without any just or equitable provision whatever having as yet been made for either their debts, their arrears, or just grievances on loss of service.

8. I would respectfully submit that instead of the unreasonable reductions contemplated by the Durbar being primarily carried out as apparently intended, the grave questions of their debts, their arrears, their just grievances, and their claims to compensation, gratuity, or pension, as the case may be, should first be considered and settled agreeably to the terms set forth in my yad to the Durbar, No. 1502C.7,* dated 12th August 1874.

9. Agreeably to the orders of Government, I have nearly every day for the last seven weeks carried on negotiations with Mr. Dadabhai about Sirdars' cases in addition to other work, and their agents attend at my office daily in connection therewith. Mr. Dadabhai himself appears willing enough to settle some of them, but the Maharaja, though professing to acquiesce in his proposals, has not as yet allowed an actual payment to be made. In fact, I regret to say that His Highness is still surrounded by certain bad characters, who support him in his revengeful feelings towards this class.

10. When writing to Government about the Contingent in my letter No. 246-843, dated 10th August last, I in the last paragraph particularly referred to the Military classes and copied in full my final statement regarding them, dated 1st January 1874, in order to call to remembrance the increasing danger of allowing such a large number of troops to fall into arrears of pay for so long a period; and I need scarcely say that the present state of affairs cannot last much longer without a breach of the peace taking place, the responsibility for which will, I submit, rest solely on His Highness the Gaekwar, agreeably to the terms of His Excellency the Viceroy and Governor-General's khureeta dated 25th July last.

* P. 26.

11. I will address you further on this subject as soon as I have fully considered what to recommend under the circumstances, and in the meantime do not delay this letter owing to the emergent importance of the question at issue.

Telegram, dated 18th October 1874.

From RESIDENT, BARODA, to POLITICAL SECRETARY, BOMBAY.

THE caste dispute reported on 16th instant still going on. About 500 men are said to be assembled at Sirdar Kudu's house, but are quiet. I posted explanatory report this morning in continuation of my No. 331-1139,* 16th instant. Dussera procession on Tuesday, and unless Durbar takes proper measures at once to settle dispute, I do not think it would be prudent for our troops to go to city to pay the usual honours to Gaekwar. No communication received from Durbar about continuance of dispute, which is improper.

* P. 12.

Telegram, dated 19th October 1874.

From POLITICAL SECRETARY, BOMBAY, to RESIDENT, BARODA.

YOUR telegram of last night and letter 16th instant.

Require Durbar to submit forthwith written statement of charge against Sirdar Kudu, and of the manner in which they propose to proceed against him; also of the present bearing of the Sirdars and their adherents, and amount and character of assistance solicited from you.

If you anticipate disturbance at Dussera, intimate to Durbar that you are authorized to withhold troops from taking their usual part in ceremonies, and to hold them in readiness in case their interference is required for maintenance of order.

Suggest to Durbar propriety of placing the accused Sirdar under your temporary protection, with a view to such enquiry on action being taken on the case after the Dussera as may be considered proper.

Telegram, dated 19th October 1874.

From RESIDENT, BARODA, to POLITICAL SECRETARY, BOMBAY, POONA.

YOUR telegram of this day. Had an interview with His Highness and Minister this morning. Both assured me that criminal proceedings against Sirdar Kudu had been abandoned on 16th instant. But it appears doubtful whether any communication to that effect was made to the Sirdar. They promised to arrange matters during to-day, and I will report the result of their proceedings which are now in progress.

Telegram, dated 20th October 1874.

From RESIDENT, BARODA, to PRIVATE SECRETARY, GUNESHKHIND.

SIRDARS, &c., have dispersed. There being no fear of disturbance, the usual Dussera ceremonies will proceed to-day. Report by post.

No. 343-1168, dated Baroda, 20th October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN the last paragraph of my letter No. 333-1148,† dated 17th instant, I promised to submit to Government certain specific proposals regarding what I consider to be the most important class of cases now pending. In order, however, that Government may be in possession of all that

† P. 13.

has passed, I append copy of my yad to the Durbar of last evening, No. 1965, together with their reply and my rejoinder as per margin.

2. I am respectfully of opinion that the complexion which this important class of cases has now assumed renders it imperative in the interests of the peace and tranquillity of the country that some immediate action should be taken by Government and authoritative advice tendered to the Durbar.

3. The main points to which I would first invite attention are—

1st.—That the Sirdars, Silledars, Mankurees, Sindces, Arabs, &c., adverted to in the Commission Report, are at the present time in circumstances of absolute want, and quite independent of the settlement of the cases, require advances to be made to them at once in order to preserve themselves and families from starvation.

2ndly.—That, as stated in paragraph 9 of my letter No. 333-1148, dated 17th instant, I have been in constant negotiation with Mr. Dadabhai Nowrojee regarding the settlement of certain of these cases, but that up to the present time not only has not a single case been settled by the Maharaja as agreed upon between his Minister and myself, but, as in the case of Sirdar Kudu, instead of paying him his arrears, a criminal case was got up against him for the purpose, as I believe, of getting rid of him altogether, and of intimidating the remainder.

4. With regard to the first of these points, Government will observe from the copy of my yad No. 1982 to the Durbar of this day's date (annexed) that I have proposed to meet the immediate emergency; that His Highness the Gaekwar should at once and without any further delay advance to all Sirdars, Silledars, &c.; and their adherents, who have been deprived of their pay for the last 3½ years and upwards, from four to six months' pay according to circumstances. This measure I believe to be absolutely necessary to avert actual outbreak, and I would therefore earnestly recommend to Government that authoritative advice to this effect be at once tendered by Government. Unless this is done I think it my duty clearly to state that I cannot be responsible for any consequences that may ensue.

5. Next with regard to the enquiry into and settlement of these cases, I would respectfully invite attention to the following points:—

1st.—That every single individual whose case is under jurisdiction is deeply involved in debt to Baroda Bankers and others, which debts have been caused by a variety of circumstances, but chiefly by the arbitrary and capricious manner in which their pay and allowances have from time to time been reduced or stopped altogether by the present Maharaja and his predecessors.

2ndly.—That any settlement which may be made must provide some means for the liquidation of these debts in proportion to the responsibilities—

- (a.) Of the Sirdar or Silledar himself.
- (b.) Of the head of the Baroda State.
- (c.) Of the Banker who has probably been willing enough to advance money at usurious interest.

3rdly.—That if loss of service and consequent reduction in the number of these hereditary servants is, under present circumstances, to be the basis of settlement of any of these cases, utter ruin must be the result to the individual concerned and the whole of his family and following.

6. It will thus be observed that this last point constitutes the main difficulty in the settlement of these cases. The Durbar have already intimated to the Commission their intention to reduce the number of this class ostensibly for the purposes of economy, but practically speaking no economy either has been or will be effected, because, as a general rule, new favourites are usually substituted for old and hereditary families.

7. Were it not for the accumulation of debt and the proposed reduction, the settlement of these cases might be effected without the least difficulty, except for the personal animosity and revengeful feelings entertained towards the class by His Highness the Gaekwar. I have myself during the last seven weeks prepared what I believe to be fair settlements of several of the most important of these cases for the purpose of negotiation with His Highness' Minister.

8. The principles which have guided me in these negotiations are shown in the statement which I drew up and showed to Mr. Dadabhai as forming the basis upon which I should advise Government to act in any cases that we might not be able to arrange amicably.

9. I have also prepared notes of about 20 of these cases, and have given them to Mr. Dadabhai at his special request, in order to assist him in procuring a settlement of them from the Maharaja, which in several instances he has professed

to do, without however any actual results except verbal promises which hitherto have not been carried out.

10. It will thus be seen that I have from the commencement cordially given to Mr. Dadabhai every assistance in my power, in fact I may confidently say that but for my assistance, he would have been from his utter inexperience in the details of administration utterly unable to have grasped the general principles upon which alone any Statesmanlike settlement of these difficult cases could be effected.

11. Bearing in mind the serious complexion that affairs have now assumed in consequence of the non-settlement of this class of cases, I deem it my duty to express to Government my conviction that no satisfactory settlement of them, including debts and arrears, can possibly be attained, until I am formally empowered to arbitrate and adjudicate in them, subject to the approval of Government, the Durbar having already stated all they had to urge in each before the Commission. In order, however, to enable me to do this effectually, I must be invested with powers to call upon the Durbar to produce from the Sirdars, the Bankers, and State records such evidence as I may require, and until that is done I believe that the Maharaja will merely go on temporizing until a general outbreak takes place.

No. 1965, dated 19th October 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR.

REFERRING to personal communications which passed between Your Highness' Minister, Mr. Dadabhai Nowrojee, and myself on the 14th, 16th, and 17th instant, relative to the case of Sirdar Chandra Rao Kudu and certain Sirdars, Silledars, &c., associated with him, said to amount in all to about 500 men, also to the further conference which took place this morning on the same subject between your Highness, Mr. Dadabhai, and myself, I should feel obliged by your informing me as soon as possible whether the said Sirdars and Silledars have dispersed and proceeded to their respective homes or not.

Also whether, referring to my yad No. 1502C.7,* dated 12th August 1874, any, and if so, what steps have been taken by Your Highness towards settling the grievances of this class.

If these men have, as I am informed, decline to disperse up to the hour of despatch of this yad (5.15 p.m.), it will be necessary for me to advise Your Highness to take such immediate measures as may appear to be required to maintain order during the approaching Dussara festival to-morrow.

It will also be my duty, under instructions from Government, to refrain from attending the festival with British troops, unless I am satisfied that such step will be taken by Your Highness Government with regard to the Sirdars, Silledars, &c., in question as will obviate any risk of a disturbance occurring.

* P. 26.

Translation of Durbar yad, No. 1867, dated 19th October 1874.

I HAVE received your yad No. 1965, dated 19th October 1874, stating that certain Sirdars and Silledars had assembled in the matter of Chandra Rao Kudu, &c., &c. With regard to this I have the honour to state that on the return of my Dewan to the palace after having had an interview with you this morning, I, in order that there should be no misunderstanding about my orders, sent the Silledars' Baxee, Seebundy Baxee, and Kamdar of the Hoozrat Paga accompanied by Rajeshree Bala Mungesh Wagle. They in the presence of 60 or 70 people assembled near Chandra Rao Kudu's house, told the latter that "your case has been brought to a close, no proceedings will be taken against you. In connection with the joy arising from the birth of a son to His Highness, he has abandoned this business and brought it to a conclusion. No one should therefore be anxious about it, and all should return to their respective homes." The pith of what the people assembled said was this—"All of us have some other grievances; unless all these are settled we would not go from here." This was reported to me by Rajeshree Bala Mungesh Wagle, whom I sent again to ascertain what their complaints were. He and the people spoke to each other, and they finally said—"We would attend to-morrow's procession (sowarree) as usual,* there will be no obstruction in that. To-day the whole of our people "Mandlee" are not here, and therefore we cannot give a reply to-day. After giving "sona" (leaves distributed in Dussara) they would think over the matter on Thursday and give a reply, and until our complaints are settled ("khoolasa hoi") we would not return to our respective homes. People coming to to-morrow's sowarree according to custom will not be hindered by us. General particulars in reply to the above yad will be hereafter communicated.

* Or as in former years (Thursha Penmanay.)

No. 1982, dated 20th October 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

With reference to Your Highness' yad, No. 1867 of yesterday's date, received last night, and also adverting to the oral communications made to me yesterday evening by your Highness' Minister and Mr. Bala Mungesh, after the latter had visited the Sirdars, Silledars, &c., at Sirdar Kudu's house, I have reason to believe that there is no fear of the peace being disturbed at the Dussara procession to day, and therefore the British troops, &c., will attend to accord the military honours to Your Highness customary on the occasion.

With reference to the desire which the Sirdars, &c., expressed to Mr. Bala Mungesh to assemble together again on Thursday next, the 22nd instant, for the purpose of representing their grievances generally, I would recommend for Your Highness' consideration that it should be notified to them that a fair hearing of what they have to state will be accorded to them on some early date that may be named, and as absolute want arising from excessive arrears of pay appears to be their most pressing grievance, as communicated by me personally to Your Highness yesterday, I would suggest for your consideration that pending the final settlement of each man's case, which will take time, advances on account of their arrears varying from four to six months, according to circumstances, may be granted to them. Thus their immediate wants will be relieved and the inquiry into, and settlement of, their just claims will proceed without fear of further demonstration of the dangerous kind that has been going on for the last four or five days.

No. 350-1196, dated Baroda Residency, 27th October 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

In forwarding, for the information of Government, copies of my yad No. 1986 of this date and accompaniment, I have the honour to bring to notice that the action of His Highness regarding these Sindhees who with the Arabs are fast getting beyond the control of their Sirdars and Jemadars, and may at any moment burst forth into open rebellion, appears to me to be most unjust and mischievous.

2. On the Sind Frontier we have reclaimed thousands of the same class of people by taking great pains to provide land for them, encouraging them to cultivate and follow peaceable occupations; and although the Sirdars of these men have spontaneously initiated the system in Baroda territory, yet it will be seen from the accompaniments to this letter that the Durbar, instead of supporting and encouraging it, is doing all in its power to drive this ignorant but warlike race to desperation.

3. The Sindhees and Arabs in the Baroda State are the least under control, and more likely than any others of the military classes to attempt to obtain their just rights by rebellion.

4. I need scarcely say that the system of populating the large extent of unoccupied and waste lands which now exists on the Baroda State by the superfluous military element in the service is one, which if rightly applied, would soon prove to be of the greatest benefit to the Baroda State, and provide a remedy for the gross injustice and consequent danger of turning large numbers of old and faithful soldiers adrift without compensation, gratuity, or pension.

No. 1986, dated 20th October 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

Referring to my yad* No. 2693, dated 8th November last year, and to the recent ebullition of discontent amongst the military classes of the State,

* Copy appended with Durbar reply. I beg to bring specially to Your Highness' notice the accompanying petition received this day from a number of Sindhees, the adherents of Sirdars, &c., some of whom for some years past taken to cultivation in Your Highness' mehals in order to obtain a livelihood.

Instead of such a desirable mode of providing for superfluous military retainers being encouraged, as it ought to be, it appears from the petition of these poor people that the very reverse is the case. I request, therefore, that Your Highness will at once order that substantial justice be done in this case, which has been so strongly incalculated by His Excellency the Viceroy and Governor-General in his khureeta of the 25th July last.

Now that the peace of the country is endangered on all sides, I must beg seriously to press upon Your Highness' notice that nothing short of an immediate performance of the promises which you have from time to time made to Government during the last year and upwards will satisfy His Excellency the Viceroy and Governor-General that there is any meaning or reality in those promises.

P.S.—Copy of petition of Sindhees forwarding to Durbar on the day of the Dussara 1874.

Petition, dated October 1874.—Also Sud St. 1921.

From SINDHEE GUJA MITHOO MEEA, and 19 others, to RESIDENT at BARODA.

THE petition of the undersigned Sindhees of the Gaekwar Government residing in the villages of the Baroda Attursoomba Khyraloo Pergunnahs. Our officer, Shah Mahomed bin Radhunmee's ancestor, the late Hamed Jemadar, entered the service of the Gaekwar Government in about Sumbut 1821, or A.D. 1764. Since that time Hamed Jemadar and his descendants, Ameen Saheb, &c., brought our ancestors from our own country, Sind, and introduced them into the service of the Gaekwar Government, as useful to fight and conquer territories for them, and as our Jemadar obtained Wuttuns, &c., from the Gaekwar Government, who considered them as their children, so finding us useful in the conquest of countries, some of our ancestors obtained monthly emoluments and appointments, and others landed property, thus leaving our own country we settled in this strange land, and we were taken care of by the Gaekwar Government as arranged by our Jemadars. Since our settlement here we acquired landed property by purchase and mortgage, and continued enjoying them without obstruction.

In the reign of the late Khunderao Maharaj they commenced forcibly levying from us Inam Committee and other cesses, but on our representing the matter to Government these cesses were not collected.

NOTE.—The petitioners produced what purports to be a formal order of the late Maharaja expressly exempting the land held by them on the Baroda pergunnah from the payment of new cess.

(Sd.) R. P.

Meanwhile Mulhar Rao Maharaj ascended the throne, and a rumour was circulated that the Inam Committee fee was abolished, which pleased the people very much. Subsequently Khanvelker, the brother-in-law of the Maharaja, became Minister, and the Inam Committee and other new cesses were ordered to be levied; and the Wahivutdars commenced pressing us for the payment of these cesses. Finally, our Jemadar Radhunmee was adopted by Shah Mohmed with the sanction of the Gaekwar Government, and the management was conducted by him, although no emoluments were paid, and many of us too did not receive our proper emoluments, which inconvenienced us very much in our expenses. We several times petitioned Government to make proper arrangements, but obtained no redress; we were thus distressed in every way, and therefore reported the matter to you; before the Commission our Jemadar represented all our grievances, and petitioned the Bombay and India Governments, but nothing has been arranged. After this Dadabhai was appointed Minister in the place of Khanvelker, who was made Pritinidhi; and we petitioned Dadabhai personally for redress, but did not attain it. Meanwhile the Wahivutdars continued pressing us for the payment of the new cesses, so we reported the matter, but obtained no reply. Our helplessness increased daily; at last we sent a registered petition by post on the 2nd of Bhadursud Wud Sumbut 1931, and enclosed one anna postage stamp for a reply, but up to this no arrangement has been made, neither have we received a reply. If we poor people go to the house of the Minister Dadabhai, we find him secluded, and with great difficulty get the sepoy to convey our message and receive a reply to come to the Palace. Very often our message even is not conveyed; thus although we go there we very seldom get a reply. If we go to the Palace, we, sepoys, cannot effect an entrance owing to our arms; but should we finally succeed in getting into the Palace we find the Dewan engaged on important business of the State, and he does not think of the case of us poor people, neither do we receive a written reply. If we wish to complain orally we cannot get in owing to the large gathering in the Durbar; and if we wish to speak we cannot do so, because people are warned that they are not to speak until they are called. It is therefore difficult to see the Dewan in the Palace, and the Dewan himself does not send for us, because we are poor and our complaint is trifling; and for want of funds we are unable to engage a Vakeel to plead our cause; for these reasons we cannot obtain redress from the Durbar. If we send reports they are never heard of; we cannot even find out where they go to. Our last registered report has not as yet been replied to. We therefore now beg

* NOTE.—They have always been referred to the Durbar up to the present time when the matter has become serious.

(Sd.) R. P.

to state that we have already petitioned you once before, and being quite helpless, petition you again.* You will kindly take our case into consideration, and arrange that we may without obstruction receive our usual emoluments, and that we may not be harassed with new cesses on our land. Our ancestors acquired these our Wuttuns by shedding blood, and we are deterred from enjoying them owing to the obstructions complained of above; those obstructions are not removed, and no arrangements to continue our rights to us are made; but we hear that a reduction of 25 per cent. in the emoluments has been ordered by Government. As shown above, we are quite destitute for want of food and clothing, and have contracted hundreds of rupees debt, and if the above order about reduction is brought into force, ourselves, our wives, and children will have to die. We request, therefore, that you will take all these circumstances into consideration and make early arrangements for us. At present our crops are standing in the fields, and the time for reaping has arrived; if we attempt to reap them the Wahivutdar prevents us from doing so, and places Mohsals for the collection of new cesses named above. The crops standing in the fields are partly destroyed by birds and animals.

These oppressions annoy us, and the state of the crops ready for harvest is as stated above. Some have sublet their lands to those that have no land of their own, they too are obstructed, this leaves us entirely destitute. Strict arrangements should therefore be made to put a stop to Mohsals, and to allow us to reap our crops. Owing to the reduction of 25 per cent. ordered, the Sowcars do not trust us. We have petitioned the Bombay Government on the same object, copy of which, as also the copy of our petition to the Calcutta Government, is hereto appended for your information. If you take the circumstances of this petition into consideration, and make proper arrangements for us it is well, otherwise each day will add to our hardships. Arrangements should therefore be made within eight days, and a reply given to us. One anna postage stamp is enclosed for a reply.

* P. 77.

B.—Letters forwarded to the Government of India under their orders,* on November 19th, 1874.

No. 21P., dated Bombay Castle, 31st July 1874 (Confidential).

From SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

I AM directed to forward to you a khureeta, of which copy is enclosed for your information, from His Excellency the Viceroy to His Highness the Gaekwar on the subject of the Report of the Baroda Commission, and I am to request that you will place it as soon as possible in the hands of His Highness without comment of any kind. Should the Gaekwar make any reply, it should in like manner be acknowledged with an intimation that it will be forwarded to Government.

You will shortly receive full instructions as to the steps which it will be your duty to take in connection with this matter.

No. 22P., dated 6th August 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

IN connection with the khureeta from His Excellency the Viceroy to His Highness the Gaekwar, already forwarded to you with my letter No. 21P. of 31st July, I am now directed to communicate for your guidance a copy of letter No. 1586, of 25th ultimo, from the Government of India, and to add the following instructions from His Excellency the Governor in Council.

2. From the 8th and following paragraphs of the letter of the Government of India you will perceive that you are directed to offer authoritative advice to the Gaekwar on the points dealt with in the recommendations of the Commission, the most important of which are set forth by the Government of India. These points are recapitulated in this letter, with subsidiary directions in the margin on the part of His Excellency in Council.

3. Before determining the advice to be offered on each point, His Excellency in Council desires that you will communicate on the subject freely and in a friendly manner with the Gaekwar or his Minister; that you will then reduce the advice to writing in concise language, and submit it for the approval of Government before formally presenting it to the Durbar for adoption. After the advice has been finally settled and given, it will be your duty to note carefully in what way it is acted on, and to warn the Gaekwar in writing, in brief and considerate terms, of each instance of neglect to follow it within a reasonable time, and to furnish Government with a copy of such warning. You should in no instance, unless specially authorised by Government, insist on the advice being followed, but should simply inform the Gaekwar that he is still free to act on his judgment, but that a note has been taken of his inattention to the advice given. In this way alone can the orders of the Government of India, for giving the

Gaekwar a fair trial, be carried out, and moreover no other way is likely to be so effectual in inducing His Highness to adopt the desired reforms.

4. You will doubtless perceive that, by the orders of the Government of India, the choice of the Minister is left entirely with His Highness.

5. I am directed also to observe that a careful moderation and courtesy in your communications with the Gaekwar, whether written or oral, and a scrupulous regard for his dignity, is rendered even more necessary than before by the present situation.

6. The recapitulation of the most important points on which advice is to be given, alluded to above in paragraph 3, will occupy the remainder of this letter.

You should note that this direction points exclusively to the establishment of proper Rules under which the future operations of the Durbar for reducing their military expenditure are to be carried out. If you should be pressed by any of those whom the Commission held to have been unjustly treated, to obtain compensation for them, you will apply for instructions before making any authoritative representation to the Durbar. This will not preclude friendly suggestions for an equitable settlement.

In tendering this advice you should recognise the admission of the Commission that the demands do not appear to have been excessive, and that what is to be chiefly desired is a fixed arrangement to last for not less than ten years.

Before formally advising the issue of the proclamation, you may well explain that the object of preventing this species of sale of office is to introduce the system of paying fair and equitable salaries for the performance of duty, and to suppress extortion on the part of office-holders.

No action should be taken on this by you pending further orders.

This will admit of no delay.

This instruction is of a very important and comprehensive character, and before formally advising it, you should invite an expression of opinion by the Durbar, to be submitted to Government with your own observations.

This advice should be given at once.

The directions in para. 6 will apply to this also.

Advice to this effect should be given at once.

The instruction should be acted on at once.

1. *Military reductions.*—The Gaekwar “should be advised, in consultation with the Resident, to frame some general rules for adoption in giving effect to such reductions in future, which will ensure their being carried out with due consideration to the claims of the parties concerned, and will prevent the scandal and the risk that must attend the sudden deprivation without compensation or other provision of any sort of large numbers of old or hereditary military servants of the service on which they are wholly dependent for the means of subsistence.”

2. “He should be advised to make a settlement of the Ghasdana claims for a period of years.”

3. To forbid the levy of nuzzerana on appointments, and to issue a proclamation notifying the same, a copy being furnished for the information of Government.

4. To take no accession nuzzerana where there is a fixed land settlement.

5. To prohibit the barbarous processes employed for realizing revenue.

6. And to remove the cause of such difficulty by a moderate and equitable land settlement, and a faithful adherence to its terms in future, all future exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden.

7. To exercise the strictest supervision over the subordinate officials, so as to prevent the horrible practices of torture which were established before the Commission, and to severely punish those who may be guilty of them.

8. To adopt some equitable mode of dealing with the Wuttuns and Inams, so as to remove all ground for anxiety and discontent among the holders of them.

9. To see that punishments awarded for offences bear some reasonable relation to the crimes committed, and be not scandalously excessive, as in some of the cases proved before the Commission.

10. To put a stop to proceedings such as those taken towards respectable bankers and trading firms, which are described by the Commission as “discreditable and spoliatory,” “arbitrary and unjust.”

And in this case also.

11. To put a stop to and severely punish any person concerned in the abduction of women for forced service in the Palace, in respect to which the Commission record "that several cases of the description stated have undoubtedly occurred, involving an abuse of power on the part of the Maharaja and oppression by certain inferior Durbar officials and servants, which have brought a most serious scandal on the personal character of the Chief himself, and the administration of which he is the head."

And in this also.

12. To prohibit the infliction of corporal punishment on women, and to issue a proclamation absolutely interdicting under severe penalties the personal ill-treatment in this or any other way of females, whether in Jail or before the Courts, or under examination by the Police, and to forward a copy of the proclamation for the information of Government.

And in this also.

13. The Gaekwar should further be required to desist from the harsh and vindictive treatment of the relatives and dependants of the late Chief, and extend to them the justice and consideration due to their position and services.

This requisition should be made immediate in the case of Rukhmabai. No communication should be made to the Gaekwar or to the Durbar about any other lady, without previous consultation with Government.

14. He should be required to make suitable provision for all the immediate members of the late Gaekwar's family, and permit the ladies to reside away from Baroda. Their allowances should be fixed with the approval of the Government of Bombay, and they can be paid according to lists to be furnished by the Gaekwar, the money being recovered from the Baroda State.

The Gaekwar should at once be made acquainted with the opinion entertained by the Viceroy of the Ministers named, for the consequence of whose retention in office he will be fully responsible.

15. "It only remains to say that, judging from the information submitted by the Commission, His Excellency in Council cannot hope that the necessary reforms will be effected so long as the Dewan Syajee Rao and some other officials, notably Bulwunt Rao Deo, the Revenue Commissioner Huriba Gaekwar, the Sir Fouzdar Bulwunt Rao Eshwunt, and the Deputy Revenue Commissioner Narayen Bhai, remain in power. His Excellency in Council is therefore of opinion that His Highness would do well to remove these men from office, making for them such provision as His Highness may deem reasonable, and to appoint more suitable persons to fill the offices they hold."

No. 244-840, dated Baroda, 10th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

See above.

I HAVE the honour to acknowledge the receipt of your confidential letter No. 22P., dated 6th instant.

2. This morning His Highness the Gaekwar paid me his usual visit, when I informed him that instructions, as to the authoritative advice referred to in His Excellency the Viceroy's khureeta to his address had been received by me, and that I would communicate their tenor to him from time to time as appeared advisable.

3. I then told His Highness of the advice expressed in the accompanying copy* of my yad to his address, and said that the first and most important point of all at the present time was to form an administration of experienced men of known character and ability, who would be able to afford him real aid in settling the

* No. 1480, C. 1.

several subjects which have to be dealt with; and I added that I should be happy to consult orally with him first as to this important point, and after communicating to Government the result of our deliberations, offer him such written advice as the Government might finally approve of.

4. I have thus commenced the routine laid down in paragraph 3 of your letter under reply, and will continue it on each subject separately.

5. His Highness asked me for a copy of my instructions, but I told him that such was not necessary, nor could it be complied with; but I promised that I would quote for his information what was proper in each case.

6. He expressed himself satisfied and Rao Saheb Bapooobhai is to bring up to-day lists of the appointments he wishes to be filled up, and by whom.

7. I told His Highness that the most important departments of his State with which we should have most to do were the Revenue and Police Departments; and after discussing details and getting some insight into the present system in force, of which I am at present wholly ignorant, I will report the result to Government; but until an administration is formed, there will be no real progress. I will therefore take up that point first.

No. 1480C.1, dated Baroda, 10th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

REFERRING to the latter part of His Excellency the Viceroy and Governor-General's khureeta to Your Highness' address, dated 25th ultimo, in which it is stated that "the Resident will now convey to you under the instructions I have sent him authoritative advice in regard to several important matters affecting Your Highness' administration;" moreover "on any occasion on which Your Highness may consult him, he will freely advise you and give you such help as he can."

2. I have therefore the honour to forward, for Your Highness' consideration, the following opinion expressed by His Excellency the Viceroy regarding the members of your present administration named below. It is as follows:—

"Judging from the information submitted by the Commission, His Excellency in Council cannot hope that the necessary reforms will be effected so long as the Dewan Syajee Rao and some other officials, notably Bulwunt Rao Deo, the Revenue Commissioner Huriba Gaekwar, the Sir Fouzdar Bulwunt Rao Eshwunt, and the Deputy Revenue Commissioner Narayen Bhai, remain in power. His Excellency in Council is therefore of opinion that His Highness would do well to remove these men from office, making for them such provision as His Highness may deem reasonable, and to appoint more suitable persons to fill the offices they hold."

4. Should Your Highness ask for the services of British officers, European or Native, to assist you in the work of reform, endeavours will be made to meet your wishes, and to furnish Your Highness with the officers you may require, provided the conditions of their employment and the powers to be vested in them are such as Government can approve.

4. I am instructed to inform Your Highness that the choice of Minister is left entirely with Your Highness, and that on this or any other occasion upon which Your Highness may do me the honour to consult me, I shall, according to my instructions, freely communicate with you orally and give you such help as I can; final written advice will be offered in each instance after it has been approved of by His Excellency the Governor of Bombay in Council.

No. 247-844, dated Baroda, 11th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 244-840, dated yesterday, I have the honour to report that the Maharaja has been consulting me through his Karbharees (and a few days back personally also) about the retention in office of Mr. Dadabhai and his party. His Highness has long wanted to part from Mr. Dadabhai himself, but he fears, as I before reported to Government, his home influence, and that he will give him a bad name. Mr. Dadabhai, I am reliably informed, went so far a day or two ago as to draw up an agreement of 25 articles to the effect that the Maharaja was to make over the Raj to him and his party, in order to effect the reforms specified in His Excellency the Viceroy and Governor-General's khureeta of 25th ultimo. This the Maharaja was dissuaded by the old Karbharees from doing, but owing to the impression made by Mr. Dadabhai and his followers as to the weight of responsibility which the khureeta throws on His Highness, he is nearly distracted by indecision, notwithstanding the assurances of help which I have given. When consulted I gave my decided opinion that Mr. Dadabhai and his party had not the knowledge, ability, experiences, or weight of character sufficient to carry out the reforms needed in every department of the State; that none of the people from

See above.

the Sirdar downwards had the least confidence in them; and that judging from the fair trial which Mr. Dadabhai has had for the last nine months, and Mr. Kazee Shahabudin for five, together with the results of that trial, I saw no hope of the requisite work being done by them. That I doubted if men of ability and character from British districts would serve under Mr. Dadabhai; and that as regards His Highness' signing an agreement to make over his Riasut to any one whatever except the British Government, I looked upon the very proposal on Mr. Dadabhai's part as an offence against the sovereignty of the paramount power; and that if such a matter were to come officially before me, I should take most serious notice of it.

As might naturally be supposed Mr. Dadabhai and his friends are indignant at my having expressed such an opinion regarding them, but at the present crisis I felt bound in duty to say honestly what I believed to be true, and leave it for the Maharaja to accept or not as might please him.

Several factions are now trying to make capital out of His Highness. The notorious Damodur Punt has brought a man named Ram Bhow, said to have been Karbharee of a small State in Upper India, and he hopes to have him appointed Dewan.

I told His Highness that rather than work should suffer for want of a Dewan, I would lend him my Native Assistant, Mr. Munibhai to be joint karbharee with Rao Saheb Bapooobhai, who is really doing the Dewan's work at present; so that in the event of Mr. Dadabhai going, which I hear he threatens to do, unless the Maharaja signs the above-mentioned agreement, the duties of the Dewan would be temporarily provided for more efficiently than they have yet been during the present reign.

Knowing the difficult character of the work that has to be done, independently of the amount of it, I feel sure that unless I can persuade His Highness to introduce some first-rate hardworking men from our districts into the administration, there will be no real progress.

I intimated to His Highness that he had better inform Mr. Dadabhai that I had privately expressed the opinion about not retaining him in power, and that if he came to the Residency I would give the same reasons that I have expressed above, and assure him of my unalterable conviction that he has not the qualification for Minister of a State in the thoroughly disorganized condition that Baroda unfortunately is.

No. 24P., dated Bombay, 16th August 1874 (Confidential).

From SECRETARY to GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

I AM directed to acknowledge the receipt of your letters noted in the margin, reporting on the course of the negotiations opened by you with His Highness the Gaekwar in consequence of the instructions communicated to you in my confidential despatch No. 225, dated the 6th instant.

2. In reply, I am desired to state that the Government have no objection to offer to the yad which you addressed to the Gaekwar when communicating to him the opinion entertained by His Excellency the Viceroy with respect to certain of His Highness' old Ministers. And they would have been very glad if at this early stage of the negotiations the Gaekwar had been left without further intervention on your part to weigh well the responsibility from which in this matter he could not escape.

3. It is to be gathered from your letter No. 247 of the 11th instant that you had been consulted by the Gaekwar respecting Mr. Dadabhai Nowrojee and his Assistants before you communicated to him the opinion of the Governor-General in Council regarding his old Ministers, and it is therefore greatly to be regretted that you did not observe the entire absence of all notice by the Governor-General of Mr. Dadabhai, from which it was reasonably to be inferred that the Government of India would not object to his continued employment if such should be the choice of the Gaekwar.

4. His Excellency in Council would not of course wish you to advocate such a course if you were conscientiously opposed to it. But the advice which you represent yourself to have given went far beyond what was called for at the time,

and was indeed hardly to be sustained by the facts of the case. You urged that "judging from the fair trial" that had been given to Mr. Dadabhai and Mr. Kazee Shahabudin you saw no hope of the requisite work being done by them. But it cannot with any certainty be stated that they have had a fair trial. So far as the Government are aware the men objected to by the Governor-General in Council have all the time been retained in office, and it cannot be known to what extent the efforts of Mr. Dadabhai and Mr. Kazee's may have been frustrated by them.

5. Mr. Dadabhai Nowrojee himself may be fairly open to the objection of being inexperienced in matters of administration, but a very high opinion is entertained in many quarters of his character and abilities, while certainly in the case of Mr. Kazee Shahabudin there can be no lack of either abilities or experience. The Government therefore while abstaining from expressing the opinion that no better selections could be made, at the same time feel that they cannot take objection to the continued employment of these gentlemen if the Gaekwar should so decide in the free exercise of his choice.

6. In conclusion, I am to impress upon you, especially at the early stage of these negotiations, the extreme importance of your abstaining without previous communication with the Government from giving advice to the Durbar which may go beyond the instructions you may have from time to time received.

No. 252-852, dated Baroda Residency, 12th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

No. 1482C.2, dated 11th August 1874.
" 1483C.3, ditto.
" 1484C.4, ditto.
" 1485C.5, ditto.
" 1486C.6, ditto.

IN continuation of my letter No. 247-844,* dated yesterday, I have the honour to forward the five yads marginally noted, which I have sent to His Highness the Gaekwar.

* P. 23.

No. 1482C.2, dated Baroda, 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

IN continuation of my yad No. 1480C.1, the next subject to which I am to invite Your Highness' early attention for thorough reform is that headed by the Commission group 3, paragraph 8, of their report as "grievances of the agricultural classes in connection with the ill-treatment and oppression to which they are subject in the collection of the Government land revenue and other cesses."

His Excellency the Viceroy and Governor-General advises Your Highness to prohibit the barbarous processes employed in your State for realizing the revenue, and as this is a matter of importance which admits of no delay, I am to express the hope that such measures may be adopted as will, in Your Highness' judgment, effect the desired reform in this particular.

Any advice that Your Highness may wish to have regarding the measures to be adopted in this respect, I shall be happy to offer after communicating with you on the subject, and obtaining the approval of the Bombay Government as to the formal advice to be given.

No. 1483C.3, dated 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

IN continuation of my yad No. 1482C.2, dated 11th instant, the next subject to which I am to invite Your Highness' consideration is "that of a moderate and equitable land settlement and a faithful adherence to its terms in future, all further exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden."

This subject being of a very important and comprehensive character, I am instructed to invite a written expression of opinion upon it by the Durbar, which will be submitted to Government before formal advice is given regarding it. In the meantime I shall be happy to communicate with Your Highness freely upon the subject.

No. 1484C.4, dated 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

IN continuation of my yad No. 1483C.3, the next subject to which I am to invite Your Highness' consideration is "the adoption of some equitable mode of dealing with the wuttuns and

"enams of your State, so as to remove all ground for anxiety and discontent among the holders of them."

This subject being of a very important and very comprehensive character, I am instructed to invite a written expression of opinion upon it by the Durbar, which will be submitted to Government before formal advice is given regarding it. In the meantime I shall be happy to communicate with Your Highness freely upon the subject.

No. 1485C.5, dated 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject to which I am to invite your attention in connection with the proceedings of the Baroda Commission and the khurecta of His Excellency the Viceroy and Governor-General, dated 25th ultimo, to Your Highness' address, is "the exercise of the strictest supervision over the subordinate officials, so as to prevent the horrible practices of torture which were established before the Commission, and to severely punish those who may be guilty of them."

As this is a matter of importance which admits of no delay, I am to express the hope that such measures may be adopted as will, in Your Highness' judgment, effect the desired reform in this particular.

Any advice that Your Highness may wish to have regarding the measures to be adopted in this respect, I shall be happy to offer after communicating with you on the subject, and obtaining the approval of the Bombay Government as to the formal advice to be given.

No. 1486C. 6, dated 11th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject to which I have to invite Your Highness' attention is, "to arrange that punishments awarded for offences bear some reasonable relation to the crimes committed, and be not scandalously excessive as in some of the cases proved before the Commission."

This refers principally to Foudaree cases, and is capable of arrangement in that Department.

No. 254-854, dated Baroda Residency, 12th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 252-852, dated 12th instant, I have the honour herewith to forward copies of the two yads I this day sent to His Highness the Gaekwar, Nos. 1502C.7 and 1503C.8.

No. 1502C.7, dated Baroda, 12th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

REFERRING to those portions of His Excellency the Viceroy and Governor-General's khurecta of the 25th July last, which dwell upon the geographical position of the Baroda State intermixed with British territory, the maintenance of a subsidiary force for the enforcement of Your Highness' legitimate authority, Your Highness' obligations to your subjects of substantial justice being done to them, life and property being protected, and the general welfare of the people and country not being neglected, I am, in continuation of yad No. 1486C.6, to bring under Your Highness' consideration, and for free communication with myself prior to the adoption of final authoritative advice on the part of the British Government, the subject of the grievances of the Sirdars and Military classes of the State as set forth in paragraph 8, group 1, of the Baroda Commission Report, and other parts of those proceedings, *vide* marginal note No. 1 to paragraph 9, and marginal note paragraph 12, &c., &c.

Amongst the general instructions given for my guidance by His Excellency the Viceroy and Governor-General of India is the following, which I think it expedient to bring to Your Highness' notice as applicable not only to this group of cases, but to all the recommendations of the Commission:—

"Irrespective, however, of any request on the part of the Gaekwar for advice, the Resident should call upon His Highness to effect a thorough and lasting reform of his Government in those matters in which the Commission have shown that the administration calls for reform, and urge him to conform to the recommendations made by the Commission."

In addition, moreover, to the subject specified in paragraph 1 above, and with regard to the future, I am to invite Your Highness, in consultation with me, to frame such general rules for adoption in giving effect to reduction of Sirdars and Silladars as will insure their being carried out with due consideration to the claims of the parties concerned, and will prevent the scandal and risk that must attend the sudden deprivation, without compensation or other provision of any sort, of large numbers of old or hereditary military servants of the service on which they are wholly dependant for the means of subsistence.

These rules when framed will be submitted to the Bombay Government for approval, after which authoritative advice will be offered to Your Highness regarding them.

No. 1503C.8, dated Baroda, 12th August 1874.

From RESIDENT at BARODA to His Highness the GAEKWAR of BARODA.

THE next subject upon which I am instructed to invite free communication with a view to authoritative advice being ultimately offered to Your Highness regarding it, is that with the object of preventing the sale of appointments generally in Your Highness' service, of the levy of nuzzerana, and suppressing extortion on the part of office-holders. Your Highness should introduce the system of paying fair salaries for the performance of duty, and issue a proclamation forbidding the levy of nuzzerana on all appointments; copy of such proclamation being furnished for the information of Government.

No. 258-860, dated Baroda Residency, 13th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 202T,* dated 1st instant, paragraph 18, and

* This is a general report on the subject of the alleged contraband traffic in opium in Gaekwar territory.

(Sd.) R.P.

with reference to case No. 3, about the detention of opium belonging to a Rewa Kanta subject, I have the honour to forward translation of Durbar yad No. 1402, dated 10th

instant, and to state that, although the opium has at last been returned, no explanation whatever has been offered as to its illegal seizure and detention for so long a time, and I am respectfully of opinion that the complainant is equitably entitled to reasonable compensation for the said injustice.

Translation of Durbar yad, No. 1402, dated 10th August 1874.

RESIDENCY yad No. 1335 of 1874, about returning the opium of Jetha Bapoojee which was detained, has been received in reply to our yad No. 1706 of 1874. In reply, we beg to state that the opium has been returned to the petitioner, and his receipt obtained. This is written for your information.

No. 255-857, dated Baroda, 13th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 247-844,* dated 11th instant, I have the honour to submit that, in a demi-official letter to the address of His Excellency the Governor, dated 5th May last, I spoke of the contingency of Nana Sahib Khanvelker being deprived of the office of Minister, and reverting to his appointment as Sir Soobah. Accordingly after His Excellency the Viceroy and Governor-General's advice regarding certain Durbar officials had been communicated by me to the Gaekwar on the 10th instant, Nana Sahib came to consult me as to his future prospects. I told him that he was the Sir Soobah of the Contingent, and that he would be received by me on all occasions as such. He then asked me whether he could not be acknowledged as Pritinidhi, and I distinctly told him that he could not with the sanction of Government in the face of His Excellency the Viceroy and Governor-General's expressed opinion. He then said that he had no wish to interfere in public matters, but that his duties as Pritinidhi would only be of a ceremonial character at Durbars, and to give him rank. I distinctly told him that his request was impossible with the consent of Government, and that he must be content to remain as Sir Soobah. Before leaving he expressed his intention of living the greater part of the year at the several Contingent head-quarters of Deesa, Manekwarra, and Sadra. I replied that the plan was a good one.

2. Next day (11th instant) the several persons recommended to be removed from their appointments ceased to perform their usual functions, and the negotiations went on with Mr. Dadabhai and his party, the result of their consultations being that last night the Maharaja resolved to retain Mr. Dadabhai as Dewan, but sent Rao Sahib Bapooobhai to me to press me in regard to Nana Sahib's appointment as Pritinidhi. Bapooobhai said that as yet the usual *poshach*, or dress of honour, had not been conferred on Nana Sahib, because His Highness had been waiting for a recognition of his appointment by the British Govern-

* P. 23.

ment. He added that the Maharaja had been on the eve of granting him the *poshach* at 4 P.M. yesterday at Mr. Dadabhai's suggestion I presume, independently of me; but that Bapoobhai had stopped the ceremony pending another reference to me. I again repeated that the act of promoting Nana Sahib to a higher office than that from which he had been displaced on the advice of His Excellency the Viceroy and Governor-General, which they professed to respect and obey, would be a direct mark of disrespect to His Excellency the Viceroy, and that it would be regarded as such. Bapoobhai then argued that the Maharaja was left to do as he pleased, and why this restriction about the appointment of Pritinidhi? I replied that the Maharaja might do as he pleased, but that if he did this, as contemplated, I should write a yad to the effect that I considered it to have a nullifying effect upon His Excellency the Viceroy's advice, and that I should according to my instructions "not insist upon my advice being followed, but that I should simply inform His Highness that he is still free to act on his judgment, but that a note has been taken of his inattention to the advice given." Bapoobhai then asked me why I could not allow the installation and appointment *privately*, and communicate *privately* about it with Government at some future date. I replied that I had only one course to pursue, that whether privately or publicly conducted the act would be one of distinct disrespect to His Excellency the Viceroy and Governor-General, and therefore that I would have nothing whatever to do with it.

3. This morning on His Highness paying me his usual visit with Rao Sahib Bapoobhai he resumed the matter, and pleaded precisely as he did at this time last year, viz., that "Nana Sahib was his relative, and that his dishonour was his own," &c., and entreated me to recognize Nana Sahib as Pritinidhi privately, that his duties would be merely ceremonial at Durbars, and nothing else, and that it was only to save his honour in the sight of the people that he made the request. He said that Bapoobhai would speak to me privately about it, but I replied that the thing was impossible in the face of the advice I had been ordered to give him. Moreover, I reminded His Highness that a Pritinidhi was to all intents and purposes the deputy of the sovereign, and in his absence from any cause would become Regent by virtue of his office.

4. After His Highness left, Bapoobhai and Govindrao Mama repeated the same arguments as before, and I told them that it was no use for them to write yads ostensibly consenting to the advice offered, whilst secretly they were doing all in their power to nullify and thwart that advice. That if this was the kind of reform His Highness was going to carry out under Mr. Dadabhai's administration, it could only end in one result, and that very shortly. They said that the Maharaja did not wish to retain Mr. Dadabhai, and that if the British Government would advise him to that effect he would dismiss him. I replied that the orders of His Excellency the Viceroy were distinctly that His Highness was to choose his own Minister, and that the choice accordingly must rest with him; that I had openly given him my opinion of Mr. Dadabhai when asked, coupled with a repetition of the above order, and, therefore, that as the Maharaja had distinctly asked to be allowed to appoint his own Minister, his request had been granted. I, moreover, pointed out that when I gave this opinion of Mr. Dadabhai, I showed how the Government could be carried on provisionally pending the selection by His Highness of an able man, but that my advice had been rejected, and there the matter must rest.

5. Every one, including the Maharaja himself, and excepting only the Dadabhai party, acknowledge that in the offer I made of lending them my Assistant to act as a kharbharee jointly with their own Durbar, I consulted their real interests and opened the way for a satisfactory solution of the many heavy cases on hand, at the risk of considerable inconvenience to myself; and at last Bapoobhai himself remarked that everything appeared to have been turned upside down, that he, who was recommended by the Commission, has been rejected, and that Nana Sahib who has been rejected was to have promotion.

6. I have not received the official yad yet regarding the arrangements for the proposed administration, but when I do, it shall be forwarded with my remarks.

No. 259-863, dated Baroda, 14th August 1874.

From RESIDENT at BARODA, to SECRETARY to GOVERNMENT of BOMBAY,
Political Department.

IN continuation of my letter No. 255-857, dated yesterday, I have the honour to forward, for the information of Government, Durbar reply No. 1434 of this date to my yad No. 1480C.1.,* copy of which is already with Government.

* P. 23.

2. It will be observed that under Mr. Dadabhai Nowrojee's advice His Highness has not commenced the fulfilment of his promises of reform well, he in the first instance having addressed me in terms never before used towards the Resident; and in the next having plainly shown that he does not wish me to give him any advice by saying that when it is wanted it will be asked for.

3. The first of these manoeuvres is meant to express their indignation at my having withstood their unreasonable request in regard to Nana Sahib's appointment of Pritinidhi. The second is put forward in order as far as possible to prevent my seeing real reforms carried out and the orders of Government respected.

4. I knew beforehand, from information received, that every effort would be put forward to avoid receiving any advice from me at all, hence I was not unprepared for the announcement made in the last paragraph of the Durbar yad, No. 1434 of this date, and therefore in most of the yads sent to the Durbar on the subject of Government letter No. 22P.,† dated 6th instant, and especially in my yad No. 1502C.7,‡ I was careful to explain what my intentions were regarding my own advice as Resident, as distinct from the authoritative advice of Government; in some cases ordered to be given at once, and in other after consultation with me.

† P. 20.

‡ P. 26.

5. I have explained this distinction orally to His Highness, as well as his Kharbharees, on several occasions, therefore I entertain no doubt that the announcement made at the end of the yad herewith forwarded is intended to thwart my efforts as far as possible, and unless corrected at once it could not fail in course of time to nullify the *bona fide* intentions of Government altogether.

6. The original yad to which I object, as well as a translation of it, together with my reply, accompany this letter for the information of Government.

7. In order, moreover, to show how unsatisfactory the state of affairs still is at Baroda, I beg to state that even yesterday evening an occurrence took place in the open street in the city which has created a great scandal; and in which the Maharaja himself, Nana Sahib, and the notorious Damoodur Punt were engaged. Rao Sahib Bapoobhai and Govindrao Mama spoke to me about it this morning, and asked my opinion, which I of course said I could not give unless I heard both sides of the case. Numbers of people were present; the altercation which lasted for more than half an hour was between the Maharaja and one of his Sirdars about the latter's wife, the daughter of the late Gunputrao Maharaj. The lady it appears is suspected of being on friendly terms with the Maharaja, and the latter drove up to the Sirdar's house and sent for her. She came down into the street and began to talk with the Maharaja. Her husband who was in the house, eating his dinner at the time, on being told what was going on, came down into the street, and by this time a large concourse of people had assembled, before whom the altercation took place. I find that this Sirdar, whose name is Anandrao Wishwasrao, alias Nana Sahib Powar, complained to me a year ago about his domestic affairs, and that I did not move in them under the hope that some general settlement would take place.

8. I submit respectfully that the actual occurrences of even the last day or two tend to confirm the suspicion I often entertain that His Highness cannot possibly be in his proper senses, or that he has lost all moral sense of right and wrong, and is not responsible for his actions.

9. The enclosed yad, however, is the work of Mr. Dadabhoy and his followers, who are responsible for it as well as the Maharaja.

Translation of Durdar Yad, No. 1434, dated 14th August 1874.

* P. 23. With reference to Residency Yad No. 1480C.1,* dated 10th August 1874, I have the honour to state that agreeably to the advice of His Excellency the Viceroy and Governor-General the following has been done:—

You* are aware that Azum Sivajirow was nominal Dewan for carrying on communication with you.* From the time that the Residency yad, No. 2729, of 1873, was sent the duties of Dewan were conducted by Azum Dadabhoy Nowrojee, and the responsibility rested on him. Having told *Rajashree* Sivajirow agreeably to the advice of His Excellency the Governor-General, he has resigned the office of Dewan; and agreeably to the recommendation of His Excellency suitable arrangements will be made for him. When *Rajashree* Bala Mungesh Wagla was appointed Nyayadish (Judge) of the Warisht Court he was made responsible not only for all ordinary duties but for looking personally into every case. Bulwuntrow Deo was doing slight work connected with the Court. Being told agreeably to the advice of His Excellency, he has resigned his post.

Since Kazi Shabab-ood-deen's appointment as Joint Sirsoobha he has been responsible for the greater part of the duties appertaining to that department. *Rajashree* Haribar Gaekwar only looked after slight business. Being told agreeably to the advice of His Excellency, he has resigned his office and Sirsooba. The same about Narayenbhāi.

Since Hormusjee Wadia's appointment to the Fouzdaree Department Bulwuntrow Yeshwunt looked after slight judicial work. Being warned agreeably to the advice of His Excellency, he has resigned his office in the Fouzdaree Department.

Agreeably to the advice of His Excellency, suitable provision will be made for the said four Kamdars in accordance with the wish of this Government.

The British Government has expressed its willingness to lend the assistance of British officials in the work of reform, for which I beg to thank them. A separate yad will be sent as regards my availing myself of the offer with pleasure.

A separate yad will be sent about my Dewan.

You write to say that when I have occasion to obtain your advice you will freely give it, and help me as far as you can; for this I am thankful to you; when necessity arises I will gladly avail myself of the offer.

NOTE.—It will be observed how particular the writer is in using Azum and *Rajashree* in speaking of the persons turned out, or supposed to be so. All this makes the contrast of Toom the more impertinent.

(Sd.) R. PHAYRE.

No. 1519, dated Baroda, 14th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

REFERRING to the last paragraph of your yad, No. 1434, dated 14th instant which states that when necessity arises Your Highness will gladly avail yourself of my offer of advice, I think it right to explain, in order to avoid any misunderstanding upon the subject, that I have the orders of His Excellency the Viceroy and Governor-General to call upon Your Highness to effect a thorough and lasting reform of your Government in all matters in which the Commission have shown that the administration calls for reform, and I am also to urge Your Highness to conform to the recommendations made by the Commission, and that in all this I am to act irrespective of any request on the part of Your Highness for advice.

This I shall accordingly do as necessity arises. It is optional with Your Highness to accept such advice or not, and to act on your own judgement, nevertheless the advice has to be offered; and if not accepted, I have instructions of Government to inform Your Highness regarding each instance separately, that a note has been taken of your inattention to the advice given.

I observe at the commencement of the yad under reply that Your Highness twice uses the word "Toom" in connection with me personally. I would therefore bring to Your Highness' notice that this style of addressing the British representative at your Court is wanting in proper respect, not only to me personally, but also to the Government which I represent; moreover that, it is altogether unprecedented in Durbar communications to the Resident up to this day. I have therefore the honour to request that Your Highness will be pleased to substitute a properly worded yad in the part objected to for the one under reply, and forward it to me for record as soon as convenient.

It does not escape my observation that towards the close of the yad under reply the proper mode of address "ass" is used, which makes the use of the word "toom" twice at the beginning of the yad the more marked, I hope therefore that Your Highness will make the alteration suggested above.

No. 260-864, dated Baroda Residency, 14th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 259-863, dated 14th instant, I have the honour herewith to forward a copy of the yad this day addressed to the Durbar, No. 1518C.9.

No. 1518C.9, dated 14th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject which I am to bring under Your Highness' consideration for thorough and lasting reform is that Your Highness will be pleased to put a stop to and severely punish any person concerned in the abduction of women for forced service in the Palace, in respect to which the Commission record that "several cases of the description stated have undoubtedly occurred involving an abuse of power on the part of the Maharaja, and oppression by certain inferior Durbar officials and servants, which have brought a most serious scandal on the personal character of the Chief himself, and the administration of which he is the head."

No. 261-865, dated Baroda, 15th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN submitting the accompanying translation of Durbar yad No. 1455, dated yesterday, requesting that the usual military honours due to the Dewan of the Baroda State may be paid to Mr. Dadabhai Nowrojee, I have the honour to submit that, considering our experience of Mr. Dadabhai's connection with the Baroda State since the close of the year 1872, and his invariable line of conduct towards the British Government, we should, I think, be incurring a very grave responsibility were we formally to recognize Mr. Dadabhai as Dewan, thereby virtually approving the Gaekwar's selection of him and his party to carry out a work of reform, which we have reason to believe from the events of the past 8 or 9 months they are entirely incapable of effecting.

2. I have already shown at various times since April 1873 that Mr. Dadabhai was the principal adviser of the present Gaekwar at the close of 1872, when his contumacious conduct in refusing to attend His Excellency the Viceroy and Governor-General's Durbar in Bombay elicited the displeasure of the Bombay Government, an example like that being set by one of the principal Native Princes in India, no doubt had a very bad political effect at the time, and is still remembered by many; and there can also be no doubt from what has since occurred at Baroda, that it has exercised a baneful effect upon the character of Mulhar Rao Gaekwar ever since.

3. Subsequent to that Mr. Dadabhai wrote the precedence khureeta for His Highness, and under various pretences persuaded the weak-minded Mulhar Rao to appoint him his Agent in England to conduct that and other imaginary cases of grievance, and it should be especially noted that whilst Mr. Dadabhai was at Baroda at that period, he was both openly and secretly aided in his designs by the then Parsee head clerk of the Baroda Residency Office establishment.

4. Having secured Rupees 50,000 from the Gaekwar for these supposed good services, Mr. Dadabhai went to England in about April 1873, but returned to Baroda in the following December, and has been here ever since.

5. My reports give a sketch of Mr. Dadabhai's career as Dewan of the Baroda State from the 24th of December 1873 up to the present time, during which time I submit that several of the khureetas which he has written, notably those in the Luxmaebai case, contain ample proof of his unfitness for the office of Dewan of such a State as Baroda. Superadded to these proofs, however, there is the deliberate neglect of the recommendations of the Commission for eight months, the increasing injustice done to British subjects, the continued oppression of the ryots, the systematic resistance to all reasonable demands of the British Government as represented in the large number of cases still pending; there is the neglect to take notice of Government references of the most urgent kind; there is the injury done to our trade and the direct act of disrespect shown to the Resident in the opium case; and there are others also in which we have exercised forbearance under the hope that as soon as the decision of the Government of India upon the Commission Report arrived a change for the better would take place.

6. His Excellency the Viceroy and Governor-General's khureeta of the 25th ultimo was delivered by me to His Highness on the 3rd instant, but instead of a change for the better manifesting itself, one of the first efforts of Mr. Dadabhai and his party was to turn the advice contained therein to their own account by endeavouring to induce the Gaekwar to sign an agreement to the general effect

that the administration should be placed in their hands for a certain period. This I am given to understand the Maharaja declined to do, upon which Mr. Dadabhai and his party threatened to leave Baroda. I was then consulted as to the advisability of retaining Mr. Dadabhai in power, and I at once replied that he ought to be allowed to depart. I at the same time pointed out how a good provisional Government could be organized, pending the selection by His Highness of a suitable Minister. Dadabhai upon this took into his counsels the notorious Damodur Punth, the present favourite of the Gaekwar, the panderer to his grossest vices, the oppressor of women, &c., and the unfortunate result has been that the Maharaja decided in favour of Mr. Dadabhai and his party.

* P. 23. 7. On the 10th instant I commenced giving the authoritative advice of His Excellency the Viceroy and Governor-General as conveyed in my yad No. 01,* advising that the Dewan Nana Sahib, &c., should be removed from employment.

† P. 27. † No. 255-857, dated 13th August 1874. 8. Scarcely had this advice been given to His Highness than I was pressed as already reported in my letter as per margin to permit Nana Sahib, the Ex-Dewan, to receive the honours due to a Pritinidhi. The request itself being insulting to the British Government as evincing a deliberate desire to promote the man to greater honour than His Excellency the Viceroy had advised his being deprived of, and this too whilst the impression as first made by the khureeta was still fresh.

‡ P. 30. 9. Having been foiled in this manœuvre, Mr. Dadabhai commenced his correspondence with me in the yad No. 1434,‡ which I forwarded to Government yesterday, with my report of the same date, wherein it has been shown how Mr. Dadabhai followed up his system of insulting the Resident, and endeavouring to rid himself and his master of his advice in all matters connected with the thorough and lasting reform which has to be carried out.

10. Such being briefly our experience of Mr. Dadabhai's measures as an administrator, even since the receipt of His Excellency the Viceroy's khureeta, I respectfully submit that, so far from our being able to confer military honours upon him, and recommend his continued employment by the Gaekwar, it would be absolutely subversive of our own proposals for reform, our own interests, as well as our own honour and dignity, were we to do so in the face of the actual facts on record; on the contrary we are bound, I submit, to caution His Highness that a man who has proved himself hitherto to be so bad an adviser, and so utterly devoid of all weight in the State, cannot possibly initiate or carry out that thorough and lasting reform upon which the present Gaekwar has been solemnly assured that his tenure of sovereign power depends.

Translation of Durbar yad, No. 1435, dated 14th August 1874

AZUM DADABHAI NOWROJEE has my full confidence, and is a worthy man. A yad No. 2729, dated 23rd December 1873, was sent to the Residency, to the effect that he had been appointed to the duties of Dewan, and he has been doing work accordingly. Kindly therefore arrange that he may get the customary military honours, &c. due to the Dewan, and send an answer.

No. 264-874, dated Baroda Residency, 17th August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letter No. 260-864, dated 14th instant, I have the honour herewith to forward copies of the following yads this day addressed to the Durbar, Nos. 1532C.10, 1533C.11, and 1534C.12.

No. 1532C.10, dated Baroda, 17th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject to which I am to invite Your Highness' serious attention for settlement according to equity and reason, in connection with the khureeta of His Excellency the Viceroy and Governor-General of the 25th ultimo, and the proceedings of the Baroda Commission, are the grievances of the late Gaekwar's family, and of the followers and the servants of the late Chief, as set forth in paragraph 8, groups 11 and 12, and paragraph 12, page 9, and cases 42 and 45 to 56 of the Report.

His Excellency the Viceroy and Governor-General is of opinion that Your Highness would do well to extend to the relatives and dependants of the late Chief the justice and consideration due to them, and that as regards the future, Your Highness should desist from all harsh and vindictive treatment towards them.

No. 1533C.11, dated Baroda, 17th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject upon which I am instructed to invite the serious attention of Your Highness with a view to settlement, according to equity and reason, and further authoritative advice being ultimately offered regarding it, should such be necessary, is that Your Highness should make suitable provision for all the immediate members of the Gaekwar family, and permit the ladies to reside away from Baroda, should such appear to be desirable, their allowances should be fixed with the approval of the Government of Bombay, and they can be paid according to lists to be furnished by the Gaekwar, the money being recovered from the Baroda State.

No. 1534C.12, dated Baroda, 17th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

THE next subject which I am to bring under Your Highness' consideration in connection with His Excellency the Viceroy's khureeta of the 25th ultimo, and the proceedings of the Baroda Commission, is that Your Highness will be pleased to issue a proclamation prohibiting the infliction of corporal punishment upon women, and absolutely interdicting under severe penalties the personal ill-treatment in this or any other way of females, whether in Jail, or before the Courts, or under examination by the Police, and that a copy of such proclamation be forwarded for the information of Government.

Translation of Durbar yad No. 1458, dated 17th August 1874.

I HAVE received the Residency yads* Nos. 1482C. 2, 1483C. 3, 1484C. 4, 1485C. 5, and 1486C. 6, about the advice of His Excellency the Governor-General. With regard to these I have to state as follows:—

With respect to yad No. 1482C. 2, requesting that the barbarous processes employed in my State for realising the revenue should be prohibited, and stating that the matter being one of importance could not admit of delay, I beg to assure His Excellency that the matter has engaged my serious attention. The rules and mode of realising the revenue, and all such matters are at present under my consideration. A complete Revenue Code will be prepared as soon as possible, which will leave no room for committing oppression. Offenders in this respect will be duly punished.

In yad No. 1483C. 3, you have brought to notice the subject of a moderate and equitable land settlement and a faithful adherence to its terms in future, all further exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of Durbar officials being strictly forbidden. With regard to this I have to state that the last ten years' settlement has expired in most of the Mahals, and it is necessary that for the current year some reasonable settlement of rates should be immediately made. Azum Kazee Shahabudin made inquiries with regard to the jumabundee of the four of the northern Mahals, viz., Beejapur, Vusnuggur, Burnuggur, and Khyruloo, and has submitted a report, which not only suggests an immediate reduction of rates, but contains information which will be useful in making a settlement for a term of years. With regard to other Mahals arrangements will be made as soon as possible. In the Nowsaree districts the Hoozoor Soobah has been making the necessary inquiries with a view to make reasonable reductions in the rates of assessment. The advice of His Excellency as regards the rates of jumabundee will be carried out as soon as possible; the terms of settlement will be adhered to, and no illegal increase; no oppressive practices on the part of the Durbar officials will be permitted, and any official found guilty thereof will be punished.

Yad No. 1484C. 4 relates to the adoption of some equitable mode of dealing with the Wuttuh and enams of my State so as to remove all ground for anxiety and discontent among the holders of them. With regard to this, I have to state that the Wuttuns which had been attached by His Highness Khunderao were released from attachment last year; a general inquiry is to be made into the matter. I shall hereafter communicate my views on the important subject of Wuttuns and Enams.

Yad No. 1485C. 5 has reference to the exercise of the strictest supervision over the subordinate officials so as to prevent the horrible practices of torture which were established before the Commission, and to severely punish those who may be guilty of them. With regard to this I have to state that this important subject under notice has already engaged my attention, and without loss of any time whatever such measures will be adopted as will in my opinion effect the desired reform.

In yad No. 1486C. 6, I have been requested to arrange that punishments awarded for offences bear some reasonable relations to the crimes committed, and be not scandalously excessive as in some of the cases proved before the Commission. With regard to this I have to state that this subject too has engaged my attention. Better regulations for civil, criminal, and revenue matters than that now in force are under preparation. When these are brought into operation several of the heads of advice given by His Excellency the Governor-General will have practical effect.

I will at short intervals communicate to you, for the information of the Bombay Government and the Government of India, particulars as to the progress towards reform in each of the matters above set forth; and I will gladly avail myself of your advice as necessity arises.

I trust that if suitable opportunity is given to me, and I obtain hearty assistance from you, I will be able to assure His Excellency the Governor-General that the confidence reposed in me will not go for nothing; and that every advice of His Excellency will be really carried out as soon as possible.

Translation of Durbar yad No. 1460, dated 17th August 1874.

* Pp. 26, 27. I HAVE received the Residency yads* Nos. 1502C. 7 and 1503C. 8, dated 12th August 1874, and 1518C 9,† dated 14th August 1874, and with regard thereto, I have the honour to state as follows:—

† P. 31.

Yad No. 1502C. 7 states that His Excellency the Governor-General has directed you to urge on me to conform to the recommendations of the Commission. In connection with this, I have been requested in consultation with you to frame general rules for adoption in giving effect to reductions of Sirdars and Silladars, &c., &c. With regard to this some information is to be collected, and the matter is to be fully thought over. I will therefore further communicate with you about it hereafter.

In yad No. 1503C 8 the following subject was brought to my notice, viz., that with the object of preventing the sale of appointments generally in my service by the levy of nuzzerana and suppressing extortion on the part of office-holders, that I should introduce the system of paying fair salaries for the performance of duty and issue a proclamation forbidding the levy of nuzzerana on all appointments, copy of such proclamation being furnished for the information of Government. With regard to this I beg to state that I am about to adopt full measures for giving adequate salaries to officials; the practice of taking nuzzeranas has been done away with for some time past, still a proclamation will be made as desired by the Resident, and a copy sent to the Residency.

In yad No. 1518C. 9 you requested me to put a stop to and severely punish any persons concerned in the abduction of women for forced service in the Palace. With regard to this I beg to state that the forcible abduction of women for forced service does not take place. If any one is concerned in such oppression he will be punished.

Translation of Durbar yad No. 1560, dated 4th September 1874.

‡ Pp. 32, 33. I HAVE received the Residency yads‡ Nos. 1532C. 10, 1533C. 11, and 1534C. 12, dated 17th August 1874.

With reference to these, I beg to state—In yad No. 1532C. 10 the opinion of the Viceroy and Governor-General as regards the relatives and dependents of the late Gaekwar is given, which will be taken into consideration and attended to.

In yad No. 1533C. 11 it is stated that proper provisions should be made for the near relatives of the Gaekwar, and if any of the ladies wish to live out of Baroda they should be allowed to do so after an allowance is made to them with the approval of the Bombay Government. With respect to this I beg to state that I quoted the decision of the Bombay Government about not interfering with the Gaekwar's family affairs in my yad No. 177 of 1874, and fully trust that the British Government will not interfere with the Gaekwar's family affairs. The arrangements for the near relatives of this Government are made according to their merits; Rukhmabace's case is known to you, and according to yad No. 1346 of 1874, sent (to the Residency), arrangements have been proposed for her in accordance with the advice of the Governor-General, and has been communicated to you orally.

In yad No. 1534C. 12 it is stated that a proclamation should be issued prohibiting corporal punishment of woman, and their oppression either in this or in any other way in prison, courts, or by police officers, and that whoever does so would be punished.

A proclamation to this effect will be issued and a copy sent to you.

No. 26P., dated Poona, 24th August 1874 (confidential).

FROM SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA

WITH reference to your yad to His Highness the Gaekwar, No. 1533 of 17th August last, calling on him "to make suitable provision for all the immediate members of the Gaekwar family, and to permit the ladies to reside away from Baroda, &c.," I am directed to request that you will explain your apparent disregard of the instructions contained in the last paragraph of my letter No. 22P. of 6th instant, to the effect that, except in the case of Her Highness Rukhmabace, no "communication should be made to the Gaekwar or to the Durbar about any other lady without previous consultation with Government."

§ P. 20.

No. 25P., dated Poona, 24th August 1874 (Confidential).

FROM SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

I AM directed to acknowledge the receipt from you of the following communications:—

I.—Letters* Nos. 252 and 254 of the 12th instant, and 264 of the 17th instant, *Pp. 25, 26, 32. forwarding copies of 10 yads containing advice on various matters addressed by you to the Gaekwar.

II.—Letter† No. 255 of 13th instant, reporting that the officials objected to by the Government of India had ceased to perform their functions, but that the Gaekwar desired that Nana Sahib Khanvelkur should be confirmed in the office of Pritinidhi with merely ceremonial duties attached; that you had informed the Gaekwar and R. S. Bapooibhai and N. S. Khanvelkur himself, that such an arrangement was impossible in the face of the advice you had been ordered to give. † P. 27.

III.—Letter No. 259‡ of 14th instant, forwarding yad from the Gaekwar of the same date, in which he states that the officials objected to had resigned their offices, and acknowledges with thanks the offer of the services of British offer and of your own advice, animadverting on the use of the expression "toom" as addressed to yourself, and on the terms on which the Gaekwar accepts your office of advice. And forwarding copy of your answer to the Gaekwar's yad of the same date, in which you intimate that you are ordered to offer advice on certain points whether applied for or not, and request the Gaekwar to substitute a new yad with the rectification of the expression objected to. ‡ P. 29.

IV.—Letter No. 260§ of 14th instant, with copy of yad advising the Gaekwar to put a stop to the abduction of women. § P. 30.

V.—Letter No. 261|| of 15th instant, forwarding the Gaekwar's official request that the customary military honours may be paid to the Dewan, Mr. Dadabhai Nowrojee, and giving your reasons for considering that this should be refused, and all other recognition of Mr. Dadabhai's appointment. || P. 31.

2. I am now to communicate to you the observations of Government on your proceedings as reported in these papers.

3. The prompt manner in which the Gaekwar caused the officers objected to to resign their offices deserved recognition, and His Excellency in Council cannot but regret the strong terms in which you objected to his very natural wish to break the fall of one of them, his brother-in-law, Nana Sahib Khanvelkur, to whom he has always shown much attachment, by conferring on him the honorary title of Pritinidhi, without, as he positively assured you, entrusting to him any administrative functions. Such an arrangement, if really carried out, would not be contrary to the spirit of the advice given by the Government of India, and it would have been sufficient if you had confined your opposition to impressing on the Gaekwar the dangerous results that would ensue to himself, if, in violation of his pledges, he permitted Nana Sahib Khanvelkur to become the instrument of further misgovernment. It will still be well for you to take an opportunity of making an intimation to the Gaekwar that the Government will not object to his conferring this honorary title, although they cannot authorize any greater honour being in consequence paid to Nana Sahib Khanvelkur than those to which he may now be entitled as Sir Soobah.

4. Referring to the Gaekwar's yad¶ of the 14th instant, the use of the word "toom" as addressed to you was undoubtedly disrespectful, and His Excellency in Council desires to know the result of your request to the Gaekwar for its rectification. But the objection taken by you to the concluding sentence of the yad, in which the Gaekwar courteously acknowledges your offer of advice, and promises to apply for it on necessity arising, was, in the opinion of Government, most unreasonable. It is difficult to see what other answer the Gaekwar could have been expected to give, and your rejoinder, that in many matters he would have to listen to your advice, whether he requested it or not, of which he had been already informed in sufficiently peremptory terms, was uncalled for. ¶ P. 30.

5. The report of your opposition to the appointment of Mr. Dadabhai Nowrojee as Dewan, as expressed by you to the Gaekwar and some of his officers, and your protest to Government against according to him the military honours customarily paid to the Dewan, and in fact any recognition whatever on the part of Government, have been read by His Excellency in Council with the greatest surprise.

You have been made acquainted in the clearest language with the determination of Government not to fetter the Gaekwar in the choice of his Minister, but to look only to the results of his choice. Wholly ignoring these instructions, you have placed yourself in a position of such decided hostility to the Dewan, whom the Gaekwar has appointed, as to impede most seriously the cordial co-operation of the Minister and yourself, in carrying out the administrative reforms which it is the sole object of the Government to induce His Highness to effect.

6. The Government are fully sensible of the distinction between the authoritative advice which you are directed to give in certain matters, and the friendly advice which you are to give in the matters about which the Gaekwar may consult you. And it has not escaped observation that the Gaekwar consulted you on the expediency of appointing Mr. Dadabhoy as his Dewan. But His Excellency in Council cannot admit that you can divest yourself of your public character in your friendly any more than in your authoritative communications; and you were bound to say nothing under the former head which would be in any way contrary to the spirit of your instructions. The expression of your determined personal opposition to Mr. Dadabhoy was, in the opinion of His Excellency in Council, inconsistent with the order that the Gaekwar should be left free to appoint his own Minister, besides being injudicious in view of the possibility that Mr. Dadabhoy might be appointed in spite of your advice. I am also to notice as injudicious your observation to R. S. Bapooibhai and Govindrao Mama reported in paragraph 4 of your letter No. 255 of 13th August. "That if this was the kind of reform His Highness was going to carry out under Mr. Dadabhoy's administration, it could end only in one result, and that very shortly."

7. His Excellency in Council is much concerned to find in these transactions a most serious misappreciation of the actual position of affairs, and of the line of conduct you have been ordered by the Government of India and this Government to pursue.

8. In order that the false steps you have taken may be retraced, I am directed to request that you will, on returning to Baroda, inform the Gaekwar in writing, and without comment, that you have been personally consulted by His Excellency in Council on the present situation, that His Excellency desires to acknowledge the promptness with which His Highness has attended to the advice of the Government of India in the matter of removing certain officials from office, and that the Government, while refraining from pronouncing any opinion on the qualifications of Mr. Dadabhoy, desire to offer no objection whatever to his appointment as Dewan, if the Gaekwar in the exercise of his independent discretion should think proper to appoint him, and you should add that you will afford him every assistance he may need, and accord to him the usual military honours.

9. You will be good enough to forward, for the information of Government, a copy of the yad by which you will communicate to the Durbar the instructions now given respecting the recognition of Mr. Dadabhoy as Dewan.

10. His Excellency in Council much regrets, being compelled by an imperative sense of duty, to address to you this communication, which he feels cannot but be painful to you. And it will afford him much gratification to find himself enabled to give you cordial support in the future conduct of the difficult task you have before you.

No. 264A., dated Baroda, 28th August 1874.

FROM RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY,
Political Department.

IN acknowledging the receipt of your letter No. 25P., dated 24th instant, I have the honour to express my deep regret that I have unwillingly incurred the displeasure of His Excellency the Governor in Council on the alleged grounds of having taken two false steps; one in the matter of Nana Sahib's appointment as Pritinidhi of the Gaekwar State, and the other in regard to the opinion I expressed when consulted by His Highness the Gaekwar as to the advisability or otherwise of his retaining the services of Mr. Dadabhoy Nowrojee as Minister.

2. I trust to be able to offer such explanation of my conduct and advice in regard to these questions as shall remove the strong dissatisfaction which has been expressed by Government in your letter under reply.

3. With regard to the question of Nana Sahib's appointment as Pritinidhi there were two points at issue:—

1st. Whether, taking into consideration Nana Sahib's recent removal for misconduct from the office of Dewan at the instance of His Excellency the Viceroy and Governor-General, we could recognize him in the higher appointment of Pritinidhi, even though the duties of that office were made purely ceremonial as promised by the Gaekwar.

2ndly. Whether, as such recognition on our part consists only in the grant of military honours, superior, or at all events equal, to those granted to the Dewan of the Baroda State, we could consistently accord to Nana Sahib such honours, he having just been deprived of them on his removal from the office of Dewan.

4. The decision of Government upon these points is—

1st. That the Government will not object to His Highness the Gaekwar conferring the honorary title of Pritinidhi upon Nana Sahib, provided the functions of the appointment are merely ceremonial and not of an administrative character.

2ndly. That the Government cannot authorize any greater military honours being paid to Nana Sahib in consequence of his honorary appointment of Pritinidhi.

5. Thus with regard to both points the decision of Government confirms my original suggestion, that we could not recognize even the ceremonial appointment in the manner that the Gaekwar wanted, viz., by military honours. All else it was in the Gaekwar's own power to give without reference to us, and therefore his sole object in asking us was to obtain that which the Government have found it impossible to grant.

6. I respectfully claim therefore, under this explanation, to be exonerated from the charge of having taken a false step in this matter.

7. With regard to the expediency of our intimating to His Highness the Gaekwar that we have no objection to his appointing Nana Sahib Honorary Pritinidhi on the terms stated under present circumstances, I respectfully submit that time alone can show whether the effect of promoting Nana Sahib to a higher rank in the State than he held before will be good or bad; and that with the orders and facts which I had for my guidance, I am not open to blame as having taken a false step in opposing that measure when first proposed to me.

8. His Highness the Gaekwar paid me his usual visit last evening, and I communicated to him the Government order on this subject. He was very much pleased indeed with the Government intimation, that the objection to his appointing Nana Sahib to perform the ceremonial duties of Pritinidhi was withdrawn; but instead of being contented with that concession, His Highness repeated with great importunity his request that I would give the military honour due to the office *privately*, as the honorary appointment was of little avail without them. He also was encouraged to repeat his request, made some time ago, that I would grant the military honours of a Ranee to Luxmeebaee.

9. I feel sure that the Government taking into consideration the whole of the circumstances stated, in conjunction with the difficulty of my position here, will do me justice in this matter.

10. Again with regard to the appointment of Minister. The Gaekwar up to this day has not finally confirmed Mr. Dadabhoy as such by conferring on him the usual *Poshdch* or dress of honour; that ceremony having been postponed pending the sanction of military honours for Mr. Dadabhoy, which was submitted to Government so far back as the 24th December last. Latterly, however, His Highness has been very undecided about retaining Mr. Dadabhoy as his Minister. He was directed in His Excellency the Viceroy's khureeta, dated the 25th ultimo, to seek the Resident's advice whenever he required it, and in paragraph 7 of the Government of India letter No. 1586P. of the same date, the Resident was ordered to grant his advice and help to the Gaekwar, should it be sought in any matter connected with the administration.

11. When, therefore, I was consulted by the Gaekwar regarding Mr. Dadabhoy, I felt it to be my imperative duty to furnish His Highness with an opinion according to the best of my ability, reminding him at the same time of his entire independence in the matter; and in thus obeying the orders of His Excellency the Viceroy and Governor-General, I deferentially submit that I have not taken a false step, but on the contrary have openly and honourably aided the Gaekwar by

my advice when His Highness was in a state of painful suspense and indecision greatly needing it, and that had I withheld it he might justly have complained of my conduct, as he no doubt would have done.

12. The opinion that I offered was purely official; it was based upon official evidence which I have already quoted, evidence which appears to me to show beyond a doubt that Mr. Dadabhai has from his arrival in Baroda in December last, not only called in question the justice of appointing a Commission to enquire into Baroda affairs, but has systematically ignored their recommendations in many ways during a period of eight months; consequently I failed to see how that gentleman could reasonably be expected to carry out the thorough and lasting reform based upon the recommendations of the Commission which His Excellency the Viceroy and Governor-General has enjoined.

13. I respectfully submit that this expression of opinion cannot possibly prejudice the ultimate settlement of the questions at issue one way or other; because independently of it an unquestionable array of facts will present themselves in a few months, showing whether the requisite reforms and the recommendations of the Commission are really in course of being effected or not, and on those facts, and those alone, not on any mere opinion of mine, the ultimate verdict of Government will mainly depend.

14. Agreeably to the instructions conveyed in the 8th paragraph of your letter under reply, I have the honour to forward a copy of the letter which I addressed yesterday to the Durbar regarding Mr. Dadabhai; that gentleman has attended at the Residency for the transaction of business both yesterday and to-day; and I have assured him of my cordial support "in effecting a thorough and lasting reform in these matters in which the Commission have shown that the administration calls for reform," to which Mr. Dadabhai replied that he felt satisfied that I would do so.

15. Referring to paragraph 4 of your letter under reply, an amended yad containing the alterations suggested by me has been received, and that matter has thus been satisfactorily settled.

No. 1612, dated Baroda, 27th August 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR.

HAVING been consulted by His Excellency the Governor in Council regarding the present situation of affairs at Baroda, His Excellency has desired me to acknowledge the promptness with which Your Highness has attended to the advice of the Government of India in the matter of removing certain officials from office, and with reference to Your Highness' yad No. 1435, dated the 14th instant, I am instructed to say that the Government, while refraining from pronouncing any opinion on the qualifications of Mr. Dadabhai Nowrojee, desired to offer no objection whatever to that gentleman's appointment as Dewan, should Your Highness in the exercise of your independent discretion think proper to appoint him.

It will be my duty to afford Mr. Dadabhai every assistance he may need, and accord to him the usual military honours.

No. 271-922, dated Baroda, 31st August 1874.

From RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

* P. 20.

REFERRING to paragraph 6 of your confidential letter No. 22P,* dated the 6th instant, I have the honour to report, for the information of His Excellency in Council, that the only points upon which I have not as yet made any communications to the Durbar are Nos. 2 and 4 of your list, the former referring to the case of the Thakoors of Beejapoor, and the latter to the question of accession nuzzerana.

2. I think it right to state, with reference to the Beejapoor Thakoors, that they resisted the payment of an accession nuzzerana, mainly owing to their giras claims not having been settled, and I have reason to believe that before settling the Ghasdana or any other claims of these men, the Durbar will insist upon their paying the accession nuzzerana which I have every reason to believe the Thakoors will resist. Moreover I am aware that the payment of the balance of the accession nuzzerana still remaining unpaid in other mahuls is being strongly pressed by the Durbar at the present moment, and is causing great dissatisfaction.

3. It was only yesterday that in consequence of a border dispute between one of these Thakoors and a Mahee Kanta Thakoor of Deyrole, that I was obliged to address a yad to the Durbar, of which the accompanying is a copy, and although this border case has nothing to do with those which were investigated by the Commission, *vide* references in the margin, yet

No. 1613, dated 29th August.
Commission Report, paragraph 8, group No. 2, Appendix A., case No. 2, Schedule II., also Appendix G., case No. 2, Schedule II., containing the reply of the Durbar and final statement of the Resident.

I feel sure that it will bring on the whole question of the Thakoors' grievances, not one of which has been redressed though promised by the Durbar, and hence my desire that Government should be informed of the matter beforehand.

4. The Ghantoo Thakoor's conduct of a few days since in entering Mahee Kanta territory appears to me to demand that he should be given up for trial by Major LeGeyt on the production of a satisfactory *prima facie* case, but I apprehend that the Durbar will have to use force in order to arrest him, and such of his followers as fired on the Deyrole Thakoor and slightly wounded two persons, unless care is taken to explain to the whole of the Thakoors that an equitable settlement of their accounts generally is intended.

5. Should the Durbar apply to me for advice how to act, and ask for the aid of the subsidiary force, which I know they are disposed to do, I propose to inform them that they must use their local police and infantry and horse to maintain their authority, because it is only when they are unable to assert that authority with the ordinary means at their disposal that the subsidiary force can properly be called upon to interfere.

6. I merely draw attention to these circumstances in consequence of the border affray now reported having precipitated the Beejapoor Thakoors' question generally, though, so far as I am aware, the Ghantoo Thakoor and his followers were alone implicated in the Deyrole business.

P.S.—Since writing the above I have heard that in the Kurree and Patton Pergunnas unduly severe measures are being taken to collect the arrears of the guddee nuzzerana or accession tax; and, with reference thereto, to solicit early orders about advising His Highness the Gaekwar not to levy accession nuzzerana where there is a fixed land settlement.

No. 1613, dated Baroda, 29th August 1874.

From RESIDENT at BARODA to His Highness the GAEKWAR of BARODA.

IN December 1872 the Boundary Commissioner, Lieutenant Stace, decided a long standing boundary dispute between Ghantoo in Your Highness' Beejapoor Pergunna and Deyrole in the Subur Kanta Talooka of the Mahee Kanta.

2. Your Highness' Kamdar accompanied Lieutenant Stace at the time, and all the details of the settlement are known to the Durbar; Lieutenant Stace's decision being that the river Soburmute being the true boundary between the villages of Ghantoo and Deyrole, and that the whole of the disputed land on the north bank of the river, as well as that in the bed of the river itself, belonged to Deyrole.

3. It appears from the Residency records that in February last year (1873) the Thakoor of Ghantoo, disregarding this settlement, went to cultivate the disputed land which had been given over to Deyrole, and committed some damage, as brought to the notice of the Durbar in Residency yad No. 499, dated 4th March 1873, and subsequent correspondence with the Durbar.

4. From this correspondence, which lasted for about seven months, it appeared that the Ghantoo Thakoor brought counter-charges against the Thakoor of Deyrole for having seized some cattle of his and for having wounded one of his men, &c., but at length the Durbar in their yad, No. 2147, dated 7th October 1873, agreed to hand over the Ghantoo Thakoor and eight other offenders to the Political Agent, Mahee Kanta, for trial, on the strength of the *prima facie* cases furnished by the Political Agent, Major LeGeyt.

5. On the 23rd April last I forwarded to the Durbar a copy of Political Agent's yad No. 261, dated 15th April 1874, in which it was intimated that the case had been settled between the two Thakoors and a razeenama given by the Deyrole Thakoor that he was satisfied.

6. It now appears, however, that notwithstanding this arrangement the Thakoor of Ghantoo again obstructed the cultivation of the land in question as brought to Your Highness' notice in Residency yad No. 1457, dated 7th instant, when I requested the Durbar to take speedy measures in the matter in order to prevent a recurrence of last year's obstruction.

7. No reply to that yad has been received by me, and I have now again the honour to forward for Your Highness' information copies of Yad No. 3537, dated 22nd instant, and accompaniments to my address from the Political Agent, Mahee Kanta, containing an account of further serious offences committed by the Thakoor of Ghantoo and others with him in Deyrole limits, and to

request that, as the Ghantoo Thakoor is thus alleged to have been guilty of unlawfully assembling an armed force for the purpose of rioting within the limits of Deyrole Talooka, Sabur Kanta, under the Mahce Khanta, *immediate measures* may be taken by Your Highness to put a stop to these riotous proceedings.

8. The *prima facie* case promised by Major LeGeyt will be sent to Your Highness as soon as received with a view to the surrender of the Thakoor and others, his associates in the recent alleged outrage, for trial by the Political Agent.

P.S.—Since writing the above I have received Durbar yad No. 1534 of this date, in which it is stated that the Deyrole Thakoor came and quarrelled with the Ghantoo people, and requesting that as two of the Ghantoo people had been injured by gun-shots, the Deyrole people may be prevented from coming into Ghantoo limits.

I shall at once despatch a copy of this yad for Major LeGeyt's information, and request him to take the necessary steps for preventing any further disturbance of the peace pending a settlement of the case.

Translation of Durbar yad No. 1534, dated 29th August 1874, referred to in the P.S. of my yad No. 1613, dated 22nd August 1874.

THE Kamdar of the Fouzdaree has submitted yad No. 768 of 1874, and I have therefore the honour to state that there being a dispute about land between the Thakoor of Ghantoo under Bejapoor and the Thakoor of Deyrole in the Mahce Kanta, the latter came with a number of men and quarrelled with the Ghantoo people. Two of the Ghantoo people have been injured by gun-shots, and a Kamdar has gone there from here to make enquiries. On his investigating into the matter particulars will be communicated. But just at present arrangements may be made that the Deyrole people may not come into the Ghantoo limits and make a disturbance or quarrel.

No. 268A., dated Baroda, 31st August 1874.

FROM RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY,
Political Department.

P. 34. IN reply to your confidential letter No. 26P.,* dated 24th August 1874, in which you require me to explain why I called upon His Highness the Gaekwar to make suitable provision for all the immediate members of the Gaekwar family, and to permit the ladies to reside away from Baroda, I have the honour to point out that a reperusal of my yad to the Durbar, No. 1533C.11,† will show that I did not call upon His Highness to do as you state, but I merely mentioned the *subject* (which is one of the most serious treated by the Commission) for His Highness' serious attention prior to authoritative advice being offered *if necessary*. I purposely mentioned *no individual*, either male or female, in consequence of the orders of His Excellency the Governor, and though I might have mentioned Rukhma Bacc, yet, as her case was then before Government, I thought it best to defer that also.

2. Thus, whilst agreeably to the orders of His Excellency the Viceroy and Governor-General, I have invited general attention to this class of cases with a view to their settlement according to equity and reason, I have not committed the Government to the advocacy of any case in particular, whether amongst the male or female relations of His Highness the Gaekwar, and it is thus in the hands of His Highness to do justice to these much-oppressed and ill-used persons, without further intervention on our part if he desires to do so, but that justice has to be done to them is clear from the orders issued on the subject.

3. Since writing my yad dated 11th to the Durbar, I have received the orders of Government in Her Highness Rukhma Bacc's case, and I will now speak to His Highness' Minister on the subject.

No. 274-929, dated Baroda, 2nd September 1874.

FROM RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY,
Political Department.

38. IN continuation of my letter No. 271-922,‡ dated 31st ultimo, and referring to the P.S. thereof, I have the honour to report that I have received a communication from the Political Agent, Rewa Kanta, complaining of the forcible means

adopted by the Durbar to recover the guddee or accession nuzzerana from certain Rewa Kanta subjects holding Sulamee land in a border village belonging to His Highness the Gaekwar, and requesting me to move the Durbar to put a stop to them.

2. I beg respectfully to request the favour of early orders on my communication above quoted, pending the receipt of which I have refrained from addressing the Durbar on the subject.

No. 279-945, dated Baroda, 7th September 1874.

FROM RESIDENT at BARODA, to SECRETARY to the GOVERNMENT of BOMBAY.

IN continuation of my letters as per margin, on the subject of the guddee nuzzerana or the accession tax, I have the honour to report that petitions have been sent to me by post by several of the patels and ryots of the Pergunnas of Puttun, Wurnuggur, Ruddee, and Petlad, complaining of the oppressive measure adopted by the Gaekwar Government to realize the arrears of the guddee nuzzerana. See above.

2. Under these circumstances, I should feel much obliged by early orders as to the action which I am to take upon His Excellency the Viceroy and Governor-General's advice to His Highness the Gaekwar "to take no accession nuzzerana where there is a fixed land settlement."

3. In all the districts named there is a fixed land assessment which in itself is alleged to bear heavily upon the ryots.

No. 29P., dated Poona, 7th September 1874.

FROM SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

I AM directed to acknowledge your letter No. 264A.* of 28th ultimo, replying to the remarks of Government contained in my letter No. 25P.† of 24th ultimo, on your action with regard to the appointment of Nana Saheb Khanvelkur to the honorary post of Pritinidhi, and of Mr. Dadabhoy Nowrojee to the Dewanship of the Baroda State. * P. 36. † P. 35.

2. You now explain that your whole opposition to the Gaekwar's desire to appoint Nana Saheb Khanvelkur to a purely ceremonial office applied to the question of his receiving military honours on the part of the Resident. "All else," you write, "it was in the Gaekwar's own power to give without reference to us," and you argue that as the Government have now themselves directed that no military honours should be paid to Nana Saheb Khanvelkur in virtue of any ceremonial office to which the Gaekwar may appoint him, your proceedings have been in accordance with the views of Government, and are not open to censure.

3. In reply to this explanation, I am directed to make the following quotation ‡ P. 27. from paragraph 2 of your Report No. 255‡ of 13th ultimo.

"The Maharaja sent R. S. Bapooobhai to me to press me in regard to Nana Saheb's appointment as Pritinidhi. Bapooobhai said that as yet the usual Poshak or dress of honour had not been conferred on Nana Saheb, because His Highness had been waiting for a recognition of his appointment by the British Government. He added that the Maharaja had been on the eve of granting him the Poshak at 4 P.M. yesterday at Mr. Dadabhoy's suggestion, I presume, independently of me; but that Bapooobhai had stopped the ceremony pending another reference to me. I again repeated that the act of promoting Nana Saheb to a higher office than that from which he had been displaced on the advice of His Excellency the Viceroy and Governor-General, which they professed to respect and obey, would be a direct mark of disrespect to His Excellency the Viceroy, and that it would be regarded as such. Bapooobhai then argued that the Maharaja was left to do as he pleased, and why this restriction about the appointment of Pritinidhi? I replied that the Maharaja might do as he pleased, but that if he did this, as contemplated, I should write a yad to the effect that I considered it to have a nullifying effect upon His Excellency the Viceroy's advice, &c."

4. The Government could not infer from this passage that you restricted your communications to merely declining to recognize the proposed Pritinidhi by military honours. Whatever you may have intended by them, your observations to Bapooobhai clearly implied that, if the Gaekwar were to appoint Nana Saheb to be Pritinidhi without your recognition, the act would be regarded as a direct mark of disrespect to the Viceroy. This communication constituted a very serious threat to the Gaekwar, as regarded his conduct in a matter which, as you admit, was within his discretion, and as such, it was disapproved by Government. The explanation now offered cannot be pronounced satisfactory.

5. As regards your opposition to the appointment of Mr. Dadabhai as Dewan, you have explained that the Gaekwar being in a painful state of doubt consulted you on the subject; that you honestly gave your opinion that Mr. Dadabhai wanted the necessary qualifications, "at the same time reminding His Highness " of his entire independence in the matter."

* P. 23. 6. Had you restricted your communication to this effect they would have received the full approval of Government, but your reports show that you made other communications which were inconsistent with the Gaekwar's independence in the choice or otherwise of Mr. Dadabhai. In your Report* No. 247 of 11th ultimo, when writing of an alleged attempt on the part of Mr. Dadabhai to secure to himself full power for effecting reforms by a written agreement with the Maharaja, you stated that you informed the Gaekwar that, as regards His Highness signing an agreement to make over his *Riasut* to anyone whatever, except the British Government, "I looked upon the very proposal on Mr. Dadabhai's part " as an offence against the sovereignty of the British Power." Again as already † P. 36. quoted in paragraph 6 of the Government letter,† No. 25P. of 24th ultimo, in reference to Mr. Dadabhai's supposed advice in the matter of N. S. Khanvelkur's appointment, you observed, "that if this was the kind of reform His Highness was " going to carry out under Mr. Dadabhai's administration, it could end only in one " result, and that very shortly."

7. But the clearest proof that you did not contemplate the independence of the Gaekwar as regards the choice of Mr. Dadabhai is to be found in your letter to † P. 31. Government, No. 261† of 15th August 1874, in which you protested against any recognition of Mr. Dadabhai's appointment which had been made on the part of Government. It does not appear to have occurred to you that by this protest you were ignoring the express orders of the Government of India, since any Minister would be in a false position if denied the customary recognition on the part of Government.

8. In conclusion, I am directed to state that His Excellency in Council hopes that you will see the propriety of abstaining from further discussion on these points.

No. 30P., dated Bombay Castle, 7th September 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to RESIDENT at BARODA.

§ P. 40. I AM directed to acknowledge your letter No. 268A. of 31st August last, answering the request of this Government for an explanation of your having apparently disregarded their instructions by communicating with His Highness the Gaekwar on the subject of the ladies of his family without previous reference to Government.

2. His Excellency in Council regrets that he cannot accept your explanation as satisfactory. Having been directed by Government to make no communication to the Gaekwar, or to the Durbar about any lady, except Her Highness Rukmabace, without previous consultation with Government, you made a communication about all the ladies. Your omission to mention names in no way alters the fact of your direct disregard of the orders of Government which did not admit of such misconstruction.

No. 362-1226 of 1874.

From the RESIDENT, BARODA, to the SECRETARY to GOVERNMENT, Political Department, Poona.

SIR, Baroda, 3rd November 1874.

IN forwarding the accompanying Progress Report No. 1 of yesterday's date, which has been drawn up by me in accordance with the instructions of His Excellency the Viceroy and Governor-General as conveyed in paragraph 11 of Government of India letter No. 1586-P., dated 25th July last, I have honour to submit that the Report in question be printed and that three copies of the same may be furnished to me for use.

2. I last night at 9 o'clock received from the Durbar a Kharita for His Excellency the Viceroy and Governor-General, and one for His Excellency the Governor of Bombay. The former of these documents contains matter of the most serious kind, which I will report upon as soon as possible. In the meantime I am induced to submit that the Report now forwarded be printed, because the Kharita just referred to renders it necessary, I think, that it should be so.

3. I shall be happy to correct the Press, if the work can be expedited by my doing so.

I have, &c.

R. PHAYRE, Colonel, Resident.

No. 361-1225 of 1874.

PROGRESS REPORT No. 1.

From COLONEL R. PHAYRE, C.B., RESIDENT, BARODA, to the SECRETARY to GOVERNMENT, Political Department, Bombay.

SIR, Baroda, 2nd November 1874.

ADVERTING to the last clause of paragraph 11 of letter No. 1586P., dated 25th July 1874, from the Secretary to the Government of India to the Secretary to the Government of Bombay, in which the Resident is directed to watch with care the progress of the reforms which the Gaekwar has been called upon to initiate; and to report, for the information of Government, on such occasions as he may see fit, what progress has been made, or is to be hoped for in carrying out the said reforms, I am respectfully of opinion that the time has now arrived for me to submit to Government, in as brief and comprehensive a shape as possible, a sketch of the present situation at Baroda, showing—

1st. The authoritative advice already tendered to His Highness the Gaekwar in accordance with his Excellency the Viceroy and Governor-General's instructions.

2nd. The replies made by His Highness the Gaekwar with reference to the advice so tendered.

3rd. A detailed summary of events, showing the substantial results obtained up to date in the several matters adverted to by His Excellency the Viceroy and Governor-General.

In order that this Report may be presented to Government in as methodical and comprehensive a shape as possible, I have thought it desirable to arrange in separate parts the whole of my remarks relating to each of the several heads of advice adverted to by His Excellency the Viceroy and Governor-General, which were separately recapitulated with marginal instructions for my guidance by His Excellency the Governor of Bombay in your letter No. 22P., of 6th August 1874. These parts will be numbered consecutively, and I shall conclude my Report by making such remarks upon the general subject of reform as may appear to me to be required.

2. His Excellency the Viceroy and Governor-General's Kharita, dated 25th July last, was delivered by me to His Highness the Gaekwar in person on the 3rd August last; and from that date up to the present time I have, from time to time, as opportunity offered, been careful to impress upon His Highness, in the manner least distasteful to him, the serious nature of the communication made to him, and of the necessity of effecting a thorough and lasting reform of his Government in those matters in which the Commission showed that the administration called for reform.

In accordance with the instructions contained in Bombay Government letter No. 22P., dated 6th August 1874, I from time to time forwarded to His Highness separate Yads inviting

his serious attention to the various important matters in the Government of India instructions. Copies of these Yads and of the replies received from His Highness the Gaekwar have been forwarded to Government. The first of these communications was addressed to the Durbar on the 10th August 1874, and related to the dismissal of certain prominent members of the old administration, including the Dewan Nana Sahib Khanvelkar. It is satisfactory to notice that this advice was at once acceded to by the resignation of the officials referred to, and the Government, in their letter No. 25P., dated 24th August 1874, were pleased to acknowledge to His Highness the Gaekwar the prompt manner in which he had caused the officers objected to, to resign their offices.

PART I.

GRIEVANCES OF THE AGRICULTURAL CLASSES.

3. On this subject I addressed the Durbar in three Yads, as follows :—

- (a.) Yad No. 1482 of 11th August 1874 (C.2), advising His Highness the Gaekwar to prohibit the barbarous processes employed for realizing the revenue.
- (b.) Yad No. 1483 of 11th August 1874 (C.3), advising His Highness the Gaekwar to remove the cause of the difficulty now experienced in realizing the revenue, by a moderate and equitable land settlement, and a faithful adherence to its terms in future; all future exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of the Durbar officials being strictly forbidden.
- (c.) Yad No. 1731 C.13 of 16th September 1874, advising His Highness the Gaekwar to take no accession Nuzzurana where there is a fixed land settlement.

With reference to the first of the above Yads (C.2) I was informed that the matter had engaged the Durbar's serious attention, and that a complete revenue code would be prepared as soon as possible, which would leave no room for committing oppression.—*Vide* Durbar Yad 1458 of 17th August 1874.

With reference to the second Yad (C.3) the Durbar informed me in reply that the ten years settlement having expired in most of the Mahals, a new and equitable settlement would forthwith be commenced.—*Vide* Durbar Yad dated 17th August, above referred to.

With reference to my third Yad (C.13) relating to the non-levy of accession Nuzzurana, the circumstances under which this advice was tendered to the Durbar, and the Durbar reply that the advice given would receive attention, will be separately noticed hereafter.

4. It will be remembered that this class of cases, relating to the grievances of the agricultural classes, was amongst the most serious of those investigated by the Commission. Hundreds of representatives from each separate Mahal in the Gaekwar State were flocking to Baroda to give evidence, and the evidence of a large number was recorded, which substantially confirmed the general allegations of oppression, &c., that were made. The first result of this investigation was the issue of a Proclamation by His Highness the Gaekwar, dated 27th December 1873, inviting all ryots having complaints to come fearlessly forward.

His Highness' Proclamation, 27th December 1873.

At the same time the Residency was closed to all petitioners, who were systematically referred to the Durbar.

5. On the 11th April 1874 a copy of the Commission Report and proceedings was delivered to His Highness the Gaekwar, and on the 19th April in a Kharita to His Excellency the Viceroy and Governor-General, acknowledging the same, His Highness assured His Excellency that "the reforms suggested by the Commission under paragraph 10 of their Report have already engaged my serious attention."

6. On the 27th May 1874 I forwarded to Government, with my letter No. 152-553 of that date, three important petitions, which were received by post from ryots belonging to the Puttun Wurnuggur and Kheiraloo Mahals, alleging the most serious oppression that was then going on in certain villages named.

7. On the 8th June 1874, with reference to the above letter, I reported to Government, by telegram, that large numbers of ryots from the five northern districts had come to the Residency; that I had declined an interview, and had referred them to the Durbar.

8. On the 16th June 1874 I forwarded to Government my Administration Report for 1873-74, with its confidential accompaniments. In the latter I brought to the notice of Government, in paragraph 19, that, at the close of the Commission I had received 1,385 petitions, most of which were from the agricultural classes, and that up to the date of the Report 296 more had been received.

9. On the 17th June 1874 I forwarded to Government a petition received by post from certain ryots of the Nowsari Purgunna, complaining that they are obstructed in cultivating the land, a large proportion of which was lying waste, but that the Sowcars would not lend them money to take it up and satisfy the demands of the Durbar.

Nowsari Ryots.

10. On the 8th July 1874 I forwarded to Government a petition from the Patels of the village of Mogree of the Pitland Purgunna, complaining that Mohsuls were imposed on them by His Highness the Gaekwar to compel them to come to Baroda, whither they had been summoned by Messrs. Dadabhai Nowrojee and Narayenbhai, and that there they were forcibly compelled to sign a paper which had been previously prepared directing the petitioners to cease from performing the functions of Patels. It is alleged that this action was taken by the Durbar to punish the petitioners for the part which they had taken in representing to the Commission the grievances of their village; thus infringing the proclamation already adverted to as having been issued for the protection of *bond fide* complainants.

Retaliation contrary to British Proclamation.

11. On the 11th July 1874 I forwarded to Government, by telegram, information that certain cultivators from the Wurnuggur and Beesnuggur Districts were deserting their lands; that 2,000 cultivators were said to have collected at the Gaekwar village of Goonja, for reasons to be subsequently stated, and that cultivators from the Kheiraloo and Beejapoor Mahals were said to be emigrating to the Mahee Kanta and Prantej Districts. I also stated that Mr. Kazee Shahboodin was on the spot, and that the assigned cause for the emigration alluded to was the non-confirmation of certain promised remissions. On the 13th July, in continuation of this telegram and previous communications, I forwarded to Government

Ryots of Wurnuggur, Beesnuggur, Kheiraloo, and Beejapoor Purgunnas.

Pitland.

Pitland, remarking that the matter alleged in the said petition appeared to indicate that the old practice of extorting agreements had been resumed by His Highness the Gaekwar in a spirit of retaliation entirely opposed to the proclamation issued by me under the authority of the Baroda Inquiry Commission.—*Vide* Appendix D. to their Report.

12. On the 16th July, in continuation of my letter of the 13th idem, I forwarded to Government copies of two further petitions from the representatives of the villages of Khanpoora and Syud Wasna in the Baroda Purgunna, remarking that apparently no measures of reform had up to date been instituted by the present administration in the Revenue Department of the Gaekwar State.

13. On the 17th idem I received from Government letter No. 4041, dated 15th July, informing me that Government awaited my Report on the subject of my telegram of the 11th instant. This Report I submitted to Government in my letter

Intervention of Mehwassee Girassias to protect the ryots.

No. 214-753, dated 23rd July 1874, which was to the following effect:—That the cultivators from Wurnuggur, who were reported to have left their village and have gone to the Gaekwar's Mehwassee village of Goonja, came to Baroda to complain; and, *not having been listened to by the Durbar*, they came to the Residency: but that* I had declined to see them, and had advised their return to the Mahals at once, which advice they followed. That, in consequence of their departure, I had not been able to take down their statements, but that their case was substantially as follows, viz.: That a large number of cultivators in the Wurnuggur district, after being induced to pay up arrears of assessment amounting to 12 annas in the rupee, on the understanding that the remaining four annas would be remitted, were informed by the Wahivutdar, as soon as their seed was in the ground, that the remaining four annas would be exacted. Whereupon a large body of men, said to amount in number to 2,000, decamped in a body to the Mehwassee village of Goonja, which is situated between Wurnuggur and Beesnuggur, close to the Mahee Kanta border, and placed themselves under the protection of the Mehwassee Patels of that village.

14. I mentioned to Government that I had questioned the Dewan Nana Sahib on the subject and was informed by him that the assembly of Wurnuggur ryots at Goonja was true, but that the numbers had been exaggerated. I commented upon this admission as an important one, because it afforded reliable evidence, that a naturally quiet and peaceable race of people had been driven to throw themselves on the protection of the Mehwassee Girassia element, which, it is well known, would fight for any one who claimed their protection under circumstances which they believed to be oppressive.

15. I, at the same time, submitted to Government copy of a petition from the representatives of the Beesnuggur ryots, alleging certain serious acts of oppression, which it was stated had been reported to Mr. Kazee Shahboodin, who gave no reply, and to Mr. Dadabhai Nowrojee, who did nothing.

Inactivity of the new administration.

* NOTE.—The Government will remember that this course was systematically followed by me from the departure of the Commission up to about 3 weeks ago, when I was forced to interfere, owing to the repeated assemblies of large numbers of this class near the Residency.

16. I concluded by expressing the conviction that there could be no doubt regarding the general spirit of discontent which still continued to manifest itself amongst the agricultural classes in the Gaekwar districts generally; owing to the same causes as were found by the Commission to exist, heightened by the spirit of retaliation which had since been manifested towards them by the Gaekwar district officials.

17. On the same date I forwarded to Government, with my letter No. 216-758, copies of Purgunnas of Nowsari and Khangee Mahal. two petitions from certain ryots residing in the villages of Abrama in Nowsari and Gotree in the Khangee Mahals. The first petition alleged that the petitioners were subjected to serious oppression by the Durbar Kamdar and Mahal Wahivutdar. That the old settlement of their village having expired, they could get no new settlement made; that they had petitioned the Sir-Sooba and Mr. Dadabhai on the subject, and were first informed that, as their petition was not written on stamped paper, nothing could be done; and, in reply to a petition subsequently made on stamped paper, were informed that the matter should be reported to the Sooba who had himself referred them to the Durbar.

18. The second petition alleged that promises had been made to petitioners, that if they paid up the old assessment Government would see what reductions could be made; the whole assessment was in consequence paid up, but many of the cultivators are not permitted to cultivate; that four of the Patels had been thrown into confinement, and the ryots were ordered to pay assessment in excess of the old rates.

19. On the 15th August 1874 some 20 persons residing in the village of Hurnee, Khangee Mahal, appeared at the Residency and were at once told that they should go and represent their complaint to the Durbar.

The petitioners represented that the Wahivutdar was oppressing them to pay up four annas in the rupee of arrears. That they had represented their case to Mr. Dadabhai and Kazee Shahboodin without any redress being obtained. They also represented that certain persons of their village had been ill-treated and imprisoned the day previously for not supplying certain articles that were required to be given gratis on the occasion of the expected visit of His Highness the Maharaja.

20. As having an intimate connection with the general subject of the grievances of the agricultural classes, it will be remembered that His Excellency the Viceroy, in Government of India, letter No. 1586P. of 25th July 1874 to the Government of Bombay, amongst other measures, recommended by the Commission, which the Resident was directed to advise His Highness the Gaekwar to adopt, made special allusion to the accession Nuzzurana tax which His Highness the Gaekwar was advised not to take where there was a fixed land settlement.

21. With reference to this advice, I was directed by Bombay Government, letter No. 22P. of 6th August 1874 to take no action on this advice pending further orders.

22. So numerous, however, were the complaints which were constantly being received by me regarding the continued oppression in connection with this tax that I found it necessary to address to Government a letter, No. 271-922 of 31st August 1874, in the postscript to which I brought to notice that unduly severe measures were being taken in the Kurree and Puttun Purgunnas to collect the arrears of the Gadee Nuzzurana or accession tax; with reference to which I solicited early orders about advising His Highness the Gaekwar not to levy accession Nuzzurana where there was a fixed land settlement.

23. In continuation of this letter on the 2nd September 1874, I reported to Government in my letter, No. 274-929 of that date, that I had received a communication from the Political Agent, Rewa Kanta, complaining of the forcible means adopted by the Durbar to recover the arrears of Gadee Nuzzurana from certain Rewa Kanta subjects holding Sulamee lands in a border village belonging to His Highness the Gaekwar, and requesting me to move the Durbar to put a stop to them. I again solicited early orders regarding the propriety of issuing authoritative advice to the Durbar on the subject.

24. In continuation of my letter of the 2nd September, I reported to Government in my letter No. 279-945 of the 7th September, that I had received by post several petitions from Patels and ryots of the Purgunnas of Puttun, Wurnuggur, Kurree, and Pitlaud complaining of the oppressive measures adopted by the Gaekwar Government to realize the arrears of the Gadee Nuzzurana. Under these circumstances I again solicited early orders as to the action which I should take upon His Excellency the Viceroy and Governor General's advice to His Highness the Gaekwar to take no accession Nuzzurana where there is a fixed land settlement.

25. On the 16th September I received a Government Resolution, No. 5376 of 14th September in which I was directed to communicate to His Highness the Gaekwar authoritative advice in the matter of the accession Nuzzurana in accordance with the orders of the Government of India, viz., that he should take no accession Nuzzurana where there is a fixed land assessment.

26. In accordance with these instructions I, on the 16th September, addressed a Yad to the Durbar to the required effect.

27. As reported to Government in paragraph 3 of my letter No. 316-1100 of 7th October 1874, I spoke to the Minister, Mr. Dadabhai Nowrojee, on the subject in consequence of my receiving no reply to the Yad above referred to and as the complaints of the ryots continued, he then informed me that the subject was under discussion, and that it might have a very bad political effect were it to be admitted to the people that the Gadee Nuzzurana would not positively be collected. He therefore proposed to enter it into the accounts as "outstanding balance" (Baki). I informed Mr. Dadabhai that I could have nothing to do with the private arrangement referred to, and that all I had to do was to advise His Highness not to collect the tax in accordance with the advice of His Excellency the Viceroy.

28. Finding, however, by the 23rd September 1874 that no order had been issued by the Durbar and that pressure was still being put on the ryots in connection with the tax, I on that date addressed to the Durbar a Yad in which I informed them that for nearly a month past written petitions had been received by me through the post from the Purgunnas of Puttun, Wurnuggur, Kurree, Pitlaud, Beesnuggur, Kheiralo, &c., complaining of the oppression to which they were subjected, by Mohsuls and other means, to pay up the balance of the accession Nuzzurana still due. I therefore again invited His Highness' attention to the authoritative advice of Government conveyed in my Yads above quoted.

29. On the 24th September, I again had a conversation with Mr. Dadabhai on the subject, in which he repeated the same arguments that he had previously used, viz., that it might have a bad political effect were it publicly admitted that the Gadee Nuzzurana would be remitted under the pressure of Government. I replied to Mr. Dadabhai the same as before, saying, that I was instructed to tender the advice which I had offered, and that though anxious in every way to uphold His Highness' legitimate authority, I was not at liberty to qualify that advice in the manner suggested.

30. On the 27th September I received from the Durbar the following Yad in reply to mine of the 16th idem, conveying the authoritative advice of His Excellency the Viceroy and Governor General:—

"Residency Yad, No. 1731 (C.13), of 16th September 1874, about the non-levy of accession tax wherever there is a fixed assessment, has been received. In reply, we beg to state that the advice given will receive attention."

31. On the same date I received from the Durbar another Yad in reply to mine of the 23rd September 1874, alluded to above, relating to the arrangements which it was proposed to make for the ryots of Kurree, Puttun, &c., &c. In this Yad the Durbar expressed their satisfaction that the people who came to the Residency were referred to the Durbar, but alleged that some of the persons had not appeared there. They also stated that the cases of those who *did come were properly enquired into*.

32. On the 28th idem large numbers of agriculturists again assembled at the Residency gates, and as I had repeatedly referred them to the Durbar, where they declared they could not obtain any reply, I resolved to take down their statements, and I forwarded them to the Durbar with my Yad, No. 1798, of that date.

33. In this Yad, after enumerating all the correspondence which had previously taken place on the subject, I brought to His Highness' notice that on the day of writing I had been again importuned by large numbers of agriculturists regarding the collection of the accession tax, and had taken down the statements of the leading man, named Keywal Purshotum, Patel of the village of Panchote, Purgunna Kurree, who stated that about eight or nine months ago foot Mohsuls were imposed at his village in connection with the Gadee Nuzzurana tax, for which Mohsuls they had to pay about Rs. 70, but that they were afterwards removed; he further stated that since the latter part of August last, five Sowars and four footmen had again been posted as Mohsuls at his village in order to procure the payment of the balance of accession tax which amounted to Rs. 2,000. The deponent greatly complained of the additional expense incurred by these Mohsuls, which amounted, as he alleged, to no less than Rs. 198-12-0 per mensem, the details of which were furnished for the information of His Highness the Gaekwar. The deponent further stated that besides being incessantly dunned for payment by these Mohsuls they were threatened

Threats of this nature, affecting the caste of respectable persons, were frequently complained of.

with imprisonment in a cage with Dhers if they refused to pay up. Deponent further stated that he and many others from his village had represented their grievances to the Wahivutdar of Kurree, who, after importuning them to pay up the arrears, and refusing to listen to anything what they had to say, threw eleven of them into prison. The deponent proceeded to add that he and two of his villagers thereupon proceeded to Baroda and waited upon Mr. Kazee Shahboodin, with whom they obtained an interview, and were informed that *the arrears of accession Nuzzurana must be paid*, and that if they would agree to pay, they should be allowed a reasonable time. Under these circumstances the petitioners, I informed His Highness, had come to me, and I suggested that should the allegations made be found to be correct, His Highness would do well to take immediate steps to give substantial effect to His Excellency the Viceroy and Governor-General's advice regarding the non-levy of this tax.

34. On the 1st October another large assembly of the ryots took place at the Residency gates, and on this occasion I confronted them all with Mr. Dadabhai Nowrojee when he paid his usual visit on that day. I at the same time handed to him a statement showing roughly who the petitioners were and what were their claims. This statement, which was given at length in my letter to Government, No. 316-1100, of 7th October 1874, paragraph 9, prominently draws attention to the following grievances:—

- 1st. Refusal by Durbar village authorities to allow the crops to be cut.
- 2nd. Demand made for the security of two Sowcars (bankers) for arrears and current year's revenue.
- 3rd. Increase of Sulamee tax by short, *i.e.*, fraudulent measurements.
- 4th. That in consequence of the obstructions above mentioned their crops were being ruined and carried off by thieves.
- 5th. That they have represented their case to the Durbar, but could obtain no redress.

With reference to this complaint I was informed verbally by Mr. Dadabhai Nowrojee that the petitioners had been allowed to cut their crops.

35. On the 2nd October I received a reply from the Durbar to my Yad, No. 1798, dated 28th September (see paragraph 32 above). The Durbar alleged that if the representations made to me regarding the imposition of Mohsuls be correct, such representations had reference to a time preceding the arrangements which the Durbar stated that they had made in their Yad, No. 1691 of 27th September 1874, in reply to my Yad of 16th idem conveying the authoritative advice of His Excellency the Viceroy.

Durbar reply about Kurree.
It occurred long after I had tendered the Government advice.

NOTE.—Copy of the Durbar Yad accepting advice is given in paragraph 30 above, from which it will be seen that no arrangements are referred to.

The Durbar also alleged that the representations made to me by the petitioners that they had obtained an interview with Mr. Kazee Shahboodin, and had been informed by him that they would have to pay the arrears of Gadee Nuzzurana were not correct.

36. On the 5th October Mr. Dadabhai came specially to the Residency after his usual visit to ask me to give a Purwana for local troops of the Gaekwar to proceed to Pitlaud, as disturbances in the Gaekwar Purgunna of Pitlaud. I granted the required Purwana for 100 infantry and 25 sowars, which were despatched on the same evening. I, at the same time, addressed the Magistrate of Kaira, informing him of the despatch of troops, and requesting information regarding the alleged disturbances, in which, I was informed by Mr. Dadabhai, certain British subjects from the Kaira District were concerned.

37. On the following day I received a formal Yad from the Durbar relating to the disturbances in question, stating that about 50 armed men from the British District of Mata went to the Gaekwar village of Mangrole to create a disturbance, but that no collision actually took place; similarly that the Gaekwar ryots, who had emigrated to British villages, were in the habit of coming into Gaekwar territory to remove their crops. The Durbar, therefore, requested that communications might be made to the Magistrate of Kaira to put a stop to these proceedings.

38. In reply to this representation I, on the same date, addressed the Durbar a Yad, saying that I had issued the Pass for the infantry and sowars as requested, but that with regard to the causes of this disturbance, which were alleged to have emanated partly from British districts, I had called for information from the Collector and Magistrate. I at the same time invited the serious attention of His Highness to the correspondence relating to similar disturbances in the Pitlaud District of His Highness, which had been going on since April 1873, all of which tended to show that the Kolis of the Pitlaud District were the real cause of the disturbances in question, which had arisen from widespread discontent caused by the Local Revenue arrangements of His Highness' Government. I at the same time furnished His Highness with a complete list of the correspondence referred to, extending from April 5th 1873 to October 18th 1873, including the evidence recorded on this important subject by the

Baroda Enquiry Commission. Copies of the Durbar Yad referred to, and my reply, were at the same time forwarded for the information of the Magistrate of Kaira, and also to Government in paragraphs 14 and 15 of my letter, No. 316-1100 of the 7th October 1874.

39. Again, in continuation of the same subject, I on the 16th October 1874 addressed to Government copy of a Yad which I had written to the Durbar regarding the unsettled state of affairs in Pitlaud. With this Yad I forwarded to the Durbar a serious statement signed by 17 or 18 representative Patels of the Pitlaud Purgunna, setting forth that, although they were burdened with excessive taxation, they were subjected to the expense and annoyance of an organized system of Mohsuls to an extent before unknown. In this statement the petitioners gave a clear account of the manner in which they had been subjected to successive increased taxation including Gadee Nuzzurana during the last ten years. With reference to this, I pointed out to Government, in paragraph 3 of my letter referred to, that the questions at issue did not refer primarily to re-assessment, the settlement of which required a reasonable time, but to the collection of arrears of taxes, which had been already commented upon and condemned by the Commission, by means of an oppressive system of Mohsuls.

40. It will also be seen, by referring to the statement, that the petitioners allege as one of their main grievances that they are unable to procure a settlement of their accounts for the last ten years, and that they have reason to believe that could they do so no arrears would be found to be due by them; hence the unusually oppressive character of the excessive Mohsuls that had been heaped upon them, causing both heavy pecuniary loss, and such intolerable annoyance as drove them to leave their villages and come to Baroda.

41. It will be seen from the accompaniments to my letter to Government, No. 330-1138, dated 16th October, under reference, that the petitioners in this case state that they have frequently represented their grievances to the Durbar since the departure of the Commission from Baroda, and that the petition annexed, dated 16th January 1874, was presented by them to the Maharaj himself, by whom it was given to Mr. Dadabhai, and that the second petition, dated 28th August 1874, was presented to Mr. Kazee Shahboodin by the Mooktyar, Motibhai Dayabhai.

42. On the 19th of October I forwarded to Government, with my letter No. 339-1154 of that date, a petition from the representatives of the ryots of 6 villages in the Bullesur Purgunna of the Nowsari District, stating that the Wahivutdars named

Govind Necha and Mukunjee Govindjee demand from them three-fourths of the current year's assessment in advance; and, in order to compel them to pay it, the said Wahivutdars do not allow their cattle to go out to graze, or to have access to the ordinary watering places. Daily Mohsuls are said to be placed on them, and four annas is levied from each of the petitioners to pay them. If the Mohsuls are not paid, petitioners' clothes and household utensils are taken away. They complain that the assessment for the previous year was realized in an oppressive manner, and that it was with great difficulty that they could commence cultivation for the current year. Under these circumstances they state that it is utterly impossible to pay in advance three-fourths of the assessment as demanded. The petitioners further state that their rice crops have been damaged by the scarcity of the after-rains, that their difficulties are increased by the practice of the Durbar officials selling their carts and bullocks to realize arrears. The assessment is stated to be extremely exorbitant, and, owing to the oppression committed by the Kamdars, petitioners have been reduced to penury, their children remain unmarried, and their credit with the Sowcars has been destroyed.

43. It will be seen that in substance this petition is similar in character to the statements made by representatives from the same 6 villages at the time of the Baroda Enquiry Commission. The petition under reference I forwarded to His Highness the Gaekwar for consideration with my Yad No. 1162, dated 16th October 1874, which was an accompaniment to my letter to Government of the 19th idem, above referred to.

Vide Baroda Commission Report, Appendix E., cases 28, 29, 30, and 65, Schedule II. Also Appendix A., remarks by Commission on case 65, Schedule II.

44. On the 20th October the annual Dussera festival took place; a serious manifestation of discontent amongst the Sirdars and military classes had made itself apparent during the few preceding days, which circumstance will receive due notice under the proper head further on. Amongst the most dangerous of the adherents of the Sirdars, as prominently noticed by the Baroda Enquiry Commission, are the Sindees and Arabs, many of the former of whom have, under the encouragement of their Sirdars, taken to peaceable occupations as cultivators in certain villages of the Baroda, Kheiralo, and Uttursoomba Mahals. These men enjoy most of their lands on somewhat more favourable terms than common cultivators, on the ground that they have performed military service for the State, and are a class desirable to propitiate. They also own 12 villages in the Baroda Purgunna, which have been purchased by their ancestors, and is on the footing of ordinary alienated land.

45. From the Sindees residing in these villages, I have received a petition complaining that they have been subjected to a tax known as the Inam Committee Tax, which was first imposed on alienated land by His Highness Khandarow, but which is alleged to have been specially remitted in the case of these petitioners, for services rendered by His Highness Khandarow himself, whose original order the petitioners produce. They added that that tax with others had been again imposed by the present Gaekwar, and that their crops were not allowed to be

cut, and that they were subjected to the same oppression as has been so frequently detailed by others.

46. Considering that the petition was one of great importance, especially at the present juncture when overt signs of discontent had been already manifested, I addressed the Durbar a Yad dated 20th October earnestly pointing out that if the facts stated in the petition were true, the most serious obstacles were being placed by the Durbar in the way of giving substantial effect to His Excellency the Viceroy and Governor-General's advice, and to His Highness the Gaekwar's own promises, so often repeated regarding it.

47. It should be added that the petitioners affirm that they had made repeated petitions on the subject of their grievances to Mr. Dadabhai Nowrojee, and that he gave them no redress, although one of their Sirdars and their Karkoon frequently attended upon him to represent their case.

48. On the 22nd instant, when Mr. Dadabhai called upon me, I specially brought to his notice the case of the Sindees referred to, when he assured me that until yesterday, when sent up with a note from the Resident, he had heard nothing of their case.

49. It is right, however, to add that the petitioners allege that they have submitted by post to Mr. Dadabhai several petitions, for the last of which, forwarded in a registered packet under date the 7th October 1874, they produce a post office receipt.

50. Referring to paragraphs 42 and 43 above, about 75 ryots came from the Nowsari Purgunna. Further complaints from the Nowsari Purgunna to complain to the Durbar about the 16th of October 1874, and having failed to obtain satisfactory redress,

they appeared at the Residency on the 23rd idem. Their statement was forwarded by me to His Highness the Gaekwar for consideration with my Yad No. 2019, dated 26th October 1874; and copies of both that Yad and the accompanying statement were submitted to Government with my letter No. 353-1199 of 1874, dated 27th October 1874.

The statement in question represents the condition of the petitioners to be rather worse than it was when they complained before the Baroda Enquiry Commission last year. Prohibition to cut their crops, which are now ripe; excessive mohsulling; refusal on the part of the Durbar to settle their accounts for the last 10 years, and instead thereof a demand to pay up all arrears in full, and to furnish Sowcar's security for the current year's assessment, constitute their immediate and pressing grievances in common with the other Purgunnas of the Gaekwar State specified above. This statement was signed by 20 representatives of the District.

PART II.

GRIEVANCES OF THE SIRDARS AND MILITARY CLASSES.

51. It will be remembered that in this class of cases forty complainants were examined by the Baroda Commission, and that other complainants* were in attendance, whose cases were not enquired into, because it was considered that a sufficient amount of evidence had been adduced to establish the general truth of the grievances adduced, and also to entitle all petitioners in this class to separate enquiry and redress at the proper time.

52. The opinion recorded by the Commission upon this group of cases is as follows:—

"The uncertainty of service and liability to summary dismissal, without special cause or reason, to which these classes appear to have been subject at the hands of previous Gaekwars, have been seriously aggravated since the accession of the present Chief by the wholesale reductions he has carried out amongst them within a comparatively brief period, generally in an arbitrary manner, and, as regards the followers and dependants of his predecessor, rather apparently in a spirit of hate and vengeance than from a feeling of State necessity."

53. Referring to this opinion of the Commission, His Excellency the Viceroy directed, in paragraph 9 of letter No. 1586P. of 25th July 1874 from the Secretary to Government of India to the Secretary to Government of Bombay, that the Gaekwar should be advised, in consultation with the Resident, to frame some general rules for adoption in giving effect to such reductions in future which will ensure their being carried out with due consideration to the claims of the parties concerned, and will prevent the scandal and risk that must attend the sudden deprivation, without compensation or other provision of any sort, of large numbers of old or hereditary military servants, of the service on which they are wholly dependent for the means of subsistence.

54. With reference to these instructions of His Excellency the Viceroy, I was directed, in Bombay Government letter No. 22P. of 6th August 1874, to note that this direction pointed exclusively to the establishment of proper rules under which the future operations of the Durbar, for reducing their military expenditure, are to be carried out. I was further directed that if pressed by any of those whom the Commission held to have been unjustly treated, to obtain compensation for them, I was to apply for instructions before making any authoritative representation, which would not preclude friendly suggestions for an equitable settlement.

55. The advice above referred to was tendered to the Durbar in my Yad No. 1502C.7, of 12th August 1874, which formed an accompaniment to my letter to Government No. 254-854 of 12th August 1874.

56. In reply to my Yad C.7, I was informed by Durbar Yad No. 1460 of 17th August that information had to be collected and that the Durbar would communicate their views hereafter.

57. I deem it my duty to bring prominently to notice, with regard to this highly important class of cases, that it has been the subject of the most careful enquiry by me for the last twelve months, and the result of my enquiries has been still further to establish the truth of the opinion expressed by the Commission regarding the general character of the reductions made by the present Gaekwar, viz.: that they have been made rather in a spirit of hate and vengeance than from any *bond fide* State necessity; and that in point of fact some of the oldest and most respectable Sirdars in the Baroda State have been not only reduced but systematically plundered of personal property, as well as pay and allowances, since the accession of the present Gaekwar.

58. That the alleged reductions are due to the personal action of the Maharaj rather than to any *bond fide* State necessity is sufficiently proved by the fact that the most important of the alleged reductions have occurred in the case of Sirdars, &c., belonging to the British Contingent of 3,000 Horse, the strength of which is obviously incapable of permanent reduction without the consent of the British Government; and that even alleged reductions in His Highness the Gaekwar's local levies are for the most part no reductions at all, as old and highly respectable servants of the State have been merely turned out and deprived of all their property to make way for some new favourites whom the Maharaj wished to advance without any expense to the State.

59. It is obvious that cases of this sort come within the scope of His Excellency the Viceroy's advice to His Highness the Gaekwar in the Kharita of 25th July last, in which it is stated:—"I deem it, therefore, necessary to remind you that both by the terms of Treaties and by constant usage the British Government has a right to advise you in public concerns affecting the good of the country, and to require the settlement according to equity and reason of any measures shown to be improper or unjust."

60. In accordance with the instructions of the Bombay Government, I have, since the receipt of the Governor-General's instructions, been in constant communication with Mr. Dadabhai Nowrojee and His Highness' Minister, with the view of negotiating an amicable settlement of many of these important cases.

61. I have also, as reported to Government in paragraph 9 of my letter No. 343-1168 of 20th October instant, prepared notes of about 20 of these cases, all of which are illustrations of the same system of spoliation and injustice adverted to above in paragraph . . . Some of these notes I have given to Mr. Dadabhai at his special request, in order to assist him in procuring a settlement of the different cases from the Maharaj, a few of which he informed me had been agreed to, and orders were alleged to have been issued by himself regarding them; but no practical results have been obtained, as it appeared that the orders said to have been issued by Mr. Dadabhai were not obeyed. It will thus be seen that I have from the commencement cordially given to Mr. Dadabhai every assistance in my power; in fact, I may confidently say that but for my assistance he would have been, from his utter inexperience in the details of administration, totally unable to grasp the general principles upon which alone any statesmanlike settlement of these difficult cases could be effected.

62. I at the same time drew up a statement showing the general principles which I considered should guide me in the negotiation of these cases, and as forming the basis upon which I should advise Government to act in any of them, the amicable settlement of which could not be effected.

63. While then it is my duty to note for the information of Government that a settlement of these cases appears to be as remote as ever, it will now be necessary briefly to review the serious state of things which has arisen in consequence of large numbers of Sirdars and military followers being reduced to absolute destitution and impending ruin.

64. It will be remembered that many of the complainants who appeared before the Baroda Commission deposed that their pay and allowances were in arrears for upwards of two years. Under the pressure and the reported advent of the Commission, a number of the principal Sirdars, &c. received chits, i.e., official orders on the public Treasury for the payment of their arrears, and were in consequence induced to depose that their grievances on that score were at an end. Before the Commission left Baroda I informed them that, notwithstanding the issue of these money orders, most of the persons in question failed to obtain payment, their chits or money orders being in point of fact dishonoured. From that day to this the Sirdars, &c. have been kept in arrears.

65. I think it right at this point to bring to the notice of Government that I was at pains to impress on the Commission the great danger of allowing this class of cases to remain unsettled. The Sirdars, Silledars, &c. had for some months previously shown signs of serious discontent at the treatment to which they had been subjected by the present Gaekwar, and on a letter addressed by me to the President of the Commission, No. 218-1029, dated 13th November 1873, I showed that it was only at my intervention that they agreed to abandon their menacing attitude.

66. Again, on the 25th November 1873, I submitted a statement to the Commission (*vide* Appendix G. of their proceedings) bringing forcibly to notice the serious consequences which had been and still were likely to ensue from the action taken by the Maharaj with regard to these classes.

67. Since the departure of the Commission from Baroda in December 1873, these Sirdars and their adherents have been constantly petitioning the Durbar for the payment of their arrears and a settlement of their cases; but not only has no enquiry of any sort been instituted, but in several instances active measures of retaliation have been practised against them, as reported to Government in my endorsement on a petition from Kessee Rao Rajey Sirkey, No. 192-706, dated

8th July 1874. In paragraph 8 of this endorsement I stated that "the allowances of some of the Sirdars have been stopped since the Commission. What they consider to be degrading service, such as attendance upon Luxmeebai, has been demanded from those who have hitherto enjoyed merely pensionary stipends. Old creditors have been invited to file suits against the Sirdars, who, be it observed, have not received their pay for the last three years, and are deeply involved in debt, while the usual advances made to them by the bankers are discouraged, if not prohibited."

68. Since that Report was written I have been aware that the grievances described have been steadily on the increase in various ways, and the feelings of discontent which have been thus engendered finally culminated in a serious ebullition, caused by the alleged vindictive conduct of the Maharaj towards a Sirdar named Chundrarao Kuddoo, as reported to Government in the marginally noted emergent correspondence.

1. Resident's telegram to Secretary to Government, 16th October 1874.
2. Letter to Government, No. 331-1139, dated 16th idem.
3. Letter No. 335-1148, of 17th October.
4. Telegram dated 19th October 1874.
5. " " " "
6. Government telegram, dated 19th October 1874.
7. Resident's telegram, dated 20th October.

69. On the occasion in question my influence was requested by Mr. Dadabhai Nowrojee to put an end to the complication which had arisen by procuring the arrest of the Sirdar in question, cause the Sirdars to disperse, and thus endorse the Durbar proceedings, of which I had only an *ex parte* account. Eventually the case was settled at my advice, as reported in the correspondence, and the Sirdars, &c., returned to their homes.

70. The chief feature in this incident to which I would invite prominent attention is the evidence which it affords of the inflammable state of this important and influential body of men, and of the danger which must result from leaving them absolutely destitute and without any hope of an equitable settlement.

71. Feeling the emergency of the present case, I submitted to Government on the 20th October 1874 with my letter No. 343-1168 of that date, certain specific proposals regarding the settlement of this important class of cases. I pointed out that the complexion which they had now assumed rendered it in my opinion imperative in the interests of the peace and tranquillity of the country that some immediate action should be taken by Government. I drew at the same time prominent attention to the following points:

1st.—That the Sirdars, Silledars, Mankuries, Sindees, Arabs, &c., adverted to in the Commission Report, were at the present time in circumstances of absolute want, and, quite independent of the settlement of their cases, they required advances to be made to them at once, in order to preserve themselves and families from utter want.

2nd.—That though I had been in constant negotiation with Mr. Dadabhai, regarding the settlement of certain of these cases, not only had not a single case been settled by the Maharaj as agreed upon between his Minister and myself; but, as in the case of Sirdar Kuddoo, instead of paying him his arrears as agreed upon, a criminal case was a few days after got up against him, for the purpose, as I believe, of getting rid of him altogether and of intimidating the remainder.

72. With regard to the first point, which appears to be one of great emergency, I suggested that His Highness the Gaekwar should be advised at once and without any further delay to advance to all Sirdars, Silledars, &c., who have been deprived of their pay for the last 3½ years and upwards, from four to six months pay according to circumstances. I stated that I believed this measure to be actually necessary to avert actual outbreak, and that unless this was done I could not be responsible for any consequences that might ensue.

73. With reference to the second point, viz., the settlement of the cases, I invited prominent attention to the fact that the main difficulty was caused by the great accumulation of debt in which the whole of the military class appeared to be involved. I also pointed out the apparent inability of Mr. Dadabhai to procure a settlement in any of these cases with the Maharaj; and, bearing in mind the serious complexion which affairs had assumed by the numerous signs of disturbance which had been manifested during the past 18 months, I expressed the opinion that I should be formally empowered to arbitrate and adjudicate in these cases, subject to the approval of Government, and that, in order to enable me to do this effectually, I should be authorized to call for such evidence from the Durbar as I might require.

PART III.

GRIEVANCES OF THE IMMEDIATE MEMBERS OF THE LATE GAEKWAR'S FAMILY.

74. The opinion of the Commission on this group of cases is thus summarized in paragraph 8, Group 11, of their Report:—

"The proceedings of the present Chief have been unusually harsh and severe towards his predecessor's relatives, and of a most vindictive and sweeping character towards his favourite followers and dependants."

75. "With reference to this class of cases His Excellency the Viceroy and Governor-General, in paragraph 10 of the letter of instructions to the Government of Bombay, before referred to, directed that His Highness the Gaekwar should be required to make suitable provision for all the immediate members of the late Gaekwar's family, and permit the ladies to reside away from Baroda. Their allowances should be fixed with the approval of the Government of Bombay,

and they can be paid according to lists to be furnished by the Gaekwar, the money being recovered from the Baroda State."

76. With reference to this advice, I received from the Government of Bombay the following instructions:—

"This requisition should be made immediate in the case of Rukmabai. No communication should be made to the Gaekwar or to the Durbar about any other lady without previous consultation with Government."

77. The general advice of His Excellency the Viceroy was accordingly communicated by me to His Highness the Gaekwar with my Yad No. 1533 C. 11 of 17th August 1874; special care being taken by me that my communication should be general in its terms, no allusion being made to any specific case, that of Rukmabai being already under negotiation.

78. In reply to my Yad No. C. 11 on this subject, I was informed by the Durbar as follows:—

"With respect to the advice tendered, I beg to state that I quote the decision of the Bombay

* The Yad referred to relates to the case of Rukmabai, in which allusion is made to the case of the present Maharaj himself when in confinement in Padra. The non-relevancy of the argument used I carefully pointed out in my letter to Government, No. 95-356, of 8th April 1874.

Government in my Yad No. 177* of 1874, and fully trust that the British Government will not interfere with the Gaekwar family affairs. The arrangements made according to their merits. Rukmabai's case is known to you, and according to Yad No. 1346 of 1874 sent to the Residency, arrangements have been proposed for her in accordance with the advice of the Governor-General, and have been communicated to you orally."

79. It will be remembered that the case of this lady has formed the subject of a voluminous correspondence from the month of September 1873 up to the present time. It is satisfactory, however, to note that under the pressure of His Excellency the Viceroy and Governor-General, His Highness the Gaekwar was at length induced, in the month of September 1874, to effect what, under the circumstances, I consider to be a fair settlement, (*vide* my letter to Government No. 291-992 of 16th September 1874, with accompaniments,) from which it will be seen that Her Highness' debts, contracted since the stoppage of her allowances and the portion of her Stridhun now in the possession of the Maharaj, are the only points that still remain for adjustment. Her Highness Rukmabai left Baroda for the Deccan in charge of her uncle and aunt, &c., on the 16th September 1874, and the Maharaj has agreed to give her an annual maintenance allowance of Government Rs. 6,000, and a lump sum of Rs. 5,000 for journey expenses and outfit. She was also allowed to take with her such jewels of her Stridhun as were actually in her possession, the value of which the Durbar estimated at Rs. 30 to 35,000.

80. The next case to which I would invite the attention of Government is that of Her Highness the ex-Ranee Jumna Bai, widow of the late Maharaj Khunderow Gaekwar.

Case No. 2.—Case of Her Highness Jumna Bai, Highness the ex-Ranee Jumna Bai, widow of the late Maharaj Khunderow Gaekwar.

81. It will be remembered that this case also has formed the subject of a most voluminous correspondence ever since the death of the late Gaekwar in the month of November 1870. This lady left Baroda for the Deccan in January 1872, on an allowance of Baroda Rs. 36,880 per annum, or about Government Rs. 31,000, according to the current rate of exchange. She has been deprived of all other property whatsoever, including jewels, Stridhun, &c., by the present Maharaj, and though she has incessantly been petitioning Government to interfere on behalf of herself and her young daughter, it has been found impossible up to the present time to induce the Maharaj to pay any attention to the frequent representations and remonstrances which have from time to time been addressed to him in accordance with the instructions of Government.

82. With reference to this serious case, I, in the month of April 1874, received from Government two petitions from the Ranee, upon which I was required to report. This reference obliged me to make a careful perusal of all the previous correspondence relating to this lady's case; the result of which was to satisfy me that it was one of unusual hardship and scandal, the circumstances of which I found had never been properly laid before Government. I therefore submitted to Government a comprehensive report upon the whole case, together with a complete summary of the previous correspondence on the subject.

83. In this Report I invited prominent attention to the sad fate which overtook all the chief agents and advisers of this unfortunate lady, and, in fact, of all who were in any way connected by kindred, friendship, or profession, with her late husband; and I pointed out that nearly every representation to Government from the ex-Ranee related to two distinct subjects:—

1st. To her own claims and pretensions as the widow of Khunderow Gaekwar.

2nd. To allegations of personal ill-treatment and oppression at the hands of the present Gaekwar from the time that she was rumoured to be pregnant, in the early part of 1871, until she finally left Baroda in January 1872. I invited prominent attention to the fact that the second of these points had apparently received no notice whatever

from Government throughout the whole of the correspondence. I clearly pointed out that the case of the Ranee Jumnabai had been grievously prejudiced by omitting to take notice of the oppression and cruelty which she complained she had been subjected to at the hands of Mulharow Gaekwar.

84. Under these circumstances I proposed that His Highness the Gaekwar should be required to grant her compensation for Stridhun and personalty suitable to her rank, and to the exceptional position in which she had been placed by being forced to leave Baroda through no fault on her part, but solely owing to the unusual and vindictive proceedings of the present Maharaj.

85. In order to enable Government to form a fair estimate of the ex-Ranee's jewels, personalty, &c., I appended to my letter a translation in English of the official inventory of her effects prepared before her departure from Baroda under the direction of the then Resident, Colonel Barr. I submitted, that in lieu of this property, which was of costly character and of great value, including her Stridhun, she should be compensated by a sum of money not less than four lakhs of rupees.

86. On this representation the Bombay Government passed the following Resolution No. 5221 of 7th August 1874 :—

“The Resident should intimate to the Gaekwar, in the first instance, that the Government adhere to their opinion that a sum of one lakh of rupees should be paid to Jumnabai as her Stridhun, and that the honour of His Highness was concerned in his producing the property found in the possession of the Ranee and locked up by the officers of the Durbar in January 1872, in order that it may be decided by arbitration which of the articles in the list then made should be held to be the personal property of the Ranee, and which, as being State property, should, in consequence of her quitting Baroda, be retained by the State.”

87. These instructions were communicated to His Highness the Gaekwar in my Yad of September 9th 1874, and I have since that time been negotiating on the subject with the Minister, Mr. Dadabhai Nowrojee, who required that the property claimed should be identified by an authorized agent on the part of Her Highness. This proposal I communicated to Government with my letter No. 315-1094 of 7th October 1874.

88. It will thus be seen that the settlement of this lady's case appears to be still remote; and adverting to the fact that the Gaekwar has from the first persistently denied that widows of deceased Gaekwars possess in their own right any Stridhun whatever, and has on several occasions since 1872 distinctly refused to accede to the wishes of Government regarding the payment of a lakh of rupees on this account, I see no prospect whatever of an amicable settlement of this long pending case.

89. This complainant was examined before the Commission who have recorded the opinion that the entire deprivation of the whole of the provision assigned him by the late Chief appears to have been an extremely harsh proceeding.

The Durbar having taken no proceedings to settle this case up to the present time, notwithstanding the strong opinion expressed regarding it by the Commission, I found it necessary, on the 27th October, to refer the case to Government for instructions as to the course to be now followed.

90. The case of these petitioners was inquired into by the Commission, who recorded the opinion that the proceedings taken against them by the present Maharaj appear to have been harsh. With reference to this case, I have received from Government Resolution No. 5530, dated 24th September 1874, on petitions presented by complainants direct to Government, praying for interference, &c. In paragraph 5 of this Resolution the Resident was directed, in the first instance, to advise His Highness to act in a more liberal manner towards the lady and her husband, the result to be reported to Government.

I addressed the Durbar to this effect on the 30th September; and on the 26th October a reply was received evading any settlement of the case and postponing its consideration till a future opportunity, which was duly reported to Government in my letter No. 352-1198, dated 27th October 1874.

91. This petitioner complained before the Commission of the entire deprivation of the annual allowance of Rs. 2,400, settled on him by His Highness Khunderow Gaekwar soon after the accession of the present Maharaj.

The Commission have recorded the opinion that the treatment inflicted appears to have been extremely harsh. No steps have up to the present time been taken to remedy the injustice inflicted, nor do I believe that there is any intention of doing justice to the petitioner.

92. The petitioner and his mother complained to the Commission of the resumptions of allowances amounting to Rs. 32,000 per annum, besides Paga allowance of Rs. 35,000 per annum, jewels worth 3 lakhs, and a garden called Heera Bagh.

The Commission gave as an opinion that the entire deprivation of these persons of the whole of the provision assigned them by the late Chief appears to have been an exceedingly harsh proceeding, though the Commission would not question the resumption of the Paga, the State jewels, and of some of the extravagant emoluments enjoyed by them.

Under the orders conveyed to me in Bombay Government Resolution No. 5526, dated 24th September 1874, I was instructed to report, after consultation with His Highness or his Minister, what I considered to be a proper provision for Amrutrow and his mother.

93. These petitioners have complained to the Bombay Government, under date 24th July 1874, of the stoppage of their subsistence and cash allowances as granted by the late Gaekwar, as reported to Government in my letter No. , dated 28th October 1874, on their reference No. 4544, dated 11th August 1874.

The present Maharaj regards the petitioner Sudashivrow and the family with marked dislike, owing to his being one of the few living descendants of the original founder of the Gaekwar family, Maloji Gaekwar. For this reason I am afraid that it will be difficult to procure any amicable settlement of this case.

94. These petitioners are the descendants of the younger branch of the Sunkheyra family alluded to in Case No. 7 above.

Petitioners presented themselves for examination before the Baroda Commission, but were not examined for reasons which have been recorded in Appendix B. to the Commission Report, viz., that it did not appear to be a case which fell within the scope of its inquiry. The Commission, at the same time, recorded the opinion that any just claims on the part of the complainants requiring the interference of the British Government should be dealt with by the Resident.

Their case is fully stated in No. 43 of Schedule II., Appendix E., Commission Report. In this case I have negotiated with His Highness' Minister, but without obtaining any satisfactory result. I am of opinion that, as in the preceding case, the personal feelings of the Maharaj will operate as a serious hindrance to an amicable settlement.

95. The petitioner, in this case, married Kumrabai, the daughter of His Highness Gunputrow Maharaj, and is therefore the niece of the present Maharaj.

In this case, also, there are peculiar obstacles to an amicable settlement, owing to the intimate relations which are alleged by the petitioner to exist between his wife and the Maharaj.

96. The following Sirdars are connected with His Highness' family, and their cases may be disposed of either under “Part II., Sirdars,” or the present “Part III., Gaekwar's family :—

1. No. 17.—Sirdars—Mahadeorao Jeysingrow Gaekwar.
2. „ 18.—Gungajeerow Trimbackrow Khanvelkar.
3. „ 19.—Goonajeerow Gungajeerow Khanvelkar.
4. „ 20.—Amrutrow Gungajeerow Khanvelkar.
5. „ 23.—Mahadeorow Dulputrow Gaekwar.
6. „ 35.—Yadowrow Tookajee Kuddum.
7. „ 36.—Anundrow Narayen Rao Dacbur (Killedar).

97. In five of these seven cases I have carried on negotiations with Mr. Dadabhai Nowrojee with a view to an amicable settlement, if possible.

PART IV.

GRIEVANCES OF FOLLOWERS AND SERVANTS OF THE LATE MAHARAJA KHANDERAO.

98. The opinion of the Commission on this group of cases is as follows :—

“The proceedings of the present Chief have been unusually harsh and severe towards his predecessor's relatives and of a most sweeping and vindictive character towards his favourite followers and dependants. The measures taken against these classes are highly damaging to the reputation of His Highness Mulharao and cannot but be regarded with alarm by all associated with, or who engaged the favour of the late Chief, who have not as yet been molested by his successor.”

99. With reference to this opinion, His Excellency the Viceroy and Governor-General was pleased to require His Highness the Gaekwar to desist from the harsh and vindictive treatment of the relatives and dependants of the late Chief, and extend to them the justice and consideration due to their position and services.

100. This advice was tendered to His Highness the Gaekwar with my Yad No. 1532 (C. 10) of 17th August 1874.

101. In reply, I was informed that the advice of the Governor-General would be taken into consideration and attended to, *vide* Durbar Yad, No. 1560, dated 4th September 1874.

It will be seen, by reference to the proceedings, Baroda Commission, Appendix E., that the advice thus tendered applies to the following cases :—

1. Case of Hubechoola Moonshce, Case 45, Schedule II.
2. „ Chimmunrao Luximon Wagh, Case 46, Schedule II.
3. „ Goolam Kadur Kurrumoola, No. 47, Schedule II.
4. „ Yeshwantrao Succaram Moogakhur, No. 48, Schedule II.
5. „ Kooshaba Govindrao Jadov, No. 49, Schedule II.
6. „ Mashookram Nurseidass, No. 50, Schedule II.
7. „ Luximeebai, widow of Mulhaiba Shelki, No. 51, Schedule II.
8. „ Bhagurtu, wife of Gunnoo Wagh, No. 52, Schedule II.
9. „ Purbuthubai and Gungabai, widows of the late ex-Dewan Bhow Sindia, No. 53, Schedule II.
10. „ Meyrao Guddoo and two other orderlies of His Highness Khunderao, No. 54, Schedule II.
11. „ Gunputrao Gangajee Gooja, No. 55, Schedule II.
12. „ Sixty-seven (67) subordinate followers of the late Maharaja, No. 56, Schedule II.

102. It is sufficient to observe regarding this class of cases, which I may observe attracted the special notice of the Commission on account of their aggravated character, that His Highness's Minister has once or twice spoken to me on the subject, and has even requested me to make specific proposals regarding them. I have informed Mr. Dadabhai that the nature of each separate case is clearly set forth in the Commission proceedings, and that the necessary proposals should, in the first instance, emanate from himself, I having carried out my instructions by tendering the general advice of His Excellency the Governor-General regarding them.

103. I think it, however, my duty to state that I can see no probability of effecting an amicable settlement of this serious class of cases, owing to the embittered feelings of His Highness the Maharaja against all who were supposed to enjoy the favour of the late Gaekwar, and owing to the very large amount of property, of which each one of the petitioners appears to have been plundered by the Maharaja's orders.

PART V.

GRIEVANCES OF THE INAMDARS AND WATANDARS BELONGING TO THE GAEKWAR STATE. COMMISSION GROUPS NOS. 6, 13, AND 19.

104. It will be remembered that I brought to the notice of the Commission "the subject of the general attachment of Watans, and in many instances the confiscation of Inams, Jaghirs, and other hereditary property belonging to the various classes in the Baroda State," *vide* Case 32 of Schedule II., Appendix E., Baroda Commission Report.

105. With reference to the alleged general attachment of Watans, the Durbar Agent formally admitted before the Commission that all Watans were attached by the late Maharaja pending enquiry about eight or ten years ago. They also stated that His Highness Mulharao Maharaja had issued a proclamation "declaring that the attachment of all these Watans has been withdrawn, and the parties entitled thereto permitted to enjoy them as heretofore, until their right to them has been formally adjudicated, to admit of which they are called upon to produce their proofs within twelve months from the date of the proclamation."

106. No allusion was made by the Durbar Agent to the alleged confiscation of Inams, Jaghirs, and other hereditary property, numerous instances of which were presented to the Commission.

107. With reference to this subject, the Commission expressed the opinion that the present Chief was not responsible for the measure which was adopted by his predecessor eight or nine years ago; but that as he has now consented to the removal of the attachment, the Commission would suggest that he be advised to adopt some equitable method of dealing finally with the question at issue in regard to the Watans of the State with the least possible delay, so as to remove all ground for anxiety and discontent amongst these classes, the Watandars being restored to, or not being disturbed in the enjoyment of their generally long enjoyed rights, *vide* Case 32, Schedule II., Appendix A., Baroda Commission Report, also clause 4, paragraph 10, of the Report itself.

108. With reference to the complaints of the arbitrary resumption by the Gaekwar Government, without cause or reason, of Inam holdings and hereditary emoluments granted by his predecessors, the Commission, in Group 13, paragraph 8 of their Report, have recorded the opinion that the proceedings of the present Chief and the grounds assigned for them in these cases must, in the opinion of the Commission, have given rise to a feeling of uncertainty and anxiety amongst all persons of the classes to which complainants belong, holding such Inams and emoluments under grants from previous Gaekwars.

109. With reference to the opinion expressed by the Commission on the several Groups of Cases Nos. 6, 13, and 19 under consideration, His Excellency the Viceroy was pleased to advise His Highness the Gaekwar to adopt some equitable mode of dealing with the Watans and Inams so as to remove all anxiety and discontent among the holders of them. This advice was accordingly tendered to the Durbar with my Yad No. 1484 (C. 4), dated 11th August 1874.

110. In reply, the Resident was informed that the Watans, which had been attached by His Highness Khunderao, were released last year (1873) and that a general enquiry would be made, *vide* Durbar Yad No. 1458 of 17th August 1874.

111. A copy of the Proclamation, alleged to have been issued by the Durbar, was called for by me whilst the Commission was sitting, and was accordingly furnished, and is dated 3rd November 1873. I regret, however, to report that although the Commission were induced to believe that the Watandars would be at once replaced in possession of their Watans in accordance with the terms of that Proclamation, yet it appears that not only have the promises made to the Commission proved to be delusive, but no enquiry of any kind has up to the present time been instituted. It is important to invite prominent attention to the fact that the aggregate amount of the cash allowances due to these Watandars which have been in deposit with the Gaekwar Government for the last ten years is enormous; and that the speedy liquidation of these claims involves most serious financial considerations.

112. It will be remembered that I stated in paragraph 106 above, that no allusion had been made by the Durbar Agent to the allegation regarding the general attachment of other kinds of hereditary property, such as Inams, Jaghirs, Giras, Wantas, &c., which is notorious.

113. Nearly all hereditary property of this class was attached by His Highness Khunderao in 1863-64, pending an enquiry into title, which, with the exception of certain specified Giras cases, has not only never been carried out, but not even attempted; the consequence, however, of the general attachment of this kind of property by the State has been, to place at the disposal of the reigning Gaekwar an enormous amount of ready money, all of which, amounting to many lakhs of rupees, should be in deposit, and will of course have to be refunded to the owners on completion of the proposed enquiry into each case.

114. As pointed out, however, in my final statements on these class of cases (Appendix G.), the Watandars themselves regard the attachment as a mere pretext for spoliation, and have no confidence whatever in the conduct of the proposed enquiry. I also pointed out that when it is remembered that the titles of these Watandars are more ancient than that of the Gaekwar himself, the fears of the Watandars could not be said to be groundless.

115. I also added that the general confiscation of Inams and the spoliation of all classes in the Baroda State by the present administration is a fact which speaks for itself and has aroused the greatest alarm and discontent.

116. In paragraph 8 of the confidential accompaniment to my Administration Report for 1873-74, No. 172 A, dated 16th June 1874, a list of the pending Giras and Wanta disputes is given, which clearly demonstrates the magnitude of that branch alone of this important question.

PART VI.

GRIEVANCES OF BANKERS AND TRADING FIRMS IN BARODA, INCLUDING GROUPS NOS. 8, 18, AND 20 OF PARAGRAPH 8, COMMISSION REPORT.

117. I. With reference to the grievances of certain State and other bankers at Baroda, the Commission recorded the opinion that the action of the late and present Gaekwars towards individuals of this class appears to have been highly arbitrary; and the proceedings of the present administration, especially in some of the cases brought before the Commission seems to it to warrant the conclusion, that wealthy individuals or firms at Baroda, who are not in favour with the Maharaja or his principal officials, have grave grounds for alarm and anxiety as to the security and freedom from molestation of themselves and their property.

118. II.—With reference to the claims of certain jewellers of Ahmedabad on account of jewels sold by them to His Highness the present Maharaja, the prices of which have not been paid by His Highness, the Commission recorded the opinion that the Maharaja appeared bound to adopt the steps that were necessary to effect an equitable settlement of these large personal claims against His Highness without delay. They also recorded that they had suggested the mode that appeared to them to be the most fitting under the circumstances for adoption.

119. III.—With reference to the complaint of one Bhanabhai Lalibhai regarding the non-liquidation of his claim to Rs. 3,76,323 for boundary stones supplied to the Gaekwar's Government in 1863, the Commission have recorded that the Durbar has intimated its readiness to adjust the account on the attendance of complainant with his vouchers for the purpose. The claim is not one that the Commission can with propriety take up or dispose of.

120. With reference to these opinions of the Commission, His Excellency the Viceroy directed that His Highness the Gaekwar should be advised to put a stop to proceedings such as those taken towards respectable bankers and trading firms, which are described by the Commission as discreditable and spoliatory, arbitrary and unjust.

121. This advice I was desired by the Bombay Government to communicate to the Durbar in their letter No. 5507 of 23rd September 1874.

122. I accordingly communicated it with my Yad No. 1795 (C. 15) of 24th September 1874, with special reference to the cases set forth in paragraph 8, Groups 8, 18, and 20 of the Commission Report, and Cases 37, 57, 58, 61, and 62 of Schedule II., and Cases 1, 2, 3, 4, and 7 of Schedule III of Appendix E.

123. I, at the same time, took the opportunity of bringing to the notice of His Highness the Gaekwar that representations had recently been received by me from the firms of Hurree Bugtee, Choonilal Petamber, Sowjee Oomed, Motilal Samul, Amta Runchord, and Bhanabhai Lalibhai, all of whom had appeared before the Commission, and inviting negotiation.

124. In reply to my Yad tendering this advice, I received from the Durbar an evasive reply, copy of which was forwarded to Government with my letter No. 1205 A. of 26th October 1874.

125. I have received from several of these complainants representations that active measures of retaliation have been practised towards them in consequence of their appearing to give evidence before the Baroda Enquiry Commission; all of them have, moreover, since the Commission, frequently petitioned the Durbar to effect a settlement of their just claims, but without any result. Taking into consideration these facts, together with the evasive tone of the Durbar reply to the advice of His Excellency the Viceroy and Governor-General above referred to, from which it would appear that I was considered to have impeded the settlement of these cases by refusing to negotiate regarding them, I think it my duty to report that I see no reasonable hope of effecting an amicable settlement; and, in fact, the amount involved in the settlement of these cases is so very large that I doubt the ability of His Highness the Gaekwar to liquidate them at once out of the current revenues of the State.

PART VII.

GRIEVANCES OF THE BIJAPUR THAKOORS.

126. This subject was enquired into by the Baroda Commission, and their opinion is recorded at length in Appendix A. It should be observed, however, that the Commission have only dealt with three of the petitioners' complaints, viz.:—

1st. The enhancement of their Ghas Dana.

2nd. The alleged reduction of their Giras Huks, and imposition by the Durbar of an Inan Committee tax of 2 annas per rupee on the reduced Huks.

3rd. The levy of accession Nuzzurana on the accession of the present Chief.

127. The other subjects of complaint were not considered sufficiently important to go into.

128. On the opinion recorded by the Commission, His Excellency the Viceroy was pleased to issue instructions that His Highness the Gaekwar should be advised to make a settlement of the Ghas Dana claims for a period of years.

129. Regarding the numerous other complaints, no advice was offered.

130. His Excellency the Viceroy's instructions were communicated with Yad No. 1732 (C.14), dated 16th September 1874, and in reply, it was stated by the Durbar that the payments due from the Bijapur Thakoors was Jummabundy and not Ghas Dana, but that the advice given would receive due consideration. (*Vide* Durbar Yad No. 1656 of 21st September 1874.)

131. With reference to this subject I think it material to report that about 29th August, and again on 1st September last, I was consulted by Mr. Dadabhai regarding the case of these Thakoors, when I gave him for perusal the whole of my papers relating to the subject in which these grievances, as stated by themselves, were fully set forth. Mr. Dadabhai, with my permission, took copies of these papers; up to the present time, however, no steps have been taken to effect a just settlement of these claims, notwithstanding the fact that disturbances of a serious kind have manifested themselves in the Bijapur District, as reported to Government in my letter No. 271-922, dated 31st August 1874.

132. I am respectfully of opinion that in this case also will be found exceptional difficulties in the way of effecting an amicable settlement, owing to the fact that a large amount of arrears are alleged to be due by the Baroda Government to the Thakoors, and to the normal spirit of encroachment which has been systematically exhibited by the Durbar towards all persons belonging to the Mehwassee Girassia element. Moreover, the significance of the reply given by the Durbar to His Excellency the Viceroy's advice will not escape notice; the difference between Ghas Dana and Jummabundy consisting amongst other things in this, that the payers of Ghas Dana are in fact tributary holders, whereas the payers of Jummabundy are ordinary ryots.

133. In conclusion, I would respectfully submit that an early settlement of this important case has an intimate connection with the peace and tranquility of the Bijapur and neighbouring districts.

PART VIII.

134. The following subjects were specially noticed by His Excellency the Viceroy and Governor-General as matters for advice to His Highness the Gaekwar:—

I.—Prohibition of levy of Nuzzurana on appointments.

II.—Strict supervision over subordinate officials so as to prevent horrible practices of torture.

III.—A Reform of the Judicial system.

IV.—Prohibition of the abduction of Women.

V.—Prohibition of the infliction of corporal punishment on Women.

135. The advice of His Excellency the Viceroy and Governor-General on these several subjects was tendered to His Highness the Gaekwar with my Yads as follows, copies of which have been supplied to Government:—

1st.—Yad No. 1503 (C.8), 12th August 1874.

2nd.—Yad No. 1483 (C.5), 11th " "

3rd.—Yad No. 1486 (C.6), 11th " "

4th.—Yad No. 1518 (C.9), 14th " "

5th.—Yad No. 1534 (C.12), 17th " "

136. The following replies were received to the several subjects noted:—

1st. That the practice of taking Nuzzurana on appointments had long since been done away with; that measures would be adopted for giving adequate salaries to officials, and that a Proclamation would be made as desired. Copy of this Proclamation was submitted to Government with my letter No. 307-1069, of 2nd October 1874.

With reference to the second point, viz., the exercise of supervision over subordinate officials, the Durbar stated that the subject had already engaged attention, and that such measures would be adopted as appeared to be required.

With reference to the third point, viz., the Reform of the Judicial system, the Durbar stated that the subject had engaged attention, and that better regulations for civil, criminal, and revenue matters were under preparation.

With reference to the fourth point, viz., the prohibition of the abduction of Women, the Durbar denied that the practice ever took place, and that any one concerned therein would be punished.

With reference to the fifth point, viz., the prohibition of corporal punishment on Women, the Durbar replied that a Proclamation to the required effect would be published.

137. With regard to the subjects Nos. I., II., and V. above adverted to, there is at present nothing material to report, the manner in which the advice tendered has been practically acted on will of course require very careful watching, and I shall be in a better position to report some months hence.

138. With regard to the suggested Reform of the Judicial system of the Baroda State, I think it material to invite prominent attention to the remarks contained in my letter to Government, No. 324-1124, of 14th October 1874, in which I reported on the petition of one Mohabut Jara Bhartee of Puttun. In this report I pointed out that the main cause of nearly all the judicial abuses which have been brought to notice, was the Levy of Nuzzurana and systematic traffic in justice by the Maharaja and members of his family. I, at the same time, gave a list of some 20 cases, in which justice was alleged to have been perverted by the operation of this baneful system. I also pointed out that unless some remedy could be devised to prevent the Maharaja from interfering with the ordinary administration of justice, an effectual judicial reform was hopeless. I would also invite attention to the similar cases reported on in my letter to Government, No. 312-1091 and No. 335-1150, dated respectively 6th October 1874 and 17th October 1874, in which Mr. Dadabhai Nowrojee and his colleagues are alleged to have been unable to interfere, owing to the original perversion of justice by the Maharaja and the necessity of their complying with his will, even when opposed to the plainest consideration of justice and equity. Moreover, even if the present administration could be induced to take up for settlement cases in which the Maharaja was personally concerned, it would be hopeless to expect that justice could be done, as a decision adverse to the Maharaja would of necessity involve the loss of their appointments.

139. With reference to subject No. IV. above, relating to the abduction of women, I would invite special notice to the Durbar's reply, in which a flat denial is given to the established and notorious fact that cases of this disgraceful nature have occurred. This denial, moreover, happens to be singularly mistimed, as a remarkable confirmation of the disgraceful system alluded to was unexpectedly afforded by the examination of an old and most respected Hindoo Shastree, who had been turned out of his temple and utterly ruined for having ventured to interfere with certain agents of the present Maharaja, who were employed to lie in wait at the petitioner's temple (which was close to the palace) in order to seize any good-looking girls or married women for the Maharaja's unlawful use.

PART IX.

MISCELLANEOUS.

140. In addition, however, to the several important matters in regard to which His Excellency the Viceroy and Governor-General was pleased to tender to His Highness the Gaekwar authoritative advice, there are numerous other matters which have engaged my serious attention, and which it is most material to notice at this point, as they have a most important bearing on the subject of general reform in the Baroda State.

These matters have from time to time been brought by me to the notice of Government, but have never been discussed in a connected shape, nor has their bearing on the general question been at all adequately explained or brought to notice.

141. They may be thus noticed *seriatim*—

I. Financial embarrassment as shown by the fact that, with the exception of the contingent and the brigade of infantry, cavalry, and artillery at Baroda, the whole of the military classes are in arrears for upwards of three years.

2nd. That all Inamdars, Watandars, Girassias, &c., &c., are, as a rule, in arrears for about ten years.

3rd. Non-settlement of State debts to bankers and trading firms.

II. Excessive prodigality and waste in State expenditure.

III. Deliberate invasion of imperial rights affecting British Opium and Salt Revenue.

IV. Systematic interference with trade by oppressive transit dues, &c., &c.

V. Systematic retaliation on ryots and others who complained to the British Government before the Baroda Enquiry Commission.

VI. Illegal seizure of British subjects in British and Gaekwar limits.

VII. Systematic omission to reply to references on public business in which there is an object for evasion.

VIII. Correspondence on the part of the Durbar showing an improper and insulting tone.

IX. Habitual refusal to listen to advice or to meet the wishes of Government in the settlement of any question whatever.

X. Political agitation of the most mischievous and dangerous kind under the auspices of the new administration, as frequently reported during the last ten months.

XI. The fact that His Highness the present Maharaja is the first Chief of this State who has arrogated to himself a position of superiority to His Excellency the Governor of Bombay, and claims the privilege of placing all British officials of whatever rank, including His Excellency the Viceroy and Governor-General himself, in a position of inferiority, viz., on his left hand, at public Durbars and all State occasions.

142. My object in enumerating these points is to show that since the departure of the Administration since, departure of Baroda Commission in December 1873 no improvement whatever has manifested itself in the various points referred to; but, on the contrary, that in many important respects the condition and relations of this State are in a decidedly worse condition than they were at this time last year, as yet none of the promises made both to the Commission and to Government having received substantial fulfilment.

143. It will be remembered that Mr. Dadabhai Nowrojee was appointed Minister of His Highness the Gaekwar in December 1873, as reported to Government in my confidential letter No. 250A., 24th December 1873. Since that time Mr. Dadabhai has filled all the functions of Minister and has been the Maharaja's responsible adviser.

144. The first occasion on which Mr. Dadabhai came into public notice as the spokesman of His Highness the Gaekwar was in a Kharita addressed to His Excellency the Viceroy, dated 31st December 1873, in which His Highness called in question the right of the British Government to appoint a Commission.

145. Again, in a Kharita written by Mr. Dadabhai to His Excellency the Viceroy, dated 19th April 1874, acknowledging the receipt of the Report of the Commission, he stated that he was preparing a full reply to the Report, but that the reforms suggested by the Commission under paragraph 10 of the Report had *already engaged* his serious attention. He concluded by deprecating any interference regarding the appointment of Dewan as calculated to preclude all chance of a fair trial being afforded for reform.

146. Again, in a Kharita to the address of His Excellency the Viceroy, dated 17th May 1874, Mr. Dadabhai strongly urged that no undue interference should be exercised.

147. It will be remembered, with reference to what has been above stated with regard to the position of Mr. Dadabhai Nowrojee during this period, that His Highness the Gaekwar, in Yad No. 1434, dated 14th August 1874, in reply to my Yad 1480 (C.1) of 10th August 1874, tendering the advice of His Excellency the Viceroy regarding the dismissal of certain officials of the Baroda State, distinctly affirms that the duties and responsibility of Dewan were conducted by Mr. Dadabhai Nowrojee since the time that his appointment was first publicly notified in December 1873.

148. Under these circumstances I would submit that the serious matters above adverted to, must be considered in connection with the fact that, for the last ten months and upwards, an enlightened and educated Minister has been at the head of affairs; no interference whatever having been exercised by Government from 24th December 1873 to 3rd August 1874.

149. Bearing in mind this fact, I now proceed to notice *seriatim* the subjects adverted to in this part.

150. I believe the financial embarrassment of the Baroda State to be the main cause of the difficulty which is now experienced in settling any cases which involve pecuniary claims against the Baroda Government. The magnitude of this question I believe to have been hitherto very faintly appreciated, and in order to enable Government to form a fair idea of the present financial condition of the Baroda State, I give in Part X., paragraphs 161 to 168 below, an approximate estimate showing the aggregate amount which is believed to be involved in the pecuniary claims of the various classes specified in the preceding parts of this Report.

151. The second subject has been prominently brought to notice by me in paragraph 22 of the confidential accompaniment to my Administration Report No. 172A. of 16th June 1874. A battery of Horse Artillery of 2 golden guns has been organized on the most expensive and gorgeous scale. A new golden howdah and a new golden elephant saddle have been constructed for State purposes. Lakhs have been lavished on a new palace in the city, which is still incomplete; the work-people said to be six months in arrears. The newly created office of Pritinidhi has been endowed with a princely salary of nearly a lakh of rupees per annum for purely ceremonial objects. The salary of the new Dewan, Mr. Dadabhai Nowrojee, has been fixed at a lakh of rupees per annum. The Maharaja's private expenditure far exceeds that of any of his predecessors. Excursions, sumptuous feasts, and State processions continue to impose a most serious drain upon the resources of the impoverished State and upon the unpaid Sirdars and retainers. New favourites are entertained, and the most extravagant annual salaries lavished upon them; whilst the representations of old and respectable families in the State, as well as the military classes generally, are clamorous for the means of their subsistence.

152. The third subject, viz., the deliberate invasion by the Durbar of British imperial rights, affecting the opium and salt revenue, has been fully reported to Government.

153. The systematic interference of the Durbar with trade by oppressive transit dues, &c., is a subject which has been periodically brought to the notice of Government by different officers during the course of many years, and is the necessary result of the absence of a commercial Treaty. I regret, however, to report that during the last few months these obstructions have increased and threaten, unless checked, to affect most injuriously the commercial interests of the whole of this part of the Presidency.

154. The subject of the systematic retaliation, which has been practised on the ryots and others who complained to the Baroda Commission, has been on several occasions brought by

me to the notice of Government. This subject is the more important, as I was authorized by the Commission to issue a Proclamation, guaranteeing protection to all those who gave truthful evidence; and thus the good faith of the British Government is distinctly involved in the question of protecting from retaliation honest witnesses, who have been induced on these conditions, to come forward and give public evidence of their grievances.

The letters, generally noted in this Report, show the different cases in which I have formally reported this very serious matter, and I may also add that nearly every witness belonging to the agricultural classes, who has lately appeared before me, has stated that renewed oppression and exactions have been the result of coming to Baroda to give evidence before the Enquiry Commission.

155. The subject of the illegal seizure of British subjects in British and Gaekwar limits has been brought to the notice of Government in my letters marginally noted. The subject appears to be one of the most serious character, in consequence of its certainly sooner or later to lead to more serious and extensive breaches of the peace than have yet taken place. The case of the British Mookhee of Bocharan, reported to Government in my letter marginally noted,* affords a good illustration of the contempt in which British village officials are held by Durbar District Subordinates. While the action taken by Government, in merely ordering the Mookhee's release from illegal confinement, can, I submit, have no other effect than to imbue the Durbar with the idea that there is no adequate remedy for cases of this nature. In my letter to Government bringing this case to notice, I cited a list of about 20 other cases in which the action of the Durbar towards other British subjects had been equally arbitrary and illegal, and I therefore drew the inference that the action taken by the Durbar in the instance under notice was not accidental, but part of a regular system. I cannot refrain from again impressing on Government my sense of the extreme importance of noticing most strongly all cases of this nature.

156. The subject of the systematic omission by the Durbar to reply to references on public business, in which there is an object for evasion, has been constantly brought to the notice of Government; and more than one reference on the subject has been made to the Durbar by order of Government regarding it. The extreme inconvenience which is caused by this system, not only to the Resident, but to every public officer who has occasion to correspond with the Resident on public business, is so serious that it has in many cases brought the transaction of public business to a dead lock; and I do not hesitate to say that, owing to this mischievous system, the increase of work in this and all neighbouring offices has been enormous. To this, moreover, may chiefly be attributed the enormous arrears of Girass Wanta, and other cases in which the Durbar has a direct pecuniary interest in delaying a settlement.

157. The subject of improper and insulting correspondence on the part of the Durbar has on several occasions been brought to the notice of Government, the most marked instance being afforded by the correspondence relating to the marriage of His Highness with Laxmcebaee, in which the Resident was charged by Mr. Dadabhai on the part of His Highness with offering to the latter an "open outrage and a public insult," for carrying out in a firm, but strictly courteous manner, the instructions of Government.

Other cases, such as that of Drs. Seward and Ross, who, after having been grossly insulted by His Highness' escort, were represented as having misstated the circumstances, are on record, in which the Durbar has not scrupled to make direct assertions regarding public business which were known to be contrary to fact.

158. With regard to the habitual refusal of the Durbar to listen to advice, or to meet the wishes of Government in the settlement of any question whatever, the subject is one which needs but little comment from me, as this system is doubtless one of the main causes which have contributed to produce the present utter disorganization of the State. It might reasonably have been supposed that at this serious juncture, backed up by the warning of His Excellency the Viceroy and Governor-General, the friendly advice which I have been constantly imparting, both to His Highness the Gaekwar and his Minister, would at least have received some kind of response. I have been in constant communication with Mr. Dadabhai Nowrojee regarding the settlement of Commission cases, and have given him every assistance, at the cost of great labour to myself; yet I regret to say that as yet no practical results have ensued.

159. Finally, with regard to the system of political agitation which has been systematically persisted in ever since the precedence question was raised and advocated by Mr. Dadabhai Nowrojee at the end of 1872, I would call to mind my various confidential memoranda on the subject since May last, showing amongst other matters that certain persons from the Indapoor and Sholapur Districts were encouraged to come to Baroda, and that pamphlets of a seditious tendency were

printed in the Gaekwar's private press and widely circulated. Moreover, the daily communication of Gaekwar Agents with our Deccan and Konkan Districts, is a matter of political importance worthy of being watched by our district officers.

The frequent visits which have for some months past been made by Agents of the Maharaja to the State of Akulkote, which is now under British management, have attracted my attention. I am under the impression that I mentioned this confidentially to Government, but I have not communicated with the Political Superintendent, Akulkote, on the subject. It is, however, going on at the present time—a favourite Jasood of His Highness having left for Akulkote this day (31st October) ostensibly to communicate the birth of a son and heir to the Gadee to an aged Soothsayer said to reside at or near Akulkote.

160. With reference to the extraordinary precedence claim advanced by His Highness the Precedence claim of His Highness the Maharaja, I think it material to state that Mr. Dadabhai Nowrojee not only wrote the Khurita to His

Excellency the Viceroy and Governor-General advocating this claim, but was specially deputed by His Highness the Gaekwar to promote it with the authorities in England. The results of this preposterous claim have been to inflate to an inordinate extent a singularly ignorant and uneducated Prince, whose natural ideas would never have reached such an extravagant height, but for the promptings of interested and unscrupulous advisers.

In consequence, moreover, of the attitude assumed by His Highness with reference to this claim, a signal mark of disrespect was shown by his refusal to attend the General Durbar held by His Excellency the Viceroy and Governor-General in Bombay in November 1872, and similarly on the occasion of His Excellency the present Governor passing through Baroda early in 1873, a difficulty arose regarding His Highness paying his respects to His Excellency the Governor at the Baroda railway station.

161. On the general subject of precedence and political agitation, I would invite reference to the remarks contained in paragraphs 9 to 12 of the confidential accompaniment to my Administration Report for 1872-73. I there pointed out the great injury that I believed was being then caused to the interests of His Highness the Gaekwar by the employment of Mr. Dadabhai Nowrojee for the purpose of political agitation in England; and I am respectfully of opinion that the mischievous ideas on the subject of his precedence and personal status, then inculcated, have contributed more than anything else to blind him to his real duty as a Ruler, and to the consequences which must necessarily result from the continued assertion by these advisers of His Highness' supposed right of unlimited sovereignty without responsibility to either the Paramount Power in India or his own subjects.

PART X.

GENERAL REVIEW OF PRECEDING REPORT, WITH CONCLUDING REMARKS.

162. Having now submitted in a clear and comprehensive shape, a brief account of the present situation of Baroda affairs, I proceed to offer such observations as appear to me to be material.

It will be seen that, with reference to all the important matters adverted to by His Excellency the Viceroy and Governor-General, not only have no remedial measures been yet undertaken, but

in many instances an active spirit of retaliation has manifested itself, which appears to leave ground for small hope that His Highness the Gaekwar is really desirous of effecting that thorough and lasting reform of his administration which was so strongly urged both by the Commission and subsequently by His Excellency the Viceroy and Governor-General.

163. This entire absence of results I am induced on mature consideration to attribute to the following causes:—

1st.—To the financial embarrassment of the Baroda State, which I believe to be at the present time hopelessly insolvent.

2nd.—To the entire inability of Mr. Dadabhai's administration to grasp, and effectually deal with, the causes of the chronic anarchy into which the State has fallen.

164. With regard to the first point, I have made it my business for some months past to enquire and ascertain, so far as was possible without access to Durbar accounts, the real financial condition of the Baroda State; and I have come to the conclusion that up to the end of Samvat 1930 (June A.D. 1874) the debts of the State aggregate not less than one and a half crores of rupees. This sum, enormous as it may seem, I now believe to be an underestimate of the real financial liability of the State at the present time.

165. I have long been under the impression that financial embarrassment was the real cause of the hopeless disorganization into which the State appears to have been gradually drifting during the last 8 or 10 years, and my letters will show that I have from the first invited attention to the great importance of ascertaining the real financial position of this State as a necessary condition of any effectual reform. I am respectfully of opinion that the obstinacy with which His Highness' advisers are seeking to resist enquiry into the numerous liabilities of the State, solely proceeds from the fact that they are more or less aware that the results of such enquiry would at once expose the hopeless insolvency into which the State has been allowed to drift through the extreme prodigality and ruinous waste of the present reign. The consciousness of the embarrassed state of the finances has in fact acted as the incentive to the numerous cases of rapacity and spoliation which I have from time to time been reporting to Government. All the chief servants of the State have been busily engaged in enriching themselves before the inevitable crash, which they must have been aware was coming. It is

this consciousness, moreover, which mainly accounts for the entire want of success, which has hitherto accompanied every effort on my part, both during last year and the present, to procure a settlement of any case involving pecuniary claims; nor do I believe that His Highness the Gaekwar has the means of satisfying more than the smallest fraction of his liabilities and of the current revenue of the State. It is, moreover, the consciousness of this fact which accounts, I believe, for the extraordinary efforts that are now being made to repudiate *bond fide* State debts, and to force the military classes, bankers, traders, &c., to accept a settlement on terms which would involve them into utter ruin.

166. It is computed that the liabilities of the State to the military classes alone amount to about 60 lakhs, and when it is remembered that the claims of Watandars, Girassias, Inamdars, &c., &c., are, generally speaking, in arrears for 10 years, the liabilities on this account also can be nothing short of enormous.

167. The Baroda bankers, moreover, such as Haree Bhagtee, Gopalrao Myrol, Motilall Samal, and many others, are creditors of the State to an enormous amount, averaging, at least so far as my information goes, 46 or 50 lakhs.

168. In addition to these, there are the cases of the Ahmedabad jewellers, the late Chief's followers, and others, mentioned in the Commission Proceedings, whose just dues have to be met.

169. Nor must omission be made in a general statement of this sort of the serious pecuniary claims in which the British Government is directly interested; *vide* my letter to Government, No. 163-585, dated 6th June 1874, in which the following cases were enumerated:—

1. Mandvi Tora Girass due from the Gaekwar to British Government, Rs. 10,25,703-5-2 up to the end of 1873-74.

2. Girass Hucks payable by Gaekwar to Dhang Chiefs, for which credit has been given in the British Treasury, Khandesh, Rs. 20,000.

3. Her Highness the Ranee Jumna Bai, Rs. 1,00,000.

170. Taking into consideration the enormous liabilities here disclosed in connection with the facts, that nearly every department of the State is falling into arrears, and that the most ruinous prodigality is being practised by the Maharaja on a scale the like of which has never been even approached by previous Gaekwars (*vide* paragraph 151 above), some idea can be formed of the real problem which is involved in the reform of the Baroda State.

171. The second point, to which I have above adverted in paragraph 161 as furnishing a clue to the entire absence of results which have hitherto attended my efforts to procure a settlement of many of the numerous pending cases, is the inefficiency of the new administration now conducted by Mr. Dadabhai Nowrojee.

172. Bearing in mind the extremely difficult position in which Mr. Dadabhai is placed, I am unwilling to lay on him the whole responsibility of the non-commencement of those reforms which have been so urgently enjoined by His Excellency the Viceroy and Governor-General, though I, at the same time, think that his failure to influence the Gaekwar for good is the natural result of his own teachings in regard to sovereignty and precedence. It is right also to state that the objection which I raised at starting to the recognition of this gentleman as Minister, on account of his complete ignorance of practical administration, has been proved to be a most reasonable one. I have since the commencement given Mr. Dadabhai every possible assistance, and I have personally found him courteous, but at the same time, so tenacious of his own peculiar views, as to lead him to ignore plain facts when opposed to those views; hence he has done nothing during his 10 months' tenure of office, and has lost the confidence even of those who at first were his supporters.

173. Mr. Dadabhai has been gradually surrounding himself with a certain number of British officials, some of whom are of high character and attainments; but as they are all of them, by the terms of their appointments, entirely subject to the will of His Highness the Gaekwar, and have no fixed laws or regulations to guide them in cases where the Maharaja chooses to interpose, they are, by the nature of the case, deprived of all real authority, and have no power whatever to initiate real reform. Mr. Dadabhai and his colleagues being thus practically ciphers, it would

be unreasonable to expect that the hopeless embarrassment into which the State has fallen can be extricated by their means. They have, in fact, been employed by the Maharaja to perform the impossible task of saving an insolvent State from ruin, without incurring the necessity of paying its just debts.

174. It is obvious, I think, that such a state of things can only lead to one result either sooner or later. Already overt signs of disturbance have manifested themselves in several parts of His Highness the Gaekwar's dominions, and I do not hesitate to say that but for the recent interposition of Government, and the Proceedings of the Baroda Enquiry Commission, an outbreak would certainly have occurred ere this. The danger, therefore, of allowing the cases of the Sirdars and military classes, &c. &c., to remain unsettled pending the Maharaja's pleasure is too obvious to need further comment from me,—starvation, absolute want, and the systematic degradation of families of high rank and respectability must at all times produce their natural results; hence the extreme emergency of the present position.

I have, &c.

Baroda, 2nd November 1874.

R. PHAYRE, Colonel, Resident, Baroda.

C.—Correspondence with reference to the Case of Nana Saheb Powar.

No. 383-1287, dated Baroda, 21st November 1874.

From Colonel R. PHAYRE, Resident at Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

BEFORE the receipt of Government Resolution, Political Department, No. 6,769, dated 17th instant, upon the case of Nana Saheb Powar, the occurrences set forth in the accompanying statement took place.

2. Yesterday Mr. Dadabhai consulted me regarding the case, and as there was imminent danger of a serious disturbance in which, if once commenced, the whole of the military classes would assuredly have taken part, I sent for Nana Saheb Powar to the Residency and induced him to go quietly home under a promise to take no violent measures whatever to recover his wife. This he obeyed, and in the meantime acting on my advice Mr. Dadabhai managed to get the lady sent back to her home, where she now is.

3. This morning I read the substance of the enclosed statement to Mr. Dadabhai in the presence of Nana Saheb Powar, and I also explained to him the purport of Government Resolution No. 6,769, dated 17th instant, and advised that arrangements should be made as soon as possible to pay the Sirdar his arrears, settle about the liquidation of his debts by a part of his allowance, and allotting to him the balance of it, allow him to proceed with his wife and family either to Dewas or Soopa as might be arranged.

4. Mr. Dadabhai has promised to endeavour to make these arrangements.

Statement by NANA SAHEB POWAR to the Resident on the 20th day of November 1874.

IN continuation of former representations I beg to state that on the 17th instant I turned out of my house three of my wife's servants who I considered to be the worst characters of those about her. She has about 20 servants in all, viz., 15 men and about five women. These 15 men have all been entertained by her and her evil advisers since the present Maharaja's accession to the throne. I have always objected to the presence of these men in my house, and about two months ago I wrote to the Senaputtee informing him of my intention to discharge them, which was refused in a written order. On the 17th instant I turned three of the worst of these men out of my house. Within two or three hours afterwards about 40 or 50 men came and surrounded my house. Some of my wife's servants held communications with them, and immediately after my wife began to create a disturbance and to quarrel with me; she declared she would not remain in the house unless the three dismissed servants were brought back again; that she would commit suicide, &c., &c. I believe that the 40 or 50 men in question belonged some of them to the Maharaja, some to Nana Saheb Khanvelker, and some to Damodhur Punt.

Under these circumstances, fearing that some serious disturbance would take place between my men and the above if I carried on the altercation with my wife any longer, I came and sat in the front verandah of the house, and whilst I was there my wife ordered the garry and left my house by the backdoor and drove to Chimun Baugh, a garden belonging to the Maharaja, which is in Nana Saheb Khanvelker's charge. I did not know that she had left my house until my own servants gave me information. She was escorted by some of the men above referred to as belonging to the Maharaja, &c. I posted three of my men at one entrance to the garden and three at the second one to see who visited her. No one came that day, the 17th. The next day, the 18th, Nana Saheb Khanvelker visited the garden at about 1 o'clock p.m. My wife came to the door of the Bungalow to meet him, and he gave her a chit and drove away by the other gate. At about 3 o'clock the same day my men observed lamps, chandeliers, &c., going from Nana Saheb Khanvelker's bungalow to that occupied by my wife. After dark the same evening (7 o'clock) a sepoy of Nana Saheb Khanvelker came to the back entrance of the Chimun Baugh bungalow and told my men that if they kept loitering about there, it would be the worse for them. My men remained perfectly quiet, gave him no answer, but one of them reported the matter to me.

Yesterday, the 19th, I resolved to speak to Mr. Dadabhai on the subject on his return from the Residency, and I accordingly stopped him as he was passing my house, and complained about the detention of my wife in the Chimun Baugh and related the circumstances of Nana Saheb's visit, &c., and I added that unless she was given up to me I should have to go and fetch her at all hazards. Mr. Dadabhai told me to remain quiet till 2 o'clock, and that he would endeavour to arrange matters. Four or five men were with me during this conversation with Mr. Dadabhai. I waited till 3 o'clock, and in the meantime I wrote both to the Sirkar Hoozoar and to the Resident. The Sir Fouzdar, Mr. Hormusjee Wadia, and Baboorao, Senaputtee's Karkoon, shortly after came to me. They told me not to act hastily, and that they would endeavour to arrange matters. They also brought a written reply to my yad of the morning, copy of which

I produce. In consequence of what they said I consented to wait until 10 o'clock this morning before taking any further steps to recover my wife, but if by that time she was not restored to me, I should go and fetch her at all hazards. I wrote a yad to the Hoozoar this morning in reply to the Senaputtee's yad of yesterday, which I now produce.

Having been sent for by the Resident, I have now come here as requested, and since my arrival here I have been informed that the Chimun Haugh has been surrounded by a body of cavalry.

My prayer is as follows:—

1st. That my arrears and claims may be settled as soon as possible; those claims are—

Four years' arrears of nemnook of Rupees 2,000 originally granted to	Rs.
my family, viz., Sumbut 1927 to 1930	8,000
My personal nemnook for Sumbut 1930	8,000
Deducted from my personal nemnook for Sumbut 1929	2,000

Total - 18,000

2nd. On my marriage I received the village of Meydad in inam, value Rupees 3,000 per annum. This is supervised by Damodhur Punt, and I believe debt has been incurred on it.

3rd. My own debt now amounts to about Rupees 75,000 which was first incurred at the time of my marriage, owing to my not having received the full amount promised at that time and has latterly accumulated in consequence of stoppage of provisions, delay in receiving pay, high rate of interest, &c.

Under the circumstances above related, as well as those which I have represented for the last year and upwards, it is quite impossible that I can reside at Baroda any longer. I pray therefore that my money affairs may be settled, and that I may be permitted to proceed with my wife either to my brother's estate at Dewas or to my native place of Soopa in the Deccan near Ahmednuggur.

The above having been read over to the deponent in the language which he understands is acknowledged by him to be correct.

No. 391-1304, dated Baroda, 24th November 1874.

From Colonel R. PHAYRE, Resident at Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

IN continuation of my report No. 383-1287, dated 21st November 1874, with accompanying statement made before me by a Sirdar named Nana Saheb Powar on the 20th idem, I have the honour to state that I am now in a position to supplement with further particulars the serious complication therein adverted to.

2. It will be seen that the whole of this unfortunate affair has arisen from the most objectionable and dangerous action of the Maharaja in trying to deprive this Sirdar of the lawful possession of his wife and in fomenting discord between her and her lawful husband by interfering with the domestic concerns of the latter.

3. In the statement made before me by Nana Saheb Powar on the 20th instant, an account was given of the manner in which the lady referred to was forcibly removed from her husband's house to the Maharaja's residence at Chimun Baugh, under the direct orders of Nana Saheb Khanvelker, Damodur Punth and others acting under His Highness the Maharaja's personal instructions. In consequence of this disgraceful proceeding, the Sirdar referred to appears to have been driven to desperation, and having vainly appealed to Mr. Dadabhai Nowrojee and others, he intimated his intention of going to the Chimun Baugh and carrying her off by force at all hazards. That this was no idle threat is shown by the fact that my interference was at once called for, and measures were taken by the Maharaja to prevent the Sirdar's threats from being carried into execution, the Chimun Baugh being surrounded with cavalry under strict orders to prevent any hostile ingress.

4. While matters were in this state, I sent for the Sirdar Nana Saheb Powar, and whilst he was at the Residency some of his friends induced Radha Bacc, the widow of His Highness Gunput Rao Gaekwar, to interfere so as to induce the lady voluntarily to return to her husband's house at once. This was successfully accomplished, and on the Sirdar's return home he found his wife there.

5. It now appears that there were only too good grounds for believing that a very serious disturbance was imminent, which was only averted by my timely mediation with the Sirdar, and by the interference of his friends with the lady. The cavalry who were ordered to surround the house are said to have immediately sent intimation to the Sirdars, Silladars, &c., friends of Nana Saheb Powar, telling them to be on the alert, and intended doubtless to have sided with them had the

threatened disturbance really taken place. In accordance with this intimation, about 3 or 400 Sirdars, Silladars, &c., at once collected at Nana Saheb Powar's house, preparing to take a part with him in what they believed to be saving his honour. As soon as information was received by the Maharaja of the threatening state of affairs, he appears to have connived at the return of the lady from the Chimun Baugh to her husband's house, and thus a very serious and dangerous disturbance was for the time averted.

6. After this had occurred and subsequent to my report to Government above quoted, Mr. Dadabhai Nowrojee called on me, told me the arrangement that he proposed to make, and promised to let me know the result on Monday, the 23rd instant; but on that day when he called with the Maharaja, and I adverted to the subject, he appeared to me to have evidently failed to have come to any arrangement with the Maharaja about it, nor have I heard anything on the subject since, though it is obviously one of emergency and not to be delayed without risk of renewed disturbance.

7. It will thus be seen that this serious case affords only a fresh illustration of the hopelessness of effecting any real reform so long as the Maharaja himself continues to oppose it. From day to day I am receiving information regarding passing events which shows that but for the influence which I have happily been able to exercise in the maintenance of public order, an outbreak might have occurred at any time, the ultimate results of which it is impossible to foresee. It will be seen how, in cases of this kind, in which the Maharaja is personally concerned, Mr. Dadabhai and his administration are utterly powerless, and I have reason to know that the Maharaja's wilful opposition to Mr. Dadabhai's advice on this occasion was the cause of a serious rupture between them which threatened to bring Mr. Dadabhai's connection with this State to a sudden conclusion.

Dated Bombay, 1, Hummam Street, 5th January 1875.

From H. BICKNELL, Esq., Solicitor, High Court, to Captain E. BARING, R.A.,
Private Secretary to His Excellency the Viceroy.

I HAVE the honour to forward herewith the petition of Kumlabai Saheb of Baroda, and to request that the same may be laid before His Excellency the Governor-General at the earliest opportunity.

Petition dated Bombay, 1, Hummam Street, 5th January 1875.

To His Excellency the Right Honourable T. G. BARING, BARON NORTHBROOK, G.M.S.I.,
Viceroy and Governor-General in Council, Calcutta.

The humble petition of Kumlabai, wife of Anund Rao, otherwise called Nana Saheb Powar, and daughter of His Highness the late Gunput Rao Maharaj.

SHWETH, that on or about the 23rd day of November 1874 your Petitioner caused a petition to be presented to His Excellency the Governor in Council at Bombay, complaining of the cruelty and oppression of her husband, the said Anund Rao, who is given to the most dissolute courses and is greatly addicted to drink, and is also heavily involved in debt. Your Petitioner's said husband has forcibly taken away from your Petitioner a large quantity of the jewels and ornaments which were presented to your Petitioner as dowry from her late uncle, Khunde Rao Maharaj, at the time of her marriage, and has sold them to enable him to indulge in his vicious practices.

That on your Petitioner refusing to allow him to take possession of the remainder of her ornaments, he commenced a system of the most unheard of cruelties, and during the past two months your Petitioner has been subjected to the greatest indignities and oppression, and has constantly been the victim of his personal violence, and has during that time been kept in close confinement and denied all intercourse with her relations, and also with her old and confidential servants.

That on the 17th day of December last your Petitioner received a letter from the Secretary to Government in the Political Department, in reply to her said petition, referring her to Colonel Sir Lewis Pelly, K.C.S.I., Special Commissioner at Baroda. Your Petitioner succeeded after much difficulty in instructing her Attorney to apply to Colonel Sir Lewis Pelly, to institute an inquiry into the misconduct of her husband, and to release her from confinement and protect her from further violence and oppression.

That no steps have as yet been taken to protect your Petitioner from the cruelty of her husband, and your Petitioner has grave grounds for fearing that her husband will take her life if some steps are not at once taken to protect her from him.

Your Petitioner, fearing that poison will be put in her food, has been living on the little food that her friends from time to time are able by stealth to send her, and she has in consequence become very weak, and is now in an extremely low state of health.

That your Petitioner feels assured that she cannot long live under the existing cruel treatment, and now appeals to Your Excellency's kindness and justice to relieve her from the above-mentioned cruelties and save her life.

Your Petitioner therefore prays that Your Excellency may be pleased to order an enquiry to be immediately instituted into the misconduct of her husband and steps taken for her protection.

And your Petitioner as in duty bound shall ever pray.

(Enclosure.)

Dated 24th November 1874.

From KUMLABAI SAHEB, wife of NANA SAHEB POWAR, by her Mooktyar, GOVIND RAO
SAKHARAM MANDAY, to Private Secretary to His Excellency the Governor.

I TAKE leave to address you on the subject of my wrongs. I am the daughter of His Highness Gunput Rao Maharaj, the eldest brother of the present Ruler of Baroda who ruled at Baroda for about nine years and departed this life about seventeen years ago. I trust that my birth and position as a daughter of the House of Baroda will entitle me to a special claim for consideration and protection at the hands of His Excellency, which I trust His Excellency will not deny to me in my distress.

2. I have been married to a member of the Powar family by name Nana Saheb Powar, with whom I have lived as man and wife for the last nine or ten years at Baroda, and I have had only one daughter as the issue of this marriage, who has been dead.

3. For the last year or so I have been suffering such intolerable and brutal oppression from my husband, that I have lived a most miserable life to which even death is preferable. Unfortunately for me my husband has been given to the most dissolute courses, has been deeply attached to drink and utterly steeped in debt. He has already extorted from me and appropriated to his own use a large amount of the jewels and ornaments which I obtained as dowry and presents from my father's house, and which it is evident must have been considerable, and it was in consequence of my having declined to submit still further to his demands and supply the means for the continuance of his indulgences that the most unheard of cruelties and tyrannies in the shape of abuses, assaults, imprisonments, and other indignities such as these have been my lot.

4. These sufferings became most intense during the past month or so and they proved so unbearable that on the 17th instant, having found an opportunity of escaping from my husband's house, I did so, and took refuge in a bungalow situated in a garden belonging to my uncle, the present Ruler of Baroda.

5. In this refuge I remained for three days, but during this period my husband applied for the interference of the Resident at Baroda, who, as I am informed, insisted upon the Dewan Saheb, Mr. Dadabhai Nowrojee, to send me by force back to my husband's house; and the reason assigned being that unless this was done a great row would be made by the Mankaries, Sirdars, Silladars, and so forth.

6. It is difficult to understand the object of the Resident's interference in this manner, and for this alleged reason why coercion should be used to oblige an oppressed female to return to the house of a tyrant husband, and why the Mankaries, Sirdars, Silladars, should rise up if the wife of one of their body refused to go to her husband's house are matters which I am unable to account for. Certain it is that on Friday last, the 20th instant, the Dewan Saheb ordered me to go from the said refuge, stopped all my allowances from the Durbar until I returned to my husband's house, and sent a detachment of about fifty cavalry soldiers of the Gaekwar, who environed the place, disarmed and imprisoned the seven sepoys of my body-guard. Upon this one Baba Saheb Soorve came to me with about four or five people and announced that he had been sent by my husband, that unless I went with him peaceably, he would take me along by violence. Under this threatened violence, which came upon me, unprotected as I was in every way, under the auspices of the Resident on the one hand and my uncle's minister on the other, I went in a shigram back to my husband's house.

7. Upon going to my husband's house he admitted me alone and dismissed all my attendants and other servants who were in my confidence and who had been with me, and he forthwith locked me up, and I am now a prisoner in his house once more, a prey to his cruelties and oppressions. On two occasions, viz., in the place of refuge above-named, and again at my husband's house after my return to it, I was driven in the extremity of my despair to attempt my life, but I have been saved by the interposition of friends who promised that relief would be surely obtained from His Excellency. I trust in His Excellency entirely.

8. There is no fitting Court or Tribunal at Baroda to enter into any question of judicial separation or divorce. There is no justice nor equity. If my husband Nana Saheb Powar has by any means secured the favour of the Resident, as manifestly he has, that officer turns a deaf ear to the wail of his favourite's wife. It happens that my husband has been one of the persons who have been the informants and agitators in all that the Resident has done in respect of the Baroda agitation, and in consequence he has secured the favour and confidence of the Resident.

9. I am now imprisoned in my husband's house. I am seriously afraid of my life. I can touch no food that his people give me. My own people and servants are kept away from me. I pray that my life may be saved by an order from His Excellency, that I may leave my husband's

house forthwith and remain elsewhere at Baroda with my own servants and attendants. Afterwards I asked to be allowed to visit Bombay and stay there, or I shall be ready to submit to such order or disposition as His Excellency may deem fit to devise in my interest.

Rama Saheb, wife of Tatya Saheb Shirkey, daughter of Mulhar Rao.
Suntoobai, wife of Baba Saheb Bhonslay, daughter of Gunput Rao Maharaj.
Munjoolabai, wife of Khasmrao Shirkey, daughter of Khunde Rao.
Khasaybai Saheb, wife of Raja of Kolapoor, daughter of Gunput Rao Maharaj.
Kumlabai Saheb, wife of Nana Saheb Powar.

PRAYER:—

1. All attendants to be with her.
2. Prevention from going with him to his country against my will.
3. Visit to Bombay.

No. 307P., dated Fort William, 29th January 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

WITH reference to your letter, No. 7400, dated 8th ultimo, I am directed to request that you will furnish this office with a complete copy of the correspondence relating to Sirdar Nana Saheb Powar.

(Extract.)

No. 801, dated Bombay Castle, 5th February 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN reply to Mr. Henvey's letter, No. 307P., dated 29th ultimo, I am directed to forward herewith copies of further papers in the case of Sirdar Nana Saheb Powar or Anund Rao Powar.

Petition, dated Baroda, 29th September 1874.

From ANUNDRAO POWAR WISWASRAO to His Excellency SIR PHILIP WODEHOUSE, K.C.S.I., Governor and President in Council, Bombay.

I, THE undersigned, most humbly and respectfully beg to draw your honour's kind attention to the following matters:—

I have sent to your honour the memorandums by register as shown in the margin, but have unfortunately neither received any reply to them, nor the Resident here has been, it appears to me, ordered to arrange anything for me. I have in the same way sent several memorandums to the Resident here to the effect, that the Durbar day by day has been

A memorandum of No. 913, and dated 5th May 1874.
" of No. 1179, and dated 24th June 1874.
" of No. 1295, and dated 2nd July 1874.
" of No. 554, and dated 21st August 1874.
" of No. 2349, and dated 24th September 1874.
" of No. 2560, and dated 26th September 1874.

trying more and more in order to put me somehow to dishonour, but he has not also done anything. As for Dewan Saheb Dadabhai the following circumstance will plainly show your honour how in his administration answers are given from the Durbar. I ordered my wife not to permit some of her servants who are of bad character to enter into the "wada" (mansion), but on the recommendation and protection of Mr. Damodhur Punt and others she disobeyed me, and thus I was laughed at. Hence I sent to the Senaputtee a memorandum requesting him to get the above servants of my wife dismissed; in answer of which he sent to me a memorandum of No. 523 with his signature on it. The English copies of these two have been enclosed herewith for your honour's notice. The perusal of them will show even, I, the son-in-law of Gunput Rao, the Gaekwar, and a nobleman, has no power at all over my wife at present, then on consideration your honour will easily know how much power the other gentlemen have on their ladies, and also how the information is going here. My whole salary has been given to my wife, and my grain-dealer being strictly ordered by the Durbar not to give my servants nor even to me our "shida" (daily food), so that I, with all my servants, have been hungry these last two days, and thus I am in such great calamities. I therefore most humbly request of your honour to be graciously pleased to arrange this matter soon. When other Sirdars and gentlemen of my rank went to the present king for an interview, I went to him too. Nana Saheb Pritinidhee, Dewan Saheb Dadabhai, Bapoojee Rao Mohitay, the Commander-in-Chief, Mr. Bala Saheb Mungesh, the Judge of the High Court here, were all present at the time. We humbly requested His

Highness to be pleased to recontinue our rights and respects given to us a long time since, but to no purpose. His Highness at length told us to go to Dewan Saheb, who, he said, would adjust our cases. Accordingly we went to Dewan Saheb, who says he should submit to the will of His Highness, so that we had better to follow His Highness' intentions, if not everybody will be put to a loss. The gentlemen newly appointed here get their salary every month, even of the "Adhika Mas," then how can those men have an experience of our being starved. It is spoken so on account of the period of 18 months given to the Gaekwar by the British Government. His Highness has determined not to give a single pie to the old servants, and also Dewan Saheb Dadabhai, who is to make reformation, follows his will, consequently it is too much difficult for us to protect our honour and character. If His Highness had a mind to give us our rights, the British Government would have not been put to trouble to appoint the Commission and to inquire into our cases. Trusting the notice issued by the British Government, dated the 11th November 1873, expressing those who truly proclaim will have a shelter from the Government, we laid our complaints before the Commission. We therefore beg to hope your honour will not any longer connive at our grievances, but will, on the contrary, kindly fulfil the promise held to us in the above-mentioned proclamation, and will take also due steps for our cases. I therefore most humbly beseech your honour to be graciously pleased to take all the memorandums sent up to this date to your honour by me into your kind consideration, and to order the Resident here as soon as possible to make necessary arrangements for me.

MEMORANDUM.

S. F. Order I., No. 523.

MR. ANUNDRAO POWAR is informed from the Senaputtee Kacheree that your request to dismiss your wife's servants, but those servants have not been employed by you. Sobhagivaty Kumlabai has employed them as men of her trust and confidence. You have no authority to dismiss them. Your request about their dismissal is not proper, as they are the servants of her trust. Do not dismiss them nor put her to any harm for them.

Bhadrapud Sood I Sumbut 1931.

(Sd.) BAPOO MOHITAY.

Dated Baroda, 14th October 1874.

From ANUNDRAO POWAR WISWASRAO to His Excellency SIR PHILIP WODEHOUSE, K.C.S.I., Governor and President in Council, Bombay.

I, THE undersigned, most humbly and respectfully beg to solicit Your Excellency's kind attention to the following matters, and hope to be kindly excused for the trouble:—

I have sent to Your Excellency several memorandums by register to this day, but am very sorry to state that Your Excellency has neither paid any attention to them nor made any arrangement. It is not that I am a nobleman only through the name of the Gaekwar. Your Excellency is a second grade Sirdar of the British Government; then if a prince under Your Excellency's authority should oppress his subjects, it is the duty of Your Excellency to redress them and make their *bandobust*. Upon Your Excellency's notification I put forth my grievances as other men did, then if Your Excellency will not pay attention to my true rights and settle my case, it should be considered on the whole that the British Government gave solemn assurances of safety in the notification to ruin me. I have a firm confidence that the British Government, which is just, will never do such a thing: thinking this, I beg to state again that the last memorandum sent to Your Excellency, in which I have requested that the Resident has verbally told the Dewan Saheb Dadabhai to adjudge my case, but he did nothing. I went again on the 3rd October 1874 to the Resident here, who again told the Prime Minister in several ways, but to no purpose. At last on the 6th October 1874 I sent to the said Prime Minister a memorandum by register, the copy of which I beg to enclose herewith for Your Excellency's perusal. I therefore humbly request Your Excellency to be graciously pleased to order the Resident here to tell the Durbar in order to settle my debt as stated in the copy, and pay me the sum of Rupees 2,000 deducted out of my salary in the year Sumbut 1927, and also the sum of Rupees 2,000 which the Durbar has fined me for nothing, and has been given to a relative of Nana Saheb Khanvelker by him, and also I am to be permitted to go to my native land. If the Durbar does not wish to permit me to go to my native land with my wife, it should give me my demands as stated above, and neither it nor Damodhur Punt Nana should speak in household business. Moreover, some of my wife's servants that are of bad character should be dismissed according to the memorandum sent to the Durbar a few days ago, and I may be permitted to inspect the village belonging to my wife. Out of these two things I am ready to follow Your Excellency's preference. I with my karkhana have been hungry for these last fifteen days; and as for my wife, she gets all the produce of her village beside Mr. Damodhur Punt Nana gave her my two month's pay. I therefore most humbly request Your Excellency will order the Resident here to take due steps for my case as soon as possible, and also send me an order that I may go to the Resident here.

P.S.—I have come to know that Mr. Damodhur Punt Nana has told my wife to present a petition to Your Excellency requesting I am addicted to intoxication, with an intention that Your Excellency may not pay any attention to my case. Accordingly a petition prepared by Mr. Damodhur Punt Nana must have sent or will be sent to Your Excellency by my wife.

* Sic in orig.

No. 351-1197, dated Baroda, 27th October 1874.

From Colonel R. PHAYRE, Resident, Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

With reference to the petition of Anundrao Powar Wiswasrao covered by Government No. 5908 of 13th October 1874, I have the honour to submit the following remarks.

2. The petitioner is a Sirdar of high rank, and is married to a daughter of the late Gunput Rao Gaekwar, brother of the present Maharaj. He is also a 2nd Class Sirdar of the Deccan. The petitioner was present in Baroda at the time that the Commission was sitting, and was anxious to represent his grievances. His case was not brought forward, as there were details in it which affected the present Maharaja personally, and the investigation of which the Commission were anxious as far as possible to avoid. The case has recently been the subject of negotiation between myself and Mr. Dadabhai Nowrojee, but no satisfactory settlement has hitherto been arrived at.

3. The petitioner's case shortly stated is as follows:—
At the time of his marriage with His Highness Gunput Rao's daughter his allowances were fixed as follows:—

Personal allowance	-	-	-	-	-	Rs. 8,000 per annum.
Father's do.	-	-	-	-	-	" 2,000 "
Enam village of Meydad	-	-	-	-	-	" 3,000 "
						<u>Rs. 13,000</u>

Besides the usual supplies of provisions, &c.

4. Owing to the non-receipt of these allowances regularly the petitioner originally incurred debts amounting to about Rupees 25,000, which amount has now increased considerably.

5. Since the accession of the present Maharaj his personal allowance of Rupees 8,000 has been kept in arrears, entailing great loss. The allowance of rupees 2,000 fixed for the petitioner's father has been arbitrarily stopped since the accession of the present Maharaj. His enam village has also been placed under the authority of the Maharajah's Private Secretary, Damodhur Punt.

6. The petitioner moreover complains that his wife has been in the habit of visiting the Maharaja clandestinely, and his home ruined by her uncle, the present Maharaj, Damodhur Punt, &c. Regarding this part of the case I received in the month of August last a long statement by the petitioner giving certain details of his treatment by the present Gaekwar and his confidants. I may also mention that the facts then reported have created a very great scandal, and were nearly leading to a serious breach of the peace.

7. The petitioner's relationship to the present Gaekwar and his high rank as a Sirdar appear to entitle him to a proper maintenance and provision. He has expressed a wish to have his affairs settled and to be allowed to go with his family to his native country in the Deccan.

8. The petitioner alleges that the Maharaja pays half his allowances to his wife, but declines to pay him or allow her to accompany him to his country.

9. I am respectfully of opinion that the Maharaja should be advised at once to provide a proper maintenance suited to petitioner's rank and his close connection with the Gaekwar family, and that with regard to this family dispute I be authorized to effect the best arrangement possible under the circumstances.

10. In conclusion I would invite particular attention to the fact that the petitioner has fully represented his case to Mr. Dadabhai Nowrojee, who has spoken to me on the subject, but has not up to the present time been able to effect any amicable settlement.

No. 6769, dated Bombay Castle, 17th November 1874.

Extract from the proceedings of the Government of Bombay, in the Political Department.

READ—

Petition from Anundrao Powar Wiswasrao, dated Baroda, 29th September 1874—Referring to former petitions, and again asking Government interference in matter of hardships experienced from present Gaekwar Government.

Letter from the Resident at Baroda No. 351-1197, dated 27th October 1874—Stating, in reply to Government No. 5908 of 1874, that the case of Anundrao Powar Wiswasrao (son-in-law of the late Gunput Rao Gaekwar, brother of His Highness Mulhar Rao) has recently been the subject of negotiation between himself and Mr. Dadabhai Nowrojee, but that no satisfactory result has hitherto been arrived at. Describing the petitioner's case briefly. Expressing opinion that the Maharajah should be advised at once to provide a proper maintenance suited to petitioner's rank and close connection with the Gaekwar family, and that he (Resident) be authorized to effect the best arrangement possible in regard to this family dispute. Making remark.

RESOLUTION.—For the present it is not necessary that the Resident should do more than use his good offices to induce the Maharajah to provide for petitioner in a suitable manner, and endeavour to ascertain from Mr. Dadabhai if there is any prospect of the settlement of a dispute by no means creditable to the Gaekwar or his family.

No. 7552, dated Bombay Castle, 14th December 1874.

From C. GONNE, Esq., Secretary to the Government of Bombay, to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

As connected with the subject of Colonel Phayre's letter No. 383-1287, of the 21st ultimo, I am directed to forward to you herewith, for disposal, an original petition, dated 24th idem, from Kumlabai Saheb, wife of Nana Saheb Powar, and daughter of the late Gunput Rao Gaekwar, brother of the present Maharajah, His Highness Mulhar Rao.

No. 7656, dated Bombay Castle, 17th December 1874.

From C. GONNE, Esq., Secretary to the Government of Bombay, to KUMLABAI SAHEB, wife of NANA SAHEB POWAR.

In reply to your letter, dated 24th ultimo, I am directed to refer you to Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Commissioner at Baroda.

No. 7656, dated Fort William, 17th February 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to H. BICKNELL, Esq., Solicitor, High Court, Bombay.

In reply to your letter dated 5th ultimo, submitting a petition from Kumlabai Saheb of Baroda, I am directed to refer you to Sir Lewis Pelly, the Agent to the Governor-General and Special Commissioner at Baroda.

II.—Correspondence with the Government of India.

No. 31P., dated Poona, 17th September 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to report, for the information of the Government of India, the proceedings of His Highness the Gaekwar consequent on the receipt of His Excellency the Viceroy's khureeta forwarded with your letter No. 1586P. of 25th July last.

2. No protest or other answer has been received from the Gaekwar, and it does not appear that any is contemplated by him.

3. In accordance with the advice which the Resident was directed to tender, the Gaekwar caused the officials mentioned in paragraph 11 of your letter to resign their offices, but he expressed the wish to break the fall of one of them, his brother-in-law Nana Saheb Khanwelkur, to whom he has always shown much attachment, by conferring on him the purely honorary title of Prutinedhee without entrusting to him any administrative functions. It appeared to this Government that such an arrangement if really carried out would not be contrary to the spirit of the advice which the Government of India directed to be given, and the Resident was directed to intimate this view to the Gaekwar, at the same time informing him that the honorary title in question would not entitle Nana Saheb to receive any greater honours than those to which he may be entitled as Sir Soobah of the Contingent.

4. After much consideration the Gaekwar decided to appoint Mr. Dadabhoy Nowrojee as Dewan. The Resident whom the Gaekwar previously consulted entertained so unfavourable an opinion of Mr. Dadabhoy's qualifications that the Government thought it necessary to direct the Gaekwar to be informed that no objection would be offered to Mr. Dadabhoy's appointment if His Highness in the exercise of his independent discretion should think proper to appoint him, and that he would receive every assistance from the Resident. Without such an assurance there was reason to apprehend that the Minister's influence would be impaired, and that the Gaekwar might have some reason to complain that he had not been allowed a fair chance of reforming his administration with the assistance of a Minister of his own choice.

5. The Gaekwar has since applied to this Government for the services of certain British officials of standing and experience. Consent has been given to the transfer of these gentlemen if they should be willing to serve His Highness, which he is now ascertaining. Their names will be reported to the Government of India when the arrangements are concluded.

No. 5812, dated Bombay Castle, 8th October 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

REFERRING to your letter dated 25th July, No. 1586 P., I am directed to forward herewith, for the information of the Government of India, copy of correspondence* with the Resident at Baroda, regarding an application of the Gaekwar Durbar for the services of certain Government officers.

P. 3, 4.

*1. Resident at Baroda, No. 269-913, dated 28th August 1874, with enclosures.
2. Government Resolution, No. 5238, dated 7th September 1874.
3. From Resident, No. 290-982, dated 12th September 1874.

Telegram, No. 7C.P., dated 9th October 1874.

From FOREIGN SECRETARY, HAZAREEBAGH, to POLITICAL SECRETARY, BOMBAY.

YOUR letter No. 5812, dated 8th October. Viceroy would wish either that the men asked for by Gaekwar should be sent him on special duty, or that names of other men willing to go should be suggested to him. Viceroy wishes Bombay Government to give active assistance to Gaekwar in supplying suitable men. Letter by to-morrow's post.

No. 12C.P., dated Viceroy's Camp, Hazareebagh, 20th October 1874.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to SECRETARY to the GOVERNMENT of BOMBAY, Political Department.

I AM directed by His Excellency the Viceroy and Governor-General in Council to acknowledge your letter No. 5812,* dated 8th October, received at Calcutta on the 15th and here on the 19th instant, relative to the application of the Gaekwar for the services of officers for employment in the Baroda State.

* See above.

2. It is matter of regret to His Excellency the Governor-General in Council that, although His Highness the Gaekwar applied on the 17th of August* (a little more than a fortnight after he received the decision of the Government of India upon the report of the Baroda Commission) for the assistance of officers in carrying out the reforms which the Governor-General in Council required him to introduce, no effective steps appear to have yet been taken by the Bombay Government to carry out the instructions conveyed in paragraph 7 of my letter, dated 25th July 1874. No action whatever appears to have been taken on the renewed appeal for help which the Gaekwar preferred on the 12th September,† and which was submitted under cover of your letter of 8th October, without opinion or remark.

* P. 3.

† P. 4.

3. The Governor-General in Council does not consider that the terms of the Resolution of the Bombay Government, No. 5238,‡ dated 7th September, were calculated to invite the assent of the officers named to the offer of the Baroda Durbar, or that any communication was addressed to them expressing the wish of the Government of Bombay that they would accept the offer. As the Government of Bombay intimated that they would not object to the employment of the officers named, it is presumed that the arrangements as to the powers to be vested in them and the conditions of their employment (except in the unimportant matter of pension and leave allowances in respect to which the Gaekwar subsequently intimated his readiness to agree to any special arrangements that might be wished) were considered satisfactory. Under these circumstances, active assistance should have been given to the Gaekwar under the instructions of 25th July, and if the services of the men selected by His Highness could not be granted, the names of other men should have been suggested to him, and the officers selected should have been sent on special duty under orders of His Excellency the Governor of Bombay in Council. To this effect I telegraphed yesterday under instructions of the Governor-General.

‡ P. 4.

4. The Governor-General in Council cannot but regret the delay that he fears, from the information before him, has been allowed to take place in this matter; a delay which is not calculated to encourage the Baroda Durbar in introducing or persevering in those necessary reforms on which so many interests depend. The Governor-General in Council expects that the help of the Bombay Government will be cordially and actively given to the Durbar whenever this can properly be done. If there be no properly qualified officers under the Bombay Government willing to assist in the reform of the Baroda Administration, the Governor-General in Council will be prepared to depute officers serving under the Government of India. His Excellency in Council relies with confidence upon the cordial co-operation of His Excellency the Governor of Bombay in Council in his efforts to place the Baroda Administration on a sound and satisfactory footing.

No. 6159, dated Bombay Castle, 23rd October 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith, for submission to the Government of India, copy of a letter dated 10th instant, No. 319-1109,* from the Resident at Baroda, enclosing translations of communications made to, and received from, the Durbar, consequent on the decision of His Excellency the Viceroy in Council on the Baroda Commission Report.

* P. 10.

No. 6160, dated Bombay Castle, 23rd October 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith, for the information of the Government of India, copy of a letter from the Resident at Baroda, No. 307-1067, dated 2nd idem, forwarding translation of a proclamation issued by His Highness the Gaekwar prohibiting the payment or acceptance of nuzzerana on appointments.

P. 5.

No. 38P., dated Poona, 30th October 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed by His Excellency the Governor in Council to state that from your letter No. 12C.P.* of the 20th October 1874 he has learned, with equal surprise and regret, that the course he has pursued in respect to providing the Gaekwar with the assistance of officers of this Government has caused dissatisfaction to His Excellency the Viceroy in Council, and is regarded by him as "not calculated to encourage the Baroda Durbar in introducing or persevering in those necessary reforms on which so many interests depend."

* P. 73.

2. His Excellency in Council in no degree yields to the Government of India in a sincere desire to see those reforms judiciously carried out, and the retention by the Gaekwar of his hereditary position thereby secured. He is fully sensible also of the responsibility resting on this Government, as the authority entrusted with the immediate conduct of the affair, for exerting itself to the utmost in promoting the success of the policy that has been adopted. And he believes it to be in his power to demonstrate beyond question that the task has been undertaken by this Government in a thoroughly loyal spirit, and that it has both in its own acts and in the instructions issued to the Resident exhibited a decided disposition to assist the Gaekwar as far as the instructions it had received and a proper regard for the welfare and character of its own servants would permit.

3. His Excellency in Council, however, perceives that in one most important point this Government did not apprehend the full meaning of the instructions of the Government of India, in paragraph 7 of your letter No. 1586, of 25th July last, of which an explanation is now given in your letter under acknowledgment. It was not understood that by "the request that endeavours be made to meet the wishes of the Gaekwar and to furnish him with the officers he may require," the intention was that these officers should be ordered to take service under the Gaekwar irrespective of their own consent. It was supposed that the endeavours enjoined referred to the arrangements for the business of this Government by which the services of the required officers could be spared. When therefore the Gaekwar applied for certain officers, the Government, disregarding its own convenience, at once accorded the necessary permission, and guaranteed the officers a lien for one year on their own appointments. With this information before them, the Government of India state in your 2nd paragraph that no effective

steps appear to have been taken to carry out their instructions. The Government of India must therefore have expected that this Government would order these officers to serve the Gaekwar, and from your 3rd paragraph it is still more clearly to be gathered that the Government of India think the only question ought to have been whether the officers could be spared, and if so, they should have been sent on special duty under the orders of His Excellency the Governor of Bombay in Council.

4. His Excellency in Council begs to submit that he is still unable to read the instructions of the Government of India as open to the above interpretation, and it the less occurred to him as the course implied appeared, and still appears, open to grave objection.

5. On the 25th July last His Excellency the Viceroy wrote to the Gaekwar—"It has never been the wish of the British Government to interfere in the details of the Baroda administration, nor is it my desire to do so now. The immediate responsibility for the Government of the State rests, and must continue to rest, upon the Gaekwar for the time being. I must hold Your Highness responsible for the amendment of the serious evils disclosed, and I leave to you the selection of your agents."

6. It is also necessary to keep clearly in view the true nature of the business in hand. It is an attempt at a vital reform of the administration of a State whose Ruler was described by the Commission in terms which it is not necessary for me to repeat. The Agents who had been principally employed by him were men of such character as to have induced His Excellency the Viceroy to press for their immediate dismissal. They were dismissed, but they are still at Baroda; they have constant access to the Gaekwar; and it is a matter of complete uncertainty whether they may not be able altogether to counteract better advisers. During the term assigned by the Government of India no interference can take place. We can advise, and we can register the rejection of advice; but the reckoning must be deferred until the close of the term of probation fixed by His Excellency the Viceroy in Council. The Native gentlemen for whose services the Gaekwar has applied have already earned a high reputation, and have strong claims on their own Government. They know well the past history of Baroda, and the influence with which they will have to contend in the honest discharge of their duty, if they accept service there. They might well have paused before accepting the office. They must be sure that if at the close of the term of probation little or nothing has been effected in the shape of reform, efforts will be made to cast the blame on all within reach, themselves included, and they might well fear a loss of position in the eyes of their own Government.

7. It has not escaped His Excellency in Council that, apart from the question of actually ordering the officers applied for to serve the Gaekwar, the Government of India considers that a communication might have been addressed to them by Government which would have afforded them a strong inducement to take the proffered service. To this course the above objections apply in a minor degree, and it appeared to His Excellency in Council that it would be much more satisfactory if their services could be secured to His Highness without either orders or inducement on the part of Government, and that neither should be resorted to in the first instance. Events have proved that the resort to neither was necessary. The Gaekwar has secured all the officers he desires except one mamlutdar, whom he wishes the Government to nominate. One officer has already joined his new appointment, and orders have been issued that the rest should join immediately.

8. His Excellency in Council at the same time regrets equally with the Government of India the delay which has occurred in the engagement of the officers on the principle on which he has acted, and he enters so strongly into the policy of the Government of India to avoid all possible ground of complaint on the Gaekwar's part of not having received the utmost assistance from Government in reforming his administration within the time allowed to him, that he would most strongly recommend that the time taken up in the engagement of the required officers should not be counted within the prescribed time, and that the Government of India should, unsolicited by His Highness, extend this term from the 31st of December 1875 till the 31st March 1876.

Dated Guneshkind, 2nd November 1874.

From GOVERNOR of BOMBAY (demi-official), to His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA.

GIBBS has written to me that a few days ago a native, whom he has known for several years, called on him, saying he was commissioned by the Gaekwar to mention that Dadabhoy had tendered his resignation, and to ask his advice as to the selection of a successor. Gibbs advised that he should place himself in Phayre's hands.

I have answered Gibbs (and have made a corresponding communication to Phayre) that the native does not appear to have produced any credentials from the Gaekwar. That Phayre cannot recognize the fact of Dadabhoy's resignation having been tendered, unless informed of it by him or by the Gaekwar, and that under no circumstances should he give advice as to the selection of a successor.

I mention this last point that you may be clearly aware of my belief that it is your intention to throw the whole responsibility on the Gaekwar, and to deprive him of the power of saying at the close that we recommended inefficient men.

Telegram, No. 2397P., dated 7th November 1874.

From VICEROY, CALCUTTA, to GOVERNOR, GUNESHKIND.

YOUR letter 2nd. Quite right not to recognize announcement of Dadabhoy's resignation excepting through proper official channel. If Gaekwar asks Phayre to recommend a Minister, direct him to refer the request immediately by telegraph through you for consideration of Government of India.

No. 6378, dated Bombay Castle, 2nd November 1874.

From SECRETARY to GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

WITH reference to previous correspondence connected with Baroda affairs,

- Pp. 12-15. {
1. Letter No. 331-1139, dated 16th October 1874.
 2. Telegram dated 18th idem.
 - 2a. Government telegram dated 19th idem.
 3. Further telegram dated 19th idem.
 4. Letter No. 333-1148, dated 17th idem.
 5. Letter No. 343-1168, dated 20th idem, with enclosure.

I am directed to forward to you, for submission to His Excellency the Viceroy and Governor-General in Council, copies of the letters and telegrams noted in the margin from the Resident at Baroda, reporting in regard to the attitude of the Sirdars, Silladars, &c., towards His Highness the Gaekwar.

2. In transmitting these papers I am desired to state that this Government proposes to instruct the Resident to address to the Gaekwar the following communication:—

"I am instructed to remind Your Highness that you have been advised by His Excellency the Viceroy to frame, in consultation with me, some general rules under which the expenditure incurred on account of the Silladars and others of the military classes may be reduced with due regard to the just claims of individuals and to the necessities of the State.

"I am further to point out that within the last few days the public peace has been endangered by the assembly of large numbers of the military class, who have, in the most pressing manner, demanded an investigation of their grievances and a settlement of the arrears of pay which they allege to be due to them for two or three years past.

"I am to communicate to Your Highness the opinion of Government that it will be quite impracticable to carry out any rules, however equitable, if such be made for the future control of these military retainers, unless the disputes with regard to the past be first fairly investigated, and those claims which may be established be satisfied by the State.

"I am therefore instructed to advise Your Highness to proceed, with as little delay as possible, to appoint a Commission constituted in such a manner as to

guarantee a full and fair enquiry, to hear and report upon all these claims, with a view to the early satisfaction of such as may be established before it."

No. 6678, dated Bombay Castle, 13th November 1874.

From SECRETARY to GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

IN continuation of the papers on Baroda affairs ending with my letter of the 2nd instant, No. 6378, I am directed to forward to you, for submission to the Government of India, the accompanying copy of a letter, with enclosures, from the Resident at Baroda, No. 350-1196,* dated the 27th ultimo, regarding the action taken by the Durbar in the matter of the Sindhees and Arabs in the Baroda State.

See above.

* P. 18.

Telegram, No. 2417P., dated 11th November 1874.

From FOREIGN SECRETARY, CALCUTTA, to POLITICAL SECRETARY, BOMBAY.

YOUR numbers sixty-one thirty-seven, sixty-one fifty-nine, and sixty-one sixty, dated twenty-second and twenty-third October. Send copies of all letters alluded to therein not yet sent, viz.—Phayre to Bombay Government, numbers two forty-four, two fifty-eight, two sixty-four, two seventy-one, of tenth, twelfth, seventeenth, thirty-first August; numbers two seventy-four, two seventy-nine, dated second and seventh September.

Phayre's yad to Gaekwar C. one to C. fourteen of August. Also send copies of all orders by Bombay Government to Phayre not yet reported.

No. 6831, dated Bombay Castle, 19th November 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward herewith a copy of the papers regarding Baroda affairs required by the Government of India.

List of Baroda Papers

- | | |
|---|--------|
| 1. Government letter to Resident, No. 21P., dated 31st July 1874. | P. 20. |
| 2. " " " " 22P., " 6th August 1874. | " " |
| 3. From Resident, No. 244-840, dated 10th August 1874, with enclosed yad No. C.1. | P. 22. |
| 4. " " " " 247-844 " 11th " " | P. 23. |
| 5. Government letter to Resident, No. 24P., dated 16th August 1874. | P. 24. |
| 6. From Resident, No. 252-852, dated 12th August 1874, with enclosed yads Nos. C2., C3., C4., C5., and C6. | P. 25. |
| 7. From Resident, No. 254-854, dated 12th August 1874, with enclosed yads Nos. C7. and C8. | P. 26. |
| 8. From Resident at Baroda, No. 258-860, dated 13th August 1874. | P. 27. |
| 9. " " " " 264-874, " 17th " " with enclosed yads, Nos. C10., C11. and C12. | P. 32. |
| 10. From Resident at Baroda, No. 255-857, dated 13th August 1874. | P. 27. |
| 11. " " " " 259-863, " 14th " " with enclosure. | P. 29. |
| 12. " " " " 260-864, " " " with enclosed yad No. 9. | P. 30. |
| 13. Government letter to Resident, No. 26P., " 24th " " | P. 31. |
| 14. From Resident at Baroda, No. 261-865, " 15th " " with enclosure. | P. 31. |
| 15. Government letter to Resident, No. 25P., " 24th " " | P. 35. |
| 16. From Resident, No. 264A., dated 28th August 1874, with enclosure. | P. 36. |
| 17. " " " " 271-922, dated 31st August, with enclosures. | P. 38. |
| 18. " " " " 274-929, " 2nd September 1874. | P. 40. |
| 19. " " " " 279-945 " 7th " " | P. 41. |
| 20. Government letter to Resident, No. 29P., dated 7th September. | " " |
| 21. " " " " No. 268A., " 31st August. | P. 40. |
| 22. " " " " No. 30P., " 7th September. | P. 42. |
| 23. From Resident, No. 319-1109, dated 10th October 1874, with enclosed yads Nos. C13., C14. and C15., also Durbar replies. | P. 10. |
| 24. From Resident, No. 307-1069, dated 2nd October 1874. | P. 5. |

No. 6832, dated Bombay Castle, 19th November 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward to you, for submission to His Excellency the Viceroy and Governor-General in Council, the enclosed khureeta from His Highness the Gaekwar to the Viceroy's address, together with copy of a report from the Resident at Baroda, No. 367-1234,* dated the 4th instant, commenting on the representations made in the khureeta against him.

* P. 81.

2. In forwarding these papers, this Government would only observe that the general considerations on which the Gaekwar's demand for the removal of the Resident is based, might with equal force have been pleaded at the time of the issue of the instructions of the Government of India on the Report of the Baroda Commission, and must no doubt have presented themselves to the mind of His Excellency the Viceroy in Council.

3. Only two instances of alleged opposition on the part of the Resident are specifically referred to in the khureeta, and the explanations that have been given by the Resident go to show that the line of action taken by him was in one instance the combined result of disregard on the part of the Durbar of the claims and grievances of the Sirdars, and of the questionable character of the marriage contracted by the Gaekwar.

4. In the other case I am to state the Resident found himself unable to pass without notice the complaints of certain cultivators of the wrongs to which they were exposed, in spite of all their efforts to obtain redress.

5. The Progress Report† referred to in paragraph 28 of Colonel Phayre's report now forwarded is being printed, and a copy of it will be furnished to the Government of India as soon as possible.

† P. 43, &c.

Enclosure.

Khureeta, dated Baroda Palace, 2nd November 1874.

From His Highness the GAEKWAR of BARODA, to His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA, Calcutta.

From the events which occurred prior to Your Excellency's khureeta of 25th July 1874, it is plain that the administration of this State cannot be carried on and the necessary reforms introduced without the cordial support of the Resident. It had occurred to me, among other matters I desired to say in reply to the above khureeta, whether I should not solicit Your Excellency's attention to the position which the present Resident, Colonel Phayre, had all along taken up towards me, and to submit for Your Excellency's consideration whether with the want of sympathy which existed between us I could expect an unbiassed and fair treatment at his hands in future. I, however, refrained from troubling Your Excellency owing to the confidence expressed by Your Excellency in Colonel Phayre, and in the hope that seeing the course I resolved to adopt on receipt of Your Excellency's advice, he would forget the past and assist me with his active sympathy in the difficult work of introducing a reformed régime. But I deeply regret to say from the experience of the past three months that this hope has not only been not realized, but that on the contrary Colonel Phayre has evinced, if anything, a more determined and active opposition towards me and my administration than before.

From the very commencement he had expressed a strong opposition to the selection of the Minister of my choice. The assurance of support subsequently given by him to my Minister, however, raised hopes in me, but they have not been realized.

On the receipt of Your Excellency's khureeta I at once took the necessary steps as far as practicable, and have been endeavouring all along to give effect to the advice contained therein. Among other things, I have to replace the executive machinery of government with able and experienced men to satisfy on some equitable basis the demands of the Sirdars and others which had received attention from the British Government, and to inquire into and revise the existing land revenue settlement throughout the whole territory. No one, however, can know better than the Resident what difficulties each of these subjects presents, especially when all this is to be effected in a very short time. But when owing to his former attitude, even Colonel Phayre's presence alone would have been enough for a continuance of the unsettled state of the mind of the people, unless he gave me open and cordial support, the difficulties of my work became vastly increased by the course of open opposition he has been lately pursuing, I am therefore driven to appeal to Your Excellency, which I do most reluctantly, to decide whether under such circumstances I can have a fair trial.

I may mention here one or two instances in support of my complaint. A charge of defamation was some days ago preferred by my father-in-law against a Silladar by name Chandarrao Kudu. My Dewan himself, in the presence of Chandarrao, read over the proceedings of the preliminary investigation, and in order to give both parties the benefit of an impartial trial, I directed the Chief Magistrate, Mr. H. A. Wadyar, to try the case, instead of the Senaputtee, who is my relative. The accused suddenly left Baroda, and I was informed went to the camp. What he

did there I cannot say. But soon after several other Silladars and some Sirdars with their retainers, some hundred and fifty in number, assembled armed in the house of one of them, openly defying the Durbar authority, and threatening armed resistance. They told the Durbar officials who went to serve the summons on Chandarrao that the case in which his attendance was required was a caste concern, and that they would defend him with their lives if attempts were made to enforce his attendance. They then escorted him to his house and remained there armed to guard him. I sent the Dewan to represent the matter to Colonel Phayre, in the hope that he would use the influence he had over them and uphold the Durbar authority. But to my astonishment the Dewan found the Resident prepared to justify their conduct on the very same plea, and almost in the very same words the Silladars themselves had used. He refused to persuade them to disperse, saying that they would do so only if the criminal proceedings were withdrawn. On the joyful occasion of the birth of my son, I resolved to give up further proceedings against Chandarrao. When I sent the Chief Justice of the High Court to explain to the assembled Silladars that further criminal proceedings would not be taken against Chandarrao, and to ask them to return to their homes, they refused to do so, and substituted in place of Chandarrao's case a new plea for resistance, that unless the grievances of one and all of them were redressed they would not separate. The Resident at the same time addressed me a yad with reference to this assemblage, putting me the very same question, viz., what steps had been taken by me towards settling the grievances of the Sirdars, showing a remarkable coincidence of views.

As another instance, I beg to enclose copy of a letter received from the Resident, dated 20th October 1874, and translation of a petition to the Government of Bombay which accompanied it. The petition is from certain Sindhee Mahomedan cultivators, complaining that they were prevented from cutting their crops, and were mohsaled, &c. Your Excellency will observe the threat of an appeal to arms which is contained in the petition. On inquiry I find that these petitioners had not made any complaint, since the commencement of the last rainy season, either to the talooka authorities, to the head of the Revenue Department, or to the Dewan. The petition, further, on the very face of it, shows that it has been drawn up under the inspiration of designing persons. Colonel Phayre, however, without making any inquiry from me, at once addressed me the above letter. This letter is enough to show the spirit in which the Resident acts towards me. Such proceedings on the part of the Resident cannot but have the effect of encouraging the turbulent propensity of such a class of Mahomedans and disloyalty generally.

These two instances, which I have taken as representative ones, can hardly give an idea of the harassing and vexatious treatment I am at present receiving at the Resident's hands.

This attitude on the part of the British representative has naturally become a source of serious anxiety to me, especially as in such times persons are not wanting who for their private ends take advantage of this state of things, to misrepresent me and to instigate continuous resistance to my authority among my subjects. The result will be a great loss of revenue this year, and a continuance of the unsettled state of the minds of the people. How seriously this state of affairs must embarrass and obstruct me in my intended reforms it is not difficult to conceive.

Your Excellency knows well the extent and nature of the work before me, and I owe it to myself and those whom I have engaged for that work to submit how hopeless any efforts on my part would be if Colonel Phayre were to continue here as representative of the Paramount Power with his uncompromising bias against me and my officials.

I beg it to be understood that I do not impute other than conscientious motives to Colonel Phayre. But he is too far committed to a distinct line of policy and to certain extreme views and opinions, and he naturally feels himself bound to support all and everything he has hitherto said or done. He makes no allowances. He forgets that till the officials I have asked for come, I could not make much progress in the mehals; and continues to lend a ready ear to complaints against me—thus defeating the very object which he says he has in view of helping in the arduous task before me. Colonel Phayre has been my prosecutor with a determined and strong will and purpose, and that he should now be made to sit in judgment upon me is, I must submit, simply unfair to me. From only three months' experience it is clear that he has prejudged the case, and I cannot expect an impartial report from him. I leave myself into Your Excellency's hands. Your Excellency has asked me to stake my all on this trial, and I must therefore request Your Excellency to place me in a condition in which I can really have the fair trial Your Excellency has given me.

I may mention here that I have made some progress in the various reforms recommended by Your Excellency, which will be communicated to Government in due time. As to what I have already done and what I propose to do in the matter of the claims contained in the Commission Report, and upon which Government has given advice, I shall shortly send in a complete statement. For the reduction of assessment I have already fixed upon my arrangements, and I am only waiting for the Government officials I have asked for to carry them into effect.

As I cannot enter, in a khureeta like this, into all those incidents which make up my present troubles and anxieties, I request that my Minister be permitted to visit Your Excellency with the Resident. I shall feel highly obliged by Your Excellency granting this permission by telegram.

I beg to express the high consideration and esteem I entertain for Your Excellency, and to subscribe myself, &c.

Enclosure.

No. 1986, dated 20th October 1874.

From RESIDENT at BARODA, to His Highness the GAEKWAR of BARODA.

REFERRING to my Yad No. 2693, dated 8th November last year, and to the recent ebullition of the discontent amongst the Military classes of the State, I beg to bring specially to Your

Highness' notice the accompanying petition received this day from a number of Sindhees, the adherents of Sirdars, &c., some of whom have for some years past taken to cultivation in Your Highness' Mehals in order to obtain a livelihood.

Instead of such a desirable mode of providing for superfluous military retainers being encouraged, as it ought to be, it appears from the petition of these poor people that the very reverse is the case. I request therefore that Your Highness will at once order that substantial justice to be done in this case, which has been so strongly inculcated by His Excellency the Viceroy and Governor-General in his khureeta of the 25th July last.

Now that the peace of the country is endangered on all sides, I must beg seriously to press upon Your Highness' notice that nothing short of an immediate performance of the promises, which you have from time to time made to Government during the last year and upwards, will satisfy His Excellency the Viceroy and Governor-General that there is any meaning or reality in those promises.

Enclosure.

Petition, dated Ashin Sood, 9th A.D. 1874, Sumbut 1930.

From SINDHEE GAJEE NATHA MEEAH and 24 others, inhabitants of the villages of Uttersoomha, Khairaloo, &c., under Baroda Prant, to His Excellency the Right Hon'ble the GOVERNOR of BOMBAY.

THAT your petitioners' ancestors being originally the inhabitants of Sindh, were brought to this country, the Baroda State, by the late Hamid Jemadar Sahab and afterwards by his son, Amir Sahab, and other Jemadars, &c., during the time of His Highness the late 1st Futtessing Rao Maharaja in Sumbut 1821 (A.D. 1764)—a period of war and trouble, for the purpose of the conquest of this country. At this time some of the ancestors of your petitioners died while on duty, or fighting, and others proved of use and service to this State (during their lives). In consequence of which the rights and privileges of wuttuns were granted to the aforesaid Jemadars in the same way as are enjoyed by the "Chirunjeers," or heirs of the "guddee" or State. In like manner your petitioners being regarded as entitled to a participation of the wuttuns, lands and salaries were assigned to them in Guzerat for their maintenance or service. In this way your petitioners, who were foreigners, were retained here as permanent residents of this country. They came into possession of lands by virtue of mortgage, &c., and these acquired lands, as well as their wuttun ones, were continued to them uninterruptedly, and they also enjoyed the rights and privileges till the time of the late Khunderao Maharaja. Afterwards taxes in the shape of Inam Committee, &c., were demanded from your petitioners, and the same were taken by the Wuhiwutdars from some of them by force, which induced your petitioners to go to Baroda to make a representation to the Hoozoor (Sirkar), on doing which the new imposts were discontinued.

In the year of Sumbut 1927, on the accession of His Highness Mulharao Maharaj and on the installation of the late Gopal Rao Myral as Dewan, the Inam Committee tax was abolished. Afterwards Nana Sahab Khanwilkur, brother-in-law of His Highness, became Dewan, and he ordered the "Inam Committee," together with the other new taxes to be re-imposed. In consequence of these orders the Wuhiwutdars compelled your petitioners to pay the same. Whereupon your petitioners made a representation of their case several times to the Sirkar, but to no purpose. Feeling helpless at this your petitioners were compelled to petition the Resident at Baroda for redress, and your petitioners' master, the Jemadars, also laid most of your petitioners' grievances before the Baroda Commission. Afterwards your petitioners submitted their petitions both to Your Excellency's Government and the Calcutta Government. A copy of the petition to the latter is herewith appended for your information. Notwithstanding this they could not get any redress.

Afterwards the Karkhana of the Paga was entrusted by the Sirkar to the descendant of the late Hamid Jemadar, by name Sha Mahomed Mirza bin Radhunmya on his being confirmed in the same; and although he managed it he did not get the full nemnook from the Sirkar for several years, which was the cause of your petitioners not getting their pay in full. This put them to much distress. It was aggravated by the Wuhiwutdars preventing your petitioners from reaping the crops of their fields; and Mohsuls were imposed on your petitioners. This necessitated your petitioners to make an application to the Dewan, Mr. Dadabhai Nowrojee, who paid no attention to it, nor did he pass any endorsement on the petition. Disappointed at this, your petitioners had recourse to the Resident for redress; a copy of this application has been herewith annexed, a perusal of which will convince Your Excellency of the extent of the oppression under which they are groaning by reason of Mohsuls, &c.

It is now nearly seven or eight months since Mr. Dadabhai Nowrojee has been here, and that he has been exercising the functions of the "*de facto* Dewan" since about a month and half or two; Mr. Dadabhai has entrusted the charge of the Revenue and Criminal Departments, with their executive functions, to the new "Mundullees" (men) of his own selection, and has made a good "bundobust" (arrangement) for himself and them (by way of nemnook). Although he is repeatedly told by the Resident for giving redress to the ryots of the Baroda State, so as to stop their complaints, he does not do so, as he and the new authorities whom he has invested with power are quite unacquainted with the system of the Gaekwar Government. Nor can he. For it has been customary with the Minister hitherto to hear petitions openly at their own houses, or in the Kutchery, His Highness' Palace, and decide the cases in the presence of the petitioners, which tended to give immediate redress to them. In the present instance the petitioners cannot have personal access to any of the officials, the place where they sit being in a very secluded locality. Further they have to report to the sepoy near the entrance to give notice of their

coming to the authorities; and they are only called up if it suits their pleasure to do so. Generally it happens that they have to go back without getting a hearing. In the Durbar also, if the case of any petitioner happens to be called out, the petitioner is only called in, if it suits their pleasure to do so, or else he is to go back. This necessarily places many persons, whose cases are just, to great advantage. If after all these any one is bold enough to go near the Minister, the latter expresses himself as follows to him:—This is a very large State, and I have a very pressing hard work before me, as I am, alone, how can I get through your business? Such is the state of affairs. This puts your petitioners in mind that the Minister being a resident under British rule wants to act the part of an Englishman in this respect, viz., to show his love of working in solitude as Europeans do. But it ought to be remembered that Europeans do hear the petitions of petitioners, and do grant them justice; while this man wants only to imitate the manners of Europeans without giving satisfaction to any one. In consequence of this, thousands of helpless people, who have had no redress given them, have been plunged into despair.

Your petitioners, however, beg to submit that the only alternative left them is to petition Your Excellency; but although they did so several times, no notice has been taken of their petitions up to this time. Their case is rendered the more desperate by the circumstances of the new officials being quite unacquainted with the business routine of this State, the latter therefore are unable to help them out of their difficulties. Hence they are afraid to complain at all. For if they do, the Resident does not arrange their matter; and it only exposes them to the risk of incurring the displeasure of the Durbar officials. People of this State are quite unacquainted with the English rules and regulations, and the new officials do always say something about these rules and regulations. It follows therefore that these persons with the dint of their authority and the force of their intelligence can concoct thousands of schemes as of a nature to cause injury to the people. For it appears that Mr. Dadabhai's mission at this Court has been that of simply defending the late Dewan Nana Sahab and the other officials who are implicated in aggrieving the people. These people had in consequence of their grievances applied to the Resident for redress. An inquiry thereupon was ordered to be instituted into their complaints by the Supreme Government, and Mr. Dadabhai's advent was for the purpose of helping to save the aforesaid persons from the consequences of their deeds, and to break down the cause of the complaints. Since Dadabhai has been a Dewan, he has not settled a single case. He has also contemplated to impose the obnoxious tax of 25 per cent. on the income of the "Hucdaree" class of people; while he has completed a very excellent arrangement of securing thousands of rupees for himself and his colleagues. It will be plainly seen from this that he is quite incapable of making satisfactory arrangements in the State so as to keep the people pleased.

In order to settle differences, and make a satisfactory arrangement in the State, at present it is necessary, and your petitioners trust, that Your Excellency will direct the selection and appointment, to the post of Dewan through the Resident, of an able and experienced Kamdar, and at the same time one who is a hereditary servant of the State. He should have the assistance of impartial and just Kamdars in the administration of the State affairs, and the latter being respectable residents of this place will hesitate to do anything wrong; their conduct in reputation being a sufficient "guarantee," and these functionaries should arrange all differences according to the Resident's wishes—a measure which will tend to give satisfaction to all the parties concerned, and the clamour will subside. But if Mr. Dadabhai were by dint of his authority to make any arrangement for the people, as to him seems best, that would never remove the cause of the dissatisfaction of the people. It will only have the effect of exhausting their patience day by day, and of annihilating the "Huckdars."

Under such circumstances, your petitioners humbly crave that Your Excellency will be pleased to take their case (of "extreme hardships") into your consideration, and order the Resident to make a speedy arrangement for them. Your petitioners have enclosed postage stamps for the favour of an answer from Your Excellency. As your petitioners are now on the "brink of starvation," should there be no prospect of a speedy arrangement of their hucks, they will be forced in that event to have recourse to those measures for securing justice which their ancestors adopted in past times; for as the proverb runs: "It is better for one to sell his life dearly, or with one's head in hands, than to die the miserable death by the exhaustion of one's limbs (feet)."

Your petitioners, however, have thought proper to make a full representation of their case in the hope that it will induce Your Excellency to pity, and also that no blame may be attached to them if in the end they are compelled to adopt such a course.

(Ashwin Sood 9th, A.D. 1874, Sumbut 1930).

(Signed) SINDHEE GAJEE NATHA MYA & 24 others.

Enclosure.

No. 367-1234, dated Baroda, 4th November 1874 (Confidential).

FROM RESIDENT OF BARODA, TO SECRETARY TO THE GOVERNMENT OF BOMBAY.

In submitting to Government the accompanying khureeta addressed to their Excellencies the Viceroy and Governor-General and the Governor of Bombay by His Highness the Gaekwar, I have the honour to observe that the present attack appears to be a mere repetition of that made upon Government through their representative at His Highness' Court in May last, on which occasion a courteous but firm obedience to the orders of Government led to precisely the same results as in the instance under report.

2. The Resident then incurred His Highness the Gaekwar's odium in consequence of his non-participation in the ceremonies attendant upon His Highness' marriage with Luxmeebaee. Now he has incurred a renewed expression of the same kind of strong personal feeling owing to the delayed recognition by Government of Luxmeebaee's son as the legal heir to the Baroda

36884.

L

guddee, the non-participation by the Resident in the ceremonies usually offered at the birth of a legal heir, non-compliance with His Highness' request for increased military honours to Nana Sahib as Pritinidhi, the events that took place at the time of the Dussera, and finally the kind warning given personally to His Highness a few days ago regarding the non-commencement of reform of any kind.

3. The enclosed khureeta to the address of His Excellency the Viceroy and Governor-General of yesterday's date may be thus briefly summarised :—

(a.) That it is solely the Resident's personal hostility and open want of sympathy that is delaying the reform so urgently enjoined by His Excellency the Viceroy, and is aggravating the exceptionally difficult position in which Mr. Dadabhai and the new administration are placed, in illustration of which two serious cases are adduced. First, the action taken by the Resident in the case of the Sirdar Chandrarao Kudu. Secondly, the action taken by him in the case of certain Sindhee Mahomedan cultivators.

(b.) That the result of this attitude on the Resident's part has been to encourage resistance to the Durbar authority, whereby great loss in revenue has ensued and the country become unsettled.

(c.) That for the reasons above given the consequences of Colonel Phayre's remaining at Baroda must be to render all efforts on their part hopeless.

(d.) That the action of His Excellency the Viceroy in publicly notifying his confidence in Colonel Phayre, and in directing him to superintend and report on the progress of the reforms required, is unfair to His Highness the Gaekwar, and precludes the possibility of allowing him the fair trial promised.

(e.) That progress has been made by His Highness the Gaekwar in the various reforms recommended, the details of which will shortly be communicated.

4. The first of these accusations, it will be seen, is not new. It is a mere repetition of that contained in the khureetas addressed by His Highness the Gaekwar to His Excellency the Governor of Bombay, under date 9th May and 20th June 1874, relating to the action taken by the Resident under the orders of Government in the Luxmeebae marriage case, upon which the only comment which it now seems necessary to offer is to allude to the following passage from His Excellency the Governor's reply, dated 27th May 1874 :—

"Your Highness proceeds to complain of Colonel Phayre's general bearing as opposed to the spirit of the past relations of the two Governments. I cannot forget that it was Colonel Phayre's painful duty to remonstrate against and ultimately to report what he regarded as the extreme misgovernment prevailing in the State of Baroda, the existence of which has been established by the inquiries of the Commission."

It will be remembered that His Excellency the Viceroy and Governor-General in commenting on the whole case, as shown in the correspondence under notice, was pleased to give his entire approval to the manner in which I had carried out the orders of Government, and to express the opinion that His Highness the Gaekwar appeared from the correspondence "to have acted in this

No. 1225P., dated 6th June 1874.

"affair with grave impropriety." The same letter of the Government of India closes with the following remarks, which appear to have an important bearing on the subject immediately under report :—

"The Government of India notice with much dissatisfaction the tone of and the expression contained in His Highness' letter of 7th May to Colonel Phayre. Any repetition of such language will be very seriously received, and the Resident should be instructed to report at once if at any time he is not treated by His Highness the Gaekwar or his Ministers in a manner suitable to his position as representative of the British Government."

5. With the exception of the case in which I complained of the tone and action of the present administration in a question affecting our British Imperial opium rights, I have refrained from taking any action on the serious instructions of the Government of India above quoted. This restraint I have exercised solely out of my sincere desire to promote, as far as lay within my power, the reforms so urgently required by His Excellency the Viceroy; but occasions have not been wanting when I have keenly felt the manner in which I was being treated, by being constantly importuned to do what was directly contrary to the instructions of Government and by flat denial of assertions as to matters of fact made by me, and in numerous other ways.

6. These facts are now adduced not by way of recrimination, which I entirely repudiate as having no bearing whatever upon the serious nature of the present position at Baroda, but merely to show the difficulty of a position in which any representative at the Court of the present Gaekwar, must necessarily be placed who impartially and fearlessly does his duty.

7. In the present case, however, apart from the serious question of reform which it has been my duty to urge on His Highness' notice, I have been placed in an exceptionally difficult position owing to the disagreeable obligation I have been under of opposing certain schemes on which His Highness the Gaekwar has set his heart, as set forth in paragraph 2 above, and also owing to the fact that this system of false accusations has only been commenced under the present so-called improved administration, and appears to have a special significance as closely following the public, and I trust not unmerited, expression of confidence in myself contained in His Excellency the Viceroy and Governor-General's khureeta of 25th July last.

8. I now proceed to show that in the two illustrations of my alleged personal hostility which have been adduced, His Highness the Gaekwar is hopelessly in the wrong, as I have from the first most carefully abstained from every word or action to which exception could be taken as having a tendency to lower the authority, or increase the difficulties of the present administration. So far, therefore, from lending a ready ear to complainants, as has been wilfully and falsely stated, my confidential Progress Report will show that I have acted with extreme forbearance,

and that if there be any complaint against me at all, it is that I have systematically forced all petitioners to appeal to the Durbar and submit to its authority, even after they had repeatedly done so, and that until I was satisfied that this had been done I persistently refused them even access.

9. It was in pursuance of this policy that from the close of the Commission proceedings in December 1873 up to about a month ago, I turned a deaf ear to all petitioners and refused to see them at all, though hundreds of petitions, many of them of the most serious nature, were constantly reaching me by post from all parts of the Baroda State. The immediate effect, however, of the receipt of His Excellency the Viceroy and Governor-General's instructions of 25th July last was that hundreds of petitioners from all parts flocked to Baroda in the expectation that their grievances would at length receive a hearing from the Durbar. It is true that many of the petitioners who had been waiting on Mr. Dadabhai for the previous eight months represented to me that it was hopeless to expect that they could get justice from one who had persistently closed his ears to all their complaints. I did my best, however, to assure them that the new administration were anxious to do justice, and that they should again represent their cases to them in accordance with the ordinary custom. My efforts, however, were of no avail: towards the end of September hundreds of petitioners returned—importuned me from day to day, saying that they had gone to Mr. Dadabhai, had fully represented their cases, but had no redress for immediate pressing grievances. They represented that their crops were ripe, but that they were forbidden to cut them without signing ruinous agreements, and that they were, if anything, worse off than before, owing to an excessive system of mohsulling and demands for sowcais security both for arrears and the present crops.

10. Finding that I could no longer without positive dereliction of duty refuse to take some action on the important and voluminous complaints made to me, I first had recourse to oral communications with Mr. Dadabhai, then to confronting certain of the complainants with him, and finally on finding that no results whatever ensued, and that the advice of His Excellency the Viceroy and Governor-General, which had been tendered about six weeks or two months previously, was a dead-letter, I at last reduced to writing the statements of the chief complainants, and forwarded them to the Durbar for information and such action as they might see fit. This action alone of mine elicited any notice whatever. The Minister was at length induced to allow crops to be cut, which in many cases were then rotting on the ground; but not without the strongest personal expostulation at any action in recording the serious statements made by the petitioners. In reply to these representations I took the opportunity of impressing on Mr. Dadabhai that in thus providing the Durbar with clear statements of specific grievances complained of, with a view to their reform, I was acting in the kindest possible manner towards both His Highness the Gaekwar and his new administration, the members of which had little or no personal acquaintance with the details of the grievances complained of. Mr. Dadabhai, however, was most importunate in urging on me the necessity of more oral communications, but I replied that in cases where repeated oral representations had been made by me, and no results followed, it was absolutely necessary, if only for the information of Government, that I should record the exact nature of the complaints made, and show how far the action taken by the Durbar corresponded with the advice tendered by His Excellency the Viceroy and Governor-General and the promises made in reply thereto.

11. From this explanation it will be clear to Government that the sole object of the present administration is to prevent an appeal to facts in forming an opinion upon the real progress of reform. The Durbar have never been moved to take any action whatever to redress grievances until they have received from me a written statement of the petitioners' grievances, and then at once they have turned round and furiously attacked me for adopting the only course which can satisfactorily prove in what manner the advice of His Excellency the Viceroy and Governor-General is being substantially acted up to.

12. I now proceed to notice the two illustrations which have been adduced by His Highness the Gaekwar in the present khureeta in support of his allegation that I am actuated by unfriendly feelings towards himself and his administration.

13. The first case adduced is that of a Sirdar, Chandrarao Kuddu, the circumstances of which are fully reported to Government in the list of correspondence as follows :—

1. Resident's telegram to Government, dated 16th October 1874.
2. Letter to Government No. 331-1193, dated 16th idem.
3. Letter No. 333-1148, dated 17th October 1874.
4. Telegram to Government dated 18th October 1874.
5. Telegram to Government dated 19th October 1874.
6. Government telegram dated 19th October 1874.
7. Telegram to Government dated 20th October 1874.
8. Letter No. 343-1168, dated 20th October, with accompanying correspondence with Durbar.

P. 12.

P. 13.

P. 15.

"

"

"

"

"

14. It only remains to add certain explanation with regard to the Durbar version of the case, now for the first time submitted, not to me, but His Excellency the Viceroy and Governor-General, under circumstances in themselves suspicious. The Durbar correspondence* on the subject with the Resident will be found with the Government letter, &c., quoted under No. 8 of the above correspondence. It will be seen that in the Durbar yads to my address dated 19th October (the day before the Dussera) no such imputations are made as in the khureeta of the 2nd November† under notice, which may be stated as follows :—

* P. 17.

† P. 78.

1st. That the Resident was prepared to justify the conduct of the Sirdars who had banded together.

2nd. That the Resident declined to use his influence to disperse the Sirdars, on the ground that they had a legitimate grievance by the institution of criminal proceedings against one of their number.

3rd. That he subsequently again justified their conduct of adverting to their pending grievances.

15. These imputations appear therefore to be an after-thought, and though they would be, on this account, underserving of serious attention, I proceed to notice them seriatim.

The first imputation is wholly false, and must have been known to be so by the writer of the khureeta, as it was solely through the Resident's intervention that the Sirdars were ultimately induced to disperse, and allow the Dussera procession to proceed as usual.

With regard to the second point, I have only to observe that I gave advice to His Highness' Minister, the spirit of which I am happy to say was immediately followed with the desired results, although the occasion of a birth of a son was eagerly seized by the Durbar to retire from an untenable position of great danger.

The third imputation is wholly false with regard to the alleged justification of the Sirdar's conduct on my part; I did, however, point out to Mr. Dadabhai the very great danger of allowing a large number of Sirdars and military classes to remain with their grievances unredressed, as brought to notice in my yad to the Durbar, No. 1965, dated 19th October 1874,* and again in No. 1982† of the 20th idem, the day of the Dussera.

16. To these views Mr. Dadabhai had of course no objections to offer, and therefore I am the more surprised that the above accusations should have found expression in this unusual manner.

17. With regard to the second illustration adduced, relating to the case of certain Mussulman Sindhee cultivators residing in the Baroda and other Pergunnas of the Baroda State, I have the honour to remark that the illustration in question appears to be even more unfortunate than the last.

18. The case of these petitioners was reported to Government in my letter No. 350-1106‡ of 27th October 1874, with accompaniments, viz., a petition dated October 1874, with two accompaniments, one to the address of His Excellency the Viceroy, and the other to the address of His Excellency the Governor, Bombay. It will be seen that the* obnoxious yad referred to by His Highness

* No. 1986.

the Gaekwar was addressed to the Durbar on October 20th, the day of the Dussera procession, and was written at a time when the serious assemblage of Sirdars referred to in the preceding case (paragraph 14 *supra*) was going on. It must also be observed that the petitioners who are Sindhees by race, have only taken to agriculture under the protection of their Sirdars, and are liable to be called upon for military service by them at any time. The connection therefore between this body of men and the discontented military class is obvious, and constituted the real danger of allowing their emergent and other grievances to remain unredressed.

19. With reference to this petition and my yad to the Durbar, No. 1986§ of 20th October 1874, I think it material at the outset to state that the writer of the khureeta has for some reason or

Disingenuous conduct of His Highness.

other suppressed the original petition to my address, which was the subject of my yad above referred to, and has very ingeniously, but somewhat disingenuously, favoured Government with a translation of another petition addressed not to me, but to His Excellency the Governor of Bombay, which was not referred to me in my yad No. 1986 at all, but which was merely sent to the Durbar as one of the accompaniments to the petition to my address. I did not in fact take any trouble to make myself acquainted with the subject of any petition of these Sindhees other than those addressed to myself; nor would the petition to His Excellency the Governor have been forwarded to the Durbar at all had not direct allusion been made to it in the petition to my address above referred to.

20. In order, however, to enable Government to understand the significance of the manœuvre which appears to have been perpetrated by substituting for the original petition, which was the subject of my yad No. 1986, a mere accompaniment to the said petition, I have the honour to

* See p. 19 and 80.

annex herewith copy* of the petition addressed to me by the Sindhees in question, side by side with copy of their petition addressed to His Excellency the Governor, which has been the subject of Mr. Dadabhai's indignant remarks.

21. From a comparison of the petition to my address hereto annexed, with the petition addressed to His Excellency the Governor, translation of which has been submitted by the Durbar with their khureeta under report, it will be seen why Mr. Dadabhai has *deliberately suppressed the one and commented on the other*. The petition to His Excellency the Governor is vague in its allegations, and is couched in a tone which I am very far from approving of, and should not have sent to the Durbar at all, had it come under my immediate observation, which, as before stated, was confined to the petition addressed to myself.

22. On the other hand the petition addressed to myself, which was the exclusive subject of my yad No. 1986, appears to be far more specific in its allegations, and to be perfectly proper and respectful in tone. I moreover took the opportunity of questioning the petitioners personally regarding the subject of their petition, and from their manner and general bearing, I am respectfully of opinion that the allegations made are substantially correct. This opinion, moreover, is confirmed by the fact which appears to have been disingenuously suppressed, that Mr. Dadabhai was in fact induced, by my representations in my yad No. 1986 under reference, to grant the petitioners the immediate and emergent redress sought, by allowing them to cut their crops and promising consideration of their case. On these conditions the Sindhees have at length returned to their villages, and thus, notwithstanding Mr. Dadabhai's present indignant protest, the main object of my representation has in fact been gained; and moreover what, under the circumstances of the Dussera festival above related, was a serious danger, has been averted.

23. It only remains to notice the statement made in the khureeta that these complainants had never previously represented their grievance to any Durbar authority. This statement, I regret to state, I must pronounce to be entirely without foundation; nor can I imagine how the writer

of the khureeta could have been induced to represent to his Excellency the Viceroy in a formal public document, a fact, the falsity of which happens to be susceptible of specific proof. These petitioners have been, as stated in their petition to my address (copy annexed), perpetually importuning the Durbar to grant them redress during the last eight months. I took care to question them particularly on this point, and I believe their representations to be substantially correct. They have, moreover, produced for my satisfaction a receipt for a registered letter recently addressed to Mr. Dadabhai Nowrojee; and they assured me that their chief representative and karkoons have been in daily attendance at the Durbar for weeks past trying in vain to procure a settlement of their long-pending grievances. In the face, therefore, of evidence of this nature, I can only suppose that the writer of the khureeta has either been misinformed, or has wilfully intended to deceive His Excellency the Viceroy and Governor-General. At the same time I think it my duty to state, and I do it with much regret, that it is now becoming the systematic practice of the new administration to ignore long-pending grievances, and to deny in unmeasured terms that the petitioners, who have for months been importuning, first, the Resident, secondly, the Commission, thirdly, Government, have ever represented their grievances to any responsible Durbar official.

24. Having thus noticed the two main illustrations given of my alleged unfriendly attitude, it only remains for me to notice briefly the remaining points alluded to in paragraph 3 above.

With reference to the alleged results of the Resident's unfriendly attitude (b. paragraph 3 above), I may remark that there can be no doubt that the intervention of Government by means of the Commission and His Excellency the Viceroy's instructions on their report have necessarily tended to encourage resistance to a perpetuation of the oppressive system in all branches of the administration which it was my duty first to bring to notice. I am not aware that any resistance has been offered to the exercise of any lawful authority by the Durbar officials; in fact it is to me truly marvellous that the people should have remained so submissive under the system of absolute slavery in which they have long been held.

25. With reference to the alleged loss of revenue, it is obvious that the advice of His Excellency the Viceroy and Governor-General regarding excessive exactions, guddee nuzzerana, &c., must necessarily, for the current year, at least, cause a temporary loss of revenue; but this result is not, I think, under the circumstances, one for which His Highness is entitled to appeal for sympathy.

26. With reference to the 3rd head (c.), relating to the required dismissal of myself as Resident, I have long been aware that my removal from Baroda constitutes the chief object of the present Maharaja and his advisers. This is not to be wondered at, considering the part which I have had to play during the last 18 months. The present Maharaja and his advisers are fully aware that I am thoroughly cognizant of all that has been and is going on, that I am not to be cajoled, intimidated, or deterred from carrying out to the best of my ability the orders of Government; and under these circumstances, they are filled with a natural fear that any sham or imposture will not be allowed to pass current without notice from me. It is material, however, to note that my personal relations with the Maharaja himself are, as they always have been, of a friendly and satisfactory nature, and no one is more aware than the Maharaja himself, as he has frequently admitted to me, that my advice is for the real benefit of himself and his State.

27. With reference to the 4th head (d.), as noted in paragraph 3, viz., that the action of His Excellency the Viceroy in publicly notifying his confidence in me, and in directing me to superintend and report on the progress of the reforms required, is unfair to His Highness the Gaekwar, and precludes the possibility of allowing him the fair trial promised; I have only to remark that His Excellency is the best judge of the propriety of the course which he has directed to be followed; and that the fair trial desiderated by His Highness the Gaekwar would probably imply many conditions which it would be scarcely possible for any Government to accede to. Moreover His Highness the Gaekwar appears entirely to forget that the ultimate verdict in this very serious case is in no sense dependent on any opinions or inferences of my own, but solely on proved palpable facts, the significance and import of which the Government will alone decide, facts, however, which I have shown in paragraph 10 above, the present Minister is most anxious to suppress.

28. With regard to the final statement (e, alluded to in paragraph 3 above) that progress has been made by His Highness the Gaekwar in the various reforms recommended, the details of which will shortly be communicated, I have only to state that it will be time enough for me to criticise this statement when it appears; but in the meantime I would respectfully invite the careful attention of Government to my confidential progress report just forwarded, which contains an exhaustive narrative of what has actually occurred in each group of cases that came before the Commission.

29. I would further respectfully submit, for the consideration of Government, that had real reform commenced in the Baroda State, such a khureeta as that under reply could not have been written, more especially after the serious warning conveyed in His Excellency the Viceroy's khureeta of 25th July last. I believe, however, that in addition to the special personal reasons for this unseemly attack noticed in paragraph 2 above, another important motive is supplied by the fact that on the date that I received the khureeta in question I completed my progress report of the past three months that have elapsed since the receipt of His Excellency the Viceroy's instructions. It will not escape notice that the writer of the Durbar khureeta under report has more than once made special allusion to the progress of the reforms effected during this very period, and taking into consideration the whole tone and spirit of that communication, I think it extremely probable that this khureeta has been written in the hope of nullifying the effects of my serious report.

30. In conclusion I cannot but notice as somewhat significant the direct reference in this matter to His Excellency the Viceroy and Governor-General in Council instead of to my immediate superior His Excellency the Governor of Bombay. The meaning of this, however appears

to be obvious enough; on the last occasion that His Highness thought fit to charge me with offering him an "open outrage and public insult" for carrying out the instructions of Government, he submitted my conduct for the consideration of His Excellency the Governor of Bombay. The courteous but firm refusal of His Excellency to recognise the propriety of the unseemly attack made in that instance on an officer of high rank, was doubtless extremely galling to His Highness, who continued to appeal until the Government thought fit to close the correspondence. In the present instance His Highness has shown his want of confidence in the Bombay Government by summarily appealing in the same unreasonable manner to His Excellency the Viceroy and Governor-General.

No. 2563P., dated Fort William, 25th November 1874.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to
SECRETARY to the GOVERNMENT of BOMBAY, Political Department.

I AM directed by the Governor-General in Council to acknowledge the receipt of your letter of 19th November, No. 6832,* sending a khureeta from His Highness the Gaekwar to the address of His Excellency the Viceroy, and of your letter of the same date, No. 6831,† forwarding further papers completing the correspondence submitted with your letters of 22nd October, No. 6137, and of 23rd October, Nos. 6159 and 6160,‡ in accordance with the request contained in my telegram of 11th November, No. 2417P.§

2. His Excellency in Council observes that the whole correspondence between the Bombay Government, Colonel Phayre, and the Baroda Durbar, now received, satisfies the Government of India that Colonel Phayre has thoroughly misunderstood the spirit of the instructions both of the Government of India and of the Bombay Government, and that the duties of Resident at Baroda cannot be entrusted any longer to Colonel Phayre with the reasonable prospect of a satisfactory result.

3. The Governor-General in Council has accordingly deputed, as a temporary measure, Colonel Sir L. Pelly, K.C.S.I., as Agent to the Governor-General and Special Commissioner at Baroda. Sir Lewis Pelly has received personally from the Viceroy full instructions for his conduct in the very difficult circumstances under which he will assume his duties. The Bombay Government, to whom Sir Lewis Pelly has been instructed to report himself on his arrival in Bombay, are requested to take all necessary steps to invest him with the needful powers to enable him to discharge, during his tenure of office at Baroda, the duties hitherto discharged by the Resident. Sir Lewis Pelly will also be the bearer of a khureeta from the Viceroy to the Gaekwar announcing his appointment, a copy of which is enclosed for the information of the Bombay Government.

4. While the Governor-General in Council is compelled to express his disapproval of the manner in which Colonel Phayre has acted, His Excellency in Council fully admits the difficulty of the position in which he has been placed, and the integrity of his intentions.

5. The Governor-General in Council has not as yet received information as to the result of the enquiry into the atrocious attempt to poison Colonel Phayre, which was reported in your letter of 14th November, No. 40 P., but His Excellency in Council desires to convey to Colonel Phayre the sympathy of the Government of India and their congratulations upon his escape. This circumstance, however, cannot affect the conclusion at which the Government of India has arrived in consequence of transactions which occurred long before the attempt, that it will not be for the advantage of the public service that Colonel Phayre shall remain longer as Resident at Baroda.

6. The Governor-General in Council trusts that the authors of the attempt will be brought to condign punishment; and, if the investigation has not been completed, it will be the first duty of Sir L. Pelly to bring it to a conclusion, or to recommend the measures that he considers to be necessary for that purpose.

7. The Governor-General in Council regrets to have to point out to the Government of Bombay that serious public inconvenience has been caused by the delay which has occurred in furnishing the Government of India with full information as to their proceedings, and those of Colonel Phayre. The delay is the more to be regretted as the subject was one of first-rate importance, which had been referred by the Bombay Government for the orders of the Government of India,

and upon which instructions had been issued by His Excellency the Viceroy and Governor-General in Council.

8. Although the most important communications between Colonel Phayre, the Baroda Durbar, and the Bombay Government, took place in the month of August, it was not till the 19th of November that the Government of India was put in possession of full information of those transactions.

9. The Governor-General in Council considers that the course taken by the Government of Bombay was not suited to the gravity of the situation, that their notice of Colonel Phayre's conduct, although proper so far as it went, was inadequate, and that it was their duty to have kept the Government of India fully and promptly informed of everything of importance that occurred at Baroda.

10. During the present critical circumstances therefore His Excellency in Council considers it desirable that all orders required for the purpose of carrying out the instructions of the 25th July consequent on the Report of the Baroda Commission shall in future be given by the Government of India. Sir Lewis Pelly has therefore been instructed to communicate directly with the Government of India on those matters, forwarding at the same time duplicates of his letters to the Government of Bombay. His Excellency in Council will be glad to receive from the Government of Bombay any observations which that Government may desire to make on those communications, and he desires to avail himself of the advice and assistance of the Bombay Government on such matters especially as affect the reform of the interior administration of the State of Baroda.

11. Sir Lewis Pelly has been instructed to communicate directly with the Bombay Government in the same manner as the Resident at Baroda has hitherto been accustomed to do on all other matters relating to the affairs of the Baroda State.

12. His Excellency in Council relies upon the Bombay Government to give such instructions to their officers as will secure every assistance being rendered to Sir Lewis Pelly in the performance of the duties with which he is entrusted.

No. 2564P., dated Fort William, 25th November 1874.

From SECRETARY to the GOVERNMENT of INDIA, Foreign Department, to
COLONEL SIR LEWIS PELLY, K.C.S.I., &c.

I AM directed to inform you that His Excellency the Viceroy and Governor-General in Council has been pleased to depute you as Agent to the Governor-General and Special Commissioner at Baroda as a temporary measure.

2. The Viceroy has personally explained to you the object of your deputation, and furnished you with instructions for your conduct in the very difficult circumstances under which you will assume your duties. A copy of my letter No. 2563P. of this date to the Government of Bombay is enclosed for your information and guidance. A printed copy of all recent correspondence regarding Baroda affairs will also be furnished to you in due course.

3. I am to forward herewith in original a letter from His Excellency the Viceroy to His Highness the Gaekwar announcing your appointment, and to request that you will deliver it to His Highness with all due ceremony. A copy is enclosed for your information.

4. Your travelling expenses will be defrayed by Government, and during your employment on this duty you will, with effect from the 13th instant, draw the same pay and also the same allowances as were enjoyed by you as Agent to Governor-General in Rajpootana. Your employment at Baroda is without prejudice to your permanent appointment in Rajpootana.

Khureeta, dated Fort William, 25th November 1874.

From His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA, to His Highness the MAHARAJA of GAEKWAR.

I HAVE received through the Bombay Government Your Highness' khureeta dated 2nd November 1874.*

I deem it unnecessary to discuss with Your Highness the reasons you have given for desiring a change in the Baroda Residency. But after a careful consideration of the circumstances that have taken place, and moreover in pursuance of the determination of the Government of India to

* P. 78

afford Your Highness every opportunity of inaugurating a new system of administration with success, I have made arrangements to depute an officer of high rank and of wide experience in political affairs to be the representative of the British Government at your Highness' Court.

Accordingly I have appointed Colonel Sir Lewis Pelly, K.C.S.I., my agent for Rajpootana, to be my Agent at Baroda, and he will present this khureeta to Your Highness.

In giving to Your Highness the great advantage of the advice and assistance of an officer of such high distinction who has filled important political functions with great ability and to my entire satisfaction, I have now done everything in my power to aid Your Highness in the efforts which, I am glad to be informed by the khureeta under reply, are being made to reform the administration of Your Highness' territories in consequence of the khureeta I addressed to Your Highness on 25th July 1874.

I shall await with anxiety the reports which I shall receive from Sir Lewis Pelly, from time to time, of the progress of the measures which Your Highness is taking with this object.

I beg to express the high consideration I entertain for Your Highness, &c.

No. 417-1386, dated Baroda, 8th December 1874.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner of Baroda, to C. U. ARCHISON, Esq., Secretary to the Government of India, Foreign Department.

*See above.

WITH reference to your office letter of the 25th ultimo,* I have the honour to forward herewith a khureeta addressed to His Excellency the Viceroy and Governor-General by His Highness the Gaekwar, and handed to me this day. I trust the reply of the Durbar will be considered satisfactory.

Dated Baroda Palace, 7th December 1874.

From His Highness MULHAR RAO MAHARAJ GAEKWAR, SENAKHAS KHEYL SUMSHEER BAHADOOR, to His Excellency the Right Honourable THOMAS GEORGE BARING, BARON NORTHBROOK, G.M.S.I., Viceroy and Governor-General of India.

See above.

I HAVE the pleasure to acknowledge the receipt of Your Excellency's khureeta of 25th November 1874. I earnestly thank you for the determination which Your Excellency's Government pursues of affording me every opportunity of inaugurating a new system of reformed administration with success; and I am quite sensible of the kindness Your Excellency does me in appointing Colonel Sir Lewis Pelly, K.C.S.I., Your Lordship's Agent for Rajpootana, to reside for a time at my Court. I well understand the grave importance of the khureeta which Sir Lewis Pelly has presented to me from Your Excellency. I already perceive the great advantage which will accrue to me from his advice and assistance. I thank Your Excellency for deputing him, and Your Excellency may rely upon my carrying his advice into effect and in every way conforming to Your Excellency's wishes as expressed in the khureeta of 25th July last. I feel certain that Sir Lewis Pelly will very shortly be in a position to report to Your Excellency the satisfactory progress made in administrative affairs, and I beg that if, on receiving your Agent's reports, Your Excellency should find anything to be amended, Your Excellency will favour me with an intimation to such effect, when I will immediately endeavour completely to meet Your Excellency's views.

I beg to express the high consideration and esteem I entertain for Your Excellency, and to subscribe myself.

No. 7549 of 1874.

From C. GONNE, Esq., Secretary to Government, Bombay, to C. U. ARCHISON, Esq., C.S.I., Secretary to the Government of India, Calcutta.

SIR, Dated Bombay, 14th December 1874.

† P. 86.

I AM directed to acknowledge the receipt of your letter No. 2563P.,† dated 25th November 1874, and the accompanying copy of a Khurita addressed by His Excellency the Viceroy to His Highness the Gaekwar of Baroda, and with reference thereto to inform the Government of India that a copy of this communication was at once forwarded to Colonel Phayre with instructions to give over charge to Colonel Sir Lewis Pelly, K.C.S.I., on his arrival.

2. Sir Lewis Pelly is already a Justice of the Peace for this Presidency, and the Viceroy in Council has been asked to give the necessary orders to confer on him jurisdiction under the Military Cantonment Act to hear appeals. His Excellency in Council is not aware of any other especial powers which it is necessary to confer on Sir Lewis Pelly to enable him to carry out the ordinary duties which have hitherto been performed by the Resident at Baroda.

3. His Excellency in Council will afford Sir Lewis Pelly every assistance in his power, and feels sure that no difficulty need arise in carrying out the ordinary work of the Residency which is of a local nature.

4. His Excellency the Governor in Council having, as above stated, taken all the necessary means for giving full effect to the orders of the Government of India, desires to make a few observations on the main decisions communicated to him by your letter under acknowledgment, viz. :—

- (1.) The removal of Colonel Phayre.
- (2.) The censure passed by the Government of India on this Government.
- (3.) The withdrawal for a time from this Government of the control of affairs at Baroda.

5. It is hardly necessary for me to state with what sincere regret the order of the Government of India directing the summary dismissal from the Residency of Baroda, of an officer of such high standing and character as Colonel Phayre, has been received here. Nevertheless His Excellency in Council, who throughout has been of opinion that Colonel Phayre would have to contend with special difficulties in executing the orders of the Government of India contained in their letter No. 1586P., of the 25th July last, admits that a change in the Residency at Baroda was expedient if not absolutely needful. And so fully alive were the Government of Bombay to the incidents of his position, that, even after receiving the instructions of His Excellency the Viceroy, and learning that Colonel Phayre possessed his "full confidence," they would have transferred the charge of the Residency to other hands, if any other appointment of equal worth had been at their disposal for the employment of Colonel Phayre.

6. His Excellency in Council would have taken this step, from the conviction that the very qualities which made Colonel Phayre an effective instrument for the exposure of the gross mismanagement of the Baroda State, were ill-adapted to the more delicate task of proffering advice to the Prince whose mal-practices he had dragged to light. The circumstances of the case enabled the Gaekwar to claim, as he did on the 2nd November,* the removal of Colonel Phayre, on the plea that he had been throughout his determined prosecutor, that he could not therefore exercise impartial judgment, and that the difficulties of reforming the administration were increased by the hopes of support from the Resident, which the Prince's enemies founded on their knowledge of the part Colonel Phayre had played towards the Durbar.

7. But it is against the time and manner now chosen by the Government of India for Colonel Phayre's removal that His Excellency in Council feels bound to record his respectful protest. This removal follows closely upon the receipt of a Khurita from the Gaekwar praying that Colonel Phayre may be re-called, and upon an attempt to poison that officer, of which at least it may be said, without forestalling the result of any judicial investigation, that it could hardly have been prompted by other than political motives.

8. To remove a Resident at such a juncture seems to this Government likely to give rise to a very serious misapprehension in the minds of Native Chiefs, who will be unable to disconnect the fact of the removal from one or other of the above incidents; and the result is not unlikely to be, that this act of the Supreme Government will be viewed by them as a proof of weakness. It was at once viewed at Baroda as a complete triumph on the part of the Gaekwar.

9. His Excellency in Council also cannot but fear that the body of public servants employed in political affairs throughout India may be injuriously affected by the removal at such a time, and unaccompanied by any circumstances which might mitigate the severity of the act, of an officer who will be known to have ventured, in the honest and conscientious discharge of his duty, to expose the abuses practised in an important Native State, and who had been able to convince the Government of India of the truth of his statements.

10. The peculiarities of Colonel Phayre's personal character and of the position in which he stood to the Gaekwar have been manifest throughout, and must have been as patent to the Government of India when they issued orders on the Commission's Report in July as they are now; and had they at that time suggested and facilitated his transfer to another appointment of equal value, or otherwise compensated him, this Government would most cordially have assented for the reasons mentioned in the 5th and 6th paragraphs, and the change would have commended itself to Colonel Phayre as well as to the public. But the order now issued is, in the opinion of this Government, unjustly severe on an officer whose conscientious and praiseworthy efforts had brought about the beneficial intervention of the British Government for the protection of the people of Baroda.

11. I am now directed to refer to the second point. When, shortly after Colonel Phayre had received the detailed instructions of this Government, it was found that, as regards the nominations of Mr. Dadabhoy as Minister and Bhow Sahib Khanvelkur as Pritinidhi, he had evidently mistaken the policy laid down by the Government of India, the first thought of this Government was to recall him. But no warning or caution had been given him, and the Durbar had only just received an intimation that he possessed the full confidence of the Viceroy. He was, therefore, at once sent for to the seat of Government, and, after his explanations had been considered, His Excellency the President, both at a special meeting of Council and also privately, admonished him and pointed out clearly the course he was bound to adopt. It was plainly intimated to him that his retention of office must depend on his strict conformity with the spirit of his instructions. A letter* was also sent to him recapitulating the course of action that had been pointed out to him.

* P. 20.

12. It is with much regret that His Excellency in Council now finds that the notice then taken is only considered by the Government of India as "proper" so far as it went, but inadequate, and further that delay in forwarding the correspondence relating to it is assigned as the reason for temporarily withdrawing from this Government, for all practical purposes, the management of Baroda affairs.

13. The appointment of Resident at Baroda belongs by law to this Government. The retention of it by Colonel Phayre was a matter for them to decide, on which the Government of India had maintained silence. This Government felt strongly both the impolicy as regarded the Gaekwar, and the injustice as regarded Colonel Phayre of summarily removing him from his office without compensation. And having permitted him to return to Baroda, it did not occur to them that it was necessary to report immediately to the Government of India the very stringent instructions he had received, and which it was hoped he could no longer misapprehend.

14. Lastly, with regard to the 3rd point, I am to observe that by the abrupt withdrawal of the direct control of the affairs of Baroda, without any opportunity for explanation being afforded, His Excellency in Council cannot but feel that a grave reflection has been passed upon this Government. They were deeply interested in the successful operation of the orders of the Government of India. They had originated the enquiry and Commission, they had strongly supported the Report of that Commission, they had been entrusted with the duty of carrying out the details of the orders, and they had striven by all the means in their power to give full effect to the policy of the Viceroy. They are, therefore, at a loss to discern any substantial reason for the course actually adopted in its bearing on themselves.

15. I am to add that copies of this correspondence will be at once forwarded to Her Majesty's Secretary of State.

I have, &c.,
(Signed) C. GONNE,
Secretary to Government.

Bombay Castle, 14th December 1874.

No. 7550 of 1874.

From SECRETARY to GOVERNMENT, Political Department, BOMBAY, to the
SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

SIR,

Dated 14 December 1874.

WITH reference to recent correspondence connected with Baroda affairs I am directed to forward herewith, for submission to the Government of India, copy of a letter from Colonel Phayre, C.B., Resident at Baroda, No. 406-1352, dated the 1st instant, and to state that the opinion of this Government on the removal of Colonel Phayre from the Residency of Baroda is fully set forth in my letter of this date, No. 7549.

I have, &c.
(Signed) C. GONNE,
Secretary to Government.

Bombay Castle, 14 December 1874.

True copies.

P. RYAN, for Secretary to Government.

No. 406-1352 of 1874.

From Colonel R. PHAYRE, C.B., Resident, Baroda, to the SECRETARY to GOVERNMENT,
Political Department, Bombay.

SIR,

Baroda, 1st December 1874.

I HAVE the honour to acknowledge the receipt of your letter, No. 50P., dated yesterday, conveying to me the intelligence that His Excellency the Viceroy and Governor-General in Council is satisfied from the perusal of certain correspondence of the Bombay Government, that I have thoroughly misunderstood the spirit of the instructions both of the Bombay Government and the Government of India, and that the duties of Resident of Baroda cannot any longer be entrusted to me with the reasonable prospect of a satisfactory result.

2. While I have no wish whatever to call in question the decision at which the Government have arrived, I respectfully submit that I am entitled to receive some more specific information regarding the points in regard to which I am said to have thoroughly misunderstood the spirit of my instructions.

2. The only points upon which I have had the misfortune to differ with Government are,—

First. With regard to the appointment of Mr. Dadabhai Naurojee as Minister of the Baroda State.

Secondly. With regard to the military honours to be given to the dismissed minister Nana Sahib Khanvelker.

4. The first intimation which I received from Government objecting to the conduct of my negotiations on the first of these points, was contained in Government letter, No. 24P.,* of 16th August 1874, which I received on the eve of my departure to Poona on duty, and replied to in person.

* P. 24.

5. The next intimation which I received on both points was conveyed in Government letter, No. 25P.,† dated 24th August 1874, to which I replied in my letter, No. 264A., of 28th idem.

† Pp. 35, 36.

6. To this communication the Government replied in their letter, No. 29P.,‡ of 7th September 1874, closing the correspondence, with an intimation that further discussion was undesirable.

‡ P. 41.

7. From that date (7th September) up to the receipt of your letter under reply, no official intimation has been received by me from Government in any way disapproving of or reflecting upon any of my subsequent proceedings.

8. I received, however, much to my surprise, on the 16th November a private intimation from His Excellency the Governor, that my proceedings were not approved of, and that His Excellency the Viceroy considered that I ought to resign my appointment, on the ground that I wished no personal considerations affecting myself to interfere with the satisfactory solution of affairs. I was, however, expressly directed to exercise my own discretion.

9. As I was unconscious of any personal considerations whatever in the matter, and was aware that the greatest efforts were being made by the Durbar, and had been for some time previously, to procure my removal from my present appointment by intrigue and malicious representations, I thankfully accepted the discretion which His Excellency the Viceroy had offered me, and declined to tender my resignation, on the ground that I deferentially considered my stay at Baroda to be for the *bona fide* good of the public service, and because I was not conscious of having done anything to merit the professional ruin which my resignation, without other provision being made for me, would entail.

10. Under these circumstances I would respectfully submit that I naturally feel much grieved at the unusual and summary course which has been adopted in depriving me of my appointment, without furnishing me with any information as to the specific cause which has rendered necessary so sudden and severe a measure, and I trust, therefore, that as I have been deprived of all possible means of defending myself and thus averting the serious step which the Government has now thought it necessary to take, I may receive that justice which I confidently look for at their hands.

I have, &c.
(Signed) R. PHAYRE, Colonel, Resident.

No. 431-1248, dated Baroda, 18th December 1874.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN my letter No. 415 of the 7th instant I alluded to the promises made to me by the Minister of the Gaekwar to the effect that I should receive written communications, drawn up in the spirit I recommended, concerning the requirements made by His Excellency the Viceroy and Governor-General in Council in your Office letter No. 1586 P. of the 25th July 1874, and in His Excellency's khurceta to the Gaekwar of the same date.

2. I have now the honor of enclosing English version of 11 yads in margin addressed to me by His Highness under date 7th December 1874: these versions were prepared

Nos. 2264 to 2274.

by the Minister and were handed to me with the Maratha translations so that there might be no misapprehension of meaning.

M 2

* P. 96.

No. 2392 of 1874.

3. I enclose also the acknowledgment* which I have sent to His Highness of all these yads.

4. His Excellency in Council will observe that in my acknowledgment I have strictly limited my function to that of advice. My yad concludes with the following words :

"I beg Your Highness to rest assured that on all occasions I shall be most happy to aid Your Highness by my experience and with my advice; and it will then be for Your Highness either to accept that advice or to refrain from so doing. The responsibilities of the administration of the Baroda State rest on Your Highness, and I desire that all acts of authority may emanate from Your Highness."

5. As regards the yads received, I trust His Excellency in Council may deem them satisfactory. I have postponed transmitting them until the present time in order that I might test the assurances of the Gackwar by his actions. And it is fair to him to say that in so far as his conduct is concerned, from the date of my arrival here down to the present time, I have no reason to complain. He has to the best of his ability acted up to his assurances and himself taken interest and pains in seeing to administrative reforms. He is unquestionably alarmed at his situation and prospects, and almost daily visits me to consult and to intimate progress.

6. At the same time the confusion and almost dead-lock to which affairs have been brought here by a combination of causes, among which the maladministration of more than one Ruler is prominent, are deplorable.

7. To return, however, to His Highness' yads, with which alone my present letter pretends to deal, the marked feature of these is that whenever desirable the Gackwar requests that His Minister may meet the several classes of complainants at the Residency and there settle matters in my presence or with the aid of my advice.

8. In this manner some complaints on the part of the Sowcars and Sirdars have already been looked into and the enquiry is now suspended only to afford time for the financial condition of the State to be analysed and tabulated; for obviously it would be premature for the Durbar to commit itself to promises of allowances, inams, &c., until it shall be reasonably certain that funds are forthcoming wherewith to fulfil these promises.

9. The yads and enclosures relating to Proclamations issued show that in instances where these Proclamations have been infringed punishment has followed, a remarkable result is that the guilty parties now tend to petition the Residency against punishments.

10. The yad requesting the aid of Police Officers is, I think, judicious: the criminal procedure cannot be satisfactory so long as the Police remains corrupt and disorganized.

11. As regards the yad on assessment, a satisfactory Proclamation is now being issued* promising fair remissions. I shall have the honor of submitting a separate report on the land revenue.

* Issued to day, 18th December 1874.—(Sd.) L.P.

Translation of a yad No. 2264, dated 7th December 1874.

My Dewan having submitted to me the summary of the conversation between Azum Governor-General's Agent and Special Commissioner Saheb Bahadoor and him to the effect that punishment of offences should bear a reasonable relation to the crimes committed, I trust that in appointing Mr. H. A. Wadia† to the Chief Magistracy I have taken a practical and

† A Barrister called to the Bar in England.—(Sd.) L.P.

useful step towards securing the object now under notice. But I am aware that the question now before us is a very delicate one and touches the large questions of Police and Judicial administration. On the best consideration I can give to the subject, I think that the best plan will be for me to continue Mr. Wadia as Chief Magistrate, and to limit the sphere of action of the present Chief of Police to the city of Baroda and its environs. This will leave the Police of the Mofussil to be provided for, and I would ask the favour of your requesting his Excellency the Viceroy to oblige me at an early date with the services of two steady and experienced Police Officers, who between them should have charge of the Police of the whole of the Mofussil for a period of one year upon such salaries as His Excellency may deem fit to name.

Translation of a yad No. 2265 of 1874.

My Dewan has submitted to me a summary of the conversation that passed between you and him concerning the prohibition of the infliction of corporal punishment on women, and absolutely interdicting by Proclamation, under severe penalties, the personal ill-treatment of females, whether in jail, before Courts, or under examination by the Police.

As I have already intimated in my yad No. 1560 of 1874, a Proclamation has been issued (8th October 1874) as above desired, a copy of which is enclosed. I am unaware that the Proclamation has been in any instance disregarded, and can only assure His Excellency the Viceroy that if you or any other person can now or shall hereafter bring an instance of the offence now referred to to my notice, I will engage that immediate and adequate punishment be inflicted.

Translation of a Proclamation on the subject of inflicting corporal punishment upon women appended to yad No. 2265 of 1874.

(SHRIMANT SIRCAR SENAKIAS KHEYL SUMSHERE BAHADOOR.)

FOUZDARI and Police officials are ordered by this Proclamation not to inflict any corporal punishment, such as flogging, &c., upon women, nor to do any injury or other bodily harm in this way to women, whether in prison or before the Courts, or during police investigations. Any Government servant conducting himself or allowing others to act contrary to this order will be severely punished, and will be liable for dismissal.

Bhadareva, Sumbut, 1931.

Translation of yad No. 2266 of 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning the practice of torture on the part of subordinate officials. I have already intimated in my yad No. 1458 of 1874 that I shall take proper steps to prohibit any such practice, and a circular has been since issued, of which I enclose a copy. Since the issue of this circular certain instances of infraction have come to my notice and have been dealt with by the Criminal Court.

Should any instance of this practice come under your notice, favour me with an intimation of the same, when it shall be forthwith dealt with by my Criminal Court. 7th December 1874.

Translation of a Circular Order issued on the subject of torture. (Appended to yad No. 2266 of 1874.)

The Foujdari Kamdar is ordered that if in his department any force or violence is resorted to against any man in order to extort confession from him, or for any other purpose, such proceedings must at once be put an end to, and strict watch must be kept that henceforth no Sirkari servant resort to such means. If any one is ever convicted of such misconduct he must be punished severely. This is written by order of Shrimant Sircar Maharaja. Shrawan Sud 9, 1931.

Order (from Hujoor Foujdar) to all Valhivaldars in the Mahals.

You and the Foujdars must acquaint yourselves with the (above) order from the Huzoor and must henceforth conduct yourselves accordingly. The order must also be explained and brought to the notice of all Karkoons, Thannadars, and Police servants under you, and to all men employed in Police service, and to all men engaged in any police investigation, and they must be ordered to act accordingly. If any of them fail to observe such conduct, you must at once report it to us. On your failing to report this, and in case you or the Foujdar is proved to anything wrong, due notice shall be taken of your or his conduct. You must acknowledge receipt of this Circular (order) by a separate report. Shrawan Sud 10, 1931.

Translation of a Yad, No. 2267, dated 7th December 1874.

My Dewan has submitted to me the summary of the conversation that passed between you and him concerning the nuzzerana on accession. I have already written on the subject, but in view to avoid all possibility of misapprehension, I give myself the pleasure of repeating my assurance that I will not levy the accession nuzzerana; and I would explain that when in ascending the guddee I ordered the levy of a nuzzerana, I did so with the concurrence and knowledge of the then Resident. I simply followed the example of my predecessors who had levied nuzzeranas on several occasions. Some of my subjects have satisfied my demand, but finding the practice to be considered objectionable by His Excellency the Viceroy, I have quite discontinued it, and will not resume the levy.

I do not understand the requirement of the British Government on the subject to have retrospective effect, nor indeed would the present financial condition of the country admit of my reimbursing the revenues already brought to account and expended.

Translation of a Yad, No. 2268 dated 7th December 1874.

My Dewan has submitted to me the summary of the conversation that passed between you and him concerning the complaints of certain State and other Bankers of Baroda. I have already in the schedule attached to my khureeta of 1st December 1874 stated the settlement which I propose, and with your permission I will now depute my Dewan to meet the complaining Bankers at the Residency, and with your aid and advice satisfy the complainants and receive their razinamas in your presence. I on my part will engage to abide by the settlement so made.

Translation of a Yad, No. 2269, dated 7th December 1874.

My Dewan having submitted to me a summary of the conversation which took place between him and you on 6th instant in reference to the settlement for the future of the salaries, pensions, and gratuities which may be accorded by me to the military classes, the proposal entirely meets my approval, and I have now accordingly deputed my Dewan and the Chief Justice to meet some of the principal Sirdars at the Residency, and discuss and finally arrange the above details; and I doubt not that, in accordance with the friendly spirit shown by you, you will favour me by giving advice and assistance at the discussions.

Translation of a Yad, No. 2270, dated 7th December 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning the settlement for a term of years of the so-called Ghasdana claims on the seven Thakoors of Beejapoor, referred to in No. 2 of Schedule II. of the Report of the Commission. I am sincerely desirous of seeing these claims settled in an equitable manner in conformity with the wishes of His Excellency the Viceroy. Accordingly, I have instructed my Dewan and the Sir Soobha to meet the complaining Thakoors at the Residency, and then settle the claims for a term of years in your presence, and with your advice and assistance.

Translation of a Yad, No. 2271, dated 7th December 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning forcible abduction of women for service. I have already in my yad, No. 1460 of 1874, denied the existence of such forcible abduction, and promised punishment of anyone who should be concerned in such practices, and on this subject I can only promise that should any alleged instance of forced abduction come to your knowledge, I will, on receiving intimation thereof, satisfy you that the crime is adequately punished.

Translation of a Yad, No. 2272, dated 7th December 1874.

My Dewan having submitted to me the summary of the conversation that passed between you and him concerning the prohibition of levying nuzzerana on appointments, and the issue of a proclamation notifying the same, I give myself the great pleasure of informing you that the required proclamation was issued under date Shrawan Wud 14th, Sumbut 1931 (9th September 1874), and a copy of the same forwarded to the Residency with my yad, No. 1668 of 1874. Enclosed is another copy.

Down to the present time I am unaware of the proclamation having been in any instance disregarded; but should any instance come to your notice, favour me with an intimation to such effect, when I will forthwith carry into effect the provisions of the proclamation.

Translation of a Proclamation on the subject of nuzzeranas. Shri (the Goddess of Wealth).

Appended to Yad No. 2272 of 1874.

(Seal.)

[SHRIMUNT SIRCAR SENAKHASHEL SUMSHEER BAHADOOR.]

It is hereby notified to all people that whoever gives or takes nuzzerana for the purpose of obtaining or granting Government appointments, and that whoever attempts to give or take nuzzerana as aforesaid shall be liable to such punishment as is awarded to the offence of giving and receiving bribes, and that if the offender be Government servant he shall be liable to dismissal.

Written on 27th day of the month of Rujub Shrawan, 1931 Sumbut.

Translation of a Yad, No. 2273, dated 7th December 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning the attachment of wuttuns within the limits of the Baroda State. On this subject I would remind you that those attachments were made before I ascended the guddee, and that they were released by me before the assembling of the recent Commission.

I understand that in the British territories it has been found necessary to institute enquiries into alienations, and to adopt certain principles for settling inams, jaghires, &c. My sincere desire is to proceed in this approved manner, and in doing so avail myself of the experience of a qualified official of the British Government; accordingly I have appointed for this purpose Mr. Pestonjee Jehangeer, Settlement Officer of the Northern Division of the Bombay Presidency.

It must, however, be expected that it will prove impracticable to satisfy all the pretensions of the wuttundars, who, as I understand, experience shows to be exceedingly tenacious of doubtful titles.

This enquiry, although it shall conform in principle to those which have been conducted in British territory, could not justly be carried out according to the letter of the British practice, because in my territory the enquiry will relate to alienations which form a portion of the present constitution of the country, whereas in British territory the enquiry related to alienations which had originated mainly under previous rule.

Translation of Yad, No. 2274, dated 7th December 1874.

My Dewan has submitted to me a summary of the conversation which took place between you and him concerning the prohibition of the barbarous processes employed for realizing the revenue, and the introduction of a moderate and equitable settlement. I have given my best attention to this subject, and have strictly prohibited the exercise of oppression in the collection of the Government revenue. I give myself the pleasure of enclosing copy of a circular which has been issued on the subject.

As regards the revenue settlement, what has already been done is as follows:—

1. The settlements of four Mahals of the Northern Division as made by the Sir Soobha and sanctioned by me are being carried out.
2. Rao Saheb Laloobhai Karsandass,* Sir Kamdar, has been deputed to enquire into the jumabundee of the remaining four Talookas of that Division, and to submit his reports as soon as possible.
3. Rao Sahebs,* Kesharao, and Chaganlal, Sir Kamdars, have been deputed to the Southern Division with similar instructions.
4. Large reductions in Naosaree have been sanctioned, and are now being carried out by

the new Soobha. I have now instructed the head of my Revenue Department, the Kazi Shahabudeen,† who is, I believe, well known to you, to proceed to the Residency and explain to you without reserve all details under this head. I have also desired him to request the benefit of your advice with regard to the settlements he has already worked out.

Translation of Circular issued on Ashwan Shoodha 15th, Sumbut 1931 (Appended to Yad No. 2274 of 1874).

In orders dated Shrawan Shoodha 9th, No. 42, and Bhadrpad Shoodha 12th, No. 89, it is directed that measures should be taken in the matter of collecting land and other revenue to prevent ill-treatment on the part of collecting officers of the persons by whom money is due; and that in default of payment by those from whom revenue on account of land, salami, cash imposts, and other than land tax may be due, the same should be recovered in the manner below prescribed.

1. Mohusul.—Care should be taken that the Mohusul Horsemen or Foot does not act unauthorizedly towards the defaulter, and that he takes from the latter only the fixed rations for himself and for his horse (if a horseman), the Mohusul fee to be levied in addition to the rations should be fixed in reference to the amount to be recovered and the ability of the defaulter to pay. The fee should be credited to Government.

2. If the defaulter be cultivator of Government land his right of possession should be sold by auction.

3. Such property as is liable to be sold in satisfaction of a decree in a Civil suit should be sold by auction to the extent of the amount of the demand according to the provisions of the Civil Code.

4. The above three modes are prescribed, but if it appears to the collecting officer that the defaulter is able to pay, and is only withholding payment with a fraudulent intention, the collecting officer is to have power to detain the defaulter in the kutcherry. In exercising this power care should be taken that the defaulter is not made to stand in the sun, beaten, made to hold his toes, and such other cruel and oppressive treatment, or any other kind of torture is not employed. The Talooka authorities should not have the power to detain a man in the kutcherry for more than ten days without the Sir Soobha's orders.

5. Farmers shall have the power of sending Mohusul according to Clause 1, subject to appeal to the Vahivatdar. But they shall have no powers to act upon Clauses 2 and 3. Should a farmer find it necessary to put those clauses in force, he should apply to the Vahivatdar, who, if he thinks it necessary to assist the farmer, should make a record to that effect, and act upon the clauses.

* All these are British officials.

6. It has come to knowledge that village accountants sometimes behave in an oppressive way towards cultivators. Strict supervision should be exercised to prevent this.

7. Anyone acting contrary to this order should be held strictly answerable, and adequately punished.

Such are the orders from the Huzoor. On this I have to write as follows :—

1. The first clause is about Mohusuls. The rations of the Mohusul Sowar or Foot to be two seers and one adhole, and not more on any account. The Mohusul fee should be fixed in reference to the amount to be recovered and the ability of the defaulter to pay. A Mohusul chit should be written, and the reason for imposing the Mohusul should be entered therein, a full copy of it being kept on record. No Mohusul should be sent without a chit. The Mohusul fee should be credited to Government.

2. Clauses 2, 3, 4, 6, and 7 should be carefully acted upon.

3. According to Clause 5 you should inform the farmers in your districts; and should a farmer or a defaulter apply to you, you should act according to the provisions of that clause.

4. You will explain these orders to all the Karkoons and other servants under you, and report at once any infraction of them.

Act upon this.

No. 2392, dated Baroda, 16th December 1874.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special

Commissioner, Baroda, to His Highness the GAEKWAR of BARODA.

See above.

In acknowledging the receipt of Your Highness' yads, Nos. 2264 to 2274, of the 7th instant, I give myself the pleasure of intimating that, in accordance with the commands I have received from His Excellency the Viceroy and Governor-General, I shall readily accord my advice whenever asked by Your Highness or Your Highness' Dewan in respect to the matters referred to in Your Highness' yads now under acknowledgment.

Already two or three cases of the Soukars' complaints have been discussed between your Dewan and the Soukars at the Residency, and one of these cases has, I believe, been amicably settled.

But in the case of Hurree Bucktie I am quite unable to offer any solution of the questions and claims submitted concerning a chittie for 20 lakhs of rupees on the one side and the transference of certain jewels on the other.

It appears that Hurree Bucktie admit they gave a chittie for 20 lakhs to His late Highness, and that they subsequently paid His late Highness six lakhs on account. But they allege that His Highness prior to his decease consented to cancel the chittie. But they are unable to adduce any evidence in support of this allegation, as they say the cancelment was arranged *viâ voce* with His late Highness' Dewan, the late Govind Rao Roria.

The Firm further assert that the jewels passed from their premises to Your Highness were unwillingly parted with, and were taken wholly apart from the question of the chittie.

The complainants alleged before me that the emerald necklace was taken by Your Highness subsequently to your returning the chittie to them, and could not therefore have been taken in consideration of that return. But I find that the complainants alleged before the late Commission, of which Colonel Meade was President in December 1873 :—

1st. That certain other jewels taken by Your Highness were taken some seven or eight months before the assembling of the Commission in November and December 1873.

2nd. The chittie was returned after the taking of the said jewels; and

3rd. That the emerald necklace was taken by Your Highness about the Dewallee of 1872.

From these statements it would appear that the chittie must have been returned in the early portion of 1873, and subsequently therefore to the transference of the emerald necklace.

Your Highness in the statement has proposed that the complainants should prove their assertion of the chittie being invalid. But this the complainant declined to do, and threw the onus of proving the chittie to be valid on Your Highness.

Your Highness also proposed that both chittie and jewellery should be placed in deposit, and a general settlement be arrived at by inquiry. But this proposal also the complainants declined to accede.

Meantime the head of the Firm is a minor, and has to trust to his Moonim and others to plead his case.

On the whole, as I said above, I find myself unable to advise in this matter, which appears to me to be an inextricable mess.

All I can at present do is to suggest a settlement in respect to the enam and gardens, and under which the public abroo of the respectable and old State Firm of Hurree Bucktie shall be upheld as far as possible.

I find there are four enam villages which have been granted by successive Gaekwars to the Firm on various tenures.

Also that a cash allowance of Rupees 1,200 per annum has been granted by the late Gaekwar Khunderao to the present complainant.

I would advise that the village of Gariad, originally granted hereditarily, be confirmed hereditarily to the complainant and to his heirs, adopted or natural.

2nd. That the villages of Samra and Samri, which were granted hereditarily on condition of service,* be confirmed to complainant for life, and be granted for one generation on the decease of complainant, subject to a tax of one-quarter the net revenue

* I understand that the services of the Firm have been dispensed with.

during the natural life of the second holder.

These two villages of Samra and Samri to be resumed on the demise of the second holder.

It appears that the village of Sumlak was originally granted by the late Syajee Rao Gaekwar, but not hereditarily, and that subsequently the late Gaekwar, Gunput Rao, commuted the village into a cash payment of Rupees 5,000 per annum.

I advise that this cash payment be continued to complainant for life, and that on complainant's decease the payment also cease. At the same time I admit that the payment was liable to discontinuance on the demise of the recipient to whom the allowance was originally granted; the arrangement now suggested is in the nature of a compromise.

I further advise that the garden at Baroda, which is the property of the complainant, and which was resumed or taken possession of by Your Highness, be returned to the complainant: or that another garden of equal value be given to him in exchange.

Further, that the sum of Rupees 75,000 lent to the present Gaekwar be refunded to him, the complainant, in three instalments of Rupees 25,000 at the close of Sumbat 1931, Rupees 25,000 at the close of 1932, Rupees 25,000 at the close of 1933.

Finally that the Rupees 1,200 per annum allowance be confirmed to complainant for life.

Such is my counsel in this large and complicated case. But this advice does not pretend to dispose of the question of the chittie for 20 lakhs, which chittie has not been produced, and concerning which the Firm offer no evidence. I am unable even to ascertain the terms of the chittie, or whether it be really the case that the chittie was the property of the late Peshwa or Peshwa State.

In conclusion I beg Your Highness to rest assured that on all occasions I shall be most happy to aid Your Highness by my experience and with my advice, and it will then be for Your Highness either to accept that advice, or to refrain from so doing. The responsibilities of the administration of the Baroda State rest on Your Highness, and I desire that all acts of authority may emanate from Your Highness.

No. 244 P., dated Fort William, 25th January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

I AM directed by the Viceroy and Governor-General in Council to acknowledge receipt of your letter No. 7550,* dated 14th December 1874, forwarding a letter from Colonel Phayre, in which he asks for further information as to the reasons for his removal from the appointment of Resident at Baroda.

* P. 90.

2. As it appears from your letter No. 7793, dated 22d December, that Colonel Phayre was put in possession of a copy of my letter No. 2563 P.,† dated 25th November, in which the grounds for his removal are clearly set forth, the Governor-General in Council does not consider it necessary to furnish any further explanation to Colonel Phayre.

† P. 86.

No. 562, dated Bombay Castle, 26th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to the letter from this Office, No. 7550,‡ dated 14th ultimo, and connected papers, I am directed to transmit herewith, for submission to the Government of India, copy of a further letter from Colonel Phayre, C.B., dated the 16th instant, on the subject of his removal from his appointment as Resident at Baroda.

‡ P. 90.

2. In forwarding this document I am desired to state that this Government has already expressed its opinion as to the severity with which Colonel Phayre was treated, and that it still hopes the Government of India will see the justice of granting him some compensation for the loss to which he has been subjected, after his persevering efforts to put a stop to the oppressive system of government existing at Baroda.

Dated Bombay, 16th January 1875.

From Colonel R. PHAYRE, C.B., late Resident at Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

* P. 92. SIX weeks having elapsed since I submitted my letter No. 406-1352,* dated 1st December last, appealing to Government for justice and redress on account of the very severe loss and degradation sustained by me in consequence of my sudden removal from my appointment as Resident of Baroda, I have the honor respectfully to solicit a reply to the appeal therein made.

2. Events have in the interim so fully borne out and vindicated the propriety of my conduct as Her Majesty's representative at the Court of Baroda from the 18th March 1873 to the 5th ultimo, the date of my departure, that I venture to hope His Excellency the Viceroy may be pleased to accord early and favorable consideration to this matter.

No. 293P., dated Fort William, 28th January 1875.

From C. U. ARCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay, Political Department.

† P. 89. I AM directed by His Excellency the Viceroy and Governor-General in Council to acknowledge receipt of your letter No. 7549,† dated 14th December 1874, on the subject of the removal of Colonel Phayre from the appointment of Resident at Baroda, which would have been replied to sooner had not the course of affairs at Baroda subsequent to its receipt made it expedient in the opinion of the Governor-General in Council to postpone an answer.

2. His Excellency the Governor of Bombay in Council has expressed his opinion "that a change in the Residency at Baroda was expedient, if not "absolutely needful;" that the Bombay Government were fully alive to the incidents of Colonel Phayre's position; and that, notwithstanding that the Viceroy in a letter to the Gaekwar had expressed "full confidence" in Colonel Phayre, they would have removed him "if any other appointment of equal worth "had been at their disposal" to offer him. His Excellency the Governor in Council, it is further stated, would have taken this step "from the conviction "that the very qualities which made Colonel Phayre an effective instrument for "the exposure of the gross mismanagement of the Baroda State were ill adapted "to the more delicate task of proffering advice to the Prince whose malpractices "he had dragged to light."

3. But His Excellency the Governor in Council, while expressing these views, protests against the time and manner of Colonel Phayre's removal by the Government of India, on the grounds that as the announcement of it followed upon the receipt of a letter from the Gaekwar in which Colonel Phayre's removal was formally asked for, and upon an attempt to take his life by poison, it is likely to be connected in the minds of Native Chiefs with one or other of these incidents, and to be viewed as a proof of weakness; that it will have an injurious effect on the political service, and deter officers from exposing abuses in Native States; that as Colonel Phayre's personal character was well known in July last, when the orders of Government on the report of the Commission were issued, the change should have been made then; and that the orders are unjustly severe towards Colonel Phayre.

† P. 86. 4. His Excellency the Governor-General in Council regrets that, in consequence of this protest, the necessity is imposed upon him of reverting to matters which it was hoped were disposed of by my letter No. 2563P.,‡ dated 25th November last, and of pointing out that the time and manner of Colonel Phayre's removal were rendered necessary by the acts of that officer himself, the inadequate manner in which they were dealt with by the Bombay Government, and the omission of the Bombay Government to keep the Government of India informed of their proceedings and those of Colonel Phayre.

5. From the conduct of Colonel Phayre previous to the appointment of the Commission, the Governor-General in Council had entertained considerable doubts whether he possessed the discretion, conciliatory bearing, and appreciation of the questions he had to deal with, which were necessary for effectually meeting the difficulties before him. It was believed, however, that Colonel Phayre possessed the confidence of the Bombay Government; and the Governor-General in Council

considered that the report of the Commission and the clear and precise instructions of Government thereon made his course plain and unmistakeable and left no opening for the injudicious exercise of discretion and no room for misunderstanding on his part. Under these altered circumstances there appeared to the Governor-General in Council no sufficient reason for withdrawing his confidence from Colonel Phayre, especially at a time when such a course would certainly have been misunderstood by the Gaekwar, and have added considerably to the difficulties at Baroda. The Government of India having arrived at this decision, it was obviously necessary to inform the Gaekwar that Colonel Phayre possessed the full confidence of Government.

6. The Governor-General in Council learns now for the first time that the Bombay Government would have cordially assented to a change in the Residency at Baroda if it had been suggested in the orders passed by the Government of India on the report of the Commission. There was nothing whatever in your letter No. 1196, dated 5th March 1874, forwarding the report, to indicate that these sentiments were entertained by the Government of Bombay. This being the opinion of the Bombay Government at the time when my letter No. 1586P. of 25th July 1874 was received, it was their plain duty to have informed the Governor-General in Council that the confidence which he reposed in Colonel Phayre was in their judgment misplaced. The Governor-General in Council cannot admit that the reason assigned by the Bombay Government for not having suggested the removal of Colonel Phayre, viz., that there was no other appointment of equal worth at their disposal in which he could be employed, is a proper or sufficient one. The Governor-General in Council cannot consent to treat the interests of the public service as of secondary consideration compared with the private interests of the servants of Government; nor can he permit any officer to be retained in an appointment for which he is unfit, on the ground that he will suffer a pecuniary loss if removed.

7. Not only, however, was no recommendation made for Colonel Phayre's removal on receipt of the instructions of 25th July, but the Government of India were not informed of subsequent proceedings on his part which, if brought to notice, would have induced the Governor-General in Council to request the Bombay Government to replace him at once by another officer. The Governor-General in Council does not consider it necessary to enter into the particulars of those proceedings. It is sufficient to say that the Bombay Government found it necessary in your letter No. 26P.* of 24th August 1874 to call upon Colonel Phayre to explain his apparent disregard of their instructions, and that in your letter No. 30P.,† dated 7th September, you informed him that his explanation could not be accepted as satisfactory; that by direction of His Excellency the Governor of Bombay in Council you intimated to him in your letter No. 25P.,‡ dated 24th August 1874, that the Bombay Government regretted the strong terms in which he had objected to a proposal of the Gaekwar in one case, you described the closing part of his answer to the Gaekwar in another case as "most unreasonable," you expressed "the greatest surprise" at his proceedings in a third case, and you described them as "wholly ignoring" his instructions and calculated "to impede most seriously the cordial co-operation of the Minister and yourself " (Colonel Phayre) in carrying out the administrative reforms which it is the sole "object of Government to induce His Highness to effect," and you characterized his proceedings in the cases referred to as "a most serious misappreciation of the "actual position of affairs," and of the line of conduct he had been ordered by the Government of India and the Government of Bombay to pursue; and that in your letter No. 29P.,§ dated 7th September, Colonel Phayre's explanations were pronounced unsatisfactory, and the opinion was repeated that he was "ignoring "the express orders of the Government of India."

8. But these and other circumstances were not reported to the Government of India. They were not alluded to in your letter No. 31P.,|| dated 17th September, which purported to be a report of the proceedings of His Highness the Gaekwar consequent on the receipt of the Viceroy's letter of 25th July. Nor were they reported in your letter No. 6137, dated 22nd October, in reply to my letter of 6th October, in which Colonel Phayre's reports of his proceedings subsequent to the receipt of the orders of 25th July were called for. They were not submitted with your letter No. 6159,¶ dated 23rd October, which purported with reference to your letter of 17th September to forward a letter from the Resident with translations of communications made to and received from the Durbar consequent on the

* P. 77.

decision of His Excellency the Viceroy in Council on the Baroda Commission Report. It was only on 19th November,* in answer to my telegram of 11th November in which copies of all correspondence were called for, that full information was furnished to His Excellency the Governor-General in Council. Your letter was received here on 23rd November, and the orders for Colonel Phayre's removal were issued on the 25th.

9. The Governor-General in Council considers that the Bombay Government, who in July were of opinion that a change in the Residency at Baroda was expedient, ought in August, when they found it necessary to censure Colonel Phayre for disobedience of orders, to have at once recommended his removal. Had they done so, they would have received the cordial support of the Governor-General in Council. But whether they thought a change to be necessary or not, it was their manifest duty to have reported at once that Colonel Phayre's proceedings had not justified the confidence which the Government of India placed in him. The orders issued and the policy prescribed for Colonel Phayre's guidance were those of the Government of India, and the Governor-General in Council ought not to have been kept in ignorance of the fact that his orders had been disobeyed, his policy misunderstood, and his name improperly introduced in discussions between the Resident and the Gaekwar. Had the circumstances referred to been brought to notice at the time they ought to have been, Colonel Phayre would have been at once removed from office, before the case became complicated by the Gaekwar's request for his removal, and by the attempt to take his life by poison. Much as the Governor-General in Council regrets that this atrocious attempt was made, he cannot consider that the question of the propriety of Colonel Phayre's removal at the time it was ordered is affected by it. Information of the attempt to poison Colonel Phayre was first received here in your telegram of 13th November. But in fact (as His Excellency the Governor of Bombay must be aware from the Viceroy's telegram of 12th November), before information of it was received, the Governor-General in Council had already seen, even in the incomplete collection of papers which was at that time in his possession, sufficient to convince him that it would be necessary to send another officer to Baroda in place of Colonel Phayre. The papers subsequently received on 23rd November, in answer to the request conveyed in my telegram of the 11th of November, disclosed so serious a state of affairs that, in the opinion of the Governor-General in Council, Colonel Phayre's immediate removal from office was imperatively demanded in the public interests. He was accordingly removed by the orders of 25th November. The apparent coincidence of his removal with the events referred to was unfortunate. His Excellency in Council, however, has no fear that his action in regard to affairs at Baroda will be viewed by Native Chiefs as a proof of weakness; but under any circumstances he would not permit such a consideration to deter him from discharging his duty and taking measures which the interests of the public service in any case appear to him to demand.

10. With respect to the injurious effect which it is feared the removal of Colonel Phayre may have on the political service generally, His Excellency the Governor-General in Council does not entertain any apprehensions on that account. It is the earnest desire of the Governor-General in Council to give every support to his officers who are placed in positions of difficulty and to whom delicate and important duties are entrusted. Such support will be readily accorded them so long as their proceedings are guided by the instructions conveyed to them. But the removal of an officer who not only misunderstands the spirit of his instructions but violates their plain meaning and letter, who fails to see his errors when they are pointed out, and who is censured in such terms as those quoted in paragraph 7 of this letter, is calculated to have a salutary rather than an injurious effect; and His Excellency in Council wishes it to be understood that he will not hesitate to remove from an appointment any officer, whoever he may be, who ignores his instructions in the manner Colonel Phayre has done.

11. The Governor-General in Council regrets that the Bombay Government should have characterized the orders of the Government of India as unjustly severe towards Colonel Phayre. I am to remind you that before the papers called for in my telegram of 11th November were received an opportunity to resign was given to Colonel Phayre, of which he did not avail himself, and the Governor-General in Council can see no injustice in removing an officer from an appointment for which he is admitted by the local Government to be unfit, and who disregards the plain instructions of the Government of India.

12. The remarks already made sufficiently explain the grounds on which the Government of India described the notice taken of Colonel Phayre's proceedings by the Bombay Government as inadequate, regretted the delay on the part of the Bombay Government in submitting full information of their proceedings, and withdrew for a time from the Bombay Government the control of Baroda affairs connected with the report of the Commission. The Governor-General in Council will only say that after full consideration of paragraphs 11 to 14 of your letter he is unable to alter the opinions he has expressed.

13. In conclusion, I am to express the satisfaction of the Governor-General in Council at the issue of the instructions referred to in paragraphs 1 to 3 of your letter with a view to giving every assistance to Sir Lewis Pelly in the discharge of the difficult duties that have been entrusted to him.

No. 394 P., dated Fort William, 5th February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay, Political Department.

IN reply to your letter No. 562,* dated 26th ultimo, submitting a further letter from Colonel Phayre on the subject of his removal from his appointment as Resident at Baroda, I am directed to refer you to the letters from this Office, No. 244 P.,† dated 26th ultimo, and No. 293 P.,‡ dated 28th idem, and to state that His Excellency the Viceroy and Governor-General in Council declines to grant Colonel Phayre compensation for his removal.

* P. 98.

† Pp. 97, 98.

No. 1065 of 1875.

Political Department, Bombay Castle, 15th February 1875.

From C. GONNE, Esq., Secretary to the Government, Political Department, Bombay, to C. U. AITCHISON, Esq., Secretary to the Government of India, Foreign Department.

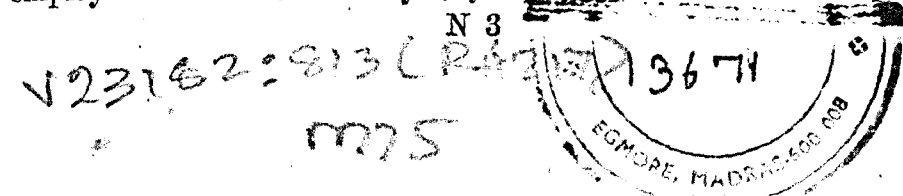
I AM directed by the Governor in Council to acknowledge the receipt of your letter No. 293 P.,‡ dated 28th January 1875, replying to my letter No. 7549§ of the 14th December 1874, by which I conveyed to you the convictions of the Government of Bombay with regard to the removal of Colonel Phayre from the office of Resident at Baroda and the withdrawal from themselves for a time of the control of Baroda affairs.

‡ P. 98.

§ P. 88.

2. His Excellency the Governor in Council has no desire to prolong controversy respecting decisions which have been carried into effect by the Government of India, and which have been submitted to the judgment of Her Majesty's Secretary of State; but he feels himself constrained to vindicate briefly the action of this Government at certain junctures, when it has been made the subject of severe animadversion in your letter under acknowledgment.

3. From the fifth paragraph of your letter His Excellency in Council learns that "from the conduct of Colonel Phayre, previous to the appointment of the Commission, the Governor-General in Council had entertained considerable doubts whether Colonel Phayre possessed the discretion, conciliatory bearing, and the appreciation of the questions he had to deal with, which were necessary for effectually meeting the difficulties before him;" but that in the belief that Colonel Phayre possessed the confidence of the Bombay Government, and viewing the altered state of circumstances after the Report of the Commission, the Governor-General in Council saw no sufficient reason for withdrawing his confidence from Colonel Phayre, especially at a time when such a course would certainly have been misunderstood by the Gaekwar, and have added considerably to the difficulties at Baroda. And referring, in the sixth paragraph of your letter, to the statement made in my letter of the 14th December 1874, that this Government would at that time have transferred the charge of the Residency to other hands, if any other appointment of equal worth had been at their disposal for the employment of Colonel Phayre, you observe that it was the plain duty



of the Government of Bombay to have informed the Governor-General in Council that the confidence which he reposed in Colonel Phayre was in their judgment misplaced.

4. A dereliction from plain duty being thus imputed to the Government of Bombay, His Excellency in Council directs me to observe that in the integrity, the conscientious zeal and public spirit of Colonel Phayre this Government had throughout complete confidence, but that his transfer from the Residency to another appointment at that juncture of affairs would have been, in their opinion, opportune; because by the part which it had been his duty to take in connection with the Commission, he had been placed in special antagonism to the Gackwar—a circumstance which must have been as obvious to the Government of India as it was to this Government; and because they doubted the possession by Colonel Phayre of the discretion and conciliatory bearing requisite to conduct with entire success the new relations between the Gackwar and the Resident at his court, which were established by the decisions of the Governor-General in Council upon the Report of the Commission. Similar doubts, as it appears from your letter under acknowledgment, had been entertained by the Governor-General in Council, who after the close of the Commission had been in communication with its President at Calcutta; and the Governor in Council is not aware that during the five months for which the Report of the Commission was in the hands of the Government of India, any question was ever put to this Government, or that any communication was ever made, or other action taken, by them, to which may be justly ascribed either the removal of those doubts from the mind of the Governor-General in Council, or the existence of his belief that Colonel Phayre possessed the confidence of the Bombay Government, except in the partial sense above indicated.

5. His Excellency the Governor-General in Council refuses to admit that the reason assigned by the Bombay Government for not having suggested the removal of Colonel Phayre, viz., that there was no other appointment of equal worth at their disposal in which he could be employed, is a proper and sufficient one. His Excellency in Council cannot, it is said, consent to treat the interests of the public service as of secondary consideration compared with the private interests of the servants of Government; nor can he permit any officer to be retained in an appointment for which he is unfit, on the ground that he will suffer pecuniary loss. With reference to the enunciation of these principles, His Excellency the Governor in Council most readily concedes that the interests of the public service should be paramount to all other considerations; but I am respectfully to submit that fitness and unfitness are relative terms, and that summary dismissals, obviously involving serious detriment to fortune and reputation, of officers who have rendered long and valuable services, and whose integrity is unassailable, whenever they prove themselves to be deficient in some qualities which would be desirable for the perfect discharge of their duties, or when fitter men might perhaps be found to replace them, would, in the judgment of His Excellency in Council, be fraught with grave discouragement to the servants of Government, and consequent evil to the interests of the public service. His Excellency indeed believes that under the British Government the summary dismissal of public servants has ever been regarded with great jealousy.

6. After citing expressions of severe censure addressed by the Governor in Council to Colonel Phayre, and dwelling upon the omission of this Government to supply the Government of India with full information respecting his proceedings, you state that, in the opinion of the Governor-General in Council, the Bombay Government, who in July were of opinion that a change in the Residency at Baroda was expedient, ought in August, when they found it necessary to censure Colonel Phayre for disobedience of orders, to have at once recommended his removal; and that whether they thought a change to be necessary or not, it was their manifest duty to have reported at once that Colonel Phayre's proceedings had not justified the confidence which the Government of India placed in him. The Governor in Council is, therefore, concerned to learn from these observations that the reasons stated in the eleventh paragraph of my letter of the 14th December, as those which determined him to censure rather than remove or recommend the removal of Colonel Phayre for departure from his instructions on certain points, have failed to satisfy the Governor-General that the proper course was then adopted by this Government. To the considerations previously put forward, His Excellency in Council would only now add, with a view to show the

sufficiency of the measures taken by this Government, that the subsequent conduct of Colonel Phayre was not, so far as His Excellency is aware, open to exception, as contravening in any degree the spirit or the letter of his instructions. And seeing how much importance is attached by the Governor-General in Council to the failure on the part of this Government to supply him at once with full copies of the communications which then passed between this Government and Colonel Phayre, His Excellency in Council does not hesitate to express his regret that the omission occurred.

7. His Excellency the Governor-General in Council does not share the apprehensions of this Government as to the injurious effects which may be produced both on Native Chiefs and on public servants employed in political affairs by the time and manner of Colonel Phayre's removal; and while the Governor in Council adheres to the views expressed in my letter of the 14th December, he does not permit himself to hope that further discussion on the points would reconcile the differences of opinion which now unhappily exist between the Government of India and this Government.

I am to add that copies of your letter under acknowledgment and of this letter will be sent to Her Majesty's Secretary of State in continuation of the correspondence previously transmitted to him.

I have the honour to be, &c.

(Signed) C. GONNE,
Secretary to Government.

III.—Correspondence with the Secretary of State.

No. 213 of 1874.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS, Fort William, the 27th November, 1874.

We have the honour to forward, for the information of Her Majesty's Government, papers relating to the affairs of Baroda.

2. The information which has now been furnished to us by the Bombay Government has convinced us that it is impossible to expect any satisfactory result, so long as Colonel Phayre remains Resident at Baroda. We believe Colonel Phayre to be an honourable and sincere man; but throughout his whole conduct at Baroda he has in several instances disregarded the directions given to him by the Government of Bombay, and appears to have altogether misapprehended the spirit of the instructions issued by the Government of India.

3. We have accordingly appointed Sir Lewis Pelly, who, on consulting his medical adviser in Calcutta, found that it was unnecessary for him to take the furlough which had been granted him, and who volunteered his services for the duty, to act as Agent to the Governor-General and Special Commissioner at Baroda, as a temporary measure.

4. If the Government of Bombay had kept us promptly informed of the progress of affairs at Baroda, we should have taken steps to replace Colonel Phayre by another officer some time ago. We much regret the delay that has thus occurred; for before action could be taken, the Gaekwar has addressed the Viceroy a khureeta in which His Highness has in temperate language begged for the removal of Colonel Phayre. Moreover, to add another complication to a condition of things already far from satisfactory, we have received intelligence of an attempt to take Colonel Phayre's life by poison.

5. We do not consider that either of these two circumstances affects the question of the propriety of allowing Colonel Phayre to remain at Baroda. We are constrained to admit (apart from certain objections raised by Colonel Phayre to the accuracy of the Gaekwar's statement of two particular instances of interference) the general correctness of His Highness' complaints of Colonel Phayre's proceedings; and whatever the result of the investigation into the attempt to poison Colonel Phayre may be, it cannot affect his qualifications for the office of Resident. If the investigation is incomplete, there will, indeed, be some advantage in its being brought to a conclusion under the directions of another officer.

6. We have thought it necessary to call the serious attention of the Bombay Government to their omission to keep us fully informed as to the conduct of Colonel Phayre in carrying our orders into effect.

* P. 72. 7. Your Lordship will observe that, whereas the most serious instances of want of discretion and of inability to appreciate the meaning of the instructions which Colonel Phayre had received took place previous to the 17th of September, the letter addressed to us by the Bombay Government on that* date did not fully place us in possession of the real position of affairs. Moreover the subsequent † P. 74. letters from the Bombay Government of the 22nd and 23rd of October did not communicate to us many essential particulars of those important transactions, and it was only after calling for papers which were not then forwarded, that ‡ P. 77. the nature of Colonel Phayre's proceedings was made known to us from a perusal of the enclosures to the letter from the Government of Bombay of the 19th instant.

8. This omission of what we consider to have been the duty of the Government of Bombay in dealing with a matter of great importance as to which orders had been given by us, coupled with their omission at once to recommend the substitution of another officer for Colonel Phayre, and some other minor proceedings, to which it is not necessary to refer in detail, have satisfied us that it is essential, in order to carry out effectually the policy which we have laid down in regard to the Gaekwar, and for which we are responsible, to give orders, as Your Lordship will

perceive, regarding the future conduct of the correspondence relating to measures arising out of the Report of the Baroda Commission.

9. We regret the necessity which exists, as it appears to us, for taking this course, and we trust that our action will meet with the approval of Her Majesty's Government.

We have the honour to be, &c.

No. 73 of 1874.

TO HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR INDIA IN COUNCIL,
LONDON, Political Department.

MY LORD MARQUIS,

We have the honour to forward herewith to Your Lordship copy of papers from which it will be observed that the Government of India have removed Colonel Phayre from the office of Resident at Baroda, and have taken into their own hands, as a temporary measure, the management of Political relations with that State. We beg earnestly to invite Your Lordship's attention to the letter* we have addressed to the Government of India, in which we have endeavoured to set before them the objections we entertain to the decisions that have been communicated to us.

* P. 88.

2. We beg at the same time to forward copy of a letter from Colonel Phayre, C.B., No. 406,† dated 1st instant, and of our further letter to the Government of India, No. 7550, dated 14th idem. † Pp. 90, 91.

We have the honour to be, &c.

P. E. WODEHOUSE.

J. GIBBS.

Bombay Castle, 14th December 1874.

No. 17 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS, Fort William, the 22nd January 1875.

We have the honour to forward, for the information of Her Majesty's Government, a further collection of papers relating to the affairs of the State of Baroda.

2. Most of these papers refer to matters which occurred before our temporary assumption of the administration of the Baroda State on 25th December last, and are now forwarded to complete the records.

We have the honour to be, &c.

No. 25 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS, Fort William, the 29th January 1875.

WITH reference to the despatch from the Bombay Government, No. 73, dated 14th ultimo, to your address, we have the honour to enclose, for the information of Her Majesty's Government, a copy of a letter No. 293P.,‡ of the 28th instant, to the Government of Bombay, being a reply to their letter No. 7549,§ dated 14th December 1874, on the subject of the removal of Colonel Phayre from the appointment of Resident at Baroda.

‡ P. 98.

§ P. 88.

We have the honour to be, &c.

POLITICAL DEPARTMENT.

No. 15 of 1875.

TO HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR INDIA IN COUNCIL,
LONDON.

WITH reference to our Despatch No. 73 of the 14th December last, we beg to submit for Your Lordship's consideration copies of further communications|| which have passed between the Government of India and this Government respecting the control of Baroda affairs and the removal of Colonel Phayre.

|| P. 101.

* P. 98.

2. We might have replied at much greater length to their letter No. 293P.* of the 28th January, in which our conduct is severely censured; but we trust Your Lordship will approve of our having confined ourselves to a very few, but necessary observations, chiefly, it may be said, in explanation. At the same time, we do not wish to conceal from Your Lordship the sense we entertain of the disregard or the character and position of this Government, which has marked the proceedings by which the Government of India have transferred to themselves the entire control of the affairs of Baroda.

3. As we have already stated, the enquiry into the conduct of the Gaekwar originated with us. When the Report of the Commission was received, we forwarded it to the Government of India with our full support. We waited for five months for their decision, with which we were quite satisfied. We were most desirous that the measures ordered by them should succeed. We did not combat those measures in any particular, but steadily promoted their execution; and then, nearly three months after the occurrence of the error, so-called, on our part, and after its bad effects, if they ever existed, (for they have never been stated), had passed away, then it was that the control of Baroda affairs was summarily, and in terms of strong censure, withdrawn from us.

4. In conclusion, we beg Your Lordship to believe that we should not have submitted this remonstrance, if the charge had been founded on the temporary gravity of the state of affairs, and not supported principally by the imputation to us of failures in our duty, of which we were wholly undeserving.

We have the honour to be, &c.

Bombay Castle, 15th February 1875.

Political, No. 44.

To His Excellency the Right Honourable the GOVERNOR-GENERAL of INDIA
in Council.

MY LORD,

India Office, London, 15th April 1875.

† P. 104.

PARA. 1. I have received and considered in Council the letter of your Excellency's Government in this Department, No. 213, dated the 27th November† last, reporting the removal of Colonel Phayre from the office of Resident at Baroda, the appointment of Sir Lewis Pelly as Agent to the Governor-General and Special Commissioner at that place, and the arrangements which you had deemed advisable to make for the future conduct of the correspondence relating to measures arising out of the Report of the Baroda Commission. I have also had before me a Letter from the Government of Bombay, No. 73,‡ dated the

‡ P. 105.

§ P. 88.

* No. 7549 of 1874. §

14th December last, inviting my attention to that* addressed by His Excellency the Governor in Council to your Government, setting forth various objections to your decisions on the several matters in question, and I have recently received your further Letter, No. 25,|| of the 29th January last, forwarding, for the information of Her Majesty's Government, copy of the reply made by you to that communication, and a letter from the Government of Bombay, dated the 15th of February, commenting on your reply.

|| P. 105.

2. After careful examination of the circumstances detailed in this correspondence, and weighing, with the attention due to their importance, the arguments submitted in it for my consideration, I have to convey to you my approval of your proceedings.

3. While regretting that your Excellency's Government should have found it necessary to remove from the responsible post of Resident at Baroda an officer of undoubted integrity and long service, who had been placed in a position of considerable difficulty, I have no doubt that in doing so you exercised a wise discretion. His character was little fitted for the delicate duties with which he had been recently charged, and his departure from the orders he had received was too serious to be overlooked.

4. It is to be regretted that his removal did not take place as soon as his indisposition or inability to shape his conduct according to his instructions was first made manifest. A fair trial would then have been given to the indulgent policy which Her Majesty's Government was anxious to pursue towards the Gaekwar of Baroda. A different opinion, however, was formed by the Govern-

P. 99.

ment of Bombay, under whose immediate orders Colonel Phayre was serving. They were fully alive to his shortcomings, and censured them in the severe language recapitulated in para. 7 of your Excellency's Despatch. But they abstained from removing him, on grounds connected as much with the interests of the officer himself as with his efficiency for the duties he had to discharge.

5. In addressing your Excellency's Government, on the 14th December last, the Government of Bombay said,—

"Para. 5. So fully alive were the Government of Bombay to the incidents of his position that, even after receiving the instructions of His Excellency the Viceroy, and learning that Colonel Phayre possessed his 'full confidence,' they would have transferred the charge of the Residency to other hands, if any other appointment of equal worth had been at their disposal for the employment of Colonel Phayre."

"Para. 6. His Excellency in Council would have taken this step from the conviction that the very qualities which made Colonel Phayre an effective instrument for the exposure of the gross mismanagement of the Baroda State were ill adapted to the more delicate task of proffering advice to the Prince whose malpractices he had dragged to light."

"Para. 10. The peculiarities of Colonel Phayre's personal character, and of the position in which he stood to the Gaekwar, have been manifest throughout, and must have been as patent to the Government of India when they issued orders on the Commission's Report in July as they are now; and had they at that time suggested and facilitated his transfer to another appointment of equal value, or otherwise compensated him, this Government would most cordially have assented, for the reasons mentioned in the 5th and 6th paragraphs, and the change would have recommended itself to Colonel Phayre as well as to the public. But the order now issued is, in the opinion of this Government, unjustly severe on an officer whose conscientious and praiseworthy efforts had brought about the beneficial intervention of the British Government for the protection of the people of Baroda."

6. I shall refer again to the grounds of action here put forward, in their general bearing upon the public service. To the decision, however, at which the Government of Bombay arrived, that it was expedient to censure Colonel Phayre, but not to remove him, no blame could have been attached if they had at once notified it, together with the circumstances out of which it arose, to Your Excellency's Government. They did not do so. The correspondence was not at once forwarded to you. It was only accidentally called for, and the proceedings which it recorded were for the first time brought to your knowledge nearly three months after they had occurred.

7. Her Majesty's Government are of opinion that in withholding from you this information the Government of Bombay acted under a misconception of their duty. In a matter which was obviously of the utmost gravity, and which the Governor General had stamped with that character by his formal interposition, the Government of Bombay were bound to act as the simple agent of the Government of India.

8. In the 13th paragraph of their letter of the 14th of December, the Government of Bombay give the only explanation they have offered for omitting to report the correspondence:—

"The appointment of Resident at Baroda belongs by law to this Government. The retention of it by Colonel Phayre was a matter for them to decide, on which the Government of India had maintained silence. This Government felt strongly both the impolicy as regards the Gaekwar, and the injustice as regarded Colonel Phayre, of summarily removing him from his office without compensation. And having permitted him to return to Baroda, it did not occur to them that it was necessary to report immediately to the Government of India the very stringent instructions he had received, and which, it was hoped, he could no longer misapprehend."

9. These words seem to imply that a zeal for the prerogatives of the Presidency of Bombay had a material share in determining the action of that Government. I have to express the regret of Her Majesty's Government that, in a matter so grave, the Governor and Council of Bombay should have allowed their minds to be swayed by motives of a secondary character.

10. It is the duty of Her Majesty's Government to uphold the minor Presidencies in the position assigned to them by law. Their Governments are

entitled to remonstrate against any supposed infraction of their rights, though it is a privilege of which those Governments will, if they have the interests of the public service at heart, make use with due reserve. But the feelings which actuate their remonstrances must not influence their administrative proceedings. Zeal for local rights will not excuse them in any act or any omission unbefitting a subordinate acting under the command of a superior. They cannot be permitted, in the process of their self-defence, to hamper the working of State policy. When the Governor-General has decided that a matter is sufficiently serious to demand his interposition, the duty of the inferior Governments is not only to obey his formal orders, but to second his policy as cordially as if it were their own.

11. Your Excellency has adverted to the reasons put forward by the Government of Bombay in their letter of the 14th of December for objecting to the removal of Colonel Phayre. You notice, in terms of just reprobation, the doctrine that a Resident, after his disqualification for his post had been recognized, was to remain entrusted with duties of great importance and singular delicacy, because "no other appointment of equal value was at the disposal of the Government." You could have spoken in no other manner of the language that was then before you. Later explanations given by the Government of Bombay in their letter of the 15th of February* indicate that the earlier letter did not adequately represent their real opinion. Individual interests are probably as highly considered in the Indian service as in any service in the world. But no Government can allow such interests to delay, even for a brief period, the removal of an officer charged with momentous duties and proved to be unequal to their performance. I conclude, from the language and action of the Government of Bombay, that they did not discern, in its true light, the gravity of the circumstances with which they had to deal.

12. I desire that a copy of this Despatch may be communicated to the Government of Bombay.

I have the honour to be, &c.

SALISBURY.



CORRESPONDENCE

CONNECTED WITH

THE DEPOSITION OF MULHAR RAO.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1875.

[C.—1252.] Price 7d.

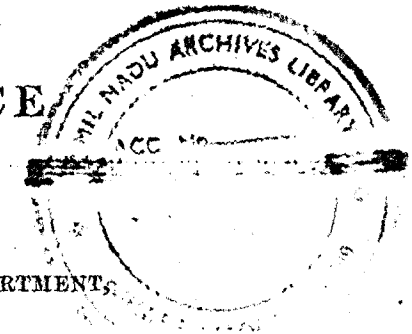
LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

* Pp. 101, 105.

CORRESPONDENCE

No. 80 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
POLITICAL.



To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS,

Simla, the 15th April 1875.

WITH reference to previous correspondence, we have now the honor to forward, for the information of Her Majesty's Government, papers among which will be found a copy of the reports of the Commissioners who were appointed to enquire into the truth of certain imputations made against His Highness Mulhar Rao Gaekwar.

2. Mulhar Rao Gaekwar succeeded his brother, Khundee Rao, in 1870. His antecedents were not favorable. He had been accused of being concerned in a conspiracy to murder his brother by poison or other means in 1863, and had in consequence been kept in confinement as a State prisoner during his brother's lifetime. He was then described in the Residency records as being "intellectually feeble and apparently irresponsible for his actions." On Khundee Rao's death, Mulhar Rao was believed to be the only legitimate lineal descendant of Peelajee Gaekwar, the founder of the dynasty, and as such he succeeded to the government of the State.

3. Much correspondence has taken place since the year 1872 between the Government of Bombay and the Government of India, with reference both to general misgovernment of the Baroda State, and to particular cases. Among those cases there was the death, in prison, of Bhow Sindia, the Minister of the late Gaekwar, who was supposed to have been poisoned. In opposition to the advice of the Assistant Resident, Bhow Sindia's body was hastily burnt immediately after his death, and investigation into the truth of the report was thus rendered impossible. There was also a case in which a person died in consequence of flogging administered to him in the streets of Baroda. Complaints were also made by the youngest widow of the late Gaekwar that she was in personal danger owing to ill-treatment by Mulhar Rao, and, on enquiry, her statements seemed to the Government of India to be sufficiently substantiated by the Residency Surgeon to render it necessary to address Mulhar Rao in very strong terms, placing upon him, personally, the responsibility for her safety.

4. On the 18th March 1873, Colonel Phayre was appointed British Resident at Baroda. Very soon after his appointment, he brought to notice the serious mal-administration of the State by the Gaekwar.

5. The general complaints of misgovernment were represented by the Government of Bombay to the Government of India with a strong opinion that measures of decided interference were necessary. Accordingly, in the winter of 1873, a Commission was appointed for the purpose of investigating and reporting upon the general condition of the State. Sir Richard Meade, whose character for calmness of judgment is well known, who has a thorough knowledge of the general condition of Native States, and who throughout his career has shown that he is ready to make every allowance in their favor, and that he has no wish to enforce a standard which it would be unreasonable to expect in their administration, was appointed to be President of the Commission. Nawab Faiz Ali Khan, who had been Prime Minister of the State of Jeypoor, and in whose character and ability great confidence was placed by the Maharaja of Jeypoor, as well as by the British Government, was appointed to be a member of the Commission. The other two Members—Mr. Ravenscroft and Colonel Etheridge—were nominated by the Bombay Government, and are men of high standing and character.

6. The report of the Commission substantiated, to a very considerable extent, the charges made by Colonel Phayre against the Gaekwar; although the

manner in which they had been brought forward and pressed by Colonel Phayre showed, in some cases, more zeal than discretion. The report of the Commission showed a condition of things which was highly discreditable to the Gaekwar, and which contained the elements of serious disturbance. Any such disturbance might, owing to the manner in which the territories of the British Government and the Gaekwar are interlaced, have been greatly prejudicial to the interests of British subjects and to the peace and order of Her Majesty's dominions. The details are amply given in the report of the Commission and in its appendices. The Commissioners expressed their opinion that in the summary and extensive reduction of Silladars and Sirdars, in the treatment of certain bankers, in the seizure of women to render forced service in the Palace, in the treatment of the late Gaekwar's relatives, favorites and dependants, and in the arbitrary resumption of certain inams and hereditary emoluments, the proceedings of Mulhar Rao had been "highly arbitrary and in some instances very unjust, and of a character calculated to bring grave discredit on His Highness' administration, and to excite distrust and alarm amongst a large portion of the influential and respectable classes of the community." The Commissioners further reported that the grievances of the agricultural classes required careful examination and consideration; that the existing practice of levying nuzzerana on appointment was wholly inconsistent with good government, and should be entirely relinquished and interdicted; that the practice of ill-treating accused persons or prisoners to extract confession obtained to some extent and demanded the most watchful efforts for its absolute suppression; that the Judicial Department and Administration required entire reform, in order to remove the existing uncertain and irregular application of the law and want of confidence in the proceedings of the Courts and Magistrates, and that the state of affairs, when viewed altogether, constituted general mal-administration of a character urgently calling for reformation, which could not be effected without some interference on the part of the British Government.

7. There is no doubt as to the right which the British Government possesses both under treaty and by constant usage to interpose in the internal affairs of the Baroda State. The provisions of the Treaty of 1802 are clear, and the letter from Mr. Mountstuart Elphinstone, then Governor of Bombay, to the ruling Gaekwar in 1820, lays down in the plainest possible terms the rights of the British Government.

8. Accordingly authoritative advice was given by the Government of India to the Gaekwar for the remedy of the principal evils disclosed by the report of the Commission; and, while it was left to him to select his Minister, he was required to dismiss those of his former Ministers who were most deeply concerned in the malpractices pointed out by the Commission. A period of eighteen months was allowed to the Gaekwar for effecting the necessary reforms, and every assistance was offered him for that purpose. The Government of India considered whether it would be desirable to replace Colonel Phayre by another Officer when making these communications to the Gaekwar. Although we were not satisfied with the judgment shown by Colonel Phayre in some of his proceedings, his representations of the misgovernment of the Baroda State had proved to be correct in the main, and we thought that it would weaken the position we had taken with the Gaekwar to show any want of confidence in Colonel Phayre, while we trusted that the precise instructions given to him would be sufficient to prevent him from acting injudiciously in future.

9. The expectations which we entertained were not realised. In his communications with the Gaekwar and with Mr. Dadabhoj Nowrojee, the Minister whom the Gaekwar had selected, Colonel Phayre was wanting in consideration. In some respects also he misunderstood and indeed acted contrary to his instructions. His proceedings were unfortunately not reported by the Government of Bombay to the Government of India until some time after they had taken place, or a change would have been made sooner than it actually occurred. Just at the time when we received full information of Colonel Phayre's proceedings, we also received the representation from the Gaekwar of November 2nd, 1874, asking for his removal. An option was given to him to retire, of which he declined to avail himself, and he was therefore removed and replaced by Sir Lewis Pelly.

10. While these arrangements were in progress, information was received of the attempt to poison Colonel Phayre. We did not consider that this attempt ought to alter the conclusion at which we had previously arrived.

11. Sir Lewis Pelly found affairs at Baroda in a very critical condition. Although assurances had been given from time to time by the Gaekwar that he would carry out the reforms which he had been required by the Government of India to undertake, no substantial progress had been made. The condition of the cultivating classes was represented as desperate, owing to the over-assessment of the land revenue, while the differences between the Sirdars and the Gaekwar threatened a serious disturbance of the peace. The Gaekwar gave assurances to Sir Lewis Pelly that remedies would be applied to this condition of affairs, and the Government of India entertained some hope that, although no confidence could be placed in the personal character of Mulhar Rao, yet he might be induced to allow the administration of the State to be effectually reformed.

12. Colonel Phayre had instituted an enquiry and examined the servants at the Residency immediately after the attempt to poison him. No evidence of any value was procured, and the enquiry was for the time closed; but Colonel Phayre entertained and expressed a confident opinion that the attempt was instigated by the Gaekwar. It was impossible, without any evidence, to accept Colonel Phayre's conclusions, but Sir Lewis Pelly was instructed to take measures to investigate the case, and for that purpose he obtained the assistance of Mr. Souter and the police officers of Bombay. For some time they could obtain no evidence of importance; but in the middle of December they discovered a clue which resulted in evidence to the effect that the Gaekwar had been in the habit of holding secret communications with the Residency servants, and two of those servants—Raoji and Narsu—confessed that they had committed the offence, and alleged that they had done so at the personal instigation of the Gaekwar. Raoji made this confession on receiving the promise of a pardon; but Narsu was distinctly told by Sir Lewis Pelly that he must not expect a pardon. Sir Lewis Pelly was instructed to communicate the evidence to the Advocate-General of Bombay, who advised that, if it stood the test of cross-examination, it would be sufficient to convict the Gaekwar of the offence in a Court of Law. Mr. Souter was immediately despatched to Calcutta with the evidence and the opinion of the Advocate-General. When the papers were received in Calcutta, they were referred for the opinion of the Acting Advocate-General and the Standing Counsel to Government at Calcutta, who advised that the evidence was sufficient to commit the Gaekwar for trial, but stated their doubts with regard to the position and credibility of the witnesses, and indicated the possibility of there being a conspiracy against the Gaekwar.

13. The case was then considered with great care and attention by us. We examined Mr. Souter most carefully with respect to the nature of the police investigation and were assured by him that the greatest precautions had been taken to prevent evidence being concocted by the subordinate police officials. We discussed the probability of there being a conspiracy against the Gaekwar, and we could find no reasonable ground for such a supposition. We considered, therefore, that there was strong *prima facie* reason to suppose that the attempt had been instigated by the Gaekwar.

14. The question then arose, how we were to deal with this condition of things. It was impossible to pass over an attempt on the life of a British Resident at the Court of a Native Prince. The sanctity attached to the lives of Ambassadors extends in our opinion, if possible, in a greater degree to British Residents at the Courts of Native States, and no offence could be greater than an attempt upon the life of a British Resident instigated by the Ruler of a Native State. At the same time, the evidence as it then stood was far from being sufficient to enable us to condemn the Gaekwar. He had had no opportunity of making his defence, and the witnesses had not been subjected to cross-examination. Some enquiry, therefore, was essential. Having regard to the antecedents of the Gaekwar, and to the strong *prima facie* case against him, it appeared to us that there was no probability of a fair enquiry being made so long as he remained in the position of Ruler of Baroda. Moreover, with such a strong *prima facie* case against him, it would have been highly improper for us to have continued friendly communications with him pending the investigation. We therefore determined to arrest the Gaekwar, and to assume on behalf of the Queen, the administration of the State of Baroda pending the result of the enquiry. This action on our part was not based on considerations of law. It was an act of State, carried out by the

Paramount Power. Troops were sent to Baroda, and the arrest of the Gaekwar and the assumption of the administration of the State were effected with promptness and success by Sir Lewis Pelly.

15. We may here notice incidentally that almost at the same time as the evidence against the Gaekwar was received, but before the Government had determined upon the course which should be taken, Mr. Dadabhoj Nowrojee resigned office, and the State of Baroda was left without a Minister. It therefore rested with Sir Lewis Pelly to conduct the whole administration of affairs, and, in doing so, it was necessary for him, in consequence of the critical position of the country to which we have before alluded, to carry out certain reforms, more especially with respect to the collection of the land revenue and to the grievances of the Sirdars. These reforms had been promised by the Gaekwar previous to his arrest, and Sir Lewis Pelly carefully conformed to the instructions which were given to him by us that during his temporary tenure of authority he should be careful to introduce no important changes other than those which we had already ordered to be carried out consequent on the report of the Commission of 1873, and which had been accepted by the Gaekwar.

16. Having arrested the Gaekwar we had then to determine what form the enquiry should take. Notwithstanding the objections to which a public enquiry was open, in our opinion a public enquiry was more advisable than one conducted in private, which would have given occasion for suspicion and mistrust. The composition of the Commission was next considered. Our desire was that it should be thoroughly independent, and we, therefore, secured the services of Sir Richard Couch, the Chief Justice of Bengal, and the highest judicial authority in India, as President. We joined with him Sir Richard Meade, whose character we have already described, and being unable to obtain the services of Mr. Justice West of Bombay, whom we desired to appoint, we selected Mr. Philip Melvill, an officer who had been Judicial Commissioner of the Central Provinces, and acted as a Judge of the Chief Court at Lahore, who had no connection whatever with Baroda affairs and whose character for independence and ability is well known. We considered also that it was desirable, if possible, to obtain the assistance of Natives of high rank and position on the Commission. Sir Dinkur Rao was summoned to Calcutta, and consented to serve. The Viceroy wrote to request Maharaja Sindia, Maharaja Holkar, and the Maharaja of Jeypoor to join the Commission. Maharaja Holkar, while expressing his complete concurrence in the course taken by the Government, excused himself from serving, but the other two Princes consented to serve.

17. In making public the action taken by the Government in suspending the Gaekwar, we announced that it was our intention, whatever the results of the enquiry might be, to re-establish a Native Administration at Baroda. We were aware that some distrust prevailed of the motives of the British Government in dealing with the case, and that, notwithstanding the solemn announcements that had been made from time to time that there was no desire to extend the British possessions in India, all our proceedings with respect to Native States were watched with a jealousy which indicated that those declarations were hardly yet accepted as expressing the real intentions of the British Government. It was therefore our view that, while it was essential to deal strongly with the attempt to poison the British Resident, it was equally essential to announce that, in doing so, we had no intention of annexing the territory of Baroda.

18. It will be obvious that there were several alternatives to the course which we determined to adopt in each of the particulars which we have recounted. Those alternatives were considered by us. None of them appeared to us to be preferable. The matter was surrounded by the gravest difficulties, and action had to be sharp and decisive. It is to be noticed that the suspension of the Ruler of one of the principal Native States in India, the assumption for a time of the administration of his dominions, and the enquiry into his conduct by means of a Commission appointed by the British Government, involved the exercise of an authority by the Paramount Power in India of the widest possible nature. It cannot but be regarded with satisfaction that the Maharajas of Gwalior and Jeypoor by serving on the Commission identified themselves with the policy of Government, and that the course which was taken received the concurrence of Maharaja Holkar.

19. The action of the Government having been taken not upon legal but political grounds, the Commission was not constituted as a judicial tribunal. Its function was to report to the Government of India, with whom the decision was ultimately to rest. The imputations against the Gaekwar, into the truth of which the Commission was to enquire, are noted in the margin.

I.—That the said Mulhar Rao Gaekwar did by his agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency;

II.—That the said Mulhar Rao Gaekwar gave bribes to some of those servants, or caused such bribes to be given;

III.—That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets, and to cause injury to Colonel Phayre, or to remove him by means of poison;

IV.—That in fact an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao Gaekwar.

20. It was indispensable, in order to investigate the graver imputation of instigating the attempt to poison, that the Commission should be instructed to enquire into the alleged practice of the Gaekwar of holding secret communications with the Residency servants, and of giving them money for the purpose of obtaining information as to the business conducted at the Residency. We had the best reason to believe that attempts of the kind had habitually been made by the Gaekwar, and it was necessary, for the purpose of clearing the way to the examination of his connection with the poisoning, that the truth of his secret communications with the Residency servants, who were supposed to be agents in the crime, should be established. If the evidence with respect to those communications had broken down, it would have been a strong argument in favor of the innocence of the Gaekwar. If, on the other hand, the secret interviews were established, the antecedent improbability that the Gaekwar should have been in personal communication with persons of that class would be removed.

21. The Commission commenced their proceedings on 23rd February and closed them on 31st March 1875. Sir R. Couch (the President), Sir R. Meade, and Mr. Melvill find Mulhar Rao guilty on all the imputations. Maharaja Sindia and Sir Dinkur Rao find the graver imputation not proved, while the Maharaja of Jeypoor considers the Gaekwar not guilty, and all three treat the minor imputations as matters of no importance and in accordance with the practice at other Native Courts.

22. We have carefully considered the reports and opinions of the Commissioners and the evidence on which they are based, and can come to no other conclusion than that all the imputations against Mulhar Rao Gaekwar are true. There is no other rational explanation of the established facts, and we are unable in any way to reconcile those facts with the hypothesis of Mulhar Rao's innocence. We have carefully considered whether the case could possibly be a plot on the part of the police, whether Raoji and Narsu could have attempted the crime from motives of their own or at the instigation of Bhow Poonikur or Damodhur Punt, or the Gaekwar's enemies, without his knowledge. But not only is there no evidence to support any of these suppositions, but the adoption of any of them involves a series of such violent improbabilities that we are compelled to reject them as altogether unreasonable. The grounds upon which our conclusion is based, and the reasons which preclude us from accepting the view of those of the Commissioners who consider the Gaekwar's guilt not to be proved, will be fully set forth in a Resolution which we have directed to be prepared.

23. Even, however, if we could honestly concur in the opinion of those Commissioners, there would still remain the most grave suspicion attached to Mulhar Rao, which, coupled with his previous character and the circumstances already described in paragraphs 2 to 8 of this despatch, would make it impossible to replace him in power. To restore him under any conditions would, in our opinion, be a miscarriage of justice and a fatal political error. It would seriously weaken the authority of the British Government in India, and the position of British Residents at Native Courts, and we are bound to express our deliberate opinion in the strongest terms against any such course.

24. As regards the penalties with which Mulhar Rao should be personally visited, we consider that on a review of all the circumstances of the case, and in deference to the opinions and feelings of the Native Commissioners, we should do no more than depose him and his issue and place him under restraint in British territory on a suitable allowance to be provided from the Baroda revenues.

25. Although so atrocious an offence as the attempt on the part of the ruler of a Native State to murder the British Resident would justify the revision and readjustment of the relations subsisting between the British Government and that State, we are decidedly of opinion that, in consequence of the divided report and for other weighty reasons, it would be inexpedient to make any alteration in the relations between the British Government and the State of Baroda in consequence of recent events.

26. If Her Majesty's Government approve of these measures which we have recommended by telegraph, and Mulhar Rao is deposed, it will become necessary to make arrangements for the future government of the Baroda State. There is no lineal heir to the State. We propose therefore to select the fittest member of the Gaekwar House and to put him in power, only requiring him to carry out those reforms which we directed to be undertaken consequent on the report of the Commission of 1873. With the consent of Maharaja Holkar, Sir Madava Rao, at present His Highness' Minister, will be appointed Minister at Baroda.

27. The widow of the late Gaekwar having intimated her desire to adopt any person of our selection, we recommend that, in consideration of the loyal conduct of the late Maharaja Khundee Rao Gaekwar in 1857, she should be allowed to carry out her wishes, and adopt the member of the family whom we may select and place in power.

28. In conclusion, we have to add that we have been actuated throughout solely by the determination of supporting the honor of the Crown. In doing so, we have endeavoured to show every consideration that was proper and possible to the Gaekwar, and to deal with him in a spirit of perfect impartiality. Looking not only to the poisoning case, but to the antecedents of the Gaekwar, to the mal-administration of the State of Baroda, and to the measures taken in consequence, we can confidently assert that he has been treated with the utmost forbearance that was compatible with the duty of the British Government to insist that a State enjoying British protection, the peace of which we are bound to maintain by Her Majesty's forces, should be so administered as to secure the people from grievous abuses.

29. We are fully sensible of the difficulties which have surrounded the treatment of this important and painful case, but we trust that our proceedings and recommendations will meet with the approval and confirmation of Her Majesty's Government.

30. On receipt of the reply to our telegraphic communication, we propose to issue a Resolution expressing our reasons for holding Mulhar Rao Gaekwar to be guilty of the offences imputed to him, and to make public the decision of Government, together with such documents as are necessary for the purpose of explaining our whole proceedings in dealing with the Gaekwar and the State of Baroda.

We have the honour to be, &c.

WHEREAS by a Commission issued by order of the Viceroy and Governor-General of India in Council under the hand of C. U. Aitchison, Secretary to the Government of India, notified in the *Gazette of India*, dated the 15th of February 1875, and addressed to

The Honourable Sir Richard Couch, Knight Bachelor, and Chief Justice of Her Majesty's High Court of Judicature at Fort William in Bengal;

His Highness Mookhtar-ool-Moolk, Azeem-ool-Iktidar, Ruffi-oos-shan, Wala Shikoh, Mohtashin-i-Dowran, Oomdoot-ool-Oomrah, Maharaja Dheeraj, Alijah Maharaja Jeejee Rao Sindiah Bahadoor, Shireenath, Munsoor-i-Zaman, Fidvee-i-Huzrut Malikah-i-Mooazuma, Rafi-ood-Durjeh-i-Inglistan, Maharaja of Gwalior, Knight Grand Commander of the Most Exalted Order of the Star of India;

His Highness Siramad-i-Rajaha-i-Hindoostan, Raj Rajendra Sree Maharaja Dheeraj Sewace Ram Sing Bahadoor, Maharaja of Jeypoor, Knight Grand Commander of the Most Exalted Order of the Star of India;

Colonel Sir Richard John Meade, Knight Commander of the Most Exalted Order of the Star of India, and Chief Commissioner of Mysore and Coorg;

Raja Sir Dinkur Rao, Knight Commander of the Most Exalted Order of the Star of India and

Philip Sandys Melville, Esquire, of the Bengal Civil Service, and a Commissioner in the Punjab;

reciting that an attempt had been made at Baroda to poison Colonel R. Phayre, C.B., the late British Resident at the Court of His Highness Mulhar Rao Gaekwar, and that the following offences were imputed against the said Mulhar Rao Gaekwar, that is to say:—

I.—That the said Mulhar Rao Gaekwar did by his agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency.

II.—That the said Mulhar Rao Gaekwar gave bribes to some of those servants, or caused such bribes to be given.

III.—That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets, and to cause injury to Colonel Phayre, or to remove him by means of poison.

IV.—That in fact an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao Gaekwar.

And that the Viceroy and Governor-General in Council had temporarily assumed the administration of the Baroda State for the purpose of instituting a public enquiry into the truth of the said imputations, and of affording His Highness Mulhar Rao Gaekwar an opportunity of freeing himself from the grave suspicion which attached to him.

Therefore the Viceroy and Governor-General of India in Council appointed the said Sir Richard Couch, the said Maharaja of Gwalior, the said Maharaja of Jeypoor, the said Sir Richard John Meade, the said Sir Dinkur Rao, and the said Philip Sandys Melville, Esquire, to be Commissioners for the purpose of enquiring into the truth of the said imputations and of reporting to the Viceroy and Governor-General in Council how far the same were true to the best of their judgment and belief.

And the said Viceroy and Governor-General in Council appointed the said Sir Richard Couch to be President of the Commission, with full power to appoint times and places of meeting, to adjourn meetings, to adjust and arrange the method of procedure, to settle the course which the enquiry shall take, to call for and to receive or reject evidence, documentary or otherwise, to hear such persons as he should think fit on behalf either of the Viceroy and Governor-General of India in Council, or of His Highness Mulhar Rao Gaekwar, and generally to guide the whole course of the proceedings of the Commission as from time to time should appear to him to be proper for the purpose thereof.

And after reciting that certain other matters of importance pending between the British Government and His Highness Mulhar Rao Gaekwar were enquired into and reported upon by a Commission appointed by the Viceroy and Governor-General in Council by orders dated 23rd October 1873; and that the enquiry which the said Commissioners were appointed to make was not connected with such matters. For the better understanding of their functions, the said Viceroy and Governor-General in Council thereby declared his desire that they should not extend their enquiry to other matters than the offences imputed to His Highness Mulhar Rao Gaekwar as aforesaid, and that they should not permit any such other matters to be submitted to them for consideration or enquiry.

And the said Viceroy and Governor-General in Council desired that in the event of any of their number being prevented by sickness or other cause from taking his place as Commissioner, or from remaining as Commissioner till the conclusion of their enquiry, the other Commissioners should nevertheless conduct and complete their enquiry in the same way as if the number of Commissioners present or remaining were the whole number appointed thereby.

And the said Viceroy and Governor-General in Council thereby appointed John Jardine, Esquire, of the Bombay Civil Service, to be their Secretary.

And whereas the said Commissioners so appointed as aforesaid met together in the Military Cantonment at Baroda, and commenced the said enquiry on Tuesday, the 23rd day of February 1875. And the said Viceroy and Governor-General of India in Council appeared before them by Counsel.

And His Highness Mulhar Rao Gaekwar also appeared by Counsel and was personally present.

And the said Commissioners met from time to time by adjournment at the place aforesaid, and received the evidence, oral and documentary, produced on behalf of the Viceroy and Governor-General of India in Council, and on behalf of His Highness Mulhar Rao Gaekwar, and a statement in writing of the said Mulhar Rao Gaekwar, and heard Counsel respectively on behalf of the Viceroy and Governor-General of India in Council and His Highness Mulhar Rao Gaekwar.

Now we the undersigned three of the Commissioners appointed as aforesaid do make the following report upon the matters so as aforesaid directed to be enquired into:—

1. It is desirable first to record the dates on which some of the important events connected with this enquiry occurred. They are as follows:—

Colonel Phayre assumed his office as Resident of Baroda on the 18th of March 1873.

The Commission of Enquiry into the complaints of mal-administration on the part of the Gaekwar's Government, brought by the Resident, Colonel Phayre, sat from the beginning of November to the 24th of December 1873.

The Gaekwar Mulhar Rao went to Nausari to celebrate his marriage with Lakshmi Bai accompanied by Colonel Phayre on the 2nd of April 1874, and returned on the 16th of May 1874. The marriage occurred on the 7th of that month.

Lakshmi Bai was delivered of a son on the 16th of October 1874. The date of the kharita addressed by the Gaekwar to the Viceroy requesting the removal of Colonel Phayre from Baroda is the 2nd of November 1874.

The date of the kharita of the Viceroy announcing the removal of Colonel Phayre from the post of Resident at Baroda, and the appointment of Colonel Sir Lewis Pelly, K.C.S.I., is the 25th of November 1874.

2. The evidence on the record proves in our opinion that an attempt was made on the 9th of November 1874 to poison Colonel Phayre by administering common white arsenic and diamond dust in the glass of sherbet made of pummeloe juice which he was in the habit of drinking on his return from his early morning walk. Colonel Phayre returned home at five minutes to seven on that morning, and was met by Raoji, the havildar of his peons, who made a salaam to him. Colonel Phayre then entered the room he used as an office and dressing room in a small building which adjoins the main block of the Residency. Having entered that room he found the glass of sherbet placed as usual on the wash-hand-stand, and he took two or three sips, replacing the glass on the wash-hand-stand. He then sat down to write, and in twenty minutes or half an hour felt a sudden sensation of nausea. Thinking that the sherbet disagreed with him, and fearing, as he said, that he might be tempted to drink more of it, he flung the contents of the tumbler into the verandah outside the office room. The greater portion of the contents fell in the verandah, but a portion also reached the ground outside the verandah. When replacing the tumbler on the wash-hand-stand, Colonel Phayre's attention was attracted by the colour of a sediment which had remained in the tumbler, and of which a portion was still trickling down the side. He describes the sediment as being of a dark colour, and he adds that on holding up the tumbler and looking at it the thought occurred to his mind that he had been poisoned. This was at about 7.30 a.m. Colonel Phayre at once wrote a note to Dr. Seward, the Residency Surgeon, asking him to come over, and Dr. Seward arrived in half or three-quarters of an hour, or about 8 o'clock. Colonel Phayre handed over to Dr. Seward the tumbler containing the remains of the sherbet, amounting, according to Colonel Phayre's account, to $1\frac{1}{2}$ or 2 tea-spoonsful, and according to Dr. Seward to less than a dessert spoonful. Dr. Seward observed "a little powdery film arise" in the sediment as he shook the tumbler and held it up to the light; and on adding a little water "observed the play of colour on the glistening part of the sediment." Colonel Phayre described the symptoms he experienced to Dr. Seward, who took the tumbler and its contents to his own house for the purpose of ascertaining what the contents were. Colonel Phayre has deposed that no person had access to the tumbler from the time he sipped the sherbet till the time that he made it over to Dr. Seward. The symptoms experienced by Colonel Phayre are described in a letter written by him to Dr. Seward at 11 a.m. on the same day, of which an extract here follows:—

"Although I only took two or three sips of the pummalo juice which the tumbler contained, I felt within about half an hour, as I described to you, a most unusual sickness of stomach, accompanied by dizziness of the head and of sight, producing confusion of thought, also a most unpleasant metallic taste in the mouth, with slight salivation such as I have never experienced till within the last few days, and which I attributed partly to a slight attack of fever which had, however, quite gone off, and partly to an idea that the pummalos from which the juice daily placed on my table had been extracted were not fresh ones."

The metallic taste referred to has been described by Colonel Phayre as being a "coppery" taste; and he states that it commenced about three-quarters of an hour after sipping the sherbet, which he says was quite clear in the upper part of the tumbler, and had no unpleasant taste.

3. Dr. Seward explains the processes he used for ascertaining the contents of the sediment in the tumbler. He took about one-third of the sediment, equal to from one to two grains in weight, and of a faint fawn or pale grey colour; and mixing a little charcoal with it, put it into test tube, which he heated over a spirit lamp, with the result of producing a metallic ring on the tube. Again heating the tube, he saw above and below the metallic ring a crystalline deposit which was found under the microscope to consist of octohedral crystals. The metallic ring and the octohedral crystals are stated by this witness to indicate almost entirely the existence of arsenic, and he adds that no other mineral poison would yield the same appearance. The rising of the film in the sediment is also an indication of the same poison.

The remainder of the sediment which Dr. Seward had not experimented upon he sent on the morning of the 10th of November to Dr. Gray, the Chemical Analyser to Government at Bombay, having reduced it to the condition of powder by the application of a blotting-paper filter and heat.

4. Some days after having made the test of reduction by charcoal, as above related, Dr. Seward made a further experiment which he thus describes, with the substance that remained in his test tube. He removed the mixture from the tube and threw it upon the surface of some water. Allowing the heavier particles to sink to the bottom, he rapidly poured off that which was floating. After repeating this process several times, he collected the sediment, and placed it on some glass slides, which he produced before the Commission. He put the slides under a microscope, and perceived that the sediment consisted mainly of lustrous crystalline fragments. Passing a clean glass slide over one of the slides covered with the sediment, he found that its surface was scratched. He repeated this experiment before the Commission, the clean slide being readily scratched on being rubbed against the charged slide. Dr. Seward explains that he did not test for copper, but only for arsenic, and that the poisonous portion of the sediment

was the arsenic and not the diamond dust. He did not weigh the sediment that he obtained in the tumbler.

5. Before going on to describe the result of Dr. Gray's analysis of the powder sent to him by Dr. Seward on the 10th of November, it is necessary to refer to two other packets that were also sent to Dr. Gray for analysis. These are, first, a packet containing scrapings of the chunam floor of the verandah into which Colonel Phayre threw the sherbet. Colonel Phayre's evidence and his letter to Dr. Gray show that in consequence of a suggestion thrown out by Dr. Gray to Dr. Seward, and communicated by Dr. Seward to Colonel Phayre, the latter witness on the morning of the 15th of November, caused one of his peons in his presence to scrape as much deposit as could be found on the chunam floor of the verandah where the contents of the tumbler fell. These scrapings were made up by Colonel Phayre himself with a packet, which was forwarded to Dr. Gray on the 16th of November under due precautions. The second packet was found in Raoji's belt on the 25th of December 1874 in the presence of the commissioner of police, Mr. Souter, by whom it was taken to Bombay and delivered to Dr. Gray on the 30th idem.

6. The following is an abstract of the evidence of Dr. Gray, Chemical Analyser to Government at Bombay. He received the three packets above referred to in such a condition and in such a way as to exclude any idea of their having been tampered with *en route*.

The first packet forwarded to him by Dr. Seward contained $1\frac{1}{2}$ grains of powder of a greyish colour, composed partially of glittering particles. He applied the test by sublimation to a small portion of the powder, the result by microscopical examination being the existence of eight-sided crystals. He made a solution of the crystals by boiling them in water. Taking part of the solution, he added to it ammonio-nitrate of silver, and it produced a pale yellow precipitate.

To another part of the solution he added ammonio-sulphate of copper, and the result was a pale green precipitate.

In the remainder of the solution he put muriatic acid, boiled the solution, and passed sulphuretted hydrogen gas through it, the result being a bright yellow precipitate.

He then added ammonia to the three precipitates, reserving, however, a portion of the third precipitate. They all dissolved.

The reserved portion of the third precipitate he boiled with strong muriatic acid, and it did not dissolve.

All these tests satisfied Dr. Gray that the crystals he had produced by the process of sublimation were crystals of white arsenic.

He made further experiments with the powder he received from Dr. Seward. He boiled a small portion of it with water and muriatic acid, and threw two pieces of clean copper-foil into the boiling liquid, which continued to boil. In a few seconds the copper-foil became covered with a grey metallic deposit. One of the pieces of copper foil he dried and heated in a test tube, on the side of which a white sublimate formed consisting of, eight-sided crystals. To these crystals he applied the same kind of tests as those already described and with the same results.

7. Dr. Gray also tried the test by reduction with charcoal on a portion of the powder received from Dr. Seward. He produced before the Commission the test tube with the metallic ring, which he states is one of the signs of the presence of arsenic. He did not reduce the ring to white arsenic by heating.

8. In regard to the glittering particles contained in the powder received from Dr. Seward, Dr. Gray deposes that they were not in any way affected by the experiments above described. He examined them under a microscope, and at first thought they might be powdered glass or quartz; but on looking at them on the following day (the 12th of November) on the piece of blotting paper, he was led by simple inspection to think that they were diamonds on account of their brilliancy. He tried to dissolve them in all the ordinary acids, and with an alkali, but the particles were not soluble; and he came to the conclusion that they were diamond dust as the result of his independent inquiries, he not having at that time (the 13th of November) received any intimation that the powder might contain diamond dust.

9. The second packet forwarded by Colonel Phayre with Exhibit I. was received by Dr. Gray on the 17th of November. It contained earthy matter, in weight 17 grains, which on examination by the same tests as those applied to the contents of the first packet, proved to be arsenic, sand, and diamond dust. One grain of arsenic was found by Dr. Gray in the packet forwarded by Dr. Seward, and $1\frac{1}{2}$ grain in that forwarded by Colonel Phayre, total $2\frac{1}{2}$ grains. Under circumstances favourable for its action $2\frac{1}{2}$ grains are, Dr. Gray says, a fatal dose for an adult, and the effect of arsenic shows itself, in the majority of cases, in from half an hour to an hour. Diamond dust according to the best authorities has no injurious effect on the human body.

Dr. Gray considers the rising of the film in the sediment, as described by Dr. Seward, to be a likely result of the presence of arsenic in the tumbler.

10. The third packet delivered by Mr. Souter on the 30th of December 1874, Dr. Gray found to contain 7 grains of white arsenic of the same description and physical character as that found in the other two. He judged this from ocular inspection with a microscope.

11. The alleged existence of a metallic taste in the mouth of persons suffering from arsenical poisoning is a fact which has once come under Dr. Gray's personal experience, and one that is constantly referred to in cases that are sent up to him in his capacity of Chemical Analyser.

He himself has taken arsenic for the purpose of ascertaining whether it has any taste, but has found it to be tasteless.

Dr. Gray directed his attention to the discovery of copper in the powders, but found no trace of it.

12. The usual symptoms of poisoning by arsenic are stated by Dr. Gray to be dizziness, nausea followed by vomiting, burning pain in the stomach and purging. Chronic poisoning, or repeated small doses of arsenic, he says, cause watering of the eyes; and if arsenic is applied to a wound it produces injurious effects which may end in the death of the sufferer. He thinks that Colonel Phayre must have taken very little arsenic, but that he took sufficient to cause nausea, which would produce salivation, nausea being a preliminary of salivation.

13. In connection with this part of the case it is to be observed that Colonel Phayre in his evidence states that he was ailing from about the middle of September 1874. He had a cold in his head and a boil on his forehead, for which Dr. Seward attended him. A plaster was put on the boil by Dr. Seward, and the spare plaster used to remain on a table in his office room. Collodion was applied by Colonel Phayre himself to the boil in such a way that he had difficulty in removing the lint with which he had applied it. This occurred one morning between 8 and 9 o'clock, when Colonel Phayre was standing near the wash-hand-stand in his office, whence he would be visible to the peons, who had their post in the verandah leading into that room. Both before and after the application of the plaster, Colonel Phayre suffered from slight fever and fulness in the head, and his eyes watered a great deal. He suspected that his sherbet was not properly made from the beginning of October 1874. On the 6th of November he took a sip or two of the sherbet and felt unwell, having fulness in the head, and being sleepy, and generally having sensations like those he had experienced in the early part of October. On the 7th of November he also took a little of the sherbet, and was conscious of having the same symptoms as on the previous day, though in a worse degree. On the 8th he took no sherbet, as he had felt so ill on the preceding day.

The mention of the symptoms Colonel Phayre had noticed between the middle of September and the 9th of November will be found to be of some importance with reference to the evidence of some of the later witnesses in this enquiry.

14. It is obvious that as $2\frac{1}{4}$ grains of arsenic were found in the sediment of the tumbler, and in the scrapings of the verandah, a larger quantity of arsenic than would suffice to produce a fatal result must have been put into the tumbler, for it is not possible that all the arsenic contained in the sherbet was recovered from the verandah, and the quantity of the arsenic reproduced in the form of crystals by Dr. Seward's experiments is not known.

15. Having shown that poison was actually placed in Colonel Phayre's glass, the next question to consider is, by whom it was given. Abdulla Khan, who had been Colonel Phayre's servant for 15 or 16 years, was charged with the duty of preparing the sherbet daily, but in his absence it was the duty of the butler to prepare it. Abdulla prepared it on the morning of the 9th of November from pure pummeloe juice, and placed the tumbler containing it on the wash-hand-stand in the office room, which, at the time he did so (about 6.30 a.m.) Govind Balu and Yellappa were sweeping and cleaning. Abdulla, having taken out his master's clothes for the day, left the room. Govind Balu, house-servant at the Residency, states that he and Yellappa cleaned out the office room on the morning of the 9th of November during the time Colonel Phayre was out for his walk; that he put fresh water into the water-bottle on the wash-hand-stand; doubtless the bottle from which Dr. Seward poured a little water into the tumbler containing the sediment; that he got that water from the earthen vessel standing in the verandah of the main building from which water was supplied to the European inhabitants of the Residency; and that he left the room at about 7 o'clock before Colonel Phayre's return. He states that he saw Abdulla come into the room, arrange his master's clothes, and go out, but that he did not observe that he brought the sherbet. Lakshiman Dariao Singh, Peon,

was outside the room. After Abdulla left the room, Govind Balu states that Raoji, Havildar* of Peons, entered Colonel Phayre's office room, and was in it for 5 or 6 minutes, during which time he emptied the waste-paper basket which stood near the writing-table into another basket, which was kept in the ante-room through which access is obtained to the office room. It may be here noticed, as a fact within the personal cognizance of some of the Members of the Commission, that the office room is of small dimensions.

Yellappa confirms Govind Balu's statement that he was also employed in cleaning out the office room on that morning, but he gives no further particulars. Lakshiman Dariao Singh deposes to his having arranged Colonel Phayre's writing-table on the morning of the 9th of November, having done which he sat at the place allotted to the peons in attendance, and observed nothing further.

16. There does not appear to be any ground for suspecting that any of these persons put the poison into the sherbet. Raoji confesses that he did so, and we think that his evidence on this point may be accepted as true.

17. It is now necessary to consider in detail the evidence of Raoji and other witnesses with a view to ascertaining whether Raoji was instigated to poison Colonel Phayre, and if so, by whom he was so instigated.

18. The evidence of Raoji is to the following effect:—

He was appointed by Colonel Phayre to be Havildar of Peons a year or a year and a quarter ago, and lived in the bazaar in the Baroda Camp. Two months before the Commission

of 1873 commenced its sittings, Salam made repeated overtures to him to visit the Gaekwar. He at last consented, and went at about that time, i.e., two months before the sitting of the Commission, with Salam and Eshwant Rao, whom he met at Eswant Rao's house in the City of Baroda, to the Gaekwar's Palace in the city, and there had an interview with the Gaekwar in the presence of Salam and Eshwant Rao.

The Gaekwar asked him to send him information about the Residency, promising to give him rewards if he did so, and enquired whether Narsu, Jemadar of peons at the Residency, was his friend. Raoji agreed to send the information desired, said that Narsu was his friend, and on being requested by the Gaekwar to do so, consented to bring Narsu to see His Highness. The next day Raoji told Narsu of this visit and of the invitation which had been sent to him, but Narsu excused himself from going then on the plea of want of leisure.

19. Before proceeding further with the evidence of this witness, it will be convenient to explain that Salam is an Arab, living in the City of Baroda, and that he was a horseman (sowar) in the service of, and in constant attendance on the Gaekwar, Eshwant Rao is a

Jasud*, or personal messenger of the Gaekwar, and also resided in the city. The room in which this

interview is said to have taken place is the same as that in which all the interviews which will be described between the Gaekwar and the Residency servants were held. It was inspected by some Members of the Commission, and it may be described as a small room on the third storey, entered at one corner by the narrow flight of stairs which leads from the entrance of the Palace close to the rear and the Nazar-bagh (garden). The stairs terminate inside this little room, and they are not shut off by a door. The room is in fact an ante-room, in which there is a single door leading into the private apartment of the Gaekwar, where he had a bed and a bathing chair, and appliances for ablution. In the ante-room there are several mirrors attached to the walls, and there is a low and broad wooden bench on which His Highness is said to have sat on nearly every occasion of his meeting the servants. We now resume the thread of Raoji's statement.

20. Raoji paid three or four other visits to the Gaekwar before the Commission of 1873 sat, and he paid three visits while the Commission was sitting. On each of these occasions he first went to Eshwant Rao's house, and from thence he went to the Palace, accompanied by Eshwant Rao and Salam. At these visits Raoji told the Gaekwar about the persons who came to the Residency, the events that happened there, and the complaints that were made against the Gaekwar's administration at the Residency and before the Commission.

21. At one of the visits paid on a Friday while the Commission was sitting, Raoji informed the Gaekwar that he was going to be married, and the Gaekwar directed Eshwant Rao to remind him of it. On the following Monday, when the Gaekwar visited the Residency, Eshwant Rao informed Raoji that he had brought 500 rupees for him, and desired him to go to his house in the evening and receive that sum. Accordingly Raoji went in the evening to Eshwant Rao's house, accompanied by Jagga, a punkah-puller employed at the Residency, and there he received from Dalpat, Eshwant Rao's clerk, Rupees 500, Jagga being present, but not Eshwant Rao, who was upstairs. Rupees 400 were spent by Raoji in the purchase of ornaments for his marriage, and Rupees 100 he deposited with Jagga. There is no evidence on the record which directly corroborates the truth of Raoji's statement in regard to any of the visits above related, except that on which the present of Rupees 500 was spoken about. But it will be shown further on that about the time these earlier visits were being paid, the Gaekwar was also receiving visits from the woman Amina, who was an ayah in the service first of Mrs. Phayre, and subsequently of Mrs. Boevey, Mrs. Phayre's daughter, and wife of the Assistant Resident at Baroda. There is, however, evidence to corroborate the payment of the Rupees 500, and to this it is expedient now to draw attention, leaving Raoji's further narrative for the present.

22. Jagga (son of Bhagwan) states that he accompanied Raoji to Eshwant Rao's house one evening "fourteen or fifteen months ago," which would be about December 1873 (the Commission, it will be remembered, was sitting during November and December 1873), and that the Rupees 500 were paid to Raoji by Eshwant Rao's *Karkun* or clerk, of which sum Raoji took away Rupees 400 and gave 100 to him, Jagga, to keep.

Dalpat, the clerk, deposes to having paid 500† Baroda Rupees at 8 p.m. twelve or fourteen months ago to Raoji and Jagga by the order of Eshwant Rao, who at the time of the payment was upstairs, and not, therefore, present.

Dajiba was the person employed by Raoji to get the ornaments for his marriage made. He shows that about the time of the last Diwali‡ but one, which was on the 20th of October 1873, he employed Shivalal Vithal, a goldsmith, to make up for Raoji various gold and silver ornaments for the person. These ornaments were delivered on two or three occasions as they were ready, and Dajiba got the list with the prices from the goldsmith. This list he delivered to the police when the present enquiry was set on foot, and it shows that ornaments to the value of Rupees 558-6-0 were made by Shivalal Vithal for Raoji between November 1873 and March 1874.

Shivalal Vithal corroborates Dajiba in regard to the time of making the ornaments, and the description of ornaments, and he states their value from memory to be Rupees 475 or 500. He was paid in full for the ornaments by Dajiba and Raoji from time to time.

Dulab, another goldsmith, deposes to having made various ornaments of gold for Raoji in June and August 1874 to the value of Rupees 79-8-0.

Shivlal Vithal and Dulab identified the ornaments they had respectively made, and Raoji admits that they are his property.

Raoji's salary, it may here be noted, was Rupees 10 per mensem.

23. To return to Raoji's evidence, which goes on to describe the visits paid to the Gaekwar after the Commission of 1873 had left Baroda and up to the time that the Gaekwar went to Nausari.

Raoji states that eight, nine, or ten days after the Commission left Baroda, which would be about the 3rd* of January 1874, he visited the

* NOTE.—Narsu makes this visit to fall from the 19th to the 24th of January 1874.

Gaekwar at his Palace in company with Narsu, Jemadar of the Residency peons, Salam having previously informed Raoji that he had brought Narsu over to agreeing to come. The day was Sunday, and according to arrangement Narsu, whose house was in the City of Baroda, went to Eshwant Rao's house. Raoji started in company with either Jagga or Karbhai, both of whom were punkah-pullers at the Residency, and went to Eshwant Rao's house, where he found Narsu, Eshwant Rao, and Salam, all of whom accompanied him and his companion (Jagga or Karbhai) to the Gaekwar's Palace. Arrived there Salam went upstairs to inform the Gaekwar, and shortly summoned him and Narsu to the presence. At the interview the persons present were Raoji, Narsu, Eshwant Rao, and Salam. Raoji describes the conversation between the Gaekwar and Narsu on this occasion. The Gaekwar told Narsu that as he lived in the city he should bring information from the Residency every day, and that being

† Nobles.

an old resident of Baroda, and acquainted with the Sirdars,† he should tell him the names of the Sirdars who went to the Residency. The Jemadar Narsu consented, and said that both he and Raoji would communicate the information through Salam; on which the Gaekwar desired that if there was anything of importance to communicate, it should be committed to writing, the Jemadar bringing the letter when he came to his house in the city, and giving it to Salam. Narsu said to the Gaekwar that his brother's pension had been stopped, and he begged the Gaekwar to make some arrangement about it. The Gaekwar told Narsu to give a petition to the Resident on the subject, promising to make some arrangement if the Resident spoke to him. Two brothers of Narsu were then in the Gaekwar's service as Commandant and Jemadar of Cavalry.

24. Jagga and Karbhai both depose to having gone to the Gaekwar's Palace with Raoji, Narsu, Eshwant Rao, and Salam, and to having been left downstairs when those persons went up to see the Gaekwar. There are no means of identifying the man who went with the party on this occasion, but there can be no doubt that it was either Jagga or Karbhai. Narsu merely states that Raoji had a companion with him, but he does not mention his name.

25. Raoji then goes on to say that he and Narsu visited the Gaekwar again four or five times about or before the departure of His Highness for Nausari (2nd of April 1874), and that on these occasions they gave information to the Gaekwar of the doings at the Residency. It may here be noted that Narsu only speaks of one such visit at this time, viz., his second visit.

26. Raoji states that he and Narsu went to Nausari in attendance on Colonel Phayre, and that he saw among other persons there Salam and Damodhar Punt. Raoji paid one visit to the Gaekwar when at Nausari, introduced by Salam, and the Gaekwar asked him about Bhau Poonekar and others who went to the Residency.

27. We now come to Raoji's account of his visits to the Gaekwar after the return from Nausari, which was about the 18th of May 1874, and here we remark that Raoji states that in the visits up to this time the only thing the Gaekwar desired was information about the Residency, and that it was after this event that poison was first mentioned by His Highness.

28. These visits after the return from Nausari are stated by Raoji to have been paid, some in company with Pedro de Souza, some in company with Narsu. Pedro was Colonel Phayre's butler, and had been employed in that capacity for 15 years, having been in his service altogether for 26 years.

Pedro took leave for a month to Goa; and three of the visits in his company are fixed by Raoji as occurring before his going to Goa, and one after his return from that place. Raoji says that Pedro invited him to go with him to the palace, stating that he, Pedro, had been asked to go there by Salam. Raoji describes the first visit and the conversation thereat with the Gaekwar, which he limits to enquiries regarding the conversation at the Residency dinner table, and to a request on the Gaekwar's part that Pedro should send him information through Salam. No details are given in relation to the other two visits.

The last visit with Pedro is stated by Raoji to have been two or three days after Pedro's return from Goa. Now Pedro in his evidence before this Commission does not give the date of his return from Goa; but in his statement before Mr. Edginton, the Deputy Commissioner of Police at Bombay, on the 5th of January 1875, he states that he returned to Baroda from leave on the 3rd of November 1874. Raoji recites the conversation between Pedro and the Gaekwar. After asking Pedro when he had returned from Goa, the Gaekwar said to him—“If I give you something, will you do it?” Pedro said he would, if it were possible. The Gaekwar then spoke to Eshwant Rao, who handed a paper packet to His Highness, who put it into Pedro's hands. Pedro asked what it was. The Gaekwar said it was poison, and that it should be put into Colonel Phayre's food. Pedro objected that if Colonel Phayre were to

die suddenly, he (Pedro) would be taken up and be ruined. The Gaekwar then assured Pedro that nothing would happen suddenly, but that Colonel Phayre would die in two or three months. Raoji believes that Pedro kept the powder or packet, but does not know whether he used it or not. Pedro informed Raoji that he had received money from Salam before he started for Goa.

Pedro in his deposition admits that he went to Nausari, and that Salam urged him to go to the palace, but he denies ever having gone there, or having ever spoken to the Gaekwar. He admits that he asked Salam a short time before he went to Goa for money for his expenses by the way, and that Salam gave him 60 Baroda Rupees, saying that the Gaekwar had sent them for the expenses of his journey. He also admits having told Raoji that he had received the Rupees 60, although he says he was not intimate with him, and was only on speaking terms with him.

Whether Pedro did go to the palace at all, or Raoji did accompany him in visits to the Gaekwar, or not, must remain uncertain. There is no corroboration whatever of Raoji's statements on this point.

29. Raoji's first visit to the Gaekwar with Narsu is stated by him to have occurred two or three days after the return from Nausari. This would be the 20th or 21st of May 1874: Karbhai punkah-puller accompanied them. Fifteen days after the return from Nausari, Raoji received Rupees 300 from Narsu as his share of a present from the Gaekwar.

30. At the time Colonel Phayre had a boil on his forehead (September—October 1874) Raoji states that he again visited the Gaekwar with Narsu, and that the Gaekwar gave him a bottle containing a white liquid like water, telling him to put it into Colonel Phayre's bathing or washing water. The mouth of the bottle was stopped with cotton and bees' wax. Raoji put it inside his drawers or trousers, which were tied round the waist with a string, the bottle being pressed against his body by the string. Some of the liquid exuded, or was jerked out in walking, on to Raoji's stomach, and a swelling with a burning sensation was the result. Raoji took the bottle or phial with him to the Residency, and, in reply to Narsu's question, said that he had put its contents into Colonel Phayre's water. This, however, Raoji says, was a lie, in order to stave off the importunity that was manifested by a sowar who came daily to ask if he had done the business. In point of fact he says he flung away the contents of the bottle, because he thought they would injure his master, Colonel Phayre. Raoji showed to Narsu the injury on his stomach. The bottle was kept under a box which was in the verandah of the Residency near the bench where the attendant messenger sat. The bottle was as long as Raoji's forefinger and thin.

The evidence of Dr. Gray, who was examined specially with reference to the injury on Raoji's stomach, is to the effect that the three marks visible thereon above the navel, where the drawer strings are tied, were caused either by caustic or burning from a hot iron; that arsenic is a caustic; and that arsenic in suspension might cause an injury, leaving such marks as those existing on Raoji's belly, if kept in contact with the skin for an hour, even though the surface of the skin were unbroken before the contact. Dr. Gray is of opinion that the injury on Raoji's person may have been caused in the way described by the witness, supposing arsenic to have been contained in the bottle. Our opinion on this episode of the bottle will be given when considering the evidence of Damodhar Punt.

31. Raoji describes another visit he paid one evening to the Gaekwar in the palace four or five months after receiving the Rupees 300 from Narsu. This would make the visit to fall in Raoji October or November 1874. Raoji thinks it was 15 or 20 days before the 9th of November. The room in which the interview with the Gaekwar is said to have been held is described by as His Highness' bathroom, the time 7 p.m., or somewhat later, and the persons present Salam, Eshwant Rao, Narsu, and Raoji. The following is Raoji's account of the conversation that

* The Gaekwar is commonly referred to as the Maharaja, which is one of his titles.

† Meaning Colonel Phayre.

passed:—“The Maharaja* said to us—‘The Saheb† practices great oppression (*zulm*) on me. I will tell you something; will you listen to it?’”

“Then I and the Jemadar said, ‘We will listen.’ Then the Maharaja said, ‘What is the saheb in the habit of eating?’ I then said, ‘He does not eat anything in my presence, but he drinks juice (*ras*) sherbet.’ Then the Maharaja said to us, ‘If I give you something will you put it in (*dabba*)?’ Then we said ‘What will be the effect of it?’ ‘(*kya hoega*)?’ Narsu it was who said this. Then the Maharaja said to us, ‘I will send a packet by the hands of Salam Sowar.’ I thereupon asked the Maharaja ‘What will be the effect of it?’ (The Interpreter Mr. Nowrojee says the word interpreted as packet may also mean powder *puri*). When I asked ‘What substance is it’ (or rather ‘thing’)? Then the Maharaja said, ‘It is poison (*zakar*).’ I then said to the Maharaja, ‘If I put it in and if anything happens to the Saheb all of a sudden, what then?’ The Maharaja said ‘It will not produce any immediate effect, but will produce an effect in the course of two or three months.’ Then the Maharaja said to us, ‘I will give you a present of a lakh each, if you will do this thing, and I will employ you, or give you service, and I will protect your children and family. Do not entertain any apprehensions.’ I myself asked the Maharaja ‘In what manner shall I put this in?’ Then the Maharaja said, ‘Take a small bottle, put some water and the powder in it, shake it well, and put that in?’ Then I asked the Maharaja ‘If I put the powder thus, what will be the effect?’ The Maharaja said, ‘If without shaking it you put it in the juice, it will come to the top, therefore you should shake it before putting it in.’ Then Salam Sowar and Eshwant Rao both said ‘It will be good for you if you do this job, do not have any apprehensions.’ The Maharaja said, ‘Make

“ ‘ three powders of this and finish them in three days.’ At that time no powder was shown me; nothing was shown me then. The Maharaja said, ‘ I will send it to the Jemadar’s house by the hands of Salam or Eshwant Rao.’ I said ‘ Very well.’ ”

32. The day following this interview Narsu brought and gave to Raoji a packet containing two powders, one white and the other rose-coloured; the quantity in each being as shown to the Court by the witness, about a teaspoonful: the white powder, however, being rather more than the others. Raoji then made up these two powders into three, by dividing the rose-coloured powder into three portions, and adding a pinch of the white powder, which he believed to be arsenic, to each. There was thus a remnant of the white powder which Raoji put into the secret pocket of his belt in paper; and the three compound powders he placed in another pocket of the belt. (The belt is a band of thick cloth lined, encircling one shoulder and falling down to the hip on the other side. There it is joined, and a slide is sewn on for a sword. The waist band (*kammarband*) is tied over the belt, leaving the slide open underneath it). The three compound powders Raoji states he put into Colonel Phayre’s sherbet in his office room, one at a time, on alternate days, having first shaken up the powder in water in a phial.

33. This is a convenient place to consider the matter of the discovery of the arsenic powder which has been referred to as the third packet examined by Dr. Gray.

Colonel Phayre has shown that he put Raoji under arrest on suspicion on the evening of the 9th of November, and Raoji states that he was released on the 11th, but was not allowed to resume duty, and went to his house. Raoji also states that on the morning of the 9th of November before he was arrested he was suspended, and that he put his belt of office in the office room occupied by Colonel Phayre at the Residency, Mr. Boevey, who was Assistant Resident at the time, shows, however, that Raoji hung up the belt, when he was deprived of it, on a peg in the room adjoining Colonel Phayre’s office, and this, no doubt, is the correct statement.

Raoji was arrested by the Police on the 22nd of December 1874, their suspicions having been directed against him by information they had obtained of the large expenditure, with reference to his means, that he had been incurring in the town. On the 24th, 25th, and 26th of December the statements of Raoji were recorded by Mr. Souter, and on the 25th, Akbar Ali, head of the Detective Police of Bombay, asked Raoji where he kept the powders he had brought from the palace. Raoji replied that he used to put them in his belt, which was then with Bhudar, who had been appointed to succeed him. Bhudar was at once sent for, and came to the room in the Residency where the Police were carrying on their investigation under Mr. Souter, who was also living there, and took off the belt which he was wearing, and handed it to Akbar Ali. Mr. Souter was at that time dressing. Akbar Ali at once examined the belt, and when his finger came in contact with a bit of paper inside the pocket, he called to Mr. Souter, who was in the adjoining room, and in Mr. Souter’s presence the packet of arsenic and a piece of thread were found. It is clear from the evidence of Raoji, Akbar Ali, Bhudar, and Mr. Souter, that Raoji had forgotten all about this powder, and that it was not until it was found that he recollected the circumstance. There appears to be no reason whatever for suspecting any foul play on the part of the Police in connection with this discovery, which certainly corroborates Raoji’s statement in regard to his treatment of the two powders. Raoji explains that he knew the white powder to be arsenic, and that he put only a little of it into each of the rose-coloured powders for fear lest the action of the poison should be too rapid.

33a. We now come to Raoji’s last visit to the Gaekwar, which he states to have been made on Friday night (the 6th of November 1874) with Narsu, in consequence of a message brought by Salam. He first went to Eshwant Rao’s house, and thence proceeded to the palace with Eshwant Rao, Salam, and Narsu, who were all present with Raoji at the interview with the Gaekwar. The room in which the interview is said to have been held is the “ bath-room.” The Gaekwar abused Raoji for having done nothing, on which Raoji replied that he had done it, and could not account for the absence of a result. The Gaekwar said he would give him something else to put in. As Raoji was leaving, Salam put something into the Jemadar’s hand, which he, Raoji, did not see. Next day (Saturday, November the 7th Narsu) gave Raoji a dark grey powder in a piece of paper. On Sunday the 8th Raoji did not go to the Residency, but he went at 6.30 a.m. on Monday the 9th, and put the whole of the powder into Colonel Phayre’s glass of sherbet, having first shaken it up with water in the phial. Raoji says that it was two days before he got this last powder that Pedro received a powder from the Gaekwar (at the last visit he paid to the Gaekwar with Raoji), so that Pedro must have received his powder, if Raoji speaks the truth, on the 5th of November. Raoji explains that he gave the whole of the last powder in one dose, as it was small in quantity, and he did not think it would take effect at once, and, moreover, he was urged to be quick.

34. We now come to the evidence of Narsu. Raoji appears before the Commission as a tainted witness, a principal in a capital offence, under promise of pardon conditional on his speaking the truth. Narsu, on the other hand, was distinctly informed by Sir Lewis Pelly that no pardon should be given to him, and his statement or confession, orally made before the Police and Sir Lewis Pelly on the 24th of December, was not recorded till the 26th idem; in order, as Sir Lewis Pelly explains, that he might have time to think over the matter, and that he might not be induced by any reason to make a statement which would not bear scrutiny. It is therefore necessary to look for facts corroborative of the general truth of Raoji’s evidence. Narsu, with regard to the circumstances under which he appears, seems to us to be a truthful witness, and his manner impressed us favourably. Discrepancies between

his and Raoji’s evidence there undoubtedly are, and they are to be expected when men are relating occurrences which happened some considerable time before their recital. To show how witnesses on whose veracity no suspicion can rest may differ, it will suffice to refer to the accounts given by Mr. Souter and Sir Lewis Pelly of the reason why Narsu’s statement was not recorded on the day that it was first made; Mr. Souter saying that he was too busy to take it down that day; Sir L. Pelly saying that it was because he ordered that time should be given to Narsu to think over the matter.

Narsu states that he was Jemadar of peons at the Residency on Rs. 14 per mensem, having occupied that post for some 17 years, and been employed at the Residency for 32 or 34 years altogether. His house was in the city of Baroda. His usual time for going to the Residency in the morning was 7½ or 8 o’clock, and he returned home at 6½, 7, or 8 o’clock in the evening. He corroborates Raoji’s statement in regard to the invitation which was made to him to visit the Gaekwar before or about the time the Commission of 1873 assembled, and his refusal on the plea of want of leisure. He corroborates in all essential particulars the first visit to the Gaekwar described by Raoji as having been made in his company after the Commission dispersed. Between this first visit and the trip to Nausari, Narsu alludes to only one visit with Raoji in the evening, whereas Raoji alludes to four or five visits. When at Nausari, Narsu says he paid no visit to the Gaekwar, except in company with the Resident, and Raoji does not say that Narsu did visit the Gaekwar there with him. But Narsu relates a circumstance not mentioned by Raoji, and this is a fair instance of the absence of all connivance between Raoji and Narsu in the evidence they have given. Narsu says that when at Nausari, Raoji caused a present of Rupees 250 to be given to him (Narsu). Narsu not knowing what to do with the money there, Raoji left it with Salam, who was then going to Baroda. When Narsu returned home, he ascertained that the money had actually been paid on his account to his brother. There is no corroborative evidence of the truth of this story, which is not mentioned by Raoji, but there is no reason apparent for discrediting it, and the inference of course is that the money came from the Gaekwar.

36. Narsu describes his first visit after his return from Nausari. His description corresponds substantially with Raoji’s account, but Narsu gives the date of the visit as the middle of June or July 1874, whereas Raoji would make it about the middle of May.

Native witnesses are so notoriously inaccurate in regard to time that discrepancies of this sort do not make their evidence untrustworthy on other points. Narsu says that Raoji, after some conversation with the Gaekwar, suggested that a present should be given in connection with His Highness’ marriage (with Lakshmi Bai), and the Gaekwar promised that one should be given. Accordingly 10 or 15 days afterwards Salam brought Rs. 800 to Narsu, of which he gave Rs. 400 to Raoji (who paid Rs. 100 to Jagga) and took Rs. 400 for himself. Narsu gave Rs. 100 of his share to Salam, thus keeping Rs. 300 for himself. Jagga, however, says nothing of having received the Rs. 100 referred to by Narsu, and it is rather to be inferred that he did not receive them, although he admits having been once to the palace in company with Raoji, Narsu, Eshwant Rao, and Salam. Raoji, it will be remembered, acknowledged the receipt of Rs. 300 from Narsu.

37. Raoji states that Narsu was with him when he visited the Gaekwar at the time Colonel Phayre had a boil on his forehead, and received the bottle from the Gaekwar. But Narsu says he did not see the bottle given. He saw the bottle at the Residency, where Raoji explained that he shook up the poison in it with water, and he knows that it was kept under the box close to the peons’ bench at the Residency.

38. Up to this time no allusion to poison had been made before Narsu, who now goes on to recite the circumstances of the last two visits to the Gaekwar, corresponding with Raoji’s last two visits. One visit was paid 20 or 25 days before the 9th November, thus corresponding pretty nearly with the time stated by Raoji. The place of the visit is the ante-room alluded to above, of the Gaekwar’s private room, or bath-room, according to Narsu’s account, and not the bath-room as stated by Raoji. There seems to be no reason for believing that any of the visits were paid in the inner or bath room. They were, we believe, all paid in the ante-room. Narsu says that Karbhai was with him, whereas Raoji does not mention Karbhai. Karbhai’s evidence leaves it uncertain whether he was with Narsu and the rest on this occasion. It is not pretended by any one that he ever went into the Gaekwar’s presence. The names of the persons present at this interview, as given by Narsu, correspond with those mentioned by Raoji, and the following extract from Narsu’s evidence contains a description of what passed on the occasion corresponding essentially with Raoji’s description:—

“ The Maharaja had some talk with Raoji. I was present, heard and took part. The Maharaja said, ‘ The Sahib now becomes very angry, and some endeavours should be made regarding it.’ Eshwant Rao said, ‘ It is the intention (*irada*) of the Maharaja. The Maharaja will give you something. You try to put it in (*dalna*).’ The Maharaja said, ‘ Yes, you should do something by which the thing should go into his stomach.’ I said, ‘ With regard to the food, that does not lie in my province. I won’t be able to do it.’ Then Raoji said, ‘ If you like I will put it in the pummeloe sherbet which he drinks.’ The Maharaja said, ‘ Very well, try to do it.’ The Maharaja said, ‘ I will send a packet (*puri*) which should be given to Raoji.’ Eshwant Rao and Salam said, ‘ With regard to what the Maharaja says, when he gives it to us, we will bring it.’ The Maharaja said ‘ If the thing is done, it will be good for you.’ Eshwant Rao repeated the same thing. By the words ‘ It will be good for you ’ was meant, you will get your meat and drink well, so that you will not depend on service.’ The Maharaja said this. Salam and Eshwunt

" Rao said the same thing. This interview lasted ten minutes, or a quarter of an hour. I don't remember the month. The occasion was 15 days or 20 days or 25 days, or a month before Colonel Phayre discovered poison in his tumbler. At that interview no packet was given me. After it was over Salam gave me a packet the next day. Salam gave it me at my house. The packet was as long as my forefinger, made up in Ahmedabad paper. Salam said to me 'This is the packet to which the Maharaja referred, give it to Raoji.' I did not open it, but kept it in my turban. When I came to the Residency at 8 o'clock I gave it to Raoji." In his cross-examination Narsu explained that he joined in this conspiracy, thinking he should get money and advancement from the Gaekwar.

39. The date of the final visit with Raoji to the Gaekwar Narsu gives as the 2nd or 3rd of November. Raoji says it was the 6th. Narsu went as usual to Eshwant Rao's house at 8 p.m., and the party, consisting of Raoji, Narsu, Karbhai, and Jagga proceeded to the palace, where they saw the Gaekwar in the ante-room as usual, introduced by Eshwant Rao and Salam. Narsu gives the following account of what passed:—"The Maharaja said, 'You are a *lucha* (a 'loose fellow') and used a coarse expression. 'You have done nothing as yet.' I said, 'Raoji knows that.' Raoji then said, 'As far as I am concerned, I did put it in.' Raoji added 'What can I do if your medicine (*dawa*) is not good?' The Maharaja said to Raoji 'Very well, I will send another packet, and you do it properly (*barabar karo*).' He added, 'Put it in well.' Raoji said 'Very well.' Eshwant Rao and the Maharaja both said 'It will be brought to you to-morrow by Salam. Give it to Raoji.'" Narsu then says that the following day Salam gave him a packet like the previous one near his house, and that he handed it over to Raoji at the Residency. Raoji says that as he was leaving the palace, Salam put something into the Jemadar's hand, which he did not see. There is here a discrepancy which has not been cleared up.

40. On the 9th of November Narsu went to the Residency at 8 a.m., and after Dr. Seward had left, Raoji told him that he had put the poison in the tumbler of sherbet, and that the 'Doctor Sahab' (meaning Dr. Seward) had taken it away. Narsu remained on duty at the Residency, till he was arrested by the Police on the 23rd of December 1874.

41. It is now desirable to allude to the evidence of Raoji and Narsu in regard to letters sent by the former to the palace. Narsu states that during the rainy season of 1874 (June—September) he received 20 or 25 letters from Raoji containing the names of visitors and information for delivery to Salam, and that he did deliver them. They were not written on Mondays and Thursdays. Raoji says that he sent some letters of this kind; some of which he wrote himself, and one or two he got Jagga to write. Jagga corroborates this statement, and identifies one letter (Exhibit X.) as having been written by himself by direction of Raoji and Narsu. Exhibit X. is a letter giving information about visits paid by certain persons to the Resident and the conversations that occurred. The letter was found in Salam's house, as proved on the evidence of Chagan Lall, Imam Ali, and Manibhai.

42. The evidence that has been produced leads to the belief that Raoji and Narsu had no opportunity of conversing after they were arrested, and that their evidence is the result of their individual experience. Raoji's statement had not been recorded when Narsu appeared before Sir L. Pelly and made his statement on the 24th of December, and it is therefore impossible that the Police could have instructed Narsu as to the particulars of the statement he was to make. Both these witnesses remained unshaken under cross-examination, and we believe that their evidence in the matters wherein they substantially agree is true. Narsu, when adjured by Sir Dinkur Rao at the close of his evidence to tell the truth without fear and as in the presence of God, declared that he had spoken the whole truth, and that the offer of a pardon could not induce him to say anything else. We also observe that Narsu, after having had his statement and confession taken down by Mr. Souter on the 26th of December 1874, threw himself into a well in the Residency compound, being covered with shame at the part he had taken against a man whom both he and Raoji describe as a kind master. Narsu hesitated in court to say that he had actually thrown himself into the well, and said that his head had become giddy from seeing some of his fellow-servants and that he had fallen in; but having inspected the well, it is difficult to us to conceive that his fall into it could have been accidental, and there is good ground for the presumption that it was intentional on his part.

43. The evidence of Damodhar Punt must now be examined. He used to attend at the Gaekwar's Palace daily from 7 a.m. till 10 p.m., and received a salary of Rs. 200 per mensem. He was the Gaekwar's Private Secretary, and states that he had all His Highness' private accounts under his control. In the dark half of the month Bhadrapad (September and October 1874) he was directed by the Gaekwar to get two tolas*

* A tola equals $\frac{3}{4}$ of an ounce in weight.

of arsenic for itch, and to write for it to the *Foujdari* Department. There was an edict that arsenic could only be had in the *Foujdari*, and it could always be had under the Gaekwar's order. Accordingly Damodhar Punt wrote to the *Foujdari* officer the letter which has been produced (Exhibit Z.). It bears date the 4th of October 1874, and directs that a pass be sent for two tolas of arsenic for "medicine for a horse." The son of Ganpat Rao Balwant, the City *Foujdar*, endorsed an order on this in his father's name to Dattatraya Ramchandar on the 5th of October as follows:—"The Shrimant Sirkar Maharaj has ordered to give arsenic, tolas two, as above, on receiving the price; therefore giving to the said person arsenic as above, take the price." Damodhar Punt states that he mentioned the horse because he was so directed by the Gaekwar. Hormasji Wadia was the *Huzoor Foujdar*, and he informed Damodhar Punt that he would give the arsenic after asking the

Gaekwar's permission. Damodhar Punt told the Gaekwar of this, and the Gaekwar told him to get the arsenic somehow or other from Nurudin, a Borah living in the Baroda Camp, who had business with the Gaekwar's *Sillekhana** or Dispensary. Damodhar Punt accordingly got a packet that was said to contain two tolas of arsenic from Nurudin, either that day or the next (the 5th or 6th October 1874), and gave it, by the Gaekwar's directions, to Salam shortly afterwards; the Gaekwar saying that Salam would convert it into medicine for itch and bring it. No arsenic was got from the *Foujdari*.

Dattatraya Ramchandar, employed in the Gaekwar's *Foujdari* Office, deposes that he received Exhibit Z., and that it remained in the *Foujdari* Office till it was sent for by the present head of that office three weeks previously to his giving his evidence; that no arsenic was given on that order; that an order had been in force for the past eighteen months that arsenic and other poisons were not to be given out except under an order from the Gaekwar; and that this document does not contain the Gaekwar's order, though it is stated in the endorsement that the Gaekwar had given sanction.

44. Damodhar Punt then goes on to state that about eight days after he got the arsenic the Gaekwar ordered him to get one tola of diamonds and give them to Eshwant Rao. He got a packet said to contain diamonds from Nanaji Vithal, the clerk of the jewel department under him, and gave it after asking the Gaekwar for instructions, and in accordance with those instructions, to Eshwant Rao.

45. He further says that eight or four days after this, Gujaba, servant of Nana Khanvelkar, brother-in-law and hereditary minister of the Gaekwar, brought to him a small bottle containing some medicine. The Gaekwar had previously given Damodhar Punt orders to send large ants,

† Probably blister flies are meant.

snakes, and the urine of a black horse to the Hakim (Gaekwar's doctor), and the contents of the bottle brought by Gujaba were a concoction made by the Hakim. The Gaekwar having desired Damodhar Punt to pour the stuff into another bottle, Damodhar Punt poured it into a smaller bottle of his own, about half a forefinger's length, which had contained attar, or essential oil of roses. Whether the witness used the words attar of roses, or merely attar, which might mean any essential oil, is doubtful. The record has it attar of roses. The point is not very material, and it is clear to us that the small bottle referred to is not one of the usual otto of rose bottles known in Europe which contain only a few drops. Having poured the stuff into this smaller bottle, Damodhar Punt closed the mouth with cotton and bees' wax. The next day Damodhar Punt gave the bottle to Salam in accordance with the Gaekwar's verbal order given to him, and directed Salam to give the bottle to Raoji. Damodhar Punt is not very certain about the time he gave the bottle, but he is sure it was after August 1874, and he indicates the Dasserah (20th October) as the time about which he did so. He states that he knew the bottle was to be used to poison Colonel Phayre. We are unable to come to a satisfactory conclusion as to the precise manner in which Raoji became possessed of this bottle, but we are disposed to believe that he did, directly or indirectly, receive from the Maharaja a bottle containing some noxious liquid which was intended to be used to injure Colonel Phayre.

46. Subsequently Damodhar Punt got two more tolas of arsenic from Nurudin by the Gaekwar's orders, which he also gave to Salam.

47. He also, in obedience to the Gaekwar's orders, got from Nanaji Vithal a second tola of diamonds. Nanaji Vithal delivered a packet to Damodhar Punt which he said contained $3\frac{1}{2}$ mashes

‡ 12 mashes go to a tola.

of diamond dust and 9 mashes of diamonds. This packet Damodhar Punt, by the Gaekwar's order, gave to Eshwant Rao, who, in reply to a question put by Damodhar Punt, said that they were to be made into a powder and given to Colonel Phayre. This packet of diamonds was given to Eshwant Rao five or seven days before the 9th of November 1874. The Gaekwar told Damodhar Punt that these diamonds were for a crown for the high priest of Akalkote.

48. It should here be observed that there is no evidence whatever to confirm Damodhar Punt's statement in regard to the procurement of the arsenic from Nurudin. That the Gaekwar desired to obtain arsenic may be held to be proved by the evidence of Damodhar Punt and by Exhibit Z. That arsenic was obtained by Damodhar Punt in the way he describes we consider highly probable. We are also of opinion that it is proved by the evidence of Raoji and Narsu that the poison used against Colonel Phayre came from Salam. That the arsenic which Damodhar Punt gave to Salam is the same that was used to poison Colonel Phayre is certainly probable. We are not prepared however, in the absence of corroborative evidence of the truth of Damodhar Punt's statement, to say that it is proved that the arsenic administered by Raoji was that, Damodhar Punt says, he obtained from Nurudin and gave to Salam.

49. In regard to the purchase of the diamonds, there is the following further evidence: Nanaji Vithal, the Darogah or chief officer of the Gaekwar's jewel department, deposes that shortly before the last Dasserah (20th of October 1874) he purchased by Damodhar Punt's orders

§ A ratti equals $1\frac{1}{2}$ grain troy.

68 or $68\frac{1}{2}$ ratties§ of flat rose diamonds, 1 to 4 diamonds per ratti, from Hemchand, son of Fatchchand. He instructed a clerk to prepare a memorandum (yad) of the purchase. Seven or eight days afterwards he purchased from Hemchand about 74 ratties weight of diamonds of the same

kind by Damodhar Punt's orders, and an entry of their purchase was made on the same memorandum. Both lots of diamonds were given to Damodhar Punt as they were purchased, and Damodhar Punt told this witness that the diamonds were to be reduced to powder or ashes to be used as medicine. The total price was Rs. 6,003. Rs. 3,000 were paid by Nanaji Vithal to Hemchand as follows:—Rs. 2,000 were paid through Nanchand, Shroff of the Domala Mahal, out of two items aggregating Rs. 3,629-13-3, which were obtained by savings in the lighting department, and sale of gold coins presented as *nazarana* and credited to the Gaekwar's private account. Rs. 1,000 were paid by Nanaji Vithal himself. He says that the *yad* on which the purchases of these diamonds were entered was written by Atmaram,

* The Diwali began on the 8th November and ended on the 11th November 1874, the principal day being the 9th.

clerk, and that about the end of the Diwali* (9th of November 1874) Damodhar Punt took it away, in consequence of which the diamonds do not appear in

any of the accounts of the jewel-room.

Atmaram, clerk in the Gaekwar's State jewel-room under Nanaji Vithal, deposes that diamonds were bought from Hemchand about eight days before the last Dewali, a *yad* being prepared by Venaik Rao, son of Venkatesh, and kept by witness till after the report was known of Colonel Phayre having been poisoned, when Nanaji Vithal took it from him. This witness stated also that there was a large quantity of diamonds, loose as well as set, in the Gaekwar's jewel-room, and that at the time of the purchase of these diamonds the ornamentation of a sword handle, scabbard, and jacket with small diamonds procured from the Gaekwar's jewel store was proceeding, there being a balance of such stones going on from year to year. He also stated in cross-examination that after Nanaji had taken away the *yad*, he, Atmaram, asked Hemchand whether he had received his diamonds back, and he replied in the affirmative, Nanaji Vithal also having said at the time of taking away the *yad* that the diamonds were not to be purchased, and that he wished to return them.

50. Damodhar Punt gives the following account about the payment for these diamonds which he received from Nanaji Vithal. He received verbal orders from the Gaekwar to pay for them, and he directed Nanaji Vithal to disburse the money from funds which he had received on the Gaekwar's private account. Those funds he describes as the sums shown in Exhibits R1. and S1. above referred to. The total sum shown in those exhibits to have been credited to the private account is Rs. 3,629-13-3. The order for the payment to the jewellers for these diamonds is stated by Damodhar Punt to be Exhibit T1., dated the 31st December 1874, which sets forth that Rs. 3,632-13-3 have been given by the Gaekwar for a feast to the Brahmins at Swami Narain's temple. Damodhar Punt states that this was a fictitious order, made to conceal the real purpose for which the money was required.

There can be no doubt that this is the case, because Rameshwar, mentioned in the order as the payee and provider of the feast, deposes that he did not receive the amount, and corroborates Damodhar Punt's statement that a receipt was always affixed to the order by the payee, by referring to a true order (Exhibit Y1.), on which there is a receipt of his, whereas T1. has no such receipt. But† there is a doubt whether T1. is really the equivalent of the sums shown in R1. and S1., because, in the first place, the total of R1. and S1. is Rs. 3,629-13-3, whereas the total of T1. is Rs. 3,632-13-3; and, secondly, the date of T1. is the 31st of December 1874, whereas R1. is dated the 1st of January 1875. It is clear, however, that Nanaji Vithal did, as he admits, receive the amounts shewn in R1. and S1., and it is also clear that T1. put into the hands or power of Damodhar Punt a sum of money which might be used for secret service. Indeed Damodhar Punt shows clearly that large sums were from time to time set aside as secret service money. Exhibits A1. to Q1., bearing date from the 24th of November 1873 to the 13th of October 1874, are fictitious orders for payment to Salam and Eshwant Rao on account of goods alleged to have been purchased by them for the Gaekwar; and the proof of their fictitiousness, as explained by Damodhar Punt, is that they contain no details of the goods or of the names of the merchants from whom they were purchased. One difference between the orders A1. to Q1. and the order T1. is this, that the former bear in each case the acknowledgment of the payee, whereas T1. does not. It is therefore evident that T1. is not only fictitious in its purposes, but is also made so as to conceal the name of the person to whom payment was made, and it may be regarded as corroborating Damodhar Punt's statement that he directed Nanaji Vithal to pay for the diamonds. Damodhar Punt also says, and in this he is corroborated by Nanaji Vithal and Atmaram, that the diamonds were not credited or entered in the jewel accounts, as the Gaekwar said they were for medicine, and that only a *yad* or memorandum to that effect was prepared in the jewel department, which *yad* the Gaekwar, on being asked by Damodhar Punt about it after the attempt to poison Colonel Phayre on the 9th November had become known, directed should be destroyed. Damodhar Punt accordingly told Nanaji Vithal to remove the *yad*, which he did, and the amount was shown as paid to Swami Narain (T1.).

51. It now remains to examine the evidence of Hemchand in regard to these diamonds. This witness contradicted himself in the most violent way, and no reliance can be placed on his evidence generally. His object seemed to be to deny all connection with the purchase of the diamonds. He admits that he took two packets of diamonds to Venaik Rao (brother-in-law

† NOTE.—Subsequently added by Mr. P. S. Melvill, Commissioner.
The doubt expressed in paragraph 50 in regard to the total of Exhibit T1. not agreeing with the totals of Exhibits R1. and S1. was caused by misreading a badly printed figure 6 in Exhibit R1. for a 3. In reality the total of T1. does agree with the totals of R1. and S1.
11th April 1875.

of Nanaji Vithal and employed in the Gaekwar's jewel department) on the 31st of October or 1st of November 1874, but he says that they were returned to him. He denies ever having sold diamonds to Damodhar Punt, Nanaji Vithal, or Venaik Rao. He admits having received Rs. 2,000 from Nanaji Vithal on the 3rd of December 1874, and another 2,000 on the 2nd and 3rd of January 1875, but he states that these were on account of Hundi (bill of exchange) transactions. The Hundi transactions are entered in the name of Shivchand Khushalchand, a Poona firm, Nanaji Vithal having purchased from that firm goods to the value of Rupees 7,000, and remitted Hundies to that amount procured from him (Hemchand). It is not at all established to our satisfaction that these payments of Rs. 2,000 each on the 3rd of December 1874, and the 2nd and 3rd of January 1875, were on account of the Hundi transactions. More probable does it appear that the payments were really for the diamonds as stated by Nanaji Vithal. Hemchand admits that the Rs. 2,000 paid on the 2nd and 3rd of January were received from the Karkoon of the Domala villages, as stated by Nanaji Vithal, and the date of payment is consistent with Nanaji Vithal's statement that the money was in part of the sum covered by the order No. T1., which bears date the 1st of January 1875. In regard to the Rs. 2,000 paid on the 3rd of December 1874, Nanaji Vithal deposes that he did pay that sum to Hemchand, but that he received back a Hundi and cash to the amount of Rs. 1,000, leaving the Rs. 1,000 net to be credited; and Hemchand admits that he did give to Venaik Rao, son of Venkatesh and brother-in-law of Nanaji Vithal, a Hundi for Rs. 750 on the 8th of December 1874; the premium on the Hundi being Rs. 155-10 and Rs. 94-6 having been paid in cash to Venaik Rao—total Rs. 1,000. It is therefore clear that this transaction, which left a net credit to Nanaji Vithal's account of Rs. 1,000, either had no connection with the payment for the diamonds, or that it was entered on by Nanaji Vithal before, so far as is known, any funds had been placed in his hands with a view to paying for the diamonds. Hemchand's books afford but little assistance in corroborating Damodhar Punt's statement in regard to the purchase of the diamonds. Only one of these books (marked A2.) has been put in before us, and it has been tampered with. We find no grounds for considering that the police had anything to do with the tampering. There is an entry of the 7th and 8th of November 1874 of the purchase by Nanaji, on account of Damodhar Punt, of diamonds to the value of Rs. 6,270; and Hemchand admits that this entry is in his own handwriting, but he urges that it was made under compulsion exercised by Gajanand, Inspector of Police, on the evening of the day he made his first statement before Mr. Souter (the 6th of February 1875). As stated above, we do not believe that Gajanand did exercise any such compulsion, because the entries are contradictory to some extent to the statement made by Hemchand before Mr. Souter, and it is not to be supposed that Gajanand, an astute man, would be guilty of a gross anachronism. But with advertence to the undoubted fact that this book has been altered, we prefer not to place any reliance on it. The only portion of Hemchand's evidence which has an important bearing on the case is that which relates to the taking of diamonds to the palace, and the payment of Rupees 3,000 net.

52. The conclusion we draw on the question of the purchase of the diamond is that there is reason to believe that Damodhar Punt in October and the beginning of November 1874, under directions from the Gaekwar, got diamonds from Nanaji Vithal, which he gave to Eshwant Rao; that Nanaji bought them from Hemchand; and that the palace accounts and Hemchand's accounts have been falsified so as to conceal the purchase of the diamonds.

The natives of Baroda, in common with the natives of India generally, probably believe in the poisonous properties of pounded diamonds, although there is apparently no well grounded reason for such a belief. The question naturally arises why Damodhar Punt did not get the diamonds from the Gaekwar's jewel room, where there was a stock in hand. The only answer to this question that can be suggested is that it was probably thought easier to conceal a purchase of new diamonds than to take them from a store the keeper of which would be bound to exhibit the transaction in his accounts.

53. Damodhar Punt was arrested on the evening of the day the Gaekwar was put into confinement (14th January 1875). He was confined for two days in the Senapati's Office at the palace, and then he was brought to the Residency, where he was placed under a guard of European soldiers for 16 days, and afterwards under a police guard. He was present at the palace when his papers there were sealed up after the Gaekwar's arrest. Being, he states, tired of the European guard, and thinking that he could not otherwise get out of confinement, Damodhar Punt made a confession to Mr. Richey, Assistant Resident, on the 29th and 30th of January 1875, and this confession was attested before Sir Lewis Pelly on the 2nd of February 1875. It is substantially the same as his evidence before the Commission, and it was made under a promise of pardon from Sir L. Pelly.

54. After his confession, his box containing the private papers of the Gaekwar was unsealed in his presence, and the exhibits marginally noted were found therein. He states that although before his arrest he used to hear from Salam what he had heard regarding the statements of Raoji and others, yet he never was informed of any of the details of Raoji and Narsu's confessions up to the time he made his own confession to Mr. Richey. It is impossible for us to say that this assertion should be accepted as true, but no evidence has been produced to contradict it. It is to be noticed that Damodhar Punt never went to the Residency in Colonel Phayre's time, and that he accompanied the Gaekwar on one occasion only, after Sir L. Pelly had assumed office at Baroda. He never saw Raoji at the palace, but he mentions that Salam said to the Gaekwar in his presence, at the time when Colonel Phayre was suffering from the boil in September, that he had induced Raoji to put a pinch of arsenic on the plaster used for

the boil, and that this had caused a burning sensation, which led Colonel Phayre to remove the plaster.

He repeats several conversations he alleges he had with the Gaekwar, beginning with the 9th of November, and ending with the date of his arrest. These conversations, if they really occurred, and have been truly related, show that the Gaekwar was cognizant of the rumour which had spread on the 9th of November of the attempt having been made on that day to poison Colonel Phayre. There is one circumstance noticed in the conversation of the 9th of November which is corroborated by independent evidence, and, so far as it goes, it supports Damodhar Punt's accounts of these conversations. The Gaekwar, when returning from the Residency on the morning of the 9th of November, said to Damodhar Punt that Salam had run that morning to Raoji's house for the purpose of getting hold of any packets of the poison that might have remained and throwing them into the fire. Natha Jagga in charge of the conservancy of the Sadar Bazaar in the Baroda Camp where Raoji lived, saw Salam riding towards the Sadar Bazaar from the direction of the city on the morning of the 9th of November, and he saw him riding back towards the city about 5 minutes afterwards. Mahomed Ali Baksh, a Residency messenger, spoke to Salam at the Residency before Colonel Phayre returned from his walk that morning; and as he was coming back to the Residency from the Sadar Bazaar after leaving Dr. Seward's house, where he had taken the letter given to him by Colonel Phayre (evidently alluding to the first letter Colonel Phayre wrote asking Dr. Seward to come to the Residency), he saw Salam riding back towards the city. Now this evidence of Natha Jagga and Mahomed Ali Baksh, though not conclusive as to the fact that Salam went to Raoji's house on the morning of the 9th, shows that very probably he did so; and as Salam must have returned to the Gaekwar before His Highness paid his usual visit that morning to the Resident, the fact which the Gaekwar mentioned to Damodhar Punt, viz., that Salam had gone to Raoji's house to destroy any powders that might have remained, is probably true, and it is difficult to conceive that Damodhar Punt could have fabricated the statement alleged to have been made to him by the Gaekwar.

Damodhar Punt also says that the Gaekwar in his presence repeatedly cautioned Salam and Eshwant Rao not to say anything about the poisoning when alarm had been caused by the inquiry that was set on foot. These persons have not been called as witnesses in this investigation either for the prosecution or the defence.

55. Damodhar Punt describes the system of accounts prevailing in his (the private or *khangri*) department; and it will be sufficient here to mention that the first paper is the memorandum or *yad* which recites the order for payment, and is receipted by the payee. From the *yad* a daily journal is prepared, and from the daily journal a monthly account, and from this a yearly account. The *yad* and daily journal could easily be destroyed; but when once the monthly account had been made and incorporated in the yearly account, the difficulty of making away with all trace of any particular item would be greatly increased, and this was the reason assigned by Damodhar Punt in cross-examination for not destroying all the papers which in any way bear on the transactions which have resulted in this enquiry. An attempt was made to obliterate entries in four daily journals. Damodhar Punt says that he caused Balwant Rao, clerk, to make these obliterations by pouring ink over that part in each which contains the name of Salam. Balwant Rao denies having made the obliterations, which are most clumsily done, though they have been effectual. Damodhar Punt states that he had the entries obliterated in order to hide Salam's share in these transactions and to screen the Gaekwar, and that he did so in obedience to the Gaekwar's orders. He admits now that it was unwise to do so, as the ink splotches attract attention to the papers. These papers were part of those under Damodhar Punt's control which were sealed up at the palace on the day the Gaekwar was arrested, and the evidence of Gajanand and Mr. Souter shows that when the papers were subsequently opened in Damodhar Punt's presence, they were in the same condition as that in which they were when produced before us. Lastly, Damodhar Punt states that no payment was made to Nurudin for the arsenic, as he was promised the business of the Gaekwar's Sillekhana (Dispensary) in consideration of his having given it. Nurudin has been arrested, but he has not been put into the witness box.

56. The remaining evidence in the case is that of the Ayah Amina and of those connected with her. She was in the service first of Mrs. Phayre, and accompanied that lady to Bombay in March 1874. She then remained in Bombay for a month, and, on returning to Baroda, entered the service of Mrs. Boevey, who was then residing at the Residency. She describes three visits she paid to the Gaekwar in the palace, it being the evening time on each occasion.

The first visit she paid with Faizu, Chobdah of the Residency peons, at the time the Commission of 1873 was coming to a close, and she states that she went at Faizu's solicitation. She and Faizu were introduced to the Gaekwar by Salam, whom they picked up on the way. The Gaekwar asked Amina whether she had heard Mrs. Phayre say anything about the Commission, and he directed her to send word by Salam or Eshwant Rao if she did say anything. Faizu, although he denies having persuaded Amina, states that he did accompany her to the Gaekwar, Karbhai being the driver. He heard the conversation between the Ayah and the Gaekwar. The Gaekwar asked the Ayah to speak to Mrs. Phayre in his favour, as many persons were making representations about him, and the Ayah replied that she could not make any solicitation to Mrs. Phayre. Karbhai deposes to having driven the Ayah and Faizu to the palace on this occasion.

57. The second visit the Ayah says she paid in June 1874 after the Gaekwar's return from Nausari, on the invitation of Salam and Karim (Naik of the Residency peons). She was

accompanied by Karim, and was joined by Salam, who took her and Karim to the Gaekwar, who asked her if Mrs. Boevey had said anything about the marriage at Nausari. Amina replied that she had heard nothing, but that when Mrs. Phayre returned from England some good thing would happen to the Gaekwar, as she and Colonel Phayre were favourably disposed towards him. The Gaekwar then told Karim to say something in his favour to Mr. Boevey. As Amina and Karim were taking their leave, the Gaekwar told Salam to give them something. Salam then told Karim to go the next day to Eshwant Rao's house; and the next evening Karim came to Amina, saying that he had got Rs. 200, of which he gave her half the next morning. She understood the present to have reference to the Nausari marriage. Karim corroborates the Ayah in regard to the visit and as to the general purport of the conversation. He says, however, that the Gaekwar asked Amina whether the resident was angry with him on account of the marriage (alluding to the marriage with Lakshmi Bai). He states that he went the next day to Eshwant Rao's house, where Salam gave him Rs. 200 as a Nausari present, half being for himself and half for Amina, to whom he gave Rs. 100. This witness contradicts the Ayah about his having asked her to go, and he says that she took him. Sandal was the carriage driver on this occasion, and he proves that he drove Amina and Karim to the palace.

58. The third visit the Ayah says, occurred in the month of Ramzam, and her husband, Abdulla, gives the time as the 15th or 18th of that month. The Ramzam in 1874 began on the 12th of October, so that this visit, according to Abdulla, would have occurred on the 27th or 30th of October. Amina says that Salam brought a message that the Gaekwar wished to see her, and that she and her servant boy, Chotu, went in a carriage procured by her husband, and that she called for Salam on the way, and went up with him into the presence of the Gaekwar, with whom she held the following conversation:—"The Maharaja first asked me this—'Has the Madam Sahib been saying anything about the child?' The Madam Sahib was Mrs. Boevey, and the child was one born to the Maharaja. I said, 'The Madam Sahib has said nothing, and I know nothing.' I then said, 'When the senior Madam Sahib (meaning Mrs. Phayre) comes, something good will occur to you. She and Colonel Phayre both wish you well.' I then said to the Maharaja, 'When the Madam Sahib comes back, something good will happen to you. Do you attend to what the Sahib says. Don't be afraid.' Then Salam said, 'Can any charm be used?' Salam it was who first spoke of charm. Salem said, 'Should a charm be used, will the Sahib's heart be turned?' but I did not exactly understand his meaning. I then said to Salam, as well as to the Maharaja, 'Don't you use any *jadu* (arts of sorcery) for the Sahib, for they will have no effect on a Sahib.' The reason I gave for that was this, that the Sahib people had faith in God. Then Salam said to me, 'Should anything be given to a Sahib, what do you think the effect would be?' At this I felt very much alarmed, because before that I had heard something stated by two persons. I then said, 'Maharaja, I am going away.' I don't see the Maharaja here now; if he were here he would corroborate me. Then Salam, addressing me, said, 'Hear what the Maharaja will tell you, and if you attend to him, you will have enough to live on for the rest of your life.' Salam then said to me, 'Your husband will also get employment, and you too will not have to serve any more.' I said in return to Salam, 'I have not been starving all this time back. I have spent all my time hitherto, serving the English.' Just then as I was about to go away, I said to the Maharaja, 'Don't you listen to what anybody may tell you to do to the Sahib; for if anything injurious should happen to the Sahib, you will be ruined.' Then it seemed to me that the Maharaja got angry at this, because he said to Salam, 'Take the Ayah away.' I and Salam then went downstairs to the place where the *gari* had stopped."

It will be recollected that Lakshmi Bai's son was born on the 16th of October 1874. The next time Salam came to the Residency he told Amina that he had placed Rupees 50 under her cot, and there she found them. Chotu corroborates the Ayah in regard to going to the palace with her on this occasion, and so does Daud, the driver of the carriage, who states the date of the visit to have been two or four days before the last Diwali. The Diwali of 1874 fell on the 9th of November.

59. Abdulla, husband of Amina, states that Salim used to go to Faizu's room in the Residency premises to drink water; he was informed by his wife of the first and second visits, and was aware of her having received the hundred rupees, and he recites the substance of her conversation with the Gaekwar on the third visit as told to him by her. He knew that his wife got fifty rupees after the third visit. He received a letter from Amina when she was at Bombay, and he was at Baroda, in which there was an enclosure for the Gaekwar.

60. There were several letters put in that passed between Amina and Abdulla when they were residing in different places in 1874. Allusions are made in all of them to Salam, Eshwant Rao, or matters connected with the Baroda State. In letter D., dated the 29th of March 1874, written for Amina to Abdulla, the addressee is asked whether he received the enclosure contained in Amina's preceding letter. Amina, Abdulla, and Abdul Rahman (alias Rahim Sahib), the writer of the letters for Amina, depose that this enclosure was a letter to the Gaekwar. Abdulla states that he gave the letter back to Amina on his meeting her at Bombay on his way to Mahableshwar, and there is no reason for doubting that Amina did write such a letter, the contents of which Abdul Rahman describes from memory as being a request to the Gaekwar for money, and a statement that there had been a dinner at the Governor's at Bombay, where Amina had "made enquiries," ending with the words "do not be apprehensive." This letter to the Gaekwar is not forthcoming, but it is clear that it was

never delivered to him. It is to be noted that Colonel Phayre deposes that when at Bombay in March 1874 he did go to lunch with the Governor.

61. We believe that Amina did pay the three visits above related, and that conversations of the character and to the general effect deposed to by her did take place between her and the Gaekwar.

62. When the case for the prosecution had been closed, a written statement by the Gaekwar was put in by his Counsel. No witnesses were called on behalf of the Gaekwar, nor were any questions put to His Highness before the Commission. The important part of the statement is as follows:—"I never had, nor have I now, any personal enmity towards Colonel Phayre. It is true that I and my Ministers were convinced that, owing to the position taken up by Colonel Phayre during his residency, it would be impossible satisfactorily to carry out the reforms I had instituted, and was endeavouring to complete, in deference to the authoritative advice conveyed to me in the khureeta of the 25th July 1874, consequent upon the report of the Commission of 1873. Acting on this conviction, and after a long and anxious deliberation with my Ministers, Messieurs Dadabhai Nowrojee, Bala Mungesh Waglé, Hormusjee Ardasir Wadia, Kazi Shahabuddeen, and others, I caused the khureeta of the 2nd of November 1874 to be despatched to His Excellency the Governor-General through Colonel Phayre, and, notwithstanding his remonstrances, feeling assured that when the true state of affairs was placed before his Excellency the Viceroy, my appeal would be successful. This conviction was shared by all my Ministers, and was strengthened by our knowledge of the severe censure which had been passed on Colonel Phayre by the Bombay Government. The removal of Colonel Phayre on the 25th of November 1874 shows that our judgment was not erroneous. Thus, neither personal nor political motives existed to induce me to attempt the crime with which I am charged, and I solemnly declare that I never personally, or through any agent, procured or asked the procurement of any poison whatsoever for the purpose of attempting the life of Colonel Phayre; that I never personally, or through any agent, directed any such attempt to be made; and I declare that the whole of the evidence of the Ayah Amina, of Raoji, Narsu, and Damodhar Trimbuck on this point is absolutely untrue. I declare that I never personally directed any of the Residency servants to act as spies on the Resident, or report to me what was going on at the Residency, nor did I ever offer or cause to be paid any money to them for such purposes. I say nothing as to the presents that may perhaps have been made to servants of the Residency on festive occasions, such as marriage and the like. Information on trifling matters going on both at the Residency or at my own Palace may have been mutually communicated, but I did not personally hold any intercourse with those servants for this purpose; nor am I personally cognizant of any payments for the same having been made, nor did I authorize any measures by which secrets of the Residency should be conveyed to me."

63. We have now given a summary of all the evidence that it was necessary to give for a comprehension of the case. Other portions of the evidence will be alluded to in the general remarks which we now proceed to offer.

64. We have stated our belief that poison was put into Colonel Phayre's glass of sherbet on the 9th of November 1874, and we have no doubt that it was so put with the intention of causing Colonel Phayre's death. We are further of opinion that there is good ground for the belief that previous attempts were made to poison Colonel Phayre between the latter end of September and the 9th of November; some of them being made by Raoji when he administered the three compound powders, and, had he not had a fear of putting in the full doses of arsenic, the probability is that Colonel Phayre would then have become seriously ill, even if his life had not been destroyed.

65. We have also stated our belief that the poison was put into the sherbet on the 9th of November by Raoji, acting in concert with Narsu, though Narsu was not actually present at the time the poison was mixed. We consider that Raoji and Narsu had no personal motive for wishing to injure their master by these attempts, and that they were instigated by some other person to make them, and it is our belief that the Gaekwar Mulhar Rao was the person who so instigated them. The evidence of Raoji, Narsu, and Damodhar Punt appears to us to prove this. The compound powders first administered by Raoji contained arsenic as one of the ingredients: the powder administered on the 9th of November contained arsenic and diamond dust, or pounded diamonds.

66. The motive that actuated the Gaekwar to give the poison was a strong feeling of hostility towards Colonel Phayre, and a determination to get him removed. The kharita of the 2nd November 1874, written by Dadabhai Nauroji, the Gaekwar's Minister, in the name of the Gaekwar, to the Viceroy, abundantly shows the strong feeling which the Gaekwar entertained against Colonel Phayre.—"It had occurred to me whether I should not solicit Your Excellency's attention to the position which the present Resident, Colonel Phayre, had all along taken up towards me, and to submit for Your Excellency's consideration whether with the want of sympathy which existed between us I could expect an unbiassed and fair treatment at his hands in future." It then alludes to the "more determined and active opposition towards me and my administration than before," and proceeds to give an account of two instances in which Colonel Phayre's conduct is criticised.

"These two instances which I have taken as representative ones can hardly give an idea of the harassing and vexatious treatment I am at present receiving at the Residents hands.

"This attitude on the part of the British Representative has naturally become a source of serious anxiety to me, especially as in such times persons are not wanting who for their

"private ends take advantage of this state of things to misrepresent me, and to instigate continuous resistance to my authority among my subjects. The result will be a great loss of revenue this year, and a continuance of the unsettled state of the minds of the people. How seriously this state of affairs must embarrass and obstruct me in my intended reforms it is not difficult to conceive. Your Excellency knows well the extent and nature of the work before me, and I owe it to myself and those whom I have engaged for that work to submit how hopeless any efforts on my part would be if Colonel Phayre were to continue here as representative of the Paramount Power, with his uncompromising bias against me and my officials.

"I beg it to be understood that I do not impute other than conscientious motives to Colonel Phayre. But he is too far committed to a distinct line of policy, and to certain extreme views and opinions, and he naturally feels himself bound to support all and everything he has hitherto said or done."

67. In reply to this letter, the Viceroy deemed it unnecessary to discuss the reasons given by His Highness for "desiring a change in the Baroda Residency;" but "after a careful consideration of the circumstances that have taken place, and, moreover, in pursuance of the determination of the Government of India to afford Your Highness every opportunity of inaugurating a new system of administration with success," His Excellency communicated to the Gaekwar his determination to appoint Colonel Sir Lewis Pelly, K.C.S.I., to be Agent at Baroda in place of Colonel Phayre.

68. It is perhaps unnecessary to show by any further reference to the evidence on the record of this enquiry that the Gaekwar entertained strong feelings of hostility to Colonel Phayre. It is true that the Gaekwar, when spoken to by Colonel Phayre about the kharita of the 2nd of November, stated that Mr. Dadabhai Nauroji, the Minister, had written it, and that he (the Minister) was responsible for it. This, it is clear, was a subterfuge, and, as explained by Colonel Phayre to the Gaekwar, the object of allowing His Highness to select his own Minister was that he himself might be responsible for all communications sent to the Viceroy or the Bombay Government. Moreover, the Gaekwar in the written statement which he has put in before us, admits that he did cause the kharita to be despatched. The absence of Colonel Phayre from the Gaekwar's nuptial ceremonies at Nausari, albeit in accordance with the orders of the Government of India, must have been displeasing to the Gaekwar. His allusion to the subject in his conversation with Amina can bear no other construction than that he was, to say the least, anxious on the subject of the marriage, and it cannot be doubted that his feelings on this head must have been intensified after the birth of the child.

69. It is difficult to distinguish political from personal dislike in the mind of the Gaekwar towards Colonel Phayre. There has been nothing elicited in this enquiry to show that there was any personal discourtesy exhibited by Colonel Phayre to the Gaekwar. The hostility between Colonel Phayre and His Highness arose entirely, so far as we can see, from differences of opinion in matters of State, but there can be no doubt that the dislike entertained by the Gaekwar was both political and personal, and we are unable to admit the correctness of his statement that he had no personal enmity towards Colonel Phayre.

70. The manner in which the communications opened by the Gaekwar with Raoji, Narsu, and the Ayah, Amina, culminated in a plot to poison the Resident has been shown in the evidence which we have summarized. At first in the end of 1873 and beginning of 1874 the Gaekwar's object was apparently only to obtain information of what went on in the Residency in reference to the affairs of the Baroda State. He kept the strings entirely in his own hands, using as his agents Salam and Eshwant Rao, and keeping even his Private Secretary, Damodhar Punt, ignorant of what was going on. He dealt with Amina separately from Raoji and Narsu. At last when he had become exasperated at the refusal of the Resident to acknowledge the marriage with Lakshmi Bai and the birth of her son, the idea of using poison was entertained and carried out. The inducement held out to Raoji and Narsu was personal advancement and remuneration, of which they had received a considerable guarantee in the payments that had been made to them when as yet the ostensible object of their employment was simply to obtain information of what passed at the Residency. Raoji received in the end of 1873 Rs. 500 from the Gaekwar on the occasion of his (Raoji's) marriage. Subsequently, in May or June 1874, he received a further sum of Rs. 300 as a present on the occasion of the Gaekwar's marriage, making a total sum of Rs. 800. Narsu got Rs. 300 on the latter occasion as a present for the Nausari marriage, and Rs. 250 he had received without any specification of the cause, making a total of Rs. 550. These sums, even after allowing for the difference in value of Baroda and Queen's rupees, were absolutely large, considering the small rates of pay received by Raoji and Narsu at the Residency, and the same remark applies to the Rs. 150 which the Ayah received on two occasions in 1874, the first occasion being on account of the Gaekwar's marriage, and the second, when Rs. 50 were given, being after the Ayah's last visit in October 1874, and unconnected with any special event. We have no hesitation in expressing our opinion that these presents were given to the servants to induce them to give from time to time information about what passed at the Residency relating to the affairs of the Gaekwar, and that they were not the ordinary presents which His Highness might be expected, in accordance with custom, to give on occasions of rejoicing to the servants of the Resident. We should consider payments made under such circumstances to be bribes, but we are unable to say that the Gaekwar regarded them in the same light.

71. But it may be asked, would the Gaekwar expect Raoji and Narsu to commit a murder for a sum so incommensurate with the work to be done? To this, it may be replied that the

Gaekwar had bound them to himself by the payments he had made, and by acts of visiting the palace and giving information which he had caused them to do, and that he had given a promise of large reward in the event of success. Raoji describes the promise as of a lakh of rupees to him, and of a similar sum to Narsu. Narsu describes the promise as of a provision for life for themselves and their families. To poor men already committed to the Gaekwar, these promises doubtless appeared a sufficient inducement to get rid of Colonel Phayre in, as they thought, a way that would not be instantaneous, and therefore likely to lead to their detection, but by a gradual and slow process.

72. The conduct of the Gaekwar on or after the 9th of November 1874 is not consistent with the view of his innocence. The evidence of Damodhar Punt leads to the belief that the Gaekwar knew that the attempt to poison had been made when His Highness visited Colonel Phayre at 10 o'clock that morning. But even if he had not known of it then, he must have known it before the evening of that day. Colonel Phayre and other witnesses have deposed that the fact of the poison having been given was commonly known in the Baroda Camp on the 9th of November. The city is not a mile from the camp. Salam had been at the Residency that morning, and had been told by Raoji that the business had been done. It is not conceivable that Salam, who was in constant attendance on the Gaekwar, should have failed to inform his master of what had been done, and yet we find the Gaekwar visiting Colonel Phayre on the following Thursday* for the first time after Monday, the 9th of November, and then stating

* 12th November.

that he had heard the report of the attempt at poisoning on the previous day, the 11th, and it was not till the 14th November that the following letter was written.

"At a personal interview with you the day before yesterday, I learnt from you the particulars about the attempt made by some bad man to poison you, for which I am very sorry. But it was the favor of God that his cruel design did not meet with success. If it becomes necessary to obtain my assistance in proving this criminal's guilt, the same will be given. This is written for your information. Dated 14th of November 1874."

73. The question naturally arises why should the Gaekwar, having sent the kharita of the 2nd of November 1874, have taken in hand the plan for getting rid of Colonel Phayre by poison? Supposing the kharita to have been a *bond fide* endeavour to obtain a change of Residents, the only answer that can be given to the question is that the sending of the kharita may have been suggested by Mr. Dadabhai Nauroji, by whom it was prepared, and who was of course ignorant of the poisoning scheme. The Gaekwar, it may be presumed, would have at once approved of the suggestion.

74. The course that the Gaekwar might have been expected to take, had he been innocent of complicity, was to at once hasten to Colonel Phayre and express his concern, and to make repeated inquiries after his health. He might have been expected to send a letter expressing his indignation at the occurrence and his extreme regret that his hospitality had been violated by so vile an attempt in his own territory. His feelings of dislike to Colonel Phayre might have been expected to make him doubly solicitous to put himself clear with the British Government in the matter. Instead of this, he holds back, and, after considerable delay, sends a cold and formal letter. This conduct could hardly be explained on any other supposition than that of his having instigated the act of poisoning. We are compelled to regard the Gaekwar's denial of such investigation as being unworthy of credence.

75. With reference to the suggestion which has been thrown out that Damodhar Punt may have set on foot the plot for poisoning Colonel Phayre in order to hide his own delinquencies, we observe that there is no evidence to show that Damodhar Punt had been guilty of any act which he desired to conceal from the Gaekwar, or that he had any motive for desiring Colonel Phayre's death or removal from Baroda. It is not shown that Damodhar Punt had embezzled any of his master's property. His answer to the enquiry how he could justify himself with the Gaekwar in regard to the sums devoted to payments for secret service seems to us to be sufficient, *viz.*, that the receipt of the payee was affixed to the order for payment, although the order was so framed as to hide the real nature of the transaction. The only exception to this rule that has come to our notice is in the case of the Exhibit T1. But, even supposing that Damodhar Punt had been guilty of malversation, it is unreasonable to suppose that he was not perfectly well aware that it was beyond the scope of Colonel Phayre's power to make any inquiry into the transactions which he conducted in his capacity of Private Secretary to the Gaekwar.

76. A further suggestion has been raised that Bhau Poonekar, who may be admitted to have been unfriendly to the Gaekwar, got up the appearance of an attempt to poison Colonel Phayre, in order to bring the Gaekwar to trouble, or to prevent the removal of Colonel Phayre.

This suggestion might have been deserving of some consideration, had the attempt been a feigned attempt; but in point of fact the attempt was made with every intention of its being successful, and it was only the accident of Colonel Phayre failing to drink the whole of the sherbet on the 9th of November that prevented a fatal result.

77. Regarding the case from every point of view, we are unable to find any sufficient reason which would justify our declaring the Gaekwar not guilty of the offences imputed to him.

78. The Maharajas of Gwalior and Jeypoor and Raja Sir Dinkur Rao do not occur in the view we have taken of this case. We have considered the reasons for their opinions as contained in the separate reports which each of those Members of the Commission has

rendered. We believe that the evidence, after making every reasonable allowance on the score of the character of the witnesses, proves—

- 1st.—That an attempt to poison Colonel Phayre was made by persons instigated thereto by Mulhar Rao, Gaekwar.
- 2nd.—That the said Mulhar Rao, Gaekwar, did by his agents and in person hold secret communications with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency.
- 3rd.—That the said Mulhar Rao, Gaekwar, caused monies to be given to some of those servants.
- 4th.—That his purposes in holding such communications and causing such monies to be given were,—1st, to obtain information of what passed at the Residency relating to himself and the affairs of his State; and, 2nd, to cause injury to Colonel Phayre by means of poison.

R. COUCH.
R. J. MEADE.
P. S. MELVILL.

Bombay, 31st March 1875.

OPINION of HIS HIGHNESS the MAHARAJA JEEAJEE RAO SCINDIA ALIJAH BAHADOOR, G.C.S.I., in the case of the MAHARAJA MULHAR RAO GAEKWAR of BARODA.

As to the attempt at poisoning, from the whole case as it came before me, as far as my judgment and belief go, I am not convinced that the charge is proved against Mulhar Rao.

There appears to me no sufficient proof of the purchase of diamonds, arsenic, or copper, or document, signed by the Gaekwar for the payment of monies, for the above purposes, but Damodhar Punt's statement. Nor indeed is there any paper whatsoever, signed by the Gaekwar, involving him in this matter.

Out of a large number of persons connected with this case, only three witnesses,—Raoji, Narsu, and Damodhar Punt,—have given their evidence in reference to the above charge. All these widely differ in their statements; and the reasons are given in the proceedings. How could they be considered trustworthy? The evidence of Pedro, the butler, and Abdulla, and the non-production of Salam, Yeshwant Rao, Khanvelkar, Gujaba, Nurudin Borah, and the Hakim, are in favour of the accused. Further, it is far from my belief, that the measures for poisoning should have continued so long a time, and in so open a manner.

Such an act is performed by one or two confidentials, and not by such a large number of people.

Now, when a small quantity of poison, once administered, could put an end to a man's life, there appears to be no reason why it was given and drank so repeatedly. I see no grounds to reject the chief arguments of the able gentleman Serjeant Ballantine. It is a fact worthy of consideration that Mulhar Rao made no hesitation whatsoever in handing over Salam and Yeshwant Rao at once to Sir Lewis Pelly, and expressed his desire to give him every assistance in his power.

As regards the communication with servants night or day, this is no matter of importance. These visits and requests for presents on marriage and other festive occasions, and the means to secure the favour of the Resident, as well as the procuring of information regarding each other, are matters in accordance with the practice of other Native Princes and persons who have connection with the Residency.

In conclusion, I remark that the chief points for enquiry are—

- 1st.—Attempt to poison.
- 2nd.—Tampering with the servants.

My opinion on the above subjects I place before you.

Vernacular signature of His Highness
the Maharaja of Gwalior.

Bombay, 27th March 1875.

OPINION of HIS HIGHNESS the MAHARAJA of JEYPOOR, G.C.S.I.

After carefully considering the nature of the evidence placed before the Commission in regard to the offences imputed against His Highness Mulhar Rao Gaekwar of Baroda, I have the following remarks to submit.

The statements made by Amina Ayah and several other Residency servants establish the fact that sums of money had actually been given to the Ayah and to other servants of the Residency at different times, by order of His Highness the Gaekwar. These sums of money, however, do not appear to have been given out of any motives to tamper with the Residency servants for improper purposes, but simply as presents from the Gaekwar, and such as are generally given on occasions of marriage and national festivals.

With regard to the graver charge against the Gaekwar, Raoji Havildar states that he did put poison into Colonel Phayre's tumbler of sherbet, as the Gaekwar had instigated him to do, and that a packet of poison was handed over to him by Narsu. Narsu says he had received the packet from Salam, the Gaekwar's sower, and that he made it over to Raoji Havildar. On the other hand, Damodhar Punt, the Gaekwar's so-called Private Secretary, states that the Maharaja had ordered him to procure arsenic and diamonds, and that he had instructions from His Highness to give the arsenic to Salam and the diamonds to Yeshwant Rao, the Gaekwar's

Jassoos. Salam and Yeshwant Rao, who, according to Damodhar Punt's statement, are to be regarded as the connecting links between himself and Narsu in the above affair, were not produced before the Commission, and there is no means of ascertaining whether they made any statements on the subject before the Bombay Police. Further, there is no evidence as to their having conveyed packets of poison from Damodhar Punt to Narsu, excepting the bare assertions of the two accomplices—Damodhar and Narsu.

Damodhar Punt's statement, as to his having procured arsenic and diamonds, is not confirmed by any corroborative evidence. He says the diamonds were procured through Nanaji Vithal, Darogah of the Gaekwar's jewel department. Nanaji, it is stated, purchased them from Hemchand Fattechand, the jewellers; but Hemchand declared before the Commission that diamonds were not purchased of him, though he had submitted some for inspection. These, he says, were returned to him by Nanaji. Antmaram, who is a Karkoon in the Gaekwar's State jewel room, also stated before the Commission that the diamonds tendered by Hemchand were not approved, and therefore returned to him.

Nurudin Borah from whom arsenic is said to have been procured was not brought before the Commission. It was however admitted by Akbar Ali Khan Bahadur of the Bombay Police in the course of his cross-examination by Serjeant Ballantine that the Borah was kept in confinement. It is therefore to be inferred that the Borah was far from confirming Damodhar Punt's statement with regard to the purchase of arsenic.

The several *yads*, or official memoranda, produced before the Commission out of the records of the private office under Damodhar Punt, do not show any specific sums of money having been paid for diamonds, or for poison of any kind. The sums mentioned in the *yads* were for giving feasts to Brahmins and other charitable and useful purposes. There is sufficient evidence also to prove that these sums were actually spent in such purposes.

Damodhar Punt also mentions a bottle containing some poisonous liquid, prepared of "ants, snakes, and the urine of a black horse." This poisonous liquid, according to Damodhar's statement, was prepared by a Hakim, and sent to Damodhar's house through one Gujaba, a servant of Khanvelkar, the Maharaja's brother-in-law. Neither the Hakim nor Gujaba was placed in the witness-box, so it is unknown what these men had to say. It appears from the above circumstances that there is hardly any statement of Damodhar Punt with regard to purchase of poisons that has any ground to stand upon, excepting Damodhar Punt's own evidence.

Copper is also mentioned as having been one of the poisonous ingredients put into Colonel Phayre's sherbet, but no clue whatever can be obtained as to who introduced it into the tumbler of sherbet, nor is it detected by the analyses of Doctors Seward and Gray.

The three witnesses, Damodhar Punt, Raoji, and Narsu, whose testimony is considered to form the basis of this grave charge against the Gaekwar, are accomplices, and their evidence is not corroborated by a single respectable witness, nor is their evidence altogether free from suspicion of falsehood. Moreover, two of these accomplices made their statements under promise of pardon. In consideration of all these circumstances, I know not what degree of importance to attach to their evidence.

No documentary evidence, or evidence of a convincing nature, was forthcoming from Damodhar Punt, notwithstanding his position as Private Secretary to the Gaekwar and the command he had over the records of the Maharaja's private office.

Raoji and Narsu, the other two accomplices, who state they had direct intercourse with the Maharaja, and they were asked by his Highness to poison Colonel Phayre, contradict each other in some important points. For instance, Raoji states that the Gaekwar had promised to give him, as well as to Narsu, a lac of rupees each for poisoning Colonel Phayre. Narsu, on the other hand, expresses utter ignorance of any such promise having been made by the Gaekwar. Another important statement of Raoji is strongly contradicted by Pedro, and Raoji states, that packets of poison were given to Pedro and others by the Maharaja, and, while Pedro stoutly denies what Raoji alleges, no clue can be obtained as to who the others were.

Besides the above circumstances, the facts elicited by Serjeant Ballantine in the course of cross-examination of the witnesses, as well as the features of the evidence pointed out by that gentleman, are, in my estimation, weighty and deserving of consideration.

For reasons stated above, I cannot persuade myself to believe that the Gaekwar was in any way implicated in the charge, notwithstanding the fact of poison having been found in Colonel Phayre's tumbler of sherbet, and the uncorroborated evidence of the three accomplices—Raoji, Narsu, and Damodhar Punt.

RAM SING.

BOMBAY, 27th March 1875.

OPINION of RAJA SIR DINKAR RAO, K.C.S.I.,—dated Bombay, the 26th of March 1875, in the case of MAHARAJA MULHAR RAO GAEKWAR of BARODA.

As to the attempt at poisoning, from the whole case as it came on before me, I am not convinced, as far as my judgment and belief go, that the charge is proved against Maharaja Mulhar Rao. No proof of the purchase of diamonds, arsenic, or copper, or of the preparations of the poisons, no use of money (even of a rupee) in regard thereto, and no document in the handwriting of the Maharaja or other papers about the poisons, although his Private Secre-

tary, Damodhar Punt, became against him. Out of a large number of persons connected with the case, only three witnesses, viz., Raoji, Narsu, and Damodhar Punt, have given their evidence in reference to the above charge. All these three differ in their statements. Damodhar Punt's statement as to the purchase of diamonds is disproved by the evidence of Hemchand and Atmaram. He stated that he had not opened the packets to see the diamonds and arsenic. Damodhar's name has not been mentioned either by Raoji or Narsu. It is stated by Damodhar Punt himself, that he made his statement owing to the troubles he suffered from his having remained in the custody of European soldiers for sixteen days, his object being to get himself rid by making statements of some kind. The statements of Raoji and Colonel Phayre differ with regard to the putting in of the poison on the alleged dates. Raoji states, that he got the bottle from the Maharaja, while Damodhar states that he gave it to Salam. Again, Raoji says that he put the packets into his belt, while Damodhar deposes that, in order to burn the packets, Salam ran to Raoji's house, where Raoji also followed. Raoji further says that the Maharaja gave the packets to "Pedro, me, and others." Pedro has entirely denied to have received any packets. Who and how many men were the "others?" Raoji states that the Maharaja promised to pay a lakh of rupees each, while Narsu denies this. From Raoji's statement it appears that he got the bottle about a month and a half before the 9th of November, whereas, from what Narsu has stated, it seems that the bottle was got only a few days before that date. Narsu says "all the other servants caused Faizu's name to be written down in the depositions, and I did the same, though I knew it to be false." The three witnesses having become against their masters, and two of them having been granted a pardon, how could their statements be considered to be trustworthy? The evidence of Pedro, the butler, and Abdulla, the sherbet-maker (the Residency servants), and the non-production of Salam, Yeshwant Rao, Khanvelkar, Gujaba, Nurudin Borah, and the Hakim, are in favour of the accused. Further, it is far from belief that the measures for poisoning should have continued for a long time, and in so open a manner. Such an act is done by one or two confidentials, and not by a multitude, and when a small quantity of poison, if once administered would put an end to a man's life, there appears to be no reason why it was given and drunk so repeatedly. These with other particulars are developed in the proceedings, and the chief arguments of the able gentleman, Serjeant Ballantine, are deserving of consideration.

As regards the communication with servants at night or day, it is not an important matter. Their visits and requests for presents on festive and marriage occasions, &c., and the means used to secure the favour of the Resident, as well as the procuring of informations regarding each other (the Prince and the Resident), are matters in accordance with the practice of the other Native Princes and persons, who have connection with the Residency.

In conclusion, I beg to submit, that the chief points for enquiry being the attempt at poisoning, and communication with servants, I have expressed my opinion on them as above.

DINKAR RAO.

No. 85 of 1875.

GOVERNMENT of INDIA, FOREIGN DEPARTMENT.

POLITICAL.

To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS,

Simla, the 22nd April 1875.

In our despatch No. 80 of the 15th instant, we reviewed the transactions relating to the State of Baroda during the last two years. We informed your Lordship that, having carefully considered the opinions of the Commissioners who were appointed to investigate into the truth of certain imputations against His Highness Mulhar Rao, Gaekwar, and to afford His Highness an opportunity of freeing himself from the grave suspicion which attached to him of having instigated the murder of Colonel Phayre, we had arrived at the conclusion that the evidence was sufficient to sustain the truth of those imputations.

2. We expressed our opinion that, even if we could have honestly concurred in the opinion of those Commissioners who considered that the imputations were not proved, there must still remain a most grave suspicion attached to Mulhar Rao, which, coupled with his character and antecedents, would, in our opinion, make it impossible to replace him in power. We recommended, therefore, that he should be deposed and placed in restraint within British territory on a suitable allowance to be provided from the Baroda revenues. We expressed our opinion that the fittest member of the Gaekwar House should be selected in the room of Mulhar Rao, and that Jumnaabai, the widow of the late Gaekwar, Khunderao, should be permitted to adopt the person who might be so selected. We added that, in appointing a successor to Mulhar Rao, it was desirable that no

alteration should be made in the relations between the British Government and the State of Baroda.

We have since received a reply by telegraph to the message to your Lordship, in which we had previously embodied those recommendations.

3. Her Majesty's Government have decided, upon our recommendation, that Mulhar Rao, Gaekwar, together with his issue, shall be deposed from the Sovereignty of Baroda, and have approved of all the proposals which we made for the re-establishment of a Native administration in that State. Her Majesty's Government, however, have resolved that, as the Commissioners were divided in opinion with respect to the guilt of Mulhar Rao, his deposition should not be based, in the Proclamation to be issued, upon the enquiry and report of the Commission, but upon general grounds. Your Lordship added that, in the opinion of Her Majesty's Government, it was most desirable that the name of the person selected to succeed Mulhar Rao should appear in the same Proclamation in which his deposition might be announced.

4. We carefully considered the manner in which these instructions might best be carried into effect, and we have the honor to enclose a copy of the Proclamation which we have issued, and which we believe to be framed entirely in accordance with the intentions of Her Majesty's Government.

5. Upon one point only we have been unable to comply with the desire of Her Majesty's Government. Greater difficulties than we anticipated have arisen in respect to the selection of a suitable successor to Mulhar Rao. Doubts as to the legitimacy of one branch of the family have still to be solved, and, moreover, the selection of the individual who would be most likely to prove a good Ruler of the State of Baroda requires considerable deliberation. The enquiries which were necessary must soon have disclosed the decision of the Government to depose Mulhar Rao. We had been informed by Sir Richard Meade that, if it was announced in the Proclamation that Jumnaabai would be permitted to adopt a person selected by us to succeed to the Sovereignty of Baroda, the delay in making the selection would not be likely to do harm. We, therefore, considered that the inconvenience of delay in announcing the decision of Government upon the disposal of Mulhar Rao would be greater than any that was likely to be caused from the selection of his successor not being announced in the same Proclamation as his deposition. We regret the necessity for this delay, for we entirely agree with Her Majesty's Government that it would have been better if all the arrangements could have been announced at the same time.

6. We are well aware that the necessity for prompt action rendered it impossible for Her Majesty's Government to await the receipt of the evidence and reports of the Commission before deciding upon the course of action which should be adopted in dealing with Mulhar Rao. The fact before Her Majesty's Government at the time was that the Commissioners were equally divided in opinion whether Mulhar Rao had been proved to have instigated the attempt to poison Colonel Phayre. Although the opinion of those Commissioners who considered that Mulhar Rao's guilt was proved was supported by the Government of India, we can well understand that Her Majesty's Government, in accepting the responsibility of directing the deposition of Mulhar Rao, should have desired to abstain from expressing any opinion upon the enquiry until they were in possession of the full materials for forming a deliberate judgment. We are confident, however, that when Her Majesty's Government have had under consideration the evidence which was laid before the Commission, the reports of the Commissioners, and the Resolution which we have recorded on the subject, they will agree with us that the views set forth by the three Commissioners who did not consider Mulhar Rao's guilt to have been proved are not sustained by the evidence.

7. In making our recommendations, we were fully alive to the fact that the absence of unanimity amongst the Commissioners increased the difficulties of dealing with the case, but we did not consider that the circumstance of an equal division of opinion rendered it obligatory upon the Government of India to give the accused party the benefit of the doubt, as would have been the case in an ordinary criminal trial.

8. The proceedings of the Commissioners were not intended by us to be of a strictly judicial character, as is apparent upon the face of the public instructions which they received. It was their function to examine into the evidence, and to report their opinions upon it; but we held it to be our duty to express a final decision upon the issues which were laid before the Commissioners; and we should

not have supported the opinions of a majority, or even of the whole body, unless we had considered that those opinions were sustained by sound and solid arguments based upon sufficient evidence.

9. The enquiry into the share of the Gaekwar in the attempt to poison Colonel Phayre differed materially, not only in form, but in substance, from an ordinary criminal trial. Little or no public injury is entailed when an ordinary offender is restored to freedom after a trial which, although resulting in his acquittal by a jury, leaves him under a suspicion of guilt, or, in the terms of Scotch Law, with a verdict of "not proven." But the case of Mulhar Rao was different. He was the Sovereign of a large territory, and, if restored to power, would have again become responsible for its government. The Government of India have intimate relations with the Baroda State, for the proper conduct of which it is essential that we should be able to communicate with the Gaekwar in terms of confidence and friendship. This would have been impossible so long as Mulhar Rao lay under grave suspicion of being concerned in a cowardly and atrocious crime, not against an ordinary individual, but against the Representative of the British Government, whose functions invested him with the sanctity which, from the earliest history of the world, has been attached by all nations to the person of Ambassadors.

10. Although we have no desire to depreciate the value of the opinions expressed by Maharaja Scindia, the Maharaja of Jeypore, and Raja Sir Dinkur Rao, we cannot hesitate to affirm that the conviction of Sir Richard Couch (the Chief Justice of Bengal), Sir Richard Meade, and Mr. Philip Melvill, that Mulhar Rao was guilty, coupled with the unanimous opinion which we have expressed to the same effect after a careful and prolonged review of the case, must leave Mulhar Rao under a grave suspicion of having instigated the murder of Colonel Phayre.

11. We had already contemplated in our deliberations the possibility, and even the probability, that the Commissioners might be divided in opinion, or that they might not be able to arrive at any very positive conclusions, and it was our deliberate opinion that only in the event of Mulhar Rao having been able to clear himself fully from the suspicion which attached to him should he be restored to power, and that, if in our judgment he was not fully cleared, he should be deposed from the Sovereignty of Baroda. Our opinion to this effect was communicated to your Lordship by telegraph on the 15th of March. We had, therefore, no hesitation in arriving at our conclusions after the receipt and consideration of the divided report.

12. Under the instructions received from Her Majesty's Government, it became necessary in the Proclamation deposing Mulhar Rao to omit all reference to his complicity in the attempt to poison Colonel Phayre. We had no difficulty in accepting and carrying out these instructions, for we were thoroughly convinced of the substantial justice of deposing Mulhar Rao. The reasons upon which his deposition was to be based we considered to be a point of secondary, though doubtless also of great, importance. Moreover, the grounds upon which Her Majesty's Government have based their decision appear to us to be amply sufficient to justify the action which has been taken. We have reviewed Mulhar Rao's conduct since the report of Sir Richard Meade's Commission at the close of 1873, and we propose to transmit to your Lordship by the next mail a statement of the principal circumstances which have, in our judgment, greatly aggravated his previous misconduct. Several of the most serious of these circumstances have either occurred or been brought to our notice subsequent to the suspension of Mulhar Rao in January last.

13. In accordance with the 22nd paragraph of our despatch of the 15th of April, we have the honor to enclose, for the information of Her Majesty's Government, a copy of the Resolution which we have issued, containing our opinion upon the report of the Commission.

We have the honor to be, &c.

PROCLAMATION.

TO ALL WHOM IT MAY CONCERN:

HIS HIGHNESS MULHAR RAO, GAEKWAR, was suspended from the exercise of power, and the administration of the Baroda State was temporarily assumed by the British Government, in order that a public enquiry might be made into the truth of the imputation that His Highness had instigated an attempt to poison Colonel R. Phayre, C.B., the late Representative of the

British Government at the Court at Baroda, and that every opportunity should be given to His Highness of freeing himself from the said imputation.

The proceedings of the Commission having been brought to a close, Her Majesty's Government have taken into consideration the question whether His Highness Mulhar Rao, Gaekwar, shall be restored to the exercise of sovereign power in the State of Baroda.

The Commissioners being divided in opinion, Her Majesty's Government have not based their decision on the enquiry or report of the Commission, nor have they assumed that the result of the enquiry has been to prove the truth of the imputations against His Highness.

Having regard, however, to all the circumstances relating to the affairs of Baroda from the accession of His Highness Mulhar Rao, Gaekwar, to the present time, his notorious misconduct, his gross misgovernment of the State, and his evident incapacity to carry into effect the necessary reforms; having also considered the opinion of the Government of India that it would be detrimental to the interests of the people of Baroda and inconsistent with the maintenance of the relations which ought to subsist between the British Government and the Baroda State that His Highness should be restored to power, Her Majesty's Government have decided that His Highness Mulhar Rao, Gaekwar, shall be deposed from the Sovereignty of Baroda, and that he and his issue shall be hereafter precluded from all rights, honors, and privileges thereto appertaining.

Accordingly His Excellency the Viceroy and Governor General in Council hereby declares that His Highness Mulhar Rao, Gaekwar, is deposed from the Sovereignty of the Baroda State, and that he and his issue are precluded from all rights, honors, and privileges thereto appertaining.

Mulhar Rao will be permitted to select some place in British India, which may be approved by the Government of India, where he and his family shall reside with a suitable establishment and allowances to be provided from the revenues of the Baroda State.

Her Most Gracious Majesty the Queen, in re-establishing a Native Administration in the Baroda State, being desirous to mark her sense of the loyal services of His Highness Khunderao, Gaekwar, in 1857, has been pleased to accede to the request of his widow, Her Highness Jumabadee, that she may be allowed to adopt some member of the Gaekwar House whom the Government of India may select as the most suitable person upon whom to confer the Sovereignty of the Baroda State.

The necessary steps will accordingly be immediately taken to carry into effect Her Majesty's commands. In the meantime, with the consent of His Highness the Maharaja of Indore, Sir Madava Rao, K.C.S.I., will at once proceed to Baroda, and conduct the administration of the State as Prime Minister, under instructions which he will receive from the Governor General's Agent and Special Commissioner at Baroda.

In conferring the Sovereignty of the Baroda State, no alteration will be made in the treaty engagements which exist between the British Government and the Gaekwars of Baroda, and the new Gaekwar will enjoy all the privileges and advantages which were conveyed to the Gaekwar of Baroda in the Sunnud of Earl Canning, dated the 11th of March 1862.

By order of His Excellency the Viceroy
and Governor General of India in Council,
C. U. AITCHISON,

Secretary to the Government of India.

The 19th April 1875.

No. 1106 P.

RESOLUTION.

Read the following papers :—

1. Proclamation, dated 13th January 1875, suspending His Highness Mulhar Rao Gaekwar in order to enquire into the imputation that he instigated an attempt to poison the British Resident at Baroda.
2. Notification, dated 15th February 1875, appointing a Commission to enquire into the imputation.
3. Official notes of evidence and exhibits in the case (the vernacular documents being translated).
4. Printed notes of the arguments of Counsel.
5. Joint Report, dated 31st March 1875, and signed by Sir R. Couch, Sir R. Meade, and Mr. P. S. Melvill.
6. Separate opinion by Maharaja Sindia, dated 27th March 1875.
7. Separate opinion by the Maharaja of Jeypoor, dated 27th March 1875.
8. Separate opinion by Raja Sir Dinkur Rao, dated 26th March 1875.

1. The documents which are above-mentioned as read, and which are also appended to this Resolution, show the steps taken in the enquiry relative to the conduct of His Highness Mulhar Rao Gaekwar of Baroda, and it will not be necessary here to refer to the particulars shown therein, except for the purpose of elucidating the conclusion about to be expressed. The Princes and Gentlemen who have served on the Commission of Enquiry have completed their laborious task by submitting their several opinions on the case. It now remains for the Government of India to express the conclusions at which they have arrived after full consideration of the evidence, the arguments of Counsel, and the various opinions entertained by the Commissioners.

2. Sir Richard Couch, Sir Richard Meade, and Mr. Melvill are all agreed that the Gaekwar is guilty of the offences imputed to him. To repeat here the most heinous and comprehensive of those imputations, they find "that an attempt to poison Colonel Phayre was made by persons instigated thereto by Mulhar Rao Gaekwar."

3. The Maharaja Sindia appears to assume that the existence of communications between the Gaekwar and the servants of the Residency, and also that the actual administration of poison to Colonel Phayre, are proved, though he does not expressly state those conclusions. But of the communications with servants he says, "as regards the communication with servants night or day, this is no matter of importance. These visits and requests for presents on marriage and other festive occasions and the means to secure the favour of the Resident, as well as the procuring of information regarding each other, are matters in accordance with the practice of other Native Princes and persons who have connection with the Residency." And he thinks that the connection of the Gaekwar with the act of poisoning is not proved. His conclusion is thus stated: "As to the attempt at poisoning, from the whole case as it came before me, as far as my judgment and belief go, I am not convinced that the charge is proved against Mulhar Rao."

4. The Maharaja of Jeypoor thinks that it is proved that the Gaekwar gave sums of money to the Residency servants, and also that poison was administered to Colonel Phayre. Of the communications with servants he speaks thus: "The statements made by Amina ayah and several other Residency servants establish the fact that sums of money had actually been given to the ayah and to other servants of the Residency at different times, by order of His Highness the Gaekwar. These sums of money, however, do not appear to have been given out of any motives to tamper with the Residency servants for improper purposes, but simply as presents from the Gaekwar, and such as are generally given on occasions of marriage and national festivals." His Highness then proceeds to dwell upon various defects in the evidence, which will presently be noticed more at length, and concludes thus: "For reasons stated above, I cannot persuade myself to believe that the Gaekwar was in any way implicated in the charge, notwithstanding the fact of poison having been found in Colonel Phayre's tumbler of sherbet, and the uncorroborated evidence of the three accomplices, Raoji, Narsu, and Damodhar Punt."

5. The opinion of Raja Sir Dinkur Rao is almost identical with that of the Maharaja Sindia, and need not be stated more in detail here.

6. No one of the Commissioners suggests that the poison could have been administered by any other person than the Residency servant Raoji, aided by his superior Narsu.

7. If the matter were simply left to stand upon the opinions given by the Commissioners, it would follow that the Gaekwar, having had the opportunity afforded him to clear himself from the imputations made against him, has not cleared himself. Three out of the six Commissioners who have entered upon the enquiry are of opinion that he is proved to be guilty. Now, when three gentlemen, of great experience in the ways of this country and in weighing and drawing inferences from evidence, unite in an opinion condemnatory of a person into whose actions it has been their duty to enquire, and that opinion is not set aside by superior authority, it is impossible to say but that there must rest at least a grave suspicion on the person so condemned.

8. But the Government of India do not think it right to leave the matter as it stands on the reports of the Commissioners. The Commission was not a judicial tribunal, but was appointed for the purpose of informing the mind of the Government of India by enquiry and report. Even had the Commissioners been unanimous, the Government of India would have thought it their duty to examine the matter for themselves, to form and pronounce an opinion. As the Commissioners are at variance with one another, it is due to them, and to all parties concerned in the matter, that the Government of India should not only express their conclusions, but should also state the principal considerations which have led them to form those conclusions.

9. The opinions of the three Commissioners who have signed separate reports, the tenor of which has been stated, are founded partly on points of conduct or general improbabilities affecting the evidence given by the witnesses against the Gaekwar, and partly on special points of inconsistency or infirmity in the evidence itself. The Government of India will take the former class of considerations first. They propose to notice the main points of dispute, but not to give here a detailed narration of the body of the evidence, for which reference must be made to the documents contained in the Appendix.

10. In the first place then, it is to be observed that the intercourse which is proved to have taken place between the Gaekwar and the Residency servants was personal intercourse, carried on by night and in a secret way, and was accompanied by considerable gifts of money. This is proved by a number of independent witnesses, who speak directly to the facts, whose evidence is quite consistent upon the main points, was unshaken by cross-examination, and when it could be tested by reference to external facts, such as the character of the building to which they were taken, the recollections of the persons who took them there, and the recollections of the persons who were privy to the payment of money, was found to answer to the test. There is no counter-evidence on these points. Indeed, the Gaekwar himself does not deny the facts. He has put in a carefully worded statement in which he says not that he did not hold personal intercourse with, or that he did not cause money to be paid to, the Residency servants, but only that he did not do so for the purpose of getting information.

11. Neither is there any counter-evidence, nor, so far as the Government of India observe, any suggestion, to displace the assertion of Raoji that his hand administered the poison, which was administered to Colonel Phayre, or that of Narsu that he aided Raoji in that matter.

12. It appears then to the Government of India that the evidence establishes beyond the possibility of contradiction two cardinal points: first, that the Gaekwar was in personal secret communication carried on by night with five servants employed at the Residency, and that he gave money to Raoji, Narsu, and Amina, three of those servants: and secondly, that a serious attempt was made to administer a fatal dose of poison to Colonel Phayre by the agency of two of those servants, viz., Raoji and Narsu. And they do not collect that any one of the three Commissioners who have signed separate reports, means to dissent from either of these two propositions, though their assent has not been expressed in so many terms.

13. Now, the proof of these two points carries the case a very long way. The great difficulty at the outset was the antecedent improbability that such a personage as the Gaekwar of Baroda should carry on frequent secret personal intercourse by night with a number of the Residency servants. When it becomes clear that he did so, the only question is whether such intercourse is wholly disconnected with the acts which those servants did, or whether the acts were the designed outcome of the intercourse. And on this question the antecedent improbability is all the other way. No motive whatever has been assigned for the action of Raoji and Narsu, except the motive of earning reward from the Gaekwar. And it is much more probable that the two series of proved phenomena, which have been mentioned, should be connected as cause and effect, than that they should be wholly independent of one another.

14. It is indeed true that the three Commissioners who have signed separate reports treat the Gaekwar's intercourse with the Residency servants in a very light manner. Their opinions have been set forth above in paragraphs 3 and 4. But whatever the custom may be at other Native Courts, the Government of India think that these opinions must have been written without due consideration of the facts which actually appear in evidence against the Gaekwar.

15. There is no evidence of any general distribution by the Gaekwar of gifts among the Residency servants on marriage or other festive occasions, such as, if made in moderation, might be of an innocent character. The evidence shows that gifts were made only to certain servants with whom the Gaekwar sought personal intercourse, and that those gifts were, relatively to the position of the servants, of very large amount. For example, a single gift to Raoji amounted to about four times his annual pay. The evidence therefore points not to a mere desire on the part of the Gaekwar to gain the general goodwill and good offices of the Residency servants, but to an intention on his part to bribe some of them to the performance of important services.

16. Moreover, it is observable that the Gaekwar himself seems anxious to disconnect himself from the very practice which the passage quoted from the report of the Maharaja Sindia ascribes to him, while excusing it on the ground of its frequency, viz., payment of money in order to procure information. In his written statement the Gaekwar speaks as follows:—

"I declare that I never personally directed any of the Residency servants to act as spies on the Resident, or report to me what was going on at the Residency, nor did I ever offer or cause to be paid any money to them for such purposes."

"I say nothing as to the presents that may perhaps have been made to servants of the Residency on festive occasions, such as marriage and the like. Information on trifling matters going on both at the Residency or at my Palace may have been mutually communicated, but I did not personally hold any intercourse with those servants for this purpose; nor am I personally cognizant of any payments for the same having been made; nor did I authorize any measures by which secrets of the Residency should be conveyed to me."

17. There is yet further evidence that the payments made to the Residency servants were transactions not calculated to bear the light. No entries of such payments were found in the Gaekwar's private accounts. On the other hand there are a number of entries, ranging in time from the 24th November 1873 to the 13th October 1874, showing payments of large sums of money to Salam and Yeshwant Rao. The payments purport to be for goods supplied by those persons, but in point of fact the entries are false, and no such goods were supplied. Now Salam and Yeshwant Rao are the two confidential agents of the Gaekwar, by whose hands all the payments to the Residency servants were made. Here then are funds from which payments could be made for any species of secret service. The Gaekwar's Private Secretary, Damodhur Punt, says that the Residency servants were paid by means of such funds. He is no doubt a most justly suspected witness, but in this instance he is only stating the natural inference to be drawn from the document and circumstances, and he is not contradicted, as he might most easily have been had he spoken falsely.

18. The question now to be asked is whether the other evidence shows any connection, and if any, what connexion, between the two cardinal points already established,—on the one hand, the fact that the Gaekwar was in secret communication with some of the Residency servants and paid money to them; and on the other hand, the fact that two of those servants, viz., Raoji and Narsu, were the actual agents in administering poison to Colonel Phayre. There is undoubtedly evidence to this effect, of the most conclusive nature, if only it is to be believed. The great body of it is supplied by Raoji and Narsu themselves, and if they have not woven the most elaborate and marvellous tissue of falsehoods, they make it clear that the

proceedings of the Gaekwar, which began by bribing the servants to give secret information and to exercise influence in his favor, ended in direct machinations against Colonel Phayre's person.

19. Is there then any sufficient ground for disbelieving what these witnesses say? It is said that, whoever committed the crime, they are accomplices in it, and that by their own showing they are very wicked men, who have not scrupled to attempt the life of a kind master and to aid in throwing the blame on an innocent fellow-servant. That is quite true, and it must excite the greatest suspicion of their evidence and instil the greatest caution into the minds of those who examine it. At the same time, it must be remembered that direct evidence of nefarious plots is not often procured except from accomplices; and that to reject such evidence merely on account of the source from whence it comes, would be contrary to common sense and to universal practice, and would frequently prevent the discovery of truth. What is necessary in such cases is to apply to the evidence given such tests as are usually employed as the touchstones of truth, and to require the evidence to withstand the tests much more severely and rigidly than if it had come from an unsuspected source.

20. Throughout this case it is constantly to be borne in mind that there are proved facts which require explanation. If we find secret intrigue at one end, and action at the other end, of a series of transactions by the same persons, the presumption is that the two are connected, and their coincidence ought to be explained in some way. The Government of India then ask the following questions:—

(a).—Is the explanation given by the witnesses credible in itself?

(b).—Are the stories they tell consistent with themselves?

(c).—Are those stories consistent with one another in essentials?

(d).—When they mention external circumstances with which they can be confronted, are the stories essentially consistent with those circumstances? And are they essentially consistent with evidence given by independent witnesses?

(e).—Have the witnesses any interest in telling the story they have told?

(f).—Is any probability shown that they have colluded with one another?

(g).—Is any probability shown that they have been tutored by some common authority?

(h).—Was their demeanor under examination such as to induce a belief in their truthfulness, or the contrary?

(i).—Has their evidence been boldly and confidently met by the party it implicates?

21 (a). There is nothing impossible or incredible in the stories told by these two witnesses; nor indeed, when the two cardinal points above-mentioned have been once established, is any particular related by them so improbable but that a reasonable amount of evidence may establish it. It may be asked why the Gaekwar, having secured the services of Raoji, should also seek to employ Narsu, and thus bring in an additional accomplice and an additional danger. It is often difficult to say why, in preparing a plot, a particular course has been taken instead of some other course which on review seems a more prudent one. But in this case an answer can readily be given. Raoji lived at the Camp. Narsu was in the city.

The latter, therefore, was a more convenient means of communication with the Palace. But what is more important is, that Narsu was Raoji's superior officer, and was usually in attendance in Colonel Phayre's verandah. It is clear, therefore, that Raoji would have run very serious risk of failure or detection if the jemadar Narsu were not first secured.

22 (b). The Government of India have failed to discover any material inconsistency in these stories as compared with themselves. A considerable period of time elapsed between the earliest statements of the witnesses and their latest. They were subjected to a rigid cross-examination by a Counsel of the greatest skill. And yet they have not contradicted their first evidence on any essential point. They are uncertain as to dates, but every person who has to deal with the natives of this country, at all events the uneducated ones, knows how hopeless it is to expect accuracy in such matters from them, and what a complete denial of justice there would be throughout the land if testimony was considered incredible on account of such inaccuracies. Raoji shows that he was vacillating in conduct, but that is not at all inconsistent with what we know of men working themselves up to commit wicked actions. There are also portions of his story which are obscure, as for instance the episode of the bottle, which he says he obtained from the Gaekwar, but which he did not mention in his first statement. But the substance of the story originally told by each witness remains intact. The secret interviews, the persons who were present at them, the receipt of money, the requests made by the Gaekwar to poison Colonel Phayre, the conveyance of the poison from the Gaekwar to Raoji, the deposit of it in Colonel Phayre's sherbet on the 9th November—all these things stand as they did in the first instance. Nor do the Government of India observe that the three Commissioners who have signed separate reports mention any contradiction of these two witnesses by themselves.

23 (c). Equally certain is it that in the essential points the stories of the two witnesses are consistent with each other. They differ in particulars; but if they did not, they would justly be suspected of collusion. They differ as to dates, a point which has been before remarked on; they differ as to the number of visits paid by them to the Gaekwar; they differ in many expressions; and they differ when one purports to state something that happened to, or was done by, the other, and to which the narrator was no immediate party. The Government of India entirely agree with the opinions expressed by the three Commissioners in paragraphs 34 and 42 of their joint report, respecting the discrepancies between Raoji and Narsu, and they

think that, so far from showing that the stories are false, those discrepancies serve to show the absence of collusion between the witnesses or of tutoring by the police.

24 (d). Again, the Government of India find an amount of consistency between these stories on the one hand and external circumstances and evidence on the other, which would be unlikely if the stories were not true. The witnesses are correct about the character of the building and room to which they say they were taken; the asserted payment of Rupees 500 to Raoji is proved to have actually taken place; the evidence of his companions, Jugga and Karbhai, corresponds with his statements about his visits to the Palace; the evidence of Jugga and the letter produced tallies with the assertion that information was actually sent by Raoji and Narsu to the Palace; the evidence of Jugga and Dalput corresponds with the circumstances mentioned by Raoji as attending the payment of the Rupees 500; the lavish expenditure of Raoji is consistent with his having received large sums of money from some quarter, and indeed was the main circumstance which fastened suspicion upon him and caused his arrest.

25. One piece of external evidence is of so remarkable a character that it deserves rather more detailed mention. On the 9th of November, when all Colonel Phayre's servants were put under examination, Raoji's belt of office was taken away from him and was hung up in a room. On the 15th of December the belt was given to another peon named Budhar. At that time nobody could anticipate the story that Raoji had to tell, or that he had any story to tell at all. He was arrested on the 22nd December, and made statements on the 24th and 25th. It then occurred to Akbar Ali, the head of the Bombay Detective Police, that there might be some trace of some of the powders spoken of by Raoji, and he asked him where he used to keep his packets of powder. Raoji said that he kept them in his belt. Budhar was sent for and came wearing the belt, which he had had in his possession ever since the 15th. Budhar gave the belt to Akbar Ali, and Raoji showed him where he kept the packets. Akbar Ali searched and found a piece of white thread and a packet of paper. He immediately called Mr. Souter, the Police Commissioner, who was in the next room, and Mr. Souter took out the packet of paper and opened it. The paper contained a white powder, which on being analysed was found to be arsenic. Dr. Gray states that in physical characters there are varieties of white arsenic, but that his examination of the powder taken from Raoji's belt enabled him to know that it was of the same character as the arsenic which was found in Colonel Phayre's sherbet.

26. Now up to this time Raoji had not stated anything about a powder remaining in his possession. He had made a statement in which he said that he had received powders on two occasions. On the second occasion he had received a single packet, the whole contents of which he put into Colonel Phayre's sherbet on the 9th November. On the first occasion he had received two packets, which he had mixed, and put into the sherbet on two or three days. When the packet was found in his belt, he recollected that he had not used the whole of one of the powders—a point which he further explained in his examination before the Commission.

27. Now the only explanation which is suggested of this corroborative circumstance is that the whole thing was a plot of the police—a point which the Counsel for the Gaekwar endeavoured to establish. But he could elicit no evidence in his favor, and the hypothesis is one which, if not impossible, is of the highest improbability. Why the police should have thought of producing a remnant of poison in the teeth of Raoji's statement that he had used the whole; why they should have put into the belt pure arsenic and not mixed arsenic and diamond dust, which was the material said to have been used; how they came to pitch upon the very quality of arsenic used to poison Colonel Phayre; how they could have secretly got it into the belt which Budhar had continuously possessed from the 15th of December till the moment of discovery; these difficulties and others besides must be explained before the hypothesis of a plot by the police can be made on even plausible grounds.

28 (e). Have then these witnesses any interest to tell the story they have told? Nobody has suggested that either of them has any enmity against the Gaekwar, or could gain anything by his downfall. Raoji, it is true, had an interest to tell some story, because he was promised a pardon for himself if he would speak the truth. But his interest was to earn his pardon, and therefore to tell a true story; or if he told a false one, his interest was not to tell one in which a number of other persons were mixed up by whom he could be refuted, nor one implicating a great personage with every means at his command for exposing the falsehood, but one carefully isolated from other persons and from specific circumstances, so as to afford the smallest possible opportunity for contradiction, and one implicating only meaner people who could not so well defend themselves. As for Narsu, he spoke at the peril of his life. He was expressly warned that he would not earn a pardon. His interest was to be silent, or else to tell a story in which he should not be one of the principal actors in the commission of the crime. The conclusion on this point must be that if the witnesses have spoken falsely, they have not spoken in accordance with their own interests, and that one of them has spoken directly against his own interest.

29. It might have been alleged that Colonel Phayre's strong feeling against the Gaekwar was well known to the Residency servants, and therefore that Raoji and Narsu might have supposed that their accusation of the Gaekwar would have been agreeable to Colonel Phayre. But it is to be observed that the accusation was not brought forward while Colonel Phayre was Resident at Baroda, and when the first enquiry was made by him. The evidence of Raoji and

Narsu implicating the Gaekwar was not given until Colonel Phayre had been removed from the office of Resident at Baroda, when no advantage could have been expected by them from his favour. This circumstance combines with others to show that the confessions of these men were not the outcome of any plot, but were due to their knowledge that enquiry had at length got upon the right track, and that they had better give themselves up.

30 (f). The suggestion of collusion is refuted both by internal and external evidence. If these stories were fictitious, agreed on by Raoji and Narsu, it is hardly conceivable that they would not, especially under the stress of a skilful cross-examination, betray evidence of their origin. They would be found jarring with one another on some essential point, in some irreconcilable manner, or else agreeing in such minute particulars as are always the subject of difference when related independently by different persons. But the inference drawn by the Government of India from their consideration of the points of resemblance and difference between the two stories has been before stated. As regards external evidence, it is stated positively, and nowhere contradicted, that Raoji and Narsu were kept apart from the first arrest of the former on the 22nd December; that neither was ever informed of the statement of the other; and that when Narsu was brought into Raoji's presence on the 23rd December, all that he was informed of Raoji's doings was by means of Raoji's statement that he had told all up to his neck.

31 (g.) But it may be suggested that the stories of Raoji and Narsu are due to their having been tutored by some authority to whom they were subject—in other words, that they were invented by the police. Indeed suggestions of this kind form a very prominent part of the argument delivered on behalf of the Gaekwar. The Gaekwar's Counsel attacked the characters of the police, from Mr. Souter downwards, using even the expression that they had applied torture to the witnesses; and repeatedly sought to deliver himself from the difficulties of the evidence by attributing its origin to the police. The sole evidence which he was able to elicit in support of these attacks was that of the witness Hemchund, who was called with reference to a minor part of the case, viz., the purchase of diamonds. He was one of the witnesses who were not kept under arrest, and by his evidence before the Commissioners he contradicted his original statement made to the police. To justify his contradiction, he said that his original statement was made under compulsion by Gujanund Vithul, one of the police officers, who even forced him to make a false entry in his books. Of this witness Hemchund, the three Commissioners who signed the joint report say, that he contradicted himself violently, and that no reliance can be placed on his evidence generally. When before the Commissioners, he denied his own signature, and falsely pretended not to understand any Hindustani, or even to know that such a language existed. The three Commissioners disbelieve that the compulsion he speaks of was put upon him. So do the Government of India. It is sufficient here to say that his original statement was not taken down by Gujanund Vithul, but by Mr. Souter, and that two days afterwards it was signed by Hemchund in the presence of Sir Lewis Pelly, and that he made no remonstrance to either of those gentlemen, though he must have known at least Sir Lewis Pelly would afford him as complete and instant protection from Gujanund Vithul as the Commissioners themselves would. This circumstance, coupled with the patent mendacity of the witness and his eagerness to disconnect himself from every portion of the case, compel the Government of India to say that his evidence must be wholly set aside.

32. But when Hemchund is set aside, there remains no evidence at all to support the suggestion that the police have invented any part of the story told by Raoji and Narsu, or drilled the witnesses. Why they should think of inventing such a story is not easy to understand, for they certainly could not suppose that by doing so they were doing any welcome service to the Government of India. Mr. Souter, Akbar Ali, Abdool Ali, and Gujanund Vithul are all men distinguished in the service of the Bombay Government. Mr. Ballantine could elicit nothing to their discredit in cross examination, though in the case of Gujanund Vithul he was instructed to make the attempt. All were acting under the instructions of Sir Lewis Pelly, who would have taken instant and severe notice of any species of unfairness. From the time of his arrest Narsu was not under the custody of the police, but under a military guard. There is no evidence whatever to show that the police had such access to them as would have rendered it possible that an elaborate plot could have been successfully concocted and the witnesses instructed for their performance before the Commission. Moreover, the same, internal evidence which bears against the theory of collusion between Raoji and Narsu, bears equally against the theory of invention by the police. Under these circumstances, the Government of India think it a matter of moral certainty that the stories told by Raoji and Narsu were not the inventions of the police. They wish to express their concurrence in the remarks which fell from the Advocate-General of Bombay on this subject. And they add that the great reliance placed by Mr. Ballantine on the resource of attacking the police unsupported as his attacks are by any evidence, is to their minds a strong proof of the weakness of the case he had to support.

33 (h). As regards the demeanor of these two men under examination, the Government of India find no suggestion even from the Gaekwar's Counsel that it told against them, while the three Commissioners who have signed the joint report have put it on record that Narsu's manner impressed them favourably. He certainly was urged most powerfully by Sir Dinkur Rao, a gentleman of his own religion and one likely to have great influence with him; and the result of that urgency, so far as it can be gathered from writing, was such as to give a

strong impression of the man's sincerity. The Government of India subjoin here what passed, taking the account from the short-hand writer's notes, not because they are at variance with the official notes, but because the questions are given as well as the answers, and so it is shown in a more striking way how the witness was urged and how he insisted that there was but one truth, and that was the truth which he had told:—

"By Sir Dinkur Rao—You are a servant of thirty-four years. Have you been in the habit of visiting the Maharaja from the time of the previous Commission or before?—From the time of the previous Commission I visited the Maharaja, but not previously. I never used to go before Khunderao except in Kutcherry with the Sahib.

"Have you never gone to the Maharaja Khunderao's to ask for Dusserah presents?—Some minor Sirdars used to give presents, but it was not customary for the Durbar to give presents. The Dewan Rao Sahib used to give directly, but there was no such custom in the Durbar.

"When the Maharaja instigated you to poison, this was a very bad thing. Did you make arrangements for the support of your family?—I did nothing. He said merely by words what was said through Raoji.

"The Advocate-General objected to the interpretation. He said that what the witness said was: 'He gave me a verbal assurance.'

"Mr. Melvill—What the witness really said was, 'He relied upon what the Maharaja said.'

"Sir Dinkur Rao—It is a very serious thing to poison one. Would anybody do such a matter in the presence of ten or twelve persons?—There were not ten persons. There were two of his servants and two of ours.

"Was the quantity of poison used small or large, and was it administered three times?—In my life I have not given any poison. A packet was given to me, and I was told to give it to Raoji, and I gave it to him. The arrangements as to how much to use and not lay with Raoji.

"What servants said that accusations should be made against Faizu?—No one said so. They mentioned his name in the statements, and therefore I also caused it to be written.

"Who mentioned his name?—Abdoola, Pedro, and the Hamals—five or six persons altogether.

"At the first meeting the Maharaja called you a rogue. How then did he come to trust you in such a serious matter?—Raoji, Salam, and Yeshwunt Rao took me and they assured the Maharaja.

"Are you a Hindoo?—Yes.

"What is your caste?—A Telingan Camatee.

"Are you afraid of the Police?—Why? Why should there be fear for speaking the truth.

"Do you yourself believe that you are guilty?—It is my bad luck; I also am concerned.

"If you were granted a pardon, would you in the presence of God tell the truth?—It is not because I may get a pardon that I tell the truth. Whether or not the Sirkar gives me a pardon, they are my parents.

"Mr. Melvill—That is not a correct interpretation. What the witness said was: 'If I were offered a pardon, I would speak the truth. I am speaking the truth now.'

"(Question repeated.)

"Witness—I know nothing more than this, which is true.

"The President—Sir Dinkur Rao's question, as I understand it, was, whether if the witness were offered a pardon he would tell a more truthful statement than he is now giving. Repeat that question.

"(Question repeated by Interpreter.)

"Witness—What was truth I have said. Beside that there is no other truth. The Sirkar may kill me if they like.

"By Sir Dinkur Rao—You have served a person thirty-four years, against whom you have done basely. Now, as you, if you were in the presence of God, state the truth. Do not be afraid. Whatever is in your mind state it without fear in the presence of God?—I have stated without fear what I had to say.

"The President (to interpreter)—Put the question in this way: 'In the presence of God will you tell the truth?'

"(Question repeated by Interpreter.)

"Witness—In the presence of God I have stated what was the truth. I have not stated an untruth. I have stated the truth.

"Witness then retired."

34 (2). It remains to ask how the evidence of these men has been met on the part of the Gaekwar. The answer is that his advisers preferred to rely on discrepancies between witnesses, on their infirmities of memory, on improbabilities, and on attacks upon the agents of the Government, instead of bringing forward the persons who, if the charges against the Gaekwar were false, could at once disprove them by direct evidence. According to the stories told by Raoji and Narsu, as well as by the ayah Amina, and the several other witnesses who prove the secret interviews, there were two men, Salam and Yeshwant Rao, who intervened at every turn of the transactions. They were the confidential agents of the Gaekwar. It has been above shown (in paragraph 17) that they received large sums of secret service money. When arrested, these men were placed under a military guard, and were not in the hands of the police. It was stated by the Advocate-General of Bombay openly and without contradiction "that they have had no communication whatever with the police, and that since the

"arrest of His Highness his solicitors have been allowed the most unrestricted private communication with them." They never volunteered any information as other accomplices did, and it was their strongest interest to assert the innocence of the Gaekwar. The legal advisers of the Government of India had no reason to believe that the interests of truth, as the evidence before them showed it to be, would be any way promoted by the examination of these men. But the Gaekwar was in a very different position. He knows of his own knowledge, though others can only infer from evidence, what the truth is: and he knows that it is known to Salam and Yeshwant Rao. According to his case the truth is that there was no plot in the palace against Colonel Phayre, and that Salam and Yeshwant Rao knew the fact as well as himself. Why then were not these men called upon to say what was at once the righteous thing and the thing most advantageous to themselves and to the master they served?—The reasons assigned by his Counsel are that "He (the Gaekwar) cannot tell, and "his advisers are unable to suggest with any certainty, whether these men are or are not "accomplices with Damodhur Punt," and "that they would have come out of a custody from "which nothing could be safe." If the second of these reasons is meant to be an addition to the numerous suggestions of conspiracy by the Police, it is founded on an error in fact. Yet it can hardly have been meant to suggest that the military also are parties to a plot against the Gaekwar. But the reasons may be left to speak for themselves. The Government of India have no hesitation in saying that the refusal on the Gaekwar's part to call upon Salam and Yeshwant Rao to come forward to speak the honest truth, and to confound Raoji, Narsu, and the others, lends a strong probability to the truthfulness of the charges against him.

35. It is next to be seen what support the evidence of Raoji and Narsu receives from independent witnesses, so far as it relates to the actual instigation to poison. It must be remembered that so far it relates to interviews with the Gaekwar and the receipt of money from him, it has received ample support of this kind.

36. It receives some material support from the ayah Amina, an ignorant and timid witness, but one against whose truthfulness no imputation can be maintained. At her last interview with the Gaekwar, which was probably during the latter part of October, the subject of machinations against the person of Colonel Phayre was broached. It does not seem that poison was mentioned, and it is not clear, nor perhaps is it very material, whether or no the witness thought that poison was hinted at under the expression of a "charm" or of "some-thing being given." What remains certain is that some physical operation on Colonel Phayre for the purpose of producing either a physical or a mental effect was spoken of, that Amina was thoroughly frightened, that she warned the Gaekwar not to make attempts against Colonel Phayre, for that if he did so he would be ruined, and that she went away and never returned again.

37. Amina is corroborated by her husband Sheikh Abdulla, who says that she told him on the following morning that the Gaekwar had enquired if anything could be given to those people to bring about a union between the hearts of himself and the Saheb, and that she had warned him against giving the Saheb anything to eat. By the expression "the Saheb" Colonel Phayre is meant.

38. Nor must the evidence of Damodhur Punt, the Gaekwar's private secretary, be forgotten. The position of this witness is very unsatisfactory, for he is by his own account a guilty accomplice, and he spoke under promise of pardon and, as he says, because he was weary of confinement. The three Commissioners who have signed the joint report have accordingly dealt cautiously with his evidence, which however they think to be probable in its essential points. The Government of India think it right to give the utmost weight to the drawbacks from this evidence, and not to use it except when it receives some support from other evidence. But after allowing full scope to doubts, they find a substantial correspondence between the story told by Damodhur Punt and those told by Raoji and Narsu, of which he was in ignorance; and in addition, there are two specific instances in which Damodhur Punt's story is corroborated by trustworthy extrinsic evidence.

39. First, Exhibit Z. is an undoubtedly genuine document, and that shows that, as early as the 4th October 1874, arsenic was wanted by Damodhur Punt for some purpose, and that he alleged it to be required by the Gaekwar. The arsenic was not given out, because a written order could not be, or at all events was not, obtained from the Gaekwar for the purpose. It is impossible to suppose that an allegation appearing on this document upon the 4th October was any part of a plot against the Gaekwar. Exhibit Z. requires some explanation, and none has been given except that of Damodhur Punt, viz., that the Gaekwar did actually order him to get some arsenic.

40. Secondly, Nanaji Vithal, the keeper of the jewels, a witness not implicated in the plot against Colonel Phayre, shows that, some little time before the 20th October, diamonds were wanted, not for any ordinary purpose, but, as was stated, for medicinal purposes; "to be made "ashes," as he says, "for medicine." He never knew of such a thing before. That the Palace accounts have been tampered with and falsified so as to conceal some transactions with diamonds about this time, is proved by Exhibit T1., as explained by the evidence of the Brahmin Rameshwar Moraji, and of Nanaji Vithal and his subordinate Atmaram. Again these phenomena require some explanation, and none is given except that of Damodhur Punt, viz., that the Gaekwar did want some diamonds for the purpose of making a poisonous powder.

41. With regard to the points to which a large part of the evidence of Damodhur Punt has been directed, viz., the proof of the purchase of arsenic and diamonds in particular quarters,

the three Commissioners who have signed the joint report think that the purchase of the former is probable and that of the latter is proved. The Government of India are unable to attach much importance to these points. It has never occurred to them that the Gaekwar could have had any difficulty in procuring as much arsenic and as many diamonds as he wished, nor do they suppose that their legal advisers would have spent any pains in procuring evidence on such points, only that Damodhur Punt volunteered information about them as part of the story he had to tell. But the evidence of Damodhur Punt was no part of the evidence laid before the Government of India on which they directed this enquiry, and which they were advised would, if unshaken, warrant conclusions against the Gaekwar.

42. The Government of India think it right now to notice in detail the reasons given by the three Commissioners who have signed separate reports, for thinking that the evidence given by the witnesses on the charge of poisoning is so far defective that it cannot be taken as proving the offence imputed to the Gaekwar.

43. The Maharaja Sindia says that out of a large number of persons connected with the case, only three witnesses, Raoji, Narsu, and Damodhur Punt, have given their evidence in reference to the above charge, and that all these widely differ in their statements. His Highness has, however, overlooked the evidence of Amina, which, as above shown, has an important bearing on this charge. As to the witnesses all differing widely in their statements, the Government of India hardly know what differences between Raoji and Narsu on the one hand, and Damodhur Punt on the other, are referred to. The differences between Raoji and Narsu do not, as above stated, touch the essential points of their story. The circumstance that there are only four witnesses, or even only three, to give direct evidence upon a particular charge, does not make the evidence incredible or even weak. It must stand the test of a rigid examination, and if it does, it is not to be rejected because the witnesses are not numerous.

44. The Maharaja then says that the evidence of Pedro and Abdulla (clearly meaning Abdulla the 17th witness) is in favor of the accused. Now the Government of India cannot see how the evidence of Abdulla bears upon the point at all. As for Pedro, he was inculpated by Raoji, and he denies all complicity in the plot. He therefore contradicts Raoji upon the one point of his own complicity, and with which of them the truth lies cannot easily be told. He says nothing to implicate the Gaekwar in the attempt to poison, but in no other sense is his evidence in favor of the Gaekwar. On the contrary, he confirms Raoji's evidence so far as it relates to intercourse between the Gaekwar and the Residency servants. He admits that he received money from the Gaekwar, not on the occasion of any festivity, nor for any apparent reason, unless it was an inducement to him to visit the Gaekwar, which he was urged to do by Salam but says that he refused to do.

45. Again, the Maharaja says that the non-production of Salam, Yeshwant Rao, Khanvelkar, Gujaba, Nurudin Borah, and the Hakim is in favor of the accused. There is a distinction to be taken between these persons. Nurudin Borah is a vendor of drugs, and Damodhur Punt alleges that the arsenic employed to poison Colonel Phayre was procured from him. Nothing is alleged against Nurudin Borah's innocence in the matter. The only point to which he could have spoken is the purchase or non-purchase of arsenic by Damodhur Punt. Now it has been above stated that this matter of the purchase of arsenic was a portion, but a very immaterial portion, of Damodhur Punt's statement. That statement was given in its integrity, and for what it was worth. His assertion that he purchased arsenic of Nurudin Borah is not sustained by any other evidence. Nurudin Borah should have been called upon to prove it if that had been material, and as he was not called, the Gaekwar is entitled to the benefit of the observation that the purchase has not been proved. Beyond that the non-production of Nurudin Borah does not affect the case.

46. The case is very different with respect to the other witnesses. It has been already shown how it stands with respect to Salam and Yeshwant Rao; that the inference from their non-appearance is that the Gaekwar, who knew exactly what they could truthfully say, was afraid of it. The same observations, though in a far minor degree, are applicable to Khanvelkar, Gujaba and the Hakim. These witnesses could only speak to the minor question of the procurement of the materials for poison. They were in intimate connection with the Gaekwar, and are all represented by Damodhur Punt as accomplices in the plot against Colonel Phayre. If he has spoken untruly of them, they might have most effectually contradicted him, and the Gaekwar knew whether or no they could do so.

47. Then the Maharaja Sindia feels a difficulty because the poison was given in small quantities, and the transactions extended over a long time. The first observation that occurs upon this is that the difficulty about the quantities applies also to any other theory which may be framed to account for the undoubted fact of the poisoning; for it is pretty clear that small doses must have been administered to Colonel Phayre before the large dose of the 9th of November. But the mode of operation is explained naturally enough by Raoji's fear of producing a sudden effect, which he thought would lead to his detection. The length of time over which the whole transactions extended is not very accurately ascertainable, because the beginning is not fixed; but, allowing the greatest latitude consistent with the evidence, the time extends over some six or seven weeks, and that does not seem a long time for a plan requiring much contrivance, the watching of opportunities, and an allowance for the failure of agents, such as Raoji states to have occurred twice with himself.

48. Then it is observed that there is no sufficient proof of the purchase of diamonds, arsenic, or copper, and no paper whatsoever signed by the Gaekwar, involving him in the matter. But

it has been already shown, in paragraphs 41 and 45, how unnecessary it is to prove any such purchase. And as for papers signed by the Gaekwar, it is not likely that any such papers should be forthcoming in such a case. Certainly the Government of India did not expect to find any.

49. The objections to the evidence which are felt by the Maharaja of Jeypoor and Sir Dinkur Rao, do not differ in principle from those felt by the Maharaja Sindia, and most of them have been already observed on, but a few additional details are given, in which it is thought that some important objections to the evidence are to be found.

51. The Maharaja of Jeypoor thinks it important that Raoji should have stated that the Gaekwar promised him and Narsu a lakh of rupees each, while Narsu only mentions indefinite promises of reward. Now, this is exactly one of those discrepancies which appear to the Government of India to preclude the supposition that the stories of these two witnesses are the result of collusion. The essential point is that a reward was promised. The nature of the reward may easily have been stated differently to, or have been understood differently by, each, especially as it is stated that both Salam and Yeshwant Rao took part in the conversation. But supposing the story to have been agreed upon between the two, or to have been invented by some third person and taught to the witnesses, it is very difficult to conceive that so obvious and simple a point as the promise of a lakh of rupees would not be dwelt upon, or that one so easy to remember would not have been faithfully reproduced when they came to deliver their evidence.

52. The Maharaja of Jeypoor points out truly that the yads produced out of the records of the private office under Damodhur Punt, do not show any specific sums of money having been paid for diamonds, or for poison of any kind. He proceeds as follows: "The sums mentioned in the yads were for giving feasts to Brahmins, and other charitable and useful purposes. There is sufficient evidence also to prove that these sums were actually spent on such purposes." The Government of India hardly know on what view of the evidence respecting the Exhibit T1, the general bearing of which has been stated above, this opinion of the Maharaja is based. To their apprehension, it is proved that a number of fictitious entries were made in the Gaekwar's accounts, in order to cover payments the nature of which it was desired to conceal. And it so happens that the particular payment now specified, viz., that payment for a feast to Brahmins mentioned in Exhibit T1, is the one whose false character is shown by the most unassailable evidence. For the Brahmin himself who is named in the entry as the recipient of Rupees 3,632-13-3 in December 1874, was called and proved that no such money was ever paid to him. He pointed out the difference between an entry of money really paid (Exhibit Y1.) and the false entry T1. And it so happens that the sum mentioned in T1, is the exact equivalent of the sums mentioned in Exhibits R1. and S1., and paid to Nanaji Vithal, the Superintendent of the Jewel Department.* It was evidently thought

* The three Commissioners who have signed the joint report have fallen into an arithmetical error on this point. desirable to get rid of these sums by some false statement in the accounts. This entry then, which seems satisfactory to the Maharaja of Jeypoor, seems on the contrary, to the Government of India, to be one confirmation of the evidence of Damodhur Punt, as is stated above in paragraph 38.

53. Again, the Maharaja of Jeypoor says that copper is mentioned as having been one of the poisons administered to Colonel Phayre, and that it was not detected by the chemical analysis. But that is not according to the evidence. All that appears on that subject is that Bhow Poonekar, speaking from mere hearsay, told Colonel Phayre that copper was administered.

54. The Government of India do not understand on what grounds the Maharaja of Jeypoor should say that there were no means of ascertaining whether Salam and Yeshwant Rao made any statements on the subject before the Bombay Police. If either the Gaekwar's Counsel, or the Commissioners themselves desired to ask any question on this subject, they certainly would have been answered both by the Police Officers and by the men themselves.

55. The only points added by Sir Dinkur Rao are some discrepancies with respect to dates, on which some general observations have before been made, and some comparisons between the evidence of Raoji and that of Damodhur Punt, in which, though the witnesses speak to different occurrences, and though it may be said that the two narratives when put together do not make up a complete whole, but leave something untold, the Government of India fail to see any contradiction at all.

56. The result then is that, notwithstanding the doubts entertained by the Maharaja Sindia and Sir Dinkur Rao, and the more positive opinion of the Maharaja of Jeypoor, the examination of the evidence by the Government of India leads them to concur with the three Commissioners who signed the joint Report, that it bears on its face a trustworthy character, and contains no such contradictions or obscurities as would justify them in disbelieving the witnesses on their own showing. Counter-evidence, it has been already stated, there is none; the Gaekwar's advisers have refrained from calling upon his agents to attest his innocence. His Counsel, at the close of his argument, boldly maintained that it was not for him to make out a case on behalf of the Gaekwar. The Government of India think differently. One of the main objects of the enquiry was to afford the Gaekwar an opportunity of freeing himself from the grave suspicion which attached to him. The Government of India think that it was for the Gaekwar's advisers to make out a case, if they could honestly do it, to rebut the strong evidence brought against him, and cannot see any ground for their refusal to do it, except their inability. Neither is there any counter-theory to explain the evidence before the Commission. It is true

that the Gaekwar's Counsel rather suggested than argued that Damodhur Punt or Bhow Poonekar might be the authors of the attempt to poison. But there is not a particle of evidence to support either suggestion, and both are justly dismissed in very brief terms by the three Commissioners who have signed the joint Report.

57. It is therefore with great regret that the Government of India are compelled to express their decided opinion that all the offences imputed to the Gaekwar previously to the enquiry have been sustained upon the enquiry, and that he did instigate Raoji and Narsu to administer poison to Colonel Phayre.

By Order of the Governor-General of India in Council,

Simla, Foreign Department, Political.
The 21st April 1875.

(Signed) C. U. AITCHISON,
Secretary to the Government of India.

No. 91 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
POLITICAL.

To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS,

Simla, the 29th April 1875.

IN our despatch No. 85 of the 22nd instant we informed your Lordship that we had reviewed the conduct of Mulhar Rao since the report of Sir Richard Meade's Commission, and that we should transmit to your Lordship, by next mail, a statement of the principal circumstances which had, in our judgment, greatly aggravated his previous misconduct. We observed that several of the most serious of those circumstances had either occurred, or been brought to our notice, subsequent to the suspension of Mulhar Rao in January last.

2. Your Lordship will remember that Sir Richard Meade's Commission closed its proceedings on the 31st December 1873.

3. The first matter of importance connected with the conduct of Mulhar Rao after that date was his marriage with his mistress Luxmabae. This marriage was, in every point of view, highly improper and discreditable to Mulhar Rao. Not only was the caste of Luxmabae unsuitable, but her antecedents were of the most questionable character; indeed application was made to the Government of Bombay by a person who claimed Luxmabae as his wife, and urged that her marriage with Mulhar Rao should be prohibited. In consequence of these circumstances the Resident, Colonel Phayre, was instructed by the Government of India not to be present at the marriage. Mulhar Rao was informed by Colonel Phayre that he had received these instructions, but he nevertheless addressed Colonel Phayre in exceedingly improper language on the 7th May, and subsequently forwarded a complaint to the Government of Bombay of Colonel Phayre's proceedings. The Government of India, on being made acquainted with what had taken place, observed that Mulhar Rao appeared from the correspondence to have acted in this affair with grave impropriety. We noticed with much dissatisfaction the tone of, and the expressions contained in, His Highness' letter of the 7th May to Colonel Phayre. We said that any repetition of such language would be very seriously noticed, and that the Resident should be instructed to report at once if at any time he should not be treated by the Gaekwar or his Ministers in a manner suitable to his position as the Representative of the British Government.

4. The next matter which came under our notice was the complaint made by Ruckmabae, the youngest widow of Khunderao, Gaekwar, that her life was in danger in consequence of the manner in which she was treated by the orders of Mulhar Rao. We thought at first that her statements were exaggerated, and, being very reluctant to interfere in any differences between Mulhar Rao and the members of the Gaekwar Family, we simply requested the Bombay Government to instruct Colonel Phayre to take an opportunity of representing Ruckmabae's complaints to Mulhar Rao, and of suggesting that it might be desirable, for the purpose of avoiding any misapprehension as to her treatment, that provision should be made for her away from his Palace. We, however, subsequently received a report from Dr. Lewis, the Residency Surgeon, who had seen Ruckmabae, which entirely confirmed her complaints of the danger to her life which

might follow from a continuance of the treatment to which she had been subjected. Bearing in mind that Sir Richard Meade's Commission had reported that Mulhar Rao's "harsh and severe treatment of his predecessor's relatives" was "perhaps the greatest blot on his character," we thought it necessary to request the Government of Bombay by telegraph to address Mulhar Rao, acquainting him with Dr. Lewis's opinion, and saying that we considered the matter to be serious, and that we should hold Mulhar Rao responsible if, after the receipt of this opinion, Ruckmabae suffered further injury by his refusal to allow her to quit the Palace. The wishes of the Government of India were then complied with; but it was very unsatisfactory that such a case should have occurred so soon after the enquiry before Sir Richard Meade's Commission when similar complaints had been, in the opinion of the Commissioners, established against Mulhar Rao.

5. Mulhar Rao's marriage with Luxmabae aggravated the differences which previously existed between him and his Sirdars, and was followed by discreditable quarrels between them. The reports which we received from Colonel Phayre in the autumn of 1874, after making every allowance for Colonel Phayre's strong feeling against Mulhar Rao, showed that there was considerable danger of a breach of the peace taking place in consequence of the discontent of the Sirdars. Upon one occasion an appeal was made to Colonel Phayre for the use of troops in support of the authority of Mulhar Rao in a quarrel which appears to have had its origin in improper conduct on his part. The pay of the military classes was greatly in arrear, and the Sindhees and Arabs were fast getting beyond control, and might at any moment have burst forth into open rebellion. It is to be observed that it was proved, when Sir Lewis Pelly had assumed the direction of Baroda affairs, that there were ample funds in the hands of the Gaekwar for providing the arrears of pay.

6. About the same time a transaction was mentioned under the term of the "Premchund Roychund affair," into which we did not think it necessary to enquire minutely, but from which it was apparent that some discreditable intrigue was being conducted by, or under the orders of, Mulhar Rao for the purpose of attempting to bribe high officials at Bombay.

7. Your Lordship is aware that we were not satisfied with the manner in which Colonel Phayre had carried out his instructions at Baroda, and that we thought he did not show sufficient consideration to the Gaekwar in his communications and correspondence. We will, therefore, not dwell upon the highly adverse opinion which Colonel Phayre expressed on Mulhar Rao's conduct, and upon the misgovernment of the Baroda State. But Sir Lewis Pelly was an entirely impartial authority, and when he replaced Colonel Phayre in December last, he described affairs at Baroda as being in a very critical condition. Although assurances had been given from time to time by Mulhar Rao that he would carry out the reforms which he had been required by the Government of India to undertake, no substantial progress had been made. The condition of the cultivating classes was represented as desperate, owing to over-assessment of the land revenue, while the differences between the Sirdars and Mulhar Rao threatened a serious disturbance of the peace.

8. Now, it must be remembered that, although the authoritative advice of the Government of India to Mulhar Rao, in consequence of the report of Sir Richard Meade's Commission, was not given until the 25th July 1874, Mulhar Rao, on the 25th October 1873, when deprecating the appointment of Sir Richard Meade's Commission, had promised to introduce the necessary reforms in the administration of the State. He was at that time well aware of the complaints against him, and yet a year had elapsed without any substantial progress having been made.

9. Shortly after Sir Lewis Pelly's arrival, Mr. Dadabhoj Nowrojee, the Minister in whom Mulhar Rao professed to place confidence, and who, so far as we could judge, had been honestly desirous of reforming the administration, resigned office, and no explanation has been afforded to us of the reason for his resignation. It is true that Sir Lewis Pelly reported that the Gaekwar had professed his readiness to accept his advice, had indeed accepted it upon some points, and, so far as Sir Lewis Pelly could judge, was seriously desirous of reforming his administration. But, after what had occurred, little or no dependence could be placed upon those professions and acts. We have already observed in our despatch of the 15th April

last that, although we entertained some hope that Mulhar Rao might be induced to allow the administration of the State to be effectually reformed, we could place no confidence in his personal character.

10. It was at this period that the evidence was received with respect to the attempt to poison Colonel Phayre, which obliged us to suspend Mulhar Rao from the exercise of authority and to institute a Commission to enquire into that matter. The opinion entertained by Sir Lewis Pelly as to the general character of Mulhar Rao will be found in his letter of the 7th January last, and so unfavorable was that opinion that Sir Lewis Pelly recommended that he should then be deposed from power. Your Lordship is aware that we were unable to agree with that recommendation, but we mention it for the purpose of showing the unfavorable view taken by Sir Lewis Pelly of Mulhar Rao's character and antecedents.

11. During the time that Sir Lewis Pelly was charged with the administration of the Baroda State, several circumstances were brought to light which greatly confirmed the unfavorable view which had been previously taken of Mulhar Rao's conduct. The enquiries that were made respecting the attempt to poison Colonel Phayre naturally led to an enquiry into the circumstances of the death of Bhow Scindia in 1872, which, as your Lordship will recollect, was generally attributed to poison, and as to which some suspicion attached to Mulhar Rao. Depositions were taken before officers who had been charged by Sir Lewis Pelly with the duty. These depositions tended to confirm the suspicion that Bhow Scindia was poisoned, and there was some idea at the time of taking legal proceedings in the matter. We thought, however, it would not be fair to Mulhar Rao to take any steps of the kind pending the report of Sir Richard Couch's Commission. Again it appeared in the course of the enquiries, which had been carried on at Baroda connected with the attempt to poison Colonel Phayre, that a man of the name of Govind Naik had met with his death in a manner to induce Sir Lewis Pelly to state his belief that Mulhar Rao either gave himself, or caused to be given, orders by virtue of which a system of torture was put in force under which Govind Naik finally succumbed. In this case also formal depositions were taken which led to the conclusion stated by Sir Lewis Pelly.

12. Moreover, Sir Lewis Pelly reported that the finances of the State of Baroda had been grossly mismanaged. The revenue of the State during the past year was found to be 94 lakhs of rupees, and the expenditure during the same time no less than 171 lakhs, out of which sum 40 lakhs had been expended in gifts chiefly made to favorites and courtesans and 30 lakhs more had been spent in building and repairing palaces and other personal expenses of Mulhar Rao. The manner in which the accounts were kept was most unsatisfactory. In the Baroda State Treasury a sum of less than two thousand rupees was found when Sir Lewis Pelly assumed the administration, while 40 lakhs of rupees were afterwards discovered by Sir Lewis Pelly concealed in the Palace, and further considerable sums had undoubtedly been removed.

13. There are other minor circumstances which were brought to notice during the period to which the present despatch relates, and which, as well as those which have been recounted, have been reported to your Lordship from time to time; but we believe that those which we have described are sufficient to show that the grounds upon which Her Majesty's Government have based their decision that Mulhar Rao should be deposed justify the course which has been taken, although, in our opinion, his deposition was necessary in consequence of his remaining subject, under the most favorable view that could be taken of the circumstances, to a grave suspicion of having instigated the attempt to murder Colonel Phayre.

We have the honor to be, &c.

No. 92 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
POLITICAL.

To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS,

Simla, the 29th April 1875.

WE have the honor to forward, for the information of Her Majesty's Government, copy of a Minute recorded by His Excellency the Viceroy and Governor-General, with which we concur, and which is intended to give in a connected form an account of the principal transactions which have taken place at Baroda during the last two years.

We have the honor to be, &c.

MINUTE by HIS EXCELLENCY the VICEROY.

It may be desirable to place upon record, in a more connected form than is presented by the despatches which have been addressed to the Secretary of State upon the subject, some of which, moreover, were necessarily written under considerable pressure, a summary of the transactions of the last two years, which have terminated in the deposition of Mulhar Rao, Gaekwar, from the Sovereignty of the Baroda State.

2. Mulhar Rao, Gaekwar, succeeded his brother, Khunderao, in 1870. Much correspondence took place in 1872 and 1873 between the Government of Bombay and the Government of India with reference both to the general misgovernment of the Baroda State and to particular cases. Ultimately, in the summer of 1873, the Government of Bombay represented their opinion that measures of decided interference were necessary. Accordingly, at their recommendation, with which the Government of India concurred, a Commission was appointed for the purpose of investigating and reporting upon the general condition of the State. Sir Richard Meade, whose character for calmness of judgment is well known, who has an extensive knowledge of Native States, and who throughout his career has shown that he is ready to make every allowance in their favour, and that he has no wish to enforce a standard which it would be unreasonable to expect in their administration, was appointed to be President of the Commission. Nawab Faiz Ali Khan, who had been Prime Minister of the State of Jeypore, and in whose character and ability great confidence was placed by the Maharaja of Jeypore, as well as by the British Government, was appointed to be a member of the Commission. The other two Members—Mr. Ravenscroft and Colonel Etheridge—were nominated by the Bombay Government, and are officers of high standing and character.

3. The report of the Commission, which was received by the Government of India on 25th February 1874, showed a condition of things which was highly discreditable to Mulhar Rao, and which contained the elements of serious disturbance, which, owing to the manner in which the territories of the British Government and the Gaekwar are intermingled, might have been greatly prejudicial to the interests of British subjects and to the peace and order of Her Majesty's dominions. The Commissioners expressed their opinion that in the summary and extensive reduction of Silladars and Sirdars, in the treatment of certain bankers, in the seizure of women to render forced service in the Palace, in the treatment of the late Gaekwar's relatives, favourites, and dependents, and in the arbitrary resumption of certain inames and hereditary emoluments, the proceedings of Mulhar Rao had been "highly arbitrary, and in some instances very unjust, and of a character calculated to bring grave discredit on His 'Highness' administration, and to excite distrust and alarm amongst a large portion of the influential and respectable classes of the community." The Commissioners further reported that the grievances of the agricultural classes required careful examination and consideration; that the existing practice of levying nuzzerana (a succession tax) on appointments was wholly inconsistent with good government and should be entirely relinquished and interdicted; that the practice of ill-treating accused persons or prisoners to extract confession obtained to some extent and demanded the most watchful efforts for its absolute

suppression; that the judicial department and administration required entire reform, in order to remove the existing uncertain and irregular application of the law and want of confidence in the proceedings of the courts and Magistrates; and that the state of affairs, when viewed altogether, constituted general mal-administration of a character urgently calling for reformation, which could not be effected without some interference on the part of the British Government.

4. There is no doubt as to the right which the British Government possesses both under treaty and by constant usage to interpose in the internal affairs of the Baroda State. The provisions of the treaty of 1802 are clear, and the letter from Mr. Mountstuart Elphinstone, then Governor of Bombay, to the ruling Gaekwar in 1820, in which the results of various conferences with the Gaekwar regarding Baroda affairs were recorded, and which contains an exposition of his relations to the British Government, lays down in the plainest possible terms the rights of the British Government.

5. Accordingly in a letter from the Viceroy dated 25th July 1874, authoritative advice was given to Mulhar Rao for the remedy of the principal evils disclosed by the report of the Commission. A period of eighteen months, ending on 31st December 1875, was allowed to him for effecting the necessary reforms, and every assistance was offered him for that purpose. The Government of India, after some time had elapsed, became dissatisfied with the manner in which Colonel Phayre, the British Resident at Baroda, carried out the instructions which were given to him, and arrangements were therefore made, in the beginning of November last, to replace him by Sir Lewis Pelly, an Officer of the highest rank in the Political Service, in whom the Government placed the fullest confidence.

6. While these arrangements were in progress, information was received that an attempt had been made to poison Colonel Phayre.

7. Sir Lewis Pelly arrived at Baroda on 4th December 1874, and found affairs there in a very critical condition. Although assurances had been given from time to time by Mulhar Rao that he would carry out the reforms which he had been required by the Government of India to undertake, no substantial progress had been made. The condition of the cultivating classes was represented as desperate, owing to the over-assessment of the land revenue, while the differences between the Sirdars and the Gaekwar threatened a serious disturbance of the peace. Mulhar Rao gave assurances to Sir Lewis Pelly that remedies would be applied to this condition of affairs. Sir Lewis Pelly expressed his belief that those assurances were sincere, and the Government of India entertained some hope that although no confidence could be placed in the personal character of Mulhar Rao, yet he might be induced to allow the administration of the State to be effectually reformed.

8. In the meantime Colonel Phayre had instituted an enquiry and examined the servants at the Residency immediately after the attempt to poison him. No evidence of any value was procured, and the enquiry was for the time closed; but Sir Lewis Pelly was instructed to take measures to investigate the case, and for that purpose he obtained the assistance of Mr. Souter and the Police Officers of Bombay. For some time they could obtain no evidence of importance; but in the middle of December they discovered that Mulhar Rao had been in the habit of holding secret communications by night with the Residency servants. They also discovered that one of those servants, Raoji, had been spending large sums of money: they arrested him on suspicion, and he confessed that he had committed the offence, and alleged that he had done so at the personal instigation of Mulhar Rao. At the same time another Residency servant, Narsu, who had been arrested in consequence of the statements of Raoji, made a similar confession. Raoji made this confession on receiving the promise of a pardon; but Narsu was distinctly told by Sir Lewis Pelly that he must not expect a pardon. Sir Lewis Pelly was instructed to communicate the evidence to the Advocate-General of Bombay, who advised that, if it stood the test of cross-examination, it would be sufficient to convict Mulhar Rao of the offence in a Court of Law. Mr. Souter was immediately despatched to Calcutta with the evidence and the opinion of the Advocate-General of Bombay. When these documents were received in Calcutta, they were referred for the opinion of the Acting Advocate-General and the Standing Counsel to Government at Calcutta, who advised that the evidence was sufficient to commit Mulhar Rao for trial, but stated some doubts with regard to

portions of the evidence, and alluded to the possibility of there being a conspiracy against Mulhar Rao.

9. The case was then considered with the greatest attention by the Government of India. Mr. Souter was most carefully questioned with respect to the nature of the police investigation, and he explained that every precaution had been taken to prevent evidence being concocted by the subordinate police officials. The probability of there being a conspiracy against Mulhar Rao was discussed, but no reasonable ground could be found for such a supposition. The Government of India considered, therefore, that there was strong *prima facie* reason to believe that the attempt to poison Colonel Phayre had been instigated by Mulhar Rao.

10. The question then arose, how this condition of things was to be dealt with. It was impossible to pass over an attempt on the life of a British Resident at the Court of a Native Prince. The sanctity attached to the lives of Ambassadors extended, in the opinion of the Government of India, if possible in a greater degree to British Residents at the Courts of Native States; no crime, therefore, could be more serious than an attempt upon the life of a British Resident instigated by the Ruler of a Native State. The evidence as it then stood would not have justified the Government of India in at once condemning Mulhar Rao, because he had had no opportunity of making his defence, and the witnesses had not been subjected to cross-examination. Some enquiry, therefore, was essential.

11. In deciding upon the course to be adopted, the Government of India could not overlook the character and antecedents of Mulhar Rao. He had been accused of having been engaged in a conspiracy to murder his brother Khunderao, Gaekwar in 1863, and had in consequence been kept in seclusion during the lifetime of his brother. After Mulhar Rao's accession to the Sovereignty of Baroda, Bhow Scindia the Minister of the late Gaekwar had died in prison under suspicious circumstances, and was generally supposed to have been poisoned. The Government of India had expressed to Mulhar Rao their regret that, in consequence of his having omitted to follow the advice given by the Assistant Resident, the only satisfactory means of clearing up the doubts which rested on the death of Bhow Scindia had been neglected. Moreover, the whole tenor of the report of Sir Richard Meade's Commission was highly unfavourable to Mulhar Rao's personal character.

12. Having regard to these circumstances and to the strong *prima facie* case against Mulhar Rao, it appeared that there was no probability of a fair enquiry being made into the attempt to poison Colonel Phayre so long as Mulhar Rao remained in the position of Ruler of Baroda, and that it would have been improper for the Government of India to continue friendly communications with him pending the investigation. It was, therefore, determined to suspend Mulhar Rao from power, and to assume, on behalf of the Queen, the administration of the State of Baroda pending the result of the enquiry. This action was not based on considerations of law. It was an act of State, carried out by the Paramount Power. Troops were sent to Baroda. Mulhar Rao was arrested; and the administration of the State was assumed with promptness and without disturbance by Sir Lewis Pelly.

13. The Government of India had next to determine what form the enquiry should take. Notwithstanding the objections to which a public enquiry was open, it was decided that a public enquiry was more advisable than one conducted in private, which might have given occasion for suspicion. The composition of the Commission was next considered. In order that it should be so constituted as to command complete confidence, the services of Sir Richard Couch, the Chief Justice of Bengal, and the highest judicial authority in India, were secured as President. Sir Richard Meade, whose character has been already described, and Mr. Philip Melvill, an Officer who had been Judicial Commissioner of the Central Provinces, and acted as a Judge of the Chief Court at Lahore, who had no connection whatever with Baroda affairs, and whose character for independence and ability is well known, were appointed to be Commissioners. The Government of India considered that it was desirable to obtain the assistance of Natives of India of high rank and position as Members of the Commission. Raja Sir Dinkur Rao was summoned to Calcutta, and consented to serve. I requested Maharaja Scindia, Maharaja Holkar, and the Maharaja of Jeypore to join the Commission. Maharaja Holkar, while expressing his complete concurrence in the course which

had been taken, excused himself from serving, but the other two Princes consented to serve.

14. In making public the suspension of the Gaekwar and the institution of the enquiry, it was announced that whatever the result might be, a Native Administration would be re-established at Baroda. Throughout the whole of these transactions the Government of India were of opinion that it was essential to show that the British Government were actuated by no interested motives.

15. The Commission was not constituted as, or intended to be, a judicial

I.—That the said Mulhar Rao, Gaekwar, did by his agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency.

II.—That the said Mulhar Rao, Gaekwar, gave bribes to some of those servants, or caused such bribes to be given.

III.—That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets and to cause injury to Colonel Phayre, or to remove him by means of poison.

IV.—That, in fact, an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao, Gaekwar.

tribunal. Its function was to report to the Government of India, with whom the decision was ultimately to rest. The imputations against Mulhar Rao, into the truth of which the

Commission was instructed to enquire, are noted in the margin.

16. It was indispensable, in order to investigate the graver imputation of instigating the attempt to poison, that the Commission should enquire into the allegation that Mulhar Rao had been in the habit of holding secret communications by night with the Residency servants, and of giving them money for the purpose of obtaining information as to the business conducted at the Residency. The Government of India had good reason to believe that attempts of the kind had habitually been made by Mulhar Rao; and it was necessary, for the purpose of clearing the way to the examination of his connection with the poisoning, that the truth of his secret communications with the Residency servants, who were supposed to be the agents in the crime, should be investigated. If the evidence with respect to those communications had broken down, it would have been a strong argument in favor of the innocence of Mulhar Rao. If, on the other hand, the secret interviews were established, the antecedent improbability that he should have been in secret personal communication by night with persons of that class would be removed.

17. The commission commenced their proceedings on 23rd February and closed them on 31st March 1875. Sir R. Couch (the President), Sir R. Meade, and Mr. Melvill were of opinion that all the imputations against Mulhar Rao were true. Maharaja Scindia and Raja Sir Dinkur Rao found the graver imputation not proved, while the Maharaja of Jeypore thought that Mulhar Rao was not implicated in the charges: and all three treated the minor imputations as matters of no importance, and in accordance with the practice at other Native Courts.

18. The Government of India did not consider that the circumstance that the Commissioners were equally divided in opinion justified them in treating Mulhar Rao as innocent of the charges imputed to him. He was the Sovereign of a large territory and responsible for its government. The Government of India have intimate relations with the Baroda State, for the proper conduct of which it is essential that they should be able to communicate with the Gaekwar in terms of confidence and friendship. This would have been impossible considering Mulhar Rao's character and antecedents, so long as he lay even under the suspicion of being concerned in a cowardly and atrocious crime, not against an ordinary individual, but against the Representative of the British Government at his Court.

19. It has already been stated that the Commission differed essentially from a judicial tribunal, and this is apparent upon the face of the public instructions which the Commissioners received. It was their function to receive and examine the evidence and to report their opinions upon it, as well as to afford Mulhar Rao an opportunity of freeing himself from the grave suspicion which attached to him. But the Government of India were the ultimate judges of the matter enquired into; they held it to be their duty to express a final decision upon the issues which were laid before the Commissioners; and they would not have supported the opinions of a majority, or even of the whole body, unless they had considered that those opinions were based upon sufficient evidence.

20. The possibility that the Commissioners might be divided in opinion, or that they might not be able to arrive at any very positive conclusions, had been previously discussed, and it was the deliberate opinion of the Government of India

that, bearing in mind the character and antecedents of Mulhar Rao, he should not be restored to power unless he should be able to clear himself fully from the suspicion which attached to him.

21. The Government of India most carefully and deliberately considered the reports of the Commissioners and the evidence on which they were based, and arrived at the unanimous conclusion that the imputations against Mulhar Rao were true. It was therefore determined to recommend to Her Majesty's Government that Mulhar Rao and his issue should be deposed; that the fittest member of the Gaekwar House should be selected in his room; and that Jumnabacee, the widow of the late Gaekwar Khunderao whose loyalty to the British Government was shown during the events of 1857, should be permitted, in accordance with a request which she had made, to adopt the person who should be so selected. In appointing a successor to Mulhar Rao, the Government of India considered that no change should be made in the relations which existed by treaty between the British Government and the Gaekwars of Baroda.

22. These opinions of the Government of India were transmitted by telegraph for the consideration of Her Majesty's Government.

23. Her Majesty's Government decided that Mulhar Rao, together with his issue, should be deposed from the sovereignty of Baroda, and sanctioned all the proposals with respect to the re-establishment of a Native Administration in that State which were made by the Government of India. Her Majesty's Government, however, directed that the deposition of Mulhar Rao should not be based upon the enquiry and report of the Commission, but upon general grounds. The Government of India reviewed the conduct of Mulhar Rao since the report of Sir Richard Meade's Commission, and were so satisfied of the justice and propriety of not replacing Mulhar Rao in power, apart from the result of the recent enquiry, that they did not hesitate to act upon the instructions which they had received. Accordingly, in the Proclamation which announced the deposition of Mulhar Rao, it was stated that Her Majesty's Government had not based their decision on the enquiry or report of the Commission, and that they had not assumed that the result of the enquiry had been to prove the truth of the imputations against Mulhar Rao.

24. It may be alleged, in opposition to the course that has been adopted, that, if Mulhar Rao has been justly deposed upon general grounds, he should have been deposed either upon the receipt of the report of Sir R. Meade's Commission, or at some other time before the enquiry before Sir Richard Couch's Commission was concluded. But a review of the circumstances in the order in which they occurred will show that the Government of India could not, consistently with the forbearance which they considered it to be both right and expedient to exercise in dealing with Mulhar Rao, have recommended his deposition at any former time.

25. Sir Richard Meade's Commission did not recommend Mulhar Rao's deposition, neither did the Government of Bombay, through whom their report was brought under the consideration of the Government of India. The evidence was not considered by the Government of India to be sufficient in itself to justify the adoption of so extreme a measure. At the same time the charges of misgovernment proved against Mulhar Rao were very grave; his personal character was seriously compromised: and he was distinctly warned that he would be deposed if he did not take advantage of the period of grace then given to him. Her Majesty's Government approved of the manner in which Mulhar Rao was then dealt with. I am satisfied that the action which was taken was just and sufficient, and that it was so considered at the time by all those who were in a position to give a sound opinion upon the subject.

26. In the interval between the report of Sir Richard Meade's Commission and Mulhar Rao's suspension from power, several instances undoubtedly occurred in which he gravely misconducted himself. These were his marriage with Luxmabacee; his treatment of Ruckmabacee, the younger widow of his brother; and his quarrels with his Sirdars. In consequence, however, of Colonel Phayre's proceedings, which eventually led to his removal from Baroda, the Government of India felt themselves compelled to accept his reports of Mulhar Rao's misconduct with some qualification, and up to the time of the serious attempt to take the life of Colonel Phayre the Government of India did not think that sufficient reasons existed to make it desirable for them to re-consider their decision granting to Mulhar Rao a period of grace. On looking back to the circumstances as they were then known, apart from subsequent events, I am satisfied that the deposition

of Mulhar Rao during this period would have been regarded as showing a pre-determination on the part of the Government of India to remove Mulhar Rao, and a refusal to allow him the opportunity which had been promised him for reforming the administration of Baroda.

27. A second warning was given to Mulhar Rao when Sir Lewis Pelly was appointed to succeed Colonel Phayre. Sir Lewis Pelly, on his arrival at Baroda, described the state of affairs to be very critical, as has been mentioned in paragraph 7 of this Minute. At the same time he did not suggest that Mulhar Rao should be then deposed. He reported that Mulhar Rao professed his readiness to accept his advice—had indeed accepted it upon some matters, and so far as he could judge sincerely desired to reform the administration. Although after what had previously occurred the Government of India could attach but little value to such professions, there were certainly at that time no sufficient reasons for deviating from the course which had before been adopted and announced to Mulhar Rao, namely, that he should still have the benefit of the period of grace originally given to him, together with every assistance which could be afforded to him by Sir Lewis Pelly.

28. The suspension of Mulhar Rao, in consequence of the evidence which was obtained of his complicity in the attempt to murder Colonel Phayre, occurred soon after Sir Lewis Pelly's arrival at Baroda. In the 8th and following paragraphs of this Minute I have shown that the evidence by itself would not have justified the deposition of Mulhar Rao without further enquiry.

29. The administration of the State of Baroda was necessarily placed then for the time in Sir Lewis Pelly's hands; and much further information was obtained which added very materially to the previous evidence of the misgovernment of the Baroda State, of Mulhar Rao's misconduct, and of his incapacity to carry into effect the necessary reforms.

30. Mr. Dadabhoy Nowrojee, the Minister in whom Mulhar Rao professed to place confidence, and who, so far as the Government of India could judge, had been sincerely desirous of reforming the administration, resigned office; no explanation was afforded of the reasons for his resignation. Sir Lewis Pelly found that the finances of the State had been grossly mismanaged. The revenue during the past year was found to be 94 lakhs of rupees (940,000*l.*), and the expenditure during the same time no less than 171 lakhs (1,710,000*l.*), out of which sum 40 lakhs (400,000*l.*) had been expended in gifts chiefly made to favorites and courtisans, and 30 lakhs (300,000*l.*) more had been spent in building and repairing palaces and other personal expenses of Mulhar Rao. The manner in which the accounts were kept was most unsatisfactory. In the Baroda State Treasury a sum of less than two thousand rupees (200*l.*) was found when Sir Lewis Pelly assumed the administration, while 40 lakhs (400,000*l.*) were afterwards discovered by Sir Lewis Pelly concealed in the Palace, and further considerable sums had undoubtedly been removed.

31. The enquiries that were made respecting the attempt to poison Colonel Phayre naturally led to an enquiry into the circumstances of the death of Bhow Seindia in 1872, which, as I have mentioned before, was generally attributed to poison, and as to which some suspicion attached to Mulhar Rao. Depositions were taken before officers who had been charged by Sir Lewis Pelly with the duty. These depositions tended to confirm the suspicion that Bhow Seindia was poisoned. Again it appeared in the course of the enquiries which had been carried on at Baroda connected with the attempt to poison Colonel Phayre that a man of the name of Govind Naik had met with his death in a manner to induce Sir Lewis Pelly to believe that Mulhar Rao either gave himself, or caused to be given orders by virtue of which a system of torture was put in force under which Govind Naik finally succumbed. In this case also formal depositions were taken which led to the conclusion stated by Sir Lewis Pelly.

32. It is obvious that these and other circumstances disclosed after Mulhar Rao's suspension, although they afforded substantial ground for a re-consideration of the decision at which the Government of India had arrived to allow him his full period of grace, could not with propriety have been dealt with pending the result of the enquiry before Sir Richard Couch's Commission.

33. It appears then that at no time between the report of Sir Richard Meade's Commission and the conclusion of the enquiry carried on before Sir Richard Couch's Commission were the Government of India in a position to recommend the deposition of Mulhar Rao. At the same time, independently of the enquiry

into the attempt to poison Colonel Phayre, evidence to the effect that Mulhar Rao could not, with a due regard to the interests of the people of Baroda, be restored to power, had accumulated since the warning given to him after the report of Sir Richard Meade's Commission; and especially much additional proof of his misconduct and unfitness had been received since his suspension from power. As regards Mulhar Rao's issue, the circumstances of his marriage with Luxmabacc, and her having given birth to a son five months after that marriage, led to the conclusion that it would have been highly detrimental to the interests of the State of Baroda that any recognition should be given to the possible claims of that infant (the only male issue of Mulhar Rao on behalf of whom any claim to legitimacy could be advanced) to the Sovereignty of Baroda.

34. All the circumstances have probably been considered by Her Majesty's Government. They are mentioned here for the purpose of indicating the manner in which the question presented itself to the Government of India, and the reasons which led them to accept without hesitation the decision of Her Majesty's Government that the deposition of Mulhar Rao and of his issue should be based upon general grounds. It has already been shown that the recommendation of the Government of India that Mulhar Rao should be deposed was based upon the fact of his remaining subject, under the most favourable view that could be taken of the circumstances, to a grave suspicion of having instigated the attempt to murder Colonel Phayre, coupled with his previous character and antecedents.

35. Throughout all these painful transactions the Government of India have endeavoured to deal with Mulhar Rao in a spirit of perfect impartiality. Looking not only to the poisoning case, but to his character and antecedents, to the maladministration of the State of Baroda, and to the measures taken in consequence, I can confidently assert that Mulhar Rao has been treated by the Government of India with the utmost forbearance that was compatible with the duty of the British Government to insist that the person of a British Resident at a Native Court should be respected, and that a State enjoying British protection, the peace of which is maintained by Her Majesty's forces, should be so administered as to secure the people from grievous abuses. That it was both just and expedient to have exercised such forbearance cannot, I conceive, be disputed.

29th April 1875.

NORTHBROOK.

POLITICAL.

No. 69.

To His Excellency the Right Honorable the GOVERNOR-GENERAL OF INDIA
IN COUNCIL.

India Office, London, 3rd June 1875.

Para. 1. I have received and considered in Council Your Excellency's Despatches quoted in the margin;* also the evidence taken upon the recent inquiry before Sir R. Couch's Commission; the Report of the Commissioners; the resolution of the Government of India in respect of it; the Proclamation in which you declared the Gackwar of Baroda deposed; and, a Minute by Your Excellency reviewing the recent history of the Baroda State.

2. I have to inform you that Her Majesty's Government approves of the course you have pursued in directing the deposition of Mulhar Rao, the late Gackwar of Baroda.

3. The maladministration of that State, which for many years has caused anxiety to the Government of India, was reported by the Commission which sat under Sir R. Meade to have reached to a point "urgently calling for reformation." The Commission further recorded their opinion that "it was hopeless to look for any effectual measures of reform and improved government at the hands of the present ruler and his advisers; but that

* Political, No. 11, of 15th January 1875.

"	"	17,	of 22nd	"	"
"	"	18,	of 29th	"	"
"	"	24,	of 5th	"	"
"	"	32,	of 12th	"	"
"	"	39,	of 19th	"	"
"	"	40,	of 26th	"	"
"	"	44,	of 5th March	"	"
"	"	45,	of 12th	"	"
"	"	46,	of 27th	"	"
"	"	48,	of 15th April	"	"
"	"	55,	of 22nd	"	"
"	"	56,	of 29th	"	"
"	"	57,	of 5th	"	"
"	"	58,	of 12th	"	"
"	"	59,	of 27th	"	"
"	"	63,	of 15th April	"	"
"	"	64,	of 22nd	"	"
"	"	65,	of 29th	"	"
"	"	69,	of 5th	"	"
"	"	70,	of 12th	"	"
"	"	71,	of 27th	"	"
"	"	72,	of 15th April	"	"
"	"	80,	of 22nd	"	"
"	"	85,	of 29th	"	"
"	"	91,	of 5th	"	"
"	"	92,	of 12th	"	"

“ these could only be introduced through the intervention and under the auspices of the British Government.” They accordingly recommended the appointment of a Minister, who should be invested with the requisite powers, and who should not be removable except with the consent of the Government of India.

4. Your Excellency decided not to accept this recommendation. The plan of setting aside the authority of a tyrannical Sovereign by the appointment of an independent Minister, while the Sovereign still remained nominally on the throne, had not in your judgment been sufficiently successful in other cases to justify its renewal. You justly preferred to seek a remedy by charging Mulhar Rao himself with the duty of immediate reformation.

5. In a khureeta, dated 25th July 1874, you pointed out to the Gaekwar the responsibility which his misuse of power had imposed upon the British Government. The fact that you are bound to protect his throne against insurrection laid on you a sacred obligation to protect his subjects against misgovernment. The sentences in which Your Excellency pointed out this consequence to the Gaekwar forcibly express the principles on which your relations with the Sovereigns of protected States must always be conducted,—

“ Your Highness has justly observed ‘that the British Government is undoubtedly the paramount Power in India, and the existence and prosperity of the Native States depend upon its fostering favour and benign protection.’ This is especially true of the Baroda State, both because of its geographical position, intermixed with British territory, and also because a subsidiary force of British troops is maintained for the defence of the State, the protection of the person of its Ruler, and the enforcement of his legitimate authority.”

“ My friend, I cannot consent to employ British troops to protect anyone in a course of wrong doing. Misrule on the part of a Government which is upheld by the British power is misrule in the responsibility for which the British Government becomes in a measure involved. It becomes, therefore, not only the right, but the positive duty of the British Government to see that the administration of a State in such a condition is reformed, and that gross abuses are removed.”

6. You then proceeded to draw His Highness's attention to the practical course which these principles would impose upon you. You expressed your wish to give him a fair chance of reforming his administration, and you warned him of the inevitable consequences if he failed to take advantage of it,—

“ I must hold Your Highness responsible for the amendment of the serious evils disclosed, and I leave to you the selection of your agents, with a distinct intimation that, if Your Highness fails to attend to the advice I now offer you, and the counsel which the Resident, who possesses my full confidence, will be instructed to offer you, and if, in consequence, the condition of the Baroda administration remains unreformed, the only course left will be to remove your Highness from the exercise of power, and to make such other arrangements, consistent with the maintenance of the integrity of the Baroda State, as I may deem necessary to secure a satisfactory administration.”

Without pledging yourself to leave him in authority to the end of the present year, you fixed that date as the one beyond which your indulgence would certainly not be prolonged.

7. The experiment was not destined to last so long. It proceeded for some months under the guidance of Colonel Phayre, and, though the imperious tone of that Officer's communications and his disregard of your instructions, justified you in removing him, there was nothing in his conduct which need have hindered the Gaekwar, had he been anxious to do so, from prosecuting the necessary reforms. No desire of this kind, however, was discoverable in his acts. Up to the time when his apparent complicity in the poisoning of Colonel Phayre compelled you to suspend him from power no substantial progress towards improvement had taken place. On the contrary, as Your Excellency shows in your Despatch of the 29th of April, this period was marked by a treatment of his predecessor's widow which threatened her life, a marriage which aggravated his differences with his Sirdars, and a continuance of that reckless prodigality which, on the one hand, had reduced the cultivating classes to despair, and, on the other, by leaving unprovided the necessary payments of the native soldiery, threatened to plunge the State into disorder. These symptoms indicated no change in Mulhar Rao's characteristic weaknesses. Almost the last incident in the history of his reign,

before it was closed by his arrest on the charge of poisoning, was the mysterious resignation, without reason given, of the reforming Minister who had been appointed under the pressure of Sir R. Meade's report.

8. Whether, supposing no charge of poisoning to have arisen, it would have been more expedient to act upon these indications, or to defer the final decision until the close of the year, it is not now necessary to inquire. It is only proper to observe that whatever course might have been taken it must and could only have been dictated by a regard for the interests of the people of Baroda. It might have been more politic to avoid the popular excitement and apprehension consequent on any sudden change of policy, than to anticipate by a few months the redress that was due to many suffering classes in the State. But there was nothing in the conduct of the Ruler to call for such indulgence, or to impose on your Government a further delay in the vague hope of an improved administration.

9. Any such question was necessarily insignificant compared with the grave suspicion of poisoning that was the subject of the inquiries conducted by Mr. Souter. Her Majesty's Government entirely concur with Your Excellency in the opinion that you could not have left this charge unnoticed. It would have been a scandal to continue relations of friendliness and apparent cordiality with a Prince lying under a charge so horrible, made by those who professed to be his instruments; and it would not have been just to the able servants of the Crown, who perform delicate political duties, often under circumstances of difficulty and peril, to announce to the world that you held their lives so cheaply.

10. In deciding upon the mode of inquiry to be adopted, Your Excellency was guided by weighty considerations. You desired that the sufficiency of the evidence on which you proceeded should be known to the world, and therefore you determined that the proceedings should be public. You further desired, as you informed the Maharajah Scindia, “that the Commission should be constituted in such a manner as to command the confidence of the whole of India.” In this spirit you resolved that one half of it should consist of Natives, and that of these one should be, like the accused, a Maratha Prince, and one a distinguished Maratha statesman. In so doing, you were inspired by that earnest and watchful consideration for the feelings of Her Majesty's Indian subjects, which has consistently marked your administration, and of which Her Majesty's Government have always expressed their emphatic approbation.

11. Whether the result of this mode of proceeding has in all respects corresponded to your anticipations may be open to question. It has been undoubtedly attended with grave inconveniences, from which a sufficient argument might be drawn against the adoption of a similar procedure, if, unhappily, a similar occasion for it were ever to arise. Princes and nobles are not qualified by forensic training for the conduct of a delicate judicial investigation; and those of India, to whom the customs of an English Court of law and the skill of an English advocate are strange, enter upon such novel duties under a special disadvantage. The experience, moreover, of the present case has shown that our judicial forms are little suited to the trial of a sovereign prince within his own dominions; for the publicity of the proceedings and the preliminary restraint which is politically necessary, inflict upon him a grave indignity, which, in the eyes of his subjects and of other princes, could only be justified by proved crime, and so create for him a sympathy which easily becomes a bias in his favour. The rules of procedure, again, enforced by our law, are less appropriate in cases where witnesses are easily tampered with between their first examination and their production in open Court, where the means for such operations are abundant, and where the temptation to use them is overwhelming. Under such conditions there must always be a risk that the evidence at a trial will seem imperfect, compared to that which was available when it was first determined that a trial should be held.

12. These various inconveniences were of a character whose importance it was not easy for Your Excellency to estimate beforehand, but they were brought into notice, and they grew in importance as the inquiry proceeded. They account sufficiently for the difficulties of the Native Commissioners, and for their reluctance to concur in the unhesitating decision of their more practised colleagues.

13. Whatever explanation may be given of the reasons which guided the Native Commissioners to their decision, it could not, in the opinion of Her Majesty's Government, be ignored. My instructions, conveyed to Your Excellency by

telegraph, gave expression to this view. The appointment of Native Commissioners had little meaning unless its object was to assure the Natives of the equity of the tribunal, and that assurance would have been illusory if the judgment of the Native Commissioners had been allowed to count for nothing in the decision of the issue. Moreover, in a case which wholly turned on the credibility of three witnesses, their bearing under examination was of the utmost importance; and the judgment of those who had watched it could not under the circumstances be properly submitted to the revision of any authority, however high, which had not the same opportunity. It is true that, in your orders constituting the Commission, you designated its proceedings as an inquiry, not a trial. But this circumstance did not, in the opinion of Her Majesty's Government, neutralize the force of the considerations to which I have referred.

14. If Mulhar Rao had been found guilty by the Commission of the heinous offence imputed to him, there would have been no ground for inflicting on him any milder punishment than that which would have been thought just if he had occupied a humbler position. His crime would have been aggravated by the character of the office held by the person against whom it was directed, and it would not have been extenuated by his own exalted station. He was, however, neither convicted nor acquitted. The opinion of the Commission, though it inclined against him, was not decisive; for of the six members, while three, including the learned President, were for conviction, only one was for acquittal. Under these circumstances, considering that the three Commissioners who declined to convict him were the men of his own race, who had been placed upon the tribunal in order to ensure for it the confidence of the people of India, Her Majesty's Government were of opinion that Mulhar Rao could not be treated as having been proved guilty of the crime of poisoning. His guilt accordingly was not assumed in the proclamation issued by you under the instructions of Her Majesty's Government, and he has been spared the penal consequences which would probably have followed a conviction for that crime.

15. It by no means followed as a necessary consequence that he should be replaced upon the gadi. Of the issue of the inquiry the utmost that could be said was that the inability of the Commission to pronounce a definite opinion upon his guilt protected him from the punishment of a criminal. He had so acted that three Europeans of great experience had declared him guilty of poisoning, and two of his own race had, in giving judgment, abstained from declaring him innocent. Whatever inference might be drawn from this finding, it could not be regarded as an assertion of his fitness for an office of the highest trust, and would, even if considered alone, have placed a serious difficulty in the way of his restoration to sovereignty over the people of Baroda.

16. Other reasons, however, in themselves amply sufficient, existed for refusing to invest him again with power. The period which had elapsed since the holding of Sir R. Meade's inquiry had shown no abatement in the vices to which the misgovernment of Baroda had been due. Before his arrest the reforming Ministers

Despatches, 7th December 1874, and 7th Jan. 1875.

had resigned their offices, and Sir Lewis Pelly had submitted to you his "solemn recommendation that the Gaekwar State be saved by the deposal from power of its Ruler." A few weeks later, evidence was discovered of crimes which, had they been known sooner, would have brought this oppressive reign to an earlier close. The poisoning of Bhow Scindia, former Prime Minister of Baroda, and the still more horrible details of the death of Govind Naik by torture, were proved before Sir Lewis Pelly, after the proceedings of Sir R. Couch's Commission had commenced. Both crimes were committed by persons in authority under Mulhar Rao, and the latter was directly traced to his orders. Had they been established while he was still upon the throne, it would have been impossible for the British Government to have abstained any longer from terminating a power used for such atrocious purposes.

17. On these grounds, had he lain under no suspicion of poisoning Colonel Phayre, it was necessary that he should be deposed. The British Government, which had deprived his Sirdars and ryots of the power of righting themselves, would not be justified in using its supremacy to compel them to submit again to a ruler whose incurable vices had been established by a full experience. You were accordingly instructed to rest his deposition in your formal proclamation on these general grounds. The danger of seeming to visit the crime of poisoning a

Resident with the simple penalty of deposition, as well as the opinions recorded by the Native Members of the Commission, made it inexpedient to include matters arising out of the inquiry among your grounds of action. Such a course would have only added a superfluous justification for a necessary act. It might have obscured the principle that incorrigible misrule is of itself a sufficient disqualification for sovereign power. Her Majesty's Government have willingly accepted the opportunity of recognizing in a conspicuous case the paramount obligation which lies upon them of protecting the people of India from oppression.

18. I have, in conclusion, to express on behalf of Her Majesty's Government their high appreciation of the services which have been rendered by Your Excellency during this painful case. I have also to request you to convey to Sir Lewis Pelly, and the officers acting under him, the sense which is entertained by Her Majesty's Government of the efficient manner in which their difficult duties have been performed.

I have, &c.
(Signed) SALISBURY.

EAST INDIA (BARODA, No. 6).

CORRESPONDENCE

RELATING TO

THE APPOINTMENT OF A COMMISSION

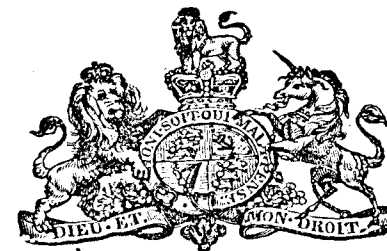
TO

INVESTIGATE CERTAIN CHARGES AGAINST
THE GAEKWAR.

LONDON:

Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

[C.—1271.] Price 1s. 8d.

1875.

CORRESPONDENCE.

No. 11 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS, Fort William, the 15th January 1875.
IN continuation of our despatch No. 213, dated 27th November 1874, we have the honour to forward, for the consideration of Her Majesty's Government, papers * relative to the attempt recently made to poison Colonel R. Phayre, C.B., late British Resident at the Court of His Highness the Gaekwar of Baroda. * Nos. 1 to 11.

2. The enquiry made by the Commissioner of Bombay Police has resulted in the collection of evidence which in the opinion of the Advocate-General of Bombay establishes a strong presumption that His Highness Mulhar Rao Gaekwar instigated the perpetration of the crime.

3. Your Lordship will observe that Sir Lewis Pelly entertains a very decided conviction of the guilt of the Gaekwar, and has expressed his opinion that the evidence already obtained, coupled with the antecedents of His Highness, is sufficient to justify his immediate removal from power.

4. We referred the evidence, Mr. Souter's report, and the opinion of the Advocate-General of Bombay to our legal advisers, who, while making the reservations which are necessary in dealing with such evidence, advised us that a case was made out which would warrant the committal of His Highness for trial on the charge of complicity in the crime. We carefully went through the evidence ourselves, and questioned Mr. Souter with regard to the manner in which it was collected, and as to certain points upon which we thought further explanation was required, and we entirely concur in the opinion of our legal advisers.

5. We consider that it would be premature to form a judgment respecting His Highness' guilt until an opportunity has been afforded him of making his defence; and that, apart from the charge of complicity in the attempt to poison Colonel Phayre and any other circumstances which have been or may be brought to light in the course of further enquiry, there are no sufficient grounds for departing from the determination at which we had before arrived, that time should be allowed for effecting the reforms which we held to be necessary in the Baroda State.

6. We have therefore resolved to institute a public enquiry into the case as it affects His Highness; and for that purpose it has been necessary to suspend him from the exercise of power, and to assume the temporary administration of the Baroda State.

7. We have been careful to announce publicly that the assumption of the Government of Baroda is temporary; that the administration will in the meantime be carried on, as far as possible, in accordance with the usages, customs, and laws of the country, and that a native administration will be re-established in such manner as may be determined upon after the conclusion of the enquiry and after consideration of the results which the enquiry may elicit. The orders which we have issued will be found in our letter of instructions of the 13th instant to the Agent to the Governor-General and Special Commissioner at Baroda, and we have learnt by telegraph that they have been carried into effect without disturbance of the peace.

8. The enquiry will be made by means of a Special Commission presided over by the Chief Justice of Bengal. Pending the result of the enquiry it would be premature to come to any decision on the subject of the succession. But while we in no way prejudge the case, or anticipate the issue of the enquiry, we have instructed Sir Lewis Pelly to report who are the surviving representatives of the Gaekwar's House and what are their respective claims to be selected to rule the Baroda State in the event of Mulhar Rao Gaekwar being permanently set aside.

9. We sincerely regret the necessity which has forced these measures upon us. But it was impossible to allow the strong suspicion of the Gaekwar's complicity in so heinous a crime to stand without investigation into the case, and it was equally impossible to continue political relations with a Prince against whom such a suspicion existed. We did not proceed to the temporary assumption of the Baroda Administration before carefully considering every alternative that seemed open to us. The course we have determined upon appeared to be the only one which we could adopt in fairness to the Gaekwar himself, and with a reasonable prospect of elucidating the real facts of the case.

10. We rely with confidence upon the firmness and discretion of Sir Lewis Pelly under whose immediate directions the orders which we have given have been carried into effect, and to whom the administration of the Baroda State has for the present been entrusted.

We have the honour to be, &c.

No. 1.

No. 40P., dated 14th November 1874.

From SECRETARY to the GOVERNMENT of BOMBAY, to SECRETARY to the GOVERNMENT of INDIA, Foreign Department.

I AM directed to forward, for the information of the Government of India, the accompanying papers on the subject of an attempt lately made to poison Colonel Phayre, the Resident at Baroda. It has been ascertained from the Government Analyser in Bombay that the substance submitted contained arsenic.

P.S.—Since writing the above a letter has been received from the Government Analyser, of which copy is appended.

(a.)

Telegram, dated 9th November 1874.

From RESIDENT, BARODA, to SECRETARY to GOVERNMENT, Political Department, Poona.

BOLD attempt to poison me this day has been providentially frustrated.
More by post.

(b.)

No. 500A., dated Baroda, 9th November 1874.

From RESIDENT at BARODA, to SECRETARY to GOVERNMENT of BOMBAY.

REFERRING to the enclosed copy of a telegram despatched by me yesterday to the Private Secretary to His Excellency the Governor, I have the honour to forward, for the information of Government, copy of my letter to the Residency Surgeon's address on the subject of his reply.

I have found it impossible to prepare a full official report of the circumstances for despatch by this post, but hope to do so by the next one.

(c.)

Dated Baroda, 9th November 1874 (Confidential).

From RESIDENT at BARODA (demi-official), to RESIDENCY SURGEON, BARODA.

WITH reference to the circumstances that I mentioned to you this morning, together with the symptoms which I described to you, and the contents of the tumbler which you took home with you, I should feel much obliged if you would kindly give me a professional opinion as to the nature of the contents of that tumbler, whether poisonous or not.

Although I only took two or three sips of the pummalo juice which the tumbler contained, I felt within about half an hour, as I described to you, a most unusual sickness of stomach, accompanied by dizziness in the head and of light, producing confusion of thought, also a most unpleasant metallic taste in the mouth, with slight salivation, such as I have never experienced before till within the last few days, and which I attributed partly to a slight attack of fever, which has, however, quite gone off, and partly to an idea that the pummalo, from which the juice daily placed on my table had been extracted, were not fresh ones. I now, however, attribute all these symptoms, especially that of this morning, to entirely different causes, in fact, I now believe that for the last few days small doses of poison have been introduced into

this juice, and that had I drunk the whole tumbler off to-day I should have been very ill indeed.

The confused state of my head has often surprised me of late, because for the last six weeks I have abstained *in toto* from wine and beer, &c., except once or twice when friends dined at the Residency, and have found myself all the better for it.

My general health is, as you know, most excellent, and therefore the symptoms which I have described to you are I feel sure the result of unnatural causes. I never dreamt of poison, otherwise I should not have thrown away so much of the contents of the tumbler which I gave you this morning.

It was only after doing so and when I was replacing the tumbler on the table, and saw the sediment at the bottom, that I, for the first time, suspected foul play.

(d.)

Dated 9th November 1874.

From RESIDENCY SURGEON, BARODA, to RESIDENT at BARODA.

IN reply to your letter just received, 1 p.m., I have the honour to report that as far as my chemical appliances allow me to pronounce the opinion upon the quality of the sediment which you this morning entrusted to me for examination that sediment is arsenic.

The quantity was sufficient to allow of its being tested by reduction with charcoal, and the result I have shown you.

The metallic ring deposited upon the tube in rich profusion and the velohedral crystals also deposited, point almost certainly to the presence of arsenic.

I purpose despatching the remainder of the sediment by to-morrow's mail train to the Government Analyser. The quantity of sediment would almost assuredly have proved fatal had it been swallowed.

(e.)

Dated Grant College Laboratory, 13th November 1874.

From ACTING CHEMICAL ANALYSER to GOVERNMENT, BOMBAY, to PRIVATE SECRETARY to His Excellency the GOVERNOR of BOMBAY.

To the information regarding the Baroda poisoning case given in my telegram of to-day, I beg to add further that on Wednesday the 11th, I received from Dr. Seward by letter a small packet containing one and a half grains of a greyish coloured powder, which on examination I found to consist in great part of common white arsenic. Some insoluble sediment which remained, I at first took to consist entirely of powdered glass or quartz, but a subsequent and closer examination has led me to think that a few glittering particles which the sediment also contained are diamond dust. From the exceedingly minute quantity of this substance and its state of fine subdivision, it is impossible to carry its examination further than inspection and negative experiment.

Although diamond dust is perfectly harmless, yet the natives of this country have a firm belief in its deadly poisonous properties.

I was unable to discover any other poison than arsenic in the powder sent by Dr. Seward.

I shall keep His Excellency informed of any further analyses I may be called upon to make in the present case.

No. 2.

No. 7092, dated Bombay Castle, 26th November 1874 (Confidential).

From C. GONNE, Esq., Secretary to Government, Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to Government of India, Foreign Department.

I AM directed to forward herewith, for submission to His Excellency the Viceroy and Governor-General in Council, copy of the papers marginally noted, relating to the attempt recently made to poison Colonel Phayre, the Resident at Baroda.

(a.) 1. Letter from the Resident at Baroda, No. 379-1271, dated 17th November 1871, with enclosures.

(b.) 1. Letter from the Resident at Baroda, No. 382-1286, dated 21st November 1871, with enclosures.

(c.) 3. Letter from the Resident at Baroda, No. 387-1295, dated 23rd November 1871, with enclosures.

2. With reference to the letter from the Resident No. 382-1286, dated 21st instant, Colonel Phayre has been instructed to receive the visits of His Highness the Gaekwar as usual until otherwise directed.

(a.)

No. 379-1271, dated Baroda Residency, 17th November 1874 (Confidential).

From COLONEL R. PHAYRE, C.B., A.-D.-C. to the Queen, Resident, Baroda, to C. GONNE, Esq.,
Secretary to the Government of Bombay.

REFERRING to the correspondence marginally noted relating to the recently reported attempt

1. Resident's letter to Government, No. 500A. to poison me, I have the honour to forward herewith
of 9th November, 1874, with accompaniments. the judicial proceedings in the case, which consist—

1st. Of the notes of evidence recorded, Appendix A.

2ndly. Of my opinion on the whole case as it now stands, Appendix B. and accompaniments.

3rdly. Of my separate statement regarding the attitude of His Highness the Maharaja and
his Minister relating to the case under report.

2. It will be seen that I have arrived at the following conclusions :—

1st. That an undoubted attempt to poison me has been made by two or more persons of
the Residency Establishment, who have no conceivable personal motives for the crime, and
who utterly repudiate its commission.

2ndly. That arsenic and diamond dust were at least two of the ingredients used to effect
the crime in question, from which fact it appears clear that the household servant or servants
under suspicion must have been supplied by some person of rank with the more costly of these
ingredients.

3rdly. That this attempt on my life was made with the cognizance and connivance of His
Highness the Maharaja, two of whose confidential servants have been conspiring for months
past with one of the Residency table servants who is now suspected of having been the main
instrument in the recent attempt to poison me.

4thly. That all motive of private malice, as opposed to political motive, is not only re-
pudiated, but is under the circumstances stated entirely out of the question.

5thly. Judging from my own experience of the Durbar Police and judicial administration,
Vide Appendix A. of the Commission Report, supported by the opinion of the Commission, I believe
Schedule I., case 4., paragraph XII. that so long as his Highness Mulhar Rao remains in
power at Baroda, there is no reasonable hope of further evidence that may lead to the detection
of the real instigator of the crime being obtained, it being a fact, notwithstanding the Durbar
profession expressed in Appendix C., that, in addition
to the persons now actually in custody there are three
confidential servants of his Highness who are strongly
suspected by me of complicity in the commission of it. Of these three persons one has within
the last two or three days been sent to the Deccan, professedly to Akulkote, to visit a saint in
that neighbourhood; another died suddenly the day before yesterday, it is alleged, by poison,
as he was likely to have proved an inconvenient witness; and the third, the Arab Sowar Salam,
it is publicly rumoured, has just obtained leave of absence to go on a pilgrimage to Mecca: this
last however wants confirmation.

No. 1.—Yeshwunt Rao Yeola.

No. 2.—Madhow Rao Kalay.

No. 3.—Arab Sowar Salam.

3. Having thus stated the main conclusions at which I have arrived, it only remains for me
to supplement the judicial proceedings under despatch, with a brief summary of the ample
and highly important political evidence on record in the Resident's Office regarding the personal
character and antecedents of his Highness Mulhar Rao Gaekwar from 1857 up to the present
time, a perusal of which will throw light upon the principal events of his Highness Mulhar
Rao's reign and previously, and at the same time show with what deliberate subtlety, fore-
thought, and secrecy this Indian Prince plans and executes his fell designs by means of his
minions and assassins; also how, notwithstanding the evidence obtained and recorded against
him in former years, Mulhar Rao has hitherto eluded that justice which it is now hoped may
overtake him.

4. This Prince commenced his career of crime in 1857 when about 25 or 26 years of age.
In my confidential report to Government, No. 35 A., dated the 9th February 1874, it was
clearly shown that, in the month of October 1857, the peace of Guzerat was seriously
threatened by a projected outbreak of the cooly population in the Gaekwaree District of
Beejapoor and in the British district of Kaira through certain Thakoors residing in Pertabpoor.

5. On the 19th October 1857, Sir Richmond Shakespear, the then Resident of Baroda,
reported to Government that the object of this conspiracy embraced in the first instance
the plunder of the city of Ahmedabad, after which an advance to raise the coolies of the Kaira
district on the banks of the Mahee about Pertabpoor, &c. was to have been made, and
afterwards an advance on Baroda, for the purpose of dethroning the then reigning Gaekwar
Khunderao, was to complete the general design. Had the latter been effected the person
who would have gained most by the transaction would have been the present Gaekwar Mulhar
Rao, whose personal participation in the plot was shown by quotations from the official
correspondence of that day as well as by the accompaniments of the report under reference.

6. A perusal of the report in question will show that His Highness Mulhar Rao was mainly
saved from exposure at the time, because Sir Richmond Shakespear believed him to be an
idiot and unable to organize so extensive a conspiracy; hence although he was distinctly
proved a few years after to have been the prime mover in the renewed conspiracy of 1863
against the life of his brother, he again escaped adequate punishment, because Colonel Wallace,
the Resident, adopting the opinion of his predecessor, described Mulhar Rao as "intellectually
feeble and apparently irresponsible for his actions."

7. When the conspiracy of 1863 was planned Mulhar Rao and his four principal accomplices
were almost daily frequenting the British camp at Baroda for the purpose of selecting instru-
ments, who they believed, would not betray their nefarious designs upon the life of the
reigning Gaekwar Khunderao.

8. Strange to say one of the principal Agents, to whom overtures were made on this
occasion, was an European Non-commissioned Officer, named Higgins, the Serjeant-Major of
the 28th Native Infantry at Baroda. Minor instruments were found at the Residency in the
person of a Naik of peons, named Doolub Sing, who with his two brothers, Man Sing and
Prem Sing, became the tools of Mulhar Rao and still reside at Baroda. Thus so long back as
ten years ago, Mulhar Rao did not hesitate to tamper with servants of the British Government,
both European and Native.

9. Serjeant-Major Higgins, as might have been expected, divulged the whole plot to the
then Resident, Colonel Wallace. Mulhar Rao's four accomplices were seized, convicted,
and sentenced to terms of long imprisonment; whilst the main conspirator himself was
merely placed in confinement at Padra without any definitely expressed intention regarding
his term of imprisonment, &c. A perusal of the Resident's report of the evidence in the
case will show that sorcery, poison, or shooting were specified as the means by any one of
which the death of Khunderao was to be effected. The poison which had been procured
from the Civil Hospital was deposited for safety with Serjeant-Major Higgins, until it might
be required for use by one of his Highness Khunderao's confidential servants, who had been
gained over by Mulhar Rao's Agents to administer the poison in either the Maharaja's food or
his drinking water. The general similarity of this plan with that followed in the attempt to
poison the Resident under report, through the medium of the Residency Chobdar and table
servant, Faizoo, the Kazee Dada Meeya, and the Arab servant Salam, is worthy of attention.

10. It is moreover deserving of special note that, although in the 1863 conspiracy Tatyia
Shastree confessed his crime and was sentenced to life imprisonment, yet that as soon as
Mulhar Rao came to the throne in 1871, he released this confessedly guilty prisoner and such
of his accomplices as still survived from prison, thus affording additional evidence, were such
required, of his own personal guilt as the instigator of their diabolical designs.

11. To return, however, to the events of the year 1863, it is necessary to mention that
though the main criminals had been justly dealt with in September of that year, yet that
certain of Mulhar Rao's Agents and accomplices residing in the Baroda Cantonment and the
Residency, who had escaped detection, were incited to revenge Mulhar Rao's detection upon
the faithful Serjeant-Major Higgins, who after a course of persecution from the assassins
narrowly escaped being shot dead whilst lying upon his cot in the British Cantonment. The
result was that he had to be removed from the 28th Native Infantry, and although His
Highness Khunderao, with the sanction of Government, made him a handsome remuneration
for his faithful services, still the fact remains that Mulhar Rao's secret Agents succeeded in
hunting down this British soldier with utter impunity—a manoeuvre which the sequel of this
report and its accompaniment shows that the same Mulhar Rao has been putting in practice
towards the British Resident, Colonel Phayre, for the last few months, and it remains to be
seen whether he is to be allowed to succeed now as formerly.

12. This evidence of the years 1857 and 1863 places His Highness Mulhar Rao's character
as a traitor to both his own and the British Government, and as the would-be murderer of his
own brother and sovereign, and of Serjeant-Major Higgins, in its true light. It moreover
afforded plain evidence of what his future career was likely to be were the power to do
mischief on a large scale ever entrusted to him.

13. Accordingly although he was thrown into prison as above stated, yet even in that
position he ingeniously contrived to hatch fresh plots against his brother's life by means of
fresh Agents who opened secret communications with him.

14. Amongst these was a disreputable person who went by the name of Kazee Dada Meeya,
Vide Revd. Mr. Taylor's evidence, Appendix A. who, it is said, had been obliged to fly from Chan-
dode in the Nassik District, in consequence of his
having seduced and taken into his keeping his own niece. This man was at first engaged in
endeavouring to obtain Mulhar Rao's release from prison, and he used to visit Bombay for
that purpose. His connection with the case immediately under report will be seen in the
accompanying evidence.

15. Amongst others also who assisted Mulhar Rao when in prison at Padra were the two
confidential personal attendants of His Highness, Yeshwunt Rao Yeola and the Arab sowar
Salam, both of whom, though then in His Highness Khunderao's service, have attained
notoriety as the instruments of Mulhar Rao since he came to the throne in December 1870.

16. Early in 1867, these renewed intrigues of Mulhar Rao and his accomplices to murder
and supplant his brother culminated in a third conspiracy, on which occasion upwards of
20 persons were arrested, some of whom were executed; some imprisoned for various periods;
and some escaped detection altogether. Reference to this outbreak is made in paragraphs 38
and 39 of the Report No. 35A. of the 9th February 1874, above quoted.

17. His Highness Khunderao died suddenly on the 28th November 1870, and the then
Resident, Colonel Barr, in consultation with the Acting Minister, sent to summon Mulhar Rao
from Padra to assume the reins of Government, on the condition that his recognition as the
reigning Gaekwar must be dependent upon the sanction of the British Government. To this
Mulhar Rao readily assented, and it shortly afterwards becoming known that Jumna Baee,
the widow of His Highness Khunderao, was pregnant, the British Government permitted

Mulhar Rao to assume the administration of the State as Regent till the result of the widowed Ranees' pregnancy should decide the question of his succession to the guddee in his own right or not.

18. No sooner had Mulhar Rao thus unexpectedly obtained the object of all his conspiracies and plots during the previous 13 years than as might have been expected, he at once initiated the reign of terror which has lasted with little intermission ever since. Most of the graver personal cases against him, such as the sudden deaths in prison of the Ex-Minister Bhow Sindia, Rowjee Master Gunnoo Wagh, Mulharba Shelke, and Govindjee Naik, all of whom are universally alleged to have been poisoned by Mulhar Rao's Agents, were not enquired into by the Commission, nor were the cases of the Ex-Ranee Jumna Bae and the Ranees Rukhma Bae and many others, evincing the most heartless cruelty and persecution on Mulhar Rao's part, but they have been the subject of correspondence with Government since the Commission closed its sittings.

19. It is unnecessary to lengthen this report by quotations from the proceedings of the Baroda Commission. Suffice it to say that they pronounced Mulhar Rao's personal character and conduct during his brief reign of three years to have been pre-eminently sweeping, vindictive, violent, and spoliatory towards all classes of his subjects, including the higher ones; and consequently that he was not a Prince who could be reasonably expected to reform existing abuses, and to place the administration of the State on a footing to entitle it to the confidence and support of the British Government, and the loyal and willing obedience of all its subjects.

20. In my Progress Report to Government, No. 361-1225, dated the 2nd November instant, I gave a full account of the official administration of the State from the departure of the Commission to that date, but I excluded from that report certain personal matters, which it now becomes my duty to relate, in order to throw light upon the conduct of the Maharaja and his personal Agents towards myself as Resident for the last 16 months and upwards.

21. I arrived at Baroda on the 18th March 1873, and within about four months from that time secret overtures were made to me through the medium of an old banker, purporting to come from Mulhar Rao himself, and enquiring what my price was. I merely sent back word to say that what I wished to accomplish was His Highness' own welfare and that of his subjects, and that if I could effect that I should be well paid. From that moment up to the present I have about once or twice a month been in the habit of receiving letters containing threats of various kinds, most of them with the object of causing me to refrain from systematically reporting to Government everything that was going on, and to desist from making references to the Durbar on unpleasant subjects under the pain of being killed either by sorcery, poison, or shooting—the same special means, it will be remembered, as were actually used in 1863 to compass the death of His Highness Khunderao.

22. I have only kept a few of the letters to which I refer, but I may state generally that in August 1873, when it became my disagreeable duty to notice certain cases which reflected upon the personal character of the Maharaja, Nana Sahab Khanvilkar and others of the old administration, and again in the two following months when the number of petitioners greatly increased, and again in March 1874, when about to proceed to Nowsaree with His Highness the Maharaja, the threats and manifestations of the personal feeling to which I refer, were frequent and virulent, though there was no difference in the personal bearing of His Highness towards me and has not been up to about a month ago.

23. During the early part of this period which may be termed the sorcery stage of Mulhar Rao's insults and threats, a Delhi Hakim in the service of His Highness was going about Baroda with a middle-sized magic bottle in which my name was written both in English and Persian characters. However absurd this proceeding may appear, it should be remembered that it was done for the benefit of a public who have the most profound belief in magic; and I have no doubt whatever that this magical performance was exhibited in order to show that the Resident was in the hands of the Maharaja's magicians; indeed none in His Highness' service would have dared to have acted in such a public manner towards the Resident without the Maharaja's instigation or consent. His Highness himself conversed with me on the subject of this magic bottle on one or two occasions, and I clearly remember his asking how it was possible that a written inscription could have been made inside such a narrow necked bottle except by magic (Jadoo). Taking this in conjunction with the unsatisfactory state of affairs and the threats of sorcery being used against me which I was then receiving, I could not but feel that the object in view was to intimidate and insult me, but I allowed the matter to pass with little or no remark.

24. Next in order to this occurrence came the contempt and ridicule which were thrown upon the Members of the Commission and the Resident in a dramatic performance which took place before His Highness the Maharaja in January 1874, as already reported to Government.

25. On our arrival at Nowsaree at the end of March 1874 I did not fail to remark that the Maharaja posted his confidential Arab servant, Salam, Madho Rao Kalay, and others of his household, as spies close to the house in which I resided. I was at the same time anonymously warned against the presence of these men as dangerous. On the day that under the orders of Government I refused to attend Luxmee Bae's marriage (7th May) the Delhi Hakim above referred to appeared again with the magic bottle, and I was afterwards told that he actually came to my bungalow with it. Whatever his object may have been, it was a sinister one, calculated to throw contempt upon the Government of which I was the representative, and had I seen the Hakim, I should most certainly have instituted an enquiry into the matter. I was separately warned of this Hakim's proceedings on this occasion in an anonymous letter.

26. A day or two after this, Mr. Dadabhai Nowrojee made his false and malicious attack upon me in the khureeta of the 9th May to the address of His Excellency the Governor; and I again received a long anonymous letter informing me of the measures that were being adopted by the Maharaja to destroy both my native Assistant Mr. Manibhai and myself. It was stated in that letter that I was to be poisoned by my bottler, meaning no doubt the Chobdar and table servant Faizoo, who, however, had been fortunately left behind at Baroda to take care of the Residency; consequently no attempt to poison me was made at Nowsaree. I, however, cautioned my butler (a Portuguese), who is strictly honest and trustworthy and has served me for 25 years, not to allow the Arab sowar Salam or any of His Highness' servants to come near the cook-room under any pretence whatever. I now feel assured that had the table servant Faizoo been at Nowsaree at that time, an attempt would have been made to poison me in consequence of the ungovernable rage of the Gaekwar at the non-recognition by Government of his marriage with Luxmee Bae.

27. At the end of May 1874, we returned to Baroda, where the same system of persecution and insult continued. I have more than once been solicited by prominent members of the Durbar to disobey Government orders *privately*, in order that the Maharaja's wishes might be gratified at the expense of the advice given by Government. About that time (July 1874) an anonymous threatening letter was forwarded to me by Mr. Aitchison, the Foreign Secretary, for my information, which appeared to me to emanate from the same general source as all the other letters of a similar character, and to which I replied, saying that I had received many others of a similar kind for many months, and expressing the opinion that His Highness the Gaekwar would doubtless be very glad to assassinate me if he dared, but that I considered him too great a coward to go to such a length. The recent attempt, however, on my life shows that my estimate was a mistaken one.

28. On the 3rd August the khureeta of His Excellency the Viceroy and Governor-General, dated 25th July 1874, was delivered by me to His Highness the Gaekwar, and as that khureeta conveyed the most kind but serious warnings to His Highness, it is necessary to mark particularly His Highness' personal conduct between that time and the present, in order to form an opinion whether there is any reasonable hope of a truly reformed administration being effected under a Ruler of his well known character as above portrayed.

29. One of the first personal measures of His Highness after the receipt of the khureeta was the organization of extensive arrangements for bribing British Government officials, in the hope of getting rid of the Resident and of thereby delaying the substantial reforms which had been so strongly inculcated in the khureeta. Nominal assent on paper was indeed given to the greater part of the advice tendered; but at the same time the secret intrigues and mal-practices of the Maharaja were pushed forward with greater vigour than ever. All attempts at reform on the mahals were deliberately frustrated, an active system of retaliation on Commission complaints was kept up, and the outcry from all classes in the State continued as strongly as ever—a state of affairs which led to a series of written remonstrances addressed by me to His Highness under orders from Government.

30. On the 5th and 12th October 1874 I was instructed demi-officially by Government to make very unpleasant and humiliating communications to His Highness regarding his conduct in the Premchand Roychand bribery intrigue, which, instead of leading him to desist from his disreputable and disloyal machinations, appear from what has since taken place to have exasperated him more than ever against me under the supposition that I had first informed Government of this intrigue, whereas the contrary is the case.

31. On the 14th October the serious dispute with the Sirdar Chandra Rao Kudoo arose, which threatened, unless speedily checked, to end in a military revolt. On the 19th idem, the day before the Dussara, such was the utter inability of the new administration to influence His Highness for good that no effectual measure had up to that date been adopted to arrange matters; and it was only when, with the sanction of Government, I intimated the impossibility of my attending the Dussara procession, unless matters were arranged, that His Highness abandoned his revengeful designs upon the Sirdars in question.

32. In the meantime (16th October) Luxmee Bae gave birth to a son, and I solicit prominent attention to the fact that precisely as the non-recognition by Government of her marriage in May last was followed by a false and malicious attack on me in a khureeta, so on the birth of her son, his delayed recognition by Government as the legal heir to the guddee drew forth another false and malicious attack on me in the khureeta, dated 2nd November, instant, addressed to His Excellency the Viceroy and Governor-General. These and other instances of a similar kind plainly indicate the real and systematic nature of the Maharaja's enmity to me personally as British Representative at his court; and I have heard that His Highness considers his honour and dignity to have been particularly injured by the action of Government in these cases.

33. From the moment that the last khureeta of 2nd November was written, His Highness appears to have become desperate. On Thursday, the 5th November, it again became my duty to speak to His Highness about the further prosecution of the Premchand Roychand intrigue, the alleged resignation of Mr. Dadabhai, &c., &c., as reported by me to His Excellency the Governor demi-officially on the 5th November 1874. I explained to His Highness fully the deceitful part which his personal Agent Motiram had played, and I cautioned him in friendly terms against the danger of such intrigues. Next day (Friday, the 6th November), I felt sick at stomach with a strange confused feeling in my head, but I struggled against it and entertained no suspicion whatever of foul play. Next day, Saturday, the 7th November, I felt

rather worse, but recovered on Sunday the 8th. After taking a little sherbet, however, on the morning of Monday, the 9th instant, I discovered, as described elsewhere in the evidence, that at last the diabolical threats to poison me had been carried into execution, but had providentially failed.

34. I have thus briefly traced a series of facts bearing upon Mulhar Rao's personal career from 1857 up to the present time, in order to show how consistently the secret conspirator of the years 1857, 1863, and 1867, the would-be murderer of Serjeant-Major Higgins and of the Ex-Ranee Jumna Bae and Her Highness Rukma Bae, and the alleged actual murderer of the five others named in this report, has at length through his secret Agents crowned his career of crime by a course of misgovernment almost unparalleled in this part of India, and by an ill-disguised attempt to murder a British Resident who dared to expose that misgovernment and to oppose an effectual check to his more open exhibitions of heinous crimes.

35. The systematic persecution which I have attempted to describe above as having been practised towards myself when in the performance of my public duty at the Court of Baroda, though a most humiliating and disgraceful fact, is unfortunately no new feature in Baroda politics, since the time that the present Gaekwar's father Syajee Rao was first entrusted with conditional independence by the Hon'ble Mountstuart Elphinstone in 1820.

36. In connection with this subject I would invite the attention of Government to the measures resorted to by Syajee Rao to affect the destruction of Mr. Williams, the then British representative, and of certain obnoxious members of his own family by sorcery, human sacrifices, and incantations, *vide* Minute by the Hon'ble Mr. Newnham, dated 26th January 1830.

37. With regard to the energetic Resident, Mr. Sutherland who died suddenly in 1840 at a well-known critical period of Syajee's career, the belief is universally prevalent in Baroda that he was killed by sorcery and poison; and his fate has more than once been held out as a threat to me in anonymous letters.

38. With regard to the distinguished Colonel Outram, when engaged in exposing the malpractices of the Baroda Durbar towards the close of Syajee's reign, distinct allusion has been officially made by him to an attempt of the Maharaja's Agents to poison him; and it is notorious that he remained for a considerable time under the apprehension that poisoned food would somehow or other be administered to him.

39. It thus appears that every Resident who has been placed in exceptionally difficult circumstances, as I have been, and has attempted fearlessly and impartially to do his duty, has been systematically exposed to positive personal danger. That danger, however, has incalculably increased owing to the exceptionally vindictive character of the present Maharaja and the pregnancy of the fresh complications created by his own outrageous and self-willed misconduct. Thus the causes of disagreement between the two Governments have at length attained a magnitude and vitality of importance which are unparalleled even in the history of our relations with the present Maharaja's father, Syajee, who though he gave more trouble than any of the previous Gaekwars has been far surpassed in crime by his son, Mulhar Rao.

40. For instance, even since His Highness received His Excellency the Governor-General's warning on the 3rd August last, instead of listening to that warning as he promised to do, he has deliberately committed the following acts of disloyalty and misrule:—

1st. Retaliation on complainants before the Commission notwithstanding the Proclamation issued for their protection.

2ndly. The Premchand Roychand bribery intrigue undertaken to secure the removal of the Resident from his Court, and to obtain certain political advantages by disloyal and insulting means.

3rdly. His repeated importunities regarding additional military honours to Nana Saheb Khanvilkar, well knowing that such honours were utterly incompatible with the authoritative advice of His Excellency the Viceroy and Governor-General, which he professed to follow. To this may be added his frequent importunities for military honours to Luxmee Bae.

4thly. His false and malicious attack on the Resident in the khureeta of 2nd November last.

5thly, and lastly. His final attempt to get rid of the Resident by poison on the 9th November instant, and his general demeanour in connection therewith since that time.

41. Under these circumstances, I respectfully submit that neither the honour or interests of the British Government, or the welfare of the two and a half millions of the Baroda State, are safe under a Prince who, in spite of all the warnings which he has had since the close of 1872, a period of two years and upwards, continues deliberately to set the common principles of humanity, loyalty, and justice at defiance; and I therefore, as British representative at this Court, where I am in a position to prove my personal conduct and general bearing towards His Highness the Gaekwar to have been marked by kindness and forbearance, claim the substantial protection of Government on behalf of the general interests which are at stake, which interests, I feel assured, will not be promoted by the least concession to a Prince, who from 1857 to the present time appears from the evidence recorded to have had his own way, however opposed to the laws that regulate all political and social relations in every part of the world.

42. In conclusion I have the honour to state that, although the recent attempt on my life has failed, I have reasonable grounds for believing that those who were induced in the

Maharaja's interest to compass that attempt have not abandoned their intentions. I have observed myself and have been also warned that my steps after dark are dogged by spies; and the presence of suspicious persons in parts of camp, where they can have no ordinary business, has been brought to my notice. I have also received by post some friendly letters counselling the utmost vigilance and forethought. For these warnings I believe there is at the present time ample ground, and I leave it for Government to decide to what extent they think that a Representative of their own should be exposed to them at the Court of a Prince who is known to be one of the most revengeful and malicious in India, and for whose acts he has been hitherto held irresponsible on the grounds that he was of deficient intellect.

APPENDIX A.

Statement by COLONEL PHAYRE, Resident, dated 9th November 1874.

ON Monday, 9th November 1874, I went out for my morning exercise as usual at a little before 6 A.M., and returned at five minutes to 7 as shown by the clock above my table. I went to the wash-hand-stand table on which a glass of pummelo sherbet is usually placed, and after taking two or three sips of it I sat down at my writing table and commenced writing. In about 20 minutes or half an hour I felt sick at stomach, and at once attributed it to the sherbet, which I then thought must have been made with a bad pummelo. I then got up and took the tumbler of sherbet in my hand and threw nearly all its contents through the window. Whilst putting down the tumbler, however, upon the table, and feeling at the same time my head rather confused and dizzy, I observed some dark sediment at the bottom of the tumbler. This struck me as very extraordinary, and for the first time the idea occurred to me that the sherbet in question had been poisoned. I at once wrote a note to the Residency Surgeon, Dr. Seward, and asked him to come over to me. He arrived in about half an hour when I showed him the tumbler and its contents, and described the sensation which I was at that moment undergoing. He suggested that I should take an emetic, but I replied that I had not taken sufficient to seriously injure me, and that I did not wish to upset myself for the whole day as I had plenty of work to do. I at the same time mentioned to him that I had for some days previously had doubts about the good quality of the pummelos used for making the sherbet, as I had on some days thrown it all away, and on others after drinking a little had experienced much the same sensations as I was then suffering from. Dr. Seward took the tumbler away with him, and said that he would analyse the contents. Dr. Seward returned about noon saying that he had analysed the contents, and from the clearness of the indications had no doubt whatever of the presence of arsenic. I had in the interim written to him asking him to give me his professional opinion in writing regarding the nature of the contents of the tumbler. My note to Dr. Seward had not reached him at this time, but a few minutes afterwards it arrived, and having read it he wrote the professional opinion asked for. Under these circumstances, I at once commenced a strict enquiry, and the first point to which I directed attention was to procure a list of those persons who had had access to my private office room between about 6 A.M. and five minutes to 7 A.M. this morning. The results of this enquiry are annexed.

Statement by A. C. BOEVEY, Esq., Assistant Resident, dated 9th November 1874.

ON Monday morning, 9th November, I went out shooting about 7 A.M., and returned about 8.30. On my return to the Residency I was accosted by Eshwant Rao Jassood, Salam, the Maharaja's Arab Sowar, and by Madho Rao Sowar, who presented to me the usual fruit, &c., with the Maharaja's compliments. As I rode up to the door I saw Faizoo Chobdar in the verandah talking with Salam. Several peons and others were present at the same time.

The following witnesses were called by the Resident and examined:—

1.—NURSOO, Jemadar of Peons on the Residency Establishment, states:—

I CAME on duty to the Resident's this morning at 7.30 a.m., after the Resident's return from his walk. The Resident was in his room when I arrived.

Before me, this 9th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

2.—ROWJEE, Havildar of Peons on the Residency Establishment, states:—

I WAS present at the Resident's room when Abdoolla placed the pummelo juice on the Resident's table. I cleared the waste paper basket in the Resident's room before his return, and was on duty when he returned this morning.

Before me, this 9th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

3.—GOVIND BALOO, Hamal, states :—

I CLEARED the Resident's private room this morning with Yellapa Hamal. It is my duty to arrange the things, and Yellapa sweeps the room. While I was employed with Yellapa, Abdoolla brought pummelo juice. (On being further questioned the witness denied that this morning any pummelo juice was brought by Abdoolla.) I saw no pummelo juice brought to-day. I left the Resident's room about 7 o'clock. Yellapa cleaned the room with me, and afterwards left before me. Rowjee Havildar came into the room while I was there to collect the waste paper by the writing table. Luxmon, Puttewalla, also came into the room before Rowjee.

Before me, this 9th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

4.—YELLAPA, Hamal, states :—

I SWEPT the Resident's private office room this morning. Abdoolla and Govind were present while I was sweeping it. Abdoolla came to arrange the Sahib's things. I did not see him bring anything. He usually brings some pummelo juice in a tumbler. Abdoolla always places the juice on the wash-hand-stand table. I did not see him place it there to-day.

Before me, this 9th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

5.—ABDOOLLA, Residency Chobdar, states :—

I PLACED a tumbler of pummelo juice for the Sahib this morning as usual. I placed the juice on the wash-hand-stand table about 6.30 a.m. At that time Hamals Govind Baloo and Yellapa were in the room. Rowjee Havildar was in his usual place; he did not come into the room while I was there. I placed the juice and went away. When I left the two Hamals and Luxmon were in the room, and the Havildar Rowjee was in the ante-room. With reference to the statement of Govind and Yellapa Hamals that they saw me bring no pummelo juice as usual, that is untrue. Both of them were present and saw me place the juice on the table as usual. Luxmon peon came into the room to set the papers, &c., in order. I saw no other peon come in except Luxmon. Rowjee was arranging papers in the ante-room; he did not come into the private office room while I was present.

Before me, this 9th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

6.—LUXMON, Puttewalla, states :—

THAT he came into the Resident's private office room about 6.15 a.m. Two Hamals, named Govind Baloo and Yellapa, were present when I came into the room. While I was in the room Abdoolla brought some fruit, &c., and placed it on the table. I was engaged in arranging the inkstand, pens, &c. I left the room while Abdoolla, Govind, and Yellapa were in the room.

Before me, this 9th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

7.—FAIZOO, Chobdar, states :—

I DID not go to the Resident's private office room this morning. I returned from the city this morning about 7 o'clock, and went to clean the silver as usual. No one was then engaged in cleaning the silver. I saw Pedro at the cook-room on my return. He was not going to the bazaar.

Before me, this 9th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

It appears from the evidence of these witnesses that the following persons only are known to have had access to the Resident's private office room on the morning of Monday, November 9th, 1874, between the time that the Resident went out for his private exercise about 6 A.M. and returned about 6.55 :—

1. Abdoolla, Chobdar.
2. Rowjee, Havildar of Peons.
3. Govind Baloo, Hamal.
4. Yellapa, Hamal.
5. Luxmon, Peon.

Abdoolla made the sherbet, and placed it on the Resident's table about 6.30 on the morning in question. He has been in my service on and off for the last 18 years, bears the highest

character, and is strongly attached to me and to my family. I do not suspect him of any complicity in the crime now under investigation. He has given his evidence in the most straightforward and honest manner, and I am satisfied that the poison must have been put into the pummelo sherbet after Abdoolla had left the room after placing it on the table, and before my return from exercise about 7 A.M.

When Abdoolla left the room about 6.30, the following persons are stated by him to have been present in the room :—

1. Govind Baloo, Hamal.
2. Yellapa, Hamal.
3. Luxmon, Peon.

Rowjee Havildar also admits that he was present near the Resident's room when Abdoolla brought the pummelo juice, and that he afterwards cleared out the waste paper basket in the room.

Ordered that the four persons above named be arrested and placed in confinement pending further enquiry.

9th November 1874.

(Signed) R. PHAYRE, Col., Resident.

YELLAPA NARSOO, Hamal, is in custody, and is further examined :—

Question.—When did you go into the Resident's private office room, on Monday, November 9th, 1874?

Answer.—I went there about 6.15 A.M. with Govind Baloo, Hamal.

Q.—Did you leave the room before Govind Baloo, Hamal, or after him?

A.—I left the room before Govind Baloo left about 6.30 A.M.

Q.—Who was with Govind Baloo when you left at 6.30 A.M.?

A.—Abdoolla was with him.

Q.—Where did you go when you left the Resident's private office?

A.—I went into the drawing room.

Q.—When you went into the Resident's private office first, did you see any fruit there?

A.—No.

Q.—Who cleans the Resident's room every day?

A.—Govind Baloo. I only came to sweep it in my turn which comes once in every four days.

Q.—Whose turn was it to sweep the room on Sunday?

A.—Gopal Hamal swept the room.

Q.—Whose turn was it on Saturday?

A.—Hanmanta's I believe.

Q.—When did your previous turn come?

A.—Last Thursday.

Before me, this 10th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

GOPAL RANOO, Hamal, states :—

It was my turn to sweep the Resident's room on Friday morning. After sweeping the room Govind remained behind. Abdoolla came as usual and placed a glass on the table with fruit. I know nothing about what has happened. I am a Rajpoot, and live in the Sudder Bazaar. I was employed in Colonel Wallace's time.

Before me, this 10th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

GOVIND BECHAR, Hamal, states :—

I SWEPT the private office room on Sunday with Govind. Abdoolla came as usual with pummelo juice and placed it on the table. After I had swept the room I left it with Govind arranging the things. I know nothing about what has happened. I am a Kunbee by caste, and live in the city. I have served all my life in the Residency. On Monday morning I returned to duty about 8 A.M. I live in the city, and went there on Sunday night to sleep.

Before me, this 10th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

HANMANTA RAJANON, Hamal, states :—

On Saturday morning I cleaned the Resident's private office with Govind Baloo after the Resident's departure for exercise.

Abdoolla came in as usual afterwards with sherbet and fruit. I do not recollect whether the sherbet was placed on the table or not, nor do I recollect whether it was placed in the

usual place or not. It is only my business to sweep the room, and it is Govind's business to arrange the things on the table. Gowind remained behind on Saturday as he always does. I am a Komatee Bhoe by caste. I live in Komateepoora.

Before me, this 10th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

GOVIND BALOO, Hamal, is recalled in custody, and further examined:—

Question.—When you went into the Resident's private office room yesterday to clean it was any one there?

Answer.—Abdoolla was there when I went.

Q.—What o'clock was it then?

A.—It was a little after 6 A.M.

Q.—Did Abdoolla bring fruit and sherbet as usual?

A.—Fruit was then on the table, but no sherbet that I saw.

Q.—How long after you came did Abdoolla leave?

A.—He left very soon after I came.

Q.—When did you leave the Resident's private office room?

A.—I left the room shortly before 7 A.M.

Q.—How do you know the exact time?

A.—I know it because I heard the clock strike about five minutes after I left.

Q.—When you left the room as you state shortly before 7, do you still maintain that no pummelo juice was then on the table?

A.—Witness after much prevarication answers that he saw no juice there.

Q.—Do you know whether any sherbet was brought after you had left the room?

A.—I do not know.

Q.—On previous days have you always seen sherbet placed on the table?

A.—Yes.

Q.—Can you give any reason for not seeing it yesterday?

A.—No.

Q.—When you left the Resident's private office room, was any one in the ante-room?

A.—Yes, Yellapa was there.

Q.—Did Yellapa return to the Resident's private room after you had left it?

A.—I did not see him return.

Q.—Did you return to the Resident's room after you had once left it?

A.—No.

Q.—Where do you live?

A.—I live in the Residency compound next to the bheestee. Karum peon also lives near me.

Before me, this 10th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

ROWJEE RAMA, Havildar of Peons, is in custody, and is examined:—

Question.—At what o'clock did you come on duty yesterday?

Answer.—About 6.30 A.M.

Q.—When you came on duty who was engaged in cleaning the Resident's private office room?

A.—Govind Baloo Hamal was cleaning it.

Q.—Did you see Yellapa Hamal come into the Resident's private room?

A.—No.

Q.—Did any one besides Govind Baloo Hamal go into the Resident's private room?

A.—Luxmon peon went in to look after the ink, pens, &c.

Q.—What had you to do in the Resident's private room?

A.—I had to empty out the waste paper basket. This I did, and I then left.

Q.—Did you see any glass of pummelo sherbet on the table?

A.—No.

Q.—Did you see Abdoolla come into the room?

A.—No.

Q.—When you came into the room did you see any fruit on the table?

A.—No.

Q.—Do you know Rama Barote formerly a Residency peon?

A.—Yes. I know him. He was turned out by Captain Salmon. He is an enemy of mine. I never have anything to say to him.

Q.—I am informed that you have been spending largely in the bazaar of late, how did you come by the money?

A.—I was a servant of Major Walker when he was in the Cotton Department in 1868. I then saved about Rupees 300, of which I spent about Rupees 150 on my marriage and Rupees 150 on ornaments, &c. I have now nothing left except about Rupees 100 worth

of ornaments. I bought Rupees 100 worth of cloth from the Jemadar Nursoo, for which I have not yet paid him.

Q.—Do you know anything about Salam Sowar having gone to your house yesterday?

A.—I know nothing.

Before me, this 10th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

Re-examination, 11th November 1874.

ROWJEE RAMA, Havildar of Peons, is in custody, and states in answer to the Resident's questions as follows:—

Question.—When you left the Resident's private office room on the morning of Monday the 9th, what o'clock was it?

Answer.—I came to the room about 6.30, and was engaged in removing the papers for about five minutes.

Q.—Where did you then go to?

A.—I went to the place where the peons sit, on the further side of the bungalow.

Q.—Did you leave before Abdoolla or after him?

A.—I left before he did.

Q.—Did you return after you once left the Sahib's room?

A.—No.

Q.—When you went to the peons' sitting place did you see Faizoo?

A.—Yes, he was then in the dispense-khana.

Q.—When did you first see the Arab Sowar Salam that morning?

A.—I saw him about 7 o'clock after the Sahib's return. He then came on the Devdee from the direction of the servants' houses.

Q.—What did you say to him?

A.—I asked him why he had come so early on this particular morning, and he said I have come because I have brought the Dewalee fruit.

Q.—Did the Dewalee fruit come with him?

A.—No; it came a long time afterwards, about 8.30 A.M.

Q.—When you were in the Devdee when the Assistant Resident returned from shooting was Salam there?

A.—Salam was there, and Faizoo was also present.

Q.—Where did Faizoo go from there?

A.—I saw him go in the direction of the servants' houses.

Q.—Does Chimma Wagh live with you?

A.—Yes.

Q.—What do you know about Faizoo?

A.—I have reported to the Resident some time ago that Faizoo was not a good character, and was suspected of going to visit Nanajee Eshwunt and Nana Sahib at night. He also has been in the habit of going to the Kazee in the city, and the Kazee used to visit him here. I should have mentioned this; but he used to come to visit the Padree Sahib, so I said nothing.

Q.—Who do you suspect of having attempted to administer poison to the Sahib?

A.—I suspect Faizoo, because he has for a long time past been engaged in all kinds of intrigues both in the time of Colonel Barr and Colonel Shortt. In Colonel Shortt's time he used to go with Colonel Shortt's butler to the house of Rahoorkur, Nana Sahib, and others for the purpose of giving them information. I have myself seen Faizoo go with Colonel Shortt's butler and others to the city for this purpose.

Before me, this 11th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

FAIZOO RUMZAN, Mussulman, aged about 45, Chobdar and table-servant, Residency Establishment, Baroda:—

I WAS first employed at Baroda by Major Malcolm, Resident, as second servant, and was made chobdar by Colonel Davidson, Resident, about 20 years ago, and I have acted as table-servant as well from that time to the present. When Colonel Wallace left, I obtained a place in the Khas Paga on Rupees 10 per mensem, continuing, however, to act as chobdar and table-servant at the Residency. The Durbar service was in the name of my son, who is now 14 years old. I have received that amount up to the present time. I live in the city, and come every day for duty. I have a room in the Residency compound. My family lives in the city.

Q.—Where are you in the habit of sleeping?

A.—I usually sleep in the Residency, but I go home to sleep every third or fourth day.

Q.—What is the name of the Mussulman who has been in the habit of visiting you at the Residency lately?

A.—He is called Kazee Dada Meeya. I do not know his father's name. Kazee Dada Meeya lives in the city near the lines of one of the regiments. He only used to visit me when the Rev. Mr. Taylor came to the Residency whom he used to visit. I do not know whether he is in the Maharaja's service or not. I did not know him before he used to come here to visit Mr. Taylor. I do not know why he first came to me instead of going to the Padree Saheb direct. I know nothing about him except in connection with his visit to the Padree.

I am acquainted with Salam, an Arab Sowar, a private servant of the Maharaja. I have known him since the present Maharaja's time. Salam has never come to my room in the Residency to sit, nor has he ever smoked with me. He did not come to my room on Monday last, the 9th, about 9 A.M. I saw him in the adjoining room to mine on Monday last about 9.30 A.M. He called out to me, and I said that it was near breakfast time, and that I was changing my clothes. Salam then left, no further conversation passed between us on the morning in question.

Q.—Do you remember seeing the Assistant Resident return from shooting at about 8.30 A.M. on the morning of Monday, the 9th instant, in question, and were you not at that time sitting on the bench and talking to the Maharaja's Arab Sowar Salam?

A.—I did not see the Assistant Resident, and I was not talking to Salam.

Salam has never come to my house in the city. I have never seen Salam talking with the old man Govind Baloo, who cleans out the Resident's private office.

When my boxes were searched on Monday, the 9th instant, Government Rupees 100 were found in one of them. I usually keep my money in the city where my family is.

Q.—Do any other persons from the city except the Kazee above referred to and Salam ever come to your quarters at the Residency?

A.—No one has ever come from the city to visit me.

Q.—If as you say the Arab Sowar Salam has never been in the habit of visiting your quarters at the Residency, how came he to come to your quarters and call out to you on Monday, the 9th instant?

A.—I cannot say why he came.

Q.—Do you ever go to the quarters of the old Hamal Govind?

A.—I never go, and I have never sat smoking outside with him, in passing I have enquired about his wife.

Q.—Do you know how Govind Baloo came to put poison in my sherbet on the morning of Monday, the 9th?

A.—I did not see him do it, how can I tell.

I slept at the city on Sunday night, and returned to duty about 7 A.M. on Monday, the 9th. I slept on Friday night, the 6th instant, in the city. Witness corrects himself and states that on Friday night he slept in the Residency. I also slept at the Residency on Thursday and Saturday night last.

Q.—Have you ever made pummelo sherbet for the Resident?

A.—Yes, I have, when Abdoola has not made it. I may have made it within the last week or ten days. I have never brought it to the Resident's room myself. There was no special reason for my not bringing it. I may have made the sherbet last Friday. I never put sugar into the sherbet.

The above examination has been read over to the witness in Hindostanee, a language which he understands, and has been acknowledged to be correct.

Before me,

11th November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

The examination of Faizoo Ramzan having been recorded, he is ordered to be placed in confinement pending further enquiry.

11th November, 1874.

(Signed) R. PHAYRE, Colonel, Resident.

PEDRO DESOUZA, Portuguese, age about 37 years, Butler in the service of Colonel R. Phayre, C.B., Resident:—

I HAVE been in the service of Colonel Phayre about 25 years, and I accompanied him to Baroda. I went on leave to Goa on the 3rd October last, and returned again on November 3rd. Salam, Arab Sowar of the Maharaja, has been in the habit of going to the servants' quarters. When he comes he usually goes to Faizoo's room, and sits outside in the verandah. Next to Faizoo's room is the ayah's room, and a dwarf wall divides those two rooms from mine. I have never seen him sit anywhere else.

Since I came from leave on the 3rd instant, I have seen Salam twice. On Monday last, the 9th instant, I saw him sitting as usual outside Faizoo's room in the verandah. I did not see whether Faizoo was there or not. At that time the Maharaja had not arrived, it was about 9 o'clock. I was then employed in plucking some quail that had just been brought in.

I have also seen a man whom they call Kazee go to Faizoo's room. I do not know who the Kazee is, but he used to come to see the Rev. Mr. Taylor. He used also to come at other times. He has been in the habit of coming to Faizoo's room and sitting there for long periods together. He usually comes on horseback and wears a white turban tightly bound.

No other jasoos or personal servants of the Maharaja ever go to the servants' quarters. I have not seen any other people from the city go to Faizoo's quarters.

I have been solicited by Nur Ollah, former Chobdar, to go down to the city to the Maharaja's palace. I told my master of it at the time, and Nur Ollah was discharged. Since that I have not been solicited by any one.

Faizoo sleeps as often in the city as he does here. I suspected Faizoo of being concerned in the matter of administering poison to the Resident, because of his connection with the city, his intimacy with Salam and others who live in the city. He also sometimes makes the sherbet, and has access at all times to the Resident's private office room. He is also in the pay of the Durbar.

Govind Baloo, the old Hamal, who looks after the Resident's private office, dressing table, bathing water, &c., always shuts up the Resident's room the last thing at night, and goes off to his room to sleep. Faizoo or Abdoola, whoever may be on duty, leaves the bungalow about the same time. Throughout the whole day also, except during meal time, Faizoo and Govind are always present on duty in the Residency.

This examination having been read over to the witness in Hindostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 11th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

ANTON JOHN DE SOUZA, Portuguese, aged about 24 years, cook to Colonel R. Phayre, C.B., Resident:—

I HAVE been employed in Colonel Phayre's service as cook for the last seven or eight years and I accompanied him to Baroda. The Maharaja's Arab sowar Salam is in the habit of coming to Faizoo's quarters twice in the week when the Maharaja visits the Resident. I know this because the cook-room is opposite those quarters and I can see what goes on. I have also seen him come at other times on special occasions and he then always goes to Faizoo's room. I have also seen a person called Kazee, who always goes to Faizoo's and who visits the Rev. Mr. Taylor when he comes to Baroda. I have also seen the Kazee referred to a great many times when Mr. Taylor was not at Baroda. I have once enquired of Faizoo why this Kazee always come. Faizoo replied that he came to get news of Mr. Taylor. The Kazee however, stayed a long time at each visit, much longer than was necessary to make such enquiries. I cannot say positively whether the Kazee came last week or not when Mr. Taylor was here.

Other persons also have come from the city to visit Faizoo, but I do not know them. On Monday, the 9th instant, I saw Salam as usual outside Faizoo's quarters. No one ever comes into the cook-room. No one has ever made any overtures to me about going to the city or anything else.

Faizoo usually sleeps in the city but sometimes sleeps here. On one occasion Pedro asked him why he went to the city so often, and Faizoo got angry and said that he never left without telling Abdoola.

I suspect Faizoo's complicity in the crime of administering poison because he receives pay from the Durbar and has been mixed up in Baroda intrigues for a long time past, and is always enquiring about the Sahib to give information in the city.

Abdoola and I had lately an altercation with him about this; and another reason is the visits that are constantly paid to him by the Arab Sowar Salam, the Kazee, and others from the city who have no business there at all.

The above examination having been read over to the witness in Hindostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 11th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

ABDOOLLA MAHOMED, Mussulman, age about 35, Chobdar and table servant:—

I HAVE been, off and on, in Colonel Phayre's service for 18 years. I came to Baroda with Colonel Phayre, and was made Chobdar in the place of Nur Ollah, who was discharged. I have the highest certificates of character from my master and others whom I have served for the above period.

Question.—Have you ever had anything to complain of since you have been in my service?

Answer.—Far from it; I have been treated as a child of the family both by my master and mistress. I am in the habit of making pummelo sherbet for the Sahib and I made it on the morning of Monday, November 9th. Faizoo Chobdar has occasionally made it, and he made it, I believe, on Friday last. Faizoo has on more than one occasion brought the sherbet himself and put it on the Sahib's table; but I put it there on the morning of Monday, the 9th. When my child died Faizoo prepared the sherbet for about 12 days running. This was about three months ago.

I have known the Maharaja's Arab Sowar Salam since I came to Baroda; when the Maharaja comes to visit at the Residency twice a week, Salam generally goes to Faizoo's room, sometimes he goes inside and sometimes he sits outside in the verandah. My room is about 20 to 25 paces beyond Faizoo's, and I can see any one who comes if I am in my room. Last Monday, the 9th instant, I did not see Salam at Faizoo's room, because I was at work in the bungalow. I saw the Assistant Resident return from shooting about 8.30 on that morning, and then Salam and two other Mahratta Jasoods of the Maharaja were talking together with Faizoo in the Residency back verandah.

When the Madam Sahib was leaving for England, she gave me and Pedro strict orders that no one but ourselves were to prepare the tea, coffee, &c., for the Sahib. Faizoo, however, on several occasions has endeavoured in a marked manner to forestall us in this respect. Both I and Pedro, in consequence of our orders, have frequently remonstrated with Faizoo about this, but he has always put us off, and has not attended. I have never suspected that there was any special motive on Faizoo's part for doing this.

I have always used the best pummelo for extracting the juice, and on one or two occasions about a month or two ago I have brought bad pummelos to show. The pummelo that I used on the morning of the 9th was perfectly fresh and in good condition. I showed it to Dr. Seward. I could not understand why the Sahib complained two or three mornings previously that the juice was bad. No suspicion crossed my mind that any one had drugged it.

It was my custom to place it on the wash-hand-stand table about half-past 6, when I went to my regular work. At that time the old Hamal Govind and another used to be in the room, and the peons as usual were arranging the papers, pens, ink, &c. It was therefore perfectly possible for any one to have put something into the sherbet after my departure, and before the Sahib's arrival. Faizoo's business is to clean the silver and lay the breakfast table. The breakfast room is only about 15 paces from the Sahib's private office in line with it, and had Faizoo come in from the breakfast room into the private office by the back entrance, no one could have seen him unless they had been engaged in the room at the time. On Monday morning, the 9th instant, Faizoo returned from the city about 6.30, before the Sahib had returned from his walk. I know this because the Sahib's horse always passes the dispense-khana where I am at work. I therefore know exactly the time when he comes. When I had placed the juice on the Sahib's table as usual, I went to the dispense-khana to prepare the butter, and then I saw Faizoo on his way to the dispense-khana.

Faizoo then went into the dining-room. I cannot say whether he went to the Sahib's room or not, but he might have gone without my knowing.

I have constantly seen the Kazee at Faizoo's room, both when Mr. Taylor was here and when he was not. I have enquired from Faizoo what the Kazee came for, and was always informed that he came to enquire after Mr. Taylor.

This examination having been read over to the witness in Hindostanee, a language he understands, is acknowledged by him to be correct.

Before me, this 11th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

NURSOO RAJARAO, Jemadar of Peons, Residency Establishment, Komatec, age about 50, Baroda, states:—

I HAVE served in the Residency about 31 years. I was made Jemadar after Major Malcolm's death by Captain Barton about 16 years ago. I am acquainted with the Maharaja's Arab Sowar Salam. When the Ex-Ranee, Jumna Baee, was residing at the Residency for her confinement, Salam was employed by the Maharaja to keep watch over the Residency and to give him information of everything that went on. At that time Faizoo was on very intimate terms with Salam, and has continued so up to the present time. In the time of Colonel Shortt Faizoo was on very intimate terms with Colonel Shortt's butler, and they used to visit the city and go to Nana Sahib Dewan, Bulwunt Rao Eshwunt, and also to Rahukur. They were also accompanied by Doolubh, Naik of peons in the Residency Establishment, and by his two brothers, Maun Sing and Prem Sing, all of whom were last year expelled from the canton-

ment, but now reside in the city. Faizoo was on very intimate terms with all of these persons, and used to accompany them to the city. Faizoo was engaged in all sorts of intrigues during the whole time that Colonel Shortt was here.

I am acquainted with a Mussulman Kazee, who was on very intimate terms with Faizoo, and who used to come to Mr. Taylor. He often came to Faizoo's quarters when Mr. Taylor was not in Baroda.

When the Resident was at Noursaree in March last with the Maharaja, Salam did not live with the Maharaja in the town of Noursaree, but he lived in the compound of the bungalow occupied by the Resident. I know that Salam is a dangerous man, because in Colonel Shortt's time he was employed with Faizoo to seize the karkoons of Rahukur, who were in Colonel Shortt's butler's room at the Residency. The facts of the case were very notorious and made much sensation at the time. When this occurred Salam was as now the confidential servant of the Maharaja. Since Colonel Phayre became Resident, I do not know whether Faizoo has been engaged in any intrigue like that above described, but I do know that he continues to be on very intimate terms with Salam, and that he is always enquiring what goes on, and resides chiefly in the city.

I reside in the city, and I come on duty every day between 7.50 and 8 o'clock. In the time of the Ranee Jumna Baee's residence at the Residency, I incurred the present Maharaja's displeasure, because I refused to allow access to his men as he wished. That displeasure has never been removed. Two of my brothers were turned out of the service, one was Subadar-Major of Irregular Cavalry, and the other was a Havildar. Pensions, however, were granted subsequently at the Resident's intercession. I am considered by the Maharaja as an enemy and no overtures of any kind have been made to me.

In connection with the attempt to poison the Resident, my suspicion falls on Faizoo for the reasons already disclosed. The old Hamal Govind I believe to be incapable of such a crime. I have never heard of Govind going about anywhere, or of his being engaged in any intrigue. Faizoo knows Govind well, and has plenty of opportunities of talking to him.

This examination was read over to the witness in Guzerattee, a language which he understands, and was acknowledged by him to be correct.

Before me, this 12th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

GOVIND BALOO, Hamal, aged about 50 years, is in custody, and is recalled and further examined:—

Question.—State precisely what are your duties in the Resident's private office room every morning?

Answer.—The Hamals sweep the room first, and then I clean the tables, chairs, &c., empty the basin, bring fresh water in the kooja. I arrange the bath-room which adjoins the private office, and see that bathing water, &c., is ready.

Q.—Who is in the habit of bringing the sherbet that I drink?

A.—Abdoolla usually brings it, but Faizoo sometimes brings it. It is not always brought whilst I am in the room.

Q.—Who brought the sherbet on the morning of the 9th, Monday?

A.—I did not see the sherbet at all.

Q.—Did not Abdoolla on that morning bring the sherbet?

A.—I did not see him bring it.

Q.—Could any one have brought the sherbet without your knowledge?

A.—Yes, when I went into the dining-room it could have been brought.

Q.—Did you see Faizoo at all on the morning of the 9th?

A.—No, I may have seen him, but I do not recollect.

Q.—You clean the wash-hand-stand table, and you say you did not see the sherbet on Monday, the 9th instant. Do you usually see it there?

A.—I always see it there, but I did not see it on the morning in question.

Q.—Did you see Abdoolla in the private office room on Monday, the 9th?

A.—I saw Abdoolla, but he had no sherbet with him.

Q.—You have said above that sometimes Abdoolla brings the sherbet and sometimes Faizoo. Did you ever see Faizoo bring it?

A.—(After much prevarication the witness declines to acknowledge that he ever saw Faizoo bring any sherbet to the Resident's room. The witness shows a marked disinclination to say anything whatever about Faizoo.)

Q.—How many years have you been employed at the Residency?

A.—About six or seven years.

Q.—Do you know the Maharaja's Arab Sowar Salam?

A.—I know him by sight, but I have never had anything to say to him. He usually comes with the Maharaja.

Q.—Have you ever seen Salam at Faizoo's quarters?

A.—Yes, I have.

Q.—Has the Resident ever injured or offended you in any way?

A.—No, not in the least.

Before me, this 12th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

MAHOMED AHMED, Mussulman, age about 50, Bhistee, Baroda Residency, states :—

I LIVE in the Residency compound next to the old Hamal Govind Baloo. I have been employed at the Residency since the time of Mr. Andrews, Acting Resident, about 25 years ago.

Govind Baloo lives in the next room with his wife. No one else lives with him. I know Salam, the Maharaja's Arab Sowar. He always goes to Faizoo's room, and sits there. I have seen Faizoo go and talk to the old Hamal Baloo Govind outside his room. I have not seen him go there for the last month. I cannot say whether he goes there or not at night.

This examination having been read over to the witness in Hindoostanee, is acknowledged by him to be correct.

Before me, this 12th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

RUNCHOD RUTNA PURWAREE, age about 21 years, Mussul on the Residency Establishment, states :—

I REMEMBER seeing Abdoolah on the morning of Monday, the 9th, at about 6.30; he came into the dispense-khana to prepare the butter as usual. I was cleaning the candle-sticks, &c., as usual. I know the time because the Sahib's horse came a long time afterwards about 7 o'clock. I saw Faizoo come into the dispense-khana shortly after Abdoolah came there. Faizoo went from there to the dining-room. The dining-room was not ready at that time for the table to be laid. The hamals never go into the dining-room so early as 6.30.

This examination having been read over to the witness in Hindoostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 12th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

THOMAS DIAS, Portuguese Christian, age about 45 years, Butler in service of A. C. Boevey, Esq., Assistant Resident, states :—

MY room is next to Abdoolah's. I have seen the Maharaja's Arab Sowar, named Salam, come to the servants' quarters. He usually goes to Faizoo's room and there sits and talks with him. I only remember seeing Salam when the Maharaja's sowaree comes. Salam alone of the Maharaja's private attendants has been in the habit of going to the servants' quarters.

I have seen Faizoo sometimes preparing sherbet for the Resident. I remember that he prepared it one day lately, but I am not quite sure as to the exact day.

I have seen a Mussulman who is called the "Kazee" come to Faizoo's quarters on several occasions, and have seen him sit and talk with him. I do not know what the Kazee's name is, or what he comes for.

I have been in the service of my present master about five years. Since I have been at the Residency no one has ever solicited me to give information or to go into the city.

This examination having been read over to the witness in a language which he understands, is acknowledged by him to be correct.

Before me, this 13th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

KURREEM, son of Sheikh Misree, Mussulman, age about 40 years, Peon on the Residency Establishment, attached to Assistant Resident's Office :—

I LIVE with my family in the Residency compound. My room is at the back of the ayah's room. I know the Maharaja's Arab Sowar Salam. He comes with the Maharaja's sowaree and usually goes to Faizoo's room, and sits and talks with him. I also have seen a Mussul-

man called "the Kazee" who goes to visit Faizoo. I do not know who he is, or what he comes for, but I have heard that he came to visit the Reverend Mr. Taylor. I have often seen him when Mr. Taylor has not been here.

I am not on good terms with the Maharaja's Arab Sowar Salam. One time when the Commission was sitting, he asked me to give him information about Bhow Poonekur, and promised me to get some favour from the Maharaja. I said that I would tell my master if he made any overtures to me of that kind. Since then he has shown enmity towards me, and when the Resident went to Mukhurpoora, would not allow me to sit in the bullock-cart provided for the servants. I had a quarrel with him about this. I did not tell Poonekur what Salam had said to me, as no fresh overtures were made to me. I know the old Hamal Govind Baloo, he lives near my room only two doors off; his old wife lives with him and no one else. I have never seen any one go and visit him.

Faizoo lives in the city, but he has a room in the servants' quarters. I know him since I came to the Residency to live. He usually brings his food with him from his house. He does not have any expense here that I know of, nor have I seen him go to the Camp Bazaar.

This examination having been read over to the witness in Hindoostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 13th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

MAHOMED ALI BUKSH, Mussulman, age about 30, Peon in the Residency Establishment, attached to Assistant Resident's Office, states :—

I WAS made a peon on the Residency establishment in Colonel Wallace's time. I live in the city, but I take my turn to sleep at the Residency. I slept here on the night of Sunday, November 8th, and I was on duty on the morning of Monday, November 9th.

I remember seeing the Resident return from his walk about 7 A.M. The Maharaja's Arab Sowar named Salam then came up to the place where the peons were sitting. I do not know why he came so early on that morning. Bala Peon was with me when I saw Salam first. I remember seeing the Assistant Resident return from shooting. I came forward to hold his horse. Salam was then present with the other two Jasoods, named Yeshwuntrao and Madhaorao. I do not remember whether Faizoo was present or not, but he may have been present.

The fruit was not brought on that morning until between 8 and 8.30 A.M.

I have seen a Mussulman who is called "Kazee." He is a friend of Faizoo, and always goes to his quarters in the Residency. I do not know who he is, but I believe he comes to visit the Reverend Mr. Taylor.

I remember taking a note on Monday morning from the Resident to Dr. Seward. As I was going Salam called out to me and gave me a rupee, telling me to get some biscuits for him from the bazaar. I delivered the note to Dr. Seward, and then went to get the biscuits, but as none were ready I gave the baker four annas and told him to make them. On my return I told Salam that they were not ready, and he then said that he would come and fetch them three or four days later. Up to the present time he has not asked me for the biscuits, and the change of the rupee 12 annas I have still got.

This examination having been read over to the witness in Hindoostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 13th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

SHAIKH ABDULLAH SHAIKH ADAM, Mussulman, age about 38 years, residing in Residency compound :—

My wife is employed as ayah in the service of the Assistant Resident's wife. I came to Baroda about a year ago from Bombay. I have never been in Baroda before. I was employed as Butler in Major Blakeney's service, but left it about 2½ months ago. Since that time I live with my wife in the Residency compound. I have seen the Maharaja's Arab Sowar Salam come to Faizoo's quarters which are next to mine. He always comes when the Maharaja comes. I have also seen a Mussulman whom they call "the Kazee" come to visit Faizoo. The Kazee comes to visit the Reverend Mr. Taylor. I do not know who he is, or where he lives, but I have heard Faizoo say that he comes from the Deccan. His residence is, I think, Chandode, or some name like that. The Kazee stated to me that he was once in the present Maharaja's service, but that he had been driven away.

This examination having been read over to the witness in Hindoostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 13th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

BALOO RAMJEE, MURATHA, age about 30, Peon on the Residency Establishment, states:—

I HAVE been employed on the Residency establishment about one and a half years. I was on duty on the morning of Monday the 9th instant. I saw the Resident return from his walk, and I then was sitting on the servants' bench. Salam, the Maharaja's Arab Sowar, was then present. A few minutes afterwards Rowjee brought a note from the Resident to take to Dr. Seward. As he was going Salam told Mahomed to get him some biscuits from the bazaar, and gave him a rupee for the purpose. Mahomed took the rupee away. I have never seen Salam come so early as he did that morning. I do not know why he came so early. The fruit came about one and a half hours afterwards. When the Jemadar returned to duty at 7.30, I left and went home to eat. Luximon was also on duty on the same morning.

This examination having been read over to the witness in Hindoostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 13th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

LUXIMON DERIO SING, Purdeshi, Peon on the Residency Establishment, is in custody, and is further examined:—

Question.—Where do you live?

Answer.—I have a room at the back of the Resident's stables. Luximon Fulkur, office furash, lives in the next room to mine. My brother and his wife live with me, and Luximon Fulkur's wife and family live with him.

Q.—When you left the Resident's room on the morning of Monday, the 9th, where did you go to?

A.—I went to the *Deoree* where the peons sit.

Q.—Who were present on the *Deoree* when you returned?

A.—Rowjee Havildar, Balloo Peon, and Mahomed Peon.

Q.—What did you do after you returned to the *Deoree*?

A.—Rowjee gave me a note to post, and I went and posted it.

Q.—When you took the note away was Salam present?

A.—Salam was then just approaching the Residency on horseback as I left it.

Q.—When you had posted the letter what did you do?

A.—I posted the letter and returned at once.

Q.—When you returned was Salam present?

A.—Yes, he was then sitting on the *Deoree*.

Q.—What o'clock was that?

A.—It was about 7.15. I remember that the Jemadar returned shortly afterwards.

Q.—Was Mahomed present on your return?

A.—No, but he soon afterwards returned.

Q.—Do you know why Mahomed left?

A.—I do not know.

Q.—When you went to the *Deoree* did you afterwards return to the Resident's room?

A.—No.

Q.—When you left the Resident's room who were then in it?

A.—Abdoolla was there, and two Hamals named Govind Baloo and Yellapa.

Q.—When and where did you first see Faizoo on the morning of 9th November 1874?

A.—I saw him after I had returned from posting the letter in the dispense-khana.

Q.—When do you clean the inkstand, &c. in the Resident's room?

A.—I take my turn and clean it every other day with Baloo.

Q.—How long have you been in the Residency establishment?

A.—For about one and a half years; before that time I was employed in the Bazaar Office.

This evidence having been read over to the deponent in Hindoostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 13th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

RUNCHOD KUTNA, Mussul, is re-called and further examined:—

ABDOOLLA always prepares the sherbet in the dispense-khana, where I am engaged in my ordinary work. I remember his preparing it on the morning of Monday, 9th November. He squeezed it as usual into a small tumbler, which he then took with him into the dining-room. When Abdoolla has not prepared it, Faizoo has prepared it. I remember seeing Faizoo on the morning of Monday, the 9th, about 6.30, come into the dispense-khana. He went from there into the dining-room. When he came into the dispense-khana Abdoolla was present with me and saw him come in. I do not know why he went into the dining-room. We had

not begun to clean the silver so early as 6.30, when Faizoo went into the dining-room, and I am certain that he brought no silver from there to clean.

This examination having been read over to the witness in Hindoostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 14th day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

Statement by the REV. J. TAYLOR, A.M., Missionary, Borsud Kaira District, aged 55.

SINCE the middle of 1873 I have been in the habit of visiting Baroda as a missionary, and visiting families in the camp, the railway, and the city. On these occasions I have stayed at the Residency, where natives have been in the habit of visiting me in my private room. I know a Mussulman, who represented himself to me as "a Deccan Kazee." He mentioned his name, which I do not remember, but he said he was best known by the above name.

Almost every time that I have visited Baroda he has called upon me at the Residency; he represented himself as having once been in the favour of the present Gaekwar during his imprisonment at Padra; that the present Gaekwar was under great obligations to him, but that owing to the fact of his being a Mussulman, he was disliked by the Brahmin courtiers, who poisoned the mind of the Gaekwar against him by saying that he had called him a Kafir, and had spoken disrespectfully of the Hindoo religion; that for a long time he had never been invited to the Durbar; was under a cloud; would leave Baroda at once, but having got pecuniarily involved on account of the expenses which he had incurred on the Gaekwar's behalf when he was in prison, he wished to be reinstated into favour, and thus reimburse himself. He hoped that by my personal influence either with the Resident or His Highness I might be the means of enabling him to secure his object.

He never was present at any of my religious services with the natives, and always avoided religious conversation.

So importunate was he in his desire that I should introduce him to the Resident with a view, as he said, to his restoration to favour with the Gaekwar, that he has even come to me at Borshud, and when I was at Bombay last year was particularly importunate. I always told him that if he had any special grievance, and would draw up a petition, he might either present it directly to the Resident, who was always open to receive petitions, or that I might venture to present it myself. He declined to write a petition, and I always declined to interfere in a general question like that raised without any specific object. I have asked him why he did not go himself direct; and he replied that it was best to use some person to introduce him.

This went on for about 15 months, the same story being always told, and the same answer being always given. I had no reason to suspect the man. I therefore made no objection to his coming.

About the end of August on arrival at the Residency one* morning, the Maharaja, who was sitting in the drawing room with the Resident, expressed a wish to speak to me. The Resident called me, and I sat down and began to converse with His Highness. The Resident and one of the Durbar were present at the time. Next day the Resident informed me that His Highness the Gaekwar wished to show me his new palace, and asked me to go accordingly on Saturday morning early. I did so. I ought here to mention, however, that on the previous day (Friday) the Kazee above referred to called upon me, asked me if I should like to have an interview with the Gaekwar; to my surprise alluded to the conversation I had had the previous day with His Highness, said that he had an influential friend in the Durbar who gave him information, and could arrange any interview with the Gaekwar that would be agreeable; and asked in a casual way apparently what *nuzzarana* I would take. I replied at once that all I desired was to see the Gaekwar take good advice and reform the administration of his State. The Kazee made no further remark on the subject.

It was after this interview that the Resident spoke to me saying that the Maharaja wished to see me, and advised me to go. I went to the palace, and was ushered into a room where His Highness soon appeared. Rao Sahib Bapooobhai and Govind Rao Mama of the Durbar conducted me there. His Highness opened the conversation, which at once took a political turn, and from what they said I came to the conclusion that they were very much concerned about the recent letter which the Gaekwar had received from Government. The conversation afterwards took a religious turn, and the interview closed with His Highness showing me over the new palace. He expressed himself as much pleased at my visit, and in an hour or two I left for Borsud.

On my next visit to Baroda the Kazee called upon me again, spoke of my visit to the Gaekwar, said that it had been of great use to him, that he had seen the Gaekwar, who spoke in very laudatory terms of me, yet that all he desired has not been accomplished, as the Gaekwar had not invited him so freely to the Durbar as he desired.

On the Thursday, the 5th November, when I came home from the city in the evening, Faizoo was standing by my room's door, and I told him that as I had a bad headache, not to allow any one to disturb me for an hour. He said that the Kazee was waiting for me. I

said that he might come. He again said that he had had only one interview with the Gackwar since the time I had visited His Highness. He repeated what he had several times told me before. That though the Gackwar had given him a horse, he had never given him any money, *and that I might look upon him as dirt if he had received as much as a pice from the Gackwar*, but he hoped that by my favour he would soon find himself in much better circumstances.

I do not think he came the next day, Friday, 6th November, and I left for Borsud on the 7th.

Before me, this 14th day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

APPENDIX B.

Resident's opinion on the case.

1. The facts of this case, so far as they are disclosed by the evidence, appear to be as follows:—

On the morning of Monday, 9th November 1874, the Resident, Colonel Phayre, went out for his morning exercise as usual a little before 6 A.M.

2. After his departure the following persons came into Colonel Phayre's private office room to arrange the room, clean the inkstand, prepare the Resident's clothes, &c. :—

(1.) Hamal Govind Baloo came in, as he himself states, a little after 6 a.m., to clean the tables, chairs, &c., and set the room in order.

(2.) Luximon Peon states that he came into the room about 6.15 A.M. to arrange the inkstand, papers, &c. and that after arranging them he went away and did not return.

(3.) Abdoolla, Chobdar and table servant, states that he made pummelo sherbet as usual for the Resident, and brought it into his room about 6.30 A.M., that he arranged the Resident's clothes, &c., as usual, and then left the room, leaving there Hamals Govind Baloo and Yellapa, and also Luximon Peon.

(4.) Yellapa Nursoo, Hamal, states that he swept the room on the morning of Monday the 9th instant; and that when he went to the room first, Govind Baloo and Abdoolla were then present, and that both of them were also there when he left.

(5.) Rowjee Rama, Havildar of Peons, states that he was present at the Resident's room when Abdoolla brought the pummelo sherbet on the morning of Monday the 9th, and that he left the Resident's room before Abdoolla did.

No one except these five persons are known to have had access to the Resident's private office room during his absence on the morning of Monday, November 9th, from about 6 A.M. to 6.55 A.M.

3. The Resident returned from exercise at 6.55 A.M., as shown by the clock in his room. He found the pummelo sherbet prepared as usual. He took two or three sips of it and then sat down to write. In about 20 minutes to half an hour afterwards he felt sick at stomach, and thinking that the sherbet must have been made with a bad pummelo he threw most of it through the window. His attention was, however, arrested by a dark sediment at the bottom of the tumbler, and he for the first time suspected poison.

4. The Resident then at once wrote a note to the Residency surgeon summoning him. This note was delivered to Rowjee, Havildar of Peons, who gave it to another peon named Mahomed to deliver to Dr. Seward.

5. When this note for Dr. Seward was delivered by Rowjee to Mahomed, a certain Arab Sowar named Salam, who is a confidential servant of the Maharaja, was present at the Residency. Rowjee Havildar states that he asked Salam, the Arab Sowar referred to, why he had come in that morning so unusually early. Salam replied that he came to bring the Dewallee fruit, which, however, did not reach the Residency till about one and a half hours afterwards.

6. As Mahomed Peon was taking the Resident's note to Dr. Seward, Salam, the Arab Sowar, accosted him, entered into conversation, gave to him a rupee, and asked him to bring from the bazaar for himself (Salam) some biscuits. After this conversation had taken place Mahomed went and delivered the Resident's note to Dr. Seward, and afterwards went on to the bazaar and made enquiry about the biscuits which he had been asked to procure.

7. Dr. Seward, on receipt of the Resident's note, at once came over. The Resident then showed him the remains of the tumbler of sherbet, and stated his unusual symptoms, and communicated to him his suspicion that the sherbet contained poison. Dr. Seward took the tumbler away with him, saying that he would analyse it.

8. About 8.30 A.M. Mr. Boevey, Assistant Resident, returned from shooting. When he arrived at the Residency he was accosted by Eshwunt Rao Jesood, Salam, the Arab Sowar

above referred to, and by Madhowrao* Sowar, all three of whom are confidential servants of the Maharaja; they delivered the usual fruit and sweetmeats, and presented

the Maharaja's compliments; several of the Residency servants were present at the time, and amongst others Faizoo Ramzan Chobdar was seen by the Assistant Resident talking to the Arab Sowar Salam on the place where the peons sit, as he rode up to the door.

9. The Maharaja arrived to call on the Resident shortly after 9 A.M. At that time the Resident was feeling very uncomfortable symptoms of nausea, which, however, he concealed and received the Maharaja as usual. The conversation chiefly turned on the sickness then prevailing in the city, and the Maharaja alluded to the fact that he himself had been lately suffering from fever, accompanied by purging and dizziness in the head, which symptoms he attributed to having eaten too freely of sweetmeats. The Resident's attention was excited by hearing the Maharaja relate regarding himself symptoms which appeared to correspond so nearly with what he had himself described to Dr. Seward just previously, and which he attributed to a very different cause to that assigned by the Maharaja—in other words to poison. The Resident said nothing, and the Maharaja in due course took his leave.

10. After the departure of the Maharaja the Resident communicated to Mr. Boevey, Assistant Resident, his suspicion that poison had been administered to him, and commented on the fact that the Maharaja had related regarding himself symptoms which so nearly corresponded with those from which he, Colonel Phayre, was suffering at the time.

11. About 11 A.M. Dr. Seward, Residency Surgeon, returned to the Residency, and formally certified that the contents of the tumbler given to him for examination by the Resident contained amongst other substances common white arsenic.

12. Before, however, receiving this formal corroboration of his suspicions, Colonel Phayre had expressed to Mr. Boevey his conviction that he was then under the influence of poison. He further stated that from the unusual symptoms which he had experienced during the few previous days, viz., nausea, dizziness in the head, purging, &c., he was certain that poison had been administered to him on previous occasions. So satisfied was Colonel Phayre of the truth of his suspicions, that before the receipt of Dr. Seward's official corroboration, he had commenced a report to Government, alleging the fact that he was then suffering from poison, and that attempts had been made to poison him on previous days.

13. On the receipt of Dr. Seward's report a strict enquiry was at once commenced. Abdoolla, the servant who made the sherbet, was examined, and all the persons who had had access to the Resident's private office room between 6 A.M. and 6.55 A.M. were at once placed under restraint.

14. The result of this enquiry was to free from all suspicion the servant who had himself made the sherbet, but the following persons were placed under arrest:—

- 1.—Govind Baloo Hamal.
- 2.—Ellapa Hamal.
- 3.—Luximon, Peon.
- 4.—Rowjee, Havildar of Peons.

15. Suspicion also at once attached to a Chobdar and table servant, named Faizoo Ramzan, a man of indifferent character, who was known to be an intriguer, and whose conduct for many months past had been highly suspicious. As however he denied that he had had access to the Resident's private office room on the morning of Monday, November 9th, and as there was nothing against him but mere suspicion, he was for the time allowed to be at large. His room in the Residency compound was however searched, and a sum of Government rupees 100 was found, of which no satisfactory account could be given, as his family, &c., lived in the city, and as he had no expenses in the camp bazaar.

16. Of the four persons above alluded to in paragraph 14 suspicion chiefly attached to the two Hamals,—Govind Baloo, and 2, Ellapa Nursoo. Both of them appeared much agitated under examination, and gave answers with much prevarication and reluctance. They both of them denied having seen any pummelo sherbet in the Resident's room as usual on the morning in question, although they had seen it on previous mornings, and Govind Baloo admitted having been the last to leave the room just before 7 A.M. when the Resident returned.

17. On November 11th, Faizoo Ramzan, Chobdar and table servant, was again examined, and at the conclusion of his examination was given into custody. It was discovered that he was in the receipt of regular Durbar pay, and that for some months past he had been in the habit of receiving visits from two most suspicious characters, one of whom was the Maharaja's Arab confidential servant, named Salam, and the other a Mussulman, known as "the Kazee," who was also a servant of the present Maharaja, and is said to have done valuable service for him when he was in confinement at Padra. Both of these men used constantly to visit Faizoo Ramzan in his quarters at the Residency, and are well known by the whole of the Resident's establishment.

18. Before proceeding further with the narrative, it appears material to give such information as is procurable regarding the persons above referred to—1, Faizoo Ramzan, Residency Chobdar and table servant; 2, the Maharaja's Arab Sowar Salam; 3, the Mussulman, known as "the Kazee."

19. With regard to Faizoo Ramzan it appears from his own statement that he has acted as Chobdar and table servant in the Residency for the last 20 years. He admits that he draws rupees 10 per memsem from the Durbar in the name of his son, who though only 14 years of age is enrolled as a Sowar in the Khas Paga. He has received this pay from the time of Colonel Wallace. He lives in the city, but he has a room in the Residency compound. He always waits at table, and has been in the habit of preparing the Resident's pummelo sherbet on days that it was not prepared by Abdoolla, and admits that he may have prepared it so lately as Friday, November 6th. He has often brought to the Resident his afternoon tea, and has been officious in trying to exclude the Resident's private servants from waiting on their

master in this respect. The Resident has been more than once warned to be on his guard against Faizoo Ramzan, both by his private servant, Pedro, and by others; and about the month of June 1873, in consequence of information received, the Resident was on the point of discharging Faizoo Ramzan from the service; but having recently dismissed another Chobdar and table servant, named Nur Ullah, who was suspected of being untrustworthy, the Resident was induced to be compassionate, and retained Faizoo Ramzan in his service.

20. In the time of Colonel Barr and Colonel Shortt, Faizoo Ramzan is stated to have been engaged in the most notorious intrigues in the city, and was in the habit of constantly visiting Nana Sahib Kanvilkur, Bulwunt Rao Eshwunt, Bulwunt Rao Rahoorkur, and others. The notorious character of Faizoo Ramzan was of course not known to the Resident until he commenced to make careful enquiries regarding him in consequence of the suspicion attaching to him in the case now under report; but he had received from time to time general reports that he was unfaithful from different members of the establishment.

21. With regard to the Maharaja's Arab Sowar Salam, the Resident has to state that he has long been aware that he is the chief of the Maharaja's spies and intelligence agents in camp. He usually attends the Maharaja on his periodical visits to the Residency twice in the week, and invariably goes to the servants' quarters, and sits at Faizoo Ramzan's door. His intimacy with Faizoo Ramzan is notorious, and has continued ever since the present Maharaja came to the guddee. He is also said to be on intimate terms with the four disreputable characters alluded to in the Resident's letter to Government, No. 133-681, of 28th July 1873, who were turned out of camp at his request by order of the Commander-in-Chief, in the month of July last year. Some of these persons, it will be remembered, were prominently engaged in the conspiracy got up by the present Maharaja in 1863 to murder his brother, Khunderao, and thus their connection with the Arab confidential servant of the Maharaja is doubly significant at the present time.

22. During the whole of the Resident's visit to Nowsaree in the months of March, April, and May of the present year, Salam was employed to live near his establishment; and the Resident was at that time particularly warned against him. The Resident cautioned his butler, but did nothing more at that time.

23. With reference to the third person mentioned above who is known as "the Kazeo," the Resident's chief information regarding him will be found in a very remarkable statement which is appended to the notes of evidence, and which was furnished to the Resident regarding him by the Rev. Mr. Taylor, of Borsud, who has been in the habit of receiving him constantly as a Missionary during the last 18 months in his private room at the Residency, and elsewhere. The main points in this statement are:—

1. That the Mussulman known as "the Kazeo" has been in the habit of soliciting the Rev. Mr. Taylor to use his influence with the Resident to procure for himself from the Gaekwar certain objects of his own.
2. That he has regularly visited the Residency for the alleged purpose of seeing Mr. Taylor for the last 18 months.
3. That on one occasion he directly attempted to bribe Mr. Taylor, apparently on the part of the Maharaja, as he is a servant of his.
4. That "the Kazeo's" story to Mr. Taylor is on the face of it false; and appears only to have been trumped up as an excuse for regularly visiting the Residency.

24. From enquiries which have recently been instituted, it appears that the Mussulman in question is a native of Chandode in Nassik, generally known as Dada Meeya. That he is a man of bad character who was Mulhar Rao's Agent while he was in confinement at Padra. He is also said to have been much employed on the present Maharaja's business during the eventful months that intervened between the death of His Highness Khunderao in November 1870, and the birth of a posthumous daughter to the Ex-Ranee Jumna Bace in the month of July 1871, before the present Maharaja's formal recognition by Government.

25. Such then is the man who has been in the habit of visiting the Rev. Mr. Taylor at the Baroda Residency during the past 18 months. The nature of his communications to the Rev. Mr. Taylor can be seen by referring to the statement of Mr. Taylor, which is appended to the proceedings. What Mr. Taylor, however, did not know is the fact that this Mussulman has been in the habit of securing access to him through the now notorious Residency Chobdar and table servant Faizoo Ramzan, above referred to. On the occasion of his visiting Mr. Taylor, "the Kazeo" invariably went first to Faizoo Ramzan's room and has often been seen to go there at times when Mr. Taylor has not been present and to have remained with him for long periods together. It is most significant that during this protracted period of 18 months the Kazeo referred to took particular care to avoid the Resident, who has never even seen him up to the present moment that he is aware of.

26. Having thus given a sketch of the three persons above alluded to in paragraph 18, viz., the Residency Chobdar and table servant, Faizoo Ramzan; 2, the Maharaja's Arab Sowar Salam; 3, the Mussulman Agent of His Highness the Gaekwar, known as the Kazeo, the Resident now proceeds to comment on the evidence which has been recorded.

27. Abdoolla, the servant, who prepared the pummelo sherbet on the morning of November 9th, is a very old servant of the Resident, and is much attached to him. He states that he prepared the sherbet in question as usual on that morning in the presence of Runchard Rutna Mussal, and this statement is corroborated by the evidence of Runchard Rutna. Abdoolla further states that having prepared the sherbet as usual, he took it into the Resident's room about 6.30 A.M., at which time the Hamals Govind Baloo and Yellapa Nursoo were in

the room, and Rowjee Havildar of peons was near the room. It also appears from Abdoolla's statement that while he was in the room Luxmon peon came in to clean the inkstand, &c. When Abdoolla left the room he states that the two Hamals above referred to and Luxmon peon were in the Resident's private room where the pummelo sherbet then was, and that Rowjee Havildar was in the ante-room. When Abdoolla had placed the pummelo sherbet on the Resident's table, he states that he returned to the dispense-khana to prepare the butter, and that he then for the first time that morning saw Faizoo Ramzan who came into the room where Abdoolla and a Mussal, named Runchard Rutna, were employed on their usual work. The fact that Faizoo Ramzan did go into the dispense-khana at about 6.30 A.M. on the morning of Monday, November 9th 1874, is corroborated by the evidence of Runchard Rutna, who further states that Faizoo Ramzan went from the dispense-khana into the dining-room, but for what purpose he does not know.

28. Why Faizoo Ramzan went into the dining-room at all at so early an hour cannot be clearly ascertained. At that time the Hamals had not been into the room to clean it, and the table was not ready to be laid. The silver, moreover, which was in the dining-room was not cleaned until a later hour. Whether Faizoo Ramzan went to the Resident's private office room or not on the morning of Monday, November 9th, cannot be ascertained. Faizoo Ramzan himself distinctly denies it, but as he was seen to go into the dining-room, one door of which is only 15 paces distant from the back door of the Resident's private office room, there was ample opportunity for him to have done so; and had he gone by the back of the Residency outside he could not possibly have been seen by any of the peons or servants inside the house.

29. Rowjee Havildar of peons was arrested in the first instance, because he was shown to have had access to the room where the pummelo sherbet was during the Resident's absence. As it appears, however, that he left the room before Abdoolla left it, he was at once released from custody.

30. Luxmon peon was also released for a similar reason. It should be noticed, however, that there is a discrepancy between his statement and that of Abdoolla. Luxmon states that when he left the Resident's private office room Abdoolla and the two Hamals alone were present in the room and remained in the room after he had left. Abdoolla states that Luxmon remained behind in the room with the two Hamals, after he, Abdoolla, had left about 6.30 A.M. Whether Luxmon peon remained in the room after Abdoolla had left or went out of the room before him cannot be certainly ascertained. It does not, however, appear to be a point of much importance as no suspicion attaches to Luxmon except on the ground that he was one of the few persons who had had access to the room between 6 A.M. and 6.55 A.M.

31. The two Hamals, Yellapa Nursoo and Govind Baloo, are still in custody. Yellapa Nursoo states that after sweeping the room he left it about 6.30 A.M., leaving there at that time Abdoolla and the other Hamal Govind Baloo. Abdoolla states that when he left about 6.30 A.M. Yellapa Nursoo remained behind with the other Hamal. There is thus in this instance also a discrepancy similar to that noticed above in paragraph 30 in the case of Luxmon peon. Whether Yellapa Nursoo left the Resident's room before Abdoolla or after him does not appear to be a matter of great importance as they both probably left about the same time, namely, about 6.30 A.M. The chief element of suspicion against Hamal Yellapa Nursoo lies in the fact that he denied having seen any pummelo sherbet brought by Abdoolla on the morning in question. It appears to be inconceivable that he should have failed to see whether Abdoolla brought the sherbet or not as usual. It was also noticeable that Yellapa Nursoo appeared to be much agitated under examination, and gave his evidence with reluctance. Notwithstanding, however, this fact, the Resident is inclined to exonerate from suspicion the Hamal in question. He takes his turn with three others to sweep the Resident's private room, and has no other connection with it.

32. With regard to the other Hamal, Govind Baloo, the case against him appears to stand on a different footing. Of all the Hamals employed at the Residency, Govind Baloo is the only one who is employed *daily* in the Resident's private room. It is his duty to clean the tables, arrange the dressing-table, &c., and do in fact everything except sweep the room. The four other Hamals who are employed at the Residency take it by turns to sweep out the Resident's private office room.

33. Baloo Govind admits that on the morning of Monday, November 9th, he went to clean the Resident's room shortly after 6 A.M.; that Abdoolla was then there, but that he shortly afterwards left; that he, Govind Baloo, left the room shortly before 7 A.M. On pressing the deponent to state how he knew the exact time when he left the Resident's room, he stated that he heard the clock strike about five minutes after he left. When it is remembered that the Resident returned from his exercise just at the time stated, the significance of the answer is apparent, as it shows that Govind Baloo was the last person who is known to have left the Resident's private room before the Resident's return on the morning of Monday, November 9th, 1874.

34. Govind Baloo distinctly denied that (although he saw Abdoolla in the room as usual, and fruit on the table) he saw any sherbet on the table which it is his business to clean. Govind Baloo was much pressed on this point, and after much prevarication and evident agitation of manner, he finally stuck to his original assertion that he saw no sherbet on the table as usual. It is noticeable, however, that on the first examination of Govind Baloo, which took place on November 9th, he distinctly stated that Abdoolla brought pummelo juice, but on being further pressed he denied it.

35. From the foregoing brief review of all the evidence which has been recorded in the case it will be seen that suspicion mainly attaches to—

1. Faizoo Ramzan, Chobdar and table servant in the Residency Establishment.
2. Govind Baloo Hamal.

36. The reasons for suspecting Faizoo Ramzan of complicity in the crime of attempting to administer poison to the Resident may be thus summarized :—

1. Faizoo Ramzan is admittedly in the pay of the Durbar.
2. He has been in the habit of holding most intimate relations with two disreputable and suspicious persons, both of whom are confidential servants and agents of His Highness Mulhar Rao Gaekwar.
3. He has been in the habit of receiving both these persons in his quarters at the Residency without any just cause or excuse whatever.
4. He is himself a notorious intriguer, and has, at least in Colonel Shortt's time, been engaged in political intrigues with prominent members of the Durbar.
5. His position as table servant has given him exceptional opportunities for the commission of the crime.
6. He has behaved very suspiciously in trying to forestall the Resident's private servants in waiting on him with tea, &c.
7. He has often made for the Resident pummelo sherbet, and admits that he may have made it on the morning of Friday, November 6th, on which day also the Resident believes it to have been poisoned, as he suffered unaccountably after drinking it.
8. He had ample opportunities of poisoning the sherbet himself, in collusion with Govind Baloo Hamal on the morning of Monday, November 9th, 1874.
9. His statement abounds with falsehoods and contradictions.
10. He is a disreputable and dangerous character, whose antecedents have now for the first time been clearly made known.
11. He could give no satisfactory explanation of Government Rupees 100 which were found in his box at the Residency.
12. He had ample opportunities for conspiring with Govind Baloo Hamal, as these two were left behind together at the Residency when the Resident went with the Maharaja to Nowsaree from April to May last.

37. The reasons for suspecting Govind Baloo Hamal are as follows :—

1. Govind Baloo admits that he was in the Resident's private room with Abdoola on the morning of Monday, November 9th, and that Abdoola left the room before he did.
2. Although Govind Baloo first acknowledged and then denied that he saw Abdoola bringing pummelo sherbet as usual, it is certain that Abdoola did bring and place it on the table as usual in Govind Baloo's presence.
3. Govind Baloo admits that he did not leave the Resident's private room until very near 7 A.M. At that time he was the only person who is known to have been in the room, and the Resident returned just about the time that he left the room.
4. Govind Baloo Hamal is the only servant who is employed *daily* in the Resident's private office room. Four other Hamals take it by turns to sweep the room.
5. Govind Baloo was much agitated under examination, and gave his evidence in a most suspicious manner, he also showed a marked disinclination to say anything regarding the other suspected persons, Faizoo Ramzan.
6. Govind Baloo was left at the Residency with Faizoo Ramzan during the Resident's absence at Nowsaree during the months of April and May, and has had peculiar facilities for committing the crime in question.

38. From this summary it will be seen that there is no direct evidence against either of the suspected persons of the crime of administering poison to the Resident on the morning of Monday, November 9th, but that either of the suspected persons had an opportunity of committing the crime either separately or in collusion, and that no serious suspicion at present attaches to any other person in the Residency Establishment.

39. It remains to consider certain collateral points which bear more or less directly on the matter under investigation.

40. First, with regard to the nature of the poison employed, the Resident received on the 12th instant confidential information that the poison administered to him consisted, 1st, of arsenic; 2nd, diamond dust; 3rd, copper. The presence of the two elements first named, viz., arsenic and diamond dust, has been formally corroborated by the analysis of the Residency Surgeon and Chemical Analyser to Government, copies of whose reports and letters on the subject are herewith attached. The presence of copper was suspected by the Chemical Analyser to Government, in consequence of the symptom stated by the Resident, that after drinking some of the poisoned sherbet he recognized a strong metallic taste. The presence of copper has not however yet been officially verified; but considering the fact that arsenic is tasteless or nearly so, there is a strong probability that the Resident's independent information regarding the admixture of copper is correct.

41. It appears to be almost certain that a poisonous compound of arsenic, diamond dust, and copper would not have been employed by an ordinary poisoner to effect the destruction of the Resident's life. The combined use of these chemical agents points to considerable method and

design on the part of the would-be poisoner, and suggests a tolerably familiar acquaintance with poisonous substances. Diamond dust, though said to be perfectly innocuous by itself, is not a substance which is easily procurable for purposes of crime, and the Resident is bound to record as an extraordinary coincidence, that before he had received any official corroboration of the presence of diamond dust, he was privately informed that certain diamonds from the Maharaja's Jamdarkhana were missing, and that they had been erased from the official inventory in order that their loss might not hereafter be traced.

42. Secondly, with regard to the occurrences which immediately followed the attempt to poison the Resident, the following facts should carefully be noticed. Not a word was said to the Resident on the subject of the attempt to poison him by Mr. Dadabhoy Nowrojee or by His Highness the Maharaja until upwards of three days after the attempt had been made, when the Maharaja visited him on Thursday, November 12th. The rumour of the attempt to poison the Resident began to spread far and wide on Monday, November 9th, and was well known throughout the city and camp on the day after the attempt was made, Tuesday. On the Wednesday following the matter was well known in Bombay and up the railway line. Although Mr. Dadabhoy Nowrojee visited the Resident as usual on those days, Tuesday the 10th, and Wednesday the 11th, he never said a word to him about the occurrence, although he must have been perfectly well aware of what had taken place.

43. On Thursday, 12th November, when the Maharaja paid the Resident his usual visit he came to him *for the first time accompanied by Mr. Dadabhoy Nowrojee*, although he is always in the habit of coming to the Resident alone. The Maharaja appeared very much agitated, and remarked to the Resident that he had heard yesterday evening, Wednesday, for the first time that there had been an attempt to poison him. Mr. Dadabhoy Nowrojee remarked that he had heard the subject rumoured on Tuesday, but had not believed it. No official communication from the Durbar on the subject was received until late on the evening of Saturday, 14th November, after office hours, or until nearly six days had elapsed after the attempt to murder the Resident had been made.

44. When it is remembered that the Maharaja's confidential Arab servant, Salam, had attended at the Residency early in the morning of Monday, November 9th, in order, as the Resident believes, to give early intimation to the Maharaja of the effects of the poison, and when further it is remembered that this same Arab servant Salam had craftily endeavoured to stop the peon who was sent to deliver the Resident's note summoning the Residency Surgeon, it will be seen that there are reasonable grounds for receiving with incredulity the Maharaja's extraordinary statement that he only heard of the attempt to poison the Resident for the first time on the evening of Wednesday, November 11th.

45. With reference to the official communication from the Durbar on the subject of the attempt to poison the Resident, which was received after office hours on the evening of Saturday, November 14th, appended to this report is a separate statement by the Resident regarding the general attitude assumed by His Highness the Maharaja and by the Durbar in the matter. This statement is annexed and is marked C.

46. Having thus taken into consideration the whole of the evidence in this very serious case the Resident is most unwillingly driven to the following conclusions :—

1. That an undoubted attempt to poison him has been made by two or more persons of the Residency establishment who have no conceivable personal motives for the crime and utterly repudiate its commission.
2. That this attempt was made with the cognizance and connivance of His Highness the Maharaja, two of whose confidential servants have been conspiring for months with one of the Residency table servants, of course without the knowledge of the Resident.

47. It is much to be regretted that the evidence adduced is not of a more direct character, but amply sufficient matters appear to have been established to show that the present attempt on the life of the British Resident is purely a political crime and due to no private motives whatever. The Resident has little hope that the persons now in custody will be induced voluntarily to confess the crime with which they are charged, and without such a confession there is little hope of obtaining any further evidence regarding the real instigator of the crime.

48. It appears to be unnecessary to say much on the political aspect of the crime now under report. The Government are well aware that His Highness the Gaekwar has for many months been using every possible device to procure the Resident's removal from his present office by means both fair and foul. Up to the present time the Resident has always received the most cordial support and assistance from Government, without which it would have been utterly impossible for him to have maintained his footing against the constant and unremitting attacks to which he has been subjected. It appears clear that the judicial aspects of this case is far subordinate to the political, and that the events that have taken place since the warnings conveyed to His Highness the Gaekwar in the khurecta of 25th July last culminating in this act of desperation afford reasonable evidence that anything but a spirit of reform is at present at work in the Baroda State.

Accompaniments to Appendix B, *vide* paragraph 40 of that Appendix.

Grant College Laboratory, Bombay, 11th November 1874.

From DR. W. GRAY, Acting Chemical Analyser to Government, Bombay (demi-official),
to DR. SEWARD.

I HAVE duly received your letter and its enclosures, viz., a demi-official from Colonel Phayre and a small packet which contained few grains of greyish coloured powder mixed with numerous gritty glistening particles.

I have examined the powder and find it to consist partly of common white arsenic and partly of finely powdered siliceous matter. This siliceous matter under the microscope appeared to be either powdered glass or quartz, being most like the former. Some of the particles had a purplish or rose-coloured tinge, which fact may perhaps furnish you with a clue as to its source. If you wish an official reply in addition to the present, I shall send it.

Herewith is returned Colonel Phayre's letter. I shall keep the remains of the powder in my possession till I hear further from you.

No. 501A., dated 13th November 1874.

From COL. R. PHAYRE, Resident, Baroda, to DR. W. GRAY, Acting Chemical Analyser to Government, Bombay.

REFERRING to your demi-official letter dated 11th instant, relating to a small packet of poisonous matter forwarded to you for examination by Dr. Seward, I have the honour to request that you will be kind enough to favour me with a formal official report as to the contents of the poisonous matter above referred to.

2. With reference to the statement made in your letter that the powder forwarded to you consisted partly of common white arsenic and partly of finely powdered siliceous matter which under the microscope appeared to be either powdered glass or quartz, being most like the former, I should feel much obliged by your kindly informing me whether in your opinion the siliceous matter referred to can possibly be powdered diamond.

3. Previous to the receipt of your letter under reference I had received secret and confidential information that the poison administered to me did consist of—

- 1st.—Common arsenic.
- 2nd.—Finely powdered diamond dust.
- 3rd.—Copper.

The importance of verifying this information is obvious.

WHILST the above letter of mine, dated the 13th November, was being written, the Chemical Analyser was on the same date writing from Bombay as follows:—

“Dated Grant College Laboratory, Bombay, 13th November 1874.

“From Surgeon W. GRAY, Acting Chemical Analyser to Government, (demi-official), to
Dr. SEWARD.

“In continuation of my letter of the 11th, I wish to tell you that a still closer examination of the gritty powder has led me to think that part of it at least is diamond dust. The lustre of some of the particles seems to me too great for anything else, and they are besides exceedingly hard, quite insoluble in any acid. This opinion, however, is based only on ocular inspection. I am not in possession of any means here to test the substance chemically should it be asserted that it is diamond dust, and besides the quantity sent is exceedingly minute.

“How do you account for the metallic taste described by Colonel Phayre? Can it be copper? Arsenic is tasteless or nearly so. I failed to find any compound of copper in the powder you sent me; but as all its salts are very soluble, it is possible that if put into the pummalo juice, it may have been all thrown away when the tumbler was emptied. The early appearance of the symptoms may be due to the fact that he took the arsenic in solution, or rather suspended in the pummalo juice on an empty stomach. He may also have taken a comparatively large proportion of what was in the tumbler, as arsenic unless well mixed has a habit of floating on the top of a liquid. Natives have a firm belief in the deadly properties of diamond dust or powdered glass, but the fact is that neither of them possess any deleterious qualities.

“I shall be happy to examine anything else you may require done. Is it possible to obtain any of the pummalo juice, or any part of the ground or other place upon which it was thrown, if so, we might be able to detect copper if present.”

The above letter was received on Saturday night, the 14th. Next morning I wrote a note to Dr. Seward to the effect that I had heard that a sure test of powdered diamond was to rub

it on glass, and that if it scratched the glass, it was diamond dust, as I believed that neither powdered glass or quartz would scratch glass.

Dr. Seward put this to the test, and on Monday morning, the 16th instant, he wrote as follows:—

“MY DEAR COLONEL PHAYRE,

“It scratches glass readily.*

“Yours sincerely,

“(Signed) G. E. SEWARD.”

On the same date, Monday, the 16th November, I wrote to the Chemical Analyser, Bombay as follows:—

No. 502A., dated Baroda, 16th November 1874.

SIR,

In consequence of the opinion expressed in your demi-official of the 13th instant to Dr. Seward's address (received on the evening of the 14th instant), I yesterday morning scraped together from the chunam floor of the veranda as much deposit as could be found on the spot where the contents of the poisoned tumbler fell, and I enclose the said scrapings herewith in the hope that they may be useful in leading you to a decision as to the other ingredients which were contained in the poisoned tumbler besides arsenic.

I have, &c.

(Signed) R. PHAYRE, Resident.

Whilst the above letter was being written to the Chemical Analyser, Bombay, on the 16th November, he on the same date replied to my letter No. 501A. of the 13th *idem* as follows:—

No. 395, dated Grant College, Laboratory, 16th November 1874.

From Surgeon W. GRAY, Acting Chemical Analyser to Government, Bombay, to Colonel
R. PHAYRE, C.B., Resident at Baroda.

In reply to your letter No. 501A., dated November 13th, 1874, I have the honour to report as follows:—

On Wednesday, November 11th, I received from Dr. Seward, Residency Surgeon, Baroda, a small sealed packet which contained a grain and a half of greyish coloured powder mixed with glistening gritting particles. Dr. Seward's letter in which the packet was enclosed and the packet itself was sealed, the seals were perfect and their device was an inscription in the Persian character.

I have examined the above-mentioned greyish powder, and have succeeded in detecting in it arsenious acid or common white arsenic. A gritty insoluble residue which remained after the solution of the arsenic I at first considered to be, after the usual negative tests had been applied, some kind of siliceous matter such as from powdered glass or quartz. A subsequent examination, however, led me to the conclusion that some at least of the gritty particles, those which presented a brilliant lustre, were diamond dust. I have examined these lustrous particles a third and fourth time, and have seen no reason to change my opinion that they are diamond. Several of the insoluble particles showed under the microscope a purplish or rose-coloured tinge.

I have also examined the powder for copper, but have failed to detect the slightest trace either of it or of any other mineral poison.

No. 401, dated B mбай, 19th November 1874.

From Surgeon W. GRAY, Acting Chemical Analyser to Government, Bombay, to Colonel
R. PHAYRE, C.B., Resident at Baroda.

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, and also of the small packet enclosed. The letter was sealed, the seals were unbroken, and the crest a bud.

The packet contained a small quantity of moist earthy matter of a brown colour mixed with glittering particles. A chemical examination of this earthy matter revealed the presence of arsenic. I failed, however, to detect in it the slightest trace of any mineral poison other than arsenic. Many of the glittering particles appear to be of the same nature as those seen in the powder sent me by Dr. Seward, namely, diamond dust, other glittering dark-coloured particles in the earthy matter prove to be oxide of iron, being in fact the same substance that is commonly used as sand for drying ink.

* The crystalline fragments of the poison sediment.—(Sd.) G.E.S.

APPENDIX C.

STATEMENT by COLONEL PHAYRE, C.B., Resident, Baroda, dated 16th November 1874.

THE attempt to poison me was made on the morning of Monday, the 9th November 1874. The small quantity of poisoned sherbet taken by me was swallowed at about 7 A.M. At about 20 minutes or half-past 9 A.M. the Maharaja paid me his usual visit. After some common-place remarks His Highness observed that the weather was not healthy, that there was a good deal of fever in the city, and that he himself had been suffering from purging and headache, and fever, from eating the usual Dewallee sweetmeats, but that he had recovered. I made no remark, but it occurred to me that His Highness had led the conversation to the subject in order to elicit some remarks from me. I have since learnt from the evidence that His Highness' confidential Arab Sowar, Salam, was at the Residency earlier than usual on that morning; that when I sent a note to summon Dr. Seward between 7 and 8 o'clock the Arab Sowar stopped the peon, Mahomed, who was carrying it, and asked him to buy him some biscuits in the bazaar, which extraordinary occurrence I can only account for by a desire on the part of Salam to divert the peon's attention from his proper errand to summon the Residency Surgeon.

By about noon on Monday the attempt to poison me began to spread in the camp and city. Next day, Tuesday, 10th, several people from the city came to call or sent to enquire after my health, but no one came from the Maharaja. Wednesday, the 11th, passed in a similar manner without any enquiry on His Highness' part.

On Thursday, the 12th, His Highness came to pay his usual visit, and on this occasion, for the first time, he was accompanied by Mr. Dadabhoy, usually His Highness comes alone. His Highness opened the conversation by saying that he had heard on the previous day (11th) that some one had poisoned me, and asked how I was, remarking at the same time that I showed no signs of having been poisoned when he called on Monday, the 9th instant. Previous to this remark by His Highness I had not mentioned the hour at which I was poisoned, but I afterwards told him; how the Maharaja knew that I had been poisoned when I came to receive him on the Monday morning is not apparent.

Mr. Dadabhoy said that he heard the rumour first on Tuesday, 10th, but did not believe it. That the rumour was repeated so strongly on the 11th that he believed it, and that he intended to speak about it next day, 12th. He asked me if I was making enquiry into the matter, and I replied that I was, and he expressed a hope that I should succeed in discovering the perpetrator of the crime.

On Saturday, the 14th instant, after dark in the evening, 5.45, I received the following yad from the Durbar:—

DURBAR YAD to the RESIDENT, No. 2057, dated 14th November 1874.

"AT a personal interview with you the day before yesterday I learnt from you the particulars about the attempt made by some bad man to poison you, for which I am very sorry. But it was the favour of God that his cruel design did not meet with success.

"If it becomes necessary for you to obtain my assistance in proving this criminal's guilt, the same will be given. This is written for your information."

It will be observed that in this yad His Highness alludes only to having heard of the matter from me personally on the 12th instant, whereas the report had spread everywhere by the evening of the 9th November, and it is not reasonable to suppose that His Highness had not heard of it immediately, as everything is reported to him at once by his spies.

Moreover, he himself told me on Thursday, the 12th, that he had heard it the previous day, and had resolved to speak regarding it on his next visit that morning.

The delay of His Highness in not taking notice of the occurrence till Thursday, the 12th, and afterwards in writing the yad, offering assistance on the evening of the 14th, the 6th day after the event, are remarkable.

(b.)

No. 382-1286, dated Baroda, 21st November 1874.

From Colonel R. PHAYRE, C.B., Resident, Baroda, to C. GONNE, Esq., Secretary to Government of Bombay.

IN continuation of my confidential letter to Government, No. 379-1271, dated 17th instant, with which I submitted the Judicial

Forwarded by the same post as this letter.

Proceedings recorded by me in the late serious attempt to poison me, I stated that I had arrived at the conclusion that the attempt on my life emanated solely from His Highness the Maharaja.

2. I respectfully submit that having now arrived at this conclusion it would be in the highest degree inconsistent were I to continue to receive His Highness as usual, as though nothing had occurred. Such a proceeding, I submit, is neither necessary or desirable, and under these circumstances, I would respectfully request permission to intimate to His Highness' Minister that until the Government has considered and arrived at some conclusion upon the whole case, in both its judicial

and political aspects, His Highness' visits to the Residency twice a week might with propriety be discontinued.

I should feel obliged by being favoured with orders by telegram upon this subject.

(c.)

No. 387-1295, dated Baroda, 23rd November 1874 (Confidential).

From Colonel R. PHAYRE, C.B., Resident at Baroda, to C. GONNE, Esq., Secretary to the Government of Bombay.

IN continuation of my confidential letter No. 379-1271, dated 17th instant, and accompanying Judicial Proceedings in the attempt to administer poison to me, I have the honour herewith to forward copy of a further examination of the prisoner, Faizoo, in consequence of his having spontaneously made a request to be brought before me this morning, as he had something of importance to communicate to me.

2. My remarks upon the evidence now recorded, as well as the further statements of Pedro DeSouza and Abdoolla Mahomed, are appended; and from what has now occurred, I am under the impression that in course of time the prisoner, Faizoo, will confess all he knows of the matter.

REMARKS by the RESIDENT.

ON the morning of Monday, 23rd November 1874, the Resident was informed by the Havildar of the Treasury Guard that the prisoner, Faizoo Ramzan, was desirous of making a statement. The prisoner was therefore at once sent for and examined regarding the statement which he professed a wish to make.

The prisoner's examination is attached.

From this examination it will be seen that the prisoner's motive in volunteering his statement obviously is to divert suspicion from himself by laying it on the Maharaja's Arab Sowar, Salam. The prisoner notices as a suspicious circumstance, which it undoubtedly was, the unusually early attendance at the Residency of the Arab Sowar Salam on the morning of Monday the 9th, but he professes to be utterly unable to explain it.

The prisoner, however, volunteered certain information regarding Salam's occupation and antecedents, which tends to explain the ground for suspicion in the prisoner's mind. It is noticeable, however, that the prisoner has utterly repudiated his own connection with Salam, which is notorious, and which constitutes one of the main grounds of suspicion against himself.

The Resident was particularly struck with one of the answers given by the prisoner, in which he states that ever since the Resident returned from Nowsaree, in May last, Salam had never been to his room at the Residency.

The allusion by the prisoner to the Resident's return from Nowsaree appears to have much significance, as it was entirely spontaneous, has never been spoken of in his presence, and tends to confirm the Resident's suspicion that the conspiracy to poison him was chiefly concocted during his

Vide paragraph 26 of Confidential Report, No. 379-1271, dated 17th November 1874.

residence at Nowsaree in the months of April and May last, when the prisoners Faizoo Ramzan and the Hamal Govind Baloo were both left together in charge of the Residency, and may have passed as much of their time as they chose in the city.

On being pressed regarding the spontaneous allusion to the Resident's return from Nowsaree, the prisoner volunteered the extraordinary statement that he *forbad* Salam from coming to him, but on further pressing the prisoner as to the reason for forbidding his coming, he stated, after much prevarication, that Salam was never in the habit of coming to him at all.

The prisoner also denied emphatically that on the morning of Monday, the 9th, he ever went into the dining-room at all. As he was seen to go into the dining-room by two witnesses, Abdoolla and Runchod Mussal, and as the dining-room is only 15 paces distant from the Resident's private office room, the significance of this denial is obvious. Had the prisoner gone into the dining-room, as he is shown to have done, he could easily have gone into the Resident's private office room by the back road outside the Residency, without being seen by any one except the Hamal Govind Baloo, if in the room at the time, which it appears from his own statement he was.

The prisoner denies emphatically that he saw Madhowrao Sowar on the morning of Monday, the 9th, although he saw Yeshwant Rao Jassood and the Arab Sowar meet the Assistant Resident on his

NOTE.—In the accused's examination of 11th November 1874, he distinctly denied having even seen the Assistant Resident return from shooting, or having been seen speaking to the Arab Sowar Salam.

return to the Residency on the morning of Monday November 9th. The Assistant Resident states that Madhowrao Sowar was present with Yeshwant Rao Jassood and Salam when he returned to the Residency. As Madhowrao Sowar died suddenly

under very suspicious circumstances shortly after the attempt was made to poison the Resident, the denial of the prisoner that he saw him on the morning when the attempt was made is most suspicious.

It will also be observed that the accused acknowledges that he has no expenses in the Camp Bazaar, thus the one hundred rupees found in his box on the 9th cannot reasonably be accounted for.

The fact that the prisoner Faizoo Ramzan himself volunteered the statement that he suspected the Maharaja's Arab Sowar Salam in consequence of the *unusually early attendance* of the latter at the Residency on the morning in question, the Resident has been induced to enquire more narrowly into the time that the prisoner himself came on duty on the morning of Monday, November 9th.

The result of this enquiry is to establish the fact that the prisoner himself as well as Salam came on duty at a singularly early hour on the morning in question. Faizoo Ramzan was seen by the Resident's butler, Pedro de Souza, on his way to the Residency from the city about 6.20 A.M. Faizoo Ramzan shortly afterwards went into the dispense-khana, where Abdoola and Runchod Mussal were employed about 6.30. From there he went into the dining-room, and about 10 minutes later he returned to the dispense-khana, and then left the house. Abdoola states that on days when Faizoo Ramzan came from the city he did not usually arrive at the Residency till about 7.30 or 8 o'clock, and he has never known him arrive so early from the city as he did on the morning in question. It is also a most significant fact that Faizoo Ramzan and Salam were at the Residency about the same time, 6.30 A.M., on the morning in question. The unusually early attendance of the latter excited the attention of at least one of the peons, Rowjee Havildar, and has now been spontaneously adduced by the prisoner Faizoo Ramzan himself as a ground for suspicion against Salam in order to divert attention from himself. It will be seen, however, that there are precisely the same grounds for suspecting Faizoo Ramzan as for suspecting Salam. They both of them attended at the Residency at an unusually early hour, and appear to have been acting in concert throughout.

(Signed) R. PHAYRE, Colonel, Resident.

FURTHER EXAMINATION, dated 23rd November 1874.

FAIZOO RAMZAN, accused, having intimated a wish to make a statement to the Resident, is called up and examined :—

Question.—What have you to state with reference to the occurrence which took place at the Residency on Monday, November 9th, in connection with which you are now in custody?

Answer.—What I have to state is that on that morning the Arab Sowar Salam came to the Residency much earlier than usual. That fact excites my suspicion.

Q.—At what o'clock does Salam usually come to the Residency?

A.—He never comes before 8 o'clock.

Q.—At what o'clock did he come on the morning of Monday the 9th?

A.—When I came there at 7 o'clock on the morning of Monday the 9th, Salam Sowar was then there.

Q.—Can you give any reason why Salam came so early on that morning?

A.—I can give no reason for it.

Q.—Does the fact that he came so early on that particular morning excite any suspicion in your mind?

A.—Yes, it does; because I know that Salam is employed by the Maharaja to give information of what occurs at the Residency, and I know that he has received Chuttree, Mugsal, and other honours from the Maharaja for his services at the time of the sitting of the Commission.

Q.—Is not Salam in the habit of always going and sitting at your room when he comes to the Residency?

A.—Ever since the Sahib returned from Nowsaree in May last, Salam has never come to my room at the Residency.

Q.—What happened to prevent his coming as usual after the Resident's return from Nowsaree?

A.—I forbid his coming.

Q.—Why did you forbid his coming?

A.—The accused states after much prevarication that Salam was never in the habit of coming to him at all.

Q.—All the servants and dependents in the Residency state that Salam is in the habit of coming to your room and sitting there, is this true or false?

A.—Salam never comes to me.

Q.—Do you know Rama Barik?

A.—Yes, I do.

Q.—Has he ever visited you, or you him?

A.—No.

Q.—Do you know Runchod Bajee?

A.—He used to visit Colonel Shortt's butler.

Q.—Where did he come from, and what did he come for?

A.—I do not know.

Q.—Did Salam ever come to visit Colonel Shortt's butler?

A.—Yes.

Q.—What did he come for?

A.—I do not know.

Q.—Do you know Mahadoo Luxmon?

A.—I do not know.

Q.—Do you know Jugga Punkhawalla?

A.—I do.

Q.—Do you know Madhowrao Kalay, the Maharaja's confidential Sowar?

A.—Yes, I do.

Q.—Was he here on the morning of Monday the 9th instant?

A.—I did not see him. I saw Yeshwuntrao and Salam only.

Q.—Do you know that Madhowrao died one or two days afterwards?

A.—No, I do not, as I have been in prison.

Q.—When you came to the Residency on the morning of Monday the 9th, where did you go to?

A.—I went into the dispense-khana where Abdoola was making the butter, and Runchod Mussal was cleaning the lamps.

Q.—Did you go from there into the dining-room?

A.—No, I remained in the dispense-khana and cleaned the silver that was there in the presence of Abdoola and Runchod Mussal.

The accused denied most emphatically and eagerly that he went into the dining-room.

Q.—Did you take any silver from the dining-room to clean on that morning?

A.—No, all the silver that I cleaned was in the dispense-khana on that day.

Q.—When did you lay the table on that morning?

A.—After the Assistant Resident returned from shooting, and had spoken with Yeshwuntrao Jassood in the verandah that morning.

Q.—Have you any expenses in the Camp Bazaar?

A.—No.

Q.—Have you any suspicion on anybody else except Salam?

A.—Salam's coming so very early on that morning is the only suspicious thing that I noticed.

Before me, this 23rd day of November 1874.

(Signed) R. PHAYRE, Colonel, Resident.

FURTHER EXAMINATION.

PEDRO DE SOUZA is recalled and further examined :—

Question.—When you first saw Faizoo coming from the direction of the city on the morning of Monday the 9th, can you state accurately what o'clock it was?

Answer.—I did not look at my watch before I went out that morning. The sun had not long risen, but from its height it might have risen about 15 minutes.

Q.—When you first saw Faizoo how far off was he?

A.—He was about 200 paces off. I am quite certain that it was Faizoo and no one else.

I went across to the Post Office only, and then returned. On my return I saw him, Faizoo, by the servants' quarters going to his room. I went into the cook-room and did not see him afterwards. When I returned from the Post Office I saw Salam, the Arab Sowar, standing near the place where the peons sit.

It took me about 10 or 15 minutes to go to the Post Office and back. Faizoo sometimes comes late and sometimes early. I have told him that if he did not come in good time I should speak about it to the Sahib. On the morning in question he came in good time.

This evidence having been read over to the witness in Hindoostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 23rd day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

FURTHER EXAMINATION.

ABDOOLA MAHOMED is recalled and further examined :—

When I saw Faizoo go into the dining-room it was about 6.30 A.M. He returned from the direction of the dining-room about 10 minutes afterwards, and went out of the house. After the Sahib had returned about 7 o'clock, Faizoo came into the dispense-khana to clean the silver. I remember when Faizoo came into the dispense-khana, because I saw the Sahib's horse pass as usual; until Faizoo came into the dispense-khana that morning about 7 o'clock to clean the silver, I did not see him do any work at all.

When Faizoo sleeps in the city he usually does not return to duty till about 7.30 or 8 A.M. Faizoo slept in the city on the night of Sunday, November 8th. On Monday morning, when

he came from the city he came unusually early. I have never seen him come from the city so early before as he did on that morning. When Faizoo went into the dining-room on the morning of Monday all the doors were open.

This examination having been read over to the witness in Hindostanee, a language which he understands, is acknowledged by him to be correct.

Before me, this 23rd day of November 1874.

(Signed) R. PHAYRE, Col., Resident.

No. 3.

No. 2851P., dated Fort William, 23rd December 1874.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

I AM directed to acknowledge the receipt of your letter No. 7092, dated the 26th ultimo, forwarding a copy of papers relating to the recent attempt to poison Colonel Phayre, late Resident at Baroda, and to state that the Government of India will await further information on the subject.

No. 4.

No. 413-1376, dated Baroda, 7th December 1874.

From Colonel Sir L. PELL, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

ADVERTING to paragraph 6 of the enclosure No. 2563P., dated 25th ultimo, to your office letter to my address, No. 2564P. of the same date, concerning an investigation into the recent attempt to poison Colonel Phayre, I have the honour to report—

2. 1st.—That I learn from Colonel Phayre that he has already submitted to the Government of Bombay the proceedings he has taken in the case, together with a letter on the subject No. 379-1271 of 17th November 1874.

2nd.—It seems to me that it would be extremely inexpedient that I should enquire into the matter. To do so would inevitably embarrass me in my relations with the Baroda Durbar, or with the Resident, or with both.

3. I have to-day telegraphed to the Government of Bombay requesting that if the services of their Commissioner of Police, Mr. Souter, can be spared for a few days, he may be instructed to make the necessary arrangements and join me at Baroda.

4. On his arrival I should wish him to make a searching police enquiry into all the circumstances of the case. Indeed, I think, it is to be regretted such enquiry was not instituted immediately after the attempt.

5. On receipt of the report of the Commissioner of Police, I shall be in a position either to cause a magisterial enquiry to be made, if the Commissioner deem such course advisable, or to transmit the Commissioner's report for the further orders of Government.

6. Should a magisterial enquiry take place, and the Magistrate consider the evidence of a character likely to sustain a prosecution, it will then become my duty to solicit the favour of His Excellency the Viceroy and Governor-General in Council, causing notification to be made in conformity with the provisions of section 5 of the Extradition Act No. XI. of 1872.

No. 5.

No. 415-1378, dated Baroda, 7th December 1874.

From Colonel Sir L. PELL, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honour to report that in obedience to the instructions contained in your office No. 2564P. of 25th November, and accompaniment, I proceeded to Bombay, reporting my arrival there on the 29th ultimo.

On the 4th instant I arrived at Baroda, and on the 5th took charge from the Resident.

His Highness the Gaekwar visited me on the morning of the 5th. On the evening of the same day I had an interview with His Highness at his Palace, and presented to him the khureeta of His Excellency the Viceroy and Governor-General in Council, dated 25th ultimo.

This morning (7th) Colonel Phayre left Baroda, and I caused all the usual honours to be paid him on the part of the British and Gaekwar authorities.

After Colonel Phayre's departure, the Gaekwar, unaccompanied by any suite, paid me a friendly visit at the Residency. His Highness was demonstrative in volunteering assurances that he would absolutely and without any delay conform to whatever advice I might afford, and thoroughly, as well in deed as in word, carry into effect the requirements of the Viceroy's khureeta and instructions of the 25th July last.

I responded in a friendly and earnest manner, explaining to His Highness how averse His Excellency the Viceroy was from causing misfortune to any Native Prince. But I added, that in the present instance I should fail to perform a most serious duty were I to attempt to soften or conceal the meaning and intention of the Viceroy in writing the khureeta of the 25th ultimo, and deputing his Agent for Rajpootana to represent him at Baroda. I more particularly dwelt on the words of His Excellency, "I have now done everything in my power to aid Your Highness."

Both His Highness and his Minister have assured me that they well understand the portentous significance of the khureeta and appointment of an Agent to the Governor-General, and that all the instructions of July 25th shall be forthwith carried into effect.

I further explained to the Minister that although in the instructions of July 25th the report of the Resident was to be submitted not later than 31st December 1875, yet that affairs had marched and in some respects altered since those instructions were issued; that His Excellency in now again addressing His Highness and in deputing his own Agent to His Highness' Court would, in large measure, be influenced by the reports of his Agent; and that, for my own part, while I was on the one hand frankly and most sincerely desirous of aiding the Gaekwar through the present most grave crisis, I was equally, on the other hand, resolved that in the unhappy event of my being driven to a conviction of His Highness' incorrigibility, I would submit to His Excellency the Viceroy and Governor-General in Council my unqualified advice to decline longer to sacrifice the interests of the Baroda State, in order to maintain in power an unworthy ruler.

Yesterday the minister spent many hours with me in going over all the points contained in paragraphs 8 and 9 of the instructions of 25th July, and both His Highness and the Minister have this morning informed me that I shall during

These letters have been received.
(Signed) L. P.

to-day receive from His Highness written communications drawn up in exact conformity with the advice I afforded, and further expressive of willingness that I shall satisfy myself of the reality of the assurances tendered.

I have spoken thus plainly, although with great gentleness, at an early date, because I think the sooner the real situation is understood by all here the better will it be for all concerned.

The Resident assures me that almost every letter or document of importance which passes between the Residency and the Governments of Bombay and India, is sooner or later known to the Durbar; and if they now find opportunity for perusing my despatches, they will speedily learn that I sincerely wish His Highness well, and that I discharge my duties here with complete impartiality, and with every due consideration and allowance for any real difficulties that may embarrass His Highness' position. The Durbar will further find, that if I once become thoroughly convinced that His Highness is incorrigible, I will permit no unnecessary delay in submitting to the Viceroy in Council a solemn recommendation that the Gaekwar State be saved by the deposal of its Ruler, and the inauguration of a minority or other mode of Government under suitable conditions.

No. 6.

No. 2801P., dated Fort William, 19th December 1874.

From F. HENVEY, Esq., Officiating Under-Secretary to Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

IN reply to your letters Nos. 413-1376 and 415-1378, dated 7th instant, I am directed to inform you that His Excellency the Viceroy and Governor-General in Council approves of your proceedings in the matter of the enquiry into the attempt to poison Colonel Phayre, and of the terms in which you have addressed His Highness the Gaekwar.

2. I am to request that you will submit, for the information of His Excellency in Council, copies of the Gaekwar's replies alluded to in the second of your communications under acknowledgment.

No. 7.

No. 436-1461, dated Baroda, 25th December 1874.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honour to forward the accompanying copy of a letter No. 1457, which I have this day addressed to the Commissioner of Police, Bombay, in connection with the enquiry into the poisoning case upon which he is at present engaged.

(a.)

No. 1457, dated Baroda, 25th December 1874.

From Colonel Sir L. Pelly, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to F. A. Souter, Esq., C.S.I., Commissioner of Police, Bombay.

REFERRING to my conversation with you of yesterday morning, and to the cipher telegram then received from His Excellency the Viceroy, commanding that the enquiry upon which you are at present engaged is to be prosecuted under my control with the greatest possible secrecy, and that no important step in it is to be taken unless under my sanction, I have the honour to request that you will oblige me by absolute silence on the subject, unless when actually employed in your enquiry with your subordinates and the persons accused or giving evidence before you.

2. If witnesses or other persons be required by you from the city, the requisition should be made through the Residency.

3. If evidence or other matter be required from the camp, it should be obtained through the Officer Commanding, or through the Cantonment Magistrate, as the circumstances of the particular case may dictate.

4. Every care should be taken to treat all persons coming from the Gaekwar's territories with due consideration, and no risk should be run of it being hereafter alleged that either the Residency or the officers of the Police have in any way or degree unnecessarily exceeded or deviated from a plain and necessary line of duty.

No. 8.

No. 437-1462, dated Baroda, 26th December 1874.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to Government of India, Foreign Department.

IN forwarding the accompanying Memorandum of information received from two independent sources, I have the honour to state that the matter therein contained appears to me to be of sufficient interest for submission.

MEMORANDUM of Information received.

THE Gaekwar's State Bank in Bombay is called "Nurseedass Laxmidass," and is situated in the native town opposite the new cloth market.

The balance in that bank is at present (85) eighty-five lakhs of rupees, and the superintendent of the Gaekwar's State Banks, Wussuntram Bhao, has been deputed to Bombay to convert the whole of the cash there into notes. This balance, it is said, is exclusive of the balance

there may be in the Bank lately established in Bombay in the same premises in the name of His Highness' newly married wife Luxmee Bace. The Bombay Manager of these Banks is Khemchund Chagunlall.

In connection with the poisoning case, the four persons named in the margin have been confounded. They fear that they might be arrested and tried. Nanajee Withul fears because, it is said, the poison used was obtained from the supply in his charge.

Nana Sahib Khanvulkir, Pritinidhi.
Hariba Gaekwar, the late Revenue Commissioner.
Damodur Punt, Private Secretary to His Highness.
Nanajee Withul, Jamdar.

No. 9.

Dated Baroda, 7th January 1875. (Extract.)

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner of Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

UNDER paragraphs 5 and 6 of the Government of India letter No. 2563P. of the 25th November 1874, which accompanied your letter of instructions to me, No. 2564P. of the same date, I was informed that it would be my "first duty" after receiving charge of my office at Baroda "to bring to a conclusion," "or to recommend the measures that he (I) consider to be necessary for the purpose of" concluding an investigation into "the atrocious attempt to poison Colonel Phayre," in view to bringing "the authors of the attempt" to "condign punishment."

2. Accordingly on the day on which I commenced work, I telegraphed to the Government of Bombay requesting that the services of their Commissioner of Police might be placed at my disposal, and that he might be instructed to make the necessary arrangements and join me at Baroda.

3. On the same day I submitted a letter No. 413-1376 of 7th December 1874, sketching the mode of procedure I proposed to follow, and in your Office letter No. 2801 of 19th idem, His Excellency the Viceroy and Governor-General in Council was pleased to approve my proceedings.

4. I found that the late Resident had himself instituted an enquiry, and had reported the result in his letter No. 379-1271 of 17th November 1874. It did not appear that Colonel Phayre had collected any evidence tending to convict, though the under-mentioned persons were left in confinement on suspicion:—

Faizoo Ramzan.	Jugga Bhagwan.
Govind Baloo.	Rama Barik.
Yellapa Nurzoo.	

5. Mr. Souter commenced the enquiry *de novo* on the 10th December 1874, and down to the 22nd idem the proceedings continued to be of an ordinary police character, with which I carefully abstained from intervention, unless on the direct request of the Commissioner.

6. On the 22nd December, however, one Rowjee, the Havildar of Peons at the Residency, made some admissions to the Inspector of Police, Khan Bahadoor Akbar Ali, tending to criminate himself, and directly to implicate His Highness the Gaekwar in the attempt to poison. This the Commissioner of Police reported to me on the early morning of the 23rd, and as the proceedings from this point onward assumed a political aspect, I took a more direct interest in them.

7. During the forenoon of the 23rd I heard Rowjee repeat his statement before the Commissioner of Police, and his manner and language impressed me as being those of a man endeavouring to speak the truth. At the same time I bore in mind that Rowjee was confessing under a promise of pardon, and that a statement so made before the Police was of little or no value unless corroborated by circumstantial or other evidence.

8. On the morning of the 24th His Highness the Gaekwar paid me his usual visit, and I then, in the presence of Mr. Souter, mentioned to His Highness that his name had been introduced as having been directly concerned in the attempt to poison the late Resident, and that my advice to him was to afford every facility for a searching enquiry into the facts of the case. This His Highness promised to do.

9. On the same morning I learnt from the Commissioner of Police that the Jemadar of Peons, named Nursoo, had made a confession without promise of pardon, and that his confession generally corroborated that of the Havildar.

10. Desirous of leaving no room for subsequent doubt as to the conditions under which the Jemadar might have made his confession, I entered the room where the enquiry was about to be proceeded with, and solemnly warned the Jemadar that he must clearly understand before his statement was taken down in writing, that I not only would not promise him pardon, but that he should not be pardoned. This warning I caused to be repeated to the Jemadar.

11. The Jemadar then placed his turban at my feet, and said the Sahib may hang or kill me, but I must speak it all out. I have served the Government for so many years, and now having gone into this matter, how can I ever show my face again. I asked him what could have induced him so to commit himself, and whether Colonel Phayre had ever treated him ill? The Jemadar rejoined that Colonel Phayre had always been good to him, but that he had been so entreated to go to the palace that he had at length consented to go there, and that intrigue had then gradually developed from a mission to collect information to one involving an attempt at poisoning.

12. The Jemadar then confessed in my presence to the effect recorded in his statement now enclosed, and certainly from his condition of overwhelming grief, from his tone, his manner, his language, and from the general concurrence of his statement with that of the Havildar, whom he had not communicated with, he induced in my mind a conviction that he was a man of somewhat stupid nature, who has been led into an atrocious conspiracy, and was unable, under mingled feelings of shame, dejection, and horror, any longer to refrain from disburthening himself of his crime.

13. The Jemadar was remanded to the guard-room, and his confession was not recorded until the 26th December.

14. On the afternoon of the 26th when I was dressing for my evening drive in an upper room in the Residency, I chanced to see the Jemadar, accompanied by a policeman, cross the lawn into the Residency garden; and a few minutes afterwards my attention was attracted by a disturbance in the garden, and by the sound of voices calling for a rope and assistance.

15. On going downstairs I enquired into the cause of the disturbance, and shortly afterwards the Jemadar dripping wet and guarded passed the verandah. I went out to him, and asked what was the matter, when the police explained that the Jemadar had thrown himself into the well, and had been recovered with great difficulty. I desired that he might be wrapped up in a warm blanket, and I then questioned him as to his reason for thus acting, and also as to whether he had received any ill-treatment or annoyance. He replied that he had not received any annoyance, but that after concluding his confession, he had gone to the garden, that he was confused, and that he had thrown himself into the well. He then repeated his former ejaculations as to the impossibility of his ever showing his face again, of his long service, and of his remorse for what had happened.

16. On the following morning I again saw the Jemadar in the guard-room, as a complaint had reached me from his brother to the effect that the Police were annoying him. I took the brother with me to the guard-room, and in his presence again enquired of the Jemadar as to his treatment. He replied that his brother's petition was unfounded, and was due to gossip in the town. The Jemadar in the presence of his brother again reiterated his expressions of remorse and hopelessness.

17. I have thus dwelt on the above details because they chanced to come under my own eye, and have largely contributed towards convincing me that the statements of the Jemadar and Rowjee are true, and are not the result of a conspiracy.

18. But it is not my intention to trouble His Excellency in Council with a complete analysis of all the corroborative or circumstantial evidence adduced in the case. I have to thank Mr. Scoble for the promptitude with which he proceeded to Baroda, and for his valuable advice during his sojourn here.

19. I enclose an original report by Mr. Souter, the Commissioner of Police (a.). This report encloses a printed copy of the evidence taken in the case, and is accompanied by numerous Appendices.

20. I trust that His Excellency in Council may concur with me in thinking that the enquiry conducted by Mr. Souter has been carried through with great care, patience, and success. Mr. Souter in his 6th paragraph correctly comments on the difficulties attending the enquiry, and I quite agree with him in his estimate of the difficulties; and, as I reported on the 7th ultimo, I deem it to be matter for regret that Colonel Phayre did not in the first instance apply for Police assistance, instead of conducting the enquiry himself.

20a. Mr. Souter's report will doubtless be carefully perused at Calcutta, and it is therefore unnecessary that I should occupy the time of Government by further comment on it.

21. In his 3rd paragraph the Commissioner of Police brings to notice the names of his subordinates employed in ferreting out the facts of this curious case, and I have been much impressed by the zeal, industry, and astuteness of these officials (and this without any use of force or threat) in detecting the culprits. I recommend Rao Bahadoor Gujanund Vittul to the favour of Government, also Khans Bahadoor Meer Akbar Ali Khan and Meer Abdool Ali.

22. Having thus, in obedience to your telegram of the 30th ultimo, enclosed the opinion of the Advocate-General and the report of the Commissioner of Police, together with the evidence taken in the case, it now becomes my grave duty to submit my own opinion; and, in doing so, I shall view the case in its political aspects, and with special reference to the circumstances and alleged complicity of His Highness the Gaekwar.

23. So regarded, the facts of the case cannot be taken *per se*, or be left to the verdict of an ordinary jury. They must be considered—

1st.—In connection with the antecedents of His Highness, remote and proximate;

2nd.—In reference to the moral certainty or strong moral probability of the facts themselves, as recorded in the evidence adduced in the case itself; and

3rd.—With reference to the rights and obligations mutually subsisting between His Highness as responsible representative of a Native Protected State on the one side, and of Her Majesty's Government in its character of the paramount and protective power in India on the other side.

24. Considering the case in connection with the antecedents of His Highness, the records of the Baroda Residency show that this is the third occasion whereon His Highness' name has become publicly associated with attempts to poison State personages. The two previous alleged attempts were against the persons of—

1st.—His Highness' deceased brother and sovereign, the late Khunderao Gaekwar.

2nd.—The quondam Minister of his late Highness Khunderao, named Bhown Scindia, whose case was significantly remarked on by the Viceroy in his khurecta to His Highness.

Dated 11th October 1872.

25. Rumour alleges that the above are not the only instances of capital crime committed or abetted by His Highness, although it is unlikely that the surmises and suspicions in these instances will ever assume the form of proof so long as those implicated shall retain the power of avenging themselves on witnesses.

26. As regards the proximate antecedents of His Highness, the records of this office and the testimony of the Minister and of others show that during the past year, or year and one half-year, there has been constant and increasing political irritation and hostility between the Gaekwar and the late Resident, until His Highness characterized the Resident in a letter to the Viceroy, and requested that the Resident might be withdrawn from his Court; while his Resident almost simultaneously stigmatized the Gaekwar as at "enmity" with him "personally as the British representative," as a man of "outrageous" conduct, and as "deliberately" setting at defiance the principles of humanity, loyalty, and justice. Again the records connected with the recent attempt at poisoning indicate an organized system on the part of the palace for tampering with the establishment of the Residency to the prejudice of its chief. On the other hand it is fair, and it is my duty to state, that the minute and constant interference of the late Resident with the internal affairs of the Baroda State could not have been otherwise than vexatious to a ruler of that State. Mr. Dadabhoi, a Minister trained in our own schools, has more than once lamented to me that his administration has been cramped, harassed, and in some instances brought into contempt owing to all classes of the community entertaining a conviction that the Residency was a sort of Court of appeal against the Durbar.

Vide khurecta of 2nd November 1874.

might be withdrawn from his Court; while his Resident almost simultaneously

Vide Colonel Phayre's letter No. 379-1271 of 17th November 1874.

stigmatized the Gaekwar as at "enmity" with him "personally as the British representative," as a man of "outrageous" conduct, and as "deliberately" setting at defiance the principles of humanity, loyalty, and justice. Again the records connected with the recent attempt at poisoning indicate an organized system on the part of the palace for tampering with the establishment of the Residency to the prejudice of its chief. On the other hand it is fair, and it is my duty to state, that the minute and constant interference of the late Resident with the internal affairs of the Baroda State could not have been otherwise than vexatious to a ruler of that State. Mr. Dadabhoi, a Minister trained in our own schools, has more than once lamented to me that his administration has been cramped, harassed, and in some instances brought into contempt owing to all classes of the community entertaining a conviction that the Residency was a sort of Court of appeal against the Durbar.

27. In respect to the moral certainty or strong moral probability of the facts themselves: after—

1st. A perusal of the evidence and other details recorded;

36913.

F

2nd. Personally witnessing the manner in which the principal statements were made, and also some of the incidents accompanying the delivery of those statements;

3rd. Maturely and to the best of my ability weighing the direct and independent corroborative evidence adduced; and

4th. After considering the report of the Commissioner of Police and the opinion of the Advocate-General;

I am of opinion that the statements recorded are not the result of a conspiracy; that they are substantially true; and that they involve the admission that His Highness was directly concerned in an attempt to poison the late Resident, Colonel Phayre.

28. I am further of opinion that the evidence taken in connection with what was previously on record in this Residency shows that the attempt was not the result of a sudden and unpremeditated impulse, but was the final development of feelings of anger and eventually of exasperation, excited by the proceedings of the Resident, and which culminated on the part of the Gaekwar in attempts first to appease, next to seduce, then to exorcise, then to expel, and finally to poison the British Representative at his Court.

29. I come now to the third point, that of considering the case in reference to the mutual relations subsisting between a protected Native State and a paramount Imperial power. It is on record that "from the earliest period of its

Vide the Viceroy's khureeta to the Gaekwar, dated 25th July 1874. "connection with the Baroda State the British Government has repeatedly found it necessary

"to intervene in Baroda affairs, for example, by investing the Resident with power of control over its finances; by assuming for a time the management of portions of the State, and by the removal of evil advisers."

30. The Commission assembled at Baroda last year established "so serious an amount of general misgovernment" on the part of His Highness as "to

Vide Government of India letter, dated 25th July 1874. "necessitate decided intervention on the part of the British Government." The details of

this mal-administration are amply given in the report of the Commission or in its Appendices. It may be sufficient here to recall that among "gross abuses" charged against His Highness' Government were: the "discreditable and spoliatory," "arbitrary and unjust" treatment of bankers and traders; the "arbitrary" and dangerously sudden reductions made among the military class; the practice of "barbarous processes" in "realizing revenue;" "the levy of nuzzerana on appointments;" the practice of "torture" on the part of "subordinate officials;" "scandalously excessive punishment" for crime; "the abduction of women for forced labour in the Palace," thereby "bringing" a most serious scandal on the personal character of the Chief himself; the personal ill-treatment and "corporal punishment of women;" "the vindictive treatment of the relatives and dependents of the late Chief."

31. My own observation here has assured me that the cultivating classes are discontented to an unusual degree, and were until recently in a state of almost passive resistance to the collection of the revenue. Again, the nobles were, until my recent interview with them, in combination against the authority of His Highness. Until purged by the administration of Mr. Dadabhoi, the criminal and civil administration of justice was notoriously venal and corrupt. The general voice of the community was loud in condemnation of His Highness' extravagant expenditure on himself, his favourites, and his palaces. It appeared that during the past year His Highness had thus expended seventy (70) lakhs of rupees, while the total revenue realized by the State aggregated only ninety-four lakhs (94). Again, I found our own officials employed in districts adjacent to the borders of the Baroda State, almost unanimous in their accusations of bad neighbourhood on the part of the Gaekwar. Again, it is matter of general notoriety that Baroda and its purlieus are the resort of bad characters and intriguers. Again, there is the present scandalous violation of the rights of hospitality and of the immunities attaching to the person of a foreign representative, in respect to the attempt on the life of the late Resident. Again, there

Williams, Sutherland, Ontram.

is the fact that three previous representatives of the British Government at Baroda either were or were supposed to be aimed at by means of poison.

32. I do not mean to say that in all the above instances the Gaekwar or his State was wholly in the wrong. As little do I attribute wholly and solely to

His Highness the condition of confusion, partizanship, intrigue, crime, and comparative paralyzation of the executive, to which affairs have been reduced. On the contrary, I am of opinion that in some of the acts of reform, for which His Highness has been condemned, the Prince may have intended well while his underlings perverted his intentions in administering. Again, it is obvious that the present crisis is the result of misgovernment under more than one ruler. Again, the disturbance in prices and in rents caused by the abnormal rise in the price of cotton during the rebellion in the United States has proved an element of disorder. Again, we ourselves may have made some mistakes in respect to our proceedings and relations with the Baroda State, and finally I am confident that at the present time His Highness is sincerely anxious to follow our advice and reform his administration.

33. Nevertheless, on a general and dispassionate review of the whole case, considered in its political bearings under the three heads above enumerated, I am of opinion that the complicity of His Highness in the recent attempt to poison, taken in connection with His Highness' personal antecedents, and with the heretofore general and protracted maladministration of the State, renders it obligatory on me to accept the alternative which I recently alluded to as a possibility, and to deferentially submit to His Excellency the Viceroy and Governor-General of India in Council my "solemn recommendation that the Gaekwar State be saved by the deposal from power of its Ruler, and by the inauguration of a minority or other mode of government under suitable conditions."

(a.)

From FRANK H. SOUTER, Esq., C.S.I., Commissioner of Police, Bombay, to Colonel Sir LEWIS PELL, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

ON the afternoon of the 6th December 1874 I received an official letter from Government in the Political Department forwarding copy of your telegram to them of the same date entered in the margin, and directing me to join you at Baroda. I left Bombay on the 9th, and having received your instructions I now have the honour to submit a report showing the result of my enquiries into the attempt to poison Colonel Phayre, the late Resident of Baroda, on the 9th November 1874.

2. I should have left by the train on the morning following the receipt of my instructions, but knowing the nature of the service for which I was required I thought it better to select and organize a detective staff to accompany me, and therefore I remained in Bombay on the 8th for this purpose and started for Baroda by the mail train on the morning of the 9th December.

3. Before quitting Bombay I applied to Government requesting that the services of the Police Inspector of Ahmedabad, Rao Bahadoor Gujanand Vittul Shastree, might be placed at my disposal, and that he might be directed to join me at Baroda forthwith. I may mention that this officer had done excellent service under me in the Southern Mahratta Country at the time of the mutinies, and as he had been for many years in Police charge of the city of Ahmedabad, between which place and Baroda there is always so much intercourse and traffic, I felt sure that, with his local knowledge and high Police qualifications, he would prove a valuable aid to me in the enquiry I was about to institute under your direction.

4. I took with me from Bombay my Chief Detective Officers, Inspectors Khan Bahadoor Meer Akbar Ali, and Khan Bahadoor Meer Abdool Ali with a few selected Policemen of different grades, and the Rao Bahadoor joined me the day after my arrival at Baroda with some of his trusted men and agents from Ahmedabad.

5. After receiving your instructions I lost no time in assembling my men and making such arrangements in consultation with them, as appeared best calculated to obtain intelligence and to secure secret information of a nature likely to throw light on the serious matter which had been entrusted to me to unravel, and which it therefore became my important duty to enquire into in the most searching and thorough manner.

6. The detectives commenced their work under most unfavourable and disadvantageous circumstances; poisoning is a class of crime always difficult to detect, but in the present case it was rendered doubly so—

1st. From the unfortunate fact that a whole month had been permitted to elapse before calling in the aid of the Police.

2ndly. Because the country and its people were foreign to the detectives.

3rdly. Inability on the part of the Police to take immediate action in consequence of the Baroda city being foreign territory.

4thly. The great fear that people had in coming forward with information.

5thly. The extraordinary efforts used, and enormous sums of money available to remove all evidence and to destroy every clue likely to lead to the detection of the persons who attempted this daring crime.

7. It was impossible for the detectives themselves to go into, and about the city of Baroda without exciting suspicion, and their movements and actions being closely watched, they were obliged to work almost entirely by means of agents, through whom much useful information was obtained, but nothing of a tangible nature came to light until the 16th December, on which day the detectives succeeded in getting hold of the driver of a hack bullock shigram in the Camp Bazaar, who, it was ascertained, had on one occasion driven an ayah, at the time in service at the Residency, to the Gaekwar's Haveli or Palace at a late hour of night: this I may say was the first useful clue the detectives were able to obtain, and their exertions now assumed a definite direction.

8. The shigram driver Daood was at once brought before me, and after carefully questioning him, feeling satisfied of the correctness of his statement, I took down his deposition recorded in the Appendix and lettered A.

9. It will be seen by reference to this statement that the ayah's husband Sheikh Abdoolla was said to have ordered the shigram in the first instance, and that her servant boy Chotoo accompanied her to the Gaekwar's palace.

10. With this information I caused the boy Chotoo and the husband Sheikh Abdoolla to be immediately taken up and brought to me separately; the boy at once admitted that he had gone at night with the ayah to the Maharaja's palace, and the husband also after some hesitation corroborated the statements of both the cart-driver Daood, and the boy Chotoo. The depositions of Chotoo and Sheikh Abdoolla are recorded in the Appendix and lettered B. and D.

11. The ayah who had formerly been for some time in the service of Mrs. Phayre, wife of the late Resident, was now employed by that lady's daughter, Mrs. Boevey. I found, however, that she was then suffering from fever and was confined to her bed; the house where she lived was some little distance from the Residency, where as you know my enquiries have been conducted. I therefore arranged that the husband and boy should be detained separately at the Residency while I went personally to examine the ayah with regard to the accuracy of the statements already made.

12. Upon arriving at the ayah's house I had some conversation with her, during which she most reluctantly admitted that she had been induced to visit the Gaekwar on three occasions. In consequence, however, of the ayah being so unwell I was unwilling to put her to any unnecessary trouble, and therefore I took the precaution to place a Police Guard over her house, so that she should have no communication with anybody, and on the 18th I took down the first part of her statement. She was then removed to hospital, and on the 19th the Residency Surgeon, Dr. Seward, who was attending her, called at the Residency and informed me that she had expressed a wish to see me as she had something further to say. I accordingly visited the hospital the following morning, when the ayah voluntarily made the very important additional statement regarding the poison, which I took down at the hospital on the 21st. The ayah's two statements of the 18th and 21st December are shown in the Appendix lettered C.

13. When the ayah made her first statement on the 16th December I caused her house to be guarded, thinking it possible that some documentary evidence might be obtained. Upon search being made, amongst other papers discovered in her box under lock and key, were four important letters attached in original to this report and numbered 1, 2, 3, and 4. Letters Nos. 1 and 2 were addressed by the ayah to her husband, the first directed to Baroda, and the second to Mahableshwar, to which place the ayah's husband had gone on service as butler.

14. The other two letters are from the butler to his wife, the ayah Ameena, and in each of these friendly mention is made of the Gaekwar's head and confidential "Jasood" Yeshwant Rao Yeola Naik, and the Arab Sowar Salim, and in one letter No. 2, the ayah, writing to her husband mentions that she had been to see Yeshwant Rao, who told her that the Maharaja had twice or thrice enquired "when ayah would come." The ayah wrote from Bombay, to which place she had accompanied Mrs. Phayre, and it appears that Yeshwant Rao happened to be there at the same time.

15. For ready reference the most remarkable passages from these letters have been extracted and shown in the margin; translations of the entire correspondence are attached as per Appendix and numbered 1 to 4.

Letter No. 1.—Extract—"Convey my best compliments to the Kazee Saheb, my compliments to Salim, my best compliments also to Yeshwant Rao."

Letter No. 2.—Extract—"Salim saw me on his arrival here, but as that is a 'Raj Durbari' matter (state matter), it will be done leisurely as opportunities offer * * * * * I had been to Yeshwant Rao's house. He has gone to Pandharpur on 15 days' leave. He spoke to me as follows:—On my return I shall have arrangements made about you. The Maharaja twice or thrice enquired when the ayah would come. Salim was invited to my place of residence here. He was shown attention as far as my poor circumstances would permit."

Letter No. 3.—Extract—"Yesra (Yeshwant Rao) Naik has gone to Bombay. Let this be known to you."

Letter No. 4.—Extract—"Yeshwant Rao Naik has gone to Bombay. Let this be known to you."

documents form the strongest corroborative evidence in proof of the statements of Daood, Chotoo, and Sheikh Abdoolla recorded in the Appendix, and lettered A., B., and D., and of the subsequent statements of Kurreem Naik of Peons, Kabhai, shigram driver, and Faizoo Ramzan also recorded and lettered respectively E., F., and K. It will be seen by Kurreem Naik's

deposition that he admits of having accompanied the ayah to the Gaekwar's Palace on one occasion, and to having received Rupees 200 from Salim at Yeshwant Rao's house, and in the latter's presence, which sum was divided between him and the ayah. Kabhai, shigram driver, deposes to having one night driven the ayah and Faizoo Ramzan from near the Residency to one of the city gates close to the "Havalee," and Faizoo Ramzan, in his deposition recorded and lettered K. in the Appendix, also admits to having accompanied the ayah to the Havalee as described by Kabhai, and to having been taken by Salim with the ayah before the Gaekwar.

17. These statements are most consistent one with the other, and go to show beyond all doubt that the ayah had been corrupted, and had several times paid secret night visits to the Gaekwar who received her in person, that she had been paid liberal sums of money, and that an intrigue existed, the object of which was obvious, but will no doubt be better understood and more confidently believed when my entire report has been gone into.

18. While the detectives and their agents were at work beyond the Residency, I was daily engaged in going over and sifting the evidence already taken by Colonel Phayre, with the object of ascertaining whether any of the domestic servants, or members of the Resident's establishment, had really taken part in this heinous crime. Each servant was personally questioned by me, and the result of my searching enquiry was to throw the strongest suspicion on the Havildar of Peons, by name Rowjee bin Rama. It was brought to light that after all the servants had left Colonel Phayre's private room on the morning of 9th November, he was one of the last to come from it, and was afterwards seen sitting on a bench in the verandah, from which he could not only command the room itself, but could plainly see the table on which the glass of "sherbet" had been placed. The Police also ascertained that for some time previous Rowjee had been spending considerable sums of money in the bazaar in making up jewellery, and in other ways, and on his being brought before me and examined his demeanour was so very suspicious that I immediately ordered him to be taken into custody; this was on the 22nd December, and so satisfied was I, as well as my detectives, that he was assuredly acquainted with the facts of the poisoning, that I agreed to a promise of pardon being offered to him on the distinct understanding and condition that he would divulge and truthfully state all that he knew in the matter. I very reluctantly adopted this course as a last resource, seeing that it was hopeless under all the difficulties the Police had to contend with to endeavour otherwise to throw light upon this case. Under this promise Rowjee confessed to me the same evening that he had himself administered the poison in Colonel Phayre's sherbet at the instigation of His Highness the Gaekwar. The following morning, as you will remember, I reported this fact to you, when you caused the prisoner Rowjee to be brought before you, and after personally cautioning him, he made the detailed statement which I took down on the 24th, 25th, and 26th December recorded in the Appendix and lettered G.

19. This statement is briefly to the effect, that for considerably more than a year he, Rowjee, had been in the constant habit of paying secret night visits to the Gaekwar; that he had in the first instance been persuaded by Salim Arab Sowar, but was also invariably accompanied by the confidential Jasood Yeshwant Rao Yeola; that, as requested by the Maharaja, he had from time to time personally, and by written reports, kept him regularly informed of all that transpired of interest to him at the Residency; that he had been instrumental in corrupting the Jemadar Nursoo and getting him to visit the Gaekwar with the same object; that he and the Jemadar had received from the Gaekwar, through Yeshwant Rao and Salim, considerable sums of money at different times in consideration of the services thus rendered by them; that he had on four occasions visited the Gaekwar at night with Colonel Phayre's Butler, Pedro; and that on the last occasion it had been suggested by the Maharaja, and agreed to by the Butler Pedro, that he should administer poison to his master; that a powder was given to him by the Gaekwar for this purpose, and that, finally, after several unsuccessful plots to poison the Resident, he, Rowjee, and the Jemadar Nursoo had by appointment met Yeshwant Rao and Salim at the Palace about 20 days before the attempt to poison Colonel Phayre was discovered, and that it was then deliberately planned and arranged by them and the Gaekwar, that he, Rowjee, should administer poison in the sherbet which the Resident was in the habit of drinking every morning after his return from his walk, and that in accordance with this arrangement he, on the 9th November, administered the poison which he had received from Nursoo Jemadar two or three days before.

20. Consequent on the confession made by Rowjee, which so seriously implicated Nursoo, Jemadar of peons, as an accessory in the attempt to poison Colonel Phayre, I, with your permission, took Nursoo into custody on the 23rd, and gave him in charge of your Military guard at the Residency; the following morning he was brought before me at his own request, and made an unconditional confession, but before hearing the details of the statement which he offered to make, I deemed it my duty to acquaint you in the first instance with the fact that the Jemadar had confessed, and to urge that you would personally listen to what he had to say, and satisfy yourself that his confession was voluntary, and not being made under pressure or hope of pardon.

21. You then ordered Nursoo Jemadar to be brought before you, and will remember that it was clearly and carefully explained to him before hearing his statement, that you would not only not hold out hope of pardon, but that he certainly would *not* be pardoned, and that upon hearing this he took off his turban and laid it at your feet, remarking that he might be hanged or have his throat cut, but that he wished to unburden his mind and divulge all he

knew, and added that he threw himself upon your mercy. He then made a detailed statement, and was afterwards removed to the Military guard till the 26th, on which day I took down his deposition, *vide* Appendix lettered H.

22. It will be seen by a careful perusal and comparison of these two statements that though Rowjee and Nursoo were taken into custody on different dates, and kept quite separate one from the other, and therefore that no intercourse could possibly have taken place between them, yet their depositions corroborate each other on almost all material points in a manner that is remarkable; it is true that there are some minor incidental discrepancies, which, however, I would submit, rather add weight and conviction as to the truth of the statements, and remove any doubt that might be advanced of combination and conspiracy.

23. Further in corroboration of these confessions there are the statements marked I. and J. made by Jugga and Kabhai bin Amer Sing, who both state that they on various occasions accompanied Rowjee from the Camp to the Palace at night; that they usually went first to the house of Yeshwantrao, who with Salam used to accompany Rowjee to the Palace, and that Nursoo Jemadar also came sometimes. Jugga has further stated that he was present when Rupees 500 were paid to Rowjee at Yeshwantrao's house by a Karkoon.

24. There is also further additional corroboration of Rowjee's and Nursoo's confessions in the statements appended and lettered M., N., and O., which go to prove that within the last year Rowjee had made up jewellery of the value of upwards of Rupees 500, though his salary has only been Rupees 10 per mensem.

25. In the confession made by Rowjee Havildar, Appendix G., he has also stated that he was in the habit of writing or causing to be written by Jugga, a daily report of all that used to transpire at the Residency, and that these reports were usually taken home by the Jemadar at night and sent on to the Maharaja through Salim. On Salim's house being searched on the 24th December the papers found in his house were sealed and brought here for examination, and amongst them three such reports, marked Nos. 5, 6, and 7, were discovered, one of which, marked No. 5, has been found to be in the handwriting of Jugga as admitted in the further statements of Jugga and Rowjee, respectively, lettered P. and Q. The house of Salim was searched by the Gaekwar's Police in the presence of a Havildar of the Bombay Police, and the packet of letters delivered to the latter sealed. The seal was broken, and the packet opened by your Native Assistant as per their statements appended and lettered R. and S.

26. On the 25th December just before resuming Rowjee Havildar's examination the detective officers happened to enquire of him where he was in the habit of keeping the poison powders. After a little consideration he replied that he used to put them in a secret pocket attached to the end of his official cross belt, and on being asked where the belt was, he said it had been made over to a peon named Boodur Nurse, who was at once called, and on his stating that the belt he was then wearing was the same which belonged to Rowjee, it was taken from him, and on a very careful examination of the pocket a piece of paper was observed, this was with difficulty extracted from the reverse end by cutting the stitches which kept the pocket together, a small white powder was then taken from it, which Rowjee at once recognized and acknowledged as being a portion of one of those first given to him by Nursoo Jemadar to be administered to Colonel Phayre. I at once took down Rowjee's statement to this effect, docketed and sealed up the powder in a cover, and on my proceeding to Bombay on the 29th December, I lost no time in forwarding it to the Chemical Analyser to Government for examination, and beg now to attach his official report, lettered T. in the Appendix, from which it will be seen that the powder consisted of seven grains of white arsenic. From the manner in which this powder was discovered I have no doubt whatever that it was one of those referred to in Rowjee Havildar's confession, and received by him from the Gaekwar through Salim and Nursoo, and intended for the purpose of poisoning Colonel Phayre.

27. The name of Pedro De Souza, butler to Colonel Phayre, having been referred to in the confession of Rowjee Havildar as one of the servants who used to visit the Gaekwar from the Residency, and who had been asked by the Maharaja to administer poison to his master, I had him brought before me on my late visit to Bombay, and beg to attach his deposition, Appendix U., which I since caused to be taken down. It will be seen that he denies having ever visited the Gaekwar, but admits that he asked for and received Rupees 60 from him through Salim, and states that he was pressed to visit the Maharaja by Salim, who offered to bring a carriage to take him to the Palace, but that he refused to go.

28. As there is no reason whatever to doubt Rowjee's evidence, so much of which has already been proved to be quite accurate, and as he has no apparent motive for falsely accusing the butler Pedro, I am, considering all the circumstances, fully convinced that the butler did visit the Gaekwar, and that the account of what took place at the Palace as related by Rowjee is correct. It could not, however, be reasonably expected that a servant would readily admit that he had on the offer of a large bribe shamelessly consented to betray his duty and murder a master whom he had served for 25 years.

29. I have endeavoured in this report to supply a brief narrative of the steps taken by the Detective Police from the beginning, and to show how the enquiry progressed step by step each day, and have left the depositions and other appendices to supply all minor details. There is however an important piece of evidence which does not appear from those papers, which I here submit.

30. Rowjee Havildar has stated in his deposition that after the first occasion when he consented to administer poison to Colonel Phayre, and received the powders for that purpose, he two or three times put them into the sherbet as opportunity offered, and that this was done a few days before the final powder was administered.

31. Colonel Phayre in his report to Government, No. 379-1271, dated 17th November 1874, stated that on Friday, the 6th, and Saturday, the 7th, he was feeling sick at stomach, with a strange confused feeling in his head, but that he was better on Sunday, and on Monday he discovered the poison in the sherbet. I consider this fact as strongly corroborative of Rowjee's statement, for I may add that the Residency Surgeon has stated that the symptoms reported by Colonel Phayre are such as are known to result from taking arsenic.

32. That the Gaekwar during his visit to the Resident on the morning on Monday, the 9th, should have talked of sickness prevailing in the city, and that he himself had lately been suffering from fever accompanied by purging and dizziness in the head, was a very significant circumstance.

33. Before closing my report I beg leave to call attention to the following circumstances as bearing upon the subject of my enquiry:—

In August 1873, viz., before the sitting of the Baroda Commission, Police Inspector Rao Bahadoor Gujanand Wittul Shastree was deputed to make secret enquiry into the truth of reports which had reached Government of a seditious movement in some of the Native States.

That officer, under date 19th August 1873, made a report to his official superior, the Superintendent of Police, Ahmedabad, which is herewith sent on in original,* in which it will be observed that

the desire of His Highness Mulhar Rao to employ poison against the Resident is mentioned, and Yeshwunt Rao Yeola is reported to be a likely man to be employed on such business, and it is reported that "jadoo" and "anoostan," sorcery and magic, are at that time, August 1873, being used through Yeshwunt Rao against Colonel Phayre.

34. Sometime previously to the discovery of the attempt to poison Colonel Phayre it had been reported to me by my chief detective officers, Khan Bahadoor Meer Akbar Ali and Khan Bahadoor Meer Abdool Ali, that efforts were being made in Bombay by the Gaekwar's confidential agents to secure the services of a skilled sorcerer with the object of getting rid of Colonel Phayre and others. I reported this fact to the Government of Bombay, and furnished the particulars as brought to my notice, which were I believe, communicated to the Government of India.

35. I have already referred to the many and serious difficulties which my detective officers have had to contend with in their efforts to obtain evidence, but for the presence of the Gaekwar in Baroda their work would, I need hardly say, have been greatly simplified and even more direct proof would doubtless have been forthcoming. Still, considering the manner in which all the evidence has been gathered from independent sources, the impossibility, owing to the strictest precaution, of any collusion, the demeanour of the deponents under examination, and the numerous minor incidents which accumulate corroboration round their testimony, I may with confidence assert, speaking after 20 years' experience of Police duty, that no doubt whatever is left in my mind that His Highness Mulhar Rao Gaekwar himself personally instigated the criminal attempt against Colonel Phayre's life.

36. Under your orders I submitted the depositions and notes of evidence to the Advocate-General on the 30th December, and have the honour to append his opinion in original (lettered W.) after review of them, and I trust that the duty which you committed to me may now be considered to have been accomplished as satisfactorily as could possibly have been hoped for under the circumstances.

37. In forwarding a copy of this report to the Government of Bombay, it shall be my duty to bring prominently to their notice the obligation which I am under to the Police Inspectors, Khan Bahadoor Meer Akbar Ali, Rao Bahadoor Gujjanand Vittul Shastree, and Khan Bahadoor Meer Abdool Ali, for the valuable assistance which their zeal and ability has rendered me in the conduct of this important enquiry, and which I trust may obtain suitable recognition.

38. Requesting permission to return to my duty in Bombay.

APPENDIX A.

SHAIK DAWOOD SHAIK RAHEEM, Mussulman, age 22, living in the Camp Bazaar, Baroda, states:—

I AM a bullock shigram driver in the service of one Chotoo Baker. I know the Mussulman ayah now in the service of the Assistant Resident, Mr. Boevey, and who formerly lived at the Residency. I also know a Mussulman boy in the service of the ayah named Chotoo. I am also acquainted with the ayah's husband Abdool. A few days before the Dewalee, the ayah's husband came to my stables at night and ordered my shigram, which I got ready, and under his direction stood it on the road about 15 paces on the city side Dadabhoys' shop, where the ayah with the boy Chotoo very soon arrived. They both got in the shigram, and the ayah directed me to drive to the Sircar's Hawalee* in the city.

* Gaekwar's Palace.

On arrival at the Arab Khana (Arab's guard), the ayah told me to call Salim, an Arab sowar, which I did, and she then got out of the shigram and accompanied him up the stairs. I understood

she was going to see the Maharaja. The boy Chotoo remained with me, and he and I went to sleep on the carriage cushions, which I placed on the side of the road close to the carriage. In about an hour Salim and the ayah returned to the carriage, into which she and the boy got, and I drove them back to the place from where they had first got into the carriage at the Camp Bazaar. The ayah and the boy went away towards the Residency, and in the morning the ayah's husband came and paid me Rupees 2 on account of my fare.

Taken before me, this 17th day of December 1874.

(Signed) F. H. SOUTER, Commissioner of Police, Bombay.

APPENDIX B.

CHOTOO BIN SHAIK BOODHOO, Mussulman, age 14, inhabitant of Camp Baroda, in the service of Mr. Boevey's ayah, and formerly living in the Residency compound, states :—

A FEW days before the Dewalee festival I accompanied the ayah one night to the bazaar, where her husband was waiting with a bullock shigram, into which we got, and drove to the Maharaja's Hawalee* in the city, where we were met by one Salim, an Arab servant of His Highness the

* Palace.

Gaekwar. We got out of the shigram at the "Hawalee," and the ayah and Salim went upstairs to meet the Gaekwar. The driver and I went to sleep. After some time the ayah and Salim returned and woke us up, and I and the ayah drove back and got out of the shigram at the Camp Bazaar, where we had first taken it, and we walked home. I know Salim very well: he used often to come and drink water and smoke at the ayah's house when she lived in the Residency compound.

Taken before me this 17th day of December 1874.

F. H. SOUTER, Commissioner of Police, Bombay.

APPENDIX C.

AMEENA, wife of SHEIK ABDOOLLA KIRAL, age about 40, and ayah to Mrs. Boevey, states :—

At the time of the meeting of the Baroda Commission I was persuaded much against my will by Faizoo Ramzan, Residency Chobdar, to visit the Maharaja Gaekwar. I went to see him three times altogether. On the first occasion I was taken to the Maharaja by Faizoo, and that was when the Enquiry Commission was sitting. Sowar Salim met us at the "Hawalee," and we all three proceeded before the Maharaja together. We went up three flights of stairs to where the Maharaja was sitting. He spoke to me personally, and begged of me to intercede with my madam, Mrs. Phayre, in order that she might use her influence with the Resident in his the Maharaja's behalf. I made no promises. After being about half an hour with the Maharaja I left. Faizoo went to his house in the city, Salim remained at the palace, and I came home by myself in a bullock shigram.

I visited the Maharaja twice again: the second time was after my return from Bombay and Newsaree, when, on Mrs. Phayre's departure for England, I accepted service with her daughter, Mrs. Boevey, wife of the Assistant Resident. It must have been about a month after my return to Baroda that I visited the Maharaja on the second occasion. I was then persuaded by the Maharaja's Arab servant, Salim, to go to the Gaekwar, and I was taken by the Residency Naik, named Kurreeem. The Maharaja and Salim talked to me about "jadoo" (sorcery), but I remarked that Europeans could not be affected or influenced by such means. My interview with the Gaekwar lasted about half an hour, and I then returned home in the shigram with Kurreeem. On this day I received no money, but two or three days after Kurreeem Naik called at my house and gave me Rupees 100, stating that Yeshwantrow Yeola had given Rupees 200, of which Rupees 100 was for him, which he had kept, and the other Rupees 100 for me.

The third time I visited the Maharaja was during the Ramzan. I was then pressed to go by Salim, who fixed the day and time, and I went in company with my servant boy, named Chotoo. My husband, Abdool, procured a shigram, and Salim met me at the Hawalee and took me before the Raja. On this occasion the Maharaja spoke to me with reference to the birth of Luxmee Bhai's child, and enquired whether the sahib and madam had been talking about him, the child, and if any objection was likely to be raised with regard to his legitimacy. The Maharaja asked me to do what I could in the matter; but I told him that I could not help him. I was with the Maharaja for about half an hour on this occasion, and returned to my home at the Residency with my servant boy about 10 o'clock at night. About two or three days after this visit Salim came to my house at the Residency and gave me Rupees 50. I am quite familiar with the Maharaja Gaekwar's appearance, as I have often seen him during his visit to the Resident, and on one occasion when the Gaekwar's family came to visit Mrs. Phayre, the Maharaja was in the room when I happened to be called in and made my salaam. He was then sitting quite close, and I saw him distinctly, and it was the same person before whom I was taken and conversed with during each of my three visits to the Hawalee.

The Kazee of Chandore, who was in the habit of frequenting the Residency, particularly when the Revd. Mr. Taylor used to be on a visit, informed me about a month before the attempt to poison Colonel Phayre that the Resident's butler, Pedro, and Rowjee, havildar of peons, were in great favour with the Maharaja, and that they had agreed to administer poison, but they did not say to whom.

Kurreeem Naik also told me about a month before the attempt to poison the Resident, that he had heard from a person in high position that Pedro, butler, and Rowjee, havildar, had consented to administer poison.

Taken before me this day, 18th December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

AMEENA, wife of Shaik Abdool, and ayah to Mrs. Boevey, is re-called at her own request, and further states :—

WHEN I gave my statement on the 18th, I was suffering from fever and was not feeling well, and omitted to mention certain facts which I have now remembered and wish to have recorded along with my first deposition.

On the occasion of my being taken before the Maharaja the third time during the Ramzan the Maharaja asked me, after other questions, whether it would not be possible to administer something by which the Resident could be brought round to his, the Maharaja's, will. The Gaekwar spoke in cautious and hidden language, but I understood him to be throwing out a feeler to ascertain whether I would consent to administer poison to my master, Colonel Phayre. I indignantly refused, and objected, and told the Maharaja that if he attempted anything of the sort, he would get into serious trouble and be ruined. I exclaimed—"It would

* Lak murna lakin lakka patnawalla nai mutna. "be better that lakhs of people should die than that
—This is a very common Oriental idiomatic phrase. "the supporter of lakhs should come by his death."

Salim, who was standing close to the Maharaja at this time, endeavoured to persuade me by kind words and by saying that if I could only do as the Maharaja wished, I would have provision made for me for the rest of my life, and that my husband should also be taken into service under the Raja.

Taken before me this day the 21st December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

D.

AYAH'S HUSBAND.

SHAIK ABDOOL BIN SHAIK ADUM, Mussulman, age 35 years, profession, butler, states :—

AMEENA is the name of my wife. I married her by nika about 10 years ago. She took service with Mrs. Phayre as ayah about 15 months back, and remained so employed till Mrs. Phayre's departure for England. My wife accompanied Mrs. Phayre to Bombay, and after her departure remained there for about a month. She lived at Khetwarre, where she was detained by sickness.

After a month my wife returned from Bombay and came to Newsaree, where she joined Mrs. Boevey, wife of the Assistant Resident, with whom she took service. In the month of May or June my wife returned to Baroda with Mrs. Boevey and lived at the Residency. I came to Baroda about ten days later, having been with my master, Major Blakeny, to Mahableshwar. I am aware that my wife visited the Maharaja Gaekwar on those occasions. The first time she went was during the month that the Commission was sitting at Baroda, and then she was persuaded and taken by Fizoo Ramzan, Chobdar of the Residency. My wife went at night, and the following morning she told me that she had had an interview with the Maharaja, and that she had promised to intercede on his behalf through the madam (Mrs. Phayre) and get what he wanted done.

The second time that my wife visited the Gaekwar was after her return from Newsaree, and then she was accompanied by Kurreeem, Naik of the Residency peons.

The third time that my wife went to the Maharaja was during the last Ramzan. He ordered a bullock shigram for her, and she started in company with her servant boy Chotoo about 9 o'clock at night. My wife told me the following morning that she had had an interview with the Maharaja, and that during the conversation she had begged of him on no account to poison Colonel Phayre, the Resident. Rupees 200 were given to Kurreeem Naik after my wife's second visit, of which he paid her 100, and kept the other 100 himself. She also received Rs. 50 from the Arab Sowar, Salim. Yeshwantrao Yeola promised to obtain service for me under the Maharaja on completion of his garden palace called Nuzzer Bagh, to look after the glassware and to attend upon European gentlemen on occasions of their visiting there.

The two letters produced and shown me in the Marathee character, marked Nos. 3 and 4, were written and addressed by me to my wife, they were both despatched from Baroda; the other two letters, numbered 1 and 2, were addressed to me by my wife from Bombay.

Taken before me this day, the 19th December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

E.

SHAIKH KURREEM BIN SHAIK MISREE, Mussulman, age 40, Naik of Peons on the establishment of the Assistant Resident, states:—

LAST hot weather I accompanied the Assistant Resident to Nowsaree. A few days after his return to Baroda the ayah, Ameena, lately in the service of the Assistant Resident, accompanied me to see the Maharaja; we took a bullock shigram at the school, and started about 8 o'clock at night; we first went to the house of Salim Sowar, who got into the shigram and took us to the Hawalee, and we all three were conducted by a private entrance to the presence of the Maharaja, who was upstairs. The Maharaja, Salim, and the ayah talked privately together for about an hour; there was no other person present. We returned to the Residency about 11 o'clock.

The following day I went to Yeshwantrao Yeala by direction of the ayah. I found Salim there, and he gave me Rupees 200, and told me that 100 was for myself and 100 for the ayah. Yeshwantrao was present at the time I received the money. I returned to the Residency and gave the 100 rupees to the ayah in the presence of her husband.

Taken before me this day, the 21st December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

F.

KARBHIE POONJABHIE, Mussulman, age 25, hack shigram driver in the service of one Ramchunder Hulwice, residing in the Cantonment Bazar of Baroda, states:—

ABOUT a year ago a man engaged my master's shigram to go into the town. He came just about 6 o'clock in the afternoon and gave the order and then about half-past 7 he returned and ordered the shigram, which was got ready and taken near to the school, where I stood the conveyance till the man went to the Residency and brought a woman, who I afterwards ascertained to be an ayah. They both got into the shigram and ordered me to drive to the city. When we got to the Champanaree Gate they both got out and ordered me to wait there till their return. They came back about 11 o'clock, and I drove them to the school again, where I was discharged, and they walked in the direction of the Residency: the man paid me Rupees 1-8 as my fare.

The woman Ameena shown me sick in hospital just now is the ayah I took to the city on the occasion referred to, and the man pointed out and calling himself Fizoo is the person who hired my master's bullock shigram, and who accompanied the ayah.

Taken before me this day, the 24th December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

APPENDIX G.

ROWJEE BIN RAMA, Mahratta, age 24, Havildar of Peons on the establishment of the Residency at Baroda, states:—

ABOUT two months before the Commission sat at Baroda, Salim, Arab sowar, who was in the constant habit of visiting the Residency with His Highness the Gaekwar, spoke to me and said that the Maharaja wished to see me. I agreed, and it was decided that I should go on the following Sunday and meet him, Salim, at the house of Yeshwantrao about 8 o'clock at night. I was taken before the Maharaja by Salim and Yeshwantrao by a private entrance to the side of the Nuzzer Bagh. On being introduced to the Maharaja, he asked me if I would agree to keep him informed of all that went on at the Residency. I consented, and he promised to reward me handsomely and to confer other favours upon me. The Maharaja asked me if I could get the Jemadar of Peons, Nursoo, to help in this matter also and to visit him. I promised that I would arrange this, as the Jemadar was a great friend of mine. I then left the Maharaja and the following day I spoke to the Jemadar and told him of the Maharaja's wishes. The Jemadar said that his family was ill, and that he had his duties to attend to, and could not go to the Maharaja at that time. I visited the Maharaja several times again previous to the sitting of the Commission, and on each occasion I went first to Yeshwantrao's house and was invariably accompanied by him and by Salim when taken before the Gaekwar.

visited the Maharaja three times while the Commission was sitting, and furnished him with the information I was able to gather as to the action of the Commission, and of all that was going on at the Residency.

At one of these latter visits I informed the Maharaja that I was about to be married, and that I was without the necessary means. He ordered Yeshwantrao to remind him of this, and the following Monday, when the Maharaja came on his usual visit to the Residency, Yeshwantrao, who accompanied him, informed me that he had got Rupees 500 for me and told me to come for it. I went soon after in company with one Jugga (a man employed at the Residency to pull the punka) to Yeshwantrao's house, where Rupees 500 were paid to me by Karkoon in Yeshwantrao's presence and before Jugga. Of this money I lent Rupees 100 to Jugga, and made up a silver anklet of the value of about Rupees 100, and the rest was expended on my marriage. One Darjeebhie Kureea got the anklet made up for me.

After my marriage and a few days after the Commission had left Baroda, Salim Sowar met me and said that he had got the Jemadar all right and willing, and wished to know when I could come in company with him to see the Maharaja. I settled with him to go two days later, which was on a Sunday; the Jemadar and I met that night at Yeshwantrao's house about 8 o'clock. Jugga accompanied me, as I did not like to go by the rear road to the city at night by myself.

From Yeshwantrao's house we all went to the Hawalee, where Jugga remained below, and Salim, Yeshwantrao, the Jemadar, and I went up and interviewed the Maharaja; this was the Jemadar's first visit, and he consented, at the Maharaja's request, to keep him informed of all that transpired at the Residency, for which promise of favour a liberal reward was held out to the Jemadar by the Maharaja. It was then arranged that Salim should from time to time receive and convey information from the Jemadar to the Maharaja. I accompanied the Jemadar two or three times on his visits to the Maharaja previous to the Resident's leaving for Nowsaree. At Nowsaree nothing particular transpired. Salim and Yeshwantrao accompanied the Maharaja, but lived in the compound of the house occupied by the Resident; there they struck up a friendship with the Resident's butler, Pedro, and about two or three days after the return of Colonel Phayre to Baroda, the butler, Pedro, asked me if I would accompany him to the Maharaja. I agreed, and on an appointed day Salim came to the Residency, and we three went off together about 10 o'clock at night in a bullock shigram, which had been placed on the road by Salim and belonging to the Durbar. We went direct to the Hawalee where we met Yeshwantrao, who took us up to the Maharaja. The Gaekwar spoke to Pedro and asked him if he understood English. He said he did a little, so the Maharaja requested him to communicate to him any conversation that might take place at the table relating to him, to which Pedro consented. I accompanied the butler, Pedro, on two other occasions to the Maharaja previous to his going to Goa after the rains. We went to the Hawalee in the same manner as before and with Salim and Yeshwantrao: nothing particular transpired. On the butler's return from Goa I accompanied him again to see the Maharaja. Salim came as before and brought a shigram which we met on the road. Yeshwantrao met us as usual at the Hawalee, and we were taken before the Maharaja, who first enquired of Pedro how he was and when he returned, and then said he had something of importance for him to do and asked if he would do it. Pedro said if it was a matter within his province that he would do it. Yeshwantrao then handed a small paper packet to the Maharaja, who passed it on to Pedro, and told him to administer it in his master's food. Pedro remarked that if anything should happen suddenly, he would get into trouble. The Maharaja said that he was not to fear, as nothing would take place for near three months, when his master would either die or get mad. Pedro consented to do what was wanted, and we returned to the Residency about midnight.

In addition to the visits I paid the Maharaja at night in company with Pedro, I also went to see him several times in company with the Jemadar after our return from Nowsaree. The Jemadar was not aware of my having gone to the Maharaja with Pedro. About 15 or 20 days after our return from Nowsaree the Jemadar gave me at his house in the city Rupees 300, which he said was half the sum he had received from the Durbar to be divided between us. About three weeks or a month before the attempt to poison the Resident was discovered, the Jemadar and I were taken before the Maharaja by appointment at night. Yeshwantrao and Salim introduced us, the Maharaja sat in his private room as before, and after a short conversation he remarked that the Resident was very hard upon him and doing great "zoolum," and asked us if we would consent to administer something which he would give. Salim and Yeshwantrao immediately began to persuade us by saying that if we would only carry out the Maharaja's wishes, we should not be required to serve any longer, as he would make a handsome life provision for us and our families; that we should have "assamies" bestowed upon us, and should in addition receive a lakh of rupees cash as soon as the work was done, meaning as soon as the Resident's death took place. We consented to do the job, and the Maharaja then said that the article to be administered would be given to us by Yeshwantrao and Salim. A few days after this the Jemadar gave me two powders, and told me that equal parts of each should be administered for two or three days, and in such quantity as to consume the whole in that time. This had also been carefully explained to me by Yeshwantrao and Salim in the presence of the Maharaja. I did not commence to administer the powders for two or three days, as no favourable opportunity presented itself for so doing. It was decided at our consultation with the Maharaja that the poison should be administered in "sherbut" which Colonel Phayre was in the habit of taking every morning on return from his walk. Accordingly

put the powders into the "sherbut" two or three times whenever I found no person in the room or about to see me.

As a few days elapsed without anything happening, the Maharaja evidently became impatient, and sent for me and the Jemadar again. We went in the usual manner with Yeshwantrao and Salim. The Maharaja remonstrated with us for not having done the work we promised. I assured him that I had put the powder into the sherbut two or three times, and I expressed my doubts as to the poison being efficacious; thereupon the Maharaja said he would give me another powder, which Salim produced and handed to the Jemadar. The Maharaja said that this would not take immediate effect, but that it would work slowly and surely. We then left, and the following morning the Jemadar gave me the packet of poison at the Residency while I was sitting on the form close to the screen and near to where Colonel Phayre used to sleep. A day or two after this I administered the poison in the glass of sherbut which had just been made, and placed it on the wash-hand table close to the Resident's writing desk in his private office room. Colonel Phayre was out walking at the time, and returned about 20 minutes after. I informed the Jemadar when he came about half-past 7 o'clock of what I had done. When I visited the Maharaja the punkawalla Jugga accompanied me from the Camp Bazar sometimes, but a man named Karbhe more frequently came with me as far as the Hawalee. They never appeared before the Maharaja, and I only took them as company, as I was afraid to go so far at night by myself.

The packet of poison which the Jemadar first gave me I made into small doses as directed, and kept the powders in the secret pocket of my cross-belt. The powder taken from the secret pocket of my cross-belt this morning (25th December 1874) is one of the powders made up from the packet given to me by the Jemadar, and I used always to keep the powders in the same place. While at Nowsaree I spoke to Yeshwantrao and Salim at the Jemadar's request to get some money for him, and they interceded with the Maharaja, who ordered Rs. 250 to be given the Jemadar through Salim, who, at the Jemadar's request, paid the money to one of his brothers at Baroda.

Whenever there was any information to send to the Maharaja from the Residency, and was unable to go to the Hawalee myself, I used to write or get Jugga to write at my dictation and the note used to be taken by the Jemadar when he went home at night to the city, and he used to send it on to the Maharaja through Salim. The gold and silver ornaments which I have produced, and valued at about Rs. 420, have been made up from the money which I have from time to time received from the Maharaja.

Taken before me on the 24th and 25th December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police.

ROWJEE BIN RAMA is re-called and further states:—

ON the occasion when the Jemadar and I were taken before the Maharaja in company with Yeshwantrao and Salim, and it was decided and arranged that poison should be administered to Colonel Phayre, it was carefully explained to me and I was instructed each time to mix the powder in water first, otherwise I was told that the poison would float on the surface of the sherbut. Accordingly I used to shake the powder up with water in a small phial and pour it into the glass of sherbut. The Jemadar knew this, and was aware that I kept the phial for this purpose concealed under a large empty box which stood close to the form on which the peons sat while on duty.

Taken before me this day, the 26th of December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

ROWJEE HAVILDAR was taken into custody by the Police on the 22nd December, and on the same evening, on promise of conditional pardon that he should tell the whole truth, he confessed to having been the person who administered the poison to Colonel Phayre. The following morning he was brought before Colonel Sir Lewis Pelly, who repeated and confirmed the promise of pardon conditionally offered, upon which Rowjee then made the detailed statement taken down on the 25th and 26th idem.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

H.

NURSOO BIN BARJANA, Kamatee, age 50, Jemadar of Peons on the establishment of the Resident of Baroda, states:—

ABOUT the time of the sitting of the Commission at Baroda Rowjee Havildar told me one day that he had been speaking favourably of me to the Maharaja, who had expressed a wish to

see me. I replied that there was sickness in my house, and that there was my duties to attend to, and therefore could not arrange to go to the Maharaja at that time.

After the Commission left Baroda, Yeshwantrao, Salim, and Rowjee all urged me to go and see the Maharaja, and I at last consented. On a fixed day I went to the house of Yeshwantrao, where Rowjee and Salim also met me, and we went together by way of the Nuzzer Bagh and a private entrance to an upstairs private room into which Yeshwantrao brought the Maharaja and introduced me. The Maharaja first remarked that I was a scamp and a bad man and had never been favourable to, or assisted him, but the three men, Yeshwantrao, Salim, and Rowjee, assured the Maharaja that they had all spoken to me, and that I was now fully prepared to carry out his orders and act up to his wishes. The Maharaja then requested me to keep him regularly informed through Salim of all that transpired at the Residency, to which I consented. On this occasion a man named Karbhe accompanied Rowjee from the camp to the palace, but he did not appear before the Maharaja. About 20 or 25 days later I again visited the Maharaja in company with the same people and in the same manner. Nothing particular transpired at this visit beyond furnishing the Maharaja with all the information we had regarding matters at the Residency.

In the month of April I accompanied the Resident to Nowsaree; the Maharaja also came there and lived in his Hawalee, while Colonel Phayre was located in a bungalow close to the Railway station, and about a mile from the Maharaja's Hawalee. Salim and Yeshwantrao lived in the Resident's compound.

I believe Rowjee used to visit the Maharajah at Nowsaree, and through Salim he obtained for me a present of Rupees 250, which at my request was paid to one of my brothers at Baroda.

About a month or more after the Resident's and Maharaja's return from Nowsaree I visited the Gackwar again in company with Rowjee, Salim, and Yeshwantrao. We met as usual at the house of the latter, who took us before the Maharaja. We first gave him all the information of what had been going on at the Residency, and then Salim and Yeshwantrao remarked to the Maharaja that we (Rowjee and I) had not received anything on account of his recent marriage with Luxmee Bai. He said, very well, that he would see about it. We then left, and a few days after Salim brought me Rupees 800, of which I gave him Rupees 100, and I believe I paid 400 to Rowjee, from which sum he was to pay Jugga Rupees 100.

About two months later I again visited the Maharaja in company with Rowjee. We met as before at the house of Yeshwantrao, and he and Salim took us before the Maharaja. We first informed the Maharaja of all that had been going on at the Residency, after which he remarked that Colonel Phayre was very hard and doing great zoolum to him, and asked us if we could and would consent to put something in his food. I replied that in my position I have no opportunity to do this, upon which Yeshwantrao and Salim began to persuade us by saying that if we only consent to do this job, the Maharaja would reward us in such a manner that we should not be required to serve any longer, and that our families should also be handsomely provided for, and that the remainder of our lives would be spent in ease and comfort. Rowjee then said that Colonel Phayre was in the habit of drinking sherbut early in the morning on his return from walking, and that he would administer the dose in that. The Maharaja and Yeshwantrao then said that they would send a powder by Salim to me at my house in the city, which I was to give to Rowjee at the Residency. Yeshwantrao carefully explained to Rowjee at the time of the manner in which the powder was to be administered. We left, and the following day Salim brought me a packet, which I stuck safely within the upper folds of my turban, and the next morning I gave the packet to Rowjee while he was sitting on the form close to the screen near where Colonel Phayre used to sleep. I did not open the packet, and therefore was unaware of the number of powders it contained.

A few days after this, when Yeshwantrao and Salim came to the Residency with the Maharaja, they began to enquire of Rowjee how it was that nothing had happened, and asked whether he had administered the powders or not. Rowjee then spoke to me and said he did not know how to account for there being no result, as he had certainly put the poison in the "sherbut." The Maharaja being dissatisfied about this, sent for us again, and about 15 days after the great Dussara Sawaree we went as usual to Yeshwantrao's house. It was about eight o'clock at night when Rowjee and I met there, and we accompanied Yeshwantrao and Salim as before, and they brought the Maharaja and introduced us in the same room. He immediately upbraided us for not having carried out his wishes as promised, upon which Rowjee declared that he had put the powders in the "sherbut," but stated that he did not think they could possibly have possessed the required property. The Maharaja then said, very well, that he would give something else which would be brought to me by Salim. At this time and when we were about to leave, Yeshwantrao gave something (I am not sure what it was, a small bottle or what it was) to Salim, who passed it on to Rowjee. The former promises of high reward and favour were repeated and we came away. The following morning Salim brought me a packet, which I handed to Rowjee the same day on coming to the Residency. He was sitting as before on the form near the screen. A few days after this the conversation took place of the attempt to poison Colonel Phayre. Rowjee told me that as instructed he on each occasion mixed the powder with water which he shook up in a little bottle before pouring it into the sherbut. He used to keep the bottle for this purpose hid under a large empty wooden box close to the form above referred to. Rowjee used often to give me notes, written sometimes by himself and sometimes by Jugga at his dictation, to send on to the Maharaja. These notes contained all the information of what was going on at the Residency,

and Salim or his man used to call at my house for them. I live in the city, and have always been in the habit of returning to my house at night, and on Sundays I have not been required to come to the Residency.

On the several occasions when we visited the Maharaja, Jugga came once with Rowjee from camp, and on all other occasions he was accompanied by Karbhie.

Taken this 26th day of December 1874 before

(Signed) F. H. SOUTER, Commissioner of Police, Bombay.

NURSOO Jemadar was taken into custody on the 23rd December consequent on the confession made by Rowjee, which so seriously implicated him as an accessory in the attempt to poison Colonel Phayre. He was at once given in charge of the military guard at the Residency. The following morning, at his own expressed wish, he was brought to the Commissioner of Police, before whom he made an unconditional confession. Previous however to hearing his statement, it was distinctly explained that no promise of pardon could be held out to him. The Jemadar was then brought before Sir Lewis Pelly, who told him before listening to his confession that he would not only not hold out hope of pardon, but explained to him distinctly and positively that he *would not* be pardoned. Upon this the Jemadar took off his turban and laid it at the feet of Sir Lewis Pelly, saying that he might be hanged or have his throat cut, but that he wished to unburden his mind and tell the truth, and that he threw himself upon his, Sir Lewis Pelly's, mercy.

After hearing the Jemadar's detailed statement made without reserve before Sir Lewis Pelly and the Commissioner of Police, he was again given in charge of the military guard till the 26th, on which day he was re-called and his confession taken down at length by the Commissioner of Police.

After the prisoner's statement had been recorded, he asked to be permitted to take his dinner in the back garden of the Residency situated within 100 yards from the bungalow. He partook of his food close to a well, near to which he had been taken for the convenience of water, and he had scarcely finished when he suddenly rushed away from the Police Guard and threw himself into the well. A policeman immediately jumped in and rescued him; this was about 4 P.M., and he was at once taken before Sir Lewis Pelly, who questioned him as to the reason for what he had done, and enquired whether he had been in any way ill-used or ill-treated by any body. This he positively denied, and declared that the reason for what he had done was that, as he had served Government for 35 years, he was now, after what had taken place, ashamed to show his face, that his mind was confused and troubled, and therefore he had thrown himself into the well.

The following morning (27th December) Sir Lewis Pelly personally visited Nursoo Jemadar in the guard-room and made similar enquiries of him again with regard to his throwing himself into the well, but the same reply was given as on the previous evening, and this statement was made in the presence of one of the Jemadar's brothers, who had come from the city to enquire after him.

Taken before me, this 29th day of December 1874

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

APPENDIX I.

JUGGA BHAGWAN, age 30, Kolvee, resident of Camp Baroda, states :—

FOR eight months of the year I am employed to pull punkah at the Residency, and therefore I am acquainted with Nursoo Jemadar and Rowjee, Havildar of Peons, and also with Yeshwantrao and Salim in the service of the Maharaja.

About a year ago I accompanied Rowjee Havildar from the Camp to Yeshwantrao's house in the city; it was about 8 o'clock at night. I did not see Yeshwantrao, but his Karkoon was there, and he and Rowjee went inside the house, and after a little while they came to the door, when the Karkoon counted out Rupees 500 to Rowjee, and we brought the amount to my house, when Rowjee counted out Rupees 100 from the bag which he left with me, and the remaining Rupees 400 he carried home. I accompanied Rowjee Havildar once again to Yeshwantrao's house; it was after the Resident and the Maharaja returned from Nowsaree. Nursoo Jemadar, Salim, and Yeshwantrao all met there, and together with Rowjee they went to the Hawalee. I accompanied them, and remained below while they went up to visit the Maharaja. They came down after an hour, and then I returned to Camp with Rowjee. While employed at the Residency I used frequently to take down notes at Rowjee's dictation; these notes usually contained information of what was going on at the Residency, and were written in the Goozaratee language and given to Rowjee Havildar.

Taken before me, this 29th day of December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

APPENDIX J.

KARBHIE BIN AMERSING, Baria, age about 32, inhabitant of Sowarsee, residing in Camp Baroda, states :—

I WAS employed for a short time at the Residency as a punka coolie about two months ago, and therefore I am acquainted with the Jemadar Nursoo and Havildar of Peons named Rowjee, the latter sometimes employs me to do jobs for him, and several times I accompanied him at night into the city. He used invariably to go first to the house of a person whose name I don't know, but who always wears a large turban, and from there Rowjee, the man with the large turban, and a Mussulman with a beard, used to go together to the Hawalee. The Jemadar Nursoo used to meet and accompany them. I sometimes used to go as far as the Hawalee, where I waited below and the others went upstairs, and were absent usually for an hour or so. I have been shown two persons (Yeshwantrao and Salim) now confined in the military guard of the Residency, and they are the same men who always accompanied the Jemadar and Rowjee Havildar to the Hawalee.

Taken before me, this 29th day of December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

APPENDIX K.

FAIZOO RUMZAN, Mahomedan, age 45, Chobdar on the establishment of the Resident of Baroda, states :—

ABOUT the time that the Commission was sitting at Baroda, the Ayah Ameena, servant to Mrs. Phayre, asked me to accompany her to see the Maharaja. We both left the Residency about 10 o'clock at night, and got into a bullock shigram that was waiting for us near the school; the shigram was driven by the man now pointed out to me named Karbhie Poonjabhie. We drove to the Charpanaree Gate of the city; there we were met by Salim, the Maharaja's Arab sowar, and we got out of the shigram and went on together to the "Hawalee," leaving the shigram at the gate, which is about 150 yards from the Palace. We were taken by a private entrance and by-way up the Nuzzer Bagh up several stairs to a private room when Salim left us and then brought the Maharaja; the Maharaja enquired of the ayah why she did not come to see him. She replied that she had a good deal of work and could not find time. The Maharaja requested her to come occasionally, and to speak to the madam and ask to say a few words in his favour to the Resident. I also spoke to the Maharaja regarding my son, who is in his service as a sowar, and told him that his present pay was not sufficient. We then came away and returned to the Residency about midnight. This was the only occasion on which I visited the Maharaja.

Taken before me, this 29th day of December 1874.

(Sd.) F. H. SOUTER, Commissioner of Police, Bombay.

APPENDIX L.

SYUD ABDOOL RAHMAN, alias RAHEEM SAHIB BIN SYUD SULTAN, Mussulman, age 29, first class delivery peon in the Bombay Post Office, states :—

I AM acquainted with the Ayah Ameena, she was in the service of Mrs. Phayre, and when she came to Bombay with that lady about ten months ago she asked me to write three letters for her, the two now shown me and numbered 1 and 2 addressed to Shaik Abdool, who I know to be her husband, were written by me at her request, the other letter I wrote for the Ayah Ameena was to the address of the Maharaja Gaekwar, which I understood her to say was to be enclosed in one I wrote for her to the address of her husband. I forget all details of what was written to the Maharaja, but I remember writing that she, the ayah, had through some lady obtained certain information regarding the Maharaja, and that he was not to be afraid or be anxious. She also asked that some money might be sent to her.

Taken before me, this 7th day of January 1875.

(Sd.) F. H. SOUTER, Commissioner of Police.

APPENDIX M.

* Statement of DAJEEBA NUROTUM, Bricklayer of Baroda, taken 29th December :—

I HAVE known Rowjee, who used to be a bricklayer, from my childhood. I know he was employed as peon at the Residency. In last Kartik month Rowjee employed me to get him an anklet and a necklace made, which I got done by Shivalal Sonar. Again I was employed by Rowjee for the same purpose, viz., the manufacture of ornaments through the Sonar

Shivlal. The account which I produce is the account given to Rowjee by me, which I have kept at his request, of the articles made by Shivlal for Rowjee. Rowjee paid the Sonar sums on this account three times in my presence. I sign and hand over this memorandum of account.

Before me
(Sd.) J. B. RICHEY, Assistant Resident.

APPENDIX N.

Statement of SHIVLAL VITUL, Goldsmith of Baroda, dated 29th December 1874:—

I KNOW Dajceba, Bricklayer, he introduced me to one Rowjee, for whom I made some ornaments. The first I made about a year ago, and others subsequently. I produce my account of these ornaments, and will furnish a true extract for record. I received altogether about Rupees 433 from Rowjee; the detail is in my account.

Before me,
(Sd.) J. B. RICHEY, Assistant Resident.

APPENDIX O.

Statement of DHOOLAB MUNOR, Goldsmith of Baroda, dated Camp, 29th December 1874:—

I KNOW Rowjee Havildar, he lives near me. About five months ago I made for him two earrings and an ear ornament and two rings, about Rupees 80 worth altogether, he has paid me that amount. I produce an account book containing the items of payment, and will give a true copy for record.

Before me,
(Sd.) J. B. RICHEY, Assistant Resident.

APPENDIX P.

JUGGA BUGWAN states that the paper marked "J."* is in his handwriting, and that he wrote it at the request of Rowjee and the Jemadar. He does not know whom the others were written by.

* Is now marked No. 5.

(Sd.) J. B. RICHEY, Assistant Resident.

APPENDIX Q.

ROWJEE RAMA questioned as to three of the papers found in Salim's house, states that one marked "J."† is written by Jugga. He does not know the writers of the other two. The note marked

† It is now marked No. 5.

"J." was written by Jugga at the request of himself and the Jemadar. The Cowasjee mentioned is the Karkoon Cowasjee Modee of the Residency.

(Sd.) J. B. RICHEY, Assistant Resident.

The 29th December 1874.

APPENDIX R.

POLICE HAVILDAR IMAN ALI HASSUM ALI states that he was present at the search of Salim Ali's house, and that he saw the papers found therein sealed up and received them, and has to-day seen the same sealed packet opened.

Before me, 29th December.
(Sd.) J. B. RICHEY, Assistant Resident.

APPENDIX S.

THE sealed packet above referred to was this day opened in my presence, and the papers specified in the annexed vernacular memorandum were found therein.

(Sd.) MANIBHAI, J., Native Assistant,
Baroda, the 29th December 1874. Baroda Residency.

Memorandum is *not* sent, as it contains papers which you will not want.

(Sd.) J. R.

APPENDIX T.

No. 449, dated Bombay, 30th December 1874.

From SURGEON W. GRAY, Acting Chemical Analyser to Government, to F. SOUTER, Esq.,
Commissioner of Police, Bombay.

I HAVE the honour to acknowledge the receipt from the hands of Mr. Superintendent Brown of your letter No. A., dated 30th December 1874. Enclosed in this letter was a sealed envelope, the seal being unbroken. It was labelled "Powder found in the pocket of Rowjee " Havildar's cross-belt on the 25th of December 1874," and contained a small paper packet in which were grains seven of white powder. I have examined this white powder and find it to consist of common white arsenic.

APPENDIX U.

PEDRO DESOUSA, Native Christian, states:—

I AM about thirty-seven years of age, and have for more than twenty-five years past been in service of Colonel R. Phayre, the late Resident at Baroda. I have been serving that gentleman as his butler for the last fifteen or sixteen years, and before that I filled several situations of different kinds in his household. When Colonel Phayre was appointed to the office of Resident at Baroda, which was, I think, in the month of March 1873, I accompanied him to that place, lived in the Residency, and served him there from that time until the month of September last, when I obtained leave of absence from him and proceeded to Goa, my native country. I left Baroda on the 3rd October last, went to Goa, remained there about a fortnight, and returned to Baroda on the 3rd November, one month after my departure. I know one Salim, a Mahomedan, who resides at Baroda, and is a *Jassood* in the service of His Highness the Gaekwar. I have known this man Salim from the time I first went to Baroda with Colonel Phayre as above stated. He used to come to the Residency twice a week regularly during all the time I stayed there. The Gaekwar always came twice a week—on Mondays and Thursdays—to pay a sort of official visit to the Resident, and on these days Salim always preceded His Highness to give notice of his coming. Salim always brought with him on these occasions a tray of fruit as a sort of *nuzzarana* or tribute of respect. In the month of August last when I first thought of obtaining leave from my master to go to Goa I was short of money, and on seeing Salim at the Residency one day I said:—"I am thinking of going to my native country for a month, but am badly off for money, my wife is pregnant, and the expenses on her account and for travelling will be heavy; will you entreat the Maharaja to give me some money for this purpose?" Salim replied that he would speak to the Maharaja and bring me the money. No particular sum was named by either of us. I made this request to Salim, because I had heard that the servants of previous Residents had obtained similar favours from the hands of the Gaekwar. Salim himself had told me this many times before I made my said request to him. About a fortnight after I had so spoken to Salim, he came to me in my room at the Residency and said:—"The Maharaja has sent you these rupees. I told him what you said." I thanked him very much, took the rupees he offered me, and he went away. I counted the rupees as he gave them to me, and said:—"Here are sixty rupees of Baroda Currency which are equal to fifty Bombay rupees." Two or three days after this, or on his next visit to the Residency, Salim met me in the compound of the Residency and said:—"You come and see the Maharaja. If you will agree to come I will bring a carriage to take you." On hearing this I said:—"I will never come to the *Hawalee* (i.e., Palace)." He replied:—"If you cannot come now I will bring a carriage for you whenever you wish to come." To this I again said:—"I will never come!" After my return to Baroda from Goa I never saw Salim except in passing, and I had no speech with him other than to say salaam! I positively declare that I never received any other gift from the Gaekwar than this one of Rupees 60 sent to me through Salim, and that I never had any conversation with Salim about my own affairs, or in connection with the Gaekwar excepting on the occasion mentioned. I never went to the *Hawalee* or spoke to the Gaekwar, and I never had any correspondence with him either directly or indirectly other than that above detailed. Further I say not.

Taken on oath, and duly acknowledged and signed by Pedro DeSouza in my presence, this fifth day of January 1875.

(Sd.) A. EDGINGTON, J.C.,
Deputy Commissioner of Police, Bombay.

THE foregoing statement was duly read and interpreted by me to the said Pedro DeSouza on the day and date above written, and acknowledged by him to be correct.

(Sd.) DINANATH SOONDERJEE, P.,
Head Clerk, Commissioner of Police.

APPENDIX V.

Dated 19th August 1873.

From GUJANUN VITHUL (demi-official), to SUPERINTENDENT of POLICE, Ahmedabad.

AFTER your arrival from Poona you had given me orders for some enquiry. On making enquiry about the subject I have got up to this time the following information :—

The information I have acquired before this has been communicated to Mr. Souter before long, and for which I had spoken to you in person.

Letters addressed as A. B. are going to Moonshee Lootfoola's son, who is a registration clerk in the Collector's office here. It appears that they are coming from a teacher in the Baroda English school. This information is obtained by making some skilful arrangement for which I had informed you in person.

As regards the Baroda affairs the following information is acquired up to this time.

There being disunion between His Highness Mulhar Rao Gaekwar and the present Resident, Mulhar Rao was speaking that the Resident should be poisoned. He also told Dajee Sahib, a superintendent of the Baroda ice factory, to do this. But they could not do it, and now it appears that they dare not do such act through fear.

Yeshwantrao Yawalya is a dearest Jasood of Mulhar Rao Maharaj. He appears to be such a man as to become privy to such bad acts. It appears from the enquiry that at present he is engaged in the Khalpat of Jadoo and Anooostan.

It is found from the enquiry that the talk about the pregnancy of Mulhar Rao's Ranee is false. In truth she is not pregnant.

A man by name Vaman Rao, a relation or servant of Gunpat Rao Bapoo of Akola, had gone to Bombay and Calcutta some time ago, and brought information from thence regarding the acts of Government. Now Moroba Khande Rao, a karkoon of Khanwalkur, and a man by name Rajaram Punth, both have gone to Bombay to make some Khalpat there; also it seems that a few

To get rid of the Resident.

days ago they had gone to Bombay. These persons are bringing all information from Bombay.

* Names will be given by Gujanan when required.

agents* in Bombay.

APPENDIX W.

Dated 30th December 1874.

From Honourable ANDREW R. SCOBLE (demi-official), to F. SOUTER, Esq., &c. &c. &c.

I HAVE gone through the depositions taken by you at Baroda, and in my opinion they make out a strong *prima facie* case of abetment of an attempt to murder against the Gaekwar, Yeshwunt Rao, and Salim. If the parties were ordinary Bombay inhabitants, I have no doubt a Jury would convict them on the evidence recorded.

No. 1.

Translation of a Marathi letter, marked No. 1, from AMINA BI, aya, Bombay, to HAZARAT SHEIKH ABDOOLLA, Butler, residing at Baroda.

I, AMINI BI, aya, now residing at Bombay, represent as follows :—I sent to you a letter affixing a postage label on it. I do not know whether it has reached you or not, and I am therefore under anxiety day and night. I trust you will therefore not act in this way, but will frequently communicate the news and thereby gratify me. If you wish that I should not go there, I am ready to undertake a voyage to England. If you wish, I shall endeavour to obtain a situation of that kind. I am in doubt as to why no letter is received from you here. I await a reply from you. If you call me I shall go there, and it will not matter (in the least). I wrote to you for (money for my) expenses, but nothing has been received from you. Convey my best compliments to the Kazi Saheb, my compliments to Salam, my best compliments also to Yeshwunt Rao.

Chotee's mother owes me Rupee 1, you should deduct it from her son's pay, because she has not visited me since her arrival at Bombay. You should go to and make proper enquiries at the place there, where I am coming to take up service. I hear that he has obtained an appointment in Rewa Kanta. If such a thing has happened it is very bad. Write to say whether you have borrowed Rupees 5 from Vengurlekar Mahomed. He comes here and duns me for the (payment of the) same. Let me know whether this is true. I do not know whether or not you have delivered the note (chitti) enclosed in my last letter to the person for whom it was intended. I labour under anxiety on this account only. Give my best compliments to Nathiaba. Write to say whether or not you have received the two "Firkis." What more need be written? This is my request, dated 29th March 1874.

I reside in the Shetwadi in the same house as before.

No. 2.

Translation of a Marathi letter, marked No. 2, from AMINA BI, aya, residing at Bombay, to HAZARAT SHEIKH ABDOOLLA, Butler, at present residing at Mahableshtar.

THE cause of writing (this letter) is as follows :—I have received your letter and understood its contents. I hope you will in like manner frequently communicate to me the news from that place through letters and thereby gratify me. Salam saw me on his arrival here, but as that is a "Raj Darbari" matter (State matter), it will be done leisurely as opportunities offer. I am a little better. I have sent a letter there stating that I would attend on the 20th, and it is my intention to go there accordingly. I have now also commenced taking medicine. There is also less strength in my hands. Rupees 5 have been paid to Vazir Ma. You gave to me the letter received by you from home and then left. On reading it I found its contents as follows :—"The house of your father-in-law is about to be attached. What place should be then fixed for residence?" I can give no reply about this. Formerly I told her to reside in (our) house, but she did not mind this, and lived there at her father's

* A piece of cloth worn by women.

house. She has sent for Rupees 5 for expenses and a black sari.* Even when she has money in her hands, she sends for it here. I am therefore thrown into difficulties on all sides. Every one secures his or her own object, and at last I am likely to be disgraced. If a single pot, out of the pots, &c., which are in the house is lost, you will be responsible for it. You write to say that you will send Rupees 10 for me. It will be well if you send the same soon, that is, before the 18th. If not, it is your pleasure. I have no force on you. From Ali Sha Jemadar have been received Rupees 25 on account of himself, Rupees 25 on account of Rahim Sab, and Rupees 10 on account of Sha Sab, in all Rupees 60. Rupees 40 remained (to be recovered), for which it is in contemplation to get a fresh bond executed. Rupees 20 due to a Marwari should be paid off soon. After the payment thereof I am to proceed thither. By (my) taking one month's leave, I have been subjected to a heavy loss. But what can be done? Owing to my illness I could not help (doing so).

I had been to Yeshwunt Rao's house. He has gone to Pandharpur on 15 days' leave. He spoke to me as follows :—"On my return I shall have arrangements made about you. The Maharaja twice or thrice enquired when the aya would come." Salam was invited to my place of residence here. He was shown attention so far as my poor circumstances would permit. Let this be known. What more need be written? Rahim Sab Dilhan,† Baba Matkar, and

† Dilawar.

others send their best compliments to you.

Dated 10th April 1874.

No. 3.

Translation of a Marathi letter, marked No. 3, to SOBHAGIAWATI AMINA BI, aya (writer), SHEIKH ABDOOLLA, Butler, Karel.

I AM well by the favour of God and by your blessings. You should not entertain any anxiety. Colonel Playre went to Poona on the 18th. He is to put up at Kirki. Let it be known to you that the Dewan has been removed from office, and that no other person has as yet been appointed (in his room). You should communicate what news there is (getting the letter) written by a good writer. Make enquiries about the Hazarat who was in Bombay, and bring him without fail at the time of (your) coming. You should write about him without fail. You should communicate (to me) news frequently. You have forgotten me since your departure to Poona. What can you do? It is my fate. It is the will of God. It is my luck. What can you do? You should not do so. Yesra (Yeshwunt Rao) Naik has gone to Bombay. Let this be known to you. Abdoolla Khan has accompanied the Sahebs. Pedro sends his compliments to you. Give my, as also Pedro's compliments, to your butler. The cook and other people also send their compliments to you. Dated 18th, 1874. Signed Sheikh Abdulla. (He) sends his compliments in case they have been omitted through oversight. Send a reply to this letter without fail. I anxiously await it. What more need be written? This is my request.

Address on the Letter.

This letter should be delivered to Amina Bi, the Aya of the Resident, Mr. Boevey, in the bungalow of the Revenue Collector, Mr. Oliphant, near the Post Office, Puna.

Not paid. Puna.

* Some more letters here, which have been obliterated by the Post Office Stamps.

To be delivered to Amina Bi, the Aya of the Resident, Mr. Boevey. Despatched from Baroda. Shaba.*

No. 4.

Translation of a Marathi letter, marked No. 4, from (writer) SHEIKH ABDOOLLA, Wullud, SHEIKH ADAM, Butler, to SOBHAGIAWATI AMINA BI, Aya.

I AM well by the favour of God and by your blessings. The cause of writing (this) letter is as follows:—

I have had no tidings of you since your departure from Baroda. This has made me very uneasy. You should, therefore, not act in this way. But it's the will of God, and there is no fault chargeable to you. It is my fate. What can you do? The Maharaj is much perplexed and has received an order to the effect, that the petitions presented by the ryots should be disposed of within 15 months. Such an order has been issued, and the Dewan Sahab has been removed from office, and prohibited from visiting the bungalow (i.e., the Residency). Let this be known to you. I receive no news whatever from you. You should send me news frequently. I am doing well here. Do not entertain any anxiety. The people in the bungalow send their compliments to you. Convey the same to the butler.

Yeshwunt Rao Naik has gone to Bombay. Let this be known to you. Shabuddin is also to go (but) I have no correct information. As soon as you get this letter send a reply without fail. What more need be written? This is what I had to write.

My compliments to the reader in case they have been omitted through oversight.

Dated 16th August 1874.

No. 5.

TRANSLATION.

THIS day the Punekar said to the Sahab that the Maharaj had made a new Wando,* that her name was Gangobai; that her father was a washerman; that the Maharaj had caused a nuzzerana of Rupees 7,000 to be paid to her from the Patan Mahal, and that those people had cause to prefer complaints, but that no one listened to the same. Secondly, Bapoo Sahab Gaekwar had come. He (the Sahab) enquired, "well, how are you?" He answered that he was well by the Sahab's blessings. The Sahab then enquired "Do you go to Dadabhai and Shabuddin for your business?" Then Bapoo Sahab answered as follows:—"There is no necessity for my going (to them). As long as you are here, it is not necessary for me to go to any one." What do these people know of the administration of justice and what do they do. These people ask each other's advice, sit doing nothing, and enjoy themselves. Thirdly, the Punekar said:—"Sahab all the people became glad on hearing the reports of a cannon, assembled together, and began to say that some great Sahab had come from Bombay to enquire into the cases of all. On account of this happy news all the people had collected." Then the Sahab said:—"The gentleman is the General Sahab who has come from Ahmedabad to review the regiment." Fourthly, Rukhma Bacc's brother has presented a petition. He says that his sister should be made over to him. The Sahab became very angry with him. Fifthly, I shall come to-morrow bringing with me Cawasji. You should therefore send Salam.

* This word signifies a house, and is used here to signify a wife.

No. 6.

TRANSLATION.

BHAW PUNEKAR said to the Sahab as follows:—Nana Sahab Dewan is moving about with a view to kill* me. He is moving about taking men with him, with a view to kill (me). He (Nana Sahab) was standing with fifteen or twenty men near the Sawak's Dharamsala at 12 o'clock yesterday. One man came and enquired of a Patewela where Bhawn Punekar was. The Patewela told him that he was not there. Then the man went away. The Patewela went to the Sahab while Bhaw Punekar was sitting by him, and said that Nana Sahab's men were searching for Bhaw Punekar. At that time Bhaw Punekar was sitting by the Sahab. Then Bhaw also said to the Sahab that Nana Sahab's men were moving about with a view to kill him.

* The word मारणे also means maltreating.

No. 7.

TRANSLATION.

THE Sahab enquired of Bhaw Punekar what had been done about the Siledars. Bhaw Punekar replied that all the Siledars having assembled together went to Dadabhai yesterday, but that he did not give any proper answer. The wish of these three persons, viz., the Sarkar (i.e., the Gaekwar), Dadabhai, and Nana Sahab is not to make any arrangement whatever about them. Bhaw Punekar informed the Sahab that Dadabhai had a dispute with Nana Sahab, saying that it would be necessary to make arrangements about these people about whom arrange-

ments were to be made, and that it would be necessary to make arrangements about these people also whom the Sahab might name. But Nana Sahab is not at all inclined to make any arrangement. In this way the Sahab was informed; and the Sahab told Bhaw Punekar to take to him a general statement, showing what Siledars there were in the service, and from what time they had been employed, adding that it was customary with them (Europeans) to grant pensions, and that therefore he (Bhaw Punekar) should take a detailed statement, showing from what time they had entered the service, and for how many years they had served.

No. 10.

FOREIGN DEPARTMENT.

PROCLAMATION.

TO ALL WHOM IT MAY CONCERN.

BE it known, that whereas an attempt has been made at Baroda to poison Colonel R. Phayre, C.B., the late British Resident at the Court of His Highness the Gaekwar, and evidence has been adduced to the effect that His Highness Mulhar Rao Gaekwar instigated the said attempt to administer poison to Colonel Phayre:

And Whereas to instigate such attempt would be a high crime against Her Majesty the Queen and a breach of the condition of loyalty to the Crown under which Mulhar Rao Gaekwar is recognized as ruler of the Baroda State, and moreover such an attempt would be an act of hostility against the British Government, and it is necessary fully and publicly to enquire into the truth of the charge and to afford His Highness Mulhar Rao Gaekwar every opportunity of freeing himself from the grave suspicion which attaches to him:

And whereas in consequence thereof it is necessary to suspend Mulhar Rao Gaekwar from the exercise of power and to make other arrangements for the administration of the Baroda State:

It is hereby notified that from this date the Viceroy and Governor-General of India in Council temporarily assumes the administration of the Baroda State, and delegates all the powers necessary for the conduct of the administration to the Agent to the Governor-General and Special Commissioner at Baroda. The administration will be conducted, as far as possible, in accordance with the usages, customs, and laws of the country.

All Sirdars, Inamdars, Zemindars, and inhabitants of the Baroda territories, and all officers and persons whatsoever in the civil and military service of the Baroda State, or liable to be called upon for such service, are hereby required to submit to the authority of and render obedience to the said Agent to the Governor-General and Special Commissioner during such time as the State may be under the administration of the British Government.

In accordance with the gracious intimation made to the Princes and Chiefs of India that it is the desire of Her Majesty the Queen that their Governments should be perpetuated, and the Representation and Dignity of their Houses should be continued, a Native Administration will be re-established in such manner as may be determined upon after the conclusion of the enquiry and after consideration of the results which such enquiry may elicit.

By order of the Viceroy and Governor-General of India in Council.

Fort William,
The 13th January 1875.

(Sd.) C. U. AITCHISON,
Secretary to the Government of India.

ORDERED, that the foregoing Proclamation be published in the *Gazette of India*, and that a copy be furnished to all Departments of the Government of India; and to all Local Governments and Administrations, and Agents to the Governor-General and Political Officers under the Government of India for communication to the Princes and Rulers of Native States with whom they respectively have to do.

Fort William,
The 13th January 1875.

(Sd.) C. U. AITCHISON,
Secretary to the Government of India.

No. 11.

No. 114A.F., dated Fort William, 13th January 1875.

From C. U. ARCHERSON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I AM directed by His Excellency the Viceroy and Governor-General in Council to acknowledge receipt of your letter No. —, dated 7th January 1875, submitting the information obtained by the Commissioner of Bombay Police in regard to the attempt to poison Colonel R. Phayre, C.B., late Resident at Baroda, together with Mr. Souter's report, the opinion of the Advocate-General of Bombay, and your own opinion on the case.

2. The Governor-General in Council has consulted the Law Officers of Government at Calcutta on the evidence which has been adduced to the effect that His Highness Mulhar Rao Gaekwar instigated the attempt to administer poison to Colonel Phayre.

3. It is a matter of the deepest regret to the Governor-General in Council that so grave suspicion should be attached to the Gaekwar's name, and the Governor-General in Council considers it necessary that the facts of the case as they affect His Highness should be fully and publicly enquired into, and that His Highness should be afforded every opportunity of clearing himself from the charge.

4. As it is impossible for the British Government to maintain political relations with a Prince against whom there rests the grave charge of having instigated an attempt to murder their representative at his Court, the Governor-General in Council regrets that he is under the necessity of suspending His Highness Mulhar Rao Gaekwar from the exercise of power and of temporarily assuming the administration of the Baroda State.

5. I accordingly enclose, for your information and guidance, a copy of a Proclamation which the Governor-General in Council has determined to publish in the *Gazette of India*. The Proclamation has already been sent to you by telegraph, with instructions that it should be carefully and accurately translated into the vernacular language of the country and published throughout the Baroda territories.

6. As soon as the Proclamation is issued the administration of the Baroda State will vest in you under the powers delegated therein, and you will take on your own responsibility all steps which may be necessary for the preservation of peace and order and the due exercise of all the functions of Government in every department. Matters in regard to which it may be necessary or desirable that you should obtain the instructions of the Government of India should be specially reported to this Office, and I am particularly to request that such report may be made before any important changes are introduced in administrative measures or machinery other than those reforms which, in my letter to the Bombay Government, No. 1586P., dated 25th July 1874, were ordered to be carried out consequent on the report of the Baroda Commission.

7. It has already been arranged in communication with the Bombay Government to strengthen the force at Baroda by a strong wing of European Infantry, one field battery of artillery, and a battalion of Native Infantry. These troops will probably be sufficient as a precaution against any disturbance of the peace. But it is essential to have a sufficient force to prevent any disturbances, and if now or at any time you consider it necessary to have further reinforcements, you are requested at once to apply to the Bombay Government for them. The Bombay Government will be instructed to comply with any such requisition you may make.

8. I have already telegraphed to you to take steps for the arrest of Mulhar Rao Gaekwar and his honourable confinement in one of his palaces, or, if that be thought an unsuitable place, in such other suitable building as you may consider most convenient. At the time of his arrest His Highness should be informed of the charge against him. His Excellency in Council desires that every consideration be shown to Mulhar Rao, and that his confinement should not be stricter than may in your opinion be necessary to ensure the proper investigation of the case which will be conducted by a Commission to be appointed hereafter. When the Commission is formed you will afford the Gaekwar every facility for appearing

before it either in person or by Counsel. You will also afford him every opportunity for submitting to the Commission any statements or explanations he may wish to make and for bringing before the Commission any witnesses or evidence he may desire to produce. You will further permit under proper precautions any one to have access to His Highness whom he may wish to consult or to employ in the preparation of his case.

9. Care should be taken to prevent the witnesses from being tampered with, and generally such precautionary measures should be adopted as you may consider necessary to ensure the case being fully and fairly laid before the Commission.

10. The orders of His Excellency in Council relative to the constitution and procedure of the Commission will be communicated to you hereafter. In the meantime I am to say that the Commissioner of Bombay Police will, with the permission of His Excellency the Governor of Bombay in Council, carry on such further enquiries as may be necessary, and that, while every facility is to be given to the Gaekwar as above described for laying his case before the Commission, nevertheless, in the event of Mulhar Rao not availing himself of them, the enquiries of the Commission will still proceed, and the Government of India will take such action on their report as the results of the enquiry may justify.

11. The persons more immediately concerned in the attempt to murder Colonel Phayre will be dealt with hereafter.

12. The vernacular papers marked Nos. 1 to 7 which accompanied your letter under reply are herewith returned in original.

No. 17 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS.

Fort William, the 22nd January 1875.

IN continuation of our despatch, No. 11, dated 15th instant, we have the honour to forward, for the information of Her Majesty's Government, a further collection of papers* relating to the affairs of the State of Baroda.

We have the honour to be, &c.

* No to 6.

No. 1.

No. 7-28 dated Baroda, 7th January 1875.

From Col. Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to UNDER SECRETARY to the GOVERNMENT of BOMBAY, Political Department.

THE Government of India having telegraphed to me to send certain documents of great importance (connected with the recent attempt to poison the late Resident) to Calcutta by special hand, it occurred to me that the safest and generally most complete manner of obeying this instruction would be to request the Commissioner of Police himself to take charge of the documents, and thus be on the spot to submit any further information which the Viceroy in Council may require.

2. Accordingly I have requested Mr. Souter to start hence to-morrow morning direct for Calcutta, where he will arrive on the night of Monday next.

3. I trust that His Excellency in Council will concur with me in considering that the course adopted is the most advisable, and that the absence of the Commissioner of Police from his own duties for a few days longer may not prove inconvenient to His Excellency's Government.

No. 2.

No. 10B., dated Bombay Castle, 10th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, Political Department, to Col. Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I AM directed to acknowledge receipt of your letter No. 7-28, dated 7th January 1875, and with reference to the 3rd paragraph to inform you that the course adopted by you meets with the full approval of this Government.

2. At the same time, with reference to paragraph 10 of the letter of the Government of India, No. 2563P., dated the 25th November 1874, I am directed by His Excellency the Governor in Council to bring to your notice that no duplicate of your communication to the Government of India with enclosures on this important subject has as yet been received by this Government, which thereby will be prevented from offering on it such observations as it might appear necessary to His Excellency to make.

No. 3.

No. 207P., dated Fort William, 22nd January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay, Political Department.

I AM directed by His Excellency the Viceroy and Governor-General in Council to explain that the non-transmission to the Bombay Government of a duplicate of Sir Lewis Pelly's report on the recent attempt to poison Colonel Phayre is due to the fact that Sir Lewis Pelly wrote the report in question under considerable difficulties. The necessity for absolute secrecy and the urgency of the communication made the transmission of a copy impracticable. The greater part of the report was written by Sir Lewis Pelly with his own hand. His Excellency in Council is confident that the Government of Bombay will acknowledge the sufficiency of this explanation.

2. Sir Lewis Pelly has been authorized by telegraph to communicate with Government during the present crisis in manner which may seem to him most desirable, having reference to the urgency and secrecy of the matter involved.

No. 4.

No. 607, dated Bombay Castle, 27th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I AM directed to acknowledge the receipt of your letter No. 207P., dated 22nd January 1875, and with reference to the concluding sentence of paragraph 1, to express to you, for the information of the Government of India, the satisfaction of His Excellency the Governor in Council with the explanation therein offered.

No. 5.

No. 854, dated Bombay Castle, 8th February 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN my letter No. 607 of the 27th January I communicated the satisfaction with which, under the peculiar circumstances mentioned in paragraph 1 of your letter No. 207P. of the 22nd January, this Government had received the explanation which it contained. And I am now directed to request that you will submit to His Excellency the Viceroy in Council the inference which this Government draws from the last paragraph of the same letter, viz., that the 10th and 11th paragraphs of your letter No. 2563P. of the 25th November last are thereby superseded, and that no obligation now rests on Sir Lewis Pelly to furnish this Government with copies of his communications to the Government of India on the affairs of Baroda.

2. His Excellency in Council fully admits that it is for the Government of India to regulate the proceedings of their own officer, while on the other hand, he feels no doubt that His Excellency the Viceroy in Council will hold this Government absolved from any responsibility for the consequences of any action taken by them at the request of Sir L. Pelly on partial and imperfect information.

3. I am also to take this opportunity of acknowledging the receipt of No. 118P., dated 14th ultimo, "copy of the above forwarded to the Government of Bombay for information." From which it appears that Sir L. Pelly has been requested to report "who are the surviving representatives of the Gaekwar's house, and what are their respective claims to be selected to rule the Baroda State in the event of Mulhar Rao Gaekwar being permanently set aside," and also to submit "any remarks or suggestions he may desire to make as to the manner in which a native administration should be re-established at Baroda."

4. His Excellency in Council hopes he may be permitted to ask whether this "copy" has been forwarded simply for "the information" of this Government, or whether it was intended to invite their observations on the subjects adverted to.

5. He would be glad to learn whether, as Sir L. Pelly has been relieved from the obligation to furnish copies, any opportunity will be afforded to this Government for offering observations on the proposals he may make for the future administration of the territories of the Gaekwar.

No. 6.

No. 601P., dated Fort William, 17th February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

I AM directed to acknowledge the receipt of your letter No. 854, dated 8th instant, regarding the position of the Bombay Government in respect to correspondence on the subject of the administration of affairs at Baroda.

2. His Excellency the Viceroy and Governor-General in Council desires me to explain that the instructions conveyed in paragraphs 10 and 11 of my letter No. 2563P., dated 25th November last, have undergone no material alteration. As therein stated His Excellency in Council will be glad to receive from the Government of Bombay such observations as that Government may desire to make upon the communications submitted to them by the Agent to the Governor-General and Special Commissioner, and to take advantage of the advice and assistance of the Bombay Government in the matters specified in those paragraphs. Only in exceptional cases has Sir Lewis Pelly been authorized to depart from the order directing him to send duplicates of his letters to the Government of Bombay. It will therefore be seen that the orders of the Government of India, No. 207, dated 22nd January last, have been misapprehended. It was not intended that the 10th and 11th paragraphs of the former letter No. 2563P. of 25th November last should be thereby superseded, except in so far as the urgency and secrecy of the matter involved might render necessary in any particular case a departure from the instructions communicated in those paragraphs. To prevent mistakes Sir Lewis Pelly will be so informed.

3. His Excellency in Council desires that in case of any request being made by Sir Lewis Pelly, the Government of Bombay may, in that as in other matters, exercise their judgment as to acting on the request or not, and that if in the opinion of the Government of Bombay the information furnished to them is insufficient, they will request Sir Lewis Pelly to furnish such further explanation as they may wish to receive.

4. With reference to the three last paragraphs of your letter under reply, I am to inform you that the copy of the letter to Sir Lewis Pelly therein referred to was forwarded in order that the Government of Bombay might know that His Excellency the Viceroy and Governor-General in Council had called for certain information and opinions from Sir Lewis Pelly, who will be instructed to send a copy of his reply to the Government of Bombay. The Governor-General in Council will then be glad to receive such observations as His Excellency the Governor of Bombay in Council may wish to make upon Sir Lewis Pelly's letter, which should, of course, be considered as strictly confidential.

No. 18 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS, Fort William, the 22d January 1875.

IN continuation of our despatch No. 17, of this day's date, we have the honor to forward copies of papers reporting the progress of affairs at Baroda since we assumed the temporary administration of the Gaekwar's territories.

2. We are of opinion that the proceedings of Sir Lewis Pelly under the difficult circumstances in which he was placed have been characterized throughout by great firmness, tact, and good judgment, and that he is entitled to the cordial thanks of Government.

3. It is satisfactory to find that the arrest of the Gaekwar and the assumption of the administration by the British Government created less excitement at Baroda than we anticipated. The assurance we have given of the restoration of a Native Administration has been received by all classes with satisfaction.

4. In our letter to Sir Lewis Pelly of the 15th instant, Your Lordship will find a statement of the charges which we have framed against Mulhar Rao Gaekwar. A copy of these charges and of the evidence on which they rest has been communicated to him. The arrangements for the appointment of the Commission to investigate the charges are in progress and will be reported in due course when completed.

We have the honour to be, &c.,

No. 1.

No. 124 P., dated Fort William, 14th January 1875.

From C. U. AITCHISON, Esq., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

I AM directed to state, for the information of His Excellency the Governor of Bombay in Council, that the Government of India will appoint a Commission for the investigation of the case against His Highness Mulhar Rao Gaekwar.

2. The Commission will require an efficient Secretary well acquainted with the Guzeratee and Mahrattce languages, and I am to request that His Excellency in Council will be pleased to nominate, for the approval of the Governor-General in Council, an officer of the Bombay Service for this duty.

3. The Governor-General in Council desires that the prosecution of the case on behalf of the Government of India should be entrusted to the Advocate-General of Bombay. He will be allowed a Junior Counsel to assist him. The Governor-General in Council is of opinion that the Junior Counsel would most suitably be taken from the Bombay Civil Service, an officer accustomed to deal with legal questions being selected. This, however, will be left to the Governor in Council to arrange in communication with the Advocate-General.

4. The expenses of the Commission will be borne by the Government of India, the question of recovering them from the Baroda State being left for consideration hereafter. I am, however, to request that the recommendations of the Bombay Government may be submitted as to the pay and allowances to be granted to the Secretary to the Commission and to the Junior Counsel and the remuneration to be given to the Advocate-General.

No. 2.

No. 150 A.P., dated Fort William, 15th January 1875.

(Confidential.)

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner in Baroda.

IN continuation of my letter No. 114 A.P., dated 13th January 1875, I am directed to forward, for your information, a copy of the statement of offences

imputed to His Highness Mulhar Rao Gaekwar which will be enquired into by the Special Commission to be appointed by the Governor-General of India in Council.

2. I am to request that you will send a copy of the depositions enclosed in Mr. Souter's report and of these charges to His Highness the Gaekwar with a letter informing him that you furnish him with a copy of the statements made to the Government of India whereon they have acted against him; that such statements speak for themselves; but that for His Highness' better information you send a paper showing the offences which the Government of India are led to impute to His Highness, and as to which they will direct a Commission to enquire; that His Highness will receive the earliest possible information of the day on which the Commission will sit; but that as you are at present advised, His Highness must expect it to commence on 18th February.

3. Henceforward you will conduct the proceedings yourself with such advice as the staff placed at your disposal by the Government of Bombay may afford you. The Bombay Government have been asked to arrange with the Advocate-General at Bombay for the prosecution of the case. A copy of this communication will also be sent to the Bombay Government, but you should at once let the Advocate-General know direct from yourself what has been done by way of giving notice to Mulhar Rao Gaekwar. The Bombay Government will be requested to inform the Advocate-General that he will be looked to as the principal adviser with respect to the enquiry.

4. As the enquiry will be one of political and not of purely legal origin, and the results will be of a political and not a legal character, the use of legal terms has been avoided in framing the heads of charge, and it will be advisable to avoid them throughout. In all the proceedings the use of popular expressions is to be preferred to legal ones.

(a.)

Offences imputed by the GOVERNMENT OF INDIA to HIS HIGHNESS MULHAR RAO GAEKWAR, and to be enquired into by Special Commission.

I. That the said Mulhar Rao Gaekwar did by his Agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency.

II. That the said Mulhar Rao Gaekwar gave bribes to some of those servants or caused such bribes to be given.

III. That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets, and to cause injury to Colonel Phayre, or to remove him by means of poison.

IV. That in fact an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao Gaekwar.

No. 24 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS, Fort William, the 29th January 1875.

IN continuation of our despatch No. 18, dated 22d instant, we have the honor to forward, for the information of Her Majesty's Government, a further collection of correspondence* relating to the affairs of the Baroda State, and details of the arrangements made for the enquiry into the charges against Mulhar Rao Gaekwar. ^{*Nos. 1 to 8.}

We have the honour to be, &c.

No. 1.

No. 323, dated Bombay Castle, 16th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

ADVERTING to your telegram to the address of the Governor-General's Agent and Special Commissioner, Baroda, dated the 14th instant, I am directed to forward herewith, for the information of the Government of India, copy of the proceedings of this Government as noted on the margin connected with the impounding of all the books, moneys, &c., belonging to the Baroda State, found in the shop of Nurseedass Luxmeedass, situated in the New Cloth Market, Bombay.

(a.) Warrant to Deputy Commissioner of Police, Bombay, dated 14th January 1875.

(b.) Letter from Deputy Commissioner of Police, No. 189, dated 15th idem.

(c.) Letter to Governor-General's Agent and Special Commissioner, Baroda, No. 322, dated the 16th January 1875.

(a.)

WARRANT.

To A. EDGINTON, Esq., Deputy Commissioner of Police and Officiating Commissioner of Police Bombay.

You are hereby required, for reasons deeply affecting the interests of the British Government, to take such Constables and other persons to your assistance as you may deem necessary, and forthwith to take possession of the shop of Nurseedass Luxmeedass situated in the New Cloth Market, Bombay, and of all its contents, including such books, correspondence, papers, notes, and moneys as may be found therein. You are to place seals on all boxes, cupboards, and other receptacles in the said shop, and to guard the same in the said shop until further orders of Government.

By order of His Excellency the Governor in Council,
(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

Bombay Castle,
The 14th January 1875.

(b.)

No. 189, dated Bombay, 15th January 1875.

From FRANK HENRY SOUTER, Esq., C.S.I., Commissioner of Police, Bombay, to F. S. CHAPMAN, Esq., Chief Secretary to Government of Bombay.

I HAVE the honor to report that, in accordance with the directions contained in your warrant of yesterday's date to my address, I took possession yesterday afternoon of the shop of Nurseedass Luxmeedass, situated at the New Cloth Market, and of all its contents, including the books, correspondence, papers, notes, and moneys connected with two firms carrying on business therein, and belonging to the Baroda State, and trading under the names of Nurseedass Luxmeedass and Parwuttee Kanth respectively, and I duly locked up and placed under seal the rooms, safes, and boxes containing the said books, correspondence, and valuable property.

2. As information will probably be required from the Moonims of the said firms, their assistants and servants, relative to the transactions and affairs thereof, I have, under certain restrictions, permitted them to continue the occupation of the said shop and the dwelling rooms attached thereto, pending the receipt of special instructions from Government on this head.

3. The bullion, cash, and notes, &c., of the said firms now under seal and in charge of the police are said to be of the value of six lakhs of rupees or thereabouts; and I have arranged that one European and two Native Constables by day, and one European and three Native Constables by night, shall be constantly on guard over the same.

4. As the services of all these Policemen cannot be conveniently spared from their ordinary duties, I beg that I may, as a temporary measure, be permitted to entertain five additional Constables at an extra charge of Rupees 11 each, or Rupees 55 per mensem, in lieu of those now employed as above stated.

5. In consideration of the nature of the said property, its great value, and the comparative insecurity of the rooms in which it is now sealed up, I beg respectfully to express the hope that early arrangements may be made to relieve the Police from their present responsibilities in connection therewith.

(c.)

No. 322, dated Bombay Castle, 16th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to Colonel Sir L. Pelly, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

ADVERTING to your telegram dated the 14th instant (copy on the margin for ready reference), I am directed to forward to you copy of a letter from the Deputy Commissioner of Police, Bombay, in charge, No. 189, dated the 15th idem, reporting his having taken possession of the shop in Bombay belonging to the Baroda State, trading under the names of Nurseedass Luxmeedass and Parwuttee Kanth respectively, and of all its contents, including books, moneys, &c.

2. In forwarding this letter, I am desired to state that for the reasons given by Mr. Edginton in his last paragraph, Government have ordered the removal to the Castle for safe deposit of the safes and receptacles containing notes, bullion, or currency, with instructions that the seals placed on them should be carefully examined by the officer into whose charge they are delivered and by the Deputy Commissioner of Police at the time of delivery.

3. Government have also sanctioned the entertainment of the extra force of Police, applied for by Mr. Edginton, to watch the premises of Nurseedass Luxmeedass, the cost being eventually recovered as an Imperial charge.

4. The Moonims and clerks of the firms have been directed to remain in the shop pending your orders.

5. I am to request that you will be so good as to inform Government what further steps you wish to be taken with reference to this property, as also of your wishes regarding the Moonims and others.

No. 2.

No. 229 P., dated Fort William, 23d January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

IN reply to your letter No. 323, dated 16th instant, I am directed to state that His Excellency the Viceroy and Governor-General in Council approves of the prompt action of the Bombay Government as therein reported.

No. 3.

No. 336, dated Bombay Castle, 16th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

REFERRING to your telegram to Colonel Sir L. Pelly, dated 14th instant, directing legal steps to be taken to impound all moneys of the Gaekwar in any bank in Bombay, I am directed to forward herewith, for the information of His Excellency the Viceroy and Governor-General in Council, copies of the documents marginally noted, showing what has been done by this Government in consequence of the receipt of the above orders of the Government of India.

2. With reference to the last sentence of the Government Solicitor's letter, I am to state that the Notification has been signed by the Chief Secretary to the Government, and that in addition to publication in a Government Gazette Extraordinary,* copies have been sent to all the principal Banks. A Guzerathi translation has also been published and circulated to the Native Bankers in Bombay and in Surat.

* Dated 16th January.

(a.)

No. 70, dated Bombay, 13th January 1875.

From R. V. HEARN, Esq., Solicitor to Government, to SECRETARY to the GOVERNMENT of BOMBAY.

REFERRING to your letter No. 264, dated the 14th instant, I have the honor to state that in the absence of precise information as to the money in question and the places where they are deposited, no legal proceedings can be taken in the matter.

2. The only step which can be taken is to give public notice to all bankers and others to retain and render an account of all such money and valuables as are in their possession; and I have the honor to enclose a form of Notification in this behalf, which I would suggest should be published in an Extraordinary issue of the Government Gazette at once.

3. In the absence of instructions as to the authority by which the Notification should be published, I have drawn it up for publication by order of the Governor of Bombay in Council. I think it right to ask attention to this point.

(b.)

Dated 16th January 1875.

NOTIFICATION.

WHEREAS by a Proclamation made and published by order of the Viceroy and Governor-General of India in Council, on the 14th day of January instant, after reciting that for the reasons therein stated it was necessary to suspend His Highness Mulhar Rao Gaekwar from the exercise of power, and to make other arrangements for the administration of the Baroda State, it was notified that from the date of the said Proclamation the Viceroy and Governor-General in Council temporarily assumed the administration of the Baroda State, and delegated all the powers necessary for the conduct of the administration to the Agent of the Governor-General and Special Commissioner at Baroda. And whereas money, securities for money, jewels, and other valuable property have from time to time been remitted and sent from Baroda and deposited in Bombay and other places by or on behalf of His said Highness Mulhar Rao Gaekwar, and such moneys, securities, jewels, and other valuable property are claimed by the Viceroy and Governor-General of India in Council as the property of the Baroda State: It is hereby notified that all Bankers, Shroffs, and other persons with whom such moneys, securities, jewels, and valuables have been at any time or are now deposited are required to retain the same on behalf of the Agent of the Governor-General and Special Commissioner at Baroda, and forthwith to render an account thereof to the said Agent, and that any Banker, Shroff, or other person making default herein will be held responsible and brought to account for such default.

By order of the Governor of Bombay in Council,
(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

No. 4.

No. 230 P., dated Fort William, 23d January 1875.

From C. U. ATTCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

IN reply to your letter No. 336, dated 16th instant, I am directed to state that His Excellency the Viceroy and Governor-General in Council approves of the arrangements made by the Bombay Government to carry out the wishes of the Government of India that all monies belonging to the Gaekwar of Baroda in any Bank in Bombay should be impounded.

No. 5.

No. 22-81, dated Baroda, 17th January 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. ATTCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

REFERRING to the proclamation of the 13th instant, I have the honor to enclose a copy of instructions which I have issued to the Officer Commanding the Field Force at Baroda concerning the precautions to be taken in respect to the surveillance of Mulhar Rao Gaekwar.

I enclose also a list of the personal attendants I have permitted to remain about him, 14 in number. He wished for attendants as per second list enclosed, a list very characteristic of the author.

Mulhar Rao Gaekwar was very desirous that the four story-tellers should be left to him, also four Doctors, and a brace of barbers.

But I considered one barber, one story-teller, and Dr. Seward sufficient.

I have declined to allow him to be saluted anywhere.

It was suggested that he should be guarded by his own Sirdars instead of by our 7th Royal Fusiliers. I informed Mulhar Rao Gaekwar that I deemed his life safer in the hands of British soldiers than in those of his own nobles, and I explained to the Sirdars that Her Majesty's 7th Royal Fusiliers enjoyed the privilege of guarding the person of Her Majesty the Queen at Windsor.

Mulhar Rao Gaekwar is quiet; and constantly begging for advice in regard to selection of Counsel. This I cannot give. But I believe Mr. Shantaram Narrayen from Bombay will arrive in Baroda this evening. I understand

Or Pleader in the High Court.—(Sd.) L.P. Mr. Shantaram Narrayen to be an able and experienced Barrister,* and I have explained to Mulhar Rao Gaekwar that if he should wish for the services of an English Solicitor and an English Barrister, he is at liberty to call for them.

(a.)

No. 67, dated Baroda, 14th January 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to OFFICER COMMANDING, Baroda.

HIS Highness the Gaekwar having this morning been placed in honorable confinement in conformity with the orders contained in the proclamation of his Excellency the Viceroy and Governor-General of India in Council, I have the honor to request that you will cause a guard of British soldiers under a Commissioned Officer to guard the house known as the Brigadier's house, wherein His Highness is accommodated. The instructions of the Government of India are that His Highness shall be afforded every facility for consulting Counsel, and that under precaution other persons wishing to visit His Highness for the purpose of assisting him in preparing his defence may be permitted access to him.

His Highness will be allowed a personal establishment, the list of which I will forward to you so soon as it may be completed.

All persons other than those desiring to visit His Highness in connection with his case are to be excluded.

No person of whatsoever description is to be allowed access to His Highness, unless he comes provided with a pass signed either by myself or by one of the Assistants to the Agent to the Governor-General.

Dr. Seward, the Residency Surgeon, will reside in the premises with His Highness, and in any emergency regarding arrangements for His Highness, the Officer in Command of the guards should refer to Dr. Seward. An interpreter is attached to Dr. Seward.

His Highness is to be treated with every consideration, and his confinement is not to be stricter than is necessary to secure a proper investigation of his case.

Should His Highness wish to take carriage exercise, he will be permitted to do so within camp limits, but he must be accompanied in the carriage either by Dr. Seward or some other Commissioned Officer, who will take all necessary precaution about communication.

The personal establishment of His Highness must remain on the premises and not be allowed to quit them.

The establishment must be mustered from time to time by Dr. Seward, who will satisfy himself that no change takes place in the *personnel* without my sanction.

Provision brought from the town for His Highness must pass by the gate fronting towards the Residency, the provisions will be handed by the parties bringing them to one of the personal establishment whom the Gaekwar with Dr. Seward's approval may depute to receive. The transference of the provisions will have place in the presence of the Officer Commanding the guard and of the interpreter. The parties will not be allowed to communicate directly with the establishment. Any orders in respect of provisions must be given through the interpreter, who will limit the conversation strictly to arrangements for provisions.

List of Attendants, Servants, &c. to remain with His Highness MULHAR RAO as proposed by His Highness himself.

	No.
Pipe bearers and bath attendants - - - - -	5
Medicine servers - - - - -	5
Cooks - - - - -	5
Men in waiting - - - - -	5
Privy attendants - - - - -	8
Jamdars (valets) - - - - -	2
Jasoods or messengers - - - - -	4
Chobdars or Heralds - - - - -	2
Brahmins, viz., spiritual adviser, almoner, alms distributors, and mendicants - - - - -	5
Mussulman, Parsee, and Hindoo Doctors - - - - -	4
Mussalchees, torch bearers or lamp trimmers - - - - -	2
Hujam or barbers - - - - -	2
Kamatees or men of all work - - - - -	4
Bath water-carriers - - - - -	4
Table companions, gentlemen in waiting, story-tellers, &c. - - - - -	10
Interpreter - - - - -	1
	68

Baroda,
17th January 1875.

(Signed) LEWIS PELLY, Colonel,
Agent, Governor-General, and Special Commissioner,
administering the Baroda State.

List of Attendants, Servants, &c., to remain with His Highness MULHAR RAO as sanctioned by the Agent, Governor-General, and Special Commissioner administering the Baroda State.

	No.
Pipe bearer and bath attendant - - - - -	1
Including bath watermen. { Cooks - - - - -	3
Men in waiting - - - - -	3
Privy attendant and story-tellers - - - - -	2
Chobdars or Heralds - - - - -	2
Brahmin - - - - -	1
Dr. Seward - - - - -	1
Mussalchee, or torch bearer - - - - -	1
Barber - - - - -	1
Interpreter with Dr. Seward - - - - -	1
Total - - - - -	16

Baroda,
The 17th January 1875.

(Signed) LEWIS PELLY, Colonel,
Agent, Governor-General, and Special Commissioner
administering the Baroda State.

No. 6.

No. , dated Baroda, 20th January 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda (Confidential), to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to acknowledge the receipt of your confidential letter of the 15th, instructing me on various points connected with the approaching Special Commission, and enclosing also a list of offences imputed by the Government of India to His Highness Mulhar Rao Gaekwar and to be enquired into by the Special Commission.

I shall endeavour to carry out these instructions in a satisfactory manner.

I beg to enclose a copy of a letter which I have addressed to the Advocate-General of Bombay consequent on receipt of yours of the 15th, also English version of a yad which I have addressed to His Highness Mulhar Rao Gaekwar.

I have selected convenient premises in Camp for the sittings of the Special Commission, the premises consist of two adjacent bungalows, in one of which

is a large room surrounded by closets suitable for clerks and witnesses; the other bungalow I have placed at the disposal of the leader in the prosecution.

I am taking every practicable precaution for preventing the witnesses being tampered with. The principal witnesses are in separate rooms having each only one entry over which an English sentry stands by day and two sentries by night. No native is allowed to speak to or even see the witnesses. Their food is brought to within a convenient distance by their own people, and is then received by a Policeman who inspects it and passes it to the door of the apartment.

I am in expectation of receiving some minor corroborative evidence in respect of the purchase and pounding of the diamonds that were mixed with the powder.

P.S.—21st January 1875. The Police Commissioner informs me, and I understand from other sources, that both the military and other classes are still in doubt as to whether Mulhar Rao may not return to the guddec. Hence they are cautious in his regard, and are shy of giving evidence. The question they ask is are you sure that Mulhar Rao will not return?

(a.)

No. , dated Baroda, 19th January 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda, to ADVOCATE-GENERAL, Bombay.

I HAVE the honor of enclosing to you a confidential despatch which I have to-night received from the Secretary to the Government of India, dated the 15th instant, transmitting the statement of offences imputed to His Highness Mulhar Rao Gaekwar which will be enquired into by the Special Commission to be appointed by the Governor-General in Council.

Your recent visit to Baroda has already placed you in possession of the evidence in the case, and you will learn that henceforward I am to conduct the proceedings in the case with such advice as the staff placed at my disposal and the Government of Bombay may afford me. Further that the Bombay Government are requested to inform the Advocate-General that he will be looked to as the principal adviser with respect to the enquiry. I gather from your telegram that a retainer has been given to Mr. Inverarity as Junior in the case.

Should you wish for further aid you will favor me with intimation and secure such aid and in such manner as you may deem best.

A second enclosure to my present letter contains an enumeration of the charges which will be preferred against His Highness Mulhar Rao Gaekwar.

I have no intimation as to the date on which the enquiry will commence beyond that which is contained in my enclosure in its second paragraph.

But I should be glad at your earliest convenience to receive advice as to the manner in which the proceedings should be conducted, and on this subject I should wish to confer with you personally if you can make it convenient to meet me at Baroda, or failing this in such other manner as you may deem advisable.

I shall communicate with His Highness to-morrow morning as directed in the second paragraph of the letter of the Government of India.

His Highness has intimated to me that he has appointed Mr. Shantaram Narayan his Vakeel, and I understand that Mr. Shantaram who was yesterday in Baroda returned to-day to Bombay with a view to retain Counsel.

(b.)

No. , dated Baroda, 20th January 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to His Highness MAHARAJA MULHAR RAO GAEKWAR SENA KHASKHEL SHUMSHER BAHADOOR, Baroda.

UNDER instructions from His Excellency the Viceroy and Governor-General in Council I have the honor to forward a copy of the statements made to the Government of India whereon they have acted against Your Highness, and to state that such statements speak for themselves. For Your Highness' better information, however, I send a paper showing the offences which the Government of India are led to impute to Your Highness, and as to which they will direct a Commission to enquire: Your Highness will receive the earliest possible information of the day on which the Commission will sit.

Your Highness having intimated to me that you have engaged the services of Mr. Shantaram Narayan, and have instructed him to retain one or more English Barristers, I enclose the appended charges and statements in the English language, as I deem it would be more convenient to your Counsel to peruse these documents in English than in Mahratta.

(74)

No. 7.

No. 373, dated Bombay Castle, 18th January 1875.

From C. GONNE, Esq., Secretary to the Government of Bombay, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I AM directed to acknowledge the receipt of your letter dated the 14th instant, No. 124 P., connected with the Commission to be appointed for the investigation of the case against His Highness Mulhar Rao Gaekwar, and to state, with reference to the request contained in paragraph 2, that the name of a suitable Secretary to the Commission will be shortly submitted, with the recommendation of this Government, for the approval of the Governor-General in Council.

2. As Junior Counsel to conduct the prosecution of the case, I am desired to recommend strongly, for the consideration of the Government of India, the name of Mr. J. D. Inverarity, B.A., LL.B., Barrister-at-Law, and to suggest the advisability of attaching an Assistant Judge conversant with Guzerathee, whose name will hereafter, should this course be approved, be submitted for the consideration of His Excellency the Viceroy in Council.

3. The recommendations of this Government as to the amount of remuneration which should be given to the Advocate-General and to Mr. Inverarity, in the event of his being appointed as Junior Counsel, will be submitted shortly.

No. 8.

No. 273 P., dated Fort William, 27th January 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to C. GONNE, Esq., Secretary to the Government of Bombay.

IN reply to your letter No. 373, dated 18th instant, I am directed to state that His Excellency the Viceroy and Governor-General in Council approves of the proposal therein made to entertain Mr. J. D. Inverarity as Junior Counsel to conduct the prosecution of the case against Mulhar Rao Gaekwar, and to attach an Assistant Judge conversant with Guzerathee for the purposes of the prosecution.

No. 32 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
(POLITICAL.)

MY LORD MARQUIS, Fort William, the 5th February 1875.

IN continuation of our despatch No. 24, dated 29th ultimo, we have the honor to transmit, for the information of Her Majesty's Government, additional papers* showing the progress of affairs in the Baroda State, and containing further particulars connected with the approaching investigation into the charges against Mulhar Rao Gaekwar.

We have the honor to be, &c.

No. 1.

No. , dated Baroda, 20th January 1875.

(Confidential.)

From Colonel Sir L. PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to acknowledge the receipt of your confidential letter, of which the date was to be filled in hereafter, concerning the arrest of His Highness Mulhar Rao, and the transference of the administration of the Baroda State to me.

I have already telegraphed my proceedings from day to day, and copies of those telegrams are now enclosed.

I also enclose a summary of proceedings drawn up by my Native Assistant, Mr. Manibhai, who has been of much use to me since I arrived in Baroda.

My letter of the 17th instant has already informed you of the arrangements made regarding the Gaekwar. A better man than Dr. Seward could not possibly be found for the work, and his premises are spacious and the apartments well furnished.

In another letter going by this post I have submitted further details concerning the protection of witnesses.

Summary of proceedings drawn up by MR. MANIBHAI, Native Assistant to the Agent to the Governor-General and Special Commissioner administering the Baroda State.

Wednesday, 13th January 1875.—This evening a telegraphic despatch was received from the Foreign Office, Calcutta, communicating the instructions of the Government of India as to the course to be pursued for bringing His Highness Maharaja Mulhar Rao to justice for his alleged complicity in the recent attempt to poison the late Resident, Colonel Phayre. The Agent to the Governor-General and Special Commissioner was present at the Telegraph Office while the above message was in course of communication. The Notification which it enclosed temporarily vested in the Agent to the Governor-General and Special Commissioner the administration of the Baroda State, and it was important to explain fully to the people the intentions of Government, and to carry out their orders with perfect peace and tranquillity. It being arranged that His Highness should visit at the Residency to-morrow at 8 a.m., orders were given that all the Sirdars, Durukdars, Jamindars, Heads of Commercial and Agricultural communities, and other influential persons in the Baroda State should attend at the Residency after His Highness' departure in the course of the day.

Thursday, 14th January 1875.—The Government of India Notification was carefully translated into the vernacular, and orders given for its extensive circulation.

The Chief Magistrate of Baroda, Mr. Jugjeevandass Khosuldass, and the Chief Justice, Mr. Mookundrai Manirai, as also the Officer Commanding His Highness' troops and his assistant were sent for, and all were seriously warned against allowing any disturbance to occur, and desired to try their utmost in preserving peace and order.

The Durbar Kamdars, Rao Sahib Bapooobhai, and Govind Rao Mamu, arrived at the Residency a little before 8 a.m., and the Agent to the Governor-General and Special Commissioner read over to them the Proclamation of the Government of India, and impressed upon them the necessity of preserving peace in the city, and they were told that they would be held responsible if by any neglect in the performance of this most obvious duty a disturbance took place.

His Highness the Maharaja arrived soon after 8 a.m., and was received at Durbar by Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda, the Officer Commanding at Baroda, the Assistant Residents, Mr. Richey, and Captain Jackson, and other officers of the station, being present.

Sir Lewis Pelly addressed His Highness by saying that it was with much personal concern that he had to speak to him on a very serious matter, that before doing so he desired to state that from the time of his arrival at Baroda up to the present moment his relations with His Highness had been very satisfactory; and that His Highness evinced a great desire to be benefited by his advice and suggestions in reforming his administration; and that he had personally not a single complaint to make against His Highness; that he had expressed this opinion to His Excellency the Viceroy and several of his friends, but that a most unpleasant duty having devolved upon him on the present occasion, it must be performed. Sir Lewis Pelly then called to His Highness' remembrance the case of the attempt to administer poison to the late Resident, Colonel Phayre, about two or three months ago, and added that the evidence recorded having disclosed His Highness' complicity in the offence, he had the honor frankly of speaking to him on the subject in this very room a short time ago; that the papers of the enquiry having been submitted to His Excellency the Viceroy in Council, orders had now come, which it was his painful duty to communicate to His Highness.

His Highness Mulhar Rao (who had been frequently interrupting Sir Lewis Pelly) entreatingly represented that Govind Rao Baw's (meaning his grandfather's) descendants were incapable of such misdeeds, that a firm friendship had subsisted between the two Governments, that he was entirely at the disposal of the British Government, but that the accusation against him was the result of enmity. "Even my own children," pathetically remarked His Highness, "are not favourably disposed towards me; and so numerous are my enemies that the very ground I sit on seems to overwhelm me;" that he had intimated this fact to Sir Lewis Pelly at the very beginning; that his behaviour was well known to the late Residents, Colonels Barr and Shortt: that the latter, who is alive of the two, might be asked his opinion about it; and that all he desired was a fair and public enquiry, which he trusted the British Government would grant. His Highness repeatedly expressed the great confidence he felt in Sir Lewis Pelly, and often asked that it might be arranged that the proposed enquiry should take place before him under the direct orders of His Excellency the Viceroy.

K 2

Sir Lewis Pelly observed that a particular period in a man's life did not account for his whole career; he referred then to Colonel Sir R. Meade's Commission of last year, and stated that as regards the poisoning case, His Excellency the Viceroy (as would appear from the Proclamation which would be just read) had already ordered a full and public enquiry; that every consideration consistent with justice would be shown to His Highness in the course of the proposed investigation, and that he would be allowed to avail himself of professional aid and every opportunity to clear his character. That he (Sir Lewis Pelly) was much obliged to His Highness for his expressions of confidence in him, that if the question involved had reference to mismanaged or disordered affairs of the State, he would have hoped to carry His Highness through his difficulties; that he had not as yet received detailed instructions from His Excellency the Viceroy as to the conduct of the trial; that he thought he would have nothing to do with the affair which would be entrusted to Officers of high standing and ability; that as soon as he learnt their names he would communicate them to His Highness.

In the course of the conversation His Highness mentioned that he intended calling at the Residency last evening, and it was explained by Sir Lewis Pelly that His Highness' Kamdars had notified the intention to him, but that as he was then about to be engaged in the Telegraph Office to receive His Excellency the Viceroy's telegraphic despatch, he regretted his inability to see His Highness, and informed the Kamdars accordingly.

The Native Assistant, Residency Officer, was then directed to read out, for His Highness' information, the vernacular translation of the Government of India Proclamation, which having been done, the question was discussed as to what would be a suitable residence for His Highness during his detention pending trial, and the house of Dr. Seward in the Cantonment was selected as the most suitable, taking into consideration the advisability of His Highness' remaining near the Residency so as not to be exposed to any chance of annoyance from his discontented subjects, and at the same time living in a secure place. The Gaekwar readily acceded to this proposal, and Dr. Seward, who was present, offered to place his house at His Highness' disposal.

Sir Lewis Pelly then read the English version of the Proclamation for the information of the British Officers present; and told His Highness that in compliance with His Excellency the Viceroy's orders, it was his duty to place His Highness under surveillance, but that as His Highness was then under the British flag as a visitor at the Residency, he would not arrest him there; that the advisable course would be for him to accompany His Highness in a separate carriage up to the end of the Cantonment limits, and then formally conveying to His Highness the orders of Government in his own territory, to bring him thence to Dr. Seward's house.

To this proposal His Highness and his Karbharies strongly objected, stating that His Highness' dignity would be injured thereby, and suggesting that His Highness should be escorted straight from the Residency to Dr. Seward's bungalow without going into Gaekwar's limits at all. Sir Lewis Pelly, however, expressed his regret at not being able to depart from his instructions which were to carry out the arrest in Gaekwar territory, and that he personally would not consider himself justified in arresting His Highness at the Residency.

His Highness and Sir Lewis Pelly accompanied by Dr. Seward then drove to a point just outside Cantonment limits, where Sir Lewis Pelly formally told His Highness that in performance of a very unpleasant duty, he had to place His Highness under surveillance. His Highness was then taken to Dr. Seward's house, where he was soon joined by Sir Lewis Pelly. His Highness again repeated that he had full confidence in Sir Lewis Pelly, and that he looked up to him for just support in his unfortunate position. Sir Lewis Pelly assured His Highness that it would be his duty to treat His Highness with every consideration and respect; that endeavours will be made to render his situation as little irksome as possible; and that Dr. Seward, who, as Sir Lewis Pelly understood, was His Highness' personal friend, and in whom he (Sir Lewis Pelly) reposed full confidence, was close at hand to look to anything that His Highness required. Sir Lewis Pelly also told His Highness that he would see him almost daily, or that if he was prevented from doing so, he would request Dr. Seward to bring His Highness to the Residency.

The house was then placed under a European Guard, and arrangements were made for His Highness' establishment of servants, &c.

Captain Jackson, the Assistant Resident for Okha Mundal, now in Baroda, was deputed with the Police Inspector Rao Bahadoor Gujanund Vithul to proceed to the city and seal the valuable State property, &c., in the Palace and elsewhere for safe custody and preserve order. The Government of India's Proclamation was at the same time published in the city, and telegrams were sent to Bombay and Surat to attach the Gaekwar State Banks there. Measures were also taken to prevent misappropriation or removal of State property, and a strict supervision was maintained over the Railway Station.

In the afternoon the Sirdars, Silladars, and Pagadars of the Baroda State, the heads of the Commercial community, the Durukdars, some relations of the Gaekwar, Jamindars, and heads of Agricultural classes, and a large number of Gaekwar's subjects, assembled at the Residency. It was thought advisable first to have an interview with the principal Sirdars and heads of the several communities present. They were accordingly invited to a Durbar, where the Assistant Resident, Mr. Richy, and some of the officers of the Station, were present.

Sir Lewis Pelly commenced by saying that he had troubled them all in order to speak to them on a very grave subject with the Baroda State, that he could not do this better than by reading the Proclamation issued by the Government of India. The Native Assistant having

then read the vernacular version of the Proclamation, Sir Lewis Pelly drew the attention of the audience to the latter part of the document about the re-establishment of the Native Government at the conclusion of the trial in the poisoning case, and added that the British Government had not the least intention of annexing Baroda, all that was intended being to deal out even-handed justice and secure the best interests of the State and its people. This intimation was received by the persons with evident satisfaction.

Sir Lewis Pelly then called upon each and all present to support and aid him in preserving peace and order, and expressed his willingness to receive any person who either by information or suggestion came forward to assist him in promoting the good government of the country.

Turning to the Sirdars, Sir Lewis Pelly said that he would, as soon as possible, proceed to a settlement of their grievances by means of a Punchayet, that although it had been his painful duty to keep His Highness Mulhar Rao Gaekwar under surveillance pending trial, he would be treated with every consideration and dignity, and that no annoyance to him will in any way be permitted; that Counsel or other professional advisers would be allowed full liberty to see His Highness, but that any other persons wishing to visit him will have to obtain a pass from the Residency; that during the time the administration of the State remained in the hands of the British Government, it was his earnest desire to make as little change as possible in the established mode of government; that he was most anxious to preserve the traditions and customs of the country, and would be very happy to receive and talk with any persons who have any suggestions to offer on the subject; that he wished the system of holding Durbars continued, and in fact to restore the administration to the Native Ruler who might be appointed by Government with as little change as possible, and he desired the Sirdars to think over the matter and submit their views as to the best mode of carrying out the customary system of holding Durbars. That as nobles of the State he looked to them to aid him in preserving order and furnishing him with information and suggestions as to the administration of the State, and particularly as to the abstraction and purloining of State jewels and other property which are alleged to have been going on, the Sirdars being by virtue of their position personally interested in seeing that the property of the State is not misappropriated.

Addressing the Sirdar Shaba Mahomed, adopted son of Radhun Meeya, deceased, Sir Lewis Pelly remarked that he was well aware that his family had rendered very faithful and important services to the State, both at its establishment and subsequently, and that as the recognized head of the Seendee community here he was held in much estimation, that as soon he (Sir Lewis Pelly) had time he would be glad to look into his case and order his restoration to office, or make such arrangement for him as the finances of the State and a consideration of the equity and justice might suggest.

It was represented on behalf of the Sirdars that the arrangements made by the Government of India in the present emergency were good, and that they hoped that justice would be done to His Highness the Maharaja by Government. On a question from Sir Lewis Pelly, the Sirdars explained that they did not mean to imply that His Highness was guilty of the crime imputed to him, that being a point on which they could offer no opinion whatever, that all they wished to state was that it was for the British Government to justly decide the case.

They then begged permission to urge that it had been hitherto customary for the Pandray and the Nawab to take care of the "guddee," and for Dost Mahomed's family to take care of the Jamdarkhana during the absence of the reigning Gaekwar from Baroda, and that they hoped that they might be allowed to exercise this right as hitherto. After some explanation and discussion it was settled that the head Sirdars should wait on Sir Lewis Pelly on Saturday next at 11 a.m., when the matter would be discussed fully. In the meantime Sir Lewis Pelly offered to allow the Sirdars referred to the requisite permission to exercise the said right.

Sir Lewis Pelly also remarked that in addition to the theft of State jewels, he had also heard of the abstraction of cash ("rokud") from the Treasury, and that it behoved the Sirdars and also the Bankers, as men of honor and well wishers of the State, to give information about these misappropriations, as evidently it could not be right that money of the State should be taken away to Bombay, Surat, &c., as is said to have been done.

To the Jamindars and heads of agricultural classes Sir Lewis Pelly stated that their grievances had fully attracted his attention, and that they might rest assured that justice would be done to them, though time, of course, will be required to go through the business, which was rather a heavy one, but that at the same time it was incumbent on them that they should punctually and honestly pay the just instalments already due; that it was his intention to endeavour to reduce the expenditure of the State, which would allow of a reduction in the rates of assessments; that it was also his desire by offering favourable terms to encourage the people to bring under the plough lands in Nowsaree and other places, which, owing to over-assessment had been thrown out of cultivation; that if any tax collector committed tyranny or made over exactions the ryots should bring the same to his notice, when the offenders would be exemplarily dealt with.

In conclusion, Sir Lewis Pelly again told the people present that it was the cause of justice and the interests of the Baroda State and its people, not annexation, which had rendered a temporary assumption by the British Government of the administration of the Gaekwar territories necessary; that each and all should try and preserve the peace, assure their friends here and in the mofussil, and advise them to do the same.

Sir Lewis Pelly then went out and saw the hundreds of people of all ranks who had assembled in the Residency compound; the Proclamation was sent out, and the sense of the above remarks was briefly conveyed to them.

The whole of the people seemed quite satisfied with the result of the interview, and the proceedings terminated at 3.30 p.m.

No. 2.

No. 303 P., dated Fort William, 29th January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

IN reply to your confidential letter dated 20th instant, I am directed to inform you that His Excellency the Viceroy and Governor-General in Council entirely approves of your proceedings as therein reported.

2. I am to convey to you the thanks of His Excellency in Council for the manner in which you have executed the instructions of Government. His Excellency in Council commends the foresight, promptitude, and tact displayed by you in the difficult position in which you have been placed.

No. 3.

No. 30-113, dated Baroda, 21st January 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to transmit, for the information of Government, copy of an order this day issued by me appointing a Committee to enquire into the serious charges brought against several of the members of the late administration, and for examining the contents of the Palace, &c.

MEMORANDUM.

It is desirable that a Committee should be appointed to enquire into the serious charges that have been or may be brought against several of the members of the late administration.

Mr. Souter, Captain Jackson, Rao Bahadoor Enjunand, Khan Bahadoor Akbar Ali, Bhao Poonkur, English Writer from Gaekwar's establishment.

Separate orders will be passed as to the constitution of this Committee.

A part of the duty of the Committee will be to make a searching examination of all the rooms in the Palace where any cash, jewels, or other valuable property or documents are kept, and for this purpose they are authorized to break the seals affixed to the said rooms, and are requested to carry out this important duty with such precaution and safeguard as to secure the object in view, viz., to discover and trace out any fraudulent abstraction or purloining of State property or documents that may have taken place.

The Sub-Committee for this business will be composed at least of an European and a Native Member of the general Committee referred to in the commencement of this memorandum. The Fuduish and, if necessary, one of the Sirdars might be associated with the said Members.

The Committee to report their proceedings to the Agent to the Governor-General and Special Commissioner administering the Baroda State.

The head of any Department whose presence may be required by the Committee should be sent for by them direct.

(Signed) LEWIS PELLY, Colonel,
Agent, Governor-General, and Special Commissioner
administering the Baroda State.

Baroda,
20th January 1875.

No. 4.

No. 311 P., dated Fort William, 29th January 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I AM directed to acknowledge receipt of your letter No. 30-113, dated 21st January, reporting the appointment of a Committee to enquire into charges affecting several members of the late administration at Baroda, and to examine the Palace, &c.

2. The Governor-General in Council approves of your proceedings, and awaits further information as to the nature of the charges which occasioned the appointment of a Committee, and as to the result of their enquiries.

No. 5.

No. 31-129, dated Baroda, 22d January 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner administering Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to forward, for the information of His Excellency the Viceroy in Council, a copy of an order, this day passed by me, allowing the two Head Sirdars to protect the guddee, as has been customary on the occasion of the Gaekwar's absence from the city.

It has been an ancient custom in the Baroda State that when the Gaekwar leaves the city the two Head Sirdars protect the guddee in the Town Palace during His Highness' absence. Accordingly the Agent to the Governor-General and Special Commissioner administering the Baroda State directs that so long as he may continue to reside outside the city, the two Head Sirdars shall protect the guddee, as heretofore, on like occasions.

(Signed) LEWIS PELLY, Colonel.

22d January 1875.

No. 6.

No. 304 P., dated Fort William, 29th January 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General and Special Commissioner, Baroda.

IN reply to your letter No. 31-129, dated 22d instant, I am directed to state that His Excellency the Viceroy and Governor-General in Council approves of the order issued by you permitting the two Head Sirdars to protect the guddee in the absence of the Gaekwar.

No. 7.

No. 335 P., dated Fort William, 2d February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda.

I AM directed by His Excellency the Viceroy and Governor-General in Council to acknowledge receipt of your two telegrams dated 31st January and your telegram of to-day on the subject of the arrangements for the Gaekwar's defence. I enclose for your information copy of a telegram dated 29th January from Messrs. Jefferson and Payne on the same subject.

2. The Governor-General in Council considered that in authorizing you to communicate to the Gaekwar's Solicitors the documents referred to in my telegram of the 28th instant, he was placing at their disposal all the papers that were relevant to the enquiry and material for the Gaekwar's defence. I am now to

authorize you to communicate to them the correspondence with Dr. W. Gray, the Acting Chemical Analyser to the Bombay Government, which formed the accompaniments to Appendix B. of Colonel Phayre's letter to the Bombay Government, No. 379, dated 17th November 1874. You are also at liberty to give, should Mr. Cleveland or Mr. Scoble advise it, a copy of Colonel Phayre's statement of 16th November 1874, which formed Appendix C. to the same letter.

3. With respect to the Report of the Baroda Commission, I am to observe that the Governor-General in Council has hitherto abstained from making it public out of consideration to His Highness the Gaekwar. It is in the opinion of His Excellency in Council a document entirely irrelevant to the enquiry with which the Commission will have to deal, and His Excellency in Council cannot see that it will be of any use for the purposes of the defence. As however the Gaekwar's Solicitors press for a copy, and a copy was furnished to the Gaekwar before the Government of India passed their orders upon it, the Governor-General in Council does not think fit to persist in withholding it. You are accordingly authorized to furnish Messrs. Jefferson and Payne with a copy.

4. You have been already informed that it is the wish of the Governor-General in Council that the Solicitors for the defence should be furnished with copies of all relevant documents for which they ask, but not with such as are irrelevant. It will, however, as a rule, be proper to require the defence to show reasonable ground for thinking that the documents they apply for are relevant before complying with their application in doubtful cases. With this general expression of the wishes of the Governor-General in Council before him, it will rest with Mr. Cleveland to decide what documents should be given and what should be withheld. Mr. Cleveland can, if necessary, consult the Advocate-General. If the Solicitors for the defence press for the inspection of the Gaekwar's private papers and accounts, you need make no objection to comply with their request. The original papers, however, cannot be given them; but Mr. Cleveland should arrange for the inspection of the originals by the Solicitors for the defence in the presence of himself or of some proper person, and they may be allowed under such arrangements to take copies of such documents as they may consider to be relevant.

5. With respect to the costs of the defence, you were informed in my telegram of the 28th January that the sum of Rupees 75,000 was sufficient for the present, and that, with every desire to afford the Gaekwar full means of defence, the Governor-General in Council could not consider any application for more without full reasons for the application stated in writing. No reasons have yet been given for the very extravagant demand of an immediate payment of Rs. 2,90,000 and permission to spend up to Rupees 5,00,000. The Governor-General in Council does not think that the Baroda Treasury should be burdened with extravagant charges, but he will leave it to Mr. Cleveland to say what would be a fair amount to allow on a liberal scale for a defence conducted in an ordinary and reasonable way. The Governor-General in Council, however, cannot but consider the sum of Rupees 5,00,000 as greatly in excess of what would be required under any circumstances.

6. Messrs. Jefferson and Payne have applied for a postponement of the assembling of the Commission till the 22d February. In your telegram of the 25th January you reported that His Highness the Gaekwar was anxious that the assembling of the Commission should be hastened; but in your later telegram of the 31st you state that His Highness now wishes for a postponement. Under these circumstances the Governor-General in Council is pleased to fix the 23d of February as the date for the opening of the Commission at Baroda.

7. Under present circumstances the Governor-General in Council does not think it right that you should be left without legal advice for your guidance in the case, and he desires that you should so arrange that the Advocate-General or Mr. Cleveland or Mr. Inverarity should, one or other of them, always be present at Baroda.

8. In that case your legal advisers should be able to dispose of questions about the production of documents, such as you have now referred to the Governor-General in Council, and other matters of a similar kind which are sure to arise in the course of the proceedings.

(a.)

Telegram, dated 29th January 1875.

From Messrs. JEFFERSON and PAYNE, Solicitors to Gaekwar, Bombay, to Private Secretary to Viceroy, Calcutta.

WE beg respectfully to appeal to His Excellency in behalf of Gaekwar in relation to the conduct of the prosecution against His Highness. We have been unable to obtain yet inspection of letters and documents intended to be used against the Gaekwar and said to be found in house of Yeshwantrao and Salim. Denied copies of Baroda Commission, and report and inspection of khureeta and Gaekwar's own records, correspondence, and books, copy of Colonel Phayre's narrative in regard to alleged poisoning and Chemical Examiner's report, also some depositions not yet furnished, nor proceedings of Colonel Phayre's enquiry as to poisoning manifest. All papers submitted to His Excellency on which His Excellency proceeded not furnished to us. Sir Lewis Pelly declined to hold communication direct with us. Refers to Cleveland who has left Baroda. Great delay in consequence our application for further advance not yet complied with. Undertake to account for all moneys received and that same spent in legitimate legal expenses. Require two lakhs and ninety thousand rupees for out of pocket estimate already furnished. Rupees 75,000 paid to us expended and large liabilities incurred. Gaekwar is anxious to make advance, but as he has been deprived of every resource and stripped of every rupee cannot do so. His Excellency graciously proclaimed that every opportunity will be offered Gaekwar of freeing himself from grave suspicion, but respectfully submit if documents withheld delay be made and funds not supplied, Gaekwar practically undefended; respectfully protest in his behalf. Postponement absolutely necessary to the 22d on account of delay as above, and for properly instructing Counsel expected from England on 18th. Copy this telegram furnished to Crown Solicitor here with explanatory letter.

No. 8.

Dated Bombay, 30th January 1875.

From Messrs. JEFFERSON and PAYNE, Solicitors for His Highness the Gaekwar, to Captain E. BARING, Private Secretary to His Excellency the Viceroy.

WE have the honor to forward you herewith the explanatory letter we sent to Messrs. Hearn, Cleveland, and Lee-Warner, the Solicitors for the Crown, in the matter of the enquiry into certain charges against His Highness the Gaekwar referred to in our telegram of yesterday, copy of which we also beg to enclose.

From Messrs. JEFFERSON & PAYNE, Solicitors for His Highness the Gaekwar to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

MR. CLEVELAND in his letter to Mr. Jefferson at Baroda, dated the 27th instant, states that he was to leave for Bombay on the next day and would not be back till Sunday evening and in the interval we were to communicate with him here. This intimation you must be aware has thrown difficulties and delay in the way of the conduct of the defence. Sir Lewis Pelly has refused to communicate with us direct, and the result is when almost hourly communications have to be made at Baroda a delay of not less three days will occur. We protest against this delay as not permitting a fair defence and being opposed to the letter and spirit of His Excellency the Viceroy's proclamation. We further beg to bring to your notice that our application for advance has as yet been only met by payment of seventy-five thousand rupees. The Gaekwar's position as a reigning Sovereign of a large State and the serious nature of the charges and the strong steps taken against him entitle us to employ the best legal talent obtainable, and you must well know that the sum at present given us is totally inadequate. The fees we propose to give are not high under the circumstances, and we have not failed to endeavour to reduce them consistently with the assistance we require for His Highness. While the Government has employed its most talented officers, legal and executive, and used the most energetic means and the vast powers at its command on the part of the prosecution, the Gaekwar has been deprived almost of every resource. All his friends are watched and looked upon with suspicion. It is not too much to ask therefore that the best Counsel and legal assistance that can be obtained should be engaged on his behalf. Mr. Cleveland has the estimate of our out-of-pocket expenses before him, and we can be called upon to account for all money received, and we are responsible that no money shall be expended save in legitimate legal expenses.

We have applied for inspection of certain letters, books, and papers which, had the case been before an ordinary tribunal to which we could have appealed, we submit we should have obtained inspection of them. There can be no question we submit that we are entitled to inspect the letters and documents said to have been found in the houses of Yeshwunt Rao

and Salim and now said to be in the custody of the Police, and which are, as the depositions show, intended to be used against His Highness. Mr. Cleveland's reply that he will enquire into this on his return is obviously most unsatisfactory. Mr. Souter was residing at the Residency with Mr. Cleveland and an answer could have been given at once. We further urge that we are entitled to inspection of the khureetas, yadis, records, correspondence, &c., of His Highness with the Government of India and copies of the Baroda Commission and Report. This has been refused on the ground that they do not relate to the subject-matter. It is true that the prosecution may not know what we intend to show by these documents. Nor is it fair that we should be asked to state our object beforehand. In our opinion they are absolutely necessary for the defence, and we beg they may be given.

We are also not furnished with Colonel Phayre's narrative of the alleged attempt at poisoning and the chemical evidence of the contents of the glass, and also of the further statements made by the Residency servants and others. Sir Lewis Pelly in his letter of the 20th January instant to His Highness stated that he forwarded to him a copy of the statements made by the Government of India whereon they had acted. It is manifest this has not been done, as Colonel Phayre's statement is not there, nor the Chemical Examiner's report. Without some information on these points and copies of all other depositions the accused will, so far from, as stated in His Excellency the Viceroy's proclamation, having had afforded to him every opportunity of freeing himself, be in point of fact taken by surprise.

Mr. Serjeant Ballantine will be here on the 18th proximo, and independently of that point, which we trust will have some weight as it doubtless is most important that he should be properly instructed, there has been and is so much delay in giving us information and furnishing us with funds that it will be impossible for us to be prepared by the 18th, and His Highness will not have that opportunity of defence which His Excellency the Viceroy graciously declared that he should have. We therefore beg that our application for postponement till the 22d be reconsidered, and that His Excellency the Viceroy's pleasure thereon be ascertained. We should be sorry to have to make the application to the Commission.

Considering the urgency of the matter and the important interests at stake we have sent the enclosed telegram to the Private Secretary to His Excellency the Viceroy direct. In so doing we beg you will understand we mean no disrespect to yourselves or to Sir Lewis Pelly; the responsibility resting on our shoulders is so great and the time so short that we felt every consideration must give way to the interests of our client.

No. 9.

No. 372 P., dated Fort William, 4th February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Messrs. JEFFERSON, and PAYNE and Co., Solicitors to His Highness the Gaekwar.

YOUR letter of 30th January to the Viceroy's Private Secretary having been transferred to this Office for disposal, I am directed by the Governor-General in Council to inform you that the Agent to the Governor-General and Special Commissioner at Baroda has received the instructions of Government on the matters therein referred to, and he will doubtless make the necessary communication to the Government Solicitor.

No. 10.

No. 32-132, dated Baroda, 22d January 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

REFERRING to my telegram of the 17th and to more recent telegrams respecting the sum of forty lakhs of rupees discovered hidden in the women's apartments in the palace, I beg now to submit, for the information of His Excellency the Viceroy and Governor-General in Council, a brief summary of the circumstances which led to this discovery.

Rumours had reached me of large sums of money, amounting altogether to about the sum of eighty-five lakhs of rupees, having been transmitted from Baroda to Surat and Bombay, and of the conversion of a part of this amount into Government notes. Finally, on the morning of the 17th I received a note from

Bombay informing me of a rumour to the effect that within a fortnight of that time the sum of forty lakhs of rupees which had been deposited in the Baroda State Bank at Bombay had been converted into Government of India notes, and in that form had been sent towards Nowsaree. I caused immediate enquiries to be made by Row Saheb, my head detective, and in the course of the day a paper was obtained purporting to be signed by the Senaputtee in the presence of the Gaekwar as a receipt for four thousand Government of India notes of a thousand rupees each.

I then sent for the Senaputtee, and asked him if he acknowledged the signature of this paper. He said that he did, and thereupon I told him that if he did not produce this sum of forty lakhs of rupees within an hour, he would be sentenced to twenty years' imprisonment with hard labour. He then consented to hand the money over, and I immediately sent him accompanied by one of my officers and the head detective to the palace. The Senaputtee led the party into the interior apartments, where they discovered the full sum of forty lakhs tied up in bundles of common dungree cloth, each bundle containing two thousand notes of one thousand rupees each. The two bundles had been thrown into two boxes which had been placed in different rooms in or adjoining the apartments of the Ranee, who is the sister of the Senaputtee. The notes were taken to the Residency, and the next day a Committee was appointed for the purpose of registering the notes: when this was concluded, and the number of them found to be correct, they were placed in the Residency Treasury, which is under a guard of European troops.

On the 18th I called together a Durbar of Sirdars, Silledars, and principal persons in Baroda, and explained to them what had happened. I asked the Sirdars if they knew of, or approved of, the conduct of the Senaputtee, and they unanimously repudiated it.

At an interview which I held yesterday with the principal Sirdars and the two Pagadars I informed them that I proposed to remove the Senaputtee from his office, and to abolish the appointment, as it was one of recent origin and a useless and expensive innovation on the ancient administration of the State. Its duties could be well performed by the two Bukshis as had been the case a few years ago. The Sirdars and Pagadars expressed their full concurrence in this proposal.

I now enclose a copy of an order which I have issued to carry this measure into effect. I also enclose a memorandum of what took place at my interview with the Sirdars and Pagadars yesterday.

On the day previous to that whereon the Agent to the Governor-General and Special Commissioner assumed charge of the administration of the Baroda State, the Senaputtee concealed in two old trunks in the palace two sums of Rupees 20,00,000 each, total forty lakhs worth of British rupees, in 4,000 promissory notes of the Government of India of Rupees 1,000 each note.

This transaction coming to the notice of the Agent to the Governor-General and Special Commissioner the Senaputtee was called, and admitted having thus disposed of the notes.

The notes were then discovered and brought to the Agent to the Governor-General and Special Commissioner, who caused them to be counted and their numbers and dates registered. They are now made over to the State as State property.

The Agent to the Governor-General and Special Commissioner having called on the principal Sirdars of the State and other persons of consideration for their opinions as to the character of the transaction entered into by the Senaputtee, that transaction has been unanimously condemned as injurious to the State and fraudulent.

The Agent to the Governor-General and Special Commissioner, administering the Baroda State, concurring in the above opinion, hereby orders that the Senaputtee be removed from office, and that the salutes heretofore given him cease.

The appointment of Senaputtee, which is of recent creation, and which is further an innovation upon the ancient constitution of the State, and which has been declared by the Sirdars to be without utility, is abolished.

Memorandum of an interview between Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, and the six Head Sirdars and two Pagadars of the State, held at the Residency, Baroda, on the 21st January 1875.

Sir LEWIS PELLY spoke as follows:—

There are several questions upon which I wish to consult you to day.

It has been brought to my notice by General Devine that the troops are in arrear of pay; and I have now given orders that all arrears shall be paid up to the end of last month.

I wish to inform you that a lakh and a half of rupees was last night discovered hidden in the dispensary of the palace.

I have brought Mr. Khemchund, the head of the Baroda Bank at Bombay, to Baroda, and his accounts are now being gone into, and he will give me a balance sheet: whatever turns up will be credited to the State Treasury. I have further heard of three and a half lakhs at Nowsaree, and of sixty thousand rupees at Surat, and of various other sums in the dukans here: all these will be credited to the State. The land and other revenue now being collected will be received by the Sir Soobha and by him passed into the Treasury. This arrangement is provisional pending the formation of an Account Department, by means of which we shall have a system of checks and shall know what becomes of the State money. For the payment of the troops' acquittance rolls will be made out, and after the troops have been paid General Devine will muster them, and satisfy himself that every man has received his pay, and that no pay has been issued on account of a man not present or otherwise accounted for.

As to the debts, claims, and rights of the Sirdars, Mr. Ritchey, who has been long engaged in such enquiries, will have the general superintendence of the Commission appointed for the purpose. Pestonjee Jehangeer will be the Acting President of the Commission; and he will have one or two assistants. I hope that the Sirdars will nominate two or three trustworthy men to represent them. Pestonjee will report to me when the Commission is formed, and as to its arrangements for meeting. This Commission will eventually enquire into all alienations, cash allowances, &c., to the military classes, but the first question for them to dispose of will be that of the Sirdar's claims and debts. I feel sure that the Sirdars will give every assistance in their power to the Commission, and I will instruct Pestonjee to report me of any case of a high Sirdar in which it may be proper to issue provisional allowance pending final settlement. I hope that this arrangement will be satisfactory.

As to the protection of the guddee, I find that it has been usual, when the Gaekwar was absent from the town, for the two principal Sirdars to guard the guddee, so, as I am in the position of the Gaekwar and reside without the town, I shall issue orders to two principal Sirdars to guard the guddee.

As to the questions of the chits, I find that some have been paid and some have not. The question will be fully enquired into; and in the meantime I shall sanction the payment of two or three lakhs as a *pro rata* payment of those due.

A Sirdar, named Narayen Raj Pandri, here interrupted the speech with the remark, made in an impertinent tone, that such a thing had never been done before.

Sir Lewis Pelly.—Whether it has been done before or not, I shall do as I think right. I have called the Sirdars together in this way to consult with them in a friendly spirit, which I was by no means bound to do. But I will not be dictated to or be addressed in a disrespectful manner. I may mention that one or two charges against you, Narayen Raj Pandri, have already been brought by the Gaekwar, and have been under the consideration of the Viceroy, and if necessary, I will take your proceedings in hand.

The Sirdar asked pardon, and was told that he would be pardoned, but that a similar disrespect should never happen again.

Sir Lewis Pelly.—As to the question of the Senaputtee and the forty lakhs, Khemchund has informed me that only a few days before I assumed the Government of the State he converted this sum of forty lakhs into Government notes, and that he brought them here only a day or two before authority was handed over to me.

It appears that the Senaputtee in the presence of the Gaekwar gave a receipt for notes and afterwards concealed them in the two boxes in the palace in such a manner as that even had the boxes been opened no one would have suspected what was in them. At the time of this concealment only Rupees 2,000 were found in the Central State Treasury. All the money belonging to the State ought to have been handed over to me as Administrator of the State. The concealment of the money was culpable, was in fact a malversation of the State funds. The Gaekwar says the money was Khangee, but this plea is inadmissible, when His Highness has during the past year spent 171 lakhs against a revenue of 94 and has only left Rupees 2,000 in the Central State Treasury.

(*Sirdars.*—Undoubtedly it is the property of the State.)

Again the conduct of the Senaputtee has been very wrong as against myself: while my officers in the city were placing the fullest confidence in him, and he was pretending to show them everything, he was actually concealing this sum of forty lakhs. How do I know that if these notes had remained concealed when the State was restored to a native administration that the Senaputtee would not have played another trick on me, and said, "I left this money in the palace, Sir Lewis Pelly must know what has become of it." I cannot trust the Senaputtee any longer. (*Sirdars*—quite right.) The appointment is one of recent date, is an innovation on the ancient State administration, and I now abolish it; its duties can be performed by the two Buxshees of Silledars and Sibundees. (To this the Sirdars fully assented, and added that the appointment had only been introduced in the last 12 years.) I think it right to mark my displeasure at the Senaputtee's conduct, though from his position as brother-in-law of the Gaekwar I am sorry to be compelled to do this. As to whether he shall be requested to leave the town, and as to his jaghires, I shall consider further.

The Sirdars appeared warmly to approve of the Senaputtee's removal from office and the abolition of the appointment.

Sir Lewis Pelly.—I am also about to issue a notification giving very favorable terms to any cultivators who will take up waste lands. Many of the principal revenue officers have been here, and they will return to their districts and find out what the land can really pay, and make arrangements which will be just to the State and liberal to the cultivators. Mistakes may and will be made in places, but I hope that in the main we shall prove wise and liberal, so that the ryots may regain confidence and the State prosperity.

As to the charities, as far as I can understand, there was in old times a very proper system of giving support only to those actually in need. But lately the administration of these charities has been much abused. Speaking from recollection I think that the amount paid in charity has risen from ten to twenty lakhs a year. I do not wish to be hard on the poor or to harass others, but I shall be glad of the advice of the Sirdars and Civilians of consideration and influence as to what can be done in the matter. I don't know the details of the charities, and I might tread on religious grounds. I wish to leave this matter to yourselves, so that the funds of the State may not be wasted in misappropriation of charities any more than in any other way. I shall be glad if members of different classes of society will give me their ideas that I may know what will be agreeable to the people. On this question of charities whatever the people decide I will accept, but they must recollect that if money is wasted in this way, there will be less to spend for legitimate purposes.

I think that I have nothing more to say at present.

The interview then terminated.

No. 11.

No. 321 P., dated Fort William, 30th January 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner Baroda.

In reply to your letter No. 32-132, dated 22d instant, submitting a summary of the circumstances which led to the discovery of the forty lakhs of rupees in the women's apartment in the palace of the Gaekwar at Baroda, I am directed to congratulate you on the discovery of this large amount of State money, and to state that His Excellency the Viceroy and Governor-General in Council approves generally of your proceedings in connection therewith.

No. 39 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.

POLITICAL.

MY LORD MARQUIS,

Fort William, the 12th February 1875.

In continuation of our despatch No. 32, dated 5th instant, we have the honor to forward for the information of Her Majesty's Government, a further collection of papers* relating to the state of affairs at Baroda.

* Nos. 1 to 3.

We have the honor to be, &c.

No. 1.

No. 45-186, dated Baroda, 28th January 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to submit, for the information of Government, copy of a letter I have addressed this day to His Highness Mulhar Rao Gaekwar, explaining the cause of certain inconvenience which His Highness appears to have suffered by perceiving delay in the transmission of supplies for his personal use, and touching other matters.

Dated Baroda, 28th January 1875.

From Colonel Sir LEWIS PELL, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to His Highness MAHARAJA MULHAR RAO GAEKWAR SENA KHAS KHEL SUMSHER BAHADUR, Baroda.

I REGRET to learn that a few days ago Your Highness was inconvenienced by perceiving delay in the transmission of some articles which you had desired to receive from the palace. I have enquired into the circumstances of the delay, and find that it was in part caused by the accident of the articles not being where they were supposed to be, and partly by the number of articles to be found being less than those required. I mention these circumstances only in the view of reassuring Your Highness that the delay was wholly unintentional, and I feel that it is almost needless for me to add that in conforming with the desire and instructions of His Excellency the Viceroy, it is my constant endeavour to prevent any unnecessary inconvenience occurring to your Highness.

In regard to water, Doctor Seward having given me to understand that Your Highness prefers water drawn from wells of the town Padra, I have given instructions that a supply shall thence be regularly drawn and be carried by suitable persons to Your Highness' residence.

I received this morning from Your Highness' Queen a verbal intimation that she would be glad to receive a daily report as to Your Highness' condition of health. I have accordingly requested Doctor Seward to transmit every morning a bulletin to the palace for the information of the Queen.

Referring to Your Highness' remark to me on the occasion of my recent visit that you would be very glad if the sitting of the Special Commission could be hastened to some date earlier than that of the 18th February, I would submit that the day has been fixed by His Excellency the Viceroy in Council, and that I am aware that in naming so distant a date His Excellency has been largely influenced by a sincere desire to accord to Your Highness every reasonable opportunity of preparing Your Highness' defence, and I think that upon this point Your Highness would wish to consult the legal advisers to whom you have entrusted your defence. If, however, after receiving this letter, and consulting your advisers, Your Highness should still wish me to urge your request upon the Viceroy, I shall have the honor of doing so without delay.

No. 2.

No. 54-250, dated Baroda, 2d February 1875.

From Colonel Sir LEWIS PELL, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN continuation of my letter No. 186, dated 28th ultimo, I have the honor to forward a copy of His Highness Mulhar Rao's reply dated 30th ultimo, requesting a postponement of the sitting of the Commission to Monday, the 22d instant, and asking for additional funds to meet the costs of His Highness' defence.

2. The matter has already been brought to notice in telegrams of the 30th ultimo and this date.

Dated Baroda Camp, 30th January 1875.

From His Highness MULHAR RAO, Gaekwar of Baroda, to Colonel Sir LEWIS PELL, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda.

I THANK-you for your letter of the 28th instant delivered to me yesterday, and for all you are doing for my comfort and of my Ranees.

With reference to the request I made to you to hasten the sitting of the Commission, I beg to remark that at the time I was not aware of all the arrangements in contemplation for my defence, especially that of securing the services of Counsel from England.

I am satisfied in everything His Excellency the Viceroy has directed in connection with the enquiry; he has been influenced by a sincere desire to afford me every opportunity of establishing my innocence, and it will only be necessary that His Excellency should be informed of my present wish that the sitting of the Commission should not take place before my Counsel from England, Serjeant Ballantine, reaches Baroda to have this granted.

I am informed by my Solicitor, Mr. Jefferson, that the steamer bringing Serjeant Ballantine will in all probability not reach Bombay before the 18th proximo. He could not therefore

arrive in Baroda before the night of the 19th, and the 20th falls on a Saturday. It seems to me that Monday might be well fixed for opening the Commission; that is my wish, and I beg you will convey the same to His Excellency the Viceroy.

I am much pained to learn from my Solicitor that his request for a further payment out of the treasury on account of the costs of my defence has not been granted by you.

It cannot but occur to you that any delay in the securing of Counsel, which can only be done by an immediate payment of money, must imperil my defence, and I must entreat of you to urge upon His Excellency the Viceroy my earnest desire that the money asked for should be at once paid.

You may well understand how readily I should have responded to the requirements of my Solicitors on this behalf had my treasury been at my command.

No. 3.

No. 499 P., dated Fort William, 11th February 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELL, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

IN reply to your letter No. 54-250, dated 2d instant, forwarding copy of a letter from the Gaekwar requesting a postponement of the sitting of the Commission, and asking for additional funds to meet the cost of his defence, I am directed to refer you to my telegram of the 2d idem postponing the opening of the Commission to the 23d, and to my telegram of this date regarding the provision of funds.

No. 59 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
POLITICAL.

MY LORD MARQUIS,

Fort William, the 26th February 1875.

WE have the honor to forward papers* relating to the nomination of the * Nos. 1 several Members of the Commission of Enquiry into the charges against His to 9. Highness Mulhar Rao Gaekwar of Baroda.

We have the honor to be, &c.

No. 1.

Dated 20th January 1875.

From His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA (demi-official), to His Highness the MAHARAJA of JEYPOOR.

I WRITE to express a hope that Your Highness may be able to find time, among the many duties that I am well aware must press upon you, to assist as a Member of a Commission which I have been very unwillingly compelled to appoint to enquire into the grave charge against His Highness Mulhar Rao Gaekwar that he instigated an attempt which was lately made to poison Colonel Phayre, the British Resident at his Court. The proceedings of the Commission will commence at Baroda on the 18th of February. It is the desire of the Government of India that every opportunity shall be afforded to His Highness Mulhar Rao of making his defence, and that the tribunal shall be so constituted as to command confidence throughout India. The Government of India will be much obliged to Your Highness if the state of your health and of affairs at Jeypoor will admit of a compliance with the hope that I have expressed. I am sure that the presence of Your Highness would give great additional weight to the proceedings of the Commission in fulfilling a very important and difficult task.

(88)

No. 2.

Telegram, dated 26th January 1875.

From POLITICAL AGENT, Jeypoor, to FOREIGN SECRETARY, Calcutta.

YOUR letter, 20th instant. Maharaja assents to the Viceroy's request regarding Commission.

No. 3.

Dated Jeypoor, 26th January 1875.

From Colonel W. H. BEYNON, Political Agent, Jeypoor (demi-official), to C. U. ARCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I DULY received your note of the 20th instant, with its enclosure from the Viceroy to the Maharaja. I lost no time in arranging for a private interview with the Maharaja when I delivered His Excellency's letter and made known its contents. His Highness at once declared his intention of assenting to the Viceroy's wishes, and expressed his sense of the honor done him. I also communicated to him the contents of your letter.

The Maharaja will be glad to be informed in what his duties will consist.

I am sorry to say that for some weeks past His Highness' health has been very indifferent. He did not, however, seem inclined for this reason to excuse himself from sitting on the Commission, but when I visited the palace yesterday afternoon, I found that his councillors, the Thakoor Fatha Sing in particular, were endeavouring to persuade him that his health would not admit of his going to Baroda.

I believe, however, that His Highness is determined to go and will do so unless he should become decidedly worse.

I do not anticipate any ceremonial difficulties. Should any be suggested I will at once inform you. I enclose copy of the telegram to your address and also the Maharaja's reply to the Viceroy.

(a.)

Dated Jeypoor Palace, 26th January 1875.

From His Highness the MAHARAJA of JEYPOOR to His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA.

YOUR Excellency's kind favor of the 20th instant was handed over to me by Colonel Beynon yesterday. I cannot be sufficiently thankful to your Lordship for the honour Your Excellency has been pleased to confer on me and the confidence Your Excellency's Government has reposed in me by asking me to assist as a Member of the proposed Commission to enquire into the charges against His Highness the Gaekwar of Baroda.

I have requested Colonel Beynon to telegraph to Your Excellency of my willingness to carry out Your Lordship's orders.

I am sorry to inform Your Excellency that for the last ten or twelve days I have been suffering from fever and slight pain in the lumbar region as I once had at Simla when I was with Your Excellency in 1872. I hope, however, to recover before the commencement of the proceedings of the Commission. In the meantime, I shall thank Your Excellency to favor me with definite instructions, if necessary, as to the part I shall have to take in the proceedings of the Commission, and to let me know the precise time when I shall be required at Baroda.

Trusting Your Excellency is in the enjoyment of sound health.

No. 4.

Dated Calcutta, 4th February 1875.

From His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA (demi-official), to His Highness the MAHARAJA of JEYPOOR, G.C.S.I.

I BEG that you will accept my sincere thanks for the cordial and ready manner in which Your Highness has complied with my request that you should assist

(89)

in the enquiry which it has been the painful duty of the Government of India to institute at Baroda.

Your Highness will have heard from Colonel Beynon, to whom I telegraphed, that the Commission will open on the 23d instant, when I trust Your Highness will be able to be at Baroda, where every arrangement will be made by Sir Lewis Pelly to provide suitably for Your Highness' proper entertainment, comfort, and dignity.

The Chief Justice of Bengal, as the highest judicial dignitary under Her Majesty the Queen in India, will preside over the enquiry which must, as His Highness Mulhar Rao Gaekwar has elected to employ Counsel for his defence, be conducted in English. The Members of the Commission are His Highness the Maharaja of Gwalior, Sir Richard Meade (the Chief Commissioner of Mysore) whom Your Highness has probably known when he was Agent to the Governor-General in Central India, Mr. Philip Melville, who has been Judicial Commissioner in the Punjab, and one of the Judges of the High Court at Lahore, and Raja Sir Dinkur Rao.

Your Highness' assistance will, I feel sure, add considerable weight to the enquiry.

I have the honor to enclose a list of the offences into which the enquiry will be made, a copy of which has been furnished to His Highness Mulhar Rao Gaekwar. Your Highness will observe that the subject of the enquiry is limited, and that there is no intention that it shall extend to any of the questions relating to the general administration of the Baroda State or to the general relations of His Highness Mulhar Rao Gaekwar to the British Government.

The evidence in the case will be brought before the Commission when they assemble, and the desire of the Government of India has been that every opportunity should be given to His Highness Mulhar Rao Gaekwar of freeing himself from the grave suspicion which attaches to him of having been concerned in an attempt to poison the British Resident at his Court.

I trust that Your Highness' health has by this time been completely re-established, and with the most hearty good wishes, &c.

No. 5.

Dated Calcutta, 20th January 1875.

From His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA (demi-official), to His Highness the MAHARAJA SINDIA.

It has been the painful duty of the Government of India to assume the temporary administration of the Baroda State, and to cause an enquiry to be instituted into certain grave charges against His Highness Mulhar Rao Gaekwar, that he has instigated an attempt to poison Colonel Phayre, the British Resident at Baroda.

It is the desire of the Government of India that this enquiry should be so conducted as to give His Highness the Gaekwar every opportunity of making his defence, and that the Commission should be constituted in such a manner as to command the confidence of the whole of India.

I am well aware of the duties which Your Highness has to perform and of the many calls upon your time, but I write in the hope that I may persuade Your Highness to assist us as a Member of this important tribunal. If it should be in Your Highness' power to accept this duty, the Government of India will be greatly obliged, and Your Highness' presence could not fail to add weight and value to the proceedings.

No. 6.

Dated, Camp of Exercise, Parsen, 13th February 1875.

From MAHARAJA SINDIA (demi-official), to His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA.

I HAVE much pleasure to acknowledge the receipt of Your Excellency's letter, dated 20th ultimo, regarding my appointment in Baroda Commission, and in

36913.

M

reply, I return many thanks to Your Excellency for the kind offer. My marriage will be performed on the 15th, and I shall leave this on the 18th and reach Baroda on the morning of the 23d instant.

Any service Your Excellency will require of me I shall be most happy to attend to it.

No. 7.

Dated Calcutta, 20th February 1875.

From His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA
(demi-official), to MAHARAJA of SINDIA.

I HAVE received Your Highness' note of the 13th of February, and I beg to return to Your Highness again in writing the very sincere thanks of the Government which General Daly has already been requested to convey by telegraph for the readiness with which Your Highness has, I fear, at considerable personal inconvenience, complied with my request with respect to the Baroda enquiry.

I feel certain that Your Highness' presence will give weight to the Commission, and I hope that the instructions which have been issued will prevent the proceedings from being prolonged for any such length as will be a cause of inconvenience to the Members, while at the same time His Highness Mulhar Rao Gaekwar will be afforded every opportunity for his defence.

No. 8.

Dated Calcutta, 21st January 1875.

From His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA
(demi-official), to His Highness MAHARAJA HOLKAR.

YOUR Highness will have learnt from Major General Daly that the grave suspicion that His Highness Mulhar Rao Gaekwar instigated the recent attempt to poison Colonel Phayre, the British Resident at Baroda, has compelled the Government of India to assume temporarily the administration of the State and to institute an enquiry into the circumstances of this most serious matter.

It is my anxious desire that the enquiry shall be so conducted as to afford to His Highness the Gaekwar every opportunity of making his defence, and that the tribunal shall be so constituted as to command the confidence of the whole country.

I therefore write to express a hope that Your Highness may be able to spare time, from the weighty affairs of State which I am well aware must occupy you, to assist as a Member of the Commission.

If Your Highness can without inconvenience undertake this duty, you will oblige the Government of India, and your presence will add weight to the proceedings in this painful and difficult case.

The Commission will assemble on the 18th of February.

No. 9.

Dated Palace, Indore, 27th January 1875.

From His Highness the MAHARAJA of HOLKAR, to His Excellency the VICEROY and GOVERNOR-GENERAL of INDIA.

I have duly received, through my friend, General Daly, Your Excellency's kind letter of the 21st instant.

The intelligence of the steps which Your Lordship's Government felt compelled to take in respect to Baroda had already reached me, and filled myself and all my people with profound regret that such a necessity was forced on your Government. Amid all the difficulties and complications, however, which have unhappily arisen, the justice, the forbearance, and the generosity of the British Government appear unmistakeable and conspicuous. It is most re-assuring and gratifying that Your

Lordship has clearly announced to the subjects of the Baroda State in particular, and to the people of India in general, your resolution to leave unaffected the integrity of Baroda as a Native State with a Native ruling dynasty. Her Majesty's great pledges are thus firmly preserved beyond all possible scepticism, and everyone will perceive that the action of the paramount power is precisely directed and circumscribed to the grave suspicion of personal misconduct or personal offence.

These circumstances forcibly remind me of what Your Excellency said to me two years ago at Burwai in the presence of General Daly. When Your Lordship was about to rise to deliver an address after dinner, I ventured to suggest that something might perhaps be said in further recognition of the non-annexation policy announced in the Queen's proclamation. Your Lordship kindly turned to me and assured me that, when the Imperial Government deliberately frames and proclaims a policy, it firmly and faithfully carries it out. The present crisis practically illustrates this assurance before the world.

Your Lordship's desire to have some native element in the composition of the tribunal which is to investigate the Baroda case is one that will deserve and exact universal applause. The accused party himself will, in his painful and anxious situation, find in this circumstance an additional proof of the noble solicitude of Your Lordship to insure the highest and purest justice.

I feel exceedingly obliged to Your Excellency for so kindly thinking of me in this connection. I beg to offer you my warmest acknowledgments.

I regret, however, that I am unable to accept so kind and considerate an offer. The interests of the State with the Government of which I am charged, combined with other circumstances of a domestic nature with which I need not trouble Your Lordship here, preclude my acceptance of the offer, especially as so early a date as the 18th proximo is fixed for the assembling of the High Commission. Your Lordship has, to some extent, foreseen this contingency.

With respectful compliments and best wishes.

No. 40 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
POLITICAL.

MY LORD MARQUIS,

Fort William, the 12th February 1875.

WE have the honor to forward, for the information of Her Majesty's Government, copy of papers* regarding the appointment of the Commission * Nos. 1 to 5. to investigate into the charges against His Highness Mulhar Rao Gaekwar of Baroda.

We have the honor to be, &c.

No. 1.

To The Honorable Sir Richard Couch, Knight Bachelor, and Chief Justice of Her Majesty's High Court of Judicature at Fort William in Bengal; His Highness Mookhtar-ool-Moolk, Azeem-ool-Iktidar, Ruffi-oos-Shan, Wala Shikoh, Mohitashim-i-Douran, Oomdut-ool-Oomrah, Maharaja Dheeraj, Alijah Maharaja Jeeajee Rao Sindiah Bahádoor, Sreenath, Munsoor-i-Zaman, Fidvee-i-Huzrut Malika-i-Mooazuma, Rafi-ood-Durjeh-i-Inglistan, Maharaja of Gwalior, Knight Grand Commander of the Most Exalted Order of the Star of India; His Highness Siramad-i-Rajaha-i-Hindoostan, Raj Rajender Sree Maharaja Dheeraj Sewaee Ram Sing Bahadoor, Maharaja of Jeypoor, Knight Grand Commander of the Most Exalted Order of the Star of India; Colonel Sir Richard John Meade, Knight Commander of the Most Exalted Order of the Star of India, and Chief Commissioner of Mysore and Coorg; Raja Sir Dinkur Rao, Knight Commander of the Most Exalted Order of the Star of India; and Phillip Sandys Melville, Esquire, of the Bengal Civil Service, and a Commissioner in the Punjab.

WHEREAS an attempt has been made at Baroda to poison Colonel R. Phayre, C.B., the late British Resident at the Court of His Highness Mulhar Rao

Gaekwar; and whereas the following offences are imputed against the said Mulhar Rao Gaekwar, that is to say :—

I.—That the said Mulhar Rao Gaekwar did by his agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency;

II.—That the said Mulhar Rao Gaekwar gave bribes to some of those servants, or caused such bribes to be given;

III.—That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets, and to cause injury to Colonel Phayre, or to remove him by means of poison;

IV.—That in fact an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao Gaekwar;

And whereas the Viceroy and Governor-General in Council has temporarily assumed the administration of the Baroda State for the purpose of instituting a public enquiry into the truth of the said imputations, and of affording His Highness Mulhar Rao Gaekwar an opportunity of freeing himself from the grave suspicion which attaches to him:

Therefore the Viceroy and Governor-General of India in Council appoints you the said Sir Richard Couch, you the said Maharaja of Gwalior, you the said Maharaja of Jeypoor, you the said Sir Richard John Meade, you the said Sir Dinkur Rao, and you the said Phillip Sandys Melville, Esquire, to be Commissioners for the purpose of enquiring into the truth of the said imputations and of reporting to the Viceroy and Governor-General in Council how far the same are true to the best of your judgment and belief. And the said Viceroy and Governor-General in Council appoints you the said Sir Richard Couch to be the President of this Commission, with full power to appoint times and places of meeting, to adjourn meetings, to adjust and arrange the method of procedure, to settle the course which the enquiry shall take, to call for and to receive or reject evidence documentary or otherwise, to hear such persons as you shall think fit on behalf either of the Viceroy and Governor-General of India in Council or of His Highness Mulhar Rao Gaekwar, and generally to guide the whole course of the proceedings of this Commission as from time to time shall appear to you to be proper for the purpose thereof.

And whereas certain other matters of importance pending between the British Government and His Highness Mulhar Rao Gaekwar were enquired into and reported upon by a Commission appointed by the Viceroy and Governor-General in Council by orders dated 23d October 1873; And whereas the enquiry which you are appointed to make is not connected with such matters: For the better understanding of your functions, the said Viceroy and Governor-General in Council hereby declares his desire that you shall not extend your enquiry to other matters than the offences imputed to His Highness Mulhar Rao Gaekwar as aforesaid, and that you shall not permit any such other matters to be submitted to you for consideration or enquiry.

And the said Viceroy and Governor-General in Council desires that, in the event of any of your number being prevented by sickness or other cause from taking his place as Commissioner, or from remaining as Commissioner till the conclusion of your enquiry, you the other Commissioners shall nevertheless conduct and complete your enquiry in the same way as if the number of Commissioners present or remaining were the whole number appointed hereby.

And the said Viceroy and Governor-General in Council hereby appoints John Jardine, Esquire, of the Bombay Civil Service, to be your Secretary.

By Order of the Viceroy and Governor-General of India in Council,
(Signed) C. U. AITCHISON,
Secretary to the Government of India.

No. 2.

No. 487 P., dated Fort William, 11th February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Honorable Sir R. COUCH, K.T., Chief Justice, High Court of Bengal.

I AM directed to inform you that His Excellency the Viceroy and Governor-General in Council has been pleased to appoint you to be President of the Commission for the investigation of the charges against his Highness Mulhar Rao Gaekwar of Baroda.

2. The original orders constituting the Commission are herewith enclosed for your information and guidance.

3. Should any points arise during the enquiry on which you may deem it necessary to take the orders of Government, you are authorized to defer it for the consideration of the Governor-General in Council.

4. The Viceroy and Governor-General in Council has fixed the 23d instant as the date for the opening of the Commission at Baroda, and his Excellency in Council desires me to express his hope that you will be able to arrange to commence proceedings on that date.

5. During the time you are employed on the Commission you will draw allowances equal to the salary of the Chief Justice of Bengal, together with a deputation allowance of 25 per cent. thereon, and your *bonâ fide* travelling expenses will be defrayed by Government.

No. 3.

Nos. 490. P.-491 P., dated Fort William, 11th February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to AGENTS, GOVERNOR-GENERAL, Central India and Rajpootana.

THE Viceroy and Governor-General in Council has already thanked His Highness the Maharaja of ^{Gwalior}_{Jeypoor} for consenting to act on the Commission for the investigation of the charges against His Highness Mulhar Rao Gaekwar of Baroda.

2. I am now directed by His Excellency the Viceroy and Governor-General in Council to enclose for the information of His Highness, a copy and translation of the orders constituting the Commission.

3. The 23d instant has been fixed as the date for the opening of the Commission, and His Excellency in Council will be glad if it will suit his Highness' convenience to be present at Baroda at that date in time to take part in the commencement of the proceedings.

4. I have been in direct telegraphic communication with the Political Agent at ^{Gwalior}_{Jeypoor} regarding the arrangements for the proper reception of His Highness and for His Highness' journey. It may be desirable, however, that you should communicate direct with Colonel Sir Lewis Pelly on the subject.

5. The Political Agent at Jeypoor should accompany the Maharaja.

No. 4.

No. 493, dated Fort William, 11th February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel Sir R. MEADE, K.C.S.I.

Similar letter to No. 494 P. to Mr. MELVILLE, No. 495 P. to Sir DINKUR RAO.

I AM directed to inform you that His Excellency the Viceroy and Governor-General in Council has been pleased to appoint you to be a Member of the Com

mission for the investigation of the charges against His Highness Mulhar Rao Gaekwar of Baroda.

To Sir Dinkur Rao [and translation] 2. A copy [] of the orders constituting
[are] the Commission [is] herewith enclosed for your
information and guidance.

3. The 23d instant has been fixed as the date for the opening of the Commission, and I am to request that you will arrange to be at Baroda in time to be present at the commencement of proceedings on that date.

4. [During the time of your employment on the Commission you will draw (the same pay as the Chief Commissioner of Mysore with a deputation allowance of 25 per cent. thereon), and] your *bond fide* travelling expenses will be defrayed by Government.

No. 5.

No. 486 P., dated Fort William, 11th February 1875.

From C. U. AITCHISON, Esq., Secretary to the Government of India, Foreign Department, to Colonel Sir L. Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda.

I AM now directed to inform you that the Viceroy and Governor-General in Council has been pleased to appoint the following Commission for the investigation of the charges against His Highness Mulhar Rao Gaekwar of Baroda :—

Sir R. Couch, Kt., President.
The Maharaja of Gwalior.
The Maharaja of Jeypoor.

Colonel Sir R. Meade, K.C.S.I.
Raja Sir Dinkur Rao, K.C.S.I.
Mr. P. S. Melville.

2. I am to request that you will make all necessary arrangements for the proper reception and accommodation of the members of the Commission and their attendants. It may be desirable that you should communicate with the Agent to the Governor-General for Central India and the Agent to the Governor-General for Rajpootana in respect to the arrangements for the Maharaja of Gwalior and the Maharaja of Jeypoor. A copy of the ceremonial usually observed on the occasion of the visit of these Chiefs to Calcutta is enclosed in the belief that it may be of use to you. It is the wish of the Governor-General in Council that they should be received and treated with every distinction due to their high rank. Each will be accompanied by a European officer for whom also arrangements should be made.

3. The 23d instant has been fixed as the date for the commencement of the proceedings as you have been already informed.

No. 44 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,

POLITICAL.

To the Most Honorable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India.

MY LORD MARQUIS, Fort William, the 19th February 1875.

IN continuation of our despatch No. 39, dated 12th instant, we have the honor to forward, for the information of Her Majesty's Government, further papers* relating to the affairs of the Baroda State.

We have the honor to be, &c.

* Nos. 1 to 4.

No. 1.

No. 52-229 of 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN continuation of my letter No. 32-132, dated the 22d ultimo, I have the honor to submit, for the information of Government, a summary of the proceedings at a Durbar held by me on the 29th January 1875.

MEMORANDUM.

ON Friday the 29th January 1875, the principal Bankers and Heads of mercantile community of Baroda waited, by appointment, on Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, who received them at a Durbar. The deputation was headed by the representatives of the old Firms of Gopalrao Myral and Hurree Bhagtee and Sheth Premabhai Hemabhai of Ahmedabad, late a Member of the Bombay Legislative Council, who had a Firm in Baroda.

Sir Lewis Pelly addressed the deputation by saying that he had asked them to come here to-day in order that he might explain to them some of his views, proceedings, and intentions affecting trade; that when first this crisis came on he was obliged to take certain precautions to prevent the removal of jewels and other property belonging to the State; that he was very sorry having to do so, because he was always averse to do anything that might interfere with the natural course of trade, but that the inconvenience was one which nearly always accompanied sudden crisis in affairs of State; that he was glad to say, however, that he felt assured that all these inconveniences and restrictions might now be withdrawn, and that he had therefore issued orders to-day that all these searchings and stoppages of suspected goods by the Police and the Military should wholly cease.

Sir Lewis Pelly assured the deputation that in future there would be no interference whatever by any authority with their affairs, and that mercantile transactions and credit might with confidence resume their natural course.

Reference was then made to the affairs of the Gaekwar's State Banks at Bombay, which it had become necessary to place under attachment; and it was stated that the new Bank of Bombay had been appointed Agents to settle accounts and carry on emergent and other transactions of the said Banks requiring disposal; that the head Moonin Khemchand, who had favored Sir Lewis Pelly by coming to Baroda, would return to Bombay to-morrow; that the Bank of Bombay had been requested to conduct the affairs with the least possible inconvenience to persons having dealings with the State Banks; that the people who wished to take back the gold they had deposited with the Banks would now be able to do so, and that all would find the greatest courtesy at the hands of the Officers of the Bank of Bombay.

In regard to the finances at present available, Sir Lewis Pelly reminded the deputation that when he assumed charge of the administration, he was given to understand that in the Central Treasury at the capital there was something less than Rupees 2,000; that by taking measures, which to some extent had been successful, he was happy to say that the available balance now was more than sixty-five lakhs of rupees, which was exclusive of the current revenue which was flowing in.

Sir Lewis Pelly next alluded to the recent Committee appointed to enquire into and settle the claims, debts, and grievances of the Sirdars; and said that the mercantile community was deeply interested in the matter; that in fact most of them were the Sirdars' Bankers, and their prosperity was intimately connected with the prosperity of the Sirdars. The Bankers were advised to approach the coming settlement with moderation, the debts being partly doubtful or bad, and a compromising spirit being therefore essentially necessary, Sir Lewis Pelly pertinently reminded them of the old Mahratta proverb "no blood can come out of a flint."

Referring to the claims urged against the State by some of the Bankers before the Commission of last year, and more recently before himself, and to the general system of irregularities as existing in monetary transactions between the State and the Bankers, Sir Lewis Pelly stated that as soon as time permitted he would cause due enquiry to be made into those claims; that as yet he had scarcely time to look into more than a very few of them, but that even among these few he had found some irregularities; that he did not wish to mention names, especially in a public Durbar, and would only allude to two instances which had come before him, and which had impressed him very much: one was a claim for twenty lakhs of rupees contested between the Gaekwar and an old Firm; that when he (Sir Lewis Pelly) came to look into the facts of the case he found them so utterly inexplicable that he was obliged to give the enquiry up as a hopeless job; that more recently documents and information had come to his knowledge which led him to believe that the money was not due to the Gaekwar, but to the late Peishwa, and in strict justice and right belonged to the British

Government as the Peishwa's successors; that the aggregate amount was not twenty lakhs, but something approaching thirty-six lakhs; that the matter of the rightful inheritance of this amount was apparently never brought to the knowledge of the British Government, but was eventually and seemingly by consent of the late Gaekwar and the Firm converted into a sort of claim to be admitted on the part of the Gaekwar of Baroda against the Firm; that the then Gaekwar in short got hold of the receipts or chittees which properly belonged to the British Government, and induced the Firm to compromise the debt with him for a sum of twenty lakhs of rupees; that accordingly the Firm passed a bond to the then Gaekwar of this last-named amount, and received back from the Gaekwar the chittees or receipts which the Firm had passed to the Peishwa; that out of these twenty lakhs of rupees His Highness Khunderao managed to collect some six lakhs; that this left a balance of fourteen lakhs, which the Firm being unwilling to pay to the present Gaekwar, His Highness Mulhar Rao, he either borrowed or forcibly took charge of all the jewelry of the Firm he could lay his hands on.

Sir Lewis Pelly continued to say that he did not in this place and on the present occasion mention the matter for the purpose of asserting any claims on behalf of the British Government, and that the claim had been placed before him and the Commission as simply a mercantile dealing, and that, relying on the statements made, he *bona fide* believed it as such; but that now he saw what it really was, and that he trusted that all would concur with him in considering that the transaction was irregular.

The other instance referred to by Sir Lewis Pelly was a loan of five lakhs of rupees by the Gaekwar to a Firm at 3 per cent., and a simultaneous loan by the same Firm to the Baroda State at 8 per cent. To say the least of it, remarked Sir Lewis Pelly, that was an illogical transaction; he admitted that the times were very irregular, and expressed his hope that times may change with Rulers, and that these irregularities may cease.

Sir Lewis Pelly then informed the deputation that on Monday next he would pay formal visits at the houses of the Head Bankers, Gopalrao Myral and Hurree Bhagtee, and that he conceived that in doing so he would be pursuing the annual custom of the Gaekwar, and thus publicly acknowledge the important practical fact that the interests of the State and of the commercial classes are identical.

Sir Lewis Pelly said that, before the deputation left, he wished to add one word, and that was to say, that he had been reporting to the Viceroy in Council the course of events as they happened; that he had told him that the Baroda State possessed all the capacities for becoming a very thriving Native State; and that he earnestly hoped that when the short time he should remain here is concluded, he might hand over this State to a Native Ruler without any change in its constitution, but reformed in administration in such manner as not to interfere with its old usages and customs, but to render their application more consistent with justice and equity; that before he handed over such charge, he would most earnestly impress upon the Viceroy to do all in the power of the Government of India to secure that the mercantile community should lawfully enjoy the fruits of their industry without the slightest chance of molestation. He had happened to see in some public prints some allusion to annexation, and that, therefore, he was glad to take this opportunity of repeating that there was not the slightest ground for such an apprehension, that the desire of the Government of India was to restore the Baroda State to a Native administration as soon as might be practicable, and in the meantime to prevent the State from being torn to pieces and ruined by any avoidable irregularities.

In conclusion, Sir Lewis Pelly trusted that the deputation would not think he had wasted their time in making these remarks, and added that he was pleased to see here an old acquaintance, the Honorable Mr. Premabhai Hemabhai, late Member of the Bombay Legislative Council.

The deputation responded through Mr. Bulwunt Rao, the Nawab's Moonshee, who, in thanking Sir Lewis Pelly for his kindness in explaining to them his views about trade and other matters involving mercantile interests, said that the people present were much gratified to hear what Sir Lewis Pelly had said, and that the assurance that the Native administration would be restored had given them greatest satisfaction; that their prosperity in a great measure depended on that of the State; that the kind words addressed to them gave them much confidence; and that they would lose no time in resuming mercantile transactions.

The Honorable Mr. Premabhai Hemabhai then advised the people present to have full confidence and rely entirely on what Sir Lewis Pelly had said; that he (Premabhai) was a British subject, and therefore would say from actual experience that the words and writings of the British Government exactly accorded with their actions.

The proceedings, which lasted for more than an hour, terminated at about 3 p.m., and the deputation withdrew.

Baroda, 31st January 1875.

(Signed) MANIBHAI,
Native Assistant.

No. 2.

No. 521 P., dated Fort William, 12th February 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner Baroda.

IN reply to your letter, No. 52-229, without date, forwarding a summary of the proceedings at a Durbar held by you on the 29th ultimo, I am directed to state that His Excellency the Viceroy and Governor-General in Council approves of your action in the matter.

No. 3.

No. 60-287, dated Baroda, 4th February 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to forward, for the information of His Excellency the Viceroy in Council, the accompanying memorandum drawn up by my Native Assistant, Mr. Manibhai, containing an account of the visits which I paid to the ladies of the Gaekwar family and the head Mahratta Sirdar, Yeswuntrao Pandray, on Saturday, the 30th January 1875.

MEMORANDUM.

AGREEABLY to arrangements previously made, Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, accompanied by Colonel Jacob, Commanding the Field Force, Baroda, and other officers of the camp and some ladies, left the Residency at 3 o'clock P.M. on Saturday, the 30th January 1875, on a visit to the ladies of the Gaekwar family and near relations. A suitable escort under command of an officer was furnished by the 1st Regiment of Cavalry, in addition to the usual Residency escort, and a party of Rissala Horse of the Gaekwar's Contingent.

On arrival at the palace Sir Lewis Pelly was received by Nana Saheb Powar and Jagoba Jagtap, sons-in-law of the late Gaekwar His Highness Gunput Rao, and Nimbhaker, brother of Radha Bae, widow of the said Prince, and the senior lady in the zenana of the reigning family.

The ladies of the Gaekwar family sat behind a purdah, where the European ladies who accompanied Sir Lewis Pelly were received by Radha Bae. Besides Radha Bae there were present Rewoo Bae, widow of the late Nana Saheb, a brother of His Highness Mulhar Rao, the daughters of His Highness Gunput Rao and His Highness Khunderao, and several other relations. His Highness Mulhar Rao's queen and daughter having expressed their inability to come on account of ill health.

Sir Lewis Pelly told the ladies that he had called upon them, in accordance with the annual practice of the Gaekwar, to pay his compliments to the ladies of the reigning family and to enquire after their healths. He had, he assured them, great pleasure in doing so, and the English ladies at present in Baroda who had been permitted to visit them were particularly sensible of that compliment.

To this Radha Bae replied:—"It is very good of you to come here. I am much obliged to Your Honor for your kindness. It is for Your Honor to take care of us: the protection of us all is in your hands."

Sir Lewis Pelly then said: "Anything in my power in the way of aid or justice will always be at the disposal of the ladies of this State so long as I am here. There is not the slightest occasion for any anxiety on the part of the ancestral ladies of the State. There is no need of any protection or interference. You may do what you like, and if any protection be necessary you shall have it."

Radha Bae again thanked Sir Lewis, and after a short conversation asked that the "Devasthan" and "Dhurmada" expenses and other

* Religious and charitable expenses. charities, as also the nemnooks of the Sirdars, Durukdars, and other hereditary State servants, should be continued, and all affairs managed as they had hitherto been. To this Sir Lewis Pelly replied by saying that "all these affairs I have been arranging with the proper officers of the State, and you need not feel any anxiety. I hope you will always feel happy in your own palace. I was a youth here when your husband (His Highness Gunput Rao) was on the throne, and I have a very distinct recollection of what the State was then, and what the customs of the State were. You may rest satisfied

" that the State shall not suffer in my hands. I hope everything will be continued in accordance with the usages and customs of the State, and that the administration of affairs will be wholesome and honest."

The lady then said that she had every confidence in Sir Lewis Pelly, and that the firm friendship subsisting between the British and Gaekwar Governments would, she was confident, not only be continued but increased; she concluded by saying that should any necessity arise, she would depute her brother to wait on Sir Lewis Pelly, who, she hoped, would receive and accord him an interview. Sir Lewis Pelly assured the lady that he would be most happy to hear whatever she might have to represent.

The usual distribution of pân soparee, garlands of flowers, &c., terminated the proceedings, and, with the exception of the ladies, the party proceeded to the house of Yeswuntrao Rajey Pandray, the head Mahratta Sirdar.

Sir Lewis Pelly was received by the head of this noble family and conducted into a Durbar room, where most of the Hindoo Sirdars, the Sillidars, and Seebundy Buxees, and other military officers of the State were present. It may be noted here in passing that on the occasion of the Mahomedan holiday called Eed Sir Lewis Pelly had paid a formal visit at the house of the head Mahomedan Sirdar, the Nawab Meer Kamal-ood-deen Hoossen Khan Bahadoor, and the present visit to the Pandray was meant to be a similar compliment to the Hindoo Sirdars.

The usual enquiries after health being over, Sir Lewis Pelly informed the people present that, in accordance with the practice of the Gaekwar, he had great pleasure in meeting them at the house of the head Mahratta Sirdar, who represented an ancient and noble family. Yeshwuntrao Rajey Pandray deeply felt the honor, and thanked Sir Lewis Pelly for his kindness, adding that he had every confidence in him. Sir Lewis Pelly informed the Sirdars that just before leaving the Residency the names of those who were to form a Committee for enquiry into the Sirdar's cases and questions of alienation had been submitted to him, that he had approved of them, and that he trusted that no time would be lost in instituting enquiries.

In course of conversation Sir Lewis enquired of Yeshwuntrao Pandray whether he went out hunting, and he replied that he was fond of shikar, but that in the neighbourhood of Baroda the Gaekwar had his hunting preserves which were under certain restrictions. Sir Lewis Pelly invited the Pandray to join the Residency shikar parties whenever there were any, and the Pandray expressed himself thankful for the favor.

After the usual nautch, and distribution of pân soparee, the Durbar closed, and the procession returned to the Residency at about 5 o'clock P.M.

The 3d February 1875.

(Signed) MANIBHAI,
Native Assistant.

No. 4.

No. 353, dated Baroda, 9th February 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to forward, for the information of Government, copy of a report, No. 1, dated 5th instant, by Captain Jackson, on assuming charge of the Residency Treasury, together with a copy of its accompaniment.

No. 1, dated Baroda Residency, 5th February 1875.

From Captain F. H. JACKSON, Assistant Resident, Baroda, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner Baroda.

I HAVE the honor to inform you that I have taken charge of the Treasury in obedience to your orders.

2. The Treasury, up to the time of my taking charge, was unprovided with any safes of a sufficient secure description for the custody of valuables and large sums of money; but, simultaneously with your order to me, two iron safes arrived from Bombay, which have added considerably to the security of my charge.

3. I entered the Treasury on the 2d instant, and found a large quantity of silver plated ware in a wooden cupboard, closed by an iron hasp and staple, without a padlock, and sealed with a cross tape, which I removed, to make way for the large safe, placing the silver in a large iron-bound box of a sufficient strong description. I then had the smaller safe brought in, and transferred to it from a wooden box two carpet bags of jewelry and closed and sealed it up. The large iron safe was then with considerable difficulty brought into the room, and I intended at once to place within it the box containing the 40 lakhs of Government notes, but I found it impossible to open it without instructions as to the method of manipulating the keys and handles.

4. Directions for opening the safe were telegraphed for and received to-day. I have now been able to transfer from their former repository "a wooden box," the 40 lakhs in Government notes, and the State seal of the Gaekwar.

5. These two safes have been sealed with your seal, and I have issued instructions that they should on no account be opened without a written pass from you.

6. The wooden boxes containing the carpet bags of jewelry and the 40 lakhs of rupees and State seal were fastened by iron hasps and padlocks passing through the staples. The padlock of the former was an English one of rather an old pattern; that of the latter was a Brahma lock. There was one key for each box. These keys are now in my possession.

7. A small box of jewelry connected with a case pending before the Committee of enquiry and detection has been temporarily placed in the smaller safes.

8. The Treasury room now contains—

One wooden box containing silver ware.

One ditto ditto silver plated ware.

One ditto ditto treasure in Company's Rupees.

One ditto ditto ditto Babasie Rupees.

One large iron safe containing a wooden box with the 40 lakhs of notes and the seal.

One small iron safe containing two carpet bags and a box of jewelry.

9. I have attached a memorandum of additional instructions for the European guard, as I have been informed by the Staff Officer that they experience difficulty in identifying the individuals who have authority over the treasure. These instructions I will, by your leave, forward to the Staff Officer.

Memorandum of additional instructions for Treasury Guard.

*At present Captain Jackson.

The Treasury room is closed with two padlocks, the keys of which are in charge of (1*) the Treasury Officer, and (2) the

Government shroff.

This room is not to be opened without the presence of these two persons, unless by the special written direction of the Treasury Officer.

The iron safes within the room are not to be opened without a written order from the Governor-General's Agent and Special Commissioner.

Outside the room are some treasure boxes containing cash for current expenses, the keys of which are kept by the shroffs.

These boxes may be opened by them without the presence of the Treasury Officer.

The Treasury Clerks are allowed to pass through the verandah, but no one is to touch any boxes outside the Treasury door without authority.

The shroffs are provided with passes for their identification.

(Signed) F. H. JACKSON, Capt.,
Treasury Officer.

Baroda, the 5th Feb. 1875.

No. 45 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS,

Fort William, the 19th February 1875.

IN continuation of our separate despatch of this date, No. 44, we have the

No. 4, dated 6th February 1875.

honor to forward, for the information of Her Majesty's Government, a copy of a letter from Sir Lewis Pelly, enclosing a copy of the statements made by Damodhur Trimbak, formerly Private Secretary to His Highness the Gaekwar of Baroda.

We have the honor to be, &c.,

No. 4, dated Baroda, 6th February 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to enclose a copy of the statements made by Damodhur Trimbak, formerly Private Secretary to His Highness the Gaekwar.

The statement made on the 29th ultimo was taken before Mr. Richey in my presence. A version of each day's statement was made in Mahrathi, the vernacular language of Damodhur Trimbak, and that version was in every case read aloud by him in my presence, and signed with his own hand, in some instances corrections having been made by him in his own handwriting.

Before J. B. RICHEY, Esq., J.P., dated Residency, Baroda, 29th January 1875.

DAMODHUR TRIMBAK, Brahmin, late Secretary to His Highness Mulhar Rao Gaekwar, states, Yeshwuntrao Yeule, Salem, and Rowjee were concerned in the poisoning of Colonel Phayre. In the month of Asherin, about the Dussara, the Maharaja asked me to procure some arsenic from the Foujdaree where it is kept, giving as cause that he wanted it for itch, and told me to say at the Foujdaree that it was wanted for a horse. I could not get any at the Foujdaree, and told the Maharaja, who told me to get it from camp. I told him it wanted a pass. He said no matter about the pass. I got two tolas of arsenic through Nowreddin Borah; the Maharaja having told me to promise him a monopoly of the supply of medicine to the Sillekhan. He did not at first say whence he procured it. I took the powder to the Maharaja, and asked him whom it was to be given to. He told me to give it to Salem, who would prepare the medicine to be made from it. I gave it to Salem. I don't know when he brought it here. Afterwards the Maharaja told me to get one tola of diamonds to calcine and make ash of. I ordered Nanajee Wuttul to get a tola of diamonds, and bring it to the Maharaja. He brought me the tola of diamonds, and I showed it to the Maharaja, and he told me to take it to Yeshwunt. Up to this point I did not know that it was wanted for this purpose. The Maharaja said at first it would be to make a head ornament for a Swamee at Akulkote. Afterwards again the Maharaja asked for another tola, this time diamond dust. I told Nanajee to get it, and he brought some diamond and some diamond dust, and either he or Venayekrao came and gave it me in the evening. I asked the Maharaja what was to be done with it, and he told me to give it to Yeshwunt. When I gave it to Yeshwunt I asked him what he did with these diamonds that were being given him. He said they were pounded and rubbed fine and given to Colonel Phayre. This took place about five or six days before the attempt to poison Colonel Phayre became known. On that day I had accompanied the Maharaja as far as the Sewuk Durumsala. When the Maharaja picked me up in his carriage on his return, he told me out at once that the poisoning by arsenic of Colonel Phayre had become known. He said that the attempt to administer poison through Salem and Yeshwunt had become known. Salem used always to be coming and going to and from the Residency day and night from the time that Rowjee was corrupted for the purpose of sending

Idiomatically constantly.

information. He was here on that morning, and the Maharaja told me that when the matter came out, Salem had run off to Rowjee's house to get any of the powder that was left, and throw it in the fire where the old woman was baking, and that as Salem was not fully trusted by Rowjee, Rowjee himself had gone to throw it away. Whether he did or not I did not further hear. I asked the Maharaja how this happened to be found out. He said that it was because Nursoo Jemadar was not there to be on the watch; he used to keep watch and whistle to give the alarm, and as he was not there that morning the thing was found out. The Maharaja had come earlier than usual. I went home, and that afternoon in Luxmee Bae's house Nana Sahab and the Maharaja discussed together. In the afternoon Nana and the Maharaja and I drove together, and the Maharaja said they must be on the look out about the matter that they had been discussing. The next day the Maharaja told Salem and Yeshwunt in the palace to keep well informed to what was being done, and afterwards in the carriage-drive told Nana and me to keep ourselves well informed, and said that Rowjee had been let go, that he was a clever scoundrel, and that now

Moodyacha manus.

there is no fear, as "our principal evidence" was let go. After Colonel Phayre had gone and Colonel Pelly come, one day the Maharaja told me that Rowjee had stood on the road and made signs to Salem that he wanted some present from him (the Maharaja), but that he had told him that he could do nothing now, but that when the case was entirely disposed of, he would do something for him.

At first after Mr. Souter came and Rowjee was not seized, and Mr. Souter was said to have gone, the Maharaja used to say that as Rowjee was not seized, it was all right, and there was no cause for fear. Then when Rowjee was seized, he told me he had heard of it, and that it was a bad business. Then he heard of Rowjee having taken a pardon and confessed, and told me to make arrangements that any others who might be arrested should not confess, and enjoined upon me not to confess even if I died for it, and told the others who knew, informing me of it, he told me that he had warned Nana, Hurriba Dada, Salem, and Yeshwunt. When the order came from the Residency asking for the surrender of Salem and Yeshwuntrao, on that afternoon I met Nana Sahab, and he told me that the note had come, and that they would have to be sent, and that some notes would come to send us, viz., Nana and Damodhur. In the evening the Maharaja told me that the two men had been sent to the Residency, and that he had enjoined upon them not to confess, though they were torn in pieces.

When Yeshwunt and Salem were let go back, and another note came again asking for them, the Maharaja sent for Yeshwunt and enjoined silence upon him again, and told him to

take Salem and go to the Residency. The next day the Maharaja told me to act as Govindrao Kali, who was torn in pieces, but would not confess, and he gave the same injunction to Nana and Hurriba as he informed me.

The diamonds I heard from Nanajee Wittul were bought from Hemchund. Nanajee Wittul had the balance of the "saving" account, and when I asked the Maharaja to sanction the payment for the diamonds, the following arrangement was made by his order. The Rupees 3,500 or so of the saving account were credited in the Khangee, and a corresponding debit was made in the account of Swamee Narayen's Brahmin feeding. The diamonds were worth about Rupees 7,000, so half payment was made by Nanajee Wittul giving the jeweller the Rupees 3,500, which was entered in the account as paid for the Brahmins' dinner.

At first when the diamonds were bought they were entered in the accounts as bought for the Sillekhan for medicinal purposes, and when the poisoning was discovered, I asked the Maharaja whether diamonds could be used for medicines as he said by burning them. He said they could not, and directed the entries in the account to be torn up. I told Nanajee Wittul, and he informed me he had done it. I told the Maharaja. The account was not in a book, but as is the custom on a loose paper. When I first asked for arsenic from the Foujdaree, Hormusjee Wadia was in charge, and he said he would refer to the Maharaja before giving it, so I did not ask him again. The note asking for it under my signature was left in the record of the Foujdaree, as I was informed by Gunputrao Bulwunt, who also told me that there was no reason to mind its being there, as there was an entry in the record that the arsenic had not been given.

When Dadabhai wanted to get a return of the sale of arsenic, the matter was brought before the Maharaja, who wanted to know why the return should be sent, but decided that it must be given. I then asked Gunputrao Bulwunt about our note as above, and asked him to give it back, when he told me as above that there was nothing to fear.

The enmity against Colonel Phayre was the origin of this design in the Maharaja's mind. It increased much when Luxmee Bae's marriage was under discussion. At Nowsaree one night I saw Rowjee bringing some Government papers, which he had stolen, into the Maharaja's private room, the Maharaja sent for me and told me to copy the papers Rowjee had brought at once in Rowjee's presence. Salem was with Rowjee and the Maharaja. The papers were about Jumna Bae's business. It was the memorial of Jumna Bae which had come to Colonel Phayre for report, and Rowjee stole and brought to the Maharaja. He brought it about 10 o'clock, and I was copying it till late. I gave it back to Rowjee about 2 o'clock. I destroyed the copy, because I was afraid of being stopped and arrested at Surat in connection with the charge brought by Luxmee Bae's husband. Afterwards at Baroda, Colonel Phayre had fever, and a sore on his forehead from the fever. At that time I heard the Maharaja talking to Salem in the picture room, and Salem explaining that the plaster had been applied by Colonel Phayre, but that he had felt it burn and had torn it off. Salem told the Maharaja that Rowjee had told him as above, and that it was Rowjee who had doctored the plaster.

At the same time, namely, when the Resident had the open wound, the big physician's younger brother brought a bottle of poison made up by the physician, but as there were many of us present he did not give it that time, and he may also have wanted something for it.

In the evening, one day when Colonel Phayre had the boil on his forehead, the Maharaja told me to get some blister flies to send to the younger brother of the big physician. He told me to send through the Foujdaree, and have the Wagrees sent to catch some flies and taken to the physician. I told Narayen Rao Walluskur, who is in Foujdaree, accordingly.

The next morning the Maharaja told Hurriba in my presence that the physician's younger brother wanted some snakes to make medicine. The snakeman came to me two or three days after, saying he had the snakes that had been ordered, and I told him to take them to Hurriba, and take his order before going with them to the physician.

Narayen Rao brought the blister flies taken by the Wagrees and showed them to me, and the next day Goojaba, a servant of Nana Kanvelkur, came and showed me some blister flies of the same kind, and I told him to take them to the physician's brother and submit them for his approval. About the same time the Maharaja told me that the physician's younger brother wanted the urine of a black horse, and I gave orders to Bappajee, the Kamdar of the Khas Paga, to take some urine accordingly to the physician's brother. At the same time some arsenic was given from the Foujdaree, but not through me. I don't know how much was given. I would not have got some more from the Borah had I known of its being given. Some days after the supply of these articles the physician's brother brought the bottle as above stated, not getting what he wanted for it.

The Maharaja wanted the stuff, but did not want to give what the man demanded, so suggested to Nana Kanvelkur to get some of the contents of the bottle, and a day or two after about 9 o'clock at night Goojaba came to me with the bottle which the physician had made up, and told me that he had taken it to the Maharaja, and that he had been ordered to bring it to me, and that I was to take some out of the bottle and keep it till the next day, and then give it to Salem. I poured some out of the physician's bottle into a small bottle of mine, which had held attar, and gave the other bottle back to Goojaba,* and the next day Salem came to my

* Goojaba.

house about 9 o'clock, and I gave him the bottle to take to Rowjee to poison the Sahib: this I understood perfectly, though I did not tell Salem to give it to Rowjee.

There were three distinct plots to poison Colonel Phayre:—

1st.—By the physician's stuff.

2nd.—By the poisoning the plaster for Colonel Phayre's boil.

3rd.—By the arsenic which was discovered.

The arsenic that was first given to Salem was to poison the plaster.

Twice I got arsenic from Nouriddin Borah by order of the Maharaja, on each occasion two tolas. After the poison business came out I asked Nouriddin whether he had entered the arsenic in my name, he told me that the Camp Borah from whom he had bought it had not entered it all in any one's name, but the second time had entered it as given to Nouriddin for the "Khanjeewallah," and now wanted Rupees 200. I told Nouriddin to give Rupees 200 to him, knowing that when Nouriddin got the Sillekhana business it could be adjusted in the accounts. He did not give the money I believe. I don't know the Camp Borah, but he lives in the city.

After the poison business had come out, when I first talked on the subject to Nanajee Wittul, I found that he had suspected that the diamond dust was intended to be used to poison Malsa Bacc against whom Luxmee Bacc has a hatred. I told him at that time about the account business by which the transaction was to be concealed.

29th January 1875.

Before me,
(Signed) J. B. RICHEY.

TAKEN in the presence of the following Officers: Sir Lewis Pelly, Agent to the Governor-General, Captain Segrave, and Captain Jackson.

Interpreted by me to Damodhur Trimbak Nene, who acknowledges it to be what he stated.
(Signed) R. G. DESHMUKH,
Sub-Judge.

Baroda, 2d February 1875.

INTERPRETED by R. G. Deshmukh in my presence.

Baroda, 2d February 1875.

(Signed) LEWIS PELLY,
Agent to the Governor-General.

Dated 30th January 1875.

Examination of DAMOODUR TRIMBAK resumed.

YESHWUNTRAO used to take money to give in bribes to the servants, but latterly Salem took the money from the private account, and it used to be debited to fruit from Ahmedabad, &c., fireworks, &c., always some fictitious entry. I should think he must have taken Rupees 2,000 or 3,000. Bulwuntrao Rowjee used to write the private accounts under my instructions as I had charge of the money and made payments by the Maharaja's orders. When money was to be paid to Salem for the above purposes, the Maharaja gave me general orders to make such fictitious entries. The Maharaja told me after the poison business came out, and Yeshwuntrao and Salem had been caught, that if there were any suspicious entries left in the accounts they should be altered, or erased, or concealed. On this order I told Bulwuntrao to dispose of suspicious items accordingly, he assented, but in a day or two came another Karkoon, and finally ink was to be poured on the items in question, and I told him to blot in the same way other items also, so as to avert suspicion from the particular entries. I saw one such blotted item which Bulwuntrao showed me as a specimen. I understood this much about the fictitious items, that the fruit, &c., was not ever really bought, but the money was given to Salem to use in bribery at the Residency. This practice of bribing through Yeshwuntrao and Salem had been in force for about a year and a half.

About four months ago one lakh and 20,000 Balasye rupees was paid to Premchund Roychund through Ootumchund Jeweree: an anklet was bought from Ootumchund, and the above sum was paid to him in excess of its value. Moro Punt, Nana Kanvelkur's servant, was engaged in the business which was to get recognition of Luxmee Bacc's child by Government, it was said to be for a bribe to Mr. Gibbs. I thought that Premchund kept the money, as I heard that he had redeemed Rupees 60,000 worth of property out of mortgage, and I suspected it was with this money.

Ootumchund, Premchund, Moro Punt, and the Maharaja were upstairs together. When the Maharaja came down, he told me that 3½ lakhs were to be paid for the anklet, one lakh and 20,000 to be paid at once, and the rest afterwards; the anklet had been given before this. The anklet was in the jewel room, and Nanajee Wittul, jewel-keeper, was instructed by both the Maharaja and me to send in his note for the payment of the sum settled, viz., 3½ lakhs from the Khanjee; his note would be cashed in the Khanjee by the Maharaja's verbal order, the cash being drawn from a State shop as a general rule. In the Khanjee day-book it will be seen where the cash came from.

In connection with the same intrigue for the recognition of Luxmee Bacc's marriage and her son's legitimacy, a Baboo, who was brought by Motilall Dulputram and Moro Punt, also

was paid two sums of about Rupees 25,000, and 20,000 in Government notes, which were brought from Bombay by Ootumchund in Rupees 1,000 notes. The Baboo came twice and received the money as above on the two occasions. These items may perhaps appear in the day-book with Luxmee Bacc's signature, as she used to sign sometimes for the Maharaja.

The Baboo came from Calcutta and talked in English with Motilall, who would interpret to the Maharaja.

When the Baboo came first there was a meeting at Mukkurpoor, and there were present the Maharaja, Nana Khanvelkur, Motilall Dulputram, the Baboo, Moro Punt, and myself. Rupees 25,000 were given him then, and a promise of large reward if the matter were carried through successfully. On the second visit of the Baboo, when he was paid Rs. 20,000, the money was given by me at the Maharaja's order to Moro Punt, and I know nothing of what became of it, but it was to be given to the Baboo.

All the criminal proceedings in which the Maharaja was engaged originated with himself; he did not act under anyone's advice that I know of. I speak now of the matters of which I was personally cognizant. I know that Bhau Sindia, Govind Rao Naik, and Raojee Master and others were killed by the Maharaja's order; but I was not personally concerned in these matters, which were conducted through the Foudaree Department's officers during the regime of Bulwuntrao Rahorekur, at which time I was not allowed access to the Maharaja. I was taken into favor for my services in connection with Luxmee Bacc's marriage; before that time I had been in the Khanjee Department for about two years, and knew about the accounts.

The order on the Hoozoor Foudaree Kamdar to send a pass for arsenic now shown me is in my handwriting, and is the order which I sent by the Maharaja's direction, as stated in my deposition yesterday; and the words "required for medicine for a horse" were used also by the Maharaja's order, as before stated. The pass for arsenic which I sent for by this order I did not receive, but, as above stated, got the arsenic from the Borah.

Before me,
(Signed) J. B. RICHEY.

In presence of Captains Segrave and Jackson.
30th January 1875.

(Signed) J. B. RICHEY.

INTERPRETED by me to Damoodhur Punt Trimbak Nene, who acknowledges it to be what he stated.

(Signed) R. G. DESHMUKH,
Sub-Judge.

Baroda, 2d February 1875.

TRANSLATED by R. G. Deshmukh in my presence.

Baroda, 2d February 1875.

(Signed) LEWIS PELLY,
Agent to the Governor-General.

Before Colonel Sir LEWIS PELLY, Resident at Baroda, dated 3d February 1875.

DAMODHUR TRIMBAK, Brahmin, states:—I was Private Secretary to His Highness Mulhar Rao. I am the same Damodhur Punt or Trimbak who has given evidence before Mr. Richey and Mr. Souter in the case of the attempt to poison Colonel Phayre.

On the 29th January I stated before Mr. Richey that "I asked him (Yeshwuntrao) what he did with these diamonds that were being given him. He said they were pounded and rubbed fine, and given to Colonel Phayre." This was done, and this is what I stated on the 19th. (The deponent here indicates with his hands the action of pounding or bruising in a mortar.)

On the said 29th I further stated that "Salem came to my house about 9 o'clock, and I gave him the bottle to take to Rowjee to poison the Saheb. This I understood properly." This is true, and this is what I said.

The question put to me by Mr. Souter this morning, when he understood me to say that I was not cognizant of the attempt to poison until the day of its discovery, was misunderstood by me. What I did say was that I had already stated what I had to say on the matter. I was fully cognizant that the poison was to be given to Colonel Phayre before the attempt was made.

DAMODHUR TRIMBAK, Brahmin, after having read the translations into Mahrathi of the depositions which he gave before Mr. J. B. RICHEY on the 29th and the 30th ultimo, wishes that the following corrections be introduced:—

- I. Insert the word "makadia" before the word "blister flies" in the deposition of the 29th.
- II. Insert the word "about" before the word "Rupees 3,500" in the same.
- III. The last sentence of the deposition at the 29th should be read as follows:—"I told him about that time that it was necessary to conceal the transaction by changing accounts."

No changes are to be made in the deposition of the 30th ultimo.
The above corrections were made in my presence, and were translated to me by
R. G. Deshmukh.
Baroda,
4th February 1875.

(Signed) LEWIS PELLY, Colonel,
Agent, Governor-General, and Special Commissioner.

DAMODHUR PUNT's examination resumed, 3d February 1875.

I HELD the position of Private Secretary to His Highness the Maharaja Mulhar Rao, and had charge of all his private business known as the Khanjee Department.

About a week before the Maharaja was made prisoner he brought me to the Residency and introduced me to Sir Lewis Pelly at the door as his Private Secretary.

It was the habit of the Maharaja to go for a drive three times during the day, and he always took me once or twice with him.

Whenever the Maharaja visited the Residency I used to accompany him as far as the Senak Dhurumsala, where I generally got out of the carriage, and waited till the Maharaja's return, when he took me in again and drove me to my house on his way to the Palace. The Maharaja was usually driven by a coachman named Butan Sing.

I do not know why it was that the Maharaja put in force measures to poison Colonel Phayre without first waiting to ascertain the result of his khureeta addressed to the Viceroy urging his removal.

I never knew that Mrs. Phayre's ayah had ever visited the Maharaja, till I heard from him that she had also been taken up and made a prisoner. It was characteristic of the Maharaja not to divulge to anybody the plots which he used to put in force, and to confine such secrets to those actually engaged.

Taken before
(Signed) F. H. SOUTER,
On Special duty.

3d February 1875.

DAMODHUR PUNT's examination resumed, 5th February 1875.

I HAVE stated in my deposition of the 29th January that I procured diamond chips on two occasions by order of the Maharaja. I do not remember the exact dates on which they were obtained, but as well as I recollect about a week intervened between the two occasions when I procured them.

The sums of money which have been entered in the accounts of my Department as having been paid to Yeshwuntrao and Salem under the head of fruits, fireworks, &c., represent the amounts which were paid by me in obedience to a standing order of the Maharaja for the purpose of bribing Rowjee, Nursoo Jemadar, and other servants at the Residency. It was no part of the duties of Yeshwuntrao or Salem to purchase fruit or fireworks for the Maharaja.

The Maharaja and Salem both told me that the details of the plot to poison Colonel Phayre had been personally planned by the Maharaja himself, and the execution of them arranged in his presence by Yeshwuntrao, Rowjee, Salem, and others.

The written information which the Maharaja had arranged to obtain through Rowjee of all that transpired at the Residency, used to be delivered to the Maharaja by Salem, and either Wasantram Bhau or I used to read them to him, and the papers were immediately destroyed.

The two sums of Rupees 25,000 and 20,000 paid to the Calcutta Baboo have been entered in my books as having been paid to Bhikoo (a kept woman of the Maharaja's) and to the relations of Luxmee Bae.

I am aware that while Bulwuntrao Rahoorker held the office of Dewan, he was the Maharaja's principal counsellor in all his wicked designs, and it was he who took the principal part in bringing about the poisoning and murder by other means of Govind Naik, Rowjee Master, and Bhow Scindia.

I have stated above that it formed no part of Yeshwuntrao's or Salem's duties to purchase fruit, fireworks, &c., but I now remember that on one occasion Yeshwuntrao did bring some fireworks either from Bombay or Ahmedabad, and this was about the time of the Dewalee 1873.

The orders and vouchers in Mahrathi lettered from A. to F., and each bearing my endorsement, are the original documents and authority under which the sums shown in each were paid to Yeshwuntrao under the Maharaja's instructions for the purpose of bribing the servants at the Residency and others. Those papers lettered from G. to Q. show sums of money similarly paid to Salem for the same purpose.

I have to the best of my knowledge and belief stated all I know, but I shall willingly furnish hereafter any further information that I may remember.

Baroda,
5th February 1875.

Taken before
(Signed) F. H. SOUTER,
On Special duty.

No. 48 of 1875.

FOREIGN DEPARTMENT.

POLITICAL.

MY LORD MARQUIS,

Fort William, the 19th February 1875.

In continuation of our despatch No. 45 of this date, we have the honor to forward, for the information of Her Majesty's Government, a copy of correspondence with Sir L. Pelly, noted on the margin, regarding his proceedings since we assumed the administration of the Baroda State.

(1.) From Agent, Governor-General, and Special Commissioner, Baroda, No. 9, dated 5th February 1875.

(2.) To Agent, Governor-General, and Special Commissioner, Baroda, No. 635 P., dated 19th February 1875.

We have the honor to be, &c.

No. 1.

No. 9, dated Baroda, 5th February 1875. (Extract.)

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. ARCHERSON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I AM sensible that from the hour when, on the evening of the 13th ultimo, I was called to the Telegraph Office to receive the Viceroy's proclamation and the instructions consequent thereon, regarding the contemplated arrest of His Highness Mulhar Rao Gaekwar, and the temporary change in the administration of the Baroda State which that proclamation announced, I may have appeared to the Government of India to have been somewhat remiss in reporting proceedings by letter.

2. But the duties which then immediately devolved on me and my Assistants became so numerous and detailed in character, that time did not permit of even my fully noting down consecutively what occurred from day to day, far less of reporting in ordinary official form for the information of my superiors.

3. All I could do was to telegraph in a concise manner proceedings and results.

4. It so happened, however, that Reporters from the public Press had arrived at Baroda prior to the crisis, and these gentlemen have by their summaries aided and assisted my memory in regard to many points of detail. I am not prepared to say that their accounts of what occurred have been entirely accurate. But at the same time any member of Government, who may have troubled himself to read these reports, will have received a more or less generally correct impression of the principal events that have transpired here during the past three weeks.

5. I felt that on an occasion like the present, wherein neither His Excellency in Council nor I had any object in view other than to perform a delicate, complicated, and very painful duty in a manner conformable with courtesy, honour, and the necessities of the case, there could not be too much publicity. Therefore the course I have followed has been to act in public as much as possible, to afford every reasonable opportunity for counsel and guidance on the part of those immediately concerned, and to prove both by word and deed that while the paramount power was compelled, as towards the Gaekwar and his evil advisers, to assert its rights and fulfill its obligations, yet that in so doing that power would never for an instant lose sight of the interests of the Baroda State, nor deviate from the policy pre-resolved on, under mutual consent, as between the Gaekwar and the Government of India, for reforming the Baroda administration.

6. Accordingly, I have held almost daily Durbars or interviews or consultations with the leading members of all sections of society, and have everywhere permitted the Reporters from the Press to be present and publish what passed. Down to date I have little or no occasion to regret having given this permission, while, on the other hand, I have found that by explaining my actions and intentions I have carried those concerned with me, and have left no room for reasonable cavil or misapprehension.

7. The more important of the proceedings thus dealt with have already been submitted by me to your Office in the form of *résumés* drawn up by my small staff, accompanied by brief transmitting letters from myself.

8. In now, however, forwarding an account of my recent visit to the leading Bankers and merchants of Baroda, I hope to conclude my *résumés* of the series of interviews and special Durbars which have consecutively devolved on me; and I desire therefore, in transmitting this account, to dwell at somewhat greater length than I have hitherto done on the character of the measures which I have taken with respect to the general administration of the State.

9. But in so doing, I would premise that these measures by no means pretend to include all those that have suggested themselves to me or have been placed before me as beneficial in the abstract. My measures have been limited to those which appeared to me to be at once emergent, conformable to instructions, agreeable with what had been previously discussed and arranged for as between myself and the Gaekwar and his minister, and expedient in themselves, having regard to the abnormal and peculiar circumstances of the time and place.

10. Among the graver questions which on assuming charge I had instantly to consider, as being not only pressing in themselves, but which would have speedily involved danger to the peace had I staved them off, were those of the grievances and complaints of, 1st, the nobility and military classes, and 2nd, those of the agricultural classes.

11. It will be in the recollection of the Government that, prior to the date of my assuming the powers delegated to me by the Viceroy in regard to the administration of the Baroda State, I had, in communication with the late Government of His Highness, continued to submit to His Excellency in Council my opinions as to the political combination which existed on the part of the nobles and the military, and the passive resistance, almost amounting to rebellion, which existed on the part of the agricultural classes as towards the Government and person of Mulhar Rao Gaekwar. I had further submitted my opinion as to the unsoundness of the Baroda financial budget; and these representations, grave though they were, were yet far less emphatic than have been those of my predecessor in office.

12. For I considered that however dangerous and emergent these questions might be, my instructions were to afford the Gaekwar one last opportunity for reforming his departments of State under my advice, and that in so far as I was aware, His Highness was fully cognizant of the situation, and sincerely desirous of redeeming the past by carrying into effect a thorough reform of his administration.

13. Nevertheless when from among the antecedents of His Highness' alleged facts were suddenly discovered tending to show that His Highness had, prior to my arrival, instigated an attempt to poison the representative of the British power, I felt that reorganization was for the moment in great part paralyzed, and thus reforms for some days hung in suspense pending the receipt of instructions from Calcutta.

14. But this temporary lull was not understood by outsiders; expectancy became irritation; and the earnestness of my own wish for reform was in some instances doubted.

15. Therefore when the change came, and the power and authority of the Gaekwar were temporarily vested in me, not a day was to be lost in assuring the community that what had been promised would be fulfilled; that a land revenue settlement and a reasonable and liberal treatment of the cultivators would be introduced; that the grievances and complaints and debts of the Sirdars, Silledars, &c., would be enquired into, and if practicable be arranged; that the lavish expenditure of the past would be reduced; and that income would be made to balance outlay.

16. I acted accordingly, but always with and in communion with those concerned. And two important practical facts have thus ensued. First, the agricultural classes who had previously harassed my premises and the roads in thousands, went away satisfied with my simple assurance, and I have never since seen a complainant of this class. Second, the Sirdars have become quite amenable, and down to date patiently await the results of the Committee of Enquiry recently appointed.

17. In the foregoing and in all other cases I have carefully borne in mind that the task before me was not to form a theoretically perfect administration regardless of circumstances, but rather to reform an administration already in being, and to do this so far as possible in harmony with the prejudices, usages, and institutions

of the State, and so far as practicable to utilize in these reforms the *personnel* and *materiel* which the State itself afforded.

18. I trust that the reports already submitted by me may have convinced His Excellency in Council that I have been consistent in carrying out this policy. As a matter of fact, I have scarcely introduced a single foreign Asiatic beyond those who were to be introduced under arrangements previously made with the Gaekwar, or such as have been temporarily introduced for the purpose of investigating the alleged delinquencies of previous *employés*.

19. The only Europeans introduced are the gentlemen who form a portion of my personal staff, and whose aid was rendered essential by the duties confided to me in connection with my conduct of the proceedings about to come before the special Commission of Enquiry into the attempt at poisoning.

20. In regard to judicial reform I had done no more than collect information; confirm the *personnel* already accepted by the Gaekwar; and rule that, where, as in cases of caste dispute, the Baroda Code differed from ours, or where on points such as that of various descriptions of imprisonment the Baroda Code was silent, we should for the present deal with the former classes by arbitration, and with the latter in a manner conformable with the spirit of our own Code and with the merits of each particular case.

21. As regards waste lands, I issued a proclamation confirmatory of that issued a few weeks previously by the Gaekwar. This confirmation was necessary, because the cultivating classes had lost confidence in the assurances of the late Government.

22. In respect to the mint and coinage, I have received an able report from my subordinates, but have taken, and intend to take, no action unless compelled thereto by deficiency of metallic currency.

23. As regards the enquiries into the tangled mass of complaints of tyranny and so forth which immediately pressed on me, I appointed a Committee, and whenever clear *prima facie* cases arise they will be referred to the ordinary Courts of Law.

24. I have already in my No. 32-132 of 22d January 1875, reported some of the circumstances which compelled me (much against my wish) to cause treasure concealed in the palace to be disinterred and credited to the State. It will have been gathered that in conducting this search great care and precaution have been observed; and that I closed the search Committee so soon as funds were discovered adequate for present State necessities, and so soon as I felt I could do so without incurring extraordinary risk of a repetition of proceedings like those summarised in my report on the discovery of the 40 lakhs.

25. The examination of suspected goods about to be removed was necessitated by frequent alleged attempts to carry off State valuables. I believe that cash and valuables to an immense amount have been removed, and that a large proportion of the above is *bona fide* State property or money fraudulently or irregularly abstracted from the State Funds. Many sums have been recovered; but many more and among these the hoardings of Nana Khanvelkur have eluded detection. The restriction on the removal of suspected property was not continued a day longer than was absolutely essential for the immediate protection of State interest; and His Excellency in Council will observe, from the enclosed summary, that on the 29th ultimo I was enabled to inform the commercial community that all restrictions had been removed, and that trade might resume its natural course without fear of molestation.

26. In respect to charities and religious outlays, I have been careful to refrain from all direct interference. At the Durbars, where the Sirdars and the leading Bankers were present, I drew attention to the fact that expenditure under the above heading had increased from 10 to more than 20 lakhs of rupees annually; but having said this I paused and left the matter wholly in the discretion of the Baroda community itself, adding that whatever the community decided on this question I would accept.

27. Daily, almost hourly, fresh traces of iniquity are discovered. But I am contracting the area of enquiries, at all events for the present, because I am unwilling that any proceedings should be carried out which might involve numerous miscellaneous arrests, and thus perhaps frighten the people in general.

28. The question of the Contingent will require minute consideration, but it would be premature to enter on it at present. I am therefore doing no more in this matter than collect information.

29. As to the military strictly so-called, that is to say, the organized regiments and batteries, these have conducted themselves with perfect order, and I have not received a complaint against them. Their Commander-in-Chief visits me every morning and reports.

30. I am calling a trustworthy Native Officer of the Public Works Department to scrutinize and settle the claims of contractors and others heretofore employed under the Durbar in constructing bridges, palaces, &c.

31. The adjustment of the accounts as between the Baroda State and its Banks or shops at Bombay I have confided to the Presidency New Bank of Bombay, with a request that in the event of their needing legal advice they will consult Messrs. Hearne and Cleveland. It seemed fitting that matters of the above description should be entrusted to a State Bank in communication with the Solicitors to Government.

32. I fear I may still have omitted mention of some items of interest. But time presses.

33. I am requesting my Private Secretary, Mr. Jeffreys, to draw up in connected form a concise narrative of the events which have taken place since I assumed charge of this State, and the narrative will be submitted to your Office as soon as it shall be completed.

34. If I have not as yet mentioned particularly the names of the officers and officials who have aided me in my administration and other duties, this silence is in no degree consequent on forgetfulness or want of recognition. But I think that my acknowledgments to them and recommendations to Government on their behalf will be most appropriately made when the approaching Commission shall close.

35. I respectfully solicit permission to avail myself of this opportunity for acknowledging the prompt and cordial support I have received from His Excellency the Governor of Bombay in Council in respect to the movement of troops, and placing at my disposal officials subordinate to His Excellency's Government.

MEMORANDUM.

ON Monday, the 1st February 1875, Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, accompanied by Colonel Jacob, Commanding the Field Force, Baroda, and other Officers of the Station, paid formal visits at the houses of Gopalrao Myral and Haree Bhagtee, the two principal Bankers of Baroda.

On arrival at Gopalrao Myral's house, Sir Lewis Pelly was received by Yeshwuntrao Gopal, the present representative of the Firm, who also occupied the position of head of the Durukhdars of the Baroda State. Several of the Bankers and Durukhdars had assembled there to pay their respects to the representative of the paramount power and the present head of their own administration.

After the usual compliments the principal persons present were introduced to Sir Lewis Pelly, who said that, agreeably to the annual custom of the Gaekwar, he had great pleasure in paying a visit at the house of Gopalrao Myral; that when he was at Baroda 20 years ago he remembered the Firm was a most ancient and respectable one. This remark was received with much satisfaction by the young representative of the firm, who could not help saying to Sir Lewis Pelly "your honor knows everything, therefore what need for me to say anything."

Sir Lewis Pelly explained that he was making the visit not only on account of an annual custom, but also out of respect to an old firm; and thus continued:—

"It has become advisable at the present time, when there has been some disturbance in commercial matters, that confidence should be fully restored, and the best way to bring about this is to show that the State is in accord with the head merchants. There should not only be freedom with regard to the acquisition of profits, but when you have got your profits you should enjoy them without molestation. I am very glad to find that, simply by common sense principles, we have already reduced the expenditure by thirty or forty lakhs of rupees a year. This is without going into the budget, but merely by acting on the principle that no man shall have anything unless he shows he has a right. In regard to revenue coming in from the districts, we have, inclusive of Nowsaree, realized 17 lakhs out of 22 lakhs for the first *kist*. It would be easy to get more, but I have especially forbidden the Revenue Officers to press the ryots or use stringent measures, so that the ryots can obtain rest after their great anxiety. Other reforms have been placed before me, but we must not go too fast, or faster than the public mind can follow. It is my resolve not to do anything to give a shock or to lead people to think that we are going to alter the constitution. If we can arrive at satisfactory results by the old machinery, so much the better. In regard to the State Banks, as

yet I am not prepared to say what would be done. There are advantages, and there are also disadvantages, and there have been great abuses. There is, no doubt, an immense safety and concentration of finance by keeping it in one central Treasury. In all civilized States that is the practice; the object being not to seek interest on balances, but to collect them in a central place, and keep sufficient to meet sudden emergencies. In these States it has been the habit to keep the money in the treasury or in the State Bank, which is its complement. Here, however, as soon as the revenue comes in, it is handed over to five, six, or even more State Banks, and the reason assigned is that by so doing money gets into circulation and interest is secured to the State. All this forms a question requiring serious consideration. I shall give no opinion on the subject until after the Commission has finished its present task, but I must then enquire which is the best way of dealing with the State's balances. I do not think the Commission will conclude its work for a month or six weeks. I should therefore be much obliged if in the meantime the leading merchants would put their heads together and draw up one, two, or even a dozen memoranda containing their views, and send them to me, so that I can arrive at some plan as to the best way in which the State can regulate the circulation of money. Every day I see that of all the States I have had to deal with, this one ought to have a very good finance, instead of the revenue being wasted as it has been. Even the English districts in Guzerat are not so fertile as yours. It appears that when the Guzerat Districts were divided between the British and the Gaekwar Government, all the richest morsels fell to the latter. Thus Baroda possesses as good a soil as is in all Western India. It is in close proximity to the sea, there is a rail-road clean through the country, and the largest sea-port in Western India is within a twelve hours' run. These are advantages which if you do not utilize it is your own fault."

Yeshwuntrao reiterated his thanks for the honor done him, and said that the announcement made by Sir Lewis Pelly the other day against annexation had given great satisfaction to the people.

Sir Lewis Pelly replied, "I am not in the habit of repeating myself, but what I then said is true. At the same time, the paramount power will not allow a State like this to go to ruin, nor can it afford always to take the trouble involved in the recent proceedings. There must be no repetition of the sort of work that had been going on; you all must behave yourselves like sensible men, and carry on your affairs with common sense."

This brought the proceedings to a close at Gopalrao Myral's house, and after the usual distribution of pan sooparee and a present of dress to Sir Lewis Pelly, who touched and remitted it, the party proceeded to the house of Hurree Bhugtee.

Sir Lewis Pelly was received by the present representative of the Firm Muganbhai Poorshottam, who has just attained his majority. After the customary exchange of compliments, and the presentation of the leading merchants, Sir Lewis Pelly asked Hurree Bhugtee whether mercantile transactions had resumed its course, and what sort of year it was for crops, especially cotton. Hurree Bhugtee assured him that by the kindness of his honor in removing restraints, confidence had been restored, and the trade had not only resumed its former level, but under such a wise policy, would increase; that the crop this year was very good, but that as prices of cotton were falling, being now 5½d. in London, it was doubtful whether profits would be large. Hurree Bhugtee observed in passing that the trade of Baroda almost entirely depended upon the Maharaja.

To this Sir Lewis Pelly replied, "Not so; you ought to have a good export trade; you have a good deal of cotton, and you have a revenue of 3½ lakhs a year from opium. You have cereals of all kinds, and great facilities for growing sugar; and being so near Bombay you have an excellent chance for a foreign trade."

Sir Lewis Pelly here referred to the question of abolition of transit duties levied in His Highness the Gaekwar's possessions in Kattywar; and said that all the other Native States in that province had abolished such duties, and he saw no reason why they should be kept in the Gaekwar's mahals there. "I am not going," he continued to say, "to make a leap in the dark and abolish them. I want to glean information on the subject; so far as I know, it only brings in four or five thousand Rupees a year, which is nothing in a State like this, and yet for a small revenue like that you keep up a constant irritation upon trade. It is not only unstatesmanlike, but unprofitable. The question has been before me for some time, and the Political Agent of Kattywar has been constantly complaining of it. I have however no wish to do anything until I feel sure."

The Honorable Premabhai Heemabhai said that he knew of no reason why such an impost should be retained. It diverted traffic and was really an injury to the State.

Then followed the usual distribution of pan sooparee and the present by the firm of a dress to Sir Lewis Pelly, who touched and remitted it. The party returned to the Residency at about 5 o'clock P. M.

Baroda,
The 5th February 1875.

(Signed) MANIBHAI,
Native Assistant.

No. 2.

No. 635 P., dated Fort William, 19th February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner at Baroda.

I AM directed by His Excellency the Viceroy and Governor-General in Council to acknowledge receipt of your letter No. 9, dated 10th February 1875, reporting generally on your proceedings since you assumed the administration of the State under the orders of the Governor-General in Council.

2. Your proceedings have been in complete accordance with the policy of the Government of India and with the instructions issued by the Governor-General in Council for your guidance, and I have the pleasure to inform you, by the direction of His Excellency in Council, that you have fully justified the confidence reposed in you, and that your proceedings have the entire approval of the Government of India.

3. The resignation of the late Minister rendered it unavoidable that, on assuming the Government, you should personally take on yourself much administrative detail. But the measures which you have initiated have all been in accordance with the recommendations made by the Baroda Commission in their report of last year, and with the advice given by His Excellency the Viceroy to His Highness Mulhar Rao Gackwar, which His Highness expressed his intention to follow. His Excellency in Council is satisfied that, considering the attitude assumed by the ryots, Sirdars, and Military classes, the initiation of judicious reforms could not have been postponed without danger to the public peace.

No. 56 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT, POLITICAL.

MY LORD MARQUIS, Fort William, the 26th February 1875.

IN continuation of our despatch No. 44, dated 19th instant, we have the honor to forward, for the information of Her Majesty's Government, a further collection of papers* connected with the state of affairs at Baroda.

We have the honor to be, &c.

No. 1.

No. 65-345, dated Baroda, 8th February 1875. (Extract.)

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN my letters as per margin I reported the measures I had introduced for enquiry into State crime and for recovery of State jewelry and cash concealed in the city

No. 30-113, dated the 21st January 1875.
No. 32-132, dated the 22d "

palace of the Gaekwar.

2. In your letter No. 311 P. of 29th ultimo, His Excellency the Viceroy and Governor-General in Council was pleased to approve my proceedings and to await further information as to the nature of the charges which occasioned the appointment of the Committee and as to the result of their enquiries.

It will be in your recollection that on the 14th ultimo, the morning of the arrest of His Highness, I instantly arranged that a body of our troops should enter the town, and place a strong guard over the palace for its protection. I further lost no time in causing seals to be placed on the several apartments of the palace where it was known or supposed that valuables, bullion, or important documents were deposited.

3. It had been my intention to permit these apartments to remain undisturbed until I should restore the Government of the Baroda State to a Native Administration.

4. On the 17th, however, I learned that 40 lakhs of rupees had been concealed in two of the apartments; and this amount was discovered and made over to me, as reported in my letter No. 32-132 of 22d ultimo. Meantime the Central Treasury was found to contain somewhat under 2,000 rupees; in other words, there were no apparent funds for carrying on the administration unless for the incoming revenue and for what might be discovered in the palace or elsewhere.

5. During the days which intervened between the 14th and 20th ultimo my officers continued to receive intimations of all sorts of plots and iniquities, to the end that it appeared to me that unless some means were adopted for methodizing, enquiring, and separating details we should certainly end in confusion.

6. I therefore, under date the 20th ultimo, appointed a Committee of Enquiry, with power to elect a Sub-Committee for enquiries connected with the palace.

7. I have now the honor of enclosing an original report drawn up by my Assistant, Captain Jackson, who was principally employed on the enquiry and search, showing the manner in which the proceedings of the Committee were conducted from day to day.

8. It will be gathered from the report that the enquiries were conducted with great care and regularity, and that in almost every instance of search concealed bullion or valuables were discovered. The officers employed on the Committee merit all praise accordingly.

9. On the 29th idem I deemed affairs sufficiently settled at Baroda to abolish certain restrictions which I had placed on the removal of goods, &c., from the city, and at the same time I relaxed my endeavours to discover concealed valuables.

10. On the 3d instant I closed the Committee and issued a memorandum of instructions (as per copy now appended) for the security of the apartments, and for the periodical inspection of seals.

11. On the evening of the 28th ultimo I observed in the *Times of India* issue of that date some remarks headed "Mr. Souter at work," purporting to show that the writer had found free access to certain apartments of the palace, unattended by the officers of the Committee, and further purporting to recount a conversation passed between Mr. Souter and the correspondent.

12. I called on Captain Jackson and Mr. Souter for explanation, and I now enclose in original a letter addressed by the *Times of India* correspondent to Captain Jackson, where the author distinctly asserts that he never did gain irregular access to any apartment, and wherein he further shows the manner and conditions under which he was permitted to enter the palace.

13. I have not as yet received a reply from Mr. Souter.

14. I ought perhaps to explain that although I have myself purposely refrained from visiting any of the palaces or residences of the Gaekwar since the date on which I assumed the administration of this State, yet that I understand the city palace to be in part a private residence and in larger part a *congeries* of public offices or rooms appertaining to the various departments of State.

15. As regards the palaces, other than the one in the city, and also the shows and places of amusements belonging to the Court, I have, as a rule, discountenanced any visits to them. In the instances, however, of travellers, I have permitted visits to the country residences known as Motee Bagh and Mukkurpara, under the condition that the travellers were accompanied by one of the members of my household. It has ever been the custom of the Gaekwars to consider these residences as show places.

16. I fear His Excellency in Council may consider that I have protracted this letter to an unnecessary length, but I do so as well for the protection of my officers as for the information of the Government of India. In a capital like that of Baroda, during a crisis, it is scarcely possible for any officer to carry out the numerous and delicate duties devolving on him and at the same time escape calumny. Time runs on, details are forgotten by the actors, and documents containing authority for action are mislaid.

(a.)

MEMORANDUM concerning the custody of His Highness Gaekwar's Palace and Government Offices by British officials.

WHEN the Gaekwar was arrested on the 14th January 1875 the same precautions were taken by the paramount power as are usual on the death of a Gaekwar. The treasury,

* Captain Jackson, Assistant Resident.
Rao Saheb Gujanan Vittal, Assistant Superintendent of Police, Ahmedabad.

jewel rooms, wardrobes, records, &c., were placed under seal by British Officers,* and confided to the care of a British guard.

2. The so-called palace of the Gaekwars in the city of Baroda is a labyrinth of small rooms, courts, passages, and staircases, containing not only the royal town residence, but nearly all the Government offices. In taking charge of these, therefore, it became necessary to seal about fifty rooms in this building, besides chests and boxes standing in passages.

3. It is necessary to bear this in mind, as the general term palace in the public prints is apt to mislead to the idea that it refers to the premises of a private royal residence, whereas in this case it does not necessarily do so.

4. All the rooms in this building containing anything of importance were secured on the 14th ultimo. On the 15th, the Treasury was opened to admit of concentration of the treasure

	Rs. balance.	
1. Mahibook Soobanee with balance of -	67,422 14 6	a dispensary, and wardrobe rooms were also opened
2. Kutub Rubunee -	63,826 5 3	to allow a supply of clothes, medicines, and necessaries
3. Molalee Dukan -	31,681 12 3	being taken to him. The seals in each case were
4. Mulhar Rao Ishwar -	1,36,926 7 0	broken and replaced in the presence of Captain Jackson
5. Parwantee Kant -	1,33,758 5 3	son and Rao Saheb Gujanan Vittal.
6. Mahalsa Khunt -	75,294 9 6	

5. On the next day (16th), the Treasury was again opened by the same officers to complete the collection of the outlying balances as commenced the previous day. On this date the Gaekwar's State Jewarkhana or jewel rooms were handed over by order to the charge of Gunputrao Mahajan, former State jewel-keeper, who was directed to collect the jewels into one room, for which purpose he was allowed to fix his own seals to the rooms during the time necessary for this operation. He continued to open these rooms in the presence of the Gaekwar's officer of the palace guard until the 20th January, when the Government seal was again attached over his.

6. On the same date, the 16th, the British guard over the palace was relieved by the Gaekwar's regular troops, who have been in charge of the seals up to the present day.

7. On the 17th, on information received by Sir Lewis Pelly of a late transfer of 40 lakhs of rupees from the Gaekwar's Bombay Bank to Baroda, in Government Notes, an investigation was instituted, which finally traced the notes to the private wardrobe rooms of the Ranees in the palace. Captain Jackson, Mr. Gujanan Vittal, and the Gaekwar's Seenaputtee opened two such wardrobe rooms, in each of which were found 200 lakhs of rupees in notes hidden in wooden chests. The seals of the rooms were broken, and again affixed by the officers mentioned.

8. On the 20th a Committee of search was formed by order of the Governor-General's Agent, composed as per margin, and called the "Enquiry and Detection Committee." They visited the palace the same day in order to remove the balance* of the Government Bank, known as Gunesh Ishwar's shop, within the palace, to the Central Treasury, and to search the dispensary for concealed treasure. In the latter room Rupees 1,50,000 were discovered and removed to the Central Treasury. The seals in each case were broken and replaced by the British officers before mentioned.

9. On the 25th the Committee again visited the palace to search the Gaekwar's bed-room for papers, and dispensary for money. About Rupees 1,140 were discovered in the latter room, besides gold plate to the value of Rupees 5,427. On this occasion, Mr. Cleveland, Government Solicitor, Mr. Trant, Reporter for the *Times of India*, and a Reporter for the *Bombay Gazette*, visited the palace by permission, and were allowed to see several rooms, including the Gaekwar's bed and bath-rooms, the dispensary, and room adjoining containing the late Gaekwar Khunderao's jewelled uniform, and a room containing State jewelry under the charge of Gunputrao Mahajan. They were throughout accompanied by Captain Jackson, and entered no room without the permission of the Search Committee.

10. On the 26th the Gaekwar's wardrobe room was opened by Captain Jackson, to remove clothing and necessaries for His Highness' use.

11. On the 27th the Gaekwar's bath-room and adjoining mirror room were opened by Captain Jackson, to allow an inspection of them by Mr. Jefferson, the Attorney for His Highness Mulhar Rao Gaekwar's defence.

12. On the 4th February the seals of the Seenaputtee's kutcherry were opened by Captain Jackson and Gujanan Vittal, to count and take charge of the money lying in that office. About Rupees 21,000 were discovered, and after they had been counted, replaced in the room, which was sealed and placed under a guard.

13. On two occasions Rao Saheb Gujanan Vittal visited the palace by himself for the purpose of procuring clothes and medicines from apartments under seal.

14. Since the 4th the palace has not been visited for search or investigation of any sort. It will therefore be seen from the above remarks that the palace has never been wantonly invaded, and that no seal, except those placed in the charge of Gunputrao Mahajan for a temporary purpose, has ever been broken without the presence of a British officer.

15. With reference to a description which appeared in the *Times of India* on the ultimo, of a visit to the palace and to "Mr. Souter at work," it is necessary to observe that this was written by Mr. Trant, the Reporter referred to in paragraph 9. He has since admitted that he did not intend to give anything more than an amusing description of his visit, and that the statement that he went unaccompanied, except by a Gaekwar's officer, into the jewel room was a newspaper ruse. A letter on the subject to Captain Jackson explains the manner in which he was admitted to the rooms of the palace.

16. It is hardly necessary to say that the zenana and ladies' apartments generally have never been entered, and that all the proceedings of first putting the State property in the palace under seal were conducted in the presence of officials of the Gaekwar's establishment.

17. In conclusion, it should be stated that throughout the whole proceedings connected with the palace and its Government offices, care has been taken to make as little demonstration of force as possible. It has been necessary for the sake of British responsibility to take every precaution to secure the treasure, valuables, and records temporarily under charge of the paramount power, but no step inconsistent with that necessity has been taken, and the British officials, working with the Gaekwar's troops, have endeavoured to accomplish the safe custody of their charge with as little offence to the inmates of the palace as possible.

18. No complaints, as far as the undersigned is aware, have been made regarding the proceedings reported above.

(Signed) F. H. JACKSON, Captain,
Assistant Resident and Member of Enquiry
and Detection Committee.

Baroda, the 7th February 1875.

(b.)

DEAR CAPTAIN JACKSON,

Baroda, 5th February 1875.

In reference to our conversation this morning, I beg to state that my visit to the Gaekwar's palace on the 25th ultimo (as reported in the *Times of India*, of the 28th ultimo,) was in consequence of a request I made to you. You kindly drove me and a gentleman representing the *Bombay Gazette* (whose name I forget) from the Residency to the palace, where we were joined by Mr. Souter and Mr. Cleveland. We all remained a short time in the dispensary, and you yourself then kindly took me and the other journalist through a few of the rooms, including that in which the diamond necklaces were deposited. We were in no rooms whatever without you.

The only other occasion on which I have visited the palace was on the 20th ultimo (as reported in the *Times of India* of the 23d ultimo), and then also I met you and Mr. Souter at the palace, and was in no room without either the presence of you, or you and Mr. Souter.

I am, dear Captain Jackson,
Yours faithfully,
(Signed) W. TRANT.

(c.)

WHEN Captain Jackson returns from the city and reports that all the arrangements directed in the foregoing memorandum in regard to sealing have been carried into effect, no seal in the palace is to be touched under any pretence whatever, unless permission be given under my signature.

Either Captain Jackson or a British officer of Police is to visit the palace every Monday and Thursday morning, and satisfy himself that the seals remain intact. The officer so visiting will report results of his visits to me direct in writing.

The Jamdarkhana man Gunputrao should accompany the officer during this inspection; and if the Jamdarkhana man should be unpunctual, report should be made to such effect, but the inspection should nevertheless be carried out.

(Signed) LEWIS PELLY, Colonel,
Agent, Governor-General, and Special Commissioner
administering the Baroda State.

Baroda, 4th February 1875.

No. 2.

No. 686 P., dated Fort William, 23d February 1875.

From F. HENVEY, Esq., Officiating Under-Secretary to the Government of India, Foreign Department, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I AM directed to acknowledge the receipt of your letter, No. 65-345, dated 8th instant, submitting an explanation of the circumstances under which the Committee of Search was appointed, and an account of its proceedings.

2. In reply, I am desired to state that while His Excellency in Council approves generally the proceedings reported, he regrets the use that has been made by the Press Reporters of the permission which was accorded to them to visit certain apartments in the palace under the precautions which have been described. The proclamation recently issued by you will, no doubt, prevent the recurrence of matters such as those referred to.

No. 3.

No. 372, dated Baroda, 9th February 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

IN continuation of my letters, as per margin, on the subject of my visit to the ladies of the Gaekwar family, I have the honor to forward, for the information of His Excellency the Viceroy in Council, the accompanying memorandum showing the steps taken by me on receipt of information of the illness of His Highness the Gaekwar's Ranee.

2. Dr. Seward does not appear to consider that Her Highness' health was in any way seriously affected, and I have heard nothing further in the matter.

(a.)

MEMORANDUM.

THIS afternoon His Highness Mulhar Rao's daughter Kama Sahib paid a visit at the Residency, and in the course of conversation stated that the Queen Mahalsa Baee was sick.

Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, requested Kama Sahib to personally enquire and let him know the state of the Ranee's health.

In the evening, Kama Sahib's Karkoon waited on Sir Lewis Pelly, and reported that the Ranee had been suffering from fever, &c., for the last six days; that the illness had increased latterly; that she was being treated by Doctors Pallonjee, Aderjee, &c.; and that, if necessary, she would request Sir Lewis Pelly to oblige her by the aid of some Medical Officer. The Karkoon, however, conveyed the wish of the Ranee that some British Medical Officer might be sent over to see her.

Sir Lewis Pelly at once complied with the request, and issued instructions to Dr. Seward, the Residency Surgeon, to visit the Ranee to-morrow morning at eight o'clock, the Karkoon being told to be in attendance. Sir Lewis added that Dr. Seward enjoyed his full confidence, and that the Ranee might speak anything to him which she wished to communicate to the Agent to the Governor-General.

Before leaving, the Karkoon begged that Sir Lewis Pelly would be kind enough to pay a personal visit to the Ranee. To this Sir Lewis replied that he had already, in accordance with the annual custom of the Gaekwar, paid a visit to the ladies of the Gaekwar family, and he regretted that, under the existing state of affairs, he was not in a position to comply with the Ranee's request at present; and that he trusted that the arrangement he had made of deputing Dr. Seward, who was a personal friend of the Maharaja, and also enjoyed his (Sir Lewis') confidence, would be considered satisfactory under the circumstances.

(Signed) MANIBHAI, J.

Native Assistant.

Baroda, 4th February 1875.

THIS morning Dr. Seward, accompanied by the Native Assistant, proceeded to the palace. The appended memorandum by Dr. Seward contains a summary of their interview with the Ranee Mahalsa Baee.

(Signed) MANIBHAI, J.
Native Assistant.

Baroda, 5th February 1875.

(b.)

MEMORANDUM for the information of Sir LEWIS PELLY.

Dr. SEWARD, accompanied by Mr. Manibhai, this morning, February 5th, proceeded under instructions from Sir Lewis Pelly, to visit the Maharanee Mahalsa Baee, the object of the visit having special reference to the Maharanee's health.

Dr. Seward was also the bearer of friendly representations from Sir Lewis Pelly, which were duly made; Mr. Manibhai being the interpreter.

These representations were to the effect that Sir Lewis Pelly having already according to usage paid a visit to the ladies of the Gaekwar family, now felt that, under existing circumstances, it would be inexpedient to pay what would be now regarded as a private visit to Her Highness, but that being solicitous concerning the Maharanee's health, and anxious to show his friendly consideration, he had deputed Dr. Seward, who enjoyed his full confidence, to enquire into her condition in this respect, and also to be the bearer to him of any communication which the Maharanee might wish to be directly conveyed.

Conversation was permitted to be carried on only at first through male and female intermediaries on both sides of a jealously guarded purdah; whilst in the outer room and surrounding Dr. Seward's chair were many male attendants.

This publicity very effectually prevented Dr. Seward either as a physician or as a friend from making any but very superficial enquiries into the state of the lady's health; and the Maharanee could but be equally embarrassed supposing it were her desire to confide her symptoms or messages of a confidential nature to him.

Ultimately a few attendants left the room, and the Ranee's voice was for the first time heard; she could not, she observed, remove any of the customary restraints upon intercourse without the express permission of the Maharaj. She had suffered from attacks of fever, indigestion, and sickness; but three Wyadds were in attendance, and if their ministrations failed, and she needed Dr. Seward's assistance, she would intimate as much.

Touching other matters Her Highness observed that she duly received Dr. Seward's daily communication regarding the health of the Maharaj, and she begged to know when an interview with her husband could be permitted.

Dr. Seward promised that the Maharanee's wish should be made known to Sir Lewis Pelly.

The Ranee then desired Dr. Seward to convey to Sir Lewis an expression of Her Highness' trust that the approaching enquiry might be speedily brought to an end, the Maharaj return to the palace and be restored to her.

After further assurance to the Maharanee that Dr. Seward's coming was prompted by considerations of friendly regard for Her Highness, and the solicitude of Sir Lewis Pelly for her health, Dr. Seward left with the impression that Her Highness' health was in no way seriously affected.

(Signed) G. E. SEWARD,
Residency Surgeon, Baroda.

No. 4.

No. 68-375, dated Baroda, 10th February 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to the previous correspondence on the subject of His Highness the Gaekwar's palaces, country residences, &c., and especially to my letter No. 65-345, dated 8th instant, I have the honor to forward, for the information of His Excellency the Viceroy in Council, a copy of the Notification which I am issuing this day, to be placarded over all of His Highness' palaces, country residences, places of show, and amusement, &c.

(a.)

Dated Baroda, 10th February 1875.

NOTIFICATION by the Agent to the Governor-General and Special Commissioner administering the Baroda State.

It is hereby notified that all persons are absolutely prohibited from entering His Highness the Gaekwar's palaces, arsenals, country residences, such as Motibaug, Chimunbaug, &c., and all other places of show or amusement appertaining to His Highness the Gaekwar, except on duty and with the express permission of the Agent to the Governor-General and Special Commissioner administering the Baroda State.

No. 5.

No. 689 P., dated Fort William, 23d February 1875.

From C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department, to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

In reply to your letter No. 68-375, dated 10th instant, I am directed to state that His Excellency the Viceroy and Governor-General in Council approves of the Notification issued by you forbidding people to enter the Gaekwar's palaces, &c., except on duty and with your express permission.

No. 6.

No. 11, dated Baroda Residency, 12th February 1875 (Confidential).

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

In a telegram which His Highness the Gaekwar recently addressed to the Viceroy, a copy of which has been sent to me by wire for information, I found the following passage :—

“My Ranee's marriage ornaments and moneys seized.”

2. I immediately called for report, and now beg to enclose copies of unofficial correspondence passed between myself and Mr. Richey on the subject. You will observe that the property in question has not been seized, but is being carefully protected. That request of money for current expenses has at once been complied with, and that other requirements have been anticipated.

3. I spoke with the Gaekwar regarding this passage in his telegram when His Highness replied that the telegram was framed by his Vakeel.

(a.)

Dated 5th February 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda (demi-official), to J. B. RICHEY, Esq.

THE following passage occurs in a telegram sent by the Maharaja to the Viceroy :—

“My Ranee's marriage ornaments and moneys seized.”

Will you kindly enquire and inform me as soon as possible if I am correct in supposing that as a fact the Ranee's marriage ornaments and moneys have not been seized.

(b.)

From J. B. RICHEY, Esq. (demi-official), to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I HAVE enquired, there seems to be no foundation whatever for the statement. So far from anything having been seized such property was most carefully protected from being put under seal in the presence of the palace officials.

Requests from the queens for money for current expenses have been at once complied with according to their customary expenditure.

P.S.—Would you like a reference to His Highness on this point through Dr. Seward?

I may add that so far from any complaint having come from the queens, arrangements were made for their wardrobe requirements being met by orders to the wardrobe keeper in anticipation of any request on the subject.

No. 7.

Telegram, No. 607 P., dated 17th February 1875.

From FOREIGN SECRETARY, Calcutta, to Sir LEWIS PELLY, Baroda.

YOUR confidential letter, No. 11, of 12th February. You say the property is being carefully protected, Richey wrote the property was most carefully protected from being put under seal.

Ambiguity should be cleared. Has the property been placed under protection, or does it remain with the ladies?

No. 8.

Telegram, dated 17th February 1875.

From Sir LEWIS PELLY, Baroda, to FOREIGN SECRETARY, Calcutta.

THE ambiguity is owing to the careless stupidity of my clerk. The passage in Richey's letter runs—most carefully protected from being even touched, being put under seal in the presence of the palace officials.

No. 9.

No. 13, dated Baroda, 13th February 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to enclose a translate of a petition which is now being circulated in the town of Baroda in view to collecting signatures.

The original is accompanied in circulation by the documents out of which it appears to have been composed. Each author of a component part of the petition having apparently been permitted to have his say.

The petition is curious as indicating the system which I have often described as having prevailed here of encouraging idlers.

It is also curious because it seems to accept as a fact generally known in the town that an attempt was made on the life of Colonel Phayre.

(a.)

PETITION.

To Right Honorable the Governor-General in Council.

THE following petition is submitted :—

Our paramount power having now been placed under confinement, the Ruler of our Province, Shrimunt Mulhar Rao Gaekwar, our present condition is similar to that of the living creatures struggling in a large tank, the water in which has suddenly dried up owing to the heat of the summer. But trusting in the conditions of the proclamation issued here by our just Government, and in the spirit of the promise made by Her Majesty the Queen, we represent through this petition our great fear and grief, and submit the following petitions to Government with joined hands.

2. A great deal of the revenue of our Gaekwar Government is spent on charity, and many indigent persons who are unable to feed and clothe themselves have left their country and are living here since a long time; and the number of such persons who have of old been supported by the Gaekwar Government being thousands and thousands, we are unable to state their number; the cry of these people on the day the Maharaja was taken from the city is beyond our power to express. But as the usual kichdee allowance was continued owing

to our kind Special Commissioner, Sir Lewis Pelly, having the next day given immediate orders to continue the usual charitable expenses of the Gaekwar Government, poor people are blessing both Governments. The practice of distributing cash every fortnight on Yeka Dushie (11th day of the moon, occurring twice a month during the 2d and 4th quarters), is however still stopped, and we hope that that too will be continued.

3. As the Administrators of the Gaekwar State the kind gentleman promised in a Durbar that the policy of the Gaekwar Government of ever looking to the interests of their subjects and continuing their annual cash and inam allowances, which in some instances have by the grantee been transferred to the daughter or other persons would be continued, we hope therefore that our annual incomes will be so continued to us ; it rests with Government to allow us to realize that hope.

4. Since Shrimunt Mulhar Rao Maharaj has been placed under surveillance by Government, we daily pray to God according to our religion that our Maharaja may be pronounced innocent of the crime attributed to him and return soon to his throne, and that the prosperity of the paramount British Government may increase day by day. In addition to our prayer to God we now submit the following prayers to our God-favoured, famous, and heroic paramount Government.

5. We understand from what is stated in the proclamation that our Maharaja is accused of being concerned in the attempt to poison the late Resident, Colonel Phayre. But we believe that the blame of that offence does not rest on him. For the popular belief is that the attempt to poison the said officer was made out of revenge by the low men of bad character who were about him, the reason being that these low men lost the income they derived by gratifying the wishes of His Highness owing to Colonel Phayre having taken notice of the cry raised against them of gratifying the Maharaja's sensual desires, and put a stop to the dishonor to which poor but respectable people were thereby subjected. The only offence that can be laid to the Maharaja's charge in this instance is that he tolerated these mean men. Government will therefore take this matter into consideration, and giving as much weight during the trial to the voice of the people as if it were the voice of heaven, pronounce our Maharaj innocent of the offence laid to his charge, and release him.

6. The friendship between the paramount and Gaekwar Government has continued for a long time, and this old friendship was further confirmed in 1857 by the late Khunderao Maharaj ; but the companionship of mean persons now threatens a rupture in that friendship, and we fear that those disrespectful men may think of turning against the Maharaja at this juncture. If the kind Government will therefore bear in mind the friendship that has hitherto existed and try in every way to save our Gaekwar throne, the living of lakhs of people who earn their livelihood under them would be continued by Government, besides whom no one else in the universe is able to do it.

7. Our Maharaj not being on his throne at present we are suffering much ; for whatever differences there may be between the mother and son, and although the father may in many ways take care of the son as the paramount power now takes care of us, yet as the affection of the son is on the mother, he cannot do anything without her ; similarly we do not make our present request in ignorance, but the Gaekwar Government has up to his day really taken care of us, his subjects, as children. This representation of ours is therefore not merely of show or praise.

8. Since Sumbut 1919, when the prices of all articles rose, up to the time of prosperity, our Gaekwar Government, without the least selfishness, suffered loss amounting to lakhs of rupees, by purchasing grain at famine rates and selling it to us at a much cheaper rate, in order to provide the ryots with food and clothing, which prevented the poor from suffering the least inconvenience, owing to high rates, and kept them comfortable. Government will therefore consider under what obligations we are to the Gaekwar Government.

9. The object of the Gaekwar Government in opening shops at various places was to prosper trade in their Province at all times, and that the reputation of the traders may never suffer. It has been of old the practice that if traders were in want of money, lakhs were lent to them at 2½ annas per cent. by Government, and if Government was in want of money they borrowed it from the Sowcars at 12 annas per cent. In addition to the old shops, our Maharaja opened two more shops and extended the business ; thereby demands for money have always been met, and the poor and respectable find a livelihood. The paramount Government will therefore take these matters into consideration, and ascertain what the intentions of the Gaekwar Government were in respect to the condition of its subjects.

10. The distribution of khichdee, &c. to the indigent, alluded to in paragraph 2 above, is not confined to the Hindoos only, but to all denominations alike. And, lately, when there was want in Marwar, thousands of indigent persons emigrated here, and they are still provided with food by our Government ; and although their country is now again prosperous, our Maharaj has not ordered them to return, but has fed them as hitherto. You will observe what a wonderfully charitable action this is.

11. Besides the above wonderful act, what a royal action it is that if any of its subjects, Hindoo or Mussulman, or any other caste, is unmarried, Rupees 500 are given to him for getting married.

12. There are many mismanagements in this province at present, and if these are reformed through Colonel Phayre, with the aid of the old and experienced servants of the State, all the subjects will be happy and bless Government for it.

No. 10.

No. 20, dated Baroda Residency, 17th February 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to enclose copy of a letter from Dr. Seward to my Private Secretary in reference to a telegram which appeared in the *Times of India* of the 15th instant, stating that owing to the attachment of the wardrobe of His Highness the Gaekwar he was unable to obtain even a change of linen, and that His Highness had expressed his annoyance at this restriction.

(a.)

Dated 16th February 1875.

From Dr. E. E. SEWARD, M.D., with His Highness MULHAR RAO, to PRIVATE SECRETARY to the Agent to the Governor-General and Special Commissioner and Administrator, Baroda State.

A TELEGRAM appeared in the *Times of India* of the 15th February stating that owing to the attachment of His Highness' wardrobe he was unable to obtain even a change of linen.

It was further alleged that His Highness had expressed his annoyance at this restriction.

I have the honor to acquaint you, for the information of the administrator, Sir Lewis Pelly, that the allegation had no foundation in fact.

I am authorized by His Highness to say that he made no such complaint, and to cause, if necessary, a public contradiction of the statement. I may further add that His Highness was much distressed at the appearance of the misrepresentation quoted.

No. 57 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,

POLITICAL.

MY LORD MARQUIS, Fort William, the 26th February 1875.

IN continuation of our despatch No. 45, dated 19th instant, we have the honor to forward, for the information of Her Majesty's Government, a copy of papers relating to the enquiry into the charges against His Highness Mulhar Rao Gaekwar of Baroda.

We have the honor to be, &c.,

No. 1.

No. 7, dated Baroda, 9th February 1875.

(Confidential.)

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to forward copy of a letter received from Mr. Souter, dated 6th idem, and of my reply of this day.

(a.)

No. 7, dated Baroda, 6th February 1875.

From FRANK H. SOUTER, Esq., C.S.I., Commissioner of Police, Bombay, on Special duty, to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I HAVE the honor to report, that while engaged yesterday in taking down the deposition of Damodhur Punt, I got into conversation with him which ultimately led to his cautiously stating he felt sure that if the Maharaja Mulhar Rao were promised that his punishment would not be more severe than confinement as a State Prisoner in some part of Hindoostan, and that the society of one of his wives or concubines would be allowed him, he would at once make a confession and acknowledge his guilt in having instigated the attempt to poison Colonel Phayre. Damodhur Punt added that a day or two previous to Mulhar Rao's being arrested he, the Maharaja, had asked him, Damodhur Punt, whether it would not be best for him to confess his crime at once.

Damodhur Punt is most sanguine that if he is allowed access to the Maharaja, in order that he may make him aware of his real position and permitted to assure him that his confession would not lead to worse consequences than above stated, he will freely confess the crimes for the commission of which he is now held a prisoner.

I have deemed it my duty to report this circumstance, as it appears in my humble opinion that if such confession be voluntarily and freely made, it would in all respects be a most satisfactory solution of all difficulties.

(b.)

No. 6, dated Baroda, 9th February 1875.

(Confidential.)

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to F. H. SOUTER, Esq., Commissioner of Police, Bombay, on Special duty, Baroda.

I HAVE the honor to acknowledge the receipt of your letter No. 7, dated the 6th instant, and in reply to state that Damodhur Punt has repeatedly during the past 10 days made similar offers of inducing His Highness to confess; in the first instance the confession was to be unconditional, subsequently conditions were attached.

2. I think I mentioned these circumstances to you on your return from Bombay.

3. I could have preferred that you should have communicated to me this renewed offer on the part of Damodhur Punt in an oral and casual form when you attended at the Residency on the morning of the 6th instant to hear Damodhur Punt's concluding statement read out in my presence; prematurely giving written official form to matters like those now under notice is liable to entail embarrassment or other inconvenience.

No. 58 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
POLITICAL.

MY LORD MARQUIS, Fort William, the 26th February 1875.

IN continuation of our separate despatch, No. 57 of this date, we have the honor to forward, for the information of Her Majesty's Government, copy of papers* relating to the charges for the defence of His Highness Mulhar Rao Gaekwar.

2. The correspondence is summarized and the grounds of our action are fully stated in our letter, No. 646 P., dated 19th February 1875.

We have the honor to be, &c.

No. 1.

No. 50-225, dated Baroda, 1st February 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to forward the accompanying letter from Mr. Jefferson, dated 27th ultimo, having reference to the estimate therewith sent of a portion of the costs of His Highness Mulhar Rao's defence.

2. This letter should have accompanied my recent communication with which the said estimate was forwarded, but as the letter was not then ready, it could not be sent.

(a.)

Dated Baroda, 27th January 1875.

From J. JEFFERSON, Esq., Solicitor to His Highness the Gaekwar, to HENRY CLEVELAND, Esq.

I HAVE prepared an approximate estimate of a portion of the costs of the defence of His Highness amounting to Rs. 289,700, which we require to be paid immediately. I send you copy of the estimate herewith.

The fees are what we should pay were the State funds still at the command of His Highness the Gaekwar, and we cannot doubt but that the Government of India, in deciding that all proper legal expenses should be met in a liberal manner, were influenced by a consideration of His Highness' present position, and by a desire that he should not be in any way hampered by want of funds in his defence of the grave charges brought against him.

No. 2.

Dated Baroda, 3d February 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent to Governor-General and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

REFERRING to your telegram of the 28th of January, I have the honor to enclose a copy of a letter of the 23d of January, addressed to me by Mr. Jefferson of the Firm of Jefferson and Payne, the Solicitors acting on behalf of His Highness the Gaekwar, and also a copy of my reply to Mr. Jefferson of the same date.

You will observe that in the last paragraph of the latter letter I requested Mr. Jefferson to address his future communications to the Firm of Hearn, Cleveland, and Lee-Warner as being employed in the approaching enquiry on the part of the Government of India.

With reference to the concluding words of your telegram before mentioned, I beg to say that I have sent for an extra clerk for the special purpose of copying all the letters which pass between myself and Mr. Cleveland, and between Mr. Cleveland and the Solicitors employed on behalf of the Gaekwar.

(a.)

Dated Baroda, 23d January 1875.

From Messrs. JEFFERSON and PAYNE, Solicitors to His Highness the Gaekwar, to Colonel Sir L. PELLY, K.C.S.I., Agent to Governor-General and Special Commissioner, Baroda.

REFERRING to what passed at our Mr. Jefferson's interview with you this morning we have now the honor to submit to you our views with reference to the probable cost of the defence of His Highness the Gaekwar.

Taking into consideration the high position of the accused, and the gravity of the accusations which His Highness has to meet, we purpose engaging the services of the most eminent Counsel obtainable—one at least from England, and one or two from Calcutta, in addition to Junior Counsel and Pleaders from Bombay.

Without anything to guide us as to the probable length of the trial it is difficult for us to give you any approximate estimate of the cost of the defence, but we think we may name as a maximum sum five lakhs of rupees.

As already intimated to you we are now in communication with our Agents in London with the view of retaining a leading Counsel there, and we are particularly desirous of telegraphing not later than to-morrow our instructions for the gentleman to leave for Bombay by the mail of the 29th instant, as he would then reach India about the 18th proximo.

As the consideration of the question of the entire cost of the defence may involve some little time we should esteem it a particular favour if you could inform us by to-morrow morning that the expenses of engaging the services of a Barrister from England would under any circumstances be provided. In this event we should require to remit his retainer fee, 5,000L., by telegram on Monday.

(b.)

Dated Baroda, 23d January 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent to Governor-General and Special Commissioner, Baroda, (demi-official,) to J. JEFFERSON, Esq., Solicitor to His Highness the Gaekwar.

I HAVE just received an answer to my telegram sent this morning to Calcutta, and I do not lose a moment in informing you that the Commission will proceed on the 18th February, and cannot be postponed for Counsel from England on behalf of the Gaekwar.

The Government of India will meet all proper legal expenses in a liberal manner, but some explanation will be required before authorizing such an expenditure as five lakhs of rupees.

I expect that a member of the Firm of Hearn, Cleveland, and Lee-Warner will arrive here by train to-morrow, and I request that your future communications may be addressed to them as they are employed in the approaching enquiry on the part of the Government of India.

No. 3.

No. 1, dated Baroda, 5th February 1875 (Confidential).

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to forward copy of a letter from His Highness the Gaekwar, dated 4th instant, also a copy of the telegram therein alluded to, for the information of His Excellency the Governor-General of India in Council.

(a.)

Dated Baroda, 4th February 1875.

From His Highness MULHAR RAO, Gaekwar, to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

I AM greatly distressed by what my Solicitors tell me relative to the withholding of funds for my defence.

They inform me Mr. Woodroffe will not act for me unless his fees be remitted at once.

I am especially desirous that his services should be secured on my behalf.

After the repeated promises made by His Excellency the Governor-General to afford me every opportunity of clearing my character, I am at a loss to understand why the money necessary for my defence should not be paid.

I have proposed a telegram to His Excellency which I send herewith, and I beg the favor of your causing it to be forwarded to him without delay. You will see from it what my wishes are.

(b.)

Telegram.

From His Highness the GAEKWAR, Baroda, to His Excellency the VICEROY, Calcutta.

DEEPLY pained to learn from my Solicitors that preparations for my defence at a stand-still for want of funds. Their requirements for legitimate expenses not granted. Promises of ample opportunity for vindicating my innocence thus practically ignored. Private purse attached. My Ranee's marriage ornaments and monies seized. My ryots and relations greatly alarmed and fear to give my Solicitors aid pecuniary or otherwise. My late Karbaries from whom alone valuable information can be obtained under restraint on matters connected with old charges and access to them not granted to my Solicitors. My character, liberty, and kingdom at stake. I entreat Your Excellency to direct immediate advance to be made out of the Baroda State Funds of two lakhs of rupees, Solicitors undertaking to account.

No. 4.

No. 3, dated Baroda, 5th February 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor to enclose, for the information of His Excellency the Viceroy

(a.) From Mr. Cleveland to Sir Lewis Pelly, in Council, copies of correspondence as per dated 3d February 1875. margin passed between Mr. Cleveland and me.

(b.) From Sir Lewis Pelly to Mr. Cleveland, dated 5th idem.

(a.)

Dated Baroda, 3d February 1875.

From HENRY CLEVELAND, Esq., to Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda.

As requested by you yesterday, I have the honor to submit in writing my opinion as to what would be a fair and liberal allowance to be made at the present time to the Solicitors engaged by His Highness the Gaekwar towards defraying the expenses of His Highness in relation to the charges imputed to him, and which are to be enquired into under a Commission from His Excellency the Viceroy.

2. The case is an extraordinary and exceptional one, and though in many respects similar to a trial in a Court of Law, yet it is not in fact a legal proceeding. Still in estimating the

fees to be paid to the Solicitors and Counsel engaged in it, I can only be guided by a consideration of what those fees would be were it a trial in a Court of Law, one in which the issues were of the highest possible importance, not only to the individual immediately concerned, but to the public at large.

3. The first question which arises is, what should be paid to Counsel for fees, &c.

4. I have been in practice in Bombay since 1858, and have never before known an instance of a Counsel being brought out from England specially to conduct a case in one of our Courts.

5. Whether there was any necessity or not for engaging Serjeant Ballantine on behalf of the Gaekwar is a question on which, I presume, you do not require me to express an opinion, as the getting out of a Counsel from England was not objected to by Government when they became aware that it was being done.

6. If it is admitted that the cost of employing Serjeant Ballantine should be allowed, then I think the demand made by Messrs. Jefferson and Payne for the money to be paid on this account is not an unreasonable one.

7. From the correspondence that has passed between Messrs. Jefferson and Payne and myself, and from the conversation which I have had with Mr. Jefferson on the subject, it appears that the lowest terms on which Serjeant Ballantine could be retained are those on which he has been engaged, namely, a retaining fee on Brief which Mr. Jefferson thinks will be marked 5,000 rupees, Refreshers of 1,000 rupees a day, and his expenses while away from England; the payment of 1,000 rupees a day to commence with on the day he left London, viz., Tuesday, the 26th of January, and to be continued till he arrived in London again.

8. Mr. Jefferson assures me that Mr. Hawkins, Q.C., declined to come out unless he was paid fifty thousand pounds.

9. The amount proposed to be paid to Serjeant Ballantine is no doubt very large; but if he would not come out for a less sum, and the Gaekwar insisted on having him, I do not see that Messrs. Jefferson and Payne could do otherwise than agree to pay the fees required.

10. In an ordinary case in a Court of Law, if a client insisted on having Serjeant Ballantine as his Counsel, and was willing to pay the large sum he demanded, the Solicitor would, as a matter of course, retain him.

11. Serjeant Ballantine, no doubt, in insisting on so large a fee, takes into consideration the amount of business which he will probably lose by being absent from England for several months. On his return he might expect to find himself thrown out of cases in which he would otherwise have been engaged, and it might be some considerable time before he got back to his full practice.

12. The leading Counsel on behalf of the Gaekwar being unacquainted with India, it is of course extremely important for His Highness that the Junior should be an able and experienced Barrister and of high standing in the profession.

13. If Messrs. Jefferson and Payne deem it advisable in the interests of their client to engage the services of a member of the Calcutta Bar, instead of one from Bombay, I see no impropriety in their doing so. Messrs. Jefferson and Payne state that they do consider it essential to the interests of their client to have Mr. Woodroffe of the Calcutta Bar as their second Counsel, and Mr. Jefferson informs me that His Highness the Gaekwar is also most desirous of having that gentleman engaged on his behalf. Mr. Jefferson also informs me that Mr. Woodroffe has positively refused to come unless he be paid at the rate of 1,500 rupees a day.

14. These terms appear to me to be unreasonably high; and considering that it is the intention of Government to pay their leading Counsel, the Advocate-General, 600 rupees, and their second Counsel 500 rupees a day, it does not seem to me to be proper to sanction a payment of 1,500 rupees a day for the second Counsel for the Gaekwar.

15. I think that if 700 rupees a day were allowed for a second Counsel on behalf of His Highness coming from Calcutta, it would be ample. If the second Counsel were procured from Bombay, I should say 500 rupees a day would be fair and liberal remuneration for him.

16. The advisers of the Gaekwar consider it necessary to have a third Counsel employed. This, I think, they are at liberty to do, but his fee should not, in my opinion, be more than 400 rupees a day.

17. If Mr. Shantaram Narayan, Pleader, be employed, I think he will be handsomely paid if he receives 200 rupees a day, and if a second Pleader is engaged, 100 rupees a day will be ample for him.

18. If you concur in my views as above expressed, I would respectfully suggest that I may be allowed to write to Messrs. Jefferson and Payne, informing them that payment of fees on the above scale will be sanctioned by you, provided the Counsel referred to be actually employed and paid such fees.

19. With regard to the sum which is to be paid to Messrs. Jefferson and Payne for expenses of providing accommodation for Counsel, witnesses, clerks, &c., I think if about 10,000 rupees were given them on account, it would be sufficient for the present.

20. If Messrs. Jefferson and Payne afterwards satisfied you that this sum had been properly expended, then, I think, a further advance might be made to them.

21. I am quite unable to form an opinion as to what will be the amount of such expenses.

22. Messrs. Jefferson and Payne have already received on account 75,000 rupees. Out of this, I understand from Mr. Jefferson, that 5,000 guineas have been sent to Serjeant Ballantine by a draft which cost 56,000 and 700 rupees, and 1,000L. paid to Serjeant Ballantine on account of his Refreshers by a remittance which cost 10,000 and 800 rupees. The rest of the 75,000 rupees, Mr. Jefferson states, has been expended in telegrams, his own and Pleader's railway and other expenses, &c.

23. Assuming that the arrangement said to have been made with Serjeant Ballantine is carried out, it would be necessary to make him, immediately on his arrival in India, the following payments :—

	Rs.	a.	p.
Fee on Brief - - - - -	5,000	0	0
Fee for 28 days up to the 22d of February 1875, at 1,000 rupees a day - - - - -	28,000	0	0
Less paid him on account - - - - -	10,000	0	0
	18,000	0	0
Other payments would also have to be made immediately, as follows :—			
Fees to be paid before the Commission sits for (say) 10 days to second Counsel at 700 rupees a day - - - - -	7,000	0	0
Fees to be paid before the Commission sits for (say) 10 days to third Counsel at 400 rupees a day - - - - -	4,000	0	0
Fees to be paid before the Commission sits for (say) 10 days to Mr. Shantaram Narayen at 200 rupees a day - - - - -	2,000	0	0
Fees to be paid before the Commission sits for (say) 10 days to second Pleader at 100 rupees a day - - - - -	1,000	0	0
On account of expenses for tents, &c., as above mentioned - - - - -	10,000	0	0
Total - - - - -	47,000	0	0

24. I would, therefore, with great submission, recommend that an advance of 50,000 rupees should be made to Messrs. Jefferson and Payne at the present time, and that if the trial lasts longer than 10 days, then that further advances in order to pay fees, &c., at the rates I have above mentioned, should from time to time be made as required.

(b.)

Dated Baroda, 5th February 1875 (Confidential).

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to H. CLEVELAND, Esq.

I HAVE the honor to acknowledge your letter dated the 3d instant, but received by me yesterday evening.

2. I lose no time in informing you that I am prepared to pay out of the Treasury to you the sum of Rupees 50,000, which you recommend should be made at the present time to Messrs. Jefferson and Payne, the Solicitors for His Highness the Gaekwar, as an advance in respect of expenses incurred for the purposes of the approaching enquiry.

3. I will send a copy of your letter to the Government of India without delay, and I will send you a further reply as soon as I am able to do so.

No. 5.

No. 646 P.

From C. U. AITCHISON, C.S.I., Secretary to the Government of India, to Colonel Sir L. PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner at Baroda.

SIR, Dated Fort William, the 19th February 1875.

WITH reference to my telegram of the 16th, His Excellency the Viceroy and Governor-General in Council desires me to address you for the purpose of placing on record the communications that have passed up to the present time on the subject of the costs to be paid from the Baroda Treasury in order to provide His Highness Mulhar Rao Gaekwar with every reasonable facility for clearing himself from the charges made against him.

2. On 19th January last you telegraphed that the Gaekwar had retained Shanteram Narayen, who was to return to Bombay for further Counsel; and on 23d January you telegraphed that Messrs. Jefferson and Payne, the Solicitors for the defence, had proposed to procure Counsel from England with a retainer of 5,000 guineas, and that they requested permission to spend up to five lakhs of rupees. You recommend that the Commission should assemble as soon as practicable, not later than 10th February, and asked for an early reply, as the Solicitors were urgent to telegraph for Counsel, and wished by the following morning to be informed that the expenses of engaging a Barrister from England would, under any circumstances, be provided.

3. In reply, you were on the same date requested by telegraph to inform the Gaekwar's Solicitors that the Commission would proceed on the 18th February (the date originally fixed), and could not be postponed for Counsel from England. You were also instructed to allow liberally all proper legal expenses; but you were informed that some explanation must be required before authorizing such

an expenditure as five lakhs of rupees, and you were requested, in case of doubt, to refer for instructions.

4. On 25th of January you telegraphed that His Highness the Gaekwar lamented the apparently unanticipated protraction of his confinement and suspense, and expressed his regret that his trial could not be more speedily brought to an end.

5. On 27th January you telegraphed that you had advanced Rs. 75,000 to Mr. Jefferson, who demanded an immediate further payment of Rs. 2,89,000 as a portion of the costs, and that the Government Solicitor objected to this as extravagant, unnecessary, and unprecedented. On the 28th you were informed by telegraph, in reply, that Rs. 75,000 were considered ample at present, and that, with every desire to afford the Gaekwar full means of defence, Government could not consider any application for more without full reasons for the application stated in writing.

6. On the 29th of January Messrs. Jefferson and Payne telegraphed to the Private Secretary to the Viceroy, complaining that their case was delayed for want of funds, and intimating that the Gaekwar, who had no funds of his own, was anxious that an advance should be made, and that they required Rs. 2,90,000 in addition to the Rs. 75,000 already spent. They also requested postponement of the opening of the Commission till 22d February. On the 31st of January you telegraphed that His Highness the Gaekwar, after consulting his legal advisers, desired the sitting of the Commission to be postponed rather than hastened. On 1st February you telegraphed that the Gaekwar had written to you to say that he was much pained to learn that a further payment had not been granted, that any delay in securing Counsel, which could only be done by an immediate payment of money, must imperil his defence, and urging that the money asked for should be at once paid.

7. These communications, which were afterwards received in written detail, were disposed of in my letter No. 335 P., dated 2d February, from which an

extract is given in the margin for convenience of reference; and on 4th February Messrs. Jefferson and Payne were informed that you had received the instructions of Government, and would doubtless make the necessary communication to the Government Solicitor. On 4th February a telegram was

received by the Viceroy from His Highness Mulhar Rao; in which an advance of two lakhs of rupees was asked for. A copy of the telegram was submitted in your letter No. 1, dated 5th February, together with a letter from the Gaekwar to yourself, dated 4th February, in which the Gaekwar stated that he was particularly desirous to retain the services of Mr. Woodroffe, who would not act unless his fees were paid at once. On the 5th February I telegraphed to you the Gaekwar's message, and requested you to inform His Highness of the orders already passed on the subject of expenses.

8. The Government Solicitor, after reviewing the case, and on the assumption that Serjeant Ballantine was to be employed, advised a further advance of Rs. 50,000, and that, if the enquiry should last more than ten days, additional advances should from time to time be made on the same estimates. On the 5th February you informed Mr. Cleveland that you were prepared to make the advance of Rs. 50,000.

9. From your telegram of the 7th February it appears that the sum of Rs. 50,000, making in all 1½ lakhs, was paid on the 6th. But you added that the defence was still dissatisfied, and that Government would either have to accede to unlimited demands, or else draw a line and adhere to it. On the 8th

you telegraphed that Messrs. Jefferson and Payne had returned the Rs. 50,000

* These were—

"It was to be distinctly understood that it was not to be considered in any way as an acknowledgment on part of Government that the fees to Counsel and other payments which Jefferson stated should be made were such as ought properly to be made, or such as would be sanctioned by Government; that the question as to what allowance would be made out of Baroda Treasury for expenses must be left to decision of Viceroy, and that the Rs. 50,000, as well as the Rs. 75,000 previously paid, must be accepted as a payment on account of expenses of conducting proceedings in an ordinary and reasonable manner; that both sums would have to be accounted for by Jefferson on the basis of the scale of fees, charges, and expenses which might afterwards be sanctioned."

further steps for his defence. Messrs. Jefferson and Payne, however, offered to receive the Rs. 50,000 and other moneys, subject to the costs and charges being sanctioned by the Court,—a proposal which you understood to mean that they wished the sum of Rs. 2,89,000 formerly asked for to be advanced to them.

† "Inform Mr. Cleveland that we cannot discuss with Mr. Jefferson the propriety of particular items of his proposed expenses. Mr. Jefferson's statement shows both that he has not contemplated any ordinary or reasonable mode of conducting the real business to be done for the Gaekwar, and that he has contemplated business which has nothing whatever to do with the enquiry. We have endeavoured to form an estimate of the expense of representing the Gaekwar on the proposed enquiry, and have consulted Mr. Sanderson on the subject. Our opinion is that one and half lakh is a liberal amount, to allow for such expense, and that two lakhs is an extreme and lavish amount. We are prepared to allow the latter sum. We reckon that it is about four times the amount which the machinery employed by us is calculated to cost. If Mr. Jefferson flings away the money in retaining an extravagant staff of Counsel, in taking opinions on points which cannot be raised, and in other useless ways, that is for him and the Gaekwar to see to. All that he has done he has done without consulting us, and we have had neither the opportunity nor the right to object to it. The Gaekwar should be informed of the position of affairs, and should be asked whether he wishes the remaining money to be paid to Mr. Jefferson. If he does, Mr. Jefferson should be asked whether he will undertake to carry the defence through. If he assents, the money may be paid him by such advances as he requires. If the answers are different from what is here anticipated, further instructions must be given. The above amount is calculated on the footing that the proceedings will not last more than a month. Communicate with our legal advisers. If from their point of view they are of opinion that the course here prescribed is clearly wrong, give their reasons. The responsibility of delay must rest with Jefferson on account of his extravagant mode of proceeding."

ingly sent you by telegraph on the 11th.

10. In reply you telegraphed on the 12th that Mr. Jefferson had been informed accordingly, but had made as yet no reply. You added that your legal advisers were of opinion that, if the terms should be rejected, you should be authorized to guarantee Serjeant Ballantine's fees and reasonable further expenses to be determined by the Taxing Master of the Bombay High Court; that Government were committed to the payment of Serjeant Ballantine's fees; and that in this view two lakhs might not be sufficient. The following instructions were sent to you by telegraph on the 13th in reply:—

"Unless something has been said to Jefferson which has not been communicated to us, we are not committed to fees or to any other item of expense. Principles of taxation cannot apply to such a case as this. The proposal of the lawyers is tantamount to a complete concession of whatever Jefferson demands. If Cleveland has done anything to commit us to Ballantine's fees, we must abide by it. In that case the maximum allowance should be a lakh and a half, besides the charges for Ballantine. If Jefferson declines terms offered to him in my telegram of the 11th, and if legal advisers think we are committed to Ballantine's fees, and Jefferson declines the further terms contained in this telegram, inform the Gaekwar that Government will provide for his defence, and telegraph at once for instructions."

11. Your telegram of the 15th communicated the substance of the reply of Messrs. Jefferson and Payne to the message of the 11th, in which they stated that "they have given his (Mr. Cleveland's) letter of 11th their most anxious consideration, and reply to this effect—that Government must have overlooked important points in making their estimate of two lakhs—that they themselves cannot state with any approach to accuracy the amount that will be expended for defence. All that they can at present say is that two lakhs will be largely exceeded if proceedings last as long as a month. They say they do not see why they should be asked to take up the case on contract for a certain sum, such course being unprofessional. Say they are unable to give the undertaking asked for, that they will do what they can to keep the expenditure down, but will not imperil the interests of their client, if they can help it, by foregoing

which they had previously accepted, intimating that they could not accept it on the conditions named by Mr. Cleveland,* and that they would at once intimate to the Gaekwar that they could take no

While the matter was still under the consideration of Government, you telegraphed on the 9th, requesting that a decision as to the costs of defence should be deferred, and intimating that the demands were exorbitant. The Government of India, however, thought it advisable to communicate to you their views, and the instructions quoted in the margin† were accord-

"one item of expenditure which they think necessary in his behalf. They say they will, therefore, carry on the defence up to the last day to which the sum named by Cleveland in his letter will permit, and when that sum is expended they will, unless further funds are provided, instruct Counsel to withdraw from the case and retire themselves; that on them who have-deprived the Gaekwar of the means of defending himself, and not on themselves, will rest the odium of this result. They go on to complain that Government did not from the first fix a limit within which they could advance. They say they have been obliged to dispense with Woodroffe's services. They conclude by saying that Gaekwar will send a yad, asking for Rs. 75,000 to be paid to them for defence."

You added that your legal advisers adhered to their opinion expressed in your telegram of the 12th, and considered Government committed to Serjeant Ballantine being retained on the facts already before Government, and not from anything Mr. Cleveland had since done.

12. In reply the following instructions were telegraphed to you on the 16th:—

"Your telegram of 15th. On reiterated opinion of legal advisers, guarantee Ballantine's fees. Supply defence with advances for reasonable further costs on advice of Cleveland and Scoble. We look to them to protect Baroda revenues from improper charges. The number of Counsel proposed, and other items of Jefferson's estimate, seems to us to be extravagant and founded on mistaken view of limits of enquiry. But we give you full liberty to act as you may be advised by Scoble and Cleveland, without further reference to us."

13. Thus the matter at present stands. His Excellency in Council, however,

Fee to Serjeant Ballantine for 65 days, the time he will be absent from England, calculating the trial to last 20 days, at Rs. 1,000 per diem	Rs. 65,000
Fee to Mr. Woodroffe, of the Calcutta Bar, for one month	45,000
Junior Counsel from Bombay, 1st fee on Brief	Rs. 2,500
Refresher for 25 days, including journeys and one day for consultation	16,200
	18,700
2nd fee on Brief	2,000
Refresher for 25 days	12,500
	14,500
Mr. Shanteram Narayan for two months	30,000
For Mr. Jugonath for two months	25,000
Agent's charges in England and fees to Counsel for opinions on cases submitted on International Law	20,000
Other Agent's charges elsewhere	5,000
Shorthand Writer from England	5,000
Travelling expenses of Serjeant Ballantine and Shorthand Writer to and from England	4,000
Sundry charges, such as railway and suites of tents, carriages, horses, servants, and purveyor's charges	30,000
Telegrams	2,500
Contingencies, say	25,000
Total Rs.	2,89,700

N.B.—This estimate is based on the supposition that the trial will last only 20 days, and is exclusive of Solicitors' charges, expenses of Office and of Establishment.

taken place between the Government of India and the Bombay Government that the fees which have been sanctioned at the recommendation of that Government for the Advocate-General are only Rs. 600 a day, and for Mr. Inverarity Rs. 400 a day. Moreover, Messrs. Jefferson's estimate appeared to us to be framed upon an erroneous conception of the scope of the enquiry to be made by the Commission. While the whole matter is left in the hands of yourself and the legal advisers of Government under the terms of my telegram of the 16th instant, and while it is the desire of the Governor-General in Council to supply on the most liberal calculation everything that is really required for the defence of His Highness Mulhar Rao, the Governor-General in Council thinks it necessary to point out that it will be the duty of Messrs. Scoble and Cleveland to protect the Baroda revenues from charges of a kind so manifestly extravagant and uncalled for as some of those in the estimate of Messrs. Jefferson and Payne.

14. In some of the telegrams allusion is made to other matters than the scale of charges to be allowed for the defence of His Highness the Gaekwar, such as the alleged seizure of jewels and the production of documents. These subjects have been separately disposed of, and therefore no reference has been made to them in this letter.

I have, &c.,

C. U. AITCHISON,

Secretary to the Government of India.

No. 64 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
(POLITICAL.)

MY LORD MARQUIS, Fort William, the 5th March 1875.
IN continuation of our despatch No. 58, dated 26th ultimo, we have the honor to forward, for the information of Her Majesty's Secretary of State, copy of two letters* from Sir Lewis Pelly on the subject of the charges to be incurred for the defence of His Highness Mulhar Rao Gaekwar.

We have the honor to be, &c.

No. 14, dated Baroda, 13th February 1875 (Confidential).

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAD hoped to be able to send you by to-day's post the correspondence alluded to in the enclosed letter from Mr. Cleveland, but as you will perceive Mr. Cleveland is unable to furnish it for the reasons stated by him.

Dated Baroda, 13th February 1875.

From HENRY CLEVELAND, Esq., to Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General and Special Commissioner, Baroda.

I HAVE the honor to state that I find myself quite unable to supply you with the copy letters that have passed between Messrs. Jefferson and Payne and myself which I was to send you in time to go by to-day's mail to Calcutta.

The copies that have been made are some of them so badly written that they are almost unintelligible.

The originals which I said I would send in case the copies were not ready I think I had better not part with until I have provided myself with examined copies, as it may be necessary to refer to the correspondence, and accuracy may be of great importance.

When I became aware about three days ago that the clerk whom you had sent to make copies of the letters from day to day as they passed between us had not done so, and that you could no longer spare him for the work, I sent to Bombay for some clerks, and to-day I expect them to be at work.

I will lose no time in furnishing you with the copies you require, but up to the present time I have found it impossible with the staff of clerks available here to get copies of the documents made that were absolutely required for the defence and for our own Counsel.

No. 16 A., dated Baroda, 14th February 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

I HAVE the honor of enclosing copies of the correspondence passed between Mr. Cleveland and the Solicitors for the defence, referred to in my letter to your address of yesterday.

Dated Baroda, 24th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

SINCE addressing Sir Lewis Pelly this morning I have received a telegram from my partner in the following words:—

"Have undertaken to remit by wire six thousand pounds to-morrow," I shall therefore require to be paid a larger amount than that mentioned in my letter to Sir Lewis.

As we have at once to retain Counsel in Calcutta and Bombay, I have now to request payment of the sum of Rupees 75,000 on account of the costs of His Highness the Gaekwar's defence.

Sir Lewis Pelly has already informed me that he will cause the Residency treasury to be opened this evening in the event of your advising that an advance should be made, and under these circumstances I would ask that the money may be paid to-night.

Dated Baroda, 24th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

I HAVE just arrived from Bombay (7 P.M.), and find your letter to me of to-day's date. Sir Lewis Pelly will at once comply with your request and make the advance asked for of Rupees 75,000.

The treasury has now been opened, and if you will come over to the Residency you can receive the money.

I have explained to Sir Lewis Pelly that as the money is paid to you in the nature of an advance towards defraying the legal expenses of His Highness the Gaekwar's defence, you will, on the final settlement of your account of these expenses, give credit for the Rupees 75,000 to be now paid to you.

I think it right to mention this now as it seems to me not improbable that you will be unable to get a Counsel out from England in time to be present at the opening of the Commission, which is positively fixed to take place on the 18th February.

Please let me have a line from you saying that you received the money on the terms I have above mentioned.

Sir Lewis Pelly, I understand, has already intimated to you that the Government of India require explanation from you before they will consent to advances to the extent you have asked for being made.

Dated Baroda, 24th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

YOUR letter is just to hand. At this late hour (9 P.M.) it is impossible for me to obtain any means of conveyance to go to the Residency, and I must therefore defer receiving payment of the Rupees 75,000 until to-morrow. I will however be there in the morning at half-past seven o'clock, and will take the money on the terms named in your letter.

Serjeant Ballantine will positively leave for India by Friday's mail, and will no doubt be here in time for the opening of the Commission on the 18th proximo.

I beg you will convey to Sir Lewis Pelly my thanks for his ready response to His Highness the Gaekwar's request.

Dated Baroda, 24th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

I HAVE communicated to Sir Lewis Pelly the purport of your letter just received.

Sir Lewis instructs me to say that the list of imputations against the Gaekwar were sent to His Highness five days ago, that he received no further notice until yesterday when you called on him and requested a maximum of five lakhs of rupees and a retainer of 5,000 pounds.

That again this morning you referred to him, and that although it is Sunday, and all treasuries and banks are closed, he still out of consideration to the Gaekwar ordered the Residency treasury to be opened this evening.

That in the meantime you addressed me as employed for the prosecution enhancing your demand from £5,000 to Rupees 75,000 without giving the slightest explanation as to the maximum of five lakhs which had been required of you on the part of Government of India.

I arrived here by train this evening at quarter to seven, and found that Sir Lewis Pelly had the treasury ready for you, and that he immediately instructed me in the terms which I thereupon addressed to you before eight o'clock.

You now reply that it is nine o'clock, and that it is impossible for you to receive the money to-night, but that you will call for it at half-past seven to-morrow morning.

Sir Lewis Pelly considers it full time to check demands which are utterly irregular, and threaten to be indefinite in extent.

I am to request that for the future the defence will maintain a decent moderation in their requests, and Sir Lewis Pelly declines a second time within twelve hours to commit the irregularity of opening his treasury at unofficial hours.

Sir Lewis Pelly begs me to add that he finds you have twice during the current Sunday addressed his Assistant, requesting printed copies of papers.

Sir Lewis Pelly has ordered his establishment to decline all communications with you, and expects that you will maintain communication with the prosecution in the manner required in his letter of yesterday.

Dated Baroda, 24th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

IT is now near midnight, and I am unwilling to disturb you at this hour. I have therefore given orders to my peon to deliver the accompanying letter to you soon after five o'clock in the morning.

Dated Railway Station, Baroda, 24th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

THE tone of your second letter of to-day's date, received at twenty minutes past ten o'clock, has greatly surprised me.

Granted that the list of imputations against the Gaekwar was sent to him five days ago, Sir Lewis Pelly could scarcely expect further notice until yesterday, when I called upon him, seeing that I only arrived in Baroda on Friday evening, the 22d instant, by the mail train.

At my first interview on the following morning I intimated to Sir Lewis, in answer to his enquiry as to the probable cost of the defence, that I considered five lakhs of rupees would be the maximum amount, and in compliance with his wishes I shortly afterwards submitted my views in writing. A copy of this communication shall be furnished to you to-morrow.

Sir Lewis was good enough to inform me in reply by his letter of the same day, received late at night, that the Government of India will meet all proper legal expenses in a liberal manner, but some explanation will be required before authorizing such an expenditure as five lakhs of rupees. At daylight this morning I wrote to Sir Lewis as follows:

"His Highness' leading Counsel will leave England on the 28th instant, and his retainer fee must be remitted to-morrow. I have therefore to request that you will be good enough to order an immediate payment to me of Rupees 54,000. The retainer fee is 5,000L, and the loss in exchange will be about 8 per cent."

About ten o'clock I received from my partner a telegram advising me that he had undertaken to remit six thousand pounds to-morrow. I at once addressed a letter to you, to the care of Sir Lewis Pelly, informing you of my receipt of this telegram, and adding, "I shall therefore require to be paid a larger amount than that mentioned in my letter to Sir Lewis, as we have at once to retain Counsel in Calcutta and Bombay. I have now to request payment of the sum of Rupees 75,000, on account of the costs of His Highness the Gaekwar's defence."

This remittance of six thousand pounds, it must be borne in mind, will cost sixty-four thousand eight hundred rupees or thereabouts. I had not been asked for any explanation of the maximum of five lakhs, and at this stage it would have been quite out of place to have given it. The terms of your letter written to me after your arrival, and after you had read my letter, were reasonable, and I complied with them as far as my position would permit me; but it was unreasonable in Sir Lewis Pelly to expect me at nine o'clock at night, the hour at which your letter reached me, to go to the Residency to receive Rupees 75,000 (offered in your letter, be it remembered, without the slightest remark or demur). After the explanation given by me that I had no means of going to the Residency at that hour, there was not even a common bullock gharry to be seen at the station, surely Sir Lewis could not expect me to walk a distance of somewhere about two miles at that hour in the night to receive payment of so large a sum as three quarters of a lakh, when he was aware that all banks and treasuries were closed, and that I could, therefore, have simply been the custodian during the remaining hours of the night, which I did not choose to be in a place almost wholly unknown to me, and without any guard to protect my property in the waiting-room at the Railway Station, where I am living. I must decline to make any comment on the following part in your letter:—

"I am to request that for the future the defence will maintain a decent moderation in their requests, and Sir Lewis Pelly declines a second time within twelve hours to commit the irregularity of opening his treasury at unofficial hours," further than to remark that I should have thought that the overwhelming interests of His Highness at stake at this crisis would have far outweighed any unofficial irregularity in connection with the opening of Sir Lewis' treasury.

As regards the last paragraph but one of your letter, I beg to state that if Mr. Richey had kept his promise there would have been no necessity for me to address him twice during the current Sunday. I append copies of Mr. Richey's note of Saturday night, and of my notes to him, which I regret should have caused offence, and I leave it to you whether I was not justified in writing to him. It is worthy of remark that I am still without the promised copies of the printed statements, although fifteen hours have elapsed since the time I was promised to be put in possession of them, and acting on which promise I forwarded to Bombay by this morning's train the only copy which was furnished five days ago to His Highness the Gaekwar, the result being that since nine o'clock this morning I have been without a line of the evidence against His Highness submitted to the Governor-General, a position which you, as a professional man, must well know cannot but be highly detrimental to the interests of my client.

It was wholly unnecessary for Sir Lewis Pelly to have given the order you mention now that the Solicitors to the Commission are represented in Baroda.

In accordance with my first letter to you, I beg again to repeat that I shall be at the Residency to-morrow morning at half-past eleven o'clock, to receive payment of the Rupees 75,000.

Memorandum in Mr. Jefferson's handwriting.

	£	£
Ballantine's retainer	-	5,000
Four months' absence at 1,000L	-	4,000
His expenses	-	1,000
		<u>10,000</u>
Woodroffe, at Rupees 1,500 a day	-	9,000
Expenses, say	-	200
Two Juniors, at Rupees 500 each	-	6,000
Pleader	-	3,000
Solicitors' charges, say	-	5,000
Establishment expenses	-	10,000
		<u>£ 43,200</u>

Memorandum in Mr. Cleveland's handwriting.

	£
Pleader	- 1,500
Jefferson and Payne, Rupees 500 a day for two months	- 3,000
Establishment expenses, tents for Counsel, &c.	- 1,000
Ballantine's Retainer Fee	- 5,000
Two months at 1,000L. per month	- 2,000
His expenses, outfit, &c.	- 500
Woodroffe, one month, Rupees 1,500 a day	- 4,500
His expenses	- 1,500
Two Juniors' further Brief at Rupees 500 a day	- 2,500
Expenses	- 500
	<u>£ 22,000</u>

Dated Baroda, 25th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I ATTENDED at the Residency at half-past seven o'clock this morning in keeping with my promise, and after waiting an hour I was told by you that I could not be paid the money then.

I now write to ask when it will suit Sir Lewis Pelly's convenience to have the Treasury opened, so that I may be in attendance to receive the money.

I need scarcely point out that even a few hours delay at this critical time may, and possibly will, involve an application for a postponement of the opening of the Commission.

Dated 25th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN reply to your letter of to-day's date, I beg to remind you that as you had already been informed by me yesterday that the Treasury would not be opened this morning at half-past seven, there was no occasion for your taking the trouble to come to the Residency at that hour.

Sir Lewis Pelly desires me to say that the Treasury is now open, and he is waiting to hand you the Rupees 75,000, which, as I have before said, you might have had yesterday if you had come for it.

It will be expected that for the future you make your requisitions in a timely and regular manner.

Dated 25th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

By the direction of Sir Lewis Pelly I beg to send a second copy of statements of some of the witnesses.

I regret that I am unable to furnish you with more copies, as none are ready, and it takes some little time to have copied such parts of the statements as cannot be supplied to you in print.

If you require further copies I must ask you to get them made from the copy we sent to you.

B.

Dated Baroda, 25th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I HAVE to acknowledge receipt of your letter of to-day's date, giving cover to one copy of the printed statements made to the Government of India. From the expression made use of by you limiting these statements to some of the witnesses, am I to conclude that this copy does not contain all the statements? If so, I must beg of you to furnish me with a copy of such of the statements as do not appear in the copy you have sent me.

I shall be glad also to receive copies of Colonel Phayre's statement, and of all the other statements and depositions which were made by the Residency servants and others whilst Colonel Phayre was Resident, as also copy of the medical examination of the contents of the glass.

Your immediate attention to this matter will greatly oblige.

Dated 25th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN reply to your letter of 25th, I used the expression "some of the witnesses," because, as you are well aware, there will be other witnesses besides those whose statements I sent you, and a copy of which had been forwarded to the Gaekwar before I was instructed in the case.

The evidence of some of the witnesses who will be called has not yet been reduced to writing. After all the statements have been completed I shall furnish you with such copies or particulars of the statements as the Advocate-General may advise should be supplied to you.

C.

Dated Baroda, 25th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

As promised in my last letter of yesterday's date I now send you enclosed copy of my letter of the 23d instant to Sir Lewis Pelly with reference to the probable costs of the defence.

D.

Dated Baroda, 25th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

As Serjeant Ballantine's Brief must be prepared and despatched to him at Aden by the mail steamer leaving Bombay on the 1st proximo, I am particularly anxious to furnish my partner, in the course of this week, with information which can only be obtained by an inspection of the khureetas and yadees written to and by His Highness the Gaekwar, by and to the Governments of India and Bombay and the Residency during the four years of His Highness' reign, also an inspection of the public and private accounts of the Gaekwar.

I have therefore to request that you will obtain permission for me to have the inspection with liberty to make such extracts as I may desire.

I have also to request that I may be furnished with a printed copy of the Proceedings and Report of the Baroda Commission of which General Sir Richard Meade was President.

Dated Baroda Residency, 25th January 1875.

RECEIVED from Colonel Sir Lewis Pelly, K.C.S.I., Agent to the Governor-General and Special Commissioner administering the Baroda State, the sum of Government Rupees seventy-five thousand, on account of the costs of His Highness the Gaekwar's defence in relation to the Commission ordered by the Government of India.

Recoverable from the Baroda State Government Rupees 75,000.

(Signed) J. JEFFERSON.

Dated Baroda, 26th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I AM desirous of going over the Gaekwar's palace, and shall feel obliged by your obtaining an order for me and those who may accompany me, not exceeding four.

Dated Baroda Residency, 26th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN answer to yours of 26th, Sir Lewis Pelly instructs me to state that if you will be so good as to furnish me, in the course of the afternoon, with the names of the persons who you desire should accompany you to the palace, he will grant you passes for them, provided he sees no objection to the persons named.

Mr. Souter has been requested to meet you at the palace, and he has appointed 12 o'clock to-morrow morning, when he with some of his subordinates will be there for the purpose of going over the palace with you.

Sir Lewis Pelly, as administrator of the Baroda State, considers it necessary to take these precautions in order to ensure that no improper character has access to the palace.

Dated Baroda, 26th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

Mr. SHANTARAM NARAYEN has been obliged to leave this morning for Bombay, and as I shall require an interpreter in my interview with His Highness the Gaekwar, I have to

request the favor of your obtaining from Sir Lewis Pelly, and sending to me this morning a pass for Mr. Wassudeo Juggonnath, a Pleader of the Bombay High Court.

Dated Baroda, 26th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

As requested in your letter of to-day I enclose a pass for Mr. Wassudeo Juggonnath.

A.

Dated Baroda, 27th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I WILL thank you to furnish me with copies of all the proclamations and notices which have been issued from time to time by the Governor-General's Agent under the order of the Government of India, and otherwise since the arrest of His Highness.

B.

Dated Baroda, 27th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I AM particularly anxious to have an inspection of the books and papers taken possession of by the Police from the houses of Yeshwantrao Yeola and Salim Sowar, both of whom I understand are now in custody at the Residency, and you will please make an appointment for giving me this inspection.

C.

Dated Baroda, 27th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I HAVE received a telegram advising me that Serjeant Ballantine left England yesterday.

To ensure his being present at the opening of the Commission on the 18th I have to request that you will suggest to Sir Lewis Pelly the desirability of having the opening postponed till Monday, the 22d proximo.

I make this application thus early to prevent disappointment to all parties concerned.

I need scarcely add that in the event of Serjeant Ballantine not being present on the 18th, we should consider it necessary in the interests of His Highness the Gaekwar to instruct Counsel to move for a postponement to the day I have named.

D.

Dated Baroda, 27th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I BEG to draw your immediate attention to my letters of the 25th instant, with reference to copies of depositions, &c., and the inspection of khureetas, &c.

If you cannot furnish me with copy of the proceedings and report of the Baroda Commission, I will at once telegraph that an application be made to the Bombay Government for copies.

E.

Dated Baroda, 27th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

As I understand you purpose leaving for Bombay to-morrow I hasten to request that you will at once communicate the contents of this letter and its accompaniments to Sir Lewis Pelly.

I have prepared an approximate estimate of a portion of the costs of the defence of His Highness amounting to Rupees 2,89,700, which we require to be paid immediately. I send you copy of the estimate herewith. The fees are what we should pay were the State funds still at the command of His Highness the Gaekwar, and we cannot doubt but that the Government of India in deciding that all proper legal expenses should be met in a liberal manner were influenced by a consideration of His Highness' present position, and by a desire that he should not in any way be hampered by a want of funds in his defence of the grave charges brought against him.

Approximate estimate.

Fee to Serjeant Ballantine for sixty-five days, the time he will be absent from England, calculating the trial to last 20 days, at Rupees 1,000 per diem	-	-	Rs. 65,000
Fee to Mr. Woodroffe of the Calcutta Bar for one month	-	-	45,000
Junior Counsel from Bombay—		Rs.	
First fee on brief	-	-	2,500
Refresher for 25 days, including journeys and day for consultation	-	-	16,200
			18,700
Second fee on brief	-	-	2,000
Refresher for 25 days	-	-	12,500
			14,500
For two months to Mr. Shantaram Narayen	-	-	30,000
To Mr. Vassudeo Juggunath for two months	-	-	25,000
Agent's charges in England and fees to Counsel for opinions on cases submitted on International Law	-	-	20,000
Other Agency charges elsewhere	-	-	5,000
Shorthand writer from England	-	-	5,000
Travelling expenses of Serjeant Ballantine and shorthand writer to and from England	-	-	4,000
Sundry charges, such as Railway, six suits of tents, carriages and horses, servants' and purveyor's charges	-	-	30,000
Telegrams	-	-	2,500
Contingencies, say	-	-	25,000
Total	-	-	2,89,700

N.B.—This estimate is based on the supposition that the trial will last only 20 days, and is exclusive of Solicitor's charges, expenses of Office and Establishment.

Dated Baroda, 27th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN reply to your letter of the 27th instant (A.), I am instructed to say that the documents therein asked for are with Sir Lewis Pelly as administrator of the Baroda State, and that he declines to produce them.

In reply to your letter of the 27th instant (B.), I have not yet had an opportunity of ascertaining whether there are such books and papers as you asked for in the custody of the Police. I will enquire into the matter on my return, and then communicate with you again.

In reply to your letter of the 27th instant (C.), as Sir Lewis has already informed you in his letter of the 23d instant, the 18th February is the day which has been positively fixed for the opening of the Commission, and it cannot be postponed for Counsel from England on behalf of the Gaekwar.

With reference to your letter of the 27th instant (D.), regarding the inspection of the khureetas, yadees, &c., the Government of India has been telegraphed to for instructions, and last night Sir Lewis Pelly received a telegram from the Foreign Secretary in the following terms:—"Jefferson has received statement of offences imputed to Gaekwar which will form the subject of enquiry, and of the depositions, the papers for which he asks do not relate to the subject of the enquiry, and no papers will be furnished to him which do not relate to it."

I am not therefore in a position to give you the inspection and production asked for. With regard to your letter of the 27th instant (E.), I am instructed to say that Government are prepared to sanction a liberal expenditure, but they do not think that they should sanction the payment of such large sums for Counsel's fees as you have asked for, and without consultation with the Advocate-General, and perhaps instructions from the Supreme Government, Sir Lewis Pelly will not make the payments.

I leave for Bombay to-morrow morning, and shall not return till Sunday evening. In the interval please communicate with me in Bombay.

F.

Dated Baroda, 27th January 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I AM in receipt of your letter of to-day's date, and regret to find that you make no allusion to mine of the 25th, asking for copies of statement of Colonel Phayre, and of all the other statements and depositions which were made by the Residency servants and others whilst Colonel Phayre was Resident, as also a copy of the medical examination of the contents of the glass, neither do you allude to my application made on 25th instant for copy of the proceedings and report of the Baroda Commission.

I must beg of you to reply to these matters before you leave for Bombay as they are most material to the defence, and the copies must be despatched to Aden on Monday.

Dated Baroda, 27th January 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

I HAVE just (7.15 P.M.) received your letter of the 27th instant (F.)

No copy has yet been made of the statement of Colonel Phayre and of the further statements made by the Residency servants and others. As soon as I reach Bombay I shall have these statements copied and laid before the Advocate-General, and it will depend upon his advice whether I supply you with copies or not.

As to the report of the medical examination of the contents of the glass I have not yet seen this myself, but if on the Advocate-General seeing this he should advise that a copy should be furnished you, I will let you have a copy without loss of time.

With regard to the application for copy of proceedings and report of the Baroda Commission, the telegram from the Foreign Secretary, copy of which I sent to you to-day, is an answer to one from Sir Lewis Pelly, asking if you were to be furnished with copy of the Baroda Report and Commission.

The Government of India therefore have decided that you should not be supplied with a copy of it.

Dated Bombay, 29th January 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

Mr. CLEVELAND, in his letter to Mr. Jefferson at Baroda, dated the 27th instant, states that he was to leave for Bombay on the next day, and would not be back till Sunday evening, and in the interval we were to communicate with him here. This intimation you must be aware throws difficulties and delay in the way of the conduct of the defence.

Sir Lewis Pelly has refused to communicate with us direct, and the result is, when almost hourly communications have to be made at Baroda, a delay of not less than three days will occur. We protest against this delay as not permitting a fair defence and being opposed to the letter and spirit of His Excellency the Viceroy's proclamation. We further beg to bring to your notice that our application for advance has as yet been only met by payment of Rupees 75,000. The Gaekwar's position as a reigning sovereign of a large State, and the serious nature of the charges and the strong steps taken against him, entitle us to employ the best legal talent obtainable, and you must well know that the sum at present given us is totally inadequate. The fees we propose to give are not high under the circumstances, and we have not failed to endeavour to reduce them consistently with the assistance we require for His Highness.

While the Government has employed its most talented officers, legal and executive, and used the most energetic means and the vast powers at its command on the part of the prosecution, the Gaekwar has been deprived almost of every resource. All his friends are watched and looked upon with suspicion. It is not too much to ask therefore that the best Counsel and legal assistance that can be obtained should be engaged on his behalf. Mr. Cleveland has the estimate of our out-of-pocket expenses before him, and we can be called upon to account for all money received, and we are responsible that no money shall be expended save in legitimate legal expenses. We have applied for inspection of certain letters, books, and papers which, had the case been before an ordinary tribunal to which we could have appealed, we submit we should have obtained inspection. There can be no question, we submit, that we are entitled to inspect the letters and documents said to have been found in the houses of Yeshwuntrao and Salim, and now said to be in the custody of the Police, and which are, as the depositions show, intended to be used against His Highness.

Mr. Cleveland's reply that he will enquire into this on his return is obviously most unsatisfactory. Mr. Souter was residing at the Residency with Mr. Cleveland, and an answer could have been given at once. We further urge that we are entitled to inspection of the khureetas, yadis, records, correspondence, &c., of His Highness with the Government of India, and copies of the Baroda Commission and report. This has been refused on the ground that they do not relate to the subject-matter. It is true that the prosecution may not know what we intend to show by those documents, nor is it fair that we should be asked to state our object beforehand. In our opinion they are absolutely necessary for the defence, and we beg they may be given.

We are also not furnished with Colonel Phayre's narrative of the alleged attempt at poisoning and the chemical evidence of the contents of the glass, and also of the further statements made by the Residency servants and others. Sir Lewis Pelly in his letter of the 20th January instant to His Highness, stated that he forwarded to him a copy of the statements made to the Government of India whereon they had acted. It is manifest this has not been done, as Colonel Phayre's statement is not there, nor the Chemical Examiner's report.

Without some information on these points, and copies of all other depositions, the accused will so far from, as stated in His Excellency the Viceroy's proclamation, having had afforded to him every opportunity of freeing himself, be in point of fact taken by surprise.

R 4

Mr. Serjeant Ballantine will be here on the 18th proximo, and independently of that point which we trust will have some weight, as it doubtless is most important that he should be properly instructed, there has been and is so much delay in giving us information and furnishing us with funds, that it will be impossible for us to be prepared by the 18th, and His Highness will not have that opportunity of defence which His Excellency the Viceroy graciously declared that he should have. We therefore beg that our application for postponement till the 22d be reconsidered and that His Excellency the Viceroy's pleasure thereon be ascertained.

We should be sorry to have to make the application to the Commission. Considering the urgency of the matter and the important interests at stake, we have sent the enclosed telegram to the Private Secretary to His Excellency the Viceroy direct. In so doing we beg you will understand we mean no disrespect to yourselves or to Sir Lewis Pelly, the responsibility resting on our shoulders is so great, and the time so short, that we felt every consideration must give way to the interests of our client.

(a.)

Telegram, dated 29th January 1875.

From Messrs. JEFFERSON and PAYNE, Solicitors to Gaekwar, Bombay, to PRIVATE SECRETARY to His Excellency the VICEROY, Calcutta.

WE beg respectfully to appeal to His Excellency on behalf of the Gaekwar in relation to the conduct of the prosecution against His Highness. We have been unable to obtain yet inspection of letters and documents intended to be used against the Gaekwar, and said to be found in house of Yeshwuntrao and Salim. Denied copies of Baroda Commission and report and inspection of khureeta and Gaekwar's own records, correspondence and books, copy of Colonel Phayre's narrative in regard to alleged poisoning, and Chemical Examiner's report, also some depositions not yet furnished, nor proceedings of Colonel Phayre's enquiry as to poisoning manifest. All papers submitted to His Excellency on which His Excellency proceeded not furnished to us. Sir Lewis Pelly declined to hold communication direct with us. Refers to Cleveland, who has left Baroda, great delay in consequence. Our application for further advance not yet complied with. Undertake to account for all monies received and that same spent in legitimate legal expenses.

Require two lakhs and ninety thousand rupees for out-of-pocket estimate already furnished. Rupees 75,000 paid to us expended and large liabilities incurred. Gaekwar is anxious to make advance, but as he has been deprived of every resource and stripped of every rupee cannot do so.

His Excellency graciously proclaimed that every opportunity will be offered Gaekwar of freeing himself from grave suspicions, but respectfully submit if documents withheld, delay be made, and funds not supplied, Gaekwar practically undefended. Respectfully protest in his behalf. Postponement absolutely necessary to the 22d on account of delay as above, and for properly instructing Counsel expected from England on 18th. Copy this telegram furnished to Crown Solicitor. Herewith explanatory letter.

Dated Bombay, 30th January 1875.

From Messrs. HEARN, CLEVELAND, and LEE-WARNER to Messrs. JEFFERSON and PAYNE.

WE received your letter of the 29th yesterday afternoon.

We regret that you should have been put to any inconvenience by our Mr. Cleveland having left Baroda, but he was obliged to go to Bombay.

As to what you say about advances for the defence, the Government of India have been communicated with; they consider Rupees 75,000 ample at present; and they state that with every desire to afford the Gaekwar full means for his defence, they cannot consider application for more money without full reasons for its requirements stated in writing.

With regard to your application for inspection of letters, books, and papers, &c., the Government of India have also been communicated with on the subject, and we have informed you of their decision.

With regard to the statements taken in writing by Colonel Phayre, we only obtained same yesterday evening from the Secretariat, and we have lost no time in getting them copied. We can't send same herewith, but will hand copy to Mr. Jefferson at Baroda on Tuesday.

With regard to your remarks about Mr. Cleveland not having consulted with Mr. Souter on the subject of the papers said to have been found in the houses of Yeshwuntrao and Salim. Owing to Mr. Souter's and Mr. Cleveland's engagements it was impossible for Mr. Cleveland to consult Mr. Souter upon them before he left Baroda.

With regard to the last paragraph in your letter, we do not for a moment suppose that you had any other object in communicating direct with Government than that stated by you.

If any instructions should be sent us in consequence of your telegram we will at once communicate with you.

Dated Bombay, 30th January 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE are just in receipt of your letter of to-day at $\frac{1}{4}$ past 6. We cannot reply to it fully now, but there is one point in respect to which we must call your immediate attention. In regard to the statements taken by Colonel Phayre, you say that you received them yesterday evening from the Secretariat, that you have lost no time in getting them copied, that you could not send them therewith, but would hand a copy to Mr. Jefferson at Baroda on Tuesday.

We refrain expressing our opinion at present on this extraordinary proposition.

You are aware that we are anxious to send copies to Serjeant Ballantine by the mail leaving Monday afternoon to meet him at Aden. Mr. Cleveland, in order to deliver them to Mr. Jefferson on Tuesday, we presume will take them up with him to-morrow or Monday morning by the train leaving then, and this our object will be defeated. We therefore request you will hand the copies to us in Bombay on Monday morning.

Dated 30th January 1875.

From HENRY CLEVELAND, Esq., to Messrs. JEFFERSON and PAYNE.

YOUR letter of this afternoon has been brought to me at my house (8 p.m.), I hasten to reply to it.

I was not aware that you wanted to send the statements taken by Colonel Phayre to Aden by Monday's mail, or I would have made such arrangements as would have enabled me to furnish you with a copy in time.

By mistake the original statement from which the copy was made at the Secretariat was not sent to me as I had asked that it should be, so that I could not examine the copy to be furnished to you, and I had no copy to take with me to Baroda which I wanted to do, I therefore had determined to supply Mr. Jefferson with your copy at Baroda.

I will now write to the Secretariat and ask them to have another copy made, and to let my partner, Mr. Lee-Warner, have it as early as they can on Monday, and I will request him to hand the same over to you.

Dated Baroda, 1st February 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

REFERRING to my letter to you of the 27th instant, B, I presume that you have now had an opportunity of ascertaining whether the books and papers I referred to are in possession of the Police or not. If the Police have got possession I will thank you to make an early appointment when I can inspect them.

You will oblige me by sending me a reply to my letter of the 25th ultimo, asking whether the statements furnished to me on that day were copies of *all* the statements submitted to the Government of India, and, if not, requesting you to furnish me with a copy of such of the statements as do not appear in the copy sent to me.

Dated Baroda, 1st February 1875.

From J. JEFFERSON, Esq., to HENRY CLEVELAND, Esq.

I AM informed by His Highness the Gaekwar that shortly after that he had been told by Colonel Phayre of the attempt made upon his life, the Gaekwar addressed a yadee to him conveying his feeling and offering his assistance in the matter.

I must beg of you to furnish me with a copy of this yadee. It clearly does not come within the class of documents which the Government have authorized should not be delivered to us, and I trust, therefore, that you will at once send me a copy.

Dated Baroda, 2d February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN answer to yours of the 1st, referring to one from you of the 27th January, B, Mr. Souter will have the papers found in Yeshwuntrao Yeolia's and Salim Sowar's houses taken possession of by the police ready for your inspection at 12 o'clock to-day, if you will come to me at the house which I am staying in (Colonel Barton's). I am having copies made of papers to be furnished to you, and when I send them I will reply to the last paragraph in your letter about statements submitted to the Government of India.

A.

Dated Baroda, 2d February 1875.

From Messrs. JEFFERSON and PAYNE to HENRY CLEVELAND, Esq.

WE shall keep the appointment you have made for this morning at 12 o'clock.

Dated Baroda, 2d February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

REFERRING to our interview with your Mr. Cleveland this morning, we beg to inform you that we have just received a telegram intimating that unless Mr. Woodroffe be paid his fees at once he will retire.

On this and other grounds we therefore trust you will expedite the payment of a further advance to us.

You are aware that one of our objects in retaining Mr. Woodroffe is to provide against the contingency of Serjeant Ballantine being unable to lead at any time during the sitting of the Commission.

B.

Dated Baroda, 2d February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE observe from Bombay newspapers that Damodhur Punt has made certain statements affecting the Gaekwar.

If this be so, and it is the intention of the prosecution to use the statement, we beg we may be furnished with a copy at your earliest convenience.

C.

Dated Baroda, 2d February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE are informed that Nana Khanvelkur, Hurriba Dada Bulvuntrao Deo, and Naron Bhai are at present under arrest. We are instructed that they are able to give us information on several matters material to the defence, and as we believe they are not witnesses for the prosecution, we will thank you to obtain permission for us to have access to them.

Dated Baroda, 3d February 1875.

From Messrs. HEARN, CLEVELAND, and LEE-WARNER to Messrs. JEFFERSON and PAYNE.

CONSEQUENT on correspondence passed between His Highness the Gaekwar and Sir Lewis Pelly, and between you and ourselves, the Government of India have again been applied to for instructions relative to the production of documents to you on behalf of the Gaekwar.

Sir Lewis Pelly has been informed that the Governor-General in Council considered that in authorizing him to have produced to you the documents which we have already expressed ourselves to be willing to produce he was placing at your disposal all the papers that were material for the Gaekwar's defence.

The Governor-General in Council has now authorized us to furnish you with copy of the correspondence with Dr. W. Gray, the Acting Chemical Analyzer to the Bombay Government, also of Colonel Phayre's statement of 16th November 1874, and these shall be furnished without loss of time.

With respect to the report of the Baroda Commission, Sir Lewis Pelly is informed that His Excellency the Governor-General in Council had abstained from making it public out of consideration to His Highness the Gaekwar, and that His Excellency in Council is still unable to see that it will be of any use for the purposes of the defence. As, however, you press for a copy, and a copy was furnished to the Gaekwar before the Government of India passed their orders upon it, the Governor-General in Council accedes to your renewed request, and we are authorized to furnish you with a copy of the report and now send same herewith.

With regard to the inspection of the Gaekwar's private papers, accounts, &c., instructions have also been received from the Government of India, and we shall be happy to confer with you with a view to making the necessary arrangements for producing the same.

With respect to the costs of the defence, the Governor-General in Council has intimated to Sir Lewis Pelly that although he considers the Baroda Treasury should not be burdened with extravagant charges, yet in pursuance of his resolve to afford His Highness the Gaekwar every fair and reasonable opportunity of clearing his character, he will authorize a fair amount to be allowed on a liberal scale for a defence conducted in an ordinary and reasonable way.

The Governor-General in Council adds, however, that he cannot but consider the demands put forward by you as greatly in excess of what would be required under any circumstances.

We will take an early opportunity of conferring with you as to the extent to which your requirements will be met.

With regard to the postponement of the assembling of the Commission till the 22d February for which you have applied, His Excellency in Council remarks that His Highness the Gaekwar had expressed to him, through Sir Lewis Pelly, his anxiety to have the assembling of the Commission expedited; but that as it now appears that His Highness after consultation with you wishes for a postponement as above, the Governor-General in Council has been pleased to fix the 23d of February as the date for the opening of the Commission at Baroda.

Dated Baroda, 3d February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE have to acknowledge receipt of your letter of to-day's date, and will reply to it hereafter.

With reference to the 7th paragraph, we now write to inform you that we will call upon you at 2 o'clock to meet you in the conference you desire.

Dated Baroda, 3d February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE now beg to reply to your letter of to-day's date.

It is satisfactory to us to learn that the Governor-General in Council has at last admitted the justice of some of our demands and has authorized you to furnish us with copies of some of the papers called for; but with reference to the second paragraph of your letter would again remind you that it is not within the province of the prosecution to say what documents are necessary and what unnecessary for the defence.

We trust no further delay may occur in our being furnished with the papers you particularize in the 3d paragraph of your letter, and we would again remind you that we are still without any reply to our letter of the 25th ultimo, asking whether we had been furnished with copies of all the statements submitted to His Excellency the Viceroy.

We have to thank you for copy of the report of the Baroda Commission, and note the cause alleged by Government for not having made it public. His Highness the Gaekwar informs us that the copy furnished to him by Government was in his palace on the day of his arrest; and by his directions we now beg that you will be good enough to enquire whether this copy is forthcoming; and if so request that it may be sent to His Highness.

With reference to the 5th paragraph, we beg to fix to-morrow at 12 o'clock noon at your Office for holding the conference you desire.

With reference to the 6th and 7th paragraphs we cannot too repeatedly press upon your attention the fact that the present proceedings against the Gaekwar so far from being of an ordinary nature are extraordinary and unparalleled; and if nothing but His Highness' position and the interest which the British Government must have in the acquittal of His Highness from the serious charges imputed to him be considered, we are satisfied that the measures we are taking for the defence cannot be regarded by Government as extravagant or greater than the exigencies of the case demand. Under these circumstances we hope you will concur with us in thinking that our demands as to costs are fair and reasonable, and that our preparations are only proportionate to the interests at stake. We await with some anxiety Sir Lewis Pelly's decision on this matter.

It will afford us much satisfaction to convey to His Highness the Viceroy's determination to postpone the opening of the Commission to the 23d instant.

B.

Dated Baroda, 5th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE are wholly at a loss to understand the delay in furnishing us with copy of Damodhur Punt's statement.

You must be aware that this withholding of documents on the part of the prosecution is not only highly detrimental to the defence, but also tends to create in our minds the most grave suspicions.

Dated Baroda, 5th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

In reply to yours of the 5th instant (B.), I expected before this to have been able to furnish you with copy of Damodhur Punt's statement, but on enquiry at the Residency this morning I find that it is not yet completed. It is at the present time being taken down.

I think it not advisable on many reasons to send you a copy of the statements in parts. Immediately it is completed you shall have a copy of it, and I am given to understand that there is every probability of its being finished to-day.

After this explanation I presume you will no longer think that the not furnishing you earlier with a copy of Damodhur Punt's statement is such a withholding of documents as is described in your letter, or that there is any occasion for your entertaining the grave suspicions you speak of.

Dated Baroda, 5th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

AFTER seeing you yesterday I wrote to Sir Lewis Pelly requesting to know what sum would now be advanced to you in addition to the Rupees 75,000 already paid on account of the expenses of His Highness the Gaekwar in meeting the charges against him about to be enquired into.

I have received a letter from Sir Lewis Pelly this morning, in which he informs me that he is prepared to pay out of the treasury to you the equivalent in Baroda of 50,000 Government Rupees.

I have just seen Sir Lewis, and learn from him that he authorizes this payment because His Highness considers that an immediate advance is urgently required, but in making it Sir Lewis wishes it to be distinctly understood that it is not to be considered in any way as an acknowledgment on the part of the Government of India that the fees to Counsel and other payments which you state should be made are such as ought properly to be made, or such as will be sanctioned by the Government of India.

The question as to what allowance will be made out of the Baroda Treasury for the expenses must be left to the decision of His Excellency the Viceroy and Governor-General, and the Rupees 50,000 now to be paid to you, as well as the Rupees 75,000 already paid, must be accepted as a payment on account of the expenses of conducting the proceedings on behalf of the Gaekwar in an ordinary and reasonable manner.

This Rupees 50,000 as well as Rupees 75,000 will have to be accounted for by you on the basis of the scale of fees, charges, and expenses which may hereafter be sanctioned.

I am waiting to receive an appointment from Sir Lewis for you to attend at the Treasury at the palace this afternoon to be paid the cash, and will communicate with you directly I get it.

A.

Dated Baroda, 5th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARNE, CLEVELAND, and LEE-WARNER.

WE beg to acknowledge receipt of your letter of to-day's date, and with reference to the last paragraph, we hasten to request that the appointment for paying us the Rupees 50,000 may not be made later than 4 o'clock, seeing that it is to be paid to us in silver.

Dated 5th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

I HAVE the pleasure to inform you that you can have an inspection of documents to-morrow.

I would propose 3 o'clock in the afternoon (Saturday) at Colonel Barton's house.

I am not able to tell you what the papers will be that I shall have to produce to you as they are to be sent to me in the morning, but I expect they will include most of those asked for in your letter.

Dated Baroda, 6th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE return to you form of receipt which we have adopted.

We shall hand our receipt in triplicate to our Agent, Mr. Wassudeo Crustnath Abbajee, who will be at the treasury at the palace to-morrow morning at 10 o'clock a.m. (the hour arranged with you) to receive the 58,812-8 Baroda Rupees, and who will hand over our receipt on being paid the money.

We trust no further hindrance may occur in the payment of this advance.

DUPLICATE.

Baroda, 6th February 1875.

RECEIVED from Sir Lewis Pelly, Agent to the Governor-General and Special Commissioner, Baroda, &c., the sum of Government Rupees fifty thousand by payment of Rupees 58,812-8

of the Baroda currency, on account of the expenses of His Highness the Gaekwar in meeting the charges to be enquired into by a Commission directed to be held by the Viceroy, the same being received on the terms mentioned in Mr. Cleveland's letter to me of yesterday's date.

Witness.

DINSHAW PESTONJEE KANJEE.

(Signed) J. JEFFERSON.

Dated 6th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

I ENCLOSE copy of further statements taken since those were given of which you have already had copy.

The names of the persons whose statements are now sent are—Atmaram bin Raghunath, Ghela Hemchund, and Damodhur Trimluck.

A copy of the accounts referred to in Damodhur Trimluck's statements has been sent to Bombay to be translated: As soon as I receive the translations I will let you have copy.

The original statements I will produce to you at any time if you wish to see them on receiving from you a few hours' notice.

Dated 6th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

REFERRING to yours of 2d (C.), I have made the necessary arrangements for enabling you to have access to Nana Khanvelkar, Hariba Dada Bulwuntrao Deb, and Narainbhai.

Please send me a few hours notice of the time which you would propose to fix for seeing them.

My clerk will accompany you to the place where they are to be seen.

Dated Baroda, 6th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE will thank you to inform Captain Jackson that Mr. Wassudeo Crustnath Abbajee cannot be at the Residency this morning at 10 o'clock as required in consequence of the appointment we have made for him at the palace at that hour. He will, however, attend at the Residency at 3 o'clock in the afternoon.

Dated Baroda, 6th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

OWING to our Mr. Jefferson's indisposition we shall be unable to keep the appointment made by you for 3 o'clock to-day.

Dated Baroda, 6th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE are in receipt of your letter of to-day's date. Owing to our Mr. Jefferson's indisposition we are at present unable to fix a time for seeing the persons mentioned therein, but hope to do so very shortly.

Dated Baroda, 7th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

ON reconsidering your letter of the 5th instant, we have come to the determination not to accept the Rupees 50,000 on the terms mentioned by you, as you are asking us to undertake a responsibility which we do not feel justified in doing. Under these circumstances we beg to hand you herewith two hoondies on Bombay for the aggregate sum of Rupees 49,893-15-3, which we yesterday purchased with the Rupees 58,812-8 (Baroda Rupees) paid to us from the Treasury of the palace, and we shall at once intimate to His Highness the Gaekwar that we can take no further steps for his defence.

We are quite prepared to receive this and all other sums which may be paid to us on account of the costs and charges of the defence subject to their being sanctioned by the Court.

P.S.—We have blank endorsed the hoondies.

Dated Baroda, 7th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

YOUR letter of to-day's date reached me to-day (Sunday) at noon.

Before I can give you a reply to it, I must consult with Sir Lewis Pelly and take his instructions.

After morning service is over at Church, I will go to the Residency and see him, but I am not quite sure that he will go into the matter with me to-day. If he will not, I will let you have an answer first thing to-morrow morning; but in the meantime I do not accept the hoondies which you have sent as a repayment of the Rupees 50,000, and if so instructed, shall return them to-morrow morning.

Dated Baroda, 8th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

REFERRING to my letter to you of yesterday, I have seen Sir Lewis Pelly, and he instructs me to return to you the hoondies sent me yesterday, as he could not under any circumstances accept them in repayment of the Rupees 50,000. He would require the same amount of Babasai Rupees to be repaid by you into the Baroda Treasury which were paid to you.

I therefore return the hoondies, and shall feel obliged by your acknowledging their receipt.

Before giving you a final answer as to the scale of payments of fees and expenses which will be sanctioned by the Government, Sir Lewis Pelly considers it advisable to get an answer from Calcutta to a telegram which he has sent this morning to His Excellency the Viceroy.

On receiving His Lordship's reply I will communicate with you again without loss of time.

A.

Dated Baroda, 8th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We are in receipt of your letter of to-day's date, and with reference to the 3d paragraph, we must beg of you distinctly to understand that we can only continue to conduct His Highness' defence on the terms mentioned to your Mr. Cleveland this morning, viz., that the payment of our costs and charges shall be subject to the sanction either of an officer to be appointed by the Commission, or an officer of the High Court, or by some one to be appointed by the Government and ourselves for that purpose. We beg that you will convey this intimation to Sir Lewis Pelly at once.

We have retained the hoondies returned by you to be dealt with as circumstances may require.

B.

Dated Baroda, 8th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

To avoid further delay, and on the assumption that His Excellency the Viceroy will sanction our proposals regarding the costs of the defence, we beg to appoint 2 o'clock to-morrow to see Nana Khanvelkur and Hariba Dada, and 4 o'clock to see Narainbhai and Bulwantrao Dev.

Dated Baroda, 8th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN reply to yours of 8th (B.), there is no objection to your seeing Nana Khanvelkur and others at the times appointed by you for that purpose, and I will arrange for your doing so.

I have no reason however to suppose that His Excellency the Viceroy will sanction your proposal regarding the costs of defence.

C.

Dated Baroda, 8th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We will thank you to furnish us with copy of the statements in Marathee of Damodhur Trimbuck as originally taken down, and also copies of the several exhibits referred to by him in his statements, the originals of which have been sent to Bombay for translation.

We must also remind you that we are still without copies of the khureeta from His Highness the Gaekwar to His Excellency the Viceroy requesting the removal of Colonel Phayre from the office of Resident, and of the yadee addressed by His Highness to Colonel Phayre shortly after he heard of the alleged attempt to poison him.

Dated Baroda, 9th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

It is now half-past twelve o'clock and we are still without any communication from you with reference to our proposals as to costs of the defence, we must beg of you to let us know His Excellency the Viceroy's decision thereon by bearer.

Dated Baroda, 9th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

I HAVE received yours of to-day's date (A).

I have not seen Sir Lewis Pelly this morning, and do not know if he has had an answer from Calcutta to his telegram of yesterday about the costs.

I will see him presently, and if he has received an answer I will lose no time in writing to you again.

P.S.—I have since seen Sir Lewis Pelly and he has received no answer yet.

Dated Baroda, 9th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN reply to your letter of 8th (C.), asking me to furnish you with copy statements in Marathee of Damodhur Trimbuck and of exhibits, &c., I beg to refer you to my letter of the 6th, in which I offered to produce to you the original statements at any time if you wished to see them on receiving from you a few hours' notice.

I do not keep the original statements by me, and have had only English copies furnished to me, so that I could not undertake to give you a copy of any part of the documents in the vernacular; but you can get your Pleader to make this copy if you wish to have it when you inspect the original.

With regard to the khureeta and yadee of which you want copies, these documents are not with me, but are amongst those papers which I told you in my letter of the 5th instant might be seen here at 3 o'clock on the afternoon of Saturday, the 6th.

You can make such copies of such of them as you want, but as most of them I understand are in the vernacular, I cannot undertake to supply you with copies.

I am waiting for an appointment from you for inspection of documents generally.

A.

Dated Baroda, 10th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We will thank you to inform us where Bulwantrao Dev and Narainbhai are incarcerated.

Dated 10th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN answer to your letter of 10th (A.), Mr. Richey informed me yesterday that he would have Bulwantrao Dev and Narainbhai at the Residency at 1 o'clock to-day, in order that you might have an opportunity of speaking with them, and you said you would be at the Residency at one to-day for the purpose of seeing them.

B.

Dated Baroda, 10th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We regret to inform you that we are unavoidably prevented keeping our appointment in the city this morning to see the prisoners.

We will thank you to inform Captain Jackson of this at once.

C.

Dated Baroda, 10th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND and LEE-WARNER.

IN the absence of any reply from you with reference to our proposals regarding the costs of the defence contained in our letters of the 7th and 8th instant we deem it necessary to address you again on the subject, and in doing so we desire to bring prominently before your notice the following facts:—

In our first letter, dated the 23d of January last, to Sir Lewis Pelly, on this subject, we wrote as follows:—

“Taking into consideration the high position of the accused, and the gravity of the accusations which His Highness has to meet, we purpose engaging the services of the most eminent Counsel obtainable, one at least from England, and one or two from Calcutta in addition to Junior Counsel and Pleaders from Bombay.”

We were favored by Sir Lewis Pelly with the following in reply:—

“The Government of India will meet all proper legal expenses in a liberal manner, but some explanation will be required before authorizing such an expenditure as five lakhs of rupees.”

Acting on this assurance we retained Mr. Woodroffe of the Calcutta Bar on the lowest terms he would accept, viz., a retainer of Rupees 20,000, and Rupees 30,000 for his services for one month certain. (When submitting our approximate estimate we inserted Mr. Woodroffe's fees as being Rupees 45,000, the writer being under the impression at that time that that was the sum to be paid to him.)

In the various letters we have since received from you no demur whatever has been made on the part of Government to the employment of Counsel from Calcutta. But in your letter of the 5th February intimating that Sir Lewis Pelly was prepared to pay us a further advance, you wrote as follows:

“This Rupees 50,000 as well as the Rupees 75,000 will have to be accounted for by you on the basis of the scale of fees, charges, and expenses which may hereafter be sanctioned.”

We refused to accept this second advance as the conditions under which it was to be paid involved us in the responsibility of paying Mr. Woodroffe's fees without any assurance that they would be sanctioned, and we were thus precluded from employing the Counsel we think it absolutely necessary for the defence; and we beg to give you notice that the responsibility of compelling us to take this course must rest with Government.

Moreover, Mr. Woodroffe has informed us that by the acceptance of our retainer he has already suffered a considerable pecuniary loss, and the Government must therefore also be prepared to meet all the liability attaching to the withdrawal of our retainer.

D.

Dated Baroda, 10th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

In answer to your letter just received, we beg to state that we must have misunderstood the arrangement.

We will be at the Residency at 2 o'clock to day to see the prisoners.

Dated 10th February 1875.

From HENRY CLEVELAND, Esq., to J. JEFFERSON, Esq.

ON receipt of your letter of to-day (D.), I sent over to Mr. Richey, and he says the prisoners will be with him at four this afternoon, when he hopes you will be present and examine them.

E.

Dated Baroda, 10th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We will thank you to furnish us with copies of the statements made by Damodhur Punt's Karcoons, as also of Nanajee Vithul, Nooroodin Borah, Nuzboodin Borah, Uttumchund and Hemchund, Jewellers, Yeshwantrao Yeola and Salim Sowar, and in fact of all others who have been examined with reference to the alleged poisoning whose statements have not been already furnished to us.

F.

Dated Baroda, 10th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We will thank you to make an appointment to-morrow for our seeing Uttumchund Manekchund.

G.

Dated Baroda, 10th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

HIS Highness the Gaekwar has expressed his desire of seeing Mr. Branson, one of his Counsel who is coming to Baroda this evening.

We will thank you to obtain and send us a pass for him.

H.

Dated Baroda, 10th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We have been most anxiously awaiting all day to receive a letter from you giving us the decision of His Excellency the Viceroy on our proposal as to the costs of the defence.

You informed us on the 8th instant that before giving us a final answer, Sir Lewis Pelly wished for an answer to a telegram which he had that morning sent to Calcutta.

We are driven to ask the nature of the telegram sent by Sir Lewis Pelly, and we are desirous of knowing whether our offer contained in our letter of the 8th has ever been fully communicated to His Excellency the Governor-General, as we think it impossible that a fairer one could have been made, and that it is impossible to have failed to elicit a speedy and a final answer.

We trust that there will be no further delay with reference to this matter, as the now fast approaching date of the trial makes it imperative that we should once for all settle about Mr. Woodroffe.

We are still of opinion that the fees we propose paying him are by no means exorbitant considering the extremely special circumstances of the case.

In our interview with His Highness the Gaekwar this evening, he expressed the greatest anxiety to secure Mr. Woodroffe's services, and to know whether any answer had been obtained from the Supreme Government with reference to this matter.

The meanest subject is entitled to select what Counsel he pleases, whose demands he can meet, and it seems peculiarly hard that a course should be adopted in this instance where the accused holds the high position he does, which never has been and never could be adopted in the case of a subject—we mean the seizing of the whole of his Highness' property, public as well as private, and in effect dictating to him what Counsel he shall employ.

A.

Dated Baroda, 11th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We cannot submit to one day's further delay in the matter of Mr. Woodroffe's fee. It is absolutely necessary he should leave Calcutta the day after to-morrow if he is to act for His Highness.

We therefore now give you notice that unless we hear from you by 12 o'clock to-day actually forbidding us to incur the cost of engaging Mr. Woodroffe's services, we shall telegraph to him to leave Calcutta for Bombay by the mail train of the 13th.

Dated 11th February 1875.

From H. CLEVELAND, Esq., to Messrs. JEFFERSON and PAYNE.

In reply to your letter (A.) of the 11th, I beg again to refer you to my letter of the 8th, and to state that the answer which Sir Lewis Pelly is waiting for to his telegram has not yet been received; until this come I am unable to say that the Government will consent to any other terms as to advances made or to be hereafter made than these contained in my letter of the 5th and your Mr. Jefferson's receipt of the 6th.

With reference to the last paragraph in your letter, I have no instruction to forbid your incurring the cost of engaging Mr. Woodroffe's services, but you must distinctly understand that if you do so you will do it on your own responsibility, as the Government have hitherto refused to sanction the payment of the fees which you state Mr. Woodroffe demands.

B.

Dated Baroda, 11th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

We are anxious to have an interview with His Highness' Ranees this morning, and will thank you to obtain permission for us to have one at the earliest hour possible.

Dated Baroda, 11th February 1875.

From H. CLEVELAND, Esq., to J. JEFFERSON, Esq.

In reply to yours of the 11th (B.), asking for an order to admit you to see the Ranees, I presume you will require an interpreter to accompany you. If so, please give me his name, as Sir Lewis will not permit any person to have access to them unless his name be given.

C.

Dated Baroda, 11th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE are still without copies of the Reports of Dr. Seward and the Chemical Analyzer, and cannot help expressing our very great surprise at the delay which has occurred in furnishing us with papers which you must have had long ago.

We will thank you to inform us whether Colonel Phayre made any report to Government upon the completion of the enquiry held by him. If he did we will thank you to provide us with a copy.

We are in want also of a copy of the yadee from Bala Sahib Warker to Colonel Phayre with reference to an alleged attempt to poison him and the proceedings taken thereon, if any.

We must beg of you to inform us whether the Ayah Ameena was examined on any occasion before the 18th December 1874, and if so, we will thank you to send us copy of her statement or of any notes made of it that may be in existence.

We will also thank you to let us know whether there is any record of the confession alleged to have been made by Rowjee Havildar on the 22d and 23d December to Mr. Souter and Sir Lewis Pelly, respectively, and if so, you will please furnish us with a copy.

We make the same application with reference to Nursoo, Jemadar, who is said to have made unconditional confessions to Sir Lewis Pelly and the Commissioner of Police on the 24th December, and which do not appear to have been supplied to us.

Dated Baroda, 11th February 1875.

From H. CLEVELAND, Esq., to J. JEFFERSON, Esq.

IN reply to yours of 11th (C.), I have sent you correspondence between Doctors Gray and Seward and Colonel Phayre and Government; and have explained to you that I could not send you them before, so that you will see you were in error in supposing that I had the papers long ago. Copy of Colonel Phayre's Report to Government has been sent to you. I am not instructed to send you a copy of his opinion in the case which he submitted confidentially to Government.

As to the copy of yadee from Bala Sahib Warker for which you ask, I beg again to refer you to my letter of the 5th, offering you inspection of documents, also to my letter of the 9th, telling you that you could see the khurcetas and yadees and make copies of them, and that I was waiting for an appointment for you to produce them.

As to your enquiry about the examinations of Ameena and others and confessions of Rowjee and Cureem and others, you have been furnished with copies of all the statements and confessions that were made by these persons and reduced to writing.

Dated Baroda, 11th February 1875.

From H. CLEVELAND, Esq., to J. JEFFERSON, Esq.

I HAVE seen Sir Lewis Pelly with reference to your application for leave to see His Highness the Gaekwar's Ranees. If you desire to see them for the purpose of obtaining information or evidence in support of the Gaekwar's case, Sir Lewis Pelly has no objection whatever to your seeing them, but he desires me to say that as he has strong reason to believe that some of the State jewels are not forthcoming, he must have your assurance that you will not allow any jewels to be made over to you or funds supplied by the Ranees for the purpose of the defence without his cognizance.

Dated Baroda, 11th February 1875.

From H. CLEVELAND, Esq., to J. JEFFERSON, Esq.

I BEG to send you the following copies of letters, &c. I should have sent them earlier, but there has been some little difficulty attending the making of them.

I have had to collect the originals, some from one place and some from another, and some of the copies are made from the drafts of the letters.

Many original letters are in the Secretariat. I have applied to have them sent to Baroda, but before this can be done the order of Government must be obtained.

I am making application for this purpose.

You are at liberty to examine the copies now sent to you against such originals as are with me and against the drafts from which copies have been made.

I will, of course, take care that all originals are ready for production at the time the enquiry is held.

Copy letters, &c., sent herewith.

November 9th, 1874, No. 500 A., Letter from Colonel Phayre, C.B., to Secretary to Government, Political Department.

9th November 1874,	Colonel Phayre	to Private Secretary to Governor (telegram.)
9th "	" ditto	to Dr. Seward.
9th "	" Dr. Seward	to Colonel Phayre.
9th "	" ditto	to ditto.
10th "	" ditto	to ditto.
11th "	" Dr. Gray	to Dr. Seward.
13th "	" ditto	to Private Secretary to Governor
13th "	" No. 501 A., Col. Phayre	to Dr. Gray.
13th "	" Dr. Gray	to Dr. Seward.
15th "	" Dr. Seward	to Colonel Phayre.
16th "	" ditto	to ditto.
16th "	" No. 502 A., Col. Phayre	to Dr. Gray.
16th "	" Statement of Colonel Phayre (being Appendix C.)	to Colonel Phayre.
16th "	" Dr. Gray	to Colonel Phayre.
16th "	" No. 395 of 1874-75, Dr. Gray	to ditto.
19th "	" No. 401 of 1874-75, Dr. Gray	to ditto.

D.

Dated Baroda, 11th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

Mr. WASSUDEO JUGGONNTAH will accompany us as interpreter in our interviews with the Ranees.

E.

Dated Baroda, 11th February 1875.

From Messrs. JEFFERSON and PAYNE to Messrs. HEARN, CLEVELAND, and LEE-WARNER.

WE will thank you to furnish us with copy of the information alluded to by Colonel Phayre in his letter of the 13th of November 1874, if in writing, or if not made in writing, of any notes made of it by Colonel Phayre.

Dated Baroda, 11th February 1875.

From H. CLEVELAND, Esq., to J. JEFFERSON, Esq.

REFERRING to your letter of yesterday's date (G.), I enclose herewith a pass obtained from Sir Lewis Pelly for Mr. Branson to have access to His Highness the Gaekwar.

Dated 11th February 1875.

From H. CLEVELAND, Esq., to Messrs. JEFFERSON and PAYNE.

A TELEGRAM has just been received (9 P.M.) by Sir Lewis Pelly from Calcutta, conveying the final decision of the Government of India on the question of the amount to be allowed for the expenses of representing His Highness the Gaekwar on the contemplated enquiry. I hasten to communicate it to you.

The Government of India have endeavoured to form an estimate of the amount of expenses which should be properly incurred in representing His Highness the Gaekwar on the proposed enquiry, and have consulted their legal advisers at Calcutta on the subject.

The result is that the Government of India is satisfied that one and a half lakhs of Rupees is a liberal amount for such expenses, and that two lakhs is an extreme and lavish amount.

I am instructed to state that Government are prepared to allow the latter sum, should it prove necessary.

Sir Lewis Pelly has been directed by His Excellency the Viceroy in Council to inform the Gaekwar of the position of affairs, and to ask His Highness whether he wishes the remaining Rupees 75,000 to be paid to you. If he does, Sir Lewis Pelly will pay you that sum as it may be required upon your undertaking to carry the defence through without further claim on Government or against the Baroda State on account of such expenses. It being of course understood that your charges within this specified amount of two lakhs of rupees will be subject to the same being allowed by the Taking Master of the High Court as proposed in your letter of the 8th instant (A).

I am instructed further to state that the above amount is calculated on the footing that the proceedings will not last more than a month.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.
POLITICAL.

MY LORD MARQUIS,

IN continuation of our despatch No. 63, dated 5th instant, we have the honor to forward, for the information of Her Majesty's Government, copy of further papers relating to the state of affairs at Baroda.

We have the honor to be, &c.

No. 1.

No. 99-621, dated Baroda, 5th March 1875.

From Colonel Sir LEWIS PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner administering the Baroda State, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

As promised in paragraph 33 of my letter dated the 10th ultimo, I have the honor herewith to forward, for the information of Government, a concise narrative of events which had taken place from the time I assumed charge of the Baroda State up to the 10th ultimo, drawn up by my Private Secretary, Mr. Howel Jeffreys, Barrister-at-law.

Mr. Jeffreys, who has been travelling in India, chanced to pass through Baroda just before the commencement of the present crisis; and I requested his aid as my Private Secretary. This Mr. Jeffreys readily afforded, and I have to thank him for his valuable and constant assistance in the arrangement of my demi-official and confidential correspondence.

Mr. Jeffreys will return to England immediately the Commission and other miscellaneous affairs here are concluded.

I think His Excellency in Council may deem the accompanying narrative to be concise and interesting.

Brief Narrative of Events at Baroda between the 7th January and 10th of February 1875.

Sir Lewis Pelly's official letter to the Foreign Secretary, dated the 7th January 1875, contained a brief account of the state of affairs at Baroda, and a statement of the measures which in Sir Lewis Pelly's opinion were rendered necessary by that state of affairs, and specially by the evidence which had recently been obtained as to the attempt to poison Colonel Phayre. This official letter with enclosures consisting of Mr. Souter's report and Mr. Scoble's opinion on the evidence, was carried by Mr. Souter to Calcutta, who arrived there on the evening of January 11th. A telegram was sent by Sir Lewis Pelly on the night of the 9th, further propounding his views as to the course to be adopted.

The Bombay Government had already been directed to hold themselves prepared to strengthen the force at Baroda, consisting of the 22nd Native Infantry and half a Battery of Artillery, wholly unprovided with ammunition, by adding a strong wing of British Infantry, a Battalion of Native Infantry, and a Field Battery, but these troops were not to be moved to Baroda until a requisition was received from Sir Lewis Pelly.

After Sir Lewis Pelly's report had been received at Calcutta, and it had been decided to adopt decisive measures, a detachment of 7th Royal Fusiliers, about 400 strong, and the D-9. Battery of Royal Artillery were despatched from Poona to Bombay, and on the afternoon of the 12th these troops were sent in four special trains to Baroda, which place they reached at and after 6 o'clock in the morning of the 13th. In the meantime the 9th Regiment Native Infantry were sent from Ahmedabad, and arrived at Baroda about 2 o'clock the same morning. The Fusiliers and Royal Artillery under Colonel Herbert and Major Hall were encamped in a maidan just opposite to the Residency, while the 9th Native Infantry, commanded by Colonel Thompson, had their encampment at a greater distance, and near the lines of the 22nd Native Infantry.

On the evening of the 13th Sir Lewis Pelly was called to the Telegraph Office to receive from the Foreign Secretary the words of a Proclamation to be translated into the vernacular and published through the Baroda territories.

By this Proclamation it was ordered that, in consequence of the evidence adduced to show that Mulhar Rao Gaekwar was the instigator of the attempt to poison Colonel Phayre, His Highness Mulhar Rao should be temporarily suspended from the exercise of power, in order that a full investigation should be made into the truth of this charge, and that the administration of the State should in the meantime be vested in the Agent to the Governor-General and Special Commissioner. Further instructions were contained in the telegram with regard to the arrest and confinement of the Gaekwar, the preservation of peace, and the temporary administration of the State.

That afternoon His Highness the Gaekwar expressed his wish to call on Sir Lewis Pelly at the time that the latter was engaged at the Telegraph Office, and was informed that he was unable to see him.

On returning from the Telegraph Office, Sir Lewis Pelly found Bapoobhai, the Gaekwar's Kamdar, at the Residency, and the latter informed Sir Lewis that the Gaekwar had intended to call for the purpose of intimating to Sir Lewis that the deer hunt notified for the following day had been postponed. Sir Lewis replied he regretted that duty should have called him out when His Highness was desirous of calling, and that for his part he deemed the times too serious for hunting. Bapoobhai rejoined that the Gaekwar was desirous of calling on Sir Lewis at 8 o'clock the following morning. Sir Lewis said he would be prepared to receive His Highness.

Invitations were sent orally to the Sirdars and principal Silledars, the heads of the commercial and agricultural population and other influential persons in the State to attend at the Residency later in the day.

Between 7 and 8 o'clock on the following morning Sir Lewis Pelly received the principal administrative officers of the State, the Officer Commanding-in-Chief the Gaekwar's troops, also the two Durbar Kamdars, Rao Sahib Bapoobhai and Govind Rao Mama. Sir Lewis informed these officials of what was about to take place, and warned them that they would be held responsible in case of any disturbance occurring. His Highness the Gaekwar arrived at the Residency about 8 o'clock, and was received by Sir Lewis Pelly with the usual ceremonies in the presence of the officials before mentioned. The Officer Commanding the British Field Force, the Assistant Resident, and a few other gentlemen were also present. After a short conversation, in the course of which Sir Lewis Pelly expressed his regret at being obliged to perform the duty which devolved on him, and the Gaekwar protested his innocence of the crime laid to his charge, the Proclamation was read, at first in Guzeratee, and then in English; and the Gaekwar was informed that, as soon as on leaving the Residency, he reached the limits of the cantonment, Sir Lewis Pelly would inform him that he was under arrest and temporarily deprived of his authority, and that he would be conducted to the bungalow of the Residency Surgeon, Dr. Seward, who had placed the bungalow at the disposal of the authorities for this purpose, after it had been proposed by Sir Lewis Pelly as being the house most suitable for the occupation of the Gaekwar during his confinement.

Sir Lewis Pelly and the Gaekwar then left the Residency in separate carriages; at the point determined on they alighted, the Gaekwar was formally placed under arrest, and driven to Dr. Seward's bungalow. About the time that the Gaekwar arrived at the Residency 300 men of the 9th Native Infantry, commanded by Colonel Hanson, were marched into the city in order to ensure the preservation of peace. The news was soon spread about of the arrest of the Gaekwar, and copies of the Proclamation were posted upon the gates and in other conspicuous places, in order to inform the population of what had been done, and particularly to let it be known that it was not the intention of the British Government to annex the State. Most of the shops remained shut during the day, small crowds assembled in the streets, and much curiosity and some anxiety was apparent, but nothing occurred to interfere with the peaceable character of the proceedings.

Captain Jackson, the Assistant Resident at Okhamundel, was sent into the city with Police Inspector Rao Bahadoor Gujanund Vithal to seal up all the valuable State property, whether at the Palace or elsewhere. Orders were also sent to Bombay and Surat to attach the Baroda State Banks at those places, and precautions were taken to prevent, as far as possible, the surreptitious removal of any State property.

In the middle of the day, the Sirdars and the principal persons who had been previously summoned together with a large number of others amounting to two or three thousand persons, assembled at the Residency, and a Durbar was held in the principal room to which the leading members of all classes, numbering about 300 persons, were admitted. The Proclamation was read in the vernacular, and Sir Lewis Pelly made a short address in which he explained what had taken place and required the co-operation of the Sirdars and others in preserving the peace, and in preventing the spoliation of State property and the removal of jewels and other valuables. Sir Lewis Pelly dwelt upon the determination of the Government not to annex the Baroda State, but to restore a Native Administration as soon as the enquiry into the poisoning case was terminated; and in the meantime he assured those present that he would observe, as far as possible, the traditions and customs of the country; and he expressed a desire to meet some of the leading Sirdars at a future date to discuss the desirability of holding periodical Durbars and other matters. On behalf of the Sirdars and others present, full satisfaction was expressed, especially on account of the resolution of the Government not to annex the State. A request was made that the two leading Sirdars should be allowed to guard the guddee as had been their privilege in former times when the Gaekwar was absent from the town. The consideration of this question was postponed. Afterwards Sir Lewis Pelly went outside the Residency, the Proclamation was again read, and Sir Lewis Pelly made a few remarks in the same spirit as before.

The regular troops in the pay of the Gaekwar under the command of General Devine had not shown from the first the slightest disposition to oppose the new state of things, and the officers of those troops had willingly co-operated with the British troops in keeping order in the city. Consequently it was not thought necessary to retain any British troops at all within the town, and on Saturday the 16th the body of 22nd Native Infantry who had on the previous day replaced the men of the 9th Native Infantry marched out of the town which

was left in charge of the Baroda troops. As a sign of confidence Baroda troops were also employed as guards at the Residency, each of the regiments successively supplying a detachment of 100 men week by week for this duty. It had, however, been thought desirable that the Gaekwar's guns should be brought into the camp, which was done during the 15th and the morning of the 16th by Colonel Hardy, Commanding the Baroda Artillery. All the guns to the number of 29 were posted in front of the lines of Royal Artillery and the Royal Fusiliers. Among the number were the silver guns made in the time of Khunderao and the two gold guns recently made by the order of Mulhar Rao, each of which is said to have cost three lakhs of rupees. These guns also comprised three breech-loaders of peculiar construction, which had been turned out in the State Arsenal.

On Saturday morning at eleven o'clock the Sirdars and a few of the leading inhabitants of Baroda were assembled in Durbar at the Residency by the order of Sir Lewis Pelly. After mentioning that he had arranged with the Senaputtee for the care of the guddee to be entrusted to the two leading Sirdars in conformity with the wish which had been expressed on Thursday, Sir Lewis Pelly dwelt at some length on the present state of affairs especially with regard to the finances of the State.

When the administration of the State was handed over to the Agent to the Governor-General the sum found in the Central State Treasury amounted to rather less than two thousand rupees. There was reason to suppose that considerable amount had been abstracted a short time previous to this event, and rumours reached Sir Lewis Pelly to the effect that no less than 85 lakhs of rupees had been transmitted from Baroda to Surat and Bombay. On the morning of Sunday, 17th January, Sir Lewis Pelly received a note from Bombay informing him of a rumour that a few days before the sum of 40 lakhs of rupees which had been deposited in the Baroda State Bank had been converted into Government of India Notes, and in that form had been sent towards Nowsaree. Upon receipt of this note Sir Lewis ordered enquiries to be made forthwith in the city by his head detective, and in the course of the same day a paper was obtained which purported to be signed by the Senaputtee or Commander-in-Chief in the presence of the Gaekwar himself and to be a receipt for 4,000 Government Notes of 1,000 rupees each.

The Senaputtee, on being summoned to the Residency and questioned, acknowledged his signature, and under threat of criminal prosecution consented to hand the money over. Captain Jackson and the Rao Sahib were sent to accompany him to the palace, and were conducted by him to that portion of the building occupied by the Ranee Mahalsa Bai, the Senaputtee's sister. At the direction of the Senaputtee, a female hand was extended from behind a purdah with a key, and near at hand the Senaputtee pointed out a common box which was opened by this key. Lying at the bottom of this box a bundle of ordinary dungri cloth was seen, and in this bundle were discovered two thousand notes of one thousand rupees each. In another part of the palace, not far off from behind another purdah, another key was handed over; a second box was pointed out by the Senaputtee and opened by this key, and in this box, tied up in a similar manner, was found 2,000 more notes of 1,000 rupees each. The 40 lakhs thus obtained were immediately taken to the Residency, and the next morning a Committee, consisting of two English officers and of two Native officers, was appointed for the purpose of registering the notes. When this was completed and the number found to be correct the 40 lakhs were deposited in the Residency Treasury.

On Monday, the 18th January, a Durbar was assembled at the Residency attended by Sirdars, Silledars, and others to the number of about 100, while a considerable crowd of people was collected in the compound. Sir Lewis Pelly said that in placing seals as he had done upon the doors of all the rooms and the boxes in which anything of value was stored it had been his intention that nothing should be touched or interfered with during the time that he should be in charge of the Government, so that the palace and all its contents should, upon the termination of the British rule, be handed over to a Native administration in the state in which he had found it. British troops had been for a short time stationed to guard the palace and other places in the town, but at the request of the Sirdars these had been withdrawn and the Gaekwar's troops substituted in their place. Sir Lewis Pelly observed that he had acted in a spirit of good faith and chivalry towards the Sirdars, and he had expected from them in return all the assistance and all the information which they could afford. He had asked the Sirdars who their recognized head was, and they replied the Senaputtee. Sir Lewis Pelly then detailed what had just happened, and announced that these occurrences had forced him to the conclusion that it was impossible to rely wholly upon the assurance which had been given him, and that he would make further enquiries with a view to the recovery of more of the State money which was supposed to be missing. Sir Lewis Pelly then asked the Sirdars present whether they were cognizant of or approved of what had been done by the Senaputtee. They unanimously declared that they did not know of this proceeding, and that they wholly disapproved of it. The interview then terminated.

Upon the following day, the 19th January, being the Bukree Eed festival Sir Lewis Pelly, accompanied by his staff and a considerable number of the officers from the camp, paid a State visit to the Nawab Meer Kamalooddeen Hussien Khan, the leading Mussulman Sirdar of the Baroda State. The guests were received with the usual ceremonies by the Nawab and other leading Mahomedans of Baroda who had assembled for the purpose.

Sir Lewis Pelly after complimenting the Nawab remarked upon the excellent behaviour of Mussulman portion of the population during the last few days, and expressed his belief that with their assistance Baroda might become one of the most thriving of Native States. The

Nawab briefly replied in behalf of his co-religionists, and after the usual presentation of nuzzur and the distribution of pan soparee the visit terminated.

On Thursday, the 21st January, an interview was held at the residency between Sir Lewis Pelly and the six Sirdars and two Pagadars. Sir Lewis Pelly first mentioned that he had given orders that all arrears of pay should be at once paid to the Baroda troops, and that in doing this precautions should be taken that every man received his pay. He spoke of the various amounts of State property which were being recovered and placed to the credit of the State, and of the collection of the revenue. He announced that a Commission would be formed to enquire into all questions of alienation, cash allowances, &c., to the military classes, and primarily to claims and debts of the Sirdars. Mr. Richey would have the superintendence of the Committee and Pestonjee Jehangir would be its active President. He informed them that he had decided to permit, in conformity with the usages of the State, the two principal Sirdars to guard the gadi as long as he resided out of the town. He said that pending a full enquiry into the subject a pro rata payment would be made in respect of chits upon which money was due to the State. While saying this, Sir Lewis Pelly was interrupted by a Sirdar named Narayen Rajey Pandray, who said in an impertinent tone that such a thing had never been done before; the remark seemed to find no favour with the other Sirdars, and he promptly asked pardon after Sir Lewis Pelly reproved him and mentioned that certain charges against him brought by the Gaekwar had been under the consideration of the Viceroy and were yet undisposed of. Sir Lewis Pelly then came to the subject of the Senaputtee and the forty lakhs. He briefly recapitulated the circumstances and announced, with the assent and approbation of all present, that he should remove the Senaputtee from his appointment, and moreover that the office of Senaputtee being an unnecessary innovation of recent times, should be abolished and its duties performed as formerly had been done by the Buxees. Sir Lewis Pelly then mentioned his intention of issuing a Waste Land Proclamation and of giving instructions to the Revenue Officers with regard to the collection of the revenues. After adverting to the subject of charities, on which subject he expressed wish to be guided wholly by the wishes of the different classes of the population, the interview terminated.

Narayen Rajey Pandray, who had interrupted the proceedings, was voluntarily sent by the Sirdars at a later day to make a formal apology for his conduct. Upon the same day, the 21st January, Sir Lewis Pelly had an interview with some of the Revenue Officers administering Mahals to whom he gave oral instructions concerning the collection of the revenue previous to their returning to their several jurisdictions. The question of the collection of the revenue in the Baroda State had been one which had excited the attention of the Government of India and of its Political Officers before and after Sir Lewis Pelly had been sent as Agent to the Governor-General and Special Commissioner, Baroda.

During the time of the rebellion in the United States the prices of Indian cotton rose to an extraordinary degree from two to three pence to two shillings the pound. The Baroda State includes a large extent of ground suitable for the growth of cotton, and in consequence of the rise of price, the cultivation of cotton greatly increased, and a very remunerative crop was produced. During this period the cultivators were able to pay a very high assessment; and in 1864 a Revenue Settlement was introduced upon the basis of the high cotton rates then in force. The income of the State being thus swollen by means of these extraordinary receipts, the expenditure of the State was lavishly and recklessly increased.

On the close of the American war the price of cotton fell; but the land settlement remained in force. The expenditure of the State having also increased, there was no attempt at reducing this, and consequently the Government demand upon the agriculturists became continually more difficult to meet, and the means that the Gaekwar Government found necessary to obtain the sums demanded became continually more severe. Much good land had finally to be abandoned, the arrears at the close of Sumbut 1930 had amounted to 70 or 80 lakhs of rupees, and the last instalment of the revenue for that year was almost wholly unrealized, and a sort of passive resistance to the payment of any revenue whatever became at last prevalent.

Complaints were continually being brought to the Residency on the part of the agriculturists, but the Resident having power merely to expostulate, and not to redress the evil, the difficulties were by this means only increased. The complaints of the agriculturists were among the subjects to be enquired into by the Baroda Commission under the Presidency of Sir R. Meade. In the report of that Commission the following passage occurs:—

"That the grievances of the agricultural classes require careful examination and consideration at the hands of the Durbar in view to the mitigation or removal of several of the grounds of complaint stated by the persons of these classes who attended the Commission, which appears to be well founded though not due or but partly due to the present Chief, undoubtedly call for redress."

These grievances include the present high rates of land assessment which demand revision and the levy of general nuzzeranans under whatever name or on whatever ground by the Chief or the Minister.

In the official letter No. 1586 P. from the Foreign Secretary, dated 25th July 1874, the Resident is instructed authoritatively to advise the Gaekwar, "amongst other things to prohibit the barbarous processes employed for realizing revenue and to remove the cause of such difficulty by a moderate and equitable land settlement and a faithful adherence to its terms in future, all future exactions of every sort or description being absolutely interdicted, and the continuance of such oppressive practices on the part of the Durbar officials being strictly forbidden."

When Sir Lewis Pelly arrived at Baroda, a proclamation had already been issued prohibiting the barbarous processes referred to, and measures were under consideration with a view to the introduction of a moderate settlement upon an equitable basis, but little had been done towards abating the evil; no confidence was shown in the Gaekwar's promises, and for some time the Residency was thronged by persons petitioning against it as before.

The question was discussed between Sir Lewis Pelly and the Gaekwar's Ministers, and finally a proclamation was issued which promised a reduction in the rate of assessments when such a reduction was found to be equitable, a publication of assessments, an absolute and total remission of arrears in respect of the five years from the commencement of 1923 to the close of 1927, and finally that no arrears should be demanded in respect of the years 1928-29-30, "unless after full enquiry made into the particulars of each case and more particularly into the present condition of the cultivators concerned. At the same time the Kaze Shahabodeen, then at the head of the Revenue Department in Baroda territories, was making arrangements for completing a satisfactory and equitable settlement. Even after the issue of the Proclamation some patels continued their complaints at the Residency, but were informed by Sir Lewis Pelly that as promises of liberal treatment had been made to them in his presence by the Gaekwar's Ministers, he should expect them to return to their villages and cultivate their land. Sir Lewis Pelly concluded his letter of 19th December by observing that want of confidence in the assurances of their Ruler is one of the principal causes of the discontent which has spread in the Baroda territories, and nothing less than an undeviating adherence to promises, which may now be made, can restore confidence. Of this truth the Minister is fully aware."

In reply to this letter the Government of India expressed their approval of the action taken by Sir Lewis Pelly in connection with the land revenue collections in the Baroda State. The resignation of Mr. Dadabhai and subsequent events prevented much progress from being made in the settlement of these difficulties, and when Sir Lewis Pelly assumed the administration of the State, the question of the land revenue was one which most urgently required his attention. At the meeting of the 16th January Sir Lewis Pelly announced his intention of introducing, as soon as might be convenient, a complete land revenue settlement, but that, as that could not be done at the time, he should make a rough settlement for the time being, and should take precautions against undue exactions or fraud by obtaining for each village an approximately accurate statement of what revenue it could afford to pay.

Following out this intention Sir L. Pelly now (the 21st January) called the Revenue Officers together, and gave to them the oral instructions, a memorandum of which forms an enclosure to the letter No. 33-133 of the 23d January. The Revenue Officers were informed that the object in view was not so much to increase the revenue as to render the demand such that the cultivators might be enabled to pay without distress. Their attention was requested to the collection of statistical information in anticipation of the intended survey. Every encouragement was to be given to the cultivation of waste land, and the provisions of the Proclamation before referred to with regard to arrears were to be carried out. Periodical reports were to be submitted with regard to the condition of the ryots and other matters. Full enquiry was to be made into all cases of alleged oppression or misappropriation of public money on the part of the Government officers. On the day previous to the issue of these orders yads were sent to the Soobahs of the different districts, directing them as to the manner of carrying on their duties, and requesting them to furnish information on various points. A copy of a memorandum was enclosed to them upon the subject of the powers respectively entrusted to the Wuhivutdars, the Naib Soobahs, and the Soobahs, in criminal and civil cases, in revenue matters, and in questions of administration.

Yads were also sent to the high State officers and to the several Soobahs with regard to the settlement of pending cases.

Some further instructions for the conduct of work in the Revenue Department were drawn up by the Kaze Shahabodeen and approved by Sir L. Pelly.

Previously to the events of the 14th January a Proclamation had been issued by Kaze Shahabodeen as Sir Soobah of the Mahals of the Gaekwar's State, offering favourable terms to persons who should come forward to occupy and cultivate waste lands within the Baroda territories. This Proclamation was dated the 2d January, and it was afterwards confirmed by Sir Lewis Pelly in a Notification dated the 4th February 1875.

While these provisional steps were being taken for the improvement both of the land revenue and of the position of the cultivators themselves, the question of a regular and complete revenue settlement was kept in view.

On the 29th January an interview was held at the Residency between the Agent to the Governor-General and the principal bankers and heads of the mercantile community of Baroda. Sir Lewis Pelly informed those present that the stoppages and searchings of suspected goods by the Police, and which had before been necessary for the protection of State property, should now cease, and that for the future there would be no interference with mercantile transactions, and that trade might assume its natural course. He mentioned that the New Bank of Bombay had been appointed Agents of the Baroda State for the purpose of settling the accounts of the State Banks at that place, and that they had been requested to conduct the matter with the least possible inconvenience to persons having dealings with those Banks. He mentioned that he had now about 65 lakhs of rupees available for State purposes, exclusive of the revenue which was coming in. He adverted to the question of the Sirdar's claims and debts, and expressed his hope that these questions would be treated in a moderate spirit by those present who were deeply interested in the matter. He remarked

upon two very irregular mercantile transactions which had come under his notice, one being the case of a sum of 36 lakhs formerly due to the Peishwa, the claim to which had properly devolved on the British Government as the Peishwa's successor, but which had in some mysterious way been claimed by a former Gaekwar of Baroda, and on his behalf compromised and partly paid; the other being the case of five lakhs which had been lent by the present Gaekwar to a firm at three per cent., while simultaneously a like sum was lent by that firm to the Gaekwar at eight per cent. Sir Lewis Pelly expressed his hope that these irregular proceedings might not recur. Sir Lewis Pelly informed those present of the visit he intended to pay to the leading bankers in the city. He then expressed his hope for the future prosperity of the Baroda State, and that he might in a short time hand it over to a Native administration unchanged in its constitution, but with its administration reformed in such a way as not to interfere with its ancient usages and customs, except in so far as to make their application more consistent with justice and equity. He announced that the rumour of an intention on the part of the Government of India to annex the State was wholly unfounded. The Moonshee Bulwuntraï expressed the great satisfaction that all present felt at what had been told them, and their gratification at being assured that there was no intention of annexing the State. The Honorable Premabhai Hemabhai, a Member of the Legislative Council of Bombay, advised the assembly to put full trust in the words of Sir Lewis Pelly; for he, as a British subject, could say from experience that the deeds of the British Government accorded with their words. The assembly then separated.

Upon the following day State visits were made by Sir Lewis Pelly, accompanied by his staff and by a large number of officers from the camp, to the ladies of the Gaekwar's family and to some of the leading Hindoo Sirdars. To the first he was accompanied by several ladies of the station, who joined the Ranees behind the purdah. In all the cases the visits were wholly of a complimentary nature, and the receptions met with everywhere in every way satisfactory. On the following Monday visits were paid in like manner to Gopalrao Myral and Huri Bhagti, the two leading bankers of Baroda, and regarded as the representative of the mercantile portion of the community. This concluded the series of visits which Sir Lewis Pelly, in conformity with the usage of the Gaekwar, thought proper as administrator of the State to pay to the leading members of the different classes.

In the meantime active steps were being taken in preparation for the sitting of the Special Commission about to enquire into the poisoning case. The constitution of the Commission and the principles by which its actions were to be guided were laid down in the confidential letters from the Government of India of the 13th and 15th January; and appended to the latter were the lists of offences imputed to His Highness the Gaekwar by the Government of India. In the latter of these letters Sir Lewis Pelly was informed that he would conduct the proceedings with such advice as the staff placed at his disposal by the Government of Bombay might afford him, and that the Bombay Government had been asked to carry out, with the Advocate-General at Baroda, the prosecution of the case. The firm of Hearn, Cleveland, and Lee-Warner were subsequently engaged as Solicitors for the Government of India, and Mr. Inverarity was retained as the Advocate-General's Junior.

On the part of the Gaekwar, Messrs. Jefferson and Payne were retained as Solicitors, and the former of these gentlemen proceeded to Baroda; and on Saturday, the 25th, had an interview with Sir Lewis Pelly, principally on the subject of the money which would be allowed by the Government of India for the costs of the Gaekwar. He requested an immediate advance of Rupees 75,000, and after telegraphic communication with the Government of India it was agreed that this sum should be paid over to them, which was accordingly done upon the 25th. On the 26th, Mr. Cleveland arrived at Baroda, and Mr. Jefferson was informed that all future communications must be addressed to him. Mr. Jefferson, within a few days, made application for a further advance of Rupees 2,89,000, which was refused. A further sum of Rupees 50,000 was paid over to Mr. Jefferson on the 7th February for the costs of defence.

On the evening of the 20th and the morning of the 21st, 160 men of the 1st Bombay Lancers, under Major Jenkins, arrived at Baroda, having been sent for principally for the purpose of escort duty.

The Field Force at Baroda, under the command of Colonel Jacob, now consisted of—

A Detachment 5-6 Royal Artillery, 34 Officers and men;

D.-9 Royal Artillery, 165;

A Detachment 2-7 Royal Fusiliers, 417;

A Squadron, 1st Bombay Light Cavalry, 162;

9th Regiment Native Infantry, 560;

22nd Regiment Native Infantry, 625;

and, including four Officers of the Staff and on general duty, a total strength of 1,967. As soon as the arrangement for the sitting of the Commission was made, and it was decided that at least until the closing of the Commission, the same force should remain in Baroda, it became a serious question as to how the European troops should be housed, as it was impossible for them to remain in tents during the approaching hot weather. After consulting with Mr. Mellis, Superintending Engineer, who was summoned from Ahmedabad for the purpose, it was thought desirable to repair some old barracks which might be made capable of holding 350 men; and Mr. Beauchamp, Executive Engineer, took up his quarters at Baroda to carry out those repairs. For the sittings of the Commission itself, a bungalow was chosen which had been used for transacting the business of the Cantonment Magistrate. Considerable

alterations were made to enlarge this bungalow, and to fit it up appropriately for the purpose to which it was to be adopted, while an adjoining bungalow in the same compound was appropriated for retiring rooms for the Officers of the Commission. The Commission, when complete, was composed of Sir Richard Couch, President, the Maharaja Sindia, the Maharaja of Jeypoor, Sir Richard Meade, Sir Dinkur Rao, and Mr. Melville. His Highness the Gaekwar placed his palaces of Mukkumpura and Motibagh at the disposition of their Highnesses Sindia and Jeypoor.

The Gaekwar remained in the bungalow of Dr. Seward, and never left the compound. Arrangements had been made he should be driven out every day in the company of an officer, but he had insisted upon his usual salute being given him, and as this could not be acceded, he refused to leave the compound.

In the city and elsewhere perfect tranquillity prevailed. At one time, upon the 23d January, there were rumours of a projected conspiracy, and of a rising of the Bheels. It appeared that an uneasy feeling was abroad, and precautions were taken to prevent a disturbance of any kind, but the alarm proved to have been exaggerated, and there was no cause for any real apprehensions.

Upon the day of the Gaekwar's arrest, as was before mentioned, seals were placed in the palace upon all the rooms and boxes in which State valuables were supposed to be contained, and it was intended that these should remain intact until the Baroda State should be restored to a Native administration. The affair of the 40 lakhs, together with reports which were current of other money and valuables being similarly concealed in the palace, induced Sir Lewis Pelly to change the above policy and institute a search under a duly appointed Committee.

It was determined that a Committee should be appointed to pursue methodically investigations into the numerous complaints and intrigues which were pressed upon the Police Officers. Part of the body should form a Sub-Committee for the special purpose of searching the palace for further property which might be there concealed. The Committee was composed of Mr. Souter, Captain Jackson, the Rao Sahib Gujanund Vithul, Khan Bahadoor Akbar Ali Khan, and Bhow Poonekur. The Committee was appointed on the 20th January, and for some days actively carried on the search of the palace, the seals being removed for the purpose, and afterwards replaced. In the Dispensary of the palace the sum of a lakh and a half was found concealed, and smaller sums were discovered in other places.

Care was taken that no damage should be done, and that things should be as little as possible displaced. The apartments of the women were wholly undisturbed. Upon the 4th of February it seemed no longer necessary to continue this search, and arrangements were made that Captain Jackson, or some British Officer of Police, should visit the palace twice a week to see that the seals were unbroken.

At the same time evidence was being received by Mr. Souter and others relating to or supposed to bear on the poisoning case; among these was the question of the death of Bhao Sindhia, the Minister of the late Gaekwar Khunderao, who died under circumstances of grave suspicion in 1872, and which, it was supposed, would throw light on that of Colonel Phayre.

Captain Jackson collected a considerable body of evidence that Bhao Sindhia had been forcibly poisoned with arsenic by four persons, but at whose instigation this had been done was not clearly elucidated. The case was sent to the ordinary Criminal Court. The chief object, however, of the Enquiry Committee, was to obtain fresh evidence bearing on the attempt to poison Colonel Phayre.

Nothing, however, of any great importance was obtained until Damodhur Punt commenced his statements upon the 29th of January.

Upon the day after the arrest of the Maharaja, three of His Highness' personal favorites, Nana Sahib Khanvelkur, the Ex-Pritinidhi, Damodhur Punt, the Private Secretary, and Huriba Gaekwar, the Revenue Commissioner, under Mulhar Rao, were stopped at the gates of the city as they were attempting to leave under false pretences, and were afterwards placed under the surveillance of the Police. Subsequently, Damodhur Punt was taken into custody on the charges of being an accomplice in the attempt to poison Colonel Phayre, and placed in a room of the Residency Office under a European guard. On the 21st Nana Sahib was arrested by order of the Criminal Court upon certain charges of forgery and embezzlement. After some days' imprisonment Damodhur Punt expressed a desire to make a full statement of all he knew concerning the attempt to poison Colonel Phayre and other matters of a criminal nature, on the condition that a pardon should be granted him and an immunity for his life and personal property. This was finally acceded to him, and on the 29th he commenced his statement before Mr. Richey in the presence of Sir Lewis Pelly, and continued it on the subsequent days before Mr. Richey and afterwards Mr. Souter. After the conclusion of the first day's statement Nana Sahib, Huriba, and other persons who were by that statement implicated as being concerned in the attempt to poison, were arrested in the city, and placed in confinement in the Residency compound.

Mr. Inverarity with Mr. Cleveland reached Baroda on the 31st January, and Mr. Scoble came up on the 9th February, to prepare the evidence for the Enquiry, and to deal with the legal questions which might arise.

At the Durbar held upon the 16th January, Sir Lewis Pelly gave a sketch of the state of the finances of the Baroda State. During the past year the local revenue, including that derived from opium and miscellaneous sources, such as octroi, and including six and a half lakhs of tribute, amounted to an aggregate of 94 lakhs.

During the same time the expenditure had been no less than 171 lakhs. Out of this sum 40 lakhs had been expended in gifts, chiefly made to favorites and courtesans. Another 30 lakhs had gone in the building and repairing palaces and other personal expenses of the Gaekwar, so that the whole Khangee expenditure had amounted to 70 lakhs; about 20 lakhs had been spent in charities, and 40 lakhs upon the army. The manner in which the accounts were kept was most unsatisfactory. A statement has been drawn up, and a copy sent to the Government of India with the letter of the 2d February, but with regard to many of the items little or no reliance can be placed upon this statement. The memorandum of an interview held by Sir Lewis Pelly with the Fudnis or Financial Secretary of the 23d January, forming another enclosure to the same letter, throws some light upon this matter. It appeared that all the revenue went first into the Khangee or private Treasury, and only when it had been sifted through that it did pass into the hands of the financial officers of the State. There was no State debt, but many outstanding debts and claims at Bombay, Baroda, and elsewhere, could only be satisfied in time. In the Central State Treasury a sum less than Rupees 2,000 was found; its emptiness seemed to be accounted for by the Senaputtee's forty lakhs and the other sums which were supposed to have been disposed of, but which the Government were not at once able to lay their hands upon. It was found that there were several State Treasuries in different departments, and it was determined to concentrate these in one, and a scheme was drawn up by the Joint Accountants of the Administration for the organization of a Central Treasury and Account Office, and this scheme received the sanction of the Agent to the Governor-General, and the proceedings received the approval of the Governor-General in Council.

On the 10th February, being the festival of Wusunt Punchmi, a Durbar was held at the Residency, and was attended by the principal Sirdars, both Hindoo and Mussulman, and by others of the leading inhabitants at Baroda; no speech was made, but all the usual ceremonies were observed.

(Signed) HOWEL JEFFREYS,
Private Secretary to Agent, Governor-General.

4th March 1875.

No. 70 of 1875.

GOVERNMENT OF INDIA, FOREIGN DEPARTMENT,
POLITICAL.

MY LORD MARQUIS,

Fort William, the 12th March 1875.

IN continuation of our despatch No. 65, dated 5th instant, we have the honor to forward, for the information of Her Majesty's Government, a further collection of papers relating to the proceedings of the Commission of Enquiry into the charges against His Highness Mulhar Rao Gaekwar.

We have the honor to be, &c.

No. 1.

No. 33, dated Baroda, 5th March 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to C. U. AITCHISON, Esq., C.S.I., Secretary to the Government of India, Foreign Department.

WITH reference to a telegram published in the *Times of India* of the 2d instant, relative to a conversation which took place in the Commission room between Serjeant Ballantine and His Highness the Gaekwar on the 1st idem, I have the honor to forward, for the information of His Excellency the Viceroy and Governor-General in Council, copy of a letter addressed by Dr. Seward to my Private Secretary, and of my reply thereto.

(a.)

Dated 3d March 1875.

From Dr. SEWARD, with His Highness Mulhar Rao, to PRIVATE SECRETARY to the Agent, Governor-General, Special Commissioner, and Administrator of the Baroda State.

A TELEGRAM from the special correspondent of the *Times of India*, dated Baroda, 1st March, and published in the paper mentioned in its yesterday's issue, runs as follows:—

"When the Commission rose Serjeant Ballantine crossed to speak to the Gaekwar; Dr. Seward objected. Serjeant Ballantine insisted that he had a right to speak to his client, and would do so. A short conversation ensued. The Gaekwar thanked Serjeant Ballantine."

It is necessary to inform you that this telegram is a misrepresentation, and I will ask you to be good enough to convey to Sir Lewis Pelly a knowledge of the circumstance to which the *Times of India* has given a mendacious gloss.

It will doubtless be within your memory that, having consideration for the Maharaja's convenience and respect for his position, it had been arranged that His Highness should rise with the Commission and be conducted, by the officer deputed to attend him, through the Commissioners' Chambers to the front entrance thereto, where the Maharaja's carriage with an adequate escort should be ready to convey him to his residence in a bungalow closely adjacent to the Commissioners' hall.

This arrangement was communicated to the Maharaj (and His Highness fully understood it) when Sir Lewis Pelly came, as is the Special Commissioner's wont, to escort His Highness to the enquiry on the day preceding the occurrence which I now proceed to relate.

On the rising of the Commission Dr. Seward made his way to that part of the Court affording an entry to the Commissioners' daïs, the Commissioners were standing.

Dr. Seward proceeded to His Highness' seat, which could not be seen from the entry mentioned, and found him leaning over the rail in close conversation with Mr. Ballantine, that is to say, Mr. Ballantine was speaking, and it must be inferred that some person of the group around was acting as interpreter. Dr. Seward, unwilling to intrude upon this conversation, which he conceived might be a brief greeting, drew back and for an interval waited expecting that His Highness would himself remember the arrangement.

The conversation, however, did not terminate, and Dr. Seward coming forward mentioned that it had been arranged that His Highness should rise with the Commission, and proffered a carriage to immediately convey Mr. Ballantine to the Maharaja's residence adjacent, should he desire further conference.

Mr. Ballantine, in Dr. Seward's estimation, very angrily expressed himself that he would resist any interference betwixt himself and his client whom he would see where he chose.

Dr. Seward ventured to suggest that under present arrangements it was a question whether the conferences could take place there, and mentioned that the Commission was then waiting, to which Mr. Ballantine replied then "let the Commission wait. I choose to see my client here and I intend to do so I can tell you! Refer the question."

By this time the Commissioners had left, but Dr. Seward mentioned the matter to Major Budd, R.A., A.D.C., in waiting. On his return Mr. Ballantine had left and Mr. Payne was standing near and some other person.

The Commissioners' luncheon had been purposely kept unprepared until His Highness should pass through the refreshment room on his way out.

Dr. Seward, whilst the matter was fresh in his memory, related what had occurred to Mr. Jeffreys, the Private Secretary to Sir Lewis. Sir Lewis Pelly will doubtless see that the statements of the *Times of India* are inaccurate.

There was no interposition in the sense of a denial of access, seeing that His Highness and Mr. Ballantine were in actual converse, and a carriage was at once proffered in order that client and Counsel might confer at the proper place.

The gathering of persons around His Highness after the rising of the Commission had made the arrangement mentioned expedient, if not necessary, and Dr. Seward sought as civilly and as gently as possible to carry it out.

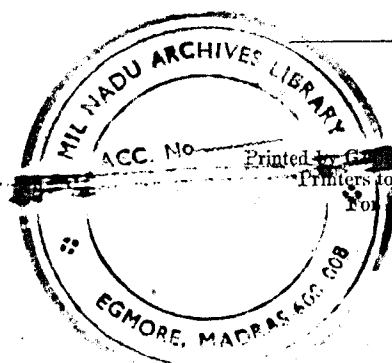
(b.)

No. 32, dated Baroda, 5th March 1875.

From Colonel Sir L. PELLY, K.C.S.I., Agent, Governor-General, and Special Commissioner, Baroda, to Dr. SEWARD, with His Highness MULHAR RAO.

IN reference to your letter of the 3d instant, addressed to my Private Secretary, I have the honor to inform you that I entirely approve of your proceedings in the matter, and am fully satisfied that you conducted yourself with your usual urbanity and good judgment.

Sir Richard Couch, the President of the Commission, has now, in pursuance of the arrangement previously made with me, decided that His Highness the Gaekwar shall rise immediately after the Commission, and shall pass through the private door through which I accompany His Highness to the Commission. This course must be observed for the future.



LONDON:

Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty,
For Her Majesty's Stationery Office.

EAST INDIA (BARODA, No. 7).

PROCEEDINGS

OF THE

COMMISSION APPOINTED TO INVESTIGATE CHARGES LAID AGAINST THE GAEKWAR.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1875.

[C.—1272.] Price 2s.



PROCEEDINGS OF THE COMMISSION,

WITH

APPENDICES.

COMMISSION OF INQUIRY INTO CHARGES LAID AGAINST HIS HIGHNESS MULHAR RAO GAEKWAR OF BARODA.

Tuesday, February 23rd, 1875.

PRESENT:

SIR RICHARD COUCH (President),

HIS HIGHNESS MAHARAJA OF GWALIOR.
HIS HIGHNESS MAHARAJA OF JEYPOOR.
SIR RICHARD JOHN MEADE.

SIR DINKUR RAO, AND
MR. PHILIP SANDYS MELVILL.

Counsel for the prosecution.—The Honourable Andrew R. Scoble, Advocate-General of Bombay, and J. D. Inverarity, instructed by Messrs. Hearn, Cleveland, and Lee-Warner, Solicitors in this matter for the Government of India.

Counsel for the defence.—Serjeant Ballantine, R. A. Branson, Henry F. Purcell, Shantaram Narayan, and Wassudeo Juggonath, instructed by Messrs. Jefferson and Payne, Attorneys, Bombay.

George Taylor, Barrister, Bombay, held a brief to watch the proceedings on behalf of the Ranees of His Highness the Gaekwar, and Ayeajee, the infant son of the Ranee Luxmabae.

Secretary to the Commission.—John Jardine, Bombay Civil Service.

Interpreters.—James Flynn and Nowrozjee Furdonjee.

The Secretary to the Commission read the following Notification to the Commission by His Excellency the Viceroy and Governor-General of India:—

To the Honourable Sir Richard Couch.	To Colonel Sir Richard John Meade.
„ His Highness the Maharaja of Gwalior.	„ Raja Sir Dinkur Rao.
„ His Highness the Maharaja of Jeypoor.	„ Philip Sandys Melvill, Esq.

Whereas an attempt has been made at Baroda to poison Colonel R. Phayre, C.B., the late British Resident at the Court of His Highness Mulhar Rao Gaekwar; and whereas the following offences are imputed against the said Mulhar Rao Gaekwar, that is to say:—

I.—That the said Mulhar Rao Gaekwar did by his agents and in person hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency.

II.—That the said Mulhar Rao Gaekwar gave bribes to some of those servants, or caused such bribes to be given.

III.—That his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets and to cause injury to Colonel Phayre, or to remove him by means of poison.

IV.—That in fact an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulhar Rao Gaekwar.

And whereas the Viceroy and Governor-General in Council has temporarily assumed the administration of the Baroda State for the purpose of instituting a public inquiry into the truth of the said imputations, and of affording His Highness Mulhar Rao Gaekwar an opportunity of freeing himself from the grave suspicion which attaches to him.

Therefore the Viceroy and Governor-General of India in Council appoints you the said Sir Richard Couch, you the said Maharaja of Gwalior, you the said Maharaja of Jeypoor, you the said Sir Richard John Meade, you the said Sir Dinkur Rao, and you the said Philip Sandys Melvill, Esquire, to be Commissioners for the purpose of inquiring into the truth of the said imputations and of reporting to the Viceroy and Governor-General in Council how far the same are true to the best of your judgment and belief. And the said Viceroy and Governor-General in Council appoints you the said Sir Richard Couch to be the President of this Commission, with full power to appoint times and places of meeting, to adjourn meetings, to adjust and arrange the method of procedure, to settle the course which the inquiry shall take, to call for and to receive or reject evidence, documentary or otherwise, to hear such persons as you shall think fit on behalf either of the Viceroy and Governor-General of India in Council, or of His Highness Mulhar Rao Gaekwar, and generally to guide the whole course of the proceedings of this Commission as from time to time shall appear to you to be proper for the purpose thereof.

And whereas certain other matters of importance pending between the British Government and His Highness Mulhar Rao Gaekwar were inquired into and reported upon by a Commission appointed by the Viceroy and Governor-General in Council by orders dated 23rd October 1873; and whereas the inquiry which you are appointed to make is not connected with such matters: For the better understanding of your functions, the said Viceroy and Governor-General in Council hereby declares his desire that you shall not extend your inquiry to other matters than

the offences imputed to His Highness Mulhar Rao Gaekwar as aforesaid; and that you shall not permit any such other matters to be submitted to you for consideration or inquiry.

And the said Viceroy and Governor-General in Council desires that, in the event of any of your number being prevented by sickness or other cause from taking his place as Commissioner or from remaining as Commissioner till the conclusion of your inquiry, you and the other Commissioners shall nevertheless conduct and complete your inquiry in the same way as if the number of Commissioners present or remaining were the whole number appointed thereby.

And the said Viceroy and Governor-General in Council hereby appoints John Jardine, Esquire, of the Bombay Civil Service, to be your Secretary.

By order of the Viceroy and Governor-General of India in Council.

(Signed) C. U. AITCHISON,
Secretary to the Government of India.

The Advocate-General.—My Lord Chief Justice, Your Highnesses, and Gentlemen of the Commission, it now becomes my duty on behalf of the Viceroy and Governor-General of India in Council, as briefly as the importance of the case will admit, to state the nature of the evidence it is proposed to place before you in regard to the charges which the Government of India have found it necessary to prefer against His Highness Mulhar Rao Gaekwar of Baroda. As the Commission has gathered from the Notification just read, evidence has been laid before the Government of India tending to raise grave suspicions against His Highness, and these suspicions relate to four charges which have also been read, and which may, perhaps, be reduced to two—that, in the first place, His Highness through his servants and directly tampered with the servants at the Residency, and other persons attached to the Residency, at Baroda, for improper purpose, and, in the second place, that His Highness, both directly and by the agency of his servants, instigated certain persons to commit the high and serious crime of attempting to poison the British Resident. In stating to the Commission the main features of the evidence which will be adduced before them, I do not at present propose to give any but the briefest summary of the case. Albeit this is not a judicial inquiry and the functions of the Commission will be discharged by way of report to the Government of India and not in giving judgment in this Court, I think it will be more convenient if in the present state of the inquiry I should simply state what the nature of the evidence is that will be laid before you, and tell you briefly who the witnesses are by whom that evidence will be given. There are matters referred to in the Notification just read which are of great importance, but which will be used by me only for the purpose of fixing dates. For instance, in regard to the principal matter, mentioned in the Notification—namely, the assembly of a previous Commission of Inquiry at Baroda—I refer to it only to fix the date at which the evidence shows that the attempts to tamper with the Residency servants began to be made. That Commission assembled under orders issued by the Government of India on the 23rd October 1873, and met in Baroda during the two following months of November and December. It was during these two months that by means of two jassos or confidential servants named Salim and Yeshwuntrao,—one a Mahomedan and the other a Hindoo—negotiations were opened with certain of the Residency servants. These negotiations were not confined to the mere formal official servants of the Residency, but extended to the private servants of the Resident, Colonel Phayre, and his wife. At the time to which I refer Mrs. Phayre was residing in Baroda. Her ayah was one of the persons with whom these negotiations were made. This ayah subsequently became the servant of Mrs. Boevey, Mrs. Phayre's daughter. This ayah, whose name is Ameena, had been for a considerable time in the service of Colonel Phayre's wife, and she seems to have enjoyed the confidence of her mistress, and we shall find it in evidence that she used to visit His Highness Mulhar Rao in the city. We shall show that these visitations were made on three occasions. The first occasion was during the sitting of the Commission, and consequently towards the end of 1873. The second visit was made after the close of the proceedings of the Commission and after the return of His Highness Mulhar Rao and Colonel Phayre from a visit to Nowsaree in May 1874. The third visit was at a later period—a period fixed by the ayah with reference to the Mahomedan month Ramzan, and not long before the attempt to poison Colonel Phayre was made. On these three occasions the ayah was introduced to the presence of His Highness the Gaekwar. She saw him, and personally conversed with him. That she was conducted to his presence by one or other of the two confidential jassos before alluded to, and that she did go to the Palace (or Haveli) on these three occasions will be established in evidence by the testimony of persons who accompanied her. On the first occasion she was accompanied by a chobdar of the Residency, Faizoo Ramzan, and she was driven from the camp from a point near the little school on the road leading from the Residency to the Railway Station by certain drivers. On the first occasion to which I have referred—namely, during the sittings of the Commission, she was driven by Khaba Poonjabhoy, was accompanied by the chobdar, and was introduced by the jassos to the Gaekwar. She will tell you that she was asked to endeavour to get Mrs. Phayre to use her influence with her husband Colonel Phayre on behalf of His Highness Mulhar Rao in certain matters then pending between His Highness and Colonel Phayre. On the second occasion she was taken to the Palace by Salim and a Residency peon named Shaik Khureem, and again introduced to His Highness the Gaekwar, with whom she had another conversation. On the third occasion she was again induced to go by Salim, and she was driven by a cart-driver named Shaik Daood and accompanied by her servant boy named Chotoo. On that occasion a more important conversation than that which had taken place previously was held, and I think it will be best for me if I leave the Commission to hear this part of the story from her own lips. The Commission will understand from the statements I have made that these three visits of the ayah to the Gaekwar will be spoken to by persons other than this ayah, who will, I believe, establish beyond doubt that those visits were made. After the first occasion it does not appear that any pecuniary present was made to the ayah. On the second occasion she did receive money. A sum of Rupees 200 was

paid to Yeshwuntrao, of which one-half was paid to Khureem, and the other half to the ayah. After the third occasion a further payment of Rupees 50 was made to her. In further corroboration of this statement I propose to call Shaik Abdool, the husband of the ayah, to whom she related what had passed between her and the Maharaja. This can be done under section 157 of the Evidence Act. But not only does the evidence of this ayah find support from the verbal testimony I have just stated, but most important corroboration, I think, will be found in certain documents which were discovered in the ayah's room after her arrest. These documents consist of four letters. Two of them are addressed by the ayah to her husband, and two by the husband to the ayah, and they all point most conclusively to the establishment of communications between the ayah and the Maharaja by means of Salim and Yeshwuntrao. Of the authenticity of these letters I think the Commission will have very little doubt. The circumstances under which these letters were found will be detailed to the Commission. The writing of the two letters addressed by the husband to the ayah will be described by the husband, who recognised his own handwriting. That they were despatched through the post appears to be clear from the postal marks.

Serjeant Ballantine said he wished to guard himself against the supposition that he concurred that these letters were evidence in the case. It would probably be his duty at a subsequent part of the proceedings to contend that these letters could not be evidence in the case. If, however, the learned Advocate-General contented himself with asserting that the letters were admissible as evidence, and did not go on to state their substance till produced in evidence, he would content himself with making no objections at present.

The Advocate-General.—I shall certainly contend that these letters are most important evidence in the case, but at present, in deference to the objection expressed by the learned Serjeant, I shall do no more than allude to them as a mere corroboration of the ayah's story.

Serjeant Ballantine signified his concurrence in the course proposed to be followed by the Advocate-General.

The Advocate-General resumed.—No doubt the ayah will be subjected by my learned friend Serjeant Ballantine to a severe cross-examination, but I think it right to state here in regard to her evidence that at the time her preliminary statement was made she was suffering from severe illness and considered by medical men in attendance on her to be in danger of her life, and I cannot help thinking that that circumstance will have an important influence on the mind of the Commission in determining the amount of weight which ought to be attached to her evidence. I have now introduced to the attention of the Commission the fact of two persons at the Residency, one a private servant and one an official—namely the ayah Ameena and the peon Shaik Khureem—receiving presents of money from the Maharaja for the assistance they were expected to give him. Another of the Residency servants, with regard to whom attempts at bribery were made, is Pedro de Souza, Colonel Phayre's butler, who had been in Colonel Phayre's service for twenty-five years. The same jassos entered into negotiations with him, and although he states that he refused to go the Palace he received from the servants of the Gaekwar a present of Rupees 60 Babashi, equal to about Rupees 50 Government of India currency. I now come to a more important class of evidence, and that is evidence connected not merely with the attempt to obtain information of what was going on at the Residency, but with the attempt that was eventually made to take away the life of Colonel Phayre. I think the Commission will have no doubt that such attempt was made. I think the Commission will also have no doubt that it was only by the mercy of God that the attempt was frustrated. It appears that that attempt took place on the 9th November last, but we have evidence to show that similar attempts had been made on the two days previous. The agency employed for this purpose was that of certain peons attached to the Residency, notably a havildar named Rowjee. Communications appear to have been opened with him by Salim and Yeshwuntrao before the Commission sat, and these communications appear to have been entered upon in September 1873. He was taken by Salim to the Palace, and then, according to his statement, was asked to supply information of what was being done at the Residency during the sitting of the Commission. That he agreed to do. For his assistance he was asked to get hold of the jemadar, named Nursoo, who had served under many successive Residents. According to his statements he, during the period the Commission sat in Baroda, paid three visits to the Palace, on each of which occasions he had an interview with the Maharaja and conversed directly with His Highness. After the Commission had concluded its labours, and before His Highness the Maharaja and Colonel Phayre went to Nowsaree, Rowjee visited the Maharaja three times, and about the same time, being about to celebrate his marriage, he received a present of Rupees 500 from the Maharaja through Yeshwuntrao. At Nowsaree he continued his communications with the Maharaja and his servants. After his return from Nowsaree he continued in the same course, and, not long after his return from Nowsaree, a sum of Rupees 800 was handed over by the same Yeshwuntrao to the jemadar Nursoo, who had been induced to join in the conspiracy, and this money was divided between Nursoo, Rowjee, and one Jugga, a punkahwallah, who from the nature of his employment had ample means of hearing what was said at the Residency table, and who seemingly at the close of the day used to put his information in the form of a letter which was handed by him to Rowjee, by Rowjee to Yeshwuntrao, and by the last to the Maharaja. After the arrest of Salim he was handed over by His Highness the Maharaja to the British authorities, and upon his house being searched by Mr. Hormusjee Wadia, who was then Fouzdar, a bundle of papers was discovered and sealed up. Upon examination of the bundle some of these news-letters were discovered. Three are in my possession. One of them is admittedly in the handwriting of Jugga, the punkahwallah, and the other two are in a handwriting which has not yet been identified. Lest the learned Serjeant should make the same objection that he made regarding the four letters found in the possession of ayah, I shall not allude to the contents of those letters further for the present, though afterwards I shall endeavour to induce the Commission to receive them. As I have already stated, a present of Rupees 500 was made to Rowjee at the time of his marriage. A subsequent present of Rupees 300 or

Rupees 400 was made to Rowjee after his return from Nowsaree. I shall call evidence to show that at the time it is alleged that these payments were made, Rowjee, though in receipt of only a small income for his official services, was in possession of considerable sums of money, spent large sums in ornaments, and lived in a style quite inconsistent with the wages he was getting for his services. I shall also prove that in his visits to the Palace he was accompanied sometimes by Jugga, the punkahwallah, and at times by a man named Kabhia, whom, he says, he used to take with him, because he was afraid to go into the city at night by himself. That he obtained these ornaments will be established by the evidence of friends who bought them; and by the two goldsmiths who made them. With regard to the Jemadar I shall show that he, while in attendance on Colonel Phayre at Nowsaree, received from the Maharaja, through Yeshwuntrao, Rupees 250 as a present, and, after his return from Nowsaree, received his proportion of the Rupees 800 which I have already mentioned as having been divided between him, Rowjee, and Jugga. I think, therefore, that the Commission, if they believe these witnesses, will have little doubt that communications for improper purposes were made by His Highness the Maharaja, both directly and by his agents, with some of the servants employed by Colonel Phayre, or attached to the Residency, and that bribes were received by those servants for the purpose of obtaining from them the information to which I have referred. In regard to some of the communications which were so made by Rowjee, either by himself directly, or by means of the news-letters written by Jugga, evidence will be obtained from the letters themselves should the Commission determine to receive them. In regard to other matters of great importance, other evidence will be given by witnesses—by one, at all events, who received in this manner an important official document, and read its contents to His Highness. Among documents communicated in a similar way there was at least one official document of considerable importance, to which I shall not at present refer further. I come now to the most important branch of the case—the attempt to poison Colonel Phayre. That attempt was discovered by Colonel Phayre on the 9th November, although it would appear from the evidence given that two previous attempts had been made to poison Colonel Phayre on 6th and 7th November. The person by whom the poison was attempted to be administered was Rowjee, the havildar of peons, to whom I have already once or twice referred. The method employed for administering the poison was this: Colonel Phayre was in the habit, every morning after a walk or a ride, of proceeding to his office adjoining the main building of the Residency, where he had dressing accommodation. It was the duty of one of his servants named Abdoolla to prepare every morning a tumbler of sherbet made of pummelow juice. Abdoolla will tell you how he made this sherbet and disposed of it. He used to put it on a table in Colonel Phayre's inner room and there leave it for his master. Upon the morning in question Abdoolla prepared this sherbet as usual. Of the various servants who were employed about the house it appears to have been the duty of Govind, hamal, to attend to this particular room. I shall call Govind, and he will tell you how he was occupied on this morning. Rowjee, though he had no immediate occupation in that room, was in the habit of going into it from time to time either to arrange pens or paper, or do some other little duties, so that his going into the room would not be calculated to excite suspicion. The position which he used to occupy in the Residency was on the outer verandah, where a bench was placed for the accommodation of peons, and from that bench Rowjee would have a view of Colonel Phayre's room, so that by simply remaining in the position ordinarily occupied by him he could see much that was done inside, and particularly what was done with the sherbet when Colonel Phayre returned from his morning exercise. On the morning in question, it will appear from Rowjee's evidence, he introduced into the goblet the poison which was so nearly fatal to Colonel Phayre. His method of administering the poison was as follows: Having received it from certain persons, he first of all made a solution of the poisonous compound in a small bottle and shook it so as to cause the particles of the poison to mix as thoroughly as possible with the water. He then poured this solution into the goblet of sherbet which stood ready for Colonel Phayre. That there was poison put into the goblet I do not think the Commission will have the slightest doubt. Colonel Phayre took two or three sips of the mixture. He did not like the taste. He thought it possible that the sherbet had been made from some bad pummelow, and threw a portion of it away. He sat down to work, and in a short time symptoms exhibited themselves which he had noticed on the two previous days, the 6th and 7th, and which he had attributed to poorliness. His suspicions were roused. He experienced great nausea and a dizzy feeling in the head and other curious symptoms, which led him to think that he had taken something that had disagreed with him. He examined the goblet and noticed a sort of sediment in the small quantity of sherbet left in the glass. He at once wrote to Dr. Seward, the Residency Surgeon, and asked him to come over to him. That note was given to a peon named Mahomed. When Dr. Seward heard the symptoms from Colonel Phayre, he took away the goblet at once to his own residence, and made an investigation of the contents of the glass, which satisfied him that the sediment was composed partly of arsenic and partly of some glittering substance which chemical authorities say was diamond dust. Not satisfied with this examination, Dr. Seward sent the remains of the sherbet, with the tumbler, to Dr. Gray, Chemical Analyser to the Bombay Government; and Dr. Gray, after carefully examining the sediment, arrived at precisely the same conclusion as Dr. Seward. I think, therefore, that the Commission will have little doubt as to the scientific part of the evidence, and will agree that in this sherbet on the morning in question a poisonous dose was introduced which might have taken away the life of Colonel Phayre. I shall now proceed to connect the Maharaja and his servants with this attempt upon the life of Colonel Phayre. It will, I think, be found beyond a doubt by the Commission that on the morning of the 9th November the two men, Yeshwuntrao and Salim, who had been employed in all the previous negotiations with the Residency servants, came unusually early to the Residency. Their presence there at this hour will be testified to by a number of witnesses. On being asked by one witness why they had come so early, they said they had come with a present of fruit, as it was the Dewalee. But the excuse thus given will, I think, be shown to be deceptive, because it was not until long after their

arrival at the Residency that this present of fruit arrived. It did not arrive until half-past 8 in the morning, whereas these men came to the Residency somewhere about 6 o'clock. I have mentioned that Colonel Phayre sent a note to Dr. Seward by the peon named Mahomed. We find Salim at once addressing himself to Mahomed. He requested him to go into the town and buy him some biscuits. The peon consented, but delivered the note first to Dr. Seward, and then went into the city. Whether he really went for the biscuits, or to give information, is a matter which the Commission must determine. Another point that, I think, I shall establish upon conclusive evidence is this: after Colonel Phayre had tasted this sherbet and set down upon the table the glass containing the remains of it, and after the message had been sent to Dr. Seward, Salim went on his horse and rode at full speed to a part of the city in which Rowjee lived with Jugga. What he did there I am not in a position to state to the Commission, although I may say that evidence is furnished by the Maharaja himself in a statement he made to a witness called Damodhur Trimbuck or Damodhur Punt. I shall allow this statement to be made by the witness himself. But that he did go to the locality of the Palace will, I think, be proved beyond doubt. He returned to the Residency after this visit, where he saw the Assistant Resident, Mr. Crawley-Boevey, with whom he had some conversation. I now come to another class of evidence in regard to this part of the case. I have said that the poisonous substance intended to be administered to Colonel Phayre was arsenic. Of the poisonous qualities of arsenic I need not tell you. But of the diamond dust I may mention that it has always been considered an efficacious means of destruction by the natives of this country. Dr. Norman Chevers, in his "Manual of Medical Jurisprudence for India," says:—"Although this material has no place in Dr. Taylor's treatise, it is certain that a belief in its deadly potency existed long ago in Europe, and that the same idea is at present of considerable prevalence in India." He then goes on to say that it is considered that the Powder of Succession of the Italian poisoners was diamond dust. He states that Benvenuto Cellini relates that an attempt was made to poison him, when in prison at Rome, by the administration of pounded diamond in his food, &c., and gives a number of other illustrations tending to show that in India diamond dust was considered a competent poison. We are able to trace the source from which this diamond dust and arsenic was procured. The evidence of Damodhur Punt, who formerly held the office of Private Secretary to the Gaekwar, and also had charge of His Highness' private treasury, will prove that an application was made to him direct by the Maharaja to obtain arsenic. Damodhur Punt tried to obtain two tolahs from the Fouzdaree, which was then under the control of Mr. Hormusjee Wadia, but although a written order was sent for this poison, and it was said it was wanted for a horse, the poison was not supplied. Damodhur Punt, however, states that he subsequently obtained the required quantity from a Borah, and by direction of the Gaekwar gave it to Salim. With regard to the diamond dust, Damodhur Punt will tell you that it was purchased from Hemchund Futteychund, a jeweller, and that by direction of His Highness the Gaekwar it was given to Yeshwuntrao, Salim's associate. The arsenic and diamond dust thus obtained appear to have been compounded together and handed over by Salim to Rowjee on two occasions. The witnesses Nursoo and Rowjee will state that it was by the express directions of Mulhar Rao that Salim was ordered to give these powders to them. The first supply came to Salim from Nursoo, who handed the powders over to Rowjee, and it would seem that the powder thus supplied was, it can be shown, administered to Colonel Phayre on the 7th November. That powder, as I have already said, did not take effect; and Salim and Rowjee, when they next saw His Highness say that they were somewhat severely blamed by the Maharaja, who complained that the poison had not been efficacious. On the same occasion that he made this complaint, he said he would send for a further supply, and that further supply was handed over by Salim to Nursoo, who in his turn gave it to Rowjee. Rowjee said that of the powders so obtained, some of them were used, and some remained with him. Of those that remained with him, one has been found. After the result of Dr. Seward's analysis Rowjee was arrested upon suspicion. His belt was taken from him, and in a small pocket under one of the cross-pieces a small packet was found wrapped up in paper, which was found by Dr. Gray to contain seven grains of white arsenic. Authorities show that a fatal dose of arsenic is contained in two or three grains. But in this small packet there were, as I have told you, seven grains. Of course it must be obvious to the Commission, and to all who have heard the statement I have been making, that the evidence against His Highness will depend very much upon the degree of credibility to be attached to Damodhur Punt, Nursoo, and Rowjee in regard to this attempt upon the life of Colonel Phayre; but I think that when the Commission has heard the manner in which that evidence has been given, and the entire absence of any connexion between the three persons, who have each told their story independently of one another, and yet with a large amount of agreement, it will be seen that, albeit a certain amount of doubt must attach to the testimony of persons giving their evidence under the circumstances of the witnesses just named, nevertheless the witnesses are telling a true story. I may say that the statements of Rowjee and Damodhur Punt were made under a promise of a free pardon, yet that of Nursoo Jemadar was made voluntarily after he had been told that no pardon would be granted to him. The evidence of Nursoo will, therefore, be a very important element in the considerations which will lead the Commission to form an opinion upon this case. There is one other circumstance in regard to Nursoo. He had been many years in the service of the Residency, and held a high position among the official servants at the Residency. After he had given his evidence under the circumstances I have stated, he felt so strongly the disgrace he had incurred, and the falsity of allegiance of which he had been guilty, that he attempted to drown himself. There is a deep well near the Residency. One day he broke away from his guards and jumped into the well, from which he was rescued by the police. I think that if the Commission were to visit this well and took evidence as to its size and depth, it will conclude that Nursoo must have intended self-destruction when he leaped into it. But the evidence of Damodhur Punt not only corroborates the evidence of Nursoo and Row-

jee, but is supported by most important documentary evidence derived from the accounts of the personal private expenditure of the Maharaja. I shall be able to lay before the Commission a number of these accounts, which were kept with the regularity which always distinguishes the accounts of the natives of this country—the minute particularity which is so remarkable. I shall be able to show the payments which were made out of the private purse to Yeshwuntrao and Salim. I shall be able to show that most of these payments were made on dates corresponding most nearly to those on which payments to the ayah, Nursoo, and Rowjee were made. The sums are not exactly, although they are nearly the same, but I think it is not an unreasonable inference from the sums entered and the sums disbursed that the disbursing persons retained a portion in their possession. I shall show that subsequent to the inquiry being instituted into this attempt to poison Colonel Phayre, by order of the clerks and officers who had charge of these accounts, clumsy attempts were made to deface these entries by pouring ink over the places where Salim's name occurred; but the object of it, I think, cannot be doubted by the Commission. I shall show, moreover, from these accounts how the payment, or a part of the payment was made to the jeweller Hemchund who furnished the diamonds which were eventually powdered into the diamond dust. And with regard to these accounts I shall show from the entries how the monies were disbursed, and that such entries entirely correspond with the statement made by Damodhur Punt with regard to them at the time when he had no access to these accounts, and when he was speaking from memory with regard to them.

I shall show from these entries how the moneys were obtained.

The payment made to Hemchund Futteychund was a payment of about Rupees 3,000, and there are a number of cross entries in regard to that payment which I may perhaps here shortly describe. There was an account kept called the Saving Account—Khasgee. Two items from that account were appropriated to the payment to Hemchund of the Rupees 3,000, which he was to receive in part settlement of his claim for the diamond supplied. One of these items was an item to saving upon the discount in respect of goods supplied to the Gaekwar's commissariat, and that amounted to Rupees 1,856-12-3, from which Rupees 150 was to be deducted for oil for lighting the tower over the gateway which adjoins the Palace. And there is an endorsement in the handwriting of Damodhur Punt directing that this sum shall be credited to the Khasgee account on the 10th of Magsur Vud. The other item was an item of Rupees 1,926-1 realised by the sales of coins given as nuzzeranas, and that was ordered to be credited on the 8th of Magsur Vud; two days before the previous item. For the payment to the jeweller an entry was made, not in so many accounts showing payments to the jeweller, but showing payments of an entirely different character. These two sums were the aggregate of those two sums which were directed on the 8th Magsur Vud to be paid to one Rameshwur, the manager of the Swami Narayan's temple, in order to give a feast to a number of Brahmans, but no such feast was given. The entries will show that the total derived from these two sums was, in point of fact, applied to the payment of Rupees 3,000 to the jeweller Hemchund. It will not also fail to be noted by the Commission that the order directing this total sum to be paid to Rameshwur for the feast to be given to the Brahmans is dated on the day previous to that on which one of the items was brought to account—the one being brought to account on the 9th and the other on the 8th! The order for payment of the two bears date the 8th? Hemchund, the jeweller, will, of course, be called, and his evidence will, I think, be important, as showing the way in which this purchase of diamonds was sought to be kept secret. He will tell the Commission that he was applied to and that he really consented to take out a portion of his own books in order that this entry might be cancelled. His books will be produced and he will state to the Commission the circumstances under which his books were tampered with, and by whose desire they were so tampered with.

I now come to another piece of evidence, which, I think, has a material bearing upon the case, as affecting His Highness personally. It was the habit of His Highness to visit Colonel Phayre, the Resident, twice a week—on Monday and on Thursday. The attempt to poison, as I have already stated, took place on the 9th November—which was on Monday—and on the Monday His Highness paid the usual visit. Colonel Phayre was still suffering from the effects of the poison which he had imbibed, but he did not know at that time, as he had not heard from Dr. Seward what he had taken. He received His Highness as usual, and was much struck by His Highness in the course of conversation describing to him almost exactly the symptoms under which he was suffering, and saying that there was a great deal of sickness about the town of such a character as Colonel Phayre was at that very moment suffering from. He said that he had himself suffered in the same way. It is curious that such a conversation should take place. Colonel Phayre did not tell Mulhar Rao what he had taken, or what his suppositions were at that time—he may have thought something had been put in his goblet. He had no definite idea that he had partaken of poison, not having then seen Dr. Seward. But if Damodhur speaks truthfully, the Maharaja knew perfectly well then that the attempt had been made and had failed, because on his driving back from the Residency to the Palace he picked up Damodhur Punt on the road and had a conversation with him about it. That conversation Damodhur Punt will himself relate. I think it will strike the Commission that such an attempt as this—an attempt to poison the Resident,—was a circumstance that would rapidly get wind in the town; it was a matter that could not remain long hid. It is curious, however, that it was not until the following Thursday, when the second formal visit of the week came round, that His Highness made the slightest allusion to Colonel Phayre on the subject. He did not go at once on hearing of the report, nor did he communicate with Colonel Phayre. He waited till the time of his ordinary visit took place, and then said he had heard of it on the previous day, Wednesday. On that occasion His Highness was accompanied by his then Dewan Mr. Dadabhoi Nowrojee, and although a conversation then took place between Colonel Phayre and His Highness in regard to the attempted poisoning, no formal communication on the subject took place

until two days afterwards, namely, on the 14th November, on which occasion a Durbar yad was sent by the Maharaja to Colonel Phayre in these words:

Translation of Durbar Yad No. 2057, dated 14th November 1874, received on that day in the evening at 5.45 p.m. :—

“At a formal interview with you the day before yesterday I learned from you the particulars about the attempt made by some bad man to poison you, for which I am sorry, but it was the favour of God that his cruel design did not meet with success.

“If it becomes necessary for you to obtain any assistance in proving the criminal's guilt the same will be given. This is written for your information.”

Dated 14th November 1874.

(Signed) R. PHAYRE, Col., Resident.

The only comment I make upon that letter is that it is a curious circumstance that it comes so late. I have now gone through the main points in the evidence which I shall proceed to lay before the Commission.

I do not at present propose to do more than make this brief recapitulation of the points to which the witnesses' attention will be directed. After the witnesses have been heard upon the subject and the cross-examination of my learned friend, I believe I shall be allowed, with the sanction of His Lordship, to proceed to sum up the evidence; and, in case my learned friend should call any witnesses, to reply on the whole case. I shall not further take up the time of the Court, but proceed to call witnesses without any further delay.

No. I.—AMINA states on Solemn Affirmation.

Examination-in-chief.

By Mr. Inverarity.—My name is Amina. I remember when the Baroda Commission sat. At that time I was in the service of Mrs. Phayre as ayah. I remained in Mrs. Phayre's service until she went to England. After that I entered the service of Mrs. Boevey as ayah. Mrs. Boevey was daughter of Mrs. Phayre, and lived at the Residency. I continued in Mrs. Boevey's service until Colonel Phayre went to Bombay. I know Mulhar Rao Gaekwar. He used to come twice a week to the Residency. Once, while I was in the service of Mrs. Phayre, I went to the Haveli (Palace) of the Maharaja. I also went to that place when in the service of Mrs. Boevey. I went to the Haveli on two occasions during the time I was in Mrs. Boevey's service. I believe, as I have not been long in Baroda, that I went to the old Haveli. I believe that it is the old Haveli. I went to the old Haveli on all three occasions. On the first occasion I was in Mrs. Phayre's service. I don't remember exactly when, but I think it was half-past nine or ten o'clock at night. This was about the close of the Baroda Commission. At that time I was living at the (Kothi) Residency. Faizu Chobdar accompanied me. We went on foot as far as the well. The well is at some distance from the Residency, close to the school, on the way to the city. There was a wheeled vehicle at the well. I and Faizu both went in that carriage to the Haveli. Faizu was a fellow-servant at the Residency, but he was employed there before me. I was newly employed. The man pointed out* to me is the

* A man is brought into Court and identified by the witness as Faizu.

Faizu to whom I allude. I had not seen at that time anything at Baroda, but the (*gariwala*) driver got up to a gate and stopped there. After the carriage stopped Salam came. Salam, I, and Faizu then went to the Haveli. I don't remember just now, but I believe the distance between the carriage and the Haveli was 100 or 150 paces. Salam used to come with the Maharaja twice a week to the Residency. I, Salam, and Faizu walked from where the carriage stopped to the Haveli; and we entered the Haveli. We went upstairs. I and Salam went upstairs. Salam desired me to stay a little while, and Salam went away saying he would inform the Maharaja of my arrival. Salam returned along with the Maharaja. There is a small place where one can sit, something like a room, on the top of the stairs. Just above the stairs is a small place—like a room; it was there I sat. I did not observe whether there was a door in it. I and Faizu were told to stand in that small place while Salam went to inform the Maharaja. Salam returned with the Maharaja. The Maharaja sat on a bench. I and Faizu sat down on the floor, Salam remained standing. The Maharaja then asked me whether I had heard the Madam Saheb saying anything about the Commission. I said, “I know nothing and I have heard nothing.” Then the Maharaja said, “Do you say something to the Madam Saheb on my behalf?” I said, “I cannot say anything or explain anything.” The Maharaja then said, “Should the Madam Saheb say anything at any time, inform me through Salam or through Eshwant Rao.” That is all that took place as regards me on that occasion. Then something occurred as regards Faizu. Faizu said something about his son who was then in the service of the Maharaja. I did not take particular notice of what Faizu said. I do not know exactly how long Faizu and I remained in the small room, but I believe it was about half an hour. Eshwant Rao is a (*jasus*) personal messenger in the service of the Maharaja, and used to accompany him twice a week to the Residency. After leaving the Haveli, Faizu, Salam, and I returned to where the gari was standing. Faizu and I got into the gari and went home. The gari stopped at the place where we first got into it. I alighted and went to the Residency. On the second occasion when I went to the Haveli it was after the Maharaja returned from Nowsari.* It was in the month of June after the Maharaja had returned from Nowsari that I went to the Haveli. Salam asked me and Karim Naik to come. Karim Naik was a peon serving under Mr. Boevey. At that time Mr. and Mrs. Boevey were residing at the Residency. Mr. Boevey was then an Assistant to Colonel Phayre. On that occasion Karim Naik accompanied me to the Haveli. This was in consequence of Salam's invitation. We went on foot as far as a spot near the school, and then

* Mr. Scoble states that Counsel agree that His Highness the Gaekwar was at Nowsari from the 2nd April till the 16th May 1874.—J. J., 23/2/75.

we got into a gari. It was not by day but by night. I believe it was about eight, or a quarter-past, or half-past eight. It is too long ago for me to remember clearly. The driver of the carriage called for Salam. Salam came. Then Salam, I, and Karim Naik got into the gari. We went close to the Haveli, near the staircase. It was raining a little at the time. It was somewhere near Salam's house that Salam joined us. The house is in the town. We all three alighted from the carriage and went up upstairs. We went up one flight of stairs, and having got to the top of that flight, Salam desired me and Karim Naik to remain there. We went up two flights. It was there we were told to stand. Salam said he would go to inform the Maharaja of our arrival. The Maharaja came and sat on the same bench whereon he sat on the previous occasion. We were asked to come up a few steps to where the Maharaja was sitting. I and Karim went and sat there, opposite to where the Maharaja was seated on the bench. Salam stood. The Maharaja asked me whether the Madam Saheb had said anything about the marriage at Nowsari. I mean Mrs. Boevey. I said to the Maharaja that I had heard nothing about it. I further said, "Mrs. Phayre has left for England." I said, "When she returns from England something good will happen to you. She is favourably disposed towards you, and so is Colonel Phayre." Then the Maharaja said to Karim Naik, "Do you say something in my favour to Mr. Boevey." I then said that Mr. Boevey did not attend to anything that any one might say; and Karim Naik said that he (Karim Naik) could do nothing. I then made salaam to the Maharaja and was about to go downstairs. Then I heard the Maharaja say to Salam, "Do you give them a sum." I understood that to refer to the marriage of the Maharaja. Then after that Salam, I, and Karim Naik went downstairs to where the gari was standing. I heard Salam then say to Karim, "Do you go to-morrow evening to Eshwant Rao's house?" After that we got into the gari and went home. On the evening of the following day Karim Naik told me that he had brought 200 rupees from Eshwantrao's house, where the money had been given him by Salam.

On the morning of the following day Karim paid me 100 rupees and kept 100 rupees for himself. The time of my third visit to the Maharaja was about eight or half-past eight of the evening. It was then I left the Residency. It was in the Ramzan* month. Salam came and told me that the Maharaja urgently required me to come to him. Nobody

* The Ramzan lasts from the 12th October till the 10th November.

went with me except a boy named Chotu. I and my husband and Chotu went on foot. My husband went by the road leading to the bazaar to get a gari. He got one, and I and Chotu got into it near a banyan tree. My husband's name is Sheik Abdulla. We went to the Arabkhana (Arab's house) near the Haveli, which place Salam had appointed for us to go to. When we got to the Arabkhana the driver of the gari called out to Salam. He came. I and Salam entered the Haveli. We went upstairs; Chotu remained in the gari. He did not come with us. I and Salam went to the same place where we sat on previous occasions. Salam called out to the Maharaja, and the Maharaja came and sat on the bench where he sat before. As I eat the salt of the English Government I will tell you all that occurred without suppression. The Maharaja first asked me this: "Has the Madam Saheb been saying anything about the child?" The Madam Saheb was Mrs. Boevey, and the child was one born to the Maharaja. I said, "The Madam Saheb has said nothing and I know nothing." I then said, "When the senior Madam Saheb (meaning Mrs. Phayre) comes something good will occur to you. She and Colonel Phayre both wish you well." I then said to the Maharaja, "When the Madam Saheb comes back something good will happen to you—do you attend to what the Saheb says—don't be afraid." Then Salam said, "Can any charm be used?" Salam it was who first spoke about charm. Salam said, "Should a charm be used, will the Saheb's heart be turned?" but I did not exactly understand his meaning. I then said to Salam as well as to the Maharaja, "Don't you use any *jadu* (arts of sorcery) for the Saheb, for they will have no effect on a Saheb." The reason I gave for that was this, that the Saheb people had faith in God. Then Salam said to me, "Should anything be given to a Saheb, what do you think the effect would be?" At this I felt very much alarmed, because before that I had heard something stated by two persons. I then said, "Maharaja, I am going away." I don't see the Maharaja here now; if he were here he would corroborate me. Then Salam addressing me said, "Hear what the Maharaja will tell you, and if you attend to him you will have enough to live on for the rest of your life." Salam then said to me, "Your husband will also get employment, and you too will not have to serve any more." I said in return to Salam "I have not been starving all this time back; I have spent all my life hitherto serving the English." Just then, as I was about to go away, I said to the Maharaja, "Don't you listen to what anybody may tell you to do to the Saheb, for if anything injurious should happen to the Saheb you will be ruined." Then it seemed to me that the Maharaja got angry at this, because he said to Salam, "Take the ayah away." I and Salam then went downstairs—to the place where the gari had stopped. Chotu and I then went in the gari as far as the banyan (*wud*) tree; then we alighted and went home. I saw Salam again when he came with the Maharaja to the Residency. He then came to me on that occasion to the dispense-room and said to me, "I have placed Rupees 50 under your cot." He meant scant, *i.e.*, Baroda rupees. My cot was in my room. I was not in my room. My room is near the kitchen in the compound. I went to my room and under my bedding I found Rupees 50. My husband was not living with me when I went to the Haveli on these three occasions. On the first occasion he was in Bombay. On the second occasion he was in the service of Major Blakeney at Baroda. On the third occasion he was living in my house,—I mean my room at the Residency. I informed my husband that I had been on these two occasions. I refer to the first two visits; that which I made first and that after the Maharaja's return from Nowsari. I don't remember where my husband was on the other occasion. When we were apart we corresponded in writing. The first letter was written when I went to Bombay. I don't know how to read. I went to Bombay when Mrs. Phayre went there—in March of last year. It was when Mrs. Phayre went to England. Syed Abdul Rahim wrote that first letter for me. I call him Rahim Saheb. I don't know if that is his

proper name. I can neither read nor write. I got the second letter written when I was at Bombay when Mrs. Phayre went to England. Rahim Saheb was the writer. I sent them by the post. I don't remember whether my husband sent me any letter or not. One of the letters which I caused to be written was returned to me by the Post Office. I believe you have got it. I tore it up. I think I sent my husband two letters from Bombay, though I am not quite sure, and one when he was at Mahableshwur. I can't be sure. I remember making a statement to Mr. Souter. I was very ill at that time. Dr. Seward knows the state of my health then. He put a plaster on my stomach and leached me.

Cross-examination by *Serjeant Ballantine*.—I spent the Rupees 50 found in my bed during the Ramzan month. I gave religious mendicants a feast. My husband was living with me at the time. He knew of the rupees. I used to manage the house expenses. I told him I found the Rupees 50 under the bedding, and that Salim had told me I would find them there. I have been five times to England [here witness sheds tears]. I told my husband that Karim Naik told me the Rupees 100 were a present given on the occasion of the marriage. I did not tell him that it was for poisoning Colonel Phayre, for there was nothing said about poisoning. I did not understand that there was a suggestion that Colonel Phayre should be poisoned. I had some apprehension in my own mind from what those two persons said. On the third occasion I thought of what they said. I understood from what they said to me that something was to be done about poisoning Colonel Phayre. I was much alarmed. I did not tell my husband. How could I tell him mere uncertain bazaar gup? When the Maharaja spoke to me on the third occasion I remembered what these two men had said to me; but the Maharaja did not then speak about poison. On the third occasion it somewhat occurred to me that it was suggested to me to assist in poisoning Colonel Phayre. My husband was not at that time in the Residency service. I did not tell my husband that Salam said something about giving something to turn Colonel Phayre's heart. I understood that poison was intended, and this conclusion I came to from what Pedro and Raoji said. Without these two men had said this, I should not have suspected that the Maharaja intended to poison. The two men I mean are Pedro and Raoji. Pedro and Raoji were not the persons who told me; they were two other persons. When I mentioned Pedro and Raoji I was not thinking of what I said. I am not quite well yet; my arms and legs are swollen. The two men who spoke were Karim Naik and the Kazi of Chanwad. This was about a month before my third visit to the Maharaja. They did not mention the Saheb, but it struck me that Colonel Phayre was meant. How could I tell my Madam Saheb or my Saheb? I did not think that any one in our bungalow would poison him. That was my only reason for not telling him. The persons from whom I got the information told me that Pedro and Raoji were in great favour with the Maharaja; but I did not think they would poison him. I was not aware of such things in native territories. I never heard of such an occurrence before. I did not think such a thing could happen to a Saheb. I was much frightened at what the Maharaja and Salam said. I felt frightened at what the two men said. I had no ground for holding it true, but I thought it might be mere bazaar gup. I felt frightened when before the Maharaja. I thought if I mentioned it I might be killed outright. I being a woman was frightened. How could I tell the Saheb or Madam? I did not think anybody in the bungalow would do such a thing. I said to my husband that I thought something might be given. I told my husband this; but it seemed to me that nobody in the bungalow would do such a thing. I don't remember how long after this was. I did not mention poison at all to my husband. I said that something might be given. I don't remember whether I mentioned to him about poison. I don't remember whether I mentioned poison to my husband at all. I mentioned that it had been said to me that something might be given to the Saheb to turn his heart in order that the Saheb might be induced to do some good for the Maharaja. I mentioned this to my husband on the day following my third interview with the Maharaja. I said nothing to him about it the night before.

Baroda, 23rd February 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. I.—AMINA recalled and Solemnly Affirmed.

Cross-examination by *Serjeant Ballantine*.—I know nothing about the putting of poison into Colonel Phayre's glass, but I heard about it. I don't remember the exact time. I was then living at the Residency. I heard of it afterwards. I did not mention what I have told about the poisoning to anybody when I heard of it. To whom could I mention it? The inquiry was regarding the poisoning, not with regard to my going and coming. For that reason whose name could I mention? I was aware that Colonel Phayre questioned my husband. Whose named could I mention in order that my husband might tell him? I don't remember whether I said yesterday that I mentioned it to my husband. I have not seen my husband since yesterday. I was cautioned not to have communication with my husband. I was so cautioned by Khan Bahadur and the sepoys. I had no talk with the police since yesterday. I was not allowed to communicate with any one. I adhere to my previous statement, that I suspected poisoning from what two men told me, not from what the Maharaja said. At my third interview the Maharaja did not say anything to me about administering poison. I told the Maharaja that he should do nothing to cause injury to the Saheb; in which case he would be ruined. I have stated what I said. When the Khan Bahadur and Mr. Souter came and inquiry was set on foot as to this going and coming, I stated what occurred. This was after Mr. Souter arrived from Bombay. I was very sick at the time.

It is agreed that the witness's first statement to Mr. Souter was taken down on the 18th December 1874.

My first statement was not taken down in writing. When I made that, Khan Bahadur was present and the driver of a cart (gari) and a lad. The Khan Bahadur is Akbar Ali. Mr. Souter was not present. I made my statement to Akbar Ali. I knew him in Bombay since Mr. Forjett's time. I identify Akbar Ali as the man called into Court.* As far as I

* A man called in and identified by witness. remember I made a statement to Mr. Souter two days after the above to Akbar Ali. Before making the statement to Akbar Ali I was in confinement. I had not been confined before that.

By Mr. Melville, Commissioner.—I said to Akbar Ali when I first saw him that I could not make my statement. I was very ill. I said I would make it afterwards. It was on that day I was placed in confinement.

Cross-examination resumed.—I first said that I was then very sick, and when I recovered I would make a statement. It was then Akbar Ali put me in confinement. I don't remember whether I was confined before or after making the statement. I was lying on my cot at the time very ill. When Akbar Ali came to me and spoke, he said to me I must not go away. I was first confined in my room, and my husband was not allowed to come near me, and, as far as I can remember, I was taken two days after to the hospital. I made a statement to Akbar Ali on the first day to this effect, viz., that I would tell everything. Afterwards I was taken to Mr. Souter. I told Akbar Ali that I was very ill. I don't know what exactly occurred just after. I believe I was taken to another room; I was very sick. Afterwards all the people came to take my statement. I merely stated to Akbar Ali that I had gone; but being ill could not make a lengthy statement. It is true that I made a statement to Akbar Ali in presence of a cartman and a boy. I did not tell everything then, because I was very sick. Ask Dr. Seward about my health. I think from memory that it was two days after that that I saw Mr. Souter. I was in another room to which I had been taken; there were sepoys present. It was a room in the same bungalow (Mr. Boevey's bungalow). There were present sepoys, Khan Bahadur Akbar Ali, and Abdul Ali. I don't remember how many sepoys were present, being sick. On that occasion Mr. Souter took down my statement in writing. He told me to tell everything I knew. I made a statement to Mr. Souter about something I had forgotten. Mr. Souter asked me about the poison. I answered I knew nothing about the poisoning, and then I told him all I knew. When asked by Mr. Souter about the poisoning, I said I knew nothing about it, but that two persons mentioned it to me, and I then stated what I had heard. Mr. Souter asked me if the Maharaja had said anything to me about the poisoning, and I said that I knew nothing about it, and had told all I knew. Q.—Did Akbar Ali or Abdul Ali say to you that the Maharaja must have said something? A.—They threatened me; and they said, "If the Maharaja did say anything to you about it, state it." I said I had stated all that I knew. I was not threatened. I did not say I was threatened. They said the Maharaja must have said something to me about poisoning. I said he had not. It is not true that Akbar Ali or Abdul Ali threatened me (*damkhaa*). I may have said it. I think I said they asked me. I am now in confinement—in charge of Police sepoys. Mr. Souter did not read my statement over to me. Nobody else came to me. I am in confinement. Q.—Did you see Mr. Cleveland? A.—I don't know anybody, I am in confinement. I made no other statement to Mr. Souter, but I did to a Vakeel, that is, a Vakeel or Barrister. At the hospital I did make another statement to Mr. Souter. I tell no lies. My second statement was after I was sent to the hospital.

It is agreed that the day was the 21st December 1874.

I sent for Mr. Souter, and he came in order that I might tell him all I knew. I spoke to Dr. Seward or somebody else about it, but I don't remember whom I sent. I spoke to somebody, not Akbar Ali or Abdul Ali. I was then under a guard of sepoys, and nobody was allowed to come to me. Q.—How did you get to the Maharaja the first time? A.—I did not then know Baroda. I have seen England, Cawnpore, Aboe, Simla, and Arabia. Salam and Faizu were after me for about two months. They asked me from time to time to go to the Maharaja to make my salaam. I went not because I knew not how to go. Faizu and Salam said to me, "Don't you fear," and Salam said I should go with Faizu. I was unwilling to go because I had never been to the Maharaja. I had not been to Baroda before. I do not know (*pachanta*) Damodhar Punt. I don't know who is meant. I never saw him. Faizu persuaded me against my will to go to the Maharaja.

Re-examination by Mr. Scoble.—The Vakeel I alluded to as the man to whom I made a statement to is the gentleman here.* I made a statement to him; it was not read over. Between my first statement to Mr. Souter and my second to him (Mr. Souter) at the hospital I did not see either Akbar Ali or Abdul Ali, nor in that interval had I any communication with any policeman. I was under guard. I was in a regimental hospital. The regimental doctor, whose name I know not, and also Dr. Seward, came to see me there. Khan Bahadur came with a gariwala and a boy. That was the first time I saw Khan Bahadur. I was in my cot in my room sick. I had fever four or five days before that, and also had liver. For the said four or five days I had been lying sick. I did not know the cartman before meeting him with Khan Bahadur. The cartman's name was like Tabe or Kabai. I don't know the names hereabout. The boy's name was Chotu, my servant. On that occasion all that I said was that I was not able to tell everything. I was afraid of the cartman and the boy. I said I would afterwards tell everything, and that I had visited the Maharaja three times. I was put in confinement after that in another room in the same bungalow. I can't say whether it was imprisonment or surveillance (*nuzzerkeid*); a sepoy

was placed at the door of my room, and remained there till I was removed to the hospital. I did not see my husband after that. I don't remember seeing Mr. Souter on the same day that I saw Khan Bahadur, the cartman, and the boy. I was yesterday asked about fright at my third visit to the Maharaja. I mentioned Kazi and Karim as the cause of my fright. I did not exactly understand what was meant when the two men first spoke to me. I began to be frightened at what they said when I went the third time to the Maharaja. I speak a little English. I don't understand difficult English. My Madam Saheb usually spoke Hindustani to me, and sometimes English. On two of the three occasions of my visiting the Gaekwar I obtained leave to go out from Mrs. Boevey. I mentioned to Mr. Souter what I had heard from Kazi and Karim.

By the President.—I don't know the drivers who took me to the Maharaja. It was night. I don't know their names. Yes, I know the name of one. Salam told me it. He called it Sandal. That was when Salam told me to come to his house. He said then that Sandal knew his house. I had not seen Sandal at any time before, but I saw him the following day when he came to Karim to demand his fare for the gari. There were either 20 days or a month between my hearing about poisoning Colonel Phayre and my third visit to the Gaekwar. I am quite sure I went on the third visit before my hearing of the attempt to poison.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 24th February 1875.

No. II.—FAIZU RAMZAN states on Solemn Affirmation.

Examination-in-Chief.

By Mr. Scoble.—My name is Faizu Ramzan. I was employed as a Chobdar for 20 years at the Residency. I remember the Committee sitting at Baroda. I know the ayah Amina. I went with that ayah during the time that Commission was sitting to the Maharaja in the city. It was at night, after nine o'clock; we went in a gari. I don't know who the driver of the gari was. Salam Sowar came and said that he would send a gari. We found the gari at a place near the school where Salam—I mean Salam's man—said it would be found waiting for us. I and the ayah drove in that gari to the city. We did not see anybody on the road. We had a meeting with the Maharaja. Before that meeting we did not meet (*milna*) anyone. When we got to the Chapani gate, which is near the new bazaar, outside the city, one of the city gates, the gari was stopped, when I and the ayah alighted, and we then found Salim the sowar. We accompanied him to the Maharaja. We found the Maharaja in the Haveli upstairs. The Haveli is 200 or 250 paces from the Chapani gate. We entered the Haveli by a staircase in the direction of the Nazar Bagh. The Nazar Bagh is a garden at the back of the Haveli, and adjoins it; and the front of the Haveli adjoins a public street. The staircase by which we went is in the direction of the Nazar Bagh. It was night. We went up very high. I do not remember whether we went up two stories or three. I and the ayah sat down, and then Salam went to inform the Maharaja. Where we sat was a bench and I saw a mirror one; it was night. I could not see how many mirrors. The place was a small room. We found this sort of sitting place at the top of the stairs. The place was just in front as we ascended. As I and the ayah were sitting there after a little time the Maharaja came. I know it was the Maharaja, because I recognized him as the Maharaja who came to the Residency. The Maharaja having come, sat down on a bench. I salaamed to him. He then said to the ayah, "You do not come to me." The ayah said, "I have no leisure." The Maharaja said to the ayah, "Do you speak to the Madam Saheb in my favour. You request the Madam Saheb to speak in my favour to the Saheb, as many persons are making representations." The ayah said she could not say anything in favour of the Maharaja to the Madam Saheb, but if there was anything else, she might speak about it. I made salaam to the Maharaja, and said, "I am a servant: there are persons inimical and jealous of me. I am a poor, helpless man." After that, some talk took place, and soon after I went away. The ayah went away with me. What I said was that my son was a servant, and therefore people were inimical to me. He is a sowar. He entered the service in the time of Khanderao Maharaj five or six years ago. His age is about 16 or 17 years at the present time. He gets 10 kutchra

* A man is called into Court and witness, Faizu, identifies him as the cartman. The man says his name is Karbhaj Poonjabhai. rupees, of which 10 are worth only eight rupees. This is his pay monthly, and has always been so, since he entered that employ. I would be able to recognize the gariwala if I were to see him—the man who drove us to the Maharaja on that occasion. I identify the man now called into the Court as the cartman.*

Cross-examination by Serjeant Ballantine.—He used to come before that to the Camp and the Residency, and therefore I knew him. He was brought before me when I was before Mr. Souter, and I recognized him. Colonel Phayre did question me about the attempt to poison him. I said I knew nothing about it. I said nothing about my visit to the Maharaja, because the other persons there and at the Residency bore enmity to me and accused me of having done it. It was for this reason that I mentioned not my visit to the Maharaja as I knew nothing about the poisoning, and feared I might be accused. Two days after I was examined I was dismissed. After my first examination was taken by Colonel Phayre, he sent for me two days after, and took down my name, and asked how long I had been in the service; and again after these two occasions Colonel Phayre asked me who had incited me or spoken to me. He did not mention the Maharaja's name (*Maharaja ka nam nahin liya*). He did not ask me if the Maharaja had incited me; he merely asked me who had done it. I was only asked by him to mention who had instructed me to poison. I remained after Colonel Phayre went away. I was put into confinement two days after this poisoning matter, and have been in confinement ever since till now. I

am now living in a tent with a guard over me. I am in Abdul Ali's charge. I know Raoji Rama. He was one of the persons who accused me of poisoning my master. All the people at the bungalow did so. I went to the Maharaja with the ayah as already deposed. The sowar told both me and the ayah to come in the evening; his name is Salam. I and the ayah were standing at the Residency bungalow, and Salam came with some fruit. He had been to the Saheb with some fruit, and came to us on his return. Salam said, "Do you come there?" He had frequently spoken to us before about going, and I said what business had I to go? I did not persuade the ayah; she is not a child requiring persuasion; she went of her own accord. Both the ayah and I went to the Maharaja of our own accord, not by force. I went because the ayah went. I had no other business to go there for. The ayah said, "I have been asked for a long time to go, let us go." I did not ask her for what purpose. Q.—Did you mention before the 29th December, when you were examined by Mr. Souter, anything about your visit to the Maharaja? A.—I did not until then tell any person about it. Nobody told me before that statement was taken that the ayah had been examined. I did not know that she had. I was taken one day and made to stand up, and the gariwala to stand up in another place. The driver of the gari gave his evidence and the ayah gave her's. The ayah was inside because she was sick, and we were standing outside. Then I admitted that I had gone on one occasion, and the reason of my admitting this was that the ayah and the cartman had admitted it. Somebody told me that the ayah had said I had gone with her. The driver confessed the same, and then I acknowledged. Nobody told me that the ayah had admitted: I was taken to the place where the ayah was, and I was put in one place and the cartman in the other. Then I acknowledged that I had gone on one occasion. When I was standing at the ayah's door, she said nothing in my presence. As the two persons who had gone were there I admitted that I had gone. I did not then know that she had admitted. As the witnesses had been found, I admitted having gone. At that time Akbar Ali was not there, nor Abdul Ali, nor any person. Akbar Ali was some distance off, and Rao Saheb was there. I spoke first, before the ayah or the cartman did. I said I went once. Nobody said anything to me. We were not allowed to talk to persons kept in confinement. I was asked whether I had gone, and I said that I did go. Rao Saheb asked me that.

Re-examination by *Mr. Scoble*.—The place where the ayah, myself, and the cartman were made to stand was the hospital. Between Colonel Phayre's arresting me and my being taken to the hospital I had no communication with the ayah. I saw the ayah at the hospital. I had no conversation with her then, nor did she make any statement in my presence, nor did the cartman do so. I gave my statement to Mr. Souter on a Monday when he was leaving Baroda. I don't remember how many days this was after seeing the ayah at the hospital. In the interval I did not see the ayah or the gariwala, nor hear what they had said. I have been 30 years in service of the Government.

By the *President* at request of *Raja Sir Dinkar Rao*.—The Palace I went to is that called the Haveli. My son entered the Gaekwar's service in Khanderao's time. I requested the Resident, Wallace Saheb, about it when he was about to go. I asked him that I might be employed under Khanderao. Wallace Saheb then transferred me and another man to Khanderao's service. That man's name is Syed Husein. I stayed in Khanderao's service two years, and after that Colonel Barr took me back to the Residency, and my son got my place with the Maharaj.

Baroda, 24th February 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. III.—KARBHAI POONJABHAI states on Solemn Affirmation.

Examination-in-chief.

By *Mr. Inverarity*.—My name is Karbhai Poonjabhai, in service of Ramchander Halva, and I live in the Cantonment Bazaar. I know Faizu, the Chobdar at the Residency, because he was with the ayah when they went with my gari. That was a long time ago, a year or a year and a quarter ago. They got into the gari at a place near the School, and went to the Chapani gate. They told me to stop the gari there and stay there. I don't exactly remember the hour, but I think they got into the cart at eight o'clock at night. I observed that after getting out of my cart they went into the city through the gateway, that is the road that leads to the Haveli. I stopped there as they desired me. They returned after eleven o'clock. I was asleep then; they awoke me and got into the cart, and drove to the place where there is a school. At that place they got out and went towards the Residency. The Residency is at the other side of the maidan in which the spot is where the gari was stopped.

Cross-examined by *Serjeant Ballantine*.—The woman now in Court is the same that I

The witness Amina is called into Court and drove. I came from Barton Saheb's bungalow where identified by witness.

I was in custody in a tent. Mr. Souter lives there, but the tent is some distance from the bungalow. After the Maharaja was arrested I was taken up. I am kept in custody in order not to communicate with any person. I have done nothing but drive these people in my cart. I informed my master on that night that Faizu and the ayah had got into my gari and that I drove them as described. I told nobody else. My master is Ramchandrar. I had seen the ayah on one occasion when I drove to the Residency. I had seen Faizu before, but had not spoken to him. I told my master the same night I returned from the drive. I was asked to point out at the hospital who the ayah was that rode in my gari, and I pointed her out. On that occasion Faizu was present at some distance. I pointed Faizu out. Some man of Mr. Souter's was there—Akbar Ali Khan Saheb. It was to Akbar Ali I pointed out Faizu. Faizu did not hear what I said, being at a distance. I don't know

whether Faizu observed me pointing him out. He was as far off as the edge outside this court is. Before this I had not pointed him out, as I had no occasion. I was told to look at him from where I was at the time. I was just before doing so asked if I could recognize him. I was asked, "Did he go in your cart?" It was, "See if you can recognize that man" as the man who went in your cart? There was no other woman but the ayah; the ayah was inside. My master is not in custody. He has to look after four gari and to look after outstandings, and has no time to look after me. I have not seen him since I went into confinement. I did not tell Akbar Ali or anybody that I had told my master that those persons went into my gari. It depends on Government whether I get out of confinement. Nobody told me that matter depended on the issue of this case. I was told I should be set free after this business is over. Akbar Ali asked me nothing, but Mr. Souter took down my statement. Mr. Souter told me that when the Sirkar's business should be over, I should be set free.

Re-examination by *Mr. Scoble*.—The confinement is only eating, drinking, and sitting. There is no remedy against an order of the Sirkar. I agree to whatever order the Government may give. I am a married man and have children.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 24th February 1875.

No. IV.—SHEIK KARIM states on Solemn Affirmation.

Examination-in-chief.

By *Mr. Scoble*.—My name is Sheik Karim. I am a peon under Mr. Boevey, who was Assistant Resident here. I was in his service when he went to Nowsari last year. After the first fall of rain he returned. I remember after his return from Nowsari going with the ayah. About eight days after my return I went with her to the Maharaj. This was about eight o'clock at night. I and the ayah went in a gari from here. The ayah had previously desired me to call a certain gariwala named Sandal. I did call him, and he brought a gari for us to a place near the School. I and the ayah got into the gari near the School. The ayah told the driver to go to Salam's house. I think Salam is a *jasus* in the Maharaja's service. When we got near it Sandal, the driver, went to call Salam. Salam came and got into the gari with us, and then we all three went to the Haveli,—I mean the Palace near the *māndvi* or tower with a clock in it. When we got there Salam took me and the ayah upstairs to the Maharaj. We went up by a door at the back of the Haveli. The Nazerbagh adjoins that entrance. There are two Havelies with a covered way between them. Having entered this door we went upstairs with Salam. I know where we were taken. We went through two rooms, and were told to sit in the third room. I did not count the story nor the number of staircases. I think there were two or three staircases. The room where we sat was a story above the two rooms through which we passed. I had to turn when I got to the top of the stairs to get into the room. Nobody came there. No one was there when we arrived. I did not see the Maharaj on that occasion. The ayah stayed with me the whole time I was there. I was there about three-quarters of an hour. From that room I, the ayah, and Salam went to the Maharaj. When we went upstairs and got to the top we saw the Maharaj sitting on a bench close to the top of the stairs. The place where we had to turn was between the rooms where we were waiting and the place where we found the Maharaj. The ayah sat down and conversed with the Maharaj. I stood aside. I did not join in the conversation. No one else was there except me and Salam and the ayah and the Maharaj. The ayah commenced speaking about the wedding. The Maharaj asked the ayah whether the Saheb was angry with him on account of that marriage having taken place. The ayah thereupon said, "I cannot say anything now, but when the Madam Saheb comes, I will be able to talk her over." The ayah said she did not go to the Saheb's room, but she would speak to the Madam Saheb when she came. The Maharaj addressing me said, "Will you explain things to your Saheb?" I said, "My Saheb won't attend to what I or others say to him." "He does what is proper to his own mind." I had no further conversation. We were at the Haveli about an hour. We went downstairs after that, and then came to the Residency. Next day the ayah told me to go to Eshwant Rao in order to get a present on the occasion of the marriage. I knew Eshwant Rao because he came every fourth day to the Residency with fruit for the Resident from the Maharaja. I went the next day to Eshwant Rao. Salam and Eshwant Rao were there and no other person. Salam gave me two hundred rupees, and told me to keep one hundred myself and give the other hundred to the ayah as a present on account of the Nowsari wedding. I kept the hundred rupees for that night, and at six o'clock next morning I took them with me and gave them to the ayah.

Cross-examination by *Serjeant Ballantine*.—I gave them to her in her husband's presence. After the attempt at poisoning Colonel Phayre questioned me.

It is agreed that this was the 13th November 1874.

It was not Colonel Phayre but Mr. Boevey; Colonel Phayre was not then present but in his office. Colonel Phayre did not read over my statement to me. I did not tell Mr. Boevey about my visit to the Maharaj. I was questioned about Salam but not about the Maharaj. I told him that I had a quarrel with the Arab Sowar Salam. I did tell Mr. Boevey that Salam told me that I should relate what passed in Bhau Poonekar's matter and be rewarded for it. I told him of Salam's enmity causing him to refuse my going in a servants' cart on the way

to Makinpur. I said that I had a quarrel with Salam at Makinpur on account of my not furnishing information desired by him. I was afraid of being accused in the poisoning matter; therefore I did not tell Mr. Boevey of my visit to the Maharaj. I am now in confinement. I was put in confinement about a fortnight after my statement to Mr. Boevey.

Counsel reads from statement, and witness I afterwards made a statement to Mr. Souter. I told replies. Mr. Souter all I knew. I told him—"Last hot

"weather I went with the Assistant Resident to Nowsari and on return went with an ayah to the Maharaj. We went in a cart to the house of Salam Sowar and then with him to the Haveli, and then all three through a private entrance upstairs. The Maharaj, Salam, and the ayah had a private talk for about an hour. We returned to the Residency about eleven o'clock." I did tell Mr. Souter about the conversation. I told Mr. Souter the talk between the ayah and the Maharaj. I was examined by Mr. Souter only once. What I said was written down and read over to me. Mr. Souter asked me if it was correct, and I said it was. I did mention the conversation between the ayah and the Maharaja. Mr. Souter did not read that part of my statement out to me. I did not hear him read out that part. I have not seen Akbar Ali to speak to since yesterday, because policemen are there. I went to the Maharaja's Palace because the ayah took me there in order to get a present on account of the Nowsari wedding. I am Karim Naik. It is not true that the ayah went because I and Salam asked her to go.

Re-examination by *Mr. Scoble*.—The ayah has said nothing to me since yesterday. I have heard nothing about the evidence she gave yesterday.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 24th February 1875.

No. V.—SANDAL states on Solemn Affirmation.

Examination-in-Chief.

By *Mr. Inverarity*.—My name is Sandal Bakhtyar Khan. I am a servant, a gariwala, in employment of Mahomed Bakar. I know Mrs. Boevey's ayah; I don't know her name.

* The witness No. 1, Amini, called into Court. She is a woman. I know Mr. Boevey's peon Karim. I identify* the woman called into Court as Mrs. Boevey's ayah. She and Karim have been driven by me in my cart towards the city from the plain called Pirpathar. It is near the boundary pillars between the Gaekwar's limits and the Con- tonment. It is near the School. We drove to the house of Salam. Having got there, Karim Baksh told me to go to Salam's house and call him out. Salam is the Maharaj's Sowar. I know him because he is in the habit of coming to the Residency. I called Salam. Karim took hold of the reins of the gari while I went and called Salam. Then Karim, the ayah, and Salam went in the gari. Salam came when I called him, and got into the gari and sat with the ayah and Karim. Then we drove to the Sirkar Haveli, that is, the Haveli close to the clock tower. I drove the gari by a way between the two Havelies and stopped the gari near the staircase at the back, near the Nazerbagh. The ayah, Karim, and Salam alighted and went upstairs. The gari remained standing. I got out of the gari and went to sleep on a step of the staircase. Salam, Karim, and the ayah all three returned. When they returned, the sentry awoke me. It was near twelve or one o'clock at night that I awoke. I took the gari there at half-past nine, and they got into the gari about ten o'clock. I drove the ayah and Karim back to the Pirpathar maidan. I don't remember what time of the year this was, nor whether it was the monsoon or before or after, but it rained at the time I went. I don't exactly recollect, but it must have been eight or ten months ago—eight or nine months I think. Karim Baksh paid me for the gari. He paid me at six o'clock next evening. I identify the man called into Court* as Karim Baksh.

* A man called into Court. Cross-examination by *Serjeant Ballantine*.—I was going from the railway train to the city. The Bombay police came here and made inquiries, and could get no information. I first made this statement to Mr. Souter. It was when the Bombay Police came and made inquiries. Being ignorant, I cannot say when this was. It was not last night. It was the day the Bom- bay Police arrived. It was two or three months ago. I told Mr. Souter, but I requested he would not publish it in an assembly or council, I being a (*pardeshi*) foreigner. Mr. Souter did not write down my statement. I was not put in confinement, nor have I been, nor am I now, in confinement. Since then I have told nobody. A Saheb sent for me last night and

* Witness points out Mr. Cleveland, Solicitor. took down what I had to say. I point him out.* Except him nobody else was there. It was last night. I don't speak English. There was a Havildar or some one who explained to the Saheb. I don't know Abdul Ali. Why should I not remember the hour of twelve or one as I was paid for my gari? I had no watch. I can't specify whether it was twelve or one o'clock. It was a dark night. That man* put questions to me and the Saheb took down what I said. I don't know the man's name to be Abdul Ali. I thought him a Havildar. He caused the Saheb to take down what

* Abdul Ali is pointed out. I said. Abdul Ali said to me, "The Saheb wants to know who hired your gari." He did not say when, but it was eight or nine months ago. I asked him, "When?" The answer he gave was, "At the time Karim Baksh and the ayah went in your gari." I said, "It was either

"eight or nine months ago that he went." Before that I did not know the ayah, but I did know Karim, who used to go about the bazaar. I never drove him before. I have seen him since, not last night nor this morning. Abdul Ali did not tell me what Karim said yesterday. Last night I slept at my house. I was never in confinement at any time. One day, that on which my statement was taken, I was kept in confinement. I had not mentioned about Karim Baksh. I was kept in confinement, but after mentioning about Karim Baksh I was liberated. I and all came from the Residency. Abdul Ali was present. I mentioned Karim Baksh's name after I was told that my statement should not be taken. I was afraid—[Witness draws his hand across his throat]. I made my statement two, or two and a half or three months ago to Mr. Souter. Nobody else was present. I first made an arrangement with Mr. Souter in order to save my life. I got him to agree that he would not publish what I said. I mentioned the ayah on that occasion and not Karim's name. I merely said, "The ayah went to the city." I know her now. I know her at the time I made a statement to Mr. Souter. I knew at that time that she was Mrs. Boevey's ayah, because she lived at Mr. Boevey's. Before then I had seen her at Mr. Boevey's. Mr. Souter did not ask me if Karim had gone with her. I made a bargain with Mr. Souter through fear of my life from the side of the Gaekwar, I being of another country. I was not confined that night—not at all, not at any time. I was taken to Mr. Boevey's bungalow. I was not kept in confinement until I mentioned Karim's name. After making arrangement about my life I told the whole story. When the Bombay Police came inquiries were made regarding this case. I went to Mr. Souter. Syed (*untwala*) camelman took me to Mr. Souter. Syed had a camel formerly, but not now. I don't know that Syed made a charge against the Gaekwar. Syed's other name is Sadak Ali.

Re-examination by *Mr. Scoble*.—When first I went to Mr. Souter it was with Syed, the camelman. I was asked what I had to state. I made a statement. I said, "Karim came to me at six o'clock to hire my gari; Karim Baksh having come to my house to hire the gari, it was taken to the Pirpathar maidan at half-past nine. The ayah and Karim came and got into the gari, and the gari was driven to the city. They went in the gari to Salam's house in the city. When we arrived close to Salam's house Karim Baksh desired me to go and call Salam. I gave the reins of the gari into Karim Baksh's hands and went to call Salam. Salam came from his house. Salam, Karim, and the ayah got into the gari, and we went thence to the Sirkar's Palace. We went to the old Haveli, close to the Nazer- bagh, and the gari stopped at a staircase in rear of the Haveli. Karim, the ayah, and Salam alighted and went upstairs. After they had left I went asleep." I made all the above statement to Mr. Souter about two or two and a half months ago when the Bombay Police arrived. I made the arrangement with Mr. Souter after I made my statement—at the same time. I made the arrangement from fear of my life. I was not in confinement on that day. I was not in confinement. I was brought from the Residency to Mr. Boevey's bunga- low to point out the ayah and Karim Baksh. I was brought there after I made my state- ment to Mr. Souter. I pointed out the ayah and Karim Baksh to Mr. Souter, Mr. Boevey, and Khan Saheb. After pointing them out I was allowed to go away. Since then until now I have not been in confinement.

By *Serjeant Ballantine*.—The man I called Syed is Sadak Ali. I don't know his father's name. I don't know if he comes from Ahmedabad. He was sitting in his house, and there was some talk of the Bombay Police having arrived. He came to me because I said I would point out to Mr. Souter such-and-such persons as had gone to the Sirkar's Palace. I said I would prove that the ayah and Karim had gone.

Q.—Why did you tell Sadak this if afraid of your life? A.—It was stated that no clue to this case would be got. Sadak said so. I have seen Sadak lately. He lives in the camp. I saw him in the camp fifteen or sixteen days ago. I did not see him about the present case. I don't know if he is assisting in getting up the case. I told Sadak, and Sadak told Mr. Souter.

By *Rajah Sir Dinkar Rao*.—I was afraid of my life, being resident of a foreign country. I heard that Bhau Scindia had been strangled to death by an elephant—that is all. I have been servant here for three years. If so great a man as the person named was put to death, I thought I might be rammed into a hole.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 24th February 1875.

No. VI.—CHOTU states on Solemn Affirmation.

Examination-in-chief.

By *Mr. Scoble*.—My name is Chotu. I am in service of Amina, Mrs. Boevey's ayah. Amina, witness No. 1, is called and identified by witness. It is four months since I was in her service. I went to the city with her on one occasion; I think two or three months ago. I cannot specify the month or

day. It was in the month of Ramzan. It was in the night-time, about nine o'clock, in a gari. It was a Mahomedan gariwala's gari. The gariwala's name is Daud. I got into it near a burr tree on the maidan or plain. There were the ayah, myself (no one else), and the gari-driver. The ayah's husband brought the gari, and was there when it came. I and the ayah got into the gari. We went to the Arabkhana in the gari. It is a short distance

from the mândavi and the Haveli in the city. Salam was there. Salam is a Sowar. I did not know him before. I know him now, because while I served the ayah he was in the habit of coming with the Sirkar's escort to the Residency; he used to come to drink water to the ayah's room. We went to the Haveli, in front of the Haveli. I don't know what became of the ayah; she left the gari. Salam took the ayah with him. I know not where they went. A short while after they left I fell asleep together with the gariwala. I was afterwards awakened by the ayah and Salam. I went back with them in the gari, and so got home. It is four months since I entered the ayah's service.

Cross-examination by *Serjeant Ballantine*.—I am not, and have not been, in confinement. A sepoy follows me. I don't know his name. I sleep at the Khan Saheb's. I have not been followed like this before. Since all those persons were brought to the tent they are followed

* Akbar Ali is called and identified.

by sepoys. I identify the Khan Saheb.* All the witnesses are in the tent. Since the day before yesterday they are apart. We were then separated because we were examined. I know Raoji, who lives at our place. He is separated from the witnesses. He is with the Khan Saheb here. He is always with him ever since they have been taken up. I gave evidence when taken up about two months since. It has never been read over, even until to-day, to me.

Re-examination by *Mr. Scoble*.—In the tent with me are the gariwala and we. By we I mean myself. There are three gariwalas. I know the name of the driver of the gari in which I went; not of the other two. Since the day before yesterday the witnesses were kept apart—the ayah and others. I mean those who have given evidence are kept apart from those witnesses who have not given evidence.

Baroda, 25th February 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. VII.—SHEIK DAUD states on Solemn Affirmation.

Examination-in-Chief.

By *Mr. Inverarity*.—My name is Sheik Daud, and father's name Sheik Rahim. I am shigram-driver. I don't know Mr. Boevey's ayah, but when I went to the Residency I saw her outside. I know her by sight. I know the boy Chotu. I know the ayah's husband sufficiently to salaam to him. I did drive the ayah and the boy in my shigram. I did not think I would be asked the date. It was before the last Divali—two or four days before the Divali. I drove the ayah and Chotu from a place twenty paces from Dadabbai's shop—yonder. I stopped the gari near the banian tree. I don't know how far the shop is from here. I drove them to the city, to the Arabkhana, where the Sirkar's guard is stationed. Then the ayah said to me, "Go and call Salam." I then brought Salam, who was close to the Arabkhana. Salam and the ayah then got down and went to the Haveli—the old Haveli on the right-hand side. The Arabkhana and the Haveli are contiguous. I stopped near the Arabkhana and the well near the Durgah. I took the cushion from the gari, and resting on it slept. Salim awaked me. The ayah was with him. I got up, put the bullocks in, got the gari ready, turned it towards the camp, and drove it back with the ayah and Chotu. A

* A man calling himself Sheik Abdulla is identified. butler came to me who lived in the Resident's bungalow that night to tell me to take the gari. I know not his name; he was a Mussulman. I recognize him as the man now called.*

Cross-examination by *Serjeant Ballantine*.—I have not a Sepoy with me. I live in the camp with my parents. Since this matter began I have never been in confinement. I did not give information. I mentioned it in presence of a man named Sandal. I identify the man called in.* I mentioned it to Sandal as he sat

* Witness No. V., Sandal, called and identified. with his master, a baker. I do not know Sadak Ali. I met Sandal one day on the road, and he asked me, "Who did you take that night?" I said, "The ayah and a boy." I did not notice what night he meant. He meant the night I took the ayah. He knew about it, because he took the bullocks from the gari and gave water to the bullocks at a cistern. I told him about my taking the ayah; thus he knew. He met me on the road,—I mean at the time I took the ayah. He must have seen, otherwise he would not have asked me. I had only two or four talks with Sandal about my taking the ayah. What object have I in finding who took the ayah? I myself took her. Sandal did on one occasion mention Karim's name, saying that he had driven him.

Re-examination by *Mr. Scoble*.—The first talk I had with Sandal was one day about eight o'clock two months or two and a quarter months ago. I knew him before because my master and Sandal's master are brothers. My master's name is Sheik Chotu, and Sandal's master is Sheik Shah Ahmed. Both of them let out garies on hire. Their garies are kept at different places; one lives near a butcher's shop, the other near a liquor place; both live in the camp. When I took the ayah to the city I met Sandal, who was watering the baker's bullocks which he usually drives. The cistern is on the Baroda road; on the other side of a bridge called Banda Bridge. He spoke to me; as I went to the city he called out, "Daud, where are you going?" I said, "To the city." Five or seven days after he mentioned the matter to me, I said, "Truth will be out." One day as we were sitting together, about 8 a.m., he mentioned, and I did also. This was the occasion he asked me who I took that night. It was the occa-

sion I said, "Truth will be out." He asked me who did I take. I don't remember when the Bombay Police came to Baroda. I did not see them.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.
Baroda, 25th February 1875.

No. VIII.—SANDAL recalled.

By *Mr. Scoble*.—I know the witness Sheik Daud. We serve masters who are brothers. I had a talk with Sheik Daud once as I was going from the station to the city, and unyoked my bullocks to water them, and Daud was going with his bullocks to the city. He went on, and after giving water to my bullocks I went after him. I saw his gari near the Sirkar's Haveli. Then I returned home leaving my passenger. Next morning I asked him, "Whom did you take last night?" He said, "I took Chotu and the ayah." That is all.

Cross-examination by *Serjeant Ballantine*.—I mentioned Karim to Sheik Daud. I told all this to Mr. Souter.

Re-examination by *Mr. Scoble*.—As to Daud, he took them in the Ramzan. He heard about Karim when I told Counsel, that is when I told Mr. Boevey. I did not tell Sheik Daud about Karim. When I said I did mention Karim to Sheik Daud I did not understand the question. I am a poor labourer; why should I mention Karim's name to Sheik Daud?

By the *President*.—On the occasion when Sheik Daud asked me whom I had taken to the city I did not mention Karim.

By *Mr. Scoble*.—I don't remember that I afterwards mentioned Karim. I don't know if I mean Mr. Boevey or Mr. Souter. I point out the man I mean. I knew him by the name of Boevey. Daud

was present on the day I made a statement to Mr. Souter. Daud had been taken up, and was present there.

By *Serjeant Ballantine*.—Q.—Why did you not mention Karim when you mentioned the ayah and Chotu? A.—Lest I might be driven away; even now I am afraid of my life

(Signed) JOHN JARDINE,
Secretary to the Commissioners.
Baroda, 25th February 1875.

No. IX.—SHEIK ABDULLA states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—My name is Sheik Abdulla. I am the husband of Amina. Last year I served Major Blakeney. I served him seven months, two months whereof I was at Mahabaleshwar, and the rest at Baroda. I went to Mahabaleshwar in March, about the 28th or 29th March. I came back with Major Blakeney to Baroda, and stayed with him that month, and got leave in the next month. After that I lived at the Residency with my wife, and have lived at Baroda ever since then. I first served Major Blakeney in January of last year, and before that January I was at Bombay. My wife Amina went to Bombay with her Madam Saheb in March last year. She remained there rather more than a month. When I was in Mahabaleshwar and she in Bombay I received

* Two documents put in witness's hands. two letters from Amina. One* of the documents shown me is one so received [this is marked A]. The other I did not receive [marked with initials]. The letter now shown me was sent by me from Poona [marked B]. The next letter shown me was signed by me and sent from Baroda by the post [marked C]. I was present when these letters were found in a box in the room where we live at Mr. Boevey's bungalow. The letter which I have said I did not receive was found in the same place in the same box as the other three.

The letter marked A. is admitted as evidence, and recorded as Exhibit A.

I knew Eshwantrao and Salam. I have had conversation with them. Salam was in the habit of coming with the Maharaja's escorts to the Residency. Salam was in the habit of coming to Faizu's room to drink water. It is near my wife's room. My wife told me that she went to the city to Salam. She told me this the morning after my arrival from Bombay in January. She said, "Faizu and I were sent for by the Maharaj through Salam. I went in company with Faizu." She said, "The Maharaj made some inquiries of me." She said the Maharaj inquired if she knew anything about the Committee, and that she answered that she knew nothing about the Commission. She also told me that the Maharaj said to her that she should talk over in his favour the Madam Saheb, and that she replied that she was not in the habit of going to the Saheb's room, and that the Madam will not listen to anything she would say. She did not at that time tell me aught else. I came to know, on the day following a visit, of other visits. I was then in Major Blakeney's service at Baroda. I believe it was in June she went on the second visit after my return from Mahabaleshwar. She told me that she went to the Maharaja as desired by him. She told me the circumstances. She said she went along with Karim Baksh. She told me the conversation between her and the Maharaja. The Maharaja, she said, enquired if any allusion had been made to his marriage. She answered that none had been made, that she heard none. The Maharaj asked her to talk over the Madam Saheb. She replied that she was

unable to talk over the Madam Sahab. My wife got Rupees 100 after the second visit. I know this because she told me. She said that Salam had asked her to send Karim Baksh the following day, and that Karim Baksh went the following day and received Rupees 200, of which he kept 100 and paid her the other 100. I know my wife did get the Rupees 100. Soon after my wife went to Poona. I believe it was in July. She remained a month or more,—about a month and a half. It was when she was in Poona that I addressed to my wife these two letters.* When my wife was at Poona, Eshwant Rao had gone to Bombay.

* Letters B and C are put into witness' hands. The letter C is now admitted in evidence of the interest shewn by witness and Amina in Baroda political affairs and is recorded as Exhibit C. Mr. Serjeant Ballantine withdrawing his objection.

The word "bungalow" in this letter means the Residency. The Eshwant Rao therein mentioned is a *jasus* of the Maharaja.

The letter B is admitted in evidence and is recorded as Exhibit B.

The Esra Naik alluded to herein (*i.e.*, in the letter B) is Eshwant Rao, the *jasus*. My wife came back from Poona in August; I don't remember what day. After that return she paid another visit to the Maharaja in the month of Ramzan, about the 15th or 18th of that month. On that occasion I went to fetch the gari for her. A boy named Chotu went with her. My wife told me what passed on the following morning. The Maharaja said, "Was any reference made to the son that was born?" She said that she knew nothing about it. She said she was asked to talk over the Madam Sahab in favour of the Maharaja. She also said that the Maharaja enquired if anything could be given to these people to bring about a union between the hearts of the Maharaja and the Sahab. She replied, "that nothing should be given to the Sahab to eat, and if you do anything of the kind, it will be bad for you." She said that she told the Maharaja to do nothing of the kind. My wife got Rupees 50 after this third visit. She said that Salam brought it. She also told me that I also should be employed. She did not tell me who would employ me, or what employment it would be. Nobody but my wife spoke to me of this employment.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 25th February 1875.

Cross-examined by *Serjeant Ballantine*.—I have been married to my present wife ten or eleven years. We have been in the habit of writing letters to each other. We did so if we had any news regarding our house, and also on other matters of interest. My wife wrote, if necessary, on matters of importance. Besides the one letter from my wife shown, perhaps there may be others from her among the papers. In June and July of 1873 I and my wife lived together. In November and December we were not together. I was at Bombay; she was at Baroda. In June of 1874 I went to Mahabaleshwar for a few days. When I went, she was in Bombay. My wife was about six or seven months in Colonel Phayre's service as ayah. People mentioned the fact of poison being put into Colonel Phayre's glass at the time it took place. I knew nothing about it. I do not know whose duty it was to give sherbet to Colonel Phayre. I remember being examined by Mr. Boevey.

It is agreed that the 13th November was the date of Mr. Boevey examining this witness.

I did not mention to Mr. Boevey anything that my wife told me. When Mr. Souter sent for me and examined me, I did so. I had not told Mr. Boevey because I was afraid. I don't know who did it. How could I mention it? I did not mention what my wife told me about something to turn Colonel Phayre's heart because I was afraid. It was because the Sahab's orders were not to go to the Maharaja. I don't mean orders to me not being in his service. My wife told me she had such orders about not going to the Maharaja. She told me so often. I don't remember when Mr. Souter sent for me when I was at Mr. Boevey's. That lad who is in my service said a gari had been hired and they had gone. When I was taken to the Sahab, the boy came there. The boy was at Mr. Souter's. The boy and the gariwala were there, and the Khan Sahab, Akbar Ali and Abdul Ali. I did not see them there when I arrived at Mr. Souter's. Khan Sahab was there then. Both Akbar Ali and Abdul Ali were there when I went, also Rao Sahab and nobody else. I was first asked, "Did I know about this, or what?" I was first asked if I knew anything in regard to the affairs in that quarter. At that time I said, "I knew nothing." The Sahab said, "Tell the truth." The cartman and Chotu were not there at that time; Mr. Souter was there then,—four persons. There were three persons, Rao Sahab, Khan Sahab, and the younger Khan Sahab, and also Mr. Souter. When I was first questioned, Mr. Souter was there. The Sahab said, "Tell the truth; don't tell a lie." In the meantime the boy and the gari-driver were brought there. The havildar brought them, I did order the gari.

Q.—Did Mr. Souter say the cartman and boy had said that you ordered the cart? A.—Mr. Souter did not say that, but the boy and the cartman did say that. When I was examined first I was kept under guard for three or four days and was afterwards released, and since then I have lived with my wife. I was present the day my wife was examined and was not with her that night and next day. Since she was examined, we have been kept apart. Nobody told me what she said.

Q.—In one of your letters you say Eshwant Rao has gone and Shabudin will go to Bombay? A.—Shabudin lives in the city. He has some employment under the Gaekwar. He was Sir Subha. He is a native of my own country. I am not aware that he holds the same place under Sir Lewis Pelly.

Re-examined by *Mr. Scoble*.—I made my statement to Mr. Souter at the Residency in a room on the west side on the ground floor. My wife was at that time unwell at Mr. Boevey's house. She was not then under a guard. She had been taken to the hospital; she was at the house of Mr. Boevey the day I was taken and examined by Mr. Souter. On the first day I was questioned a little, and not on other days. I was not then put in Chowki when those questions were put; I was with the Khan Sahab. I did not have communication with my wife in those days. I did not go to her when she was in hospital. I went to her when I was released. She was in hospital when I was released, and I visited her there. She had been then in the hospital for about five days. When I first went there to see her, I saw her and talked to her.

It is agreed that the ayah's first statement is dated the 19th December 1874.

Baroda, February 26th, 1875.

(Signed) JOHN JARDINE, Secretary.

No. X.—SYED ABDUL RAHMON states on Solemn Affirmation:

Examination-in-Chief

By *Mr. Inverarity*.—Syed Abdul Rahmon is my name. I am also called Rahim Sahab. I know the ayah Amina for a short time. I am a first class peon in the Bombay Post Office. I live in Bombay, and carry on my calling there. The ayah is not of my country: her husband is a neighbour of mine. I first knew her six years ago. Last year I saw her in Bombay.

* Amina, witness No. 1, called and identified. The woman in Court is the ayah in question.* She said she came to Bombay to see her Madam Sahab off to England. The ayah, I think, asked me to write a letter,—more than one I believe, though not certain. I wrote this letter by the ayah's directions.*

* Letter marked A is shown to witness.

† Another letter shown and tendered in evidence. It is marked D. Its date is 29th March 1874.

The second letter† shewn me I wrote by the ayah's directions.

Besides these letters which I did not remember, I wrote another letter for the ayah which I do remember. It was addressed to Sheikh Abdula, butler. It was written under the ayah's directions. I don't remember the details, but I do remember the fact of writing it. In the third letter there was a note written in the Maharaja's name. I think it was Mulhar Rao Gaekwar. I mean it was addressed to him.

Cross-examined by *Mr. Branson*.—I understand a little English. I can understand it, but cannot speak well. I live in Bombay in Khetwadi. I lived in my last house there for three or four years. The ayah lived in the same house in a room adjoining mine. I know Akbar Ali and his son Abdul Ali. They belong to the Bombay Police. Before coming here I did not see them, being busy. They first sent for me in this case. They came to the Kalkadevi Post Office to see me first. I first came here on the 6th January last, and on the 7th Mr. Souter examined me. Akbar Ali and Abdul Ali came to see me in Bombay, but I did not see them. I saw a Police Subhedar named Ahmed Ali. I don't know if he is a relation of Akbar Ali. Ahmed Ali did not tell me I was said to have written a letter to the Maharaja. Because in all my life I only wrote one letter to the Maharaja. First of all these persons inquired about me. I mean the detectives. I was at office, not at home. Mr. Edginton wrote a letter to the Post Office. Ahmed Ali took me to the Police. He said nothing to me but Khan Bahadur inquired of me; but I was not found. Khan Bahadur asked me questions at Bombay. He and I were present, nobody else. When I went to the Khan Bahadur's house there were one or two others. Khan Bahadur did not ask me if I wrote to the Gaekwar. He asked if I wrote any letter for the ayah Amina. He asked to whom I wrote. I said she caused the letter to be addressed to her husband, a butler. I don't remember if Khan Bahadur wrote down my statement. I don't remember the month in which I wrote a letter enclosing another. It was very likely last year. It was written before both the two letters I have identified. I don't know how long before, not quite a month before. I don't recollect if it was before the Holi. I know the Bakri Eed. I don't remember last year's Bakri Eed. Nor whether I wrote it before or after Bakri Eed. I cannot mention the season of the year. I know the Shab-i-barâr. I cannot say if I wrote it before or after the Shab-i-barâr. I cannot say that it was after the Shab-i-barâr. The ayah came to my house, to my room to cause the letter to be written. People who lived there used to come and go there. Mussalmans used to come there to smoke and drink water. Probably people were present at the time of writing. First the letter was caused to be written to the husband. When I was writing the letter to the Maharaja, people may have been present part of the time. There was no privacy in my room. The ayah did not discuss state secrets, but dictated to this effect; "You will greatly oblige me if you will send money for my expenses. There was a dinner at the Governor's, where I made some inquiries, be not apprehensive." There was nothing else in it.

Re-examined by *Mr. Scoble*.—This letter enclosing that to the Maharaja was written during the same visit of the ayah to Bombay in which the other two letters were written. I have served the Post Office for more than three years. My pay is rupees 28 a month.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 26th February 1875.

No. XI.—AMINA recalled.

By *Mr. Scoble*.—I used to know the last witness Syed Abdul Rahimon, and lived in the same house with him in Bombay. I got him to write certain letters for me. Speaking from memory, I think he wrote three letters, of which two were addressed to Baroda. The third was addressed to Mahabaleshwar. The time was when I went to Bombay in company with

* The witness Syed Abdul Rahimon reads the letter D, checked by interpreter. Mrs. Phayre last year. The letter read to me (D) was written by my direction.* I sent salaams to Kazee, Salam, and Eshwant Rao. The Kazee Saheb used to visit a Reverend *padri* gentleman at the Residency, and come to my room to drink water. He comes from Chandor in the Deccan. Salam was a sowar who used to come with the Maharaja. I described him the other day as a jasus.

Eshwant Rao was a Maharaja's jasus or naik. The letter alluded to in this letter as sent with a ticket was written by Syed Abdula Rahim Saheb. The chitti enclosed in it was written to Salam to be delivered to the Maharaja. (Witness explains.) I wrote it because

* Syed Abdul Rahimon reads out letter A. Maharaja. The letter just read out to me (A) was written by my directions.* The statement in it about Salam meeting me in Bombay refers to the same Salam before described. He did not come to see me. I met him at Eshwant Rao's house. I don't know his house. As I was going to Bhau Daji's I met Eshwant Rao and went with him to eat pan-sopari. At Eshwant Rao's residence I met Salam. The Raj-durbari matter referred to in the letter is this: I asked Salam, when will you give me the reward? He said he had not got it; it, being a State affair, must be done leisurely. It is true that Eshwant Rao spoke to me in Bombay as stated in the letter and quoted. It is true that I invited Salam and paid him attentions in Bombay, giving him tea and pan-sopari. As to the passage "I have sent a letter there, I will come on the 20th," I say that I referred to my going to Nowsari; to Mr. Boevey's service. I remember receiving at Poona the letter (B) read over to me.

* The Interpreter reads out letter B. At that time I was at Poona.
† The letter marked C is now read out to witness.

I received this letter† (C) from my husband when I was at Poona.
Cross examined by *Mr. Branson*.—Since my last examination I have been with Khan Bahadur, and have seen him and his son. I have not seen Rao Saheb Gajanand Vithal. I remember Mr. Inverarity examining me.

Re-examined by *Mr. Scoble*.—I have not conversed with them.

Baroda, 26th February 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XII.—SHEIKH ABDULLA recalled.

By the *President*.—I received a letter with a chitti enclosed in it for the Maharaja. When I was about to go to Mahabaleshwar, I gave that note, together with the other letters, to my wife. I had kept the enclosed note for, I think, three or four days. When I received it, I was at Baroda in service of Major Blakeney. I mean that I gave it to my wife three or four days after I received it. It came from Bombay. When I gave it to my wife I was at Bombay. I took it from Baroda to Bombay, and gave it to her at Bombay, when I was on my way to Mahabaleshwar. The reason was that I had no time here, and did not meet that man. I mean Salam. I gave the enclosure to my wife.

Baroda, 26th February 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XIII.—PEDRO DE SOUZA states on Oath.

Examination-in-Chief

By *Mr. Inverarity*.—My name is Pedro de Souza. I was in the service of Colonel Phayre when he came as Resident to Baroda, and remained in his service till November last. Colonel Phayre came to Baroda as Resident about March 1873. Between then and last November I remained in Baroda, but went to Nowsari, and on one month's leave to Goa. I know the Gaekwar's Sowar Salam. He used to come twice a week to the Residency. He used to say, "If you come to the Maharaj it will be well. A gari will be sent for you." I told him, "I won't come." I received money, I was about to go to Goa. I told Salam, "I am about to go to Goa." I asked him to give me some money for expenses of my journey, and he brought me a sum of money. I have told the particulars in my deposition. I said to him, "I am about to go to my country, ask the Maharaja to give me some money for journey expenses." He did so. Salam often sent for me, and he told me money was got from there (*udhar-se*). Salam brought me the money about 10 or 12 days after the asking. He brought me 60 Baroda Rupees, equal to 50 Bombay Rupees. He brought them to me to my room at the Residency. He said the Sirkar has given this money for expenses of the journey. The Sirkar was the Maharaja. I accepted the 60 Rupees. I was a household servant, butler,

head servant in the house. I used to wait at table; altogether I had been 26 years in Colonel Phayre's service, of which I had been 15 or 16 years butler.

Cross-examined by *Serjeant Ballantine*.—My deposition was taken at Bombay before Mr. Edginton. I told him all I knew. Salam alone asked me to go to the Gaekwar. Ever since I came to Baroda he used to come twice a week to the Residency with the Maharaja. He told me it would be well for me to go to the Maharaja. He did not say why. I was very busy. I never went to the Maharaja. When I deposed to Mr. Edginton I was in my master's service. I came to Baroda a month and 10 days ago, I am with the Khan Saheb in the tent. I knew Raoji bin Rama at the bungalow since he came to serve at the bungalow. He had not come when I came there. I was on speaking terms with him, not in particular friendship. Raoji never told me to go to see the Maharaja. I did not promise to go there. I did not say anything to Raoji, except about the payment of 60 Rupees which I had received. I did not arrange with him to go and see the Maharaja. I never went to the Maharaja. Therefore I could not see Eshwant Rao at the Palace, as I never went there. Eshwant Rao never conducted me to the Maharaja. The Gaekwar never spoke to me in presence of Raoji. I never went to the Maharaja's Palace. I never had any conversation with the Maharaja. If Raoji says I went with him to the Palace, it is false. If Raoji says that he and I went on two other occasions to the Palace, it is not true. I never went. I did go to Goa on one month's leave. On my return from Goa I did not go with Raoji to the Palace to see the Maharaja. I was never given a packet from the Maharaja, as I never went to him.

Q.—Did Mr. Edginton put any of these questions to you? A.—What he put and what I answered are written down. In answer to him I told him as I tell to-day, that I did not go to the Maharaja. I don't know Akbar Ali. I know Khan Bahadur. First, I made a statement to Khan Bahadur, according as is put in my deposition. Khan Bahadur asked me if I had gone to the Maharaja. I said I had not gone to him. I was told to tell the truth; to tell everything that was true. I was not told that it would be worse if I did not. Nobody told me that Raoji had said anything about me. I don't know that Raoji has said anything about me.

Mr. Scoble says it is agreed that Mr. Edginton took the statement of this witness on the 5th January 1875.

The Secretary then read a deposition by Pedro de Souza taken by Mr. Edginton, Deputy Commissioner of Police, Bombay, dated the 5th January 1875, which was put in by Mr. Scoble, and which was recorded as E.

(Signed) JOHN JARDINE,
Baroda, 26th February 1875. Secretary to the Commissioners.

No. XIV.—COLONEL PHAYRE states on Oath.

Examination-in-Chief

By *Mr. Scoble*.—My name is Robert Phayre, Colonel in the Bombay Army, Companion of the Bath, and Aide-de-Camp to the Queen. I arrived at Baroda first on the 18th March 1873. I arrived as Political Resident. The Baroda Commission commenced its sitting at the beginning of November 1873, and continued till about the 24th December 1873. In March 1874 Mrs. Phayre left Baroda, and went to England. I went with her to Bombay, and the ayah came in attendance. I returned to Baroda after three or four days. The ayah did not return; she had leave to go home for a month; we left her behind in Bombay. When in Bombay on that occasion we were staying with General Gell. I don't recollect whether I and Mrs. Phayre went on that occasion to Government House. I left Baroda for Nowsari on the 2nd April with His Highness the Gaekwar. I now recollect I did go to Government House with Mrs. Phayre in March, and had tiffin. Mr. Boevey did not accompany me to Nowsari. He was in the district on boundary duty, and had been there some time. He joined me afterwards at Nowsari. His camp was at Nowsari. I remained at Nowsari till the 16th May 1874. I returned to Baroda on the 16th May. I came ahead to prepare for the Gaekwar's reception, and His Highness came a day or two afterwards. I remained at Baroda from that time, until relieved by Sir Lewis Pelly, with the exception of short absences on duty. The Gaekwar also remained at Baroda from May until I left. His Highness used to visit me officially at the Residency twice in every week—on Mondays and Thursdays—on which occasions, after the Commission, he was often accompanied by Bapubhai and Govindrao Nana, and after our return from Nowsari His Highness often came alone. These two sometimes came together, sometimes singly. He always came with an escort of outriders and sowars. I knew by sight those who always attended His Highness. Whenever Eshwantrao Jasud was present in Baroda he always came with His Highness. Another habitual attendant was Madhaorao Kale, and the third was the Arab sowar Salam. There was also a son of Eshwant Rao. I always noticed these people in attendance on him wherever he went—at Nowsari as well as at Baroda. My private office was in a detached building, on the west side of the main Residency building. It is connected with the main house by a covered verandah. In the detached building there is an ante-room in which native assistants used to sit, my private office, and a bath-room which I was in the habit of using. The ante-room is separated by a dwarf wall and two or three steps, descending from the connecting verandah leading to the main building. A man standing in the verandah can easily see at once into the ante-room, also

into my office if the door be open. The peons used to sit on a bench in the verandah at a right angle to the dwarf wall, dividing the verandah from the ante-room. The peons usually in attendance were Raoji Havildar and Jemadar Narsu. They never attended anywhere else. Their post was on the bench described. Karim was there always in attendance on Mr. Boevey. It was Govind Balu Hamal's duty to look after my office room. The Hamal swept it; other people swept it, but it was his duty to attend my office room. I dressed in the room adjoining the private office. I rise early and go out to ride or walk every morning, and on return from that it was my habit to take a glass of sherbet prepared from pumaloos. Usually it was Abdulla who prepared it. It was the duty of one of the house-servants. Abdulla is also a chobdar. It was generally placed on the washhand stand in my private office. The wash-stand was in the far corner to the right front as you went in, so that a person looking from the verandah through the ante-room into the office could see it when the door was open. Before the 9th November last I had been ailing one way or other from about the middle of September. I remember particularly that about the Ganpati festival I suffered as if I had a bad cold in my head, and I had a bad boil on my forehead at that time. I did not get rid of the boil for about three weeks. Dr. Seward, Residency Surgeon, attended me and used to dress the boil every morning. The plaster used was some of it on the dressing table, some on a side table in my private office, and, I think I shifted some on to a little clock-stand above the dressing table. I had a slight fever at one time; I frequently had this feeling of fulness in the head, and my eyes watered at one time. I used to sleep out at night, and thought perhaps I might have got malarious fever. Also I began to wonder whether the pumalo sherbet was made with proper pumalo. This must have begun about the end of September or beginning of October. I remember Govind Rao Rore. I went to an adoption ceremony on the 6th November. We arrived there about five of the afternoon. On the morning of that day, the 6th November, I did not drink the whole of my sherbet. I took a sip or two and threw the rest away. On that day, the 6th, I did not feel at all well. I was writing a good deal with Mr. Boevey that day. About mid-day I felt dull, stupid, and sleepy, with feelings of fulness about the head, such as I had previously experienced. When Mr. Boevey went to tiffin, I got into an arm-chair and slept a half or three-quarters of an hour. That is unusual with me, unless I am very tired. Next day, the 7th, I came in and took a little of my sherbet. I felt the same symptoms, but worse than the previous day—fulness in the head, unfit for work. I did not call in Dr. Seward on either of those days. He had spoken to me about not looking well, and I said it might be fever. On the Monday I was always earlier, and had got off about 6 a.m. I returned about five minutes to seven. As I was coming up the walk, the approach to the Residency from westward, Raoji came along the verandah to meet me, and made two or three low salaams, an unusual thing, as generally at that early hour nobody is present. I saw no one else about till I got to my office room. Raoji came out and went back. There was no one in my office room. I came from the walk right into the ante-room through the door from the compound without going through the verandah at all. When I went into the office room the pumalo sherbet was there on the right hand side of me as I approached the washhand stand, as near as I can recollect close to the basin. It was in a position to be visible from the verandah if the door were open. I would also be in a position to be visible as I approached the glass. I went up to the wash-hand stand, took the tumbler of sherbet in my hand, and took two or three sips. I placed it again on the washhand stand, and then went to the writing table to write a letter which I wished to despatch by the mail that morning. I wrote for about twenty minutes or half an hour, and then felt a sudden squeamishness as if I were about to be sick. The thought occurred to me at once that it must be the sherbet which was always disagreeing with me. I got up, took the tumbler from the washhand stand and tried to pitch all the contents through the window. The window opens on a chunamed verandah—rather a wide verandah—and then comes the compound. As I was replacing the tumbler on the washhand stand, I saw a dark sediment collected at the bottom, and part of it pouring down the side of the tumbler. I held up the tumbler and looked at it, and the thought occurred at once to my mind that it was poison. From that moment to my mind all my previous illness and sensations were accounted for. I put the tumbler down again and went to the table and wrote a note to Dr. Seward. The time was then about half-past seven or twenty-five minutes to eight. I called, but I don't remember into whose hands I gave it. I told whoever came to take it to the Dr. Saheb. Until Doctor Seward's arrival I sat waiting for him; my feelings were sickness, dizziness in the head as if it were going round a little, not much. Dr. Seward came in about between half hour and three-quarters hour. On his coming, I made over to him the tumbler and remains of the sherbet with request that he would analyse and report to me about it. I described my symptoms to Dr. Seward. He may have remained with me ten minutes, and he took the tumbler away with him. I told him to conceal it, as I did not know what it was. After Dr. Seward had gone, I dressed so as to be ready for the Maharaj, as this was the day of his visit. I think the Maharaja came about half-past nine, his usual hour. Between giving the tumbler to Dr. Seward and the Maharaja's arrival I had received no communication from Dr. Seward, nor did I mention my suspicions of poison to anybody but Dr. Seward. When the Maharaja came, I went out to receive him as usual, led him into the drawing-room and sat down. I asked His Highness after his health. He said he had not been very well; that there was a good deal of fever about; and that he thought he must have eaten too many sweetmeats usual at Diwali. He mentioned also that he had had slight headache and pain in his stomach, but was better now. The interview was not a long one, and when I got into the verandah, to escort him into his carriage, there was Eshwant Rao with Diwali sweetmeats

in the usual tray. His Highness pointed out to me the particular kind of sweetmeats which he thought had disagreed with him. I then took leave of His Highness and went back into my room. After breakfast I wrote to Dr. Seward.

By the *President*.—After His Highness had left, I went to breakfast about 10 o'clock, and after breakfast wrote to Dr. Seward.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 26th February 1875.

By *Mr. Scoble*.—After the visit of the Maharaja I mentioned my symptoms to Mr. Boevey before Dr. Seward came to see me. I saw Dr. Seward again that day when he returned between 11 and 12 o'clock. But I wrote him a letter

* Letter handed to witness. It is dated 9th November. It is read in Court, and recorded as F. in the meantime. The letter shown me is the one I wrote.* I saw Dr. Seward again half an hour or three

quarters after writing this letter; between 11 and 12 o'clock. But Dr. Seward had not seen the letter when he came to me. Dr. Seward when he came at 11 or 12, stated what appeared to him to be the contents of what I sent. He told me that he had detected arsenic in the tumbler, more than sufficient to have killed me had I taken it all. After getting this information I gave orders to ascertain what people came into my room that morning, and I commenced inquiry among the servants at the Residency. I telegraphed to Government at once

* Draft telegram read and recorded as G.

that an attempt to poison me had been made. The paper shown me is the original draft telegram in my writing to the Private Secretary.* I despatched this after Dr. Seward had told me of his opinion about 1 or 2 o'clock. I kept the inquiry quite secret. The servants knew about it. I did not allow any outsiders to know. Every one in the Residency knew about it. I know I arrested Raoji Havildar. On the 9th I placed in confinement Raoji Havildar and Govind Balu Hamal, Yellappa Hamal, and Lakshman Peon. It must have been at evening these four were placed in arrest. The other servants remained at large. On the 9th it was known in Camp that an attempt to poison me had been made. I directed that the rest of the sherbet sent to Dr. Seward should be sent to the Government Analyser. I continued inquiring as to who put in the poison. I did so for several days. We did it steadily the first four days, i.e., from the 9th till the 12th. Mr. Boevey and I made it. After my interview with the Maharaja on the 9th, I next saw him again on Thursday the 12th, when he came to call as usual. He was then accompanied by his Minister Dadabhai Nauroji. As a rule, he was not usually accompanied by his Minister. On the 12th His Highness remarked that he had heard a report that an attempt had been made to poison me. I understood him to say that he only heard it the previous day, i.e., the 11th; and that he had resolved to speak to me about it this morning. He then remarked that he had expected me to speak about it on the previous Monday, but I had not done so. I said I had not mentioned it, and I then described to him what had taken place. Mr. Dadabhai Nauroji said he had first heard the report on the 10th, but did not believe it; but that on hearing it repeated on the 11th with greater force, he did believe that an attempt had been made. I remember the Maharaja expressing his surprise that I did not take an emetic, when Dr. Seward recommended it to me. Nothing further passed that I remember. I think on that day Dadabhai asked if I was making inquiry, and I said "yes," and he said "I hope you will be successful in finding out the person who made the attempt." I afterwards received a *yad* from the Durbar in relation to the matter, i.e., three or four days after—at least on the Saturday night following. I believe the document shown me is the *yad*.* The endorsement of receipt on it is my native clerk's. I threw the remainder of the contents of the tumbler

* Document shown of 14th December 1874, and recorded as H.

out on to the chunam. Afterwards, at the suggestion of Dr. Gray, I scraped it up. I think the suggestion may have been made through Dr. Seward. In consequence of this, I myself went and scraped up as much as I possibly could and sent it to Dr. Gray. Others were with me. So far as I recollect, I made up the packet myself. It was scraped up by a puttewala in my presence. I sent the matter so scraped up to Dr. Gray with the letter shown me which fixes the date.* Either I or my native assistant sealed up the packet; it was done in my office. The letter received in answer from Dr. Gray is that now shown me.† The crest of a bird alluded to is mine, and the seal would be mine. I think I made a statement in writing on the 16th November. It is that now shown me.* In September

Letter of 13th November 1874, from Dr. Gray to Dr. Seward shown.

* Letter of 16th November 1874, from Colonel Playre to Dr. Gray, read, and recorded as I.

† Letter shown, dated 19th November 1874, from Dr. Gray to Colonel Playre, read, and recorded as J.

* Statement recorded as K.

I had a boil on my head, to which some collodium was applied. I put it on by a lint plaster from ignorance. The effect was that it stuck so hard on the boil that I thought I had done wrong. Getting some hot water, after considerable time I got it off. I then told Dr. Seward about it. When I was taking it off, I was standing by the table where the collodium was near the washing table. It was in the morning about 8 or 9 o'clock when I was dressing. Servants and peons were standing outside.

Cross-examined by *Serjeant Ballantine*.—On March 18th I came to Baroda in 1873 to take up my appointment. I had just come from Pahlampur where I held an appointment.

It is in Northern Gujerat. I was Political Superintendent there. I held that six weeks I think I have held many appointments. Previous to that I was Political Superintendent in Upper Sind and Commandant-in-Chief, Frontier Brigade. I quitted that to go home on leave at the end of 1872. I did not return to it. My appointment was not cancelled. It was under the Bombay Government. I don't know whether or not I have the document terminating my appointment. I have the Government Resolution exonerating me in the whole matter. I have documents, but will not say whether it was a removal or not. I am not aware whether the Gaekwar or his Minister had copy of that document. It was a Government document; he could not have honestly come by it. I never heard that the Gaekwar was in possession or that his Minister shewed it to Sir Lewis Pelly.

Mr. Scoble objects that Colonel Phayre's conduct in Upper Sind is not before the Commission. *Serjeant Ballantine* explains; the President rules that it is admissible to show what the Gaekwar knew.

I could not say whether the paper shown me is a correct copy, as it is marked "private." I do not believe it is a copy substantially correct. I don't recognise it at all. If I saw the Government resolution and my reply, I should know. I am willing to tell everything. I advised prosecution of certain persons for gross faults. I cannot use any Government paper without sanction of Government, I have one Resolution of the 6th May, and the final Resolution of Government. I can get them from Bombay. In November 1873, a Commission began its sittings at Baroda, to inquire into certain charges of mal-administration by the Gaekwar. General Meade was President thereof. It ended the 24th December 1873, and subsequently an elaborate report appeared. On the 7th May the Gaekwar married. A kharita was written complaining of my want of respect.

The real cause was that the Government directed me not to go to the marriage; it was not personal, but connected with my official position. The Gaekwar continued to visit me privately all the same. Kharitas all went through my hands. One went to the Government of India about the 17th May from the Gaekwar. I know of an answering kharita of 25th July, from the Viceroy to the Gaekwar. Its effect was to give the Gaekwar an opportunity of reformation till the end of 1875,—progress being reported by me to Government when I thought necessary. There had been no question between me and the Gaekwar about appointment of Dadabhai Nauroji. He asked my opinion about it, which was adverse, but I said that according to the Viceroy's orders His Highness was to judge for himself exclusively. This was the Governor-General's order to the Gaekwar. The Gaekwar appointed Dadabhai who continued to act. He had been Minister for nine or ten months before. From about the 10th or 12th August 1874 my communications commenced with Dadabhai as Minister. Before that Dadabhai had carried on the administration himself. We met daily and discussed matters. I made complaints to the Gaekwar, who summoned Dadabhai. A kharita, dated 2nd November 1874, went from the Gaekwar to the Viceroy. I sent in a progress report the same day.

Serjeant Ballantine reads a kharita translation from Viceroy dated 25th November 1874, Recorded as No. 2. The kharita of the Viceroy in reply did not come through my hands. A child was born; the marriage took place on 7th May, and the birth occurred on the 16th October 1874. In Sep-

Read a kharita, dated 2nd November 1874, from the Gaekwar to Viceroy; recorded as No. 1. It is a translation.

tember and October I suffered from a boil in my head, for which Dr. Seward attended me. From the commencement he supplied and applied the plaster. About that time it was I had slight fever and fulness of the head and watering of the eyes; these symptoms commenced before and continued after the plaster. At that time I began to wonder if the sherbet was made with proper pumalo. I used generally to drink the whole of it. Sometimes I threw it away. I said once to Abdulla why he had not made it; he brought two pumaloes and said the reason was that the pumaloes were bad; at that time I did not investigate about the pumalo juice. I did not say that I noticed a peculiar taste on the 6th November. I took a sip or two that day. After that I did not feel well, heavy in the head, like I was in September and October. On the 7th November I did not drink the whole of the sherbet. On the 8th November it was Sunday and I did not drink as I had not been well on Saturday; on the 9th I threw much of the contents out of the window. What was left in the tumbler was not sherbet, but a dark substance. I saw some dark substance at the bottom of the tumbler, and a little liquid pouring down the side of the tumbler—a very small portion. After depositing itself, this liquid covered the bottom of the tumbler; there was enough at the bottom of the glass for two tea-spoonfuls, or perhaps a tea-spoonful and a half. Dr. Seward saw the whole of it. I never touched it. What I saw was not pumalo juice,—but of another colour, quite different from pumalo juice. Pumalo juice is red.

Serjeant Ballantine reads from letter.*—I received private information from people who generally gave me information that what was administered to me was arsenic, finely powdered

* Letter dated 13th November 1874 from Colonel Phayre to Chemical Analyser, read and recorded as No. 3.

diamond-dust, and copper. I could scarcely go out without being met by many petitioners everywhere. Many people used to come and give information. I did not pay for it. These people had never received money from me, nor do I know they had ever received money; I believed they had not. I cannot with reference to the words "Secret and confidential information" mention the exact person who told me of copper having been administered. I could mention several among whom the person was.

Q.—What do you mean by "the importance of verifying this information is obvious?"

A.—Of course it was to know if it was diamond dust or not. I can give a list of my informants, and if the Court desires, I would try to find out who it was. I did not see the necessity of recording my informant's name or noting down his evidence. I wanted that of the proper man—the Chemical Analyser. It was secret and confidential, and I did not know that it was right. I know Poonekar. It was either Bhau Poonekar or another man, perhaps. I will enquire. I don't know whether it was Bhau Poonekar or not. There is another man Balwant Rao Munshi. It was I believe one or other of those two; but I am not sure. I gave Bhau Poonekar's name as an honourable person who gave me much information in the cause of reform. He is honourable and reliable. He was not adverse to the Gaekwar in representing grievances of the people. In cases in which he believed it to be adverse to the Gaekwar, it was and it was found to be. But he was not always adverse; nor was he adverse as a general rule. He gave information regarding many of the cases before the Commission, but not all of them. Sadak Ali's case was not one of them; he made it himself. Sadak Ali's case came to me first from Government to report upon. Bhau Poonekar did not get it up or manage it before the Commission. It was begun long before. I have no doubt he gave Sadak Ali a little assistance. What I was told about copper by my informant was that the ingredients put in my glass were arsenic, diamond dust, and copper. That was what we call "kutchi khubber" (imperfect information). I did not inquire into it all, it being kutchi khubber. It depends where it comes from whether it is secret and confidential information. I sent it to the Doctor to verify it. I said to Dr. Seward that after drinking the sherbet there was a coppery taste in my mouth, which I had not had before. I did not taste it in the liquid, but a considerable time after drinking it. I said to Dr. Seward, when he asked my symptoms, that I had a coppery taste and tendency to salivation. This was about three-quarters of an hour after drinking. I may have smoked a cigar in the interval. It was not in consequence of the taste, but of the effects I felt, that half an hour after I threw away the contents of the tumbler. I did not throw them away till twenty minutes or half an hour. I allude to the 9th. It was the feeling I had twenty minutes after which induced me to throw away the liquid. On the 6th and 7th I had no taste. I can't account for my not continuing drinking it on the 6th and 7th, except the mercy of God preventing me. There was no human reason for this. I sipped it and left it, as if I did not want it. I had no reason for throwing it away. On the 7th I had been unwell after drinking on the 6th, and that may have prevented me. On the 6th I simply took it up, and threw it away. On the 7th I had been unwell the day before; it was not the taste of the sherbet, but the effects upon my health. Raoji Havildar was among the persons I examined. Among other things he said: "I suspect Faizu, because he has for a long time past engaged in all kinds of intrigues, in the time of Colonel Barr and Colonel Shortt. In Colonel Shortt's time he used to go with Colonel Shortt's butler to Raholkar's, "Nana Saheb and others." Bhau Poonekar has access to the Residency and to my private office. Not in my absence, never; but in my presence. Many others also had access to it. I never found Bhau Poonekar in my office when I came back, in my private office. I may often have got up in my room during the day and found him when I came back. I never found him when I came back in the morning. I never found him that I know of in my private office when I had not left him there. Certainly it was never his custom to come, when I was out, into my private office and wait there. He may have gone to the ante-room and sat with my clerks. I did hear from Bhau Poonekar that the kharita of 25th November was to be sent from the Darbar. It may have been the next day. It may have been either the day or the day before, as far as I remember. I don't know how Bhau Poonekar knew. He mentioned that a letter, or answer to the Governor-General, was under preparation. He did not tell me how he knew, nor did I ask him. He did not tell me the nature of it. He merely said a letter was under preparation to the Governor-General. I don't know whether complaining of me. I swear positively I did not know the contents of that Kharita. I did not learn the general contents, nor whether it complained against me. I formed an idea it was such a thing. Bhau Poonekar was an agent of one of the nobles of the State named Meer Ibrahim Ali. He came to the Residency on business often, and when I first knew him, on business connected with a ward of Government, Meer Zulfikar Ali. It did not occur to me to ask him how he got this information. After the attempt to poison, Bhau Poonekar was at the Residency that day. I remember him after breakfast. At that time I did not tell him about the circumstance. I am sure I told nobody till after seeing Dr. Seward. I don't remember when I told Bhau Poonekar. I think it was the 12th or 13th I was told about the copper. I have lately seen Bhau Poonekar. I saw him since I left this Court. I asked him if it was he who told me about diamond dust and copper. He said it was he.

Re-examined by Mr. Scoble.—The kharita was written complaining of want of respect. With reference to the Gaekwar's marriage at Nowsari. I acted according to directions of Government, and my action was entirely approved by Government, I communicated to the Gaekwar the orders of Government, respecting the Nowsari marriage. The paper shown me of the 29th June is the draft of the *yad* I communicated. The approval was from the Government of India. The Gaekwar, not himself personally at first, but through his Karbharies,

* Mr. Scoble reads English translation of *yad* of the 27th August 1874, which English paper is recorded as L.

On the 27th August 1874 I addressed a *yad** on the subject to the Gaekwar. I did thenceforward give Mr. Dadabhai all assistance in the discharge of his duties. He never complained to me that

I did not assist him. More than once he acknowledged the assistance given by me to him in the Sirdars' cases. The persons who were in the habit of giving me information were not employed by me, but came voluntarily. I never paid, nor authorised payment, for information so given. In kharita of 2nd November there are two charges, viz., about Chanderao Sirdar and some Sindhi cultivators. These charges are not correctly stated. I had talk with the Gaekwar about kharita of the 2nd November. All kharitas are sent through me and copy given me for my information. I had this talk the first day he came after I received it, viz., on Thursday the 5th November. I mentioned to him about the kharita, and mentioned my extreme regret that such a kharita had been sent. The purport of the conversation was that the allegations made were not correct. The Gaekwar said it was Mr. Dadabhai who had written it and was responsible for it. I then explained to His Highness that the object of his being allowed to select his own Minister was to make the Gaekwar responsible for what was sent to the Viceroy or the Bombay Government. From the time, on the 9th November, when I sipped the tumbler till the time I threw the contents away, nobody had any access to the tumbler. Till I handed over the tumbler to Dr. Seward nobody came into the room. I was there myself. The colour of the sherbet that morning did not attract my attention. The upper part of the sherbet was as clear as possible. The sherbet is nothing but the expressed juice of the pumalo without any water.

By *Serjeant Ballantine*.—I communicated with the Viceroy about the kharita of the 2nd November, I mean to the Bombay Government, to whom I forwarded as usual my explanation with the kharita.

Baroda, 27th February 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XV.—GEORGE EDWIN SEWARD states on Oath.

Examination-in-chief.

By *Mr. Inverarity*.—I am George Edwin Seward, Surgeon-Major, Bombay Army, Baroda Residency Surgeon and Cantonment Magistrate at Baroda. In September, October, and November 1874 I was at Baroda. Colonel Phayre was under my medical attendance in September and October. I saw him regularly when he was suffering from a boil, but not otherwise. This was either in September or October. I can be sure by looking at notes of a prescription not here with me. I think it was in September. I prescribed for a boil on his forehead. I think I invariably dressed the boil myself, except towards the latter end, when Colonel Phayre did so. At first I gave him a little adhesive plaster for his forehead, and afterwards carbolic acid with cotton and oil and plaster, and afterwards collodium. That was in the latter stage to make the wound contract that I gave collodium. I perfectly remember the morning of the 9th November, and that I received a note that morning from Colonel Phayre between 7½ and 8½ o'clock. I don't know what I did with that note. It merely asked me to see Colonel Phayre on my rounds. I did see which Residency peon brought that note to my house. I now know him to be Mahommed Baksh. On receipt of the note I walked over directly to the Residency. On coming up I did not notice particularly outside the house if there were servants. Before seeing Colonel Phayre I saw two at the end of the verandah which is between Colonel Phayre's house and the private office. One was Narsu. I have since learnt that the name of the other is Raoji. I saw them at the end of verandah near a little wall—the dwarf wall already described by Colonel Phayre. When Narsu saw me he in an unusual manner avoided meeting me. I was in the habit of saying, "Well, Narsu, how are you?"—which usually caused him to salaam and seem pleased. On this occasion he looked grave; he looked straight down the verandah and salaamed, but not at me. There was something odd in the man's manner. I remembered it afterwards. I noticed it at the time. Raoji came forward when he saw me with great alacrity and took my hat and umbrella; this was an unusual thing. I think I never received that attention from him before: he said nothing. I may have asked if the Burra Sahib was in the office; he may have said yes, but I am not sure. Narsu and Raoji, Residency peons, knew I was the Residency doctor. I went to Colonel Phayre's private office and dressing room, already described by Colonel Phayre, where the washhand stand was. After I shook hands, he went and took up a tumbler from the wash stand and showed me a sediment in the tumbler, and said, "What is that?" I took it in my hand; there was a very small quantity of liquid in the tumbler. There was something less than a dessert spoonful of sediment and liquid together,—I mean of liquid. There was about five grains of sediment in weight, more or less. I looked at it, took it, and noticed as I shook it that a little powdery film rose out of the sediment. I added a little water from a goblet near. I then observed the play of colours on the glistening part of the sediment, and there was a separation between the glistening part and the non-glistening part. I next said, and Colonel Phayre also,—we said we suspected the presence of poison (witness explains). We began to suspect the presence of poison. Colonel Phayre said he had heard of such things; he had heard that such attempts might be made against him, but he had not suspected it till this time. He said he had taken the sherbet about half an hour before. He showed that he had nausea and a soreness in the throat and stomach. He did not say so, but by an expressive motion he made me understand it. I think he said he had a confusion in his head, and that he could not write. He said he had a soreness, and from his action I understood

it was in throat and stomach. Colonel Phayre showed me where he threw the contents of the tumbler. I went with Colonel Phayre to look. Evidently some fluid had been thrown there on the verandah which was wet. There were some things also, which I call flocculi, like little pieces of white cotton—such things as are not found in sherbet. Colonel Phayre told me that he had suffered on previous days, i.e., that he had had colicky pains and nausea. I took away the tumbler to analyse. Going out I again saw the peons Narsu and Raoji. I carried the tumbler away in the breast pocket of the pea-jacket I wore, and I put a handkerchief over it. It bulged. Raoji was assiduous as I came out. He brought my hat and umbrella, looked at me, scanned my face, and his demeanour was different from the usually impassive Residency peon. Narsu was very grave, and his manner was unusual for him. I went back to my house on foot. On my way back I met the man Mahommed Baksh. I met him at the Ranees' bridge, in the middle of the maidan, between the Residency and my house. He was coming towards the Residency. I spoke to him. There was a conversation. He in reply to a question of mine told me something. He must have come across the maidan, i.e., from a direction opposite the Residency. After crossing the bridge I saw two horsemen going towards the Residency. I recognised one. His name is Eshwant Rao, the same who used to go with Gaekwar to the Residency.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 27th February 1875.

DOCTOR SEWARD.

Examination-in-chief by *Mr. Inverarity*.—When I got to my house with the tumbler I put it into my desk with its contents, and kept it there till I got apparatus for testing. I procured some fresh wood charcoal. Before doing so I put a little of the sediment under the microscope. The sediment presented under the microscope a white opaque granular substance, which seemed to me like pounded alabaster. There was a white crystalline substance, transparent; there were one or two dark gritty particles. I observed nothing else in the sediment under the microscope. The sediment I put on the glass slide I put into a little glass mortar which I had very carefully cleansed. I then rubbed this sediment with a little of the charcoal. I then put this mixture into a new and unused test tube. This I heated in the flame of a spirit lamp. At first there was a little moisture deposited from the other part of the tube inside the tube. I removed that moisture with a little blotting paper. I again heated the mixture in the flame. On removing the tube from the flame I observed a metallic ring. I have that ring. I might have called it a deposit within the tube. I produce the tube. I point out the metallic ring. On heating the tube again a little and withdrawing it from the flame I observed what evidently was a crystalline deposit on the tube, both above and below the ring. Under the microscope the crystals appeared to be lustrous and octohedral. The metallic ring and crystals indicated arsenic. I got the charcoal and tube sent from the dispensary. I made no further experiments that morning. I had no chemicals. I remember that morning receiving a letter from Colonel Phayre. The letter shown me is the one.* I did not send reply to that letter. As I was going in my gari I met that letter.

Witness produced a tube which is recorded as M.

* The letter marked F is shown and recorded.

I ordered my tonga and went straight to the Residency, and there I saw Colonel Phayre. I told him the result of my analysis. I wrote a letter to Colonel Phayre in his presence and that of Mr. Boevey.

Letter of 9th November 1874 from Dr. Seward to the Resident, Colonel Phayre, read and recorded as N.

I threw the sediment that remained in the tumbler into a piece of blotting paper made into a filter. Some portion of the sediment remained in the tumbler. I poured a little water into the tumbler, and passed that also through the blotting paper filter. By that means the sediment remained on the paper after the water had passed through. I dried the blotting paper near the chimney of a lamp. When the paper was sufficiently dry I folded it up and put it into an envelope. I put my seal on the envelope. I show my seal on the envelope.

* Shows envelope, and afterwards large envelope.

The writing on the back of the envelope is mine.* That was written on the morning of despatch. I sealed the envelope at night. In the morning I despatched it in registered letter to Dr. Gray, Chemical Analyser. I put the envelope containing blotting paper in a larger envelope. The large envelope shown me is the one in question. On that occasion I did not write to the Chemical Analyser, but enclosed Colonel Phayre's letter,—I mean exhibit F. On forwarding it I made the endorsement on it [*Mr. Inverarity reads it.*] I sealed the large envelope with the same seal as the small envelope.

The small envelope containing blue blotting paper is recorded as O, and the large envelope as P.

After that I received this reply from Dr. Gray. I made further experiments some days after. I took the mixture from the tube and threw it on the surface of some water and allowed the heavier particles to sink to the bottom and poured off what was floating. After repeating this process three times, several times I collected the sediment and placed it on some glass slides which I can now produce. These are them.

Witness produces a card-box containing slides.

I placed the sediment on these slides* under a microscope, and saw that it consisted mainly of these lustrous crystalline fragments. I then passed a clean glass slide over the sediment with a rubbing motion once. I found the clean glass slide after that rubbing presented the appearance it now bears.† The scratches were not there before. By passing the one over the other I mean I rubbed the two together, the sediment being between the two slides.

* The slides recorded as R. There are three of them.

† A glass slide is produced and shown, and recorded as S.

The conclusion I came to was that, whatever the nature of the sediment, it was not glass. I thought it might be diamond-dust, of which I had heard, because the particles were so very lustrous. I mean rather "of what I have read" either in papers or in Dr. Gray's letters. I remember receiving certain information which I communicated on the 10th November to Colonel Phayre. The letter shewn me is the one in question.* I sent a short note. This is the formal letter.

I said that on shaking the tumbler a thin film came up. This is one of the indications of arsenic. From the time I received the tumbler from Colonel Phayre till I concluded my experiments, none but me had access to the tumbler, the sediment, or the apparatus. I remember the ayah Amina being under my care. On looking at my book I say that she came under my care either on the 17th or 18th December; I believe the 18th December. She had then fever. She was in much pain on the right side. She appeared to have congestion of the liver. The base of the right lung and some of the wind-tube were affected. I considered her illness serious. I saw her before she came to hospital in a house in Mr. Boevey's compound. By my advice she was moved thence to the hospital. When she was in hospital I had a conversation with her. She scarcely gave me a message. She appeared very ill and restless. I thought she might have something on her mind. I thought it might help her recovery if she unburdened her mind. She then told me something. In consequence of what she said I went to Mr. Souter. I have no personal knowledge as to whether Mr. Souter came to the hospital after that. I don't remember the date of my going to Mr. Souter. I have no notes to refresh memory. It could not have been more than two or three days after the 18th December.

Cross-examined by *Serjeant Ballantine*.—I knew she had been examined by Mr. Souter before coming to hospital. I did know the nature of her communication; I knew that of the enquiry. I know nothing about a blister. Her liver was queer. Dr. Lewis had doctored her. I thought her uneasiness might be mental rather than the result of blister or physical pain. My treatment much relieved her; but oppression remained on her mind and countenance as if conscience was at work. The hospital was the regimental one, where Dr. Lewis is Surgeon attending. I attended her because she was ayah of a friend, and I liked to do it, and Surgeon-Major Lewis was my friend. I did not communicate with Dr. Lewis, because it was not necessary. I am not sure I prescribed for her. The plaster I prescribed was before her going to hospital. After she went there I don't remember prescribing for her. I assisted her to unburden her conscience. The ayah and I understand each others language. She spoke in Hindustani and understood a little English. We had no interpreter. There was a policeman there. I don't know who he was. I know none of them. I know Akbar Ali. It was not him. I don't know if it was Abdul Ali. I believe she was under police surveillance. There was a policeman in her room, an ordinary policeman. I know nothing about usual medical practice, but I knew Dr. Lewis, and I did not mind seeing the woman as I had an interest in her. It may or may not be a usual thing. It depends on the relation between the Doctors. With a private person it would not be etiquette; nor usually at another doctor's hospital. Dr. Lewis is quite competent for his duties. I have seen Bhau Poonekar once, but can't say know him. It was after Mr. Boevey's departure from Baroda he came to my house. As far as I know, I never saw him before, nor that I have spoken to him since. I can't say when Mr. Boevey went away. I don't believe I saw Bhau Poonekar since. As far as I remember, the policeman present did not interfere in my conversation with the ayah. I don't know that the policeman interpreted. I don't remember whether he did or not. It is possible he did. I don't remember. I can swear I did not get every word of her message from the mouth of the policeman. I cannot tell you whether I got the substance from the policeman. I have no belief on that subject. I can talk Hindustani, not fluently.

Colonel Phayre told me that he had heard that his life was threatened, but up till that time (the 9th November, it had not been attempted. He did not tell me from whom he had heard that there might be attempts against him. When I got to the Residency, I saw the tumbler. Colonel Phayre shewed me the tumbler. As far as I remember, he held it a little obliquely; it was a sediment then, not diffused in the liquid. There was just enough liquid. These was something down the side of the glass. The darkish brown colour would not be consistent with arsenic or diamond dust, I decline to give any opinion as to whether there must have been something else. I saw no dark brown sediment. What sediment I saw seemed to me to be of faint fawn colour like some sea-sands. The words "pale grey" might be a fair description of the colour. I mixed a little water with it. I did not analyse that water before I put it in. Generally an analytical chemist analyses all substances he works with. There are instances on record in which the poison supposed to be found came from the tests used. There was about a dessert spoonful of remains of the sherbet and about five grains of sediment. After adding the water in Colonel Phayre's room I took it home in my

pocket in the tumbler. I then used the charcoal test, called test by reduction eliminating certain appearances subsequently convertible into original element. Thus the metallic ring can be shewn to be arsenic. The salt of arsenic can be brought out. The ring, as far as eight-sided crystals go, shows arsenic. They exist in the tube. They are almost surely conclusive; other mineral poisons would not produce similar crystals. Corrosive sublimate would not. The charcoal was brought, I think, by my Hospital Assistant himself with the other apparatus. I did not at that time test the charcoal. I did not afterwards. I sent it to Dr. Gray—the remainder of it. I made no attempt to test the liquid. I merely tested the sediment. The liquid was thrown away. I eliminated the liquid from the sediment and tested the sediment only. It may have been an omission of mine not to test the liquid. I only tested for arsenic. There are poisons whose foundation is copper. The common one of these is verdigris. I did not test for copper. There was nothing to indicate the presence of copper. The colouring would usually indicate copper. I cannot from my analysis account for Colonel Phayre's feeling a copperish taste. I don't remember the specific gravity of arsenic in relation to water. It is much heavier. If arsenic is well mixed and then put into a tumbler, I can't say if it will get up to the top. I have tested for arsenic at home under Hoffman. I have since made one experiment only. I did not weigh the sediment. I think I experimented upon one-third of it, rather more than a grain, sending up the remainder to Dr. Gray. What I experimented upon was one or two grains, between one and two grains. With the glass slides I used the whole of the sediment I had got. This brought out the metallic ring. I put all the sediment into the reduction tube. I can't say I used it all up, as some remained on the slides. For the slides I operated on that which I had already put into the tubes after subjecting it to heat. It was after detecting arsenic, not after extracting all the arsenic. I can't say if the arsenic colouring the tube is more than $\frac{1}{16}$ th or $\frac{1}{8}$ th of a grain. The residuum left in the tube was dried charcoal and whatever was mixed with it. I took the whole out for the other experiment. I did not weigh the charcoal on which I experimented. There was no necessity. My last experiments were made on about a grain that remained in the tube. By the process I used I brought out a crystallised appearance on the slides. The scratch indicated would come by renewal of same experiment on other slides. I sent Colonel Phayre's letter to Dr. Gray with an addition—[Serjeant Ballantine reads from some letter.] I think it refers to what I wrote. It was my first communication to Dr. Gray. There is some mention on the envelope. I think about result of my analysis. That (exhibit D) is my communication. I believe arsenic is used in manufacturing some varieties of glass. I could scratch a plain piece of glass. I think there is a variety of corundum that will scratch glass. I mentioned the demeanour of the servants to Mr. Boevey. I can't tell you when. Before Mr. Boevey left Baroda. It was before the 24th or 25th December. I think it was shortly after the inquiry. That's all I can say; that it was before the 25th.

Dr. Seward scratched the glass S. with one of the slides on which there was sediment and produced small scratches across the top.

Re-examination by *Mr. Scoble*.—The ayah had been my patient before going to hospital only for one day. In serious cases it was my duty as Residency Surgeon to attend Residency servants. She was too seriously ill to remain where she was, unattended, at a hut in Mr. Boevey's compound; therefore I sent her to the hospital. My visit to her in the hospital was not to prescribe for her, but I took an interest in her as Mrs. Boevey's ayah. In the hospital she was in a separate room. The policeman was, I think, standing or sitting at the door. I think one of the hospital assistants came in with me when I visited the ayah. I don't remember which hospital assistant it was. The policeman was a Bombay policeman. He seemed, as far as I remember, to be an ordinary police sepoy, not a subadar or havildar. I can speak Hindustani well enough to dispense with an interpreter. I frequently get one if I find myself unable to carry on the conversation. I noticed the liquid in the tumbler to be dull pink in colour. I added possibly about a table spoonful of water. To the best of my belief, I got that water from a water goblet on the washhand stand. I took the first water that came to hand. My hospital assistant was a man named Abrahamjee. He has now left Baroda; he is a Jew. I think I either sent a note or called him. I did not tell him or any body why I wanted the charcoal and tube. Shaking arsenic in water in a small bottle might have the effect of diffusing the arsenic more thoroughly when put in a tumbler. Diamond dust would naturally sink to the bottom. On detecting arsenic I ceased further trial. I could pursue inquiry myself. I had no apparatus. I think corundum is a metallic oxide. I don't know if chemical tests would discover corundum. I first discovered the film before I added any water.

By *Sir Dinkar Rao*.—The poison was arsenic in my opinion. I have no knowledge as to whether a man can digest diamond dust without harm.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 1st March 1875.

No. XVI.—DR. WELLINGTON GRAY states on Oath.

Examination-in-Chief

By *Mr. Scoble*.—My name is Wellington Gray, Surgeon, Bombay Army, and Acting Chemical Analyser to Government. On the 11th November last I received a registered letter from Dr. Seward, Residency Surgeon at Baroda—a registered cover.

The letter shown (P) is the outer envelope of the packet. The seal was perfect. The envelope (P) contained a small packet and a letter. The letter (F) is the letter it contained. The exhibit (O) was the envelope of the packet enclosed. It was sealed with a perfect seal. It bore the endorsement in Dr. Seward's handwriting, which it now bears. In the envelope (O) I found a piece of blue blotting paper folded. Inside the blotting paper I found some powder; the powder weighed a grain and a half. Its colour was greyish. I noticed that it contained glittering particles. I analysed the powder by the usual process for the detection of arsenic. It was not the reduction test I first used. I first heated a little of the powder. The result of the process was a white sublimate on the side of the tube. I next examined that sublimate under the microscope. I found that the sublimate consisted of eight-sided crystals. I examined those crystals thoroughly. The result was that I concluded them to be crystals of white arsenic. I did this by first boiling them in a little water. I then took part of the water. I added a drop of solution of ammonio-nitrate of silver, and it produced a pale-yellow precipitate. I then took another part of the water of solution, and I added some ammonio-sulphate of copper, and the result was a pale-green precipitate. I then added some muriatic acid to the remainder of the solution. I then passed some sulphuretted hydrogen gas through the acid solution. I had first boiled the acid solution. The result of this was a bright yellow precipitate. The results I obtained by these three experiments. I tested the precipitates. I added ammonia to all three, and they all dissolved. I added the ammonia to part only of the last precipitate and kept part of it for another experiment. I boiled that part in strong muriatic acid, and it did not dissolve. All these tests satisfied me that it was arsenic. I used about the sixth part of what powder I had received in these experiments. I made further experiments with the remainder of the powder. I made them in connection with the arsenic. I boiled a little of the remainder with water and muriatic acid. I then put in two pieces of clean copper foil, and I continued to boil it, and in a few seconds the copper foil became covered with a grey metallic deposit. I took out one piece of copper foil. I dried it. I heated it in a test tube, and a white sublimate formed on the side of the test tube. I examined that sublimate under the microscope and found it consisted of eight-sided crystals. I ascertained by test what those crystals were. I went through exactly the same sort of tests as I have just described, and with the same results. I also tried to test by reduction with charcoal. I have the test tube showing the result of that experiment.

Witness produces a glass test tube.

I point out the metallic ring on it. This ring is one of the signs of the presence of arsenic. It may be reduced again into white arsenic by heating; I did not make that experiment.

The bottle I have got contains some of my results of my experiments. I made no other experiments on the 11th. I made some since. I did not on the 11th make any experiments to ascertain what the glittering particles were. They were not affected in any way by the experiments I made about the powder generally. On the 11th I did examine some of the glittering particles under the microscope. That was the only examination I made of them on the 11th. The result was that I thought them to be either powdered glass or powdered quartz. On the 11th I communicated the result to Dr. Seward. The letter shown me* (Q.) is the communication. On the 12th I made a further examination of this powder. On the 12th I opened the piece of blue blotting paper, and on looking at the powder I was struck by the brilliancy of some of the particles. I was led to the conclusion from my examination that they were diamonds. First of all my examination of them was simple inspection. I then tried to dissolve them by all the ordinary acids, and then with an alkaline, viz., potash. I found the particles not soluble. The result of my experiments was my writing this letter to Dr. Seward.† At the time I wrote this letter I had not received any communication from Baroda mentioning the possibility of diamond-dust being in the powder. The opinion I formed as to presence of diamond-dust was the result entirely of my own inquiries. The letter from Baroda came after this. I received this packet on the 17th November,*—a registered packet, sealed with a seal bearing crest of a bird. The seal was perfect when I received it. Inside it I found a small packet and also a letter. The letter shown me† (I.) is the one contained. In the small packet I found some earthy matter, seventeen grains in quantity. I examined it. I found it contained arsenic and also sand and glittering particles. The glittering particles were similar to those sent in the previous packet. I ascertained the presence of arsenic in the earthy matter by the same tests as on previous occasion. I point out the tube containing the metallic ring of the second packet. I formed the same opinion about the nature of these glittering particles as of the glittering particles in the former packet. In neither of these packets did I detect the presence of any poison but arsenic. In the first packet the whole quantity of arsenic I found was one grain, and in the second packet one grain and a quarter; total $2\frac{1}{4}$ grains of arsenic. Under favourable circumstances for the action of arsenic, that is, on an empty stomach, about two grains and a half is a fatal dose

* Exhibit Q is shown to witness.

† Letter of 13th November 1874 from Dr. Gray to Dr. Seward shown, read, and recorded as Exhibit U.

* Packet shown to witness.

† Exhibit I. shown.

Glass tube is marked V—a short tube with a bulb.

for an adult. Usually the effects of taking arsenic begin to manifest themselves in from half an hour till an hour. Of arsenical symptoms the first usually noticed is a dizziness, then nausea followed by vomiting, burning pain in the stomach, purging. Chronic poisoning or repeated small doses of arsenic produces an effect on the eyes. It makes the eyes water and feel weak and sore. If arsenic is applied to a sore or wound, it produces effects,—may be fatal effects. I cannot say whether the mixture of diamond-dust with the arsenic would affect the diffusion of arsenic with the water. If arsenic were first mixed in a small bottle and shaken and then poured into a tumbler, it would cause the diffusion of the arsenic, through the contents of the tumbler. The production of a film, as described by Dr. Seward after shaking it about in a tumbler, would indicate presence of arsenic. I did afterwards on the 30th December receive a third packet from Mr. Souter. It contained another small paper packet inside the envelope. I examined the contents of that packet. I found it contained seven grains of white powder. The powder was white arsenic. The envelope shown me* is that of the packet of 30th December, and inside is the paper of the packet. There was a piece of thread besides. Except the arsenic, the paper, thread, and envelope are here. The whole of the powder, seven grains, was white arsenic. I also, at Dr. Seward's request, examined some charcoal sent me by him. I received that packet on the 30th January 1875. I tested the charcoal. I found it was free from arsenic. Diamond-dust has, according to the best authorities, no injurious effect on the human body.

* Envelope shown to witness enclosing paper shown and recorded as W.

The President disallows a question as to witness' knowledge of opinion of natives as to the effect of diamond-dust on the human body.

The question has been discussed among medical men as to whether diamond-dust has injurious effect on the human body. The result of that discussion is that it is harmless.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 1st March 1875.

Cross-examination by *Serjeant Ballantine*.—I extracted the arsenic from part of the powder. I examined the metallic ring only with a microscope. It is quite possible to go further and to produce the arsenic. There are several sorts of copper which are poisonous, e.g., sulphate of copper. A person drinking a liquid with sulphate of copper in it would find a strong metallic taste. It is at once tasted. The taste would continue for some time. Sulphate of copper has an astringent effect on the throat. It would cause colic pains, and not an increase of saliva as I am aware, not till it began to affect the stomach, on which it would act in much less than half-an-hour. The time depends more or less on the state of the stomach. The moment nausea begins there is an increased flow of saliva. Arsenic taken chronically produces salivation, but one does not look for it necessarily after a single dose; $2\frac{1}{2}$ grains of arsenic would kill a person. As no stomach pump was used on Colonel Phayre, and whatever he took remained in his stomach, the quantity must have been small. What he took was enough to produce nausea, and therefore saliva, and the same might result from copper. Salivation is always one of the first symptoms of nausea. I can't say it was improper of Dr. Seward to add water to what he meant to analyse. It is possible to find substances in water. It was six days after my first analysis that I was sent what was said to have been scraped up from the ground.

Re-examination by *Mr. Scoble*.—The extraction of arsenic bodily from part of the powder was not with the reduction test, but the sublimation test. I found no trace of copper in either the first or second powder sent me. Having been informed about copper being suggested, I did direct my analysis to detect copper. Arsenic is not what is called an accumulative poison. It passes off with the natural secretions of the body. There is diversity of opinion as to whether arsenic produces a metallic taste in the mouth. It raises the question as to whether arsenic has a taste. I have tried to taste it, but found it had no taste. I have seen a person suffering from poisoning by arsenic, and he complained of metallic taste in the mouth. In the course of my experience as Analyst I have noticed that a metallic taste in the mouth was described as one of the symptoms in arsenical poisoning. My analysis of the powder contained in the third packet received from Mr. Souter enabled me to know that it was the same substance as that received in the other two packets.

By *Serjeant Ballantine*.—In physical characters there are varieties of white arsenic. I say that the arsenic was the same from ocular inspection by microscope. The physical characters of both were exactly the same under the microscope. I don't mean coppery taste by metallic taste.

By *His Highness the Maharaja of Jeypoor*.—Arsenic is soluble in water.

By *Raja Sir Dinkar Rao*.—There are several substances besides arsenic that taken once in small quantity prove fatal.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 2nd March 1875.

No. XVII.—ABDULLA states on Solemn Affirmation.

Examination-in-Chief

By *Mr. Inverarity*.—My name is Abdulla Khan Walad Mahomed Khan. When Colonel Phayre came to Baroda from Pahlampur I came here after him. I have been many years in

his service. I was so as a little boy. But he and his wife have gone sometimes to England. I have been fifteen or sixteen years in his service altogether. I was in November last first as second servant and as chobdar. In the month of Ramzan I was second servant. My master, Colonel Phayre, had sherbet got ready for him every morning. It was the second servant's business; when the second servant was sick, it was the butler's business to prepare it. I remember Monday the 9th November. That morning I prepared Colonel Phayre's sherbet in the dispense room where it was always prepared. Having prepared it I took it and went into the dining room, and there I took a saucer, a plate, a plantain and two or three oranges. I thence at once proceeded to the Sahab's office room. I placed the tumbler where it was always put on the washhand table. I remember that it was two or three minutes before half-past six in the morning that I did so. Two hamals were there,—one named Govind; the other is called Yellappa, I think. One was sweeping the room; the other cleaning the things. Having placed the tumbler, I took out clothes for my master and left the place. I did not re-enter the room before the return of Colonel Phayre. That morning I made the sherbet from pumalo. I put nothing in except the juice of the pumalo. I cut up the pumalo and separated the seed in a soup-plate. I strained out the juice through muslin. Before that I pressed the pumalo in the soup plate with a spoon. The spoon was a silver spoon—a large table spoon.

Cross-examination by *Serjeant Ballantine*.—There was a verandah to the room where I placed the tumbler, which leads from inside as well as outside. The inner verandah used to be cleaned every day. I don't know if the outer one was. There are two ways of getting to the office—one from outside, one from the verandah. It is one verandah of which a portion is open. The inside verandah was cleaned daily. There is a passage partly open, partly shaded. I did not notice if the outside verandah was cleaned daily. It was the hamal's business to clean it.

Re-examination by *Mr. Scoble*.—I did not notice any one cleaning the verandah on the morning of the 9th. Two hamals used to sleep there. I saw no one cleaning it that morning.

Baroda, 2nd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XVIII.—GOVIND BALU states on Solemn Affirmation.

Examination-in-Chief

By *Mr. Scoble*.—My name is Govind Balu. I am a hamal employed at the Residency. I entered the Residency service when Colonel Walker went on two years' leave, about five years ago. It was my duty to clean the Sahab's office. I remember the morning of Monday, the 9th November. I went on duty. That morning I was cleaning Colonel Phayre's private office. I went into that room before 7 o'clock. It was after the Sahab had gone out to walk. It was about half an hour or one quarter of an hour after he went out, as far as I remember. I remained in the room one quarter or half an hour or thereabouts. While I was in the room Abdulla was there. Lakhsman, sepoy, was outside cleaning the inkstand. First of all Yellappa went into the room. He cleaned it and then came out; he is another hamal. Abdulla was inside; he took out the Sahab's clothes. After Abdulla had taken out the Sahab's clothes and cleaned the boots he went out. Raoji, havildar, came after Abdulla went out. Raoji said to me, "Let the torn papers be removed from this basket to that basket." He meant the waste papers. There were torn papers in the basket where they used to be kept, close to the Sahab's writing table. He said, "Let the torn papers be removed from the 'basket to that basket.'" There were two baskets—one inside, the other outside. Raoji emptied the waste paper from one into another. By outside I mean the ante-room. He brought inside the outside basket and emptied into the outside basket the contents of the inside basket. Raoji did not stay there long, only about five minutes. I know the washing table in the private office. I used to clean it and to provide fresh water for it. On it there is a *ghindee* (washhand bowl) and a *kujja* (goblet) for holding water. On the 9th November I supplied fresh water to the *ghindee* and the *kujja*. I got the fresh water from an earthen pot outside. The bhistie (water-carrier) has to fill that earthen pot. The earthen pot was for the use of the Sahab people. I did not see Abdulla bring in the sherbet that morning. It was 7 o'clock when I went into the dining-room to clean it. I did not see the Sahab return.

Baroda, 2nd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Govind recalled by *Mr. Scoble*.—The earthen pot is outside the dining room and near it. There is a wall between the pot and the dining room. In front is the visiting room, and the dining room is separated by a wall and door. To get to the back of the house you pass through the dining room, at the back of which is a covered place where there was the earthen pot.

Baroda, 2nd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XIX.—YELLAPPA NARSU states on Solemn Affirmation.

Examination-in-Chief

By *Mr. Scoble*.—My name is Yellappa Narsu. I am a hamal at the Kothee. On the 9th November I was engaged with Govind Balu in cleaning the office room.

[No cross-examination is desired.]

Baroda, 2nd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XX.—LYKSHMON states on Solemn Affirmation.

Examination-in-Chief

By *Mr. Inverarity*.—My name is Lakshmon Daryasingh. On Monday morning, the 9th November, I arranged Colonel Phayre's writing materials in this private office. After that I went and took my seat in the *deori* where the sepoys sit. I don't know what happened then. I afterwards went thence to the Post Office with a letter given me by the Sahab. I went after 7. It was quarter past or half past seven. As I went with the letter, I did not meet any one. As I started, I saw no one. I saw no one as I left the Residency. As I was coming back from the Post Office, I saw somebody. I saw that Salam,—I mean the same as used to come to the Residency with the Maharaja. He was near a *nulla* near the Residency. He was riding a horse going towards the Residency. I did not see him before that time that morning. On my arrival at the Residency after my delivering the letter, he was at the Residency at a place where there are a number of English trees, about eight or nine paces from the house, close. He was standing there. It was more than a quarter of an hour I took going to and coming from the Post Office. Salim continued where he stood.

[Serjeant Ballantine has no questions.]

Baroda, 2nd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXI.—JAMU MEEA states on Solemn Affirmation.

Examination-in-Chief

By *Mr. Scoble*.—I am Kotwal of the Cantonment. I remember the 9th November. That day I got some information from one Nata Jaga, which I communicated to Dr. Seward. I that day heard a report in the camp of an attempt to poison Colonel Phayre. I first heard it about 2 o'clock. Dr. Seward mentioned it to me. I did not mention it to others. I told nobody at the time. Afterwards I spoke to Nata Jaga. I mentioned it to him about between 3 and 4 o'clock. This was after Dr. Seward mentioned it to me. First of all Dr. Seward told me of an attempt to poison Colonel Phayre. Then I spoke to Nata with a view to inquiry. I first told Nata, in making this inquiry, what Dr. Seward told me.

Cross-examined by *Serjeant Ballantine*.—Nata then told me something when I told him what Dr. Seward told me. Next morning I saw Dr. Seward and told him what Nata told me. Dr. Seward told me to make inquiries. He said to me—"A man has given poison to Colonel Phayre. It is not known who gave it. Therefore, make inquiries as to who did it." That was all Dr. Seward said. He did not mention names. I am Kotwal.

Baroda, 2nd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXII.—NATA JAGA states on Solemn Affirmation.

Examination-in-Chief

By *Mr. Inverarity*.—I am Nata Jaga. I am Mokadam of the bazaar and attend to conservancy. I remember Monday, the 9th November. I know Salam, Gaekwaree Sowar. I saw him on 9th November about 8 o'clock in the morning. I was then causing some place to be cleaned near Kamatipura. I was on duty there. Salam was going to the bazaar on horseback, going fast, from the direction of the city bridge towards the Sudder Bazaar in the Camp. I know Raoji and Jaga, servants at the Residency. They live in the Sudder Bazaar. Salam went and returned shortly afterwards. I saw Salam come back about five minutes after he went. On his coming back, he went towards the city, still on horseback. He rode (*daurata*), not fast. When he returned from the Sudder Bazaar, I asked him—"Where did you go?" He spoke to me. I told Jamu Meea Kotwal what I had seen.

Cross-examined by *Serjeant Ballantine*.—When Salam went back, he went more slowly than when he went first. Salam's name was not mentioned to me in connection with this matter.

Baroda, 2nd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXIII.—MAHOMED ALI BAKSH states on Solemn Affirmation.

Examination-in-Chief

By *Mr. Inverarity*.—My name is Mahomed Ali Baksh. I am a peon at the Residency. I remember Monday, the 9th November. I know Salam, a Gaekwaree sowar. I saw him the

morning of that day at the Residency. I saw him first at half-past six or seven o'clock. This was before Colonel Phayre returned from his morning walk. At first I did not speak to him. He was sitting there. I was sitting on a box. He was standing with his horse's bridle in his hand. The box was in a place called the *deori*. On entering the house by the steps, the *deori* is on the left hand. I remember seeing Mr. Boevey return that morning. I did not see Salam at that time. I remember taking a note that morning to Dr. Seward. As I was taking that letter, I had some conversation with Salam. He took out and gave me a rupee. He said—"As you are going with the letter to the bazaar, if you can get any biscuits for me, pray bring some." First I delivered the letter to the Saheb, and then I went. I could not find any biscuits. When I came back to the Residency, I did not see whether Salam was there or not. He has never asked for the rupee back or the biscuits. Afterwards I was prevented from speaking. This was on the second or third day after. The Saheb ordered me not to speak to anybody. I remember meeting Dr. Seward on my way to the Residency. I salaamed to him. The Saheb asked me—"What have you brought?" I spoke to him.

Cross-examined by *Mr. Branson*.—Mr. Boevey took my deposition (*zabani*). Colonel Phayre was sitting separate. I did not sign my statement in his presence. I said to Salam from a distance, when I returned from the bazaar, that the biscuits were not ready. I saw Salam as I returned from the Doctor's bungalow and passed by the school. It was 7½ or a quarter to 8 at the time. I saw Salam again. He came to the bungalow.

Re-examination by *Mr. Scoble*.—When I saw Salam near the school, he was going to the city on horseback. It was 9 or past 9 when I saw Salam at the Residency afterwards. At that time I had no talk with him.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 2nd March 1875.

Mahomed recalled by *Raja Sir Dinkur Rao*.—Salam used to come to the Residency on Mondays and Thursdays. The 9th was the day following the, Divali or second day (*dusri-din-ki-Divali*). It was a Monday.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 2nd March 1875.

No. XXIV.—RAOJI states on Solemn Affirmation.

Examination-in-Chief

By *Mr. Scoble*.—My name is Raoji Rama. I was a Havildar of Peons at Baroda Residency, and had been so for one year or 1½ year. Colonel Phayre appointed me. I lived in the Sudder Bazaar in the Camp. None other of the Residency servants lived with or near me I know Salam, a sowar of the Gaekwar's. I knew him since he commenced to come to our bungalow, *i.e.*, the Residency. Salam did make a proposition to me. This was two months before the sitting of the Commission; I mean the Commission about complaints of ryots, about one year and a quarter ago. Salam made a proposition to me two months before that. Salam said, "The Maharaja has sent for you." He also said, "He wants you; he wants to have some conversation with you." I said to him, "I can't come just now;" and he was after me very much. He said the same thing to me five or six times. I agreed to go. I said, "I will go." I did go on a Sunday. I don't remember the month. It was two months before the time the Commission commenced. On that Sunday I left the camp, my house in the camp, about seven o'clock in the evening. First I went to the house of Eshwant Rao, a jasud of the Maharaja. He used to come with the Maharaja to the Residency. Eshwant Rao's house is near the new bazaar in the city. I found Salam Sowar sitting at Eshwant Rao's house. Eshwant Rao was also there. From Eshwant Rao's house I was taken to the Maharaja's Haveli by Salam Sowar and Eshwant Rao,—I mean the Haveli where the Maharaja lives in the city. I went by a way in the rear through the Nazer Bagh. There is a flight of steps leading to it. The entrance was in the rear by the Chiman Bagh called Nazer Bagh. I was taken upstairs. Salam Sowar and Eshwant Rao, these two, took me upstairs. I sat down upstairs in a room. Salam Sowar sat by me, and Eshwant Rao went inside to report to the Maharaja. Eshwant Rao brought the Maharaja. I knew the Maharaj by sight. I recognised the Maharaj very well when he came in with Eshwant Rao. I made salaams to the Maharaj and sat down. Then the Maharaj began saying, "If you can get any news from the bungalow, let me know it." I said, "Very well." The Maharaja said, "I will give you many rewards and presents. I will gratify and please you. Do you continue to give me news and information on that side." I said, "Very well." Then the Maharaja asked, "Are you on friendly terms with the Jemadar?" He said Narsu Jemadar, the Residency Jemadar. I said "Yes." The Maharaja said, "You should bring him to me." I said, "Very well." He inquired about matters relating to here and there (unimportant matters). I took my leave. Salam Sowar and Eshwant Rao came too; they went to their houses, and I to the camp. I went to Narsu Jemadar and told him about it the following morning when I went to my duty. The Jemadar said, "At present I have no time to go." Before the Commission sat, I went three or four times to see the Maharaj. All those times were before the Commission sat. When I went from the camp, I went alone, and afterwards met Salam Sowar and Eshwant Rao, who went with me to the Maharaj. I used to meet them at Eshwant Rao's house. I used to go alone

to that house, and then with them to the Maharaj. I used to inform the Maharaj about the people who used to come to the Residency and mention their names. I went to see the Maharaj while the Commission was sitting. I went three times during that period. On those occasions I used to go alone to Eshwant Rao's house, and thence with Eshwant Rao and Salam. On each of those three occasions I saw the Maharaj at the same Haveli. I spoke to the Maharaj on those occasions. I used to tell him about what occurred at the Resident's bungalow. Complainants used to come there, and people used to appear before the Commission. I used to hear what they said, and to repeat it to the Maharaja. I had spoken to the Maharaj about my intended marriage, and he paid me about 100 Rupees for expenses of that marriage. I spoke to the Maharaja about it during the sitting of the Commission. He called Eshwant Rao, and he said, "You must remind me of it." Eshwant Rao was beside him. The money was not then paid. Eshwant Rao came to the bungalow (Residency), and spoke to me. This was when he accompanied the Maharaj. My visit was on Friday, and Eshwant Rao spoke to me on Monday. Monday was the usual day for the Maharaj's visit. Eshwant Rao said, "I have brought and kept Rupees 500 for you; you should come and fetch the money." I did go to fetch it. I remember it was the evening of the day he so spoke. I went to Eshwant Rao's house. With me I took Jaga, a punkawala employed at the bungalow. At Eshwant Rao's house I met Eshwant Rao; he gave me the money by the hands of his karkoon, 500 Rupees. At that time his karkoon and Jaga were present, and nobody else that I saw. Eshwant Rao was then upstairs in his house. The karkoon's name is Dalpat. I spent that money on my marriage. Rupees 400 I so spent, and deposited 100 Rupees with Jaga, with instructions that I would draw it from time to time as I required it. I bought some clothes and made some ornaments. Dajibhai Karia got the ornaments made for me. My marriage took place while the Commission was sitting. I remember not the month. I remember meeting Salam after the Commission left. Baroda,—two or three days after they left. Salam said, "I have had a talk with the Jemadar. I have brought him over." I afterwards asked the Jemadar. Salam also said, "I have spoken to him; promise to come; come with him to the Maharaja's." I said, "Very well, I will ask him." I did speak to the Jemadar about this—the evening of the day of the talk with Salam. The Jemadar said to me, "I will go with you on Sunday." I don't remember the month, nor the Musalman nor the Hindu calendar month. This was eight, nine, or ten days after the sittings of the Commission. When the Sunday came, the Jemadar had, as previously arranged, gone to Eshwant Rao, and I found him there. In fact, I found the Jemadar there on the Sunday night. For the most part, as far as I remember, Jaga was with me, or Karbhai. Karbhai lives in the camp; he was punka-puller at the Residency, and is now unemployed. I don't know his father's name; he is not the same as Karbhai gari-driver. As far as I remember, either Jaga or Karbhai accompanied me. At Eshwant Rao's house I found Eshwant Rao, Salam Sowar, and the Jemadar. I went thence to the Maharaja's Haveli, and I went through a lane in direction of the Nazer Bagh, and Eshwant Rao went in by an entrance where a sentry was, on the public street. With me went Salam, the Jemadar, and the man who was with me into the Palace; the man who went with me did not go upstairs, but sat below. We all went up the first flight of steps—I, the Jemadar, Salam, and either Jaga or Karbhai. We were made to sit there by those persons. Only Salam went further upstairs. Afterwards Salam and Eshwant Rao and the Maharaja came there, and Salam came down and called us up. I and Narsu Jemadar went up; Jaga or Karbhai stayed sitting below. Then I and the Jemadar went upstairs. We went to a bench on which the Maharaja was in the habit of sitting, and where there was a bath room. When I got there, those present were, I, Salam, Eshwant Rao, the Jemadar, and the Maharaja. I and the Jemadar had conversation with the Maharaja. I don't remember that conversation. Eventually the Maharaja said to the Jemadar, "You should report the news from the bungalow. As you are living in Baroda, you should bring the news every day." The Jemadar said, "Very well." The Maharaja said to the Jemadar, "You should notice what Sirdars come to the Residency, as you are a servant of long standing, and you know the Sirdars." The Jemadar said, "I will give you the news, and Raoji will do so also, and it will be communicated through Salam." The Maharaj said, "Very well, send the news, and if it is very important you should write it and send it to Salam. You should bring it from the bungalow." The communications were to be given to Salam, when the Jemadar left the camp to go to his house. The Jemadar lived in the city. The Jemadar said to the Maharaja, "My brother's pension has been stopped; please make arrangement about that." The Maharaj said, "I cannot make any arrangement about that; you must petition the Saheb; and if the Saheb speaks to me I will at once make arrangement." The Jemadar's brother was in the Maharaja's service. There were two brothers,—one a Commander, the other Jemadar in the Rasala. That was all the conversation. Then we left and came away. After this visit, and before the Maharaj went to Nowsari, I visited the Maharaj four or five times about the time of his going to Nowsari. I and the Jemadar both did so. On those occasions I saw the Maharaj, and conversed with him; and I and the Jemadar gave the Maharaj information of what was going on at the Residency. I went to Nowsari with Colonel Phayre. Narsu Jemadar also went. So did we all. I and the Jemadar attended Colonel Phayre all the time he was at Nowsari. The Maharaja also came to Nowsari. I saw Salam for the most part at Nowsari. Eshwant Rao himself I did not see. His son lived in our bungalow there,—I mean in a route or tent in the compound. Colonel Phayre's servants lived in the bungalow, and we sepoys had a tent or

route. It was in the route Eshwant Rao's son lived. Salam lived in the route in our compound. At Nowsari I went to the Maharaj once. I was introduced to his presence by Salam. On that occasion I had some talk. The Maharaja inquired about Bhau Poonekar and others, who used to come to the Resident's bungalow, and as to what conversation they had. I know by name one Damodhar Trimbuk or Damodhar Punt. I know him by sight. He was at Nowsari with the Maharaja. After returning from Nowsari to Baroda, I did not continue for the most part my visits to the Maharaja. I forgot (*bhulgaya*). After my return from Nowsari I went thrice with Pedro, the butler. I went with the Jemadar also. Altogether I think I went to the Maharaja 20 or 25 times. After my return from Nowsari, I went three times with Pedro and four times with the Jemadar. I never went with them both together. I and Pedro and Salam Sowar went. After I came from Nowsari, Pedro said to me—"Will you go with me?" I asked—"Where to?" He answered—"Salam Sowar has told me we should go to the Maharaja's." I said—"I will go with you when you want me to go." I did go with Pedro. I left the camp and waited at the bridge while Salam Sowar was bringing a gari from the city. Salam brought one and halted it, and went to the bungalow (Residency) to call Pedro. I mean the bridge near the school on the high road to the city at the corner of the maidan. Pedro came. Pedro, I, and Salam went to the city. This was at night, after 10 o'clock. We went to the Maharaja's Haveli, where we met Eshwant Rao Jasood. Pedro and I met the Maharaja. On the first time Pedro and I went, the Maharaja asked—"When your Saheb sits at the table; does he make any allusion to me?" Then Pedro said to the Maharaj—"The Saheb says what is good for you." Pedro said, "It would be good for you if you live on amicable terms with the Saheb." The Maharaja said, "I behave well, but the Saheb gets angry." Pedro added, "The junior Madam Saheb is very kind to you (*mehrban*). If you behave well, the Saheb will also be very kind to you." The junior Madam was Mrs. Boevey, Colonel Phayre's daughter, who lived in the Residency. No other conversation occurred. The Maharaj said, "You should send news through Salam," because Salim used to go to the butler's house. I remember the butler went to Goa on a month's leave. This visit was after my return from Nowsari. It was before the butler went to Goa. Before the butler went to Goa, I went with the butler three times to visit the Maharaja. After his return from Goa I once visited the Maharaja with him. So I went four times altogether with him. The visit after the butler's return from Goa was as follows:—The butler had some talk with the Maharaj. I heard it. The Maharaj said, "When did you come back from Goa?" He answered, "two or three days ago." The Maharaj said, "Will you do something if I give you something." The butler said, "If it is possible for me to do it, I will do it." Then the Maharaj called Eshwant Rao, who was present. Eshwant Rao had a packet in his hand which he gave into the Maharaja's hands, which the Maharaja put into the hands of Pedro. Pedro said, "What is it? (*kya chiz hai*). The Maharaj said, "It is poison" (*zahir*). Pedro said, "What shall I do with it?" The Maharaj said, "Give it in some food to the Saheb." Then Pedro said, "If the Saheb dies all of a sudden, I shall be taken up and ruined." Then the Maharaj said, "Nothing will happen all of a sudden; the Saheb will die in two or three months" (*mar-jāenge*). The Maharaj added, "Nothing will happen suddenly to the Saheb. Don't you be alarmed." After this conversation I left for the camp with Pedro, who went to the bungalow. I believe Pedro kept the packet in his possession. I went home. I know that Pedro got some money from the Maharaj. Pedro told me that Salam Sowar had paid him some money; how much I know not. Pedro told me this at the time of his going to Goa.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 2nd March 1875.

Raoji's examination continued by Mr. Scoble.—After my return from Nowsari I went to the Maharaja with Jemadar Narsu. This was about two or three days after my return to Baroda from Nowsari. A punkawala, named Karbhai, went with me. After my return from Nowsari I received Rupees 300, about fifteen days after my return. Narsu Jemadar paid me those 300 Rupees. After I received those 300 Rupees I went again to see the Maharaja. My next visit was about four months after receiving the 300 Rupees. I guess it was four or five months. Narsu Jemadar went with me then. On this occasion I went from here at seven o'clock, I mean from the Camp Bazaar. I went first to Eshwant Rao's house. Salam Sowar was at Eshwant Rao's house. Narsu Jemadar also was sitting there and also Eshwant Rao. From Eshwant Rao's house, I went to the Maharaja's Haveli. I entered by the way of the Nazerbagh side. On that occasion I saw the Maharaja in his bath-room, where he was seated. It was upstairs. When I went to the Maharaja, I and Narsu Jemadar sat down, and Eshwant Rao and Salam were standing near the Maharaja. Then the Maharaja said to us, "The Saheb practises great (*zulm*) oppression on me. I will tell you something; will you listen to it?" Then I and the Jemadar said, "We will listen." Then the Maharaja said, "What is the Saheb in the habit of eating?" I then said, "He does not eat anything in my presence, but he drinks juice (*ras*) sherbet." Then the Maharaja said to us, "If I give you something, will you put it in? (*ddlna*). Then we said, "What will be the effect of it." (*Kya hoega*). Narsu it was who said this. Then the Maharaja said to us, "I will send a packet by the hands of Salam Sowar." I thereupon asked the Maharaja, "What will be the effect of it?" [The interpreter Mr. Nourojee says the word interpreted as packet may also mean powder, "*puri*."] When I asked, "What substance is it?" (or rather "thing".) Then the Maharaja

said, "It is poison" (*zakar*). I then said to the Maharaja, "If I put it in, and if anything happens to the Saheb all of a sudden, what then?" The Maharaja said, "It will not produce any immediate effect, but will produce an effect in the course of two or three months." Then the Maharaja said to us, "I will give you a present of a lac each, if you will do this thing, and I will employ you (*asāmi*) or give you service, and I will protect your children and family. Do not entertain any apprehensions." I myself asked the Maharaja, "In what manner shall I put this in?" Then the Maharaja said, "Take a small bottle, put some water and the powder in it, shake it well, and put that in." Then I asked the Maharaja, "If I put the powder thus, what will be the effect?" The Maharaja said, "If, without shaking it you put it in the juice, it will come to the top, therefore you should shake it before putting it in." Then Salam Sowar and Eshwant Rao both said, "It will be good for you if you do this job: do not have any apprehensions." The Maharaja said, "Make three powders of this, and finish them in three days." At that time no powder was shown me. Nothing was shown me then. The Maharaja said, "I will send it to the Jemadar's house by the hands of Salam or Eshwant Rao." I said, "Very well." Nothing more occurred. After the Maharaja said this, we left. I cannot mention the day of this conversation. I don't remember the day of the week or month it occurred, nor what season it was. I do not remember the 9th November. I do remember the day Colonel Phayre found out the attempt to poison him. The above conversation occurred about 15 or 20 days before that event. After that interview with the Maharaja, the Jemadar brought a packet and gave it to me. The above-described interview with the Maharaja took place at seven o'clock of the evening. The Jemadar brought me the packet the day following the interview with the Maharaja, so far as I remember. I opened that packet. There were two powders in it,—one white and the other rose-color. There was that much [shows about a pinch], I cannot remember.

I don't think quite as much as a tea-spoonful. I did not weigh it, nor estimate its weight (Witness shews with the sand of a sand box used for drying ink and says), The whitish powder was more in quantity than the other. Narsu said something to me. I divided the two powders into three portions, taking more of the rosy powder than of the white. I used only a little of the white powder. Some of the white powder was left. A good deal remained. I took a pinch of it. I don't remember if half the white powder remained. I used up all the rose-coloured powder. I kept them in the pocket of my *putta* or belt after making them up. I put in one side of my belt the remainder of the white powder, in the lower part of my belt, in the same pocket of the belt with the three powders, but in a separate division; with the three packets obtained by mixing the white and red powders, I threw them into the Saheb's sherbet at different times. I don't remember the different days. It was on alternate days, putting in one, then leaving a day. I put one powder (*bhuki*) into a bottle. I left the other two. I put them in (*dālāna*) another day. After putting it into a bottle, I put some water in, and shook it and threw the contents into the glass containing the Saheb's sherbet. By Saheb I mean Colonel Phayre. By glass of sherbet I mean that daily placed in his office for Colonel Phayre. I did the same with each of the three powders (*bhuki*). The Maharaja gave me the bottle. He gave it to me about the time the Saheb had a boil on his head. The bottle contained some white liquid like water. When the Maharaja gave me this bottle, I was at the Maharaja's Haveli. Narsu Jemadar was with me on that occasion. The Maharaja spoke. I asked him, "What does this bottle contain?" He said, "It contains something which you should throw into the Saheb's bathing tub or *ghundi*." I brought the bottle with me. I tucked it up in my drawers under the string, and it produced a wound on my skin. It caused a boil, a thing like a boil, what a man gets when burnt. It swelled. The place was in my belly (witness shews that it was near the navel). As it produced a boil on me, I thought it would much injure the Saheb: so I threw it away. I mean I threw away the medicine (*dawa*) contained in the bottle. When given to me, the mouth of the bottle was stopped with cotton, and that was covered over with beeswax. The bottle was given me before I got the powders—about a month or one month and a quarter before. I brought the bottle to the Residency. Narsu Jemadar asked me, "Did you put it in?" I answered him that I had put it in. Then I afterwards said to Narsu Jemadar, "Look here. I have been burnt here," pointing to my belly. I afterwards kept the bottle in the bungalow underneath a box belonging to the Saheb kept near a form where we and the Jemadar used to sit near the Saheb's office. This box was near the form where I used to sit. After putting the three mingled powders into the sherbet, I went to see the Maharaja again. It was about eight days after. The Maharaja used to come to the Residency to see the Saheb; perhaps he thought nothing happened to the Saheb. The Maharaja sent me a message through Salam. I and Narsu Jemadar both went to the Maharaja by night. As far as I remember nobody else went with me. I first went to Eshwant Rao's house. There the Jemadar was, and Salam Sowar was sitting. The Jemadar Narsu was there when I got there. So also was Eshwant Rao. I went thence to the Maharaja's Haveli—with Eshwant Rao, the Jemadar, and Salam Sowar. I saw the Maharaja at the Haveli—in the Maharaja's bath room—the same place where I had seen him before. The Maharaja gave me an account for its not happening." Then the Maharaja said,

* *Chiz*.

"I will give you another thing* which you should put in (*dālāna*)." I said, "Very well." When I began to go, Salam extended his hand. He gave something to the Jemadar; what it was I don't know. He said nothing in so doing. No other person said anything. I heard nothing. Then I and the Jemadar went away thence.

Next day, when the Jemadar came from his house, he gave me a packet. I opened and looked at it. Inside there was a dark-coloured (*kala*) substance. The colour was not so dark as the Interpreter's coat (black alpaca). It was like that hat (grey felt helmet). I kept the powder by me one day. I went on a Friday, and the Jemadar brought it to me on Saturday. On the Sunday I did not go to duty. I went to duty on the Monday. I refer to the Monday of the report about the poisoning. On the Monday I put it in (*dāna*).

Q.—In where? A.—In the Saheb's sherbet. I mean the packet sent by the Maharaja through the Jemadar, and which the Jemadar gave me on the last occasion. I put the poison in a bottle, shook it, and put it into a glass. The bottle was the one given to me by the Maharaja. I put nothing else into the bottle except the powder. I put some water in and shook it. Nobody was in the room when I put it into the Saheb's glass. I put it into the Saheb's glass at half-past six o'clock, when I went to my duty. It was about 20 minutes before Colonel Phayre returned. I had no watch. I saw Colonel Phayre return. I remember Colonel Phayre writing a note. He gave it into the Jemadar's hands who gave it to me. I gave it to a puttewala. I don't remember what puttewala. I told the puttewala, "Take it to the Doctor Saheb." When I gave it to the puttewala, Salam Sowar was present. It was about seven o'clock when I first saw Salam Sowar that morning. First Salam Sowar asked me, "Did you do that job or not?" I said, "I did it. Afterwards I said, 'A note has this day been written and sent to the Doctor Saheb, and I think you will be disgraced.'" Salam said nothing to me. On saying this to him, I left him. I told him about the note to the Doctor Saheb at the same time as I told him about my having given the poison. I remember the Doctor coming. I and the Jemadar were standing there when the Doctor came. I remained on duty all that morning at the Residency. I was not put in arrest that day. I was suspended. I was told to take off my belt and place it there and go home. I did take off my belt. I put it in the Saheb's office. My belt was never given me back. On that day, Monday, I was examined a little by Colonel Phayre and in Mr. Boovey's presence. I was placed in arrest the next morning at seven o'clock. I remained there through the night; the next day, at five o'clock in the evening, I was released by the Saheb. I was not allowed to return to my duty. Besides the Rs. 500 paid on my marriage and Rs. 300 through the Jemadar, received no other money. How could I know what the Maharaja gave to the Jemadar? Out of the money I received, I had some ornaments made. These are the

Silver anklets, gold armlets, rings produced. ornaments I caused to be made. I paid for these communications in writing of news through Salam. I once or twice caused Jaga to write for me. I know Jaga's handwriting. I can read a little Gujarathi. I can write a little, but not well. The writing shewn me is Jaga's writing. I don't think I could read this, as I can't read much. I never employed any writer but Jaga. I wrote myself on two or three occasions. After getting the letters written I gave them to the Jemadar. The Jemadar also took those which I myself wrote. I did make a statement to Mr. Souter which was taken down. The first day of my doing so was Tuesday the 22nd. I don't know the month.

Mr. Scoble says it may be taken as the 22nd December. This is agreed.

The Saheb, Mr. Souter, took down the statement: but not on the 22nd, but on a later day. Early in the morning Mr. Souter sent for me: in the morning I said nothing to him: he questioned me till 8 or 9 o'clock, but I did not acknowledge anything correctly. I was then brought into the Residency. I saw Mr. Souter at Mr. Barton's bungalow. I was desired to sit down in the Residency garden. I sat there till 5 or 6 o'clock. Karim and Faizu were there. We began to discuss amongst ourselves. Then Faizu and Karim said regarding themselves and the ayah, "We have told the truth, you had better tell the truth and be saved." They said, "We have stated that we have been there, you had better tell the truth and be saved." Thereupon I sent for Mr. Souter's havildar who was near there. I would identify him if I saw

A policeman calling himself Mir Imam Ali is him. This is the man. I said to him, "Take me to called. "the senior Khan Saheb." That is Akbar Ali. I then went to the senior Khan Saheb. I said to him, "I will tell you the truth regarding the "poison." I said to him, "If you save my life and get a promise given me by the Saheb, I will "tell the truth." I got a promise of pardon (*muafi*) if I made a full statement, and on that promise I made my statement to Mr. Souter. From that day at 6 a.m. till now, I have had no communication with Narsu Jamedar except on the day Narsu was taken up: the Khan Saheb said to me, "Tell before Narsu the truth that you have told." What he said was, "Tell "before these people the truth you have told." The Rao Saheb and the junior Khan Saheb were present. I was then taken to near the Jemadar and I said to the Jemadar, "I have told "that what was to be told even up to my neck." I said no more to him. I was then taken

A belt is shown. away to the police guardroom. This belt is the one I used to wear. In this pocket I put the powder; the other powder I put here [shows another place. Mr. Scoble points out that the first is at the lower fold of the belt, and the second at the side]. I was present when something was found in the belt. At that time Rao Saheb and Akbar Ali were present, and the junior Khan Bahadur also. Something was then found in my belt, namely, one powder. First Khan Saheb asked me, "Where used you to put it?" I said, "I used to put it in the pocket of my belt." He then asked, "Where is your belt?" I said, "It is in the possession of Budhar Puttewala

"possession *ke-pas*)." Chand, a sepoy of Mr. Souter, went and brought Budhar Puttewala. When Budhar came, the belt was round Budhar's neck. He was wearing it. The Khan Saheb took it off his person, and then they began to search. Khan Saheb, Rao Saheb, and Khan Saheb junior began to search. A thick finger was introduced into the belt. It was Khan Saheb's finger, [witness shows the places in the belt]. He found something hard here, and then he remarked, "There is something there." Then he left it as it was and sent for Mr. Souter, who was in a room opposite. Khan Saheb then opened the bottom of the belt. The Saheb then took out the packet and examined it. It was wrapped in a piece of white paper. Inside it was a poison. A white powder [witness used the English word "powder"]. I recognised the white packet on its being taken out. The Saheb asked me if I could, I said, "I could recognize it." I said, "This is the packet left me by oversight (*bhul men rahgaya*)." After this inquiry, the Saheb took some of my statement (*zabani*) and I left. I don't remember the day of the packet being taken from my belt. It was about two days after I gave my deposition. There was day between the day it was found, and the day of my first statement.

Cross-examined by *Serjeant Ballantine*.—I had been 1½ year in Colonel Phayre's employ. He was very kind to me. I consented to poison because the Maharaja offered me money. I am a poor man, he offered me a lack of rupees. For this I consented. I did not intend to murder him. The Maharaja so intended. I meant to do it, being poor, because I was instigated. I consented to murder a kind master for money, being instigated. I never got my lac of rupees. I never applied to the Maharaja for it. After the attempt failed, I was examined by Colonel Phayre, after which I was for a month at liberty. I made no application during that time to the Maharaja. I got no message from him, nor did I see him. I did not go to him. How could I? I used to go, but not after I stayed at home. I did not apply to him because the affair was not successful. I did not go. How could I go and ask for money. After the failure I had no conversation with Narsu. I did not leave my house. I knew Bhau Poonekar. He used to go to the bungalow to see the Saheb. I don't know what he came for. I sometimes heard what he came for and used to tell it. I know nothing about a kharita from the Maharaja to the Governor-General. I don't recollect. I did not hear of it from Bhau Poonekar. I got the boil from the medicine (*dawa*) inside the bottle. The medicine dropped through the cotton stopper. It gave me a boil (*phor*). I threw it away. It was given me to hurt Colonel Phayre; I did not use it. It hurt me; so I threw it away. I feared I might be arrested at once. I did not put it in water. Because I was injured I thought my Saheb would be injured. I told Narsu I had used it. That was a lie. Every day a sowar used to come from the Maharaja to inquire if it was administered or not. I told the lie, because they were after me. Mr. Souter was never after me; all that I told him was truth. Had I told Colonel Phayre the truth how would he have believed it, the story of one person? Therefore I did not tell the truth. He would not believe me, and I did not do it with a view to tell it. I told Mr. Souter the truth correctly. [The witness's attention is called to the matter of the two papers of powders given when he and Narsu were promised a lac of rupees each.] The two powders were brought and given me by Narsu Jemadar. He told me to divide them into three parts and give them on three days. I made three packets and kept them in my pocket. From each powder I took a little, because I had doubts that the white powder was more injurious. I doubted how the white powder was to be used, [Mr. Serjeant Ballantine reads from statement made to Mr. Souter]. This is what I told Mr. Souter; this is true.

Q.—Who gave you the last packet you had? A.—The Jemadar. It was rather of a dark colour, like that hat (grey, felt *J. J.*), not like the white colour first given me. It was a little darker than that hat. I don't remember exactly. I put the whole in. I first put it in a bottle, mixed it with water, and then poured the whole of it in [witness shows with inkstand what the quantity was]. It was a little less dark than this. I saw Dr. Seward the morning I tried to kill my master. I was at the bungalow. I hear that Salam is in imprisonment. I have been in imprisonment several days. Pedro went with me to the Haveli three times after his return from Nowsari, and once after his return from Goa. He knew about the attempt to poison. I heard the Maharaja tell him. A packet was given into his hand in my presence. I heard the Maharaja say it was poison. This was after Pedro's return from Goa and at his last visit. I don't recollect the date thereof. First the powder was given him, and I was called two days after. The Jemadar first brought me two powders and afterwards one powder. Pedro received one two days before I received the last powder. After Pedro received one, I received one two days after. I don't know what Pedro did with his powder. We were all engaged in the same attempt. Why should I ask Pedro? He should know his business. The Maharaja was in haste, so he gave to Pedro and me so as to make haste. I know because Salam and Eshwantrao were after me. That's who I know. I was told that it would not take effect for two or three months. I never asked Pedro what became of his paper. I first accused Pedro before Mr. Souter—not before. I did not mention his name before Colonel Phayre. I was afraid. If anybody does anything, does he do it for telling it? I quite forgot about the powder in my belt. I administered three powders; there were four altogether—one was left. The Jemadar gave me two powders. I made the rose powder into three portions, put some of the white powder into each, and one powder remained. This was what I was told to do—to give it three times and make three portions. I thought the white powder was arsenic, and if it was given to the Saheb, something would happen soon. For that reason, by mistake (*bhul-men*), it remained. I kept it in the pocket and forgot if it was there or not. I made three packets, but took a little from the other. I was afraid something might happen to the Saheb of a sudden. I put in all the dark powder at once—it was little. Those people kept saying, "Do it quick, do it quick." I did not know it would take effect at once. Nobody knew I had any poison left. I told nobody. My

accomplices thought the whole was used. The Police first asked me where. I kept my belt. I had not told them I kept the powder in it, nor did I remember. If I did, I would have taken it out and thrown it away. I was asked if I recognised my powder, and I said I did. Akbar Ali asked where I used to keep my powders. I said, "In the pocket of my belt." He asked me where it was. I said, "With Budhar." The Resident had given it to him. When the police came, I was called for inquiry to the bungalow. The belt was given to Budhar in my presence. It was several days before the police found the packet in the belt. I don't remember how many days. I had no recollection about the powders. Before Colonel Phayre I did say to save my life that I suspected Faizu. Those people were also going to the Durbar. When asked whom I suspected, I said, "Faizu and all other people go from the town there." Because they were living in the town, I said this. I did not accuse them. I said, "Faizu lives in the city, and there is suspicion against him." I said, "I suspect Faizu." I had done it. Many persons were mentioning Faizu's name. I said, "As Faizu lives in the city and goes to the Palace, I suspect him." I suspected that powder might have been given him in the same way as to me and Pedro. This was why I accused him. After Colonel Phayre released me I lived at home. I had applied for a putta (belt). The Saheb did not give me re-employment. He said, "When the Sahebs come and inquire, you will be reinstated." I don't know if Bhau Poonekar interfered on my behalf. I did not ask him to do so. I did not talk on this matter to him. He used to go to the bungalow and used to see me. At the time the Saheb was about to leave this he was at the bungalow and I saw him (Bhau Poonekar). This was after my attempt at poisoning. I did not talk with him on this subject. I don't recollect. I did not converse with Bhau Poonekar about the Maharaja; nor did I do so or he do so about the Maharaja after the attempt. Bhau Poonekar did not ask me if the Maharaja knew about it. I never mentioned the Maharaja to him. I did not see him before I was examined by Mr. Souter. I did not see him at that examination, nor about that time. I consented to poison my master, being a poor man, and having a lakh of rupees offered. That lakh was my inducement—too much for a poor man. During the month I was at liberty I did not ask the Maharaja. I did not leave my house or go anywhere. I put poison into the Saheb's sherbet on the Monday when the report got abroad. I used all the last packet at once. The Jemadar brought me the packet on the Saturday. Since my examination by Mr. Souter I have not been to the Palace. I have been in confinement from that day. The Maharaja spoke to me about poison. I knew him two months before that. I had been called. I was called two months before the Commission came.

Re-examination by *Mr. Scoble*.—That was for asking about news (*khber batmi*).—I mean, I was to tell him whatever I should hear at the bungalow. Poison was first mentioned after the return for Newsari, about five months. After the 9th when I put in poison I was suspended and remained at my place. After my suspension neither Salam nor Eshwant Rao came to my place. I had gone to the Palace alone before the Commission came. Salam or Eshwant Rao was always with me when I was taken to the Palace. After my suspension and when in my house I don't remember if any watch was placed over me by the Sirkar. I have a mark on my stomach left by my boil.

On the application of Mr. Scoble, the witness goes into a room in the Court-house to have the marks on his belly examined by Dr. Gray.

Baroda, 3rd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXV.—DR. GRAY recalled.

Examined by *Mr. Scoble*.—I have examined the last witness (Raoji). There were three marks on the belly about one inch and a half above the naval. That is near the place where the string of his drawers was tied. They might be caused by the application of caustic or hot iron. They are not such marks as a boil would be likely to leave. They are what a blister or a burning substance would be likely to leave.

Cross-examination by *Serjeant Ballantine*.—I have been in Court and heard the witness' story. White arsenic might cause them—arsenic in contact with the skin. A man would feel the irritation within an hour. It is my opinion that the marks might be caused as described by the witness in his evidence. This is after taking into consideration that he described it as a swelling something like a boil. I think the marks could have been caused by arsenic on an unbroken substance. I should say arsenic is not the cause of a boil. If I had heard nothing, I should have said that the marks were caused by caustic or hot-iron. Natives use cautery on the most trivial occasions.

Re-examined by *Mr. Scoble*.—Arsenic is a caustic. Arsenic suspended in water or other liquid and oozing through a bottle would be capable of producing such marks.

By *Serjeant Ballantine*.—I remember the bees-wax and cotton in saying this.

By *Sir R. Meade*.—A boil would not leave such a mark. If caustic were applied to such a boil, it would depend on the age of the boil.

Baroda, 3rd March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXVI.—RAOJI recalled.

By the *President*.—After using the bottle on the Monday morning I hid it in the verandah where the carriages stand near the wall. The police came and searched for it. I pointed out

the place, but it was not found. Nobody knew of my putting it there. The bottle was as long as my forefinger.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 3rd March 1875.

No. XXVII.—NARSU states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—My name is Narsu Rajana. I was Jemadar of peons at the Residency, and had been employed there, I guess, 30, 32, or 34 years. I have been Jemadar 17 or 18 years. My pay was Rupees 14 per month as Jemadar. Raoji Havildar got Rupees 10 a month. I lived in the city. I usually came to work at 7½ or 8 o'clock in the morning. In the evening I went home at 7 or 8 o'clock, or if Cutcherry was over at 6½ p.m. I remember the Commission sitting at Baroda. Raoji said something to me, *viz.*, "Eshwant Rao and Salam say you should go to the Maharaja's." I said, "I cannot go just now as there is sickness in my house, and I am deeply engaged in my service." The suggestion of going to the Maharaja's was again made to me after the Commission was over by Raoji and Salam. I knew Salam since, not before, he began to come to the Residency. He began to come. After Khunderao's death I was in the service of Jum nabai; and after my return to the Residency Salam used to come—in the time of Colonel Barr. Jum nabai was at the Residency. I was deputed to serve her when she was there, and also for two months more when she went to Poona. Colonel Barr and Mr. Tucker deputed me. Colonel Barr was Resident then, and Mr. Tucker came to Baroda. Both Salam and Raoji spoke to me after the Commission was gone about going to the Maharaja. Eshwant Rao Jasud spoke to me once or twice. Salam and Raoji spoke to me often on Sundays and Mondays, when the Maharaja used to come to the Residency. I did ultimately agree to go to the Maharaj. I did go to the Maharaj. The first time I went was about twenty-five days or a month after the Commission left Baroda. Raoji and Salam went with me, and another man who went with Raoji. We went to Eshwant Rao's house, and thence to the Maharaja's. I did not go with these people to Eshwant Rao's house. I found them at Eshwant Rao's. I went thence to the Maharaja's—to the Bara—or Haveli, from the rear. Raoji, another man, and Salam went with me, and Eshwant Rao by another way. Those who went with me were Raoji, a man with Raoji, and Salam. We went. We entered the Palace from a rear entrance where a new garden has been lately laid out. I don't know that garden's name. Eshwant Rao went by another road, and brought the Maharaja and came with the Maharaj. I mean Eshwant Rao went from his house by himself and very likely entered by the front entrance. He did not go with us. We went to a room upstairs. I first sat down at a place some steps below the room. When Eshwant Rao had brought the Maharaj there, Salam said to me, "Come upstairs." I went up. Raoji and I, we two went up. Raoji's companion remained below, downstairs. On going up I saw the Maharaj. Eshwant Rao and Salam were with him. I sat down. Eshwant Rao and Salam began talking with the Maharaj. I had some talk with the Maharaj. At first the Maharaj expressed anger. The Maharaj said, "This man is a rogue (*lacha*), why did you bring him?" Raoji said, "No sir, he will not do roguery (*lacha*) now." Raoji, Eshwant Rao, and Salam they all spoke thus. I said nothing to their speaking about *lacha*. The Maharaj said, "In the same way through Salam you will give news and information from the Residency." I said, "Very well." And that was all I said. No more occurred at this first interview. I went to the Maharaj on a second occasion—a month more or less after. Raoji and Salam went with me, and also a man with Raoji. There was one man with Raoji, named Karbhai. On this second occasion I saw the Maharaj, so did Raoji. Karbhai was made to wait below, and did not see the Maharaj. Karbhai was a punkawala at the Resident's bungalow. Conversation took place between the Maharaj and Raoji. I did not take part. If they put a question to me, I said, "Yes." These visits did not occur by day but by night. We left this place at 8 or 8½ p.m., and reached the Maharaja's at 9 or 9½. On the second occasion I went to Eshwant Rao's house, and thence to the Maharaja's. Salam and the others went into the Palace with me together. Between the two visits Salam used to come to the bungalow and we exchanged salaams. We said nothing to each other. Raoji and Salam used to sit together. Eshwant Rao and two or three sowars used to come before the Maharaj when the latter came to the Residency. On such occasions Raoji and Salam used to sit together. I went to Newsari with Colonel Phayre. The Maharaj went there also at the same time. Salam went there with the Maharaj. Eshwant Rao did not. Salam lived in the same place at the bungalow where the Saheb put up with some sowars. I mean in the compound. Raoji caused a present to be given to me. Perhaps the Maharaj said something to Salam. Salam said nothing to me. Raoji said to me, "Two hundred and fifty rupees have been given for you." I said, "What am I to do with the money here?" He left that money with Salam. Raoji did so. When Salam was about to return to Baroda, Raoji said, "The money has been sent to your house." Salam after having paid the money to my house reported to me. Raoji told me the money had been sent. Raoji said, "The money has been paid to your brother." On my return I came to know that the money was received. When at Newsari I did not go to see the Maharaj. When the Saheb went to see him two or three times I went with the Saheb. I had at Newsari no private interview with the Maharaj. After I returned from Newsari to Baroda I went to see the Maharaj. This was a month more or less after my return. I went there after going first to Eshwant Rao's house, where I met Raoji and the persons who usually went. I mean Raoji, Karbhai, and Salam. Eshwant Rao did not go with us, but went by himself; he was at his house. He said, "Go on and I will follow." I went from his house to the Haveli. We went by the garden side. After waiting sometime the Maharaj came there into the same room. I, Raoji, and Salam went to see the Maharaj. Except Raoji and the Maharaja's servants none went with me into presence of the Maharaja. Karbhai never did. One Jaga did once.

At this first interview after my return from Nowsari, Raoji had conversation with the Maharaj. Raoji used to write on a note the names of people who came to the Residency. I mean he wrote the conversations that took place at the Residency. Eshwant Rao, Salam, and the Maharaj were sitting there. Raoji said, "The present in honour of the marriage," I mean the marriage made by the Maharaja. Then Eshwant Rao said to the Maharaj, "Maharaj, nothing has been given to these persons." The Maharaj said, "Do make some arrangement regarding these persons." On that occasion nothing was given. I received something afterwards, ten or fifteen days after. I received Rupees 800. Salam brought me that money. We, i.e., I and Raoji, divided it. Some was also paid to Salim and the punkawalla. I paid the money to Raoji, who paid it to the punkawala Jaga. I paid Salam 100 rupees. I got myself about 300 out of the 800 rupees. When it was in the depths of the monsoon Raoji did not himself take his news notes, but used to give them to me, and Salam used to get them from me. I got from Raoji and gave Salam about 20 or 25 chitties. I did not give them on the Mondays and Thursdays, Salam used to come to the bungalow, but on other days. Raoji used to write them daily, excepting Mondays and Thursdays. After the receipt of the Rupees 800, I went again in one month and a half or two months to see the Maharaja. On this occasion I went from Eshwant Rao's house, from which went with me Raoji and Karbhai. Salam went on ahead but with us, and one of Eshwant Rao's men went with us. I saw the Maharaj in the same place as usual. It is a small room, where there is a bench and a mirror. There were some candle-sticks of brass for giving light. The Maharaj sat on a raised seat or bench. I sat on the ground. Raoji also sat down. I and Raoji saw the Maharaj. Eshwant Rao and Salam were with the Maharaj. The Maharaj had some talk with Raoji. I was present, heard, and took part. The Maharaj said, "The Saheb now becomes very angry, and some endeavour should be made regarding it." Eshwant Rao said, "It is the intention (*irada*) of the Maharaj. The Maharaj will give you something, you try to put it in (*dalna*)." The Maharaj said, "Yes, you should do something by which the thing should go into his stomach." I said, "With regard to the food, that does not lie in my province; I won't be able to do it." Then Raoji said, "If you like I will put it in the pumalo sherbet which he drinks." The Maharaj said, "Very well, try to do it." The Maharaj said, "I will send a packet (*pudi*) which should be given to Raoji." Eshwant Rao and Salam said, "With regard to what the Maharaj says, when he gives it to us we will bring it." The Maharaj said, "If the thing is done it will be good for you." Eshwant Rao repeated the same thing. By the words, "It will be good for you" was meant you will get your meat and drink well, so that you won't depend on service. The Maharaj said this. Salam and Eshwant Rao said the same thing. This interview lasted ten minutes or quarter of an hour. I don't remember the month. The occasion was fifteen days, or twenty, or twenty-five days, or a month before Colonel Phayre discovered poison in his tumbler. At that interview no packet was given me. After it was over Salam gave me a packet the next day. Salam gave it me at my house. The packet was as long as my forefinger, made up in Ahmedabad paper. Salam said to me, "This is the packet to which the Maharaj referred; give it to Raoji." I did not open it, but kept it in my turban. When I came to the Residency at 8 o'clock I gave it to Raoji. After that I saw Eshwant Rao at the bungalow on the fourth or fifth day. I did not hear the conversation then between Eshwant Rao and Raoji. Salam asked me about the packet, whether I had given it to Raoji, and I said I had. I had no further conversation with Salam. Raoji went there. I don't know if he had any. I had at that time no talk with Raoji on this matter, though we were always together there. After the Dassera procession I went again to see the Maharaja. It occurred as follows: Raoji said, "Those people are pressing: they say nothing has been done as yet." I said to Raoji, "You should know that, whether you did it or not." [The Interpreter says the Dassera is shown in the Calendar as the 20th October.] Raoji said, "As far as I am concerned I did put it (*dalna*)." Nothing more occurred at that time between Raoji and me.

This was eight or ten days after the Dassera procession. About five or six days after I went to see the Maharaj. This was seven or eight days before the attempt to poison Colonel Phayre. I went as usual to Eshwant Rao's house about 8 o'clock at night. Raoji, Karbhai, and Jaga punkawala went with me from Eshwant Rao's house. Salam as usual took me into the Palace. Raoji and I went into presence of the Maharaj. We saw him at the usual room. Salim and Eshwant Rao were with him. The Maharaj said, "You are a *lucha* (and used a coarse expression)*; you have done nothing as yet." I said, "Raoji knows that." Raoji then said,

* *bhosra*.

(the same word of coarse abuse deposed to by witness Raoji.)

"As far as I am concerned I did put it in." Raoji added, "What can I do if your medicine (*dawa*) is not good." The Maharaj said to Raoji, "Very well, I will send another packet, and you do it properly (*barabar*)." Raoji said, "Very well." Eshwant Rao and the Maharaja both said, "It will be brought to you to-morrow by Salam. Give it to Raoji." Nothing further was said. I then left. Raoji waited a little while. I received from Salam a packet like the previous one, near my house. I brought it with me and gave it to Raoji at the Residency at the place where we sit on our form. This was five or seven days before the poisoning was discovered. I don't remember exactly. I remember that Monday. I came that day at 8 o'clock. I saw Raoji on the seat he used to have, near the private office of the Saheb. That's our usual seat. I had no talk that morning with Raoji. I had some after the disturbance (*oharbar*). This was after the Doctor Saheb had come and gone. Raoji said, "The Doctor Saheb took a tumbler away (*tumbler*)." So saying, Raoji went in front of the bungalow. I had no further talk with Raoji at that time. Raoji said to me, "The Doctor Saheb took away the tumbler into which I had put it." That day when I came from home I found Salam sitting at the bungalow. I had no conversation with him, but went on to the bungalow. On that day I was examined by Colonel Phayre (*Zabani*). My written examination was taken that day or the next. I was not suspended from employ. I remained on duty at the Residency until the day of my arrest by

Mr. Souter. I remember Raoji being taken before Mr. Souter. From the day Raoji was taken before Mr. Souter till I was myself arrested, I had no conversation nor communication with Raoji. I saw Raoji seated at a distance at the place where my deposition was taken. Before I made my statement to Mr. Souter, I don't remember whether I had been told what Raoji had said. When I made my statement I did not know what Raoji had said. No promise of pardon was made to me before I made my statement. Before I made that statement I was on duty with Sir Lewis Pelly. On that day he was sitting with Mr. Souter. Neither Mr. Souter nor Sir Lewis Pelly said anything to me. They heard my statement. I was kept under a military sepoy guard at the Residency; for a short time there were Native sepoys, latterly European soldiers. After my statement had been taken down, I went that same day into a garden at the Residency. I fell into a well. After a long service this happened, and I thought I could not show my face after this. It was my fate. I had taken my meal, and then I saw many people coming there. I saw my fellow-servants of long standing. I said, "After my long service this is my fate." I fell into the well.

Q.—Did you fall accidentally or on purpose? A.—I saw a number of people, my head turned, and I fell (*girparna*) into a well. I remember Raoji showed me a scar on his stomach. It was before the disturbance about the thing thrown into the tumbler—a few days before—not many. Raoji told me that he had received those scars from a small bottle (*sisi*) he had placed there. It was a swelling (*pola*) and something burnt.

Cross-examined by *Serjeant Ballantine*.—I had been about 32 years or more at the Residency. I had had no quarrel with Colonel Phayre. He was the same as my parents, and found me with food. It was my bad fate. I was instigated to poison him by Raoji: it was my predestination. The money I received was not for this, but for the marriage. For this the promise was that it would be better for me. I understood that I would get promotion and money. That was why I engaged in the affair. I am to get nothing for what I say to-day. I would not take money in order to perjure myself. It was my fate. Raoji used to make notes of what went on at the Residency. I gave them to Salam. They were on pieces of paper sealed up, and I gave them every day. I have none with me. They may be with Salam or the Sirkar. The room where I first saw the Maharaja was a small room, with a bench in it. There were two mirrors, one clock; it was night, I did not observe what else there was. It was in one and the same room I always saw the Maharaja. Perhaps it led to a bath-room; there were doors leading to other rooms. There was no bathing-place in this room: perhaps the door led to a bath-room. I did not see a bath-room. I know nothing about a bath-room. I have not since been to the Haveli. I was examined before Colonel Phayre. I promised to tell him the whole truth: but I caused him to write some falsehoods. My conscience had not begun to work then. It was written in my fate that I should tell him lies. I am of the Hindu religion. I said that I suspected Faizu in the attempt to poison Colonel Phayre.

Q.—You knew at the time that Faizu was innocent? A.—Faizu was in the habit of coming to see a Padri Saheb, and so was a Kazi. A Padri Saheb used to come to our bungalow. Salam used to go and sit at Faizu's room. Faizu had a room in the Residency compound, and Salam and those others used to sit there. All the other servants mentioned [*likhwāya*] Faizu's name, and I did the same. I heard that and I also made that statement, so that we might agree. I thus stated a false story. Raoji and I did not agree to mention Faizu. Not only Raoji, but all the other servants mentioned Faizu. I did not make the statement merely because Raoji did. I did not know that Raoji had made the statement. Raoji and I did not converse about it before my examination. Raoji was confined before his examination. Abdulla, Pedro, the hamal, the masal, they all caused that statement to be written. I do not know that Raoji and other servants agreed to charge the Maharaja, nor that they have done so. With regard to the packet brought to me, and which I delivered, there is no falsehood. It is all truth that I say to-day. I don't know that the servants have conspired to accuse the Maharaja of the attempt to poison. I don't know that Raoji has given evidence charging the Maharaja with an attempt to poison. I had five or six meetings with the Maharaja. Perhaps five. I think five times. On the first three times there was no allusion to poison. Salam, the Maharaja, Raoji, and myself were present when it was arranged that a packet of poison should be sent. I don't remember the day of the month or week. One packet was given about 25 days before, and the other about seven days before the attempt to poison Colonel Phayre. [Witness' attention called to the fourth meeting when poison was mentioned for the first time.] I quite understood at the fourth meeting that the intention was to poison the Resident. It was the first time it was mentioned in my presence, or that I knew anything about it. I went again after the Dassera holiday, at the time of the second packet. At the fourth meeting one packet, and at the fifth meeting one packet, altogether two packets were given. The Maharaja became angry and gave a second packet. The fifth meeting was from five to seven days before the attempt to poison Colonel Phayre. I asked Raoji. Salam and others pressed me to know what had become of the powder given at the fourth meeting. Raoji said he had put it in: what could he do? I did not ask him, nor he tell me if he had kept any back, nor how many times he had given it. I did not remonstrate with Raoji about the slow poisoning of my master. I was shown a boil by Raoji on his stomach. I can't say when this was. It was about or after the time of the last meeting. I don't remember. A bottle was kept under a box in our bungalow. At the last meeting with the Maharaja something was given Raoji; I was getting up. I don't know whether it was a bottle or packet. As I was going down I observed something given. I did not ask Raoji what it was. I don't remember asking him after, but he showed me that a bottle was given, and it caused a boil on his stomach. This was with reference to the same vial. I don't remember whether I understood it to refer to the same bottle given at the last meeting. It did (*babat*) refer to the same bottle. I can't be sure. I never saw a second bottle. Most likely it was after the last meeting, but I can't remember properly. I can't remember whether he said he had poured it in.

Re-examined by *Mr. Scoble*.—I mean the Residency by the bungalow where the bottle was kept. I saw the bottle; I saw it only once. I cannot remember properly. Raoji showed me that after shaking what was in it, it should be put in the tumbler. Raoji showed this. I don't remember when he did this. It was before the day the poison was given to Colonel Phayre. I don't remember how long before. I was under guard and have come out to-day. After two months I have been brought out. Nobody has told me who have been examined before the Commission. I have been under a guard. No one has told me what evidence has been given to the Commission.

By *Raja Sir Dinkar Rao*.—I have gone and come to the Maharaja only in the time of the present Maharaj. I did not do so before the time of the late Commission. I did not go to the Maharaja Khande Rao except with the Resident. I did not go to him to ask for a present. Some minor Sirdars give them, but not the Sirkar. The Diwan Rao Saheb used to give presents directly. It was not the custom to ask of the Durbar. When I agreed to poison, I did not ask about provision for my family. It was on what the Maharaja said that I relied. It was done through Raoji. There were not 10 persons present when poisoning was suggested,—only his own servants and us. In my life I have not given any poison. A packet was given me to give to Raoji, which I did. It was his business to arrange how much to use or not. Nobody spoke of accusing Faizu; each mentioned his name in their statements, therefore I did so also; Abdulla, Pedro, Ranchor, the hamals, altogether five or six persons mentioned Faizu's name in their statements. Although the Maharaja called me a *lúcha* at first meeting, he trusted me, because Raoji, Salam, and Eshwant Rao took me to him and assured him. I am a Hindu, Telangi or Kamati from Telangana. Why should I be afraid of the police from speaking the truth? I know that I am guilty; it is my bad fate. I state the truth whether the Sirkar pardons or not,—they are parents. If I were offered a pardon, I could not tell more truth than what I have said. The Sirkar may kill me if they like. I have said without fear what I had to state. In the presence of God I have stated the truth. I have not stated an untruth.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 4th March 1875.

No. XXVIII.—JAGA states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—My name is Jaga Bhagwan employed as a punkawala at the Residency. I know Raoji Havildar and Narsu Jemadar. I knew Salam and Eshwant Rao, servants of the Maharaja. I have been to Eshwant Rao's house. It is in the city. I went with Raoji Havildar. I went twice with Raoji. When I got to Eshwant Rao's house, I saw his karkoon. That was on the first occasion, about 7 o'clock at night. His karkoon gave me rupees. Five hundred rupees were paid altogether. One hundred rupees were given me to keep. Raoji Havildar took the other 400 rupees away. Raoji gave me the one hundred rupees. Raoji got the 100 and the 400 rupees from Eshwant Rao's karkoon. This first visit was 14 or 15 months ago from to-day. I went on a second occasion to Eshwant Rao's house seven or eight months after the first visit. I went at 7 or 8 o'clock at night. I saw Eshwant Rao, Salam and Narsu Jemadar. From there those three and we two, altogether five of us, went to the Haveli. I was made to sit below. The other four went upstairs. They went by the Nazerbagh entrance. I waited till they returned. They were upstairs about two hours. Then I and Raoji Havildar returned to the camp. I was never paid any money on any other occasion. The paper shown

me is in my handwriting. I have read it. I wrote it at request of Raoji Havildar and Narsu Jemadar. I may have written two or three other notes at their request. I wrote them at request of Raoji and Narsu. I wrote what they told me. Having written them I gave them either to Raoji or Narsu. I wrote what they caused me to write. They know the substance. The other letters were of another sort to this. They were of the same sort.

Two other documents are next shown to witness. I don't know whose handwriting these two letters are in. They are not mine. [No cross-examination is desired.]

JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 4th March 1875.

No. XXIX.—KARBHAI AMARSINGH states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—I am a punkawala. I was not so employed last year at the Residency. I was this year. I don't remember the months. I know Raoji, havildar of peons. I went with him to the city by night. I went several times—four or five times. My first visit in Raoji's company was I don't remember how long ago. It was in the hot weather, last hot season. I went by the high road to Eshwant Rao's place in the city. On all my visits I went to Eshwant Rao's place; I used to see Eshwant Rao there, and also Salam and Narsu Jemadar. From Eshwant Rao's place I used to go to the Sirkar's Haveli. I may have gone more than once, but don't remember. Narsu Jemadar, Eshwant Rao, Raoji and Salam went with me. I went inside the Haveli. We had to go up three flights of steps and were made to sit in a room, and they used to go somewhere. I mean Raoji, Narsu, Eshwant Rao and Salam. I remained sitting in the room till

they returned. I remember going to the Haveli and sitting as described two or four times. I usually stayed sitting, waiting for the others to return, for about half an hour.

Cross-examined by *Mr. Branson*.—On the last occasion I was 14 or 15 days as punka-puller at the Residency, and on the first occasion for one month. I went first when the punka was started. I was first employed as substitute after the last Holey (March 2nd, 1874 J. J.) I don't know March. The second time was when the punka season was nearly over. It is about three months ago. Before I was first employed I knew Raoji and Narsu. I swear it. For the most part I became acquainted with them when employed there at the punka. I don't remember whether I said before now about my going upstairs and sitting while the others went away. I told Mr. Souter that sometimes I went upstairs, sometimes I stayed below. That is what I told Mr. Souter. I don't know if the extract read to me is correct. I have been in custody for one month and a half on account of this evidence. I stated what I had seen, and so I was kept under surveillance. I was in surveillance three days before I made a statement to Mr. Souter, but I used to go home in the evening. I was under the Khan Saheb's care. One day I was not asked anything. I was asked on two days. I don't recollect if it took Khan Saheb two days to elicit from me what I told Mr. Souter. I saw Jaga about that time. He was in custody. At that time I used to go home. I was under surveillance from the day following that on which the Maharaja was arrested.

Re-examined by *Mr. Scoble*.—On the first day I was asked nothing and allowed to go home. On the second day I was sitting; I was asked nothing, and allowed to go home. On the third day I made my statement to Mr. Souter and was allowed to go home. I have been in surveillance from the day following the arrest of the Maharaja.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 4th March 1875.

No. XXX.—DAJIBA NAROTUM states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—I am Dajiba Narotum, a bricklayer. I know Raoji, Havildar of the Residency. He got me to get some ornaments made for him. He first spoke to me about the time of the Diwali before last. I went with him and pointed out the house of a goldsmith named Sivlal. I know what ornaments were made on that occasion. They are mentioned in the goldsmith's book. I will tell, as well as I remember, what was made sixteen months ago, viz., a pair of silver anklets (*tora*), a man's gold necklace (*kanti*). Afterwards one gold wristlet called *kani*, two gold finger rings weighing one tola, a boy's waistring of silver *kandora*, a pair of small silver anklets for a boy. The making of them commenced in the month of Kartik. The ornaments were taken away at two or three times, as they were ready. I did not keep an account for Raoji of the ornaments. At the time they were made the goldsmith gave a writing (*panch*) or receipt. This is it. It was given to me in Raoji's presence. I said to Raoji, "Take this receipt of yours."

Paper shown to witness.

He said, "I will take it to-morrow or the day after." It remained with me till I was called to the Residency. I gave it to the Ahmedabad Fouzdar, Gajanand Vithal, who gave it to the Saheb. I know that Raoji was married, but I don't remember the month.

Cross-examined by *Serjeant Ballantine*.—Raoji asked if I knew any man of my acquaintance. The goldsmith lives near a pipal tree, not near Raoji's house.

The paper already shown is recorded as Y.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 5th March 1875.

No. XXXI.—SHIVLAL states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—My name is Shivlal Vithal, a goldsmith. I live near Ganpatrao Mahajan, near the roadside, outside the city, not in the camp. I know Dajiba Narotum, an acquaintance of mine. He got some ornaments made by me for a puttewala named Raoji, employed by a Saheb. It was said he was employed at the Resident's bungalow. I made ornaments for him at Dajiba's request. I have not got my book, but it is here. This book is mine. I am not learned.

I caused another person to write for me. I cause any one I choose to do it. I cannot read or write. I first

made a pair of anklets at the time of the Diwali. It is all written in this book. I mean the Diwali before last. I cannot point out Raoji's account in my book. I made one anklet first. I made one anklet, one *dora* or gold necklace, one gold wristlet called *kani* weighing three tolas; and, as I made the ornaments, from time to time I delivered them. They were a pair of anklets, one gold *dora* or necklace, one *kani* or wristlet, two gold finger rings weighing one tola, two child's wristlets of silver; and I also gave a number of gold *putelies* (venetians). Daji took the *putelies*. Sometimes I gave them to Daji. He got the ornaments two or three times, and once or twice Raoji took them. I don't remember if it was fifteen days before or after the Diwali. It is all written in my book. Some I made at the time of Diwali, others afterwards. I point out the anklets, the wristlets, *putelies*, and two finger rings. The other ornaments shown were not made by me. The *dora* or neckchain of gold which I made is not among these. Those I made for Raoji were worth

Ornaments shown.

Rupees 500 or Rupees 475. The amount is stated in the book. I received full payment to the last pice. Daji and Raoji came, and I was paid the full amount, not in one payment, but in

different payments. I gave a written account of these ornaments to Daji or Raoji. I don't remember who wrote it. I got it written by some one who chanced to be with me. I will recognise it if I can; the paper shown me may be the one, but I cannot be certain.

Exhibit Y is shown to witness.

[No cross-examination is desired.]

Baroda, 5th March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXXII.—DULAB states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—My name is Dulab Manohardas. I am a goldsmith. I know Raoji, who is employed at the Residency. We both live at the bazaar, but distant from each other. I made for Raoji four gold earrings and a chain to be attached to them round the ear, and another chain for the ear. I have not a regular account of them, but I have entered the sundry sums I received; I wrote the entries. The book shown me is my book.

Account book shown to witness.

Q.—Look at Asad Shud 11th? A.—I point out Asad Shud 11th. The year is not mentioned. I recollect it was last year. I mean the year 30. Here is an entry of the first item—Rupees 7. There is one of Rupees 4½ in part for ear chains; total Rupees 11½. On Asad Wad 1st, Rupees 20 were received that day. This, with a second item of Rupees 20, makes a total of Rupees 40. This is of the 9th. There is an item of Rupees 20 of the 7th. There is another item of Rupees 20; altogether, these make up Rupees 60. These Rupees 60 were given for making the *sanklies* or ear-chains. On Asad Wad 10th, there is an entry of Rupees 8; altogether Rupees 68. Altogether I received Rs. 79-8-0. Of the ornaments on the table, I recognise as my making two rings, two earrings and two earchains, all of gold.

Looks at ornaments.

[No cross-examination is desired.]

Baroda, 5th March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXXIII.—DALPAT GOVINDRAM states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—I know Eshwant Rao, who is in the Gaekwar's service. I was in Eshwant Rao's service for the last year and ¾ year. I used to keep the keys of his boxes and do all he told me to do. I did karkoon's work; I kept the keys of his boxes. I could recognize Raoji if I saw him. If I saw Jaga, I would be able to say if I recognize him. I recognize them as these two men. I once saw them at Eshwant Rao's house about one year or fourteen months ago. It was about eight o'clock at night. I gave them something on that occasion—Rs. 500; I mean Baroda rupees. I gave them by direction of Eshwant Rao. When these two men came Eshwant Rao was upstairs in his house.

Raoji (XXIV.) and Jaga (XXVIII.) called.

Q.—Look at Asad Shud 11th? A.—I point out Asad Shud 11th. The year is not mentioned. I recollect it was last year. I mean the year 30. Here is an entry of the first item—Rupees 7. There is one of Rupees 4½ in part for ear chains; total Rupees 11½. On Asad Wad 1st, Rupees 20 were received that day. This, with a second item of Rupees 20, makes a total of Rupees 40. This is of the 9th. There is an item of Rupees 20 of the 7th. There is another item of Rupees 20; altogether, these make up Rupees 60. These Rupees 60 were given for making the *sanklies* or ear-chains. On Asad Wad 10th, there is an entry of Rupees 8; altogether Rupees 68. Altogether I received Rs. 79-8-0. Of the ornaments on the table, I recognise as my making two rings, two earrings and two earchains, all of gold.

[No cross-examination is desired.]

Baroda, 5th March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXXIV.—CHAGANLAL states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—My name is Chaganlal Damodhardas. I am Sheristedar of the Fouzdari Huzoor Court at Baroda. I know Salam, a Gaekwari servant. I know his house. I remember a police guard being placed on his house about the 23rd December. I can't be exactly certain. I went next day with Hormusjee Ardesir Wadia, Huzoor Fouzdar, to search. There was a Havildar, calling himself Mir Imam Ali, called.

Havildar, calling himself Mir Imam Ali, called.

Bombay Police Havildar with me. This is him. Hormusjee Wadia is Chief Huzoor Fouzdar, a servant of the Gaekwar. I hold my appointment under the Gaekwar. I saw papers found in the house. They were put into a packet; and as there were many papers, so they were tied up again in a handkerchief and taken to the Huzoor Fouzdari Office. I went with them. Hormusjee Ardesir Wadia and Imam Ali also went. At the Fouzdari Office a label of paper was put over the packet in the handkerchief, and then I sealed the paper with four seals at the corners of the papers. I was directed to do so by direction of Hormusjee Shet. The man who carried the packet from Salam's house to the office was one of my sepoys who went in the same buggy as I did. A memorandum was written on the label: "This packet contains papers found at Salam's house." The packet was delivered to Imam Ali Havildar, who took it away. The handkerchief shown me [folded] I can't identify as that used.

Q.—Open it and see. A.—(After opening it)—This is the handkerchief.

Baroda, 5th March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXXV.—MIR IMAM ALI states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—My name is Mir Imam Ali. I am Havildar in the Bombay Police. When Chaganlal and Hormusjee Ardesir Wadia searched the house of one Salam I was present. I did see some papers found there. Chaganlal sealed them up in a packet enclosed in a *rumal* and gave them to me. I brought it, showed it to the Saheb, and kept it under guard. On the 29th December I handed it over in presence of Salam and Manibhai to the Rao Saheb. Salam was brought and it was placed in front there to be opened. It was opened in presence of Salam and Manibhai. From the day I received it till this opening of it in their presence, on the 29th, it was kept in our police guard. When I produced it for opening in presence of Salim and Manibhai it was all as perfect as I received it.

By the *President*.—I refer to the last December.

[No cross-examination is desired.]

Baroda, 5th March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXXVI.—MANIBHAI JASBHAI states on Solemn Affirmation

Examination-in-chief

By *Mr. Inverarity*.—My name is Manibhai Jasbhai. I am Native Assistant to the Resident at Baroda. On the 29th of December last I was present when a packet of letters was brought by Mir Imam Ali. A paper was gummed over it so as to cover the knot at each corner of the cover. The seals were those of the Fouzdari Court—ink impressions. There were words inscribed to the effect: "Found in Salam's house." Salam was present when it was opened. I did not make a list of all, but I did of some of the papers.

Exhibit X shown.

the same time.

Two other papers shown.

got the list of the papers which I made.

Mr. Serjeant Ballantine objects to these letters being received as they are not proved.

The Honourable A. R. Scoble answers that they were found in Salam's house and are connected with the case by the evidence of Raoji.

The President rules that they are not sufficiently connected to be admissible.

[No cross-examination of Manibhai is desired.]

Baroda, 5th March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXXVII.—BUDHAR NARSI states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—My name is Budhar Narsi. At first I was a puttawala, now I am raised to be Jemadar at the Residency. I was promoted last month to Jemadar. Before that I was puttawala in place of Raoji. I got his belt on the 15th December (*Natal ke mahina*). I got it from Mr. Blandford, Assistant in our office. When I got it I put it on. It remained with me till Christmas, the 25th December. It remained with me from the 15th till the 25th, except when I went to bathe or dine, and then I put it at the *deori* where the peons sit. On Christmas day the Khan Saheb asked me to produce it. It was on me. Khan Saheb said, "I want to examine your belt." I took it off and gave it to him. The belt shown me is the one I received and gave the Khan Saheb.

Red belt shown.

I point out one pocket. I don't know of another. It is hardly a pocket, rather a place for a sword. I knew of no pocket.

[No cross-examination is desired.]

Baroda, 5th March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XXXVIII.—AKBAR ALI states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—I am Khan Bahadur Akbar Ali. I am head of the Detective Police in Bombay. I have been in Government service since April 1831. I came with Mr. Souter to Baroda to inquire into this case. I remember this belt. On the 25th December last I examined it and found a packet. I had asked Raoji where he used to keep the packets he used to bring. He had stated that the packets given him by the Jemadar were kept by him in his pockets. I thought I would be able to find some trace of something dropped from the packet into the pocket. I asked him, "Where is your belt?" He said, "It is in possession of one Budhar at the

Q.—Was it to have a witness to the finding? A.—There were three of us witnesses, Raoji, Gajanand Vithal, Khan Bahadur Mir Abdul Ali and myself were there. I had no idea of finding a parcel. I thought there might be some trace there. I had no idea what it contained. I could not say if it was a paper parcel. When I felt it hard, how could I tell that it was a packet? I felt it to be paper, but not something wrapped up in paper. I could not tell if it was loose paper, tied up paper, or a packet. To find out I tore open the pocket. After Raoji made the statement above described I sent for Mr. Souter. Raoji's statement was made after I tore the pocket and found the packet. He said, "There was some remnant of the medicine left, and this 'it is.'" Thus before sending for Mr. Souter I knew what it contained; but I sent for Mr. Souter that he might see. I did not open the packet because the Saheb was close by. Raoji had not told me about the belt. He had simply stated when I asked him where he used to keep the packets. He had not said that he retained some of the medicine in his pocket in his belt. Raoji was brought to me on the 22nd. I, Gajanand Vithal, and Abdul Ali sent for him. A sepoy brought Raoji. He did not confess at first to giving the poison. He said something to Inam Ali, Havildar, who brought him to me. Raoji remained with me from 8 a.m. till the evening, not in my company. He was kept where the other dismissed servants were kept—in the Residency garden. He was brought to me and confessed about the poisoning. The servants fell out among themselves. He made confession of his own accord. I had heard nothing about his being implicated before then. I had heard of his having squandered money. I had not heard of his being implicated in the poisoning until he was brought before me, nor of his having received poison. When he made that statement he was kept in confinement, separate from the other servants. He made the statement on the 22nd. From the 22nd until the 28th he was in my charge. After making the statement and till the 28th he did not go to his house. He did not go where the other servants were; he was in my charge. I could not tell whether he that day saw any of the other servants; he was under guard of sepoys. I don't know that he did. I had given orders that he should not be let talk with any of the prisoners. He was confronted with the Jemadar. I and Gajanand Vithal caused a sepoy to bring him for this. Abdul Ali was there too. The Jemadar was with me then. Gajanand Vithal said to the Jemadar that Raoji had told him all that he had done, upon which I sent for Raoji. First the Jemadar was told that Raoji had confessed all that he had done. He was not told what Raoji had confessed. Gajanand Vithal said, "If you like, you may send for Raoji." Raoji was sent for. He was brought. Raoji confronted with the Jemadar said, "Baba, I have told everything up to my neck." After that the Jemadar said, "I will tell you the fact." He did not tell me. I said, "Don't make a 'statement to me; come to the Saheb.'" He made no statements whatever to me. I had witnesses in my charge, not prisoners. They were collected and kept to prevent them going away lest we should not find them again. There were twenty or twenty-two witnesses in my charge. I can give their names. I know Nur-u-din Bora and Nazm-u-din Bora. They are not in my charge. Both are in the jail. They were in Gajanand Vithal's charge, who brought them and kept them where the other witnesses were, but separate. Abdul Ali knows when they went into the jail. It is fifteen, twenty, or twenty-five days ago since they went there. They were not kept with the witnesses, but apart. Abdul Ali knows how long they were apart. They were in his charge. I don't know if they were ever taken before any Magistrate till to-day, or before Mr. Souter or any Saheb. Gajanand knows about their statements. Damodhar Punt mentioned Nur-u-din's father's name about arsenic. I now recall that they were sent to jail about arsenic. Because Damodhar Punt said he had brought poison from a Bora's shop, on this statement three Bora's were examined; the Police examined them. They were kept in confinement like the other witnesses, but in a separate tent. The confirmation of Damodhar's statement is a big affair, and will take place afterwards. Endeavours were made to get these three men to confirm Damodhar's statement, and are still being made. They have been sent to jail, but have not yet been examined.

By *Sir Dinkar Rao*.—Under Mr. Souter I had authority to inquire into this matter. I did not open the belt in Rao's presence, because I did not know it contained a packet.

Baroda, 5th March 1875.

Examination-in-chief

[The Interpreter refers to the Calendar, and states that Paush Shudh 6th is the 29th December.]

Baroda, 5th March 1875.

By Mr. Inverarity.—My name is Arthur William Crawley-Boevey. In November last I was Acting Assistant Resident at Baroda, and lived at the Residency. I remember Monday the 9th

November. I had been out that morning early, and returned about half-past eight. As I returned I saw some of the Gaekwar's servants, viz., Eshwant Rao jasud, Salam sowar, and another sowar called Madhao Rao Kale. They were these three in the verandah of the Residency when I saw them. They were in the verandah, nearly opposite the entrance door of the house. They came up to me; I mean the door nearly opposite where you go into the drawing room. To the best of my recollection, I saw Faizu talking to Salam. I heard first about something put into Colonel Phayre's sherbet when I came down from dressing about half-past nine. This was just after the Maharaja had left the bungalow. Colonel Phayre told me of it. I afterwards aided Colonel Phayre in making inquiries among the Residency servants. I was present when Raoji's belt was taken away from him. He hung it up himself on a peg in the office adjoining Colonel Phayre's private room. I know the witness Amina, ayah of my wife. She entered my wife's service in April or May 1873. I know she was several times absent. I can't fix the date. She was seldom absent; therefore I remember it. I can remember she was absent once on the death of Abdulla's child, and again on a later occasion, not long before the attempt to poison Colonel Phayre. I remember the day Mr. Souter went into the ayah's room. I accompanied him. Besides myself and Mr. Souter, I think Gajanand Shastri and Abkar Ali and the other Khan Bahadur were there. I was present when she said something to Mr. Souter. She appeared to be very unwell.

[The point being raised by Serjeant Ballantine whether the witness might be questioned as to what the Ayah said, the President observed that as the Ayah was cross-examined about these matters the evidence in corroboration was relevant, and Serjeant Ballantine withdrew his objection.]

The ayah said she had been to the Maharaja's house and had received money. She made many other statements which I don't recollect. But those were the main facts. Mr. Souter wrote down her statement in my presence on that occasion. I had not before that occasion seen the ayah in reference to this matter. I left Baroda on a Saturday. I think it was the 19th December.

Cross-examined by *Serjeant Ballantine*.—I knew Bhau Poonekar—he was constantly at the Residency. He was on business about a Government ward, and had been sent there by Mr. Hope, Collector of Surat. He was not in the Residency employ, but in that of the Surat Collector. He got no pay from the Residency. He often gave information about Gaekwari affairs. So did many others. Bhau Khedkar did not. I never saw any arsenic or preparations of copper at the Residency. None were procured by me or by my order. Certainly no poison was procured for any purpose after the attempt to poison Colonel Phayre.

Re-examined by *Mr. Scoble*.—Bhow Poonekar was employed by the Collector of Surat to manage the affairs of Mir Zulfikar Ali, a ward of the British Government, who had estates in Baroda territory. To my knowledge nobody brought any arsenic or preparation of copper into the Residency after the 9th of November. Nor was there any arsenic or preparation of copper at the Residency before that date.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 5th March 1875.

No. XLI.—DAMODHAR TRIMBAK states on Solemn Affirmation.
Examination-in-chief

By *Mr. Scoble*.—My name is Damodhar Trimbak. I am also called Damodhar Punt. I am a Brahman. I was in service of the Gaekwar as Private Secretary, and became such 3 or 3½ years ago. My duty was to pay the wages of sepoys and the allowances or wages of *kushbans* (prostitutes), *tomashgirs* (players), and the *shikarkhanas* (hunting department). I had certain funds in charge. They used to be drawn from the shop for private expenses, and I defrayed charges under His Highness' directions. I used to live at Ratnagherry, and at Baroda outside the Leripur Gate. I performed my duties at the *Bara* or Palace in the Khangi Kutcherry (private office). There are 25 clerks there. The Head Clerk under me was Madhav Rao Ramkrishna. There was a clerk, Nanaji Vithal, at the *javerkhana* or jewel department. I knew Balvant Rao Raoji employed under me in the cash department. Nanaji was in a separate department, but his dealings used to be under me. Abaji Ramchandrar was also a clerk under me, and used to write what it behoved him to write. Atmaram Raghonath was employed in the *javerkhana* (jewellery department), but received his salary from me in the private department. I used to attend the Palace from 7 a.m. till 10 at night daily. I used to go home at noon for dinner. The Maharaja used to live on the fourth storey from the ground floor. Durbar people used to go to him by way of the Gadee (Royal seat), which was on the first storey above the private cutcherry. Outsiders came by Murgasna's entrance which leads direct to the garden. There is an entrance from the public road. That is the Murgasna's entrance. There was another entrance to get to the Maharaja. It is by the Nazerbagh, and there is another from the Kothara Gate. The straightest way to the Maharaja's rooms is by the Nazerbagh. I knew Eshwant Rao. He was in the Maharaja's service as *jasood*. I also know Salam, a sowar in the Maharaja's service. I have seen Eshwant Rao and Salam attending the Maharaja. They were not with him night and day, but came as required. I remember the Maharaja ordering me to give something to Salam; it was arsenic. It may have been in the last Bhadrabad Wad, but I don't exactly recollect. [The interpreter reads that Bhadrabad Wad began on 26th September and ended 10th October, from the Calendar.] The Maharaja said, "Get two tolas of arsenic for itch." He told me to write a note to the

Note shown to witness.

Department. This note shown me is the one; it bears my signature. There is an endorsement by the son of Ganpatrao Balvant Foudar. I have not seen his handwriting till now, but I speak from what purports to be his signature.

Mr. Scoble reads the part signed by witness, and it is recorded as Exhibit Z.

The date Bhadrabad Wad 9th (4th October in calendar) is the date I wrote it on. The Maharaja told me to write that the arsenic was required as medicine for a horse; therefore I did so. I did not get any arsenic from the Foudari. Then I directed that some arsenic be got from Nurudin Borah. Before giving that direction I had some talk with the Maharaja. In consequence of a message I received I spoke to the Maharaja. I said, "Hormusji Wadia says he would give it after asking you." Hormusji Wadia was Foudar. I told the Maharaja what Hormusji said. The Maharaja then said, "Send for it from the Camp." I said, "A pass is necessary in order to procure it from the Camp." Then said the Maharaj, "Get it somehow from Nurudin Borah, the man who had business with the arsenal (*Sillekhana*)." By *Sillekhana* I mean the depository for medicines and other articles. I mean the *Dawakhana* (dispensary) which is in the *Sillekhana*. The *Sillekhana* is upstairs in the Haveli, close by where the Maharaja sleeps. The Maharaja also said, "Get a tola of diamonds." This was on another occasion. On the Maharaja's order I ordered Nurudin to bring two tolas of arsenic. I saw Nurudin who had been sent for to the Haveli. I saw him and told him to send two tolas of arsenic. He brought and gave it to me. I don't remember if he gave it on the day when he was told or the next day. The arsenic brought by Nurudin was a packet. I did not unpack the packet to see the contents. I asked the Maharaja what I should do with it. Then the Maharaja said, "Give it to Salam; he will convert it into medicine for itch and will bring it." I gave the packet which I received from Nurudin to Salam. I don't quite remember how soon after I received it, perhaps I gave the packet to Salim two or four days after I wrote the order upon the Foudari. After giving this to Salam I was directed to get one tola of diamonds. The Maharaja directed me. I don't remember when it was; it was about eight days after I got the arsenic. When directing me about the diamonds, the Maharaja said, "Get the diamonds and give them to Eshwant Rao." I got some diamonds from Nanaji Vithal, who is in the *Javerkhana* (or Jewel Department).

Q.—What kind of diamonds? A.—I did not open the packet to see. I gave the packet to Eshwant Rao after having asked the Maharaja. The Maharaja said, "Give it to Eshwant Rao." I gave the packet to Eshwant Rao. After that I once received further orders from Eshwant Rao, about eight days after. He used to give me orders at intervals of four or eight days. The Maharaja told me that a small bottle had been received from the *Hakimji* (Doctor), and had been sent to my house by the hands of Gujaba. Gujaba is a servant of Nana Saheb Khanvelkar, who is the present Pratinidhi and brother-in-law to the Maharaja. The bottle had been brought in the night time; I did examine it. The length of the bottle was a finger and a half. There was medicine in the bottle. The Maharaja had asked me to pour the medicine into another vial, which I did. I poured it into a bottle which was in my possession, and had contained attar of roses. It was a small bottle [witness shows that it was as long as the two top finger joints]. Gujaba poured the medicine into the smaller bottle. I kept the small bottle into which it had been poured; and next day I gave it to Salam by instructions of the Maharaja. I saw the Maharaja in the morning about this bottle,—when I accompanied the Maharaja to the Haveli. I went with him in a buggy. I mean a four-wheeled carriage. I was in the same four-wheeled carriage with the Maharaja. I asked him, "What should I do with that bottle?" The Maharaja told me to give it to Salam. I don't remember the date I ordered it to be given to Salam. It was about the time of last Dassera. I gave the bottle to Salam the next day at 10½ or 11 o'clock in the morning. Another time I was directed by the Maharaja to get some arsenic. He said to me, "Get two tolas of arsenic and one tola of diamonds." These were at different times. On this occasion I did bring two tolas of arsenic from Nurudin Borah. I did see Nurudin; it was he who brought and gave it to me. He said it was arsenic. I did not see it. After asking instructions from the Maharaja I gave it to Salam. I was again directed to get a tola of diamonds by the Maharaja. The Maharaja said, "Get a tola of diamonds from the *Javerkhana*." I don't remember if this was before or after I got my second order for arsenic from the Maharaja. Nanaji Vithal brought and gave diamonds to me. I did not open the packet. It contained three *masas* of diamond powder. I know this because Nanaji told me, and it also contained nine *masas* of diamonds. After getting them, I asked the Maharaja what was to be done with them. The Maharaja said, "Give it to Eshwant." He meant Eshwant Rao Ycola. He said, "The diamonds are for making a crown for the Swami of Akalkot." I gave these diamonds to Eshwant Rao. Some conversation then took place. I gave the diamonds to him at the private cutcherry outside the wall. I asked him, "What are you going to do with the diamonds?" Eshwant Rao said, "They are to be ground into powder and to be given to Phayre Saheb." I said, "This is bad." I don't remember any further talk on that occasion between me and Eshwant Rao. I remember a report of an attempt to poison Colonel Phayre on the 1st Ashwin Wad, Monday. [The calendar shows it to be 26th October.] The report was on a Monday. I gave the packet of diamonds to Eshwant Rao five or seven days before I heard of this attempt. The Maharaja on the day of this report came to the Camp and told me about it. I went with the Maharaja's retinue and got down at the Sevaks' Dharmasala. He was going to the Camp to the Resident. The Sevaks' Dharmasala is by the roadside, near the banyan tree in the Camp, just outside Camp limits. I had accompanied the Maharaja from the Palace to this place. It was eight o'clock in the morning. I got down because the Maharaja did not take me to the Residency. Having got out at the Sevaks' Dharmasala, I sat there doing nothing till the Maharaja came back, and then I got into his carriage and drove with him to my own house, where I got out. As we drove back, the Maharaja said, "There is a report at the Residency." I asked, "What about?" The Maharaja said, "Narsu used to come every day; he did not come to-day. Raoji made haste and put it." I said, "What is the cause of the haste?" The Maharaja said, "Narsu Jamedar was not outside on guard* for the purpose of whistling. That's the cause of the report." I had more talk about this. The Maharaja said, "Salam ran to Raoji's house."

* (Palera) watch.

"He went there for the purpose of taking the packets and throwing them into the fireplace

"where the old woman was making bread. Raoji went to his house, because he was not quite sure whether Salam would or would not destroy the packets.* Raoji went to his house. I don't know whether Raoji threw away the packets or not." The Maharaja added, "This is a bad affair." I don't remember that the Maharaja said anything else. I left the Maharaja at my own house. Before this I may have had talk with the Maharaja about this matter. I don't remember. After taking my leave, I went into the Haveli at 11 o'clock the same day. I saw the Maharaja. He was sitting on Lakshmi Bai's bench and was speaking to Nana Saheb Khanvelkar. They were talking about that noise (*bombat* or exciting report) about the poison. I was at a distance and could not hear what they said; I was five or seven cubits off and did not join in their talk. On the same day, Monday, I again saw the Maharaja at noon. He was then sitting on Lakshmi Bai's bench, as I have told. Then the Maharaja and Nana Saheb and I got into a carriage and drove to the race-course, which is outside the city, on the other side of the Railway. In that drive the Maharaja said, "You should keep yourself well informed of any inquiry that may take place in this matter." The Maharaja addressed this to me and Nana Saheb both, regarding the poison. He said, "You should communicate the particulars to me." I did make inquiries that night of several people who came. I next day told the Maharaja what I had learnt. No other person was present. I said, "Raoji had not been found." I mean that he had not been taken up. The Maharaja said, "He is a very clever man and a liar (*labad*).". He said nothing else. On the Tuesday after the Monday of hearing about the poisoning, I saw Salam and Eshwant Rao. I mean the same Tuesday I spoke of Raoji not being arrested. I saw them at the Haveli in the presence of the Maharaja. The Maharaja desired them to inquire about the case of poisoning. I may have had other conversations about it with the Maharaja. I don't remember them just now. I remember going with the Maharaja on Thursday, and I got down at the Dharmasala. I usually went as far as that with him when he went to the Residency. During the time Colonel Phayre was Resident, I did not go with the Maharaja to the Residency. I remember Sir Lewis Pelly coming to relieve Colonel Phayre. I did not go with the Maharaja when he went to pay respects to Sir Lewis Pelly. I did go with the Maharaja to Sir Lewis Pelly on one occasion. I saw Sir Lewis Pelly. The Maharaja went to the Residency. He took me to give evidence of some conversation the Maharaja had had with Narayenji; Raji Pandarang. The Maharaja had some talk with Sir Lewis Pelly, and when about to depart he introduced me to Sir L. Pelly near the door. I don't remember having had a conversation with the Maharaja about the poisoning after Sir Lewis Pelly came. I did not see Raoji at all except on one occasion at Nowsari. I remember Mr. Souter coming to Baroda, I heard of it. After Mr. Souter came, I had a talk with the Maharaja about the poison. Raoji had been arrested and released. Thereupon the Maharaja said, "The man with the proof (*mda*) has been released; so there is no apprehension." I don't remember the occasion of the Maharaja saying this. It was after Mr. Souter came. I remember hearing of Raoji's arrest. The Maharaja was told by me, "When Raoji was again arrested, he made a confession." The Maharaja said, "I too have heard so." I don't remember if he said anything more. Raoji made his statement and got a certificate of pardon. The Maharaja said, "If any inquiry takes place here, do not admit anything." He also said to Nana Saheb, Eshwant Rao and Salam, "Do not admit anything." I don't remember, without a particular question being asked me, if the Maharaja said anything else on that occasion. I remember Salam and Eshwant Rao being arrested on the 15th Margsir Shudh Purnima 14th or 15th (22nd or 23rd December). There was a note from the Residency directing that they should be sent there. The Maharaja told me that he had sent Eshwant Rao and Salam to the Residency. Don't recollect the occasion he told me this. It was the evening of the day they were sent. It was not when the note was sent, but in the evening that the Maharaja said this. He said, "I have cautioned (*takid*) those two not to confess anything." The Maharaja said nothing more. Eshwant Rao and Salam went to the Residency and came back. They were afterwards sent for again by the Resident and returned the same day. I saw them before they went to the Residency the second time. I saw them at the Haveli—upstairs. Nana Saheb Khanvelkar met me. He was not present. I saw the Maharaja in the evening—after Eshwant Rao and Salam had been sent to the Residency. The Maharaja said, "I have cautioned those two not to acknowledge anything." The Maharaja said nothing more that I remember. I can't remember if he said anything next day. I was arrested on the evening of the day the Maharaja was arrested. I don't remember what day. It was the day after the Sankrant. On the day the Maharaja was taken I went to the Haveli. At 9 o'clock the Haveli was attached, and all the rooms were sealed up, and a guard placed over the Palace. I was arrested at 8 or 9 o'clock of the morning. Mr. Jackson and Gajanand Vithal said to me, "You should be present at your post; your papers and moneys and other things are to be sealed up." I was present when my private cutcherry and the Haveli were sealed up. I went home and was immediately sent for again. I was confined in the Senapati's Cutcherry in the Haveli, for two days, under a guard of Sepoys, not military, *pardesi* Sepoys. I was brought from Senapati's Cutcherry to the Residency by Sepoys of the Foujdar of Baroda. I was put at the Residency under a guard of European soldiers, and so guarded for 16 days, and since then I have been under a police guard. Since I made a confession, I have been in charge of the police. Till then I was in charge of European soldiers. I confessed because I was tired of being under a guard of European soldiers. One day I was sent to attend a tent at a garden in the rear of the Residency. The two Khan Bahadurs were there; and Balvant Rao, Secretary, who is a Karkoon sent for from Ahmedabad, and one Bhau Kibbe who is a Karkoon. There were also Police Sepays. Then Khan Bahadur said, "I want to examine the papers in your box." He sent for me in order that I might be present at the opening of the seals. The box contained the Maharaja's private (*khang*) papers. It had been sealed up in my presence. It was in the tent where I was called. The seals were large, and of wax. They were unbroken. The box was

The Sankrant in 1875 was Wednesday, the 13th January.

The word may also be interpreted as "powder." packets.* Raoji went to his house. I don't know whether Raoji threw away the packets or not." The Maharaja added, "This is a bad affair." I don't remember that the Maharaja said anything else. I left the Maharaja at my own house. Before this I may have had talk with the Maharaja about this matter. I don't remember. After taking my leave, I went into the Haveli at 11 o'clock the same day. I saw the Maharaja. He was sitting on Lakshmi Bai's bench and was speaking to Nana Saheb Khanvelkar. They were talking about that noise (*bombat* or exciting report) about the poison. I was at a distance and could not hear what they said; I was five or seven cubits off and did not join in their talk. On the same day, Monday, I again saw the Maharaja at noon. He was then sitting on Lakshmi Bai's bench, as I have told. Then the Maharaja and Nana Saheb and I got into a carriage and drove to the race-course, which is outside the city, on the other side of the Railway. In that drive the Maharaja said, "You should keep yourself well informed of any inquiry that may take place in this matter." The Maharaja addressed this to me and Nana Saheb both, regarding the poison. He said, "You should communicate the particulars to me." I did make inquiries that night of several people who came. I next day told the Maharaja what I had learnt. No other person was present. I said, "Raoji had not been found." I mean that he had not been taken up. The Maharaja said, "He is a very clever man and a liar (*labad*).". He said nothing else. On the Tuesday after the Monday of hearing about the poisoning, I saw Salam and Eshwant Rao. I mean the same Tuesday I spoke of Raoji not being arrested. I saw them at the Haveli in the presence of the Maharaja. The Maharaja desired them to inquire about the case of poisoning. I may have had other conversations about it with the Maharaja. I don't remember them just now. I remember going with the Maharaja on Thursday, and I got down at the Dharmasala. I usually went as far as that with him when he went to the Residency. During the time Colonel Phayre was Resident, I did not go with the Maharaja to the Residency. I remember Sir Lewis Pelly coming to relieve Colonel Phayre. I did not go with the Maharaja when he went to pay respects to Sir Lewis Pelly. I did go with the Maharaja to Sir Lewis Pelly on one occasion. I saw Sir Lewis Pelly. The Maharaja went to the Residency. He took me to give evidence of some conversation the Maharaja had had with Narayenji; Raji Pandarang. The Maharaja had some talk with Sir Lewis Pelly, and when about to depart he introduced me to Sir L. Pelly near the door. I don't remember having had a conversation with the Maharaja about the poisoning after Sir Lewis Pelly came. I did not see Raoji at all except on one occasion at Nowsari. I remember Mr. Souter coming to Baroda, I heard of it. After Mr. Souter came, I had a talk with the Maharaja about the poison. Raoji had been arrested and released. Thereupon the Maharaja said, "The man with the proof (*mda*) has been released; so there is no apprehension." I don't remember the occasion of the Maharaja saying this. It was after Mr. Souter came. I remember hearing of Raoji's arrest. The Maharaja was told by me, "When Raoji was again arrested, he made a confession." The Maharaja said, "I too have heard so." I don't remember if he said anything more. Raoji made his statement and got a certificate of pardon. The Maharaja said, "If any inquiry takes place here, do not admit anything." He also said to Nana Saheb, Eshwant Rao and Salam, "Do not admit anything." I don't remember, without a particular question being asked me, if the Maharaja said anything else on that occasion. I remember Salam and Eshwant Rao being arrested on the 15th Margsir Shudh Purnima 14th or 15th (22nd or 23rd December). There was a note from the Residency directing that they should be sent there. The Maharaja told me that he had sent Eshwant Rao and Salam to the Residency. Don't recollect the occasion he told me this. It was the evening of the day they were sent. It was not when the note was sent, but in the evening that the Maharaja said this. He said, "I have cautioned (*takid*) those two not to confess anything." The Maharaja said nothing more. Eshwant Rao and Salam went to the Residency and came back. They were afterwards sent for again by the Resident and returned the same day. I saw them before they went to the Residency the second time. I saw them at the Haveli—upstairs. Nana Saheb Khanvelkar met me. He was not present. I saw the Maharaja in the evening—after Eshwant Rao and Salam had been sent to the Residency. The Maharaja said, "I have cautioned those two not to acknowledge anything." The Maharaja said nothing more that I remember. I can't remember if he said anything next day. I was arrested on the evening of the day the Maharaja was arrested. I don't remember what day. It was the day after the Sankrant. On the day the Maharaja was taken I went to the Haveli. At 9 o'clock the Haveli was attached, and all the rooms were sealed up, and a guard placed over the Palace. I was arrested at 8 or 9 o'clock of the morning. Mr. Jackson and Gajanand Vithal said to me, "You should be present at your post; your papers and moneys and other things are to be sealed up." I was present when my private cutcherry and the Haveli were sealed up. I went home and was immediately sent for again. I was confined in the Senapati's Cutcherry in the Haveli, for two days, under a guard of Sepoys, not military, *pardesi* Sepoys. I was brought from Senapati's Cutcherry to the Residency by Sepoys of the Foujdar of Baroda. I was put at the Residency under a guard of European soldiers, and so guarded for 16 days, and since then I have been under a police guard. Since I made a confession, I have been in charge of the police. Till then I was in charge of European soldiers. I confessed because I was tired of being under a guard of European soldiers. One day I was sent to attend a tent at a garden in the rear of the Residency. The two Khan Bahadurs were there; and Balvant Rao, Secretary, who is a Karkoon sent for from Ahmedabad, and one Bhau Kibbe who is a Karkoon. There were also Police Sepays. Then Khan Bahadur said, "I want to examine the papers in your box." He sent for me in order that I might be present at the opening of the seals. The box contained the Maharaja's private (*khang*) papers. It had been sealed up in my presence. It was in the tent where I was called. The seals were large, and of wax. They were unbroken. The box was

opened in my presence, and Balvant Rao Kirtan and Bhau Kibbe began to examine; also the two Khan Bahadurs did so. I remained in the tent examining the papers half an hour. I said nothing to the Police, but they said, "It would be well if you would tell what is the truth." They said no more. Nobody else spoke to me. From the tent I was taken back to the guard of European soldiers. In the tent Khan Bahadur said something to me. [Objection being taken by Serjeant Ballantine the question is not put.] Two days after the examination of the papers in the tent I made my statement to Mr. Richey. Sir L. Pelly, Mr. Jackson, and Captain Seagrave were present; also the two Khan Bahadurs and Gajanand Vithal and Balvant Rao, Secretary. When I had made my statement, I received a promise of pardon from Sir L. Pelly. I had not been informed by anybody as to what Raoji Havildar or Narsu Jemadar had said. I was under a guard of European soldiers. When under guard, no one communicated with me. On the day I got a certificate, the two Khan Bahadurs and Gajanand Vithal said to me, "Tell the truth and you will get a pardon," and they showed me a book (*chopadi*) of law (*kaida*). That was all that was said to me, I have said I saw Raoji at Nowsari. This was when the Maharaja went to Nowsari. I saw him at the Maharaja's bathing place. The Maharaja, Raoji and Salam were sitting there. At that time it was 10 or 11 o'clock at night. I had been sent for from my lodging. The Maharaja on my arrival said, shewing me a paper, "Read this." It was Jumna Bai's complaint to the Governor; Jumna Bai is the widow of Khundearo Maharaja. She is at Poona or thereabouts. I read it and took a copy of it. The paper was given back to Raoji. He took it back with him. I made a copy of it by direction of the Maharaja. I was used to read papers to the Maharaja—Maratha papers. They were private *yads* or papers received from the private department. The private department accounts were kept on separate pieces of paper, not in books. I was in the habit of taking a *yad* or receipt* from the person to whom the Maharaja used to direct me to make a payment. I used to make an endorsement in my handwriting to the *yad*. I did so before the receipt (*bharpai*) was taken. Before making the payment I got the Maharaja's sanction. I got his sanction orally. The paper shewn me is one of these *yads*. It bears my endorsement.

* *Bharpai*.

Paper shown to witness. Translation read by Mr. Scole. Document recorded as A 1.

Serjeant Ballantine objects to such documents being admitted.

The President rules that as they shew a course of business and payments by or on behalf of the Maharaja, they cannot be considered irrelevant.

It is here written generally "paid for articles." The names of persons to whom specific items are to be paid are entered. My endorsement follows. I point it out on the back. It begins, "In accordance with the above memorandum." Then follows the receipt. A *rozki* (daily account and *talebands* both monthly and annually also were made. The daily account was kept on loose sheets. It shewed the amount credited and disbursed during the day. The monthly account was kept on several sheets of paper stuck together. The yearly account was written on several loose sheets stuck together. I don't know if the yearly account relating to this *yad* has been made or not. Balvant Rao used to keep the daily journal. I simply put on my endorsement. Balvant Rao did the rest. I don't know the pay of Eshwant Rao. Eshwant Rao's pay was not in my private department; it was under the Fadnis. Salam was not paid in my department. I have paid money to Eshwant Rao and Salam out of private money in my charge. That *yad* refers to it. But I have not paid them for wages. As to goods brought from Bombay referred to in the *yadi*, no goods were received. This statement was made because payments were to be made to persons here. Servants employed at the Residency were meant. If payments were for goods, the Maharaja directed them to be entered accordingly; but if the payments were for such persons, the Maharaj directed entry in this manner. If for goods, the entry was made like this, but the merchant's name and particulars of the goods received were entered.

Witness looks at Exhibit A 1.

This is another *yad* from my Khang records and bears my endorsement. It shows a payment of Rupees 18 to Eshwant Rao. It professes to relate to goods received from Ahmedabad and is like the last. It contains neither the name of the merchant, nor particulars of the goods. The next paper shown me is one of these *yads* and bears my endorsement. It shews goods received from Salam Walad Ali Arab. No goods were brought from Ahmedabad.

A document is shown and recorded as C 1, dated 6th December 1873.

The next is one of these *yads* and bears my endorsement; it is for Rupees 300 for goods brought from Ahmedabad for Eshwant Rao and paid to Salam. Salam received money. We got no goods.

This is another *yad* with my endorsement. I have seen all these. They are all from my private dufter and bear my endorsement. One of these relates to fireworks brought from Bombay by Salam. He never brought any. Eshwant Rao in Ashwin or Kartik of last year brought some. In Paush Sauth 1930 no fireworks were brought by Eshwant Rao or Salam. No fruit was brought by Salam from either Bombay, Ahmedabad, or Poona. The persons who used to bring fruit and fireworks for the Maharaja are different persons, and there is an account in their names. The fruits were entered in the *Sillekhana* or the private department. There may be a separate account for Salam for fruits, but without seeing the *yads* I cannot say. All the sums entered as paid on these *yads* were paid to the persons mentioned therein and the receipts therein entered. The payments were made by the Maharaja's directions. The

payments were entered as for goods from Bombay, fruits, and fireworks, by the Maharaja's directions.

Baroda, 8th March 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XLI.—DAMODHAR TRIMBAK recalled.

Examination-in-chief

By *Mr. Scoble*.—I spoke of two occasions of getting diamonds. The arrangement was made according to the Maharaja's instructions through me. I asked the Maharaja if the money for the diamonds should be paid. He said yes. I arranged for the payment. Nanaji Vithal has the lighting department in his charge, and some money had been received by him as kaser (savings). He had those monies, not me. The amount of money from savings was credited.

Document shown.

Mr. Scoble reads translation of above document. The original is recorded as R 1.

another yadi also relating to saving, and it is this shewn me, and bears my endorsement.

Document shown. Mr. Scoble reads translation. The original is recorded as S 1.

Document shown. Translation read, and original recorded as T 1.

the feast to Brahmans, but it was really paid to Nanaji Vithal under the general instructions of the Maharaja. I asked the Maharaj if the money due to the jewellers was to be paid. He said, "Yes." It was my business to see out of what balance it should be paid. I entered it as paid to Rameshwar, in reference to the two packets I mentioned yesterday. Q.—But if it was paid to jewellers, why enter it to the Brahmans' feast? Because the money paid for the diamonds was not to be credited in the jewel account. Q.—Why not? The Maharaj first of all said, "Enter these diamonds as for medicine for making dust of them, reducing them to ashes." Accordingly an entry to that effect had been made in the jewel department. Afterwards when there was a noise (report) about the poisoning of Colonel Phayre, then I asked the Maharaj, with regard to the entry of diamonds credited as reduced to ashes, whether diamonds could be reduced to ashes. The Maharaj said they could not. On that occasion I asked, "What am I to do with the entry made to the effect that they were for medicine and for reducing to ashes?" The Maharaja then said, "If the entry has been credited, tear it up, remove the paper." I told Nanaji Vithal to remove it if that was the case. He did so. Therefore the amount was entered as paid for Swami Narayen. Q.—Did you report this to the Maharaja? A.—I had received once for all an order that on such occasions I might assign any reason I liked. I said yesterday that I twice got arsenic from Nurudin. No money has been paid for the arsenic. Nurudin was promised the business of the Sillekhanah. After the report (noise or rumour) he asked me for Rupees 200. By Sillekhanah I mean the dispensary. By the report I mean the rumour about the poisoning. He said, "The Borah in the Camp wants that money." By Camp he meant the Camp of the Residency. Nurudin came to me to the Palace (*wara*). Q.—What took place?

[*Mr. Serjeant Ballantine* objects. The President rules that the conversation may explain the act.]

Nurudin said, "I brought that arsenic from the Camp and gave it. The first packet had not been entered, and the second packet had been entered in the name of Khangiwalla," that is, myself (the witness).

By *Sir R. Meade*.—He meant entries in the shop of the Borah in the Camp.

By *Mr. Scoble*.—He said that the Borah in the Camp had told him that his books had been seized and taken to the Residency. "If you wish that name which has been entered to be concealed, pay me two hundred rupees." I said to Nurudin Borah, "Pay the money out of your pocket, and then the amount will be allowed to you in the Sillekhanah business, which it is proposed to give to you." Nurudin said nothing to this. I did not see him after. Nurudin did not tell me the name of the Camp Borah. Yesterday I said I saw Raoji only once, *i.e.*, at Nowsari. I did not see Raoji at the Haveli in Baroda. I heard that Colonel Phayre was suffering from a boil. I heard that in the month of Bhadrapad (September) last year. I don't quite remember. Salam mentioned it to the Maharaj. I was then present. Salam said, "Colonel Phayre has got a boil on his head of this size," pointing with his fingers, and that he used to get Raoji to apply a plaster to the boil, and that Raoji had put some arsenic on the plaster—a pinch of arsenic, and that after the plaster was applied, the Sahib felt a burning sensation, in consequence of which he took it off. I heard that. I don't remember the Maharaj saying anything to that. I remember about arsenic to be given to Salam as medicine; after that, eight or fifteen days after or before this conversation. It was about that time. The medicine about which I received order was to be prepared by the Hakim. The Maharaj said, "Send to the Hakimji large ants and serpents and the urine of a black horse." If the Maharaj said anything more I don't remember it now. I gave orders to have these things brought. These articles were ordered to be sent to the Hakim. I afterwards got a

small bottle from the Hakim. Gujaba brought me this. It is the one I described yesterday. I said yesterday it was a small bottle, and that I put the contents into a bottle which had contained attar. I don't recollect if the bottle Gujaba brought me was stopped by beeswax, or by a stopper. I fastened the bottle which I gave Salam with cotton and beeswax. It was a glass bottle. I know the Maharaj received information of what passed at the Residency. Notes used to be sent by Raoji to the Maharaj through Salam. I know this, because the Maharaj used to direct me to read them. I did use to read them. After having read them to the Maharaj, I used to tear them up. The four bundles

Four bundles of vernacular papers shown witness.

shown me are *rozkindies* (daily journals) kept at the place where I used to work. There are four in my

hands. One is for the 11th Shrawan Wad (6th September, Sunday). I find an entry of Rupees 119-8-0. Part thereof is obliterated with ink. I did not pour the ink over that entry. A karkoon did by my orders. The name of the karkoon to whom I gave the order is Balwant Rao, son of Raoji. The reason for my giving this order is as follows: In the entry it was stated generally "Goods in the name of Salam," and there was no yadi of particulars of the articles. Therefore as there might be some inquiry after the report of the poisoning, I directed that ink should be poured over that part.

[The paper with the obliteration is recorded as U 1.]

Exhibit P 1 is shown to witness.

The entry in P 1 relates to the entry which bears an obliteration.

In the paper shown dated Jesht Wad 9th (=8th June 1874) there is an obliterated entry.

Paper shown and recorded as V 1.

The reason of the obliteration was that Salam's name was entered there. It relates to Rupees 1,000 paid to Salam.

Exhibit N 1 shewn.

The paper shown me is the yad relating to above item.

The next paper shown me is another of these rozkirds. It is dated 3rd Ashwin Shud (=13th October 1874). It has a partly obliterated entry over Salam or Eshwant's name. I can tell by looking at the yad.

Rozkird shewn, and recorded W 1.

Q 1 is shewn.

The paper (Q 1) is the yad in question. The obliteration was made by my orders for the same reason.

The next rozkird shown me is Ashad Wad 3rd (=2nd July 1874). The amount is

Rozkird shown, and recorded X 1.

Rupees 298-12-0. The yad shown me relates to the entry which bears the obliteration. I don't remember what day it was I gave the order to obliterate the

Exhibit O 1 shown.

entries after the report had spread at the Residency.

When money was paid to give a feast to Brahmans, the person receiving the money gave a receipt for it.

Receipt shown to witness under an order for payment, recorded as Y 1.

The paper shewn me is such a receipt. It has an endorsement of mine. Similar documents were always given in such matters.

If this* were an order for feeding Brahmans, the signature of Rameshwar should be on it.

* Exhibit T 1 shewn.

I ordered obliterations, because something must be done in order that the items might be altered as they

were simply "articles" in the name of Salam without a yadi of particulars.

Cross-examination by *Serjeant Ballantine*.—All the accounts were not fictitious,—only portions made up for the purpose by the Maharaja's directions, given as there were occasions. I mean the Maharaj knew the occasions. I asked his permission. All I did was under his orders. If I had been accused of theft, I could produce the rozkird, four books, the receipt, the man who received, and the man who paid. By such orders of the Maharaj lakhs of rupees have been expended in the last four years, and when necessary, accounts falsified. I did the falsifications when directed by the Maharaja. The papers and receipts contain the orders to justify what I did. Except with the Fudnis (an official) there are no written orders. I have no authority in the Maharaja's handwriting. There are papers signed by Lakshmi Bai, the third wife of the Maharaja. She signed under the Maharaja's order. During the four years the Maharaj never signed any papers belonging to my department. There being entries in five places, I could easily defend myself with them. The general or annual statement was once signed by the Maharaj. You could get it if you like. It is under attachment. Before the attachment there was nobody but the Maharaj to examine my accounts. After that attachment the Police shewed the papers and said inquiry was to be made. They shewed me the papers on which ink has been poured. My pay was Rupees 200, and my brother's pay Rupees 400 a month. I was arrested on the evening of the same day as the Maharaj. I had heard reports about Raoji and Narsu and others being examined. If I got any information I used to tell the Maharaj. Why should I have personal interest? I had assisted in the attempted murder. I have an interest to save the Maharaj and myself. There being an attachment I must be saved now. I used to hear reports from the town. When Salam was at large, I heard directly from him. I did not when at large hear about Raoji's bottle. Nobody told me that he had received a bottle. I heard about powder put into Colonel Phayre's glass, and that it was arsenic and diamond dust. I heard that Raoji confessed to the attempt to murder Colonel Phayre, and I told the Maharaja. The entries were made in five places, and therefore could not be destroyed. I knew they related to my own acts as to the poisoning. All except two

related to the bribes. I did not know there was an inquiry going on about the bribes. I swear I did not know when Mr. Souter was inquiring about them. I could not destroy all the papers as they were at different places. The papers at the Javerkhana were only one: that was caused to be destroyed. I could not have destroyed those shewn to day; there being an entry by the Treasurer. There is a general day-book, 3rdly, a memorandum and receipt endorsed upon it, and after all that the journal now shewn is prepared. After that a monthly statement is prepared and sheets stitched up. Therefore to destroy so many papers in so many places would be difficult. If given in one month only, the papers might have been destroyed. The memoranda (yads) are on separate pieces of paper. If the money had been paid in one month, or at one time, the papers might have been destroyed. There was no opportunity to destroy papers in so many places: there was no help for it. People who poison are punished. I don't know what punishment is provided by law. It is whatever the Judges please. I have not seen that they hang for poisoning at Baroda. I did not destroy these papers as there was no convenience (*suwad* or opportunity). I could get the papers if the Maharaj desired me. The papers were in my charge. At that time I was not aware that there would be an attachment, or that this time would come. I have no other reason for not destroying them. The ink was used to obliterate parts, because there were no particulars of goods to hide matters connected with Salam and with these transactions. I had orders to give, and I told the karkoon to do as he could conveniently. In order to prevent the Maharaj being accused, and to prevent this proof not being found, this thing was resorted to. I have not invented the story of these papers with a view to accuse the Maharaja.

By *Sir Dinkur Rao*.—Q.—The papers, as they stood, did not accuse the Maharaja. Had not your pouring ink on them the effect of implicating the Maharaja? A.—The Maharaja told me to make an arrangement, so I poured ink.

Cross-examination.—It did not occur to me at that time that these great pieces of ink on the papers would draw attention to them. Now I feel from the consequence that it was folly to pour this ink on them. I did not expect an attachment (*japti*); I did it to prevent the matter going out. I would not have got out of the jail unless I had made a confession of some kind. I was first put under a European guard, and for two days was kept in the Senapati Cutcherry. My companion was a sepoy. I mean two days and two nights. I used to sleep there where I used to sit. A sepoy watched to prevent me running away. Thence I was brought to the Residency, and was sent to a room guarded by soldiers. After 16 days, when I made a confession, I was sent to the Police. They send me here with a sepoy and to the tent, and I get up and sit down as they tell me. I am still in charge of Police sepoy, changed every four days. I don't know their names. I don't know what will happen to me when this is over. That depends on what the Judges say. I am guilty having confessed: if they like they will release me; if not, I must hear their sentence. If they don't believe me, I shall be punished: if they do, I shall be released. I have a certificate of pardon. There were as many plots to poison Colonel Phayre as are stated in my deposition. I gave these five things,—four tolas arsenic, two tolas diamond, and one bottle: if there was anything more, I don't know. By physician's stuff I mean serpent and ants and horses urine.

* As to attempts by physician's stuff, poison in a plaster and arsenic.

That may have been the first or second attempt. I don't remember which. I made a statement to Mr. Richey detailing the attempts as now read out to me (from* deposition). The physician's stuff was brought in the bottle by Gujaba, and transferred to the attar bottle. I can't remember the date. I did not know of the attachment and certificate of pardon in the future. If I had, I would have written dates down. It may have been in Ashwin (October 11th—November 9th). I am sure it was in that time. I don't remember how long before Divali. I can't say if it was one week or two weeks before Divali,—it may have been longer. When I gave this bottle I knew perfectly well it was for poisoning Colonel Phayre. I don't remember the day within a week. Asadh had passed two months before. I don't know what August is. Q.—Was it within Asadhwad and Shravan or Shudh? A.—No. Q.—Or within Shravan or Bhadrpad? A.—The first note written to the Foujdari was Bhadrpad Wad 9th (= 4th October 1874). Since that day all this occurred, i.e., between Bhadrpad Wad 9th and Ashwin Wad 15th (= 9th November). Arsenic could be had only through the Foujdari. I don't know whether arsenic could always be had on the order of the Maharaj. With the Maharaja's permission it could be had. Hormusji Wadia said he would give it after asking the Maharaj. The Maharaj had told me to bring arsenic. He had not issued order to the officer himself. He did not give an order, but told me to get it, and that it was for a horse. I last saw Nurudin after I was in confinement; he was confronted with me once. I don't remember how long ago. I have not seen him in the last two or three days, not in the last week. When he was confronted with me he did not say anything as to whether I told lies; but I told him I had given all in writing, I said to him, "I have admitted "I bought the arsenic from you." He did not in my presence say anything, nor whether it was lies. He was taken away by some officer. I don't know who. I don't remember if it was Akbar Ali or Abdul Ali. How can I remember now? It was not Gajanand Vithal. I don't remember; it might be Akbar Ali or Abdul Ali. I said before him I had bought arsenic from him. I don't remember where he was taken to. Gujaba was brought before me—not by Akbar Ali, but by Gajanand Vithal. I told him I had told all about him. This was when he was sitting. He was also sent back. I have said I gave a bottle to Salam. I knew it contained poison. Gujaba brought the bottle by permission of the Maharaja to my house. I was with the Maharaja's procession. I got down, went to my house, and gave the bottle to

Salam. When I gave it, the Maharaja was not present. I said, when giving it, "Take this "to Raoji." It was not necessary to say what Raoji was to do. I did not say what he was to do. I knew what it was for. It was to be put in water to cause blisters on the body of Colonel Phayre by throwing it into his bathing water. I did not hear; I don't know if it was done or not. I gave the bottle two or four days before or after the Dassera. I never heard from anybody nor asked what became of the contents of the bottle. Whenever there was business Eshwant Rao used to come to the Palace on Mondays and Thursdays. Salam used to come for the procession, and if notes were to be brought, he used to come. I never asked Salam what had been done to Colonel Phayre, with the contents of the bottle. I had no curiosity.

Re-examination by *Mr. Scoble*.—I said the accounts were in five places. They were as follows: The order of the Maharaj, an oral order, to give money to certain persons. On this a *yad* is prepared. Then the Karkoon and the man who receives the money go to the treasurer with the *yad*. The treasurer has a small book, and the item is entered there. When the money is paid and received it is entered into the *rozkirod* (daily account). From that rough *kird* the fair daily account shown to me is made. From the fair daily account the monthly account called *talebund* is prepared. From twelve *talebunds*, an actual account is prepared called *jharte talebund*. Every transaction passing through my hands would appear in all these. Thus any mistake can be detected back. During the last four years lakhs of rupees were paid by the Maharaja's orders. All his private accounts passed through my hands. I never received a written order from the Maharaja for any money during the four years so paid before. On one *talebund* alone the Maharaj had signed. The Maharaj did not sign orders about expenses made daily. He only signed one monthly *talebund* in my time. I mentioned one paper from the jewelry department which was torn up. It related to money expended for diamonds debited as expended for medical purposes. Before my arrest I had heard that Raoji had confessed and stated particulars (*khalasa*), and had got a certificate. After my arrest and before the time of my confession I had not become aware of the particulars of what Raoji and Narsu had said. My Maratha deposition shown, taken by Mr. Richey before Sir Lewis Pelly, recorded as Z1. statement was taken down in English, and by a karkoon in Maratha. I at that time read the statement taken down in Maratha. It was correct, and I signed it. This is the deposition, and it has my signature.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 9th March 1875.

XLII.—HEMCHAND FATECHAND states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—My name is Hemchand Fatechand. I carry on business as a jeweller at Baroda. I know Nanaji Vithal day and night. He is in the Gaekwar's service. I took no jewels to him. Last Dassera I took none, nor about that time. I never took any diamonds to Nanaji Vithal. Not lately. But I did about last Dassera. Nanaji Vithal said, "Bring some diamonds." I took some, but they were given back to me. I took them from our house to Nanaji Vithal. They were returned. I did not take them there a second time. I did not any other time go to the Haveli with diamonds. I never did so after that. Nanaji Vithal purchased no diamonds from me about the time of last Dassera. I never received any money from Nanaji Vithal in payment for diamonds. I received from him a sum of money in the last Kartik—Kartik Margasir—which he owed me. I know Venayekrao Venkatesh. I took him some diamonds to the Haveli on the 7th or 8th of Aso Wad (= 31st October and 1st November). He is the brother-in-law of Nanaji Vithal. He is employed at the Gaekwar's jewel office. I took these diamonds to the jewel office. I took the diamonds by Venayekrao's directions. On that occasion I took two packets of diamonds to Venayekrao. They were not bought; neither of them. They were rose diamonds (*bilandi*), 6 or 7 to a rati in weight. They were not very small nor very large. Nanaji paid me some money. It was on account of my dealings (*len-den*). I had given a *hundi* (bill of exchange) for Rupees 7,000 to Sivchand Kushalchand at request of Nanaji Vithal. I received the money in payment of the hundi. I got one sum of Rupees 2,000, another of 4,000, another of 2,000, another of Rupees 2,000. I received total Rupees 10,000. There were some other dealings also. The diamonds which I took to Venayekrao I gave back to the merchants who came to me to sell them. When I took the two packets of diamonds to the Haveli Damodhar Punt was not present. I did not see him. I never sold any diamonds to Damodhar Punt, nor to Venayekrao, nor to Nanaji Vithal. I remember Mr. Souter examining me. [*Mr. Serjeant Ballantine* objects to *Mr. Inverarity* cross-examining witness as to what he said to Mr. Souter. The *President* rules that the question may be put to remind witness of a previous statement.] My deposition was written down in Gujarathi. It was reduced to writing in the evening, and I was made to sign it. It was not read over to me. I did not acknowledge that what was written was true. I was forced to sign it. I did not acknowledge anything. I did sign it in presence of Sir Lewis Pelly. Gajanand Vithal said to me, "Don't speak; sign it." It was not read to me in presence of Sir L. Pelly. In his presence I did not say that it was true.

Deposition shown to witness.

Q.—Is that your signature? A.—This signature does not appear to me to be mine. It is not mine.

[The same question is repeated and signature pointed out.] It is my signature.

Q.—Read the three lines above the signature. [Mr. Nowarji, the interpreter, reads the Gujarathi three lines, and hands the paper to witness.] Are those three lines in your writing? A.—They are my handwriting. Q.—Show him the signature above those three lines. Is that signature your handwriting? A.—I have seen it. It is my signature. At the time I put my signature, great *zulm* (oppression) was used on me. I was confused, and I was made to sign. I can read Gujarathi. I can't make this (the deposition) out well. I can make out part here and there, e.g., the name Hemchand Fatechand. I can't read this document so as to understand it. (The part beginning "A few days after the last Dasera festival Nanaji Vithul directed me to bring some diamond chips, which we did.") I did not make this statement to Mr. Souter. They caused him to write what they liked. By "they" I mean Gajanand Vithal. All that has been read out to me is false. I never said anything of the sort when I was examined by Mr. Souter. (Another extract read about Nanaji asking witness if the diamond chips had been used, and about witness substituting pages in his books after the rumour about the poisoning of Colonel Phayre). I did not say to Mr. Souter what has just been read to me, nor anything like it. My books have been detained there for a month and a half. Q.—Are those the books you produced before Mr. Souter?

Books shown to witness.

Mr. Souter any entries in these books. Q.—Did you tell him that certain entries would be found on certain pages in these books? A.—I did not say so. [Extract about the price of diamonds being Baroda Rupees 6,270, and about entry of Rupees 3,000 credited at pages 10 and 24.] I did not say that to Mr. Souter, nor anything like that. No part read out to me of the statement is true. Since I made my statement to Mr. Souter I have been living at my house in the city. I have had no guard of any kind placed over me. I point out my jangad book (book of goods left with customers for approval). This is my jangad book for Samvat 1930. (The calendar shews that Samvat 1930 ends on the 9th November 1874.) I point out two entries in my handwriting. Gajanand Vithul forcibly caused me to make this entry. I wrote this second entry at desire of Gajanand Vithul. Gajanand made me write one on the day in which it rained in a tent, before I made my statement to Mr. Souter. Q.—How many days before? A.—I wrote those entries on the same day in which at evening I made my statement to Mr. Souter.

Baroda, March 9th 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XLII.—HEMCHAND recalled.

By Mr. Inverarity.—This entry is in my writing. I wrote it together with the preceding entries. Gajanand said—"Write this entry in order that the other entry may not prove false." Cross-examination by Serjeant Ballantine.—Read entry shown yesterday. Debit to His Highness Mulhar Rao. Delivered to Damodhūr Punt personally. Diamonds belandi.

Aso Wad 14th :—

300 in number, 69½ rutties, at Rupees 40 per ruttie	-	-	-	2,770
Diamonds bilandi, 250 rutties, 70, at Rupees 50 per ruttie	-	-	-	3,500
			Total	6,270

Returned purub diamonds coloured weighing 44½ rutties at Rupees 35 per ruttie. The bilundi and other diamonds are different varieties. Bilandi diamonds sparkle. Bilandi diamonds are thin and brilliants are thicker. Gajanand caused that item to be fabricated. About that time I had no dealings about diamonds with the Maharaja or on his account.

There are items of dealings in these books relating to the Maharaja. I have not supplied any diamond chips to anybody. I know diamond dust to be small diamonds. I don't know diamond "lôt."

Two other account books shown to witness.

I never saw diamonds reduced to a powder. I was not examined (*zabani lidhe*) before Mr. Souter, but I was examined on two or three occasions. I don't know Mr. Souter [Mr. Souter is pointed out to witness in Court]. I was examined before two or three Sahebs. First of all I was examined before the Police (*zabani lidhe*), and then I was taken by the Police before two or three Sahebs. As to the signature I gave it before Gajanand and Sir L. Pelly. I had in the first instance been made to give my (*zabani*) deposition, and my signature was taken to it before. Gajanand sent for me and said—"Put your signature, say nothing; if you don't I will imprison you." My signature was taken in presence of Sir Lewis Pelly. I have already said I was threatened. Q.—Did you give your evidence before Sir L. Pelly or had you given it already before Gajanand? A.—Gajanand made me forcibly sign my deposition, and I was afterwards made to sign before Sir Lewis Pelly. I was made to sign what had been written by Gajanand. Gajanand wrote down what he liked. It was not read over to me. Gajanand told me I would be sent to prison if I did not sign. I have been annoyed every day till now. Sepoys seize me and bring me up every day and detain me. I

have not seen Gajanand since. I was up here to give evidence. I have not seen him since yesterday. I saw him yesterday before giving evidence. He said—"an item of debit and credit of diamonds to the amount of three lacs has been made in your name which is false." He said nothing else. I did not see him yesterday after giving my evidence. I went home then.

Mr. Serjeant Ballantine reads from the English deposition made to Mr. Souter beginning at the place, "A few days after it became known * * * to poison Colonel Phayre." I have not sold diamonds nor has Nanaji come and asked me those questions. (Reads—"On hearing this I * * * substituted.") As to above I do not know anything about that matter. [The interpreter from the Gujarathi reads—"The books which are now marked A B and C I produce." No question asked.] [Serjeant Ballantine reads the sentence about Rupees 6,270 and payment to witness of Rupees 3,000 received from Nanaji Vithal and (as the Gujarathi is translated) credited to Shivchand Khushal.] Q.—Look at pages 10 and 24 of your (*rozmel*) day-book. A.—Here is page 10. Q.—Is there any item of payment received? A.—There is a receipt of Rupees 2,000 from Nanajee Vithal (*Gharthi*). It was on account of a *hundi* (bill of exchange) given by me. Q.—Look at page 24? A.—Yes. There is an item of Rs. 2,000 from the district called Dumala received from the karkoon employed, on account of money due to me for the *hundi* (bill of exchange). Q.—For Nanaji Vithal? A.—It was for the bill of exchange given by me on Shivchand Khushal. The paid bill of exchange has been received and is in Gajanand Vithal's possession. He caused me to give it up to him. There are three hundies. Gajanand Vithal has all my papers—12 of my books and three paid bills of exchange. This is one of those bills. There is a payment endorsed on it in the Deccanee letters.

Document shown to witness. Bill of exchange for Rs. 750.

Two other documents shown him.

Here are the other two,—one for Rs. 3,000, and the other for Rs. 4,000. Total Rs. 7,000. The items pointed out just now in my books were received in part payment of these three hundies.

[The Interpreter says one is dated 10th Asadh Shudh, Wednesday, without any year, and is for 3,000 Rupees; another for 4,000 Rupees, dated Tuesday, 9th Asadh Shudh, without any year.]

Re-examination by Mr. Scoble.—I point out that the Samvat 1930 occurs on both bills for 4,000 and 3,000 Rupees. [The Interpreter reads the date of the other for 750 Rupees as Kartik Wad 30, Samvat 1931=8th December 1874.] Q.—About Aso Wad 14th, when the entries of Rupees 2,270 and 3,500 were made, you had no dealings in diamonds with, or on account of, the Maharaj? A.—Not with him nor on his account. Q.—Look at the first item on the page in question, and say whose handwriting it is? A.—I do not know the name of the Gumastha in whose writing it is. It is not in the handwriting of one of my Gumasthas. Anyone who comes to my shop may write entries. It is a genuine entry. It refers to brilliants (*billian*). It is dated 13th Aso Wad of last year. [The calendar shews=6th November 1874.] [The interpreter translates the entry about a brilliant headdress of brilliant diamonds. Total Rupees 28,000.]

Q.—Now look at the entry above that, on the previous page. Do you see a red mark?

A.—It is a genuine entry. I find it an entry of ornaments—brilliant diamond ornaments sold to His Highness. [Witness reads "Rs. 27,000, one ornament called tangman (necklace) of the 5th Aso Wad lost (=29th October 1874 in calendar).] (Another page is shown.)

Q.—Is that another entry of diamonds sold to the Gaekwar? A.—No, a nose-ring of pearls, dated 8th Aso Shudh [the Interpreter says it is 18th October 1874.] It was sold through Venayekrao or Nanaji Vithal by me. My Gumastha was in the habit of taking ornaments and delivering to which ever of those two might be present. I don't know to whom or on whose account they were received. It might have been thrown away. As to the sale, it was sold to the Sirkar and delivered to Nanaji Vithal. [The Interpreter translates the entry.]

Q.—Is not that book full of transactions about diamonds and ornaments sold by you to the Gaekwar in 1930? A.—What occurred is therein entered. There are many items.

Q.—Was not your evidence written down by Mr. Souter? [Mr. Souter stands up and witness looks at him.] A.—No, not that I remember. I don't remember him asking me questions in Hindustani, how could he if I gave no answers? I don't know. I don't understand Hindustani.

Q.—Or Mussalmani? A.—What's Hindustani or Mussalmani? I understand Gujarathi. I do not understand Hindustani, what sort is it?

Q.—Was not the first part of your examination yesterday conducted in Hindustani? A.—Hindustani! I understand Gujarathi.

[Deposition before Mr. Souter in Gujarathi shown.] Q.—Where did you write those three lines above your first signature? A.—I was made to write them at the bungalow of Sir Lewis Pelly—in presence of Sir Lewis Pelly. I did not tell Sir L. Pelly about Gajanand practising *zulm* upon me, I did not, because I had been threatened. I made no complaint before Sir L. Pelly. Gajanand said, "You should give your signature, as we ask you to do. Don't raise any objection there about it." From 8 a.m. till 8 p.m. I was not allowed to get

away. At one time I was kept in the Resident's bungalow, and at another near some trees near Gajanand Vithal's house. Even last night at 8 or 9 o'clock three sepoy's came to my house and told me to go to the Fouzdar. I was not at home; my gomashtha was taken to Ramchandrar Fouzdar. He sits at the mandai in the city. I have only once been taken to the Residency. Every day I used to sit at the trees near Gajanand Vithal's house, daily for the last month and three-quarters. I was released a day before the assembling of this Commission.

Q.—Look at your (*jangadnond*) account book. Have any new leaves been put in since you first made it? A.—I put no new ones in, nor took any

Account book shown. Exhibit A 2. pages out, nor caused either such things to be done.

Q.—Have any pages been put in or taken out? A.—Seven or eight leaves (*pan*) appear to have been removed. I point out the place. Old leaves appear to have been removed and new ones put in. [The Interpreter says they are the two last leaves in the book.] [The Witness looks at the pages with entries marked by the Secretary at beginning of this day's examination.]

Q.—Is that page about the ruby ring a substituted page? A.—It has been used fraudulently (*daghalbazi malum padeche*). I can't say whether the page is new or old. These pages appear to me to be new, and the item to be a fraudulent one.

Q.—Take these two hundies of Rupees 3,000 and 4,000. Who are they drawn by and on whom? A.—They are both drawn on Hemchand Fatechand of Bombay. That is my firm at Bombay.

The entry about the ruby ring is stated to be Asad 14th=7th and 8th November. They are drawn by Fatechand Somchand (javedi) jeweller. That is my firm here. They are drawn in favour of Shivchand Kushalchand of Poona. Shivchand is a jeweller. Shivchand had sold some goods to Nanaji Vithal for his own purposes, and these hundies were given for them. Nanaji Vithal caused me to draw these bills of exchange—not in full payment. A balance of Rupees 100 or 150 remains, a small balance. Both of these hundies have been paid by my firm in Bombay on account of or to Shivchand Kushalchand. Both are dated Asad Shud. I have not given any hundies except these two in favour of Shivchand Kushalchand. I have entries in my books of payment of these Rupees 3,000 and 4,000. Give me my *nond*. [An account book is given into witness' hand.] My ledger account may give the page of the *nond* (day book) [witness gets his ledger]. I have found it. [Witness points out an entry dated Jesht Wad 12th and Jesht Wad 13th Friday]. Debited to account of Shivchand Kushalchand of Poona two hundies, written and delivered at request of Shetjee for Rupees 7,000 on Bombay, at 19 Rupees and a half and 2½ annas. Drawn on Hemchandbhai Fatechand drawn from here by us. Payable immediately. Drawn Asad Shud. [The Interpreter says Jesht Wad 12th and 13th = 11th and 12th June 1874.] My account amounted to Rupees 10,000. I received Rupees 10,000 on these two hundies, with the exception of a small sum. A hundi was given to Nanaji Vithal's brother-in-law, Venayek Venkatesh, and the money was paid in cash, i.e., Rupees 400 or 500 in cash.

Q.—How much exactly? A.—I must refer to the account (*khata*). The new ledger has not been posted. This hundi shown me is the one given to Nanaji's brother-in-law. I have it entered in my book to account of Shivchand Khusalchand.

Hundi shown for Rupees 750, dated Kartik Wad 30th Sumvat 1931=8th December 1874.

This was because Nanaji Vithal was owner of that account.

Q.—Show it? A.—The new ledger has not been posted up.

Q.—Look at your day-book (*Rozmel*) [looks]. Here are particulars. [Interpreter reads an entry of Rupees 750 and item for exchange Rupees 155-10-0 dated Kirtik Wad 30th and Rupees 94-6-0 in cash. Altogether Rupees 1,000.] A.—This item is a correct entry. The hundi was given to Nanaji Vithal's brother-in-law, also the cash, not to Shivchand Kushalchand.

Q.—Look at page 10 of your day-book already referred to. Do you find Rupees 2,000 credited to Shri Poonawala, and Rupees 2,000 credited to account of Shivchand Kushalchand of Poona? A.—Yes. [The Interpreter reads date, &c.] The words (*haste pote*) "by himself" very likely mean me. I got the money in cash from Nanaji Vithal. It means me. [The Interpreter reads the date, "Wad 9th and 10th Thursday." It means the month of Kirtik, as stated earlier in the account (9th and 10th Kirtak=2nd and 3rd December 1874, Thursday being the 3rd per calendar). Who says Gajanand Vithal got this written? It is a genuine entry.

Q.—Look at page 24. A.—The date here is Margshir Wad 10th and 11th (=2nd and 3rd January 1875) per calendar. "The amount is Rupees 2,000 credited to account of Shivchand Kushalchand of Poona, Rupees 2,000 in ready cash. Examined coin. Received by the "hands of your gomashtha Kuberji who made payment from Dumala." This Kuberji is very likely gumasta of Dumala Department, but is not a servant of Shivachand. There is a karkoon employed in the Dumala Mahal who used to do business for Nanaji Vithal. His name is Nanchand. He may have brought the money. The entries of Rupees 2,000 are not hundies, but cash dealings. The hundi of Rupees 750 and two items of Rupees 2,000 relate to my dealings with Nanaji Vithal, in respect to hundies of Rupees 7,000 and other dealings and transactions. Q.—How do you make up Rupees 10,000? A.—Hundies paid Rs. 7,000, with exchange, it is Rs. 8,500, that other bill of exchange Rs. 1,000 and Rs. 500 or 400 sundry monies. Nanaji Vithal bought a necklace (*khanti*) from Shivchand Kushalchand: portions of the necklace were sold from time to time. I thus sold the value of it up to Rs. 4,000, and

Nanaji himself sold Rs. 2,000, and the balance I received in cash. In order to ascertain the loss which might occur on the sale of that ornament, it was entered to the account of Shivchand, which was owned by Nanaji. I don't observe that the pages of the *rozmel and nond* have been tampered with.

By *Serjeant Ballantine*.—I have not sold any loose diamonds of late. Q.—Is there any entry of any such sale in your books? A.—What the books state is true. I don't remember their contents exactly.

By the *President*.—My books were seized about one month and three-quarters ago from this time. They were all seized then—12 books of mine. Until then I used them in the way of my business.

By *Sir R. Meade*.—The seizure of my books occurred I think in the month of Paus. [The calendar shews Paus to begin on the 8th January], but I don't remember the day. This book (Exhibit A 2) is the Jungwad book for the Hindu year Samvat 1930. It terminated with Samvat 1930.

By the *President*.—There is an entirely new set of books for the new year. I was made to write this item (of which the total is Rupees 6,270). After this item there were originally no other leaves. Q.—Then, if there were no leaves written beyond this, what was the use of removing them and placing others? A.—I was terrified. Question repeated—Whether there were other pages written or not? I do not rightly remember. Yesterday, when I was leaving this place, I was desired to wait by a Police sepoy, and made to wait five or six minutes, and then I was made to wait outside the outer gate. A sepoy at the gate of the compound desired me to wait, and said, "I will let you go when I receive permission to do so" from Gajanand and the Saheb." Afterwards he let me go, and I went home in the evening, and sepoy's came to my house at 10 o'clock at night. The sepoy's had no conversation with me except what I have recounted.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, 10th March 1875.

No. XLIII.—NANAJI VITHAL states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scooble*.—I am a Brahman employed in the jewel department of His Highness the Gaekwar as Superintendent of it. I know Damodhar Punt. I remember getting some order before the Dassera from him. Diamonds were required for the purpose of reducing them to ashes. I sent for diamonds from two or three persons. Three jewellers brought to me diamonds at the Haveli,—one was Ghelasha, another Pratabsha, and another Hemchand Fatechand. I kept them one day, i.e., the diamonds got from Hemchand, and I showed them to Damodhar Punt. The other two brought their diamonds the following day. Those got from Hemchand I informed Damodhar Punt of, and kept them with me. On the following day the other two persons brought their diamonds. The diamonds belonging to all three were shewn to Damodhar Punt. He approved of some—those of Hemchand. Those belonging to the other two were returned. Those of Hemchand were weighed and taken. They weighed about 68 or 68½ raties. After weighing they were given to Damodhar Punt. A yad was made about them by one of my two Karkoons. I did not see it. The Karkoon prepared and recorded it. I gave him oral instructions. Afterwards 5, 7, or 10 days after other diamonds were brought from the same man, Hemchand, by direction of Damodhar Punt, *parab* diamonds and *bilandies*. Hemchand brought them. They were also taken. The quantity was 74, 73½, or 73½ raties. They were brought according to Damodhar Punt's instructions and given to him. The entry of them was made on the former memorandum: the same piece of paper. The price was fixed. I don't remember it orally. What was written at the Bunia's house is correct. I remember it partly. It was a few rupees over 6,000 (six thousand). The diamonds bought on these occasions were parab (flat) and bilandi (rose) diamonds—2, 3, or perhaps 1 or ¼ to a rati. I did not weigh them separately. I did make a payment to Hemchand in respect to these diamonds. I paid him three thousand rupees on that account in two sums. They were Rs. 2,000 and 1,000 respectively. Rs. 2,000 were to be taken from Damodhar Punt. I had to pay him some money. The memoranda were prepared, and the payments made, according to Damodhar's instructions. Some venetians (putlies) were sold on account

Exhibit S 1 shown.

of nuzzerana. The paper shown me is one of those yads, and bears my signature on that subject. The proceeds were to be credited to the private department. The other relates to the light department. The yad shown me is the one. I had the money of those yads in my hands. I disbursed

Exhibit R 1 shown.

Rs. 2,000. I caused a Parik to pay that sum. The Parik's name is Namchand. He is the Parik (Shroff) in the Dumala Mahal. I paid the Rs. 1,000 from my own house, in cash. A hundi was given for Rs. 2,000, out of which Rs. 1,000 was paid. I had paid Hemchand Rs. 2,000. On account of those Rs. 2,000 a hundi of Rs. 1,000 was taken from him. The other Rs. 1,000 remained with him, and on this account Rs. 1,000 were allowed him. I mean on account of diamonds. The hundi which I had taken from him was for Rs. 1,000. Some cash may have been taken, and the hundi was for the balance. I don't know whose name the hundi was in. If I see it, perhaps I can tell.

Hundi or Bill of Exchange for Rs. 750 shewn.

This is the hundi. Some must have been taken in cash. I don't remember if this is the hundi in question. The Rs. 2,000 were Baroda rupees. The yad on which these two transactions were written was on the records of the Karkoon Atmaram. I don't know his father's name. At the end of the Diwali Damodhar Punt asked for the yad and received them. I mean about the end of the five Diwali days. He received them from me. He took them and said, "I will tear them up." I don't know if he destroyed them or not.

Cross-examination by *Serjeant Ballantine*.—I am the Darogah of the jewel department. My duty is to take care of ornaments in the jewel-room and give them out when the Sirkar wants to wear them; also to purchase jewels. Damodhar Punt told me these diamonds were wanted to be made ashes for medicine (*avshada*). I never saw diamond use as medicine. I have not seen diamond-dust (*lot*). I have been employed with diamonds only for 4 or 5 years. I never heard of diamond-dust, nor saw it. I have been staying at Baroda in charge of the Sirkar, of the Khan Bahadur Police. From the day of arrest of the Maharaj, I have been made to sit, and I considered myself as confined. I don't know why. I have not asked the reason. I am not charged with anything. The jewel department was in my charge, and when the Raja was arrested, perhaps I was. Attachments were made at the palace and guards placed. I was sitting at the Wara 15 or 20 days, and I told about Hemchand after I came to the camp. For those 15 or 20 days nobody asked me anything. I was in imprisonment at the Wara, in Senapati's Cutcherry under a guard of pardeshi sepoys. Nobody came to me there. I was sent for here. Some sepoy went there: there is a Karkoon called Vishnu Punt. Vishnu Punt gave me directions; and in company with a sepoy I came in a gari to Gajanand Vithal, who asked me, "How many diamonds were purchased at the Javerkhana in the month of Ashwin?" He asked me generally, not what I had purchased of Hemchand. I said they had been purchased. I had not heard what Narsu and Raoji had said. I was arrested on the same day as the Maharaja. I had heard nothing of these people having been examined. I know nothing about them. I never heard that they had been examined. I am speaking of that time. I did not hear of it then, not till after I came here. After the Diwali I heard that some attempt had been made to poison. At that time I did not hear that Raoji or Narsu had been examined. I knew that they were in prison. I did not know that Raoji had made a statement. Gajanand Vithal did not tell me about any statement made by them. He told me to tell the truth. I was threatened, and told that if I did not tell the truth I should know the result. I thought that meant I might on telling falsehood be put in prison. What the Sirkar may do will be felt. Whether to get out of the power of the police or not is not in my power. Gajanand did not write down my statement, but got it orally. He took me to a Saheb, not Mr. Souter, but some Saheb who lives in a bungalow, and whose name I don't know. Pelly Saheb was then present, when the other Saheb wrote it down. I made my statement before both. I did not know of Damodhar Punt making a statement. Before going to Sir Lewis Pelly I had been 20 days in custody first and now for a month. The next Saptami will make two months.

Re-examined by *Mr. Scoble*.—The pardeshi sepoys at Senapati's Cutcherry were Gaekwar's men. The guards were sent from here. Inside, the Gaekwar troops were under the guards. I was taken at eight at night to Sir Lewis Pelly the same day I was sent for by Gajanand Vithal.

By *Raja Sir Dinkar Rao*.—I am Darogah of the jewel department and responsible head of it. Besides the yads produced no other accounts have been kept of these particular things, but such accounts are kept as a custom in debit and credit. There is no entry in my accounts of these purchases. Damodhar Punt took away the yad. I have not a credit entry of Rs. 6,000 diamonds received from Hemchand. In our department such ledger accounts (*khates*) are not kept, and there is no voucher. Q.—Can purchases to a lakh of rupees be made orally? A.—The entry is made item by item, and details are given below. As regards other ornaments, there is a ledger account of Hemchand, but not of these diamonds, as the yad was taken away. In the accounts of Hemchand each item of the diamond is entered. In the yad what was written was "diamonds purchased from Hemchand Fatechand." Q.—In the Nagwadi yad, why was no entry of these Rs. 6,000 of diamonds made? A.—A paper has to be prepared at the end of the month. Q.—How can a Saukar's account be kept without entering weight, price, and number? A.—At the time of making payment a yad is prepared in the Khanghi (private) department, and that yad specifies weight, price, and particulars. In the Javerkhana here vouchers will be found from of old. How can I say if a Saukar's book, or my oral statement shall be considered weighty? Whether my yad is true or false is to be judged by the state of mind of the Sirkar.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 10th, 1875.

No. XLIV.—ATMARAM states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—My name is Atmaram bin Raghonath. I was Karkoon in the Gaekwar's jewel department, whereof Nanaji Vithal was chief man. Last Diwali diamonds were purchased. About eight days before the Diwali diamonds were brought by four merchants, the name of one was Hemchand Fatechand. I think Ghela Hemchand was another, but am

not sure. Pratabsha was another. These diamonds were brought by the merchants into the room of the Jâmdarkhana. I mean the Javerkhana (jewel-room). Afterwards those of Hemchand were purchased; those of the others were to be returned. Nanaji Vithal has an assistant, a Karkoon, named Venayek, who wrote some entry about the purchase from Hemchand. I mean Venayek Venkatesh. It was kept in his duffer; it was given to me 4 or 5 days after. I kept it in the duffer (record) for 4 or 5 days more. Nanaji Vithal sent for me one day and took that yad from me. I have not seen that yad since then. I heard in the city of an attempt made to poison Colonel Phayre. Nanaji took the yad from me about Diwali time after I heard of that attempt.

Cross-examination by *Serjeant Ballantine*.—I am still in the jewel department. Ganpatram Mahajan is now the head of it. Small diamonds are called diamond chips. They are not the pieces cut off in cutting diamonds. I never saw pounded diamond. I was 12 years in the jewel department. The Maharaj used to buy diamonds, small and large, loose as well as made into ornaments. He has a large quantity. Nanaji Vithal approved of the diamonds shown by Hemchand. Sometimes I was called in by Nanaji Vithal when he purchased and weighed diamonds. I was present on this occasion. Venayekrao made a yad with his own hand, which he kept by him. That is all I know. I never saw the diamonds again. These small diamonds are used for the purpose of setting. I did not know that Nanaji had returned those small diamonds to Hemchand. The diamonds were taken in the manner described, and Nanaji took the yad. The 2nd or 3rd day after that I asked the merchant Hemchand, "Did you take your diamonds away?" He said "yes." Nanaji said, "I am going to take the yad away; they are not to be purchased." He said, "I don't want to purchase the diamonds. I am going to return them. I don't want to buy them." Nanaji did not tell me not to buy the chips, as he had returned them to Hemchand. I was examined by Mr. Souter. (Mr. Serjeant Ballantine reads from English deposition.)

"Nanaji Vithal told me, when receiving the yad, that I was to make no entry of the diamond chips, as he had returned them to Hemchand."

What I have deposed is true; they were to be returned to him.

By the *President*.—Nanaji Vithal knows—I don't—whether there were loose diamonds in the Javerkhana* when the merchants brought the diamonds. The ornamentation of a scabbard or sword hilt with diamonds—small ones—was going on, and also a jacket was being ornamented at that time. The diamonds used for those had been in store, from what time I don't know, but there is a balance of small diamonds going on from year to year always in store.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 11th, 1875.

No. XLV.—BALVANTRAO RAOJI states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—My name is Balvant Raoji. I was in the private (Khanghi) treasury department, employed under Damodhar Punt. These four documents refer to payments which have been made to persons out of the private treasury. I notice in them some obliterations made by ink. I do not know how they came to be obliterated.

(No cross-examination is desired.)

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 11th, 1875.

No. XLVI.—RAMESHWAR states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—My name is Rameshwar Morarji. I am a disciple at the temple of Swani Narayen here. I may be called the head man. I did not receive money from the Gaekwar Sirkar for feeding Brahmans in Margashir last; if I had, I should have given a receipt. In that month I did not receive a sum of Rs. 3,632 from or on behalf of the Maharaj. I used to give my signature in writing on such occasions, and then the money was paid me. This writing is not mine. If it refers to Asâdh Shudh, it is right. A feast was given to Brahmans that month, for which I gave a receipt. I know Bholanath Punjaram—my man. I know that man's writing; this is it.

Cross-examination by *Serjeant Ballantine*.—In Asâdh I received Rs. 1,125. The paper shown me is the receipt for that exact sum (Exhibit Y 1).

Re-examination by *Mr. Scoble*.—The Rs. 1,125 were for the purpose of giving a feast to Brahmans. I got no other sum except that in Asâdh. The Khanghi Karkoon used to come and pay charity (*dâkshina*): Rs. 375 was the amount. It was paid the same day as that on which the feast took place.

By the *President*.—The reason why no receipt for Rs. 375 was given was that the Karkoon brought the money in quarter rupee pieces and gave it to the Brahmans there.

Baroda, March 11th, 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XLVII.—DATATRAYA RAMCHANDRA states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—My name is Datatraya Ramchandra. I am employed in the Foujdari. I receive orders and accordingly issue instructions to the Karkoon. I mean about poisons. This document bears an endorsement by me. I remember it being brought. No arsenic was delivered

Exhibit Z is shown.

out in respect to this note. When this note was received, a Karkoon endorsed it in my name. It remained in the Foujdari until the time Jagjivanbhai sent a Karkoon with directions that it should be given him. Jagjivandas is the head of the Foujdari. He sent for it about 3rd of a month ago.

Cross-examination by *Serjeant Ballantine*.—The rule was: A report or adhkaree's* note is received. An adhkaree then makes a note in my name, and it is then the arsenic is delivered. In this instance there was no difficulty in giving the arsenic; but he did not come to get it, and it never was given. The Gaekwar's order appears in this note. There is an order that arsenic be given when the Gaekwar directs, not otherwise. This has been the rule for the last 18 months.

* Officer or man in authority.

Re-examination by *Mr. Scoble*.—This note has not got a Gaekwar's order on it. In the year 29 an order was issued. The endorsement states that the Sirkar Maharaj has given permission for 2 tolas to be given and price taken. It is stated that the 2 tolas be given to Damodhar Trimbak.

Baroda, March 11th, 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. XLVIII.—RAMKRISHNA SADASHIV states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble*.—My name is Ramkrishna Sadashiv, commonly called Bhau Poonekar. I have been a resident of Baroda for about 30 years. I am now employed on behalf of Mr. Hope in regard to Mir Zulfikar Ali's business. Mir Zulfikar is son of Jafir Ali, who was Nawab of Surat. Mir Zulfikar is a minor and a ward of the British Government. He has estates in the Baroda territory. I have other business also. I do business for a number of Saukars (traders) and Sirdars (men of rank) as agent. I knew Colonel Phayre. The Diwan, Nana Sahab Khanvelkar, introduced me to him. I used to go to see Colonel Phayre so long as he was Resident at Baroda. I had a letter from Mr. Hope to enable me to go to Colonel Phayre in connexion with Mr. Zulfikar Ali's case, which was going on at Surat. I saw Colonel Phayre on that business. I may sometimes have seen him on other business. I lived in the city in Ranpura. I told him what I knew of the talk of the city sometimes when he asked me when he returned from his walks. I used to go to see Colonel Phayre at 10 or 11 o'clock in the morning. I never received any payment for any information which I gave to Colonel Phayre—nothing. I remember hearing of the attempt to poison Colonel Phayre on the 9th November. I did not hear it that day, but on the next day at 10 or 11 o'clock, when I went to the Residency. I heard of it from Colonel Phayre. I gave some information to Colonel Phayre on the 2nd or 3rd day after the day Colonel Phayre mentioned the matter to me. A man named Balvantrao came to the Residency. He said he had heard there were three things mixed in the poison given to Colonel Phayre. He mentioned copper-powder and arsenic and diamond sand.* I informed Colonel Phayre, taking

* (Chota chota hira ke bhaki or reti.)

Phayre. Balvant Rao told Colonel Phayre that he had heard it contained diamond-powder or sand, arsenic, and copper-powder. Balvant Rao is a Karkoon under Bapu Sahab, a son of a kept mistress of Khanderao Maharaj, and he used to come to the Residency. Balvant Rao said this at the Resident's Office, where Colonel Phayre was in the habit of sitting.

Cross-examination by *Serjeant Ballantine*.—I remember the Commission inquiry held by General Meade. Q.—Did you get up cases against the Gaekwar? A.—I was obliged to do what the rights of parties demanded. In cases where people were deprived of their rights, it was against the Gaekwar. The 2 or 4 cases which I conducted may be called against the Gaekwar, since money was due from the Gaekwar. I did not do anything to cause injury to the Gaekwar. What do you mean by calling it against the Gaekwar? Colonel Phayre must have known I had conducted these cases. I used to go to him daily, and do so now. I was in the habit of telling him things, but got no money for so doing. Many persons used to give him information. He listened not only to me, sometimes he heard something when he was out, and on his return asked me, and I told him what I knew. The other informants were

not employed by me. The Sahab met people when out walking. I don't remember if it was me who told him about a kharita about to be sent to the Viceroy. The Maharaja sent a number of kharitas. I don't remember if I informed about the kharita asking for removal of Colonel Phayre. I swear I did not know it.

* Q.—Did you hear from Bhau Poonekar that a kharita of the 2nd November was about to be sent in to the Government?
A. I did.

Serjeant Ballantine reads from English notes* of Colonel Phayre's evidence.

Q.—Colonel Phayre says it was you who told him? A.—I don't remember mentioning that kharita to Colonel Phayre. If I had received information about any such letter being written, I did inform him, but how could I know the substance. People talked about the Durbar's consultations, and I heard them. I know all the Baroda people. I know Salam only, because he came to the Residency. I did not go to the palace to see him. I have been to the palace, but not since Colonel Meade's Commission. I know Damodhar Punt by sight. Bapu Sahab is son of Khunderao's kept mistress. He did not claim the throne, but a *nemnook* (allowance). He claims nothing but that. I was kept in surveillance in connexion with an alleged offer of a bribe by Bhow Scindia to Captain Salmon, in which affair Bhau Sahab has been dismissed by the English Government. There was no charge against me.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 11th, 1875.

No. XLIX.—JAMES BELLIOU RICHEY states on Oath.

Examination-in-chief

By *Mr. Inverarity*.—My name is James Bellio Richey. I am Assistant to the Governor-General's Agent at Baroda. I am a Member of the Bombay Civil Service. I remember Damodhar Punt being examined by me on the 29th January, and also on the 30th January. He made his statement in Maratha. I understand Maratha pretty well. As he gave it in Maratha, I took it down in English, a Native Assistant, Manibhai, interpreting it into English too as he stated it. I know enough of Maratha to know whether the interpretation was correct. I took down correctly what Damodhar said. I wrote down as graphically as I could from his mouth, and made corrections afterwards. His statement was also taken down in Maratha at the same time. I have here the statements, in English, of the 29th and 30th. They bear my signature, and are the whole in my hand writing. I don't think I was present when they were read over to Damodhar. I may have been.

[*Serjeant Ballantine* objects to Mr. Inverarity's proposal to put in the statements. *The President* rules that as the Indian Evidence Act makes admissible such a statement "if made before a person competent to investigate it," it is admissible, Mr. Richey being such a person. Also on principle.]

They are recorded as B 2 and C 2.

Cross-examination by *Serjeant Ballantine*.—Damodhar Punt is not now under my charge. He is under Mr. Souter's charge. I don't know in whose actual custody he is.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 11th, 1875.

No. L.—COLONEL R. PHAYRE recalled.

By *Serjeant Ballantine*.—I have got the original document to which I referred when my examination was postponed.

[When called on to produce, Colonel Phayre asks if he has permission to do so, as it is a Government document.]

The President rules that the permission is not to be asked, the production or non-production resting with Colonel Phayre and the Advocate-General. *Colonel Phayre* refuses to produce it.

I will not produce it then, but I will answer questions about it. (*Serjeant Ballantine* reads.) Is this here? (quotes). There are important omissions. There are two more paragraphs.

Your cross-examination was postponed for the purpose of allowing you to get the original of a document to which I referred in the course of my cross-examination?—Yes.

Have you got that original?—Yes.

Will you be good enough to produce it?

Serjeant Ballantine.—The date of the Resolution I refer to is 4th May 1872?—It is dated the 7th May, and must have been altered to 4th May.

But the number is 1,023?—It is 1,233 A.

Very well. Will you hand it to me?

Colonel Phayre [to the President].—My Lord, this is a Government document. Shall I produce it.

The President.—It is not for me to say.

Colonel Phayre.—Then, if I have the permission of the Court, I shall.

The President.—I give no permission, one way or another, I leave the matter to be settled by you and the Advocate-General. But I understood the other day from the Advocate-General that it was not available for use.

Colonel Phayre.—Exactly. Then, if your Lordship leaves the option to me, I think it would be better not to produce it. [To Serjeant Ballantine]—I will give you any information or answer any question regarding this document, but I decline to give it up.

Serjeant Ballantine.—Then I understand you to decline to produce this document? I decline to put the document into Court, although, as I have said, I will answer any questions regarding it.

Do I understand you to decline to produce the document?—I do.

Then, I must just ask you whether this which I hold in my hand is a substantially correct copy of the document. Reads—

“No frauds having been shown to have been committed, it only remains to consider Colonel Phayre’s proceedings in this case, and it is with extreme regret that His Excellency in Council is obliged to record his unqualified condemnation of them.”

Is that correct?

Colonel Phayre.—Important omissions have been made before that.

But is that substantially a representation of the original document?—I cannot say it is a true representation of the original document.

Then do these words occur in the original?—They do.

Serjeant Ballantine reads—

“It would seem that Colonel Phayre not only instituted the prosecution of these men prematurely before the accounts had been thoroughly sifted, but that he persisted in doing so against the advice of the Commissioner in Sind to stay proceedings, and after he had been warned by Sir W. Merewether that the accounts disclosed no frauds.”

Is that substantially correct?

Colonel Phayre.—That comes in after a most important omission from the original document.

Serjeant Ballantine.—Then, I shall leave you to supplement it, if you like. You know it is not my fault. [Reads.]

“Throughout this matter His Excellency in Council has no doubt that Colonel Phayre believed that great frauds had been committed, and that he considered the measures he took were necessary to enable him to remove a gigantic system of chicanery which he imagined was being carried on to the detriment of the State; but it must be admitted that he has displayed great ignorance of matters with which, as Superintendent of Frontier Districts, he might have been expected to have some acquaintance, and that he has been singularly hasty and indiscreet in applying to a criminal tribunal before the accounts, which he held to be suspicious, had been thoroughly examined by competent persons.”

Colonel Phayre.—That also comes in after an important omission.

Serjeant Ballantine reads—

“Moreover, in neglecting the advice and warnings of his immediate superior, the Commissioner in Sind, and persisting in a course which he knew to be opposed to the views of that Officer, he has laid himself open to very great censure. Zeal and honest intentions are not alone sufficient in a public servant. There must be skill, discretion, and proper subordination. In all these points Colonel Phayre must be held to have been signally wanting in this instance. The attitude which Colonel Phayre has assumed with regard to the Commissioner in Sind in connexion with the Khelat affairs has led to his temporary removal from his appointment at Jacobabad; and His Excellency in Council with much regret is compelled to observe that the facts disclosed by these papers render it expedient that he should not be allowed to resume office as Political Superintendent of Upper Frontier.”

Colonel Phayre.—There are two more paragraphs.

The Advocate-General.—Of course my learned friend undertakes to prove all this.

Serjeant Ballantine said he did not intend to do so.

The President thought it unnecessary to do as the Advocate-General suggested, because the parts read had been so far proved by Colonel Phayre himself, while what Colonel Phayre had said about the “important omissions” would appear on the record.

At the last Commission there was a Borah case, perhaps Nurudin’s, it may have been, in which some one was fined by the Gaekwar in connexion with a flogging case.

Serjeant Ballantine says he has no objection to the omitted paragraphs of the Government Resolution just read being put in publicly or privately.

The Borah, Nurudin, or whoever it was, I am not certain, made the complaint against the Gaekwar.

Re-examination by *Mr. Scoble.*—The passages just read to me are extracts from a Government Resolution. The original contains important passages omitted by Serjeant Ballantine. The date is the 7th May altered to the 4th May. At that time I was in England in 1872. These matters had been under discussion for a long time; but before that Resolution issued, I was not called upon for any special explanation. There was a long correspondence. On my return from England in November 1872 I was furnished with a copy of that Resolution, on my own application to Government. It had not been furnished to me in the ordinary course of business. I heard of it casually. I furnished full explanations in two statements of

the 8th and 14th November 1872, and thereupon a Resolution of Government was passed exonerating me from the censures contained in the extracts of the Resolution read. That Resolution of the 4th May had nothing to do with my not joining my appointment in Sind. From the date I arrived in India from England I received the same pay as I drew in Upper Sind, until the date of my joining at Baroda. My appointment at Baroda was superior in emolument to the one I had in Sind, and is reckoned to be of superior importance. The document of the 4th May is certainly not a document which would be communicated to the Gaekwar or any Native Prince in the ordinary course of business.

By *Serjeant Ballantine.*—The Borah I refer to is a medicine seller, who took an affirmation before me in January 1874.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 11th, 1875.

No. LI.—ABDUL ALI states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity.*—I am Khan Bahadur Abdul Ali. I am employed as Inspector of Detective Police, Bombay. In December 9th last I came here with Mr. Souter, and have ever since been here assisting him in investigating this case.

(No cross-examination is desired.)

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 11th, 1875.

No. LII.—GAJANAND states on Solemn Affirmation.

Examination-in-chief

By *Mr. Scoble.*—Gajanand is my name, and Vithal my father’s name. I have got the title of Rao Bahadur. I am 1st Class Police Inspector at Ahmedabad. I have been employed on special duty under Mr. Souter in investigating this case. I came to Baroda on the 10th December, and remained here ever since, except visits for a day or two to Ahmedabad. I remember the day the Gaekwar was put in arrest; on that day I went to the Haveli with Captain Jackson about 9 o’clock in the morning or 8 o’clock. All round the Haveli I stationed sentries; then wherever there was property belonging to the Gaekwar we sealed them up. Among these was the jewel-room (Javerkhana), the private treasury, and the accounts and papers of the Khangi (private) department. The accounts and papers were attached and sealed. I think Captain Jackson was present. Perhaps Damodhar Punt, but I don’t remember. Those papers remained under seal for 2 or 3 days, when they were brought up, i.e., some of them to the Residency, others, such as old private papers, are under seal still at the Haveli. The Duffer was sent to the Residency, and placed in a tent under a police guard. The seals were broken in my presence. I don’t remember the day. The Khangi Karkoon was present. Mr. Souter was not, but he came after. Balvant Rao and Madhav Rao of the Khangi Department were present. I don’t remember if any others were. The four papers* shewn me were among the papers when the seals

Exhibits U 1, V 1, W 1, and X 1 shown to witness. were broken. When they were taken out of the duffer, the inky patches now on them were on them,

and it was, therefore, they were shewn Mr. Souter. I remember Damodhar Punt being arrested. I first saw him after his arrest 15 or 20 days after, and I then had some talk with him. I said to him, “If you give a correct statement, if you tell all of it, then Colonel Pelly will give you a pardon.” I shewed him a section of the Criminal Procedure Code regarding the grant of pardon, in order that he might know all about it. I also said, “Nanaji Vithal and others have acknowledged.” Afterwards Nanaji Vithal was made to stand outside the tent, and he said, “I have declared everything that is true.” Nanaji said nothing but this. Damodhar said, “I will consider about it, and give you an answer.” This was about 10 in the morning. I saw Damodhar Punt 2 or 3 hours after. He gave his deposition after Sir Lewis Pelly had given him a pardon. I saw him in the tent. Sir Lewis Pelly gave him a certificate. Sir Lewis Pelly came to the tent, and Mr. Richey there and then in the same tent took down his deposition. I know the witness Hemchand Fatechand. I saw him for the first time before Damodhar Punt made his statement. I saw him on two matters. Q.—When first on this matter? A.—About 4 or 5 days before Damodhar Punt made his statement. It is false that I practised *zulm* on Hemchand Fatechand. It is false that I wrote down what I liked and then made him sign it. It is false that I said I would put him in prison unless he signed what I had written down. I used no threats whatever to him. I did not take his books by force; he produced his books with his own hands. Hemchand Fatechand’s statement was taken before Mr. Souter. I was present. After the statement was taken before Mr. Souter, he was taken before Sir L. Pelly. It is false that I said that if he did not sign I would send him to prison. I used no force nor *zulm* to induce him to sign before Sir L. Pelly.

Exhibit A 2 shown to witness, and attention drawn to marked entries. I see the two entries relating to purchase of diamonds, three entries, and one about a ruby ring. None of these were written under my directions. I don’t quite

remember when I saw this book first. Hemchand first brought it to me, and at that time these

entries were in it. I have not taken out, nor put in any papers in this book. But that has been done. It was done before I first saw this book. Since I first saw it no alterations have been made in it. The alterations which seem to me made are that old leaves have been removed and new ones put in at the end of the book. Anybody who looks at it can see that. I remember Narsu Jemadar being arrested. When he came to the Residency he was arrested by Mr. Souter's order. I don't know by whom, it was not by me, but in my presence. He was next day in my presence confronted with Raoji. I was sitting with Narsu in the maidan opposite the Residency, and I questioned him about the particulars of his case. The Khan Saheb Akbar Ali and Abdul Ali were also present. I had given instructions to Raoji: "You should say nothing more than that you have stated everything in the 'matter,' and that was what Raoji said when he came. Raoji said so much to Narsu, and he added, 'I have said up to this,' pointing to his neck. He said nothing else. I did not say anything to Narsu of what Raoji had said. It was in order that Narsu might not know particulars that Raoji was cautioned. To my knowledge no other Police Officer told Narsu particulars.

Cross-examination by *Serjeant Ballantine*.—My object was to get the truth. If Narsu had not confessed, and there was no further proof, I should have discharged him after receiving the Saheb's order. At the Haveli I seized all the papers. When two days after the seals were broken, Mr. Souter was present. When I examined the papers I shewed them the same time to Mr. Souter. As soon as I noticed, I sent for Mr. Souter. Before that they were not in my possession, but under a police and military guard. As soon as I opened the papers, Mr. Souter came,—I mean in 10 or 15 minutes. The whole department of papers at the Haveli was sealed on seizure. I did not seize papers at the Haveli; they were sealed up here and there where they were. Those that had our seals were accessible to me and Captain Jackson. During the time the papers were in attachment, nobody but myself and Captain Jackson had access to them. After I had seen them I went myself and called Mr. Souter. I did so as soon as I observed one obliteration with ink. He came, a further examination took place and all was discovered. I can point out the falsifications I observed in the book. Some original accounts have been removed. Look here. The previous writing is different

Exhibit A 2 given to witness; he points out a page.

to this one line. The papers were as they are now, except that they are further soiled. Anybody can see that this line is newly written. I have many other reasons to prove it. I don't say this line is false, but I don't mean to say anything false has been written on this page; but the book has been altered in order to falsify it by removing an account. In Gujerat the pages are altogether; not torn or separated; several are torn; look and see how many are connected, and how many unconnected. In the latter part the leaves are not made of the proper number sticking together as in the former part of the book. Where the account of diamonds was entered, an alteration has been made. The entries were made subsequently. The original page, date, and entry was in another place; it has been removed. A leaf has been removed from the place where a number of leaves were together. The entry was subsequently made; the original entry has been removed. Sets of leaves in one place have been torn. I point out that so many leaves have been changed. I presume that leaves have been removed at the place where the set of leaves is torn. I say that pages have been removed from here. Q.—This is the place you shewed before? A.—The previous writing is old; this line is new ink. Pages have been altered from this point. [The Interpreter says the first entry is Asâdh Wad 14th=12th July. On another page there is a date Tuesday, 1st Shudh of 2nd Asâdh=14th July.] Ganpatrao Mahajan is now head of the jewel department. He is father of my son's wife. What do I know of it being suggested on former occasions that I fabricated evidence? I do not know of any such charge being brought against me by a Judge, not in all my life. I was engaged in the Kot succession case. I was chief policeman in it. The Magistrate Saheb conducted it. I did not inquire into the case before Mr. Coghlan. I went on one occasion with Mr. Richey before Mr. Coghlan. I did not conduct the whole of that case. I may have done one act in that case, and may have been sent for for that reason. Of the police in that matter I was the man whose salary was largest. In 1870 I was 1st Class Police Inspector. Q.—Do you remember Mr. Coghlan saying that he had a disagreeable impression that the police had too much to do in getting up the evidence? A.—If he did it does not apply to me. I was myself a witness. I had nothing to do with getting up the evidence. I don't know if Mr. Coghlan said this. The remark may have applied to the police who inquired, not to me. Q.—Do these words in a further inquiry apply to you? Do you remember the case before Mr. Justice West? A.—Yes, but I was not present before him. I was concerned in the case before the Committing Magistrate. Q.—Reads as "to the case bearing plain marks of falsehood and fabrication more than others." Did Mr. Justice West in his judgment say that? A.—I was not there; how can I know? I may or may not have heard this? Justice West has been imposed upon by the defendants, and I got proof of this lately, and can produce it here if ordered.

Re-examination by *Mr. Scoble*.—Between the locking and sealing the papers in the palace till the day I began to examine them after the breaking of the seals at the Residency, I did nothing to the papers. I found the inky marks, to which I drew Mr. Souter's attention. How long after beginning my examination I don't remember, perhaps in an hour or half an hour. I was superintending, and the Karkoons mentioned were making the examination in this time. They were Karkoons employed in the Gackwar's Khangî department. I went at once to

Mr. Souter, and he came at once. This book is made up of sets of pages or "juz." The number of pages in a "juz" is unfixed. In this book there are six leaves to each "juz." There are six "juzes" which are not split above the sewing. The first five juz and the last juz are entire; the others intermediate are not entire. In the Kot case before Mr. Coghlan I was only concerned as a witness to state what occurred on an occasion when I went to Kot with Mr. Richey.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 11th, 1875.

No. LIII.—HARJIVAN states on Solemn Affirmation.

Examination-in-chief

By *Mr. Inverarity*.—My name is Harjivan Parshotum. I am Head Karkoon of Gujerathi accounts in the Ahmedabad Collector's Office. I know the way Native account books are made up. They are bound as follows:—Sheets of paper are folded into juz or sets, and then they are bound up. A juz comprises usually 6 or 9 leaves. In a book of 6 leaves juzes, the number throughout would be 6 leaves to each. There would not be juzes of different sizes in the same book. I have looked at this book.

Exhibit A 2 shown.

In two juzes the leaves are broken. In a juz the leaves are divided below the string. Above the string generally the leaves are not cut but left entire. If a leaf or two is removed from the middle, it would not be necessary to cut. If one leaf were removed, it would be necessary, or a whole juz might be removed without cutting. The 1st five juzes in this book are entire. The 6th juz has one leaf deficient. In the 6th juz there are 4 leaves not cut up; one leaf is separated and one is wanting. Each sheet has four leaves. In the 7th juz two leaves are joined together and four are loose. The 8th juz is entire; it is the last juz in the book. The 7th and 8th juz appear to me to be made of paper of a kind different to the rest of the book.

Cross-examination by *Serjeant Ballantine*.—One leaf of the 6th juz is gone: one leaf gone altogether. If I look at the new leaves, I would say 13 have been removed, 12 new leaves put in, and one leaf is altogether missing. There is some writing on the first six leaves out of the 12; the other six leaves are blank. On the preceding page the date is the last day of the first month of Asâdh of last year. [The calendar date is given as 13th July 1874.] By preceding page I mean "that preceding the missing leaf." The entries shown me occur on the page which has been put in—those about diamonds and that about the ruby ring on a subsequent page.

Entries about diamonds and about ruby ring shown of date Aso Wad 14th=(7th and 8th November 1874) in Exhibit A 2.

Re-examination by *Mr. Scoble*.—I point out where the missing leaf should be. [This is the entry said by Gajanand Vithal to be begun in old ink and continued in new.]

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 12th, 1875.

No. LIV.—F. H. SOUTER states on Oath.

Examination-in-chief

By *Mr. Scoble*.—My name is Frank Henry Souter, Police Commissioner of Bombay and Companion of the Star of India. On 9th December last I came to Baroda to inquire into the alleged attempt to poison Colonel Phayre. I had with me as Assistants Abdul Ali, and Akbar Ali, and Rao Saheb Gajanand Vithal joined me on the 10th December. I perfectly remember examining the Ayah Amina in reference to this matter. I first saw her on the 16th December about 5 or 6 o'clock in the afternoon. She was in her own room in Mr. Boevey's compound. On that occasion she did not make a detailed statement. I did not on that day take down her statement, because she was very ill and unfit to give a detailed statement. On that occasion she stated she had been to the Maharaj Mulhar Rao's Palace, and also that she had received certain sums of money from him. She had high fever on at the time, and begged me to come and see her at some other time when she would tell me all the details. I have no knowledge that any of my police saw her before I saw her. On the 18th I took down her statement. This is the statement which I took down in my own handwriting. I don't require an interpreter for Hindustani. I know the language thoroughly. On the 21st December I took a further statement from her, appended to the first. This is it. On the 19th Dr. Seward came to the Residency. He told me the Ayah was better and wished to see me. On the following day the 20th I went to the Ayah. I had no writing materials with me. I did not write it down till next day the 21st. I also took Raoji's statement. This paper is the record of his statement which was taken on the 24th, 25th, and 26th. I also took the statement of Narsu. This document is it—in my own handwriting—dated the 26th December. I think Narsu was arrested on the 23rd, and he was placed in custody of the military guard at the Residency. He has remained under that military guard ever since. Before he made this statement no promise of pardon whatever was made to him.

Document shown.

Deposition of the 18th and 21st December recorded as Exhibit D 2.

Statement made by Raoji shown to witness, and recorded as E 2.

Statement of Narsu shown to witness, dated 26th December, recorded as F 2.

I reported to Sir Lewis Pelly that the Jemadar wished to make a confession, and I should like him to be present at the hearing. Sir Lewis Pelly came into the room where I carried on my inquiries. He explained to the Jemadar distinctly before he made any statement that he would not be pardoned. On the contrary Sir Lewis Pelly explained that he would be prosecuted. Thereupon the Jemadar took off his turban and laid it at Sir L. Pelly's feet. He said that even though he might be hung, he wished to speak the truth, and tell all that had happened. After that Narsu made the statement, which was not taken down that day. He was removed to the guard, when he made that oral statement; Sir L. Pelly, myself, and others were present. I wrote it down on the 26th instant. I think it was on the 23rd he made this oral statement. The room where I made my inquiries was a room off the drawing-room; the present dining-room at the Residency. I had for bed-room a small room separated from the dining-room by a chick. I remember the day Raoji's belt was examined. If I remember right, that day was the 25th, Christmas Day. My detective sent for the belt while I went to dress and bathe for breakfast. I think the belt was sent for before I retired. At the time it was sent for my detectives were in this dining-room at the Residency. After I had retired, one of the detectives called out for me while I was dressing. All this went on in 10 minutes or quarter of an hour. On my return to the room they showed me the belt, and said there was a piece of paper. I could see a portion of this paper; at the bottom of a kind of pocket. I saw some of the threads broken. The paper was taken out and opened by me. I found it to contain white powder. I put the powder and the paper into an envelope, docketed it, sealed it, and sent it down to Dr. Gray myself at Bombay. I was not at Baroda when the first statement of Damodhar Punt was made. After my return to Baroda Damodhar

Statements shown to witness, dated 3rd, 5th, and 8th February 1875, recorded as G 2.

Punt made some further statements to me. These are them taken before me on the 3rd, 5th, and 8th February. I remember some Native accounts with ink splashes on them being shewn me. I don't remember the exact time, but I think it may have been the 20th February,—I mean some time in January. One packet of accounts was brought into my tent at the Residency by Gajanand Vithal. Gajanand Vithal asked me to come into the tent, in which all the records were kept—a different tent from mine—as they were looking over the accounts. There were several Karkoons or Native Clerks in the tent at the time examining the accounts and books. I sat in the tent for some time, and while there other books and accounts were found over which ink had been similarly spilt. The Karkoons, whose duty it was to write up the account, were present; they were found by them. They were Karkoons of the Haveli. I remember one of them named Balvant Rao. I perfectly remember taking the statement of Hemchand Fatechand. This is the statement I took down

on the 6th February at Colonel Barton's Office in his compound. It was given in Hindustani. At the same time I took it down in English a Karkoon took it down in Gujarathi or Marathi. I asked Hemchand if he knew Hindustani, and I took down his answers to my questions. I conducted the examination in English without an interpreter. To the best of my belief his statement was read over to him after it had been written down. I remember he did sign it. No compulsion nor threat was used to induce him to sign, not the slightest. I remember, before taking his statement, my attention was called to a very uncommon ring in his ear, set in brilliants with two pearls. I asked him where he got it made. He said "at Baroda." This conversation was in Hindustani. It took place before taking his statement. When I took his statement, he produced certain books before me, which I marked as A, B, and C. I believed I signed the leaves, but cannot be quite sure. To the

Exhibit A 2 shown.

best of my belief this is one of the books. I saw Hemchand, who came here to give evidence. He is the same man Hemchand Fatechand.

[The English statement of Hemchand Fatechand before Mr. Souter, dated the 6th February 1875, is recorded as H 2.]

Balvant Rao, who examined the books in the tent, has not been in my custody at all, not in custody at all to the best of my belief. I don't know his father's name. He is the same man as was called as a witness the other day.

Cross-examination by *Serjeant Ballantine*.—Narsu made a confession before Sir Lewis Pelly. It was not taken down that day. I had a great deal of work that day in connexion with my inquiries. Narsu was a most important witness. I can show by my diary what I had to do. That was the reason. He was also placed in a military guard, and could not be tampered with. Q.—Do you mean by Police? A.—I mean by outsiders. What I took down on the 26th was the same substance as he stated on the 23rd.

Baroda, March 12th, 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. LV.—GAJANAND VITHAL recalled.

Examination-in-chief

Gujarathi paper shown.

By *Mr Inverarity*.—I remember Hemchand Fatechand being examined before Mr. Souter. I wrote his statement down in Gujarathi. This paper is it. Hemchand on that occasion signed it before Mr. Souter

Cross-examination by *Serjeant Ballantine*.—This was not written before I went to Mr. Souter. In fact Mr. Souter took it. After Mr. Souter took it I took down a note (*tipan*). I did not take a deposition from him before Mr. Souter took one, nor was one taken in my presence.

[The interpreter says there is a date of 6th February above the three lines which Hemchand here deposed to being in his own writing. In the three lines occurs the day 8th February.]

The date, 6th February, is that of the deposition to Mr. Souter. It was read over again in presence of Sir Lewis Pelly, and he acknowledged it on the 8th February.

Re-examination by *Mr. Scoble*.—I took down this Gujarathi at the same time as Mr. Souter took the English; other persons translated from English into Gujarathi, and I wrote that down.

[The statement is recorded as I 2.]

After I wrote it out, Hemchand read it, getting it explained by me when he came to passages he did not understand. After that Hemchand signed it with his own hands.

By the *President*.—Hemchand, when making his statement, spoke partly in Hindustani and partly in Gujarathi. The translation into Gujarathi which I wrote down was made from the English by a person.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Baroda, March 12th, 1875.

No. LVI.—SIR LEWIS PELLY states on Oath.

Examination-in-chief

By *Mr. Scoble*.—I am Agent to the Governor-General and Special Commissioner of Baroda. I arrived here on the evening of the 4th December. In obedience to instructions I sent for Mr. Souter to inquire into the poisoning of Colonel Phayre. Mr. Souter's services were placed at my disposal. He arrived about the 9th December. I gave him quarters at the Residency, and he did his duties in the present dining-room. I remember being informed that Raoji Havildar had made a statement. I left the inquiry in Mr. Souter's hands till the 23rd, when Mr. Souter and Mr. Richey came. I had meant to go that day for the Christmas holidays, but being told that something important had occurred, I consented to remain. Mr. Souter meant to go to Bombay on the 21st. I got him to stay to a dinner on the 22nd, and then asked him to wait till the 23rd. Raoji's statement was not made in my presence. I said, "You had better let me see him during the day, and I will judge for myself." I did see him on that day. He made a statement which I heard. That statement was substantially the same as that which he has given before the Commission so far as I remember. Of course he was allowed to speak freely before me on that occasion. The next day was a Thursday, on which day the Gaekwar was in the habit of visiting me. So when I came downstairs I told Mr. Souter on the morning of the 24th that I should immediately communicate to His Highness that his name had been brought into connexion with the affair. I think that then Mr. Souter said to me, "Narsu, the Jemadar, also has confessed." So I told Mr. Souter that when the Maharaja comes he must come with me into his presence. Mr. Souter came with me, and what had happened was told to the Maharaja. I then suggested to His Highness to afford every facility for a searching investigation, and the Maharaja promised to do so. Then we went to work on our re-organization. I saw Narsu Jemadar that day after the meeting with the Maharaj. He was sitting in the room which is now my dining-room. I came there by order or appointment. I reminded the Jemadar that the matter on which he was understood to have given evidence was a most serious matter, and that if he were in it he must not expect pardon. As far as I was concerned, he should have no pardon. I then told him to sit apart and reflect a little. I told Mr. Souter to explain that he should not have pardon. After a little time the Jemadar flung himself forward from where he was sitting with his pugri off. He then said the Sirkar might kill him, or do what they liked with him, but he must speak the truth. He used other and clearer expressions of the same sort which I forget. He then made a verbal statement which I did not allow to be taken down. It was to the same effect as the statement taken afterwards by Mr. Souter on the 26th I think. I said, "Let him go back to his room, let him think it over, and take it down when he has had time." As far as I recollect I took no further notice of the matter for a day or two. On the afternoon of the 26th, between 4 and 5 o'clock, I was dressing in my room in order to go out. Walking up and down my bed-room, I chanced to see that the Jemadar walking in the Residency garden with some police sepoys. Shortly afterwards I heard a considerable disturbance coming from the garden amidst the trees. There were calls for a rope and for assistance: those were the words I heard. I went downstairs as quickly as I could, and when proceeding from the verandah to the back of the house, I met the Jemadar with two policemen. He was dripping wet. I asked what was the matter. The police said he had thrown himself into the well. I know the well in the garden of the Residency compound. It is a more than ordinarily deep well, that is, down to the surface of the water. It is lined with masonry, either brick or stone. There is, I think, a parapet round a portion of it. I saw Narsu the next morning—Sunday it was, I think. A man calling himself a relative of his sent me a petition on Sunday morning.

[*Serjeant Ballantine* objecting, *Mr. Scoble* argues that this evidence is admissible as explaining the conduct of Narsu. *The President* rules that Narsu ought to have been asked before Sir L. Pelly.]

The papers in the various offices and palaces were forthwith sealed up before I received the Governor-General's orders. I deputed to this work Captain Jackson as Assistant Resident and the Police. I forget who the Police Officer was. The more important witnesses whose statements were taken after His Highness' suspension were brought before me. Among others I

remember a witness named Hemchand Fatechand. This Gujarathi statement bears an endorsement by me.

The rule was when a man came to me after giving his evidence, he was asked if he could read or write. The man who acted as interpreter on these occasions was the Subordinate Judge, called Deshmukh. If the man could read and write, the man read it over himself, and was allowed to make corrections, and if he could not make out parts of the handwriting, Deshmukh or some one else helped him.

The rule was that if he could read or had it read to him, he signed it in token of its correctness. This statement was, I can say, read over by Hemchand Fatechand, and acknowledged by him to be true.

By the *President*.—I have no doubt whatever that it was as here stated in the endorsement.

By *Mr. Scoble*.—I had seen Damodhar Punt before he was arrested. I had seen him sometimes, and may once have spoken to him. The Gaekwar had come to call on me on a private visit. After the visit was over I accompanied His Highness as usual to the lintel of my big drawing-room. I then saw a man standing in the verandah between us and His Highness' carriage. The Gaekwar introduced him as "Khang," and I think he also used the words in English—"Private Secretary." I am not sure if I spoke to the man. I applied to the Gaekwar through his Minister for Eshwant Rao and Salim. They are now in custody in the Residency premises under a military guard. I sent for them twice. I first sent for them in the morning, and they were sent up without unnecessary delay. They were not detained. I forgot about them; the puttewalas said I was engaged, and they went back to the city. Mr. Souter told me of this mistake, and they were sent for again. The Solicitors to His Highness have been allowed access to them. I don't know Wasantrambhau, but I think he has been apprehended in 2 or 3 cases. Under explicit orders from the Government of India, I have suspended inquiry into this and other cases until the Commission has ceased its sittings.

Cross-examination by *Serjeant Ballantine*.—I have seen the Gaekwar almost daily since I came. I understood my instructions to be to assist him through his difficulties and reform his administration. Also an incidental instruction that this inquiry begun by Colonel Phayre was to be concluded either by me or under my orders. As far as I am aware, His Highness was sincerely desirous to aid me in reforming his administration. [Serjeant Ballantine reads letter, dated the 23rd December, asking that Eshwant Rao and Salim should be sent to the Residency, as the Commissioner of Police was desirous of taking their evidence.] That is the sort of letter I sent. The same day I got a letter (like that read) from Dadabhai, saying he would send them at once. I got one from him, also saying he presumed they must have gone to me. Also I sent one to Dadabhai "to get the houses

" MY DEAR SIR,—Will you oblige me by causing Eshwant Rao and Salim to be sent to the Residency at your earliest convenience, as Mr. Souter, the Commissioner of Police, is desirous of taking their evidence in regard to the case now under investigation before me.
" Yours very truly,
" LEWIS PELLY.
" Residency, 23rd December 1874.
" To Dadabhai Nowrojee, Esq."

" Palace, Baroda, 23rd December 1874.
" MY DEAR SIR,—As asked in your note just received, I send Yeshwuntrao and Salim for their evidence.
" Yours very truly,
" DADABHAI NOWROJEE.
" Sir Lewis Pelly, Residency."

" 23rd December 1874.
" MY DEAR SIR,—I have already sent away Yeshwuntrao and Salim to you. I hope they are at the Residency by this time. I am waiting for a note from you for doing anything further.
" Yours very truly,
" DADABHAI NOWROJEE.
" Sir L. Pelly."

" 23rd December 1874.
" MY DEAR SIR,—I have already sent away Yeshwuntrao and Salim to you. I hope they are at the Residency by this time. I am waiting for a note from you for doing anything further.
" Yours very truly,
" DADABHAI NOWROJEE.
" Sir L. Pelly."

" The note about sending Wadia and Bapurao is not mine I think. It may be Dadabhai's." [The correspondence in copy is recorded as Exhibit J 2.]

" My dear Sir,—Kindly ask the Maharaja to cause the houses of Yeshwuntrao and of Salim to be searched, as it is alleged they are concerned in the important case (attempt to poison the late Resident) now before the Commissioner of Police.

" The Commissioner of Police would be very glad if you could arrange for the head of your office conducting the search, and this note will be taken to you by two of the Commissioner's men, who, he would request, might be present at the search.

" Yours very truly,
(Signed) " LEWIS PELLY."
" 23rd December.
" Dadabhai Nowrojee, Esq."

Q.—And then follows a foot-note by you, Sir Lewis. Will you see whether I state it correctly?—

" P.S.—This was at once attended to by His Highness, who asked the Chief Magistrate himself, Mr. H. A. Wadia, and a Senaputtee's Assistant, Mr. Baboorao, to go and see that the search was fully made, and every help given to the men of the Commissioner of Police to see whatever they liked

" D.N."

A.—Is that mine or Mr. Dadabhai's?
In the copy I have got it is signed L.P.? It seems to me that it mentions more than I knew about it.

(The initials at the foot of the note turned out to be D. N.—Dadabhai Nowrojee.)

Mr. Serjeant Ballantine [to Interpreter].—Explain to the Commission that that is Mr. Dadabhai Nowrojee's note, and not Sir Lewis Pelly.

[That was done by the Interpreter.]

Here is another letter from Sir Lewis Pelly, dated the same day, 23rd December 1874. I will just read it to the Commission.

" Urgent.

Residency, 23rd December 1874.

" My dear Sir,—The Commissioner of Police informs me that the servants of His Highness the Gaekwar, named Yeshwuntrao and Salim, whom you were so good as to send up here to-day, have returned to the city without giving their evidence or communicating with him.

" The Commissioner considers that there is a *prima facie* case of complicity already made out against these persons in respect to the attempt to poison Colonel Phayre, and the Commissioner hopes that these persons may be made over to the Residency for safe custody, pending the termination of the investigation of this important case.

" My advice to His Highness is to afford every practicable facility for thoroughly clearing up all the circumstances of the case. If His Highness pleases to send a guard to the Residency with the accused, I shall be happy to receive them.

" Yours truly,
(Signed) LEWIS PELLY.

[This letter was also interpreted.]

Then comes a letter from Mr. Dadabhai.

" Palace, Baroda, 23rd December 1874.

" My dear Sir,—On receiving your note His Highness at once sent for Yeshwuntrao, and asked him why he and Salim had returned without giving their evidence. He answered that he gave my letter to you to one Bala Pattawalla, and this pattawalla told him that the Saheb said, "Salam bolo." Yeshwuntrao says he asked again of the pattawalla whether the Saheb did not want him and Salim, as they had been sent specially to the Saheb. The pattawalla said again, the Saheb only said, "Salam bolo," that Manajee Pattawalla also gave the same reply, and told them to go.

" From this it is evident that some misunderstanding has taken place.

" I did not tell these men to go to the Commissioner of Police, but had only directed them to yourself.

" On my explaining your note to His Highness, he was sorry any mistake should have taken place, and immediately ordered them to go to you. I send them with this letter to you, accompanied by a Karkoon, who will hand them over to you.

" His Highness is ready to give every practicable facility for clearing up the matter.

" Yours very truly,
(Signed) DADABHAI NOWROJEE."

" To Sir Lewis Pelly.
[The substance of that letter was also interpreted.]

The explanation is that they went to me instead of to the Commissioner of Police, and then, thinking they were not wanted, they went away again.

Q.—This is the last letter I call your attention to; it is from you to Dadabhai:—

" Dadabhai Nowrojee, Esq.

" My dear sir,—I am obliged by your promptitude in causing Yeshwuntrao and Salim to be sent to the Residency for the purpose of giving evidence. I have requested the Commissioner of Police himself to see that they are accommodated in my Office with as little discomfort as possible, and to take their evidence without unnecessary delay to-morrow. The puttawalla, if he told these persons to go to-day, acted wholly without my knowledge. Pray, thank His Highness for his assurance of giving every practicable facility for clearing up this important matter.

" If you could conveniently meet me to-morrow morning at 8 o'clock, I should be glad to see you.

" Yours very truly,
(Signed) LEWIS PELLY."

" Residency, 23rd December 1874."

A.—My impression is that His Highness instantly responded to my call for these men. On the 23rd December I first heard of the Gaekwar being implicated. On the morning of the 24th, a Thursday, the Gaekwar came as usual, and I went to him with the Police Commissioner, informed him, and advised him to give facility to inquiry, and he agreed at once. Till he was arrested he was under no restraint. I was instructed by His Excellency the Viceroy to arrest His Highness and I did so. He had come to the Residency, and I explained the situation to him. He declared his willingness to submit. I accompanied him as far as the border of his territory, and repeated the Viceroy's order in a polite manner. He said he had

many enemies. He said something like—"The very earth under me is my enemy." From that time he has been practically in custody in honourable confinement, with every comfort, but liberty restricted. The property in the palace has been attached and sealed, and all the public places, and such places as the arsenal, also sealed. I entered on the State in order to protect the public property, and I put seals on, in order to hand over the property to the next administration that might succeed me in the same state as I got it.

Baroda, March 12th, 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

No. LVII.—F. H. SOUTER recalled.

By *Serjeant Ballantine*.—Raoji mentioned that the belt was in possession of some one called Budhar. A man went to fetch the belt, and Budhar came with it himself. There was nothing to prevent my remaining and examining the belt himself.

Baroda, March 13th, 1875.

(Signed) JOHN JARDINE,
Secretary to the Commissioners.

Serjeant Ballantine.—My Lord, His Highness the Gaekwar is desirous that a statement of his should be read to the Commission. I am desired by him to lay it before you.

Mr. Branson.—With your Lordship's permission I will read the statement. It is as follows:—

"My honoured and valued friend His Excellency the Viceroy, having declared his intention of giving me an opportunity of clearing myself from the grave suspicion which he was induced to consider attached to me in consequence of the alleged attempt to poison Colonel Phayre, the Resident at my Court, I now, out of respect for His Excellency the Viceroy, and from a desire to clear myself before him and before the world at large of those suspicions, make the following statement:—

"I never had, nor have I now, any personal enmity towards Colonel Phayre. It is true that I and my ministers were convinced that, owing to the position taken up by Colonel Phayre during his residency, it would be impossible satisfactorily to carry out the reforms I had instituted and was endeavouring to complete in deference to the authoritative advice conveyed to me in the khureeta of the 25th July 1874, consequent upon the report of the Commission of 1873. Acting on this conviction, and after a long and anxious deliberation with my ministers, Messrs. Dadabhoj Nowrojee, Bala Mungesh Wagle, Hormusjee Ardasir Wadia, Kazi Shahabudeen, and others, I caused the khureeta of the 2nd November 1874 to be despatched to His Excellency the Governor-General through Colonel Phayre, and, notwithstanding his remonstrances, feeling assured that when the true state of affairs was placed before His Excellency the Viceroy, my appeal would be successful. This conviction was shared by all my ministers and was strengthened by our knowledge of the severe censure which had been passed on Colonel Phayre by the Bombay Government. The removal of Colonel Phayre on the 25th November 1874 shows that our judgment was not erroneous. Thus, neither personal nor political motives existed to induce me to attempt the crime with which I am charged, and I solemnly declare that I never personally, or through any agent, procured or asked the procurement of any poison whatsoever for the purpose of attempting the life of Colonel Phayre; that I never personally or through any agent directed any such attempt to be made; and I declare that the whole of the evidence of the ayah Ameena, of Rowjee, Nursoo and Damodur Trimluck on this point is absolutely untrue. I declare that I never personally directed any of the Residency servants to act as spies on the Resident, or report to me what was going on at the Residency, nor did I ever offer or cause to be paid any money to them for such purposes. I say nothing as to the presents that may perhaps have been made to servants of the Residency on festive occasions such as marriage and the like. Information on trifling matters going on both at the Residency or at my own Palace may have been mutually communicated, but I did not personally hold any intercourse with those servants for this purpose; nor am I personally cognizant of any payments for the same having been made; nor did I authorise any measures by which secrets of the Residency should be conveyed to me. I present myself before this Commission fearlessly. I put implicit faith in the justice of those appointed by my honoured and valued friend the Viceroy. I am willing to answer any questions they may deem it right to put to me, and again solemnly deny the foul charge my enemies have instigated against me."

Serjeant Ballantine then rose to address the Commission. He said—May it please your Lordship, your Highnesses, and the other Members of this Commission,—After what I believe—and I think I shall demonstrate—to have been a most cruel and groundless persecution, His Highness the Gaekwar of Baroda has now the opportunity of coming before a Court constituted as this is, and to ask at their hands that justice which has been hitherto denied him. It is now known upon what grounds these accusations have rested. It is now known upon what slight foundation his liberty has been taken away. He has been humiliated in the sight of his subjects,—has suffered the misery of what amounts in reality, upon a man constituted as he is, to a severe incarceration. It is now further known upon what evidence these charges are founded, and in what way that evidence has been procured. It is known that those who have conducted this prosecution conducted it with all the energy that an active, and I am obliged to say utterly unscrupulous, police have brought to bear upon the matter. We know now what is the foundation, what are the facts, and who are the witnesses in confirmation of these facts. And I am not afraid to assert—and I do so fearless of contradiction from any thoughtful and reasoning man—that a mass so incongruous, that statements so contradictory, that matters so improbable—I may say almost impossible—have never been heaped together in any charge that in modern days at all events has been brought into a court of justice. I further am entitled to assert—again I may say without fear of contradiction—that the witnesses who are called upon to support these charges are abandoned beyond all ordinary infamy, and that the only endeavour that can be made by myself in appearing for His Highness the Gaekwar is to point out, not these matters that I should have to meet as bearing in any way the impress of truth, but probably rather have to comment upon the greater infamy of one witness beyond another, whilst I am unable to rest my mind upon any witness or upon any evidence which is not corrupt, and bearing upon its very features the stamp of falsity and almost carrying upon its very surface an invitation to those who have but to hear to say that this is a foul and perjured lie which no gentleman or man of honor can receive or believe. I have said, my Lord, that the mass of evidence, the character of it, and the nature and character of the witnesses, is such as to be almost without a parallel. I remember no case of modern days bearing the slightest similarity to it—I have not the slightest acquaintance with the proceedings of courts of justice in this country. And for ought that I know, infamy may exist elsewhere, and cases of infamy may have been discovered before a tribunal like this. But in my time, and in my knowledge of other tribunals with which I am familiar, I have known none of the same character,—I have known none bearing even a similarity to it, and I confess it is with wonder and astonishment I find that this unfortunate and unhappy Prince has had his liberty taken away, and been followed by slanders of the foulest kind and has been heaped with infamy of the most extraordinary kind from quarters where he would feel it most. And when I come to look at the evidence, I find nothing but a mass of groundless lies, or filthy perjury, of abominable invention. My Lord, whilst this case has been proceeding, and while I have been reflecting from time to time upon the evidence which has been given from day to day, whilst I was unable to find anything in modern days in any way whatever similar to the story, with all its improbabilities, with all its incongruities, with the absolute carelessness in many instances of making falsehoods fit in one with another, as if the persons who told the lies thought that they would here find an easy audience who would believe everything that these dirty wretches swore against a man who was under the ban of Government, and this Court knows right well it is not a peculiarity of the country of India how when a man is down, and when he is supposed to be under the ban of power and it is thought he may never rise again, the dirty curs surround him, spring up and yelp and bark, and how their miserable tongues convey all the miserable slander they are able against a victim whom they suppose is prostrate. My Lord, while reflecting on these things, the story which has been told here brings forcibly to my mind one of the most disgraceful passages in our history—where a weak King and an excited populace assisted by corrupt judges, listened to stories equally incredible, listened to tales equally absurd, scorned anything like reasoning, applied nothing like judgment, listened to everything that was stated and apparently believed it, and allowed many an honorable and upright gentleman to be hounded by perjury and fraud to the scaffold. It reminds me of those days when Oates and Dangerfield and the crew of villains who surrounded them invented every lie which came to their mind, and emitted these lies in a court of justice, and where listened to because those to whom they told the lies had no independence, and were afraid to act against the opinion of the monarch and the feelings of the people. But again I have been thinking whilst this case has been progressing that in this country there is a belief amongst certain sects in the doctrine of transmigration of souls; and when I have heard Rowjee and the other persons who have been called here—Nursoo and the others—I could not help dreaming to myself that possibly, if the ideas of these sects have anything of truth in them, at this moment we have the souls of Dangerfield and Oates before us, hidden in the bodies of the perjured witnesses, who have dared to give evidence before an intellectual and honorable tribunal. My Lord, I hope—indeed I am sure—that you will believe that it is no mock modesty on my part when I say that I enter upon a discussion of this case with a feeling of such heavy responsibility that it almost destroys my powers of reasoning with the clearness I should have desired to put before this tribunal, constituted as the present is. I cannot divest my mind—it may be a wrong feeling—a feeling not appreciated probably by many—I do not mean upon the bench, but by many of my hearers—but I cannot divest myself of a strong feeling of sympathy for that unhappy Prince, and my mind and powers are overlaid with the weight

that rests upon me, having more or less his fate in my hands, and possibly—I do not say probably—because I believe without a word of mine this case will be disposed of as I could desire, and, as I believe, in the cause of justice and truth. But still it may be upon me that some matters rest which may have a more or less effect, and I do feel the weight of the responsibility cast upon me, and an apprehension of being unable to perform the duties I have undertaken. I have only to make this observation upon the subject. The matter rests entirely upon my own feelings. From the time I have had the honour of addressing the Court, I have met with nothing but a desire exhibited by the keenest attention to investigate the truth, and I have met with nothing but assistance even where it was possible. I might have trespassed upon their kindness, and I feel that upon me, and me only, rests this matter, and I have had no complaint to make since the subject has come into this Court. I have had every facility afforded me, and with these facilities I propose to address the Court. From this time I will endeavour to do so with calmness, advancing to them solely what I deem to be argument, because I hope to be able to impress my feelings upon the Commission;—in my conscience I believe if I can only succeed in placing before this Commission the matter as it has been impressed upon my own mind, there will not, I believe, be a dissentient opinion as to the decision which will be arrived at. It is not often, my Lord, that an advocate dares to express such confident opinions, but I am assured the Court will feel that I intend no disrespect to them, and moreover if the decision should indeed be adverse, I shall simply feel that my judgment has been wrong, that my thoughts have been erroneous, that my conclusions have been led away possibly by my feelings. But such nevertheless are my feelings, and my only hope and prayer is that I may be enabled to convey that which is upon my own mind in clearness to the minds of those whom I have the honour to address. My Lord, the Proclamation by His Excellency the Viceroy, as has been pointed out, has limited the scope of this inquiry. It is particularly directed that no extraneous matters should be introduced. It is anticipated that the two questions that have been submitted to you, namely, whether or not there has been an illegal tampering with certain servants of the Residency, and whether or not the graver crime imputed to the Gaekwar has been committed—are the two questions which this Commission is called upon to apply their minds to and to express an opinion upon. I refer to this because it is impossible not to feel that the Gaekwar has been surrounded by, or enveloped I should rather say in a cloud of what as far as I know is, calumny. I am not here with any power to know of his former transactions, or aught of his former life. I have not sought, and I do not possess information upon the subject. I can well imagine—one's reading at all events gives one an insight into those who are occasionally governing territories of this description. One knows how they are brought up. One knows how little of independence they possess, how their thoughts are more or less controlled by others, and I believe I am right in saying that there were unfortunate circumstances in His Highness' life which made him more than usually dependent on others, and gave him less opportunity of acting for himself and governing in those matters in which he had a more immediate concern. It is not uncommon, unless a prince is indeed very acute and unless he is also very determined—it is not uncommon—I will not say merely in this country, but in every country in the world—for princes to be surrounded by the vilest of servants—men who are plundering them, men who are deceiving them—men who are tricking them—and yet men in whom they place their confidence. My Lord, I only refer to that for the purpose of founding this observation. Do not let us be too hasty to fasten upon the man's heart, his judgment, or his mind transactions, if there be any, which may have emanated from his servants and over which he may have had but little control. I make no further observations upon this point. I think it will not be felt by the Commission that it is an improper one to have been made, although it is not with reference to that which is more immediately in issue, and although, when I come to point out what is the real nature of this case, it will not be, my Lord, *unimportant to ascertain by whom the Gaekwar was surrounded and who were the persons influential in his household.* But I wish rather to convey—perhaps, addressing this tribunal I ought not to do so—but it is an argument that is addressed to the highest and to the greatest—whoever is mortal, is subject to mortal prejudices and feelings, and it will not be considered disrespectful on my part when I earnestly implore those Members of the Commission who may have known something of former transactions on the part of the Gaekwar, and who may for aught I know have formed certain opinions upon those transactions—I am sure it will not be felt any disrespect on my part, if I implore them earnestly, as a duty to the Gaekwar, as a duty to their country, as a duty to common justice, to dismiss every consideration of that kind from their minds—to start free and clear from the point to which His Excellency the Viceroy has directed your attention, and from that point say,—is there any case made out? The importance of this inquiry of course is very great. It is not for me to contemplate political consequences. I am quite sure, from the course that His Excellency the Viceroy has taken in this matter, that he is careless of political consequences, that he has desired to exhibit to the civilised world that the kingdom of India can be governed by honour, and that questions between the Government and those who may be supposed either to be antagonistic to or somehow in the way of the Government—that such questions shall be determined in such a manner as shall give satisfaction to civilization—and he has appointed for that purpose a tribunal to whom it is impossible not to look up. The Native Princes, acquainted with the habits of their own order, I shall hereafter appeal to upon certain evidence that has been given during the progress of this case, and endeavour to obtain their assent to a proposition that I shall make, that the story stated is, upon the face of it, incredible. To the

Native Princes I shall appeal as having at this moment the power and authority placed in their hands, and a belief reposed in their truth and in their knowledge—the exercise of which power will have to be answered for to the length and to the breadth of India. To those who are my own countrymen I have only to say, I expect and know I shall possess that assistance and that fair consideration that ever comes from an honorable English gentleman, and I care not who the presiding officer of this Commission may be, provided he is a judge of England because the very term judge of England means independence; and no such thing as wavering from the truth, or yielding to power, or acting except under the virtue of strong convictions, strong belief, and independent feeling ever enters into the mind of any of those whom I am proud to call my countrymen—of any of those to whom the entire world look up as being free from anything like imputations of ever leaning to the right or to the left, and who as far as their judgment enables them go straightforward, whatever might be the interests that were at stake, whatever might be the importance of the determination, whomsoever it might injure, whomsoever it might benefit. Under such circumstances I consider I am indeed fortunate in the tribunal I have the honour of addressing—and while I doubt my own powers and ability in placing the matter as I could wish before them, I believe, and the world believes and looks to them with implicit and absolute reliance, in their integrity as well as their knowledge and their judgment. Now, my Lord, in dealing with this case, the early evidence, as it will be in the recollection of your Lordship, applied to tampering with the witnesses. I propose, however, to postpone the consideration of the matters connected with that particular charge and to deal with the evidence applicable to the graver charge that has been made against the Gaekwar. I think that will be more convenient for one or two reasons. In the first place, the charge of poisoning, or attempt to poison, involves in many of its details the necessity of considering the evidence connected with the other charges and the nature of those other charges, and I think that a great deal of time will be saved by taking the earlier charge first, and I am bound also to state in doing that I am unable to bring my mind down to the level of the other charge, which I scarcely appreciate. It appears to me—comparatively at all events—trumpery and trivial. I feel some difficulty also in understanding the exact nature of it, or its exact legal bearings, but I shall, when I come to consider it, endeavour to obtain the sanction of the Commission for the view I take upon the subject. In the meanwhile I shall deal—I propose to deal—with the graver charges and upon that, it appears to me, that it is desirable that I should make one or two general observations. With regard to the nature of it, I shall have to enter into a good deal of detail and particularity. But there is one observation that it occurs to me that I am entitled to make. I have already referred to the police. I find that the police are dealt with in different books connected with the law of this country, evidently upon the foundation of great doubts arising as to their testimony. I believe I am right in saying that within certain jurisdictions—I do not go into details of such jurisdictions—that a confession made to a policeman is not receivable in a court of justice in any instance whatever, unless somebody was present at the time to corroborate it. So an uncorroborated confession of a person to a policeman would not be received. A confession to a policeman, as I understand, would not be received at all. There are also provisions in other Acts of Parliament (I believe I am speaking correctly upon the subject), by which policemen are forbidden to accompany witnesses to a court of justice. It seems that the Legislature and the Courts are fearful of the influences that the police are likely to have upon these witnesses. Laws of that kind do not apply here. As far as I see there is no law whatever governing the police, or what they do. As far as I can see, they are entitled to do anything. They appear to me to have unlimited power; there does not seem to be any judge, any magistrate, who can control them—what a policeman chooses to do, he does: and in the present case I do not know how many—but a vast number of witnesses—have been detained in custody for the purpose, as they say, of investigating this charge. Now such an unlimited power undoubtedly creates—and it is necessary that it should create—a very great amount of terrorism; and you know no man can call his house or his person his own when a policeman is able at any moment to take him into custody and hold him whenever he chooses for any time he pleases, and there is no remedy in any way—no magistrate can interfere or does interfere, and he has no power whatever either to obtain redress at the time or compensation afterwards. It is the law, I presume, of the land. It is unquestionably the practice at Baroda. We have seen it in numerous instances, and we have seen the mode in which the police have acted with regard to different persons whose evidence was given in this case. In many instances I shall have to dwell upon facts connected with the police.

But there is one general observation which appears pertinent to this case, and I shall be glad to fix it upon the minds of the Members of the Commission—it appears to me to be a most monstrous thing and calculated to lead to the gravest injustice—I believe that I shall show in the present case that it has led to the gravest injustice—that a police officer should not only be the person getting up the case, doing all he can to bring it home to the person who is suspected of the charge, but that he also should have the power of taking the depositions, and that those depositions should be capable of being used against a person upon the subsequent inquiry or trial, whatever it may be.

Human nature is not less so because it inhabits the mind of a police constable, and a man who is hunting something down gets a keen desire to catch it—and sometimes if he cannot get at it by fair means, he will go a little out of the way and obtain it by foul. It is not right that that which is a judicial document, and intended to govern judicial minds, should be the

act of a person who has a strong, a naturally strong, partisan feeling in the matter under discussion, and I think I shall be enabled to show that this observation that I have made is singularly pertinent in the present case upon referring to some of the depositions that have been taken, and I cannot help saying—and I shall give my reasons hereafter for making the assertion—that these depositions are not warranted by what took place, that they have been unfairly obtained, and that in many instances they do not represent in reality what was said, and that in point of fact they do not in any way whatever convey the truth as was intended even in the mass of falsehoods, because these depositions contained that which the witnesses themselves did not intend that they should represent. I think I shall be enabled to show this in a variety of instances, and that the observation that I have made upon these depositions will show that they are not to be credited. I myself treat them as being instances coming from a source more or less tainted with suspicion. Now, my Lord, there is another matter; it is a general one, and upon that I must rather address the President of this Commission than address the others, except so far as some of the observations will be mere ordinary common-sense observations which they shall be, as far as I can make them so, but they involve certain principles of law as well as certain principles of justice. One often meets, when these questions are being discussed in society, a number of people, very worthy people indeed, who say, especially if it is a subject of such great interest as this, “Oh! so-and-so, there is no doubt that he is guilty.” And I have no doubt whatever that that will be the kind of observation that I should meet with pretty generally among the English residents at and English visitors to Baroda. This opinion is not confined to one sex, but I should think it is pretty generally extended. But let me endeavour to introduce a little reasoning into the subject and ask, “Oh! but why is he guilty?” “Oh! why you know everybody says he is guilty; there is no doubt he is guilty.” Then you ask, “Upon what facts do you put it?” Then comes the puzzle. Facts are difficult things. And I have often observed that those who have given their opinion upon a particular subject dogmatically, have very little knowledge of the matters upon which these conclusions are formed. Belief, I apprehend, cannot be formed by mere intuition—such belief as ought to govern the minds of courts of justice must be a belief founded upon facts. Now with regard to the facts—there, again, there is very often a very great mistake. People treat mere assertions as being facts without investigation, and without inquiry, and without analysis. But there is moreover a class of facts, and what may be dealt with as assertions, and which may also be said to be facts that frequently come before courts of justice, and which have had the attention of very great and learned men applied to them for the purpose of dealing with them in a fair and judicious manner,—I mean those statements that are made by accomplices—the statements that are put forward by persons who admit themselves to be parties to a crime, and I am extremely anxious in this case that the position of persons of that kind should be thoroughly understood; and I apprehend that I am not wrong in saying that no court constituted under British law will receive the evidence of an accomplice without confirmation. I am not unaware—and I should like to exhaust this subject, which I think will be an important one, and one which I shall not probably allude to again—that there is no law to prevent a person being condemned by the evidence of an accomplice alone; but there is springing up a custom, as much honoured as the law itself, that judges in directing juries expressly direct them—and it would be a misdirection if they omitted to do so—that upon the evidence of an accomplice alone no person can be put into peril, or have his liberty or his life imperilled. That proposition is a simple enough one, perfectly intelligible, and I fancy so completely admitted that I need not labour upon it, but it will be well appreciated by the learned Chief Justice that there is a more important question subsidiary to that one, and that is, what is the nature of the confirmation that can with propriety be received to implicate a person charged? That is a question not of less importance, but it is a question undoubtedly of more difficulty. It requires clear heads and clear minds to deal with that question. I propose to make some observations upon it, and submit not my views, but I believe the views of all lawyers upon the subject. Corroboration must be something that implicates, however slightly, the person charged with the statement of a witness—it must bring in some way or another the accomplice and the accused together. It would be confirmation supposing there was any writing in the handwriting of the accused in which some of the statements made by the accomplice were alluded to, and although it might be very slight confirmation, it would be confirmation of a kind that could not be rejected. The confirmation that is simply supporting the assertions of the accomplices themselves as to their own acts, independent of the accused, away from the accused, out of the presence of the accused, and not shown to be within the knowledge of the accused, is no confirmation whatever. To put the matter broadly, even if you could get (and that seems to be difficult) a respectable witness into this case who had seen Rowjee put the poison into the glass of Colonel Phayre, if he did put it in, would be conclusive against Rowjee, but it would be no evidence whatever against the Gaekwar. I put that broadly because it makes the proposition that I have submitted to the Commission perfectly intelligible, and it is an observation that I think the Commission will find follows every witness in this case, and follows all the evidence that has been given in this case. I think that I shall demonstrate that that confirmation that is said by the law to be required to support the assertions of accomplices against an accused person is wanting from the commencement to the end; that there is not in point of fact a scintilla of evidence, coming from an uncorrupt witness, which in any way whatever confirms the evidence of the accomplices in this case. I may put illustrations founded upon this case very shortly. Supposing there is a word of truth—and I do not say there was not—in the assertion of Damodhur Punt that he obtained arsenic from a man named Nurroodeen: supposing Nurroodeen had been

called and proved the receipt of the arsenic; supposing there was any confirmation whatever, or assuming that there is confirmation that diamond dust or diamonds were obtained from any individual;—that is confirmation if the man himself were under charge—that would be proof against him, but it does not confirm his story against the Gaekwar: and I think this Commission will find, after careful investigation of all the evidence in this case, that from the commencement till the conclusion there is no evidence whatever that introduces the Gaekwar personally or by writing, or by act. There is no independent witness who has put his finger upon one single act of the Gaekwar that in any way whatever confirms the story told by these accomplices. As I discuss the witnesses—which I am afraid I shall have to do at considerable length—I shall have to discuss the details that they give in the shape of confirmation, and I think I shall satisfy the Commission, who have heard my proposition on that subject, that it is at all events a perfectly correct one; and having, as I hope, made myself clear on these topics, I won't trouble the bench further on that subject, but request them to weigh what I have said and say whether or not I have laid before them a proposition that it is not only legal, but one which commends itself to men of sense and learning, though they may not have the learning and experience of lawyers. It is sometimes said and sometimes written—said by people whose words are not of much value, written sometimes by people whom one would have supposed knew better—“Ah, do not let us have any technicalities.” And I think I have seen it stated in relation to this case somewhere that there will be no legal quibbles in this case—it will be tried according to common sense and reason. Technicalities will be entirely excluded. Those who talk that way forget that the technicalities they so much abuse and which govern the practice of courts of justice are the works and experience of great lawyers and great men, of the judgment of those who have considered the question of how the truth is best elicited, and that these technicalities which are abused by thoughtless and silly people, are in point of fact the bulwarks of their country and the means by which truth is sifted out of lies, and has been created and recognised by the wisdom of ages as the best mode of establishing the truth. I shall not trouble you further with the discussion of a subject which certainly does not possess any features of amusement, but shall proceed to direct your attention to what I consider to be an important feature in the case. I am not going to make any observation or complaint further than this, that I have already made about the position in which His Highness is already placed. Those who have done the acts are responsible for them, and their doings will not affect the judgment of this Commission. I may, however, allude to them, so far as they may be pertinent to this inquiry, and I think you will agree that this observation is fairly pertinent, that the Gaekwar from the position in which he has been placed, from the practical seizure of all his possessions, or, to use the euphemism of the Resident, Sir Lewis Pelly, to their attachment—an attachment of so lasting a character that the Gaekwar has never yet seen the end of it, so that so far as he is concerned whatever word is applied to the subject is extremely immaterial. In relation to all this, I say, he has been placed without means at his command and is under a cloud, and I need scarcely add the observation that the position in which he is placed naturally creates many difficulties in meeting any charge of any nature such as is now preferred against him. I will say no more upon the subject; I think the observation will meet with ready assent, and I do not propose to refer to it again. But I propose, with great submission to the Commission, to dwell upon what has been the conduct of the Gaekwar, and also what his interest would be in this matter. It appears to me to be an extremely important subject indeed. I should venture to say, in a case surrounded, as this case must be admitted to be, by perjury, it becomes extremely important to view that which must in any way whatever be the effect of falsehood, of fraud, and design. I therefore earnestly, and at the same time most respectfully and humbly, ask the Members of this Commission to consider what the conduct of my client has been from the period which forms the date of this transaction, namely, the conclusion of the Commission that was held before Colonel Meade. It would be irrelevant for me, as it would be irrelevant for this Commission, to consider the inquiry that took place before one thoroughly competent to form a judgment and to assist the Viceroy of India by his views upon that or any other subject. I won't say or suggest, except by a word, that much which appeared upon that Commission may have been applicable to servants, and not directly to the Gaekwar, but I pass away from that. The terminus from which I begin is the end of that Commission. The conduct of the Gaekwar from that period is a matter to which I have to solicit your earnest attention. I have to solicit it with a view of asking you to say that it was not the conduct of a man who was designing and arranging a crime of deep dye, but that it had all the contrary appearances. It is not merely negative;—I wish very much that my observations upon this point should be made with sufficient clearness and force to fix them on your minds. I assert that it is not in human nature that a man should be acting openly in the way the Gaekwar did, and avowedly against the person against whom he was also plotting secretly. It will be obvious to the meanest intellect that people would at once say, “Yes, here is the man that has done it.” Ordinary common sense, to give no higher name to it, ordinary cunning, would prevent any course of that kind. I should expect that a man who was about to poison another in the way suggested against the Gaekwar would be all affection with the man he intended to poison, and I should expect to find him destroying any evidence that he desired to do him evil. Instead of that, you find him in conflict with Colonel Phayre certainly, but in a fair, open, and honourable way. He obtained a khureeta from the Viceroy of India—an important document in which the Viceroy, after having considered Colonel Meade's report, after learning all that could be said upon the subject, after deriving all the assistance that could be given to him by experience, ability, and knowledge—came to the conclusion that the Gaekwar was a person who might

under certain conditions be entrusted with the reform of those institutions, the bad arrangement and management of which had formed the subject of the preceding inquiry, and he gave to the Gaekwar an opportunity down to the end of the year 1875 to effect the necessary reforms. He therefore had received from the Viceroy the clearest proof that in the Viceregal Court he would meet with fair consideration, with fair judgment, and that he would be given a fair chance. Well, why should he interfere with him? But he finds—and upon that I shall have to observe hereafter—every sort of opposition to the proceedings he was taking and to the endeavours he was making to perform that which had been suggested by the Viceroy. I do not think it is unworthy of remark the observation that was made by Sir Lewis Pelly in his examination yesterday of what his experience of the Gaekwar was. He found him quite amenable to reason; he was able to act with him upon most agreeable terms; he found that he was perfectly ready to do what was suggested to him in the interests of his Government and according to the desire of the Viceroy. And one cannot help making the observation, that there is sufficient and abundant evidence—and I think I shall be able to point out without any unnecessary harshness or unkindness—that Colonel Phayre was about the very worst man who could have been placed in the position he was in; that he was in his conduct most injudicious, and that the Gaekwar had most reasonable ground to complain of the conduct he pursued. One little incident is enough for me, and I think I shall have to dwell more upon this hereafter. You, Gentlemen of the Commission, can do what I cannot;—you can realize the native mind and the native reason, and I ask you—and I think you will agree with the comment I am making—could there be anything on earth more injudicious than for Colonel Phayre to show himself in daily and hourly intercourse with the very bitterest enemy the Gaekwar ever had? Could he have thought under such circumstances justice was likely to be done to him? Moreover, was justice likely to be done to him? I venture to think not; for although Colonel Phayre imagined and stated that Bhow Poonikur was a most upright and highly honourable man, I venture entirely to dissent from that opinion, and to think he was nothing more than a spy, and a person who, with other persons too numerous to mention, was hunting up for that very information which the Gaekwar is accused of obtaining—hunting it up in much the same way, not perhaps receiving for it its specific sums of money, but receiving Colonel Phayre's patronage which would put more in Bhow Poonikur's pockets than a few rupees would do, as it would show that he had the ear of the Resident; and it must be remembered that this man must have appeared before the eyes of the Gaekwar as being a person who, in all human probability, was controlling all the actions of Colonel Phayre. Is it wonderful then that the khureeta of the 2nd of November should have been framed? Of course the gentlemen of the Commission have all the dates in their minds, so that I need not ask them to recollect them particularly, but in dealing with it, it seems to me to be a matter of importance to remember this date,—I allude to the 2nd November. Immediately previous to that time the khureeta was being framed. It must have been a subject of very grave deliberation. It is, as far as my humble judgment goes, a very admirable document. Everything is put most fairly, most temperately, and at the same time argumentatively, while not leaving matter upon bare assertion without proof. Two or three cases are quoted of what he alleges to be the gross injustice perpetrated against him by Colonel Phayre. The case propounded by the prosecution is that at the very time this khureeta was being prepared, simultaneously with it—day by day and hour by hour it must have been going on—arsenic, diamond dust, contrivances of kinds that are the dearest remains of ancient superstition, bottles containing poison, such as one may read of probably in the *Arabian Nights*, but which I should have thought would have been hardly alluded to in the darkest places in the 19th century. But all this time while a great State document of great importance was being prepared with care, and argued out with judgment—while this is being prepared by himself and his ministers, he is accused of mixing himself up with a parcel of scoundrels, and inviting them to poison the man whom he must have known perfectly well would have to answer this khureeta, and whom he also must have known it would be perfectly useless to act in any way whatever against, till this khureeta was answered. Of his object I shall say nothing more at present; but when I come to objects I shall have to say a good deal. There are grave matters in this case that will present themselves, and I cannot help thinking, before it is concluded, the real criminal will be traced. I cannot help thinking so. But talking of the probability of the Gaekwar being that criminal, I wish to impress—and this is a matter that I shall have to dwell upon hereafter—as strongly as I can on the minds of the Commission, that such an outburst as would arise from the successful poisoning, or unsuccessful attempt to poison, must, in all human probability, have utterly prevented any attention being paid to the khureeta. In this particular instance the Viceroy appears to have attended to it immediately, and notwithstanding this alleged attempt occurring, to have answered the khureeta in most favourable terms. But it appears to me if the Resident had been poisoned, in all human probability there would have been an end of the inquiry raised by the Gaekwar, and that the greater subject connected with the kingdom, the poisoning of the Resident, of the Queen's representative in that kingdom, would have smothered everything like an inquiry into other matters, and probably would have led to a deposition of an entirely different kind, upsetting from the beginning to the end all the endeavours of the Gaekwar for the purpose of obtaining what he considered justice at the hands of the Viceroy. I submit that would be the natural result,—in point of fact—I should say the almost certain result of such an attempt whether successful or not, therefore I venture to think that the two things are totally inconsistent; that the khureeta and poisoning do not agree; that they do not go hand in hand; that they are poles asunder; that they diverge of necessity; that the man whose

mind was on the khureeta would not do anything that would be likely to make that khureeta of no effect, and at the same time bring another Resident, together with, as he must have known, the severest investigation, and one that might be attended with the most dangerous consequences. Having remarked on the conduct up to that time of the Gaekwar, I wish now to proceed to the period when suspicion, or rather before I arrive at that, I wish to call your attention to the conduct of the Gaekwar during the interval, when you have been told by Sir Lewis Pelly, he was free from all restraint, under no watch, and not interfered with in any way whatever. The suggestion of the prosecution is that upon this man's mind is the knowledge of this heavy crime, and he also knows, if the story be a true one, that the immediate actors in this crime are persons who have been already suspected, that inquiries have been made, and that the train is laid by which ultimately the truth may be arrived at. At this period his Secretary Damodhur Punt was not under charge. Damodhur, who certainly, whatever other elements may be wanting in his constitution, is not wanting in intelligence—would of course have communicated with him, and according to Damodhur Punt's evidence he had communications with him; so if Damodhur Punt's evidence is to be believed, his mind was quite alive on the subject, at all events his mind would necessarily be alive from the fact of Rowjee and Nursoo having been taken into custody, and this matter being investigated. Well, during all this time he has control of all the means connected with his Government. The control of money sufficient for the purposes I am about to suggest, and the question is what his conduct was, and whether that conduct is what you would expect the conduct of a guilty man to be. I submit that it was not. On the contrary, it was the conduct of an innocent man. It is not pretended that he had communications with Rowjee or Nursoo; or that he, either by his agents or otherwise, endeavoured to get them out of the way. It is not suggested that any attempt was made by his agents or others to bribe them. He remains there knowing, if the case on the part of the prosecutors is a true one, that he was sitting upon a mine to which a match might be at any moment applied; knowing that he must be necessarily blown up by it, and yet there he remains careless, pursuing his ordinary avocations, seeing Sir Lewis Pelly each day, dealing with Sir Lewis Pelly anxiously for the purpose of meeting the views of the Viceroy daily in the town, daily having an opportunity of seeing Rowjee, daily having an opportunity of seeing Nursoo, his secret agents, I suppose he would have no difficulty in finding some whom he could use for his purpose, and there is not a single act from the beginning to the end of that period—and I urge this upon the Commission—that is indicative of anything but the most perfect freedom from being guilty of the subject of the matter that was then being investigated and now is charged against him. A very few words more about him. I had intended rather to have deferred my observations upon this matter till a later period, but one does not always follow the exact arrangement that one has made, but having alluded to it, I will now conclude my observations upon the subject of his conduct, by begging attention to the evidence given by Sir Lewis Pelly yesterday as to his conduct when he was requested to send Yeshwantrao and Salim to the Residency. I think I may ask you to refer to the correspondence which I put in on that subject. Sir Lewis Pelly left no doubt whatever as to what was the nature of the inquiry, and as to his object in asking for the presence of these two persons. What was the conduct of the Gaekwar himself? It may be great deceit and it may be great hypocrisy, but it is a deceit and hypocrisy that he has not shown in any other part of his career. It may have been great deceit and great hypocrisy, but it is inconsistent with anything you find in the earlier period of his conduct regarding the matters which have given rise to this trial. It may have been deceit and hypocrisy that he exhibited, but bear in mind that he sent Salim and Yeshwantrao without hesitation, without a moment's delay, and without any communication having been made to them by any human being, they were permitted to come to the Residency, and state all they knew about the matter under the hands of acute police officers; under the hands of authority, under the hands of the law. He knew the power of the law, he knew the power of the English Government, he knew how much could be brought to bear upon a person against whom there is an accusation by the British Government. And yet the supposed attempted murderer has never interfered with any of those persons, never attempted to corrupt them, or buy them over, and when their presence was required at the Residency, he immediately without communicating with them, ordered them to go there, went himself, offered himself in every way to give every assistance; and I take the liberty of saying that while his interests and his conduct militate against his contemplating the act of poisoning, his subsequent conduct showed as conclusively as a man's demeanour and conduct can show, that he had never been a party to it. I submit for your better consideration and judgment these observations upon the subject of what his conduct was both before and after this charge, and I hope you will not consider that I am too sanguine in supposing that they are likely to have great effect on your minds, and that effect of a kind much calculated in favour of the Gaekwar. At that time, as your Lordship is aware, I mean during that month while the Gaekwar was at liberty and free from anything like restraint, Salim and Yeshwantrao were his servants, under his control, and there would have been no difficulty whatever in their removal if it had been desired. Another remarkable fact in this case is that while there is evidence of sums of money of a comparatively small amount being paid, as was supposed, for information to the ayah and to others—I say comparatively small amount because as far as I recollect the evidence the amount is small, your Lordship will correct me by your notes, if I am wrong, I am speaking now without looking at my notes, but as far as I recollect there is not a half-penny supposed to have been paid to any of the alleged actors in this murdering transaction during the whole of the time during which the transactions were being carried out. I think I am right in saying that it was about August

or September, certainly not later than these months, that any sums of money whatever were paid, and while it is supposed the Maharaja is spending money recklessly for the purpose of obtaining information, there is no evidence that a farthing was paid to any of his accomplices in the murder he contemplated. There is undoubtedly another instance in this case of remarkable modesty and self-denial on the part of Rowjee and Nursoo—one is glad to find any good qualities remaining in their constitutions—they never seem to have asked for any money. My Lord, you see that we were in the hands of these men, for supposing they had told that they had received sums of money, probably they would have had to show how they had spent it, so that they dared not assert it. If that is the case, we have, I think, a feature quite unnatural, that a Prince should put himself absolutely in the power of half a dozen of his subordinates, because one of the curious matters in this case is that the Gaekwar, who is said to be rather reticent in one of the examinations, seems to have been extremely anxious to parade in a most unnecessary fashion his intention to poison Colonel Phayre, and if, in point of fact, he had been anxious to make up a case against himself, he could not have gone more effectually to work, for while one instrument would have been quite sufficient, he seems to have taken endless opportunities of proclaiming his intention, and surrounding himself with conclusive evidence of four or five witnesses, at least four of whom were quite unnecessary for the purpose he is supposed to have had in view. There cannot be a more remarkable instance of that than Nursoo himself, for if you look through the whole of his evidence, I ask you whether that man has been brought here for any purpose except to corroborate the lies of Rowjee, for from beginning to end he was useless in the transaction, and he is brought into the presence of the Gaekwar for no earthly purpose in connexion with the crime that was about to be committed. All that I find about him is that, "Salim will hand you so and so." They make him an intermeddler, and an entirely unnecessary accomplice to the crime. Not very natural, not very probable this. But Nursoo's fate leads him into most unhappy matters and entails upon him most unhappy consequences. I fear, my Lord, that in pursuing a consecutive argument,—the materials are so abundant, as the investigation has lasted such a long time,—that somehow or other, in the arrangement of matters, I may get into confusion, but I shall leave it to the Commission to put my omissions right—I shall endeavour to be as clear as possible, and I shall also endeavour to be as concise as possible. I think, my Lord, it may not be undesirable that I should refer more particularly to the case as it has been put before you—and, for that purpose, I shall refer to the speech of my learned friend the Advocate-General—a speech in all respects worthy of the high position he holds—perfectly temperate, and fair, and not an observation introduced into it, about which, on the part of the Gaekwar, I feel I have the slightest right to complain; in fact, I may say that one of the pleasures I have had in the conduct of this most painful and anxious case, has been the continuous courtesy I have met with from my learned friend, and the assistance he has afforded me, whenever he could justly give it to me. I propose, as I have said, to refer to his speech, because it is a careful speech, and has been founded upon instructions carefully given. I call your attention to the mode in which he places this case and the features to which he invited the attention of the Commission, as being those upon which he should ask your judgment adversely to the Gaekwar. He divided the matter into the charge of tampering with the servants in which he suggested the sayah as being one of the principal performers. I ought, however, before I comment upon what my learned friend did open, to refer to one very remarkable omission in his speech. The omission must have been deliberate, and so far as I can see, it is omitted of necessity. He does not from the commencement to the conclusion of his speech suggest any motive that could have actuated the Gaekwar to commit this crime. It has been left to me to bring out the position of the Gaekwar and his course of proceeding to show what motives he had, and comment upon these motives, and what they probably would have led to, but my learned friend suggests no motives, although he must have well considered this matter, it must have occurred to him as the first thing that should be dealt with in proving a great crime like this; but my learned friend has been unable to put his finger upon any single position that existed in connexion with the Gaekwar that would have shown whence a reasonable motive could have sprung for the commission of this great crime with which he is charged. I say he alluded to the tampering of the servants, but he did not suggest or allege that there was any connexion between the ayah, Rowjee, and Nursoo. What is also very remarkable is the following fact, which I shall ask your permission to say a word or two about. The Advocate-General introduced into this part of the case a person of the name of Pedro, who, according to my learned friend, was chief butler, and had been butler for some five and twenty years, and whom he connected with that branch of the case which I have described as being the tampering with the servants. After the mention of Pedro, my learned friend says, "I now come to the more important part of the case." So that he divides the case into two parts—the acts of the ayah, and one or two other persons, and the acts of Pedro, in connexion with the tampering of the witnesses, and then he goes on to the acts of other persons in support of the allegation of poisoning. It becomes important that we should consider the mode in which my learned friend has introduced the man Pedro, who forms a most important feature in this inquiry. I have no hesitation whatever in saying that independent of almost every other argument in the case, and taking a certain view of the case, the evidence of Pedro entitles the Gaekwar to an acquittal on all the charges brought against him. It becomes therefore extremely important to consider how my learned friend has dealt with Pedro, knowing perfectly all that Pedro had to say, knowing who Pedro was, and having to introduce him to your notice. Now, my Lord Chief Justice

who presides is well aware how witnesses of a certain kind may be introduced into a case. Supposing their testimony is at all suspicious—there may be a doubt under such circumstances as to whether they should be produced as witnesses. My learned friend has of course deliberated on this matter. He has not attempted to cast the slightest slur upon Pedro. He has introduced him as a perfectly respectable trustworthy witness, and as a person to be relied on as proving a particular fact. He had been twenty-five years in the employment of the Residency. I have a right therefore to say that from the beginning to the end of this case, there has not been a suggestion of anything that would cause me to say that Pedro is not amongst the whole group of liars and perjurers who have been introduced to support this case, the one man against whom no imputation whatever is cast. Pedro puts this case out of Court. If Pedro is to be believed, there is an end of it. The entire superstructure must tumble. Rowjee, the main actor, cannot be believed as his evidence stood, but here it is contradicted up to the very hilt, and I will show you internal evidence presently of the truth of Pedro's statement, and of the falsity of the statements made by Rowjee. Without, however, entering now upon that particular evidence, I shall deal simply with the particular fact that a man introduced here by my learned friend as a thoroughly respectable witness, competent to prove a fact, a man upon whose evidence he has asked you to find a decision against the Gaekwar, a man who, for aught I know, has been a confidential servant for a quarter of a century, declares in the witness-box here that every word deposed in relation to him by Rowjee is a foul lie and fabrication. My Lord, I feel it very difficult indeed to say more upon such a point. It appears to me that as far as Rowjee is concerned the evidence against him is conclusive, and if you agree with me that upon Rowjee's evidence this case must stand or fall, then Pedro strikes a mortal blow to the whole case, from which I think that even the ingenuity and power of the Advocate-General will not be able to rescue it. He will attempt to avert it will all the fairness which, as the representative of the Crown, desirous simply for justice, he can command; but I think that, notwithstanding it will puzzle him to find an argument to convince this Commission, that if the evidence of Pedro can possibly be believed, it is not possible to believe in Rowjee. I am reminded by my learned friend Mr. Branson, to whom I have constantly to offer thanks for his assistance, that Pedro, oddly enough, is the only person whose examination does not appear to have been conducted by parties to the case. He was examined at Bombay by a Justice of the Peace and Deputy Commissioner of Police there (referring to Mr. Edginton). There are some things that must be, and which can never be denied. I apprehend that, in the first instance, you have such a case. You have got Rowjee and you have got Pedro. You cannot believe both of them, it will be impossible to do so. I shall comment upon Rowjee's evidence presently, and in the meantime, I shall say nothing more about Pedro's evidence. It is not necessary for me to give a character to a man from whom my learned friend has not attempted to take it, but who, on the contrary, has been relied upon by my learned friend for the proving of what he deems to be an important part of this case. Now, my Lord, my friend, having stated that he had come to the more important part of his case, proceeds to open upon the attempts to poison Colonel Phayre, and I think that your Lordship must have been surprised at the instructions which my friend received upon that subject. My learned friend, in his opening, makes no mention of the earlier attempts to poison. He does not allude to the earlier attempts which are said to have taken place to poison Colonel Phayre, and which form an important part in Rowjee's testimony. I do not remember the dates, but I shall call your attention to the subject afterwards. I merely call attention now to the fact that it is alluded to by Colonel Phayre, but that my learned friend does not mention it in his opening. I can scarcely imagine an omission of that kind to be accidental. Probably my learned friend thought it was so utterly incredible that he did not like to put it gravely before the Commission, and I think I shall be able to show that if such was his idea, that it is a correct one. But whilst he does not speak of these September attempts, he opens upon two attempts by Rowjee on the 6th and 7th November, while Rowjee himself, as the Commission will remember, declared that he did not make any attempt either upon the sixth or the seventh. It is perfectly true that although there was no attempt made upon the 6th and the 7th, yet Colonel Phayre had all the distressing symptoms just the same. Colonel Phayre looked back to the times when he ought to have taken the poison, and when he ought to have taken it his stomach was always in a most uncomfortable state. If it was so upon the 6th and 7th, it must have been the pummeloe juice, because there is no poison. Rowjee, who was said to have put in the arsenic, does not assert that he put it in on those dates. That tumbles to the ground altogether. On the contrary he says, "All that I received I put in on the 9th November." There can be no doubt whatever that liars often forget themselves. It is one of those fortunate arrangements of nature that liars very seldom have a good memory; and nobody can doubt that when my learned friend opened the attempt at poisoning on the 6th and 7th Rowjee had made his statement, that there had been this attempt at poisoning. I forget whether he said so to Mr. Souter or not. It is quite clear he made it to somebody, because this statement my learned friend was instructed to make. Well, when Rowjee came to be examined, I quite admit his position was not altogether a pleasant one, and his memory might not be altogether so retentive as it might be. He made no allusion to the attempts of the 6th and 7th, but, on the contrary, he made a statement in effect entirely inconsistent with that, saying that he put the whole of the powder he received in Colonel Phayre's tumbler on the 9th. My friend then refers to the orders to procure arsenic from Hemchund Fetteychund, about whom I shall have to say a word or two when I come to the evidence of Damodhur Punt, and I place before you a probable solution to this part of the case. But my friend makes an observation which I

think also I may say was upon his instructions, and upon which also there is a direct and positive contradiction. He says arsenic and diamond dust appear to have been pounded together, and handed over by Salim to Rowjee upon two occasions. In page 6 of the shorthand writer's notes, my friend says, "The arsenic and diamond dust thus obtained appear to have been compounded together and handed over by Salim to Rowjee on two occasions." The importance of that I shall deal with in another portion of my observations, but I may briefly say that this diamond dust and arsenic are the diamond dust and arsenic supposed to have been given upon the first occasion to Rowjee. Arsenic and diamond dust are not said to have been received at all upon the last occasion. One powder only is said to have been given on the last occasion. But the two packets are said to have been given to Rowjee for the purpose of being administered to Colonel Phayre, somewhere about September. Why it is important to consider what my friend was instructed to open, is this. I think there is no doubt from my learned friend's opening—and I believe it will turn out that this was the original assertion—that the diamond dust and arsenic appear to have been compounded together and handed over to Rowjee. Now, the statement that Rowjee makes now is that there were two packets given. He told us that he divided this into three portions—one packet into white, and the others into a rose-colored powder. Probably it is rose-colored, because Rowjee had heard of rose diamonds. I rather imagine he introduced the color out of compliment to the name. At any rate there were two powders, one of arsenic and one of something like rose-colored powder. That is his first statement, quite inconsistent with the diamond dust and arsenic compounded together—perfectly so, for if they were compounded together, the arsenic could not have come into Rowjee's possession. It was necessary therefore for Rowjee, in support of the lie about the belt and the arsenic found in the belt,—it was necessary for him to invent another story, and therefore Rowjee does invent this very remarkable one. He says that there were two powders given to him; not compounded together—that one was separate and the other, as I pointed out, rose-colored. Then Rowjee—whose mind is of a peculiar character, made up of murder and mercy, of affection for Colonel Phayre and a desire to kill him—thinks that this white powder is too poisonous to administer, and he accordingly in making up the packets mixes up three packets, principally of the rose-colored powder, and puts in a small pinch of arsenic not calculated to harm anybody into the rose-colored powder; and then he deposited that which was intended to poison Colonel Phayre in his girdle and forgets all about it. I shall have to comment upon the belt episode hereafter. It is a very peculiar and important episode, and is not one of the least indicative of what the case is. It is not wrong that I should refer to that and point out the entire difference between the case my learned friend was instructed to open and the facts which have been proved. I shall be obliged to refer to these matters again at something like great length, but I mention them now to request you to give such consideration as my observations and the facts themselves lead you to consider they are worth. Then, my Lord, my learned friend, being in serious difficulties, having no motive to suggest, suggests that there is a confirmation arising from the absence of communication between all the witnesses. He dwells upon that as being a strong and pregnant evidence of confirmation. Perhaps that would be about the nearest approach to evidence of confirmation that could be given in this case; yet I should say that it was trumpery and trashy—yet perhaps it has some claim to be considered as evidence of corroboration if it were the fact. The only misfortune is that it is utterly without foundation. Not only had the witnesses intercourse together, but they were invited by that respectable gentleman, Akbar Ali, in a most persuasive manner, to give every particular to him; and they generally made a statement after having passed a not very comfortable twenty-four hours. There seems to be a process—what it is I do not know—that after having been under the gentle care of Akbar Ali, and probably quite accidentally, they are made very uncomfortable in their minds and at once make a statement. That, as confirmation, falls to the ground; and I shall point to a way they were brought together for the purpose of having their evidence manufactured—and how completely it was manufactured from beginning to end—and I shall, I believe, lead your minds to that conclusion which will be pretty well bounded by this. I do not think I need here do more than use the name of Gujanund (I wish he had a name I could pronounce better). I think that when they talk of fairness and of the witnesses having no opportunity of seeing each other and of confirmation from that source, all I need say is—Gujanund. Nothing can be fairer, my friend may say, to these witnesses, and that at least there was candour and fairness. I answer—Gujanund. And if, when Gujanund is fully impressed upon the minds of the Commissioners, and when they remember the active and intelligent officers, as they will be called in the London papers, whose assistance he had on all occasions, I think the notion of the witnesses not seeing each other or knowing what they were about to say is the most comical that has ever been brought before a Court of Justice. Unfortunately, as I have said before, liars who have no foundation of truth to go upon cannot always recollect what they may have formerly said, and therefore, notwithstanding Gujanund, Akbar Ali, and Abdool Ali, who have done all they could for their country and themselves, I do not think it will be believed that the witnesses had not many opportunities of meeting together. But my learned friend had felt that up to this time he had a very unsympathetic case to offer to the Commission. He felt that he had a terrible lot of rogues and a terrible lot of falsehoods, or probable falsehoods, to allude to, and there was nothing whatever in regard to Damodhur Punt and to Rowjee that could redeem them from the depth of rascality into which their own admissions have put them. But at last my learned friend comes to an oasis in the desert of miserable lying through which he had been obliged to travel. He comes upon Nursoo and my friend is at once relieved. There is something to dwell upon,

something of innocence, something of virtue—there is repentance. My learned friend alludes to him in this way, and I noticed that when he did so his voice almost trembled as he said,—“One other circumstance in regard to Nursoo deserves to be mentioned. He had been many years in the service of the Residency and held a high position. After he had given his evidence under the circumstances I have stated, he felt so strongly the disgrace he had incurred and the falsity of allegiance of which he had been guilty, that he attempted to drown himself. There is a deep well near the Residency. One day he broke away from his guards and jumped into the well, from which he was rescued by the police.” It turns out, however, that he had had a dinner at the Residency—I have no doubt a very good one. He was standing beside the well and saw people, and he was seized with a vertigo, and then he tumbled: notwithstanding all my learned friend's efforts to push him into the well, he would not go in except by his own act, and my friend could not get him to declare more than that he tumbled into the well. They say that truth is found at the bottom of a well, but on this occasion the police were too quick and rescued him before he had found any. So we pass away from Nursoo. The next matter to which my learned friend alluded, and upon which also he had depended for confirmation, was the demeanor of the Gaekwar when he called upon Colonel Phayre on the 9th November. My friend said:—“Colonel Phayre was still suffering from the effects of the poison which he had imbibed, but he did not know at that time, as he had not heard from Dr. Seward, what he had taken. He received His Highness as usual, and was much struck by His Highness in the course of conversation describing to him almost exactly the symptoms under which he was suffering, and saying that there was a great deal of sickness about the town of such a character as Colonel Phayre was at that very moment suffering from. He said that he had himself suffered in the same way.” It is curious that such a conversation should take place. Colonel Phayre did not tell Mulhar Rao what he had taken or what his suppositions were at that time—he may have thought something had been put in his goblet. He had no definite idea that he had partaken of poison, not having then seen Dr. Seward. But if Damodhur speaks truthfully the Maharaja knew perfectly well then that the attempt had been made and had failed, because on his driving back from the Residency to the Palace he picked up Damodhur Punt on the road and had a conversation with him about it. That conversation Damodhur Punt will himself relate. My learned friend intended to convey—and probably it would have been an argument of very great weight—that the Gaekwar had wished, having ordinary knowledge enough to know the symptoms of poisoning by arsenic, to divert Colonel Phayre's attention from thoughts of poisoning by endeavouring to convey the impression presented that he himself suffered under exactly the same symptoms from natural causes. I read to you a letter from Colonel Phayre to Dr. Seward or Dr. Gray—I see it is to Dr. Seward:—“Although I only took two or three sips of the pummelo juice which the tumbler contained, I felt within about half an hour, as I described to you, a most unusual sickness of stomach, accompanied by dizziness in the head and of sight, producing confusion of thought, also a most unpleasant metallic taste in the mouth, with slight salivation, such as I have never experienced till within the last few days.” These are the symptoms described by Colonel Phayre, and those are the symptoms my friend is instructed to say are identical with those which the Gaekwar attempted to make Colonel Phayre believe he was suffering under from natural causes. I have therefore looked into what the evidence of Colonel Phayre was upon the subject. He says:—“I asked His Highness about his health, and he said that he had not been very well, and that there was a good deal of fever about, and he thought he must have eaten too many sweetmeats of the kind usually made at the Dewallee. He also said that he had headache and a slight pain in his stomach, but he was well now.” It is rather difficult to associate the description which he gives of the slight pain in the stomach from eating sweetmeats with the coppery taste, the dizziness, and the slight salivations described by Colonel Phayre, and I believe another observation was made as to there being something unusual in asking Colonel Phayre about his health. Indeed, I am reminded that Colonel Phayre led up to the question by speaking of his own health. When I look at Colonel Phayre's evidence, I am warranted in saying that the whole of the Gaekwar's demeanor to Colonel Phayre upon that morning was one nothing approaching to guilt, but was the perfectly natural demeanor of a man who generally visited Colonel Phayre on that day—it was not a demeanor, in fact, that could have excited suspicion in the remotest degree in the mind of the most suspicious person. I have thus, my Lord, dwelt with my learned friend's speech, which is valuable, not only for its ability, but as pointing out in the clearest manner what his view is of the evidence. Now, he says that this case depended upon Nursoo and Rowjee; he admits them to be accomplices in the crime they say was committed, and that he considers that according to ordinary practice—and the practice will be observed in the present occasion—that confirmation of some kind is necessary; and he undertakes to give that confirmation. He gives three samples—one is that the witnesses were kept separate. I have already referred to that to show that wherever traceable the contrary was the fact. Will any one for a single moment doubt that there is any honest confirmation in the conduct of Nursoo, a man who, although very wicked on one occasion, when his fate led him to attempt murder, was a man who had the merit of showing repentance, and exhibiting his sincerity by attempting to pitch himself into a well? With what object was he introduced into the case? Did the Maharaja on any occasion give him anything to do? He has done nothing—that also has fallen through. Another point was the demeanor of the Gaekwar and his allusion to his own maladies which he says were identical with those of Colonel Phayre—that also tumbled down to the ground. He has failed upon the one point on which he relied to give confirma-

tion. He has opened with Pedro as a witness to be relied upon to give confirmation. He has opened with Pedro to be relied upon, making no comment to detract from his evidence and credibility, and Pedro knocks over the main witness upon the most material points, thus showing that Rowjee has upon these points entirely and deliberately perjured himself. Then, if I am right in the observations I venture to make in this portion of my address upon this point, we are now left entirely and absolutely at the mercy of the three accomplices; and it is upon evidence of such witnesses, filled with other inconsistencies, that you are asked to deprive the Gaekwar of his honour, of his property—to cast him forth as a helot in the world from whom all would shrink—a man whom, if you were sitting here in another capacity than that of Commissioners, if you were sitting here as jurymen—a man whom without hesitation you would hand over to the scaffold. And this result is asked of you to be arrived at upon the evidence of men admitted by my learned friend to be accomplices, and show I think, up to this time at all events, by the opinions which I have ventured humbly to address you, to be accomplices without a shadow of foundation. I will now—and before going to other evidence, because I may do so with propriety and conveniently—refer to the evidence of Colonel Phayre. He is the central figure in this extraordinary story. Heaven knows that I have no wish to say a word more than I am absolutely obliged to do calculated to hurt the feelings of Colonel Phayre, who, I have no doubt, is a thoroughly upright and honourable man, and a gallant and distinguished officer; but I venture to think that Colonel Phayre was entirely unfit for the position he held—which was an extremely delicate one—and he was known by the Gaekwar to have met with a reprimand of a most serious kind, not involving, but on the other hand conceding, his honour and integrity, but dwelling upon his want of tact and judgment in the management of delicate affairs. I think I am not putting it unfairly. He said, and no doubt truly, that a subsequent Governor cleared him from this imputation. This gives me no dissatisfaction, but on the contrary I never wished to use that document as charging Colonel Phayre as deserving of the censure passed upon him. I used it simply to show that it was one of those documents operating upon the mind of the Gaekwar and leading him to consider first that Colonel Phayre was scarcely the person to occupy the position he did, and that in the next place that he would be removed upon a complaint being made. Colonel Phayre most imprudently associated himself with a person, or a number of persons, who were not friendly to the Gaekwar. Bhow Poonikur was a specimen of the lot. They say they got no money—but they got patronage, which was probably very much more valuable to all these men, to whom Colonel Phayre seems entirely to have lent himself. From mixing with these men Colonel Phayre comes to the conclusion that Bhow Poonikur—God only knows how he comes to the conclusion—is or was an honourable man. We know not upon what grounds he came to that conclusion, but he made a right-hand man of him who had been so active against the Gaekwar. Then Colonel Phayre has a great notion of redeeming a persecuted people. He is the saviour to whom the people looked and made entreaties to. When he drove out he was met by persons who petitioned him, and he was a ready listener to all their complaints. Such demonstrations are not ungratifying to the vanity of some people, but are little proof of the truth of the complaint, knowing as they did that his ears were open to any complaints that might be uttered against the Gaekwar, ready enough to give ear to such congenial food to his imagination, and to listen to those who would make assertions which he would readily accept. I have already alluded to what must have been the feeling of the Gaekwar when he saw Colonel Phayre in daily, almost hourly, communication with Bhow Poonikur; how he was absolutely in his hand; and how absolutely impossible therefore it was for reforms to take place. Was there no difficulty in the way of accomplishing that which the Viceroy had considered would take a period of two years or a year and a half to effect, but he was to be thwarted that way. Colonel Phayre also seems to have been labouring under the idea that he should be poisoned. Where he got it from Heaven knows; but one can very well understand that persons like Bhow Poonikur who talked about bazaar gossip impregnated a mind like Colonel Phayre's with notions of that character. Then we have a circumstance that also occurred which I shall have to speak of afterwards. Somewhere about September or October Colonel Phayre had a boil on his forehead. This boil will not be altogether unimportant in the case. I think a good deal turns upon it. There is a curious episode connected with it, and if anything can be humorous in this case, this forms one. There is no doubt whatever he had a boil. He had the attendance of a distinguished medical practitioner to take care of this boil. Where he got the idea into his head, and how he got it there, nobody knows, unless he had read over Damodhur Punt's evidence and recalled matters to his mind, and then came to a sudden conclusion, because he does not appear at that time to have made any observations on the subject. He complains at that time of having been sick, not liking his pummelo juice. Dr. Seward was not asked upon the subject. I know collodion was mentioned, but Dr. Seward would hardly apply collodion to an open boil. If he did apply collodion it fully accounts for the feelings he described; but it is clear that he intended to convey that something was done to the plaster which he put on and which he describes. My learned friend corrects me, and therefore the observation does not apply. I did not remember that he used anything else, and I did not remember what was said by one other witness what was to be put on the place. My friend mentioned this, and it is to support the testimony of Rowjee that he put certain powders into his pummelo juice. A peculiar matter is that Colonel Phayre drank his bad pummelo juice without complaining. It occurs to me that the best tempered man in the world on drinking bad pummelo juice would say,—“What on earth is the matter with this?”—but Colonel Phayre seems to have behaved in a most Christian spirit and said nothing about it. He simply does not

drink it, and simply throws the juice away, and this occurs on three successive days, with no complaint, no alteration, no inquiry. I think you will agree with me that that conduct is of a kind which can hardly be accounted for. He says so however, and I accept his statement as such; but I do not accept it as being what actually took place, and I cannot help thinking he has been poring over the evidence of the other witnesses, and that he is inclined to attach to that an importance which has only been created by the assertions of other people. Of course I may be wrong on that point, but it appears to me to be extremely probable. Let us look at it whilst we are considering it with Rowjee's. If his account is true, he really took out all the arsenic from the parcel he had received and deposited it in another parcel and practically only used the diamond dust. Practically he only used that which, supposing it to be admitted, is a perfectly innocent matter, and can cause no pain or annoyance. It certainly does look as if fancy had worked upon his mind, and that he had recollected feelings which he never experienced, by reading depositions that an attempt had been made to poison him. Then, my Lord, we go on to the subsequent period, the 6th, 7th, and 9th of November. On the 6th and 7th the same incidents occurred. The same symptoms that he had experienced in September and October, and again experienced on the 6th and 7th November—the very same that was afterwards experienced on the 9th. To say the least of it—this is extremely peculiar, because according to the evidence of Rowjee, he had not put the poison in upon the 6th and 7th; and therefore Colonel Phayre must certainly have imagined these symptoms upon those days, and one cannot help thinking with regard to all the circumstances that Colonel Phayre supposed that poison had been attempted to be administered to him upon these particular days. The pummelo juice was bad again; he tasted an unpleasant taste again, he could not drink it all; again he was perfectly submissive, and made no complaint, nor till the 9th of November did it strike his attention that poison had been administered. Now, my Lord, these I confess are matters that I am unable to fathom. At one time it occurred to my mind—I do not say it occurs to it now—but it did occur to it, and to the minds of other persons, and I wish to offer it as an argument to you, and that is, that there was no substantial, real intention to poison the Colonel. I shall have to address many observations in which that point will be an important one to consider. It occurred to me as very strange that persons having such complete access to poison, having also such complete access to Colonel Phayre, with a perfect knowledge of his habits, with an opportunity of dealing with them,—it occurred to me as extremely strange that for so long a time with all these implements at their hands no attempt had been successful, and that in reality Colonel Phayre had never derived any, and in point of fact never complained of any at the time from what were said to be repeated attempts to poison him. That was a matter which it was impossible to lose sight of in a case like this presenting such extraordinary circumstances and so many impossibilities. But when we come to the ultimate act, the description of it greatly puzzled me, and puzzles me to this moment. Colonel Phayre was very resolute in saying that the sediment at the bottom of the glass was a dark sediment. The other witnesses all spoke of light-grey powders, and if that which was analysed, and if the analytical tests have been correct, and if we are rightly informed upon the subject, beyond all question the powder analysed did not in any way answer the description given of it by Colonel Phayre. The tumbler had been put down, and after it had been put down, and after it had remained for, if I recollect the evidence, rightly, about half an hour, he threw it away, and then was attracted by the appearance of the contents at the bottom. Now you will remember what Dr. Seward said upon that subject. I received his evidence upon a number of points, and I assured him that it was not my intention to offer him the least offence, but directly I spoke about the colour of the powder in the glass, he got out of temper and proposed to keep me here till doomsday. It seemed to me perfectly clear that it was a puzzle to him which he could not make out, for the powder which Colonel Phayre saw was dark, while that seen by Dr. Seward was light. I do not mean to say that eyesight of people does not deceive them occasionally, so that that which is light may appear to them dark and *vice versa*. I have heard that such cases sometime occur in regard to colours, but to say the least, it is unusual, and the fact remains that between Dr. Seward and Colonel Phayre there is a direct and altogether irreconcilable difference. Now, the powder—at all events if it was the powder that really remained, for I confess that I cannot understand the difference of the colour I have alluded to—was sent away for analysis. I shall be obliged, when comparing what Rowjee and Nursoo and one or two of the other witnesses said, to refer again to the circumstances that took place on the morning of the 9th. In the meantime, however, I pass away from that. In analysing the powder, Dr. Seward applied a test which is not always carried out with success. And from Dr. Grey's evidence I do not understand that the arsenic was really reproduced by either himself or Dr. Seward, although they both refer to the discovery of the metallic ring. There is no doubt that this metallic ring indicates arsenic, but it is not an absolute proof; and I know that in cases of arsenic poisoning tried at home, the scientific men employed have generally brought out the arsenic itself in its pristine form and not relied merely upon the appearance of this metallic ring. With regard to the diamond dust it is entirely idle to say that any whatever has been found. It is pure nonsense to say so. There are some sparkling elements and something that scratches glass, but to say that it is diamond dust is utterly beyond any possibility of proof. It cannot be proved. It is the purest guess-work imaginable to speak of the presence of diamond dust; and to accept scientific disclosures upon such a subject is the merest trash, which I do not think will have any weight upon the minds of the Members of this Commission. Of arsenic there is a certain amount of proof, supposing that the powder sent for analysis was the identical powder which was in Colonel Phayre's glass at the time he showed

it to Dr. Seward; and I am well aware of a positive declaration by Colonel Phayre that the glass could not have been touched or the contents added to before he gave it to Dr. Seward. But I do not think that positive declaration will go far, because there were a number of people about who had the fullest opportunity of touching the glass if they wished to do so; and his positive declaration may have been due to his preconceived idea that he had been poisoned. In making these observations I am not propounding a theory which I undertake to prove or substantiate; I am only remarking upon the peculiarity of the evidence in this part of this case and the reflections it gives rise to, and the difficulties presented by those matters to which I have taken the liberty of calling your attention.

Seventeenth day, Monday, March 15th, 1875.

Mr. Serjeant Ballantine.—In my concluding observations on Saturday, there were one or two matters in which I made a slight mistake which, with your permission, I will now correct. It was only with reference to dates—and they are only slight errors and rather assist my arguments than detract from the effect of them. In speaking of the date of the first poisoning I put it back to August or September. I find, on looking carefully over the evidence, it is fixed by the only witness who has given anything like an accurate account of the matter to have been 15 or 20 days before the 19th of September. And I wish to direct attention to the date because when I come to a later part of my argument, it will form an important feature of that which I propose to offer for your consideration. The second matter is that, as far as I can see, and subject to the correction of the Commission, the last money payments actually proved was not later than July. I put it at a later date in my observations on Saturday. But looking through the evidence with the assistance of my learned friends, I think I am right in saying that the last money payment to any of the servants was some time in July—certainly not later. That also, in my view of the case, will be an important matter to consider, and therefore I correct what was to a certain extent an error that I made in addressing you on Saturday. There was another subject which I introduced casually; I did not attempt to follow it out at that time; it will be a subject on which I shall have to dwell hereafter, but I may as well supplement what I said on that occasion. You will remember that I called attention to the colour of the deposit in the glass of Colonel Phayre, described by himself, after he had drunk a portion of it. I wish also to call attention to the fact that, looking at the number of attempts—putting them at four or six, according as you may be satisfied by the evidence that has been given—I assume that there were about six attempts—on every occasion Colonel Phayre was prevented from drinking the remainder of the glass by the taste that he discovered after drinking a small portion of it. That will not have escaped your observation. That was the case on every occasion that the attempt was alleged to have been made. It will not have escaped the attention of the Commission that the only agents that are supposed to have been used for the poisoning of Colonel Phayre were arsenic and diamond dust, neither of which produce any taste whatever, and no doubt he might have drunk off an entire glass of liquid without having discovered that there was anything deleterious in it until about half an hour afterwards. I believe that is spoken to as about the nearest time at which the effects of the poison would begin to be felt. I shall have to dwell upon this matter again, but having incidentally alluded to it on Saturday, I wish to call attention to it, because I think it is worthy of the attention of the Commission; and when I come to the evidence of Damodhur Punt and others, I think the point of these observations will be sufficiently apparent to the Commission. I propose now to enter into the investigation of the graver charge against His Highness the Gaekwar and the order I propose to do it in is to commence with Damodhur Punt. It is evident that he originates everything, and that from this source whatever poisons obtained, were obtained. There is no suggestion that any other person originated, or supplied the poisons; it is traced back to him; it is intended to be fixed upon him. It becomes therefore extremely important to consider his testimony, and I think it will be better to take his evidence as being the first in order of time. In discussing the evidence of this witness, as well as of Rowjee and Nursoo, I don't think it will be improper for me to allude, before entering into details, to the mode in which the evidence has been obtained. I alluded to it shortly on Saturday, and I don't intend to dwell upon it at any length now. I think that I shall meet with the agreement of all men who reason the matter fairly, as I am sure it will be reasoned here, when I make the observation that when you find that witnesses of an extremely suspicious character have placed themselves before a tribunal in the character and light of accomplices, it is extremely desirable to ascertain whether their evidence has been obtained by people of a pure character themselves, and whether the mode of obtaining it will satisfy the tribunal that it has not been got in an improper way. It is always a disagreeable thing to make any general observations detrimental to other people; but I am obliged not only to speak of the persons, but of the mode in which this evidence has been procured. Mr. Souter, I have no doubt, is an extremely able man, and he holds a post of importance, I presume, at Bombay. He was perfectly aware of the character of the three persons who are the remarkable persons in this case—Gujanund, Akbar Ali, and Abdool Ali. He was quite aware of the censure that has been passed upon them by, I believe, a man who is acknowledged to be one of the most honoured and most eminent members of the bench of India—he must have been well acquainted with this, I say; and whether that censure was

right or wrong which had been so passed, he might have reasonably entertained suspicion of the instruments he was about to employ. He might have found other persons in Bombay to serve his purpose, but these three persons—Gujanund, Akbar Ali, and Abdool Ali—seem to have been brought from another district. There is no reason for their having been so brought; they are persons, as I have said before, who have had comments made upon them elsewhere regarding the falsifying of evidence and getting up false cases; and whether these were true or not, I say there ought to have been care taken as to the amount of power that was left in their hands. The mode in which the evidence has been given of these three witnesses (I may also speak of the ayah) is also a matter to which I must call your attention. And I call your attention to it very earnestly, because I think it is a feature in this case that will meet with great observation from one end of this country to the other, as well as in almost every civilised country. These men seem to have been allowed to take persons into custody, and then after keeping them in custody for a certain time, and not until then—a custody, as far as I know, utterly illegal—Mr. Souter comes forward and takes their examination. The mode in which these examinations were taken I shall defer commenting upon until I enter upon the individual cases to which I shall have to call attention; but, in every instance, as far as I know, the persons who have been the material witnesses in this case, have been persons, who first of all were placed in custody, and not until after having been in custody for a considerable time—some longer than others—not until then, are they supposed to make their statements. I shall presently show you how if these statements are not satisfactory, they are subsequently cooked up by additions or alterations; that will be a matter I shall dwell upon in individual instances, rather than generally; but I cannot help making this observation, that witnesses so dealt with are, in point of fact, tortured before giving their evidence. You do not administer the thumb-screw, nor do you stretch them upon the rack, but they are nevertheless kept in misery and terror, and, from what I have seen of many persons that have been called here, a position of abject terror. They feel that their lives, their property, their hope, and their liberty—every thing in the world—is dependent on what they do while in the custody of the police, and that the only mode in which they can escape from that custody is by answering the whip—I use that expression advisedly—by giving the character of evidence that the police require for carrying out their case. In the towns of India, such a course would not be endured. I know it would be utterly and absolutely illegal. It is practised here in a distant district, where there are crowds of poor, ignorant natives—men who do not know who to appeal to, or who do not know where to go to, men who have no constituted tribunal which can help them in their difficulties. They feel, as in the present case, their master is powerless; the police are to them a power that they cannot resist; the police that they exercise a terror that they cannot control, and they go the length of what I cannot but call deliberate torture for the purpose of obtaining their ends. I have made these general observations after reflection and great thought. I feel that they will be observations weighed, not only by your experience, but by the knowledge and intellect of many others, and I believe that this case will thoroughly support the observations that I have ventured to make. Having made them, I will now proceed to consider the case of Damodhur Punt—a man who, as I have said before, is the *fons et origo* of the entire case, because, although examined at a much later date than the other witnesses, he is the person from whom everything is supposed to have originated and to have been the immediate agent of the Gaekwar; and, therefore, a man whose evidence we are bound to consider with a great deal of care, and to ascertain whether it is evidence upon which you can rest. I am speaking to men as I would wish to be spoken to. I desire, in this case, to introduce no violent expressions. I desire to use no words but those which are justified by their being argumentative. I believe conscientiously that if I can convey the thoughts and impression that are upon my own mind to the tribunal I have now the honour of addressing, the safety of the Gaekwar is perfectly clear, and that it will be felt that it is perfectly impossible for a tribunal in a civilised country, upon such evidence, to pronounce a verdict adverse—I won't say merely to the Gaekwar—but I say that they could not pronounce a verdict against the lowest person in the land, if the evidence is such as is produced against a person who, if he falls under it, loses his character, crown, and all that is dear to him; and, as I said before, loses it under circumstances which I cannot help thinking, would not be fatal to the humblest in the land. My Lord, before entering with the minuteness which I must do, into Damodhur Punt's evidence, I must refer to the mode in which he was given into custody as corroborative of the general observations that I have made on the subject of the police. It appears that he was taken into custody on the same day as the Gaekwar, and, instead of being brought before any Magistrate, instead of being confronted with his accusers and having the matter investigated fairly and properly, the first thing that is done is to put him under a sepoy's guard; under that guard he remains for 17 days. The words "being under guard" do not seem to be very terrible, but with the thoughts that must follow it, and with the feelings that must attend it, I think I have not improperly described it as that not of confinement but as amounting to torture. He himself says, "I made the statement for the purpose of getting free from that guard." That is his own perfectly candid statement upon the subject, and probably, whatever doubt he may have raised by his evidence, you will not feel much hesitation in believing that he was speaking the truth. Upon that he was handed over to the care of the police. He knows, at this time, the evidence of both Nursoo and Rowjee. This he admits himself. If he had denied it, it is palpable that he must have known it, because Rowjee and Nursoo were being examined, and had been examined when he was at liberty, and it was natural that he should be interested in knowing what they had

stated, and he must have known that that charge was one against the Gaekwar, and that it was a charge of poisoning by arsenic and diamond dust. He therefore has to arrange something or another in which arsenic and diamond dust are mixed up. But, in addition to that, there is a shadowy account of a bottle; and he therefore must introduce a bottle into his statement; and although he is the first person who is brought into this case by the evidence—that is, the first person who supplies this bottle—in point of fact he only gave it after what was expected of him. He knew perfectly that diamond dust and arsenic must be the means by which the Gaekwar should be accused. These were matters with which he was perfectly well acquainted and with which he was ready to deal under the circumstances that he himself describes. Now what these circumstances are, are worthy of your consideration. They have been eloquently detailed by himself, and I need do no more than call your attention to them. The position of this honourable witness is, “If you convict the Gaekwar, you shall get off; if he gets off, you shall be punished.” That is his own account, his own proposition. He is then granted a conditional pardon. “Succeed in what the police have told you to be what they require, and you will get off, otherwise you must bear the consequences of your own admission.” Liberty, possibly a grant of land, Heaven only knows how perjury of this kind is ultimately rewarded, might be given to him; but, on the other hand, he would not only not get liberty, but I don’t know exactly what the punishment is for having committed perjury or having attempted to commit murder in this country; he would probably be very much more severely punished for not doing what the police expect of him than he would be for the crimes that he has undoubtedly committed. I don’t know whether I have ever met before with an instance in which a witness has come forward and made such a direct avowal, and stands before you with a halter round his neck which is to be used or not according to the evidence that he gives. Still, there are marvellous instances in this world in which, notwithstanding so painful a position, a man will sacrifice everything to the truth, but I don’t think the warmest admirer of Damodhur Punt would be inclined to think that he would be disposed to make any such sacrifice. He is a clever man—the cleverest amongst the witnesses that have been produced, as far as my judgment has been able to go, an eminently cunning man, who gives his evidence with very considerable volubility—but I could not help thinking that there was an appearance about his countenance as if even he felt a sense of shame while he was uttering what I shall demonstrate to be a perjury, for he made statements which have been materially altered. My Lord, this will make it necessary for me to examine this evidence in relation not only to its consistency with itself, but also in relation to other matters; that is what I propose to do at some considerable length; and I venture to think that when I have done this and called your attention to the evidence of other witnesses who were also called to support this case—Hemchund and other witnesses—I think I shall show you, not only that he has deliberately falsified a number of statements in this matter, but also that the police have been most active and have made much of a great deal of the evidence which has been produced before you. I, my Lord, particularly refer to the evidence given by Hemchund—evidence that was manifestly extremely suspicious as, you were of opinion when you allowed him to be cross-examined upon his statement, but evidence which I am now in a position to consider, and I think shall point out, with such material matters connected with it, that I think it will have a very formidable effect upon the conclusion of this case. I think—unless I am very wrong indeed in the conclusions that I have arrived at—I shall show in this case police manipulation, beyond all question, of a most daring and outrageous kind. Of course, I can only judge that of my own humble ability, and I can only submit such reasons as have affected my own mind. I can only hope that they will also affect yours. I shall lay them before you, and I hope, in relation to this and other matters, I shall appeal to your reason as I should wish to be appealed to by those who endeavoured to convince me upon any particular point. The first matter, to which I call your attention, is the position of the man Damodhur Punt. Permit me to describe it as it occurs to my own mind. I do not think it will be a fancy sketch at all. He is the secretary and trusted servant of His Highness the Gaekwar; he is a man likely to have His Highness’ confidence, I admit, and so far they may be enabled to state part of his story as probable. But his position, as he describes it himself, is one of a man whose accounts are rotten to the very core—false entries in all his books—false representation as to what payments have been made for, and, in point of fact, he places himself in a position, that if he had been charged by the Gaekwar, or upon the suggestion of Colonel Phayre, which was extremely likely to be the case, with embezzlement and fraud, he would have had no earthly answer to those charges, his books would have told their own story, the falsifications would have been perfectly apparent, the evidence given by the Brahmin and other people would have shown his entries to be utterly untrue; and, supposing there was no charge against the Gaekwar, I think he, Damodhur Punt, might have howled himself deaf before anybody would have believed that these falsifications had been made at the Gaekwar’s direction. Supposing the charge had been made against him, what answer could he have made? How on earth could he in any way whatever have rescued himself from the certainty of being convicted as a fraudulent servant? My Lord, I asked some questions and pressed them to him, and I don’t think they were impertinent or unworthy of consideration. I pointed out to him what his position was, and he admitted that which I am now arguing—he admitted that he had no means of answering, no means whatever of rescuing himself from the imputation; and the suggestion that was patent upon that I now venture to make to you,—Is it at all likely that he would have become the instrument of the Gaekwar for the purpose of falsifying books, which falsification admitted his own dishonesty, and to which falsification, if he himself were accused and the Gaekwar chose to be a party to the accusations, he could not have had any earthly

answer? And upon that point it is proved that there is not a scrap of writing in the Gaekwar’s hand—not an act done in the presence of an independent witness by the Gaekwar from the beginning to the end of this case (but more particularly I am referring now to the falsification of those accounts)—by which Damodhur Punt might have exculpated himself from the charge of embezzlement and fraud. My Lord, I think that is a forcible argument for your consideration against the supposition that they were committed in the way that he stated, and for the purpose that he stated. It is difficult to imagine that he would not have supplied himself with some protection and that he would not have left himself entirely unprotected in the hands of a master who he must himself have known would be after a certain time glad to get rid of him, and to whom he gave the power of getting rid of him. In the history of villainies committed in which great people are supposed to use small instruments, we always find that these instruments generally supply themselves with the means at all events of implicating their principals. I am not aware that I have ever heard in my life of a case in which a man in Damodhur Punt’s place lent himself to fraudulent entries without retaining the power of making an explanation in the event of an accusation. My Lord, there is a matter that I may allude to in a word—although his hours at the Palace were from eight o’clock in the morning until ten at night, with the exception of a short time for dinner, those visits which form a material portion of the earlier part of this case, and which one would have thought he would have known of perfectly, especially if he had been an accomplice of the Gaekwar, seemed to have passed without his notice, and he did not seem to be a party in any way consulted in them. It is one of those inconsistencies that I think speak to our minds, and leads the way naturally to another observation, why if the Gaekwar was in point of fact dealing with a parcel of servants and others, and had a desire to obtain information, or to commit the graver crime with which he is charged—why, when he had a ready and facile instrument in his secretary, did he not leave him to do the infamous and dirty work, instead of placing him constantly in the power of parties every one of whom would be unable to testify against him? I believe I remarked on Saturday that one of the most remarkable features in this case is that it seems that the Gaekwar rather took a pride in the number of persons whom he took into his confidence upon a capital and fatal matter of this kind; and really the mode in which the meetings are supposed to have taken place, and the perfect candour with which he seems to have offered his opinion to the humblest people, and I should think the most dangerous of people, is even in this extraordinary case a very notable and extraordinary feature. When I come to refer to some of the evidence that has been given, and the circumstances under which it has been given, and the conversations that took place, I shall very earnestly ask those Members of the Commission who are also natives of this country to attend to some observations. I know that they will attend generally to all; but I shall direct some observations which I think will be peculiarly adapted to their knowledge of the country and its habits, and upon which I believe that they may give very valuable information and be of very valuable use indeed to the Gaekwar in this his terrible position. Now, my Lord, those matters I have dealt with, and I have endeavoured in doing so to state myself calmly, as I shall endeavour to do during the remainder of my address. I may take the opportunity of saying that these observations are pertinent not only to this part of the case, for their application will be found when I come to the other portions of the case in detail. But having once called the attention of the Commission to them, I don’t propose to elaborate upon, or, unless by forgetfulness or otherwise, again refer to them. Having disposed of Damodhur Punt’s position in relation to the accounts, now let me ask you to follow me in the history of what he is alleged to have done. At page 112 in the short-hand writers’ notes in the *Bombay Gazette*—and it will save my reading many extracts that I might otherwise do, and I think enable you to follow such parts of the argument as are worthy of my attention, if you would allow me to refer you to the short-hand writers’ reports in the matters which I may place before you—your Lordship will find the commencement of this extremely singular transaction. It commences with the order of the Gaekwar for the arsenic from the Fouzdaree, regarding which it is alleged that the Gaekwar stated to him that it was for the itch, and that he himself worded it that it was for a horse; and his further evidence, is “I took the order to the Fouzdar, but was unable to procure the arsenic.” Now, I beg the attention of the Members of the Commission to that. He wrote the order, and was unable to obtain the arsenic; that is his story. That is a falsehood, a deliberate falsehood. He begins by telling that which is entirely and absolutely untrue; he could have obtained that arsenic without any difficulty. The Fouzdar was called by my learned friend, and his evidence will be found in page 156 of the short-hand writers’ notes. The Fouzdar says that the order was in all respects complete, and that there was nothing whatever to prevent Damodhur Punt from obtaining the arsenic from the Fouzdaree. As the superstructure is built upon this, the whole of it must tumble to the ground with the falsity of that allegation. It will be broken to pieces by other means, but that alone is sufficient to destroy it. But that, my Lord, is not the only feature to which I think it right to call your attention in this order for arsenic. This was an order upon which the Gaekwar’s name appeared; the Gaekwar endorsed it. Therefore, as far as we can gather, unless he was a lunatic, he actually puts his own name upon an order for arsenic, which, according to Damodhur Punt, is to be used for the purpose of poisoning the Resident. There is another view that may be taken of this, and that depends upon the view that hereafter you will take of Damodhur Punt. Damodhur Punt may be a mere instrument of the police, and, knowing that he is perfectly safe if he assists them in obtaining a particular object, he may have invented the whole of this matter. But there is another view that may be taken—Damodhur Punt may have had some object of his own in obtaining the arsenic. Look at what his position was at this time. Colonel Phayre was beyond all question using every

means in his power to sift the proceedings at the Palace; and, sooner or later, it must have been apparent to Damodhur Punt that his defalcations and frauds would be discovered. That idea must have been apparent. Nothing could have been more perilous to Damodhur Punt than an investigation of his accounts, and in all probability other servants of the Gaekwar might be reasonably supposed to be under the same apprehension. I have already pointed out what such an inquiry would have led to; and if an inquiry had been made against him, there is no doubt his position would have been sufficiently perilous. He was in disgrace admittedly at the Residency; the Gaekwar was never able to take him there; he was not admitted within the walls of the Residency. Under these circumstances Damodhur Punt knew that he was a marked man. He had a motive: the Gaekwar had none. Therefore, it will be hereafter a matter for consideration whether the whole of this story is a lie, or whether when, in point of fact, he admits that he has intended to murder, he has told the truth; and upon that point I shall make some further observations hereafter, when I come to investigate the evidence that has been given by other witnesses; and I think, indeed I feel sure, that when I point out some matters that at present have not been called to the attention of this Commission, that, extraordinary as the circumstances are that are patent before this Commission, there is passing through the whole of the matter circumstances that require the deepest consideration, and are calculated to create the gravest doubt as to what is the real history of this transaction. Let me, however, proceed with his statement. It is obvious, supposing he had any object in getting arsenic, why he did not get it from the Fouzdaree; because if he had been mixed up with the use of it at any time afterwards, the name of his master upon it would have at once traced the possession of it to himself. Under these circumstances if the Gaekwar had been desirous to use poison, the last thing on earth that he would have done would have been to put his name upon the order. On the other hand, the last thing Damodhur Punt would do when he found his master's name upon the order, would be to obtain the arsenic, because it would have been the means of tracing it to himself. Upon that, he, according to his own account, represents to the Gaekwar that he cannot get the arsenic from the Fouzdaree. That will be in your recollection. Why not? Would not the obvious answer of the Gaekwar be, "Why, all poison is sent out of the Fouzdaree upon my order, and upon my order alone. I have the entire control of the poisons; I have the entire control of arsenic. What do you mean by saying that you cannot get the arsenic? You have got my order for it; go and get it." And yet he (the Gaekwar) allows the order, with his own endorsement, to remain in the records, so as to convict him of attempting to procure arsenic in the event of any charge being made against him, and yields to the reason given him by Damodhur Punt that he cannot get it without a single observation, although he knew perfectly well he could get it, and tells him to go and get it elsewhere under the circumstances to which I have now referred and to which I call your attention. Upon his statement that he could not get the arsenic at the Fouzdaree, he is directed to go to Nooroodin Borah, and get it there. Now, here we have another curious interlude or episode in this very remarkable case, and here we have again an exemplar of police management and police arrangement. We have a good view of the liberty of the subject—whether they are respectable tradesmen or not—when the police choose to interfere with it. He gives a long account of going to Nooroodin Borah. I can quite understand why he has fixed upon Nooroodin Borah to tell a parcel of fables. He expected Nooroodin would endorse them. Nooroodin Borah, as will be remembered by Colonel Meade, was one of the complainants against the Gaekwar upon the Commission. He complained of having been fined five thousand rupees unjustly, and he also complained of a relative of his having been flogged. He was, and is, and might be well esteemed to be a bitter enemy of the Gaekwar. One can very well understand why it is that Damodhur Punt should have selected him as being the person to whom he applied for arsenic. It occurred to him, as it has occurred probably to men of little minds generally, that this man would naturally be only too glad to obtain vengeance. This is a man who is no friend of ours, but he seems, at the same time, to be an honest man. And how has he been treated because he refused to come up to what the police demanded of him as confirmation of Damodhur Punt's statement; he is kept in custody, and has been kept in custody for months. According to Akbar Ali, I believe, he has been remitted to prison, because they could not get anything whatever out of him, and Akbar Ali, with a smile the very reverse of benevolent, intimated in passing, that there was something or other in reserve for him that he would not all like. One is not therefore surprised that he has not made his appearance to confirm Damodhur Punt upon the subject. The police have done all they could to make him—they have threatened him, they have tortured him—but they cannot make him. Bitter enemy as he is to the Gaekwar, he is the one spot in this case in which an adherence to truth has induced a man to suffer torture and degradation rather than be made an instrument of a false charge against an innocent man. So much for the arsenic. Oddly enough, it does not appear by the depositions that he was ever taken before Mr. Souter, and that illustrates what I have already said that nobody was taken before Mr. Souter until a proper course of police manipulation had rendered him subservient to their purposes. He was never taken before Mr. Souter; he remained in prison. Akbar Ali said that he had been remitted back to jail with the threat that some proceedings or other will be taken against him. What they may be Heaven only knows. He is powerless to prevent them. There is no magistrate, no human being to whom a man, persecuted as this man has been, can appeal for remedy and for safety. So, my Lord, as far as I remember, there is no evidence whatever that Damodhur Punt ever obtained any arsenic at all—no evidence, I mean, beyond his own assertion. His own assertion is that he obtained it from Nooroodin. I think the observations that I have made upon that

subject will satisfy you that this is utterly false. If he obtained it, he obtained it from some other source, and for some other purpose. The whole of his story is a fabrication that he might have obtained it upon his master's order. He did not do so, and the evidence in relation to Nooroodin is conclusive that he did not get it from there. He makes no suggestion as to having got arsenic from any other quarter. This is the arsenic that permeates ultimately until it is supposed to reach the cup of sherbet of Colonel Phayre. I am not aware that there is any other suggestion as to arsenic being procured. I believe there was some suggestion of arsenic from the camp Borah—the man who has not been called; and if there was any arsenic obtained from him, they have his books in their possession, so that if that arsenic had been brought from him they have abundant means in their own hands to prove it. Now, I think the next portion of his evidence, having dealt with the arsenic, it will be desirable to deal with will be the evidence as to what he calls the "physician's stuff." I have before me the evidence given before Mr. Souter; and part of it I will take the liberty to read. It will save me considerable amount of description, for I think the description he gives himself is as good and graphic as any I can attempt:—"At the same time, namely, when the Resident had the open wound," (that I presume to allude to the boil upon Colonel Phayre's forehead), "the big physician's younger brother brought a bottle of poison made up by the physician, but as there were many of us present, he did not give it that time, and he may also have wanted something for it. In the evening one day, when Colonel Phayre had the boil on his forehead, the Maharaja told me to get some blister flies to send to the younger brother of the big physician. He told me to send through the Fouzdaree, and have the Wagries sent to catch some flies and taken to the physician. I told Narayenrao Wakusker, who is in the Fouzdaree, accordingly. The next morning the Maharaja told Hariba, in my presence, that the physician's younger brother wanted some snakes to make medicine. The snakeman came to me two or three days after, saying he had the snakes that had been ordered, and I told him to take them to Hariba and take his order before going with them to the physician. Narayenrao brought the blister flies taken by the Wagries and showed them to me, and the next day Goojaba, a servant of Nana Khanvelkur, came and showed me some blister flies of the same kind, and I told him to take them to the physician's brother and submit them for his approval. About the same time the Maharaja told me that the physician's younger brother wanted the urine of a black horse; and I gave orders to Bappajee, the *kamdar* of the Khas Paga, to take some urine accordingly to the physician's brother." Now, I don't know what state of darkness this country may be in, but certainly this story reminds one much more of some Eastern tale of a former time than it does of anything that could have occurred in the nineteenth century. At the same time upon that subject you are very much more competent to form an opinion from your own knowledge of what may be the superstitions of the natives possibly than I am myself, and I won't profess to offer any argument upon the subject, but leave you to judge of the probability of it. But, passing away from that, I call your attention to what is done with it and how it is used. I may as well, however, mention here that I think my learned friend began to get a little ashamed of this particular part of the case. I don't think that these plaster flies at all suited with his keen and acute intellect. I think he had a sort of notion that he was going a little too far; but inasmuch as they were down upon this evidence of Mr. Souter, my learned friend fairly and properly enough proved the whole thing from Damodhur Punt's mouth; but my learned friend could not get any further. I expected—indeed we were promised—the presence of the snakeman. We should have had an opportunity of learning by what process he is able to extract the poison. We should also have had some valuable information upon the subject of blister flies and their effect upon human beings, and with regard to the article that was particularly desired by the Maharaja for the purpose of poisoning his enemy, some account of its properties might have been given by the gentleman who was deputed to obtain it, and who appears to have obtained it. But my learned friend does not appear to have called any of those sages for the purpose of giving us any information upon the subject; and, as far as I can gather, these wonderful extracts were made into a white liquid and disposed of in a manner to which I will now call your attention. "The Maharaja wanted the stuff, but did not want to give what the man demanded" (that, I think, is rather improbable, and considering that Damodhur Punt had nothing to do but finger whatever amount of money he pleased belonging to his master, probably you will agree with me that it is not very likely to be true); "so he suggested to Nana Khanvelkur" (who has not been called, and I don't know who the gentleman is) "to get some of the contents of the bottle, and a day or two after, about 9 o'clock at night, Goojaba came to me with the bottle which the physician had made, and told me that he had taken it to the Maharaja, and that he had been ordered to bring it to me, and that I was to take some out of the bottle, and keep it till the next day, and then give it to Salim. I poured some out of the physician's bottle into a small bottle of mine, which had held attar, and gave the other bottle back to Goojaba; and the next day Salim came to my house at 9 o'clock, and I gave him the bottle to take to Rowjee to poison the Sahib. This I understood perfectly, though I did not tell Salim to give it to Rowjee." So that we have now the contents of the bottle which were to be applied to the unfortunate Colonel Phayre. We know how it was made, the elements of which it was compounded. I shall have to follow that bottle through a variety of stages. It is almost a comical episode in this otherwise extremely serious case. But we trace it now from its source and it will not escape your attention, and I beg that you will keep in your recollection the account that Damodhur Punt gives of it, because you will find that when we are considering Rowjee's evidence that that account is extremely material. He says the first bottle brought was about this length (pointing

to the fore-finger). He did not use any other term, but put up his finger, represented that the first bottle was about a finger's length, and that the bottle that he put it into was about half a finger's length. You will find that in the evidence—I believe I am quoting it quite correctly—because it is extremely important. It will be one of the means by which the falsehood of Rowjee's story will be developed. He tells us further that it was in an attar bottle. Now, I did not ask any particulars as to attar bottles. But I believe it is perfectly well-known what they are. They are bottles in which there is a very thick coating of glass and capable of holding a very small quantity of attar. Probably the space to hold the liquid is almost infinitesimal, and when you consider an otto-of-rose bottle of about the size of half your finger, you will agree with me that it is not calculated to hold any amount of liquid. But, according to all accounts, that is the famous bottle which ultimately met with such adventures, and came under such very learned cognizance. This is the bottle given to Rowjee, and the bottle that I shall presently follow through its very eventful history. I have dealt with the arsenic, and I have dealt with the physician's stuff, as I shall perhaps in the future call it whenever I have the necessity to allude to it. I have now come to the supposed obtaining of diamond dust. Now, I venture to believe that there was never such nonsense in the world talked as diamond dust being accredited as a poison. I have looked into books of considerable authority, such as Taylor and Beck, and others, and I cannot find the slightest trace, except in a work with which I was not acquainted until I came here, where it has been quoted on the subject. At the same time, for aught I know, there may be a belief that diamond dust is a poison when a book of any kind, whether an authority or not, asserts that it is. As far as I can understand, if it is spoken of as being an article thoroughly well known, one would imagine that it would be the residuum that comes from diamonds after they were filed or cut. However, they are shown to you as being the result of diamonds themselves being pounded, and it is supposed that diamonds were procured for the purpose of pounding them into diamond dust and using them in the way that is suggested for the poisoning of Colonel Phayre. It is quite odd that of two or three witnesses who have been asked upon the subject,—goldsmiths, Nanajee Vithul and others—every one of them declared that he had never heard of diamond dust in his life—never heard of diamonds being pounded. We all know it is a very valuable article, and would imagine that the notion of its being a poison would have been discovered effectually long ago. However, I will accept the assertion made by my learned friend upon the foundation of the work that he referred to—Dr. Chever's work. I will accept it that there is a superstition of that kind which I will class with the superstitions about the snakes and the flies and the other articles. There may be such a superstition; I cannot tell. But diamond dust never came out of Damodhur's place. Damodhur Punt never obtained any diamond dust. Let us follow what he says upon that subject, and I come now to a portion of the case that I shall have minutely to analyse, and I hope I shall be enabled to convey the ideas that are present on my mind upon the subject:—"I got the diamond dust from Nanajee Vithul. I got three *massas* of powder, and nine *massas* of diamonds. I know this from what Nanajee Vithul told me." That is an important portion of his evidence, as you will observe when I call attention to the evidence given by Nanajee Vithul. Then he says, "I gave the diamonds to Yeshwuntrao, who said they were to be made into powder and given to Colonel Phayre. I said, 'This is not good—this is bad';" a sufficiently mild mode of talking on the part of one who intended to poison. You will see that in the statement he first of all made, he said there were three *massas* of powder. It appears from what Yeshwuntrao observed—if his statement is true—that there was no powder given to him, because he simply makes the observation that the parcel or packet given to him was to be made into a powder. Now, I must pause at this period of the case. I have made observations upon the improbability of the Gaekwar taking such means as those imputed to him for the purpose of obtaining arsenic. I now would venture to ask the Commission what they think of the story in relation to his obtaining diamond dust. Assuming diamond dust to be pounded diamonds, why on earth should there be such an elaborate scheme to obtain possession of these diamonds? Why should other people have been taken into confidence? Why should a man have to falsify his books when the Gaekwar has nothing whatever else to do but to take the loose diamonds, and the diamonds that he was using in ornamentation and have them pounded? At that very moment he had small diamonds which were being used for the purpose of ornamenting the hilt and scabbard of a sword. Throughout his whole reign he had been in the habit of procuring diamonds. His diamond department was full of them; he had nothing whatever to do but take them. Then why all this machinery? Why all this quantity of falsehood? Why all this manipulation of documents? What earthly purpose could be gained by it? If he had wanted diamond dust, he had only to take his own diamonds and have them pounded. That is all he had to do. In the same way, it appears to be manifestly absurd that there should have been so much elaboration for securing arsenic. All these transactions took place in the absence of the Gaekwar, and they are alone dependent upon the statement of Damodhur Punt. No collateral evidence of any kind is taken. Diamond merchants are not found to have brought the diamonds to the Gaekwar, nor said to have brought them, nor is it said that they had any conversation with the Gaekwar at all about them. In point of fact, except through the medium of these most tainted and infamous witnesses, there is not a scintilla of evidence that the Gaekwar had anything whatever to do with or any knowledge whatever of these transactions. My Lord, I pass over those portions of Damodhur Punt's evidence in which he imputes certain conversations to the Gaekwar relative to the attempt on Colonel Phayre. They come within the argument that I have already humbly suggested to the Commission—they are utterly and absolutely uncorroborated—there is not a

scintilla whatever of confirmation—and it is quite clear that in the matter of conversations, inasmuch as they are said to have taken place when Damodhur Punt and the Gaekwar were entirely alone, it is perfectly impossible for the Gaekwar to give anything but a general denial to them. He has no means, by evidence or otherwise, of doing anything else than contradicting what he denounces as an infamous falsehood; and I cannot do more therefore than refer to the character of Damodhur Punt, and the impossibility of any human being, I don't care who he is, extricating himself from such a web of charges as those made by Damodhur Punt against the Gaekwar, made by a man admitting himself to be an accessory to the murder or attempt to murder, endeavouring to shift off his own shoulders the responsibility on to somebody else, and obtain immunity for himself by casting the crime upon another. But while there is no conversation whatever, or any corroboration of any kind, all the statements made by the Gaekwar to Damodhur Punt, there is negative evidence that in my humble judgment goes very strongly to refute it. Every paper in the Gaekwar's possession was seized by the officers, and there is no genuine document whatever found by which the Gaekwar can be personally implicated in any of the transactions. I use the term personally implicated for the purpose of distinguishing between the statement Damodhur Punt has put forward as the confirmation of his own statement, (and supposing it to be true it amounts to nothing more,) in contradistinction to what I say ought to exist for the purpose of confirming a villain of this description, namely, such confirmation as brings the accused by word or by deed, by act or by letter into connection with the transactions. But it is not pretended, except in one most remarkable document to which I shall presently call your attention, that the Gaekwar was cognizant in any way whatever with any of the transactions that Damodhur Punt was carrying on. And all the papers ransacked, searched, and investigated with every minuteness, show there is not a single corroborative proof connecting him with the actions of Damodhur Punt. There are other things that are very well worthy of your attention, and these again I used as being the strongest evidence that this case is a got-up case against the Gaekwar. I submit what I am about to say to you with great confidence—it depends upon no words, it depends upon dates and upon the construction that the Commission will put upon those acts. It does appear to me to be a most singular and remarkable thing, and I think that it must have struck the members of the Commission at the time that the matters were being investigated as being singularly remarkable, and that is the story of the obliteration of particular parts of these journals. It strikes me as being all important. The mode in which it is used or suggested by the prosecution is that these were obliterations of certain words—certain names, that connected Damodhur Punt with the transactions in question. Well, I have had an opportunity of looking at the dates of these obliterations, and I believe I am right in saying (if I am wrong my learned friend will hereafter correct me) the dates of three of the papers so obliterated are June 8th, July 2nd, and September the 6th—these are dates, which the Commission will be quite aware, during which time it is not pretended that any of these transactions took place—and therefore the supposed obliteration could have been for no earthly purpose as regards Salim, because there was nothing whatever to conceal at that time, and according to the case of Damodhur Punt, nothing whatever occurred at that time. It is a much later date. There is one obliteration as late as the 13th October, that may have been an obliteration for something or another occurring to some of these parties; but with regard to the other three obliterations, they are at dates during which it is not pretended by any witness whatever that anything at all had occurred. Then, my Lord, there is another curious feature in this case. Damodhur Punt did not obliterate them himself he says, but that he told an office clerk to obliterate them, and he vouches the name of the clerk so employed. That name is vouched by my learned friend and pledged in confirmation of the story. He is called and absolutely denies the fact—he says there is not a word of truth in it. Bulwuntrao is his name. It is very true that we have a statement of Mr. Souter one in which he admitted it on one occasion. I am corrected by my learned friend: that has not been said. I thought that in his examination by Mr. Souter he had so stated. However, he may now say the whole thing is a falsehood and an utter fabrication; he says, "I never did anything of the kind." I do not know that any human being would have blotted it there, except for the purpose of attracting attention. I don't believe this was ever done by Damodhur Punt; certainly it was not done as he said it was. Is it within the range of probability, or common sense and common experience that Damodhur Punt for the purposes of concealment would have made these obliterations that must have attracted the attention of the very first person who looked at them? I am told, I do not know whether correctly or not, that some of the natives of India are not unskilful hands at obliteration, and that they are not generally signalled by large blotches of ink that must attract everybody's attention, that looks at them. I can scarcely with gravity deal with such an assertion. It seems to me to carry on the face of it absurdity—the statement of a comparatively unreasoning mind which only looks at one object, which object it wants to carry out, and cannot grasp at the same time the folly and absurdity that surrounds an assertion of this character. I ask whether any rational or intelligible answer was given to the questions that I put and repeated over and over again. Why, if there were any entries that you wanted to conceal in the journal, did you not throw them behind the fire or tear them up? If he had had time to do the one thing, he would have had time to do the other—but it is manufactured—it is a part of this foul case—it is shortsighted—it is ignorant—it is what no man of ordinary intelligence would practise, because it carries its answer upon its very face, but it is very probable that those who made these statements never imagined that this case would be tried before a Commission like the present, but by somebody or other without some reasoning power that would swallow all the absurdities he chose to utter; that must

have been his idea passing through his wretched brain, that thing answers itself, and answers itself in a way that is most important for the men whose nonsense I have been endeavouring to demonstrate; it shows that evidence of a grossly flagrant kind has been manufactured, and it will cause this Commission to look with the greatest care and apprehension upon every portion of this case with which these manufacturers have had to do. I make no further observations upon that. I shall not have to recur to it again. As I have said before, I think it is negative testimony of a very important character indeed; and in the light of negative testimony I place it before this tribunal. I have already referred to the fact that he was perfectly well aware of the statements that Nursoo and Rowjee had made—he admits that before he was arrested he had heard of the alleged poisoning by arsenic and by diamond dust, so that his mind was fully prepared to furbish up some story of poisoning in which the principal elements should be arsenic or diamond dust. As to the bottle employed in the transaction, he gives some kind of excuse by saying that he had poisoned a boil of Colonel Phayre. But now you have before you the evidence of Damodhur Punt that is given upon the subject of the arsenic and upon the subject of the diamond dust, and you have also my comments upon the subject, which it is a great gratification to me to find are not at all likely to be forgotten, and will, I know, be hereafter considered with perfect impartiality and with sound and excellent judgment. I have endeavoured to make my propositions as clear as possible. I make them, knowing that they will be answered as far as they can be by my learned friend the Advocate-General. I know that the ability of a man holding one of the highest positions in the country will be brought to bear upon the subject; but at the same time I know that, recognising the duties of his high position, he will only do that which is in the interest of justice. He is not here, and he must feel gratified that he is not, to hunt an unhappy prince off his throne, and no man is more likely than my learned friend to act in the interests of that justice which will ultimately be administered here, and to which I have no hesitation in saying the whole of the population of India is looking forward to the result with great interest while it will be watched by the greatest minds and the greatest intellects of Europe. I go now to another part of my subject. I shall have to go into some detail, and perhaps I shall not secure the entire sympathy of the Commission at first in what I am about to say.—I am alluding to the evidence of Hemchund Futtichund. (Refers to page 137 of short-hand writers' notes). Your Lordship will not have forgotten the appearance of that unhappy person in the witness box. I never in my life witnessed, stamped upon the face and appearance of an individual, such an abject expression of terror as there was upon his. He had made his statement to the police and to Mr. Souter, which I shall presently read to you. He came forward here to say that that statement was false, that he had made it under intimidation, that he had gone through the process usually administered to witnesses, that he had been left in the custody of the police until he had been sufficiently handled to serve their purpose, that moreover he had introduced fictitious items at the bidding of the police; that he had done so under the threats of the police, and that they had carried out these ends by giving him just a gentle hint, as he was going into Mr. Souter,—“Now, if you don't verify what has been done before, back you go to prison.” That is his account, and under the influence of those threats he made a false statement to Mr. Souter. The Crown produces him for the purpose of saying that diamonds were brought from him through Nanajee Vithul, that Rs. 3,000 were paid him on account, that that sum came from a saving account, and had been falsely entered by Damodhur Punt as having been paid away to the Brahmins,—that is to say, that the entry upon which the Brahmin was called as a witness was an entry fabricated for the purpose of accounting for the sum of money paid to Hemchund for these diamonds, and that Hemchund's books contained fictitious entries to the effect that Rs. 3,000 were received from Khemchund Khusalchund, when in point of fact they were in payment of diamonds. Hemchund was called here to prove two entries at the end of his book, debiting the Gaekwar with two sums of money for diamonds. For all these purposes he was called here by the prosecution. I think it is very desirable in this case, as so much depends upon it, to read what this witness said to Mr. Souter: “Some few days after the last Dussera festival Nanajee Vithul, in charge of the Gaekwar's jewel room, directed me and other jewellers to bring some diamond chips, which we did the same day and handed them to Nanajee, who retained them. The following day our diamonds were all returned, and we were told that the price did not suit. Two days after Nanajee Vithul directed me to bring my diamonds back again; they were weighed, the price settled, and purchase concluded. Four or five days later I was again sent for by Nanajee Vithul, and directed to bring other diamond chips, which I took to the Palace accordingly. Nanajee Vithul was not present in the jewel-room. The diamonds were therefore handed to Venayekrow, Nanajee's brother-in-law, who weighed and priced them, and then took them along with me to Damodhur Punt, who remarked that the price was high, but kept them, saying that he would purchase them if required. On this occasion the diamonds were in two packets, both of which were kept; but about four days after one packet was returned to me.” It is well that I should call attention now to what Hemchund said when he was examined. Up to this point his evidence when examined here and his statement agree, but they commence to disagree at this point, where he says that only one packet was returned to him. The Commission will find it desirable to recollect this fact when I call attention to the evidence of another witness. He asserts now that both packets were returned to him, and the question for your consideration is whether that is true or not: “A few days after it became known that an attempt had been made to poison the Resident, Colonel Phayre, Nanajee Vithul asked me whether I had entered the purchase of the diamond chips in my books, and if so, that I was to remove the entries in some way or other, as he was afraid that the diamonds in question had been made use of to

“poison Colonel Phayre. On hearing this I became afraid, and at once caused the pages of my account books on which the sales of the diamonds were entered to be removed and fresh pages substituted. The three books now before me (lettered A, B, and C) are those that were thus tampered with. The price that I was to receive for the diamond chips was Rupees 6,270 of Baroda currency, and on account of this sum I was paid Rupees 3,000 by Nanajee Vithul, who has been credited at pages 10 and 24 of the day-book as having been received from one Khemchund Khoosal. A portion of the above sum of Rupees 3,000 was counted out and paid to me by Nanchund, Shroff of the Doomala villages.” I want very much to impress upon the Commission the point here which is really in dispute. Hemchund says now in evidence that both packets of diamonds were sent back, and that there was no transactions between him and Nanajee Vithul. He also says in his statement before Mr. Souter that the pages containing the alleged transactions with the Gaekwar were torn out; but he goes on to show that which you will ultimately find to be entirely inconsistent with their being so torn out—that an account of these transactions was to be found at pages 10 and 24 of the day-book disguised as transactions with Khemchund Khoosalchund. My learned friend says that Khemchund Khoosalchund was an entirely imaginary character, in so far as these accounts were concerned; that Hemchund had had no such transactions with this Khemchund Khoosalchund, and really never knew of any transactions whatever existing with Khemchund to which he had been a party; and my learned friend pledged himself to call Khemchund Khoosalchund to prove that no transactions whatever had taken place between him and Hemchund.

The *Advocate-General* explained that the name should be Sewchund Khoosalchund—not Khemchund.

Serjeant Ballantine was glad that it was the printer's mistake with the name this time, and proceeded—But there is no doubt about the real name, and no doubt whatever about the transaction. Now comes what I think sufficiently exhibits the manipulation of the police, the substantial truth of Hemchund's story, and the undoubted falsification of the books by the police themselves. I think you will agree with me that it is about as iniquitous and at the same time as transparent a proceeding when exhibited by the light of information subsequently obtained as has pretty well ever been endeavoured to be foisted upon a court of justice. When Hemchund is called here, he says, “Refers to pages 10 and 24—there they are—they are not torn out—they are not pretended to be falsified.” These are the items which in his examination before Mr. Souter he vouches as proving the payments in relation to the diamond dust, and at the very time he was vouching this before Mr. Souter, Gujanund Vithul had in his pocket three bills of exchange, which he must have deliberately suppressed, of which he never made the slightest mention, and which he never produced to the light until I challenged the production of them here. In these bills the history of Hemchund's transactions is clearly shown, and the impossibility that they could have related to diamonds proved beyond the possibility of a doubt. Now, Sirs, I shall rely upon your assistance in this case as men much more versed in such business matters as this than I am, and shall content myself with just giving a summary of my views upon the subject, with a view to directing your attention to the details, which are extremely important. It appears that Nanajee Vithul had transactions with this Hemchund, and I cannot help having a kind of notion of the nature of the transactions when it appears, according to Hemchund's testimony, that some ornament was purchased from the person whose name I have already mentioned—a jeweller at Poona—and it appears that that article of jewellery was intended in some way or another to belong to Nanajee Vithul, and had been paid for, and paid for by these three bills. You heard his evidence upon the subject, and I think he must have made out to your entire satisfaction that these three bills did apply to the payment for that ornament. Hemchund gave you the amount of the bills, the amount of interest, and so on, and made out an original sum of Rupees, 10,000. How that sum was made up he explained with minuteness and detail; he brought the account up to 9,300 odd Rupees, and said the balance was in connection with other transactions upon his books, where they might be seen. My learned friend, evidently astonished at these disclosures regarding the bills of exchange, and believing that the whole of Hemchund's story was an utter fabrication—as well he might from the information he had received—if he were aware of it he possibly had not his mind particularly directed to the bills—he endeavoured to prove out of the mouth of Nanajee Vithul that Hemchund had been guilty of perjury, fabrication, and falsehood. My learned friend cross-examined him at great length upon this point, and upon his dealings with Nursoo and the Poona goldsmith. It now turns out by negative testimony that every word of Hemchund's story about these transactions is strictly true, and that in point of fact the transactions did take place. Nanajee Vithul was never examined about them, and the Poona goldsmith was never called to confirm or the contrary the statement made about his dealings with Hemchund. As far therefore as I can see, and remembering the written documents before the Court, these two entries, declared to before Mr. Souter to represent an untrue transaction for the purpose of covering the sale of the diamonds, turn out to represent a perfectly true transaction. The documents before the Commission, the absence of any contradiction of them and of witnesses who were upon my learned friend's brief, and might have been called—all prove conclusively, I think, that what that man Hemchund said regarding this in the progress of this case was perfectly true: “When I declared that these were fabricated entries, I did so in order to get out of the hands of the police. I give you my books, my bills of exchange—I vouch the names of all my people engaged in these transactions.” That is practically what he said here. No contradiction whatever has been given to that. Although Nanajee Vithul is called in in the matters, the entries are now proved conclusively by Hemchund to have been a pure business

transaction, although he had been dragooned and frightened by the police into telling a falsehood when examined before Mr. Souter. I must say it really is a terrible state of things, take it in whatever point of view—something that must produce very grave feelings in the minds of all of us—the abject terror that these people can create upon the minds of people who appear to be well-to-do and intelligent, and who in a civilised State would be protected by their character and position, but here may be dragged from their homes, dragged to a prison, bullied by the police, threatened with punishment, kept in confinement, promised delivery if they make a statement consistent with what the police tell them to make; and then we have this fearful thing—that a deliberate false statement is made in the presence of Gujanund Vithul—made by his procuration—in relation to two items, while at that very moment Gujanund himself had in his pocket the means of proving, and probably had satisfied himself, that these items were entirely correct. My Lord, I use no further expression in condemnation of such a state of things. I confess it was with great apprehension that the proposition first came into my mind. It was with doubt I allowed it to remain there for a moment. I doubted my own judgment; I hesitated about my own discretion; and it was not until I had thoroughly mastered the documents themselves and the surrounding evidence, that I ventured to put it before men who can appreciate my argument, and to put forward upon it the broad assertion, that if you are satisfied my view upon this matter is a correct one, the whole case from the beginning to the end is foul and rotten—that this mass of forgery and falsehood must fall to the ground, and be crushed under the foot of every thoughtful and feeling man. Hemchund's evidence is not, however, confined entirely to that, nor are the falsifications of the book limited to that. [Here Mr. Ballantine received from the Secretary Exhibit A 2.] As my learned friend reminds me—and I am obliged to him for these information—these hoondies are not only referred to in this particular book, but are referred to throughout the other book admitted to be genuine. Therefore they are shown by a number of books to be a regular mercantile transaction, and bring out the state of things I have endeavoured to develop. It is very difficult to quite understand how this story is intended to be made out, because it seems rather like blowing hot and cold first of all to impute to Hemchund the tearing out of the items which involve him in this matter, and the fact of vouching the very items themselves which appear to be still in the books;—it is very difficult, I say, to see, even on the prosecution's own showing, how they are to reconcile these two things. But there can be no doubt about this. He is supposed to have torn out items for fear of implicating the Gaekwar, and yet they say that the item I have now before me is a genuine entry appearing upon the books at the time they were received. [Page 140 of the short-hand writer's notes referred to.]

Serjeant Ballantine pointed to an item and requested the Interpretator to read it.

Mr. Nowrojee Furdonjee.—The item is as follows: “Debited to the account of Shrimunt “ Mulhar Rao, Gaekwar, 14th of Aso-vud. Given to Damodhur Punt.” (To the President)—This line is not quite correctly written, but I would translate it thus: “Narrajee himself “ gives to Damodhur Punt.” One letter is wanting in Narrajee, so that it is Narrajee. Then follows the items—“Rs. 2,770—bilandi diamonds.”

Serjeant Ballantine.—That is sufficient for my purpose. You perceive from that entry that so far from the transaction being concealed, it is patent. It is not in a curious place certainly, because it comes in upon the 7th or 8th November, when it might be very convenient in regard to the diamond dust that was supposed to be administered to Colonel Phayre. It, however, follows in a remarkable way the evidence of Damodhur Punt, because according to the words used it is “delivered to Damodhur Punt by the hands of Nanajee.” Such an entry as that would not, I should think, be found in many tradesmen's books, but here it concurs precisely with the evidence given by Damodhur Punt. If the item is a manufactured one, we can pretty well account for the terms of the manufacture. You find it consistent with the traces being destroyed—with the destruction of entries. Here you not only find the item, but moreover in the very place a policeman would wish to find it who was conducting this particular case—upon the 7th and 8th, although probably it could not have been used at such a time of being supplied. Hemchund has declared that that entry was made in duress and by compulsion. I ask you to take the entry itself, and you have simply Gujanund against Hemchund. You have a man—I suppose a respectable tradesman—at all events no imputations have been suggested against his character. You have Gujanund, and know the nature of his transactions. I take the liberty of asking you to believe Hemchund rather than Gujanund. I ask you to do so, not only upon the characters of the men, but also upon the entry itself. I want to know what any reasonable man will say about that entry. Is it a genuine one? Or is it one made up for the purpose, as stated by Hemchund? Why, it passes everything! It being supposed that this transaction was correct, and one in which Damodhur Punt did not want to come before the public view, care has actually been taken to stick his name in. Moreover, it is clear that the whole thing is in direct contradiction of the statement made before Mr. Souter, that all entries had been destroyed. Does it not create pregnant suspicion that Hemchund has told the truth? I think that that suspicion will be largely increased when I call your attention to another witness, Nanajee Vithul—the next witness to whose evidence I will now call your attention. Now Nanajee Vithul is introduced as a go-between between Damodhur Punt and Hemchund in the purchase of these diamonds, and he, during his examination, confirms what was originally stated, that one of these packets was purchased and one sent back; and he alleges—and I beg the Commission not to lose sight of this fact—that these items of Hemchund's upon which I have offered so many lengthened comments (the items accounted for by the hoondies) do in point of fact represent the sale of that one packet

of diamonds. Nanajee Vithul knows all about these bills of exchange. He knows all about the transaction with the goldsmith at Poona. The transaction was one in which the ornament alleged to be purchased was an ornament for his brother-in-law. And beyond all question Nanajee Vithul was intended to be called to corroborate the evidence that had originally been given by Hemchund, and to contradict the evidence which he gave in open Court here. There is no doubt whatever that Nanajee Vithul could have contradicted that evidence most conclusively had it been untrue. Here is a tradesman who keeps books. Here is a transaction in which Nanajee Vithul is said to be implicated, the bills of exchange being alleged to be bills to which he was a party. But Nanajee Vithul, although called by my learned friend, was allowed to stand down without being asked a single word upon the subject. I do not know that it is possible to place the case more strongly or to have more forcible and convincing proof of the truth of Hemchund's statement. Nanajee, however, sticks to it—and I think you will believe it to be a deliberate falsehood—that a packet of these diamonds was in point of fact kept and charged for, and I am not without warrant for saying that it is a deliberate falsehood, because the very next witness called—Atmaram bin Rughoonath, a servant or clerk under Nanajee Vithul—said in the course of his evidence, “Nanajee said to me, I am going to take “ the *yad* away, as the diamonds are not to be purchased.” That was in relation to the second packet of diamonds; and he distinctly states that the *yad* was to be destroyed because the diamonds had been sent back. This was not a matter of surprise to my learned friend, for I find the witness saying in his evidence before Mr. Souter, “It was about this time that a report was “ current throughout the city that an attempt had been made to poison the Resident. Nanajee “ Vithul told me, when receiving the memorandum, that I was to make no entry of the pur- “ chase of the diamond chips, as he had returned them to Hemchund.” That is what Hemchund himself says; and under these circumstances—considering the bills of exchange, the absence of any contradiction on the part of Nanajee Vithul, and other matters—I say it is perfectly clear that the diamonds were returned, that no sales took place, that there has been no erasure or obliteration whatever in Hemchund's books, that these pages which are vouched as being fraudulent and not applicable to what they are stated to be applicable, turn out to be applicable exactly to what Hemchund has stated in his evidence; and moreover that the two last items about the diamonds on the 6th and 7th are falsified entries, but that Hemchund was compelled by compulsion and duress to make them. I have not abstained from referring to any document upon this subject, or from any test that could be supplied; and I do say I think I have made out, as against the allegation of Gujanund, that Hemchund has told the true story, and is to be taken as a witness of truth. I am quite aware that Hemchund exhibited himself in no very favourable light in the witness-box when he said he did not know what Hindoostanee was. Of course that was an absurdity. At the same time it is clear, even from Gujanund's account, that he speaks Hindoostanee very imperfectly, and that his evidence was given partly in Hindoostanee and partly in Guzerathi, so that saying that he did not understand Hindoostanee was reasonable enough. Of course, when he said he didn't know what it was, that was an absurdity which nothing can justify except confusion and a kind of terror he seemed to be in. He seemed to be apprehensive every moment of feeling the imaginary claw of an imaginary policeman upon his shoulder, and therefore afraid to utter a single word. I feel that in this matter I have a duty to do towards those persons who make statements upon which I feel I can place great reliance; and when one considers who Hemchund was—the circumstances under which he had been treated—I must ask the Court to extend their consideration towards him. An error he may have committed in the way he gave his evidence, but I shall presently have to call attention to the evidence of Colonel Phayre; and as I take it for granted that Colonel Phayre did not want to misrepresent statements, I hope that when you see that an educated man, in the confusion of his position, making errors which he has afterwards to correct, you will no more impute the errors committed by a poor man, under the influence of terror, to an intentional deviation from truth, than you would the errors committed by Colonel Phayre. I have very little more to say upon this branch of the case, except to allude to this fact—that Nanajee Vithul is said to have given Damodhur Punt two parcels, one containing diamond dust and the other diamond chips; while Nanajee himself says that he does not know what diamond dust is, and never gave him diamond chips at all, but that he only supplied the diamonds. Moreover, he proved the fact that with regard to small diamonds and chips, there was abundance belonging to, and subject to the management of, the Maharaja, which he could have got at any moment, and that in point of fact there was a quantity at his disposal. You have therefore, in reality, by different witnesses, every single portion of the remainder of this substantial case disposed of. No arsenic, no diamond dust, doubtful whether any diamonds whatever were sold, no proof from any source whatever that they were, the arsenic supposed to have been got from Nooroodin Borah not confirmed, the books of the person who is supposed to have sold the arsenic not produced; and the very mint out of which the coinage is supposed to spring, and upon which the whole case depends from the beginning to the end, crumbles to dust, and leaves nothing whatever remaining but Damodhur Punt's bare assertion unsupported by a single credible witness. With regard to Damodhur Punt, he may be lying from the beginning to the end, or he may for all I know be only a poisoner in intention. I shall not attempt to clear that man. From what I saw of him in the witness-box, he has a skulking, scowling, lowering countenance, and I could believe him guilty of any villainy. From the way in which he answered questions here, I could imagine him capable of any amount of cunning. Doubtful by Colonel Phayre, likely to have an investigation, prevented from ever coming into Colonel Phayre's residence, and being himself,

as I am sure you will believe, a robber and embezzler of his master's money, a fraudulent servant who was likely to have his books investigated at any moment—I can very well believe that he was likely to be the person who initiated these proceedings; and if he did so, and employed Salim and Yeshwuntrao as his agents, I implore you in the name of everything just and fair to exculpate from such charges, made upon such weak foundation, the unhappy Prince who is now relying upon the honour of those now sitting here to acquit him of a crime of which he has declared himself to be absolutely and entirely guiltless.

I am told that Nanajee Vithul vouched that a person named Nanchund Tullackchund was present when a sum of money was paid for these diamonds. I merely beg to mention that that witness has not been called to corroborate these statements. He was examined before Mr. Souter.

The President.—Have we got any evidence in our proceedings that he was examined by Mr. Souter?

Serjeant Ballantine.—I believe, my Lord, his evidence has been put in.

The Advocate-General.—I have not the slightest objection to admit that Nanchund made a statement before Mr. Souter.

Serjeant Ballantine.—This is rather important, as Hemchund is attacked by this witness in his deposition.

The President said that if Mr. Serjeant Ballantine had not the note referring to the matter at hand, he (the President) could take a note of it afterwards.

Serjeant Ballantine.—I have, my Lord, dealt with Damodhur Punt, considering him to have been the origin of the whole matter, although as a matter of fact he was last called here. There are other two witnesses—Nursoo and Rowjee—whose evidence is of course of considerable importance. With regard to Rowjee, I do not propose at this moment to go through the details of his evidence, because I wish to follow one or two episodes of this case which I think are illustrative of the whole, and I think had better be followed to their source. I have already alluded to the story about the bottle. We have got a bottle about the size of Rowjee's finger—an attar-of-rose bottle—which holds so little. It has not been pretended that there has been any change whatever in the bottle, but yet in Rowjee's hands it increased considerably in size. I propose very shortly to follow the history of this bottle. The Commission may remember that in the course of my observations, without pretending to put forward any direct proposition of any kind whatever, I expressed a doubt that has permeated through my mind as to whether the servants of Colonel Phayre had in point of fact any intention to poison. I have dealt with Damodhur Punt and delivered him over to your mercies. Deal with him as you please, or consider him the villain he pretends to be when he did in point of fact intend to murder Colonel Phayre; but I cannot bring my mind quite to the realization of the idea that Colonel Phayre's servants were concerned in any such deliberate design. I do not say that they were not, but I cannot bring my mind to think that they were. It is extremely important to follow the history of this bottle and Rowjee's statements upon it. Well, this attar bottle gets into his hands. The period when it does so is extremely doubtful. He himself puts it at about the 9th November, but I am told that he received possession of it at a much earlier period than I supposed. At all events he gets it earlier than October. As I have said before, it becomes extremely enlarged after it gets into his possession, and then the question is as to the uses he has to put it to. He understood that it was to be put into Colonel Phayre's bath, that it was given to him for that purpose, and that there was powder in it. According to Damodhur Punt we have heard what the stuff was compounded of. According to him also, we have the size of the bottle. We then have a description of what Rowjee did with it. He puts it between his drawers, or some other peculiar place, and it produces a boil upon his stomach. It occurs to him then that if he puts it into the bath or uses it against Colonel Phayre, it might injure the Sahib. The bottle was intended to poison him, or destroy him in some way or other; but Rowjee is seized with a fit which it is extremely difficult to understand. At all events, directly it produces a boil upon his own stomach, he is determined that he will not use it, and accordingly throws the contents away. I believe I am correctly stating the extraordinary evidence Rowjee has given. He, however, keeps the bottle, which is subsequently, according to his account, mixed up with arsenic, or whatever the materials may be, to poison Colonel Phayre upon the 9th November. He is told to mix these things in a bottle, shake them up, and put them in a glass from which Colonel Phayre was in the habit of drinking sherbet. The first observation that occurs is, how could a quantity of arsenic or any other poison be shaken up in a bottle of half-a-finger's length? It is not pretended that there is any other bottle than this, which has been traced from the evidence of Damodhur Punt. Of course, probably the whole story of the bottle is a fabrication, and that Damodhur and Rowjee contradict each other upon the size of the bottle, because one did not know what the other had said about it. But I think the whole thing is an absolute piece of absurdity. A mixture of arsenic, poison, and water could not be shaken in it. If you consider that the story about the bottle has broken down, another link in the story is done away with. I will ask my learned friend what he means to say upon this bottle episode. He cannot urge that there were two bottles. If so, what became of the attar bottle? Does he mean to say that Rowjee procured another? If so, what becomes of Rowjee's statement that he obtained that identical bottle from Damodhur Punt? I would also ask this Commission what view they take of Rowjee's evidence about not using this bottle, which, it is said, was handed over to him for the purpose of injuring Colonel Phayre in some way or another. Do you accept his explanation that he was afraid he would hurt the Sahib? Is it not pertinent to the observations I

made on Saturday that it is quite possible that Damodhur Punt intended to commit murder, but Colonel Phayre's servants did not? I shall be very glad if the Commission come to this conclusion, because, although these people are perjurers and scoundrels, they are not of the deep die they have described themselves to be. If that is the case, I may as well call your attention to the time when it is said Rowjee received this bottle. He says that he received it about the time that Colonel Phayre had this boil—that is to say, some very considerable time before he received the first supply of arsenic. He vouches that Nursoo was present at the time he received the bottle, and I call your attention to this, as it contains one of the important contradictions of the case. Nursoo corroborates him as to the receipt of the bottle, but fixes the time as at the very last interview—that is, three or four days before the poisoning took place. It ought not to be lost sight of either that, in his deposition before Mr. Souter, Rowjee never mentioned the bottle at all. The bottle is only mentioned after Damodhur Punt has made his statement upon the subject.

The President mentioned that, according to his recollection, there was a discrepancy between Rowjee and Nursoo as to the time the bottle was given.

The Advocate-General said that Rowjee had mentioned the small bottle in his deposition, for he said, “I used to shake it up in a small bottle and then pour it.”

Serjeant Ballantine.—But he never says a word about a bottle being given to him full of poison, or (in the way that is now suggested) a bottle coming from Damodhur Punt at all. He says he has got a bottle, but never speaks of another bottle of poison. Rowjee himself affirms the fact that the bottle he saw used was the bottle he obtained from the Maharaja under the circumstances I have described. I wish to impress upon the Commission that in the first place the bottle described by Damodhur Punt is an impossible bottle to have been used in the way described; in the next place, Rowjee never mentioned he received a bottle containing poison when he was before Mr. Souter; again, the bottle he used for the alleged poison he describes in a perfectly different way and of a different class, while he does not pretend to say that the bottles were two different kinds. Perhaps really that bottle contained some of the magic elements described by Damodhur Punt, because it appears to me utterly incredible, notwithstanding the great scientific opinion we have heard expressed upon the subject, that a bottle sealed up in the way it was could produce a boil upon a man, supposing some of the contents exuded from it. If a person manipulated his stomach with arsenic he might have caused a boil, but that the mere accidental exuding of a small quantity of arsenic from a bottle of that description should cause a boil is beyond my comprehension. My learned friend had evidently a lingering belief in the story, and called up Dr. Gray for the purpose of supporting his idea. Dr. Gray, during the process of examining Rowjee's boil, looked very grave, and came back to the witness-box with his scientific opinion. It was put to him whether, in his judgment, such appearances he saw might have been produced by what Rowjee had described. Fortunately none of us had an opportunity of judging what these appearances were. Dr. Gray gravely told us that a little of this liquid exuding from the bottle might have produced the boil. After that, who on earth can say that it might not? This reminds me a good deal of how a very eminent man in our profession, whom your Lordship doubtless remembers, and who, I have no hesitation in saying, was the greatest advocate I have ever seen in my life and the best lawyer, was deluded by a scientific opinion into a suggestion that a person who had eaten an apple might have been poisoned, because there was an apple pip in it. He was called “Apple Pip” ever afterwards, and, in the same way, I think Dr. Gray's name will always be associated with a boil upon the stomach of this Hindoo. The way science was shocked by such a piece of absurdity was rather surprising. I was taken in by Dr. Gray because there was a solemnity about his appearance that led me to hope I would be able to say that there was at least one witness in this case thoroughly respectable; but I thought of Apple Pip, and there was an end of the belief, and an end of the bottle. It is something too absurd. By the way, the contents of this bottle were never put to Dr. Gray, or probably he might have found out that there was something in them deleterious and calculated to produce boils upon the stomach. If this were an ordinary case, one would be inclined to pass it over with a mere smile; but to think that the man who is the principal perpetrator here should be guilty of such a piece of folly and be the man upon whose evidence a Prince has been practically deposed from his throne, makes that which I believe would otherwise be a laughing-stock a matter of deep gravity and one worthy of the gravest contemplation. I cannot help thinking that before such a man was allowed to have such an effect, his evidence ought to have been analysed by big and honest men. I pass away from the bottle; I wish it farewell. It is an absurdity at once ridiculous and painful as being part of a procedure like this. I now come to another part in which Rowjee is also an actor. I mean the powders Damodhur Punt is supposed to have sent to Salim or to Yeshwuntrao. They are subsequently supposed to have been delivered in the presence of the Gaekwar through a variety of formalities, and at last they come into the hands of Rowjee. I think I had better call your attention to the account Rowjee gives of these powders when he is examined for the first time before Mr. Souter:—“Salim and Yeshwuntrao immediately began to persuade us by saying that if we would only carry out the Maharaja's wishes we should not be required to serve any longer, as he would make a handsome life provision for us and our families; that we should have ‘assamies’ bestowed upon us, and should in addition receive a lakh of rupees each as soon as the work was done—meaning as soon as the Resident's death took place. We consented to do the job, and the Maharaja then said that the article to be administered would be given to us by Yeshwuntrao and Salim. A few days after this the

"Jemadar gave me two powders, and told me that equal parts of each should be administered for two or three days, and in such quantity as to consume the whole in that time. This had also been carefully explained to me by Yeshwuntrao and Salim in the presence of the Maharaja. I did not commence to administer the powders for two or three days, as no favourable opportunity presented itself for so doing. It was decided at our consultation with the Maharaja that the poison should be administered in 'sherbet,' which Colonel Phayre was in the habit of taking every morning on return from his walk. Accordingly I put the powders into the 'sherbet' two or three times whenever I found no person in the room or about to see me." In another part he goes on to say that the packet of powder which the Jemadar had given him he made into small doses as directed. Now the statement that he has made here is not that he used the papers as directed, not that he made them into three packets, not that he administered them in that way, and not that one of the three packets was found in his belt; but what he says is, that he found the two powders of different colours, and "my own notion was that the white powder was the most dangerous, and therefore I only put a small portion of the white powder into all three packets which I made up, and the remainder, consisting of all white powder, I put into my belt." Now, which of these stories is true? They are in direct opposition. As far as I understand the evidence, the powders were mixed up at the time, he got them up and were not two powders, one of white and the other of gray. That is the story told by Damodhur Punt, and that is how he represents it to Mr. Souter. I am wrong, it seems, in supposing that the powders were mixed up already, and I am much obliged to my friend for correcting me. But Rowjee distinctly says to Mr. Souter that he mixes them up as directed, and his statement before this Commission was quite different. How are these stories reconcilable? Then we come to the question—why should he not have followed his directions? What did he know about the difference of the powders? Then again they were meant to poison Colonel Phayre, and why should he have kept back what he supposed to be the most deleterious? The whole thing is unintelligible in connection with the subsequent story of the belt. If his story before Mr. Souter was true, the parcel found in his belt would have contained two powders and not merely arsenic. I venture to think that, taking these stories together, you have a congeries of improbabilities out of which it is impossible to see daylight. There is no doubt, however, that that arsenic in the belt was extremely useful for other purposes. Mr. Souter was not present at the finding of the damaged papers belonging to Damodhur Punt, and at the discovery of the arsenic he was not present. In fact, he never seems to be present at the finding. There was a universal cry after Rowjee to destroy the poison and leave no trace whatever, but curiously enough his mind seems to have got into a haze about the arsenic, and it entirely escaped his recollection. But Akbar Ali's intelligence overcomes many difficulties, and perhaps Providence assisted him on this occasion. Akbar says to Mr. Souter that he would not wonder if some powder were left in the belt, and Mr. Souter says, "You'd better look to the belt," and he has such confidence in Akbar that he permits him to depart to fetch the belt. It occurs to me to ask, however, why didn't Mr. Souter accompany Akbar? Akbar had made a most valuable suggestion. That belt ought to be put in a menagerie—I mean a museum—and that Akbar Ali should be put in the museum. That belt is a wonderful belt. It will go down to posterity. When Akbar feels the parcel in the belt, as if his Providence had told him there was arsenic in it, he immediately sends for Mr. Souter, and Mr. Souter says, "God bless me, why this is arsenic." I cannot help thinking that here was a matter in which Mr. Souter deliberately left a man whom he knew to be utterly unscrupulous to manage the belt, and relied upon something coming out of it, and sure enough something did come out of it. The discovery of this arsenic can only be considered providential—if it can be supposed for a moment that Providence had anything whatever to do with Akbar Ali. I have shown that as far as Damodhur Punt is concerned he got no arsenic and no diamond dust; I have shown that Rowjee's account of the belt is absurd even to comicality, and I have shown that with regard to the bottle he never mentioned it until the bottle had been mentioned by Damodhur Punt; that with regard to the powders he says he used them in one way, and then swears he used them in a totally different way, and then produces a paper of pure arsenic which is found in the belt under improbable circumstances. All this is a story which rational beings would be compelled to look on without doubt, to use no stronger expression; but when the story is told by such a man as Akbar Ali, it carries falsehood upon it, and I charge, before this Commission and before the world, that in that belt was placed by Akbar Ali the powder which was ultimately found, and directly that was done he called Mr. Souter as a comparatively respectable person to vouch to the fact of its being found. I shall now conclude my observations to-day by calling attention to the intrinsic evidence of Rowjee's falsehood. Undoubtedly Pedro is a respectable witness; upon his character no stain attaches; but he is a Portuguese by birth, and I am told that it is extremely unlikely that any Hindoo would make an accomplice of a Portuguese. Pedro gave his evidence where he could not be tampered with—before a gentleman named Edginton, who, I am told, bears as high a character, as any man in India. Pedro says he received money upon a particular day, but with regard to all the interviews imputed to him by Rowjee, Pedro pledges his solemn oath that Rowjee's statement is entirely and absolutely false. The Commission can determine, without any observations on my part, whether they can find Pedro guilty of accepting poison with the view of poisoning a master with whom he had been a servant twenty-five years without any earthly motive, because, so far as I can see, no motive whatever is suggested for the treachery of Pedro. I think I can point to other intrinsic evidence of the falsehood of Rowjee. The conversations which Pedro is said by Rowjee to have had with the Maharaja are singularly alike, both in spirit and in word

to conversations which Rowjee reports to have had with the Maharaja himself. The inference is obvious. What other conclusion can you come to than that Rowjee's story is a base and weak fabrication? My friend here calls my attention to an extremely material fact. Pedro's visit is made to be three or four days after his return from Goa, which was on the 3rd November, so that the visit would be about the 6th or 7th—the very period, as I shall subsequently show, that has been fixed as being the period of Rowjee's visit with Nursoo.

Eighteenth day, Tuesday, March 16.

Mr. Serjeant Ballantine.—My Lord, I think that it will be convenient that I should refer now to a matter that is not without its significance in this case, and probably more or less weight will be applied to it by the members of the Commission: I allude to the examination of the two principal witnesses, Rowjee and Nursoo, before Colonel Phayre, when the supposed attempt at poisoning was first under investigation. I don't know whether it is necessary that I should occupy any great portion of the time of the Commission in commenting upon that evidence. It is almost sufficient to refer to it; it exemplifies their characters; perhaps it does not make them more black than they were made before by their statements made in connection with other matters, and their own evidence in this case has made them. But at the same time it is a matter not to be passed by without observation. We find a number of the servants at the Residency, persons one would assume comparatively respectable people from the offices they filled, directly after the suspicion that the poisoning has been attempted on Colonel Phayre, knowing that the matter might inculpate some of themselves, quietly setting to work together to consider who it is they ought to charge with the offence, and by a general combination of every one of the persons to whom I refer charging a man who they knew, if their evidence is at all true, was perfectly innocent. They seem to have felt no sense of shame. They were frightened at the inquiry that was going on, so they every one combined, according to their own account. They talk the matter over, and Rowjee and Nursoo knew, if there is a scintilla of truth in any portion of their story, that they were the persons to whom the act is really attributable. They and their fellow servants endeavour, as far as they can, to supplement the charge by details which might render it likely that a fellow servant would commit the offence. Where you find people coming forward first of all, admitting that they have attempted to commit the murder, when you find that they are prepared to charge everybody else, and that they are now charging the Maharaja, it occurs to me that the whole case is of a kind that certainly does not very much commend itself to any Court in which there is a disposition to come to a conclusion upon anything like credible testimony, and although those are matters thoroughly in the mind of the Members of the Commission, it might nevertheless have seemed neglectful on my part if I had not called attention to them; but I do not desire to dwell upon them at any length, as exhibiting the infamy of these people. I shall do no more than say that I feel the force of it, leaving the Members of the Commission to apply their minds to the subject to which I have called their attention in anything but strong terms. Having made that remark, as I was entitled to do, I now go to the remainder of Rowjee's evidence, a great portion of which I have disposed of. As to the bottle and the belt, I shall offer the few observations remaining for me to make on that testimony. I think, however, that I might refer, and ought to do so, to the circumstances under which he made his statement, and that again I shall refer to very shortly, for I have already made reference to the conduct of the police in general terms. It is only necessary for me now to call the attention of the Commission to the fact that the plans which they adopted with everybody else they adopted towards Rowjee. He is taken into custody on the 22nd, and then it is said upon the same evening he confessed that he had administered poison to Colonel Phayre. He is promised, it appears, pardon if he will confess all. However, that is only after an interview with Akbar Ali. He is subsequently taken before Sir Lewis Pelly and Mr. Souter, after he has been manipulated by the police, Akbar Ali, and all the others engaged in the business of Mr. Souter, to which I wish to call your attention. It seems to have been the course adopted throughout the whole of this inquiry that Akbar Ali and Gujanund and Abdool Ali are the persons who upon all occasions manipulate the witnesses and the persons charged previously to their examination being taken by Mr. Souter. I know that it is always unpleasant to make observations that are either unfair or unjust, but upon serious reflection that I have given upon the matter, I cannot hold Mr. Souter to be irresponsible in these matters. He must have perfectly known the character of Gujanund; he must have known perfectly well, when he was handing over these persons to them, how unscrupulous they are: and I cannot help thinking—and I have expressed an opinion to that effect, and submitted it to the Court—that Mr. Souter ought himself, in the first instance, to have taken down their evidence before they were threatened and tortured as they appear to have been on every single occasion when the examinations had been taken. I refer now to some two or three other matters in Rowjee's testimony. Rowjee's examination is taken on the 23rd, another examination is taken on the 24th, and another examination on the 25th. He is then taken before Sir Lewis Pelly, where the promise of pardon to him is confirmed. There is a remark that I may take the liberty of making, but I think it does seem excessively strange, that while Damodhur Punt is supposed to be the originator of this infamous plot, and Rowjee, who is supposed to be the person who consummated it—if a pardon is promised to them—that Nursoo, who at all events performed a very subordinate part in the whole matter, and so a very inferior actor in the whole affair, should be the only

person to whom the hopes of a pardon are not only not held out, but who alone of all others is told that he never will be pardoned. It is an extraordinary thing to find that the perpetrator, the originator of the crime, should be pardoned, and that a mere subordinate agent in carrying it out is the only person to whom a pardon is refused. I should have thought that Nursoo would have been the only person to whom a pardon would have been extended. I cannot tell by what process of reasoning Sir Lewis Pelly should have arrived at the conclusion that Nursoo should be excluded from the grant of an amnesty, and I cannot but think that Nursoo has some reason to complain that he has been entirely left in the shade while persons worse than himself are to go entirely free—to be pardoned. I however cannot help thinking that if this case goes on all right, that we shall find that Nursoo will not be excluded from the position others have found themselves in. To go, however, now to Rowjee's evidence. It appears that his first interview was in August 1873, and it is said that these interviews took place in consequence of certain proposals of Salim. I want rather to dwell upon this. These are matters that apply, because at this time it is not shown that they were engaged in the matter at all connected with the attempt to poison. It is only suggested that Salim is desirous of getting hold of some of the servants for the purpose of getting information as to what was going on at the Residency, and it seems that some information was given, if we are to believe Rowjee. It is said that he went upon three different times—sometimes during the Commission, and up to the end of the Commission, and that conversations were had upon the subject of his giving information. It seems that this gentleman has taken to himself a wife, and that under these circumstances he thought it only proper that he should have asked for a present. There seems to have been a comparatively small sum of money given to him at that period, or about that period, and, as far as I recollect, it is a sum of money not applicable in any way whatsoever to poisoning, if applicable to anything; but it has been very elaborately followed out. There has been an endeavour to give form to it by calling a jeweller who has produced a quantity of trash which he made on Rowjee's wedding, and to prove that the cash according to Rowjee came from the Maharaja. I shall have to say a few words—though a very few—upon the subject of this endeavouring to get information of what was going on at the Residency. But I stop here to call the attention of the Commission to the fact that, as far as I know, this is the only money that has really been “car-marked.” There are some small sums of money supposed to have been given to the ayah; but with that exception these are the only sums of money supposed to have been given, and it becomes a feature of considerable prominence to notice that, after this attempt had been made, there was abundant opportunity both for Rowjee and Nursoo to apply to the Maharaja for money. There do not seem to have been any application of any kind, and no communication whatever made in reference to any money. It is exceedingly strange, to say the least of it, that something was not kept back by these men, and some endeavour to extort money from the Maharaja was not adopted. It seems to me that the absence of all demand is strongly corroborative that the whole of this, as far as the Maharaja is concerned, is the most entire and infamous falsehood. One of these, so far as the Maharaja is concerned, is a most entire and infamous falsehood. I see it is Rupees 500 he is said to have received from Yeshwuntrao. Nursoo, Salim, and Jugga went to the Palace; but although Jugga was the person who had gone there, and was introduced by my learned friend as corroboration of some of the visits when the attempt to poison was suggested, I think that that part of the case must fall to the ground. There is also another person connected, named Khabai, who is introduced by Nursoo, or both Nursoo and Rowjee, as having accompanied them to the Palace. But upon these occasions regarding which my learned friend wanted corroboration Khabai, like Jugga, fixed an earlier period than is consistent with the supposed suggestion of conspiring to poison. He says he went to the Palace last hot season. In point of fact, both of these witnesses entirely fail to give corroborative evidence on the points on which they were wanted to give such evidence, and there is no evidence from any unpolluted source that any visits were made at which the poisons were given. I have to submit that the fair inference, as it stands, of the evidence of Rowjee and Nursoo is, that there may have been visits in the early part of the year during the time the Commission was sitting, and for some time afterwards down to the hot season that Khabai speaks of; that certain sums of money were received by Rowjee and others, but that from that period not one single farthing is ever alleged to have been given to any of these witnesses. Notwithstanding that it is said that they were risking their necks in the transactions regarding the alleged attempt at poisoning, these people never appear to have asked for, or as a matter of fact received, one single farthing of money out of the Maharaja's treasury. It is said, and it may be true—and I am not going to dispute it—that Nursoo received Rupees 800 on one occasion. But he says he received it at the time and in consequence of the Maharaja's marriage: and of course this is not in connection with the poisoning, nor does it agree with the period when the poisoning was supposed to be attempted. These are general observations which may have occurred to the members of this Commission as they have occurred to myself. It is not necessary to dwell upon them further than remarking that a man generally expects to get rewards according to what he does; and these men are supposed to give information, and one gets Rupees 500 and another Rupees 800 upon an occasion when it was perhaps not unreasonable that they might get presents. But the point to observe is that on the occasion of the attempted poisoning of the Resident they do not get one single farthing. It has been suggested that each of them expected a lakh of Rupees; but I do not think anyone would take it upon himself to believe that these men expected that they would get such a sum in the event of their success. That would be a sort of promise that a native of this country, unless he were peculiarly simple-minded, would hardly hope to receive in a state of hard cash, and at all events

it is a promise of an exceedingly improbable kind. With regard to Nursoo, I don't believe he mentioned from beginning to end of his evidence that he received any consideration to induce him to join in a crime for which he showed so much repentance afterwards. But the pointing out of these improbabilities sinks into comparative insignificance side by side with other improbabilities to which I have drawn the attention of the Commission. The account given by Rowjee of Damodhur Punt is an odd one, considering that they were so deeply implicated in the one concern. He says, “I know a man named Damodhur Punt. I know him by sight. He was at Nowsaree with the Maharaja.” That is the account he gives of Damodhur. You will remember that Damodhur Punt says of Rowjee, “One day Rowjee came to my place. He had stolen some documents from the Residency, and he waited there while I copied these documents.” I think that these things show that there have been three men at work in getting up this matter—Gujanund Vithul, Akbar Ali, and Abdool Ali—and as each has worked the matter differently according to his own idea, that accounts for the differences in the story. It may be said variances are a proof of truth; but this is an argument which I think has been pushed too far. In small variations it may be true, but when you find the parties themselves differing pretty well upon every material point from beginning to end of the case, I apprehend that this is a contention which my learned friend can hardly submit, and that the Members of the Commission could scarcely understand. It has been said that Pedro went twice to Goa, but that was one of the discrepancies which I did not think it necessary to refer to. I shall not occupy the time of the Court by repeating the arguments I have already addressed to the Commission on the subject of Pedro. Rowjee describes the packet as containing two powders—one white and one rose-coloured—and then he says he divided them into three parcels, taking more of the rose than of the white coloured. The fourth part he put into his belt, and the other powders he put into the tumbler upon alternate days. Upon this subject I shall have to refer to Colonel Phayre's evidence, wherein he describes himself as suffering from confusion of the head, and that incapacity of understanding himself which astonished him so much—all which he attributed to these powders, though, unfortunately for that theory, these powders were administered when Colonel Phayre had become perfectly well. These powders were obtained 15 or 20 days before the 9th, and the period fixed for the symptoms I have referred to was the time when he was suffering from the boil, which I think was fixed as some time in September. It was very curious to see the way in which there is an endeavour, I won't say a dishonest endeavour—but one of those endeavours that a mind not over-strong might make, to adapt himself and his recollections and thoughts to circumstances he subsequently believed to have taken place. When I read over some parts of Colonel Phayre's evidence, you will see it is quite obvious that he means us to infer that he underwent a process of slow poisoning at a time long preceding anything whatever having been done to him. As to the boil, perhaps Colonel Phayre may have attributed his symptoms to the bottle that had been obtained by Rowjee, although there is this difficulty about doing that, he never used the bottle at all. That suffering which he felt when he took off the plaster, and that confusion of brain which he so seldom seemed to suffer from, could not be applicable to the bottle, more than the powders. It is said that Nursoo had asked about the bottle, and Rowjee replied that he had used it, but we have got the history of the bottle so completely before us that I need not refer to the falsehood connected with that matter. In referring to the 5th November, or about this time, I want to call the attention of your Highnesses to a comparatively small matter, but which if I were addressing a jury in England I might consider to be a very important point. It is said that when about November 5th Rowjee went with Nursoo to the Palace he was violently reproached by the Maharaja with not having done anything at all, and that the Maharaja gave vent to some very coarse abuse. I believe that the particular expression used was given to some one in Court; but I should desire that expression to be submitted to their Highnesses, for, considering their knowledge of Eastern manners and of the manners of a person occupying the position of a Maharaja, I should ask them to say whether that expression was one that was ever likely to come from his lips. I have been told that the expression is one of extreme filthiness, and wish the Court to know what that expression was.

The Advocate-General remarked that the expression had been brought out in the vernacular during the examination of the witnesses.

Serjeant Ballantine—Then, that is all right, for the expression should be in the recollection of their Highnesses. Then Rowjee says that on the next day Nursoo gave me—this is a matter I have already alluded to before the Commission, but I will venture to allude to it again—“On the next day Nursoo gave me some black or dark-coloured substance.” This is the substance supposed to be put into Colonel Phayre's glass. I think, Sirs, that this is substantially all I need call the attention of the Commission to in relation to Rowjee's evidence, for having dealt with that evidence upon some particular points at some length yesterday, it is not necessary for me to refer further to the evidence. There is, however, I think, this very remarkable fact—I do not know whether it has occurred to the Commission, but I think I am right—that every transaction emanating from Damodhur Punt first of all goes through either Salim or Yeshwuntrao, and that the next person brought upon the scene is invariably Nursoo to whom, quite unnecessarily it appears to me, the packets from time to time are supposed to be handed. Nursoo need not have been entrusted with the secret at all. However, he is brought in, and then he hands the packet to Rowjee, and the poison is used, or not used, according as Rowjee's evidence is to be taken. The Commission have therefore clearly before them that, according to Damodhur Punt's own admission, he conceals the schemes and then employs as his agents Salim and Yeshwuntrao—probably both of whom were persons implicated in the frauds com-

mitted upon his master—and that then through the hands of Salim and Yeshwuntrao the powders are delivered to Nursoo, by whom again they are given to Rowjee, who is supposed to use them. But all through this the Maharaja is never brought into the matter at all, and he has not been connected with the affair but by bare assertions. Now, supposing this were the case, and that Damodhur Punt were under a charge and had no opportunity such as he has now of saving himself by throwing the blame upon the Maharaja, there would have been the most conclusive case that the design emanated from him and was carried out ultimately by Rowjee. I cannot help thinking—and I put it before you in a clearer way than I have put it hitherto, because I am sure this Commission will not rest with any bare proposition—that the case as propounded against the Maharaja has not been made out. This, it appears to me, is one of the most extraordinary elements in this difficult case, but I can understand that Damodhur Punt, excluded from the Residency, threatened with an inquiry, a man who had been embezzling his master's property, as undoubtedly you will agree he has been if you accept the explanation I gave to you, and do not accept the explanation he offered out of all reason to you, that Damodhur Punt, with Yeshwuntrao and Salim, who were his accomplices in these matters, and who had therefore equally good reasons for getting rid of the Resident, really intended to murder the Resident himself. Considering what Damodhur Punt has admitted, I think that this is neither improbable nor impossible; but I have shown, I think conclusively, that it would have been in no respect whatever for the Maharaja's benefit to murder Colonel Phayre; and I have given you sufficient grounds for supposing that Damodhur Punt may have had a motive for doing so and wanted to carry out his designs. But when we come to the servants of the Residency, it is extremely difficult to see what motive on earth they had to destroy their master. They would lose a man against whom they had no complaint. They would lose a man—Nursoo especially, who had served so long in the Residency—from whom they obtained their position and everything else. There are other men more cunning and cleverer—men who have completely taken in Colonel Phayre and governed his mind and ruled his intelligence; men like Bhow Poonikur, who knew all that was going on, and who were perfectly well aware, for instance, of the khureeta that was in existence, and who must have known that Colonel Phayre was in a considerable peril of being dismissed: but when we come to examine motives, I think we will find that it was much more reasonable for the servants at the Residency to keep him there than seek to take away his life. Now, where every particle of a story is monstrous and improbable, I do not think it is a forced conclusion to arrive at, that it may have easily occurred to Bhow Poonikur that if there was an appearance of an attempt upon the Resident's life, that would save him from being removed. The lesser thing would merge in the greater, and the confusion that would be caused by the rumour of the attempt might distract attention from the intention to remove him. I would not venture to put forward such a proposition if it were not for the evidence given by Rowjee. If Rowjee is to be at all believed, and the story of the bottle has any truth in it, directly he gets what is to be formidable upon the life of the Resident, he throws it away; and again, directly he gets the powders, he takes out all that is dangerous and leaves that which is innocent. At all events, if Rowjee used those powders, it is perfectly clear that no evil effects from their use arose to the Resident. Then comes the dark-brown powder which we must follow, as it is one of the oddest features of this case. Dark but black, Rowjee calls it; dark, Colonel Phayre calls it; while Dr. Seward took away the powder and says it was a light-coloured one. Says Dr. Seward, "I cannot account for the powder being dark, because the powder I took away was a light one." Therefore you have to account for this dark sediment or the powder which was sent to be analysed. You have no explanation of it. Colonel Phayre cannot explain it, nor can Dr. Seward. It stands entirely inexplicable. Then there is another circumstance which shows this was not a reality. If arsenic was really used, arsenic is perfectly tasteless. Now Colonel Phayre says that there was a strong coppery taste in what he drank, while there is no suggestion, either by the evidence or by the analyst, of anything whatever having got into that sherbet with a strong metallic taste. There is no accounting for this fact: this also stands perfectly unexplained. Then, my learned friend may say, how do you account for arsenic getting into the possession of Dr. Gray or Dr. Seward? I do not know whether I should answer that, but if it is intended that I should, I take the liberty of saying that there would not be the slightest difficulty of doing so in the world. It is perhaps not to be supposed that either Dr. Seward or Colonel Phayre, who had had their attention directed so much to this matter of poisoning, might have made a change; but what is there from the beginning to the end of this case that is not either probable or improbable? Nothing. The whole is a mass of inconsistencies. Here is at all events something of a solution. You will remember that associated with this matter there was a statement which must have meant something to Colonel Phayre, and did really mean something at the time, that he had received private and confidential communication that the ingredients in his glass were arsenic, copper, and diamond dust. I shall refer you presently to his evidence on that point. I think it is only right to do so on behalf of His Highness the Maharaja. This private and confidential communication turned out at last to be from Bhow Poonikur, although Colonel Phayre did not confess it without some backwardness. Bulwunt Rao or some such person is, according to Bhow Poonikur, the man who first gave this information about the ingredients of the sherbet. My learned friend did not think it necessary to bring forward Bulwunt Rao. But there the information stands, that copper had been used, and that Colonel Phayre affirms there was a copper taste in his mouth. How is that explainable, nothing being used but diamond dust and arsenic? If my learned friend means to show that any other ingredient has been used, then he must knock down the whole of the superstructure that has been so deliberately and care-

fully raised in order to show that the poison used was diamond dust and arsenic alone. I have already told you that neither of these ingredients possesses any taste whatever, although they possess certain sensations; and I venture to ask again how on earth is this story reconcilable? How do you get rid of that dark residuum? What became of it? Where did it go to? Dr. Gray didn't get it, and Dr. Seward didn't get it. They both get a light grey powder. The only possible way out of the difficulty is that Rowjee mistook the dark for the light, and that Colonel Phayre mistook the dark for the light. Now, in propounding this theory of the possible guilt of Damodhur Punt, or the possible intention on the part of the servants at the Residency to play a trick upon their employer, but with no view whatever of poisoning him, it must not be understood that I propound it as one of the matters upon which I stand to prove the innocence of His Highness; I put it forward as one of those matters which upon theory may be fairly put forward, and I assert that it is just as possible as many of the other theories which have been propounded here, and is, in point of fact, supported by circumstances that are not nearly so inconsistent in themselves, as those other theories I alluded to. I suggest that an actual intention to poison did exist in the minds of certain people, but that the Residency servants took care that copper should be used and put something into the glass that tasted so strongly that Colonel Phayre's attention is drawn to the matter and the whole thing becomes known in the bazaar. I simply ask the Commission whether or not these are not considerations that you ought to receive with the other circumstances in this case. My Lord, I do not think it is necessary that I should occupy your attention with many observations upon the subject of Nursoo. It is worthy of note, however, that he appears to have been arrested on the 3rd December, and was confronted with Rowjee in the presence of Gujanund and Akbar Ali and Abdool Ali. Mr. Souter was not then present. The same system was pursued by these three men that I have already called attention to. Gujanund Vithul himself admits (see page 164 short-hand writers' notes) that he had questioned Nursoo. This is the account he gives himself upon the subject. The next day after Nursoo was apprehended he was confronted with Rowjee: "I was sitting with Nursoo upon the maidan or plain opposite the Residency, or the open space or plain opposite the Resident's bungalow, and I was questioned about the particulars of this case." Then there is a question put by Mr. Melvill, and the witness says, "Yes, I was sitting with him; and the Khan Sahib was also present, i.e., Akbar Ali and Abdool Ali were also present. I had given instructions to Rowjee (and I call the attention of the Commission to this point). I said, 'You should not say further than this; you have said everything connected with this case.'" The President asks, "Who was this said to?"—and the witness replies, "to Rowjee, and that was what Rowjee said when he came there, and he said, 'I have said up to this' (pointing up to his neck). He did not say anything more than that. I did not say to Rowjee anything of the particulars what Nursoo had stated in order that Nursoo might not hear the particulars in the manner I have mentioned." I cannot make any minute observations upon this matter again. If it does not strike the Commission as being a fabulous account of what really took place, no words of mine would be able to convince you. Gujanund particularly desires that Rowjee should not allow anything to escape that can in any way inform the mind of Nursoo, and all that Rowjee does is the intimation, quite intelligible, that he has said up to his neck. It is possible that Gujanund may have been actuated with a good desire upon this occasion, but such a thing would be inconsistent with his nature and of his previous history. Moreover, if he did want to be fair, his object was woefully defeated by what took place afterwards. It next appears that Nursoo made a statement and was taken before Sir Lewis Pelly and Mr. Souter, and then is told that no pardon will be given to him—which I think was rather hard upon Nursoo, as he was the least criminal among the persons concerned. It seems that he made an oral confession. I asked Mr. Souter why he did not take it down. He replied (see page 177), "I did not take it down as I had a great deal of work to do." I beg the attention of the Commission to that. It occurs to me, and I think it will occur to you, that if Nursoo did make an oral confession at that time, and if that oral confession was interpreted and was not in any keeping, Mr. Souter's duty to the public was to take it down there and then—it was a confession of murder and guilt. Why was it not taken down then? "I had no time to do it," says Mr. Souter; "I had other matters to do connected with this inquiry." But what more important than taking down the account of an accomplice to the murder? To this Mr. Souter has no reply. Then we have Sir Lewis Pelly, and he entirely differs from Mr. Souter's account of what took place. It was not because Mr. Souter had not time to take it down, but because, as I understand the matter, as Mr. Souter was about to take it down, Sir Lewis Pelly said, "Oh no! let him have time to think it over," and accordingly he was admitted to the care of the police, and it is not until the following day that he comes forward and makes a statement, which is subsequently reduced into writing. Now I must say that the whole of that transaction is eminently suggestive of an opportunity being given to a man whose statement was not in accord, or might have contained elements somewhat contradictory, with the statements of others to correct that testimony. Another point to which I would draw your attention is that the statement was not taken down until the 26th, although he was put into custody on the 23rd. This fact is vouched for by Sir Lewis Pelly. Then we come to the garden scene or the well incident, which I have already referred to, and in which the question is whether it was the effects of conscience or the effects of a dinner that induced Nursoo to do something which he could not be prevailed upon to say was done purposely. I wonder who it was that told this precious story about the well. Whoever it was, they conveyed what was a palpable and deliberate falsehood, although surrounding it with circumstances that might have been very easily proved. They say that he was in the

custody of the police when he broke away from his guard and was standing at the edge of a well and threw himself in. That is a fact stated with so much detail that it should have been proved up to the very hilt. It may be said that when Nursoo comes here he may have told that which was untrue, and the suggestion be that he was tampered with—although your Lordship will remember that the word tampering was defined the other day by one of the witnesses as being the handing of a man over to the soldiers and only allowing him to be seen by the police. But where are those people from whom he broke away? Cannot any of them be found? Are none of those careless guards from whom the prisoner suddenly broke away to be discovered? It is astonishing that the gentleman who instructs my learned friend has put none of those men into the witness box. I think that the explanation that would have been more satisfactory to the tribunal would have been the evidence of some of these witnesses to show upon what possible pretence the assertion has been put forward that he wanted to jump into the well. I do not propose to refer to his cross-examination. It will be in the recollection of the bench that the fate that overwhelmed him, predestination, and so on, led him to take part in committing this attempted murder, for which he was to get nothing. But having dealt with all the main parts of the case, I do not propose to offer any further observations regarding this man. The case of my learned friend is this, that, without a motive, without an inducement, without anger, without revenge, with a good master, with good wages, with everything surrounding them to make them comfortable—these servants, without one single word of remonstrance, no resistance, nothing in the way of protest, directly when a proposal is made to murder their master fall into the scheme as readily as if it were a proposition of a most ordinary kind, and consent to go through processes the most cruel to their master. If they had succeeded, nothing but evil could have happened to themselves, because they would have been left in the power of the Maharaja, and they themselves would have been charged with the crime without a possibility of their ever being able to blame others. This is the story that has been told to us. They have connected it with the story of Damodhur Punt and have endeavoured to make a whole of it. I have already dwelt at great length upon all the matters connected with the witnesses and with Damodhur Punt, and out of that this Commission will have to make a consistent whole—and not only this, but you have to say that which you make out of the evidence is founded upon evidence upon which it is impossible for you to place the least reliance. You have, first of all, to come to the conclusion that an attempt at murder did take place. It is possible that you may come to that conclusion, because you cannot believe that any man could be so vile as to charge himself with attempting a murder which in point of fact he did not intend. I have no means of answering that conclusion. I have no evidence to offer against it. In reality, I have no desire to stake that conclusion. But I repeat that, as against the Maharaja, you have nothing but a mass of gross improbabilities put forward by people who must be admitted to be the most infamous of men—brought forward by the police, who have beyond all question tampered with them on every possible occasion, and been urged to do so by motives of the strongest kind. If guilty, a promise of pardon was held forth to them if they succeeded in making you believe that the Gaekwar was the criminal. On the other hand, the knowledge was branded upon their memories and permanent upon their minds, that unless they succeeded in making you believe that the man I call this ill-used Prince has been guilty of this foul attempt at murder, they will go back with a halter round their necks to meet their well-deserved punishment for having in point of fact committed a foul and filthy perjury. I think it is well to get rid of these witnesses and associate them, if necessary, in my comments on Colonel Phayre. In dealing with him at all events I have a pleasanter subject to deal with, and one in which, although my observations will not be altogether laudatory, I shall nevertheless be able to discuss without making observations of great severity. As reflections have been cast upon one of the witnesses here, I think it is not unnatural to call attention to some of the answers given by Colonel Phayre to show you how a man under the excitement of cross-examination is likely to avoid telling what is strictly the truth except after a great deal of pressure. He told us here that he remembered Yeshwuntrao and Salim were in the habit of coming with the Gaekwar to the Residency, and then he says, “I remember particularly that about that time (that would be the middle of September) I was suffering from a bad cold in the head and had a bad boil on the forehead. I did not get rid altogether of the boil for, I should think, nearly three weeks. My medical attendant was Dr. Seward, who used to dress it every morning. He used to put the plaster he used on a dressing-table and there was a side-table on which it remained, and I think I shifted some of it on to a little clockstand near the dressing-table in my private office.” Now this looks as if Colonel Phayre thought something had been done to the plaster, and you will remember in the evidence of Damodhur Punt he says that Rowjee put something in the plaster. It is quite clear that what Colonel Phayre imagined after reflecting upon the thing was that there had been arsenic put upon the plaster, and his head was suffering in consequence. I have already referred to the fact that this idea is altogether repudiated, and that no arsenic had been used in this way. Then Colonel Phayre goes on to say,—“After this boil I had slight fever at one time; my eyes watered a good deal, and I had a feeling of fullness in the head, and I tried to account for this in various ways. I used to sleep out at night and thought I had caught malarious fever, and thought that perhaps this was the cause. I had puzzled myself about the circumstances and tried to account for it in the way I have mentioned, when I also began to wonder whether the pummelo sherbet was made with proper pummelos. It would be about the end of September or the beginning of October that I began to wonder at this. I remember Govindrao Rouj. On the 6th November I went to an adoption ceremony at his house. I think I arrived at his house about 5 o'clock

“in the afternoon. On the morning of that day I did not take the whole of the sherbet; I took a sip or two of it and threw the rest away.” Now it is quite clear that Colonel Phayre implies by that that there was some difficulty in the sherbet which induced him to throw the rest away. In point of fact, it was opined by my learned friend that he was poisoned, or attempted to be poisoned, on the 6th or 7th. Now it turns out that nothing was done to him on these two days, so that really Colonel Phayre's imagination must have been the father of these symptoms—*ex concessio* there is not one single *scintilla* of evidence to show that any poison was employed on these days. In his letter to Dr. Seward Colonel Phayre says: “My dear Seward—With reference to the circumstances which I mentioned to you this morning, together with the symptoms which I described to you and the contents of the tumbler which you took home with you, I should feel much obliged if you would kindly give me a professional opinion as to the nature of the contents of that tumbler, whether poisonous or not. Although I only took two or three sips of the pummelo juice which the tumbler contained, I felt within about half-an-hour, as I described to you, a most unusual sickness of the stomach, accompanied by dizziness in the head and of sight, producing confusion of thought, also a most unpleasant metallic taste in the mouth, with slight salivation, such as I have never experienced till within the last few days, and which I attributed partly to a slight attack of fever, which had however quite gone off, and partly to an idea that the pummelos from which the juice daily placed on my table had been extracted were not fresh ones. I now, however, attribute all of these systems, especially that of this morning, to entirely different causes. In fact, I now believe that for the last few days small doses of poison have been introduced into the juice, and that had I drunk the whole tumbler off to-day, I should have been very ill indeed. The confused state of my head has often surprised me of late, because for the last six weeks I have abstained *in toto* from wine and beer, &c., except once or twice when friends dined at the Residency, and I have found myself all the better for it. My general health is, as you know, most excellent, and therefore the symptoms which I have described to you are, I feel sure, the result of unnatural causes. I never dreamt of poison, otherwise I should not have thrown away so much of the contents of the tumbler which I gave you this morning. It was only after doing so and when I was replacing the tumbler on the table, and saw the sediment at the bottom, that I for the first time suspected foul play.” This only shows what imagination may do with a man. Upon these two days it is not pretended by any one that any poison was used in the pummelo juice. Then comes the morning in which this poisoning is supposed to have taken place. After having drunk the pummelo juice he says:—“I wrote for about twenty minutes or half an hour, and then felt a sudden squeamishness, as if I was about to be sick. The thought occurred to me all at once it must be the sherbet which has always disagreed with me, and I got up, went to the wash-hand table, took the tumbler in my hand, and tried to throw away the contents in order that I might not be tempted to drink it.” This shows a very funny reason for throwing it away and one that can scarcely be satisfactory to this Commission. As I said before, it would have caused me to call my servant and say, “What on earth do you mean by getting me this pummelo juice?”—and it would have been better still if this liquid substance had been kept and analysed, instead of the greater part of it being thrown away. Dr. Seward seems to have acted also with a great deal of haste, as he threw away all the liquid handed to him by Colonel Phayre and only retained the powder. Then Colonel Phayre goes on to say: “The window through which I pitched the sherbet opens on a chunam verandah, which is rather wide, and then comes the grass of the compound.” It was on this verandah that this remarkable discovery of diamond dust and arsenic takes place. It seems to me that the discovery of this was sufficiently odd to excite attention. If there was no trick being played, or if there had been a predisposition to find arsenic, there would have been plenty of means of finding it upon the verandah, and perhaps this Commission will not pay much attention to anything that was found outside of the glass. Colonel Phayre then goes on to say: “As I was replacing the tumbler, I saw a dark sediment collected at the bottom.” He then proceeds to describe the sensations, which he says were similar to those he suffered upon the two previous days. Now the whole story here seems to be odd; first there is the throwing away the liquid, instead of calling his servant, in order that he might not be tempted to drink it; then there is the description of the coppery taste in it, and the darkness of the powder. All these points I have already commented upon, and I must leave you to consider the value of these comments. I have already referred to his letter in which he speaks of the confidential communication; and this shows how completely a man's mind may be perverted by his prejudices. On that very day he writes to the Government of Bombay telling them that he has been providentially preserved from being poisoned. He displayed the same determination to consider himself poisoned. He then goes on to say: “The Maharaja came at about half-past nine, his usual hour. Between the time of my giving the sherbet to Dr. Seward and the Maharaja's arrival, I had received no communication from Dr. Seward. When the Maharaja came, I went out to receive him as usual, and led him into the drawing-room, and he sat down. I asked after His Highness' health, and he said he had not been at all well, that there was a good deal of fever about, and he thought he must have eaten too many of the sweetmeats common at that time (the Dewalee). He also mentioned that he had a headache and a slight pain in his stomach.” Now, how unfair that is, and how thoroughly untrue, because in an early part of his evidence he says that the conversation began with his asking upon the subject of His Highness' health, and it was then, and not till then, that His Highness gave a description of his symptoms. This shows you

how that man's mind had become so impregnated with an idea that he actually states what is not true until you come to find it out by the facts proved. The Maharaja did not lead the conversation; Colonel Phayre did, and it was he who made the inquiries regarding health; and it was only in reply to this that the Maharaja gave a very natural account of his own feelings and of what really took place about that occasion. There was not the slightest ground for making the allegation that the Maharaja was the first to lead this conversation. In point of fact, my Lord, can you consider this Prince guilty by his own acts? Supposing Colonel Phayre's story was true, there is not the least reason to suppose that the Maharaja knew of the events which took place on the 9th. He was ignorant of what had taken place at the Residency that morning, and that Dr. Seward had got the glass. This was not a gunpowder plot in which the day and the hour had been fully arranged and all the accomplices were waiting to see what became of it. In point of fact, nothing was arranged at all; there was no day mentioned, and nothing whatever had been fixed. Therefore all the insinuations about the peculiarities in the behaviour of Rowjee on that morning fall to the ground, unless it was the case that Rowjee was playing a trick upon Dr. Seward, whose youthful imagination carried away his judgment in the matter. I think there is nothing from beginning to end in this case—and that is a matter I implore your consideration of—there is nothing in the demeanor of the Maharaja which indicates the knowledge or impression of guilt. There is no movement in a muscle of his face; there is not an act done out of the ordinary course of nature. His Highness, in fact, acts as he had always done before, and meets Colonel Phayre as a man and not as a murderer who had made him his intended victim, and the Gaekwar only pays to Colonel Phayre the ordinary visits which he was in the habit of paying at such times. I do not know how Eastern Princes are constituted, but I should say that at all events they are men like ourselves. They must have some emotions, and they must have some fears, and we look to the conduct of a murderer to exhibit by manner or demeanour something or other to implicate him with his crime. I defy the most ingenious of those who have maligned this unhappy Prince from the time he was arrested to the time he has sat here waiting the decision of this Commission to point out anything in His Highness' conduct which criminales him. I defy those who have called him harsh names and who have communicated to the papers, to their disgrace, terms opprobrious of His Highness, and who have thought fit, with a view of influencing the tribunal before whom he is being tried, endeavouring to make that tribunal forget the duty they owe to themselves, by falsely misrepresenting statements and falsely heaping upon His Highness terms which in England would cast upon the editor of that newspaper an obloquy from which he could never escape to the end of his days. I have read the words published in that newspaper about that unhappy man, and my blood has boiled. Living in a country where there is a free press and an honourable press, I know there is not a man, except a man who would be hunted into infamy for it, who would have written one single word against that Prince, much less word upon word, sentence upon sentence, that I find has been written about that unhappy Prince in one of the papers here which, I am told, is one of the most influentially circulated through this country. I say that there has not been one single act exhibited by His Highness the Gaekwar that would lead you to conclude that he is guilty of the crime laid to his charge. Now, my Lord, I am not referring to the early parts of the cross-examination of Colonel Phayre; I do not desire to do so. It was with great difficulty that I could get from him any admission about that document, which he called a private document, and which he said he could not recognise, as no private document had ever come to him. I have never used that document in any way except to show that it was known to the Maharaja, and I may here call attention to the letter that Colonel Phayre writes to Dr. Gray, to the effect that "previous to the receipt of your letter under reference, I had received "secret and confidential information that the poison administered to me did consist of a mixture "of (1) common arsenic, (2) finely powdered diamond dust, (3) copper." Now, Sir, I pressed Colonel Phayre to mention what justified him in saying that the information he received was private and confidential, and he replied: "I can give no information. Amongst the persons "who gave me the information it was one or the other amongst them, but which particular person "it was I could not say without inquiry. I can give a list of all the persons who used generally "to give me information, and it was one or other among them." Was it Bhow Poonikur?—"I cannot say. It was either Bhow Poonikur or the other man." To the best of your belief, was it Bhow Poonikur?—"To the best of my belief, I cannot say." Who is the other man?—"The other man I referred to is named Balwuntrao, a moonshce. But there is a list of persons." I won't have a list of persons, sir, I shall just have your evidence. Was it Bhow Poonikur or the other man you mentioned?—"I tell you I cannot say." Was it one or other of them?—"So I believe." Ultimately it turned out that the statement was given by Bhow Poonikur, who was called as a witness here, and gave an account of the persons from whom he got that information—men who have not been called here by my learned friend. I will leave Colonel Phayre's evidence at this point with a view of pointing out the nature of the statement of his feelings, especially as to the coppery taste. You will take these in relation with the whole matter in this case and say how far it leads you to be satisfied that any attempt to poison had been made. This, I think, leads me to one more matter to which I should address myself, namely, the tampering with the servants at the Residency. Now, my Lord, as a specific charge, I hardly know how it is intended to be used. I understand perfectly well that if it is supposed that servants were being tampered with to do an injury to their master, that that might be an offence. But I do not think the charge can exist as an offence here. If the Maharaja chose or endeavoured, however little-minded it might be,

to obtain information of what was going on at the Residency, and that, not with a view to injure the Resident, but simply for his own information, I hardly know in what manner that could be dealt with by this Commission as an offence. I cannot help making this observation, but it comes very ungraciously in the charge laid against the Gaekwar if it emanates from Colonel Phayre, because it is quite obvious that Colonel Phayre had a lot of people who were in his employment to all intents and purposes, although they were not paid by him. The person who seemed to be thoroughly in the confidence of the Resident will make money in a variety of ways, and I have no doubt that Bhow Poonikur was more or less a spy used by Colonel Phayre for getting information for him. Could it be doubted that he in his own room dealt with these persons day by day, and from them was consequently in the receipt of information of what was going on at the Palace? Colonel Phayre seems to have thought there was no harm in this, but there is no mistake however that it was done. He had learned—and that is a matter well worthy of consideration—some time before that this khureeta was being prepared, and he had learned all that through Bhow Poonikur, who must have bribed or inveigled the servants at the Palace for the purpose of obtaining that information. That is all, as I understand, that is alleged against the Maharaja. As far as I can see, all that the Maharaja obtained was the most trumpery stuff in the world. As far as one can gather from one of the letters to which I shall presently refer, it is something or another about a dinner party, and I do not remember that anything whatever is gained by the Maharaja. Even the evidence of the ayah as to the information, supposing that evidence is taken to be true, is that Mrs. Phayre is "very "well disposed towards him," and that she will get her to look kindly upon him, with some other matters of that kind. But as far as I can gather, he gains nothing of importance from beginning to end, and nothing that is worth while to lay himself open to the observations made in the present case. Colonel Phayre undoubtedly in respect of this khureeta did get valuable information. He got information of this khureeta a considerable time before it was delivered, and he must have got that through the instrumentality of some of the servants. Now Colonel Phayre in reality speaks of a number of people who were constantly giving him information, and one of these is Bhow Poonikur, whom he describes as being a man whom he constantly received and constantly communicated with, and constantly got information from. Such being the case, it seems to me rather hard that a charge of this kind should be made against the Maharaja, when it is perfectly clear that Colonel Phayre practised at all events quite as much espionage as it can be pretended was ever practised by the Maharaja. I of course do not admit the statements of the ayah upon the subject. They are denied entirely by the Maharaja; he denies having had any communication with the woman at all, and you are to say whether these communications have been of the kind, and the description of them of a character, that would carry at all conviction to your minds. I submit to you that they are in the highest degree improbable. One does not understand what is to be got out of the ayah. What does she know? What are her communications? What influence has she? What can she get? State papers? She was only an ayah at the Residency, and so she seems, as far as I can see, about the last person in the world he would have been likely to use for such a purpose. It was stated by my learned friend that this is not the only purpose for which she was used, and there is no doubt whatever that a strong endeavour was made to apply her communications to entirely different motives and to get her to say that some suggestions had been made to her upon the subject of poisoning the Resident, and there is no doubt also that originally the intention was to bolster up a case against the Maharajah by the ayah's evidence. My learned friend now is content to put it as being merely one applicable to the obtaining of information, and not in any way whatever as supporting Rowjee and Nursoo's story; and in fact, as far as I can recollect, the ayah is not supposed to have been in communication with or to have seen Nursoo and Rowjee—at all events not to have been in communication with them. I don't deny any of the evidence of the carriage drivers who are supposed to have taken the ayah to the Palace. When I say I do not deny, my learned friend will perfectly understand that what I mean is that I know nothing about it one way or the other. It is a matter perfectly possible, because the ayah may have visited the servants at the Palace, and may have plenty of gossip with them for aught I know, and yet the whole story of having seen the Maharaja may have been utterly untrue. And then one of the dates given by the ayah is a very important one; and in relation to the evidence which she gave to Mr. Souter and to her subsequent statements I think it is extremely important. There is no doubt whatever that pressure was put upon her to make her allege that she had been not a party, but that she had rejected with scorn—rejected with utter disgust—the suggestion that she should assist in the poisoning. Now it is a very odd thing that one of the visits—and this is a thing to be considered throughout the whole case—made by this woman was a visit made at the very time when Nursoo and Rowjee were said to have obtained the last lot of poison; and the suggestion originally made was, while Nursoo and Rowjee were the agents who had undertaken to poison Colonel Phayre, that at that very time, almost upon the identical day, the 5th or 6th November, this woman also had a suggestion made to her of the same kind—not in any way whatever connected with Nursoo and Rowjee, but an independent poisoning, something apart from them, something that she was to do, and in her own fashion, if she had not been shocked at the proposition and declined to have anything to do with it. That is an observation that I make with reference to that particular meeting. I don't know whether there will be any doubt upon that subject. Shaik Dawood says, "It was before the last Dewallee, "about two or four days before." So that he fixes the time to be the 5th, 6th, or 7th November, which is about the very period when the other plot was going on and was in full

play, or supposed to have arrived absolutely at the consummation. This woman asserts that she had an interview with the Maharaja, who talks to her on the subject of poisoning, which he, it is alleged, had already arranged to have done by somebody else, and talks, as he is alleged to have talked to this woman, as if she had been Colonel Phayre's prime minister—a person of the greatest power, a person of the greatest dignity, and of the greatest importance. This Commission will consider the probabilities of that story, and with the observations that I have already made upon the subject, I don't think that I shall feel it necessary to trouble them further on the subject of these visits. Tampering with servants seems to me to be a matter in which both sides have done exactly the same, so that the one can hardly charge the Gaekwar for doing that of which we had such prominent examples in the case of Colonel Phayre. There is no doubt whatever that there was a time when the establishment of spies as against the enemies of the kingdom was considered absolutely necessary and were a part of the constitution of the state. However, that was done away with in 1830. Before concluding the evidence of the ayah, I must refer to her evidence given before Mr. Souter, and to the circumstances under which that evidence was given, because it shows very prominently how charges of this description may be raked up and upon what miserable gossips they depend, so that the chatterers in the bazaar are listened to, the wretched gossip that takes place here is retailed, and although the Gaekwar, who may not have much experience of the world, might have seen any of these persons, I say it is with great surprise that I learn a man holding the high position of Resident in a kingdom of this description should allow and encourage a parcel of people to be constantly retailing their stories in his ear, especially when one of these is looked upon not only as Colonel Phayre's chief spy, but as a bitter enemy of the Gaekwar. In the first statement that the ayah made to Mr. Souter, though I venture to say it was the second—(reads extracts from ayah's statements in which she states that the Maharaja and Salim talked of *jadoo*, and she said Europeans could not be affected by that means)—you will perceive that in that account there is not a word said about her being unwell, though meanwhile she gets unwell and then she is taken to hospital. Then she goes on to state how she visited the Maharaja on the Ramazan. (Relates conversation.) Don't you remark how puerile this is? Here I may remark that Kazee Shahbudeen seems to have entirely disappeared, although he was in the habit of visiting the Residency, particularly when Mr. Taylor was there. You will observe that in this deposition, taken on 18th December, there is not a pretence that the Maharaja makes any suggestion to her about poison, and we have heard the accounts of all her meetings in which there is no suggestion made except that of using sorcery, which seems to be tolerably absurd. At the time she made this statement she was unwell, I presume from her being in hospital, although she was well enough to make such a long statement. We have circumstances deposed to by Dr. Seward which are somewhat sacred. He says he took a great interest in the ayah. Why he should do so passes my comprehension. No doubt there may have been something very attractive and fascinating in the ayah, but when she was here the other day I do not think that that fascination interested anybody who had a good opportunity of seeing her. He knew she had been in the habit of going to the Palace, but that would not interest him. What was the mystery? She was under good medical treatment, but he went to see her, never communicating with the gentleman who was the medical attendant at that hospital, simply because he says he knew that gentleman. At all events, he went to see the ayah, and then, you know, upon her striking and eloquent countenance, he discovered those marks that indicated that she was moved; and Dr. Seward's medical experience led him to discover in those emotions not physical pain, but the agony of her conscience; and so, to solace her, he induced her to unburden her mind to him, probably assuring her that if she would only relieve her mind, she would at the same time relieve her stomach. There was one period at which a more efficient remedy was applied in the shape of a blister, but on this occasion she relieved her conscience as a kind of emetic. In consequence of what she said the relief seemed to be thoroughly sufficient both for mind and body. Dr. Souter—Mr. Souter I mean, although one might call him doctor upon this occasion—was sent for by Dr. Seward to administer to her, and while Dr. Seward looked after the body probably the other was engaged to look after her soul. I can well understand Dr. Seward saying to his colleague, "She is under my care, and taking the interest in her that I do and wishing to see her well, I think it is right you should have this interview with her while her soul is troubled. That interview is held, and the result of her unburdening her conscience is this. (Serjeant Ballantine reads as follows from the ayah's statement: "On the occasion of my being taken before the Maharaja the third time during the Ramzan, the Maharaja asked me, after other questions, whether it would not be possible to administer something by which the Resident could be brought round to his (the Maharaja's) will. The Gaekwar spoke in cautious and hidden language, but I understood him to be throwing out a feeler to ascertain whether I would consent to administer poison to my master, Colonel Phayre.") Now I ask my Lord Chief Justice, whether ever in the course of his experience or his reading he ever found such a sentence. This common woman, this ayah, is made to say, "I understood him to be throwing out a feeler." Now did that ever come out of the mouth of an ayah? Then she says, alluding to the administering of poison to her master Colonel Phayre, "he spoke in cautious and hidden language." Really the ayahs of this country beat the nursery maids in our. Then she says she indignantly refused and objected. (Just fancy the ayah refusing) and told the Maharaja that if he attempted anything of the sort he would get into trouble. Now, I really do ask the Members of this Commission whether so grotesque a falsehood was ever attempted to be bolstered upon reasonable men. Then this moral and

highly educated ayah says, "I said it would be better that lakhs of people should die than that the supporter of lakhs should come by his death." And to this wretched stupid old woman (who had no power on earth to administer poison, and no chance of doing anything else but chattering everything said to her as soon as she got into the bazaar), it is supposed that the Maharaja, who must have an amount of decent intellect, is supposed to have spoken to her in this way and made her an accomplice when it would appear he had made other arrangements with other people. I hope that when the Commission comes to consider some of her answers, they will remember that she admitted at last her statement had no foundation, and that never from the beginning to the end was any suggestion whatever made to her accept that she should use a charm on the Resident in favour of the Maharaja, and that nothing whatever justified her in supposing that the Maharaja had contemplated poison. There is another passage which it is my duty to call your attention. The ayah was asked, "Did Mr. Souter ask you if you knew anything about the poisoning?" Now just fancy beginning with a woman like that, and suggesting poisoning and what she was wanted to say. Now, look at the answer this woman gives upon the spur of the moment. "Yes, they threatened me and said that if anything of the kind was said I should say it." "I told all I knew." So here you have in the first instance Mr. Souter putting directly in her mind the notion, and then you have Akbar Ali threatening her about the poison. In fact, her story is one mass of absurdities from beginning to end. I have examined those statements, and I have also considered whether it was possible there was any means to answer the case, and I have found that there is not a single instance in which there is not a single witness worthy of any attention as being present at any of the proceedings. My learned friend asked a witness—and unless he had done so I would never have made any allusion to the subject, whether or not there had been any access on the part of my client to Salim and Yeshwuntrao. I presume that the object of that question was to suggest that Salim and Yeshwuntrao were witnesses to be called on the part of the Maharaja, but in the first place the Maharaja in no respect whatever recognises any of these proceedings. He cannot tell, and his advisers are unable to suggest to any certainty whether these men are or are not accomplices with Damodhur Punt, they may be so or they may not be; they are people connected intimately with Damodhur Punt according to Punt's own statement. They are persons who have gained a livelihood like Damodhur Punt by embezzling their employer. But moreover from the time of this inquiry down to the present moment they have been in the hands of, and are now in the hand of, the Police. My learned friend has not hesitated to call tainted witnesses here; they have called no other. Why should they not have presented Salim? He is not a greater scoundrel than Damodhur Punt. Why should they have not brought forward Yeshwuntrao? He is not a greater villain than Rowjee. They might have called all these, which would lead me to suppose, and there is nothing in the conduct of this case, that they might have been called if they could have been found to confirm a single question. But I say unfeignedly I could never have learnt what I have done, as to the Police in the present case, even if these men had been men of a better cast than I believe them to be, and even if these had been anything whatever that the Maharaja was called upon by evidence from respectable sources to give an answer to, I should have felt the utmost unwillingness and the utmost doubt upon the subject regarding the calling of Yeshwuntrao and Salim. They would have come out of a custody from which nothing could be safe, and unless they could have proved some facts of which the Gaekwar was cognizant, I should have felt the deepest hesitation in putting these men into the witness-box. It is not for me to make out a case on behalf of the Gaekwar. I believe now that these men have lent themselves to proceedings utterly unjustifiable if the story of the different witnesses be true, but these proceedings the Gaekwar knows nothing about. No independent nor honest witness has implicated the Gaekwar in any way, and I will not put into the witness-box men who have been in the hands of the Police up to this time, and who may probably have been implicated in what may have been an attempt by one set of persons, although not carried out by another. My Lord, whether I am right in that course or not, I need not say my judgment has been left perfectly free and unbiassed, and it is upon my judgment that I act upon this occasion. I decline absolutely to put forward these people. I refer back to the evidence given, and submit to this court that the evidence is utterly unsatisfactory, and that the charge made against the Gaekwar entirely falls to the ground. My Lord, it is really with a deep sense of gratitude that I thank you for the attention that has been paid to the arguments I have humbly and probably insufficiently pressed before you—arguments that may be fallacious, but which I have earnestly and in the belief they are worthy of consideration pressed upon your attention. My Lord, you have given, I am sure, and will give, the fullest effect to them. I have felt the weight of this case and the deep responsibility cast upon me. No case probably has ever excited more general attention—that will be watched with more jealous care—that will be canvassed by more critical minds. It is, probably, the very first example that I know of, in which a man in the position of the Gaekwar charged with an offence of this character, or indeed with any offence at all, has been put upon his trial. We know well the history of India furnishes many examples of it, how the Viceroy has frequently with a high hand taken upon himself the supposed necessary correction of those who have acted contrary to that which is just, or the view which the Viceroy has taken on himself to think is correct. But on the present occasion His Excellency the Viceroy has felt it right when there is a grave accusation against a great Prince in the kingdom that that accusation should be sifted. He has seen upon paper probably sufficient grounds for an inquiry, and he has instituted that inquiry—the first I say that has ever existed in this country and by which English law and English justice are called upon to assist in an inquiry connected with a charge against an Indian

Prince. My Lord, to me, at all events, that is a profound satisfaction, for whilst admitting and feeling deeply my own incompetency—and in that I am not talking from any false feeling of modesty, because I believe there is hardly a Counsel in the land who would not have the same sense upon this matter, and probably justly so, for it requires indeed a great grasp of mind, great power, and one would have been glad if one could have brought to bear upon the subject great eloquence. I have only been able to bring to the subject calm reasoning and such as I wished and calculated would have an effect upon the judgment and minds of the Commission. Again, my Lord, I thank you for the attention you have paid me—I implore you not to consider that what I have said is all that can or might be said upon the part of this unhappy Prince. I implore you to look into the minutes of the evidence. I believe in that minute will be found matters upon which I have not relied, but which have strong bearing to show that the Gaekwar is entirely innocent of this charge. Cast from his throne, exhibited to his people under circumstances of degradation, not one man scarcely daring, while the investigation is going on, to come forward and say a word in his favour—he has solemnly declared his own innocence, and I as his Counsel have referred to the evidence given here, and solemnly ask the tribunal which has to try him by equal judgment and justice of English laws, to say that the veriest pickpocket ever charged with an offence could not have been found guilty upon the evidence by which it is sought to deprive a Sovereign Prince of his throne.

The Advocate-General then proceeded to sum up, which he did as follows:—

My Lord Chief Justice, Your Highnesses, and Gentlemen.—It now becomes my duty to offer such observations as have suggested themselves to me upon the evidence which has been recorded in this matter, and upon the able and eloquent speech which we have heard from my learned friend Serjeant Ballantine in defence of His Highness the Gaekwar; and I feel that the task which now devolves upon me would be one almost beyond my strength were not I satisfied that the evidence which I have been able to adduce before this Commission has established every one of the material propositions which I stated to you in opening this case. My Lord, it has been a satisfaction to me to find that my learned friend has recognised, not once only, in the course of his address, the satisfaction with which he and his client viewed the course which has been adopted by the Government of India upon this occasion. My learned friend has recognised in the fullest degree that the Commission which has been appointed to investigate this case is a Commission to which no exception can be taken. My learned friend has said that the decision at which the Commission shall arrive will be one to which, though he may not agree with it, he can offer no valid or substantial objection. Of my learned friend's part in the case it is not for me to speak. My learned friend has brought to this country a reputation which is not merely English but European. My learned friend has before this Commission exhibited these rare qualities which have raised him to the foremost place in the ranks of the British Bar, and he has here equally sustained the fame which has accompanied and preceded him. It cannot therefore be said that if the Commission should arrive at an adverse decision to His Highness the Gaekwar upon any of these points, it has not been for want of ability or zeal on the part of his advocate. If indeed my learned friend has introduced into this case sympathy for his client, which is not unnatural under the circumstances, and which has found expression continually in the course of his arguments, that sympathy which my learned friend has expressed and felt has not detracted in the slightest degree from the force of his argument. I have, I confess, been somewhat surprised to hear that my learned friend has dwelt so much upon a persecuted Prince; upon the circumstance of His Highness having been placed in what Sir Lewis Pelly very properly called honourable confinement, and upon the fact that the public property of the State, pending the decision of the Government, has been placed under what is popularly called in this part of the country attachment. Indeed, it would have been impossible for any other course to be pursued, and my learned friend must be satisfied that in subjecting His Highness to suspension from power, in so assuming the temporary administration of the State, and in providing for the protection of the State property, the Government of India would have failed in its duty if it had not adopted the course that it has adopted. It should be felt as no hardship by His Highness the Gaekwar that this course has been taken. I am sure that my learned friend will bear in mind that in his conduct of the case he has met with the assistance of the officers of the Government,—an assistance which he has himself so handsomely acknowledged. The defence which has been presented to the Commission on behalf of His Highness is not merely contained in the argument of my learned friend, but in the statement put in by His Highness, a carefully-prepared and well-weighed statement, which is before the Commission. That statement really amounts to nothing more than this; that it is, in elaborate phraseology, a plea of not guilty. It is a statement not vouched by an oath or solemn affirmation; it is a statement, as we must take it, I presume, made by His Highness upon his honour, and weight must accordingly be attached to a document presented under such circumstances. For my own part, I have no desire to cavil at the course that has been thus adopted. I had no desire to ask the Commission any of those questions which His Highness stated at the close of his statement he was willing to answer. There seems to me to be no necessity for harassing His Highness upon any plea that he has put in, or with any cross-examination whatever. My learned friend, following the general statements in that plea, has dissected, with the ability for which he is so remarkable, the evidence which has been offered in this matter, and we find that the defence which he puts forward comes really to this: that instead of the circumstances which your tribunal has to investigate being a conspiracy on the part of the Gaekwar and his servants to procure the death by poison of the British Resident at this

Court, this is really a conspiracy on the part of the police, who bring false accusations against His Highness. For that defence I was prepared, though I was not prepared to hear it put forward in the way in which my learned friend found himself, on instructions, justified in adopting. The case really, as presented by my learned friend, comes to this, that all the evidence literally as to the graver charges imputed against His Highness has been manufactured, notably by Akbar Ali, Abdul Ali, and Gujanund Vithul, the three detective officers employed under Mr. Souter; and, strange to say, my learned friend has not hesitated to aver that Mr. Souter was a party to the base and vile conspiracy so brought to pass. Now, before I go into the consideration of the case proper, allow me to say a word or two on the general question that this has been a case made up by the police. It will be in the recollection of the Commission that Sir Lewis Pelly stated that among the matters that he was deputed to inquire into when he came to supersede Colonel Phayre was this very question of the attempt to poison Colonel Phayre. Mr. Souter's services were applied for by Sir Lewis Pelly shortly after his arrival here, and Mr. Souter came to Baroda on the 9th December, just one month after the alleged attempt had taken place, and was then accompanied, or immediately followed, by the three police officers whose names I have mentioned. Of these three men it may be permitted me to speak here one or two words. Akbar Ali is an officer of forty-four years' service. He joined the service in 1831. He has received in recognition of his services the honourable distinction of Khan Bahadoor, a distinction conferred by the Government of India, and a distinction not conferred lightly or without due consideration. During the whole forty-four years that he has been in the public service there was not one event upon which my learned friend could cross-examine him. There is not one single instance in his career to which the research or the ingenuity of those who instruct my learned friend could point as attributing to him the slightest disgrace. He comes before the Commission as a man of unspotted character whose services have been recognised by the State, and nothing whatever discreditable to him is on record. And the junior Khan Bahadoor, Abdul Ali, he of course has been for a less period of time in the service of the State than his father; but he has also gained from the Government of India the honourable title of Khan Bahadoor; and when he was put in the witness-box for cross-examination not a single question was asked of him. If there had been anything in his career upon which he could have been cross-examined, no doubt my learned friend would have questioned him as to the character which my learned friend has attributed to him. No such question was put to him, and we must therefore presume that he, like his father, has a character untarnished, notwithstanding the difficulty and delicacy of the services he has had to perform. And the third man, Gujanund Vithul, he also has been for a long time in the service of the State, and has earned the corresponding distinction given to Hindoos in the British service of Rao Sahib, Khan Bahadoor being a title conferred upon Mussulman officers. And the only point as to which my learned friend could cross-examine him was as to his previous character with regard to the phases of a case which was brought, in the first instance, in the District Court of Ahmedabad, and afterwards tried in the High Court of Bombay, and is what is popularly known as the Koth succession case. In regard to the first branch of it—I mean the first investigation before Mr. Coghlan—Gujanund was not concerned in it further than as a witness, and in the later branch he was not in it at all. My learned friend was instructed to read a passage from the judgment of the High Court, which in no way referred to the police. Those are the three men, old, zealous servants of the State, whom my learned friend has been instructed to describe to this Commission as utterly unscrupulous persons, and as persons engaged in the inception and prosecution of a vile conspiracy. I think the Commission will be of opinion that there is not the slightest foundation for the charge which my learned friend was instructed to make against them, and that in the proceedings in this matter they have done nothing which should cause them to lose the good character which they have so justly earned. My Lord, my learned friend has frequently in the course of his address to the Commission said that he has been told this, and that by various persons whom he has not named. I have no doubt that my learned friend has been told a great deal since he came to this country that he would not have repeated had he been better acquainted with this country and the people of this country, and with the particular individuals who are concerned in this case. There are no doubt here, as everywhere, a large number of people who have a bad opinion of the police, and that opinion I have generally found to be entertained by persons who have at one time or another been in the hands of the police in connection with a charge made against those persons. The criminal classes all over the world have a great objection to the police; and no doubt some of the information which has been conveyed to my learned friend may have been derived from people who have no reason to speak with pleasant recollection of the days when they had to pass through the hands of the police. But when my learned friend, not satisfied with ascribing to the three native officers whom I have mentioned an active part in the conspiracy which he has been instructed to suggest in this case, went to to say that Mr. Souter deliberately left the room at the time that Rowjee's belt was about to be examined, knowing that he left the examination of that belt in the hands of an utterly unscrupulous person, notwithstanding the expectation that something would come of that inquiry—which something did come, as my learned friend said—and that Mr. Souter was called in afterwards as a comparatively respectable witness to testify to something having been found in the belt, I think my learned friend was misled by those who gave him the information to misjudge not only the audience of this court and all who heard him, but to misjudge also the Commission themselves. Mr. Souter is a man well-known

throughout this side of India. He has been an officer in the service of the Government for many years, and his services have been recognised by Government by conferring upon him the Star of India. My Lord, he wears, though in a lesser rank, the same decoration that is so worthily worn by three of the members of your Commission; and even if it were not the case that Mr. Souter is personally known to the members of the Commission, surely the fact that he is an English gentleman ought to have preserved him from the imputation which my learned friend was instructed to cast upon him. But Mr. Souter has a reputation as dear to him as mine is to me, and as my learned friend's is to him; and I have no doubt that if my learned friend knew Mr. Souter better he would find him to be a gentleman of honour and of honour as untarnished as Mr. Serjeant Ballantine's himself, and it does not recommend the case put forward by the defence to have it suggested here in open court that a gentleman of Mr. Souter's position and character—I will not say a puppet in the hands of Government, but one of their servants now engaged in a vile conspiracy for the purpose of ruining His Highness the Gaekwar. Had Mr. Souter's character been capable of being attacked, there is no doubt that it would have been attacked in the course of his cross-examination, but it was not so attacked, and it was with a feeling of great pain that I heard my learned friend attack it yesterday. The character then of the police officers specially deputed by Government to inquire into this case—for it will be remembered that these three native officers were men whom Mr. Souter well knew—one of them the Rao Sahib, had served under him many years ago in the mofussil, and the other two are at the head of the detective branch of the police force of Bombay—the character of these men ought to have saved them from the imputation cast upon them. Another consideration also which I think if fully and fairly weighed, would have saved it is this—what interest could three or four police officers of the Bombay police have in accusing the Gaekwar? My learned friend has not come down here to say that it was a part of the policy of the Government of India to drive His Highness Mulhar Rao from the guddee and to get rid of him from Baroda. If those who instructed could have ventured to suggest that such was the policy of the Government of India, there might have been found in that an explanation of a desire on the part of the Bombay police to carry out the behests of the Supreme Government. But no such suggestion is or can be made, and I doubt if the suggestion that my learned friend threw out, and which he deemed well worthy the attention of the Commission, is a good one—one which is warranted by the circumstances of the case. Surely, if it were necessary to find some culprit to whom the attempt to poison Colonel Phayre could have been traced, it would have been much easier to have fixed upon Damodhur Punt, as my learned friend appears to have done, as the person by whom the plot was initiated and by whose instrumentality it was carried out. But those who instructed my learned friend must have felt that the accusation was justly and truly made. I think, therefore, I may ask the Commission to dismiss from their minds, so far as the character of the police evidence, and so far as the probabilities of the case are concerned, the wild theory of my learned friend, that this is a case which has been got up by the officers of Government. Had it been got up by the police, after the compliments which my learned friend has paid to the ingenuity of that body of men, after the enormous praise which he paid to them of supposing that they could have invented and carried out a conspiracy of this kind—surely we might have expected that the evidence would have hung together more completely than it has done; that if tutored at all, the witnesses would have been so tutored as to agree exactly in the statements they had to make: that there would have been none of those discrepancies in the evidence to which my learned friend has also adverted, and certainly none of those hitches in regard to documents which my learned friend has endeavoured to make out—we might, in fact, have expected a perfect case had the ingenuity of the police, and the ingenuity of the police alone, been expended upon it. But, my Lord, I think it must be perfectly clear, from the history of the investigation of this case at Baroda, that the police have done nothing more than their simple duty in endeavouring to trace out, from slight indications at first to more important indications, the authors of the attempt made to poison Colonel Phayre. I think if the Commission refer to the dates to trace the sequence of the evidence from the time that the cart-driver took the ayah to the Palace up to the time that Damodhur Punt supplemented all the evidence previously recorded, I think this Commission will be able to come to no conclusion but that what the police has been doing has been to record carefully from day to day what has been done with regard to the progress of the discovery of this attempted crime. But not only in the sequence in which the witnesses were examined and brought one by one before the police charged with this inquiry, but in the circumstances under which this inquiry was conducted, will the Commission, I think, find irrefragable proof that my learned friend's theory cannot be supported. We have been informed that there is another kind of torture beside that of the thumb-rack and the screw, and that torture has been applied in this case by the police. It is strange, if this was so, that one of the rooms at the Residency should have been selected as the scene of these operations of the Police. I apprehend it would never enter into the minds of those who have instructed my learned friend to suggest that Sir Lewis Pelly was a party to this conspiracy, and yet, unless it is intended to be so suggested, it is difficult to know why it was so much insisted upon by my learned friend, when this torture was committed in the very dining room which forms an ante-room between the reception room of the Residency and the office, and between which there must have been the freest access. But having regard to these circumstances, I do not think the theory put forward by my learned friend will be accepted by this Commission; and if that is so, I fail to see what answer there can be to the charges which have been brought against His High-

ness. Before I leave this part of the case, I may refer to one other point. Sir Lewis Pelly stated that he was on the point of going to Bombay for the Christmas holidays, and he asked Mr. Souter to accompany him, and this was before Rowjee's statement was given. This shows that they did not know of that statement, and it may be that if they had left for Bombay, Rowjee's statement might never have come to light. I think this circumstance should show that there could have been no desire to make a police case of it. That statement was made only in the most natural way, and it was in consequence of that statement that the proposed visit to Bombay was deferred. My Lord, another point which I may mention, as it was very much dwelt upon by my learned friend in the opening of his speech, was this: that the material witnesses who were called in this case to prove the guilt of His Highness were accomplices, and my learned friend asked that upon that ground their evidence, if not rejected by you, should be utterly discredited. Of course, every one familiar in the slightest degree with the proceedings of courts of justice in this country, and every man of common sense, must know that there is a grave degree of suspicion always attaching to the evidence of accomplices, but I am not aware that I introduced these material witnesses to the attention of the Commission otherwise than as coming here with the disadvantage that their evidence ought to be regarded with a certain amount of care. I am not aware, at the same time, that there is any law existing in India or England which renders the evidence of an accomplice inadmissible. In India it is customary for judges to tell juries in their summing up, in cases in which the evidence of accomplices has been taken, that it is not safe for them to act upon the evidence of accomplices unless that evidence is corroborated in some circumstance that affects the identity of the persons accused; but at the same time it is by no means necessary for judges to offer that advice. As your Lordship is probably aware, there is a rule stating that it is no misdirection on the part of a judge trying the case to omit to give that caution to juries. By the Evidence Act it is stated that an accomplice shall be a competent witness against the accused person, and a conclusion is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice. That is a point in Indian law which is, I am sure, familiar to at least three of the gentlemen sitting on this commission, but I have deemed it desirable to mention it, because I thought the impression might be conveyed to the public from the address of my learned friend that unless an accomplice is corroborated it is impossible to find an accused person guilty against whom he has given his evidence. I think, however, I shall satisfy this Commission that in this case there is no particular necessity for bearing upon this rule of Indian law, because the corroboration exists in vast quantities upon the very points which English lawyers have held such corroboration ought to be directed. The identity of the Maharaja is a fact beyond all possibility of doubt. Perhaps, also, I may be permitted to advert to another of the points dwelt upon by my learned friend in the early part of his address, and which is a point of much importance, namely, to the conduct of His Highness the Gaekwar after he was informed that his name had been mentioned in connection with this attempt to murder Colonel Phayre. The Commission will remember that after the evidence of Rowjee was taken, and before the statement of Nursoo had been made, His Highness paid one of his ceremonial visits to Sir Lewis Pelly. On that occasion Sir Lewis Pelly requested Mr. Souter to communicate to His Highness the purport of the evidence given by Rowjee, and the Gaekwar, being advised thereto by Sir Lewis Pelly, stated he would willingly give every assistance in his power towards the detection of the criminals. My learned friend has said that from that time forward His Highness did so, and that by his demeanour and his readiness in giving up Salim and Yeshwuntrao he was proved to be an innocent man. But I am not disposed to attach much importance to the surrender of Yeshwuntrao and Salim. I do not see how their surrender could have been refused. Moreover, whether it was an act of the Gaekwar personally to surrender these prisoners, is not apparent. An application for their surrender was made to Mr. Dadabhoj Nowrojee, and the communications on the subject, in which the Gaekwar may have concurred, were through Mr. Dadabhoj Nowrojee. No doubt Mr. Dadabhoj would at once have advised the surrender of the man, and I have no doubt also it would occur to His Highness that the surrender of the two men was a thing which it would be, not only wise not to do, but which could not be helped. If His Highness had disregarded the advice of his Minister, and refused to surrender the prisoners, what would have been the consequence? He would have placed himself in open hostility with the British Government, and he would either have had to yield or fight. So, my Lord, there cannot be the slightest doubt that there was nothing extraordinary in His Highness' conduct in the matter of sending the men, and I do not see that any powerful argument can be put forward in favour of His Highness because he did not refuse to give up the men. Moreover, as to the rest of the conduct of His Highness from the time he was informed through Sir Lewis Pelly that he was said to be implicated in the attempt to murder Colonel Phayre until the time he was suspended from power by the orders of the Government of India, I fail to see what there was in the demeanour of His Highness from which a conclusion can be drawn either one way or another. No doubt it might have been possible for His Highness to raise the standard of revolt, but that would practically have been an admission of his guilt. I think that the course he adopted was a course that would have suggested itself to any man, namely, to stand by and abide the consequences of his own act. He could not have taken any active measures which might not have amounted to proof positive of his guilt. He therefore remained passive, and if we read his conduct by the light of Damodhur Punt's evidence, we can understand why he did remain passive. Not only did he know beforehand that an attempt to poison Colonel Phayre was to be made, but on the morning of the 9th November before he

saw Colonel Phayre he knew that the attempt had been made and failed. He had followed day by day the progress of the inquiry which was instituted by Colonel Phayre, and he was kept informed of the progress of that inquiry. Damodhur Punt has described to us the alternations of fear and hope that filled the breast of His Highness. He has told us how he praised the sagacity of Rowjee, and rejoiced over that witness' liberation; he has told us how again when the Bombay police came to Baroda he enjoyed a moment of elation because Yeshwuntrao and Salim had been permitted to return to the Haveli from the Residency, whither they had been sent; and again how he did not permit Salim and Yeshwuntrao to be sent back in the evening to the Residency without having previously cautioned them to say nothing. That the confidence reposed on these men was not misplaced and was justified is proved by the fact that they have said nothing, notwithstanding that my learned friend on behalf of the defence has given them up as scapegoats. My learned friend says they have said nothing, though in the care of the police, and we may accept that as true, but I say that there is nothing to show, nor can you find any proof, that this is a police case, nor can you find anything to exonerate His Highness from the charges imputed to him. These charges may be conveniently referred to, because they group themselves into two heads—in regard to one of which my learned friend has not made much contention. He has expressed himself unable to understand the meaning of the charges, and he has not set himself to disprove them. The first is, "That the said Mulhar Rao Gaekwar did, by his agents and in person, hold secret communications for improper purposes with some of the servants employed by Colonel Phayre, the Resident at Baroda, or attached to the Residency;" the second, "That the said Mulhar Rao Gaekwar gave bribes to some of those servants, or caused such bribes to be given." The third and fourth charges relate to the attempt to poison, and, as you will see, the other charges relate merely to the bribing of servants at the Residency by the Gaekwar or his agents for the purpose of obtaining information which it was not proper he should obtain. Let me read to you what His Highness the Gaekwar himself says upon this matter: "I declare that I never personally directed any of the Residency servants to act as spies on the Resident or report to me what was going on at the Residency, nor did I ever offer or cause to be paid any money to them for the same purpose." He does not say, "he has never personally or by my agents," as he has said in the previous paragraphs. He limits his denial to his own personal acts. He proceeds: "I say nothing as to the presents that may perhaps have been made to servants of the Residency on festive occasions, such as marriage and the like. Information on trifling matters going on both at the Residency or at my own Palace may have been mutually communicated; but I did not personally hold any intercourse with those servants for this purpose, nor am I personally cognisant of any payments for the same having been made; nor did I authorise any measures by which secrets of the Residency should be conveyed to me." This, I think, contains a very material admission. It simply comes to this—that the Maharaja denies that he personally had any communication with the Residency servants for improper purposes, but that money was given to Residency servants which, I think, may be considered as bribes. He also tacitly admits that such communications may have been made by his agents with these Residency servants, and that such payments were made by his agents to these servants for the purposes mentioned in the charges. My Lord, it is not for me to discuss whether or not there is any difference between the information which Colonel Phayre received and the information the Gaekwar received. It appears to me that there is a wide difference between a British Resident at a Native Court receiving voluntary information from persons who go to visit him and a Native Sovereign lending himself to bribing the servants at the Residency in order that they might convey information to him of what was going on there. I think that the difference need only be stated to be appreciated. But that the Maharaja did establish communications with the Residency servants for improper purposes, and did pay those servants for the communications they give him, is, I think, established beyond all doubt, not only by the admissions in his own plea to the Viceroy, but by the evidence given in this case. I don't think it will strike the Commission as improbable that persons in the position of the Residency servants should have been introduced into the presence of His Highness the Gaekwar. I don't think the Commission will be of opinion that there is anything in itself improbable in that which the Residency servants have told. I am tolerably sure that the Members of this Commission who have visited His Highness' Palace, the old Haveli in the city, will be satisfied that the accounts these servants have given of the way they were introduced into the Palace by a door abutting on the Nuzzer Bagh, and then going up a series of stairs to the room where the Maharaja sat, and who remember that the room had mirrors in it and that there was a bench on which His Highness used to sit,—I cannot think that the Members of this Commission will be of opinion that the story, so far as relates to the Maharaja's room, is an invention. It is not suggested by my learned friend that these servants have been taken to the Haveli since they made their statements to the police. On the contrary, that they have not been taken to the Haveli since they made their statements appears clear from the evidence recorded. That the rooms at the top of the house at that particular corner of the Palace were the rooms occupied by the Maharaja is admitted by Damodhur Punt; that the Maharaja would be likely to be found there results as a natural consequence from the fact that these were the rooms which he usually occupied. Although my learned friend has given up Yeshwuntrao and Salim, it is positively certain that these were two of His Highness' attendants, and were most frequently in the habit of accompanying him on his ceremonial visits to the Residency, and therefore these would be the men who would be most useful to him in his communication with the

Residency servants. My learned friend admits that he is not in a position to quarrel with the account given by the gharry-drivers who accompanied the ayah when she went to the Haveli. It was from the statement of one of these gharry-drivers that a clue to this whole story was obtained. It cannot be doubted that the ayah went to the Haveli upon the occasions she has deposed to, and although my learned friend has suggested that she may have gone to see some of the servants of the Palace, I think that that is a suggestion based rather on my learned friend's idea of what would be a likely state of circumstances in a European Court than from what we know are matters of frequent, nay, almost daily, occurrence in the Native Courts of India. The servants in a Native Courts stand on an entirely different footing from those in a European Court, and as Damodhur Punt himself has said, he did not live in the Palace. There was nothing to show that there was any friendship existing between the ayah and any of the Palace servants except Salim and Yeshwuntrao, and as these she had constant opportunities of seeing at the Residency, there could be no occasion for her going to the Palace for the purpose of seeing them. Moreover, unless it were to see some one of greater importance than the servants at the Palace, is it likely that the servants at the Residency would have made the journey from the Residency to the city at the dead of night? You will remember that even Rowjee said that he felt so much alarmed at going into the town at night, that he induced people—at one time Jugga, and at another time Kabhai—to accompany him there. My learned friend does not suggest that the Maharaja was personated on the occasions when at these late hours the Residency servants visited the Palace. Such a suggestion it would have been impossible to make. There could be no mistake about His Highness with any one who had seen him. His appearance is sufficiently remarkable to render him recognisable by any one who has seen him even once, while those Residency servants having an opportunity of seeing him often could make no mistake about his identity. The suggestion therefore that any one could have personated the Maharaja upon these occasions would have been but a wild suggestion. I take it that it must be held to be established beyond all question that the ayah did on these three occasions go to the Palace in the city for the purpose of having a personal interview with the Maharaja. No doubt the evidence as to the personal interview rests upon the statement of the ayah and of those who accompanied her on those occasions into His Highness' presence—Faizoo on one occasion, and Kurrim on another. But there is important corroboration of their story upon these points to be found in the letters of the ayah, which were admittedly genuine. These were discovered in the house of the ayah, and passed between her and her husband at the time when one was at Mahableshtar and the other was in Bombay or Baroda. This is a branch of the case to which I don't think my learned friend will extend his argument that the whole of this is a fabrication by the police—not even the ingenuity of a policeman could account for the presence of post-marks upon some of these letters which were exhibited. Exhibits A, B, C, and D show beyond a doubt that the ayah was in communication with Yeshwuntrao and Salim in regard to the matters affecting the Maharaja that passed at the Residency; and that she was even in direct communication with the Maharaja himself has been proved by the evidence of Syed Abdool. The letter which was written to the Maharaja does not appear to have been forwarded, because the husband of the ayah found no opportunity of delivering it to the person for whom it was intended. But it shows, does it not, that this ayah was in communication with His Highness upon matters of political importance? She mentions—and this is just one of the things that might be expected in the case—that her master and mistress had been dining at Government House, and she affects to give an account of conversations that took place there, and no doubt these were the kind of communications that the Maharaja would be desirous of receiving. That that letter was transmitted appears not only from the evidence of Syed Abdool, but also in the reference made in that letter D: "I do not know whether or not you have delivered the note (*chitti*) enclosed in my last letter to the person for whom it was intended. That person was, the ayah says in her evidence, His Highness the Gaekwar. I take it therefore as established upon the evidence, and established clearly, that these communications did exist between the Residency servants and His Highness; that these communications were held in secret, and for improper purposes. I do not suppose it could be contended that it would be a proper thing for a Prince to set household servants to repeat to him anything that passed at a British Resident's house; and when it is remembered that these communications were established about the time that General Meade's Commission was assembled at Baroda, and continued during the time that that Commission sat, and were continued afterwards, I apprehend there can be no doubt in the minds of this Commission that what the Maharaja desired was to pick up from what might fall at the Resident's table or from the mouth of some of the Members of the Commission some private information that might be useful to him in shaping his course in reference to that investigation. Then, let us look at the nature of these communications. One of these news-letters is in evidence, and another is referred to in a statement by Wasuntrao Bhow—not a willing witness against his master, and a man who had been director of the State banks or shroffs' shops which had been established here and elsewhere by the Gaekwar, and a man who jumped at the suggestion put to him by my learned friend, Mr. Branson, that he was kept in jail for merely reading these letters, although the fact is that he is kept in custody by Sir Lewis Pelly upon charges of a serious nature. This man says that he was once called upon to read one of those letters that Damodhur Punt has told us about. Damodhur Punt tells us that these letters were passing day after day between the Residency and the Haveli, and that as soon as they were received they were destroyed. These payments were not merely for the repeating of conversations that might

take place at the Residency table, but they extended to other matters; for we have it on the evidence of Damodhur Punt that Rowjee, at Nowsaree, brought an important document to the Maharaja—no less a document than a petition addressed by Jumnaabae, the widow of Khunderao Maharaja, to the Government of Bombay—and that document was copied by Damodhur Punt by the orders of the Gaekwar, and then restored to Rowjee, who took it back again to the house of his master. Can it be said, my Lord, that these communications were for the mere reporting of idle gossip? Can it be said that these punkawallas, havildars, and other servants, the inferiority of whose position protected them from suspicion, were engaged by the Maharaja for the mere purpose of gathering idle chatter? In the short experience that I have had in this country, it strikes me as not at all unnatural that His Highness should endeavour to enlist the sympathy of the ladies of the Residency on his behalf, and for that purpose should seek to get the ayah to communicate with those ladies. This may appear unnatural to the Commission, but I don't think it will. Nor does it appear unnatural that His Highness should wish to enlist on his side Pedro, who had been a long time with the Resident, and from his position as waiter at the Resident's table would be perfectly cognizant of what was going on and able to repeat it to the Maharaja. It does occur to me also that the very men whom he would be anxious to get over to his side would be the headmen of the Resident's office establishment—the jemadars and havildars—men who could have access to the private office at all hours of the day; men who would be left in charge of that office during their master's absence, and might select any papers they might fancy would be of use to their employers. If you consider as to the sums paid to these men for the services they rendered, can you say that these sums are not bribes? My learned friend says that five hundred rupees is a small sum. In some points of view it is a small sum; it might be a small sum to the Maharaja, but it is a large sum to pay to men whose monthly pay is about ten or fourteen rupees—it is more than four year's pay to them. The payment of that sum to the witness Rowjee has not been disputed. He got it from Yeshwuntrao, through his clerk, who proved the payment in the witness-box, and that clerk, I may say, was not cross-examined by my learned friend; so that that payment must be taken to be proved beyond a doubt. Let me ask what inducement could there be for Yeshwuntrao to pay this sum of money? My learned friend says that Yeshwuntrao is an inferior creature, and might be in the service of Damodhur Punt. Then what inducement was there for Damodhur Punt to get this information for which so much money was paid? My learned friend's theory only goes so far as to say that it might have been worth while for Damodhur Punt to poison Colonel Phayre, but not to get information. My learned friend can only say so far that it might have been worth Damodhur Punt's while to poison Colonel Phayre, but he cannot go so far as to say that he had any interest in obtaining information. Yet these five hundred rupees were given, and, as my learned friend says, long before, and not after, the poisoning was attempted. We have it in evidence that Yeshwuntrao was a confidential servant of the Gaekwar, and knew the Residency servants. Does it not seem beyond all possibility of doubt that that payment was not made by Damodhur Punt, but by the Gaekwar himself, through the hands of Yeshwuntrao? But, my Lord, that payment was not the only payment which Rowjee received for giving this information. He divided eight hundred rupees with Nursoo immediately after their return from Nowsaree, and immediately after Jumnaabae's petition to the Government of Bombay had been given to the Maharaja. You have here two large payments to these men in less than six months. I say that these payments were small as compared with the Maharaja's revenues, but they were enormous indeed compared with the regular salary of the persons employed. Then there is Pedro. Pedro is a witness upon whom my learned friend relied very much. Pedro admits a payment of sixty babashai rupees made to him when he was about to go to Goa, but it does not appear why that money should be given. Is it not likely that it should have been given for some services rendered? Then we have Shaik Kurrim, the chobdar, whom we find admitting the receipt of a hundred rupees at the same time that a hundred rupees were paid to the ayah. Again we have another payment of fifty rupees to the ayah. Now, on referring to the entries put in by Damodhur Punt, you will find that payments corresponding, or nearly so, in amount to those bribes were made through the Khangee Department at the very time that the servants say that they received those bribes. [The Advocate-General here refers to Exhibit E.] This Exhibit shows that on the 19th of June 1874 six hundred rupees were paid to Yeshwuntrao and were received by the hand of Salim. That would be about the time on which five hundred rupees were paid by Yeshwuntrao by the hands of his servant, Dhulput, to Rowjee, and as for the balance it would be consistent with what one would expect to find in a case of this kind, that some money should remain in the hands of Yeshwuntrao: so the Maharaja pays six hundred rupees, and Rowjee receives five hundred rupees. Then again as to the eight hundred rupees paid to Nursoo Jemadar, and which he divided with Rowjee after their return from Nowsaree, Your Lordship will find that A 1 is a second payment made out of the treasury to the extent of one thousand rupees on the 8th of June 1874, and that would be very shortly after the return of His Highness the Gaekwar and of the Resident from Nowsaree. Your Lordship will remember that that took place some time in the end of May. Again, M 1 is a payment of two hundred rupees on the 15th of May 1874, which corresponds very nearly to the payment of the two hundred rupees to Kurrim and the ayah; and in following up these documents further, I think I may state that we find shown on the records of the Khangee Department payments out of that Department to Salim or Yeshwuntrao nearly corresponding to the sums of money received by the Residency servants at or about

the time that the servants profess to have received those payments. Now, my Lord, I do not think it can be reasonably suggested that all these payments were made by Damodhur Punt to serve his own purposes. I do not think it can be suggested with any show of reason that Yeshwuntrao and Salim were merely agents of Damodhur Punt in this matter. No doubt the money was passed out of the treasury by Damodhur Punt, but the disbursements were made, I apprehend it is clear beyond a doubt, by the direction of the Maharaja. Of course there could be no reason for Damodhur Punt wishing to obtain information, and paying for it in this way, for himself; but there was a strong reason why he should wish to do so in the service of his master. That Rowjee had money is tolerably clear, because it was one of the matters that first directed the attention of the police to him. They had found out he had been making large purchases of jewellery in the bazaar at the time these monies were paid. Exhibit Y is the list of ornaments put in, and you will remember at what time these ornaments were made. The first set of ornaments was made in October, February, and March (golden bracelets and rings, and so forth); and in the month of June when the payment of eight hundred rupees was made, and divided between Nursoo and Rowjee, a silver anklet was purchased of the weight of over seventy rupees, and subsequently to that, and apparently about the same time, a necklace of gold venetians appears to have been bought. I think there can be no doubt that the money was supplied to Rowjee by the Maharaja the Gaekwar's directions out of the Gaekwar's treasury for the purpose of obtaining information of the character to which the witness has deposed. Couple that fact with the statement you find in His Highness' plea to the Viceroy, wherein he says that he never personally had had communications with the Residency servants—he does not deny that they made these communications through his agents—and I think the Commission will have no doubt whatever that the first two charges against His Highness are satisfactorily established. My Lord, my learned friend has suggested that an Oriental Prince is likely to be surrounded by evil counsellors, and to have things attributed to him for which he cannot justly be held responsible. There can be no doubt that His Highness the Gaekwar was to some extent so surrounded by evil counsellors. I am not here to defend the character of Damodhur Punt. Nothing that my learned friend might say about that man would excite my indignation. He is not a man whom I would put forward as one whose uncorroborated evidence should be worthy of your great consideration. There is no doubt, from what he has admitted he has done, that he is a very bad man; but when we find that a man of that character is retained by His Highness the Gaekwar as his private secretary, as his most intimate confidant, as his most trusted servant, and when we find him, even after the attempt to poison Colonel Phayre was made and bruited abroad and under investigation, introducing that man to Sir Lewis Pelly at the Residency as his private secretary,—I must say that I do not think His Highness can come before this tribunal with any serious expectation of being held entirely irresponsible for anything that that person might do or say on his behalf. My learned friend has referred to Yeshwuntrao and Salim as likely to obey the behests of Damodhur Punt, but they would, my Lord, be more likely to obey the behests of the Maharaja than that of the Maharaja's private secretary. Therefore, if you find a series of witnesses coming forward here, and if you find one of these servants testifying that he issued orders by the directions of his master the Maharaja, though we may look upon that man with suspicion, and though we may desire not to believe him, yet nevertheless, looking at the probabilities, I apprehend it is difficult not to give him credence for telling a certain amount of what was true, especially as to his merely obeying his master in the matters to which he refers. My learned friend has admitted that Damodhur Punt, Yeshwuntrao, and Salim are the three persons likely to take part in any such attempt as is alluded to here in the Viceroy's notification in the third and fourth charges against His Highness. I think that is going a great way. These charges are, “that his purposes in holding such communications and giving such bribes were to use the said servants as spies upon Colonel Phayre, and thereby improperly to obtain information of secrets and to cause injury to Colonel Phayre, or to remove him by means of poison; that, in fact, an attempt to poison Colonel Phayre was made by persons instigated thereto by the said Mulharrao Gaekwar.” We have therefore this—that in regard to this most serious charge, my learned friend admits if that His Highness was so concerned, he could scarcely have found three better instruments than his private secretary and his two confidential attendants. Now, my Lord, before I go into the investigation of the evidence which connects the Gaekwar with the attempt to poison Colonel Phayre, let me briefly refer to one or two matters on which my learned friend has also dwelt at considerable length. I think my learned friend suggested rather than argued that this Commission could come to no other conclusion than this attempt to poison Colonel Phayre was not in point of fact made by some one on the 9th of November when he asked if the Commission were satisfied that such an attempt had been made. I don't think that he himself could dispute that such an attempt was made by some one or another. Nor do I think that my learned friend could have seriously contended that that attempt was not made by arsenic and diamond dust. A good deal was said by my learned friend upon the colour of the sediment which Colonel Phayre noticed in the glass, and which was also shown to Dr. Seward; but I think that the Commission, looking carefully to the evidence upon that point, can come only to this conclusion that, although a good deal was said upon this branch of the case, there really is not much in it. Colonel Phayre no doubt describes the sediment that he noticed as being dark, and undoubtedly to him it may have appeared to be such. Some of it was at the bottom of the glass, and the rest was trickling down the side of it. That glass had previously been filled with a preparation of pummelo juice, which is of a reddish or pinkish colour. Colonel Phayre at the time he

noticed the sediment at the bottom of the glass was under the influence of poison, if poison was there at all; and one of the effects produced upon him by the poison he imbibed was, as you will remember he stated himself, that his head was dizzy and swimming round. I will give your Lordship the exact words, because they are of considerable importance: "I felt a sort of dizziness in my head, and as if my head were going round slightly." It may be that Colonel Phayre seeing the light through the coloured fluid, would be very likely to attribute to the sediment a darker colour than the more practised eye and less excited observation of Dr. Seward would attribute to it. Again, the liquid in which the sediment was contained was dark or darkish and even a white powder put into a dark liquid would properly look dark until separated from the fluid; and supposing the liquid to have been dark, it may be quite natural that Colonel Phayre should see that dark which Dr. Seward, after separating it from the liquid, would consider to be a tawny or fawn colour. My learned friend has made a suggestion which is a perfectly fair one, and which I accept as a possible explanation of this affair. He says that some people have not that sharp perception of colours which others have, and it may be quite possible that Colonel Phayre has not that perception of colour which Dr. Seward has. Another thing is, that if Colonel Phayre held the tumbler against a dark table or something dark, the darkness might appear to be communicated in some degree to the contents of the glass. But whatever the impression produced upon Colonel Phayre's eyes may have been under the circumstances I have detailed, I apprehend there can be no doubt as to the impression produced upon Dr. Seward. He had not imbibed poison. He came over at once to the Residency on being called, and he could calmly examine the contents of the glass. He says he held the glass against the light and then detected this fawn-coloured powder, which may have been what would naturally follow a calm investigation. Rowjee describes the powder he received as of a dark colour. We all know how natives in this country in speaking of colour do not express the gradations that Europeans are accustomed to. Anything in the slightest degree dark would be *kala* to a native. While Rowjee used this word *kala*, he qualified it by pointing to a sun-topoe upon the table, and said it was like that. The topoe pointed out was of a bluish grey colour. Rowjee qualified that again by saying that, although it was like the hat it was perhaps of a still lighter hue.

Serjeant Ballantine.—Oh, no. He said it was darker.

The Advocate-General (after referring to the notes).—My learned friend is right. I remember that some emery powder was shown to Rowjee by Mr. Jardine. But at all events the darkness he meant was only a little darker than the hat he pointed out. As to Dr. Seward's evidence upon the point, I think there can be no doubt whatever about its correctness. He examined the powder with the care of a man of science who would afterwards have to experimentalise upon it, and if the glass were found by him to contain any deleterious matter, its presence there would of course be a subject of close examination. In fact, I think Dr. Seward's evidence should be accepted as perfectly conclusive. That that sediment was found to contain the two ingredients—arsenic and diamond dust—I apprehend there can be no doubt. Dr. Seward by his own experiments detected arsenic by means of the reduction test and the diamond dust by means of microscopic investigation. The reduction test, though one of the simplest tests, is at the same time one of the surest tests for the discovery of arsenic; and though the metallic ring he saw was not reduced into crystals of arsenic, there can be no doubt whatever that that metallic ring by itself established, unless disproved, an almost conclusive proof of the presence of arsenic in the substance from which that ring had been evolved. Dr. Gray subjected the sediment sent to him to the most rigorous investigation. He was not satisfied with the reduction test, although on applying it he found precisely the same sort of metallic ring that had been found by Dr. Seward; but he adopted a number of other tests, which I shall not weary you by describing. But having by these tests reduced the sediment to various chemical substances, he from these substances evolved the pure arsenic again. There can be no doubt as to that.

The President (referring to his notes) said he was not sure whether Dr. Gray said he had done that.

The Advocate-General.—Yes, my Lord; you will find it at page 68 of the short-hand writer's notes. Dr. Gray was asked whether he had extracted the arsenic bodily from parts of the powder, though not by the reduction process, and he replied that he had done so by the test called the sublimation test. In regard to Dr. Seward, I may mention that although he did not reduce the metallic ring in the form of arsenic, yet by another test he discovered octahedral crystals, which is one of the surest indications of the presence of arsenic. [Page 55 of the short-hand writer's notes referred to.] There can be no doubt whatever therefore regarding this scientific evidence, which has not been contradicted in any way, that in the sediment extracted by Dr. Seward on the morning of the 9th from the contents of Colonel Phayre's tumbler arsenic was extracted to the extent of about a grain, though Dr. Seward's appliances did not enable him to determine the exact amount. If these tests were not conclusive, there is also the other circumstance which Dr. Seward noticed—namely, the powdery film that was created by gently shaking the fluid in the bottom of the tumbler. This film was noticed before the addition of any water to Dr. Seward's glass, and it is regarded as a very sure sign of the presence of arsenic. Upon the medical testimony recorded here, I do not think the Commission can come to any other conclusion than that arsenic had been introduced into Colonel Phayre's glass in very considerable quantities. I hardly think that my learned friend would ask your Lordship to hold that in the water poured into the sediment by Dr. Seward the arsenic was contained. Govind, a witness called here, said that on that

morning he had filled the *koojah* from which Dr. Seward took the water from a *mulka* which was kept for the general use of the house. Although my learned friend asked several questions upon this subject, I do not think the Commission will conclude that in that tumbler there was not arsenic or some deleterious substance on the morning of the 9th. There is no question whatever that Dr. Seward took every precaution he could in sending the packet to Bombay, and that the examinations conducted by Dr. Gray and himself corroborated each other. Though diamond dust does not offer the same ready means of detection as arsenic, yet there are some processes by which a clear conclusion may be arrived at to show its presence. First of all, there are the particles themselves, which, Dr. Seward has told us, are distinguished by their lustrousness and their hardness, and here they are known by the way they withstood the severest test under the spirit-lamp and several powerful chemical agents. Notwithstanding their exiguity, he was able, by rubbing one small piece of glass with another, one of which had a small portion of the diamond upon it, to produce a scratch upon the glass. Dr. Seward said that besides diamonds he knows only one other substance that will scratch glass in this way—namely, collodion. My learned friend was referred to Dr. Gray for information on the subject of collodion, but in the cross-examination of Dr. Gray not a single question was asked about it. The microscopic test which was offered to the Commission is still available, but I think that the statements of Dr. Seward and Dr. Gray, both men of science and perfectly independent, will be accepted as conclusive evidence upon the point. Without having had any communication with each other, both of these gentlemen came to the conclusion that the other substance found in the sediment besides arsenic was diamond dust. Dr. Gray's attention to it was not called until he himself had written to inquire whether or not the substance was diamond dust. This conclusion occurred to him independently of any information from Baroda. Colonel Phayre's communication from Baroda, in which he mentioned the probable presence of diamond dust, crossed Dr. Gray's letter of inquiry on the way here; so that, as I have said, it was his independent observations that led him to conclude that he had diamond dust before him. [Dr. Gray's letter, Exhibit U, referred to.] I think that the further investigations of Dr. Gray support most conclusively the result of his examination of the sediment sent to him by Dr. Seward from Baroda. You will remember that Dr. Gray, being puzzled in his mind, writes to Colonel Phayre and reminds him that he had said he threw some of the contents of the tumbler out upon the chunam verandah outside of his office. Colonel Phayre proceeds there at once, and in his presence traces are found of the marks of the sherbet which he had thrown out of the window on the morning of the 9th. He scrapes up a portion of the chunam, puts it into a paper, seals it, and sends it to Dr. Gray, by whom the same substances as before were discovered. Unless it is contended that Dr. Gray deliberately put diamond dust and arsenic into the scrapings sent to him from Baroda, it must be admitted that they formed part of the contents of the tumbler. In fact, I have no doubt whatever that diamond dust and arsenic were introduced into Colonel Phayre's tumbler on the morning of the 9th November. [Refers to Exhibit L.] That is a letter to which I have referred in the course of my remarks.

Nineteenth day, Wednesday, March 17.

The Advocate-General resumed his address as follows:—My Lord, in the observations which I addressed to the Commission yesterday, I endeavoured to show, and I think I did establish, that the first two charges contained in the Notification of His Excellency the Viceroy had been made out—namely, that the Gaekwar had communicated for improper purposes with certain of the Residency servants, and had given them bribes through his confidential attendants Yeshwuntrao and Salim. My learned friend has already admitted that Damodhur Punt, Yeshwuntrao and Salim were persons proper to be entrusted with such a crime as is here charged under the third and fourth heads of charge; and I have shewn, I think, that on the 9th of November, in point of fact, an attempt to poison Colonel Phayre was made; that deleterious ingredients were placed in his tumbler of sherbet. One of these has been proved to be arsenic, which is certainly a poison, and the other is diamond dust, which, my learned friend was fain to admit, is by some persons, or a certain class of persons out here, believed to be a poison. I may in connection with this, I think, usefully refer to one point in the case which has always appeared to me to be rather a small point, but on which my learned friend having dealt, I must deal with as briefly as may be—and it is this. It appears to me very clearly on the evidence that no other deleterious ingredients than arsenic and diamond dust were introduced into Colonel Phayre's sherbet. It will be in the recollection of the Commission that the suggestion was thrown out as having been conveyed in an intimation to Colonel Phayre by Bhow Pooniker, who had himself received it from one Bulwuntrao, that another ingredient, namely copper, had been introduced along with the diamond dust and arsenic. But the scientific investigation of the sediment discovered in the tumbler has shown conclusively that no trace of copper could be found in it by analysis. My learned friend dwelt upon the fact that among the symptoms described by Colonel Phayre as proceeding from the administration of poison to him, was the experiencing of a metallic taste in the mouth. My learned friend also established, by the evidence of Dr. Gray, that if copper, or a preparation of copper, is taken into the mouth, the taste is experienced at once. Colonel Phayre's evidence is perfectly clear that the metallic taste did not at once present itself. It was not until some 20 minutes or

half an hour after he had taken the sherbet that he, among other symptoms, perceived the metallic taste in his mouth. Had there been copper, or a preparation of copper, Dr. Gray's evidence shows that Colonel Phayre would at once have experienced a metallic taste, but it is very clear that he did not experience this immediately, and it was not until about half an hour afterwards that he had a feeling of nausea and the other symptoms that he described. The evidence upon that point is very clearly given by Colonel Phayre at pages 48 and 59 of the shorthand writer's notes. At page 48, my learned friend asks Colonel Phayre, "You said 'previously, didn't you, that there was a coppery taste in the liquid that you had?' And Colonel Phayre replies, "No, I said to Dr. Seward that there was a copper taste in my mouth 'after drinking it.' And again he says, "I did not taste it in the liquid, but in my mouth 'afterwards.'" It is perfectly clear from this that there was not such a metallic taste produced by Colonel Phayre drinking this sherbet as would have been produced had there been any preparation of copper put in with the other poison; but, as I say, it was not till afterwards that Colonel Phayre experienced this coppery taste when he felt the symptoms produced by taking the sherbet. That a metallic taste in the mouth is frequently experienced, or sometimes, at all events, by persons suffering from arsenical poisoning, is shown by Dr. Gray's evidence at page 68 of the shorthand writer's notes, where after being asked whether a metallic taste was produced by taking arsenic, he replied, "In the course of my experience as 'Chemical Analyser, regarding arsenical poisoning, a metallic taste is often experienced.'" That answer is not very correctly taken down; but what Dr. Gray meant was that he had known persons suffering from arsenical poison complain of a metallic taste as one of their symptoms. I think the whole of the evidence disproves the suggestion that there was any copper introduced into Colonel Phayre's sherbet, or that anything in point of fact was introduced but diamond dust and arsenic. I may now refer to the quantity of arsenic found. Dr. Gray states that in the two packets submitted to him—one from the tumbler itself, and the other scraped from the verandah—he found $2\frac{1}{4}$ grains of arsenic. Dr. Seward, in the portion examined by him, says he found between one and two grains. (Page 61 of notes referred to.) We have here therefore between three and four grains of arsenic discovered by the chemical analysts in so much of the sediment as was recovered: and how much more there may have been in the sherbet before Colonel Phayre threw some of it away, it is impossible to say. The quantity discovered, however, was more than enough to constitute a fatal dose—a fatal dose, as Dr. Gray told us, being about $2\frac{1}{2}$ grains of arsenic. Another small point to which I may refer in regard to this part of the case is, that it is shown perfectly clear by Colonel Phayre's evidence that from the time he put down the glass after taking one or two sips of sherbet, until the time when he handed over the remains of the sherbet together with the sediment to Dr. Seward no one had any opportunity of tampering with that glass, of approaching it, or putting anything into it. Colonel Phayre's evidence on that point is at page 52 of the notes, and is in these terms:—"From the time that you first noticed 'this black sediment at the bottom of the tumbler until the time when you handed the 'tumbler to Dr. Seward, had anyone access to that tumbler?—No one came into the room. 'There was only myself in the room until I gave it to Dr. Seward. No one had access to 'the tumbler.'" It is therefore clear, if Colonel Phayre is to be believed, that from the time he first took a sip of the sherbet until he handed the remains of it to Dr. Seward, no one had access to the tumbler, and it is equally clear that the poison must have been put in before Colonel Phayre had returned from his walk, and before he took a sip or two from the sherbet he found prepared for him. The next point to which I would invite the attention of the Commission is this:—Taking it to be established that arsenic and diamond dust were deposited by some one or other in Colonel Phayre's sherbet on the 9th November, what is the evidence as to the source from which these two articles were obtained? A vulgar poisoner, or one who had not the command of considerable means, would not be likely to resort to diamond dust, albeit he might be likely to resort to arsenic: and the possession of diamond dust would therefore argue the possession of considerable wealth, as well as of an intention to employ, no matter at what cost, such means as he believed would be capable of effecting his object. Now, upon the theories that have been put forward by my learned friend, either that Bhow Poonikur or those who were acting with him, or Damodhur Punt, and those acting with him were the persons by whom this dose of poison was sought to be administered, I think it is unlikely that such an expensive article as diamond dust would be resorted to by these persons. These suggestions are sufficiently improbable for other reasons to which I shall afterwards call the attention of the Commission. But there would be no improbability in a person in the position of the Gaekwar employing such an expensive ingredient as diamond dust, supposing him to have entertained the belief in its poisonous qualities which Dr. Chevers asserts to be prevalent among the natives of India. From his position he would be perfectly well able to procure either of these articles. He could easily procure arsenic, as indeed most people can in this country. I do not see myself that there is much difficulty in getting almost any quantity of arsenic that is required. We have heard recently of a man, without any apparent reason for it, buying in a shop 8 lbs. of arsenic, and I suppose it may be taken for granted that if a man wants to get arsenic in the bazaars of India he can get any quantity. In Baroda, however there is a greater difficulty. My learned friend brought out the fact that in Baroda arsenic could only be obtained from the Fouzdaree, upon the special order of the Maharaja himself; and Damodhur Punt has produced an order, not from the Maharaja indeed, nor as my learned friend somewhat inaccurately said, bearing any endorsement of the Maharaja, though it does bear an endorsement in which the Maharaja's name appears, by which the Fouzdar was

directed to give arsenic for the purpose of making medicine for a horse. That order is exhibit Z, and is at page 112 of the shorthand writer's notes; and the date of it is the 4th October 1874. Now Damodhur Trimbeck says that that order was written by him at the direction of the Maharaja. In the endorsement which was made by the Fouzdaree officer upon that document we find that the name of the Maharaja is introduced. The signature is, I think, Gunputrao Bulwunt, and the order is addressed to Datatria, who says that no arsenic was, in point of fact, issued from the Fouzdaree on that order. He says also that there would have been no difficulty in furnishing arsenic upon that document, had the person in whose favour it was drawn out come and applied for it. But Damodhur Trimbeck shows clearly why it was the arsenic was not supplied on that order. He says that Mr. Hormusjee Ardasir Wadia, who was then Fouzdar, refused to issue arsenic upon it till he had communicated with the Maharaja. Mr. Hormusjee is a gentleman of high position and reputation. He arrived in Baroda at the end of last week; he is now sitting at this table; and he has not been called on by the defence in regard to his reasons for not supplying the arsenic. I apprehend that if it had been possible to disprove Damodhur Punt's statements upon that point, Mr. Hormusjee Wadia would have been put into the witness-box. I think, therefore, that Damodhur Punt may be taken to be most materially corroborated by the document to which I have referred. I would call the attention of the Commission to this—that the endorsement, which is not the endorsement of the Maharaja, but simply the endorsement of one of the officers of the Fouzdaree department, is in these terms: "Shrimunt Sirkar." No doubt my learned friend was somewhat misled when he stated that the Gaekwar had endorsed this order. It is not so. There is merely an endorsement in which the Gaekwar's name is mentioned. But when my learned friend says that the obvious answer the Gaekwar would make to any objection on the part of Hormusjee to deliver out arsenic upon the order in question would be, "Why, all the arsenic in the Fouzdaree is mine. Go and get it!" When my learned friend puts that argument, it would be a perfectly good one if it could be shown that the arsenic was for the purpose specified in the order—namely, medicine for a horse. But it does not apply here, as the arsenic seems to have been wanted for the purpose of poisoning Colonel Phayre. I can understand the Maharaja having no objection whatever to putting his name to a paper which was merely to warrant an order for arsenic for medicine for a horse, but he might well hesitate to put his name to an order for arsenic for a human being, and might well, as Damodhur Punt says, be anxious to get the arsenic elsewhere. My learned friend uses the argument:—"If the Gaekwar had been desirous to use poison, the last thing 'on earth that he would have done would have been to put his name upon the order.'" But he has never used that order, and I use my learned friend's argument against himself. Then again, as to the obtaining of diamond dust, my learned friend, feeling no doubt that diamond dust would be an article at the command of His Highness, sought to show that had diamond dust been required for the purpose of poisoning Colonel Phayre, nothing could have been easier than for him to have supplied some diamonds out of his stores for that purpose. Now it is no doubt true, as stated by Nanajee Vithul, that diamonds are kept in the jewel department at the Palace in considerable quantities, that jewellers' work is always going on, and that at the period to which these transactions refer a scabbard and the hilt of a sword were being encrusted with diamonds. But I think it will occur to the Native Members of the Commission, and probably to all the Members of the Commission, that when in the jewel department of a Native Court diamonds are being used for the purpose of ornamentation, a very strict account is required of the manner in which the stones are applied. For their own protection the workmen requiring these stones would be desirous that such an account should be kept; and if a stone was taken away, they would desire, as a safeguard to themselves, to see that it should be entered in some document or other. Moreover, it does not follow that because a scabbard and hilt were being encrusted, diamond chips of the small size and comparatively inexpensive quality that are alleged to have been used on this occasion would not be turned to account. It may be very well to take small chips and pound them up by some means or other; but it would be a different thing to take stones of value and pound them up and reduce them to powder for the purpose of using it for nefarious purposes. And I do not think that the mere fact of diamonds being used about this time for the purpose of ornamentation can countervail the evidence in this case, having consideration to the fact I have just suggested that a strict account of all jewels is kept in Native Courts, and that workmen employed among them would, if any were withdrawn, require an account of it. Even according to the evidence of Hemchund Futteychund, whom my learned friend put forward as a thoroughly trustworthy and credible witness, as a witness whose mistakes and errors were on the same footing as the mistakes and errors of Colonel Phayre, though what errors are alluded to on the part of Colonel Phayre I do not know—at all events, this Hemchund Futteychund, whom my learned friend put on the same level of presumable veracity as an officer in Colonel Phayre's position says he was asked about the time of the Dussarah to bring small diamonds to the Palace; and that he and other jewellers did so bring small diamonds to the Palace, albeit he says these diamonds were returned to him. We have it, therefore, perfectly clear, according to the evidence of this unimpeachable witness, that diamonds were required for some purpose or another at the Palace. That they were purchased, that they were retained, is proved not only by Damodhur Punt himself, but also by Nanajee Vithul, the head man in the jewel department, and by Atmaram Raghoonath, one of the principal clerks employed there. It is also perfectly certain that whatever Damodhur Punt may say in other matters, he is perfectly correct, according to Hemchund, in this state-

ment, that small diamond chips ("bookkie") were required at the time of the Dusserah, that is at or about the 20th October. The only way the diamond chips so required at the Palace can be disposed of on the part of the defence is by the evidence of Hemchund, who swears they were returned to him. As to the value of that evidence, I shall have something to say hereafter. Here, however, we may rest assured that the diamonds likely to be employed for a purpose of this kind were sent for inspection, and (as we say) purchased at the time to which these transactions relate. We, therefore, have, at all events, the possession of the two ingredients found in the sherbet by persons in the service of the Maharaja during the time that Rowjee and Nursoo say the packets were delivered to them. This is shown by incontrovertible evidence. And as I am upon this point, I may as conveniently here as at any other part of my argument, refer to the case of the Borah Nooroodeen, from whom, Damodhur Punt says, the arsenic was obtained, and who, my learned friend says, has not been called. My learned friend is quite entitled to the benefit of any inference he may draw from that circumstance. But there was nothing to prevent his being called by my learned friend himself if he wished to contradict Damodhur Punt's evidence on this point. In a certain view of the cross-examination by my learned friend, I might have been placed under the necessity of putting Nooroodeen into the box. If there had been a challenge whether Nooroodeen did supply this arsenic, there would not have been the slightest difficulty in getting him to give evidence. But there was no such necessity. I hear my learned friend, Mr. Branson, making a suggestion on the point, and I will meet it. He says Nooroodeen was an enemy of the Gaekwar. I do not know how that is proved. It is proved that a Borah named Nooroodeen was a complainant before the last Commission; but it is not shown that his complaint was not then redressed; and that being so, there is no reason to show that his hostile feelings had not disappeared. But at all events, enemy or no enemy, this much is certain that the propriety of calling Nooroodeen here as a witness had not suggested itself to my learned friend, and Damodhur Trimbeck's statement on this point remains entirely uncontradicted. The attorneys for the defence have had full access to Nooroodeen and everybody else whom they wished to see in regard to this case, and, no doubt, they satisfied themselves as to whether it was desirable to call Nooroodeen and others. The result of their discretion is, however, that no witnesses have been called; and the Commission will, of course, draw such conclusions as it thinks just from that fact. Now, my Lord, the next point to which I would refer, having shown that there was in point of fact an administration of arsenic to Colonel Phayre on the day in question, and having shown that at all events the evidence points to the possession by servants of His Highness, under His Highness' directions, of these two articles at the time, we say they were obtained by order of His Highness. It will be in the recollection of the Commission that the evidence shows that Rowjee was the person who received certain packets from Salim, and deposited the contents of one of these packets in Colonel Phayre's glass on the 9th November. It is not suggested that any one else but Rowjee put these packets into the tumbler. My learned friend, fertile in suggestions though he has shown himself to be in the course of this case, did not suggest that any other hand than that of Rowjee's was employed for the purpose of putting the arsenic and diamond dust into Colonel Phayre's tumbler; and so, therefore, we may take it as a fact, undisputed in the case, that Rowjee's was the hand by which this was placed in Colonel Phayre's sherbet. Now, my Lord, comes a very important class of considerations to which I beg to draw the attention of the Commission. Whose object could it be to make this attempt upon Colonel Phayre's life? Who could be interested in administering poison to him? Four classes of witnesses have been suggested as being likely or possibly concerned in the attempt, and the first class is the Residency servants. Now my learned friend made that suggestion only to answer it. He said with perfect truth that they could have no object in administering poison to a man who was a good master, from whom they received wages, and against whom it is not shown they had any cause of complaint. I may take it, therefore, upon my learned friend's own admission, that the Residency servants were not the concoctors of this attempt for any personal reasons of their own. Then the next class of persons who it is suggested would be likely to engage in a conspiracy of this kind were Bhow Poonikur and those who were acting with him. Now, my learned friend was very hard upon Bhow Poonikur. He called him—on what grounds I fail to discover after a careful perusal of the evidence—the Gaekwar's bitterest enemy. He said he was the man who had Colonel Phayre entirely under his control; that he was a spy; and that, in all human probability, he controlled all the actions of Colonel Phayre. My Lord, the evidence shows that Bhow Poonikur was examined in this case as well as Colonel Phayre in regard to this point; and that Bhow Poonikur is, at all events in Colonel Phayre's opinion—and no evidence to the contrary has been produced—a perfectly honourable and trustworthy man. He has lived in Baroda the greater part of his life, having come here when a child; he has held various appointments, to not one of which anything discreditable could be attached. At present he is employed as agent to Mr. Hope, the Collector of Surat, in regard to a ward of the British Government named Meer Zulfukkar Ali, the son of a gentleman whom your Lordship will very well remember, the Nawab of Surat. This young gentleman has considerable estates in the Baroda territory, and Bhow Poonikur, it appears, had such confidence reposed in him that he has been employed by Mr. Hope to look after those estates. He came, with a letter of introduction to Colonel Phayre from Mr. Hope; and I do not think Mr. Hope is a man who would give letters of introduction to persons he did not consider perfectly worthy of them. Bhow Poonikur has not only to look after these Baroda estates of the young ward, but he is also trusted with business by

many of the sirdars and sowcars in the Baroda territory. He has the management of their affairs as well as of those of the son of Mir Jaffir Ali. He lives in Baroda; his life has been open to inspection, and not one single thing has been alleged against him, except that in representing the various interests I have enumerated, he found it necessary to bring forward at Colonel Meade's Commission four cases on behalf of his employers. I cannot see anything in that to warrant the conclusion that my learned friend has drawn, that he is the Gaekwar's bitterest enemy. Surely something more than has been adduced here should have been brought forward to warrant what has been said against him. As to his influence over Colonel Phayre, that entirely exists in the imagination of my learned friend. He put the question to Colonel Phayre: "Was he not in the habit of seeing you daily?"—and Colonel Phayre admitted that he did use to come to him almost daily upon business of one kind or another. But because one man comes to see another daily, it is rather a *non sequitur* to argue that therefore he controls the actions of the person he visits. It has been alleged also that he it was who gave information to Colonel Phayre about the preparation of the khureeta of November; but there is nothing extraordinary in that; Bhow Poonikur says that he heard of it from two or three people connected with the Durbar and then mentioned it to Colonel Phayre, and it must be remembered that those sirdars and sowcars by whom he was employed would naturally know what was going on at the Gaekwar's durbars, and certainly these persons, going or coming from the Durbar, would know of any matter of importance that was being discussed. It is not surprising, therefore, that he should inform Colonel Phayre that a khureeta was in course of preparation, although his information did not enable him to go so far as to say, because he did not know, what the nature of it was. I cannot see that there could be any impropriety in telling Colonel Phayre about that khureeta, because any khureeta either to the Government of Bombay or the Government of India would have to pass through the hands of the Resident before it could be forwarded. Colonel Phayre has already told the Commission that khureetas were to be sent to the British Resident, accompanied by an English translation, and it was his duty to forward it to the Government to which it was addressed, together with such observations of his own as he deemed it desirable to make. At page 50 of the short-hand writer's notes the Commission will find, in the cross-examination, the statement to which I have just referred. Now, surely these circumstances, which are all that can be urged against Bhow Poonikur, are a very slight foundation indeed upon which my friend would be entitled to build his sweeping assertion that Bhow Poonikur was the Gaekwar's bitterest enemy, that he controlled Colonel Phayre's actions, and that he was Colonel Phayre's spy. Hard words these, no doubt; but I do not think they will produce much effect, and I think the Commission will prefer to form their own opinion about Bhow Poonikur without accepting my learned friend's harsh and entirely unwarranted account of him. But having regard to the relations between Colonel Phayre and Bhow Poonikur, as described by the evidence, does it not occur to the Commission as ludicrously improbable that Bhow Poonikur or those acting with him—the very men who, he says, had Colonel Phayre in their hands—a puppet, the wires of which they could pull at any time—does it not seem improbable that these men should desire to see him either removed or killed? It would be to the interest of Bhow Poonikur, whether or not he was an honourable and trustworthy man, engaged in the performance of respectable duties, or whether he really was a wirepuller of the puppet, Colonel Phayre—it would be his interest, I say, and that of those associated with him, to keep him alive in Baroda rather than conspire to lay him in his grave. As for the utterly wild suggestion that Bhow Poonikur only wished a sham attempt to be made upon Colonel Phayre's life, and then step in and appear as the *Deus ex machina* who was to save him from the danger he appeared to be in—how does that consist with the facts proved regarding the enormous quantity of arsenic, more than enough to kill him, that was introduced into Colonel Phayre's glass? And how does it consist with the fact that Bhow Poonikur instead of rushing on to the scene in the nick of time, snatching the poisoned goblet from Colonel Phayre's uplifted hands, and dashing it to the ground, does not appear until several hours afterwards, when the sediment had been given to Dr. Seward, and then does not say a word about the affair until Colonel Phayre mentions it himself? I think the suggestion that Bhow Poonikur had anything to do with this crime is one which the Commission will dismiss from their minds. Then we come to a suggestion which my learned friend, though not putting it forward as a matter he undertook to prove, nevertheless put forward, not once but several times, to the effect that Damodhur Punt was the person whose interest it was to get rid of Colonel Phayre, and who therefore might have made the attempt to poison him. My learned friend's argument upon this point rested entirely upon an illusory basis. Damodhur Punt, says my learned friend, had been rested entirely upon an illusory basis. Damodhur Punt, says my learned friend, had been guilty of gross frauds and embezzlements of the property of his master. He, according to my learned friend, knew that Colonel Phayre was sifting everything in regard to everything about the Palace affairs, and in order to prevent Colonel Phayre from overhauling his accounts he determined to try and poison him! Now, I cannot imagine upon what information my learned friend was proceeding when he suggested that Colonel Phayre was likely to do any such thing as overhaul Damodhur Punt's accounts. It certainly does not appear from the evidence that Colonel Phayre entertained any such idea. On the contrary, as must be perfectly well known to at least four of the Members of the Commission from their own personal experience, and probably also to your Lordship and Mr. Melville, to overhaul the Maharaja's khangee or private accounts would be entirely beyond the power of Colonel Phayre. There could be nothing in the duties devolved upon Colonel Phayre by the

British Government that would entitle him to interfere with the Maharaja's private accounts, regarding which Damodhur Punt's accounts entirely related. Damodhur Punt had therefore nothing to fear from Colonel Phayre's investigations. The only investigations which Colonel Phayre could make would relate not to private accounts, but rather to the political relations existing between the ruler of Baroda and the British Government. Nor is there anything in the whole course of the evidence laid before this Commission to show that Colonel Phayre had even anything to do with the examination of the Gaekwar's state accounts at the time when these transactions occurred. Moreover, it is an entire assumption on the part of my learned friend to say that Damodhur Punt had been guilty either of fraud or embezzlement. No frauds or embezzlement have yet been traced to him. No doubt there is in Damodhur Punt's character ground for supposing that a man supposed to be guilty of attempting a murder would lend himself to fraud on his own behalf. But no such fraud has been pointed out. There is not the slightest evidence that anything of the kind occurred. And though my learned friend made a great point when he asked Damodhur Punt, "Have you a single piece of paper to show that you had the Maharaja's authority to expend money?" And Damodhur Punt said he had not. I do not think that Damodhur Punt could be expected to have any such writing. He told us that the Maharaja was not in the habit of signing accounts, and it will be consistent with the knowledge of the Commission that the Maharaja would not be likely to sign these accounts. Damodhur Punt told us that accounts were kept in five different places, and he explains how this was. My learned friend, no doubt following English ideas on the subject, and supposing a Native Court to be the same as an English banking-house, had good grounds for the suggestion he made; but according to the principles of book-keeping that prevailed in the Haveli, Damodhur Punt was perfectly right in saying that he had every means of clearing himself in the event of inquiry. He had the accounts; he produced them here, and you would see that he produced the fullest vouchers. Your Lordship and the other members of the Commission will doubtless remember the form of the "yads" that Damodhur Punt showed us. There was on them, first of all, a statement or memorandum by a clerk stating the particulars for which the sum of money is to be expended. Following that memorandum you have the endorsement of the Khangeewalla himself, stating that the permission of the Gaekwar has been obtained for the expenditure. Then you have the receipt of the person to whom the payment was made. You will see therefore that Damodhur Punt had in these yads the best voucher he could have had for the expenditure made through him, when he possessed the receipt of the person into whose hands the money had passed. When he spoke of five places he had doubtless this in his mind, that although it would be easy to forget a memorandum and get a receipt put upon it, yet as the payment of all these accounts passed through several hands, and was recorded in several books, it would be easy to see whether the money had been expended as the yad professed. There was not only this yad, but an account of the yads was prepared in the treasury daily; then a monthly account or thalibund was prepared from the daily accounts; and again an annual statement was compiled from the monthly accounts. Any payment made would therefore have to be traced through five places, and according to the native system of book-keeping that would afford ample means, from one point of view, of discovering whether fraud or embezzlement had been practised, for in order to do so the whole of these books would have had to be falsified, and the whole establishment made parties to the attempted fraud in order to prevent it from being detected. It may be that the servants of the Gaekwar were not of so high and honourable a character as men in their position ought to be; but it seems to be rather hard, upon my learned friend's suggestion, that the whole establishment should be tainted with vice, so that amongst them all not one honest man could be found. I think therefore that the notion that fraud and embezzlement had been committed by Damodhur Punt is one that must have emanated from my learned friend's imagination. If I am right in the contention that there was no danger whatever of the private accounts of the Maharaja being overhauled by Colonel Phayre, my learned friend's theory about Damodhur Punt falls to the ground. Damodhur Punt could only have been anxious to get rid of Colonel Phayre, because Colonel Phayre was obnoxious to his master. The evidence is that he had no acquaintance with Colonel Phayre, for although he accompanied the Maharaja on His Highness' visit to the Residency, he used to get out of the carriage at the Shriwak's Dhurumsala, and get into it again when the Maharaja returned. Although the Maharaja introduced him on one occasion to Colonel Sir Lewis Pelly shortly after his arrival here, he had no acquaintance with Colonel Phayre. He could not therefore have wished to get rid of the Resident on his own account, and my learned friend's theory upon that subject will no more hold water than his theory about Bhow Poonikur can. Now, my Lord, we come to the last person mentioned in connexion with this matter whose interest it might have been to get rid of Colonel Phayre,—I mean the Maharaja himself. My learned friend has told us that in opening this case to the Commission I did not say anything in regard to the motive which His Highness might have had for wishing to poison Colonel Phayre, and my learned friend expressed the opinion, which was perfectly right, that that omission was not inadvertent. I did not certainly go into the question of motive. I was not here to conduct a prosecution. I was here to conduct an inquiry, and to lay before this Commission certain evidence by which the Members of it might be able to judge whether or not there was any truth in the motives imputed to His Highness. If the evidence which I was instructed to lay before this Commission were true, that evidence would disclose in the case of the Maharaja material from which you could form a clear opinion as to the motives by which His Highness had been

animated; and I think that the evidence has conclusively shown, and more particularly the evidence adduced by my learned friend, what strong motives existed in the mind of the Maharaja for desiring to get rid of Colonel Phayre. Apart from the witnesses concerned in these transactions, my learned friend has referred to documents which, I think, establish in the clearest manner how eager in his desire to get rid of Colonel Phayre His Highness was, and upon this matter I need scarcely do more than refer to the khureeta of the 2nd November 1874, put in by my learned friend, and which is marked No. 1. In that khureeta His Highness describes Colonel Phayre as his persecutor—his persecutor with a determined and strong will and purpose—and says, "that he should now be made to sit in judgment upon me is, I must submit, simply unfair." In the same khureeta His Highness is made to say that "his efforts to carry on the administration according to the advice of the Viceroy would be hopeless if Colonel Phayre were to continue here as representative of the paramount power with his uncompromising bias against me and my officials." He complains also of the harassing and obnoxious treatment he was receiving at the Resident's hands. It is pretty clear therefore that although His Highness does not in this document say he has any personal enmity to Colonel Phayre, yet he had the greatest objection to his remaining here as Resident, and considered it was unfair to him that he should be retained in his position. It is difficult in a case of this kind to distinguish between a political and a personal objection. In the plea which has been put in on behalf of His Highness he states the matter in these words: "I never had, nor I have now, any personal enmity towards Colonel Phayre. It is true that I and my ministers were convinced that owing to the position taken up by Colonel Phayre during his Residency, it would be impossible satisfactorily to carry out the reforms I had instituted, and was endeavouring to complete in deference to the authoritative advice conveyed to me in the khureeta of the 25th July 1874, consequent upon the report of the Commission of 1873." When Colonel Phayre was in the witness-box not a single question was put to him—and indeed no question could be put to him—as to whether he had hampered or interfered with His Highness after the khureeta passed at the conclusion of Colonel Meade's Commission. Although I see now in this Court the three gentlemen mentioned in the khureeta, Mr. Dadabhoy Nowrojee, Mr. Bala Mungesh Wagle, and Mr. Hormusjee Ardaseer Wadia, I have not seen one of these gentlemen placed in the witness-box to corroborate the statement that Colonel Phayre was interfering with their efforts to reform the State. I can only assume, what I apprehend to be the fact, that there was no foundation whatever for such statement on the part of His Highness. His Highness goes on to say: "This conviction was shared by all my ministers, and was strengthened by our knowledge of the severe censure which had been passed on Colonel Phayre by the Bombay Government. The removal of Colonel Phayre on the 25th November 1874 shows that our judgment was not erroneous." His Highness does not condescend to state what that severe censure is, but I presume he alludes to that mutilated Resolution of the Bombay Government passed in May 1872 which had come into his hands, nor does he say from what source he had obtained it, or how it was that his attention had been directed to it. Colonel Phayre has told us—and his statement will be believed—that a document of this kind would not be communicated to the Gaekwar in the ordinary course of business. His Highness could have nothing to do with the administration of Upper Sind; and this document would not be one that would be communicated to him, especially as it reflected upon the character of the officer who had been appointed by the very Government by which this Resolution was passed to represent British interests. It cannot be supposed that the Bombay Government would communicate to the Gaekwar a Resolution so injurious to the character of its own representative at this Court. Not being told when or how this document passed into the possession of His Highness, it is impossible to say—and in point of fact it has not been said by His Highness—whether this document was in his possession at the time the khureeta of the 2nd November was despatched, or whether it has come into his possession since the commencement of these proceedings. Certainly, if it had been communicated by the Government of Bombay to His Highness, it would not have been sent to him in the mutilated and garbled form in which it was placed in the hands of my learned friend. In a question put to Colonel Phayre by my learned friend he was asked whether this document had not been shown by Mr. Dadabhoy to Colonel Pelly. But Sir Lewis Pelly was not examined upon the point, nor has Mr. Dadabhoy Nowrojee been put in the witness-box for examination regarding this matter. It may be that this excerpt from the true Resolution may have come into the hands of His Highness through Mr. Dadabhoy; still we are not told whether at the time of the khureeta of 2nd November it was in the possession either of His Highness or Mr. Dadabhoy Nowrojee; and therefore it is impossible to say whether it could have had any effect in influencing His Highness in forming that khureeta. If it was obtained before the khureeta was passed, it certainly does afford some confirmation of the charges to which I referred yesterday, not so much in regard to having improper communications with the Residency servants, as to having improper communications with Government servants other than Residency servants; and in that way it certainly affords strong colour to the truth of the statements made by the ayah, the havildar, and others, that they were retailing not merely gossip at the table, but also conveying State papers of importance. But however this may be, it is idle to suppose that either the Gaekwar or the framer of the khureeta, which my learned friend has justly described as a document admirably well composed for the purpose it was intended to serve, must have been acquainted with the existence of the Resolution before the penning of the khureeta. We are, however, thrown back upon this consideration that, whatever the opinion of the Bombay Government

might have been about Colonel Phayre in May 1872, the Gaekwar and his advisers, had they possessed the sagacity with which they ought to be credited, should have known that although, in Indian parlance, a "wigg" had been administered to Colonel Phayre, yet the confidence in him of Government had not been shaken, because he was afterwards appointed by the same Government to a post of greater responsibility and emolument than that which he held in Upper Sind. It must occasionally happen to many men who are officials to receive censure more or less strong and expressed in merciless terms, but in this particular case we have the history of the circumstances under which this censure was passed, and it may be worth while to allude to them. The Resolution was passed when Colonel Phayre was absent from India, and when he had had no opportunity of making an explanation. On his return to India, some six months later, having in the meanwhile heard that this Resolution against him was in existence, he asked for a copy and obtained it, and thereupon made such explanations regarding it as, I feel compelled to say, would, had they been known before, have prevented that Resolution from ever being passed. The result was that he obtained from that same Government a most complete exoneration from the censure which had been passed upon him in the Resolution of the previous May. The best proof that the exoneration was complete is, that although upon a question of policy—in regard to the justification of which your Lordship probably read in the newspapers the other day—it was not considered desirable that he should return to Sind, yet he was posted to Pahlunpore upon the same pay and emolument as he had in Sind, and was promoted thence to the distinguished post he held in Baroda.

Now, my Lord, to a sagacious mind, not fully cognisant of the whole of the circumstances of the case, the appointment of Colonel Phayre to Baroda would of itself have been proof positive that the censure was withdrawn, and if any proof were necessary that Colonel Phayre at the time of his employment at Baroda possessed in the fullest degree the confidence of the Government, it is supplied by what my learned friend elicited for us regarding the circumstances which took place at Nowsaree. There we had the marriage of His Highness to Luxmibae. Acting under the orders of Government, Colonel Phayre was not present on this occasion, and then this circumstance nothing could have occurred more likely to excite the anger of the Gaekwar. He complained of it in a khureeta addressed to the Government of India on the 9th May 1874 as a mark of want of respect and insult to himself. Then would have been the time at which the Government could have expressed their want of confidence in Colonel Phayre. But what was the result? In spite of this bitter complaint about Colonel Phayre's conduct at the time of the marriage, the Government of India fully approved of Colonel Phayre, and informed the Gaekwar he had been acting strictly in conformity with his instructions. Whatever effect therefore might seem to have been created at the first blush by the fact that there was on the records of Government the Resolution of May 1872, even if Colonel Phayre's position here had not been sufficient proof that that censure was practically withdrawn, you have the fact that in the Resolution of the Government of India I have just referred to it was intimated that Colonel Phayre had done perfectly right. The Maharaja had therefore the full assurance of Government that Colonel Phayre had done right, and would be upheld in his proceedings at Baroda. Now let me in this connexion direct the attention of the Commission to an important date. It was in the month of May the Maharaja was married; and on the 16th October a son was born to that marriage. It follows that the mother not having been recognised by the British Government, the son, as a matter of necessary consequence, would not be recognised; and this fact occurring on the 16th October, at a time when we find according to the evidence that the Maharaja was complaining to the Residency servants that the Sahib was practising great *zoolum*, shows pretty clearly how the mind of His Highness was working. He attributed it to Colonel Phayre that his marriage was not recognised; and he would also attribute it to him that his no doubt much-hoped-for son would not be recognised either. He had therefore the strongest impulse that could have moved an Asiatic Prince to desire the removal of a Resident who had recognised neither son nor mother. That date—the 16th October—may be regarded as very much furnishing a key to the whole of the conduct of His Highness. Now, my Lord, with this idea in his mind, I think the conduct of the Gaekwar would be comprehensible. It is tolerably clear that, whatever the desire of His Highness for reforms might be, Damodhur Punt would not be the person to whom he would apply for assistance in that respect; for he would rely in such a matter upon Mr. Dadabhoy Nowrojee, while in other matters, apart from public affairs, he would turn to his private secretary; and it is by no means an improbable thing that, while, on the one hand, he should be, with the assistance of Mr. Dadabhoy Nowrojee, writing well-penned khureetas, he should at the same time be adopting a very different, and what to his mind would represent itself as much more safe and reliable, course together with Damodhur Punt. There is nothing improbable in that. I think that the evidence points to it clearly that, while His Highness was walking in one direction with his minister, he was walking in an entirely different direction, led, it may be, by the hand of his private secretary. In point of fact, we find that at the very time he was complaining of the Sahib's practising *zoolum* he was instructing Mr. Dadabhoy Nowrojee to prepare the khureeta of the 2nd November. Probably, to judge by the May khureeta, he did not expect to meet with any great success in his complaints in this subsequent khureeta, and that this was so appears to be tolerably clear from a passage in Colonel Phayre's evidence, to which I shall presently refer. In regard to the khureeta of the 2nd November, beside the general complaint of Colonel Phayre to which I have already referred, two particular instances are given in which his interferences are represented as entirely objectionable and unnecessary. The instances are in regard to a Sirdar

named Chunderao, and some Sindee cultivators. Colonel Phayre was asked by me whether the statements in regard to these two charges were true, and he said (see page 52 of the notes) that these matters were entirely untrue as they were stated in the khureeta. It might have been easy to disprove that statement, if it were possible to disprove it at all. We have Mr. Dadabhoy Nowrojee here, who had the means of justifying the statements made in that khureeta; but he has not been called, and we have had no opportunity of gaining any further information upon that statement beyond Colonel Phayre's assertion that it was unfounded. Now, my Lord, that the Gaekwar had not much belief in the effect of this khureeta is clear from the conversation between him and Colonel Phayre after it had been despatched. The conversation is at page 62 of the notes. Colonel Phayre is asked, "Had you at any time any conversation with His Highness the Gaekwar with regard to that khureeta of the 2nd of November?"—Yes, I had. Let me ask you this. All these khureetas are translated and sent to you?—All are sent through me, and copies are given for my information. When did you have your conversation with His Highness in regard to this khureeta?—The first day that he came after I received it. It was on Monday the 5th November—no, it was Thursday the 5th November. Will you tell us what the conversation was, or the substance of it?—I merely mentioned to His Highness about the khureeta, and I expressed my extreme regret to think that such a khureeta had been sent, and the conversation was to the purport that the allegations were not correct. What did the Gaekwar say in regard to that?—The Gaekwar said that it was Mr. Dadabhoy Nowrojee, his minister, who had written it, and he was responsible for it. I then explained to His Highness that the object of allowing him to select his own minister was that he himself was to be responsible for all communications made to His Excellency the Viceroy and to the Government of Bombay." We thus find that within three days after the khureeta was written the Gaekwar, so far as he possibly could, disavowed all responsibility for it. It is pretty clear therefore that he did not attach much importance to it, and did not expect much fruit to come of it. That he was right is shown by the khureeta of the 25th November 1874, in which it is shown that though Government practically complied with his request by removing Colonel Phayre, they deemed it unnecessary to discuss with His Highness their reasons for desiring a change in the Baroda Residency. I say therefore, my Lord, that the suggestion that the Maharaja was relying upon the effect of those khureetas to obtain the removal of Colonel Phayre is entirely unsupported by evidence in the case, and is inconsistent with the inference to be drawn from that evidence. No doubt His Highness may have considered it desirable to have two strings to his bow—that Mr. Dadabhoy Nowrojee should be working for him in a straightforward and honest way, while Damodhur Punt should be working in an entirely opposite direction. But to say that the Gaekwar was relying upon Mr. Dadabhoy Nowrojee's exertions alone, the evidence does not support. I do not think then that we need look far for motive in this case. The only person to whom motive can be ascribed is His Highness. He knew that at the time this khureeta was being sent that a progress report was being sent by Colonel Phayre, in which the steps taken in the progress of reform would be explained; and it strikes me that the khureeta was much more intended to do away with this progress report than seriously to expect the removal of Colonel Phayre. This progress report appears to bear the same date as the khureeta to which I have just referred. I say therefore that if motive is to be sought otherwise than in the acts proved, we have from the evidence supplied by the defence themselves ample proof of a motive for His Highness desiring to remove Colonel Phayre. I desire here, as in future, to refer to the conduct of His Highness as connected with the considerations I have just put before this Commission. Monday the 9th November was one of the days on which His Highness usually visited Colonel Phayre. Whether His Highness knew before reaching the Residency that an attempt had been made and failed does not conclusively appear on the evidence. It is certain, however, he knew of it as he was driving back from the Residency; and when we take into consideration, too, the hurried ride of Salim towards the city immediately after the note had been despatched to Dr. Seward, it strikes me as highly probable that Salim went, not merely to Rowjee's quarters in the camp in order to secure the destruction of any trace of the powders, but that his ride to the city was not altogether without a purpose. That he went to Rowjee's quarters is shown by the evidence of Damodhur Punt; and that he went in the direction of the city and came back is shown by the evidence of the conservancy peon and the peon Mahomed Buksh, who had been entrusted with the letter to Dr. Seward. Salim knew perfectly well that Dr. Seward had had a letter sent to him by Colonel Phayre, for the Commission will remember that when Colonel Phayre felt this taste, he, unsuspecting of poison, thought it must be the pummelo juice, and got up and tried to throw the remainder away lest he should be tempted to drink the remainder of it. It was not until he had thrown most of it away that he noticed this dark sediment and the dark fluid trickling down the glass. He thereupon wrote to Dr. Seward, giving the note to Rowjee, who was waiting outside the office as usual, and would therefore have had an opportunity of seeing what Colonel Phayre was doing inside the office. Doubtless he had seen what had taken place inside. Rowjee gave the note to Mahomed, who was intercepted on the way by Salim, who gave him a rupee to get some biscuits. That Salim took this ride is beyond dispute, not only from the evidence of the conservancy peon, who saw him going off in the direction of Rowjee's house, and also galloping to the city, and again coming back. Salim took this ride somewhere about 8 o'clock, or between 8 and 9. Colonel Phayre came in at about 7 o'clock, and it would perhaps be about half-past 7 and 8 o'clock when, after throwing the sherbet away, he sent the note to Dr. Seward. This fixes the

time at which Salim took this ride in the direction of the city. Where he went to in the city it is impossible to say; what he went for it is not difficult to divine. He was at the Residency very early in the morning, early enough to be informed of what was going on. He had spoken to Rowjee; he knew that the Doctor had been sent for, and then he galloped off to the city. He had ample time to communicate to the Maharaja that something was wrong, and to tell His Highness at all events that Dr. Seward had been sent for. This he could tell him before he paid his visit to the Residency, although as a matter of fact it is difficult to say positively from the evidence whether His Highness knew or did not know before he paid his visit that the attempt had been made and failed. I at all events have not been able to find any passage that places the question beyond dispute. I do not put it upon higher grounds than this, that it is highly probable that information had been conveyed to the Maharaja before he made that visit on the morning of Monday the 9th. If this is so, we can see nothing at all wonderful in the circumstances that he preserved his equanimity on that occasion. My learned friend has said that he did not move a muscle of his face. But when His Highness was talking to Colonel Phayre he had had ample time to compose his features and determine upon the course he should adopt. I do not know that His Highness could have taken surer means of ascertaining whether or not the poison, which at all events he may have had reason to believe had been administered to Colonel Phayre, had produced any injurious effects than the conversation he entered into with Colonel Phayre. It is quite true that Colonel Phayre in his evidence before the Commission said that he thought he had asked His Highness about his health, and thereupon a certain conversation in regard to health occurred. You will find this at page 34 of the short-hand writer's notes. Colonel Phayre says: "The Maharaja came 'about half-past 9, I think—his usual hour. Between the time of my giving the remains of 'the sherbet to Dr. Seward and the Maharaja's arrival I had received no communication from 'Dr. Seward. I had not mentioned my suspicions of poisoning to any one but Dr. Seward. 'When the Maharaja came I went out to receive him as usual, and led him into the drawing 'room, and he sat down. I asked after His Highness' health, and he said he had not been 'very well, that there was a good deal of fever about, and that he thought he must have eaten 'too many of the sweetmeats usual at that time (the Dewalee). He also mentioned that he 'had had a slight headache and pain in his stomach, but that he was better now. The inter- 'view was not a long one." Now no doubt Colonel Phayre there points out that the conversation regarding health was commenced by himself, but in the statement made by him on the 16th November, at a time when the matter was much more fresh in his memory than it was when he gave evidence here, he said (page 38 of short-hand writer's notes) that "at about '20 minutes or half-past 9 a.m. the Maharaja paid me his usual visit. After some common- 'place remarks His Highness observed that the weather was not healthy, that there was a 'good deal of fever in the city, and that he himself had been suffering from purging and 'headache and fever from eating the usual Dewalee sweetmeats, but that he had recovered. 'I made no remarks, but it occurred to me that His Highness had led the conversation to the 'subject in order to elicit some remarks from me." Now it seems to me that when Colonel Phayre wrote upon the 16th November, very shortly after the facts occurred, he was more likely to be accurate as to who first broached the subject than he was when he gave his evidence here, and no doubt if Colonel Phayre's attention had been called to what he had said in his statement, he would have modified what he said originally upon the subject. But however that may be, this fact certainly remains, that a conversation turned upon Colonel Phayre's health this morning, which was well calculated to elicit from him some description of his state of health. And this is certain; that on his drive home the Maharaja in a conversation with Damodhur Punt, whom he had picked up at the Dhurumsala as usual (see page 113 of short-hand writer's notes), showed that he knew of the matter then. Damodhur Punt says:—"As we were driving back, the Maharaja said, 'There is a noise or a report at 'the Residency.' I asked, 'What for?' The Maharaja thereupon replied, 'Nursoo was in 'the habit of coming every day. He did not come to-day, and Rowjee made haste and 'put it.' I said, 'What was the cause of the haste?' The Maharaja said that 'Nursoo was 'in the habit of sitting outside every day, and if he saw anybody coming he used to 'whistle; Nursoo was not outside on guard for the purpose of whistling. That is the cause 'of the noise.'" It is perfectly clear that if Damodhur Punt is speaking the truth, His Highness knew on his way home that the attempt on Colonel Phayre's life had been made and failed. On the same day, later on, we find the Maharaja conversing on the subject with Nana Khanvelkar and the others at the Palace. I do not think the conversation I have just read is one that Damodhur Punt would have been very likely to have invented. It certainly is not the sort of conversation that the police, intelligent as my friend has admitted them to be, would put into his mouth. I think there is strong internal evidence that it was a conversation which actually did take place, and has been faithfully repeated to the Commission. It is a conversation he would have noticed for his own sake as well as his master's. Doubtless the other conversation, in which Nana Khanvelkar was concerned, also took place. Were it not true, Nana Khanvelkar might have been called by my friend on the other side to disprove it, and so far as the conversation is concerned at present it stands proved by the evidence of Damodhur Punt. Taking it that the Gaekwar knew the attempt had been made on that day—and we have also this important circumstance to consider that it was notorious over the camp and city on the afternoon of the 9th that an attempt had been made to poison the Resident—then it occurs to me that, supposing His Highness knew nothing of the circumstance before the 9th November, the natural thing for him to have done would have been

to get into his carriage and hasten to the Residency and congratulate Colonel Phayre upon his escape. It does not seem to me possible that if the Maharaja was entirely innocent of all knowledge of this attempt he would have acted as he did. He does nothing till Thursday, the day of his usual visit, and then speaks to Colonel Phayre about it amongst other things of little importance. He does not make any official communication to Colonel Phayre upon the subject until two days after his interview, and then he says in that communication that he had heard of the attempt from Colonel Phayre, although he does not say that he had heard for the first time from Colonel Phayre that the attempt had been made; and under all the circumstances I think it must be true, as Damodhur Punt says, that His Highness was kept informed of everything that took place. In fact, it is incredible that, being bruited abroad over camp and city, as the attempt was, the news should not have reached the ears of His Highness. Even supposing that Damodhur Punt, Salim, and Yeshwuntrao were implicated in the matter, they would have communicated the discovery of this attempt to His Highness, as it was no ordinary occurrence. In this conduct of His Highness in postponing all official notice of the attempt until Saturday I find matter which, I submit to the Commission, is well worthy of consideration by the Commission in connexion with the circumstances to which I have already referred as strong testimony indicative of His Highness' guilt. Well then, my Lord, let us consider what was done afterwards. Damodhur Punt, whose evidence I shall not particularly refer to because no doubt the Commission will weigh it carefully for themselves, describes how it was that the Maharaja was kept informed of what was going on at the Residency; how Rowjee was arrested and afterwards released, and arrested again, and all the rest of it. Nothing transpired to cause His Highness any anxiety until some time after Mr. Souter arrived. Then his alarms commenced. We find him going through the same revulsions of feeling in regard to Salim and Yeshwuntrao as he had done in the case of Rowjee, and on the 23rd December we find him cautioning them on no account to betray him. Now, my Lord, during the whole of the time from the 9th November till the 23rd December no doubt His Highness had the fullest opportunity of making himself acquainted with the proceedings which had been taken to discover the authors of this attempt. On the 23rd December he was informed that he himself was implicated. From then until the middle of January he remained upon the *gades* able to control his own actions. It is then we find him giving instructions to Damodhur Punt during that interval to cause all entries, all records likely to throw light on these transactions, to disappear from his archives. It is during that time we find the clumsy attempt made to erase the name of Salim from the *roz-ki-yads*, and it is at that time we find one of the karkoons tearing up a yad in regard to the purchase of diamonds. That such instructions should be given was only natural under the circumstances, and that such instructions could not be carried out fully was rendered natural by the nature of the accounts kept. My learned friend asked Damodhur Punt why he did not destroy the entries altogether; but Damodhur Punt's answer was a natural one. He said he did not do so because the particulars were kept in five places, and because he would have had to destroy the whole record—not merely the yads, but the whole system of accounts, from the yads to the annual accounts. If a yad disappeared from the *duftur* the *roz-ki-yad* would remain, and if that was destroyed the *thalibund* would have remained, and beyond that there would have been the annual account. No doubt the pouring of ink over the entries might have obliterated them, but it was done in such a clumsy way that I do not think it could have been the work of the police. It seems to me to be much more like the work of a clerk in the office who, fearing that he was giving the entries too much prominence, stopped his work of obliteration after he had obliterated only a few of them. Even clumsy as it was, however, the plan might have been successful, for but for the statements of Damodhur Punt it would have been impossible to follow up the entries. Unless he had given the clue, these accounts would have been a sealed book to those investigating them. I therefore say we have here in the evidence before the Commission ample motive to connect the Gaekwar with these charges, and ample reason to infer from his conduct that he was a party to the attempt upon the life of Colonel Phayre. This brings me to a consideration of the events on which my learned friend had so carefully and so ably commented. My learned friend says that the witnesses who have been called before the Commission ought not to be believed, and regarding each one he has given special reasons why he should not be believed. I propose to take those witnesses one after the other, and to point out the fallacy of my friend's reasoning. Minute criticism, I am sure, of the evidence of the ordinary run of natives in this country might no doubt be carried so far as to destroy their evidence altogether. I think your Lordship will bear me out when I say that no ordinary native witness would probably be found to give his evidence in such a way as to withstand the tests applied by my learned friend, although he might in the main be perfectly truthful. They have a loose way of talking, particularly in regard to dates, and in regard to details generally, and it is one of the most difficult, as it is one of the most important functions performed by tribunals in this country, to separate the wheat from the chaff, and learn from a general consideration of their evidence, rather than a minute consideration of it whether or not they are speaking the truth. Now, I apprehend that these witnesses who speak to transactions with the Maharaja can none of them, with the exception of Damodhur Punt, be considered educated persons. You have the ayah, a couple of putta-wallas, and others, all occupying a low rank in the social scale, who deposed to these circumstances, and I apprehend it is not surprising to find that they did not agree in details, although they agreed substantially. These people are not so accurate as English witnesses. Take one

specimen of their evidence. My learned friend referred to it yesterday, and I will accept it as a fair sample of the looseness with which native witnesses speak as to dates. It will be familiar to the Commission how difficult it is to find a witness who can fix a date after an occurrence. They may remember the day of the week and so fix it, or it may be at the time of some native festival and then it is fixed, or they may fix it by some event in their own lives; but when they come to speak of a transaction, they generally say it is two or four days after, or five or seven days or fifteen or twenty days. They always allow themselves some sort of margin. It is unfortunate they do so. Still, want of accuracy does not I think, in general, weigh with Judges in this country as showing witnesses to be altogether unworthy of credit. Now this third visit of the ayah before the 9th November, which was referred to by my learned friend, is an instance of what I have been arguing. She says it was about twenty days or a month before she heard about the poison being given, which would make it about the 20th October. Her husband, Shaik Abdoola, fixes it by the month, and says it was about the 10th or 18th of the month Ramzan, which began on the 12th October, which would carry us to the 28th or 30th October; and Shaik Dawood fixes it at three or four days before the Dewalee, which would carry us into November. Here we have an instance of what I have just mentioned, but I hardly think that these discrepancies would be considered sufficient to justify the rejection of the evidence of these three witnesses. You have there a slight divergence, but not necessarily an untruth; on the contrary, that very divergence appears to me to be a test of truth in this way, that it disproves the idea of the witnesses having been tutored by the police. The police must have had more than human ingenuity if they tutored these three persons to mention dates so entirely different. Another observation I may make in regard to the general character of some of these witnesses, and particularly those witnesses who were attached to the service of the Residency. I quite agree with my learned friend that it was not probable that the Residency servants wanted to take away Colonel Phayre's life. That is the opinion I have always entertained since I first read the statements of the witnesses in this case. It is very natural that they should not be desirous of putting to death the master they served, when they no doubt considered that they could render the service required by the Maharaja in a less dangerous and equally effectual way. This accounts for what Rowjee stated to the Maharaja when the matter of poison was first mentioned. He asked if this poison would take immediate effect, and was assured that it would not, but would be effective after some months. This is also a perfect explanation of what Rowjee did when he got the powders and was told to mix them together. He having an idea very likely that the white powder was arsenic, puts only a pinch of it into a third part of the diamond dust which he put into Colonel Phayre's glass. It would very likely occur to him that if Colonel Phayre were murdered at once, there would be an immediate inquiry. There would be a great disturbance; the murder would out; and then he would come to grief. It would then strike him that if he could give him only enough of this poison to make him ill so that he would have to go home, he would have done what the Maharaja wanted, and would get his guerdon all the same, while at the same time this procedure might be a slave to his conscience. Of course on this point, I am referring not merely to his not putting the whole of the arsenic in, but also to the contents of the bottle which was given to him, and which contained the physician's stuff as my learned friend termed it. Finding that a few drops exuding from the bottle produced those unpleasant blisters on his stomach, he probably thought, "dear me, if a little of this causes so much pain, it will not be safe for me to put the whole of it into Colonel Phayre's bath," and accordingly he threw away the contents of the bottle. But not only may this consideration well be borne in mind by the Members of the Commission in determining from the evidence whether these servants would not desire at once and suddenly to take away Colonel Phayre's life, but it must be remembered in regard to their readiness, which was much commented upon at the time, to accede to the Maharaja's desire that they should act as his instruments in poisoning Colonel Phayre when the proposition was made to them in the first instance. It was not until they were completely in the Maharaja's power, until he had got them under his control and had made them furnish him with information and paid them bribes, that he spoke to them of administering poison, or that they entertained the proposition. We see it in the case of all of them. It is first of all: "Give me information, take money from me"—two proceedings to which a colour might easily be given on the part of the Maharaja which would be quite sufficient to ruin the men. It would have been easy for the Maharaja just to send down to Colonel Phayre when Rowjee or Nursoo brought him a paper, saying, "Look here, here is one of your servants come to me with this paper which he has taken out of your office." It would have been easy for the Maharaja to say, "These men have been applying to me for money for the purpose of communicating information, and I have paid it to them, and I now send them to you to show that these men have in point of fact the money." Deeming the Maharaja to be an unscrupulous man, they, bearing these things in mind, must have felt they were completely in his power; and it is to be borne in mind that if they speak the truth, the method of their employment was singularly judicious. The ayah and those working with her do not appear to have known directly anything of the fact that Rowjee and Nursoo were working in their own direction on the part of the Maharaja. There is no complicity between the parties. Any one of the informants might therefore have been sacrificed without the necessity of exposing the others. In the same way, as I have already suggested, His Highness appears to have been working through Mr. Dadabhoj Nowrojee for the public view of these transactions, so we find him working not merely through Damodhur Punt in regard to the

secret conspiracy, but we find him working in regard to Rowjee and Nursoo as one class, the ayah and others in regard to another class, and Damodhur Punt, though strange to say, the head of the whole thing, is not brought into contact with any one of the servants. The strings of this conspiracy, when the machinery is worked, all operate in the same direction, yet the motive power is kept hidden in the first instance. In fact there are several hands by which the machine can be put in motion, and that I think explains many of the peculiarities of this case. I think it may be taken to account for what otherwise is a somewhat unaccountable circumstance. Colonel Phayre says on the 6th and 7th of November he suffered from the same symptoms as on the 9th. Rowjee says that on the 6th and 7th he put nothing into the sherbet. It may perfectly well be that, though Rowjee had not put anything into the sherbet on these dates, some other of the Residency servants in the pay of the Maharaja had done so, and produced the effects described by Colonel Phayre. My learned friend was fain to suggest that Colonel Phayre's imagination was stimulated by his having heard or read Rowjee's statements. But that is not so. Rowjee's statement is perfectly inconsistent with Colonel Phayre having formed any idea in regard to the transactions of the 6th and 7th, for in his statement to Mr. Souter he distinctly says that after the two powders had been given to him, and he had mixed them together and put them into the sherbet two or three times, when no one was about to see him, that as a few days elapsed without anything happening, the Maharaja evidently became impatient and sent for him and the jemadar again. It is therefore clear that nothing Rowjee had said before Mr. Souter or before this Commission could have suggested to Colonel Phayre that his sherbet had been drugged on the 6th or 7th. It may be that, considering the wholesale system of bribery that seems to have been adopted with the Residency servants, some other of the servants had drugged the sherbet on these two particular days. Now, my Lord, my learned friend, taking the witnesses *seriatim*, asked the Court not to believe them; and first of all, I will refer to what he said about the ayah Ameena. With regard to her, it is perfectly clear from Mr. Souter's evidence at page 175 of the short-hand writer's notes, that Mr. Souter saw the ayah before any of the police had had an interview with her. The ayah, it will be remembered, was seriously ill at the time, and her recollection of what took place when she was first examined cannot be expected to be as accurate as the recollection of Mr. Souter. In answer to the question, "Do you remember examining the ayah Ameena in reference to this matter?" Mr. Souter says—"Perfectly. I first saw her on the 16th December between five and six o'clock in the afternoon. I saw her in her own room in Mr. Boevey's compound. On that first occasion she did not make a detailed statement to me, and I did not take it down on that day, because she was very ill and unfit to give a detailed statement on that occasion. She stated that she had been at the Maharaja Mulhar Rao's Palace, and also that she had received certain sums of money from him. She had high fever on at the time, and begged me to come and see her at some other time when she would give me all the details. Before I saw the ayah on this evening, to the best of my belief none of my police had seen her." Therefore it would appear to be perfectly clear from Mr. Souter's evidence that when attention was first directed to the fact of the ayah being driven by the cartman to the Havelee on some day in the month of Ramzan, and Mr. Souter proceeded to the ayah's quarters, he found her in a state of health that did not admit of her being particularly examined; and he was obliged to remain satisfied with the statement that she had been to the Maharaja's Palace and received money from His Highness. Two days after this her illness having increased, so that she had to be removed to the hospital, Mr. Souter went and took her statement marked D 2. Now, it is tolerably clear that the police, supposing them to have invented what the ayah said on the 18th, must have had almost superhuman powers. They had got to deal with a woman who was suffering from high fever, who could not be in a position to profit by their instructions, and they would have, moreover, to make her understand the details of a tale about which they themselves knew nothing, because at that time the only information the police had was that which was supplied by Daood the cartman. Then the ayah's evidence gave a clue to much that was subsequently discovered. She was able to point to the persons who had accompanied her to or into the Palace on the occasion to which she referred, and these witnesses being examined, were found to corroborate her on every point. It has not been contended that these witnesses were not substantially speaking the truth, and they do confirm the ayah in regard to these portions of her statement. But, says my learned friend, the ayah's reference to poison was an after-thought, and he would have the Commission suppose that that after-thought was suggested by the police. Now, to consider the value of that suggestion, we have to consider the state the ayah was in. She was still very ill in hospital in a separate room; at the door of which a policeman was stationed. This policeman was not one of the heads of police but an ordinary sepoy, who must have been a person incapable of instructing the ayah on a point of this magnitude. Dr. Seward goes to see the ayah, and my learned friend makes a point regarding that visit which I was surprised to hear him make. It seems to me perfectly natural that Dr. Seward should go to see the ayah, not merely because she had been under his care before, but because she was the ayah of a friend of his, and it was natural also, considering the evidence she had given, that he should desire to see her well treated. I cannot see anything unnatural or improper in his paying that visit, and he knew that his friend Dr. Lewis would not object. When he gets there he sees the ayah, and does no more than any other physician of experience would do. He notices her condition; he does not think her physical condition is sufficient to account for her state; and it occurs to him, as it would occur to any medical man, that she had something on her

mind. Then, again, I find nothing at all improbable or unnatural in the woman, on being spoken to, desiring to complete her statement to Mr. Souter. That there was no connivance between Mr. Souter and Dr. Seward is clear from this, that when Mr. Souter went he knew so little of what she was going to say that he did not expect any further deposition, and took no writing materials with him. When he comes, the woman makes the statement, which was recorded by Mr. Souter on the following day, the 18th, in which she speaks of the Maharaja speaking in a guarded way about the poison. Now, my learned friend asked the Commission to compare what Mr. Souter took down from her statement on this occasion with what she had said before the Commission. I ask the Commission to do the same, and I think they will come to the conclusion that the two statements substantially agree. The words in the statement must be taken to be rather the words of Mr. Souter than those of the ayah. Mr. Souter does not profess to have literally translated them, but has simply given in his own language what he understood her to say. My learned friend says that he did not think it at all likely an ayah would use such expressions as some of those contained in the statement. No doubt "throw out a feeler" is not an exact translation of the vernacular expression used by the ayah, but it is an expression that is perfectly comprehensible and conveys the idea it is intended to convey. When the ayah is examined before the Commission she said substantially the same thing. She speaks about *choochas* or *muntras*, and you find the Maharaja speaking to her, as I have suggested he would be likely to speak, upon such a matter. Now, asking a native, at all events in the class of life to which this woman belongs, about *muntras*, charms, and so on, would be perfectly well understood, I apprehend, by every one of the Commission to be something very like "throwing out a feeler" regarding more than charming. Before this Commission she was of course examined at much greater length and much more particularly than she was examined before Mr. Souter; but she told the same story, and her statement was amply corroborated. Another point with regard to her evidence my learned friend dwelt upon was her statement that she had been threatened by the police. Now, I have no doubt, though it is some time ago that the circumstances under which that expression was used by her, they will be clearly in the recollection of the Members of the Commission. The evidence is at page 9 of the notes. My learned friend asked her—"Did either Abdool Ali or Akbar Ali say to you that the Maharaja must have said something about it?" and she answered, "Yes, they threatened me, and said, if anything of the kind was said, do you state it, and then I said I have stated all that I know." Now, what she said with regard to the answer translated threatened was *dham kurra*, but she went on at once to say what sort of threat it was that had been used, and I think that the true rendering of the expression should have been "they threatened me by saying." Whenever her attention was called to the "threatening" by the question whether Mr. Souter threatened her, she said at once, "No one threatened me," and then afterwards when asked what made her say she was threatened, she says, "I did not say so." The short-hand writer's notes were read to her, and she said, "I don't think I said so; I did not mean it." In fact, she used the expression not in the sense we would use it, but in a very much milder sense. I think, therefore, that in the circumstances of the taking of the ayah's evidence there is everything to support its substantial accuracy and nothing whatever to detract from its value in the minds of the Commission. As to the threats, they appear to have been of the mildest character. The question is put to her as to whether the Maharaja had spoken on a certain topic; but as to ill-usage or harsh treatment, nothing of the kind is mentioned by her, nor does she complain of it. Now the next witness, and one who is of course a much more important one than the ayah, to whose evidence I propose to direct my observations is Rowjee, whom the ayah mentioned in the course of her statements, so that the police had their attention directed towards him, and found out that, though a peon employed at the Residency on small wages, he had been spending large sums of money in the bazaar. The police made inquiries and found there was foundation, at all events, for the story that he had been spending money in this way; and accordingly, on the 22nd of December, he was arrested. His account will be found at page 80 of the short-hand writer's notes, in which he speaks of making a statement before Mr. Souter, and the circumstances under which he made it. The correctness of that statement was confirmed by Mr. Souter. Your Lordship will remember what Sir Lewis Pelly said about Rowjee's statement, he was examined as to that, and he tells us how he and Mr. Souter, considering that there was no prospect of really discovering any clue as to who made the attempt to poison Colonel Phayre, were going to Bombay on the 23rd, and were arranging to spend their Christmas holidays there. That is very good proof that so far as Ameena's statement was concerned very much importance was not attached to it in itself. But at this time Rowjee makes his statement; the proposed journey to Bombay is put off; and Sir Lewis Pelly says he would like to see the man and judge for himself. He sees the man on that day, and hears his statement, and he says the statement was substantially the same as had been given before the Commission. We have here Rowjee's statement—a statement perfectly voluntarily made and under the most natural circumstances in the world. Mr. Souter is obliged to have him arrested, as it is known he spent money in the bazaar. He says nothing to Mr. Souter upon the morning of his arrest, but he is kept under surveillance. He is in the Residency compound along with the other servants, and they say to him "We have told all about it. You had better save yourself"—a perfectly good reason to operate on the mind of a man like Rowjee. He therefore sends for a police havildar and asks to be taken to the Khan Sahib, who immediately takes him to Mr. Souter; and ultimately he

makes a statement before Sir Lewis Pelly and Mr. Souter, who accordingly remain in Baroda to pursue further investigations. The statement is reduced to writing, not on the day it was apparently made but on the following day when Mr. Souter found opportunity. I may here mention that Rowjee's statement, made to Sir Lewis Pelly and Mr. Souter, gravely implicated Nursoo his superior officer, and the jemadar was arrested the next morning as soon as he came to the Residency. That was the 23rd. I shall by and by speak of the opportunities of communication which Rowjee and Nursoo had with each other. Nursoo, being apprehended on the 23rd, makes his statement, and makes it a time when it was perfectly impossible that he could have been coached up as to what Rowjee had said, because Rowjee's statement had not then been taken in writing. Not only then was there no intercommunication between Nursoo and Rowjee, except that short interview at which Rowjee said, "*Dikko baba*, I have said everything *yantuk*—everything up to my neck," but there was no one in a position to state the details of Rowjee's confession to Nursoo, inasmuch as Rowjee's confession had not then been reduced to writing. Mr. Souter, Sir Lewis Pelly, and the native policeman who had heard Rowjee's statement, on the previous day, might have had some general idea as to what the statement amounted to, but could scarcely have carried all the details in their minds. Nevertheless, as the Commission will perceive—and I shall ask the Commission to compare the statements of the two witnesses—it was perfectly impossible that the police, from the information they themselves had, could have communicated to the one what the other had said in the detail in which they must have communicated it in order to render it practicable for the one to repeat substantially what the other had stated. Nursoo does not look like a clever man, and supposing the police to have had the villainy to repeat and the cleverness to remember, point by point, the details of what Rowjee said—is it to be supposed for a moment that a man with Nursoo's dullness of intellect could so aptly learn what it is said the others had taught him? The only explanation is, I think, that both men are speaking substantially the truth. Now, there were three main points in which my learned friend impeached Rowjee's story, and the first of these points to which I would refer—for it appears to me to be one of the most important—is his story with regard to Pedro. Rowjee boldly charges Pedro with having accompanied him to the Havelee to see the Maharaja. Pedro as stoutly denies that he did so. My learned friend says Pedro is introduced as a truthful witness, and must be believed. Well, I do not know that my learned friend is entitled to say he was introduced as a truthful witness. He is introduced pretty much on the same footing as all the witnesses were introduced by me—not as being specially truthful or trustworthy. I do not think I used a single such expression in regard to him. I simply said he would prove the receipt of money from His Highness. These witnesses were not introduced by me as being special witnesses of truth, but rather as persons who had made certain statements into which the Government of India had considered it desirable an inquiry should be held. I could not vouch for their truth, and it is this Commission that must decide as to their credibility. However, Pedro has, no doubt, the advantage of coming before the Commission as an old servant of Colonel Phayre's, and so far must be taken to be a respectable man. He denies point blank that there was any truth in Rowjee's story about him. He denied that he had ever been to the Maharaja, but it is to be observed that his denial begins as soon as admission would be dangerous to himself. I do not think there is anything to be made from the fact of his being examined before Mr. Edginton in Bombay. Mr. Edginton, no doubt, fully deserves the commendation bestowed upon him. He is Mr. Souter's representative, his deputy, and he is now acting for him in Bombay, and he is, as we all know, a very capable and excellent officer. But I don't think that there is any reason to suggest that Pedro gives his evidence before Mr. Edginton under any greater advantage than he would have enjoyed if he had given his evidence before Mr. Souter. He was taken before Mr. Edginton by the direction of Mr. Souter, and by Mr. Souter's officers. He was taken before Mr. Edginton I may mention by the Khan Sahib. His denial of knowledge of these transactions, however, as I have stated, begins as soon as his admission would be fatal to him; as soon as his admission would have involved him in connexion with the offence he ceases to admit. There is therefore this to be said, that by a denial of this kind he not only saves his character with his master, which may be dear to him, but also saves himself, for the moment, from being charged with being an accomplice in these transactions. But I must say that it occurs to me as a curious thing that, long before the attempt to murder Colonel Phayre was discovered, Pedro should have been in everybody's mouth as being in high favour with the Maharaja, and as the person who at the instigation of the Maharaja had undertaken to administer poison to Colonel Phayre. His evidence is not conclusive, but it is something when you find a man's name associated not exactly with bazaar gup but talked about by the Residency servants as being in the pay of the Maharaja; and when you see this very witness mentioned by the Residency servants in their conversations one with another and with persons of their own condition and creed, who were in the habit of frequenting the Residency, as being in the pay of the Maharaja and being in such favour because he consented to poison Colonel Phayre—when you find that Pedro is associated with Rowjee—the very man who admitted that he himself had attempted to poison Colonel Phayre on the morning of the 9th of November—I think these are circumstances that merit consideration on the part of the Commission. Pedro himself shows that Rowjee was cognizant of his dealings with the Maharaja, for he says in cross-examination by my learned friend that he told Rowjee of the present which he had received from the Maharaja. Why should he have done that unless there was some link between them? At

page 30 of the short-hand writer's notes we find this:—"Did you yourself ask Rowjee to go with you to the Maharaja? Answer—I did not say anything to Rowjee except as to the payment of Rupees sixty?" Why should he have told Rowjee about the receipt of those sixty rupees unless there was some link binding them both together in the service of the Maharaja? It seems to me to be a very reasonable inference from that answer that Pedro knew a good deal more than being in fear for his life, he was ready to admit. Moreover, I do not think the Commission can fail to observe that Pedro did not give his evidence without considerable reluctance. His evidence begins at page 29. He admits that Salim used to ask him to go the Maharaja's, and that it would be well for him if he did. He says, "I declined to go," and being asked as to the receipt of the rupees sixty, he says, "I asked Salim to give it."

The President.—Excuse me, Mr. Advocate-General. Except the ayah's statement before Mr. Souter and the examination here, is there anything on the subject of the conversations?

The Advocate-General.—Nothing. It only occurs in the ayah's statement, and in her evidence given before the Commission. It was brought out in the cross-examination by my learned friend. Of course I could not ask him anything about this conversation. Your Lordship will find that they are referred to in page 7.

Mr. Branson.—She first said it was Pedro and Rowjee who had told her, and then she turned round and said it was Kurrim and the other man. Then Kurrim was called and was not asked a question on the subject.

The Advocate-General.—As to what my learned friend has referred to, the mistake in the ayah's remark was so palpable that I am astonished he has referred to it. But the evidence is clear here that what she was told by these people was that Pedro and Rowjee were the men who were in high favour with the Maharaja, and that when she heard that of Pedro and Rowjee, and connected it with the proposal to apply a charm to Colonel Phayre, she became alarmed and entertained suspicions that really serious attempts were being meant to take Colonel Phayre's life. As to whether Kurrim knew anything about it, of course it would have been impossible for me to put the question in examination-in-chief, and the point was not followed up in cross-examination by my learned friend, and I had therefore no opportunity of putting it in the re-examination. The principal thing is the ayah's statement to Mr. Souter, and the examination points to this very connection of Pedro with Rowjee. We find from Rowjee that Pedro had propositions made to him by Salim which he was to carry out, and you have also to note the manner in which he gave his evidence. Instead of stating, as one would expect a man to do who had done nothing more than receive a casual present, we find Pedro saying, "I said to Salim I was going to Goa, and he brought me sixty rupees. I have deposed to the particulars in my deposition," obviously wanting to just limit himself to that deposition, and say nothing more. Now, my Lord, I submit that as far as his statement goes, I don't wish to say anything about Pedro more than is necessary. He is not here on his trial, but I submit that upon these circumstances the Commission may well doubt, and very gravely doubt, whether Pedro was telling the whole truth before them; and of that there is not much improbability, but that, as Rowjee remarks, Pedro was a person acting with him in the attempt to poison Colonel Phayre. If Pedro was to do nothing—not to be concerned in any way and to be of no use for the Maharaja—it is difficult to understand why he should have got a present of money from the Maharaja. Certainly, something would be expected of him in return for what he had received, and though the evidence is not direct in the case, there is, I think, quite enough on record before this Commission to induce this Commission to say that they are not satisfied with Pedro's evidence, and that the account he gives of himself is not sufficient. Rowjee could have had no motive to accuse Pedro; it is not suggested that they had had any quarrel; but Rowjee, having to tell his story, mentioned the name of Pedro as a circumstance just as connecting him and Nursoo and others with the same transactions.

I have discussed, my Lord, the effect which the episode in regard to Pedro may be taken to have had upon the evidence of Rowjee.

The President.—Before you proceed further, there seems to be some considerable doubt from the notes whether Nursoo's statement was made on the 23rd December. Sir Lewis Pelly says that it was made on the 24th, but I have taken it down from you that Nursoo made his statement on the 23rd.

Mr. Advocate-General.—It was, in point of fact, made on the 24th.

The President.—Mr. Souter seems to have left it a little uncertain.

Mr. Advocate-General.—It will be found at page 176, that Mr. Souter says, "Nursoo was apprehended on the 23rd. I think he was apprehended on the 23rd—it may be on the 24th." The 24th would be Thursday, and that was the day on which the Maharaja paid his usual visit to the Residency. Probably Mr. Souter may be wrong in saying it was the 23rd, and Sir Lewis Pelly would be right. But Mr. Souter, as your Lordship sees, does not speak positively as to the date. He says, "I think Nursoo was apprehended on the 23rd," and that before taking his statement he mentioned it to Sir Lewis Pelly.

The President.—Sir Lewis Pelly fixes it as the 24th.

Mr. Advocate-General.—Taking it to be the 24th, that will not in the slightest degree interfere with the argument I was presenting to the Commission before the adjournment, because it was not until the 24th that Rowjee's statement was reduced into writing. Whether it would be the 23rd or the 24th, there would still be the same observation, that no one would be so familiar with the details of Rowjee's statement as to be able to communicate it to

Nursoo. Now, my Lord, the next episode in the evidence of Rowjee, upon which my learned friend dwelt, was the episode of the bottle, and there I venture to think that my learned friend fell into an entire error. The evidence of Damodhur Punt in regard to this bottle was that after having received from Goojaba, Nana Khanvelker's man, a large bottle containing the physician's stuff, he poured a portion of the contents of that larger bottle into a smaller bottle of his own, and the bottle into which he so poured it was not, as my learned friend assumed, an otto-de-rose bottle, but a bottle in which uttar was kept—that is the expression that Damodhur Punt used, that is, at page 113—"This bottle was this length (showing about a finger and a half). This bottle contained some medicine. The Maharaja had asked me to pour the medicine into another bottle—which I did. The bottle I poured the medicine into was a bottle which belonged to me and used to contain otto of roses." Now my learned friend from that jumped to the conclusion that this was one of those bottles which we all of us have seen, and which come from Turkey or Persia, which are generally ornamented with gold leaf, and which have a very slight perforation running down the centre of a solid mass of glass, into which one or two drops of the precious uttar is poured—a bottle which could not be used for the purpose for which this bottle was professedly used by the witness. Of course, it could not have been such an ornamented bottle, decorated with gold leaf and containing only a very narrow line into which one could put in but two drops; but it was a bottle simply which had contained, and which the man had used for keeping uttar in. In calling it an otto-de-rose bottle the Interpreter used rather a loose translation. The passage of which I was thinking just now is at page 129. He says: "It was a small bottle of this length (shows finger), and that I poured it into a bottle which had contained otto-of-roses. The word uttar was translated into otto-de-rose. We know perfectly well that the uttar used in this country is not the pure otto-de-rose, not the delicate decoction, or whatever it may be, that is contained in the small bottles which my learned friend obviously had in his mind's eye at the time. In the statement he made to Mr. Richey he merely mentions uttar, which is an essential extract from the rose, and a preparation not at all as agreeable to the smell. It is perfectly certain that my learned friend's theory about this being an otto-de-rose bottle, such as is to be found in the bazaars of Constantinople or Teheran, will not hold water, because the uttar bottle that was used by Rowjee is described not only by himself, but also by Damodhur Punt in a manner which is perfectly inconsistent with my learned friend's theory. In the first place, an otto-de-rose bottle proper is a bottle which will contain only one or two drops of any liquid whatsoever, whilst this bottle was used by Rowjee to shake up one of the powders which he had prepared from the packets given to him, in water, previous to pouring it in Colonel Phayre's sherbet, an operation which could not by any possibility have been performed in an otto-de-rose bottle such as my learned friend was thinking of. I think it is at the foot of page 87 that Rowjee gives a description of the bottle. "How large was the bottle?"—he was asked—and he answers—"About the length of my finger, and about a quarter of an inch in width; it was a round bottle." Then Damodhur Punt described the bottles—the two bottles that were received by him, or at least that were in his possession—the one that he received from Goojaba, and the other which was his own—and he says that the one he received from Goojaba was about as long as that (pointing to about an inch below the forefinger), and that the other bottle, which had contained the uttar, and which used to contain a portion of the physician's stuff, was about the length of his finger.

Mr. Serjeant Ballantine.—Pardon me, he said about the length of half his finger.

The Advocate-General.—I think my learned friend will find that he said that the larger bottle was longer than his finger and going down to the middle of his hand, and that the smaller bottle was a little less than his finger. But whatever the size of the bottle may be—whether as long only as two or three joints of his finger—it certainly was a bottle larger than what would contain but two or three drops; otherwise the operation referred to could not have been performed with it. I will read the other report:—"It was about this length (showing from the top of his finger to the bottom of his hand). The Maharaja asked me to pour the contents of his vial into another bottle—a bottle which had contained otto-de-roses. It is a small bottle of this size (pointing to about two joints of his forefinger). "I kept the bottle in my place." I am perfectly willing to take it that it was only the length of the two first joints of his forefinger; but it is perfectly certain that this small vial which the man spoke of, could not have been such a bottle as my learned friend had in his contemplation when he was speaking about it; it was not a bottle which contained merely a small perforation in the glass into which but a drop or two could be poured, but one into which it was possible to pour not an inconsiderable portion of the medicine which the physician had prepared, and which was in the larger bottle sent to him by the hands of Goojaba. But as to what was the length of the bottle, is not a very material point. There is no doubt whatever that it was a small bottle, and there is also no doubt that it was not a bottle of the description that my learned friend suggested. It was not an otto-de-rose bottle proper such as my learned friend purchased during his passage through Egypt.

Mr. Serjeant Ballantine.—I can assure you that I did not buy an otto-de-rose bottle during my passage through Egypt.

Mr. Advocate-General.—Which had contained otto-de-rose, and which he had by him. It was a bottle large enough for the purpose stated by the witness: it was a round bottle, and not constructed in the way my learned friend suggested, and it was capable of containing some considerable quantity of the medicine contained in the larger bottle, handed to him by Goojaba. No purpose could have been served by pouring two drops of the physician's stuff

into the bottle, nor after the exudation from that bottle would there have been anything to throw away. I take it that it was an ordinary vial—an ordinary glass bottle—a round bottle which used to contain not two fresh drops of the precious liquid, but which could be used, if evidence is true, for the purpose, as Rowjee says it was used, namely, of making the powder become dissolved in water. From a bottle of that kind, not sealed with sealing-wax, not fastened with any cork, but simply confined by a wisp of cotton, covered with a little bees-wax, there cannot be any difficulty in assuming that something would exude from it when placed where the witness says he placed it. He tied it to the string of his drawers. We saw when he was in court, the sort of way in which that garment was worn by him, and the string would be in immediate contact with his skin; and that some scar or wound existed upon the portion of his stomach which comes in immediate contact with the string of his drawers in front, was proved by Dr. Gray. Rowjee says that having tied the bottle, fastened it, in the way I have described, to the string of his pyjamas, he takes his way homewards. Now the natural effect of his walking would make this bottle sway about with his body—and, being imperfectly fastened, as it was, with bees-wax and cotton, nothing would be more likely than that some of its contents should exude on to his skin. Dr. Gray has told us, and, although my learned friend appeared to entertain some doubt,—the proposition may have been novel to him—there can be no doubt whatever that arsenic is a caustic; all the works of authority upon that subject agree in the statement, that arsenic does produce such an effect as was spoken to by Dr. Gray and the witness Rowjee, and that arsenic in suspension, as Dr. Gray has stated, would, if it escaped from a bottle of this kind and found a lodgment on the skin, be calculated to produce the blister which Rowjee spoke of. A good deal was said about this being a boil that was produced and not a blister, and that was owing to an infirmity of expression on the part of the Interpreter, of which amongst others we have had occasionally to complain. His better judgment induced him to call it a blister. There is no doubt whatever from the explanation that the witness himself gave that what he meant was a “blister,” but the Interpreter followed rather the language used by my learned friend in the course of the cross-examination in putting his questions when he spoke of this as a boil. The witness spoke of it as a “blister,” and if the word “blister” had been used throughout by the Interpreter, as it was used in the first instance, I think my learned friend’s argument on that point would have been a good deal disposed of. Rowjee is examined in regard to this point. It will be found at page 78 he says,—“I took the bottle with me. I tucked the bottle up in my drawers, and it produced a wound or sort of swelling. Mr. Melvill.—He said he put it between his strings. The Interpreter—His meaning is that he put it between the strings of his drawers and the drawers. Examination continued—“The injury was like a boil. Interpreter—I think he means a blister. Witness (asked for explanation)—It was a boil. When a man gets a burn it produces that kind of thing. “The wound was here. (Showing his stomach).” Now, my Lord, if there is one thing perfectly in the knowledge of every one in this Court more than another, it is that if a man gets a burn it does not produce a boil, but a blister; and if the Interpreter had used the word *poodi*, and stuck to it throughout, it would have saved some trouble, for “boil” apparently there was none. The word “boil” was adopted by the Interpreter somewhat unfortunately, but the description given by the witness, who sustained it, was that it produced an infirmity not called by the name of “boil,” but rather an injury that is really commonly known by the name of “blister.”

Sir Richard Meade.—“Blister” was what he said.

The Advocate-General.—And as to the fact that a blister may be produced by a kind of caustic Dr. Gray gave a clear opinion; he examined the man, he found the marks, and he gave his opinion on the subject to the Commission. There can be no doubt whatever, therefore, that so far as this question of the boil is concerned, Rowjee’s statement is thoroughly corroborated. Now, my Lord, at the time that Dr. Gray examined the person of Rowjee, and found upon him these signs, Damodhur Punt had not been examined, and he gave a description of the contents of the bottle, of the stuff which the physician had made, and which my learned friend read from the statement made by Damodhur Punt, before Mr. Richey, on the 29th January 1875; and if that statement be true it proves this—that not only was there arsenic in the composition which the physician had made, and which was contained in the bottle brought by Goojaba.

Mr. Serjeant Ballantine.—There was no arsenic in the bottle.

Mr. Advocate-General.—I beg my learned friend’s pardon, there was. I will read the statement made by Damodhur Punt:—“At the same time, namely, when the Resident had the open wound, the big physician’s younger brother brought a bottle of poison made up by the physician, but as there were many of us present, he did not give it that time, and he may also have wanted something for it. In the evening one day, when Colonel Phayre had the boil on his forehead, the Maharaja told me to get some blister flies.” Those are the same insects which were described by the Interpreter here as large ants. Whether it is a blister fly or large ant I cannot say; but the same word, *Muckaria*, has been used by the witness both before Mr. Richey and before the Commission:—“To send to the younger brother of the big physician. He told me to send through the Fouzdaree and have the Wagrees sent to catch some flies and taken to the physician. I told Narayan Rao Wakusker, who is in the Fouzdaree, accordingly. The next morning the Maharaja told Hariba, in my presence, that the physician’s younger brother wanted some snakes to make medicine. The snake-man came to me two or three days after saying he had the snakes that had been

ordered, and I told him to take them to Hariba and take his order before going with them to the physician. Narayan Rao brought the blister flies then taken by the Wagrees and showed them to me, and the next day Goojaba, a servant of Nana Khanvelkur, came and showed me some blister flies of the same kind, and I told him to take them to the physician’s brother and submit them for his approval. About the same time the Maharaja told me that the physician’s younger brother wanted the urine of a black horse, and I gave orders to Bapoojee, the Kamdar of the Khas Paga, to take some urine accordingly to the physician’s brother. At the same time some arsenic was given from the Fouzdaree, but not through me. I don’t know how much was given. Had I known of its being given I would not have got some more from the Borah. Some days after the supply of these articles the physician’s brother brought the bottle, as above stated, not getting what he wanted for it. The Maharaja wanted the stuff, but did not want to give what the man demanded, so suggested to Nana Khanvelkur to get some of the contents of the bottle, and a day or two after, about 9 o’clock at night, Goojaba came to me with the bottle which the physician had made, and told me that he had taken it to the Maharaja, and that he had been ordered to bring it to me, and that I was to take some out of the bottle, and keep it till the next day, and then give it to Salim.” That is the portion of Damodhur Punt’s evidence taken before Mr. Richey, to which my learned friend referred as showing what the ingredients of the physician’s stuff were. And according to Damodhur Punt—and here he most distinctly says so—that in addition to the blister flies, and the snakes, and the rest of the things of which this stuff was prepared, arsenic brought from the Fouzdaree is included. I think, therefore that upon that statement—a statement referred to by my learned friend—I have a right to say that the evidence is that arsenic was one of the component parts of this horrible stuff which the physician is alleged to have made. And taking it as Dr. Gray has told us, that arsenic itself is a caustic, and that arsenic in suspension in water would, if the water in which it was suspended found a lodgment upon the skin, cause a blister to follow—especially when we find that arsenic is connected, as it is in this instance, with other articles of an irritant character—blister flies, large ants, or whatever they may be—and the venom of snakes—to say nothing of the other articles, with the qualities of which I have not the slightest acquaintance—that would certainly appear to be sufficient to produce the effects which Rowjee says were caused by the exudation of the contents of the bottle on the skin of his stomach. What these *makharyas* are I cannot profess to say. The translation is two-fold—Mr. Nowrojee Furdoonjee translated them as large ants: they were translated before Mr. Richey as blister flies. I suppose it can be taken that they are articles which bear some resemblance to that article popularly named Spanish fly, or cantharidis, and that they would be likely to produce the ascertained effect on the stomach of Rowjee which he has described. I have already referred to the fact of Rowjee, probably as my learned friend suggested, not desiring to give anything to Colonel Phayre that should produce an immediate effect, and this is a strong confirmation of that theory of my learned friend which I entirely adopt. He found that the slight exudation from this bottle produced the effect upon his stomach which he has described, causing a considerably large blister, and he said to himself, “Dear me, if I put the whole of this, as I am directed, in Colonel Phayre’s bathing water, the effect upon him may be expected to be corresponding to the additional quantity to which he may be subjected, and there will at once be an inquiry, and I may get into trouble.” And consequently, instead of pouring the contents of the bottle into the bathing water, he threw them away. No doubt he told Nursoo, as he says, that he poured it into the bathing water. It is not surprising that he should have done that, as Nursoo would have reported him to the Maharaja on the next visit, for not paying attention to the orders he had received. There cannot be the slightest doubt, I think, upon the evidence, that Rowjee and Nursoo took advantage of the accidental application of the collodion plaster to Colonel Phayre’s boil to make up the story they did, that the arsenic had been put in it, which, having been applied, burnt Colonel Phayre and caused him to take it off. They seem to have taken advantage of what Colonel Phayre told us was the effect of this application of collodion, causing him to remove the plaster, which he did with considerable difficulty, and causing the boil to present an appearance of considerable irritation. No doubt that would be a circumstance that would be noticed, and which would be reported, and it would be seized upon by these men in order to satisfy the Maharaja that they had been obeying his orders, and done, in point of fact, something to Colonel Phayre, which by reason of the strength of the medicine applied, at once attracted his attention and caused him to remove the plaster. I think, taking what Colonel Phayre said about removing the collodion which he had applied to his head, in connexion with the instructions given to Rowjee to administer to him through the medium of his bathing water or otherwise, this physician’s stuff, the stories made up will read well together, and the one will very well explain the other. Damodhur Punt, as the Commission will remember, mentions Rowjee’s having told the Maharaja about this, and, in the statement made to Mr. Richey, Damodhur Punt says that at the time Colonel Phayre had this sore, as he calls it, on his forehead head, I heard, “Salim talking to the Maharaja in the picture room, and say that Colonel Phayre had felt it burning, and torn it off, and that that was because Rowjee had doctored the plaster.” Now, it is very difficult indeed to conceive how Damodhur Punt could have invented this story as to Colonel Phayre’s having felt the plaster burn, unless he had had the information from the persons from whom he professed to have had it. He could not have heard anything about Dr. Seward’s having prescribed collodion, or that Colonel Phayre had rashly used it himself, instead of waiting for Dr. Seward to come and dress the boil; and

less it is true that this representation was made by Rowjee to Salim as to what he had done in regard to the boil and in Damodhur Punt's presence, it is very difficult indeed to understand how Damodhur Punt could have got hold of this story. The passage to which I have referred will be found at page 171 of the shorthand writer's report. As regards the bottle and the boil, therefore, I think that Rowjee's evidence, instead of being in the slightest degree invalidated by the argument of my learned friend, comes out of the ordeal perfectly satisfactory. The date of the giving of the bottle appears to be fixed by the time at which the boil existed. The purpose for which the bottle was given is illustrated by what Damodhur Punt says of the report made by Rowjee through Salim to the Maharaja as to what he had done with regard to the boil, and unless it is to be supposed that the police were in the confidence of Dr. Seward and of Colonel Phayre with regard to the treatment of the boil, it is difficult to understand how they could have suggested to Damodhur Punt the story which he told not only before Mr. Richey in the passage to which I have referred, but also before the Commission, as will be found at pages 128 and 129 of the shorthand writer's notes. Then, my Lord, another episode in regard to Rowjee upon which my learned friend dwelt strongly, was the episode of the belt. Now, no doubt, that was a subject in regard to which there was an opening for my learned friend, and an opening of which he availed himself; but it was an opening of which he could take full advantage only by introducing into the conspiracy, as an active agent, Mr. Souter. I have already referred to that part of my learned friend's argument, and shown what reasons there are, *a priori*, for believing it to be perfectly impossible that Mr. Souter should have taken a part in the transaction which my learned friend suggests. And when we look at the history of the transactions as recorded in the evidence, it appears to me so utterly unnecessary for my learned friend to have framed that theory that I cannot forbear expressing my surprise that he should have done so. What is the transaction? Akbar Ali, an experienced officer, knowing that Rowjee had kept the powders which he had put from time to time in Colonel Phayre's sherbet in his belt—having heard that from Rowjee—wishes to examine it. He says to Rowjee, "What has become of your belt?" He naturally would wish to look at the belt, either for the purpose of seeing in what part of it the powders had been kept, and for the purpose of seeing also whether from the packets of powder anything had escaped of which a trace could be found in the belt. To suppose that on receiving this information from Rowjee as to the receptacle in which the powders were placed, he all at once formed the idea of introducing a packet of arsenic into the belt is to suppose him guilty of an act of the most shameless infamy—a supposition for which the previous character of Akbar Ali affords no justification, and a supposition also which, from the circumstances under which the examination of the belt occurred, is entirely inadmissible. What was there to make Akbar Ali believe that Mr. Souter would go away into the dressing-room to dress for breakfast at the time the belt was brought back? The Commission will remember how it all happened. Rowjee said, "I used to keep it in my belt." Akbar Ali says, "What has become of your belt?" Rowjee replies that it has been given to Bhooder. Akbar Ali does not accompany any one to get the belt, but sends a by-standing policeman to go and call Bhooder Nursey. He fetches him, and Bhooder comes with the belt on him. It cannot be supposed that the police messenger who is sent to call Bhooder could have put this packet into the belt, for it is suggested to be the work of Akbar Ali. The order is given to get the belt while Mr. Souter is in the room, and he probably supposes naturally, that nothing much would come of it, that the powder had been made away with, and that there was very little chance of finding any stray arsenic powder in the belt, and as it was between 8 and 9 o'clock, he goes into the adjoining room to dress for breakfast. Mr. Souter told my learned friend, just before he began his address, that there was no reason for his not remaining in the room, but that it was near breakfast time, and he went to dress. His dressing-room was immediately adjoining the present dining-room of the Residency, where he and his officers were then carrying on their inquiries, a click only separating one room from the other. He went to dress; and while he was dressing there, and about 10 or 15 minutes after the belt had been sent for, the belt was brought, and the examination began. Akbar Ali examined the belt. He finds what has been called the slide in it through which a sword or a truncheon, as the case might be, could be passed, but finds no packet immediately apparent in this belt, and he asks Rowjee where the packet was in which these powders used to be kept. Rowjee immediately points to the secret pocket which was shown to the Commission the other day. Akbar Ali introduces his fingers, until he comes in contact with a substance; that substance proves to be paper. Naturally the idea strikes him that possibly one of these packets still remains in the belt, but of this he at that time knows nothing; so he breaks open the threads at the bottom, when the packet of paper is disclosed. He summons Mr. Souter, who comes and find that portions of the threads have been torn by the police, takes out the paper in that pocket, a paper which contained not only arsenic, but arsenic possessing precisely the same physical characteristics as the arsenic introduced into Colonel Phayre's tumbler. I cannot conceive anything more simple than that story. Mr. Souter attached no importance apparently to the examination of the belt, not expecting that anything would come of it—not supposing that at that distance of time anything would be found in it—supposing naturally enough that Rowjee would have taken good pains on the 9th to have got rid of all suspicious articles he might have had about him. Now, surely, if there was nothing in the character of the police to protect them against the supposition that they would put the packet there, as they are suggested to have done here, and if it were not denied by Akbar Ali on oath that he had anything to do with it, it is really giving the police credit for an amount of sagacity

almost superhuman, not only that they should have conceived the idea of putting the arsenic in the belt, but that they should have been so careful as to the arsenic that they procured, that it should have presented under chemical analysis exactly the same characteristics as the arsenic found in Colonel Phayre's tumbler. A policeman, supposing him to be the abandoned villain my learned friend would suppose him to be, might perhaps think of putting some arsenic in a place of this kind, but would he think that the microscope would detect him if he did not produce arsenic precisely of the same character as that used in the perpetration of the offence under investigation? That I do not suppose my learned friend would admit would be a likely thing for him to do. In fact, it is a thing so improbable as to render it perfectly incredible. It is much more probable—it is supported by the evidence and by the character of the witnesses—that instead of this being a nefarious conspiracy, as my learned friend suggested, that it was a most simple discovery arising out of the carelessness of one of the principal parties concerned, in having left this packet of arsenic which had remained over from the quantity originally supplied to him, in the belt. The belt was taken from him on the 9th November; the belt does not go into his possession again; from the 9th it is handed over so Bhooder Nursey, who certainly had no suspicions as to its contents; it is only by chance that it is sent for, not with the expectation of making any great discovery; it is examined, but when it is examined, this is found to exist, and the Police Inspector, Akbar Ali, did no more than his duty. I am sure the Commission will consider, in stopping the investigation, as soon as he found there was something in the belt, in sending for his chief in order that it might be examined in his presence. Abdool Ali and Gujanund were also present at the time, and they have both been cross-examined by my learned friend, but not a single question was put to them on this point, although an imputation of a most grave kind has been made upon them. They were present and taking part in the examination of this belt.

Mr. Serjeant Ballantine.—You put no questions to them on the subject.

The Advocate-General.—And it was no part of my case to clear them from an imputation which I could not think would have been made. I think therefore that the Commission will come to the conclusion that the finding of this poison in the belt of Rowjee is very strong confirmatory evidence of the truth of his story in this case. My learned friend has referred to Rowjee's statement given before Mr. Souter, and to Rowjee's evidence here, as containing contradictions. I think my theory shows that there is no contradiction at all. The presence of this paper—this packet of arsenic—in the belt, was a matter occasioned purely by Rowjee's forgetfulness upon the point. My learned friend read the statement Rowjee made to Mr. Souter, in which he said in the first instance, before the belt was produced,—"A few days after this the jemadar gave me two powders, and told me that equal parts of each should be administered for two or three days, and in such quantity as to consume the whole in that time. This had also been carefully explained to me by Yeshwuntrao and Salim in the presence of the Maharaja. I did not commence to administer the powders for two or three days, as no favourable opportunity presented itself for so doing." And then further on he says, "The packet of poison which the jemadar first gave me I made into small doses as directed, and kept the powder in the secret pocket of my cross-belt. The powder taken from the secret pocket of my cross-belt this morning (25th December 1874) is one of the powders made up from the packet given to me by the jemadar, and I used always to keep the powders in the same place." It seems to me that if this belt episode was, to use a common expression, a "plant" on the part of the police, what they would have found in Rowjee's belt would have been, not pure arsenic, but arsenic and diamond-dust, because what Rowjee was told to do was to "take equal parts of each" and administer the powders. If this was a police plant, surely the intelligent policeman who could be guilty of an act of the kind would not have procured arsenic only, but arsenic and diamond-dust. He would say, "Oh, yes, the man said he would administer the powders, taking equal parts; so let arsenic and diamond-dust be mixed, that they may be found in his belt"—not pure arsenic, because he would thereby run a risk of being found out. That, however, not having been resorted to, proves that this is not a police plant, but a true story as to the finding of the arsenic. When the witness is asked whether the powder taken from his secret pocket is one of those given to him by the jemadar, he says it is; but he does not say that it is one of the packets made up of a combination of diamond-dust and arsenic, but he says, "It is one of the packets made up from the packets given to me by the jemadar," and he explains, when he is examined before the Commission, how that packet was made, and he follows the theory which my learned friend adopts, and which I also adopt, that he did not wish to poison his master, but knowing or believing the white powder, from the effects experienced by himself, was very deleterious, he only put in one pinch out of the white packet into the others; he did not put in the whole of it, but merely a pinch, keeping the other back; so that would account for the remnant of the arsenic being found in his belt; and it was there found under such circumstances as to be entirely denuded of suspicion, and to be incapable of bearing the construction put upon them by my learned friend. I think a careful review of the whole of the circumstances connected with the finding of this powder in the belt will go far to satisfy the Commission that Rowjee was speaking the truth in regard to this point. There was one other point in Rowjee's evidence on which my learned friend relied, and that was this, that when he was examined by Colonel Phayre on the 9th or 10th of November, or at a later date—I am not quite certain as to the date—he charged Faizoo with being the person concerned in this attempt. No doubt that was a base and false charge so far as the events of the 9th of

November were concerned, but he has given a reason which I think will be considered satisfactory as a reason, to the Commission, although I think it will not be satisfactory to them in any view they may form in regard to Rowjee's moral character. Faizoo was a man who was charged, not by Rowjee only, but by all the servants, and they had apparently good reason for doing so, because the Commission will not fail to remember that Faizoo was a man who was practically in the pay of the Durbar. Faizoo had a little son, who was enrolled in His Highness' service as a sowar, and that he received the pay of the appointment. He was a child when he got the appointment, and at this very time he was very little more than a child, being only about sixteen years of age. There can be no doubt, therefore, that he is practically in the Gaekwar's service, or that the appointment of the son was practically the means of making some payment to the father. You have it also stated—with what truth I do not care to inquire—but it is stated by these servants that Faizoo was a man who had been previously charged with improprieties of conduct in regard to various matters, to have been concerned in plots, to have had a hand in *khutput* and intrigues, that he had a son in the service of the Maharaja, and he was, therefore, a man whom the other servants under the circumstances fixed upon as a scape-goat. Faizoo tells us that during an interval of non-employment at the Residency, he had himself been in the service of the Maharaja, and that was an additional reason why it was supposed that suspicion would readily and unquestionably fall upon him. It was a gross untruth on the part of Rowjee to say that he suspected Faizoo in regard to the transactions of the 9th of November, but it is unquestionably also obvious that he had good reason to suppose it would be a device likely to be successful—and he was in point of facts successful—in diverting suspicion from himself. I don't defend his conduct—God forbid that I should—but it was a natural course for a man of Rowjee's character, and concerned as he was in these transactions, to adopt. Now those were the points in Rowjee's evidence to which my learned friend especially referred as showing that he ought not to be believed. I think that I have given good reasons to the Commission for holding that not one of those objections will be found to be sustainable upon clear investigation. They do not go to show that Rowjee is a man of high character, but they do not invalidate the general truth of his testimony; they are perfectly consistent with the account that he gives of himself, and with the account he gives of the transactions in which he took so important a part; and unless he is to be disbelieved altogether by the Commission, I say that there is nothing in any one of those objections which deters the Commission from holding that in regard to these transactions with the Maharaja he has spoken substantially the truth.

Twentieth day, Thursday, May 18th.

The Advocate-General continued his address to the Commission as follows:—I now come to the evidence of Nursoo, and in regard to that witness as with regard to the other witnesses, I put the same question as I have put already to the Commission,—what cause has he shown that he should not be believed by you? My learned friend has said that Nursoo was an unnecessary witness, and was only brought into the case to corroborate Rowjee, and that as far as any services he could have rendered to carry out the schemes with which he is alleged to have been entrusted, he might as well have been left out altogether. I think, however, that the Commission will see upon a consideration of the whole evidence that Nursoo was not only a necessary, but an indispensable person to be drawn into this conspiracy. His assistance was necessary, not only in regard to the matter of the poisoning, but also in regard to the other matters which are the subject of the inquiry here. He lived in the city, and used to go to the Residency in the morning. His agency was therefore of importance for the purpose of conveying from the Residency to the Palace those news-letters which Rowjee was in the habit of transmitting from day to day. It was a natural and perfectly simple thing for Nursoo to go after his day's work to Yeshwuntrao's house in the city, and on arrival there at the house of Yeshwuntrao or Salim to deliver over those news-letters to the Maharaja's agent whoever and might be. Another reason why his assistance was necessary was this—he was the head man, the jemadar, under whom Rowjee was employed as a *hāvildar*. Had his co-operation not been obtained, he would have been a constant and uncomfortable spy upon all that Rowjee was doing at the Residency. No doubt he would have had his attention directed to the conversations that were going on between Rowjee and the servants of the Maharaja, and would also have had his attention directed to the visits Rowjee was in the habit of paying to Colonel Phayre's office; so that he would have had a good opportunity of detecting any transaction Rowjee entered into in the matter of purloining documents. To secure him therefore became a most important object on the part of those engaged in this plot, and when we remember what the Maharaja himself is stated to have said to Damodhur Punt, we see how especially necessary it was that Nursoo should be secured. You will remember that His Highness on the morning of the 9th of November attributed the discovery of the attempt to poison Colonel Phayre to the absence of Nursoo from the Residency, for he said that Nursoo was in the habit of keeping on the watch and whistling, and he was not there on this morning, and therefore the attempt was discovered. Now it was very likely that some one on this morning might have seen Rowjee putting the powder into the glass containing the sherbet when he fancied he was secure from observation, and no doubt that idea was present to the mind of the Maharaja when he spoke of the absence of Nursoo. Surely this shows you how important it was that Nursoo should have been put on the watch in order that Rowjee might

carry out his schemes, either of ransacking his master's office for papers or to act otherwise, as we have seen. It appears that on that morning Nursoo did not present himself at the Residency until 8 o'clock, and it is no small corroboration of the truth of Damodhur Punt's story that that should have been mentioned to the Maharaja, and mentioned by the Maharaja in return to the Private Secretary. That is one of the innumerable small points which, to my mind, proves that the story of Damodhur Punt could not have been a fabrication made up between him and the officers of the police, whose case has been so harshly stated by my learned friend. That Nursoo was not present that morning is no after-thought of his, because it was stated in the original statement that Damodhur Punt made before Mr. Richey, and he could easily have been contradicted by the other servants if he had said on the subject that which was not true. Now, my Lord, that was one of the principal grounds—that Nursoo was an unnecessary witness introduced by the police in order to bolster up Rowjee's statements—on which it was tried to impeach the character of the police officers. It seems to me that my learned friend might have judged of Nursoo when that witness appeared in the witness-box. Nursoo did not strike me as being a man of superior intelligence; he was an old servant who had probably risen to his position at the Residency by seniority rather than by any qualities of mind, and such a person, it seems to me, would have been a most difficult pupil to learn all that has been said or suggested to him. My learned friend was also very jocose about the episode of the well. No doubt there was some considerable confusion about the story which the jemadar told before the Commission in regard to that well matter; but I may here refer the Commission to the account which he gives of the circumstance at page 92 of the shorthand writer's reports: "Since my arrest I have been under a military guard at the Residency. For a short time it was a native guard, and latterly it has been European soldiers. On the very day that my statement was made and taken down I remembered going into the garden near the Residency. I fell into a well. After a long service this had happened, and I thought I could not show my face to any one after it. That was my fate. I had taken my meal, and after finishing it I saw a number of people near the well. I saw my fellow servants of old standing; I said, after my long service, this is my fate. I fell into the well. I saw a number of people. My head turned, and I fell into a well." Now, my learned friend made a great point in a part of his address in urging that there was no attempt at self-destruction made by Nursoo, and that it is idle upon this statement to assume that he fell otherwise than accidentally into the well. To that suggestion I think the best answer is conveyed in the answer which Sir Lewis Pelly made to a question put to him upon the subject, in which, you will remember, he invited the Commission to see the well for themselves, and see whether such an accidental fall could have been possible. My learned friend was not willing that Sir Lewis Pelly should state particularly what took place when he saw Nursoo taken from the well, and I did not press that question; but I think it would be impossible for any man, seeing that well, the manner in which it is constructed, and the position in which it is placed, to suppose that the witness Nursoo could have accidentally fallen into it, or but that to have fallen into it must have been the result on his part of a deliberate attempt to destroy himself. That that design did exist in his mind is perfectly clear from his story, when he says that, seeing his old fellow-servants standing around near the Residency, and knowing the disgrace he had fallen into, he would rather die than face that disgrace for the future. I think that is a very strong corroboration of the truthfulness of his story. The feelings he entertained at the time were no doubt such feelings as a man of ordinary constitution of mind and heart would be likely to entertain under Nursoo's circumstances. He told his story simply; he saw that he was disgraced; and he sought to destroy himself. But, my Lord, I think there was another episode in regard to Nursoo's evidence which occurred when he stood in the witness-box, and which I think proves him to be a witness of truth. No one who was present here on the day on which Nursoo was examined could forget what took place between him and Sir Dinkur Rao at the close of his evidence. The man had made his statement, and then from the bench, from a countryman of his own—a man whom he would naturally respect from the position he held here as well as from his whole character as expressed in his face, and his influence as denoted by the caste to which he belongs—a series of searching questions were put to Nursoo, which were in point of fact solemn adjurations as to whether he was telling the truth; and I am sure every one will remember how that appeal was made to Nursoo by one so venerable, one so worthy of respect, one so calculated to inspire confidence. The test was a most severe one—it was almost an invitation to the man in the box to retract, if he could, all that he had previously told us; it was a solemn moment most assuredly, not only for the unhappy man, but for all who heard him; and, my Lord, how was that appeal met? The story is found at page 95 of the shorthand writer's notes: Sir Dinkur Rao—It is a very serious thing to poison one. Would anybody do such a matter in the presence of ten or twelve persons?—There were not ten persons. There were two of his servants and two of ours. Was the quantity of poison used small or large, and was it administered three times?—In my life I have not given any poison. A packet was given to me, and I was told to give it to Rowjee, and I gave it to him. The arrangements as to how much to use and not lay with Rowjee. What servant said that accusations should be made against Faizoo?—No one said so. They mentioned his name in the statements, and therefore I also caused it to be written. Who mentioned his name?—Abdoolah, Pedro, and the hamals—five or six persons altogether. At the first meeting the Maharaja called you a rogue. How then did he come to trust you in such a serious matter?—Rowjee, Salim, and Yeshwuntrao took me and they assured the

Maharaja. Are you a Hindoo?—Yes. What is your caste?—A Telingan Camatee. Are you afraid of the police?—Why? Why should there be fear for speaking the truth? Do you yourself believe that you are guilty?—It is my bad luck. I also am concerned. If you were granted a pardon, would you in the presence of God tell the truth?—It is not because I may get a pardon that I tell the truth. Whether or not the Sirkar gives me a pardon, they are my parents. Mr. Melvill—That is not a correct interpretation. What the witness said was, “If I were offered a pardon, I would speak the truth. I am speaking the truth now. (Question repeated.)” Witness—I know nothing more than this which is true.” The President—Sir Dinkur Rao’s question, as I understand it, was, whether if the witness were offered a pardon, he would tell a more truthful statement than he is now giving. Repeat that question. (Question repeated by Interpreter.) Witness—What was truth I have said. Besides that there is no other truth. The Sirkar may kill me if they like. By Sir Dinkur Rao.—You have served a person thirty-four years, against whom you have done basely. Now, as if you were in the presence of God, state the truth. Do not be afraid whatever is in your mind state it without fear in the presence of God?—I have stated without fear what I had to say. The President (to Interpreter)—Put the question in this way—In the presence of God will you tell the truth? (Question repeated by Interpreter.) Witness—In the presence of God I have stated what was the truth. I have not stated an untruth.” My Lord, it is scarcely possible to imagine a man of the class of life of the class of mind, and of the character of the witness, Nursoo, exposed to a more trying ordeal than the one I have now read to you, but, in the presence of God and on a solemn adjuration, he speaks the truth—and even when told that there was a prospect of pardon for him if he told the truth, he only replied that he had already told the truth, and that other truth there was none. There can scarcely be a greater corroboration of the truthfulness of the witness than is furnished by that which I have just read from the reporter’s notes. Now, my Lord, I come to the last of the more important witnesses whom my learned friend dealt with in his address to the Commission, and that is Damodhur Punt. He was, as my learned friend has said, a man of a different stamp from the other witnesses. He was a man who was in the confidence of His Highness the Gaekwar; he held the most confidential position that it was possible for a man to find in the Gaekwar’s employment. It is not suggested that there is any quarrel between Damodhur Punt and His Highness: on the contrary, it is perfectly clear that at the time the attempt to poison Colonel Phayre was made, Damodhur Punt, if possible, was higher in the favour of his master than he had ever been before, for whereas the Gaekwar had not taken him to the Residency during Colonel Phayre’s time, he introduced him to Sir Lewis Pelly as his private secretary. There is, therefore, no interruption of confidence between the Maharaja and his secretary, by reason of the attempt to poison Colonel Phayre having been discovered. It has not been suggested that there has been, since the time he was introduced to Sir Lewis Pelly up to the present time, anything to disturb the cordial relations existing between Damodhur Punt and the Maharaja. Up to the time of the Maharaja’s arrest there does not appear to me to be any ground whatever for supposing that the confidence existing between the two had been broken. He was arrested on the same day as his master, at the Palace, where he was discharging his ordinary duties. There could, therefore, be no reason why Damodhur Punt should invent a story to the detriment of his master, such as is described to us in the evidence. There would be more reason why he should hold his tongue rather than invent such a story, because, by holding his tongue, if the charges against his master were not proved, he would have every expectation of receiving a large reward from a grateful master. There was nothing in any part of the evidence that was then on record, at the time of His Highness’ arrest, to implicate Damodhur Punt in the attempt to poison Colonel Phayre. It is a curious thing that, although there were many strings to be pulled in this business, all the various persons, who were to be moved were not aware that they were engaged in the same plot. Thus Damodhur Punt knew nothing about the visits to the Palace of Nursoo and Rowjee, and the only occasion on which he saw Rowjee was at Nowsaree when Ranee Jumnaabee’s petition was brought to the Maharaja. So far as Damodhur Punt is concerned, the arrest he was put under at the Palace on the 13th of January was only such an arrest as the various other persons at the Palace were kept under. They were not kept in any confinement, but were simply looked after, and that by a guard of the Gaekwar’s own troops. There was, therefore, nothing for Damodhur Punt to fear—nothing to implicate him—nothing to show that he had any concern whatever in these transactions. After remaining for some days under a guard of the Gaekwar’s troops in the Senaputtee’s kutchery in the Palace, he was removed to the Residency, and there placed under a European guard. That there was reason for that step, we may well imagine, though those reasons probably had nothing to do with any investigation relating to this case. He remained under this guard, without any interference on the part of the police at all. He is brought one day from the European guard, under which he was confined, to a tent in the Residency compound, in order that he may be present at the time that certain papers, which had been sealed up at the Palace, might be investigated, and the seals broken before him. He is present at that investigation, but does not appear to have taken any very active part in pointing out the documents found in the packets then unsealed. The clerks employed under him were there, going through the papers, unconnected with the police. He is present, apparently, when those four cash books, or *roz-ki-yads* on which the blotches of ink had been made, are discovered. The appearance of these may have led him to suppose that something might be discovered in regard to him also, and upon that same occasion he is spoken to by one of the police officers, Gujanund Vithul, who tells him simply, that it would be better for him if he speaks the truth, if

he knows anything at all about the matter. Nothing more, apparently, is said to him. He returns to his confinement under the European guard; he remains there for two days, making up his mind perhaps, and then communicates with Gujanund Vithul, saying that if he gets a pardon, he will speak the truth. He accordingly gets an offer of pardon and makes his statement, not to the police, not to Mr. Souter, not to Akbar Ali or Abdool Ali, not to Gujanund, but to Mr. Richey, the Assistant Resident, who records his deposition. I apprehend these are facts which will weigh with the Commission, in considering whether or not Damodhur Punt ought to be believed. He has told us that, although he knew that Rowjee and Nursoo had been arrested, and had made their statements, he did not know what they had stated, and that, I apprehend, is a matter which may be taken as one of almost absolute certainty. Up to the time Damodhur Punt was arrested, the statements made by Nursoo and Rowjee would be most carefully guarded. These were the materials upon which His Excellency the Viceroy had to act, and it cannot be supposed for a moment that the nature of documents so important would be communicated to any one: on the contrary, it may be supposed that these documents would be most carefully guarded from inspection by all persons other than those who had a right to see them. Damodhur Punt makes his statement, and his statement is in evidence before the Commission. As I have already stated, he does not implicate Rowjee and Nursoo in regard to the visits to the Palace, because, as he says, he knew nothing about those visits, and all he does is to give evidence which most seriously implicates the Maharaja and gives it in a manner which shows that it could not possibly be the result of tutoring by the police or Damodhur Punt’s own imagination. The police could not have had the slightest inkling as to the matters he speaks of, and knowing that Rowjee and Nursoo had made statements, he could not possibly have given to these statements the corroboration he has given, unless he had been speaking the truth. Let us suppose that it was a police conspiracy,—would not the first thing that would occur to the police be to say to Damodhur Punt that “Rowjee and Nursoo were in the habit of going to the Haveli, and “used to say that they went in by the entrance at the back by the Nuzzer Bagh, and used to “see the Maharaja there. You were about the Palace from morning to night, and you must “have seen them there?” He does not describe the whole affair at all, and truly a remarkable characteristic of his statement is that, although he speaks mostly as to his own statements, and matters passing between himself and the Maharaja, he makes no attempt whatever to connect Rowjee and Nursoo with the matters then the subject of enquiry, except stating that he saw Rowjee at Nowsaree, and mentioning a packet that he had to give to Rowjee. But Nursoo he does not mention at all, and the ayah he does not mention. In point of fact, none of the other persons who visited the Palace from the Residency are mentioned by him, so that he does not mention even that Rowjee visited the Palace to his knowledge. He only says that he heard Rowjee used to write letters almost daily to the Palace of what was going on at the Residency. It is important to notice that all he says about Rowjee is that he saw Rowjee at Nowsaree, and that he was told to give a packet to Salim to give to Rowjee, and that he did so. Now, it has been sought here to discredit the evidence of Damodhur Punt by the evidence of Hemchund Futteychund. Hemchund had made a statement to Mr. Souter, which statement he had repeated to Sir Lewis Pelly. To these officers he had declared that his statement was true, and had appended his signature to it. But when he came into the witness-box here, he was so eager to shew that he had come to unsay all that he had said previously, that it was quite painful to notice the obvious perjury he was committing. The evidence of Hemchund will be found at page 137 of the shorthand writer’s notes. I may best convey an idea of his eagerness to depose against his former statement by reading the first few answers he gave: “My name is Hemchund Futteychund. I live at Baroda. I carry on “business as a jeweller. I know Nanajee Vithul well. He is in the service of the Gaekwar. “I have never taken any jewels to him.” Mr. Inverarity repeated the question.—“Have “you never taken any jewels to Nanajee Vithul?—Witness—Of what value?—Have you ever “done so?—At what month or what date?—About last Dusserah.—No, I didn’t take anything “about last Dusserah. I never took any diamonds to Nanajee Vithul. I have not taken any “diamonds to the Haveli lately. I did so about the time of the last Dusserah. Nanajee “Vithul said, ‘Bring some diamonds.’ I did take some, but they were given back to me. “I took them to Nanajee Vithul from our house. I never took these diamonds back to the “Haveli again. I never went back with any diamonds to the Haveli. After that occasion “I never took any diamonds to the Haveli. About the time of last Dusserah no diamonds “were purchased from me by Nanajee Vithul. I have never received any money in payment or “in part payment of diamonds from Nanajee Vithul. In the month of Kartak Macksa (corres- “ponding to October and November) I received from Nanajee Vithul a sum of money that was “due to me.” He began by saying that he had never taken any diamonds at the time of the Dusserah, and then he says that he did so. In fact he is so eager to unsay what he had previously said, that he forgets to discriminate between that which he might admit without any danger, and that which he might not admit without danger to His Highness. He says, that when the diamonds were returned, he never took diamonds to the Haveli, but he goes on to say: “I know Veneyekrao Venkitish. I have taken diamonds to him at the Palace. “I took them on the 7th or 8th of Assoo-vud (31st October and 1st November, 1874). Vena- “yekrao is the brother-in-law of Nanajee Vithul. He is employed at the Gaekwar’s jewel- “khana. I gave these diamonds to Veneyekrao at the jewelkhana. I took them there by “Venayekrao’s direction. On that occasion I took two packets of diamonds to Venayekrao. “These packets were not bought. The diamonds were rose diamonds.” Then my learned

friend, with the permission of the Commission, put to him the statement he had made before Mr. Souter, and read out the passages to him as they had been taken down by Mr. Souter from the deposition which Mr. Souter said had been taken down, and he was asked, "Did you make that statement to Mr. Souter?" He answered, "I did not. They caused me to write what they liked." "Who are they?" "I mean Gujanund Vithul." "How much of that statement that has been read to you is incorrect?" Answer, "It is all false." And although at the beginning of his evidence, after all the quibbling and shuffling to which I have just called your attention, he admitted that a great part of it was true, reliance upon the evidence of a witness of this kind is perfectly impossible. He does not discriminate between what is true and false. He boldly states that all he had stated before was false, and at the same time admits that a considerable part of it was true. Hemchund has been shown to be a man having very large dealings with His Highness—not only in made-up ornaments, but also in loose precious stones. In fact, he appears to have had his best customer in His Highness, and doubtless he had a great desire to do him a service, if he could, even at the risk of his conscience, and he has rendered that service in the way I have described—a way which has deprived his testimony of all value. He says that all that was recorded in his statement by Gujanund was put down by himself, but that there is not a single word of truth in it. It strikes me as singular that when his deposition was read over to him before Sir Lewis Pelly, he should not have turned round and said that the police had forced him to make it, and that he wanted to be protected. Had he made such an appeal, it would have been listened to, and the result would have been a most searching inquiry, which would have been of greater service to the Maharaja than his subsequent conduct has been. I pass over the obvious falsehoods he told us about not knowing Hindoostanee. The innocent air with which he asked "What is Hindoostani?"—apparently not knowing that there was such a language at all—was astonishing, the fact being that Mr. Souter addressed him in Hindoostani at the time when he first saw him. I merely mention, *en passant*, the way in which he equivocated about the statement he had undoubtedly given before Mr. Souter. He at first said that the signature did not look like his, and then afterwards, he admitted that it was his signature, and a variety of other matters in his evidence showed him to be a man utterly unscrupulous and incapable of distinguishing between truth and falsehood. He professed that he did not recognise Mr. Souter, although he was told to look at him in the presence of the Commission. Now the more important part of his evidence to be considered is his story about his book. He says this book was made up for him by the police. Here, again, one is called on to express extreme surprise at the extraordinary stupidity of the police. Supposing my learned friend's theory is true, can one imagine a police officer so utterly ignorant of what was plausible under these circumstances as to make such entries in Hemchund's books as Hemchund says Gujanund caused him to write? These two entries at the end of the book, as the Commission will remember, appear under date, the 7th or 8th November 1874. Now, the evidence of Hemchund is that the ornaments were taken by him to the Palace and would be entered in his *Yungud Nond*, or Book of Ornaments, taken on approval to different parties. The evidence shows that the date on which he says he took these jewels, would be about the 7th or 8th of the Dusserrah—that is about the 27th October—and can any one suppose a police officer causing a man to write in his books any entry which did not correspond with the evidence that he proposed to adduce before the Court? I must say that I cannot understand a police officer causing a man to make an entry in his books which did not correspond with the statements that the police officer intended to bring forward. Yet that is what my learned friend would seek to lead the Commission to infer from Hemchund Futteychund's story. Now, the witness Hurjeewundass, who was called as an expert, showed perfectly clearly that this *Yungud Nond* had been tampered with by some one in a very serious and comprehensive way. There were five *juz* which were genuine—the former part of the original book. There was a sixth *juz*, the paper of which corresponded with the paper of the first five *juz*—from which one leaf was missing—and then came these two *juz*, the 7th and the 8th, composed of different paper, which, according to the opinion of this expert, must have been put into the book at a time subsequent to the making of the book. Now, to give colour to the man's story about the police making these entries, the Commission must suppose that the whole of the alterations from the end of the 5th *juz* were made by the police. The fifth *juz* ended with a part of an entry which was continued on the sixth *juz*, in different handwriting. This perhaps is not very important, because the witness said that he used to get anybody that was passing his shop to make entries in his books for him, and that may account for the difference in the handwriting; or, at all events, it may have occurred in this way—supposing the sixth *juz* to have been tampered with he was obliged to destroy the writing between the last page of the fifth *juz* and the sixth, and could not get the same man to continue the writing on the sixth *juz*. But, however that may be, the Commission has the fact before it that the book has been tampered with, according to the statement of Hemchund Futteychund before Mr. Souter and Sir Lewis Pelly. The story that he gives as to this tampering is contained in page 139 of the shorthand writer's notes, but that statement is certainly not in accord with the condition of his books, and is not in accord with the story he has told us here. It is not pretended that the entries on all the pages of the last *juz*, with the exception of the two entries at the end regarding the diamond chips, were not genuine. He says they are all genuine on the fifth *juz*, and they are also all genuine on the sixth *juz*, and they are also all genuine on the seventh, but there is a missing page on the sixth *juz*, which he does not

attempt to account for. He says that all the following entries are perfectly true, until you get to the last ones, which he says he was compelled by Gujanund to make. Now, if his story is to hang together consistently with the evidence he has given, and the evidence given in the matter before the Commission, it is perfectly clear that all the *juzes* after the fifth should have been subjected to manipulation by Gujanund Vithul, but he says that was not so, but that all the entries are genuine until we get to the last entries in question. Now it seems to be much more probable that this original story was the true one, and that the missing page was removed in order to conceal the original entry about the diamonds, and that he put down the time of the year in subsequent entries in order that he might not be without some record of his having taken these diamonds to the Palace, and that at the same time there should be nothing to show but that he took these diamonds at a time when no improper purposes could be attributed to them. Now there is only one page gone from the sixth *juz*, and the whole of the 7th *juz* is now. It is perfectly clear that either upon that page, or upon some part of the following *juz*, this transaction as to the diamonds should have been entered. Now my learned friend, in regard to the evidence of this witness, urged it strongly as a reason for believing that the police should have fabricated the two entries, that the hoondees were not mentioned by Gujanund in the statement which he drew up for Hemchund to sign. My learned friend obviously knew all about the transactions of the hoondees, from which it is reasonable to suppose that Hemchund had been in communication with those who are instructing him. These hoondees are entered as of the date of June, they bear on the face of them the following month of July, and the transaction is closed long before we come to the time of the Dusserra or Devalee. No doubt he had a record of a transaction with one Sivchund Khooshalchund, and he says the account belongs to Nanajee Vithul with regard to some ornaments; but that transaction was closed with the hoondees. The purchase money was Rupees 7,000 and the amount of the hoondees was Rupees 7,000. But it became necessary, in order to conceal these transactions in regard to the diamonds, that Sivchund's account should be taken up again, although there were no transactions with that person subsequently to July. In order to divert attention from the transaction in regard to the diamond chips, it became necessary, as I have already said, to continue this account of Sivchund. Sivchund is a Poona man, and the mention of his name in the books would not be likely to attract attention. These payments thus sworn to by witnesses here to have been made in regard to diamond chips are entries in Hemchund's books, in account with Sivchund, notwithstanding that there was no account with Sivchund at the time. Hemchund says that the account which continued in the name of Sivchund was really the account of Nanajee Vithul. I think I have made myself perfectly clear that the transaction referring to the jewels as purchased by Nanajee Vithul from Sivchund was the cause of this account, but that this account was closed, so far as Nanajee Vithul was concerned, and there was therefore no further account in the book of Hemchund to which Sivchund was a party. It is perfectly clear, therefore, that that payment was made in regard to the diamond chips. There were two payments, one of 2,000 rupees, and another which amounted to 1,000 rupees. The former was really a payment of 2,000 rupees, but the latter was accounted for by a hoondee for Rs. 750, and was in favour of Venayekrao Venkatesh—a transaction with which Sivchund had nothing whatever to do; it seems to be a transaction entirely for the convenience of Venayekrao. The other payment was credited to Sivchund. When were those payments made? One in December, and the other in January, long after the attempt to poison Colonel Phayre had been discovered—long after the attention of the Maharaja and his servants had been called to the necessity of not allowing any pecuniary evidence to exist which might implicate His Highness in the plot. We have had distinctly shown by the books of Hemchund that these payments were on the dates stated, but from what funds were those payments made? Not from the private funds of Nanajee, or any other private fund, but from the State funds of His Highness the Gaekwar, the payments having been made by a carkoon in charge of the Dumala Mahal, a public officer. My learned friend says that this man Nanchund Talluckchund was not called, but having before us the admission that the payment was made, it was quite unnecessary to call him. Nanajee Vithul says he gave instructions to Nanchund to pay the money, and it was paid. Further proof would not be necessary. Nanajee was not asked a question by my learned friend as to whether he had embezzled this money, and I think it has been admitted that it was paid out of the Gaekwar's funds. Then we have Damodhur Punt's statement as to how the Rs. 3,000 paid to Hemchund was obtained. He has shown you the two entries that were made, the two *yads* that were prepared, one exhibiting a saving on the lighting account, and another exhibiting the proceeds of certain coins received as *nuzzarana*; and he says that by the order of His Highness that money was directed to be appropriated for the payment of these diamond chips. Rupees 3,600 was the aggregate of these savings, and out of that amount Rs. 3,000 was paid by Nanajee Vithul in the way I have described. The method of concealing the payments in Hemchund's books I have already described. They were said to be paid to Sivchund, although the latter had nothing whatever to do with them, and detection of this fact would have been almost impossible had it not been for the original statement made by Hemchund. Your Lordships will remember that these payments of other diamonds were ordered to be entered in the Gaekwar's books as for a Brahman feast, but the priest of the Swamee Narayen temple has been called, and he has proved that no such payment was made. I think, my Lord that after what I have stated you will agree that the books of Hemchund, so far from vouching for the truth of his story, absolutely disprove it,

and that the explanations given by Damodhur Punt and Nanajee Vithul show clearly what the transactions were and the ingenious means employed to conceal them. The entry in the accounts at the Palace was easily made to disappear. It consisted of a *yad* nearly at the time the attempt to poison Colonel Phayre was discovered. There was no receipt on the face of the *yad* because no money was paid. There would, therefore, be no entry of payment in any of the ordinary books of the Palace. The record of it, so far as the Palace was concerned, existed simply in the *yad*, and when that *yad* was asked for at the time of the discovery to poison Colonel Phayre, the witness Atmaram Rughoonath, like a veteran carkoon, asks why he should give it up, and Nanajee Vithul tells him that the jewels had been returned to Hemchund Futteychund, which of course was a natural excuse, though Atmaram evidently had his doubts upon that subject, for he told us here that he did not know whether the diamonds had really been returned or not. As to the blotted daily cash-books, it may be as well to remember that they were sealed up in the Palace on the day of the Maharaja's arrest, in the presence of Damodhur Punt, to whose department they belonged, and that no one except the military guards over them had anything to do with them until they were brought to the tent in the Residency compound, and opened in the presence of Damodhur Punt. Damodhur had made no statement at the time. It was not expected; he was asked to be present simply that he might say whether the seals were intact, and whether the documents belonged to his department. He comes and sees that the seals are intact; and you will bear in mind that when one of these obliterated documents was discovered, Gujanund Vithul went and told Mr. Souter about it. Mr. Souter comes and three more are discovered in like manner as the first. Now, it certainly is very remarkable that these documents should have been discovered in the way I have described, unless they really existed in that state at the time they were sealed up in the Palace. They were not discovered by the police, but by the Palace carkoons who were examining them. My learned friend suggests that this obliteration was done by the police, but as I have already said, that would be a singularly clumsy device to adopt, and it was more likely to have been done by some clerk who had been told to obliterate Salim's name from the duftur, and stopped doing so when he found what a clumsy job he was making of it. Why it was desired to obliterate these entries is tolerably clear. The obliterated daily cash accounts refer to the *yads* which are in evidence as N 1, O 1, P 1, Q 1, the very first of which relates to the payment of Rs. 1,000 to Salim on the 8th June 1874, which I have already referred to as corresponding to the payment of Rs. 800 to Nursoo and Rowjee. This document, for instance, must have appeared to Damodhur Punt one that it was very desirable to get rid of. Indeed it seems to me, my Lord, that the only reasonable explanation that can be given of these obliterated cash accounts is the one Damodhur Punt has supplied, and any other suggestion regarding them is so incredible as to be undeserving of serious attention. I have already referred to Hemchund's evidence as being evidence on the face of it utterly untrustworthy, and I think it must have been clear to all who heard him how he came to give it. He was not under the charge of the police, but lived in the city, where he was therefore accessible to the influence of any injudicious friend of His Highness to alter the statements he had previously given. It seems to me to be a matter of almost necessary inference that he, being capable of being worked upon by some injudicious friend of His Highness to come here and perjure himself, came and did so in the way you must have noticed. Now, my Lord, I have gone through the particular portions of the evidence of these four witnesses to whom my learned friend referred as supplying a reason why they should not be credited, and I think I have answered every one of my learned friend's arguments in regard to these witnesses. It must be perfectly clear that each of the four material witnesses made one statement deliberately and completely ignorant of all knowledge of what the others had said. I call attention to the statement at page 80 of the notes where Rowjee alludes to the only communication he had with Nursoo after his arrest, and to page 91, at which Nursoo describes the interview at somewhat greater length. Akbar Ali's evidence on the point at page 106, and Gujanund's at page 164, are also worth referring to. Then, again, Sir Lewis Pelly's evidence (page 179) as to the manner in which Nursoo gave his statement ought to show conclusively to the Commission that it was given without any pressure of any kind and after considerable time for deliberation had been granted to him. It must be remembered also that Nursoo has always been under charge of a military, and not a police guard. My learned friend said—and no doubt there was a certain amount of poetical justice in his complaint—that it was hard that Nursoo, who was probably the least villain among the chief witnesses, should have been the only man who was refused a pardon, but what would my learned friend have said if Nursoo had come here also to give his evidence with a pardon, of course he would have said,—why all those men have agreed to ruin the Maharaja because they know they are free from all fear of punishment. There is a great deal of force in the observations made by my learned friend as to the undesirability of having statements made before the police. In the regulation districts of India, provision is made that that shall not be done, but special cases require special procedure, and it must be remembered that this was an inquiry under special instructions from the Viceroy, who sent the police here on this special duty. There was no Magistrate before whom all these witnesses could have been taken. The Maharaja was still on the *gudde* in possession of his power, and it would have been, I won't say improper, but indelicate, had Sir Lewis Pelly undertaken the duty of hearing all depositions in the case.

The President.—Was there no one on the spot exercising the powers of a magistrate?

The Advocate-General.—There was the Cantonment Magistrate, Dr. Seward, but he has no jurisdiction over the Residency or the City. It would have been inconsistent with Sir Lewis Pelly's position to take any active part in the investigations, and it was in consequence of his own desire and feeling that it would not be right for him to do so that Mr. Souter was appointed to come here on special duty. Besides the general work of administration in relation to the State was quite enough to occupy the whole time both of Sir Lewis Pelly and his assistant, Mr. Richey. Now, my Lord, I apprehend that having regard to the fact that the person incriminated was in uncontrolled exercise of his power, and that this was an inquiry into an attempt made upon the Resident's life, it is perfectly obvious that that inquiry could not have been left to the officers engaged in the course of their political duties with His Highness or to Dr. Seward, who, besides having no jurisdiction beyond the limits of the Cantonment, was also a material witness in the case. I think, therefore, that, as far as this part of the question is concerned, the observations of my learned friend lose all their point, and no fault can be found with the special procedure in this case. My learned friend has said that in pursuing their investigations, the police really practised torture on the witnesses. I fail to find, on the record, evidence of any statement or expression which can, in the slightest degree, justify that phrase, unless we are to take it that leaving witnesses by themselves, and telling them that other witnesses had spoken the truth, was torture. There is a torture, no doubt, to which these witnesses who may have taken an active part in the conspiracy, may have been subject—but that was the torture of their own consciences, and not a torture inflicted upon them by the police, other torture there was none—the torture, as I have said, was the torture conscience could place upon men who had put themselves in such a position. In regard to the observations made by my learned friend as to the impropriety of telling one person or another who was apprehended that others who had been engaged in the same transaction had made a confession, and that therefore the persons so informed should themselves speak the truth, although, no doubt, in past years, under the decisions of the Courts in England, it was held that it was improper to tell a witness that he had better tell the truth, I think the doctrine so laid down has long ago been exploded. I do not wish to refer to any cases in England, and I have refrained from doing so throughout the case, but on this particular point I may quote the case of the Queen *versus* Jervis, which is reported in the first volume, Crown Cases, Reserved, in the new series of the Law Reports at page 96—the Commission will find there a most elaborate judgment of Mr. Justice Willes, to which I have referred, in which he holds as perfectly paradoxical the theory that to advise a person to speak the truth, and that a confession made upon that, is not perfectly good in such a case.

The President asked as to the date of the case alluded to.

The Advocate-General said that his memory was not clear upon the point, but that he thought it was in 1868 or 1869.

The President also asked the Advocate-General if he knew who the person was who told the witness to tell the truth.

The Advocate-General said that he could not remember at that moment who had said that, and he requested leave to read from Taylor's well-known work on evidence with regard to the case he had just referred to—"But when confessions have been rejected in consequence of such expressions as the following having been used:—'It will be better for you to speak the truth;' 'It is of no use for you to deny it, for there are the man and boy who will swear they saw 'you do it;' 'Now be cautious in the answers you give me to the questions I am going to put 'to you about this watch;' 'Whatever you say will be taken down and used against you;' 'Do not say anything to prejudice yourself, as what you say I shall take down, and it will be 'used for you or against you at your trial;' 'What you are charged with is a very heavy 'offence, and you must be very careful in making any statement to me, or anybody else that 'may tend to injure you: but anything you can say in your defence, we shall be ready to 'hear, or sent to assist you;' in these and the like cases, it is only too apparent, that justice and common sense have been sacrificed on the shrine of mercy. Indeed, the judges themselves have of late years come to this conclusion, and after solemn discussion of the subject in the Court of Criminal Appeal, they have expressly overruled the last three decisions cited above, as cases which are discreditable to the law. So anxious was the Court at one time to exclude evidence of confessions, that exhortations not to tell lies, but to *speaking the truth*, have been deemed likely to induce a *false* acknowledgment of guilt; and consequently, admissions made after such exhortations have more than once been rejected. But this paradoxical opinion is now happily exploded." Now, my Lord, there is nothing more shown to have taken place here. The witnesses have been severely cross-examined, but nothing more has been shown than the witnesses were confronted one with another, and that Rowjee said to Nursoo "I have told the truth up to my neck," and that the only advice given to Damodhur Punt by Gujanund was to the effect that he should tell the truth; and so cautious, I may say was Damodhur Punt as to the promise of pardon, that Gujanund had to show him the part of the Criminal Procedure Code which relates to the granting of pardons. I say that there is nothing whatever to justify the assumption of my learned friend that this is a police case, or that it was got up by the police or that the witnesses have been subject to intimidation. So far as the statement of the witness Ameena Ayah was concerned, and the statements of the other witnesses by whom she was corroborated, these statements related to charges which the police were not then engaged in investigating—for they were then only engaged in trying to find out who had attempted to poison Colonel Phayre, and it was not until the Gaekwar had been

suspended that the charge of holding improper communications with the Residency servants was brought forward.

The Advocate-General concluded his address as follows:—My Lord, I think that upon a review of the mere circumstances under which these statements were made to the police upon a consideration of the evidence which has been given before the Commission, and upon a comparison of that evidence so given under circumstances which allowed to the defence the fullest opportunity of cross-examination, upon a comparison of that evidence with the statements made by the witness Rowjee, I think this Commission cannot but come to the conclusion that the witnesses examined here have substantially spoken the truth. That my learned friend's ingenuity should have found discrepancies in their evidence, I am not surprised; nor I believe, are the Members of the Commission; but that these discrepancies do not affect the main facts of the story will be abundantly clear to the Commission when they come to review the evidence. The only witness who has not adhered to his statement, is Hemchund Futtychund who has perjured himself in the face of the Commission, perjured himself under circumstances which, I think, fully justified the police in detaining the other witnesses in such a manner that they also should not be exposed to the outward influences which have obviously been brought to bear upon Hemchund Futtychund. Against the mass of the testimony brought forward here in support of the charges against His Highness the Gaekwar, not a single tittle of evidence has been adduced. I have in the course of my address to the Commission pointed out the numerous matters in which it should have been possible and easy for my learned friend, had he been so advised, to have produced witnesses to contradict the statements put forward by the witnesses called by me. Not one of these witnesses was produced by my learned friend, and the Commission will draw their own conclusions from that circumstance. As to Yeshwuntrao and Salim, my learned friend has stated that in the exercise of what, I am sure, was the soundest discretion, he had decided not to call them. My learned friend was not able to speak in terms of much approval of Yeshwuntrao and Salim, but when it is remembered that these two men were the confidential servants of His Highness the Gaekwar up to the time of their arrest, and that ever since their arrest they have been kept under a military guard, that they have had no communication whatever with the police, and that since the arrest of His Highness, his solicitors have been allowed the most unrestricted private communication with them, I must say that it strikes me as very surprising that my learned friend has not called upon them to give evidence, though, as I have said, I have no doubt whatever that my learned friend has exercised the soundest discretion in not putting these men into the witness box. There is, therefore, no testimony to oppose to that which has been marshalled against the Gaekwar, and unless the Commission should reject altogether the evidence which has been so marshalled as utterly unworthy of credit, I apprehend there can be no doubt whatever but that it will be the painful duty of Your Lordships to find these four charges against His Highness amply proved. I have no necessity to make any appeal to your Lordships in regard to the view that you should take in this matter; it is not my province; it would not become me to do so; such is not my instruction. I will only say this, that if there is anything in the arguments which I have offered for your consideration upon the evidence which has been recorded, and if there is any truth in the evidence so recorded, then there is no room for sympathy with His Highness. The "persecuted prince" to whom my learned friend has referred so frequently disappears, and the Commission can only look upon him as a criminal worthy of condign punishment. I do not think I can make any further observations upon the case than those I have offered to you, as calmly, I trust and as dispassionately as it was my duty to do. There are many small points which I have not introduced in my remarks, but I have deemed it right to address myself only to more important parts of the evidence, although I am aware that the consideration of these smaller points might help to show the story told by the witnesses to be true, and that the theory put forward upon the part of the defence is totally unsustainable. I thank this Commission most sincerely for the patient and courteous attention with which they have listened to what I have had to address to them, and I pray God that your deliberations may be conducted to a righteous conclusion.

EXHIBITS.—No. 1: Series.

JOHN JARDINE,
Secretary to the Commissioners.

EXHIBIT No. 1.

To His Excellency the Right Honourable THOMAS GEORGE BARING, BARON NORTHBROOK,
G.M.S.I., Viceroy and Governor-General of India, Calcutta.

My Honoured and Valued Friend,—From the events which occurred prior to Your Excellency's khureeta of 25th July 1874, it is plain that the administration of this State cannot be carried on, and the necessary reforms introduced without the cordial support of the Resident. It had occurred to me, among other matters I desired to say in reply to the above khureeta, whether I should not solicit Your Excellency's attention to the position which

the present Resident, Colonel Phayre, had all along taken up towards me, and to submit for Your Excellency's consideration whether, with the want of sympathy which existed between us, I could expect an unbiassed and fair treatment at his hands in future. I, however, refrained from troubling Your Excellency owing to the confidence expressed by Your Excellency in Colonel Phayre, and in the hope that, seeing the course I resolved to adopt on receipt of Your Excellency's advice, he could forget the past, and assist me with his active sympathy in the difficult work of introducing a reformed régime. But I deeply regret to say from the experience of the past three months that this hope has not only been not realised, but that, on the contrary, Colonel Phayre has evinced, if anything, a more determined and active opposition towards me and my administration than before.

From the very commencement he had expressed a strong opposition to the selection of the minister of my choice. The assurance of support subsequently given by him to my minister, however, raised hopes in me, but they have not been realised.

On the receipt of Your Excellency's khureeta I at once took the necessary steps as far as practicable, and have been endeavouring all along to give effect to the advice contained therein. Among other things I have to replace the executive machinery of Government with able and experienced men, to satisfy, on some equitable basis, the demands of the Sirdars and others which had received attention from the British Government, and to inquire into and revise the existing land revenue settlement throughout the whole territory. No one, however, can know better than the Resident what difficulties each of these subjects presents, especially when all this is to be effected in a very short time. But when, owing to his former attitude, even Colonel Phayre's presence alone would have been enough for a continuance of the unsettled state of the mind of the people, unless he gave me open and cordial support, the difficulties of my work become vastly increased by the course of open opposition he has been lately pursuing. I am, therefore, driven to appeal to Your Excellency, which I do most reluctantly to decide whether under such circumstances I can have a fair trial.

I may mention here one or two instances in support of my complaint. A charge of defamation was some days ago preferred by my father-in-law against a Silladar by name Chanderao Kadoo. My Dewan himself, in the presence of Chanderao, read over the proceedings of the preliminary investigation, and in order to give both parties the benefit of an impartial trial, I directed the Chief Magistrate, Mr. H. A. Wadia, to try the case instead of the Senaputtee, who is my relative. The accused suddenly left Baroda, and, I was informed, went to the camp. What he did there I cannot say. But soon after several other Silladars and some Sirdars, with their retainers, some 150 in number, assembled, armed in the house of one of them, openly defying the Durbar authority and threatening armed resistance. They told the Durbar officials, who went to serve the summons on Chanderao that the case in which his attendance was required was a caste concern, and that they would defend him with their lives if attempts were made to enforce his attendance. They then escorted him to his house and remained there armed to guard him. I sent the Dewan to represent the matter to Colonel Phayre, in the hope that he would use the influence he had over them, and uphold the Durbar authority. But, to my astonishment, the Dewan found the Resident prepared to justify their conduct on the very same plea, and almost in the very same words the Silladars themselves had used. He refused to persuade them to disperse, saying that they would do so only if the criminal proceedings were withdrawn. On the joyful occasion of the birth of my son I resolved to give up further proceedings against Chanderao, when I sent the Chief Justice of the High Court to explain to the assembled Silladars that further criminal proceedings would not be taken against Chanderao, and to ask them to return to their houses, they refused to do so, and substituted in place of Chanderao's case a new plea for resistance, that unless the grievances of one and all of them were redressed they would not separate. The Resident at the same time addressed me a *yad* with reference to this assemblage, putting me the very same question, viz., what steps had been taken by me towards settling the grievances of the Sirdars, showing a remarkable coincidence of views.

As another instance, I beg to enclose copy of a letter received from the Resident dated 20th October 1874, and translation of a petition to the Government of Bombay which accompanied it. The petition is from certain Sindhee Mahomedan cultivators, complaining that they were prevented from cutting their crops, and were mohsalled, &c. Your Excellency will observe the threat of an appeal to arms which is contained in the petition. On inquiry I find that these petitioners had not made any complaints since the commencement of the last rainy season either to the talooka authorities, to the head of the Revenue Department, or to the Dewan. The petition further on the very face of it shows that it has been drawn up under the inspiration of designing persons. Colonel Phayre, however, without making any inquiry from me, at once addressed me the above letter. This letter is enough to show the spirit in which the Resident acts towards me, such proceedings on the part of the Resident cannot but have the effect of encouraging the turbulent propensity of such a class of Mahomedans and disloyalty generally.

These two instances, which I have taken as representative ones, can hardly give an idea of the harassing and vexatious treatment I am at present receiving at the Resident's hands.

This attitude on the part of the British representative has naturally become a source of serious anxiety to me, especially as in such times persons are not wanting who, for their private ends, take advantage of this state of things to misrepresent me and to instigate continuous resistance to my authority among my subjects. The result will be a great loss of

revenue this year and a continuance of the unsettled state of the minds of the people. How seriously this state of affairs must embarrass and obstruct me in my intended reforms it is not difficult to conceive.

Your Excellency knows well the extent and nature of the work before me, and I owe it to myself and those whom I have engaged for that work to submit how hopeless any efforts on my part would be if Colonel Phayre were to continue here as representative of the paramount power with his uncompromising bias against me and my officials.

I beg it to be understood that I do not impute other than conscientious motives to Colonel Phayre. But he is too far committed to a distinct line of policy and to certain extreme views and opinions, and he naturally feels himself bound to support all and everything he has hitherto said or done. He makes no allowances. He forgets that till the officials I have asked for come I could not make much progress in the mahals, and continues to lend a ready ear to complaints against me, thus defeating the very object he says he has in view of helping in the arduous task before me.

Colonel Phayre has been my prosecutor with a determined and strong will and purpose, and that he now should be made to sit in judgment upon me is, I must submit, simply unfair to me. From only three months' experience, it is clear that he has prejudged the case, and I cannot expect an impartial report from him. I leave myself into Your Excellency's hands. Your Excellency has asked me to stake my all on this trial, and I must therefore request Your Excellency to place me in a condition in which I can really have the fair trial Your Excellency has given me.

I may mention here that I have made some progress in the various reforms recommended by Your Excellency, which will be communicated to Government in due time. As to what I have already done, and what I propose to do, in the matter of the claims contained in the Commission report, and upon which Government have given advice, I shall shortly send in a complete statement. For the reduction of assessment I have already fixed upon my arrangements, and I am only waiting for the Government officials I have asked for to carry them into effect.

As I cannot enter in a kharecta like this into all those incidents which make up my present troubles and anxieties, I request that my minister be permitted to visit Your Excellency with the Resident. I shall feel highly obliged by Your Excellency granting this permission by telegram.

I beg to express the high consideration and esteem I entertain for Your Excellency, and subscribe myself

Your sincere friend,
(Signed) HIS HIGHNESS MULHARAO MAHARAJA.

Baroda Palace,
2nd November 1874.

EXHIBIT No. 2.

To His Highness Maharaja MALHARRAO GAEKWAR, Sena Khas Khail Sumshere Bahadoor,
Baroda.

MY HONOURED AND VALUED FRIEND, Fort William, the 25th November 1874.
I HAVE received through the Bombay Government, your Highness' khurecta, dated 2nd November 1874.

I deem it unnecessary to discuss with your Highness the reasons you have given for desiring a change in the Baroda Residency. But, after a careful consideration of the circumstances that have taken place, and, moreover in pursuance of the determination of the Government of India to afford your Highness every opportunity of inaugurating a new system of administration with success, I have made arrangements to depute an officer of high rank and of wide experience in political affairs to be the representative of the British Government at your Highness' Court.

Accordingly I have appointed Colonel Sir Lewis Pelly, K.C.S.I., my Agent for Rajpootana, to be my agent at Baroda, and he will present this khurecta to your Highness.

In giving to your Highness the great advantage of the advice and assistance of an officer of such high distinction, who has filled important political functions with great ability and to my entire satisfaction, I have now done everything in my power to aid your Highness in the efforts which I am glad to be informed by the khurecta under reply are being made to reform the administration of your Highness' territories in consequence of the khurecta I addressed to your Highness on the 25th July 1874.

I shall await with anxiety the reports which I shall receive from Sir Lewis Pelly from time to time of the progress of the measures which your Highness is taking with this object.

I beg to express the high consideration I entertain for your Highness and to subscribe myself

Your Highness' sincere friend,
NORTHBROOK, Viceroy and Governor-General.

(True copy.)

H. R. COOKE, Registrar, Foreign Office.

EXHIBIT No. 3.

No. 501 of 1874.

From the RESIDENT, BARODA, to the CHEMICAL ANALYSER to GOVERNMENT, Bombay.

SIR,

Baroda, 13th November 1874.

REFERRING to your demi-official letter to the address of the Residency Surgeon, Baroda, dated the 11th instant, relating to a small packet of poisonous matter forwarded to you for examination by Dr. Seward, I have the honour to request that you will be kind enough to favour me with a formal official report as to the contents of the poisonous matter above referred to.

2. With reference to the statement made in your letter that the powder forwarded to you consisted partly of common white arsenic and "partly of finely powdered silicious matter" which, under the microscope, appeared to be either powdered glass or quartz, being most like the former, I should feel much obliged by your kindly informing me whether in your opinion the silicious matter referred to can possibly be powdered diamond.

3. Previous to the receipt of your letter under reference I had received secret and confidential information* that the poison administered to me did consist of a mixture of (1) common arsenic, (2) finely powdered diamond dust, (3) copper.

The importance of verifying this information is obvious.

I have, &c.

(Signed) R. PHAYRE, Colonel, Resident, Baroda.

EXHIBIT No. 4.

MY DEAR SIR,

WILL you oblige me by causing Eshwantrao and Salim to be sent to the Residency at your earliest convenience, as Mr. Souter, the Commissioner of Police, is desirous of taking their evidence in regard to the case now under investigation before him.

Residency, 23rd December 1874.

To Dadabhoy Nowrojee, Esq.

Yours, &c.

LEWIS PELLY.

MY DEAR SIR,

Palace, Baroda, 23rd December 1874.

As asked in your note just received, I send Eshwantrao and Salim for their evidence.

Yours, &c.

Sir Lewis Pelly, Residency.

DADABHOY NOWROJEE.

MY DEAR SIR,

23rd December 1874.

I HAVE already sent away Eshwantrao and Salim to you. I hope they are at the Residency by this time. I am waiting for a note from you for doing anything further.

Yours, &c.,

Sir Lewis Pelly.

DADABHOY NOWROJEE.

MY DEAR SIR,

KINDLY ask the Maharaja to cause the houses of Eshwantrao and of Salim to be searched, as it is alleged they are concerned in the important case (attempt to poison the late Resident), now before the Commissioner.

The Commissioner of Police would be very glad if you could arrange for the head of your office conducting the search, and this note will be taken to you by two of the Commissioner's men, who, he would request, might be present at the search.

Yours, &c.,

23rd December,

Dadabhoy Nowrojee, Esq.

LEWIS PELLY.

URGENT.

MY DEAR SIR,

Residency, 23rd December 1874.

THE Commissioner of Police informs me that the servants of H.H. the Gaekwar, named Eshwantrao and Salim, whom you were so good as to send up here to-day, have returned to the city without giving their evidence or communicating with him.

The Commissioner considers that there is a *prima facie* case of complicity already made out against these persons in respect to the attempt to poison Colonel Phayre, and the Commissioner hopes that these persons may be made over to the Residency for safe custody, pending the termination of the investigation of this important case.

My advice to His Highness is to afford every practicable facility for the thoroughly clearing up all the circumstances of the case. If His Highness please to send a guard to the Residency with the accused I shall be happy to receive them.

To Dadabhoy Nowrojee, Esq.

Yours, &c.
LEWIS PELLY.

MY DEAR SIR,

Palace, Baroda, 23rd December 1874.
ON receiving your note, His Highness at once sent for Eshwantrao, and asked him why he and Salim had returned without giving their evidence. He answered that he gave, my letter to you, to one Bala Puttawalla; and this puttawalla told him that the Sahib said, "Salaam bolo." Eshwantrao says he asked again of the puttawalla whether the Sahib did not want him and Salim, as they had been sent specially to the Sahib. The puttawalla said again the Sahib only said, "Salam bolo," that Manajee Pattawalla also gave the same reply, and told them to go.

From this it is evident that some misunderstanding has taken place.

I had not told these men to go to the Commissioner of Police, but had only directed them to yourself.

On my explaining your note to His Highness, he was sorry any mistake should have taken place, and immediately ordered them to go to you. I send them with this letter to you, accompanied by a karkoon, who will hand them over to you.

His Highness is ready to give every practicable facility for clearing up the matter.

To Colonel Sir Lewis Pelly.

Yours, &c.
DADABHOY NOWROJEE.

Dadabhoy Nowrojee, Esq.

MY DEAR SIR,

I AM obliged by your promptitude in causing Eshwantrao and Salim to be sent to the Residency for the purpose of giving evidence. I have requested the Commissioner of Police himself to see that they are accommodated in my office with as little discomfort as possible, and to take their evidence without unnecessary delay to-morrow. The puttawalla, if he told these persons to go to-day, acted wholly without my knowledge. Pray thank His Highness for his assurance of giving every practical facility for clearing up this important matter.

If you could conveniently meet me to-morrow morning at eight o'clock, I should be glad to see you.

Residency, 23rd December 1874.

Yours, &c.
LEWIS PELLY.

EXHIBIT No. 5.

My honoured and valued friend His Excellency the Viceroy, having declared his intention of giving me an opportunity of clearing myself from the grave suspicion which he was induced to consider attached to me in consequence of the alleged attempt to poison Colonel Phayre, the Resident at my Court, I now, out of respect for His Excellency the Viceroy, and from a desire to clear myself before him and before the world at large of those suspicions, make the following statement:—

I never had, nor have I now, any personal enmity towards Colonel Phayre. It is true that I and my ministers were convinced that, owing to the position taken up by Colonel Phayre during his Residency, it would be impossible satisfactorily to carry out the reforms I had instituted and was endeavouring to complete in deference to the authoritative advice conveyed to me in the khurita of the 25th July 1874, consequent upon the report of the Commission of one thousand eight hundred and seventy-three, and acting on this conviction, and after a long and anxious deliberation with my ministers, Messrs. Dadabhai Nowrojee, Bal Mangesh Wagle, Hormusjee Ardeshir Wadia, Kazi Shahabudeen, and others, I caused the kharita of the 2nd November one thousand eight hundred and seventy-four to be despatched to His Excellency the Governor General through Colonel Phayre himself, and notwithstanding his remonstrances, feeling assured that when the true state of affairs was placed before His Excellency the Viceroy, my appeal would be successful. This conviction was shared by all my ministers and was strengthened by our knowledge of the severe censure which had been passed on Colonel Phayre by the Bombay Government. The removal of Colonel Phayre on the 25th November 1874 shows that our judgment was not erroneous. Thus, neither personal nor political motives existed to induce me to attempt the crime with which I am charged, and I solemnly declare that I never personally, or through any agent, procured or asked the procurement of any poison whatsoever for the purpose of attempting the life of Colonel Phayre; that I never personally or through any agent directed any such attempt to be made; and I declare that the whole of the evidence of the ayah Ameena, of Rowjee, Nursoo and Damodur. Trimbuck on this point is absolutely untrue. I declare that I never personally directed any of the Residency servants to act as spies on the Resident, or report to me what was going on at the Residency, nor did I ever offer or cause to be paid any money to them for such purposes.

I say nothing as to the presents that may perhaps have been made to servants of the Residency on festive occasions such as marriage and the like. Information on trifling matters going on both at the Residency or at my Palace may have been mutually communicated, but I did not personally hold any intercourse with those servants for this purpose; nor am I personally cognizant of any payments for the same having been made; nor did I authorise any measures by which secrets of the Residency should be conveyed to me. I present myself before this Commission fearlessly. I put implicit faith in the justice of those appointed by my honoured and valued friend the Viceroy. I am willing to answer any questions they may deem it right to put to me, and again solemnly deny the foul charge my enemies have instigated against me.

NOTE.—The above Exhibit 5 was accompanied by a similar statement in Maratha. Both the English and the Maratha statements were presented by the Counsel for His Highness the Gackwar.

JOHN JARDINE, Secretary to the Commissioners.

EXHIBITS.—A Series.

JOHN JARDINE,
Secretary to the Commissioners.

EXHIBIT A.

Translation of a Marathi Exhibit marked A.

To HAZRAT (or Mr.) SHEIKH ABDoola, Butler, at present residing at Mahableshwur.

May his wealth always increase. With respects and prayers. Further, the cause of writing (this letter) is as follows:—I have received a letter from you and understood its contents. I hope you will in like manner frequently communicate to me the news from that place through letters and thereby gratify (me). Salim saw me on his arrival here, but as that is a "Raj Darbari" matter (State matter), it will be done leisurely as opportunities offer. I am a little better. I have sent a letter there stating that I would attend on the 20th (twentieth). It is (my) intention to go there accordingly. I have now also commenced (taking) medicine. There is also less strength in (my) hands. Five rupees have been paid to Vazir Ma. You had given to me here the letter received by you from home. On reading it I found its contents (as follows):—"The house of your father-in-law is to be attached. What place, then, should be fixed for residence?" I can give no reply about this. Formerly I told her to reside in (our) house, but she did not mind this, and lived there at her father's house. And 5 rupees for expenses and a black sari (a piece of cloth worn by women), have been sent subsequently. Even when she has money in her hands, she sends for it from here. I am, therefore, thrown into difficulties on all sides. After securing his or her object on all sides, I am likely to be disgraced eventually. If a single pot, out of the pots, &c., which are in the house is lost, you will be responsible for it. You write (to say) that you will send ten rupees for me. It will be well if you send the same soon, that is before the 18th. If not please yourself; I cannot compel (you). From Alisha Jemadar have been received 25 rupees on account of himself (and 25 rupees on account of Raheem Saheb, and 10 on account of Shah Saheb—in all sixty rupees. Forty rupees remain (to be recovered), for which it is in contemplation to get a fresh bond executed. Meanwhile 20 rupees, due to a Marwari,*

* i.e., money lender.

should be paid off soon. After the payment thereof, I am to proceed thither. By (my) taking one month's leave, I have been subjected to a heavy loss. But what can be done? Owing to my illness, I could not help (doing so).

I had been to Yeshwant Rao's house. He has gone to Pandharpur on fifteen days' leave. He said to me as follows:—"On my return I shall have arrangements made about you, and the Maharaja twice or thrice inquired when the ayah would come." Salim was invited to my place of residence here. He was shown attention so far as my poor circumstances would permit. Let this be known. What more need be written. This is my (representation). Raheem Saheb Mohideen and Baba Matkar and others send their best compliments to you.

Dated 10th April 1874.

AMEENA BI AYAH, Residing at Bombay.

(A true translation.)

NOWROZJI FURDOONJEE, Sworn Translator and Interpreter to the Commission.

Baroda, 27th February 1875.

JOHN JARDINE, Secretary.

EXHIBIT B.

Translation of a Marathi Exhibit marked B.

Love to SOBHAGIAWATI AMEENA BI AYAH, from SHEIKH ABDOOLA, Butler, Karel.

I am well by the favour of God and by your blessing. You should not entertain any anxiety. Colonel Phayre went to Poona on the 18th; he is to put up at Kirkee. Let it be known to you that the Dewan has been removed, and that no other person has yet been appointed (in his room). You should communicate what news there is, (getting the letter) written by a good writer. Make inquiries about the Hazrat, who was in Bombay, and bring him without fail at the time of (your) coming. (You) should write about him without fail. You should communicate (to me) news frequently. You have forgotten me since your departure to Poona. What can you do? It is my fate. It is the will of God. It is my predestination. What can you do? You should not do so. Yesra Naik has gone to Bombay. Let this be known to you. Abdoola Khan has accompanied the Saheb. Pedro sends his compliments to you. Give my, as also Pedro's, compliments to your butler; the mestri (cook) and other people also send their compliments to you. Dated 18th, 1874. Signature of Sheikh Abdool. (He) sends his compliments in case they have been omitted through oversight. Send a reply to this letter without fail. I anxiously await it.

What more need be written?

This is (my) request.

(Address on the letter).—This letter should be delivered to Ameena Bi, the ayah of the Resident Mr. Boevey, in the bungalow of the Revenue Collector, Mr. Oliphant, near the Post Office, Poona.

Not paid.

Poona.

To be delivered to Ameena Bi, the ayah of the Resident, Mr. Boevey. Despatched from Baroda. Shaba.

A true translation.

NOWROZJI FURDOONJEE,
Sworn Translator and Interpreter to the Commission.

JOHN JARDINE, Secretary.

Baroda, 27th February 1875.

EXHIBIT C.

Translation of a Marathi Exhibit marked C.

Love from SOBHAGIAWATI AMEENA BI, AYAH.

(Addressed to) SHEIKH ABDOOLA WALLUD SHEIKH ADAM, Butler, residing at Baroda.

I am well by the favour of God and by your blessings. The cause of writing (this) letter (is as follows).—(I) have had no tidings of you since your departure from Baroda. This has made me very uneasy. You should therefore not act in this way. But as it is the will of God, you are not to blame. It is my fate. What can you do? The Maharaja is much perplexed. He has received an order to the effect that the petitions presented by the ryots should be disposed of within fifteen months. Such an order has been issued and the Dewan Saheb has been removed and prohibited from visiting the bungalow (i.e., the Residency). Let this be known to you. I receive no news whatever from you. You should send me news frequently. I am doing well here. Do not entertain any anxiety. The people in the bungalow send their compliments to you and convey the same to the Butler.

Yeshwunt Rao Naik has gone to Bombay. Let this be known to you. Shabuddin is also to go, (but) I have no correct information. As soon as you see (this) letter, send a reply without fail. What more need be written? This is what I had to write.

My compliments to the reader, in case they have been omitted through oversight.

The signature of SHEIKH ABDOOLA, Butler,
His own handwriting.

Dated 16th August 1874.

(A true translation.)

NOWROZJI FURDOONJEE,
Sworn Translator and Interpreter to the Commission.

JOHN JARDINE, Secretary.

Baroda, 27th February 1875.

EXHIBIT D.

Translation of a Marathi Exhibit marked D.

To HAZRAT (or Mr.) SHEIKH ABDOOLA, Butler, residing at Baroda.

I, Ameena Bi Ayah, now residing at Bombay, respectfully represent (as follows):—I sent to you a letter affixing a postage stamp on it. I do not know whether it has reached (you) or not; I am therefore under anxiety day and night. I trust you will, therefore, not act in this way, but will frequently communicate the news by letter and thereby gratify me. If you wish that I should not go there, I am ready to undertake a voyage to England. If you wish it, I shall endeavour to obtain a situation of that kind. I am in doubt as to why no letter is received from you here; I await a reply from you. If you call (me), I shall go there; it will not matter (in the least). I wrote to you for (money for my) expenses, but nothing has been received from you. Convey my best compliments to the Kazi Saheb, my compliments to Salim and my best compliments also to be given to Yeshwunt Rao.

Choto's mother owes me rupee one. You should deduct it from her son's pay, because she has not visited me since her arrival at Bombay. You should go to and make proper inquiries at the place there, where I am coming to take up service. I hear that he has obtained an appointment in Rewa Kanta. If such a thing has happened, it is very bad. Write to say whether you have borrowed Rs. 5 from Vingorlekur Mahommad. He comes here and duns me for at the (payment of the) same. Let me know in writing whether this is true. I do not know whether or not you have delivered the note (chitti) enclosed by me in my last letter to the person for whom it was intended. I labour under anxiety on this account only. Give my best compliments to Nathiaba. Write to say whether or not you have received the two "firkees." What more need be written? This is my request. Dated 29th March 1874.

I reside in Shetwadi in the same house as before.

AMEENA BI AYAH, Bombay.

A reply to be sent without fail.

(A true translation.)

NOWROZJI FURDOONJEE,
Sworn Translator and Interpreter to the Commission.

JOHN JARDINE, Secretary.

Baroda, 27th February 1875.

EXHIBIT E.

Pedro de Souza, Native Christian, states:—I am about thirty-seven years of age, and have for more than twenty-five years past been in the service of Colonel R. Phayre, the late Resident at Baroda. I have been serving that gentleman as his butler for the last fifteen or sixteen years, and before that I filled several situations of different kinds in his household. When Colonel Phayre was appointed to the office of Resident at Baroda, which was, I think, in the month of March 1873, I accompanied him to that place, lived in the Residency, and served him there from that time until the month of September last, when I obtained leave of absence from him and proceeded to Goa, my native country. I left Baroda on the 3rd October last, went to Goa, remained there about a fortnight, and returned to Baroda on the 3rd November, one month after my departure. I know one Salim, a Mahomedan, who resides at Baroda and is a "jasood" in the service of H. H. the Gaekwar. I have known this man Salim from the time I first went to Baroda with Colonel Phayre, as above stated. He used to come to the Residency twice a week regularly during all the time I stayed there. The Gaekwar always came twice a week, on Mondays and Thursdays, to pay a sort of official visit to the Resident; and on these days Salim always preceded His Highness to give notice of his coming. Salim always brought with him on these occasions, a tray of fruit as a sort of "nuzzerana" or tribute of respect. In the month of August last, when I first thought of obtaining leave from my master to go to Goa, I was short of money; and on seeing Salim at the Residency one day I said:—"I am thinking of going to my native country for a month, but am badly off for money, my wife is pregnant, and the expenses on her account and for travelling will be heavy; will you entreat the Maharaja to give me some money for this purpose?" Salim replied that he would speak to the Maharaja and bring me the money. No particular sum was named by either of us. I made this request to Salim, because I had heard that the servants of previous Residents had obtained similar favours from the hands of the Gaekwar. Salim himself had told me this many times before I made my said request to him. About a fortnight after I had so spoken to Salim, he came to me in my room at the Residency, and said:—"The Maharaja has sent you these rupees. I told him what you said." I thanked him very much, took the rupees he offered me, and he went away. I counted the rupees as he gave them to me and said:—"Here are sixty rupees of Baroda currency, which are equal to fifty Bombay rupees." Two or three days after this, or on his next visit to the Residency, Salim met me in the compound of the Residency, and said:—"You come and see the Maharaja. If you will agree to come, I will bring a carriage to take you." On hearing this I said:—"I will never come to the Havelee" (i.e., Palace). He replied:—"If you cannot come now, I will bring a carriage for you whenever you wish to come." To this I

again said:—"I will never come?" After my return to Baroda from Goa I never saw Salim, except in passing, and I had no speech with him other than to say "salaam." I positively declare that I never received any other gift from the Gaekwar than this one of sixty rupees sent to me through Salim, and that I never had any conversation with Salim about my own affairs or in connection with the Gaekwar excepting on the occasion mentioned. I never went to the Haveli or spoke to the Gaekwar, and I never had any correspondence with him, either directly or indirectly, other than that above detailed. Further I say not.

The mark X of
PEDRO DE SOUZA.

Taken on oath, and duly acknowledged and signed by Pedro de Souza in my presence, this fifth day of January 1875.

A. EDGINTON, J.P.,
Deputy Commissioner of Police, Bombay.

The foregoing statement was duly read and interpreted by me to the said Pedro de Souza on the day and date above written and acknowledged by him to be correct.

(Signed) DINANATH SOONDERJEEP,
Head Clerk, Commissioner of Police.

Baroda, 26th February 1875.

JOHN JARDINE, Secretary.

EXHIBIT F.

Confidential.

MY DEAR SEWARD,

Baroda, 9th November 1874, 11 a.m.

WITH reference to the circumstances which I mentioned to you this morning, together with the symptoms which I described to you, and the contents of the tumbler which you took home with you, I should feel much obliged if you would kindly give me a professional opinion as to the nature of the contents of that tumbler, whether poisonous or not.

Although I only took two or three sips of the pummalo juice which the tumbler contained, I felt within about half an hour, as I described to you, a most unusual sickness of stomach, accompanied by dizziness in the head and of sight, producing confusion of thought, also a most unpleasant metallic taste in the mouth, with slight salivation such as I have never experienced until within the last few days, and which I attributed partly to a slight attack of fever, which had, however, quite gone off, and partly to an idea that the pummalos from which the juice daily placed on my table had been extracted were not fresh ones. I now, however, attribute all of these symptoms, especially that of this morning, to entirely different causes. I fact, I now believe that for the last few days small doses of poison have been introduced into this juice, and that had I drunk the whole tumbler off to-day I should have been very ill indeed.

The confused state of my head has often surprised me of late, because for the last six weeks I have abstained *in toto* from wine and beer, &c., except once or twice when friends dined at the Residency, and have found myself all the better for it.

My general health, is, as you know, most excellent, and therefore the symptoms which I have described to you are, I feel sure, the result of unnatural causes. I never dreamt of poison, otherwise I should not have thrown away so much of the contents of the tumbler which I gave you this morning. It was only after doing so, and when I was replacing the tumbler on the table, and saw the sediment at the bottom, that I for the first time suspected foul play.

Believe me, &c.
(Signed) R. PHAYRE, Colonel.

(Endorsement.) For the information of the chemical analyser, who will kindly return the original.

9th November 1874.

(Signed) G. EDWIN SEWARD.

Baroda, 27th February 1875.

JOHN JARDINE, Secretary.

EXHIBIT G.

Telegram.

From COLONEL PHAYRE, C.B., Resident, Baroda, to the Private Secretary Gunnessh Khind, Poona.

Baroda, 9th November 1874.

Bold attempt to poison me this day has been providentially frustrated. More by next post.

R. P., Col.

Baroda, 27th February 1875.

JOHN JARDINE, Secretary.

EXHIBIT H.

Translation of Durbar Yad No. 2057, received on the 14th November 1874, in the evening at 5.45 p.m.

At a personal interview with you the day before yesterday, I learnt from you the particulars about the attempt made by some bad man to poison you, for which I am very sorry. But it was the favour of God that his cruel design did not meet with success.

If it becomes necessary to obtain my assistance in proving this criminal's guilt, the same will be given. This is written for your information.

Dated 14th November 1874.

(A true translation.)

C. RUSTOMJEE,
Translator and Interpreter to the Commission.
JOHN JARDINE, Secretary.

Baroda, 16th March 1875.

EXHIBIT I.

Endorsement received 19th November.

No. 502 A.

To DR. GRAY, M.D., Chemical Analyser to Government.

Baroda, 16th November 1874.

SIR,

IN consequence of the opinion expressed in your demi-official of the 13th instant to Dr. Seward's address (received on the evening of the 14th idem), I yesterday morning scraped together from the chunam floor of the verandah as much of the deposit as could be found on the spot where the contents of the poisoned tumbler fell; and I enclose the said scrapings herewith, in the hope that they may be useful in leading you to a decision as to the other ingredients which were contained in the poisoned tumbler besides arsenic.

I have, &c.

(Signed.) R. PHAYRE, Colonel, Resident.

JOHN JARDINE, Secretary.

Baroda, 27th February 1875.

EXHIBIT J.

No. 401 of 1874-75.

From the ACTING CHEMICAL ANALYSER, to the RESIDENT, Baroda.

Grant College Laboratory, 19th November 1874.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, and also of the small packet enclosed. The letter was sealed, the seals were unbroken, the crest a bird.

The packet contained a small quantity of moist earthy matter of a brown colour mixed with glittering particles. A chemical examination of this earthy matter revealed the presence of arsenic. I failed, however, to detect in it the slightest trace of any mineral poison other than arsenic. Many of the glittering particles appear to be of the same nature as those seen in the powder sent me by Dr. Seward, namely, diamond dust: other glittering dark-coloured particles in the earthy matter proved to be oxide of iron, being in fact the same substance that is commonly used as sand for drying ink.

I have, &c.

(Signed.) W. GRAY, Surgeon,
Acting Chemical Analyser to Government.

JOHN JARDINE, Secretary.

Baroda, 27th February 1875.

EXHIBIT K.

Appendix C.

Statement by COLONEL PHAYRE, C.B., Resident, Baroda.

Baroda, 16th November 1874.

The attempt to poison me was made on the morning of Monday, the 9th November 1874. The small quantity of poisoned sherbet taken by me was swallowed at about 7 a.m. At about twenty minutes or half-past 9 a.m. the Maharaja paid me his usual visit. After some commonplace remarks H. H. observed that the weather was not healthy, that there was a good deal of fever in the city, and that he himself had been suffering from purging and headache and

fever from eating the usual Dewalee sweetmeats, but that he had recovered. I made no remarks, but it occurred to me that H. H. had led the conversation to the subject in order to elicit some remarks from me. I have since learnt from the evidence that His Highness' confidential Arab sowar Salim was at the Residency earlier than usual on that morning, that when I sent a note to summon Dr. Seward between 7 and 8 o'clock, the Arab sowar stopped the peon Mahomed who was carrying it and asked him to buy him some biscuits in the bazaar, which extraordinary occurrence I can only account for by a desire on the part of Salim to divert the peon's attention from his proper errand to summon the Residency Surgeon.

By about noon on Monday, the attempt to poison me began to spread in the camp and city. Next day, Tuesday, 10th, several people from the city came to call, or sent to enquire after my health, but no one came from the Maharaja. Wednesday, the 11th, passed in a similar manner without any inquiry on H. H.'s part.

On Thursday, the 12th, H. H. came to pay his usual visit, and on this occasion, for the first time, he was accompanied by Mr. Dadabhai. Usually H. H. comes alone. H. H. opened the conversation by saying that he had heard on the previous day (11th) that some one had poisoned me and asked how I was, remarking at the same time that I showed no signs of having been poisoned when he called on Monday the 9th instant. Previous to this remark by H. H. I had not mentioned the hour at which I was poisoned, but I afterwards told him. How the Maharaja knew that I had been poisoned when I came to receive him on the Monday morning is not apparent.

Mr. Dadabhai said that he heard the rumour first on Tuesday, 10th, but did not believe it, that the rumour was repeated so strongly on the 11th that he believed it, and that he intended to speak about it next day (12th). He asked me if I was making inquiry into the matter, and I replied that I was, and he expressed a hope that I should succeed in discovering the perpetrator of the crime.

On Saturday, the 14th instant, after dark in the evening, 5.45, I received the following *yad* from the Durbar :—

"Durbar *yad* to the Resident No. 2057, dated 14th November 1874.
"At a personal interview with you the day before yesterday I learnt from you the particulars about the attempt made by some bad man to poison you, for which I am very sorry.
"But it was the favour of God that his cruel design did not meet with success.
"If it becomes necessary for you to obtain my assistance in proving the criminal's guilt, the same will be given. This is written for your information."

(A true translation.)

(Signed) R. PHAYRE, Colonel, Resident.

It will be observed that in this *yad* H. H. alludes only to having heard of the matter from me personally on the 12th instant, whereas the report had spread everywhere by the evening of the 9th November, and it is not reasonable to suppose that H. H. has not heard of it immediately, as everything is reported to him at once by his spies.

Moreover, he himself told me on Thursday, the 12th, that he had heard of it the previous day, and had resolved to speak regarding it on his next visit that morning. The delay of His Highness in not taking notice of the occurrence till Thursday the 12th and afterwards in writing the *yad*, offering assistance on the evening of the 14th, the sixth day after the event, are remarkable.

(Signed) R. PHAYRE, Colonel, Resident

Baroda, 27th February 1875.

JOHN JARDINE, Secretary.

EXHIBIT L.

No. 1612.

YOUR HIGHNESS,

HAVING been consulted by His Excellency the Governor in Council regarding the present situation of affairs at Baroda, His Excellency has desired me to acknowledge the promptness with which Your Highness has attended to the advice of the Government of India in the matter of removing certain officials from office, and with reference to Your Highness' *yad*, No. 1435, dated the 14th instant, I am instructed to say that the Government, while refraining from pronouncing any opinion on the qualifications of Mr. Dadabhai Nowrojee, desire to offer no objection whatever to that gentleman's appointment as Dewan, should Your Highness in the exercise of your independent discretion think proper to appoint him.

It will be my duty to afford Mr. Dadabhai every assistance he may need, and accord to him the usual military honours.

Baroda, 27th August 1874.

(Signed) R. PHAYRE, Colonel, Resident.

Baroda, 27th February 1875.

JOHN JARDINE, Secretary.

EXHIBIT M.

A Test-tube produced by Dr. Seward.
Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT N.

From the Residency Surgeon to the Resident.

SIR,

Baroda, 9th November 1874.

IN reply to your letter just received, 1 p.m., I have the honour to report that so far as my chemical appliances allow me to pronounce an opinion upon the quality of the sediment which you this morning entrusted to me for examination, that sediment is arsenic.

The quantity was sufficient to allow of its being tested by reduction with charcoal, and the result I have shown you.

The metallic ring deposited upon the tube in rich profusion, and the octohedral crystals also deposited, point almost certainly to the presence of arsenic.

I purpose despatching the remainder of the sediment by to-morrow's mail train to the Government Analyser.

The quantity of the sediment would almost assuredly have proved fatal had it been swallowed.

I am, &c.
(Signed) G. EDWIN SEWARD, Residency Surgeon.

Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT O.

A small envelope with an endorsement signed by Dr. Seward, forwarding sediment for examination, and dated 9th November 1874. It contains a piece of blue blotting paper folded.

Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT P.

A larger envelope addressed to the Chemical Analyser to Government, Bombay; and franked by Dr. Seward, stamped with a registered letter stamp.

Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT Q.

Grant College Laboratory, Bombay,
11th November 1874.

MY DEAR SEWARD,

I HAVE duly received your letter and its enclosures, viz., a demi-official from Colonel Phayre and a small packet, which contained a few grains of greyish-coloured powder, mixed with numerous glistening gritty particles.

I have examined this powder, and find it to consist partly of common white arsenic and partly of finely-powdered silicious matter. This silicious matter under the microscope appeared to be either powdered glass or quartz, being most like the former. Some of the particles had a purplish or rose-coloured tinge, which fact may perhaps furnish you with a clue as to its source. If you wish an official reply in addition to the present, I shall send it.

Herewith is returned Colonel Phayre's letter. I shall keep the remains of the powder in my possession till I hear further from you.

Believe me, &c.,
(Signed) W. GRAY,
Acting Chemical Analyser to Government.

Endorsement on the above. Received November 13th, 1874.

(Signed) G. E. S.

Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT R.

Three glass slides, on each of which is some sediment.
Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT S.

One glass slide, with some scratches on it.
Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT T.

Test-tube produced by Dr. Gray, showing a metallic ring.
Baroda, 1st March 1874.

JOHN JARDINE, Secretary.

EXHIBIT U.

Grant College Laboratory, Bombay,
13th November 1874.

MY DEAR SEWARD,

In continuation of my letter of the 11th I write to tell you that a still closer examination of the gritty powder has led me to think that part of it at least is diamond dust. The lustre of some of the particles seems to me too great for anything else, and they are besides exceedingly hard and quite insoluble in any acid. This opinion, however, is based only on ocular inspection. I am not in possession of any means here to test the substance chemically, should it be asserted that it is diamond dust; and, besides the quantity sent is exceedingly minute.

How do you account for the metallic taste described by Colonel Phayre? Can it be copper? Arsenic is tasteless or nearly so. I failed to find any compound of copper in the powder you sent me, but as all its salts are very soluble, it is possible that if put into the pummelo juice it may have been all thrown away when the tumbler was emptied. The early appearance of the symptoms may be due to the fact that he took the arsenic in solution, or rather suspended in the pummelo juice, on an empty stomach. He may also have taken a comparatively large proportion of what was in the tumbler, as arsenic, unless well mixed, has a habit of floating on the top of a liquid. Natives have a firm belief in the deadly properties of diamond dust or powdered glass, but the fact is that neither of them possesses any deleterious qualities.

I shall be happy to examine anything else you may require done. Is it possible to obtain any of the pummelo juice or any part of the ground or other place upon which it was thrown? If so, we might be able to detect copper if present.

Believe me, sincerely yours,

(Signed) W. GRAY,

Acting Chemical Analyser to Government.

To the Residency Surgeon, Baroda.
Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT V.

Test-tube produced by Dr. Gray, showing a metallic ring.
Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT W.

Envelope bearing the following endorsement by Mr. Souter, "Powder found in the pocket of Rowjee Havildar's cross-belt on 25th December 1874." This envelope contains a piece of white thread and a small paper packet endorsed, "From F. H. S., December 30, 1874."

Baroda, 1st March 1875.

JOHN JARDINE, Secretary.

EXHIBIT X.

"This day the Poonekar said to the Saheb that the Maharaja had made a new *wando**, that her name was Gangabai, that her father was a washerman, that the Maharaja had caused a nuzzarana of Rupees 7,000 to be paid to her from the Patan Mahal, and that those people had come to prefer complaints, but that no one listened to the same. Secondly, Bapu Saheb Gaekwar had come. He (the Saheb?) inquired, "Well, how are you?" He answered that he was well by the Saheb's blessing. The Saheb then inquired, "Do you go to Dadabhai and Shabuddin for your business?" Then Bapu Saheb answered as follows:—"There is no necessity for my going (to them). As long as you are here, it is not necessary for me to go to any one. What do these people know of the administration of justice, and what do they do? These

"people ask each other's advice, sit doing nothing, and enjoy themselves." Thirdly, the Poonekar said, "Saheb, all the people became glad on hearing the reports of a cannon, assembled together, and began to say that some great Saheb had come from Bombay to inquire into the cases of all. On account of this happy news all the people had collected." Then the Saheb said, "The gentleman is the General Saheb who has come from Ahmedabad to review the regiment." Fourthly, Rakhmabai's brother has presented a petition. He says that his sister should be made over to him. The Saheb became very angry with him. Fifthly, I shall come to-morrow bringing with me Cawasjee. You should therefore send Salim."

(A true translation.)

(Signed) C. RUSTOMJEE,
Interpreter and Translator to the Commission.

Baroda, 9th March 1875.

JOHN JARDINE, Secretary.

EXHIBIT Y.

Shri (Wealth).

The account of Duxni Raoji Wagha for Samvat year 1930, month of Kartik, through Patel Dajeebhai Narotum.

CREDIT SIDE.				DEBIT SIDE.			
	RS.	A.	P.		RS.	A.	P.
Cash (received) from himself	-	220	5 9	One golden string, weight 5 tolas six wals, at Rs. 22	-	114	2 0
				Charges for making a gold string	-	5	0 0
				One anklet of silver, weight Rs. 75½, exchange at annas 4½	-	96	11 9
				Charges for making one anklet	-	4	8 0
						220	5 9

Shri (Prosperity).

The account of Duxni Raoji Wagha for Samvat year 1930, month Falgoon (February—March), through Patel Dajeebhai Narotum.

CREDIT SIDE.				DEBIT SIDE.			
	RS.	A.	P.		RS.	A.	P.
Ready cash (received) through Dajeebhai	-	64	0 0	One gold bracelet called <i>hangai</i> , in weight 5½ gudiana wals 3, at Rs. 22 through Dajeebhai	-	65	5 0
Cash, 3rd of Jaith Vad (3rd June 1874)	-	22	0 0	Charges for making	-	3	0 0
Ashad Suth 7th, Sunday (21st June 1874)	-	121	0 0	Golden rings, weight 1 tola, at Rs. 22 each	-	22	0 0
				Charges for making	-	0	8 0
				Girdle of silver, total tolas 15¾	-	19	7 6
Ready cash through himself	-	6	0 0	Charges in the month of Ashad Shudh 11th (25th June 1874)	-	1	0 0
				One silver anklet, in weight Rs. 75½, at the premium of annas 4½	-	96	11 9
				Charges	-	5	0 0
				Total	-	213	0 3
				Coins called <i>putties</i> of gold, in weight 4½ tolas and 2 wals, including charges	-	98	12 0
				<i>Putties</i> of gold, weight tola one, including charges, wals 4½	-	16	0 0

This paper is produced by me to-day, dated December 29th, 1874.

Signature of Daji Narotum.

The 29th December 1874.

(Signed) J. B. RICHEY.

(A true translation.)

(Signed) NOWROZJI FURDOONJEE,
Translator to the Commission.

JOHN JARDINE, Secretary.

EXHIBIT Z.

SHRI.

To the Officer of Hoozoor Fouzdari.

Further, for medicine for a horse,* arsenic in weight tolas 2 is required; therefore send here a pass for it.

Dated Bhadrapad Vadya,
9th Samvat 1931,
4th October 1874.

(Signed) DAMODAR TRIMBAK,
Khangiwalla.

Fouzdari Inward File No. 404.

To Mr. DATTATRAYA RAMCHANDRA.

The Shrimant Sircar Maharaj has ordered to give arsenic tolas (2) as above on receiving the price; therefore giving to the said person arsenic as above, take the price.

Dated Bhadrapad Vadya,
10th Samvat 1931,†
5th October 1874.

(Signed) GANPATRAO BALWANT,
City Fouzdar.

(A true translation.)

(Signed) C. RUSTOMJEE,
Translator to the Commission.

* The original word seems to have been written over another which is illegible.—C. R., Translator.
† On inquiry I learn that in the records of H. H. the Gackwar the new Samvat year begins four months earlier, viz., in Jeth (May—June), and that it is called Margsar. This date will therefore correspond to 4th October 1874.

NOWROZJI FURDOONJEE, Translator.

JOHN JARDINE, Secretary.

EXHIBITS.—A 1 Series.

The translation of Z1 is authenticated by Mr. Nowrozi Furdoonjee, Sworn Translator and Interpreter to the Commission.

All the other translations of vernacular documents in this series are authenticated by Mr. Cursetji Rustomjee, Sworn Translator and Interpreter to the Commission.

JOHN JARDINE,
Secretary to the Commissioners.

(Translation from Maratha.)

EXHIBIT A 1.

Shri (i.e., Prosperity, &c.).

Brought to account in the 3rd lunar day, the month of Shawal, that is, in the month of Margshirsh, the Samvat (year) 1930 (24th November 1873).

MEMORANDUM.—From Bombay goods were caused to be brought to the Khasay through Yeshwanta, the son of Mahipati Yeolay, the Sirkar's courier. For the payment of the money for the same, the Sirkar's permission was granted. In accordance therewith what was paid in ready cash (was as follows:—) The Soor Sun (year) one thousand two hundred and seventy-four (the Mahomedan) lunar day the 3rd, that is, the (Hindoo) lunar date the 4th (conjoined) with the 5th of Margshirsh Shoodhya, the Samvat (year) 1930 [24th November 1873] Monday.

Machine-made (rupees) were purchased in the bazar at the place of business of Parakh Govardhan Dalpat and were delivered. For the same the Babashi (rupees), together with (the amount of) exchange that were paid to Parakh were as below mentioned:

Principal Surat [rupees]	-	-	-	-	1,000
For exchange at the rate of Rs. 18½ per cent.	-	-	-	-	187½
				In all	1,187½
Babashai (rupees) paid out of the Treasury	-	-	-	-	2,000
					<u>3,187½</u>

In accordance with the above memorandum, the Sirkar's permission was granted for the payment of rupees three thousand one hundred and eighty-seven and a half. The lunar date, the 5th of Margshirsh Shoodhya, the Samvat (year) 1930 (24th November 1873).

(The text of what follows is in Goozerati:—)

PAYMENT.—Nayak Asantrao Avlia Rs. 1,000 of the Bombay currency, Babashai Rs. 2,000 in all three thousand, have been received in full by the hands of Parakh Javer Lakhmidas, who received (the same and) went away.

(Translation from Maratha.)

EXHIBIT B 1.

Shri (i.e., Prosperity, &c.).

Brought to account on the 8th lunar day of the month of Shawal, that is, in the month of Margshirsh, the Samvat (year) 1930 (November–December 1873).

MEMORANDUM.—In order that goods might be purchased and brought from Ahmedabad, the Sirkar's permission was granted for the payment of money for (his) expenses, to Yeshwanta, son of Mahipati Yeolay, the Sirkar's courier. In accordance therewith what was paid in ready cash (was as follows):—The Soor Sun (year) one thousand two hundred and seventy-five, the (Mahomedan) lunar day the 8th, that is the (Hindoo) lunar date the 10th of Margshirsh Shoodh, the Samvat (year) 1930 (29th November 1873) Saturday.

Machine-made (rupees) were purchased at the place of business of Parakh Govardhan Dalpat in the bazar, and delivered for the same. Babashai (rupees) were paid to Parakh (as below):—

Principal Surat (rupees) by the hands of Gunpatrao, corrected to Narayanrao, son of Bhikoba Selkey, attached to the small Khas Paga	-	-	-	-	10	0	0
For exchange at the rate of Rs. 18-14 per cent.	-	-	-	-	1	14	0

Babashai (rupees) paid in ready cash -

11	14	0	11	14	0
7	0	0			
18	14	0			

In accordance with the above memorandum, the Sirkar's permission was granted for the payment of rupees eighteen and fourteen annas, to Narayanrao Shilkay Burgir of the small Khas Paga. The lunar date, the 10th of Margshirsh Shoodh, for the Samvat (year) 1930 (29th November 1873).

In respect of the above memorandum, machine-made rupees 10 ten, and Babashai rupees 7 seven, were received in ready cash in full out of the treasury. By the hands of Narayanrao Shilkay the said (rupees) were received in full from Yeshwantrao Yeolay. The handwriting of Krishnaje Ramchandra Kelkar.

(The letter attached to document marked B, as translated, is as below):—

(Shri, i.e., Prosperity, &c.).

To Rajeshri Balwantrao Raoji, in the private service of the Sirkar.

Further, Narayanro Shilkay is now sent. Do you therefore pay him machine-made rupees 10 and (give him) a piece of jagannath (jaconet cloth) immediately out of the treasury; or pay him rupees seven for the purchase (of the cloth) in the bazar, or cause it to be delivered by Choonilal. The lunar date, the 10th of Margshirsh Shoodhya, the Samvat (year) 1930 (29th November 1873).

DAMODHUR TRIMBUCK, Khangiwala.

(Translation from Maratha.)

EXHIBIT C 1.

Shri (i.e., Prosperity, &c.).

Brought to account on the 15th lunar day, the month of Shawal, that is, in the month of Margshirsh of the Samvat (year) 1930 (6th December 1873).

MEMORANDUM.—Goods were caused to be brought from Ahmedabad by means of Yeshwanta, son of Mahipati Yeolay, a courier in the service of the Khasay. The Sirkar's permission was granted for the payment to him of machine-made money for the same. In accordance therewith Surat money was to be paid. The same was purchased in the bazaar at the place of business of Parakh Govardhan Dalpat, and was delivered. In respect thereof the Babashai (rupees) were to be paid in ready cash. The 15th lunar day, the month of Sawal, in the

Soor Sun (year) one thousand two hundred and seventy-four; that is, the lunar date, the 2nd of the month of Margshirsh Vadya, of Samvat 1930 (6th December 1873), Saturday.

Principal Surat (rupees) by the hands of Salim, son of Ali Arab, a Sepahi, in the service of the large Khas Paga, employed in the message-bearing business of the camp. Through Yeshwanta Yeolay, a courier - 200
For exchange at the rate of Rs. 19 per cent. - 38

238

In accordance with the above memorandum, the Sirkar's permission was granted for the payment of rupees two hundred and thirty-eight. The lunar date, the 2nd of Margshirsh Vadya, of the Samvat (year) 1930 (6th December 1873).

The said machine-made rupees two hundred, agreeably to the memorandum, were received in cash in full out of the Khangee (private) treasury. By the hands of Salim, the son of Ali Arab. The handwriting of Balkrishna Hari Kodilkar. At the said Salim's request (this) is given in writing.

(Translation from Maratha.)

EXHIBIT D 1.

Shri (i.e., Prosperity, &c.).

Brought to account on the 22nd lunar day, the month of Shawal, that is, in the month of Margshirsh, of the Samvat (year) 1930 (13th December 1873).

MEMORANDUM.—Goods were caused to be brought from Ahmedabad by means of Yeshwanta, son of Mahipati Yeolay, a courier in the service of the Khasay. The Sirkar's permission was granted for the payment of money for the same. In accordance therewith what was paid in ready cash (was as follows):—The 22nd lunar day of the month of Sawal the Soor Sun (year) one thousand two hundred and seventy-four, that is, the (Hindoo) lunar date the 9th of the month of Margshirsh Vadya, of the Samvat (year) 1930 (9th December 1873), Saturday Rs. 300.

In accordance with the above memorandum the Sirkar's permission was granted for the payment of rupees three hundred. The lunar date the 10th Margshirsh Vadya, the Samvat (year) 1930 (10th December 1873).

Babashai rupees three hundred (in respect) of the above memorandum were received in full out of the Khasgi Treasury. By the hands of Salim, the son of Ali Arab, in the service of the large Khas Paga. The handwriting of Balkrishna Hari Kodilkar. At the request of the owner of the goods (this) is given in writing.

(Translation from Maratha.)

EXHIBIT E 1.

Shri (i.e., Prosperity, &c.).

Brought to account on the 30th lunar day, the month of Zilkad, that is, in the month of Poush, the Samvat (year) 1930 (19th January 1874).

MEMORANDUM.—To the Khasay goods were caused to be brought from Bombay through Yeshwanta, son of Mahipati Yeolay, the Sirkar's courier. The Sirkar's permission was granted for the payment to him of Babashai money for the same. In accordance therewith what was paid in cash (was as follows):—The 26th lunar day, the month of Zilkad, the Soor Sun (year) one thousand two hundred and seventy-four. The (Hindoo) lunar date the 13th, the month of Poush Vadya, the Samvat (year) 1930 (16th January 1874). Friday. Rupees 600.

In accordance with the above memorandum the Sirkar's permission was granted, while (the Sirkar) was in the Palace before, for the payment of Rupees six hundred. The lunar date, the 13th of Poush Vadya, the Samvat (year) 1930 (16th January 1874).

Rupees 600 (six hundred) (in respect) of the above memorandum I have received in ready cash in full out the Khangi (private) treasury. By the hands of Salim Ali. The handwriting of Bhikaji Wishwanath Abetkur. At Salim's request (this) is given in writing.

(Translation from Maratha.)

EXHIBIT F 1.

Shri (i.e., Prosperity, &c.).

Brought to account on the 21st lunar day, the month of Zilhez, that is, the month of Magh, the Samvat (year) 1930 (9th February 1874).

MEMORANDUM.—For purchasing and bringing goods from Bombay the Sirkar's permission was granted for the payment of machine-made money, for expenses to Yeshwanta, son of

Mahipati Yeolay, a courier in the service of the Khasay. In accordance therewith Surat (rupees) were to be paid. The same were purchased in the bazaar at the place of business of Parakh Govardhan Dalpat and were delivered. For the same Babashai (rupees), together with exchange, were paid to Parakh in ready cash. The 21st day of the month of Zilhez, the Soor Sun (year) one thousand two hundred and seventy-four, that is, the (Hindoo) lunar date the 8th of the month of Magh Vadya, the Samvat (year) 1930 (9th February 1874) Monday.

Principal machine-made (rupees) - - - 200 0 0
For exchange at the rate of Rs. 18½ per cent. - - - 37 8 0
237 8 0

The above machine-made rupees two hundred were paid to both these persons (namely) Salim, the son of Ali, a trooper, and Mahadoo Kalay, a trooper in the service of the large Khas Paga. By the hands of the persons above named themselves.

In accordance with the above memorandum the Sirkar's permission was granted for the payment of machine-made rupees two hundred. The lunar date, the 8th of Magh Vadya, Samvat (year) 1930 (9th February 1874).

In respect of the above memorandum, machine-made rupees 200 I have received in ready cash in full out of the Khangi (private) treasury. By the hands of Madhavrao and Salim. The handwriting of Madhavrao Kalay.

(Translation from Maratha.)

EXHIBIT G 1.

Shri (i.e., Prosperity, &c.).

Brought to account on the 24th lunar day, the month of Sawal, that is, in the month of Margshirsh, the Samvat (year) 1930 (November–December 1873).

MEMORANDUM.—For bringing goods from Ahmedabad in accordance with the permission granted by the Sirkar, what was to be paid for expenses to Salim, the son of Ali, a trooper receiving monthly wages, attached to the Khas Paga in the service of the Khasay (were as follows):—The Soor Sun (year) one thousand two hundred and seventy-four. The lunar date the 11th of Kartik Vadya, the Samvat (year) 1930 (11th November 1873), Rupees 100.

In accordance with the above memorandum the Sirkar's permission was granted for the payment of rupees 100. The lunar date, the 11th of Margshirsh Vadya, the Samvat (year) 1930 (11th December 1873).

(The text of what follows is in Guzerathi):—

Rupees 100, namely, one hundred in respect of the said note were received by Salambhai, son of Ali, a trooper of the Khas Paga, attached to the large Khas Paga. The handwriting of Mathoor Raghoonath.—The mark (has been made) by the hand of the trooper himself. The lunar date, the 11th of Magsar Vadi (15th December 1873).

(Translation from Maratha.)

EXHIBIT H 1.

Shri (i.e., Prosperity, &c.).

Brought to account on the 3rd lunar day of Zilkad, that is the month of Poush, the Samvat (year) 1930 (24th December 1873).

MEMORANDUM.—Fireworks and other things were sent for (to be brought) from Bombay through Salim, the son of Ali Arab, a trooper attached to the large Khas Paga employed in the message-bearing business of the camp. The Sirkar's permission was granted for the payment of Surat (i.e., machine-made) money for the charges thereof. In accordance therewith, Surat (rupees) were to be paid. The same were purchased at the place of business of Parakh Govardhan Dalpat in the bazaar, and were delivered. In respect thereof Babashai (rupees), together with exchange, were paid to Parakh. The 3rd lunar day the month of Zilkad in the Soor Sun (year) one thousand two hundred and seventy-four. The (Hindoo) lunar date the 5th of the month of Poush Shoodhya the Samvat (year) 1930 (24th December 1873) Wednesday.

Principal Surat (rupees). By the hands of the said Salim himself - 300 0 0
For exchange at the rate of Rs. 18½ per cent. - - - 56 4 0
356 4 0

In accordance with the above memorandum the Sirkar's permission was granted for the payment of Rupees three hundred and fifty-six and four annas.

The lunar date the 5th of Poush Shoodhya the Samvat (year) 1930 (24th December 1873).

In accordance with the above memorandum, machine-made Rupees 300 I have received in full. By the hands of Salim. The handwriting of Madhavrao Kalay.

(Translation from Maratha.)

EXHIBIT I 1.

Shri (*i.e.*, Prosperity, &c.).

Brought to account on the 6th lunar day the month of Zilhej, that is, the month of Magh, the Samvat (year) 1930 (25th January 1874).

MEMORANDUM.—For the purpose of bringing goods from Bombay the Sirkar granted permission to pay machine-made money to Salim Ali. In accordance therewith (the money) was to be paid. The 6th lunar day the month of Zilhej in the Soor Sun (year) one thousand two hundred and seventy-four. The (Hindoo) lunar date the 8th of the month of Magh Shoodhya of Samvat (year) 1930 (25th January 1874), Sunday.

Principal machine-made rupees -	-	400	0	0
For exchange at the rate of rupees 18½ per cent.	-	75	0	0
		475	0	0

In accordance with the above memorandum the Sirkar's permission was granted for the payment of machine-made rupees four hundred. The lunar date the 8th of Magh Shoodhya the Samvat (year) 1930 (25th January 1874).

In respect of the above memorandum machine-made rupees 400 have been received in ready cash in full out of the Khangī (private treasury). By the hand of Salim, the son of Ali Arab, attached to the large Khas Paga. The handwriting of Keshavbhat, son of Trimbakbhat Madavganay, at Salim's request (this) is given in writing.

(Translation from Maratha.)

EXHIBIT J 1.

Shri (*i.e.*, Prosperity, &c.).

Brought to account on the 25th lunar date the month of Mohurram, that is, in the month of Falgoon of (the year) S. (Samvat) 1930 (15th March 1874).

MEMORANDUM.—Salim, the son of Ali Arab a Sipahi, is going to Ahmedabad to bring goods; consequently the Sirkar's permission was granted for the payment to him of money for expenses. In accordance therewith ready cash was paid. The 25th lunar day of the month of Mohurram in the Soor Sun (year) one thousand two hundred and seventy-four, that is the 12th of the month of Falgoon Vadya of the Samvat (year) 1930 (15th March 1874), Sunday. Rupees 50.

In accordance with the above memorandum the Sirkar's permission was granted for the payment of rupees fifty. The lunar date the 12th of Falgoon Vadya (the year) S. (Samvat) 1930 (15th March 1874).

Rupees 50 (in respect) of the above memorandum I have received in ready cash, in full, out of the Khangī (private) treasury. By the hands of Salim, the son of Ali, a trooper attached to the large Khas Paga. The handwriting of Govindrao Kasinath Patvardhan. At the request of the said Salim this is given in writing. The lunar date the 12th of Falgoon Vadya (the year) S. (Samvat) 1930 (15th March 1874).

(Translation from Maratha.)

EXHIBIT K 1.

Shri (*i.e.*, Prosperity, &c.).

MEMORANDUM.—The Sirkar's permission was granted for the payment of machine-made money to Salim, son of Ali, a trooper attached to the large Khas Paga, for the purchase of fruit. In accordance therewith what was to be paid (was as follows):—The 7th lunar date, the month of Rabioolaval, the Soor Sun (year) one thousand two hundred and seventy-four, that is, the 8th of the month of Waishakh Shoodhya (the year) S. (Samvat) 1930 (24th April 1874).

Machine-made (rupees) for the purchase of fruit	-	-	-	300
Babashai (rupees) for the wages of a sipahi	*	for the month of Chaitra		
(March-April)	-	-	-	7
				207

In accordance with the above memorandum, the Sirkar's permission was granted for the payment of machine-made rupees two hundred and Babashai (rupees) seven, making together

* Blank in the text.

two hundred and seven. The lunar date the 8th of Waishakh Shoodhya (the year) S. (Samvat) 1930 (24th April 1874) at Nowsaree.

In respect of the above memorandum machine-made rupees 200 and Babashai rupees 7, making together rupees 207, two hundred and seven, I have received in full. By the hands of Salim, the son of Ali, attached to the large Khas Paga. The handwriting of Wamonrao Jangli. The lunar date the 8th of Waishakh Shoodhya of (the year) S. (Samvat) 1930 (24th April 1874) the day of the week, Friday.

(Translation from Maratha.)

EXHIBIT L 1.

Shri (*i.e.*, Prosperity, &c.).

MEMORANDUM.—The Sirkar's permission was granted for the payment of machine-made money to Salim, the son of Ali, a trooper attached to the large Khas Paga; for the purchase of fruit. In accordance therewith money was to be paid. The 8th lunar day, the month of Rabioolaval, the Soor Sun (year) one thousand two hundred and seventy-four, that is, the 9th of the month of Waishakh Shoodhya (the year) S. (Samvat) 1930 (25th April 1874), Saturday, machine-made Rupees 1,000.

In accordance with the above memorandum the Sirkar's permission was given face to face for the payment of machine-made rupees one thousand. The lunar date the 9th of Waishakh Shoodhya (the year) S. (Samvat) 1930 (25th April 1874) at Nowsaree.

In respect of the said memorandum machine-made Rupees 1,000 (one thousand) I have received in full. By the hands of Salim, son of Ali himself. The handwriting of Anaji Narayan Pendsay. The lunar date the 9th of Waishakh Shoodhya (the year) S. (Samvat) 1930 (25th April 1874).

(Translation from Maratha.)

EXHIBIT M 1.

Shri (*i.e.*, Prosperity, &c.).

MEMORANDUM.—The Sirkar's permission was granted for the payment of Babashi money to Salim,* a trooper attached to the large Khas Paga, for bringing goods from Bombay. In respect thereof what was to be paid (was as below). The month of Rabioolaval, the Soor Sun (year) one thousand two hundred and seventy-four, that is, the 30th of the month of Waishakh Vadya of (the year) (Samvat) 1930 (15th May 1874) Friday. Babashai Rupees 200.

In accordance with the above memorandum the Sirkar's permission was granted for the payment of Babashai rupees two hundred. The lunar date† the 14th of Waishakh Vadya of the year (Samvat) 1930 (14th May 1874) at Nowsaree.

In respect of the above memorandum Babashai Rupees 200 I have received in full. By the hands of (and) the handwriting of Madhavrao Kalay attached to the large Khas Paga. The date aforesaid.

(Translation from Maratha.)

EXHIBIT N 1.

Shri (*i.e.*, Prosperity, &c.).

Brought to account on the 22nd (Mahomedan) lunar day, the (Hindoo) lunar date the 9th of Jesht Vadya, the Samvat (year) 1931 (8th June 1874).

MEMORANDUM.—Fruit was caused to be purchased and brought from Bombay through Salim, son of Ali Arab. The Sirkar's permission was granted for the payment of money in respect thereof. In accordance therewith ready cash was paid (as below). The month of Rabioolakhir, the Soor Sun (year) one thousand two hundred and seventy-five, that is, the 9th of Jesht Vadya (the year) S. (Samvat) 1931* (8th June 1874), Monday. Rupees 1,000.

In accordance with the above memorandum the Sirkar's permission was granted for the payment of rupees one thousand. The lunar date, the 9th of Jesht Vadya the Samvat (year) 1931 (8th June 1874).

In respect of the above memorandum Rupees 1,000 (one thousand) have been received in full out of the Khangee (private) treasury by Salim Arab. By the hands of the said Salim himself. The handwriting of Poorshotam Hari. At Salim's request (this) is given in writing. The lunar date, the 9th of Jesht Vadya, the Samvat (year) 1931 (8th June 1874).

* NOTE.—On inquiry I learn that in the records of H. II. the Gackwar, the new Samvat year begins four months earlier, viz., in Jeth, and that it is called Mragasr. This date will, therefore, correspond to 8th June 1874.

(Signed) NOWROOZI FURDOONJEE,
Translator.

(Endorsement).—The Sirkar has given permission that Rupees 1,926-1-0 be credited in the account of the Khangī Jamdar (Private Treasurer). Dated Magshirsh Vadh 8th Samvat year 1931 (31st December 1874).

EXHIBIT T 1.

Shri (Glory).

MEMORANDUM.—The Sirkar made an order to pay to Rameshwar in cash the expenses of dinner, together with the dakshina (distribution of money in charity), the dinner to be given through Rameshwar Morar to two thousand and five hundred Brahmins at the Swami Narayan's Temple on account of His Highness' vows. Paid accordingly in cash in the Sur Sun year Khamas Sabavin Mayatain and Alif Samvat (year) 1931 month Jilkad, corresponding to Magshirsh, Chandra 21 Vadh 8th (31st December 1874), Thursday, Rs. 3,632-13-3.

(Endorsement).—The Sirkar ordered payment in accordance with the above memorandum of Rs. 3,632-13-3. Accordingly His Highness, wetting the coins at the place of bathing, gave this day, dated Magshirsh, Vadh 8th Samvat (year) 1931 (31st December 1874).

EXHIBIT U 1.

Entry under date Shrawan Wadya 11th Samvat 1931 (6th September 1874).

Rupees 119-8-0.—(In the original the words which follow here are blotted with ink and are illegible) through Khasi goods (articles) purchased and brought from Ahmedabad. For the price for the same, machine-made rupees were paid out of the Nowsaree Swari account, together with its exchange (paid) in cash in Babashai currency to the Swari account by the hands of Bhivba Jamdar as per yad.

EXHIBIT V 1.

Entry under date Jesht Wad 9th Samvat 1931, Monday (8th June 1874).

Rupees 1,000.—Credited after being debited. Fruit was purchased and caused to be brought from Bombay through (the words which follow here in the original are blotted with ink and are illegible). The price payable for the same was caused to be paid by the said Parakhi, is on the said date debited as expended and is credited here.

EXHIBIT W 1.

Entry under date Ashwin Sood 3rd Samvat 1931, Tuesday (13th October 1874).

Rupees 200.—Expenses on account of purchases for the Sillikhan for fruit for His Highness purchased and caused to be brought from Ahmedabad through (the words which follow here in the original are blotted with ink and are illegible). The Sirkar's permission was given for paying the money for its price, accordingly paid in cash in the hands of himself the said Salim as per yad.

EXHIBIT X 1.

Entry under date Adhik (intercalary) Ashad Wudya, 3rd Thursday Samvat 1931 (2nd July 1874).

Rupees 298-12-0.—Fruit caused to be brought from Poona through (the words which follow here in the original are blotted with ink and are illegible). In regard to which the Sirkar's permission was given for paying machine-made money. Accordingly money in Surati coins was to be paid. This money was caused to be paid out of the balance of machine-made money on account of the Nowsaree Swari. In regard to the same Babashai money was paid together with exchange to the Swari account in cash by the hands of Bhiva Wullud Hanmuntrao Bochre Jamdar as per yad.

EXHIBIT Y 1.

MEMORANDUM showing the expenses (necessary) for feeding 1,500 Guzerathi Brahmins through Rameshwurbhace at the temple of Swami Narayan on account of finishing the Brahmin feeding and Dumpataya (feeding the pairs) and giving of charities connected with the Brahmin feeding and Dumpataya (feeding the pairs) and giving of charities connected with the Brahmin feeding and Dumpataya (feeding the pairs). The money to be given in cash to Rameshwurbhace (Sur Sun year) Samvat 1931*

* Moorgsar.

2nd, Ashad Shud 3rd, Thursday (16th July 1874).

Rupees 1,125 for net articles at 12 annas per head, total.

" 375 for distributing charity money at the time of dinner per each 4 annas.

1,500 The Sircar has ordered payment of Rupees 1,500 for Brahmin feast according to the said yadee. Dated Ashad Shud, 3rd Samvat 1931* (16th July 1874).

* Moorgsar.

(In Guzerathi.)

Written. Payment by Rameshwur Morarjee to wit.

The money of this memorandum has been received in full, in the handwriting of Bholanath Poonjaram through him.

Translation of EXHIBIT Z 1.

DAMODHUR TRIMBUCK NENE, Brahmin, age—, Khangī Kamdar or Private Secretary to Mulharrao Maharaj, states :—

Yeshwuntrao Yeole, Salim, and Rowjee were concerned in poisoning Colonel Phayre. In the month of Ashwin last, about the time of the Dusserah (20th October 1874), the Maharaja asked me to procure some arsenic from the Foujdaree, on the ground that he wanted it for itch, and he desired me to say at the Foujdaree that it was wanted for giving medicine to a horse. I could not get any arsenic at the Foujdaree, and on my telling the Maharaja, he desired me to get it from the Camp. I told him it wanted a pass. He said never mind about it. I thereupon got two tolas of arsenic from Nooroodin Borah, the Maharaja having told me to promise him a monopoly of the supply of medicine to the Sillikhana. He did not say whence he procured the arsenic. I took the arsenic to the Maharaja, and asked him to whom it should be given. He desired me to give it to Salim, and that he (Salim) would, as instructed, prepare the medicine to be made from it. I accordingly gave it to Salim. I don't know when he brought it here. Afterwards the Maharaja desired me to get one tola of diamonds to be burnt and reduced to ashes. I ordered Nanajee Vithul to get one tola of diamonds and deliver them to the Maharaja. He brought me the diamonds, and I showed them to the Maharaja, who desired me to take and deliver them to Yeshwunt. Up to this time I did not know they were required for this purpose. The Maharaja said they have been ordered for the purpose of making a crown for the Swami of Akulcote. After a few days the Maharaja again asked for another tola of very small diamonds. I thereupon desired Nanajee to get them. He brought some diamonds and some very small diamonds. That evening either he or Vinayekrao gave them to me. I asked the Maharaja what was to be done with them. Thereupon he desired that they should be given to Yeshwunt. When I gave the small diamonds to Yeshwunt I asked him what he was going to do with them. He said I am going to take them for the purpose of pounding them fine and giving (the same) to Colonel Phayre. This took place about five or six days before the attempt to poison Colonel Phayre became known. On that day I accompanied the Maharaja as far as the Shevak's Dharamsala, where the Maharaja took me up in his carriage. And on his return he told me at once that the poisoning of Colonel Phayre by arsenic had become publicly known. He said that the attempt to administer poison through Salim and Yeshwunt had been divulged. Salim used always to be coming and going to and from the Residency day and night (i.e., constantly) from the time that Rowjee was corrupted by bribery. That day he was there early in the morning, and the Maharaja told me that when this matter transpired Salim went to Rowjee's house to get any of the packets of arsenic that might have been left and to throw them into the fire-place where the old woman was cooking. But as Rowjee did not trust Salim, he himself ran to throw those packets away. But whether he did so or not I did not learn. I asked the Maharaja how this matter came to light? He said it came to light because Nursoo Jemadar was not there on the watch. Because he used to keep watch and whistle to give the alarm; and as he was not there that day early in the morning, the matter became known. The Maharaja had come earlier than usual. I went home, and Nana Sahib and the Maharaja were discussing together that day at noon at Luxmeebace's house. At noon Nana, the Maharaja, and I went out in a carriage, and the Maharaja said they should be on the look out about the matter they had been discussing. The next day the Maharaja desired Salim and Yeshwunt in the Palace to keep him well informed of what was going on. He afterwards told me and Nana Sahib in the carriage to keep him well informed, and so saying stated that Rowjee had been released, and that he was a very clever man and a liar. As he has been released he (the Maharaja) is now under no apprehension, because the proof of the evidence has disappeared. After Colonel Phayre's removal and after Colonel Pelly's arrival, the Maharaja told me one day that Rowjee was standing on the road and was making signs to Salim to the effect that he (Rowjee) wanted some present from the Maharaja, but that he had told him that nothing could be done in that matter until the termination of the inquiry; but that he would hereafter try to do something about it. After Mr. Souter's arrival he went back without seizing Rowjee. Thereupon the Maharaja used to say that it was well Rowjee had not been seized, and that now there was no cause for fear. Then when Rowjee was seized he told me he had heard of it, and that it was a bad occurrence. Afterwards (he heard) of Rowjee having been pardoned and of his having confessed everything. He then said if any other persons be arrested they should not

confess; and he enjoined me not to confess even if I died, and as to other persons who might be acquainted with this matter, they had also been similarly enjoined. He further told me that he had enjoined Nana, Harriba Dada, Salim, and Yeshwunt. When the order came from the Residency for the transmission of Salim and Yeshwunt at noon, I met Nana Sahib who told me that the order had been received, and that it is necessary to send them, and that similar orders would be received for sending you and me (*i.e.*, Nana and Damodhur). In the evening the Maharaja told me that the two men had been sent to the Residency, and that he had enjoined upon them not to confess even though they were killed and cut to pieces. When Yeshwunt and Salim were released, and a note was received again to send them back, the Maharaja sent for Yeshwunt and told him not to say anything, and desired him to take Salim with him and go to the Residency. The next day the Maharaja told (me) to act as Govindrao Kale, who was cut to pieces but would not confess; and he had given the same injunctions to Nana and Harriba Dada. I heard from Nanajee Vithul that the diamonds were procured from Hemchund. Nanajee Vithul had money, being balance of the kasar or saving account. I asked the Maharaja to sanction payment of the value of the diamonds. By his order Rupees 3,500 were credited to the khangi or private book, and were debited to the Swami Narayan as spent for feeding Brahmins. The value of the diamonds was Rupees 7,000, in part payment whereof Nanajee paid a moiety, and the same amount, Rupees 3,500, was not entered in the account in the name of the jeweller, but was entered as paid for a feast to the Brahmins. At first when the diamonds were purchased, they were entered in the account as bought for the Sillikhana for medicinal purposes, and when the attempt to poison was discovered, I asked the Maharaja whether it should be *specified in the account*. (The words interlined here are erased in the original by drawing a line through them.) That the diamonds were to be burnt and converted into medicine as he had stated. Thereupon the Maharaja said, no, and said that the account should be torn up. I told Nanajee Vithul to do so; and he having informed me that he had done so, I informed the Maharaja. The account was not (entered) in a book, but was entered, as is our custom, on separate sheets (of paper). When I first ordered the arsenic from the Foujdaree, Hornusjee Wadia, who was in charge, said he would give it after having consulted the Maharaja. I therefore did not ask him again for it. The note regarding the arsenic, bearing my signature, remained in the records of the Foujdaree. Gunputrao Bulwunt said there was no objection to its remaining there, because it is stated in the account that the arsenic had not been given. When Dadabhoy wanted to get a return of the quantity of arsenic sold, the matter was mentioned by me to the Maharaja, who thereupon wanted to know why the return was required, and ordered that it should be given. I then asked Gunputrao Bulwunt to return my note, when he told me there was no reason to entertain any apprehension about it. Enmity against Phayre Sahib was the chief origin of this design in the Maharaja's mind; and that enmity increased since Luxmeebae's marriage came under discussion. At Newsaree, one night, I saw Rowjee bringing secretly some Government papers, which he had stolen, into the Maharaja's room. The Maharaja thereupon sent for me and desired me to make a copy of the said papers in the presence of Rowjee. Salim was with Rowjee and the Maharaja. The papers related to the case of Jum nabai. They consisted of the memorial of Jum nabai to Government, which had come to Phayre Sahib for report, and Rowjee had stolen them and had brought them to the Maharaja at 10 o'clock at night. Having copied them till late, I returned them to Rowjee at 2 o'clock. I tore up the copy, because I was afraid of being arrested at Surat in connection with the charge brought by Luxmeebae's husband. Afterwards at Baroda Colonel Phayre had fever and a boil on his forehead. At that time I heard the Maharaja talking to Salim in the picture-room, and Salim was telling him that a plaster had been applied by Colonel Phayre, but that he having felt it burning, had taken it off. Salim informed the Maharaja that Rowjee had prepared that medicine. At the same time, viz., when the Resident had the open wound, the great physician's younger brother brought a bottle of poison; but as we were present there, he did not give it at that time; and it appeared he might have wanted some money for it. In the evening the Maharaja desired me to procure some blister flies and to send them to the younger brother of the great physician. He desired me to send some Waghries (bird-catchers) through the Foujdaree to catch some flies and take them to the physician. I accordingly communicated it to Narayan Rao Vakaskar, who is in the Foujdaree. The next day early in the morning the Maharaja said to Hariba in my presence that the physician's younger brother wanted some snakes for making medicine. The snakeman came and brought the snakes two or three days afterwards, and I desired him to take them to Hariba before taking them to the physician. Narayan Rao showed me the flies that had been brought by the Waghries; and the next day Goojaba, a servant of Nana Sahib, came and showed me some flies of the same kind. I desired him to take them to the physician's brother. At the same time the Maharaja told me that the physician's younger brother wanted the urine of a black horse. Thereupon I gave orders to Bapajee, Kamgar of the Khas Paga, to take some urine of a black horse to the physician's brother. At the same time some arsenic was given from the Foujdaree, but not through me. I do not know how much was given. Had I known of its being given, I would not have procured it from the Borah. Some days after the delivery of these articles to the brother of the physician, the physician's brother brought the bottle of medicine, but he got nothing for it. The Maharaja wanted the medicine, but he did not wish to pay what the man demanded for it. He therefore suggested to Nana Khanvelkar to take out some of the medicine contained in the bottle, and a day or two after, about nine o'clock at night, Goojaba came to me with the bottle prepared by the physician, saying he had

taken it to the Maharaja, and that he had ordered him to bring it to me, and that I was to take some medicine out of it and to keep it till the next day and then to give it to Salim. I poured the medicine out of the physician's bottle into a small bottle which had contained attar, and gave the bottle to Goojaba. The next day Salim came to my house at 9 o'clock, when I gave him the bottle to take to Rowjee to poison the Sahib. I understood this perfectly at the time, but I did not tell Salim to give it to Rowjee.

There were three separate attempts to poison Colonel Phayre :—

The first attempt was to poison by means of the physician's medicine.

The second attempt was to poison the plaster for Colonel Phayre's boil.

The third attempt, to put in arsenic, was that which has been discovered.

The arsenic which was given to Salim first was to poison the plaster.

Twice I brought arsenic from Nooroodeen Borah by order of the Maharaja, two tolas on each occasion. When the report of the poison transpired, I asked Nooroodeen if he had entered the arsenic in my name. Nooroodeen told me that the Borah in the camp from whom he had bought it had not at first entered it in anyone's name; but the second time he had entered it as given to Nooroodeen for the Khangiwalla, and he wanted Rupees 200 for it. I told Nooroodeen to pay the 200 rupees. I knew that when Nooroodeen got the Sillikhana business, it would be adjusted in the account. I think he did not give him the money. I don't know the Borah in the camp, but I know he lives in the city. After the report of the poisoning had spread when I first mentioned the matter to Nanajee Vithul, I found that he had suspected that the diamond had been purchased for the purpose of poisoning Mhalsabae, against whom Luxmeebae had enmity, and I told Nanajee at the time to conceal anyhow this transaction in the accounts.

Before me 29th January 1875,

(Signed) J. B. RICHEY.

Taken before SIR LEWIS PELLY, Agent to the Governor General and Special Commissioner, CAPTAIN SEGRAVE, and CAPTAIN JACKSON.

I have read the above deposition. This is the deposition which I gave before Mr. Richey. The above particulars are true, and the above is a true translation thereof.

(Signed) DAMODHUR TRIMBUCK NENE.

4th February 1875.

His own handwriting.

(A true translation.)

(Signed) NOWROJEE FURDONJEE,

Baroda 18th March 1875.

Translator to the Commission.

(In English.)

The above statement has been read through aloud, by Damodhur Trimluck, Brahmin, and has been declared by him in my presence to be a correct account of what he stated before Mr. Richey on the 29th January 1875. The said Damodhur Trimluck, Brahmin, has with his own hand signed the statement, as above, in my presence, this 4th February, 1875.

LEWIS PELLY,
Agent, Governor General and Special
Commissioner.

Residency, Baroda, 4th February 1875.

The said Damodhur Trimluck, in course of reading the above statement, made some verbal corrections in his own handwriting.

LEWIS PELLY,
Agent, Governor General and Special
Commissioner.

Baroda, 4th February 1875.

EXHIBITS.—A 2 Series.

JOHN JARDINE, Secretary to the Commissioners.

EXHIBIT A 2.

(Translation of Gujrathi entries in a Jagad Nond Book, marked A 2.)

Debited to the account of Shrimant Sirkar Mulhar Rao Gackwar, the 14th of Aso Vad (7th and 8th November 1874).

* This name is incorrectly spelt in Gujrathi, and may therefore be read either Naranji or Nanaji.

Naranji or Nanaji* himself has delivered (them) to Damodhar Punt.

300 Valandi (Rose) diamonds (weighing) 69½ ratis at Rupees 40	- Rs. 2770
250 Valandi (Rose) diamonds (weighing) 70 ratis at Rupees 50	„ 3,500
Returned Parab coloured diamonds (weighing) 44½ ratis at Rupees 35	„ —
Total	- Rs. 6,270

Pemanand Naranji, 14th of Aso Vad (7th and 8th November 1874).

21. One Ruby finger ring enamelled. Taken away for the purpose of wearing, price Rupees

(A true translation.)

(Signed) NOWROZJEE FURDOONJEE,
Translator and Interpreter to the Commission.

Baroda, 15th March 1875.

(Translation of Gujrathi entries in a book called Jangad Vahee for Samvat year 1930 (1873-74), marked A 2.)

- (Returned.) Debited to the account of Shrimant Sirkar Mulbar Rao Gaekwar, the 30th of the first Asad Vad (13th July 1874). For approval.
- (Returned.) 1 Diamond ear-ring. The amount of its price (is) Rupees 18,000.
1 Diamond, ratis 5½, anna 1.
1 Diamond, 1 ratis 5½.
1 Ruby, ratis 1½.
- (Returned.) 1 Pair of ear-rings of pearls. For approval, Rupees 2,500.
2 Pearls, Chavas.
2 Flat Pearls.
2 Pearls.
For gold setting and for making, Rupees
- (Returned.) 1 Pearl Necklace or string called *Kanthi* for a head ornament. Delivered to Rowjee through Rajashri. The amount of its price is Rupees 2,100.
- (Returned.) 1 Emerald neck ornament, called *Gosala*, ratis 15½, for repairing.

(A true Translation.)

(Signed) NOWROZJEE FURDOONJEE,
Translator to Baroda Commission.

Bombay, 20th March 1875.

EXHIBIT B. 2.

(Before J. B. RICHEY, J.P.)

Residency, Baroda, 29th January 1875.

DAMODHUR TRIMBUCK, Brahmin, late Secretary to His Highness Mulhar Rao Gaekwar, states:—

Yeshwuntrao Yeole, Salam, and Rowjee were concerned in the poisoning of Colonel Phayre. In the month of Ashwin about the Dussara the Maharaja asked me to procure some arsenic from the Foujdaree, where it is kept, giving as cause that he wanted it for itch, and told me to say at the Foujdaree that it was wanted for a horse. I could not get any at the Foujdaree, and told the Maharaja, who told me to get it from Camp. I told him it wanted a pass; he said no matter about the pass.

I got two tolas of arsenic through Nooruddin Borah, the Maharaja having told me to promise him a monopoly of the supply of medicine to the Sillekhanah. He did not at first say whence he procured it. I took the powder to the Maharaja, and asked him whom it was to be given to. He told me to give it to Salam, who would prepare the medicine to be made from it. I gave it to Salam. I don't know why he brought it here. Afterwards the Maharaja told me to get one tola of diamond to calcine and make ash of. I ordered Nanajee Vithul to get a tola of diamonds and bring it to the Maharaja. He brought me the tola of diamonds, and I showed it to the Maharaja, and he told me to take it to Yeshwant. Up to this point I did not know that it was wanted for this purpose. The Maharaja said at first it would be to make a head ornament for a Swamee at Akulkote. Afterwards again the Maharaja asked for another tola—this time diamond dust. I told Nanajee to get it, and he brought some diamonds and some diamond dust, and either he or Venayekrao came and gave it me in the evening. I asked the Maharaja what was to be done with it, and he told me to give it to Yeshwant. When I gave it to Yeshwant I asked him what he did with these diamonds that were being given him, he said they were pounded and rubbed fine and given to Colonel Phayre. This took place about five or six days before the attempt to poison Colonel Phayre became known. On that day I had accompanied the Maharaja as far as the Sewuk's Dhurumsala,

when the Maharaja picked me up in his carriage on his return. He told me out at once that the poisoning by arsenic of Colonel Phayre had become known. He said that the attempt to administer poison through Salim and Yeshwant had become known. Salam used always to be coming and going to and from the Residency *day* and *night** from the time that Rowjee was corrupted for the purpose of sending information. He was here on that morning, and the Maharaja told me that when the matter came out Salam had run off to Rowjee's house to get any of the powder that was left and throw it in the fire where the old woman was baking, and that as Salam was not fully trusted by Rowjee, Rowjee himself had gone to throw it away; whether he did or not, I did not further hear. I asked the Maharaja how this happened to be found out, he said that it was because Nursoo Jemadar was not there to be on the watch. He used to keep watch and whistle to give the alarm, and as he was not there that morning, the thing was found out. The Maharaja had come earlier than usual. I went home, and that afternoon, in Luxmeebaee's house, Nana Sahib and the Maharaja discussed together. In the afternoon Nana and the Maharaja and I drove together, and the Maharaja said they must be on the look-out about the matter that they had been discussing. The next day the Maharaja told Salam and Yeshwant in the Palace to keep well-informed of what was being done, and afterwards in the carriage drive told Nana and me to keep ourselves well-informed, and said that Rowjee had been let go, that he was a clever scoundrel, and that now there was no fear as "our principal evidence"† was let go. After Colonel Phayre had gone and Colonel Pelly came, one day the Maharaja told me that Rowjee had stood on the road, and made signs to Salam that he wanted some present from him (the Maharaja), but that he had told him he would do nothing now, but that when the case was entirely disposed of, he would do something for him.

At first after Mr. Souter came, and Rowjee was not seized, and Mr. Souter was said to have gone, the Maharaja used to say that as Rowjee was not seized, it was all right, and there was no cause for fear. Then, when Rowjee was seized, he told me he had heard of it, and that it was a bad business; then he heard of Rowjee having taken a pardon and confessed, and told me to make arrangements that any others who might be arrested should *not* confess, and enjoined upon me not to confess even if I died for it, and told the others who knew, informing me of it. He told me that he had warned Nana, Haribah Dada, Salam, and Yeshwant. When the order came from the Residency asking for the surrender of Salam and Yeshwant on that afternoon, I met Nana Sahib, and he told me that the note had come, and that they would have to be sent, and that soon notes would come to send us, viz., Nana and Damodhur. In the evening the Maharaja told me that the two men had been sent to the Residency, and that he had enjoined upon them not to confess, though they were torn in pieces.

When Yeshwant and Salam were let go back, and another note came again asking for them the Maharaja sent for Yeshwant and enjoined silence upon him again, and told him to take Salam and go to the Residency. The next day the Maharaja told me to act as Govindrao Kali, who was torn in pieces, but would not confess, and he gave the same injunction to Nana and Hariba as he informed me.

The diamonds, I heard from Nanajee Vithul, were brought from Hemchund. Nanajee Vithul had the balance of the "saving" (*kussur*) account, and when I asked the Maharajah to sanction the payment for the diamonds, the following arrangement was made by his order. The Rupees 3,500 or so of the "saving" account were credited in the khangee, and a corresponding debit was made in the account of Swamee Narayen's Brahmins' feeding.

The diamonds were worth about Rupees 7,000, so half payment was made by Nanajee Vithul, giving the jeweller the Rupees 3,500 which was entered in the accounts as paid for the Brahmins' dinner.

At first when the diamonds were bought they were entered in the accounts as bought for the Sillekhanah for medicinal purposes, and when the poisoning was discovered, I asked the Maharajah whether diamonds could be used for medicine, as he said, by burning them. He said they could not, and directed the entries in the accounts to be torn out. I told Nanajee Vithul, and he informed me he had done it. I told the Maharaja. The account was not in a book, but, as is the custom, on a loose paper. When I first asked for arsenic from the Foujdaree, Hormusjee Wadia was in charge, and he said he would refer to the Maharaja before giving it, so I did not ask him again. The note asking for it under my signature was left in the record of the Foujdaree as I was informed by Gunputrao Bulwunt, who also told me that there was no reason to mind its being there, as there was an entry in the record that the arsenic had not been given.

When Dadabhai wanted to get a return of the sale of arsenic the matter was brought before the Maharaja, who wanted to know why the return should be sent, but decided that it must be given. I then asked Gunputrao Bulwunt about our note, as above, and asked him to give it back, when he told me, as above, that there was nothing to fear.

The enmity against Colonel Phayre was the origin of this design in the Maharaja's mind; it increased much when Luxmeebaee's marriage was under discussion. At Nowsaree one night I saw Rowjee bringing some Government papers which he had stolen into the Maharaja's private room: the Maharaja sent for me and told me to copy the papers Rowjee had brought at once in Rowjee's presence. Salam was with Rowjee and the Maharaja. The papers were about Jumnaabae's business; it was the memorial of Jumnaabae, which had come to Colonel

* Idiomatic—"constantly."

† "Moodyacha manus."

Phayre for report, and Rowjee stole and brought to the Maharaja. He brought it about 10 o'clock, and I was copying it till late. I gave it back to Rowjee about 2 o'clock. I destroyed the copy because I was afraid of being stopped and arrested at Surat in connexion with the charge brought by Luxmeebaee's husband. Afterwards, at Baroda, Colonel Phayre had fever, and a sore on his forehead from the fever. At that time I heard the Maharaja talking to Salam in the picture-room, and Salam explaining that the plaster had been applied by Colonel Phayre, but that he had felt it burn and had torn it off. Salam told the Maharaja that Rowjee had told him as above, and that it was Rowjee who had doctored the plaster.

At the same time, namely, when the Resident had the open wound, the big physician's younger brother brought a bottle of poison made up by the physician, but as there were many of us present, he did not give it that time, and he may also have wanted something for it.

In the evening one day, when Colonel Phayre had the boil on his forehead, the Maharaja told me to get some blister flies to send to the younger brother of the big physician. He told me to send through the Foudaree, and have the Wagries sent to catch some flies and taken to the physician. I told Narayenrao Wakusker, who is in the Foudaree, accordingly.

The next morning the Maharaja told Hariba, in my presence, that the physician's younger brother wanted some snakes to make medicine. The snakeman came to me two or three days after, saying he had the snakes that had been ordered, and I told him to take them to Hariba, and take his order before going with them to the physician.

Narayenrao brought the blister flies taken by the Wagries and showed them to me, and the next day Goojaba, a servant of Nana Khanvelkur, came and showed me some blister flies of the same kind, and I told him to take them to the physician's brother and submit them for his approval. About the same time the Maharaja told me that the physician's younger brother wanted the urine of a black horse, and I gave orders to Bapajee, the kamdar of the Khas Paga, to take some urine accordingly to the physician's brother.

At the same time some arsenic was given from the Foudaree, but not through me. I don't know how much was given. Had I known of its being given, I would not have got some more from the Borah. Some days after the supply of these articles the physician's brother brought the bottles, as above stated, not getting what he wanted for it.

The Maharaja wanted the stuff, but did not want to give what the man demanded, so suggested to Nana Khanvelker to get some of the contents of the bottle, and a day or two after, about 9 o'clock at night, Goojaba came to me with the bottle which the physician had made up, and told me that he had taken it to the Maharaja, and that he had been ordered to bring it to me, and that I was to take some out of the bottle, and keep it till the next day, and then give it to Salam. I poured some out of the physician's bottle into a small bottle of mine, which had held attar, and gave the other bottle back to Goojaba, and the next day Salam came to my house about 9 o'clock, and I gave him the bottle to take to Rowjee to poison the sahib. This I understood perfectly, though I did not tell Salam to give it to Rowjee.

There were three distinct plots to poison Colonel Phayre:—

- 1st.—By the physician's stuff.
- 2nd.—By poisoning the plaster for Colonel Phayre's boil.
- 3rd.—By the arsenic which was discovered.

The arsenic that was first given to Salam was to poison the plasters.

Twice I got arsenic from Nooruddin Borah by order of the Maharaja, on each occasion two tolas. After the poison business came out I asked Nooruddin whether he had entered the arsenic in my name; he told me that the Camp Borah, from whom he had bought it, had not entered it at all in any one's name, but the second time had entered it as given to Nooruddin for the "Khangewalla," and now wanted Rupees 200. I told Nooruddin to give Rupees 200 to him, knowing that when Nooruddin got the Silkehana business it could be adjusted in the accounts. He did not give the money I believe. I don't know the Camp Borah, but he lives in the city.

After the poison business had come out, when I first talked on the subject to Nanajee Vithul, I found that he had suspected that the diamond dust was intended to be used to poison Malsabae, against whom Luxmeebaee has a hatred. I told him at that time about the account business by which the transaction was to be concealed.

Before me, 29th January 1875.

(Signed) J. B. RICHEY.

Taken in the presence of the following officers:—

Sir Lewis Pelly, Agent, Governor-General.
Captain Segrave.
Captain Jackson.

Interpreted by me to Damodhur Trimbuck Nene, who acknowledges it to be what he stated.

(Signed) R. G. DESHMUKH,
Sub-Judge.

Baroda, 2nd February 1875.

Interpreted by R. G. Deshmukh in my presence.

(Signed) LEWIS PELLY,
Agent, Governor-General.

Baroda, 2nd February 1875.

EXHIBIT C 2.

Examination of DAMODHUR TRIMBUCK resumed 30th January 1875:—

Yeshwantrao used to take money to give in bribes to the servants, but latterly Salam took the money from the private account, and it used to be debited to fruit from Ahmedabad, &c., fireworks, &c., always some fictitious entry. I should think he must have taken 2,000 or 3,000. Bulwantrao Rowjee used to write the private accounts under my instructions, as I had charge of the money, and made payments by the Maharaja's orders. When money was to be paid to Salam for the above purposes, the Maharaja gave me general orders to make such fictitious entries.

The Maharaja told me after the poison business came out, and Yeshwantrao and Salam had been caught, that if there were any suspicious entries left in the accounts they should be altered, or erased, or concealed. On this order I told Bulwantrao to dispose of suspicious items accordingly. He assented, but in a day or two came and said that the accounts were not such as could be so tampered with. I consulted Madhoora, another Karkoon; and finally ink was to be poured on the items in question; and I told him to blot in the same way other items also, so as to avert suspicion from the particular entries. I saw one such blotted item, which Bulwantrao showed me as a specimen. I understood this much about the fictitious items, that the fruit, &c. was not ever really brought, but the money was given to Salam to use in bribery at the Residency. This practice of bribing through Yeshwunt and Salam had been in force for about a year and a half.

About four months ago one lac and twenty thousand Babasayo rupees was paid to Premchund Roychund through Ootemchund Jewerree. An anklet was bought from Ootemchund, and the above sum was paid to him in excess of its value. Moro Punt, Nana Khanvelker's servant, was engaged in the business, which was to get recognition of Luxmeebaee's child by Government; it was said to be for a bribe to Mr. Gibbs. I thought that Premchund kept the money, as I heard that he had redeemed Rupees 60,000 worth of property out of mortgage, and I suspected it was with this money.

Ootemchund, Premchund, Moro Punt, and the Maharaja were upstairs together. When the Maharaja came down he told me that 3½ lacs were to be paid for the anklet,—one lac and twenty thousand to be paid *at once*, and the rest afterwards. The anklet had been given before this passed. The anklet was in the jewel-room, and Nanajee Vithul, jewel-keeper, was instructed by both the Maharaja and me to send in his note for the payment of the sum settled, viz., 3½ lacs from the Khangee. His note would be cashed in the Khangee by the Maharaja's verbal order, the cash being drawn from a State shop as a general rule. In the Khangee day-book it will be seen where the cash came from.

In connexion with the same intrigue for the recognition of Luxmeebaee's marriage and her son's legitimacy, a Baboo, who was brought by Motilall Dulpatram and Moro Punt, who was paid two sums of about Rupees 25,000 and 20,000 in Government notes, which were brought from Bombay by Ootemchund in Rupees 1,000 notes.

The Baboo came twice and received the money as above on the two occasions. These items may perhaps appear in the day-book with Luxmeebaee's signature, as she used to sign sometimes for the Maharaja.

The Baboo came from Calcutta and talked in English with Motilall, who would interpret to the Maharaja.

When the Baboo came first there was a meeting at Mukhumpoora, and there were present—

The Maharaja,
Nana Khanvelker,
Motilall Dulpatram,
The Baboo,
Moro Punt,
and myself.

Rupees 25,000 were given him there, and a promise of a large reward if the matter were carried through successfully. On the second visit of the Baboo, when he was paid Rupees 20,000, the money was given by me at the Maharaja's order to Moro Punt, and I know nothing of what became of it, but it was to be given to the Baboo.

All the criminal proceedings in which the Maharaja was engaged originated with himself; he did not act under any one's advice that I know of. I speak now of the matters of which I was personally cognizant. I know that Bhow Scindia, Govindrao Naik, and Rowjee Master and others were killed by the Maharaja's order, but I was not personally concerned in these matters, which were conducted through the Foudaree Department Officers, during the *régime* of Bulwantrao Rahoreker, at which time I was not allowed access to the Maharaja. I was taken into favour for my services in connection with Luxmeebaee's marriage. Before that time I had been in the Khangee Department for about two years, and knew about the accounts.

The order on the Hoozoor Foudaree Kamdar to send a pass for arsenic, now shown me, is in my handwriting, and is the order which I sent by the Maharaja's direction, as stated in my deposition yesterday, and the words "required for medicine for a horse" were used also by the

Maharaja's order, as before stated. The pass for arsenic which I sent for by this order I did not receive, but, as above stated, got the arsenic from the Borah.

Before me,

(Signed) J. B. RICHEY.

In presence of Captains Scgrave and Jackson.

(Signed) J. B. RICHEY.

30th January.

Interpreted by me to Damodhur Punt Trimbuck Nene, who acknowledges it to be what he stated.

(Signed) R. G. DESHMUKH,
Sub-Judge.

Baroda, 2nd February 1875.

Translated by R. G. Deshmukh in my presence.

(Signed) LEWIS PELLY,
Agent, Governor-General.

Baroda, 2nd February 1875.

EXHIBIT D 2.

Ameena, wife of Sheikh Abdoola Kiral, age about 40, and ayah to Mrs. Boevey, states :—At the time of the meeting of the Baroda Commission, I was persuaded, much against my will, by Faizoo Ramzan, Residency Chobdar, to visit the Maharaja Gaekwar. I went to see him three times altogether. On the first occasion I was taken to the Maharaja by Faizoo, and that was when the Inquiry Commission was sitting. Salim sowar met us at the Haveli, and we all three proceeded before the Maharaja together. We went up three flights of stairs to where the Maharaja was sitting. He spoke to me personally, and begged me to intercede with my madam, Mrs. Phayre, in order that she might use her influence with the Resident in his (the Maharaja's) behalf. I made no promises. After being about half an hour with the Maharaja I left. Faizoo went to his house in the city, Salim remained at the palace, and I came home by myself in a bullock shigram.

I visited the Maharaja twice again; the second time was after my return from Bombay and Newsaree, where, on Mrs. Phayre's departure for England, I accepted service with her daughter Mrs. Boevey, wife of the Assistant Resident. It must have been about a month after my return to Baroda that I visited the Maharaja on the second occasion. I was then persuaded by the Maharaja's Arab servant, Salim, to go to the Gaekwar, and I was taken by the Residency Naik named Kureem. The Maharaja and Salim talked to me about *fadoo* (sorcery), but I remarked that Europeans could not be affected or influenced by such means. My interview with the Gaekwar lasted about half an hour, and I then returned home in the shigram with Kureem. On this day I received no money, but two or three days after Kureem Naik called at my house and gave me Rupees 100, stating that Yeshwuntrao Yeola had given Rupees 200, of which Rupees 100 was for him, which he had kept, and the other Rupees 100 for me.

The third time I visited the Maharaja was during the Ramzan. I was then pressed to go by Salim, who fixed the day and time; and I went in company with my servant boy named Chootoo. My husband, Abdoola, procured a shigram, and Salim met me at the Haveli and took me before the Raja. On this occasion the Maharaja spoke to me with reference to the birth of Luxmeebaee's child, and inquired whether the Sahib and Madam had been talking about him (the child), and if any objection was likely to be raised with regard to his legitimacy. The Maharaja asked me to do what I could in the matter; but I told him that I could not help him. I was with the Maharaja for about half an hour on this occasion, and returned to my home at the Residency with my servant boy about 10 o'clock at night. About two or three days after this visit Salim came to my house at the Residency, and gave me Rupees 50. I am quite familiar with the Maharaja Gaekwar's appearance, as I have often seen him during his visits to the Resident; and on one occasion, when the Gaekwar's family came to visit Mrs. Phayre, the Maharaja was in the room when I happened to be called in and made my salaam. He was then sitting quite close, and I saw him distinctly, and it was the same person before whom I was taken and conversed with during each of my three visits to the Haveli.

The Kazi of Chandore, who was in the habit of frequenting the Residency, particularly when the Reverend Mr. Taylor used to be on a visit, informed me about a month before the attempt to poison Colonel Phayre that the Resident's butler, Pedro, and Rowjee, Havildar of Peons, were in great favour with the Maharaja, and that they had agreed to administer poison, but they did not say to whom.

Kurreem Naik also told me, about a month before the attempt to poison the Resident, that he had heard from a person in high position that Pedro, butler, and Rowjee, Havildar, had consented to administer poison.

Taken before,

(Signed) F. H. SOUTER,
Commissioner of Police.

Baroda, 18th December 1874.

Ameena, wife of Sheikh Abdoola, and ayah to Mrs. Boevey, is recalled at her own request, and further states :—When I gave my statement on the 18th, I was suffering from fever and was not feeling well, and omitted to mention certain facts which I have now remembered, and wish to have recorded along with my first deposition.

On the occasion of my being taken before the Maharaja the third time during the Ramzan, the Maharaja asked me, after other questions, whether it would not be possible to administer something by which the Resident could be brought round to his (the Maharaja's) will. The Gaekwar spoke in cautions and hidden language, but I understood him to be throwing out a feeler to ascertain whether I would consent to administer poison to my master, Colonel Phayre. I indignantly refused, and objected, and told the Maharaja that if he attempted anything of the sort he would get into serious trouble and be ruined. I exclaimed, "it would* be better

* *Lakh murna, lakh lakh ka pahawala nai murna.*
This is a very common Oriental idiomatic phrase.

"that lakhs of people should die than that the supporter of lakhs should come by his death." Salim, who was standing close to the Maharaja at this time, endeavoured to persuade me by kind words, and by saying that if I would only do as the Maharaja wished

I would have provision made for me for the rest of my life, and that my husband should also be taken into service under the Raja.

Taken before,

(Signed) F. H. SOUTER,
Commissioner of Police, Bombay.

Baroda, 21st December 1874.

EXHIBIT E. 2.

Rowjee bin Rama, Mahratta, age 24, Havildar of peons on the establishment of the Residency at Baroda, states :—About two months before the Commission sat at Baroda, Salim, Arab Sowar, who was in the constant habit of visiting the Residency with H. H. the Gaekwar, spoke to me and said that the Maharaja wished to see me. I agreed, and it was decided that I should go on the following Sunday and meet him, Salim, at the house of Yeshwuntrao about eight o'clock at night. I was taken before the Maharaja by Salim and Yeshwuntrao by a private entrance on the side of the Nuzzer Bagh. On being introduced to the Maharaja, he asked me if I would agree to keep him informed of all that went on at the Residency. I consented, and he promised to reward me handsomely and to confer other favours upon me. The Maharaja asked me if I could get the jemadar of peons, Nursoo, to help in this matter also and to visit him. I promised that I would arrange this, as the jemadar was a great friend of mine. I then left the Maharaja, and the following day I spoke to the jemadar and told him of the Maharaja's wishes. The jemadar said that his family was ill, and that he had his duties to attend to, and could not go to the Maharaja at that time. I visited the Maharaja several times again previous to the sitting of the Commission, and on each occasion I went first to Yeshwuntrao's house, and was invariably accompanied by him and by Salim when taken before the Gaekwar. I visited the Maharaja three times while the Commission was sitting, and furnished him with all the information I was able to gather as to the action of the Commission, and of all that was going on at the Residency.

At one of these latter visits I informed the Maharaja that I was about to be married, and that I was without the necessary means. He ordered Yeshwuntrao to remind him of this, and on the following Monday, when the Maharaja came on his usual visit to the Residency, Yeshwuntrao, who accompanied him, informed me that he had got Rs. 500 for me, and told me to come for it. I went soon after in company with one Jugga (a man employed at the Residency to pull the punkah) to Yeshwuntrao's house, where Rs. 500 were paid to me by a carkoon in Yeshwuntrao's presence and before Jugga. Of this money I lent Rs. 100 to Jugga, and made up a silver anklet of the value of about Rs. 100, and the rest was expended on my marriage. One Dajeebhai Kurya got the anklet made up for me.

After my marriage, and a few days after the Commission had left Baroda, Salim Sowar met me, and said that he had got the jemadar all right and willing, and wished to know when I could come in company with him to see the Maharaja. I settled with him to go two days later, which was on a Sunday: the jemadar and I met that night at Yeshwuntrao's house about 8 o'clock. Jugga accompanied me, as I did not like to go by the rear road to the city at night by myself.

From Yeshwuntrao's house we all went to the haveli, where Jugga remained below, and Salim, Yeshwuntrao, the jemadar, and I went up and interviewed the Maharaja. This was the jemadar's first visit, and he consented, at the Maharaja's request to keep him informed of all that transpired at the Residency, for which promise of favour and liberal reward was held out to the jemadar by the Maharaja. It was then arranged that Salim should from time to time receive and convey information from the jemadar to the Maharaja. I accompanied the jemadar two or three times on his visits to the Maharaja previous to the Resident's leaving for Newsaree. At Newsaree nothing particular transpired. Salim and Yeshwuntrao accompanied the Maharaja, but lived in the compound of the house occupied by the Resident. There they struck up a friendship with the Resident's butler, Pedro, and about two or three days after the return of Colonel Phayre to Baroda, the butler, Pedro, asked me if I would accompany him to the Maharaja. I agreed, and on an appointed day Salim came to the

Residency, and we three went off together about 10 o'clock at night in a bullock shigram which had been placed on the road by Salim and belonging to the Durbar. We went direct to the haveli, where we met Yeshwuntrao, who took us up to the Maharaja. The Gackwar spoke to Pedro and asked him if he understood English. He said he did a little, so the Maharaja requested him to communicate to him any conversation that might take place at the table relating to him, to which Pedro consented. I accompanied the butler, Pedro, on two other occasions to the Maharaj, previous to his going to Goa after the rains. We went to the haveli in the same manner as before and with Salim and Yeshwuntrao: nothing particular transpired. On the butler's return from Goa, I accompanied him again to see the Maharaja. Salim came as before and brought a shigram, which we met on the road. Yeshwuntrao met us as usual at the haveli, and we were taken before the Maharaja, who first inquired of Pedro how he was and when he returned, and then said he had something of importance for him to do, and asked if he would do it. Pedro said if it was a matter within his province that he would do it. Yeshwuntrao then handed a small paper packet to the Maharaja, who passed it on to Pedro, and told him to administer it in his master's food. Pedro remarked that if anything should happen suddenly, he would get into trouble. The Maharaja said that he was not to fear, as nothing would take place for two or three months, when his master would either die or get mad. Pedro consented to do what was wanted, and he returned to the Residency about midnight.

In addition to the visits I paid the Maharaja at night in company with Pedro, I also went to see him several times in company with the jemadar after our return from Nowsaree. The jemadar was not aware of my having gone to the Maharaja with Pedro. About 15 or 21 days after our return from Nowsaree, the jemadar gave me at his house in the city Rs. 300 which he said was half the sum he had received from the Durbar to be divided between us. About three weeks or a month before the attempt to poison the Resident was discovered, the jemadar and I were taken before the Maharaja by appointment at night. Yeshwuntrao and Salim introduced us, the Maharaja sat in his private room as before, and after a short conversation he remarked that the Resident was very hard upon him and doing great "zoolum," and asked us if we would consent to administer something which he would give. Salim and Yeshwuntrao immediately began to persuade us by saying that if we would only carry out the Maharaja's wishes we should not be required to serve any longer, as he would make a handsome life provision for us and our families; that we should have "assamies" bestowed upon us, and should in addition receive a lakh of rupees each as soon as the work was done, meaning as soon as the Resident's death took place. We consented to do the job, and the Maharaja then said that the article to be administered would be given to us by Yeshwuntrao and Salim. A few days after this the jemadar gave me two powders, and told me that equal parts of each should be administered for two or three days, and in such quantity as to consume the whole in that time. This had also been carefully explained to me by Yeshwuntrao and Salim in the presence of the Maharaja. I did not commence to administer the powder for two or three days, as no favourable opportunity presented itself for so doing. It was decided at our consultation with the Maharaja that the poison should be administered in "sherbet," which Colonel Phayre was in the habit of taking every morning on return from his walk. Accordingly I put the powders into the "sherbet" two or three times wherever I found no person in the way or about to see me.

As a few days elapsed without anything happening, the Maharaja evidently became impatient, and sent for me and the jemadar again. We went in the usual manner with Yeshwuntrao and Salim. The Maharaja remonstrated with us for not having done the work we promised. I assured him that I had put the powder into the sherbet two or three times, and I expressed my doubts as to the poison being efficacious. Thereupon the Maharaja said he would give another powder, which Salim produced and handed to the jemadar. The Maharaja said that this would not take immediate effect, but that it would work slowly and surely. We then left, and the following morning the jemadar gave me the packet of poison at the Residency while I was sitting on the form close to the screen and near to where Colonel Phayre used to sleep. A day or two after this I administered the poison in the glass of sherbet which had just been made and placed on the washhand table close to the Resident's writing-desk in his private office room. Colonel Phayre was out walking at the time, and returned about twenty minutes after. I informed the jemadar when he came about half-past 7 o'clock of what I had done. When I visited the Maharaja, the punkahwalla, Jugga, accompanied me from the Camp Bazaar sometimes, but a man named Karbhai more frequently came with me as far as the Haveli. They never appeared before the Maharaja, and I only took them as company, as I was afraid to go so far at night by myself.

The packet of poison which the jemadar first gave me I made into small doses, as directed, and kept the powder in the secret pocket of my crossbelt. The powder taken from the secret pocket of my cross-belt this morning (25th December 1874) is one of the powders made up from the packet given to me by the jemadar, and I used always to keep the powders in the same place. While at Nowsaree I spoke to Yeshwuntrao and Salim, at the jemadar's request, to get some money for him, and they interceded with the Maharaja, who ordered Rs. 250 to be given to the jemadar through Salim, who, at the jemadar's request, paid the money to one of his brothers at Baroda.

Whenever there was any information to send to the Maharaja from the Residency, and I was unable to go to the Haveli myself, I used to write or get Jugga to write at my dictation, and the note used to be taken by the jemadar when he went home at night to the city, and

he used to send it on to the Maharaja through Salim. The gold and silver ornaments which I have produced, and valued at about Rs. 420, have been made up from the money which I have from time to time received from the Maharaja.

Taken on the 24th and 25th December 1874, before

Baroda, 25th December 1874.

(Signed) F. H. SOUTER,
Commissioner of Police.

ROWJEE BIN RAMA is re-called, and further states:—

On the occasion when the jemadar and I were taken before the Maharaja in company with Yeshwuntrao and Salim, and it was decided and arranged that poison should be administered to Colonel Phayre, it was carefully explained to me, and I was instructed each time to mix the powder in water first, otherwise I was told that the poison would float on the surface of the sherbet. Accordingly I used to shake the powder up with water in a small phial and pour it into the glass of sherbet. The jemadar knew this, and was aware that I kept the phial for this purpose concealed under a large empty box which stood close to the form on which the peons sat while on duty.

Taken this 26th day of December 1874, before

The Residency, Baroda.

(Signed) F. H. SOUTER,
Commissioner of Police, Bombay.

EXHIBIT F 2.

Nursoo bin Rajanna, Kamatee, age 50, jemadar of peons on the establishment of the Resident of Baroda, states:—About the time of the sitting of the Commission at Baroda, Rowjee Havildar told me one day that he had been speaking favourably of me to the Maharaja, who had expressed a wish to see me. I replied that there was sickness in my house, and that I had my duties to attend to, and therefore could not arrange to go to the Maharaja at that time.

After the Commission left Baroda, Yeshwuntrao, Salim, and Rowjee all urged me to go and see the Maharaja; and I at last consented, and on a fixed day I went to the house of Yeshwuntrao, where Rowjee and Salim also met me: and we went together by way of the Nuzzer Bagh and a private entrance to an upstairs private room, into which Yeshwuntrao brought the Maharaja and introduced me. The Maharaja first remarked that I was a scamp and a bad man, and had never been favourable to or assisted him; but the three men, Yeshwuntrao, Salim, and Rowjee, assured the Maharaja that they had all spoken to me, and that I was now fully prepared to carry out his orders and act up to his wishes. The Maharaja then requested me to keep him regularly informed through Salim of all that transpired at the Residency, to which I consented. On this occasion, a man named Karbhai accompanied Rowjee from the camp to the Palace, but he did not appear before the Maharaja. About twenty or twenty-five days later, I again visited the Maharaja in company with the same people, and in the same manner. Nothing particular transpired at this visit beyond furnishing the Maharaja with all the information we had regarding matters at the Residency.

In the month of April, I accompanied the Resident to Nowsaree; the Maharaja also came there and lived in his Haveli, while Colonel Phayre was located in a bungalow close to the Railway station, and about a mile from the Maharaja's Haveli. Salim and Yeshwuntrao lived in the Resident's compound.

I believe Rowjee used to visit the Maharaja at Nowsaree, and through Salim he obtained for me a present of Rupees 250, which, at my request, was paid to one of my brothers at Baroda.

About a month or more after the Resident's and the Maharaja's return from Nowsaree, I visited the Gackwar again in company with Rowjee, Salim, and Yeshwuntrao. We met as usual at the house of the latter, who took us before the Maharaja. We first gave him all the information of what had been going on at the Residency, and then Salim and Yeshwuntrao remarked to the Maharaja that we (Rowjee and I) had not received anything on account of his recent marriage with Luxmeebai. He said very well, that he would see about it. We then left, and a few days after Salim brought me Rupees 800, of which I gave him Rupees 100, and I believe I paid Rupees 400 to Rowjee, from which sum he was to pay Jugga Rupees 100.

About two months later I again visited the Maharaja in company with Rowjee. We met as before at the house of Yeshwuntrao, and he and Salim took us before the Maharaj. We first informed the Maharaja of all that had been going on at the Residency, after which he remarked that Colonel Phayre was very hard and doing great "zoolum" to him, and asked us if we could and would consent to put something in his food. I replied that in my position I had no opportunity to do this, upon which Yeshwuntrao and Salim began to persuade us by saying, that if we'd only consent to do this job, the Maharaja would reward us in such a manner that we should not be required to serve any longer, and that our families should also be handsomely provided for, and that the remainder of our lives would be spent in ease and comfort. Rowjee then said that Colonel Phayre was in the habit of drinking sherbet early in the morning on his return from walking, and that he would administer the dose in that. The Maharaja and Yeshwuntrao then said that they would send a powder by Salim to me at my house in the city, which I was to give to Rowjee at the Residency. Yesh-

wuntrao carefully explained to Rowjee at the time the manner in which the powder was to be administered. We left, and the following day Salim brought me a packet which I stuck safely within the upper folds of my turban, and the next morning I gave the packet to Rowjee while he was sitting on the form close to the screen near where Colonel Phayre used to sleep. I did not open the packet, and therefore was unaware of the number of powders it contained.

A few days after this, when Yeshwuntrao and Salim came to the Residency with the Maharaja, they began to inquire of Rowjee how it was that nothing had happened, and asked whether he had administered the powder or not. Rowjee then spoke to me, and said he did not know how to account for there being no result, as he had certainly put the poison in the "sherbet." The Maharaja being dissatisfied about this sent for us again. About fifteen days after the great Dusserah Sawaree, we went as usual to Yeshwuntrao's house. It was about 8 o'clock at night when Rowjee and I met there, and we accompanied Yeshwuntrao and Salim as before, and they brought the Maharaja and introduced us in the same room. He immediately upbraided us for not having carried out his wishes as promised, upon which Rowjee declared that he had put the powders in the "sherbet," but stated that he did not think they could possibly have possessed the required property. The Maharaja then said "Very well," that he would give something else which would be brought to me by Salim. At this time, and when we were about to leave, Yeshwuntrao gave something (I am not sure what it was, a small bottle, or what it was) to Salim, who passed it on to Rowjee. The former promises of high reward and favour were repeated, and we came away. The following morning Salim gave me a packet, which I handed to Rowjee the same day on coming to the Residency. He was sitting as before on the form near the screen. A few days after this the conversation took place of the attempt to poison Colonel Phayre. Rowjee told me that, as instructed, he on each occasion mixed the powder with water, which he shook up in a little bottle before pouring it into the sherbet. He used to keep the bottle for this purpose hid under a large empty wooden box close to the form above referred to. Rowjee used often to give me notes, written sometimes by himself and sometimes by Jugga, at his dictation, to send on to the Maharaja. These notes contained all the information of what was going on at the Residency, and Salim or his man used to call at my house for them. I live in the city and have always been in the habit of returning to my house at night, and on Sundays I have not been required to come to the Residency.

On the several occasions when we visited the Maharaja, Jugga came once with Rowjee from camp, and on all other occasions he was accompanied by Karbhahi.

Taken this 26th day of December 1874, before

The Residency, Baroda.

(Signed) F. H. SOUTER,
Commissioner of Police, Bombay.

EXHIBIT G 2.

DAMODHUR PUNT's examination resumed 3rd February 1875 :—

I held the position of Private Secretary to His Highness the Maharaja Mulhar Rao, and had charge of all his private business, known as the Khangee Department.

About a week before the Maharaja was made prisoner he brought me to the Residency, and introduced me to Sir Lewis Pelly at the door as his Private Secretary.

It was the habit of the Maharaja to go for a drive three times during the day, and he always took me once or twice with him.

Whenever the Maharaja visited the Residency I used to accompany him as far as the Sewak's Dhurumsala, where I generally got out of the carriage and waited till the Maharaja's return, when he took me in again and drove me to my house on his way to the Palace. The Maharaja was usually driven by a coachman named Rutansing.

I do not know why it was that the Maharaja put in force measures to poison Colonel Phayre without first waiting to ascertain the result of his kharita addressed to the Viceroy urging his removal.

I never knew that Mrs. Phayre's ayah had ever visited the Maharaja till I heard from him that she had also been taken up and made a prisoner of. It was characteristic of the Maharaja not to divulge to anybody the plots which he used to put in force, and to confine such secrets to those actually engaged.

Taken before,

(Signed) F. H. SOUTER,
On special duty.

3rd February 1875.

DAMODHUR PUNT's examination resumed 5th February 1875 :—

I have stated in my deposition of the 29th January that I procured diamond chips on two occasions by order of the Maharaja. I do not remember the exact dates on which they were obtained, but as well as I recollect about a week intervened between the two occasions when I procured them.

The sums of money which have been entered in the accounts of my department as having been paid to Yeshwuntrao and Salim under the head of fruit, fireworks, &c., represent the amounts which were paid by me in obedience to a standing order of the Maharaja for the purpose of bribing Rowjee, Nursoo Jemadar, and other servants at the Residency.

It was no part of the duties of Yeshwuntrao or Salim to purchase fruit or fireworks for the Maharaja.

The Maharaja and Salim both told me that the details of the plot to poison Colonel Phayre had been personally planned by the Maharaja himself, and the execution of them arranged in his presence by Yeshwuntrao, Rowjee, Salim, and others.

The written information which the Maharaja had arranged to obtain through Rowjee of all that transpired at the Residency used to be delivered to the Maharaja by Salim, and either Wasantram Bhau or I used to read them to him, and the papers were immediately destroyed.

The two sums of Rupees 25,000 and 20,000 paid to the Calcutta Baboo have been entered in my books as having been paid to Bhikoo (a kept woman of the Maharaja's) and to the relations of Luxmeebace.

I am aware that while Bulwuntrao Rahoorkur held the office of Deputy Dewan he was the Maharaja's principal counsellor in all his wicked designs, and it was he who took the principal part in bringing about the poisoning and murder by other means of Govind Naik, Rowjee Master, and Bhow Scindia.

I have stated above that it formed no part of Yeshwuntrao's or Salim's duties to purchase fruits, fireworks, &c., but I now remember that on one occasion Yeshwuntrao did bring some fireworks, either from Bombay or Ahmedabad, and this was about the time of the "Dewalee," 1873.

The orders and vouchers in Mahrattree, lettered from A to F, and each bearing my endorsement, are the original documents and authority under which the sums shown in each were paid to Yeshwuntrao under the Maharaja's instructions for the purpose of bribing the servants at the Residency, and others. Those papers lettered from G to Q show sums of money similarly paid to Salim for the same purpose.

I have to the best of my knowledge and belief stated all I know, but shall willingly furnish hereafter any further information that I may remember.

Taken before

(Signed) F. H. SOUTER,
On special duty.

Baroda, 5th February 1875.

Baroda, 8th February 1875.

The deposition of DAMODHUR TRIMBUCK, Brahmin, resumed :—

The two memoranda in Mahrattree now shown to me (lettered R and S) were addressed to me by Nanajee Vithul, at my request, with the object of concealing the purchase of the diamond chips obtained from Hemchund Futteychund. The two documents purport jointly to acknowledge the receipt of about Rupees 3,500 from the "Saving Fund," and the Mahrattree order bearing my endorsement now shown me (lettered T) is my authority to debit the above sum under the heading of expenses incurred in feeding Swamee Narayan's Brahmins. In reality this money was paid to Hemchund Futteychund on account of diamond chips purchased from him for the purpose of poisoning Colonel Phayre, and represents the sum of Rupees 3,500 referred to in my deposition of the 29th January. On that day I stated the amount to be Rupees 3,500 or so, as I was giving my deposition from memory. The documents above referred to (lettered R, S, and T) have now been found amongst my records which show that the actual amount was Rupees 3,632-13-3 of Baroda currency.

Taken before

(Signed) F. H. SOUTER,
On special duty.

EXHIBIT H 2.

HEMCHUND FUTTEYCHUND, Jeweller of Baroda, states :—

Some few days after the last Dusserah festival Nanajee Vithul, in charge of the Gackwar's jewel-room, directed me and other jewellers to bring some diamond chips, which we did the same day and handed them to Nanajee, who retained them. The following day our diamonds were all returned, and we were told that the price did not suit. Two days after Nanajee Vithul directed me to bring my diamonds back again; they were weighed, the price settled, and purchase concluded. Four or five days later I was again sent for* by Nanajee Vithul, and directed to bring other diamond chips, which I took to the Palace accordingly. Nanajee Vithul was not present in the jewel-room. The diamonds were therefore handed to Venayekrao, Nanajee's brother-in-law, who weighed and priced them, and then took them along with me to Damodhur Punt, who remarked that the price was high, but kept them, saying that he would purchase them if required. On this occasion the diamonds were in two packets, both of which were kept; but about four days after one packet was returned to me.

NOTE by the Secretary—

* In Exhibit I 2 the words are "Nanajee Vithul sent me a direction."

A few days after it became known that an attempt had been made to poison the Resident, Colonel Phayre, Nanajee Vithul asked me whether I had entered the purchase of the diamond chips in my books, and if so, that I was to remove the entries in some way or other, as he was afraid that the diamonds in question had been made use of to poison Colonel Phayre. On hearing this I became afraid, and at once caused the pages of my account books on which the sales of the diamonds were entered to be removed and fresh pages substituted. The three books now before me (lettered A, B, and C) are those that were thus tampered with.*

The price that I was to receive for the diamond chips was Rupees 6,270 of Baroda currency, and on account of this sum I was paid Rupees 3,000 by Nanajee Vithul, which has been credited at pages 10 and 24 of the day book as having been received from one Shivchund Khushal. A portion of the above sum of Rupees 3,000 was counted out and paid to me by Nanchund, Shroff of the Doomala villages.

Taken before

(Signed) F. H. SOUTER,

On special duty.

Baroda, 6th February 1875.

Note by the Secretary—

* In Exhibit I 2 the words are "I produce the books now bearing the marks A, B, and C."

Exhibit I 2 is the above deposition in Gujarathi.

On Exhibit I 2 the following endorsements occur:

In Vernacular.

Hemchand Fatechand. His signature in his own handwriting. 6th February 1875.

Read the above statement which is correct as given in writing the day before yesterday in the presence of Mr. Souter. 8th February 1875.

Hemchand Fatechand. This signature in his own handwriting.

In English.

The above statement has been read over, acknowledged as true and signed by the deponent Hemchand Fatchand in my presence this 8th February 1875.

(Signed) LEWIS PELLY,

Baroda, 8th February 1875.

Agent, Governor-General, and Special Commissioner.

V23182:813 (A4217)

m75



LONDON:

Printed by GEORGE E. FYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty,
For Her Majesty's Stationery Office.