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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 567 Press / Mis.

Dated 21-5- 1867.

Not to be folded or roughly handled

No. 187.

From,

The Adjutant General

To

The Secretary to Government

Military Department.

Sir,

I have the honor by order of the Commander-in-Chief to forward for submission to Government, the Proceedings of a Court of Inquiry assembled at Wallair on the 24th December 1867 to investigate a complaint against Assistant Surgeon J. Bongall Medical Department, in accordance with the Orders of Government cited in the margin, communicated to this Department in Proceedings of Government No. 429 dated 20th November 1867 together with the Judge Advocate General's opinion thereon, conveyed in his Memorandum No. 107 dated 28th February 1867.—

Proceedings of Government Public Department dated 8th October 1866 No. 991.
Proceedings of Government Public Department dated 21st November 1866 No. 1193.

I have the honor to be,

Sir,

Your Obedient Servant.

J. Minchin Colonel.

Adjutant General.—

Adjutant General's Office

Fort Saint George.

12th March 1867.

Entered

129.

MD.

Fort St George
13th Mar: 1867

Rec'd Mar 21st 1867 Rec 21st Mar
Military Department.
No. 1273

From
To The Adjut: General.

Remarks
to the Public Address
with Exp. 5 [illegible]
in that Dept 1991
dated 3d Oct 1866
& 1193 & 21st Room
Mandyah Mayor
Jeey Pr Govt

Wrote
To
The Secy: to Government
Military Dept

Rec 341

Dated 12th March 67 No. 107.
Rec'd 13 Rec'd 16 — E. 45

Forwards Pr. of a Court of Inquiry assembled at Wallaiah to investigate a complaint against Asst. Surg. J. Donyall Shed Agt.

Index.

1st Witness - Mahomed Sheriffe Dreper Page iii to xiv
— Do — continued — " — xv to xvii
— Do — " — " — xx to xxxii
— Do — recalled — " lxxviii to lxxxi
— Do — noticed at — " lxxxvi

2nd Witness Nuremy Row Record Keeper. xiv to xv
— Do — recalled — xvi to xvii
3rd Witness Cheng Le Row Court Sheristadar xxiii to xxv
4th Witness Garuda Neeliaya Soucar of Bobbili Zemindar xxvi to xxxv
— Do — recalled — xxxix

5th Witness Gogellum Subbaiya Cash receiver Currency Office xxxv to xxxviii

6th Witness Ivagunti Sita Ramasawmy Gane Dewan of Bobbili — xxxix to lv.
— Do — recalled — lxxxiv to lxxxv.

7th Witness Suraiya Mootoosuddy of Bobbili Zemindar — lv to lvii.

8th Witness Shayana Shastry Pleader lvii to lix.

9th Witness. K. Somayajoolo Gomasta of Bobbili Zemindar — lix to lx.

10th Witness. R. Venkatrao Gomashta of Bobbili Zemindar — lxi to lxii.

11th Witness. S. Srinavasarao Vakeel of Jeypore & Bobbili Zemindars. lxii to lxvii

12th Witness. A V N. Apparao note receiver Currency office. LXVII to LXIX

13th Witness. Munta Venkanah Head Accountant Collectors office LXIX to LXXI

14th Witness Mr D S. Carmichael Collector of Vizagapatam. LXXI to LXXVI

15th Witness W. Jugganatrao Sub Magistrate here LXXVI to LXXVIII

16th Witness. Precassa Row Hd Writer to the Bolbili Zemindar. LXXXVI to LXXXVIII

Remarks by, and Opinion of the Court LXXXIX to XCI

Called by Dr Dougall

1st Witness. Sr Insp Genl of Hospitals J E Mayer XVIII to XX

31 pages. Dr Dougall's Statement. LXXXVIII

— Supplementary — Copy of Correspondence relative to the Currency notes with original of Replies at end of the Proceedings. Pages 1 to 12

Proceedings of a Court of Inquiry held at Wartali on the 24th of December 1866 by order of Brigadier General [illegible] Commanding Northern District under authority of DOCC dated Cotacamund 5th December 1866 to investigate a subject to be communicated to [illegible] Adjutant General of the Army.

President.

Lieutenant Colonel J Warden 24th Regt N.I.

Major E S Boddam Staff Corps — Members — Major E S Harrington Staff Corps.

Lt Colonel J E Mayne 2nd Indy Advocate General Nilgiri Division conducting the proceedings.

The Court having assembled at 11 o'clock, all present.

The orders directing the formation and assembly of the Court are read.

Letter No 1901 of the 6th December 1866 from the Offg Assistant Adjutant General of the Army to the President of the Court, enclosing proceedings of the Madras Government Public Department No 991 dated 3rd October and No 1193 dated 21st November 1866, are laid before the Court by the President, and duly considered.

Supt Surgeon J Dougall is called before the Court, and in reply to a question on the [illegible]

states that he wishes to be present during the Inquiry.

The Court proceed to inquire into the Charges alluded to in para 11 of the Order on Proceedings of the Madras Govert. in 1862 of 21st November 1864.

The Court put the following Question to Apth. Surgeon Dougall at the same time informing him that he was liberty to answer it or not as he pleased.

Question by Judge Advt. It is stated in a Letter No. 62 of 8 August 1866 addressed by Mr Carmichael the Collector of Vizagapatam to the Madras Government, which has already been communicated to you, that you granted certain certificates to the Dewan of Bobbili as set forth in the said Letter, are you willing to acknowledge that you did grant those certificates.

Answer. I did grant those certificates but not on the dates affixed to the copies of the certificates entered in Mr Carmichael's Letter alluded to — These dates are those of the copies entered in the Miscellaneous Return Book, but are not the dates on the original certificates which are in charge of the Record Keeper of the Civil and Sessions Court here.

The Court send the usual notice to the Civil Authorities to direct the production of the original certificates by the Record Keeper on the next day of their assembly and proceed with their Inquiry.

1st Witness. Mahomed Sheriffe 1st Dresser attached to the Civil Dispensary Vizagapatam is called into Court.

Question. State to the Court all that you know regarding certain certificates which were granted by Apth. Surgeon Dougall to the Dewan of Bobbili in November 1865.

Answer. The Dewan of Bobbili came here in November 1865, I dont recollect the date of his arrival, about the 16th or 17th of that month, he sent for me, and said he wanted to see Dr. Dougall I said I would ask the Gentleman about it. On the morning of the 18th idem between 7 and 8 oclock, I saw Dr Dougall on this subject he said he had no objection to see the Dewan. About 10 oclock the same morning, I got a note from Dr Dougall desiring me to come down to his quarters about one oclock, (I cannot produce that note) before going to his quarters as directed

Mepage. I sent a verbal mepage (I cannot recollect by whom) to the Dewan, that Dr Dougall had [illegible]

objection to see him at his (Dr D's) quarters that day — I went to Dr Dougall quarters a little before one o'clock, and after a few minutes the Dewan came there in a palanquin with several retainers — Dr Dougall came out into his Verandah to meet the Dewan whom I introduced saying here's the Dewan, as he was a stranger to Dr Dougall. Who shook hands with him, and I then accompanied them into the House, they both sat down and entered into the usual Complimentary conversation thro' me, the Dewan talking in Telangoo and Dr Dougall in English.

The Dewan then said he was summoned to attend the Court here that it was troublesome to him and that he was not equal to it, Dr Dougall said "we will see about it".

×2 see page XL

2×

Almost immediately afterwards we all three went into the next room, the Dewan and Dr Dougall sat down at a round table, I stood near — the Dewan took up a book that was on the table and asked what it was, Dr Dougall said it was an Album and contained pictures (this was thro' me as before) The Dewan looked thro' the Album for about ten minutes, I mean

×3 see page XLIII

×3

time moving backwards and forwards between that room and the one next to it which communicated with it by open archways. a little while after, the Dewan took leave and went away. I remained there with Dr Dougall. When I was leaving the House about 1/4 of an hour afterwards, Dr Dougall said, you may write out a certificate excusing the Dewan from attending the Court owing to indisposition, so I went down to the Hospital, and at once wrote out the usual sort of Certificate, and sent it to Dr Dougall for signature by one of the Hospital servants (I don't recollect by which of them) The same man brought it back in about two hours signed by Dr Dougall. I then at once ×4 transmitted it to the Dewan. That is all that transpired that day —

×4 see page XLIV

Next day, it was Sunday — the Bobbili Zemindars Vakeel T. Sreenavaparao wrote me a note begging me to come down with Dr Dougall to the Dewan's House; the note contained an enclosure for Dr Dougall which I was requested to send on to him. I don't know what the enclosure was about but I at once sent it, as also the Vakeel's note to me, on to Dr Dougall.

This room was visited by Major Boddam & myself
It is a small room. 16 ft. by 12. Thos.

After a little while I left the Hospital and was going in my tonjon thro' the Bagar - when I met Dr Dougall driving with Mrs Beatty, he asked me where the Dewan lived, I turned back and went with the carriage to the Dewan's House.

Dr Dougall left the carriage with the Lady in it at the Dewans door, and went upstairs I accompanied him -

We went into a large room where the Dewan was seated with a number of other people - Dr Dougall went up to the Dewan, shook hands with him, and took a seat - They began to converse thro' a Brahmin, [x5] & very [illegible] Servants - I did not hear what they were talking about - After a short visit Dr Dougall left the Dewans House, I left with him; the carriage with the Lady in it was still standing at the door.

That is all that occurred on that day.

Next day Monday Dr Dougall told me, when he visited the Hospital as usual about 8 o'clock A.M., that the Dewan was sufficiently well to attend the Court, but that he suffered from giddiness, and that during his stay in Court he might have a seat; and told me to write out a Certificate

x5 see page XLVI.

to this effect - I did so about noon that day. Dr Dougall signed this Certificate the next morning when he visited the Hospital along with Dr Andrews - [x6] I sent off the second Certificate shortly afters to the Dewan.

Nothing further occurred that day.

Question — Did you make any copy of the two Certificates you have alluded to?

Answer — I gave them to my assistant to copy into the Hospital Miscellaneous Return Book.

Question — Did you see them copied by your assistant?

Answer — Yes, I saw him actually copy them.

Question — Did you compare the copies in the Book with the Originals?

Answer — No, I was standing near; when he had finished entering the Certificates I took them from him - The same course was pursued in entering both Certificates -

Question — When did you first see the entries of the certificates in the Book you have alluded to?

Answer — About a month after they were entered.

Question — Can you recollect what dates you affixed to the original certificates?

Answer — I do not recollect, I usually affix the date after a paper has been signed.

Question — Did your Apt. enter the Certificates in

the Book before or after they were signed by Dr Dougall?

Answer Before.

Question The Originals then, it is presumed, had no dates affixed to them when entered in the book.

Answer They were not then dated.

Question When you saw the Dewan at Dr Dougall's House, as you have stated, in what state of health did he appear to be?

Answer He appeared to be in a good state of health.

Question On the occasion the Dewan sent for you as you have stated, on the 16th or 17th November did he appear then to be well, did he complain of being subject to giddiness or any other complaint. Or did he tell you, why he wanted to see Dr Dougall?

Answer He appeared to be quite well and made no complaint to me of being indisposed in any way, nor did he tell me why he wanted to see Dr Dougall.

*7 see page XI.

Question Are you aware if about this time Dr Dougall prescribed for the Dewan, if so, was any medicine made up for him in Hospital.

Answer No, no prescription was sent to me, nor did I make up any medicine for the Dewan either in or out of Hospital.

Question Could any medicine have been so made up in Hospital, without your knowledge?

Answer No it could not.

The Court here requests Dr Dougall to state if he has any objection to produce the note said by witness to have been written by the Pennudar's Vakeel to him and sent by witness to Dr Dougall with an enclosure for him.

Dr Dougall at once produces both notes. They are here entered initialed by the Judge Advocate and returned to Dr Dougall.

address "M. R. R.
"Momud Sheriff Esqre"

called Dr Dougall in his statement No 1

"My dear Friend.

Dewan wants you & Dr Dougall to speak urgently. Please send the accompanied letter to him & bring him here with you.

"Your's Sincerely"
(signed) "F. Sreenivasarow"
"19th November"
65

The enclosure is
addressed "Dr Dougall"
"Waltair" in a different

[illegible]

Mr Douglas Statement 1862

"My dear Sir"

"Being indisposed (sic) I wish to see you. Will you please to call over this Evening"

Yours truly

"19th November" signed to Dewan

1865

Dr Dougall states that he understood the signature to be that of the Dewan of Bobbili.

Examination of Witness Continued

Question — Can you identify these notes (shown to him) as those you received from the Bobbili Zemindar's Vakeel.

Answer — Yes, the enclosure was directed to Dr Dougall Walton as this is (pointing to the second note) but I did not, as I have before stated, read it.

Question — How did the Dewan send for you on the 16 or 17th November?

Answer — He sent me a verbal message and I went to him at a house in the Town in the Afternoon a little before sun set — There were several people present. I cannot recollect any particular individual, the interview lasted a few minutes only.

Question — You have stated that after the Dewan left Dr Dougall's House on the 18th you remained about ¼ of an hour; what conversation passed between you and Dr Dougall during that time?

Answer — We were talking about matters of no importance and not in any way connected with the Dewan.

Question — When you were on this occasion employed in interpreting between the Dewan and Dr Dougall where were the Dewans retainers?

Answer — Some outside the house and some in the Verandah, but none of them in either of the rooms, some of those in the Verandah were looking into the room where we were.

Question — When did you first hear a word said by any one about the Dewan being unwell?

Answer — As I have already stated, when the Dewan told Dr Dougall thro' me on the 18th that he was unequal to attend the Court — He used the word "assaudiem" which I understood and translated, as applied to the state of his health.

see page XL.

Question — On the 19th at the Dewans House, was the conversation between Dr Dougall and the Dewan translated to the former by the Brahmin into English?

see 5 page XLVI.

Answer — Yes into English. The Brahmin's name I have heard to be Precassim. I can identify him.

Question — You appear to have taken much trouble on the Dewan's account, has he ever presented you with any fee or present for your trouble

Answer — He promised not to forget me, which I understand to mean that he would make me a present, but he went away without giving me anything.

As the Court wish to complete the examination of this witness before his cross examination by Dr Dougall they adjourn till noon on Wednesday the 26th December for the production of the original certificates granted by Dr Dougall to the Dewan which have been applied for.

Second Day — Wednesday the 26th December 1865

Examination of 1st Witness Continued

Question — The Court having met at noon all present. Was any mention ever made in any conversation between the Dewan and Dr Dougall thro' you, about any fee or gratuity being given by the former to the latter for any purpose whatsoever?

Answer — No mention whatever was ever made in my hearing or thro' me of any fee being given to Dr Dougall by the Dewan for any purpose whatever; I never heard from the Dewan or from any of his people of any fee or gratuity

having been promised or given to Dr Dougall at the time these transactions I have alluded to were going on; I have since heard reports flying about on the subject.

Question — Are you aware if any one besides yrself has been employed at any time as a go between, between the Dewan and Dr Dougall?

Answer — No one that I am aware of.

Question — Was Dr Dougall himself ever said any thing to you on the subject of receiving any fee or remuneration from the Dewan on any account whatsoever?

Answer — He never mentioned the subject at all, at the time the Certificates were written, nor at any time while the Dewan was here.

Question — When, how, and from whom did you first hear then, any mention made of the Dewan having paid Dr Dougall?

Answer — I heard reports on the subject to which I did not attach much importance, about four or five months after Dr Dougall went to Rajahmundry, which he did about the 10th December 1865, but I cannot recollect from whom I heard them. — I can recollect that Dr Dougall wrote to me from Rajahmundry in April or May last (I will look for the Letter and produce

it if I find it about these reports connected with himself and the Dewan

The Court request the witness to proceed to his House at once and bring the Letter he alludes to with him, and mean time they proceed with the examination of another witness.

Second Witness

Mirsingrow Record Keeper of the Civil Court of Vizagapatam is called into Court.

Question

Can you produce certain certificates granted in November 1865 by Dr Dougall to the Dewan of Bobbili?

Answer

Yes. I here produce them.

They are entered as follows

"I do hereby certify that Rajah Enoogunti Seetha Ramasawmy Bahadoor Dewan of Bobbili is incapacitated by indisposition from attending the Civil and Sessions Court"

Vizagapatam — Signed J. Dougall
20th November 1865 — Ag Civil Surgeon

READ 20.12.66 J.C.T.

Correction none
Erasure none
Signed 20.12.66 J. Thompson
Civil Judge Vizagapatam

Initials of Mr Collett

"I do hereby certify that Rajah Enoogunti Seetha Ramasawmy Bahadoor Dewan of Bobbili, is sufficiently well to attend the Court but as he is subjected to sudden giddiness he should be permitted to have

a seat during his stay into the Court.

(Signed) J. Dougall
Vizagapatam — Ag Civil Surgeon
21st November 1865.

READ 20.12.66 J.C.T.

Correction none
Erasure none
"2 1" in blacker nib than the rest"
(Signed) J. Thompson
Civil Judge of Vizagapatam

Witness states that these certificates were made over to him when by the Court Sheristadar but that he himself was not in Court when they were handed in —

The Certificates are shewn to Dr Dougall who acknowledges they are the original Certificates granted by him to the Dewan of Bobbili

The witness retires.

1st Witness Continued

The 1st Witness returns and produces the Letter he alluded to, it is initialed, left in charge of the Judge Advocate, and a portion of it entered on the Proceedings.

"Rajahmundry
9th June 1866"

Mahomed

I will to ask you to deliver the accompanying note to Mr Macmurray and explain when that I hope he will show that [illegible] to the Blackman, in which I [illegible]

He ought to do so after [illegible] we [illegible] about what the rascal said. I am not offended in the Mr Macmurray for writing what the Blackman said provided he reads what I have written about the "Blackman" to that individual.

xx Here occurs a sentence about the writer visiting stations &c of no importance whatever.

Signed J. Dougall

"P.S. Please explain to Mr Macmurray that I do not wish to get him into any trouble and there is nothing in his letter to offend Mr C. with him but it will be well [illegible] a stop to Blackman saying that Mr Carmichael was guilty of such a dishonourable proceeding as making private enquiries about my affairs."

Initialed [illegible]

The Court have entered the above at Dr Dougalls request, they attach little or no importance to it.

Question — Who is the "Blackman" alluded to in this letter

Answer — Mr G. L. Nursingrao, he is known as Black Nursingrao to distinguish him from another Nursingrao.

Second witness recalled — The Second Witness is recalled with the original Certificates previously produced by him.

They are shewn to the witness Mahomed Sheriff and identified by him as the certificates alluded to by him in his evidence as having been made

out in his own hand writing.

Question — Were those Certificates dated before or after they were signed by Dr Dougall and by whom were the figures 20 and 21 respectively entered?

Answer — They were dated after they were signed by Dr Dougall, the figures were written by myself.

Question — You have stated that you sent the first of those Certificates to the Dewan on the 10th November, how do you account for its being dated two days later?

Answer — I cannot account for it in any way except that the 20th must be a mistake, I am quite certain I wrote it, and dispatched it to the Dewan on the 10th November 1865.

The Second Witness retires.

It being past 4 o'clock the Court adjourns till noon tomorrow.

Third Day — Thursday the 2nd December 1866.

The Court having met at noon, all present.

Dr Dougall requests that Dr J. E. Mayer may be called as a witness on his behalf at this stage of the proceedings, as it has been intimated that Dr Mayer is about to proceed on his tour of Inspection, & that his detention till the close of the Proceedings will be prejudicial

to the public Service.

1st Witness. Called by Dr Dougall

Dy Inspector General of Hospitals J. E. Moyer is called into Court.

Dr Dougall requests that the certificate entered on this Record dated 20th November 1865 granted by him to the Sewan of Bibbili may be read to witness.

It is read accordingly

Question by Dr Dougall

If a Gentleman who was very stout had been undergoing considerable fatigue combined with over feeding and irregular hours, were to tell you that he was suffering from severe headache and giddiness, and you had no reason to doubt his statement, would you [illegible] in giving him such a certificate as that you have just heard read.

Answer

Under the circumstances stated I should have no hesitation in giving him such a certificate.

Question

If you gave such a certificate would you mean it to excuse attendance on that day only?

Answer

Yes, for I presume, it means that the person was cited to attend the Court on that day only, altho' it is not so stated in the certificate

Dr Dougall requests that the second certificate entered on the record dated 21st November 1865 may be read to witness — It is read.

Question

After having given the 1st Certificate on the morning of the 20th to excuse attendance in Court that day, suppose that on the afternoon of that same day you received at your house (distant 4 miles from the Sewan's lodgings) a note from your Dresser stating that the Sewan wished another Certificate for the 21st November (the day following) as tho' his headache was relieved he still suffered from giddiness and was unable to stand if required to give evidence in Court, would you feel justified in giving such a certificate as the one last read to you.

Before putting this question the Court call upon Dr Dougall to inform them if he wishes them to understand that such a note was actually written and sent by the Dresser to him on the 20 November 1865, and if he can produce it, or adduce other proof of its having been so written.

Dr Dougall states that such a note was written to, and received by him on the date alluded to but that having been

* see 13 page XXIV

Service removed 3 or 4 times from Station to Station he has not kept it, and cannot now produce it, but that the Dy Commr and Sheriffe will no doubt be able to prove, that he wrote and sent such a note to him.

The Court permit the question to be put.

Question

Did you go to see the Dewan on the 21st November 1865, Tuesday?

Answer

Yes I saw him at a distance but did not speak to him, and did not go to him.

Question

Can you state how many times you personally communicated with the Dewan during his stay at Vizagapatam last year, on the occasions he was attending to?

Answer

The 1st time was at Mr Dorinah's House on the 9th November 1865, next at Dr Dongall's House on the 18th Idem, again on the 19th Idem in his own House or another at Sarada Mudigas where the Dewan always slept, the next time was two or three days after the 21st when I saw him again at Sarada Mudigas; I visited him three or four times after this at the same house but cannot recollect the exact dates.

Question

Are you aware whether the Dewan or Dr Dongall can speak Hindoostanee?

Answer

I do not know if the Dewan can speak Hindoostanee, but I have never heard him utter one word of it. Dr Dongall I know can speak it to the extent of "shew your tongue" "have your bowels been opened" and such like questions to a patient, but he has never spoken to me

1st Witness continued

Cross-examination

You have stated you do not recollect to whom you sent the 1st Certificate to the Dewan, are you positive you did not take it to him yourself?

Answer.

I am positive that I took neither the 1st or the 2nd Certificate to the Dewan.

×10 ccc 4 page XLIV
6 — " — D°
6 — " — LXII

Question

On the 20th November '65 Mon day did you go to the Dewan yourself, or did you see the Dewan at all on that day.

Answer

I did not go to his house, or to any House in which he was, on Monday the 20th November 1865, of this I am quite certain; nor did I see him at all anywhere on that date.

×11 ccc 4 page XLIV

2 ccc page 5 LXIII

×12

Question

Did you go to see the Dewan on the 21st November 1865, Tuesday?

Answer

Yes I saw him at a distance but did not speak to him, and did not go to him.

×12

Question

Can you state how many times you personally communicated with the Dewan during his stay at Vizagapatam last year, on the occasions he was attending to?

Answer

The 1st time was at Mr Dorinah's House on the 9th November 1865, next at Dr Dongall's House on the 18th Idem, again on the 19th Idem in his own House or another at Sarada Mudigas where the Dewan always slept, the next time was two or three days after the 21st when I saw him again at Sarada Mudigas; I visited him three or four times after this at the same house but cannot recollect the exact dates.

Question

Are you aware whether the Dewan or Dr Dongall can speak Hindoostanee?

Answer

I do not know if the Dewan can speak Hindoostanee, but I have never heard him utter one word of it. Dr Dongall I know can speak it to the extent of "shew your tongue" "have your bowels been opened" and such like questions to a patient, but he has never spoken to me

and has often when addressed in Hindoostanee asked me what was Consent

Question On the 10th November 1865 at Dr Dougall's House, when the Dewan was looking at Dr Dougall's Album, and you were moving about, as you have stated, was there perfect [illegible] between them

Answer I did not hear one word, or the sound of any conversation of any sort.

Question Have you ever received any payment from Dr Dougall for your services rendered during the time the Dewan was at Nagapatam?

Answer No, I never received anything from him.

Question Did you on the afternoon of the 20 November 1865 Monday write and send any note to Dr Dougall relative to the Dewans state of health?

Answer I did not write or send any such note on that date to Dr Dougall.

Question Did you ever write and send a note to Dr Dougall stating that tho' the Dewan was well enough to attend the Civil Court here on the 21st November 1865, yet that he was still subject to sudden giddiness and could not stand in Court during his Examination?

×13 see page 8 XXX

×9 13

Answer ×13 No, I did not, nor anything to that effect.

Question Are you still unable to state from whom

you first heard that Dr Dougall had received money from the Dewan.

Answer I heard a rumour of this first from the Court and Cutcherry people, but the first person who told me distinctly about it was Mr Macmurray who informed me; when I wrote the letter to him enclosed in mine of 9th June last from Dr Dougall which I have handed into this Court; that Dr Dougall had been accused of taking a bribe from the Dewan of Bobbili for having granted him certain certificates

Dr Dougall states that he wishes to postpone the cross examination of this witness till after the Examination by the Court of the Dewan of Bobbili.

The witness retires.

Third witness called by the Court

Chingle Rao, Sheristadar of the Civil Court of Nagapatam, is called into Court

Question Do you recollect the Dewan of Bobbili being called as a witness in a case before the Civil Court here in November last year, if so, state what then occurred?

Answer On the 20th of November 1865 the Rajah of Bobbili's pleader Ipabala [illegible]

Shastry handed in a petition in the Civil Court, here, accompanied by a certificate that the Dewan of Bobbili was indisposed and unable to attend. This certificate was handed to me, and after the case was closed was placed by me in charge of the record keeper. The petition was that the Dewan of Bobbili should be examined by a Commission, the Judge Mr. Collett declined to accede to the prayer of the petition, and went on with the evidence for the plaintiff. He made no allusion to the certificate of indisposition. The next day, the 21st was occupied with the Plaintiff's case. The Dewan was a witness cited for the Defendant. The Judge said the Dewan would have to attend tomorrow (the 22nd) if his evidence were required.

On the 22nd Mr Branson one of the Rajah of Bobbili counsel, produced a second certificate and said that the Dewan was at his Hotel and was ready to attend the Court when called; this certificate was initiated by Mr Collett and handed to me, I can identify it. At the conclusion of the examination of the witnesses that day, the pleader for the defendant dispensed with the Dewan's evidence and it

was not called.

The original certificate granted by Dr Dougall dated 21st November 1865 entered on his record is shewn to witness, and identified by him as the one alluded to by him as having been handed into Court by Mr Branson on the 22nd November 1865.

Q by Dr. Dougall Answer

Did the Judge Mr Collett make any remark in receiving the second certificate?

No.

Question by the Court Answer

Did you hear any objection raised to the first certificate, when it was handed in, by any one?

I do not recollect any discussion having occurred regarding it on the day it was handed in, but on the 21st one of the defendants pleaders Shoyanah Shastry represented to the Court, that the Dewan was perfectly able to attend, and asked the Court to compel his attendance the next day — The Judge said the Dewan must attend, if his evidence was required — The witness retires —

It being past four o'clock the Court adjourns till noon tomorrow.

Fourth Day.

Friday the 28th December 1866

"The Court having met at noon, all present

The Court, in the absence of Shayanah Shastry the Pleader who objected to the Dewans being excused attending the Court on account of indisposition as deposed to by the last witness, proceed with the Examination of Garuda Neelya the money Agent of the Bobbili Zemindar at Vizagapatam

Fourth Witness

Garuda Neelaiya Soucar, Money Agent of the Bobbili Zemindar, is called into Court

Question

So you recollect having had any money transactions in November last year personally with the Zemindar of Bobbili's Dewan

Answer

Yes in the month of November last year the Dewan came and stopped in my house for about twenty days; he used to take his meals however in another House He came on account of a Civil Suit here

One day, the Dewan asked me to get him three thousand Rupees in currency notes I asked what he wanted so large a sum of money for, he said "I am going to give these notes to Dr Dougall for certain certificates" I said "why are you going to give such a large sum for certificates", he replied, "I have promised to

give three thousand Rupees you must get those notes" I said, "very well" —

The Dewan then sent for one of his Gomashtas Suraya and ordered him to give me the money in Rupees for these notes. We were all upstairs at this time, on receiving the order to get the money from Suraya I went with him downstairs and he at once opened a Box and gave me three thousand Rupees; the only persons present were two men of the Dewans who were on Guard over the Cash Chest, but I dont know who they were; the Dewan remained upstairs and was not present — About four or five days after this another of the Dewans Gomashtas K Somayajoolao came to me for the Notes for which I had already received Rs 3000, saying they were for Dr Dougall who was then upstairs I gave Somayajoolao six Currency Notes of Five hundred Rupees each, no one was present at the time.

Question

You say that Somayajoolao told you that Dr Dougall was upstairs, do you know if this was the case

Answer

Yes, I saw a gentleman pass me and go upstairs I enquired of my people who it was, and they told me it was Dr Dougall.

Question — When Dr Dougall went upstairs, was the Dewan also upstairs?

Answer — Yes, he was.

Question — Had you ever seen Dr Dougall at your house before this, or have you ever seen him there since?

Answer — Yes, once, two or three days before this and never since.

Question — Can you tell on what dates you gave the notes to Somayajoolo, did you make any entry in any of your books of the circumstance?

Answer — I cannot recollect the date, I made no entry of the circumstance in any of my Books.

Question — Where and when did you get the notes?

Answer — I did not get the notes for the particular purpose for which I gave them to Somayajoolo. I had them by me at the time. I am a Sonar and get many such notes from the Bank Office and cannot tell when I got these notes in particular.

Question — Do you go yourself to the Bank Office for such notes or employ an Agent, if the latter, state who he is?

Answer — I used generally to send one of my Agents or Peons, but very rarely went myself for them. I generally employ one of the following, Dasari Bhavanarayadoo-ch, Brahamaya-Dasari

Singasawmy - P. Sanayasi.

Question — Did you keep any memo of any description of having received Rs 3000 from Suraya or having given the six Notes to Somayajoolo?

Answer — I kept no memo of any sort of either transaction as there was neither profit or loss, I always deposit and take out all monies from my Cash chest myself, no one else has access to it, I keep no account of its contents & could not tell at any time what it contained without counting it.

Question — Did Suraya count out the 3000 Rupees to you with his own hand or was there a Shroff present?

Answer — There was no Shroff present, I myself counted out the Rupees

Question — You stated to Mr Carmichael on the 30th October last that Suraya gave you the 3000 Rupees "thro' the Dewan Shroff", how do you reconcile this with your reply to the last question?

Answer — I cannot account for the discrepancy, I cannot now say if a Shroff were present or not.

Question — And you the Currency Notes by you when the Dewan said he wanted them to the amount of Rs 3000, [illegible]

you not give them to him at once?

Answer: The Dewan ordered me to get them ready, but did not then ask me for them, had he done so I would have given them to him as I had them by me at the time.

Question: Is the Dewan any relation or friend of yours?

Answer: We are not related, he is a great friend, I am his Servant.

Question: Whose money was the 3000 Rupees you received from Durga, was it the Dewan's or the Zemindar's?

Answer: I do not know.

Question: Do you mean to say you paid away these notes of Rupees 500 each, without keeping the Numbers, and is it your custom to receive and pay out notes without keeping the No.

Answer: I did not keep the Numbers of those notes, I am not in the habit of keeping the No. of Notes received and paid out by me.

Question by Dr Dougall: Have you any bills of the Currency Notes you bought in November last year, if so can you produce them?

Answer: I have no such bills.

Question: Did you buy any Currency notes in November 1865?

Answer: I remember I bought some but I do not

see margin page XXXVIII know how many.*

Question: On what day and date since you first saw me come to your house?

Answer: I cannot recollect either.

Question: At what hour in the day was it?

Answer: At four or five in the afternoon.

Question: At what hour, was it when I came the second time as you have deposed.

Answer: Between 4 and 5 in the afternoon.

Question: On the first occasion you state I came did you see me? and how did you know who I was?

Answer: Yes I saw him first, and I enquired his name of my people, and by them I was told it was Dr Dougall.

Question: Did they say Dr Dougall or merely "Dr dhora"?

Answer: They said Dr Dougall.

Question: Having already enquired who I was on my first visit, why did you ask who I was on my second visit?

Answer: I was seated in a room opening into a Court yard, I saw Dr Dougall come into the Court yard and go towards the way leading upstairs — I did not recognize

as he had his back turned towards me.

It being four o'clock the Court adjourned till noon tomorrow.

Fifth Day

Saturday the 29th December 1866.

The Court having met at noon, all present

Fourth Witness Continued

Cross Examination of Witness by Dr Dougall continued.

Question by Dr Dougall

Did you ever give Cash for notes, Receipt at the Currency Office?

Answer

Yes.

Question

If found with forged or stolen notes, would you be able to prove how and from whom you had received them?

Answer

I could not prove from whom I got them.

Question

If you find a note thro' the Post do you keep its number?

Answer

Yes, I enter the No. in the letter enclosing the note, and keep a copy of the letter.

Dr Dougall requests permission to reserve any further Cross Examination of this Witness till after the Defences Examination, he also requests that this witness may be requested to produce his account and Letter Books

for 1865 and 1866.

The Court accede to both requests and direct witness to have the Books alluded to ready for Examination on Wednesday the 2nd January 1867.

Question by the Court

You have stated you saw a gentleman come to your House on two occasions in November last year. Can you identify him?

Answer

I cannot identify him, I do not remember ever having seen him since.

The witness is requested to look at Dr Dougall & state if he ever saw him before.

He does so, and states he does not remember ever having seen him before he saw him in this Court yesterday.

Question

Who told you the Gentleman alluded to was Dr Dougall?

Answer

I do not remember.

Question

Was Dr Dougall alone on both occasions you saw him at your House?

Answer

Yes, there was no one with him.

Question

Do you know a Draper named Mahomed Sherif?

Answer

Yes I know him, I have seen him come to see the Dewan at my House two or three times.

Question

Did he ever come with the Gentleman you have told me was Dr Dougall

Answer

I did not see him there.

Question — In what state of health was the Dewan when he occupied the same house as yr self in Nov. last year?

Answer — He appeared quite well, he never complained of illness to me.

Question — Did the Dewan tell you why he wanted the Certificate?

Answer — He said he wanted them on account of his dignity.

Question — Can you recollect if on or about the day the Dewan told you he wanted the notes, he went to any grand feast at night & had a party at his own House?

Answer — Towards the end of his stay here the Dewan went to two entertainments at V. Jugganat Rao's, Sub Magistrate, & at I. Tremarasa Rao's, his Vakeel.

Question — What sort of entertainments were they.

Answer — They were private entertainments.

The Court adjourns at 2.15 P.M. at Dr Dangalls' request as he is suffering from fever till noon on Monday the 31st Inst.

Sixth Day — Monday the 31st December 1866.

Fourth Witness Continued — The Court having met at noon all present.

Question — Reexamination by the Court continued.

Can you state positively if all the notes you gave to Somayajoolo for the Dewan were procured by you or your Agents from the Currency Office?

Answer — Yes, I got them all thro' my agents from the Currency Office at Vizagapatam.

Question — Did you advance any money on the Bobbili Rajahs account to the Dewan during his visit here, or did the latter bring all his funds with him?

Answer — No. The Dewan when he came brought money with him for his Expenses, but shortly before going away he borrowed two or three or four or six hundred or something under a thousand Rupees from me which he repaid after his return to Bobbili. I have an account of the transaction.

The witness retires and is told to bring his accounts &c with him on the next meeting of the Court. Wednesday the 2nd January 1867 there being no competent person present to Examine and Explain the entries in his Books to the Court.

Fifth Witness. — Gogellum Subbaiya, cash receiver in the paper Currency Office here is called into Court.

Question — Do you recollect or have you any official record of certain currency Notes having been purchased in the paper Currency Office here in November last year by one Garuda Neeliaya of Vizag, or by any of his people

Answer Yes I can prove such purchases were made by the means Agent, by production of my books in which are the following entries of printed cheques.

"F.H. "Exchange Department

No 464 Vizagapatam 5 November 1865

Pay to C Brammaiya or bearer Government Currency Notes equal in value to two thousand Rupees"

(signed) "G Subbaiya"

"Paid "Cash Receiver"

"500 Rupee Notes 4 pieces = Rs 2000"

"Total 4 pieces = Rs 2000"

(signed) "T Kreenavaparao

On the Back are the Nos of the Notes. "Cashier

"No 06446
No 06445
No 06540 } of Rs 500. Notes
No 06419

Same Form. "Vizagapatam 5 November 1865

"No 468"

"Pay to P. Vinayasa & Co Govt Currency Notes equal to eighteen hundred Rupees"

signed G Subbaiya
Cash Receiver

"Paid "100 Rupees Notes 3 pieces = Rs 300
"500 do do 3 do = Rs 1500
"Total 6 pieces = Rs 1800

(signed) "T Kreenavaparao
Cashier

Nos of Notes on back

"100 Rs	"500 Rs
"30323	"06462
"324	"492
"748	"493
"3	"3

We trip explains that the figures 30 are understood to be entered before the figures 324 } indicating the number of
Sm ~~374~~ 748 } the Notes for Rs 100 and in like manner the figures 06 before 492 } indicating the Nos of the notes
493 } for Rs 500.

Same Form

No 470 Vizagapatam 18 November 1865

Pay to D Bhavannarayudu & Co Govt Currency Notes equal in value to Rupees two thousand and one hundred Rupees only

(signed) G Subbaiya
Cash Receiver

"Paid 100 Rupee Notes 1 pieces = Rs 100
" 500 do " 4 do " Rs 2000
" Total 5 pieces Rs 2100
" signed " S Sreenavapardo
On Back " Cashier.

" 500 Rs		100 Rs
" 06 . 494		20.309
(Witness 064 Explains is understood)	" 95	
do	" 96	1
do	" 97	
	" 3 (sic incorrect)	

C Brahmmaiya who states that he is one of Garuda Neeliaya's Agents and D. Bhavannarayudu who says that he is Garuda Neelaiyas Brother in law are called into Court and are identified by witness as the men whose names are entered in Cheques No 464 and 470 respectively as having procured Currency Notes from the Currency Office here, the former having got Four Notes of Rs 500 each on the 15 November 1865 and the latter one Notes of Rs 100 and Four of Rs 500 each on the 18th Idem.

The Court are informed that P. Sanjaro is not present having left the place so Bengal declines Cropexamining the

The Court examine the cheque book as far back as 1st August 1865 and find no other purchases of Notes by G. Neeliaya or any of his Agents.

Witness who retires.

The Court adjourns at two o'clock P.M. till noon on Wednesday the 2nd January 1867 there being no more witnesses present for Examination.

Seventh Day — Wednesday 2nd January 1867.

4th Witness recalled — The Court having met at noon all present Garuda Neeliaya is recalled into Court with his books for 1865 and 1866.

Munla Venkanah Head Accountant Collector's Office Vizag is called into Court and directed to examine the said Books with reference to certain points to which his attention is directed and on which he will be Examined after he has finished his Examination of the Books meantime the Court proceeds with the Examination of another witness.

Sixth Witness — Iraguntu Sita Ramasaneny Garu Sewan of Bobbili, is called into Court.

Question — State to the Court all that occurred on your visit here in November 1865 in which Dr Bengall was in any way concerned.

Answer — I came here in November 1865, I think on the 10th Ins on account of a Civil suit in which the Bobbili Rajah was concerned. the Defendant had cited

me as a Witness to appear in Court on the 20th of the same month. I was a little indisposed at that time as this place did not agree with me — It was formerly the Custom when the Court had directed the attendance of my ancestors to treat them with great respect in the Court, I was told that in this Court I should have to give my evidence standing up, whereas my ancestors used to be given a chair, this made me uneasy, as I considered that to stand in Court while men of inferior rank were seated was an indignity — On the afternoon of Friday the 1st November 1865 I sent for Dr Dougall's dreper Mahomed Sheriffe, he came to me at Guruda Neelaiza's House, where I was staying, that same afternoon. I told him[x7] I was a little indisposed and that I was cited to appear as a Witness in Court on the 20th Idem and that I would not be allowed a chair while giving my evidence, which I considered an indignity. He said I will tell Dr Dougall about this and try and get him to see you tomorrow, and will send you word. The next day the 18th[x1] Mahomed Sheriffe came again

x7 see page VIII XI

x1 see page iii

to the same House and informed me that Dr Dougall would see me between one and two o'clock that day at his own House. I accordingly went there and found Dr Dougall and Mahomed Sheriffe in the House, as I had never seen Dr Dougall before Mahomed Sheriffe introduced us to each other we went inside and all sat down. I then said to Mahomed Sheriffe "I am rather unwell; the defendant in a case here wants me as a witness in Court, my ancestors have hitherto been treated with respect in Court when giving their evidence but I have been informed that I shall have to give my evidence in this Court standing up. Mahomed Sheriffe interpreted this much to Dr Dougall in English and then said "Come in Hindoostani you and Dr Dougall both know Hindoostani you can talk together" he then went out into the Verandah.

I then said in Hindoostani "Hamarey ko "psettyware kee turruf se Court men Shahidee "bolney ko sumaun jari hoa, humarey boogoorgong ke Court men Shahidee leyna, bhoot murruwut se laytey the, ub yeh Court walley humara Shahidee box

2 see page IV

2x

box men khurray kerker laytey heing
so khubber khoob maloom hooa, waisa
leeze to, humara ezzut men bhoot
furruck ajaiga, is waste humara
dil men bhoot dahshut paida hooa".
Dr Dougall replied in Hindoostani
"You need not be afraid I will give you
a sick certificate, as a "fee" for it you
must give me three thousand Rupees"
for the sake of my honor I agreed and
promised to pay it to him stating that I
feared the indignity I might be subjected to
in the Court. Dr Dougall then shewed me
some pictures of the Queen and other people
but nothing further was said about the
sick Certificate; after some conversation
about the pictures I took leave and went
away.

3 x see page IV 3 x

Question How far off was Mahomed Sheriffe when
Dr Dougall said he must have a fee
of 3000 Rupees and you agreed to give it.

Answer He was outside in the Verandah, in
sight but out of hearing.

Question When Dr Dougall demanded the fee
did he do so in his usual tone of voice or
in a low tone, as if he did not want to be
overheard?

Answer He did not speak in an unusually low
tone, his tone was the same as when explaining
the pictures.

Question You say that Mahomed Sheriffe told
Dr Dougall that you were a little unwell
did you explain thro Mahomed Sheriffe
or personally in Hindostani to Dr Dougall
the nature of your indisposition?

Answer I told Dr Dougall thro the Dresser
that the climate of this place did not
agree with me and that I was suffering
from indigestion (gurmee).

Question Did Dr Dougall give you any Medicine
or prescription then or at any time shortly afterwards

Answer No.

Question When you found yourself in difficulties
about attending the Court what made you send
for Mahomed Sheriffe in particular?

Answer I sent for him as being Dr Dougall's subor-
-dinate that he might communicate my case
to Dr Dougall with a view to my getting
a Certificate from him.

Question If really unwell are you not aware that
you could get a sick certificate from any Dr
without paying for it, more than an ordinary
moderate fee?

Answer I did not then know what would be conside-
-red an ordinary fee.

Question Did you not consider the Dr. demand exorbitant?

Answer I did not think so then.

Witness is requested to continue his statement.

On Sunday the 19th Idem Dr Dougall came to see me at Garuda Neeliaya's House between 4 and 5 o'clock in the afternoon I asked him for the certificate which he had promised me he said I will send it tomorrow the next day the 20th [x4] he sent the certificate by Mahomed Sheriffe [x4] who translated it to me. It was that I was ill and unable to attend the Court. I sent it to my Pleader Prabala Soobaraya Shastry to present it to the Court. On Tuesday the 21st November '65 he informed me that the Court had not accepted it, and had ordered me to attend the next day the 22nd Idem. I immediately [x5] sent for Mahomed Sheriffe who at once came and I explained this to him. He said nothing nor did I tell him I wanted another certificate. The next day the 22nd about 9 A.M. [x6] Mahomed Sheriffe brought a second certificate and said you only want respect in the Court by this certificate you will get it, and translated it. It was that I was still rather

x4 see page V
V11 page XX

x5 see 12 page XXI

Regarding these dates see reply of this witness at page XLVII marked ✻

x6 see pages VIII & IXII

unwell and unable to stand in Court for a long time and that I ought to have a chair.

I sent this certificate to Lawyer Branson to be handed into Court. I did not after all appear in Court as my attendance was dispensed with. The next day or the day after that (the 23rd or 24th Idem) Dr Dougall came to my House between 4 and 5 in the Afternoon. He said you were not required in the Court but your wish was fulfilled give me what you promised me in Currency Notes — Previous to this, I had already purchased some Currency notes from Garuda Neeliaya — I sent one of my dependants K. Somagajoolo down stairs to Garuda Neeliaya to get the notes. presently he came back with the notes I gave them to Dr Dougall; there were six notes Rupees Five hundred each; he took them and was pleased and went away. Somagajoolo was present as also R Venketraidoo.

Question On this occasion was there any interpreter between you and Dr Dougall?

Answer No, we conversed in Hindoostani

Question You have stated you had already purchased

Currency notes how did you know Dr Dougall might not have preferred Rupees

Answer Because he told me on Sunday he wanted notes.

It being past 4 o'clock the Court adjourns till noon tomorrow.

Eighth Day

Thursday the 3rd January 1867.

The Court having met at noon all present.

Sixth Witness Continued

Examination of the Dewan Continued

Question — Why did Dr Dougall come to see you on Sunday the 19th did you send for or write to him?

Answer I do not remember if I sent for, or directed any of my people to write to him, I may have done once or the other, but I do not recollect having done either.

Question On this occasion how did you and Dr Dougall converse?

Answer We conversed in Hindoostani[×5] without any Interpreter[+5]

×5 see page VI. q. XI

Question Who were present?

Answer A Brahmin named Precapa Rao was the only person in the room with us. My servants were near in the verandah

Question Was Dr Dougall accompanied by Mahomed Sheriffe on that occasion?

Answer No, at least I did not see him then, he (Mahomed Sheriffe) was with me in the morning at 9 o'clock as I have already stated.

Question When Mahomed Sheriffe came that morning who was present?

Answer Several of my people were present but I cannot now recollect what particular people.

Question Did Dr Dougall when he came to see you on that same afternoon make any enquiries regarding the state of your health?

Answer No he did not.

Question When Mahomed Sheriffe brought you the first certificate and translated it to you who was present.

Answer Precapa Rao and some other Goomashtas but I dont recollect who.

Question When Mahomed Sheriffe brought the second Certificate on the 22nd as you have stated, who were present?

Answer The Vakeel Sreenavasparao Rao and the Sub magistrate of Vizag. V. Juggarat Rao were present, but I am not sure if it was the 22nd Wednesday, I think there is some mistake in the dated entered in my evidence on this point, I sent the 1st Certificate on Monday (the 20th) to my Pleader, either that day or the next I am not certain which he informed me that this Certificate had

× see margin of page XLIV

been rejected, it was the day after this that Mahomed Sheriffe brought me the 2nd Certificate, but I am not certain if this was the 21st or 22nd

Question Did you on the first occasion you saw him represent to Dr Dougall that you were really too ill to attend the Court, or merely make you slight sleep an excuse for getting the Certificate?

Answer I did not say I was too ill to attend but that I was indisposed and that attending would entail indignity on me.

Question If no question had been raised about your having a seat in Court would you have asked for a Certificate regarding your health?

Answer No I should not have wanted one and should have gone to the Court.

Question Did you after your 1st Certificate had been rejected, tell either Dr Dougall or Mahomed Sheriffe that you suffered from giddiness and that you required a chair in Court?

Answer No I did not tell either of them anything of the sort, I only mentioned my having given Dr Dougall, on my first interview with him, thro Mahomed Sheriffe, as I have already stated

Question Did you when you paid the 3000 Rupees in Notes to Dr Dougall enter the transaction in your accounts, if so where?

Answer I ordered my Mootooseddy to enter in my accounts that 3000 Rupees had been paid for currency notes, my Mootooseddy is here and can produce the accounts. The Currency Notes I allude to were those given by Dr Dougall

Question During your stay here on the occasion we are alluding to did you borrow any money from Gurudu Neeliaya for your Expenses or for any other purpose?

Answer Yes I did borrow several sums from him for my expenses.

Question Were the 3000 Rupees you paid for the Notes borrowed from him?

Answer No, I brought ten thousand Rupees with me from Bobbili out of which I paid for the Notes.

Question Were the 3000 Rupees your own money or the Bobbili Rajah's?

Answer The Rajah's, he is my relation having married my niece.

Question When did you first acquaint the Rajah with this transaction and what did he say?

Answer When I returned to Bobbili the Rajah was unwell, I [illegible]

return after 3 or 4 months the Rajah himself asked me about my having expended there 3000 Rupees in the way I have mentioned saying Mr Carmichael had brought the matter to his notice.

Question — You made considerable use of the services of Mahomed Sheriffe, have you ever given him anything for his trouble?

Answer — No I never gave him anything.

Question — When did you first see him here?

Answer — On Friday the 17 November 65 as far as I can recollect.

Question — On that occasion was anything said between you of it's being probable that a fee would be required for the Certificate?

Answer — Nothing whatever was said about a fee by either of us

Question — Can you identify Dr Dougall?

Answer — "Yes I can, there he is" pointing to Dr Dougall

Question — Do you know any one here commonly called Black Moosing rao, if so is he an intimate friend of yours?

Answer — Yes I do; he is merely an acquaintance and not an intimate friend.

Question by Dr Dougall — Do you understand English?

Ans. — Very little, one word in a thousand.

Question — Have you the management of the Rajah's money matters?

Answer — Yes.

Question — Does he ever pay away large sums of money without your knowledge?

Answer — He gets money from me for his private expenses the expenditure of which I know nothing of.

Question — Do you recollect my attending the Rajah in 1864 when he was unwell, if so do you know what fee I got from him?

Answer — I was out in the District at that time, I heard Dr Dougall had been at Bobbili during my absence, and that he got more than 400 Rupees as a fee.

Question — You have stated you did not when you gave it consider 3000 Rupees an Exorbitant fee for a Certificate and that you did not know what was the usual amount of a [illegible] fee, how do you reconcile this with you last answer?

Answer — I did not think it too large a sum for preserving my honor —

Dr Dougall produces a note here entered after having been initial'd by the Judge Advocate

" My dear Dr Dougall

I wish to see you before this evening, will you be so kind as to call over to my lodging G. Melia's upstair House

[illegible]

signed in Telugu signature illegible
"19th November 1865 " "Dewan of Bobbili"
Vizagapatam " "Samastavan"

It is shewn to witness

Question: Does that note bear your signature?

Answer: No it does not the signature is not mine.

The original of the note entered at page x of these Proceedings is shewn to witness.

Question: Does this note bear your signature?

Answer: It is not my signature, but it is like it.

The witness seemed so doubtful whether the latter was his signature or not that in order to ascertain if he really does or does not know his own signature, the attempted copy of his signature at page x of these Proceedings is shewn to him, and he thinking the page was part of his statement taken down before Mr Carmichael to which he had attached his signature said "yes I think that is my signature", satisfying the Court that he cannot really distinguish his own signature from another at all similar to it.

It being past 4 O'clock the Court adjourns till noon tomorrow.

Ninth Day — Friday 4th January 1867

6th Witness Continued — The Court having met at noon all present. The Cross Examination of the Dewan by Dr Dougall is Continued.

Question by Dr Dougall — In what room of Garuda Neelaiyas House did you receive me on Sunday the 19th November 1865?

Answer — In the middle Room upstairs.

Question — When I said, as you have stated, I wanted my fee in Currency notes did I speak in my usual tone of voice?

Answer — He spoke in his usual tone of voice.

Question — Did I not on this occasion advise you to eat less than usual and take a purgative?

Answer — Yes he did.

Question — Were you aware that the Rajah had sent a written complaint to Mr Carmichael that I had taken 3000 Rupees from you?

Answer — Yes I saw the complaint when it was written.

Question by the Court. — When you had occasion to send notes in English who wrote them for you?

Answer — When here in November 1865 I used to get one of three of my people to write them viz: Rookmajee, Sreenavaparas and [illegible]

Question What were the Nos of the notes you gave to Bangalli and how do you know what was the value of each?

Answer. I donot know what the Nos were. I presumed them to be of 500 Rupees each as I had instructed Sri Neliaya to get me five notes of that value.

Question By what authority did you spend the Rajah's money for your own purpose?

Answer When I go anywhere on the Rajah's business I always spend his money which I have the authority to do.

Question You have stated that when you bought the notes from Neliaya you directed your nephew Eddy to enter the purchase in your Books. Can you point out this entry to the Court.

Answer Yes I can produce the entry in an account but it is not kept in Books.

Witness here produces a slip of paper* which he states is an account of his expenditure during the time he was there in November 1865.

It is read to the Court and a translation marked A is attached to the Proceedings.

In it is the following entry

"30000 Rs. — On Monday the 20 of November 1865 for purchase of five Notes this Gumsta Neliaya to give to Bangalli for Bangalli

* Bearing his signature.

* By Mr. Venkanna the Accountant.

Inserted by the Court's order, not by Mr. Vakeel

A

Duplicate.

Memo of Cash received and expended in 15 days, from Wednesday the 6th of the decreasing moon of the month Karticca of the year Krodhana to Wednesday the 5th of the increasing moon of the month of Margasira of the same year (corresponding with from the 8th Nov. to 22d Idem 1865) on account of Batta &c. in disbursable to the people who followed the Sree Rajah Wiranjee Garu to Vizagapatam.

Receipt — Rs. 10000 Ten thousand Rupees the amount that the Sree Rajah Wiranjee Garu brought to Vizagapatam after debiting the same in the Circar (Zemindary) Chittah as an advance to be adjusted afterwards.

Expenditure of the same.

1970-0-0 Paid to Vadapilli Kondiagaru and Damira Venkatrayummagaru for disbursement of Batta &c. due to the attendants and other people.

300-0-0 (8th Nov. 65) Wednesday 6th decreasing moon of Karticca of Krodhana.

300-0-0 (10th Nov. 65) 8th of do do Friday.

400-0-0 (13th do do) 11th of do do Monday.

350-0-0 (16th do do) 14th of do do Thursday.

300-0-0 (19th do) 2d of increasing moon of Margasira, Sunday.

1650-0-0 Total.

320-0-0 (22d do) 5th of do do Wednesday.

1970-0-0

250-0-0 Paid to Vadapilli Kondaya and Damara Venkata Rayummagaru for the maintenance &c. of Horses and Elephants on Thursday the (9th Nov. 65) 7th decreasing moon of Karticca of Krodhana.

2630-0-0 Paid to certain (Sowdagars) merchants on the (16th Nov.) Thursday the 14th decreasing moon of Karticca of Krodhana, for Khemkab clothes &c. purchased as directed by the Rajah.

2100-0-0 Value of four pieces of Khemkab.

400-0-0 for one piece

500-0-0 — do —

650-0-0 — do —

550-0-0 — do —

2100-0-0

530-0-0 one Shawl

2630-0-0

A 150-0-0 Paid to Tarigoppula Sreenivasa Rayudoo for Batta &c payable to his attendants on (17th Novr 65) Friday the 15th of decreasing moon of Kartica of Krodhana.

3000-0-0 Value of 6 currency notes purchased thro' Garuda Neelanna to give the same to Dr Dougall for obtaining a certificate. on (the 20th Novr 65) Monday the 3d increasing moon of Margasira.

2000-0-0 Difference paid to Lavers, of the 7000 Rs besides the 5000 Rs sent to Madras by B Hundies through Garuda Neelanna on (the 20th Novr 65) Monday the 3d increasing moon of Margasira.

B

10,000

Balance none. [illegible]

(Sd) [illegible] Signature of Rajah Seeta Ramaswamigam

Nda

(True Translation)

M. Venkannah
Hd Engh Acctt
Collector's Office

7-1-67

[illegible]

[illegible]

7/1 67

B These Hundies are found to have been regularly entered in Garuda Neelanya's Books on the same date. [illegible]

* sometimes written "Neelanna" as above.

IV

Witness adds that the Mortoosuddy who wrote the account is Suraiya the same person who is said to have paid the 3000 Rs to G. Neelanya

The witness retires

Seventh Witness — Suraiya Mortoosuddy and Gamashta of the Zemindar of Tobbili is called into Court

Question — The double slip of paper with the account produced by the last witness is shewn to Witness. By whom is this account written and where and when was it written?

Answer — It was written by me at this place when the Dewan came here and brought with him Ten thousand Rupees in the year 1865 in November.

Question — Do you know any thing of the item in the account which accounts for the Expenditure of Rs 3000 for a certificate?

Answer. Yes. on Sunday the 19th November 1865 the Dewan sent for me to come upstairs in Garuda Neelanya's house here and ordered me to give G. Neelanya 3000 Rupees. The next morning I gave G. Neelanya three thousand Rupees. Shroff Munda Lutchmee Naraidoo and one or two Sepoys were present at the time. I do not recollect who opened the cash chest and took out the Rupees, but G. Neelanya himself counted them.

Question — Do you know what the Rupees were paid for

Answer — When the Dewan ordered me to give 2000 Rupees to Neelaya I asked him how shall I enter this Expenditure in the accounts he said for the purchase of notes to give to Dr Dougall for a Certificate I entered it thus in the account accordingly the next day next Monday the 20 November 1865.

Question — Were all the entries in this account made on the same date?

Answer — I used to make a memo of the items of Expenditure on the day they were made on separate pieces of paper and enter them in this account afterwards, the whole of this account was made out from these separate memoranda at once on one particular date these separate memoranda when entred I used to tear up.

Question — Did you enter the payment of the 2000 Rs to Neelaya in one of these separate memos on Monday, as you have stated, or did you actually enter it in the account just shewn to you.

Answer — I entered it on Monday in a separate Memo

Question — Then on what date did you actually write out this account?

Answer — I think I wrote it on or about the day of the Dewans departure from this for Bobbili

Question — When did the Dewan sign it?

Answer — On the evening of his departure

Question by Dr Dougall — Have you been at G. L. Nursingrao's (known as Black Nursingrao) House since you came here this time? or had any communication with him?

Answer — No I have not. I do not know him.

Question by the Court — Has the Rajah seen this account at all.

Answer — I don't know, when I returned to Bobbili I gave it over to the Shirastadar who had charge of it, till just as we were starting for our present visit to this place when the Dewan told me to get it, and bring it with me..

The witness retires.

It being 4 o'clock the Court adjourns till Noon tomorrow.

Tenth Day. — Saturday 5th January 1867.

The Court having met at noon all present.

Eighth Witness — Shayana Shastry Pleader in the Civil Court of Vizagapatam is called into Court.

Question — State what occurred here in Court in the case tried in November 1865 in which the Zemindar of Bobbili was Plaintiff, as far as the Dewan of Bobbili was concerned.

Answer — I was Pleader for the Defendant in this case which began on the 20th November 1865 that day

when the Court was opined, the Plaintiffs Pleader submitted a petition and a Certificate that the Dewan was unwell and unable to attend and praying that his evidence might be taken by a commission, I did not, at the time the petition and Certificate were presented know what they were about as I dont understand English, but a short time afterwards the Judge Mr Collett explained them to me and asked me if I had any objection, I said the Dewan is only pretending to disposition, he is quite able to attend and he ought to attend, yesterday there was a feast at his house and I have seen him going about in a carriage" the Judge then rejected the prayer of the petition and said the Dewan must attend — The next day the 21st the Court asked me if all my witnesses were present "I said they are all present except the Dewan who ought to attend" the Judge said the Dewan must attend there was then some conversation between the lawyers the Judge and Lawyer Branson as I was told by a bystander, then said "the Dewan is close by a ready to attend," the examination of the other witnesses went on and the Dewan was not required that day.

On the 22nd my clients witnesses were examined, but not now considering the Dewan evidence necessary he was not called at all.

Question Did you at the time you have alluded to hear any one say anything about the Dewan being permitted to have a chair in Court?

Answer The Plaintiffs that is the Probable people said something about the Dewans having a chair in Court but I dont know exactly what it was.

Question Did you see any one hand in a second Certificate?

Answer No.

Question by Dr Dougall Did you see the Dewan any where on the 26th November 1865 if so where?

Answer Yes I think I saw him at Gurnda Nelliagas about 1 or 2 o'clock. Ask but I am not certain

The Witness retires.

Ninth Witness K. Somayajoolou one of the Dewans of Bobbili's Gomashtas is called into Court.

Question Do you recollect when the Dewan was here in November 1865 having received any currency notes on his account from any one if so relate the circumstance?

Answer I came with the Dewan when he came here in November 1865 — The Dewan did not wish to attend the Court and told me he wanted to get a Certificate from Dr Dougall in order that he might be treated with respect in Court, two or three days after the hearing of

of the case in Court Dr Dougall came to G. Neeliaya's House to see the Dewan I am Venkatrao were sitting down close behind the Dewan Dr Dougall was also seated, this was upstairs, for a short time the Dewan and Dr Dougall conversed in Hindorstane which I dont understand, the Dewan then ordered me to go to Neeliaya and bring some currency notes. I went down stairs to the Dewankhana where Neeliaya was and got six currency notes from him; he told me they were of 500 Rupees each, I took them upstairs and gave them to the Dewan who handed them over to Dr Dougall, and conversed a short time with him in Hindostani Dr Dougall then went away, about 5 P.M.

Question Was Venkatrao still present when the Dewan gave the notes to Dr Dougall?

Answer Yes he was seated near, there was no else present.

Question Can you identify Dr Dougall?

Answer Yes, there he is pointing to Dr Dougall

Question by Dr Dougall What is your House name? and occupation?

Answer Stotikillapoodee, I am a small land holder and priest guros of the Rajah.

Question Did you look at the Notes to see their value?

Answer I looked at them but did not understand what was written on them, I saw no Colooyan letters.

The witness retires.

Tenth witness R Venkatrao a Soomastan of Zemindar of Bobbili is called into Court.

Question Have you ever seen a Gentleman here called Dr Dougall, if so can you identify him.

Answer Yes I have seen him here once before this, he is here in Court pointing to Dr Dougall

Question Where and when did you see him on that one occasion?

Answer One afternoon between 4 and 5 o'clock I saw him upstairs in Garuda Neeliaya's House here on one Sunday or Monday in November 1865 I do not recollect the date.

Question State under what circumstances you then saw him

Answer I and K Somayajoolo were both seated with the Dewan of Bobbili in G Neeliaya's house here, when Dr Dougall came there and sat down, the Dewan and Dr Dougall talked together for a short time in Hindorstane, which I dont understand, The Dewan then ordered Somayajoolo to go to Neeliaya and bring some Notes. He returned in less than 1/4 of an hour with a bundle of notes which he gave to the Dewan who gave them to Dr Dougall and talked to him for a short time in Hindorstane after which Dr Dougall went away. There was no one present in the room except the Dewan Dr Dougall Somayajoolo and myself.

but there were some of the Dewans servants in the Verandah.

Question: Do you know why the Dewan gave the notes to Dr Dougall or what was their value?

Answer: The Dewan told me after Dr Dougall had left that they were for a Certificate and that their value was Rs 3000. I do not know how many notes there were.

Dr Dougall declines to cross examine this witness who retires.

Eleventh Witness: Sri Sreenavasaraos Vakeel of the Jeypore and Bobbili Zemindars is called into Court.

Question: Do you know any one named Mahomed Sheriffe?

Answer: Yes he is a dresser at the Dispensary here.

Question: Do you recollect the Dewan of Bobbili being here in November 1865 on any business if so where was he staying?

Answer: Yes, he was here on some Court business and was staying in Gurnda Nadiaya's upstairs house.

Question: Did you ever see Mahomed Sheriffe there in company with the Dewan at this time, if so relate when, and what passed?

Answer: I have seen him there several times shortly before the Dewan left but I dont know on what dates.

Question: Can you recollect any thing particular that occurred on any of these occasions?

Answer: Yes once on a Tuesday he[x] came about nine o'clock Sell with a paper and came upstairs. I was with the Dewan in

x6 - see page VII and 10. XX also 6. XXIV.

Bobbili when the Rajah was ill. ~~I don't recollect whether it was~~ before ~~or after~~ the case was tried here. He is here present in Court, pointing to him.

Question: Are you aware if the Dewan was ill, and unable to attend the Court, at all, at that time?

Answer: He was not ill at all. I was constantly with him, he never said anything to me about being unwell, he went about as usual.

Question: You are an educated man and a Member of the Municipal Commission here, and were in constant communication with the Dewan what did you think when you saw it stated in the Certificate (you say was handed to you in Court) that the Dewan was suffering from Giddiness and ought to have a chair.

Answer: I thought that his giddiness was merely a pretext, and not the real reason why he wanted a chair, the real reason being that it was a mark of respect to be permitted to be seated in Court.

It being 4 o'clock the Court adjourns till noon on Monday the 1st January 1867.

Eleventh Day: Monday the 1st January 1867.

11th Witness continued: The Court having met at noon all present. Examination of Sri Sreenavasaraos continued. The original of note signed Sreenavasaraos with its enclosure [illegible] at pages IX and X.

the verandah upstairs, he gave that paper to the Dewan ~~and~~ translated it into Telooger, I saw it was written in English, it was a certificate to the effect that the Dewan was a little better and that he could attend the Court but ought to have a seat, the Dewan and Mahomed Sheriffe then went aside and I thinking, they wished to confer privately also retired — the Sub-magistrate Juggarnat Row was also standing in the verandah as I was on this occasion, a certificate to the same effect as this one was produced in Court either that day or the next by Lawyer Branson I then saw it as it was handed to me.

Question Did you hear him that the Dewan had paid anything for this or any other certificate?

Answer There was a rumour that money had been paid for some certificate but I was never told so by the Dewan himself during his stay here at that time.

Question Did you ever see Dr. Dougall at G. Neeliayas House when the Dewan was living there?

Answer Yes I saw him going upstairs one day between 4 and 5 o'clock I was downstairs writing — I was translating Telooger papers for the lawyers I don't recollect the date but it was the day before the trial and I think it was Sunday.

Question Can you identify Dr. Dougall?

Answer Yes I know him well I went with him to

of these Proceedings are shewn to witness.

Question Do you recollect having written this note and sent it, with its enclosure to Mahomed Sheriffe on the date on which it appears to have been written?

Answer Yes I wrote it at the Dewans desire I gave it to one of the Dewans people on the 19 November 1865 the Dewan told me it was to be sent with another note to Mahomed Sheriffe, but I did not send it. I never saw the note you call an "enclosure" before, it was not written by me nor do I know the handwriting.

Question Is the signature to the latter note the Dewans?

Answer I am his vakeel and have often seen the Dewans signature, this signature resembles the Dewans in some respects but differs from it in others, I don't think it is his signature.

The original of note entered on pages LI and LII of these Proceedings is shewn to witness.

Question Can you inform the Court by whom that note was written and whose signature is attached to it?

Answer Yes I wrote the note for the Dewan and left it for his signature, the signature may be the Dewans, but it is not his usual signature, he usually begins his signature with a separate large Kha thus [illegible] which these two signatures just [illegible] [illegible] [illegible].

Question by Dougall When did the Dewan first tell you [illegible] [illegible] [illegible] [illegible]

And what did he tell you?

Answer — He told me at Bobbili a few months after his return there from his place, that he had paid 3000 Rupees to Dr Dougall for a Certificate. This was in June or July 1865 and was the first occasion I had seen him since he had left Vizagapatam.

Question by the Court — Did the Dewan tell you in your capacity of Vakeel?

Answer — Yes. I got a letter from Bobbili requesting me to come there at once. I went and found that a letter to Mr Carmichael had been produced for the Rajahs signature, it was signed by the Rajah in my presence after having been read to me. The next [illegible] was given to me by one of the Rajahs Gomashtas and I brought it to Vizagapatam and gave it to Mr Carmichael. It was about the Dewans having paid Dr Dougall 3000 Rupees for a Certificate.

Question — Who was present when the Letter was read out?

Answer — The Rajah, the Dewan myself and some Gomashtas.

The original account (see translation marked A attached) alluded to at page xiv of these Proceedings is shewn to witness.

Question — Did you ever see this account before, or any account containing the same items in any other book or paper?

Answer — I never saw this or any similar account before. One of the items I know to be correct, and

genuine one as the money was paid to me, the witness points to the one marked A/2 in the translation.

Q by Dr Dougall thro' the Court? — Did you ever hear anything here on the subject we are alluding to before you received the Letter directing you to come at once to Bobbili?

Answer — Yes in January or February 1866 just before he went on circuit Mr Carmichael said to me, "there is a rumour about Dr Dougall having received a large sum of money for a Certificate from the Dewan of Bobbili what do you know about it" I replied "I know nothing myself about it" — After this I went with Mr Carmichael on circuit, we went to Bobbili, when there I heard Mr Carmichael tell the Rajah about the rumour I have just mentioned and ask him what he knew about it. The Rajah said I have heard nothing about it but on my Dewan's return from the district I will enquire into the matter and let you know.

The witness retires.

Twelfth Witness — A V N. Apparao note receiver in the Currency Office here is called into Court.

The Nos of the Currency notes for Rupees 500 each entered on pages xxxvi xxxvii and xxxviii of these proceedings are read to Witness.

Question — It has been proved that these notes were purchased at the Currency Office here but

certain Agents of Garuda Nellaiyas on the 15th 17th and 18th November 1865 respectively, can you inform the Court if any of these notes have since been cashed at the Currency Office here, and if so by whom and on what dates?

Answer Yes, all these notes with the Exception of one Regt. No. 06495 which has not since been cashed have been cashed as follows. In proof of which I here produce the cheque books of the Exchange department for Notes received in the Currency Office here.

	Note No.	Date changed	By whom	Residence
C. Brammanya 15 November 1865	06446	6 Feb.y 66.	G. Brammanya	Tulalenny Kotte Dyag
	6445	10 Nov.r	at Kundola Somana	Merchant Dyag
	06506	25 Sept.r 66.	Bodu Cuttaya	do.
	06410	26 do	Garuda Padmanabadu	Servant of a Merchant Dyag
P. Bhanugasa 17 Novr 1865	06462	22nd Dec.r 65.	M. Somanah	Sect.y of Bo.d
	06492	14 Aug.t 66	Vamoone	Horton Municipal Secty. Dyag
	06493	March 66	Mukamatta	Andrew Swares Merchant Agent Dyag
B. Bhanumasidu 18 Nov.r 1865	06494	[illegible]	S. Somanah	[illegible]
	06495	[illegible]	[illegible]	[illegible]
	06496	[illegible]	Peraga	Municipal Dew
	06497	[illegible] 65	M. Somanah	Mr Horton's Dep.t

Question Can you ascertain by any entry on a Currency note which has been put out of the Currency Office here and subsequently been paid in again, for cash, at other Currency Offices or Banks, it has meantime passed through.

Answer No this cannot as a rule be ascertained by

Examining the note itself; some Banks sometimes stamp them but not always.

The Court determine to place themselves in communication with the Police here and at Pegu & Madras in order to ascertain who whose hands the above notes have passed between the 15th 17th and 18th November 1865 and the dates they appear respectively to have been cashed here by the above named individuals, the result to be recorded hereafter.

The Court having been some time occupied Examining the Book produced by the last witness adjourn at 4 P.M. till noon on Wednesday the 9th January 1867.

Wednesday 9th January 1867.

Court having met at noon all present.

Fourteenth Witness Muntu Venkanabu Head accountant in the Collector's Office here is called into Court.

Examined

Question Have you carefully examined the Books and accounts of Garuda Nellaiya as you were requested to do on the 2nd January 1867. and from and up to what dates?

Answer Yes they extend from March 65 to December 1866

Question. Have you discovered in your Examination that it has been the custom to enter the No. of notes purchased by him from the Currency Offices, or elsewhere, or to enter the No. of those exchanged for Coin

Answer There is no entry of the No. of Currency

so purchased or exchanged for Coin, in any of the Books or accounts examined by me.

Question — Are there any entries in his Letter Book of the Nos of notes sent by him by Post, or otherwise, by Letter.

Answer — Yes the Nos and value of several notes are entered in copies of Letters recorded in the Letter Books.

Question — Is there any entry in any of the Books of his having purchased certain Currency Notes on the 15th 1st and 18th November 1865 or having paid away any on any date between the 20th and 25th Idem?

Answer — No there are no such entries.

The Nos of the Currency Notes for Rs 500 each entered at pages XXXVI to XXXVIII of these Proceedings are read to witness.

Question — Do any of these Currency notes appear to have been transmitted by Post or otherwise disposed of in the Books alluded to.

Answer — I here produce a list I have made of all Nos of notes entered as having been sent by Letter between the 15th November 65 and December 1866.

The list is examined by the Court and found to contain Nos 06540 and 06496 of the Nos alluded to in the last Question.

An examination of the Letter Book for 1866 shews that these notes were despatched No 06496 on the 22nd July 1866 to Cuthumuru Krishnaiah Bimlipatam, and No 06540 on the 6th August 1866 to the same

person, both by private hand.

Question by Dongall — Is there any entry of a certain sum having been sent by Garuda Nectiaya to the Dewan in November or December 1865 and repaid by the latter on his return to Bobbili?

Answer — No.

Question — Does the Cash Balance at the end of the Books for 1865 correspond with that brought forward to 1866.

Answer — No the former is Rupees 1560-11-4 and the latter Rupees 1650.

The witness retires.

There being no more witnesses present the Court adjourns till further notice for the attendance of Mr Carmichael who is daily expected.

Thirteenth day — Friday the 11th January 1866

Fourteenth Witness — The Court having met at noon all present Mr S F Carmichael Collector of Vizagapatam is called into Court.

Question — It has been stated in evidence before this Court that a Letter was written in June or July 1866 to you by the Zemindar of Bobbili bringing to you notice that 3000 Rupees had been paid by his Dewan to Dr Dongall for a Certificate can you produce that Letter

Answer — Yes I here produce [illegible] dated in [illegible]

by the Judge Advocate and [illegible] Mr Carmichael.

Question Is that the original [illegible] transmitted a translation [illegible] your Letter No 62 of the [illegible]

Answer Yes it is, the translation is in [illegible] translation of the Subject Letter.

Question Have did you receive this Letter

Answer It was presented to me as the [illegible] Gumdar's Vakeel Greenamaparao [illegible] he had brought [illegible] from the Bobbili Gumindar

Question Prior to the receipt of the Letter had you ever had any communication either personally or by Letter with the Gumindar on the subject alluded to in the Letter

Answer Yes, personally about the [illegible] March 1865 I asked him if his late suit at Vizagapatam had been Expensive, and how it had gone off. I then asked him if he had heard anything of his Dewan having paid one thousand Rupees for a Certificate to Dr Dougall [illegible] great astonishment and said no, I said [illegible] the Dewan given in the accounts [illegible] and added that he would look at the accounts when they came and if there was any such item he would not allow it. I asked for the Dewan, and was told he was absent from Bobbili. I told the Rajah that if true it was a very bad

business and that he ought to hand it up, he said he would. The Letter just produced by me was understood by me to allude to this matter and to be the result of the Rajah's enquiry into the case

Question Can you state when and from whom you first heard about the Dewans having paid One thousand Rupees to Dr Dougall for a Certificate?

Answer I heard it while the suit was going on about the 20th of November 1865, it was in every bodies month, no person in particular mentioned it to me then.

Question Did any particular circumstance come to your notice about this time which led you to attach more importance to this mere rumour than you might otherwise have done?

Answer Yes. I had occasion to go to the Civil hospital on the 5th of December 1865 to examine the Books about a certain Certificate that had been granted by Dr Dougall relative to the Corpse of some woman who had died suddenly about a fortnight previously. The Dresser opened the page of the Book and I found this certificate entered between two others of which the subject was the Dewan of Bobbili. Copies of these are entered in my Letter alluded to in the 2nd Question put to me. I thought the Expression in the 2nd Certificate about the

Dewans having a chair an extremely curious one. I knew from rumour that the 1st Certificate had been rejected by the Judge and that the Dewan had been ordered by him to attend and that he was ultimately excused and not called for, but I was not then aware of their having been a 2nd Certificate and given in the terms in which it was worded it tallied so exactly with the Dewans known desire to be treated with respect that it aroused my suspicion. the Dewan being also at the time notoriously in good health

Question On hearing the rumour you have alluded to in November did you then enquire of the Dewan, who was here, or take any other steps about it?

Answer No

Question Between the time that you saw the certificate in December 65 and your meeting the Rajah in March 1866, did you make any enquiry into the case?

Answer I questioned several persons who said they knew nothing of it personally, but that it was notorious.

Question by Dr Bongall Will you name those persons you questioned?

Answer I questioned Iranavaparao the

the Bobbili Rajah's Vakeil and Thayana Shastry the Court Vakeil for the Defendant in the Rajah's suit. I do not recollect any others in particular.

Question Did you then question Garuda Neeliaya in whose House the Dewan was staying

Answer No.

Question Can you recollect having questioned any of the Dewans people besides Iranavaparao at the time alluded to?

Answer No

Question Then what steps did you take to get to the bottom of the matter?

Answer I waited till I got to Bobbili knowing it was my best chance; to have questioned the Dewan himself when here would I considered be of no use at all, as I knew if he had given any thing he would charge it to the Rajah and that it would come out in that way, and in that way only.

Question It was only on receipt of the Rajah Letter that you first became aware that I was accused of having received 3000 Rupees?

Answer Certainly

Question by the Court Had you any communication of any sort with the Rajah between the 10th March and 25th July 66 on the subject alluded to in his Letter of the latter date.

Answer None whatever.

Question by Dr Dougall through the Court: Did you between the 5th December and 5th June 66 personally make any enquiries of a person known as Black Mirsing Rau regarding the particulars of the Medical Certificate granted to the Dewan?

Answer: Black Mirsing Rau mentioned the report to me early in June, he came to me with a long story of grievances which he said his family had suffered from Dr Dougall and said they were apprehensive of further demands on their purse and asked me to protect them. I told him he must let me have it all in writing, which he did a few days after (the letter was signed by the head of the family) and I disposed of the matter in writing. — In that conversation he said "you must be aware of the bribe in the Bobbili case. I said "tell me what you know about it" he said "I dont know the particulars but it is quite notorious" I said nothing more to him on the subject or he to me.

The Witness retires

Fifteenth Witness: Mr Jiggamatrao Sub magistrate Vizag is called into Court.

Question: Do you know a person named Mahomed Sheriffe?

Answer: Yes he is a Dresser in the Civil Dispensary here.

Question: Can you recollect having seen him at Garuda Neeliayas house here when the Dewan was staying there in November 1865, if so

3

under what circumstances?

Answer: Yes one day in November 1865 I don't recollect the day or date I was with the Dewan of Bobbili upstairs in Garuda Neeliayas house here, Mahomed Sheriffe came there, he gave a piece of paper to the Dewan, who asked him what it was, he said it was a certificate for a seat in the Court the Dewan and Mahomed Sheriffe then went on one side and talked together, shortly afterwards I went away, this was about nine o'clock A.M.

Question: Was any one else present?

Answer: Yes Srienivaparao the Rajah's Vakeel.

Question: Are you a friend of the Dewan's?

Answer: Yes, I was formerly Sub Magistrate at Bobbili.

Question: Did he ever tell you during his visit here at that time that he had paid anything for any certificate?

Answer: No.

Question: Do you know Dr Dougall and did you ever see him with the Dewan at Garuda Neeliayas house?

Answer: Yes I know him, I never saw him there, I can swear to this.

The original of note entered at page x of these Proceedings is shewn to Witness by Dr Dougall.

Question by Dr Dougall: Is this note in your handwriting?

Answer: No, I am quite sure it is not.

Question: Do you know the Dewan's signature if so is the signature to this note his?

Answer I know his signature ~~that~~ is like it, but I can't say if it is his or not.

Question Were you at Gurudu Neeliaya's House the day before the suit came on (Sunday) if so did you see me there?

Answer No I was not there on that day.

The witness retires

The cross examination of Mahomed Sheriffe postponed at Dr Dougall's request (vide page xxiii) is here commenced.

First Witness recalled

Question by Dr Dougall

On the occasion the Dewan visited me, on the 18th November 1865 were you during the interview loer out of ear shot of the Dewan and myself.

Answer No unless they had been talking in a low (whipper

Question Did you enter the room with me when I went to see the Dewan on Sunday and if so how far off did you stand from us.

Answer Yes I did. I stood about 7 paces from them.

Question How many people were in the room at the time?

Answer Between 7 and 10.

Question What sized room was it?

Answer It was a moderate sized Room about two thirds the size of this — A space is paced before witness — this would make it about 23 feet by 14 feet.

Question Mention all the people who were present during that interview.

Answer There were the Dewan Dr Dougall, the

but Magistrate Jugyanatrao, Precassini (a Brahmin) myself and 2 or 3 Bunneahs whose names I dont know.

Question Did you hear me speak any Hindostani to the Dewan on that occasion?

Answer No

Question After leaving the room on that occasion did I make any remarks to you about the Dewan's habits or diet?

Answer Yes he said the Dewan eats a great deal, takes no exercise, is very fat and ought to take a dose of medicine

It being 4 o'clock the Court adjourns till noon tomorrow.

Fourteenth Day

Saturday the 12th January 1867.

The Court having met at noon all present

First Witness Continued

Mahomed Sheriffe is called into Court and his cross examination by Dr Dougall continued

Question by Dr Dougall

You have stated in reply to a question that from* external appearances the Dewan looked well on the occasion of his visiting me, could he not look well and yet be suffering from severe head ache and giddiness?

* see page viii

The Court consider this question unimportant and can attach no importance to the opinion

of the Witness on the point, whatever it may be.

Question by the Court — Do you remember where Dr Dougall went to when he left this place early in 1866.

Answer — He went to Rajahmundry on the 10th or 12th December 1865 he remained there about six months.

Question — Were you in the habit of corresponding with him when he was there and if so frequently or only occasionally

Answer — Yes, frequently

Question — Did you receive regular replies to your Letters

Answer — Yes I always did

Question — Can you inform the Court on what subjects you communicated with him so frequently

Answer — On no particular subjects, merely news of the Town

Question — How did you transmit your Letters to him

Answer — Generally by ordinary Post, sometimes by Registered Letter, many Letters registered by me in my name were really from Mr A. V. Mursingrao who employed me to post them for him.

Question — Where did you Post these Letters?

Answer — At Vizagapatam

Question — If you only wrote about no particular subject merely new of the town why did you Register any of your Letters

Answer — On two occasions I heard from Dr Dougall that he had not received my Letters, I therefore thought it my duty to register my Letters — I mean that I registered some but not others —

Question — Did you continue your correspondence with Dr Dougall after he left Rajamundry and did you still continue to register your Letters

Answer — Yes I registered some of them

Question — To what stations did you write to Dr Dougall?

Answer — Rupelcondah, Berhampore, Kimmedy and Jeypore.

Question — You say you posted your Letters at Vizagapatam have you ever posted any at Waltair?

Answer — Yes, one or two, as I often came here myself

Question — Did you Register any Letters at Waltair?

Answer — Yes one or two.

Question — Then you registered all you posted at Waltair?

Answer — Yes

Question — Did you post all Mr A V Mursingraos Letters at Vizagapatam?

Answer — Yes.

Question — You say Dr Dougall replied regularly to your Letters, have you got his replies?

Answer — Yes I have about a dozen.

The Witness retires.

The Court do not intend to examine any other witnesses at present, tho' they may recall some of those already examined hereafter.

Precaparao the Brahmin alluded to by the Dewan at page XLVI is at Bobbili and will be called on his arrival here.

Dr Dougall wishes to go on with

in Cropexamination of the Dewan who not being present will be directed to attend on Monday the 14th Inst.

He also wishes before making any statement that the Record Keeper and the Thirstadar of the Civil Court may be summoned as witnesses, the former, to produce the record of the Judgment by the Court here, and of that on appeal given by the high Court, in the case in which the Rajah of Bobbili was Plaintiff — and the latter, to give details of the trial.

The Court after due consideration cannot consent to enter into the enquiry which this would involve, unless Dr Dougall explains satisfactorily the object for which he wishes the evidence of these witnesses.

Dr Dougall states he wishes them to prove that a will in this case was declared a forgery, which the Bobbili people (guided by the Dewan) produced 17 witnesses to prove a genuine one and this with a view to throw doubt on the credibility of the Dewan, and other Bobbili people generally.

He also begs that the Civil Judge may be requested to send some one with specimens of the Sub Magistrate Jagganatrao's writing and explains that this is with a view to discredit him, in the matter of having stated that the note shewn to him, as recorded at page LXXVII was not in his handwriting.

The Court inform Dr Dougall that they are of opinion that entering into the question of the part the Bobbili people (guided by the Dewan) took in the case alluded to would lead to much irrelevant matter being introduced into these Proceedings, and would not materially affect the principal question of the receipt or otherwise by Dr Dougall of the money for the certificate.

As Dr Dougall cannot shew that the Sub Magistrate could have had any object whatever in denying having written the note, (which is of little or no importance), if he did write it; the Court must decline to permit Dr Dougall to adopt the course suggested by him with a view to discrediting the Sub Magistrate.

Dr Dougall expresses his willingness to telegraph to his different Agents at Madras for his accounts with them for 1865 and 66 his last account currents being packed up with his baggage at Rajamundry and not available.

The Court think it very desirable that they should have information on the above point, and permit Dr Dougall, at his request, to delay making his statement till these papers are forthcoming at the same time intimating to him that he can be going on with the preparation of his statement and that no further delay will

be permitted on this account.

The Court adjourns till noon on Monday the 14 January 1867.

Fifteenth day

Monday 14 January 1867.

Sixth Witness recalled

The Court having met at noon all present.

The Dewan of Bobbili is called into Court and his cross-examination by Dr Dougall continued.

Question by Dr Dougall

Where did you take your meals when you were here in November 1865

Answer In the late Precupa Rowe Garden.

Question Who is the present owner of Precupa Rowe Garden and what relation is she to Black Nursing row.

Answer His widow — She is the mother in law of Black Nursing row.

Question Where do you take your meals now?

The Court before putting this question call on Dr Dougall to explain its object, as it, and the former questions appear very irrelevant.

Dr Dougall explains that his object is to shew the intimacy between the Witness and Black Nursing Row.

The Court cannot see that establishing this point would materially affect the case in any way, it not having been shewn that Black Nursing row has taken any prominent part

in the matter, they must therefore decline to put the Question or any other having a similar object.

Question Was the account presented to the Court (again shewn to Witness, see translation marked A) seen by the Rajah, if so when?

Answer Yes after my return to Bobbili and when I had come back from my circuit in the District, I can't recollect the date but it was about two months after Mr Carmichael had been to Bobbili.

*The original of this account is returned to the Dewan initials by the Tilp Advocate.

Question by the Court In whose charge was this account while you were at Bobbili?

Answer In that of the Rajahs Gomashta Suraiya.

Question Are any of the Rajahs accounts in charge of this Sheristadar?

Answer Yes, the Goomashta is under the Sheristadar.

Question What first put it into your head to get a Medical Certificate with a view to saving your attendance in Court?

Answer As I was a little unwell I thought I would make this a pretext for getting a certificate to save my honor, no one suggested it to me.

Question Did you get any other notes of 500 Rs from Garuda Neelaiya, except those you say you gave to Dr Dougall?

Answer No. I got some money from him in Rupees.

Question What is your age?

Answer Thirty-five.*

* See remarks by the Court.

The witness retires

The witness Mahomed Sheriff attends the Court with 14 letters received by him from Dr Dougall on various dates after the latter had left this place in December 1865. they were looked over by the President and the Judge Advocate and in them was found no allusion whatever to the matter under investigation = Dr Dougall is made Cognizant of this and respectfully satisfied with this simple record of the result; the Court do not consider any more formal record of it necessary.

The Court adjourns till further notice.

Sixteenth day

Monday the 28th January 1867.

Thirteenth Witness

The Court having met at noon all present. Precapa Row Head Writer of the Bobbili Zemindar is called into Court.

Question Do you know a Gentleman here named Dr Dougall?

Answer Yes I have seen him; that is Dr Dougall pointing to him.

Question Do you recollect having seen him here at Ganda Neelayya's House about a year ago, if so under what circumstances?

Answer Yes, Dr Dougall came to visit the Diwan of Bobbili who was staying at Ganda Neelayya's House, it was in November 1865 -

but I don't recollect the day or date. Some one said a Gentleman is coming in a carriage, this was about four o'clock in the afternoon - I went down stairs by the Diwan's orders to conduct him upstairs, and I accordingly conducted Dr Dougall upstairs, the Diwan and Dr Dougall then conversed in Hindoostanee which I don't understand, after four or five minutes conversation Dr Dougall went away.

Question Did you act as Interpreter at all on this occasion or was all the conversation between the Diwan and Dr Dougall in Hindoostanee?

Answer No I did not; there was nothing said in English all this conversation was in Hindoostanee which I do not understand.

Question Was Dr Dougall alone, or did any one accompany him upstairs?

Answer He came upstairs alone, I saw no one with him.

Question Who was present in the Room besides the Diwan, Dr Dougall and yourself on this occasion?

Answer Only we three, I cannot recollect that any one else was present.

Question Do you know a person here named Mahomed Sheriff?

Answer Yes I know him by sight; he is a Dresser in the Hospital here.

Question Did you see him at G Neelayya's House on the occasion you have alluded to.

Answer No I did not see him there at all on that occasion.

Question by Dr Dougall — Altho' you do not understand Hindostani, were there no words used in the conversation between the Dewan and myself which you were able to understand?

Answer Yes I heard the words certificate & notes

Question Did you hear the Dewan complain of being ill at that time?

Answer Yes he complained of heat from travelling

Question Do you know if the Dewan sent for me that day?

Answer No, I do not —

The original of note entered at page * of these Proceedings is shewn to witness who reads it out.

Question Do you know by whom that note was written, or do you recognize the signature.

Answer I do not know by whom it was written nor do I know whose signature that is

Question by the Court What did you understand by the word "notes" you heard in the conversation you have alluded etc?

Answer I heard the words "Currency notes" used.

The witness retires

Dr Dougall proceeds to read his statement which is here attached to the Proceedings —

At this conclusion of Dr Dougalls statement and the Examination of his accounts, the Court adjourns pending the receipt from Madras of a Letter from the Dy Inspector General of Police relative to some of the Currency notes alluded to in this enquiry, of the despatch of which, by Post, he has advised the Judge Advocate, by Telegram —

Seventeenth Day. Saturday — 2nd Feby 1867.

The Court having met, all present.

The copy of Memorandum No 680 from the Commissioner of Police, Madras, attached to the correspondence relative to the notes, having been received last night, is laid before the Court, and as it contains no important information regarding the Currency Notes having been traced, and as the Court do not deem it expedient or advisable to continue their sitting for an indefinite period pending the notes being traced, they proceed at once to record their opinion, premising it with the following remarks

Remarks — First. The Court, being in possession of the original certificates granted by Dr Dougall to the Dewan, did not attach any importance to the copies

of these in the Miscellaneous Return Book, after hearing Mahomed Shariff's explanation of the manner in which they had been entered. To further satisfy themselves however that this had been done most irregularly, they desired the attendance of the person who so copied them into the Book, who stated to the Judge Advocate that he entered these certificates from a rough draft given to him by Mahomed Shariff some days after the originals had been given to the Dewan, but on what date he does not recollect.

Second. With reference to the description given of the Dewan by Dr. Dougall in his examination of Dr. Mayer, the Court consider it advisable to record that the Dewan is a hale, intelligent-looking man, apparently in excellent health, and about 35 years of age.

Opinion of the Court. } 1. That Dr. Dougall gave two medical certificates to the Dewan of Bobbili without making due enquiry as to their necessity, and further, that no necessity did exist for granting them.

2. That, although the evidence of the Native witnesses tends to shew

that Dr. Dougall did receive remuneration, Rs. 3000 + in Currency Notes for granting those certificates, the Court are of opinion that this point can not be fully established until the history of the Currency Notes is cleared up. The Court have done all in their power to effect this, (vide correspondence attached) and have left the enquiry on this head in the hands of the Police for completion.

Waltair
2nd. February
1867.

F. W. Carden Colonel President

E. T. Boddam Major Staff Corps
Ex-Examination Major Staff Corps } members.

The Court adjourns till further orders

[illegible] Colonel
Judge Advocate General C.D.
Conducting the Proceedings

No. 811

Adjutant Genl. Office
Fort Saint George
12th February 1867

Memo

Forwarded for the report of the Judge Advocate General with the undermentioned proceedings of Government Dated 3 October 1866 No. 991 — 21st November 1866 No. 1193 to be returned.

1 By Cover

[illegible]

Assistant General
The Judge Advocate General

In D.
In No. 1273 of 1867

Proceedings of in Court of Inquiry held at Wallace under the provisions of G.O.C.C. 6 Decr. 1866.

24 December 1866

Proc. 21 May 1867 L. to 129

L. Pub. No. 341/67

3

Read page 88 of the Proceedings

Dr. Dougalls Statement.

In a few words, the statement I have to lay before the court in refutation of the accusation, is briefly this.

I heard about the Dewan of Bobbili's health, for the first time on Sunday (19th) afternoon; not on Saturday; I prescribed for him, promised and ordered the 1st Certificate, on Sunday afternoon, and signed it on Monday morning, intending it to serve for that day alone.

On Monday afternoon the Dresser wrote to me for another certificate, to excuse the Dewan from attending the court on Tuesday on the plea that he was still unable to stand. I replied that that need not prevent him from attending the court. "That if he could not stand he could sit."

On this, the Dresser without any instructions from me, prepared the 2nd Certificate which I found at the Hospital on Tuesday (21st) and signed there.

Each certificate was true to the best of my belief, and I neither asked for, nor promised, nor received one Rupee, or its value on account of either certificate.

I now proceed to particulars.

When I visited Hospital one morning, the Dresser Inahomed Sheriff informed me, that the Bobbili Dewan had arrived in the town, and wished to pay me a visit, and asked when I would receive him. This being no uncommon request, I named a day and hour, and said, "if the Dewan

cannot speak English, you must come with him"
Accordingly, on Saturday the 18th November, about 1 o'Clock, the Dresser arrived at my house and within a few minutes afterwards, the Dewan came, surrounded by a large crowd of followers. I received him at the door, and two chairs having been placed just inside the door way, the Dewan and myself sat down a few feet apart from each other - The Dresser standing between us acted as interpreter. The conversation was on ordinary topics - after a short time the Dewan, seeing a Photographic album on a Table near, got up, and taking the album in his hand asked what it was - I opened the Book, handed him a Lens, and, as I turned over the pages, he examined the pictures, the Dresser asking me and telling the Dewan the names of the different pictures - after this he took leave, and went away.

I do not remember that on this occasion any thing whatever was said to me about the Dewans' health, or about his having to go to court. The whole conversation took place in Telugoo, and nothing was said either to or by me except through the Dresser -

The Dresser distinctly states that he was within earshot the whole time the Dewan was with me, and adds, "not one word of Hindustani passed between the Dewan and myself."

The Dewan admits having spoken to me through the Dresser about his illness - in Telugoo about a subject I might have understood if spoken to in Hindustani - But when (according to the Dewan) he enters upon a subject I was not likely to understand, he dispenses with the

dresser as interpreter, and talks to me direct in Hindustani. The Devans Statement on this point is utterly without foundation, and directly contradicted by the Dresser.

The adjoining room we are said to have gone to, is quite open, and is not divided except by an open Arch 8 feet high, and 8 feet wide; there are no doors between these rooms.

On Sunday 19th November, Having occasion to see a friend off by the Steamer, I left my house about 3-30 P.M, and after paying some visits in Waltair, I proceeded towards the beach at the landing place. On my way down, the Dresser met me, and asked if I had received the Devan's note, and he explained that he meant a note which the Dewan had sent to him for me, and which he had sent to my house. (That note I found when I went home in the evening. It is the note in Sunevasaraw handwriting and marked No. 2.[3]) I told him I had not received it, and drove on to the beach.

I remained there nearly an hour, and on my way back through the Bazaar, the notes marked No. 1 & 2[2] were handed to me in the carriage -

No. 1 is addressed to the Dresser - M. Sheriff, and is written and signed by the Bobbili Rajah Vakeel T. Sreenavasarow and is as follows. -

Copy of Letter No. 1.

"My dear Friend

Dewan wants you and Dr. Dougall to speak urgently - please send the accompanied letter to him and bring him here with you

Yours Sincerely

19th November 65. (Sig.) T. Sreenevasarow

Copy of Letter No. 3.

My dear Dr. Dougall

I wish to see you before this evening will you be so kind as to call over to my lodging 1 G Neelia's upstair house,

Yours Sincerely

(Sigd.) in Telugu

Devan of Bobbili

Samastanam

19th November 1865 Vizagapatam

The other letter was addressed to myself and is as follows — Copy of Letter No. 2.

My dear Sir,

Being indisposed I wish to see you, will you please call over this evening

Yours truly

(Sigd.) in Telugu

19th November 1865.

Believing these notes to have been sent by the Dresser at the Devan's request, I drove on a little further and meeting the Dresser who enquired if I had received the Devan's letter which he had sent on to the beach, I said I had, and asked him where the Devan lived — He replied that it was quite near and went in front to the House, which was not 50 yards from where we met — I got out of the carriage, and told the Dresser to show me the way to the Devan's room, which he did; we went upstairs together and found the Devan surrounded by those whom I took to be either his

friends or followers — A fair Native interpreted between the Devan and myself in Telugu, not a word of Hindustani was spoken, and the Dresser stood a little way off, but quite within earshot of the conversation, and occasionally helped the Interpreter to explain to me what the Devan meant. The room is only about 14 feet square.

I told the Interpreter I had received the Devan's letter, and enquired what it was the Devan complained of. He (the interpreter) said the Devan has very bad headache and giddiness and feels very unwell — I asked if he knew the cause of it; this he appeared to interpret to the Devan — and after a reply from him in Telugu, said "He has been travelling about a great deal and that must be the cause — I then replied "Tell the Devan I think he eats too much — let him — eat less, and he ought to take a purgative" — Then after some conversation between the Interpreter and Devan — The Interpreter said "The Devan is summoned to attend the court tomorrow and is quite unable to go — He wishes you to give him a certificate to that effect, I said very well, and then I turned towards the Dresser and told him to prepare the certificate before I come to Hospital in the morning. I then left the Devan.

That the Dresser accompanied me to the Devan's residence on Sunday afternoon (as he says he did) I am certain, and this assertion is corroborated by the 11th witness Sreenivasarow, who acknowledges having written the letter (already recorded) at the Devan's request — telling the Dresser to come

and bring me with him to see the Devan i.e. on Sunday 19th November 1865. I am not in the habit of returning native visits, and when I left home that afternoon, I had no intention of going to the Devan. I both went down and returned in the carriage of a Lady who was with me; my carriage was not out, and I had no other means of returning home. I mention this to show how improbable it was that, when I left home I had any intention of returning the Devan's visit. This is not in Evidence, but it was stated before Mr Carmichael by the Dresser who is certainly not a favourable witness. The Devan tries to make out that I went merely to return his visit, but he was unable to deny that he had sent the letters I have produced. And his vakeel Srenavasarow admits that he wrote No. 1 to the Dresser.

The Devan admits p XLVIII that he had seen the Dresser that Sunday morning. If I had promised the certificate on Saturday, there would have been no occasion for the Devan to send for me on Sunday. Having already seen the Dresser, if he had found that there was any delay, he had nothing to do but to write and inform me of it. But nothing of this kind ever took place.

I heard of his health (vide letter) for the first time on Sunday, and I promised and ordered the 1st Certificate on Sunday.

Regarding this interview, the Devan states p XLIV that "I only came to see him"; and in the Proceedings of Government page 7. para 4. "Dr Dougall returned my visit on Sunday afternoon" "Up to that time the certificate had not come. so I reminded him". The letters No. 1 and 3 laid before the court, prove how false these statements are. Srenavasarow's letter No. 1 to the Dresser, and the Devan's letter No. 3 written by Srenavasarow to me, at the Devan's request p LI all disprove this assertion of the Devan's. The Dresser states most distinctly p VI in reference to this visit, "Dr Dougall then went upstairs with me", "and entered a large room where the Devan was seated with a number of other people". They (The Devan and myself) talked through a fair Brahmin". I repeat that at this interview, the Devan's sickness was first mentioned to me, and the certificate was first asked for.

The Dresser p XXI who is a Mussulman, distinctly contradicts the Devan's Statement, that he ever spoke to me in Hindustani. Even according to the Devan's Statement, I spoke in my usual tone of voice. Thus the Dresser could not fail to observe his own language being spoken by us. and the Dresser when asked p LXXIX "Did you hear me speak any Hindustani at that interview." Replies. "No - not a word"; and the Dresser whose word is equally as trustworthy as the Devan's, states that there were p LXXVIII between 7 and 10 people in the room. He also correctly repeats the remarks I made on leaving the Devan, regarding the Devan's habits, and the Medical treatment I prescribed. - no Medicine was ordered

from the Hospital, because the Devan could obtain what he admits p LIII I ordered, namely a purgative from any Shop in the Bazaar. During this interview, the Devan states, I on this occasion told him that I wanted currency notes – but p XLVI puts this explanation in so clearly as an afterthought, that further remark is unnecessary.

I signed the Certificate on the monday morning at the Hospital, and heard no more of the matter till the afternoon, when I got a note from the Dresser asking that a similar certificate might be granted to excuse the Devan's attendance from Court on Tuesday, on the grounds already explained in my introduction to this Statement. This note unfortunately I have not got, and the Dresser denies that he wrote me that note – But I am quite sure that my memory serves me right, and am supported by the Devan's Statement before Mr Carmichael (Proceeding Government page 7. para 4) and his Statement before this court p XLIV.

While the Dresser Statement is absurd, for he makes out that I ordered the 2nd Certificate before the 1st was presented to the Court. It would appear that as notes 1, 2, 3. have been preserved, I should also have kept this note of the Dressers; but Nos 2 & 3. were from the patient, which I required to keep, to show that I had been professionally called in, while there was no occasion for me to keep a note from my own subordinate, from whom I used to

× see to Explanation of why he could not produce that page – XX.

get notes daily.

The question as to who conveyed the 1st Certificate to the Devan, it is not my provence to explain – when it reached him is another question – One thing is perfectly clear that, as the certificate was neither asked for, nor ordered, nor written before the Sunday Evening, it was impossible it could have reached him before then – I have stated that the Certificate was signed by me on Monday (20th) and the date (20th) the Certificate bears, confirms this Statement.

It was received p XLIV by the Devan that morning, no matter what the Dresser has stated to the contrary.

The Devan and Dresser are quite at variance on this question – The Devan states p XLIV that I sent it by Mahomed Sheriff – No papers are ever sent by the Dresser, as there is a Peon for the purpose – But it is the duty of the Dresser, (not that of the Civil Surgeon) to see to the distribution of the Papers signed at Hospital – one thing is perfectly clear: Had the Certificate been promised on Saturday, (18th) as the Devan and Dresser both state, pp XLIV and page V and if the Dresser had not given the certificate when he saw the Devan on Sunday Morning p XLIV the latter would most assuredly have asked him for it, but no such request appears to have been made – so the only conclusion that can be come to is that the pretext p XXXIV of obtaining a medical Certificate with a view to saving his honor had not then (Sunday 19th) occurred to the Devan until I was sent for in the evening.

It is proved in Evidence by the Sheristadar, that the Certificate was not at all rejected - but merely the petition which was put in under cover of it - I had never been told that the Devan meant to use the certificate in support of a Petition to be examined by Commission at his own residence.

The late Civil Judge had himself previously told me that he would never grant a Commission to examine a male Witness who was on the spot - unless it was certified that the illness of the Witness was of so serious a nature that his life was in danger.

I intended the certificate merely to put off his attendance for one day.

A 2nd Certificate was applied for on Monday after noon - (through the Dresser) I refused to give him one to excuse his attendance at the court on Tuesday - but I believed the statement that he was unable to stand - and on the Tuesday (21st) morning the 2nd Certificate was signed by me, when I was at the Hospital along with Dr Andrews examining the Medicines, Instruments &c, having made over charge to him on the previous day. Each Certificate was given when both Dr Dorward and Dr Andrews were in the Station, and might have been produced to show that they were false

Mr Carmichael remarks — that "if the Devan had come into court [illegible] as he would with the 2nd Certificate in his hand the Judge would at once have turned

the transaction inside out, and the "dodge" would have been exposed forthwith"

Of course all this is pure imagination - as the 2nd Certificate was handed in and initialed by the Judge. The Sheristadar, who was in immediate attendance on the Judge & is perfectly familiar with English, knows nothing of the "Struggle for a chair," and I believe that, if the Devan had been made to appear, the Judge would have given him a chair - No Witness or prisoner however humble, is made to stand if the court has reason to think that he is unequal to it - No court would tell a man of the Devan's rank to sit upon the ground.

How Mr Carmichael learned that the Devan was to be in the court only 5 minutes does not appear.

Each certificate was truthful to the best of my belief, and the Deputy Inspector General of Hospitals has deposed that under the circumstances I have described - I was fully justified in granting them.

It is stated by Mr Carmichael in his letter to Government, that the 1st Certificate was indignantly rejected - The evidence of the Sheristadar of the Civil Court fully reputes this assertion.

When I wrote my letter dated Cuttack 4th September 1866 - I certainly did not consider that the truthfulness of the certificate had been questioned in any such way as to require an answer - The only sentences about it in Mr Carmichael's first letter to Government then under reply were these

"3. However, on the Devan being called Certificate No. 1 was tendered; when up jumps the Defendant's Vakeel to impeach it, mentioning some notorious circumstances, as to the daily pursuits of the patient, to show that he was as well as his Neighbours. On this the learned Judge remarked, in a mild but decided tone, "Well, if he is not here tomorrow, I shall send a warrant for him"

4. —

5. "But this by the way: the Devan was to appear, and his Lawyer had pressed in vain for a chair. He had no legal title to it but there was one more chance; another Medical Certificate, not to say he was too unwell to attend: that plea was put aside; but one that should secure him a chair when he did attend. The Devan waited in anxious expectation all day with Certificate No. 2 in hand. Ultimately his evidence was dispensed with"

This was hear say very highly coloured and seemed to be unworthy of notice.

According to the Rajah's letter the Devan had not stated that the Certificate was false, but on the other hand implies, that I gave him a dose before he asked me for the Certificate.

It is true, and it appears in Evidence that I did Prescribe for him and told him to take a dose.

It appeared to me that the only charge I had really to answer was that of "Extortion"

The same view was taken by friends whom I consulted on the matter; and who advised me to answer as shortly and clearly as possible — They saw my Reply and were satisfied that it answered the complaint.

Now the "rumour" arose which according to Mr. Carmichael's Evidence was "in every body's mouth," but of which nobody seemed to know anything "Except that it was well known, that it was notorious," it would be difficult, probably impossible to discover.

But the Devan having obtained his certificate under a false pretence of sickness, p. LXXXV of which he now accuses himself, it is no breach of charity to suppose that having saved his honor by such means, he might not consider it a very serious offence to obtain from his Master a thousand or two Rupees for himself also in the "usual" way of transacting such business.

Whether any other party profited by this remarkable Effort of the Devan to preserve his ancestral honor does not appear; though from his assertion that when he sought the aid of the Dresser Mahomed Sheriff — nothing whatever was said about a fee — (the Dresser states p. XXII that he was never remunerated by me for his services when the Devan was in Vizagapatam; and the Devan states p. I that he never gave the Dresser any present for all his light visits;) one may almost take it for granted that the pecuniary gain was not wholly in his own favour; at any rate some reason must be assigned in the accounts for the disappearance of so large a sum, and the Certificate — probably the only thing yet uncharged appears a convenient heading for that item.

It is certainly a remarkable circumstance that the Zemindars own Vakeel, residing on the spot knew nothing p LXIII of the payment beyond the "rumour" for 7 or 8 months, and then only when summoned to Bobbili to receive a complaint prepared for Mr Carmichael at his own instigation LXIV.

What makes the alleged ignorance of the Vakeel still more remarkable is the circumstance that he must have been in constant communication with men, who are now it seems able to say positively how, when and for what purpose the alleged disbursement was made to me. From the known habits of the natives of this country, their uncontrolled and uncontrollable curiosity in regard to such matters, it is utterly incredible that the Vakeel Srenavasaw, when questioned by Mr Carmichael p LXVI could have truthfully answered "I know nothing myself about it; if it were true that the Devan had made such a payment for such a purpose, and communicated the fact at the time to at least four or five different people,

Mr Carmichaels own estimate of the value of the Devans testimony is probably correct He says p LXVI "to have questioned the Devan when here I considered would have been of no use at all".

In the Zemindars letter the complaint is of extortion, the Devan not yet, mentioning

so far as to accuse himself of having preserved his "dignity and honor" by the disbursement of "an immense amount" in the purchase of a falsehood - knowing it to be such. Up to the time the parties concerned in the matter had never even hinted that the certificates were false.

This charge is merely suggested by Mr Carmichael, and that upon rumour. and even when the Devan was examined before him he did not state that the certificates were false.

He seems not to have been questioned, but the statement is so recorded as to imply this.

I beg now to offer a few observations on part of the evidence which has been adduced

The only two questions that seem to me to require an answer are 1st Did I give the Devan the Certificates in question in good faith believing him entitled to them. 2nd Did I receive any payment for them. To the first my answer is decidedly yes. To the second it is emphatically no.

Had my accuser by his own confession of most iniquitous conduct not already divested his testimony of all claim to credit upon any matter which might be imagined to affect his own interest, or delicate sense of honor, I might have availed myself of that to justify my reply to the first question. As the case stands and if the court still attach any importance to his evidence against me. I submit that I ought to have at least an equal amount of benefit from it when it is in my favor.

He told the court that the "water and the air

not agreeing with him, he was a little indisposed" that he had told me through the Dresser that he was suffering from "Gurni" i.e. Indigestion and its results. Admits p. [illegible] that on Sunday 19th November I directed him "to eat less and to take a purgatru" although in giving his evidence the previous day, he stated that on that day (19th November) nothing had passed between us regarding the state of his health – such a flat contradiction of himself admits of no explanation.

The Devan's first application towards obtaining his purpose was made to Mahomed Sheriff who stated to the Court that he had told him his attendance at court was "Asadhyum". "Physically impossible" – such a term – I am assured is only used to express "Physical inability not "unwillingness"

Mr. Carmichael in his letter to Government dated 2nd November 1866 No. 832 – bases much of his flippant sarcasm on the supposition that the first certificate was made out on the 18th, and adds "Now the dates of the certificates are undisputed, the 1st is dated 18th (Saturday)" and goes on to say in reference to the Devan "He was well enough to do his 10 miles in a Palankeen on Saturday but he was to be too indisposed to attend the court on the Monday.

Dr. Dougall by his medical prescience foresaw that it seems, who is to dispute it, who indeed? But what a pity Dr. Dougall never gave him a prescription, or indeed exhibited any remedy at all – in so serious a case too"

No evidence

17

×17A Mr. Carmichael's "Clear presumption" is based entirely on what purport to be copies of these certificates – Copies which are now in a book which has been taken to pieces and roughly strung together, inspite of Department orders to the contrary. Copies not made by the Dresser whose duty it was to make them, but by some unauthorised person whom he fails to name. He declares he did not see them for one month afterwards.

This contradicts the assertion he made before Mr. Carmichael that he "copied it into the Book and sent it to me"

His other assertion that he sent the certificate to the Dewan on Saturday (18th) is contradicted by the Dewan and by the original certificate.

I have often seen the Dresser write off a certificate of this kind without dictation and without a draft; I believe on this occasion no copy at all was made at the time.

17 B.

In reply to such language I have only to remind the court that the first Certificate has been produced and found to be dated 20th November, not the 18th as Mr Carmichael has stated in his letter to Government as the undisputed date, and it has been clearly proved in evidence that I did prescribe for the Dewan when I was called to see him on Sunday evening the 19th, such a degree of "prescience" as Mr Carmichael is pleased to attribute to me was not therefore necessary. X 17 A 17 B The Dewans assertion that the 2nd Certificate was given to him unasked is sufficiently met by his own statement to this Court that p XLIV "The Pleader informed me that I was to attend the court the next day, I immediately sent for Mahomed Sheriff who at once came, and I explained this to him" Why was this explanation made to Mahomed Sheriff, if it was not with the view of being communicated to me in order to obtain a 2nd Certificate

It is impossible to believe that the Dewan "immediately sent for Mahomed Sheriff" on this occasion without having some object in view, the object was clearly to obtain a 2nd Certificate

What may have passed between the Dresser and the Dewan whether in my presence or my absence, in Telugu or Hindustani I cannot say. In either case the subject of their conversation would be about equally unintelligible to me. The purely medical aspect of his application was all that concerned me, and to that alone my attention was directed.

As Mr Carmichael has published my letter to Mr McMurray in reply to his of the 5th June 1866. and as that letter contained the first intimation of the

information [illegible] forwarding my letter to the Govt Official who is in charge of the Currency Note Office at Madras [illegible]

"rumour" referred to I transcribe that portion of it.

"Black Nursingrow was with me this morning and told me that Mr. C. was asking him all particulars regarding the Bobbili Devans Medical Certificate Douceur, I said I did not believe the story, but N. is such a magnifier that I do not believe any enquiry was made."

I also did not believe any enquiry had been made by Mr. Carmichael, and simply thought Black Nursingrow was making an improper use of Mr. Carmichael's name in order to propagate a malicious falsehood - and therefore requested Mr. McMurray's permission to allow me to inform Mr. Carmichael of the use that had been made of his name for such a purpose.

Mr. McMurray did not consent as will be seen from the following reply I received from him

"Please dont make any use of my letter in reference to G. L. Nursingrow - there was no one present when he spoke to me, so there would be no use in handing him up - for he would be sure to deny it, so kindly say nothing about it - I shall for my part never fail a single opportunity to put down any unpleasant rumours as you know I have always done."

It will thus be seen that Mr. Carmichael misrepresents the case when he says, I asked "leave to write to the inquirer with the view apparently, of remonstrating with him on the want of delicacy he shows."

I have now to address myself to the consideration of the second question before the court - Did I receive any payment for the certificate?

Whether it be regarded as a bare prostitution of power confided to me as a Medical Officer in Her Majesty's Service, at the shrine of an execrable cupidity, which is the conduct now laid to my charge - or, whether it be simply extortion practised in the performance of my duty towards a Sick Stranger, which was the original form of the complaint. I submit that in either case the evidence requisite to sustain such a large, must be something more credible than the bare word of one who comes before the court as a deceiver - who unblushingly accuses himself of having spent Rs. 3000. in bribing me to aid and abet him in the practice of deceit, and yet - with the exception of two men - both dependants of the Zemindar's, whose evidence is such that one might be regarded as a photograph of the others - the Devan has not adduced one single witness whose evidence is any thing more than a repetition of his own - That he did complain of being unwell - a little indisposed - of being troubled with Qurni - indigestion he admits even now nearly 14 months after the time referred to - That it was impossible ("Asadhyam") for him to attend the court on the 20th November on account of headache and giddiness is abundantly proved by his own testimony both to the Hospital Dresser, and in his account alleged to have been given to the Zemindar of Bobbili -

That a native nobleman - as he is designated, was in all this acting the part of a liar in order to shirk the performance of his own duty, I had no right then to assume.

I can merely repeat here that no attempt, known to me, was ever made to make me a party to his nefarious plot.

I am reported to have* said without the intervention of any interpreter "You need not be afraid I will give you a sick certificate - the fee for it you must give me is 3000 Rs." But although I spoke this in Hindustani and in my usual tone of voice "When the Dresser in Cross Examination was asked, "When the Devan went to see Dr Dougall were you ever so far off that they could talk without you hearing it"? Replies. "No - never so far off unless they had been talking in a low whisper," The Dresser also asserts, and his word is quite as credible as the Devans that at the first interview I had with the Devan he did not hear one word of Hindustani pass between us.

But this is not all - If the Devan found me to be such an adept at speaking Hindustani at our first interview at my house - why I ask was he so anxious to have the Dresser present at the second on Sunday 19th November 1865 (this is proved by letter No 1) and why - I further ask is he now so unwilling to admit that he was present - He says the Dresser was not present.

Happily however for the truth we are not in this case dependent on the Devan's memory - seeing that his wishes at the time were committed to something more trustworthy and substantial. When making that statement he probably did not expect that the letter already laid

before the court would have been preserved -

I submit that the invitation the Dresser received to be present - together with his own Statement that he was present at that interview, though he did not act as interpreter, is at least equal in value to the word of the Devan whose memory is so conveniently treacherous.

The fair Native Pracasarow who was interpreter at the interview on Sunday, I understand has been called - but as yet has not appeared - But as he is English writer to the Bobbili Zemindar his evidence may safely be anticipated - One thing is clear that on no occasion either at the 1st or 2nd interview with the Devan did I ever see him alone -

A precaution which ordinary prudence would have dictated to me - had "Fraud & Falsehood" or even "Extortion" ever been contemplated:

Garada Nelaiya the sowcar in whose house the Devan was living, states that I visited the Devan twice at his house - He says he saw me on both occasions - and on each asked "Who is this Gentleman" and explains that he asked the 2nd time because I had my back turned towards him - implying that had he seen my face on my second visit he would have recognised me - Then the Question is put to him by the court

Q. "You have stated that a gentleman came twice to your house in November 1865. - Who was that gentleman"

A. "I do not know what gentleman came to my house - I did not see his face."

And when the Judge Advocate pointing to me asks "Who is that gentleman sitting there"?

the reply is - I saw him yesterday and today but I never saw him before"

Of course after this all the Bobbili Witnesses were prepared for such a question.

And after saying that he did not know what gentleman came twice to see the Devan in November 1865. He is asked "When you saw Dr. Dougall on these two occasions pass to go upstairs to see the Devan - was Dr. Dougall alone or was there any one with him"?

He replies "He was by himself, of this I am quite sure;"

I am thus made to appear to be so familiar with all the intricacies of a native house - that I never entered before - as to know my way upstairs to the very room where the Devan was, without a guide or any enquiry whatever. This witness is also able to state positively that the Devan appeared quite well, and never complained of illness while living in his house. This Sowcar knows all about the Devans health & my movements but cannot tell or show by his Books what money he lent the Devan at that time - and states "but shortly before going away he (Devan) borrowed 2 or 3 or 4 or 600 or perhaps something under 1000 Rs. from me" p xx

Such shortness of Memory in regard to his own business and such accuracy regarding the most minute particulars where his Evidence was necessary to support the Devan is passing strange - He also told this court that no Shroff was present when he received the Rs 3000 for the purchase

of the currency notes - and when his statement before Mr. Carmichael was read over where he stated that a Shroff was present" and on being asked to reconcile the two - He explains that he "cannot say which is true - I cannot tell whether a Shroff was present or not"

p xxx

He did not even know if the Devan had a Shroff - He also receives the 3000 Rupees from the Devan and gives no receipt for the same. He keeps this sum in his Cash chest for 4 or 5 days, and does not make any entry whatever regarding it in his Books - He receives this money for a specific purpose i.e. the purchase of notes and although he had the notes then in his possession he does not give them until 4 or 5 days afterwards - and yet the Devan had a cash chest of his own for their safe custody

This Sowcar when told openly by the Devan what the notes were for - remonstrates with him upon giving such a large sum - for such a purpose - Even this does not induce the Devan to consult those who were in a position to be able to advise him - The most likely person to consult after such a remonstrance as the Devan received would have been the Vakeel Srinavasarow still Srinavasarow is not consulted.

The alleged payment of the currency notes

Except on the evening of Sunday the 19th November 1865 I never entered Garuda Nelanja's house, and in that occasion as I have already said I visited the Devan at his own urgent request

The 2nd interview he describes is pure fiction
He says it was on the Wednesday or the Thursday or the day after that - when "I called and asked him for what he had promised" - To refute such an infamous falsehood as this in any other way than by a distinct denial is impossible But the evidence bears the stamp of falsehood on the face of it - That anyone - not an utter idiot would go to this man house and - in the presence of two of his own people as witnesses openly accept 5000 Rs as payment for false certificates is beyond credibility - and if I would receive such money under such circumstances why should he have any hesitation in asking me for a receipt or some voucher in order to show his master that the money had been spent in the way he discribes - Had the money been his own this might not have been necessary - but he was only a servant and as such was bound to produce vouchers to account for his expenditure - It cannot be pleaded that the Devan could have had any hesitation in asking for such a voucher as he made no secret of the transaction and openly and unnecessarily told the Sonear what the money was for - and also told three of the Rajahs own servants - viz Soomayagulu, Suraya, and Vencatrow - There was no secrecy enjoined in this communication - and more than all, they now produce an account of the expenditure of 10,000 Rs in which account this Item is openly entered - They state that this account was written at the time, and

and has been in charge of the Rajah's Shristadars Clerk since December 1865. - If so it must have been examined and discussed by them at the time But no whisper of it ever reached the Rajah until 5 months afterwards when he heard of it from Mr Carmichael, "and expressed great astonishment" Even then his curiosity was not sufficiently excited to induce him to ask his Priest Soomayagulu, or his Goomastah Vencatrow - who pretend they were present when this money was paid - No not even what Mr Carmichael had said, could induce him to inquire of any of the parties around him who were perfectly cognizant of the whole transaction - Not till 2 months after (March 10th)
+P. LXXII Mr Carmichael had been to Bobbili was this account shown to the Rajah - and yet all this time p. LXXII it was in charge of the Rajah's own Goomastah Suraya - who wrote it, and it was not till 2½ months after he had seen the account and 4½ months after Mr Carmichael visit that the Rajah signed the letter of complaint which Mr Carmichael had advised him to write

The steps Mr Carmichael took to get to the bottom of this (as he informs Government he thought was his duty) are not easily explained - He first heard of the Bribe but cant tell from whom about the 20th November p. LXXIII that is 4 or 5 days before the Devan says he gave me the notes. Still he does nothing beyond asking the Vakeel of the Bobbili Rajah - who tells him he "knows nothing" then there is an interval of 4½ months; and Mr Carmichael get the same answer from the Bobbili Rajah; after another interval of 3 months (on 4th June 1866. vide Mr McMurrays letter) Black Nursing Row is asked all about it - still

with the same result - and up to March at least (according to Mr. Carmichael) the rumoured bribe was only Rs. 1000.

Any one acquainted with the habits of the Natives will not doubt that Mr. Carmichaels Enquiries of the Rajah had been duly reported to the Dewan - Still two months afterwards the account is shown to the former by the latter - and thus it is only through the Dewan, whom Mr. Carmichael says it was useless to ask - that the full extent of the Bribe came out - and then in a form which contradicts the previous rumour, as well as their own evidence regarding it.

The possibility of the Dewan having appropriated this sum of 3000 Rs. to himself never appears to have occurred to Mr. Carmichael although he must have known that 17 witnesses from Bobbili guided by the Dewan had just been produced before the Civil court to prove a will, which the court declared to be a forgery and the High court have since taken the same view of it - I called the Record Keeper to produce the judgments of both the civil and High courts - but this court refused to receive them for reasons assigned (on page ~~[illegible]~~ ~~xxxiii~~.

The most important part of this enquiry is limited to eleven currency notes of the value of Rs 500 each - six of which the Dewan and his Servants over were given to me in November 1865. Had one even of these notes even been in my possession nothing could have been more easy than to trace it.

All my money transactions have been

with well known houses of Agency in Madras, and my accounts with them for the last two years I now submit to the inspection of the court

The number of currency notes transmitted to my Agents since October 1865 are also given with the names of the parties from whom every item has been received, who can be called to confirm the entries in my accounts - I am anxious that this enquiry - painful as it has been to me - should be as complete as possible - and I am willing to afford every information regarding any point which I may have failed to make sufficiently clear.

I have had no dealings with any other Houses than those whose accounts are given nor have I passed a 500 Rupee currency note to any other person *

I do not believe that a currency note of value could pass from the hands of a European in India without being easily traced - These notes have not been destroyed or concealed as 10 out of 11 have been returned to the currency office by parties who are well known - and who I beg may be called on my behalf to state from whom they received these notes

When Mr. Carmichael wrote his letter (2nd November 1866) to Government he knew that the payment to me - if made at all - must have been made from 11 notes "whose numbers" (he tells the Governor in Council) "are all available" but he does not mention that at the time he wrote, 9 of these 11 ~~notes had been returned~~ to his own office by people well known in the town - as he says there was "a clear presumption that I had been bribed" and he had resolved to get to the bottom of it" Surely the first step in this direction would have been to call upon

* The court has caused the Draper to produce a number of Letters which he received from me since I left this place and it is noted in the record that they contain no reference to the matter under enquiry

those who cashed these notes to say whether they got them from me or not - He might then have done what was in his power to trace these notes with far more facility than it can be done now - But neither in this direction nor in any other did he take a single step that might in the most remote degree go to prove the falsity of the accusation he so greedily entertained against me

I beg now to contrast the conduct of my accusers with my own.

Though the Soucar is a man conducting a large business and deals largely in notes he states that he keeps no account of the notes he buys or parts with, unless he happens to send them by post, so that he risks the loss of a note, and is unable to defend himself if found in possession of notes that have been forged or stolen - He says that it is only by actual counting of coin that he can ascertain the contents of his cash chest; even then, he would not know whether the contents are correct - When compelled to produce accounts his cash balance at the end of 1865 does not tally with that brought forward for 1866 and when I wished to examine him about the books, the court declined to allow it on the ground that they were [redacted] unimportant on this point

The same with the Devan who is the manager of a very large Estate; instead of producing a regular account book such as he must keep - produces a single sheet of paper, which for all that appears

to the contrary might have been written on the day on which he produced it - The Gomastah who says he wrote it prevaricated greatly regarding it. That this sheet of paper is all that he has to show for an expenditure of Rs. 10,000 is quite incredible

They certainly have given no help in tracing the notes The Devan has disavowed what he knows to be his own signature, and he like his witnesses remembers all sorts of minute circumstances which dont particularly concern him, and says "I dont remember" when pressed with questions which tend to disprove his assertions - Though I saw the Sub Magistrate - Vizagapatam, [redacted] at the interview on Sunday evening - [redacted] He himself delivered it. [redacted] so that the only witnesses produced might be the Devans own Creatures - [redacted] On the other hand though strictly speaking it is not my business to prove my innocence in regard to the accusation under enquiry - Yet I am naturally anxious to show this court that the accusation brought against my Character is absolutely without any foundation whatever —

By laying before the court my private accounts for the last two years I have done all in my power to bring the truth to light - while my accusers have done their utmost to obscure enquiry by producing Books that do not confirm their own statements - There is no record

of any money transaction between the Soucar and the Dewan – neither have they produced any record of the numbers of the notes they now allege were in their possession at that time It is only from an independent source that the numbers of the notes have been obtained, and when obtained – these notes have been traced to other hands – not one of them was ever in my possession –

However the rumours may have originally arisen – these three complaints – viz the complaint of Mr Juggarow (sister in law to G. L. Nursing row) This Bobbili complaint, and one which I never heard of till Mr Carmichael mentioned it in this court – seem all to have emanated from one indi[illegible] G. L. Nursing row – who appears on these proceedings as Black Nursing row.

This is a notoriously intriguing man who I believe bears ill will against me personally on three different grounds – 1st Mr Carmichael severely censured him (by letter) for beating his wife – and he entertained the idea that I had been Mr Carmichael's informant – 2nd Because in a private conversation I had with a gentleman, I said his character was so well known that it was dangerous to have any thing to do with him – This conversation was repeated to me in the course of the same day by a person who heard it from Nursing Row himself

No complaints were made for eight months, until after proceedings were commenced before Mr Carmichael and in the civil court, with regard to the succession to some of the

Estates of his (Black Nursing row's) wife's family He takes a strong personal interest on one side and it was known from the first that I was likely to give important evidence on the other.

I know that attempts have been made to diminish the credit of another Medical Officer, who is likely to be a witness in the same cases.

The close connection between this Black Nursing row and the Dewan has been brought out to some extent – in evidence, and more would have been brought out if the court had allowed me to put the questions I proposed to put –

I imagine that the concocters of this conspiracy had no nation that it would be sifted in this way – I had been moved to another Zillah, and the Officer to whom they made the complaint – was not the person whose duty it was to enquire into such things – (The Principal or the Dept Inspector General of Hospitals would have been the proper Officer)

All that they wanted was to be able to ask me whether such and such complaints affecting my credit had not been made to the District Magistrate.

An innuends of that kind is what an intriguing native dearly loves.

J. Dougall
Assist Surgeon

Wattair.
28th January 1867.

30

Supplementary

Copies of Letters in the order in which written relative to the Currency notes entered at page LXVIII. of the Proceedings —

To Col. Carpindale. &c Madras

Sir — Being engaged in conducting an enquiry here of some importance I am anxious to obtain some information regarding certain currency notes purchased here (Vizagapatam) in November 1865 and having been informed that you are in charge of the Head Office for the issue of currency notes in this Presidency I have the honor to request you will kindly do me the favor of furnishing me, if possible, with information on the following point

If currency notes for Rupees 500 each

Nos 06446
" 06445
" 06.540
" 06.419
" 06.462
" 06492
" 06.493
" 06.494
06.495
06496
06.497

have been exchanged at the Office at Madras and by whom, and on what dates if those dates are subsequent to the 20th November 1865

It is probable if changed at all at Madras, that they must have been changed within 3 or 4 months of the above date but on this point I can only form a conjecture — An early reply will oblige.

Signed &c — J. E. Morgue Sr Col. &c &c

Waltair — 5th January 1867

If I am mistaken in applying to you for this information will you kindly forward my Letter to the Govert Official who is in charge of the Currency Note Office at Madras (sgd) Hm

M.D.
L.N. 1273 of 1867

Recd 21st May 1867 L 129

Inf No 341/64

Letter 2

To The Manager Vizianagram Bank. Vizianagram

Sir. Having been appointed by the Director of Police to conduct an inquiry here, it has become my duty in the course of my inquiry, to endeavour to trace certain currency notes, between certain dates. Some of these notes I have been informed were remitted by you on the 22nd December 1865 to Mr Hodson the Secy to the Municipal Commrs here, whose authority to make inquiry regarding them I beg to enclose as a point of etiquette.

I have ascertained that for these notes

Nos 06462 — 17 November 65 — 06494 — 18 November 65 — 06495 — 18 November 65 for Rs 500 each were purchased here at the Currency Office on the dates written under them, or only about 34 days before they were sent by you to Mr Hodson — Will you do me the favor of informing me (if possible by return of Post) by whom, and on what dates these notes were paid into the Bank at Vizianagram during the 34 days alluded to above, id est, between the 9th November and 22nd December 1865.

address to me &c sign. S Mayne Sub Col
Waltair 9th January 1866. &c &c

Letter 3

Same address as Letter 2.

Sir. In continuation of my letter of yesterday date I beg you will do me the favor of ascertaining if the following currency notes have been paid into the Vizianagram Bank between the 18th November and the date opposite to each note, and if so, by whom they were first paid in after the 18th November 1865 with date of being so paid in.

No. 06446 — 6 February 1866.
" 06445 — 19 November 1866.
" 06540 — 25 September 1866
" 06419 — 26th — do —
" 06492 — 4th August 1866
" 06493 — 6 March 1866.
" 06495 — 10 January 1866 } In trace of this note since 18 November 1865
" 06496 — 8 January 1866.

Perhaps the required information regarding some of these notes may be furnished in reply to the last para of Mr Hodson's letter enclosed by me yesterday, if so, it will not be necessary to recapitulate it —

An early reply will oblige. &c &c

Waltair — Signed S Mayne Sub Col &c &c
10th January 1866

Letter 4.

To The Manager Branch Madras Bank. Cocanada

Sir. Being engaged in an important inquiry here in which it has become my duty to endeavour to trace certain currency notes. I shall feel obliged by your doing me the favor of informing me (if possible by return of Post) from whom and on what dates you received the following currency notes. These Notes I know were purchased at the Currency Office at Vizianagram between the 15th November 1865 and I have been informed by the Manager of the Branch Bank of Madras Vizianagram that they were received by him from your Branch Bank in Madras on or about the 15th December 1865. I wish therefore to ascertain when & by whom they were paid into the Bank at Cocanada.

These Nos are 06446, 06445, 06450, 06419 — of Rs 500 each

If you can give me any information regarding the currency notes I so purchased here on or about the 15th November 65 you will oblige me, their Nos are 06496 & 06495 of 500 each.

Wallace

12th January 67 — Signed — A. Murphy Sub Col

Letter 5 — To W. Robinson Esqr. Insp. Genl Police Madras

Sir — I have the honor to request you will do me the favor of giving me your assistance in tracing certain currency notes.

The circumstances of the case which I have been appointed under the sanction of Govt., to investigate are as follows

2 The currency notes in question were purchased by the Agent of a Sonca here named Garuda Nellia for him on the 15th of and 18th November 1865 as shewn in the subjoined list, of this we have good proof from the currency Office Records here — Six of these notes are stated by G. Nelliaya to have been given by him through a Goomashta (for this equivalent out 3000 Rs previously paid to him for them) to the Dewan of Bobbili who was living in the same house, that they were at once taken upstairs where the Dewan was, and given by him in the presence of two of his Goomashtas to Dr Dougall the Civil Surgeon here, for a certain certificate given by Dr D — to the Dewan, which has since been much ammadverted on.

Date of this transaction 23 or 24 Nov 1865

3 There is no doubt that the certificate having been given as it is forth coming & is acknowledged by Dr Dougall, but he entirely denies the receipt of any fee whatever for it, says he was never at the Dewan's House when the notes were said to have been given to him, and declares that the whole of this part of the business to be a pure fabrication, and a plot got up to injure him —

4 I think you will agree with me that if we can trace these six notes back to Dr Dougall, or to G. Nelliaya without having passed thro his hands the evidence thus obtained will be of the most vital importance tho not conclusive, for I must here explain that tho we can prove that G. Nelliaya purchased claim currency notes of 6 Rs 500 each here in November 1865 we cannot prove that these were the only 500 Rs notes he had by him, and that therefore it must have been one of these, he gave to the Dewan's Goomashta but the presumption is very strong that some of them (were)

5 No information can be obtained from G. Nelliaya or from his Banks, which have been carefully examined, regarding the Nos of the notes given by him to the Dewans Goomashta or the number he had in his possession at the time.

6 I have by diligent enquiry, have traced nearly all the eleven notes up within a month or so of this purchase here from the Currency Office by Garuda Nelliaya and as you will see some of them are traced to the Madras Bank and that I have been unable to trace one of two satisfactorily I deem it the shortest & most sure course to apply to you for your assistance —

7 I have written direct to the Agent of the Bank receipt and will send you a copy of his reply on its

8 I may mention that Dr Dougall left this in December 1865. visited Rajahmundry where he remained about six months, after that he visited Purpetandah, Berhampore Chitterpore and I believe Ganjam and went thence to Cuttack and Kimmedy this may afford some clue to note No 06495, which cannot be traced by me —

9 I may also bring to your notice that I have been informed that Dr Dougall has in 1865 the broad

Nos of Notes attached to Letter 5.

				Date when received & by whom changed at the Government Office, and by whom returned.
6th February 66.	E. Brammery a. Nicholson Sheriff and Shroff Rajah's Dept.			Received at the Municipal Bank from the Cocanada Bank on account 1/3 Dec. 1865
19th November 66.	Hindoola Comara. Merchant.			Do
25th September 66.	Bodin Cattaya			Do
26th do	E. Pachamuthu Cudu Servant for do			Do
22nd October 65.	M. Domenal. Mr Hodson Dist Judge			Received of Do from W.P. Huggins Esq Collector Rajahmundry. 19th December 1865, to be taken by a Cooper Sahib named Cockerell Vanbatapa was with the 500 Pagodas for Simpson Rajah Rama Rajah in Cocanada. Received at the Municipal Bank from Pagapatam Rajah Nagayen about 40 miles from Pagapatam Received at the Municipal Bank from Bank of Madras on or about 22nd November 1865.
14th August 66.	Vencoba Cadoraiso			Do
6th March 66.	M. Domenal Mr Hodson Dist Judge			Do
3rd January 66.	M. Domenal Mr Hodson Dist Judge			Do
8th October 65.	Cocanada Sewerao			Do
8th January 1866.	R. Morrish a Municipal Officer			Do
22nd December 65.	M. Domenal Mr Hodson Dist Judge			Do
19th November 65.	M. Domenal Mr Hodson Dist Judge			Do
18th November 1865.				Do
6th November 1865.				Do

Madras 14th January 1867.

or one of the Members of the Municipal Compⁿ here, and altho' the Peon Poniayah could not have changed note No 06496 for him on the 8th January 66, as Dr Dangall left this on the 10th or 12th December 65 for Rajahmundry yet the note may have been changed by the then Secretary of the Board to oblige Dr Dangall and have thus found its way into the Municipal Cash chest — I will make every enquiry I can into this myself being on the spot and let you know the result —

Hoping the enclosed list will give you all further information requisite. I have &c

Walter Sgd. Nilkanta Sobed

14th January 1867

Letter 6. To W Robinson Esq. &c &c Madras.

Sir — I have the honor in continuation of my letter of yesterdays date and with reference to Mr S. Paras to inform you that since writing it I have ascertained that Dr Dangall left Rajahmundry on a month's leave about the 10th December 65 and proceeded to Cocanada where he embarked for Madras on the 19th December 65 — He again returned to Rajahmundry at the expiration of his leave about the 10th January 66.

I have not yet heard from the Agent of the Cocanada Bank — I have the &c

Walter Sgd. Nilkanta Sobed

15 January 67

Letter J. To W. Robinson Esq. &c &c Madras.

Sir. I have the honor in further continuation of my first Letter to you of the 4th Inst. to inform you that I have just received a reply from the Cocanada Bank regarding the 4 Currency Notes received from them by the Bimlipatam Bank on the 15th December 1865, the notes alluded to were received at the Cocanada Bank as follows.

For Rs 500 each. Rec'd at Cocanada Bank on, from.

No 06446	23 November 1865	from Tenamelly Venkata-Ratnum of Coringa
... 06445		
... 06450	20 November 1865	from Balaba-drooney Singiah Merchant of Cocanada
... 06419		

Rd by Mr Nelleyoo Agent Bimlipatam office line on 15th Nov 1865

2. It is thus clear that none of these Notes can have been among the number said to have been paid by the Dewan to Bangalore on the 23rd or 24th November 1865; they will doubtless now be easily traced back to Gamda Nelleyoo being on the spot. I will endeavour to do this and let you know the result. +

+ see P5 2 of Letter Q

3 When writing to the Agent Cocanada Bank I requested him to give me any information in his power regarding Notes No. 06495 and 06496 (vide my list) sent to you on 4th Inst. that he states he has not been able to find any trace of them;

4 I have been to the municipal office here but have learnt nothing further regarding Note No. 4496 cashed by Hari Pon Nariah at the Agency Office here on the 8th January 66 (vide my list) — Mr MacMurray who might have been able to give some information was [redacted] Vizagapatam. &c sgd S. Sellayya

Walltair 18th January 1867

Letter P To The Agent Madras Bank Bimlipatam.

Sir. On receipt of your Letter of the 11 Inst. I wrote to Mr Robinson the Insptr Genl of Police Madras that you had informed me that currency Notes for Rupees 500 each had been received by you from

No. 06497	(as stated in your Letter alluded to)
... 06494	about the 22nd December 1865 from
... 06492	the Bank of Madras, and requested
... 06493	him on the part of Govt to ascertain

by whom they had been paid into the Madras Bank. With reference to this letter I this morning received the following telegram from Capt Carr the by Insptr Genl of Police Madras.

"Notes said to have been received at Bimlipatam "from Madras not yet traced. Not forwarded "by Madras Bank as stated". more by Post.—

Would you kindly again refer to your books and see if any mistake has been made in the Nos of the Notes or in date of ~~receipt~~ or quarter whence received and let me know the result at your earliest convenience — &c sgd S. Sellayya Sub Col

Walltair 26 January 67.

Letter Q To W. Robinson Esq &c &c Madras.

Sir. With reference to a telegram sent by me from Capt Carr as "Notes said to have been received "at Bimlipatam from Madras not yet traced — "Not forwarded by Madras Bank as "stated, more by Post" and to your telegram of yesterday's date time 10:15 P.M. on the same subject

26th

see Letter 8.

beg to annex Copy of a Letter from the Agent Bimlipatam Bank, in reply to one I sent him on this subject.—

2 He appears to have made some mistake as I do not see how he could possibly have received from Madras on the 28th November 1865 "per Boughey Dak" currency notes which I have proof were in the Currency Office at Vizagapatam on the 17th November 1865.

3 The Court I am conducting the Proceedings of are about to close their enquiry, should any further information be obtained by you regarding the currency notes the subject of our recent & present Correspondence be good enough to communicate direct with the Adjutant General of the Army Madras.

(Copy of Letter dated Bank of Madras Bimlipatam 28 Jany 67 here entered see original in answer to my Letter 8. attached.)

I have &c &c

Waltair — sign'd. T E Mayne Sr Cor

31st Jany 67

P.S. 1 No communication "by Post" as yet from Capt Carr. 3 P.M. Hm

2 With reference to concluding part of para 2 of my Letter of the 18th Inst. I beg to inform you that Garuda Neeliaya appears to have remitted Rs 2000 in two sums of Rs 1000 each, by private hand,

to 2 Merchants at Cocanada named Butchu Ramsin and Duntala Venkata-chellum on the 15th or 16th November 1865 but he has no record of the Nos of the Notes so sent.—

All the notes traced to Cocanada were purchased here by G. Neeliaya on the 15th November 1865. Hm

---

Letter 10

To The Superintendent of Police Vizagapatam

Sir — I have the honor to request you will oblige me by endeavouring to trace the following currency notes purchased here at the Currency Office on the 17th and 18th November 1865 by the Agents of one Garuda Neeliaya a Sowcar here, who cannot state to whom he paid away these particular notes, there being moreover no entry of their Nos in his books.

2 I have traced them as noted below, any further information you may gain regarding them be pleased to communicate to Mr Robinson the Supt Genl of Police Madras with whom I have been in communication, on this subject.

3 No 06.462 of Rs 500. cashed at the Currency Office here on the 22d December 1865 by M. Somanah Servant of Mr Hodson Secy to the Municipal Compy here; recd by him from Bimlipatam Bank. Received at Bimlipatam

Bank from the Sub Magistrate there at Bimlipatam U. Pugiyanat Row on or about the 19th December 1865. — Purchased by him about the same date at Bimlipatam from a Commission Agent named Kustoree Venkatapa Row, who was employed to sell this, and seven other currency notes, by an Ameen of Gajjapatty Muggurum named Gunpatty Rajoo Nichota Rama Rajoo — I have no means of ascertaining from whom the Ameen got this and the other notes.

4 If Gajjapatty Muggurum is not in your District will you oblige me by communicating the above to the Superintendent in whose district it is.

5 — No 64495 of Rs 500. No trace whatever since purchase here on the 18th November 1865 may have been cashed somewhere in Godavery or Ganjam districts, but has not been cashed either at Bimlipatam or Cocanada Banks.

6 No 64496. Rs 500 Cashed here by K Perrah a Municipal Peon on the 8th January 1866 at the Currency Office. but I cannot ascertain from whom the Municipal Authorities procured it. Mr W. McMurray here may be able to afford some information on this point.

I have the honor &c

Walker

1st Feby 1867

(sgd) J. Morpurgo Lt Col

I have the honor &c

J. Morpurgo Lt Col

In explanation of my applying to you I may mention I am acting in this matter with the concurrence of the Supt Genl of Police. J.M.

I am quite understand Sandy Pugiyanat Row & Venkatapa Kistoree

4/2 Reply

to Letter 2 + 3.

Lt Col J. E. Morpurgo

By Judge Adv Genl C.P.

Nattair.

Sir,

Bank of Madras.

Bimlipatam, 11 Jan 1867.

I have the honor to acknowledge receipt this morning of your two letters 9th & 10th inst, the former enclosing letter from Mr Hodson of which I take note.

On reference to the Currency Note Register and other books kept at this office I find the following information.

No 64462	Received 19 Dec 165 - the name from whom got is blotted in the Book. but apparently is that of Tolly Palemotty Suggumadaroo				
64494	Received from Bank of Madras			(Complete) about	22 Dec 165
64497	"	"	do	"	22 " "
64492	"	"	do	"	22 " "
64493	"	"	do	"	22 " "
64446	"	"	do	Cocanada about	15 " "
64445	"	"	do	do (first halves)	15 " "
65440	"	"	do	do "	15 " "
64419	"	"	do	do "	15 " "

Paid Mr Shaw 21 Dec 1865

Book from the Sub Magistrate Thee at Bimlipa

No. 06496 does not appear in the Book till July 1866, and of 06495 I have no record at all.

Several of the above mentioned Notes (all of Vizagapatam Circle) appear in the Register here on dates subsequent to those quoted. I have given the first date tracing down from 18 November 1865.

The Notes coming in halves from a distance I have only been able to describe "about" the actual date as they might have been entered here a short while after the receipt of Seconds.

I have the honor to be

Sir

Yours faithfully

A Gray

Agent

+ Cumbersome at all as to 12th [illegible] 6 p.

Rec'd 18th January 67.

Reply to Letter 1.

From Colonel L. Carmindale R. E.
Commissioner of Issue of Paper Currency

To Lt. Colonel J. E. Mayne.
Deptt. Judge Advocate Genl.

Sir

In acknowledging your letter of the 5th inst. I have the honor to inform you that I have transferred it to the Secretary & Treasurer of the Bank of Madras, which is the Government Agency for Cashing & Exchanging Currency Notes. I have the honor to be

Sir

Your most obedt. Servant

L. Carmindale Col:

Madras
Jan 7. 12th 1867.

Recd 10th Jany 66

Reply to Letter 4

Bank of Madras.
Cocanada 14th Jany 1864

Lieut. Colonel E Maynes
Deputy Judge Advocate General
Waltair

Sir,

I have to acknowledge receipt of your letter of 12th Inst and in reply beg to inform you that I have been able to trace from our books the dates on which, and from whom, the first four Government Currency Notes you quote were received at the Agency, namely No. 06446 for Rs 500 on the 23rd November 1865 from Tenamilly Vencataratnum of Coringa and Nos. 06445 - 06540 & 06419 for Rs 500 each on the 20th Novr. 1865 from Balabadrony

Lindiah a Metalic Merchant in Cocanada. - I have not however been able to find any trace of the other two Notes in the books of the Bank.

Sam

[illegible]

[illegible]

[illegible] Crack

[illegible] reference to the 4 notes [illegible]

[illegible] included to

With reference to the 3 notes paid by B. Singiah into the Cocanada Bank on 20th Nov 65. G. McLeagan says he sent Rs 1000 in notes (value of each not known) to Butchu Ramsim and 1000 Rs in 100 (00) to Duntaia Venkatachillum both of Cocanada by private hand (one Mahdum Chetty Ayupah) about the end of November 65. No entry however in his Books on the day sent but entered as he says some days

afterwards on Telangoo date
corresponding with 11th December
1865

He subsequently informed Insp.
Thomson that he sent them off the
day he purchased them & the
day following [illegible]

See Letters 5 & 6.

GOVERNMENT TELEGRAPH DEPARTMENT. OFFICE MONTHLY NO. 2186

Recd. the ___ of ___ 186__ at ___ hrs. Words charged ___ Rs. ___ As. ___

FROM Madras To Vizagapatam

FROM Robinson To Colonel Mayne

~~Word~~ Junior Pair

No further trace of the Notes here communicate
direct with Superintendents of Godavery
and Ganjam. 30th 6-10 PM

Recd 30th 10 P.M.

Sender's Signature } ___ { Sender's Address } ___

RECD. BY ___ at ___ hrs. ___ mins. FROM ___

FORWD BY ___ at ___ hrs. ___ mins. To ___

STATION FROM ___ date ___ STATION TO ___ date ___

___ Telegraph Office. Peon Book No. ___ McChitts ___ Assist. in Charge.

Letters [illegible]

GOVERNMENT TELEGRAPH DEPARTMENT.

OFFICE MONTHLY NO. 17

Recd. the 26th of Jany 1867 at ___ hrs. Words Charged ___ Cost Rs. ___ As. ___

From Madras To Vizagapatam

From Care To Colonel Mayne

Words Service Paid

Notes said to have been received at Simlipatam from Madras not yet traced. Not forwarded by Madras bank as stated. More by post.

25th 10-15 P.M.

Sender's Signature. ___ Sender's Address ___

Recd. by ___ at ___ hrs. ___ mins. From ___

Forwd. by ___ at ___ hrs. ___ mins. To ___

Station from ___ date ___ Station to ___ date ___

Waltair Telegraph Office. Peon Book No. [illegible] Cost, in Charge

See Letter of 28th January 67

from Agent Bank

Colonel F. Hardon
Bank

Wallace

Sir

Adverting to your note of yesterday I beg to state for the information of the Court that I received a remittance of Rupees 3,000 from the Bindipatam Bank on the 22nd December 1865, in Currency Notes, which were cashed by my Gomastah Mr. Samanah at the Currency office here from time to time, as I required the money, but the amount &

Numbers

Bank from the Sub-M

[illegible]

My dear Warden

As my writing to the Bimlipatam Bank might be considered and requested proceeding, without Mr Hodson permission to do you had better write and will [illegible] to give you permission to acquire [illegible] more the [illegible] of the notes sec'd by [illegible] on the 22nd Sept 65 [illegible] the Bimlipatam Bank

Yours [illegible]

Reed 29/1/67 Reply to my Letter 8

Bank of Madras.

4/41

Bimlipatam, 28 Jany 1867.

Lt Col: Mayne,
Waltair.

Sir,

In reply to your Note of 26th inst I beg to inform you that I have again looked over my Books with reference to the Currency Notes you mention, and find from my Letter Book that a Supply of Notes Vizag Circle, were received here Complete per Baughy Dak on 28th Nov 1865 from the Bank of

[illegible]

Madras, and not being immediately required the clerk who keeps the Register has put down the date on which he entered them Vizt. 22nd December. The Notes whose numbers you mention* appear to be amongst the supply received then. Mr Hodson appears to have received at this office payment of a draft for Rs 3000 in Currency Notes Vizt.

10 Notes of Rs 100 each, and 4

NB. There seems some doubt here
Jms.

Notes of Rs 500 each. Numbers being

B.06523	30 July 1861	Rs 500
06462		500
06494		500
06497		500

I am Sir
Your most obedt Servt
A. Gray
Agent

* The nos. I mentioned were
06497
06494
06492
06493
Jms. see copy of Letter 8

See P5. 2 of Letter 9

Sir

I beg to report that I consulted Head Accountant Muntha Venkana regarding the Telugu [illegible] given by Gurunda Nelaya and [illegible] states after examining the Telugu Almanac that it answer to the 11th December 1865 Monday. but since seeing you Nelaya now states for a certainty that it was either on the night of the 15th or 16th November 1865 that he despatched Mathemshetty Izapa to Cocoanada with the letters containing the currency notes. but he cannot give the numbers begging you will excuse the delay as I was waiting for Muntha Venkana reply-

I beg to remain
Sir
Your most obedt Servant
A.C. Thomson Insp.
Town Police

23rd January 1867

No 680 of 1866/67

Recd 1st Feby 67
see my letters 5 and 6.

Memorandum

With reference to the Memorandum of Currency Notes forwarded by Colonel Mayne Deputy Advocate General (Vide Memo No 122 of 21st Instant from Assistant Inspector General of Police) enquiry has been made regarding No 06492 06493 and 06494 said to have been received by Bimlipatam Bank from Madras Bank on or about 22 December 1865.

The Madras Bank forwarded notes to Bimlipatam Bank on 7th November 1865 and 12 January 1866 but the 3 Notes specified were not amongst those forwarded on these two occasions. The Madras Bank authorities state that no remittances save these two were forwarded to the Bimlipatam Bank about that period.

Madras Police
Commr's Office
24 Jany. 1867

(Sd) C. S. Stearn
Commissioner of Police

To
The Assistant Inspr Genl of Police
(True Copy)

E No. 168
To Col Mayne
with reference this letters
dated 14th and 15th Jany

[illegible]
Asst Inspr Genl

X. A.B. No 06. Memo. also entered in my Memo. Bimlipatam Bank from Bimlipatam Bank in the Memo. of Madras. vide last note entered [illegible]

Supplementary
Original Letters
to reply to those
regarding the
Currency notes.
Vide Copies of
the letters attached
R.D.
A.D.N. 1273 of 1867
Proceed May 15th to hence
Dr. Nuddo No. 341/67

No. 7 of 1867

Memorandum

The Judge Advocate General has the honor to return the papers received with the Adjutant General's Memorandum No. 811 of 12th Instant in the case of Assistant Surgeon Joseph Dougall, Zillah Surgeon Rajahmundry.

2. The Collector of Vizagapatam communicated to Government a charge of a most serious nature against Dr. Dougall, that he, in return for a payment of Rupees 3000, had furnished the Dewan of the Bobili Zemindar with two Certificates, — one declaring him to be unable from ill health to attend the Civil Court as a Witness; and the other, on failure of the first to meet the object for which it was given, declaring him, though better, to be in such a state as to require the concession of a chair while giving his evidence; — the Dewan being notoriously perfectly well at the time, Dr. Dougall not having treated him in any way, and the object of the Certificates being solely to secure for the Dewan exemption from attendance as a Witness in Court, or the honor of a seat while giving his evidence.

3. The Government transferred the correspondence to His Excellency the Commander in Chief in view to a formal inquiry being instituted into [illegible]

Dr Dougall's Contract of Court of Evidence [illegible]
with a Corporal Guard attended Giving [illegible]
was commenced at Trichinopoly for the purpose, [illegible]
the prisoner to the Board of Sir Thomas.

4. On the written accusation [illegible]
was admitted in Justice the two Witnesses [illegible]
on the latter affirm in the Court of [illegible]
the Collector, in the Moorshidabad Cutcherry [illegible]
Oct. 18th and 21st of November 1805.

5. The original accusation upon the
Civil Court was produced, and the [illegible]
on 20th and 21st of November 1805

6. The explanation by Pherozeh [illegible]
Mahomed Sheriffs, who took them, that [illegible]
the Court of [illegible] Collector, [illegible]
Clerk to be filled in [illegible] the [illegible]
that the 2 Certificates were copied into the Cutcherry
Book by this Witness at the time the [illegible]
them, but he did not compare the copies with them,
and did not see them again till about a Month
after they were in Book. The Notes in the Margin
were made by himself after the Witness signed them.

7. Dreffer Mahomed Sheriffs accounts
of the part of these Certificates is,— that the Witness
on 16th or 17th of November 1805 told him he meaning to
see Dr Dougall, and on 18th of November he told Dr
Dougall so, who gave him the money for them. The
same day he went to Dr Dougall's House and the

Witness

Witness came there with the two Petitioners, was admitted
and asked to be seated. Conversation was entered into
by the Doctor in English and the Witness in Persian,
the Witness interpreting between them. After the usual
complimentes the Witness said he was summoned to
attend the Court which was troublesome and he was
not equal to it: Dr Dougall said "we will see about
it." They then went into the next Room and examined
an Album, the Witness still interpreting what was said,
and moving about between that Room and the next,
having an open arch way between them, but never
out of earshot: and that no altercation was spoken
between the Witness and Doctor nor were any
of the Petitioners in the Room, but in Verandah. Shortly
after the Witness took leave and went away, the
Witness remaining about a quarter of an hour. Dr
Dougall directed him on leaving to prepare a Certificate
exempting the Witness from attending the Court during
his indisposition. He then went to the Hospitals, that
so, and sent it to Dr Dougall for signature by a
Hospitals Servant,— cannot recollect which,— who returned
with it signed in about two hours, and he
at once transmitted it to the Witness.

8. Next day 19th November, received a note
from Takeb Meenarawa Rao, asking him to come
and bring Dr Dougall also to the Dewanni House, for
whom a note was enclosed, and he sent on both
notes to the Doctor. On passing through the Bazar
a short time after, he met Dr Dougall, driving
with a lady, and sent both them to the Dewanni House,

both ascended the stairs together, and found the Person with a Number of people in a room; Doctor and Doctor's wife, Wardens and other men, amongst them a Brahmin servant of the Prisoner's. That day, was that, passed, and after a short visit the Doctor left, and left the lady in the Compound.

9. The following Monday 20th November the Doctor's wife, the Person was again visited by both to allow the court but suffered from fever. And should have a seat in court, and to be prepared a Certificate to that effect, which he did. Dr. Dougall signed it when he visited the Prisoner that morning, 21st November, with Dr. Sutherland: and that day after the Prisoner sent the Certificate to the Cas-

10. The Prisoner, after that morning, he first went to the Person, he appeared to be sick well and made no complaint to him of being indisposed in any way, nor did he say any thing he wished to tell Dr. Dougall. He received no prescription to make up any medicine for the Person: and received no fee or present from him, though he said he would not forget him. He is positive that he took neither of the Certificates to the Person, and that he did not go to his house on 20th November, see him at all, and only saw him at a distance on 21st November but did not go to him. Can not explain the discrepancy as to date of the 22nd November Certificate, as he wrote and dispatched it

for

to Person on 18th he is quite certain.

11 The Dewan's account of the Certificates is, - That he had been often moved to appear in Civil Court as a Witness on 20th November and had heard he would have to stand in giving his Evidence, which he considered an indignity, as his ancestors had been allowed a chair; he became uneasy and was also a little indisposed, so the Physician did not agree with him. On 17th November he sent for Prisoner Mallomed Sheriffe, he came to the house he was staying in, and he told him he was a little indisposed, and would not be allowed a chair in Court which, he thought, was an indignity. The Prisoner said he would speak to Dr. Dougall and try to get him to do this next day. He came again on 18th November to the house and said the Doctor would see him that day: he went accordingly to Dr. Dougall's house and found the Prisoner there, was introduced to the Doctor, went inside and sat down. He then said to the Prisoner, as before, regarding the indignity of standing in Court while giving evidence: the Prisoner interpreted it to Dr. Dougall in English, and then said to him, in Hindostani, "You and Dr. Dougall both know Hindostani, you can talk together": and the Prisoner then went into the Verandah. He then addressed Dr. Dougall to that effect in Hindostani, who replied in Hindostani, "You need not be afraid, I will give you a sick Certificate: as a fee for it you must give me 3000 Rupees." On the strength of this Honor he agreed to do so: and are

then shewn some pictures, but nothing further was said about the Certificate, and after conversing about the pictures he went away. The Presser was outside in the Verandah, in sight but out of hearing, when the fee was talked of; the Doctor spoke in the same tone of voice as that he used about the pictures. Dr. Dougall was told through the Presser that the climate of the place did not agree with the Dr. and he was suffering from indigestion; but the Doctor did not give any medicine then or afterwards. That he did not then know what would be an ordinary fee for a sick Certificate, and did not then think the Doctor's demand exorbitant.

12. On 19th November, Dr. Dougall came to see him at his house in the afternoon and he asked the Doctor for the promised Certificate, he [illegible] he would send it tomorrow. The next day, 20 November, Mahomed Sheriffe the Presser brought it and translated it, to the effect, he was ill and unable to attend the Court, and he sent it on to his Pleader P. Soobaroya Shastry to present. He informed it had been rejected and he was to attend next day. He sent immediately for Mahomed Sheriffe who came at once and was told the result, but he said nothing in reply; and he was not asked for another Certificate: but next day, 21st November, about 9 A.M. he brought the second Certificate and said "you only want respect in the Court, by this Certificate you will get it" and he translated it, to the effect that he was still [illegible] unwell and unable to stand in Court for a long time and ought to have a chair. The Certificate was sent to his Lawyer to be handed into Court, but, as his attendance was dispensed with, he did not appear in Court.

13. Does not remember if he sent for, or directed any of his people to write to Dr. Dougall to come to him on 19th November, but he may have done so. When he came they conversed in Hindostani, without an Interpreter. A Brahmin Orecasa Rao was the only person present in the room, the servants were near in the Verandah. Did not see the Presser then, who had been there in the morning. Dr. Dougall when he came did not make any inquiry after his health. But on cross examination he admits the Doctor advised him to eat less than usual and to take a purgative. Orecasa Rao was present when the Presser brought the first Certificate, and also some other Gomaslahs: when he brought the second Certificate Vakeel Sreenavasa Rao and Jugganat Rao were present. When he first saw the Doctor he did not tell him he was too ill to attend the Court, but that he was indisposed, and it would entail indignity on him. Except for the seat in Court he should not have wanted a Certificate, and should have gone there. He was a little unwell and thought he would make it a pretext for getting a Certificate to saw his honor, no one suggested it to him. Did not tell either Doctor or Presser he suffered from giddiness but only from "gwamee". He was

not

not given the Plaintiff any receipt, or pie, and nothing about a pie was mentioned by either. Does not understand English — says the signature on the note received by Dr. Dongall is not his, but like it.

The Court remarks that it is obvious the Plaintiff cannot possibly distinguish his own signature from another at all similar to it, notwithstanding he has written with one copied into page 10 of the Proceedings.

14. **Sreenavasa Rao** states, affirmed that on a Tuesday (i.e. 21st November) he was at the Dewan's house, the Plaintiff came there about 9 o'clk. with a paper and translated it to the Dewan, to the effect that the Dewan owes a little money and must attend the Court but cannot pay a debt; they then went away, and the witness retired. Jugganat Rao was also standing in the Verandah. The next day or the next the Lawyer produced a certificate to the same effect in Court and he read it. Saw Dr. Dongall the day before the trial came on (i.e. 19th November,) at the Dewan's house in the afternoon. The Dewan never told him witness he was unwell, he saw him constantly at that time and he was not ill at all. When he saw the certificate in Court he considered the sickness stated was merely a pretext, and not the real reason why he wanted a claim, the real reason being that it was a mark of disrespect to the Peshkar in Court. Says he wrote the note, when he at the Dewan's desire to the Plaintiff, but knows the Dewan said was to have

been sent with it. The signature on the first named receipt like the Dewan's in some respects, but differs in others, does not think it is the signature. Says he wrote the note received to Dr. Dongall, at page 51 Proceedings, for the Plaintiff and left it for his signature; the signature may be the Dewan's, but it is not the usual signature.

15. **Jugganat Rao** states, one day in November he was at the Dewan's house with Sreenavasa Rao, the Plaintiff's Mahomed Sheriff came there about 9 o'clk. and gave a paper to the Dewan, saying it was a certificate for a debt in Court, the Dewan then went inside and talked, and he went away. This not with the note, at page 10 of Proceedings, the signature is like the Dewan's, but he cannot say if it is his.

16. **Preeasa Rao** states, Dr. Dongall came in a carriage about 4 P.M. one day in November 1865 to the Dewan's house*, and he went down stairs by Dewan's order to draw him up. The two conversed in Hindostanee, which he does not understand. After 4 or 5 minutes the Doctor went away. This not interpret between them, nothing was said in English but all in Hindostanee. The Doctor came upstairs alone, he saw no one with him. Only the Dewan, Doctor and himself were present cannot recollect any other. The Plaintiff was not there on that occasion. The Dewan complained of heat from burning. Does not know if Dewan sent for the Doctor. Does not know

* Changed to [illegible]

by whom the note, at page 10 of Proceedings, was written, nor does he know whose signature it bears.

17. **Chengul Rao** Shristadar Civil Court, states, that on 20th November last, the Pohli Rajah's Pleader handed a petition into Court accompanied by a Certificate that the Dewan was indisposed and unable to attend. The petition was that the Dewan should be examined by a Commission, the Judge declined to accede to the prayer of it and went on with the evidence for Plaintiffs, and made no allusion to the Certificate. It was handed to him and placed by him after the case was closed with the record. The next day, 21st November was occupied with Plaintiffs case, the Dewan was cited for the Defendants, the Judge said he would have to attend tomorrow 22d if his evidence was required. On 22d, the Plaintiffs Counsel produced a second Certificate, and said the Dewan was at hand to attend when called, the Judge initialled the Certificate, and handed it to him without remark. The Defendants Pleader dispensed with Dewan's evidence and he was not called. On 21st Defendants Pleader said the Dewan was perfectly able to attend, and asked the Court to compel his attendance next day; the Judge said he must attend if his evidence was required.

18. **Dr. Dougall** states the Presser had told him the Dewan was anxious to visit him, this being no uncommon request he appointed 18 November

Defence

her to receive him, and told the Presser if he could not speak English he must come with him. About 1 P.M. he came with a crowd of followers, was admitted and sat down near the door, the Presser standing between to interpret. The conversation was on ordinary subjects, the Dewan got up took an album from the table asking what it was; he opened it and gave the Dewan a lens to examine the pictures, the Presser asking and telling him the names; after which he went away. Does not remember on this occasion that anything was said about the Dewan's health, or his having to attend the Court: the whole conversation was in Teloogoo and passed through the Presser. The Dewan admits speaking through the Presser about his illness in Teloogoo, a subject he might have understood if spoken to in Hindostani, but when he enters on a subject he was not likely to understand, he, by his own account, dispenses with the Presser as interpreter and speaks to him direct in Hindostani. But the Presser contradicts this, and says not one word of Hindostani passed between him and the Dewan, and says he was within Earshot the whole time.

19. On the afternoon of the 19th in going to the beach, he met the Presser who said he had sent a note from Dewan, and asked if it had been received. This he found at his house on his return that evening. He drove on and in returning about an hour after the two other notes, addressed one to him and one

to the Presser, were handed to him; and meeting the Presser, asked where the Dewan lived. He said quite near and went on in front to shew the house. He alighted and told the Presser to shew the way to the room; they went upstairs together and found the Dewan with his friends or followers about him. A fair Native interpreted between the Dewan and him in Teloogoo, no Hindostani was spoken, the Presser was a little way off but within hardshot, and occasionally helped the interpreter to explain what the Dewan meant. On asking what the Dewan complained of the interpreter spoke to him, and said of bad head ache and giddiness and felt very unwell. He asked from what cause, and the interpreter stated the reply, that "he had been travelling about a great deal and that must be the cause." Then said, "Tell the Dewan he eats too much, - let him eat less, and he should take a purgative." The interpreter after some conversation with the Dewan said, "The Dewan is summoned to attend the Court tomorrow and is quite unable to go, and wishes you to give him a Certificate to that effect." He turned to the Presser and told him to prepare one before he came to hospital in the morning; and then went away. This was the first time he had heard of the Dewan's health, prescribed for him and promised him a Certificate. As the Dewan admits he had seen the Presser on the morning of 19th, had he been promised the Certificate on the preceding day, he could have obtained it through the

the Presser, without sending for him that afternoon, and asking for it. He did not go to return the Dewans visit, and had no intention of so doing, being at the time driving home from the beach with a lady, when the notes were put into his hand, asking him to come as the Dewan was indisposed.

20. The next morning 20 November, at the Hospital he signed the first Certificate, intending it to serve for that day alone. In the afternoon he got a note from the Presser asking for a similar Certificate for the next day, on the plea that the Dewan was still unable to stand; he replied that need not prevent him attending the Court, as if he could not stand he could sit. The Presser without further instructions prepared the 2nd Certificate which he found and signed the following morning, 21st November, on visiting the Hospital; as he believed the Statement that the Dewan was unable to stand. Each Certificate was true to the best of his belief, and he neither asked for, nor was promised, nor received, one rupee or its value, on account of either Certificate.

21. That the evidence given by the Court Sheristadar, of what actually occurred in Court regarding the Certificates, differs considerably from the description given by the Collector in his report to Government: and he never considered the truthfulness of the Certificates had been questioned when he made his reply to the Report. According to the Rajah's letter, the Dewan had not stated the Certificate was false, but on the contrary

implies

implies that he had given him a dose of medicine before he asked for the Certificate: which is true, as he did prescribe a dose for him.

22. The Court of Inquiry ascertained from the person who copied the Certificates into the Hospital Book, that he entered them from a rough draft given to him by the Presser Mahomed Sheik some days after the Originals had been given to the Pewan, but on what date he does not recollect.

23. The Court is of opinion that Dr. Dougall gave two Medical Certificates to the Pewan of Bobili without making due inquiry as to their necessity, and further that no necessity did exist for granting them.

24. The Court had before it very contradictory Statements from the Pewan and the Presser, as to what occurred at the first interview between the Doctor and the Pewan: as to the language used in the conversation between them at both interviews: as to the Presser's presence at the second interview: and as to the means by which the Certificates were delivered to the Pewan. But one point is certain, that the Statements of both cannot be true.

25. On the first instance the Presser is borne out by the Doctor. On the second the evidence of Precasa Rao is against the Presser, as to the language used at the second interview. On the third the statement of Precasa Rao is against the Presser, but the note sent from the Pewan inviting him to attend with the

the Doctor is in his favor; the Pewan merely asserts that "he did not see him"; and Dr. Dougall says he was there. The presumption is strongest that he was present. On the fourth, the evidence of Sreenavasa Rao and Jugganat Rao is against the Presser, and other circumstances tend to establish that he delivered the Certificates in person to the Pewan.

26. The Pressers account of the entry of the Certificates in the Hospital Books is not true, as shewn by the person who entered them. And the Dewan asserts, that to save his honor in the matter of a seat in Court he obtained a Certificate on the plea of being indisposed, when he was in no way so; which cannot render his testimony the more trustworthy.

27. Dr. Dougall may have been deceived in granting the first Certificate, for he prescribed a dose for the Pewan, who admits this to his Master; but in granting the second, he appears to have done so without personally ascertaining the necessity for it; and has thereby evinced a laxity in the performance of his duty.

Summary of the evidence as to the receipt of Rupees 500 for the Certificates.

28. **The Dewan** states that at his visit to Dr. Dougall, on 18th November, on the Presser going into the Verandah and telling them to converse in Hindostani as they both understood it, he told the Doctor he was very uneasy in his mind at the indignity of having to stand and give his evidence in the Court,

as

as he was told he would have to do: the Doctor replied in Hindoostani, "You need not be afraid I will give you a sick Certificate; as a "fee" for it you must give me 3000 Rupees." The Prisoner at the time was in sight but out of hearing: the Doctor did not speak in an unusually low tone, his tone was the same as in explaining the pictures. Did not then know what would be considered an ordinary fee for such a Certificate, and then did not think it exorbitant. The Certificates were furnished, as above explained, but the Dewan was not required by the party calling him to attend the Court. On either the 23rd or 24th November Dr. Dougall came to his house, between 4 and 5 P.M., and said you were not required in Court, but your wish was fulfilled, give me what you promised me in Currency Notes. Previous to this Currency Notes had been purchased from Garuda Neeliga in whose house he was living, as the Doctor had told him on 19th he wanted Notes. He sent his servant Somayajooloo down stairs to G. Neeliga for the Notes, they were brought and he gave them, six Notes of Rupees 500 each, to Dr. Dougall, who took them and was pleased and went away. Somayajooloo and Venketraidoo were present. The Conversation passed in Hindoostani no one interpreted it. The Mootsuddee Suraiga was ordered to enter the payment for the Currency Notes in the accounts. Borrowed several sums for expenses also from Neeliga. The 3000 Rupees were paid for the Notes out of a sum of Rupees 10,000 brought from Bobili, be-

longing

longing to the Rajah, who married his niece. On returning to Bobili, the Rajah not being well, went on Jumma Bundi; and on returning 3 or 4 months afterwards, the Rajah asked if that sum had been expended in that way, as the Collector had brought it to his notice. Heard Dr. Dougall had attended the Rajah at Bobili, in his absence from the place, and that he had received more than Rupees 400 as a fee. Being asked with reference to this sum, as he had stated he did not consider Rupees 3000 when he gave it an exorbitant fee, and did not know the ordinary fee; to reconcile his replies. He answered "I did not think it too large a sum for preserving my honor." Did see the complaint made by Rajah to the Collector when it was written. Does not know the numbers of the Currency Notes given to the Doctor, presumed them to be Rupees 500 each, as he had told Neeliga to get him six Notes of that value. Had authority to spend the Rajah's money when on his business. Can shew the entry in an account, not kept in a Book. The slip of paper produced, bears the entry, - "3000 Rupees. On Monday 20th November 1865 for purchase of 6 Notes through Gainda Neeliga "to give to Dr. Dougall for a Certificate." The account was in charge of Mootsuddee Suraiga at Bobili, and the Rajah saw it about 2 months after the Collector had been there: the Mootsuddie is under the Sheristadar. Did not get any other Notes of Rupees 500 from Neeliga, only got Rupees.

29. Gainda Neeliga, Money agent of the

the Bobili Zemindar, says, the Dewan staid in his house in November 1865 about 20 days. One day the Dewan asked him to get him Rupees 3000 in Currency Notes, as he intended giving them to Dr. Dougall for certain Certificates. He asked why he was giving such a large sum, he said he had promised to give 3000 Rupees, and he must get the notes. The Dewan then called his Gomashta Suraiga and told him to give the money for the notes. They went down stairs and Suraiga opened a box and gave it him. The only other persons present were two men of the Dewans, guarding the Chest, does not know them. About 4 or 5 days after this another of the Dewans Gomashtas, Somayajoolo, came for the notes the money was paid for, saying they were for Dr. Dougall then upstairs, and 6 notes of Rupees 500 each were given to him: no one else was present.

Had seen a gentleman pass upstairs just before, and, on asking, was told it was Dr. Dougall. The Dewan was then upstairs. Had seen the Doctor at his house once 2 or 3 days before, but never since. Cannot recollect the date of giving the notes, made no entry of it in the books, or of the receipt of the Rupees 3000, as there was neither profit or loss, and did not keep the numbers of the notes, not being in the habit of so doing. Did not get the notes for that particular purpose, had them at the time. Being a Soucar gets many notes from the Bank, and cannot tell when those particular notes were ~~received. Generally employ~~ one of 4 men (named) to get them. No one but himself has access to his own Cash Chest. The Dewan told him to get the notes ready, did not then ask for them or he could have had them, as they were there. Did buy Currency notes in November 1865 but can't say how many.

Dr. Dougall the day first seen at his house came about 4 or 5 P.M., and the second time he came about the same hour. The first time on asking who it was, was told it was Dr. Dougall; the second time his back was towards him, so asked who it was, as he went towards the stairs, and was told it was Dr. Dougall.

Suraiga did not count the Rupees but he did, no Shroff was present. Being told he had on 30th October last, told the Collector that Suraiga gave him the 3000 Rupees "through the Dewan's Shroff," was asked to reconcile the discrepancy. Says he cannot account for it, and cannot now say if a Shroff were present or not?

He produced his accounts.

30 **Suraiga, Mootsuddie** and Gomastah says he wrote the account of the Rupees 10,000 produced, in November 1865 at Vizagapatam. On 19th November the Dewan sent for him upstairs and told him to pay Neeliga Rupees 3000. The next morning he did so, Shroff N. L. Naraidoo and one or two Sepoys were present, does not recollect who opened the Cash Chest and took out the money

but Neeliga counted it. When the Dewan ordered him to pay the money, he asked how it was to be entered in the accounts; the Dewan said "for the purchase of notes to give to Dr. Dougall for a Certificate" and he entered it accordingly on 20th November. The Account produced was prepared from Memoranda of items on separate pieces of paper; afterwards all were entered in it at once together, and the Memoranda torn up, about the day of Dewan's departure on return to Bobili, and he signed it that evening. Gave the account to the Sheristadar on his return to Bobili, who held charge of it. When they came on their present trip to Vizagapatam the Dewan desired him to get and bring it with him.

31. **K. Somayajooloo**, Gomastah, says, he came with the Dewan in November 1865, who did not wish to attend the Court and told him he wanted to get a Certificate from Dr. Dougall, in order that he might be treated with respect in Court. Two or three days after the hearing of the suit Dr. Dougall came to the house upstairs to see the Dewan and was seated. Venket Rao and he were also sitting behind the Dewan. The Dewan and Dr. Dougall conversed in Hindostani, does not understand it. The Dewan then ordered him to go to Neeliga and bring some Currency Notes. Went down to him and got six, he said they were for 500 Rupees each, and took them to the Dewan, who handed them over to Dr. Dougall, and spoke a little longer with him in Hindostani, when the Doctor retired about 5 P.M. Venket Rao was seated near when the Notes were given to the Doctor, no one else was

was present. Is the Rajah of Bobili's Gooroo. Looked at the Notes but did not understand what was written on them and saw no Teloogoo letters.

32. **R. Venket Rao**, Gomashta, says, in November 1865 one afternoon saw Dr. Dougall with the Dewan at his house, the Doctor came there and sat down. The Dewan and Doctor talked together in Hindostani, which he does not understand. The Dewan then ordered Somayajooloo to go to Neeliga and bring some notes, he returned with a bundle of them and gave them to the Dewan, who gave them to Dr. Dougall. They talked in Hindostani for a short time and then the Doctor went away. No one else was present in the room, some of Dewan's servants were in the Verandah. After the Doctor left, the Dewan said the Notes were given for a Certificate and their value was Rupees 3000, cannot say how many notes there were.

33. **Preecasa Rao**, a Writer of the Bobili Rajah, says in November 1865, cannot state the day about 4 P.M. Dr. Dougall came to visit the Dewan. Some one said a Gentleman is coming in a Carriage, the Dewan sent him down stairs to shew him up and he did so. The Dewan and Dr. Dougall conversed in Hindostani, which he does not understand, after 4 or 5 minutes conversation the Doctor went away. No one but the three named were present in the room. The Doctor came up alone.

In reply to a question from Dr. Dougall, if there were no words used in the Conversation that he

understood

understood, although he does not understand "Government" he repeated, he heard the words "Certificate", and "Note" and "Currency Notes", used.

The visit of 19th November, 1878 mentioned, is denied.

34. **D. Veeranna Aur** Native of Bobili Zemindar, says, he heard a rumour that money had been paid for a Certificate, but the Rajah did not mention it to him during his stay in November 1865. In January or February 1870 the Collector mentioned it to him just before going on circuit, and asked what he knew of it; he told him nothing personally. The Collector visited Bobili when on circuit, and he heard him tell the Rajah of it and ask him what he knew of it. The Rajah said he had heard nothing of it, but on his arrival return from the District he would inquire into the matter and let the Collector know. In June or July following the Vakeel was called to Bobili, when the Dewan told him of the payment of Rupees 3000 to Dr. Dougall for the Certificate, and a letter was read out and signed by the Rajah on the subject, which he conveyed to the Collector.

35. **Mr. D. J. Carmichael,** Collector of Vizagapatam admits receipt of the above letter, an exact translation of which he sent to Government. says, he first heard the Dewan ~~gave Rupees 3000 to Dr. Dougall~~ for a Certificate

as it is not always noted on them.

39. The Court endeavoured to trace these Notes but failed to do so. Four of them had been paid into Cocanada Bank on 20th and 23rd November 1865 by G. Neliga's Agent, they therefore could not have been paid to Dr. Dougall on 23rd or 24th idem. Four were paid by the Bank at Vizianagram to have been received by it from the Bank of Madras, but the latter states the three last were not so sent by it, and does not mention the first note at all. In fact there is nothing satisfactory in the tracing of these Notes, and none of them are shown to have been in the possession of Dr. Dougall.

No.
06445
06420
06419
06426
[illegible]
[illegible]
[illegible]
[illegible]
06423.

40. **Dr. Dougall** admits that he gave the two Certificates believing the Dewan entitled to them, but he emphatically denies the receipt of any payment for them. He asserts the Dewan was present at the interview on 19th November, when Telugu was spoken by the Dewan and interpreted by a Brahmin, and that nothing was spoken of but the Dewan's indisposition and the Certificate required. That several others were present at the time; and, though the Dewan says he told him then he wanted Currency Notes, it is so clearly put as an afterthought, that further remark is unnecessary. Having obtained the Certificate under a false pretence of sickness, as he now admits, it is no breach of charity to suppose that having thus obtained

[illegible]

[illegible]

the

his honor, he might consider it no very serious offence to obtain from his Master a thousand & two & Rupees for himself, also in the usual way of transacting such business. That on no occasion did he ever see the Dewan alone, a precaution ordinary prudence would have dictated had fraud, falsehood, & even extortion been contemplated.

41. The Sowcar G. Neelya declares he visited the Dewan twice at his house, having seen him on both occasions, and on each asked who he was; and says he came alone; and that the Dewan never complained of illness while living with him: but though the Sowcar knows all about him and the Dewan, he cannot tell, or shew by his books, what money he lent the Dewan then: only that shortly before going away he borrowed of him 2, 3 or 4, or 600, or something under 1000 Rupees. The Sowcar also says, no Shroff was present when he received the Rupees 3000 for the purchase of Currency Notes, and when a former Statement of his, that a Shroff was present was read to him, says, he cannot say which is true, or whether one was or was not present. He received the money for the Notes, gives no receipt for it, or makes no entry in his books of it, and though he had the Notes does not give them till 4 or 5 days after, yet the Dewan had a cash chest of his own to receive them. Is told openly by the Dewan what the Notes were for, and remonstrates upon his giving so large a sum for such a purpose: still the —

Dewan

tificate, when the suit was going on about 20th November 1865. It was in every bodies mouth, no person in particular mentioned it to him then. He was led to attach more importance to it from examining the Hospital Books, for a Certificate on a woman who had died suddenly. The Dresser opened the page and he saw the copies of the two Certificates given to the Dewan — the expression in the 2nd Certificate, aroused his suspicion, the Dewan being then notoriously in good health. Waited till he went to Bobili as the best way of solving the matter, as to have questioned the Dewan he considered useless: for if he had given anything he would have charged it to the Rajah, and in that way it would come out. It was only on receipt of the Rajahs letter he first became aware the sum was Rupees 3000.

36. **M. Venkanah** Head Accountant Collectors Office, states, he had examined the Books of Garuda Neeliga, from March 1863 to December 1866. There is no entry of the Numbers of Currency Notes purchased, or exchanged for coin, from the Currency Office at Vizagapatam or elsewhere, in any of the accounts. There are entries of the No. and value of several Notes in copies of letters in the letter Book. There is no entry of his having purchased certain Currency Notes on 15th 17th and 18th November 1865, or of his having paid away any on any date between 20th and 25th idem. The Numbers of the Currency Notes alluded to by the — Witness for Rupees

500.

500 were asked for, and he points out as entered in Letter Book No. 06540 and 06496 as sent, by letter on 6th August and 22nd July 1866 respectively, to Vizagapatam to a Native.

There is no mention of any sum sent to the Pewan in November or December, and repaid on his return to Bobili. The Cash balance at end of 1865 is Rupees 1560-11- and that brought forward to 1866 is 1650.

37. **Gegellum Subonju**, Cash receiver in Currency Office Vizagapatam, says G. Neeliga by his Agents (three of the 4 named) purchased on 15th November 1865 four Notes for Rupees 500 each. No. 06446-06445-06540-06419.

On 17th November 1865 three notes for 500 Rupees each No. 06462-06492-06493.

On 18th November 1865, four notes for Rupees 500 each No. 06494-06495-06496- or 06497.

38. **A. Apparow**, Note receiver Currency Office Vizagapatam, states, all the notes above have been since cashed in the Office, except one No. 06495-, at various dates from 22nd December 1865 to 19th November 1866.- The dates &c are stated at page 68 of the Proceedings.- States, as a rule it cannot be ascertained through what other Currency Offices, or Banks, Notes have passed between their issue and receipt back to the Office,- as

and then only the full extent of the bribe came out, contradicting all previous rumour. It never appears to have occurred to the Collector that the Pewan might possibly have appropriated the Rupees 3000 to his own use; although he must have known of the "Will case from Bobili," with 17 Witnesses guided by the Pewan, declared by the Court to be a forgery, and the decision sustained by the High Court.

45. That a most important part of this inquiry consists of 11 Currency Notes of Rupees 500 each: six of which are declared to have been paid to him in November 1865, by the Pewan and his servants. Had one of the notes even been in his possession nothing could be easier than to trace it, as all his money accounts have been with Agency houses at Madras; and he now submits his accounts for the last 2 years for inspection to the Court. The numbers of the Currency Notes transmitted since October 1865 are shewn and names of parties from whom received, who may be called to confirm the entries. Has had no dealings with any other Houses than those named, nor has he passed a 500 Rupees Currency Note to any other person. The Notes have not been destroyed or concealed, for 10 out of 11 of them have passed since through the Currency Office from persons well known, who may be called to state from whom they received them.

46. When the Collector reported to Government in November 1866, he knew that the payment

made

made, if made at all to him, was for 11 currency notes, whose numbers he stated were all available; but he did not mention also, that at the time he wrote 9 of those notes had been returned to his office. Surely the first step towards detection was to call on those persons to account for their possession. The notes could then have been more easily traced than now.

47. He contrasts the conduct of his accusers with his own. First the Sowcar Neelya, dealing largely in notes, says he keeps no account of their numbers, unless he sends them by letter, thereby running risks of loss if stolen, or of being able to account for bad notes: and his cash balance by his books in the end of 1865 - differs from that carried forward to 1866 - Second the Dewan, who manages a large estate and produces instead of Books, a sheet of paper to shew the expenditure of the Rupees 10,000 brought from his Master, which may have been written the day he produced it, instead of the day he left Vizagapatam in 1865, as the Gomastah says it was. Neither of these have given help in tracing the notes, and the Dewan has disavowed his own signature. Third the Sub Magistrate Jugganat Rao, who was at the Dewan's house on 19th, but disavows being there, so that the only Witnesses to be produced should be the Dewan's own creatures. His own conduct has been to produce his private accounts, to bring as far as in his power the truth to light. Not one of the notes has been traced to

Dewan is not induced to consult those in a position to advise him; the most likely of whom was the Vakeel Meenavasa Rao, to whom he mentioned nothing about it.

42. Except on the evening of Sunday 19th November Sr. Dougall asserts he never entered G. Neeliga's house, that the 2nd interview the Dewan describes is pure fiction, as having occurred on the Wednesday, Thursday, or the day after, next following, when he called and asked him for what he had promised. To refute such falsehood in any way than by a distinct denial is impossible; but the evidence bears the stamp of falsehood on its face, for it is beyond credibility that one not an idiot would so go and in presence of two of his own people, as Witnesses, openly accept Rupees 3000 as payment for false Certificates; but were such the case, would not some receipt or voucher to shew to his Master be demanded, to account for the Money. The Money was not his own, and vouchers were requisite to account for the expenditure. There could have been no hesitation on the Dewan's part to ask for such, as he had made no secret of the transaction; by telling the Sowcar Neeliga of it and also three of his people, and he enjoined on them no secrecy. It is also entered then in an account, which since December 1865 has been in charge of the Sheristadar of the Rajah: but no whisper of it ever reached the Rajah till 5 Months after, when the

Collector

Collector spoke to him of it. Even then his curiosity was not sufficiently excited to ask about it from those near, who should have been cognizant of it. Some 2 Months after only was the Account shewn to him, though all this time in the Charge of his Gomastah and Sheristadar; and 2½ Months more expired before he brought the complaint before the Collector; as advised by that Officer on mentioning the subject.

43. That the Steps taken by the Collector to sift the case are not easily explained; as he informs the Government it was his duty to do. He first heard of the bribe, but can't tell from whom, about 20th November, that is 4 or 5 days before the Dewan says he gave the Notes: he does nothing beyond asking the Vakeel of Bobili, who says he knows nothing. Then an interval of 4½ Months elapses and he gets the same answer from the Bobili Rajah. After another interval of 3 Months; in June 1866, one Black Nursing Rao is asked all about it, with the same result. To July 1866, the receipt of the Rajah's letter, the Collector had only heard of a bribe of Rupees 1000 having been given, but then for the first time that it was Rupees 3000.

44. Those acquainted with the habits of Natives, will not doubt that the Collectors inquiries of the Rajah were duly reported to the Dewan; yet for 2 Months after the account was not shewn to the Rajah, and then through the Dewan, from whom the Collector says it was useless to inquire, and

to him, or was ever in his possession, and their numbers have from independent sources been traced into other hands.

48. He considers all rumours have emanated from G. L. Nursing Row, called Black Nursing Row, a notoriously intriguing man, bearing ill will towards him for three reasons. (1) That he had informed the Collector of his beating his wife, who censured him. (2) Because he had said, "his character was so "well known it was dangerous to have anything to "do with him." (3) From proceedings in the Civil Court, regarding the succession to some Estates of his wife's family; his personal interest being on the opposite side to that on which Dr. Dougall is likely to give important evidence. The close connection also between Nursing Row and the Dewan would have been shewn, had the Court allowed it, as he proposed: the object of the Conspiracy being to be able to ask him whether such and such Complaints had not been made affecting his character: as an innuendo of the kind is what an intriguing Native dearly loves.

Opinion of the Court of Inquiry

49. The Court records its opinion, "that "although the evidence of the Native Witnesses tends "to shew that Dr. Dougall did receive remuneration, "Rupees 3000 in Currency Notes, for granting these Certificates, the Court is of opinion that this cannot "be fully established until the history of the Currency "notes

"notes is cleared up. The Court has done all in its power
"to effect this, vide correspondence attached, and have left
"the enquiry on this head in the hands of the Police for
"completion."

50. The Court by its decision evidently distrusts the evidence recorded, unless it can be supported by tracing the Currency notes, found to have been in the possession of the Sowcar G. Neliga, into Mr. Dougall's hands.

The Witnesses called to support the payment are all dependants in some measure of the Pewan; whose tales are very similar. The absence of any entry in the accounts of the Sowcar, of the 3000 Rupees transaction for notes, may be truly accounted for by him; but it is decidedly strange that there should be no note in them of the cash he advanced to the Pewan for his expenses, or of its repayment. This must be admitted is not usual among persons of his class.

51 Then, the account produced of the Pewan's disbursement of the Rupees 10,000 is noteworthy, from the items of expenditure during 13 days having just met that amount, neither more or less: and it must be admitted that such an account, without any vouchers attached, might be prepared to meet any emergency at any time. Small dealers do frequently keep accounts on loose sheets of paper, but the notes from which they are prepared are kept

with

with them. In fact over caution in the retention of such papers is the rule with Native Gomastahs, and not the exception.

54. The settlement of terms between the Pewan and the Doctor, on 18th November, appears to have been rather abrupt, as related by the Pewan; and the demand made excessively exorbitant, - even to save him from the supposed indignity of standing in Court. No doubt men of his position are generally prepared to disburse more freely on such occasions; and, as the money was his Masters, if considered really in the light of a Fee, the amount when spoken of would, according to custom, not be diminished but exaggerated. The reverse seems to have occurred in this case, as but one third the amount was rumoured abroad, and the importance of his own honor and the dignity of his Master very unnecessarily much diminished.

If the Pewan did not consider the sum a fee, but a bribe for a false Certificate, it is strange that without the slightest necessity for it that he should so immediately and openly have mentioned it, even when simply asking from a Sowcar some Currency notes in exchange for cash. Such recklessness is not usual, nor is money when given for such purposes so publicly disbursed and accepted as this is stated to have been: some degree of caution and secrecy would surely be con-

sidered

sidered requisite.

53. The patience of the Rajah of Bobili, or his want of curiosity, is remarkable, in abstaining so long from ascertaining the truth or otherwise of the Collectors information; for, it is stated, he had the means at hand. The Dewan must speedily have been made aware of all that had occurred, - or the Bobili Zemindary is an exception to all others, - and this delay would give him time to prepare to meet the case in his accounts and, if necessary, to enter more or less as circumstances might demand, or be deemed acceptable to his Superior or others for any purpose.

54. It cannot be said that no suspicion rests on the Conduct of Dr. Dougall, he certainly tendered his accounts with his Agents, but the Court could not accept their evidence as conclusive until it was proved that no others existed. He may stand without the possibility of refuting, except by his own denial, the assertions of the Dewan and his followers; but this very difficulty would assuredly create a demand in any Court Martial for independent testimony to support those assertions, ere it would convict.

No such testimony seems attainable, as no further intelligence in tracing the notes has been

has been furnished from the Police.-

Ind Adv Genl Office,
Fort Saint George,
28th February 1867.-

W. Whitehead Colonel
Judge Advocate General

To

The Adjutant General.

1867.

1.1.9/165 P/

Judge Advocate General

RD

Ent. 1273 of 1867.

Submits an opinion in the case of Asst Surgeon J. Dougall, Zillah Surgeon Rajahmundry.

Bros. 21 May 1867 Ln 129

Recd. Nos. 3614/67

Memorandum.

The Judge Advocate General has the honor to return to the Adjutant General the paper received with his Memorandum No. 2170 of 8th Instant in the case of Assistant Surgeon Joseph Dougall Zillah Surgeon Rajahmundry.

2. There is no information contained in this that affects the case, in tracing the notes No. 06495 - 06496 - 06462. into the possession of Dr. Dougall.

Colonel
Judge Advocate General

Ind. Am. Jens. Office,
Fort Saint George,
9th May 1867.

To

The Adjutant General.

Office of Supt. of Police
Vizagapatam 12th April 1867.

To
The Inspector General
of Madras Police
Madras

Sir

At the request of Coll. Mayne, with whom I believe you are in Communication for whose information I am ordered to report the following facts regarding the Currency notes as per Margin.

Note No. 06495
" " 06496
" " 6462.

No clues concerning the first note can be obtained as it has not been as yet, cashed in any Public Treasury or Bank.

The second note can be traced no further than to the Municipal peon H. Yerriah who still asserts that he cashed it for none others, but the Municipal Association. Mr. McMurry of this place (mentioned in Coll. Mayne's letter) can give no information of this note.

The third note (No. 06462) was traced up by Coll. Mayne as far as the Ameen of Guzzapatinagrum. This Ameen having died some 2 or 3 months previous to the Court of Enquiry sitting, no further information can be gained. The family of the Ameen are altogether strange to every knowledge of the note.

I have the honor to be
Your Most Obt. Servant
Sir
[illegible]
Hd Dr. Inspector of Police

Public. Nos 21 May 1867 Department
No. 2474
Memo from Adjt. Genl. No. 165
Chief Advocate General
No. 163
Dated 16th May 1867
Rec. 679
Stated there is no information contained in the letter, herewith returned, in tracing certain notes into the possession of Dr. Lyall Zillah Surgeon of Rajahmundry.

Forwarded to Dr. Lyall
16th May 1867

Transferred to the Police Department.

Immorkah Major Genl.
Sec. to Govt.

No. 165

Adjutant General's Office
H. Q. Octacamund
15th May 1867.

Memorandum.

With reference to the order of Government dated 8th December 1866 No. 4271, the Commander in Chief has the honor to forward for submission to Government, the within report of the Judge Advocate General on the annexed communication from the Superintendent of Police Vizagapatam.

By Order
[illegible]
Adjutant General

Secretary to Government
Mily. Department.

130.

Public Department

Memorandum

On the 8th August last the Collector of Vizagapatam submitted to Government a translation of a letter from the Zemindar of Bobbili — charging Asst Surgeon Dougall, then acting as Civil Surgeon at Vizagapatam, with having obtained from his (the Zemindar's) Dewan the sum of Rs 3000 in return for having given him a Certificate to the effect that he was prevented by illness from attending the Civil Court to which he had been summoned as a witness in a suit instituted by the Zemindar. Mr Carmichael submitted with his letter a copy of the Certificate in question and also a copy of another Certificate which it was alleged had been given by Dr Dougall to the Dewan with the view of obtaining permission for

Adjutant General's Office
Fort Saint George
8th May 1867.

No 2870
Memorandum

Forwarded for report for transmission to Head Quarters
To be returned
1 By Order
Amaud Lieut Col
Dy: Adjutant General
To
The Judge Advocate General

1867.
No 4 Vol. 66 P. 23

From
The Asst. Inspr. Genl. of Police

Forwarding Letter from No 2 Dr Inspr of Police Vizagapatam affording information regarding certain Notes lost by Coll. Mayne &c

Received 2d May 1867.

23. 6

Submd.
The Asst. Dr. with have the proceeds to forward him to the Proper military authorities
Bobbili
2 May 67.
Proc 21st May 67 (2)
L 130
Co. No 74744 of 1867
E No 735
Transferred to
The Adjutant General
Asst: Inspr. Genl of Police
2d May 1867. Recd. Pub. No 679/67
4/1868

for him to have a seat in Court, the first Certificate having been rejected by the Judge. He stated that ultimately the evidence of the Dewan had been dispensed with.

2. On the Collector's letter being referred to Dr Dongall, he at once denied the truth of the charge, alleging that "so far from receiving Rs300 for Certificate" he "did not receive one Anpee" and "was not even paid a fee for his visit." to the Dewan. The Collector thereupon laid before Government certain depositions which he had taken from the Hospital Dresser, from the Dewan, from the Dewan's Money Agent and from one of the Pleaders of the Civil Court, all of which corroborated the statement that Dr Dongall had obtained the sum of Rs 300 from the Dewan as a fee for having furnished the latter with the Certificates above referred to. The deposition of the Hospital Dresser went to shew that the Dewan was in good health at the time that the Certificates were given and that he had not

not been subjected to medical treatment by Dr Dongall.

3. The Government in their Proceedings of the 21 November last transferred the correspondence to the Military Deptt in view to H. E. the Commander in Chief being moved to cause a formal enquiry to be instituted into Dr Dongall's conduct in the matter.

4. A Court of Enquiry was accordingly assembled at Wattair which commenced its sittings on the 24 December last and the Proceedings of which together with a Memorandum by the Judge Advocate General have been laid before Government with the Adjutant General's letter of the 12 ultimo.

5. The opinion of the Court is that "Dr Dongall gave two "Medical Certificates without "making due enquiry as to "their necessity and further "that no necessity did exist "for granting them", and that "although the evidence "of the native witnesses tends "to show that Dr Dongall "did receive remuneration,

Rs 300

"R 3000 in currency Notes,
"for granting these certificates,
"the point cannot be fully
"established until the history
"of the Currency Notes is cleared
"up." The Court state that they
"have done all in their power
"to effect this, and have left
"the enquiry on this head
"in the hands of the Police
"for completion."

6. The evidence is very fully reviewed in the Judge Advocate General's Memorandum in which he points out various discrepancies between the testimony of two of the principal witnesses, the Dewan and the Dresser, and adverts to improbabilities in the statements in regard to the conduct of the Dewan and the Dowcar who is said to have supplied the notes with reference to that part of the transaction. Colonel Pitchard considers that while it cannot be said that no suspicion rests on the conduct of Dr Dougall, the evidence in the absence of information tracing the Notes to Dr Dougall's possession, is not sufficient to justify his being tried by a Court Martial.

7. There can be no question, I think, as to the correctness of this opinion. It is for Government to determine whether Dr Dougall should not be severely reprimanded and removed from Civil employment for the reckless manner in which, by his own admission, he furnished certificates which he must have known to be unwarranted by the facts of the case.

I have attentively perused the proceedings of the Court of Inquiry in Dr Dougalls case and the Memorandum of Mr Judge Advocate General and am satisfied of the correctness of the conclusion at which they have arrived that unless the notes or some of them can be traced back to Dr Dougall, of which there now seems

no probability, the Dr could not be brought to trial before a Court Martial for receiving bribes with any chance of a ~~successful~~ conviction and therefore that he should not be so brought to trial. No Court Martial wd or I think should convict on the evidence as it now stands.

In respect to the grant of the certificates the Court of Inquiry have found that they were given without due inquiry having been made as to their necessity and further that no necessity did exist for granting them.

In this opinion I quite concur. The whole evidence goes to show that the Dewan was in perfect health at the time. He himself says (page 16) that had he had no doubts as to being allowed a seat in Court he wd have wanted no certificate but would have gone to the Court. Dr Dougall does not recollect any thing of the Dewan having complained of illness at his visit to the Doctors house on the 18 Nov. Saturday. Next day Sunday the Doctor had a short interview with him in which he does not seem to have examined him at all or even felt his pulse. He did not prescribe for him any special medicine but simply told him generally to eat less and to take a purgative. The next morning without seeing him again ascertaining whether he had taken medicine, what its effect had been or what his then state, he gives him a certificate that he was prevented by indisposition from attending the Cl S Court.

The case of the second Certificate is still worse. Without seeing the Dewan again and as he says simply on the statement of the Dresser he certifies that the Dewan is subject to sudden giddiness and should therefore be permitted to have a seat during his stay in Court.

But can have no confidence in any certificates that Dr Dougall may give after this.

I think that his conduct in the granting of these certificates should be severely censured, and that he should be removed from civil employment and placed under the orders of H E N C C

[illegible]

26-4-57

It seems to me that in regard to this very serious charge agt Dr Dougall, a more distinct opinion should have been expressed by the members of the Court of Enquiry. It is no doubt true that they have failed in tracing the Currency Notes to Dr Dougall's hands, but such an imperfection did not remove the necessity for a clear declaration of what they thought of what the Wpes had stated. I don't consider it is fair to the accused for a Court to say "the evidence has a tendency to show so & so" & then leave the matter. The observations by the J. A. Mural, Colonel Pritchard, are, however, to my mind, most appropriate; and accurately indicate the weak points of the statements against Dr Dougall. Colonel Pritchard remarks "It cannot be said that no suspicion rests on the conduct of Dr Dougall". I am unable to go so far as this; for, after carefully reading all that is alleged to have passed in respect of paying the 3000 Rs to that officer, I am driven to the conclusion that if such a sum ever did reach him, it did not reach him in the manner which the Dewan & others have attempted to establish. — The Dewan may be a Native nobleman, but he is not, to my mind, a nobleman of truth, and I think it is abundantly clear that the Mahomedan Dresser & some others have been guilty of many falsehoods. — In regard to the grant of the two Medical Certificates I am of opinion that their issue was an act of gross impropriety for which under the circumstances admitted by Dr Dougall, no excuse can be found. I then for unhesitatingly agree to the Course suggested in the concluding para: of Sir Thomas Pycroft's observations

UDH

The conduct of Dr Dugald in supplying the Dewan of Bobbili with two certificates of illness was so extraordinary and unjustifiable that it exposes him to the gravest suspicion. The circumstances of the case ought to have inspired the Medical Officer with unusual precautions. The Dewan was to all appearance in vigorous health, he was summoned to appear in a court of Justice, it is well known that natives of dignity have a great repugnance to do so and if obliged to appear that they attach great importance to the distinction of a chair. When the Dewan consulted the Doctor the latter ought to have approached the subject with incredulity and have only granted a certificate of indisposition on a scrupulous examination. Yet the first certificate was granted off hand with a facility which is alike irreconcilable with medical conduct and personal honor. The second was granted on no personal examination at all. Why did Dr Dugald grant these certificates. Did he do so from ignorance or thoughtlessness. That seems impossible. He is a medical officer of experience and, I may say, of notorious ability, he has had a lucrative practice among natives and is thoroughly conversant with their notions and ways. I do

not hermally entertain the slightest doubt that Dr Dugald granted these certificates knowing them to be unfounded and that he did so from interested motives of one sort or another. On account of the grant of the certificates alone I heartily concur in the opinion of my Colleagues that Dr. Dugald should be removed from civil employment with ~~an exception of the service~~ the service of government and that his services should be placed at the disposal of the Commander in Chief.

With reference to the acceptance of the sum of R3000 by Dr. Dugald as a Rule or fee from the Dewan the evidence would not justify a trial by Court Martial. There is inconsistency in the statements of the witnesses, some improbability in the amount of the sum alleged, more improbability in the manner in which it is stated to have been paid, contradiction in the statements of the Soncar, irregularity in the accounts of the Dewan and suspicion of fraudulent conduct on his part in regard to the disposal of the money intrusted to him by his master. In short there are many circumstances consistent with the hypothesis of a conspiracy on the part of the Dewan to appropriate the sum of 3000 R? by the sacrifice of Dr. Dugald.

As the evidence now stands it seems to me more probable that Dr. Dugald did not accept the sum of R3000 on the occasion alleged and that his conduct in granting the abusive certificates was prompted by the desire to recommend himself to the good will of an opulent native with influential connections, in the hope of deriving some benefit subsequently.

I think, however, that the attempt to have all the notes ascertained to have been procured by the Soncar between the dates Nov. 15. and Nov. 18th should not be abandoned and that information in that sense should be addressed to the proper quarter.

N.

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Adjutant General forwarded thro' the Military Department.

[illegible] from Adjutant General [illegible] Military Dept. 3/12 March 1867. No 187. 12 May 1867. No 165.

Order thereon. 21st May 1867. No 67.

On the 8 August last the Collector of Vizagapatam submitted to Govt. a translation of a letter from the Zemindar of Bobbili charging Assistant Surgeon Dougall, then acting as Civil Surgeon at Vizagapatam, with having obtained from his (the Zemindar's) Dewan the sum of Rs. 3,000 in return for having given him a certificate to the Effect

that

that he was prevented by illness from attending the Civil Court to which he had been summoned as a witness in a suit instituted by the Zemindar. Mr. Carmichael submitted with his letter a copy of the Certificate in question and also a copy of another Certificate which it was alleged had been given by Dr Dougall to the Dewan with the view of obtaining permission for him to have a seat in Court, the first Certificate having been rejected by the Judge. He stated that ultimately the evidence of the Dewan had been dispensed with.

2. On the Collector's letter being referred to Dr Dougall, he at once denied the truth of the charge, alleging that "so far from receiving Rs 3000 Rupees for Certificates" he "did not receive one Rupee" and "was not even paid a fee for his visit" to the Dewan. The Collector thereupon laid before Govt. certain depositions which he had taken from the Hospital Dresser, from the Dewan, from the Dewan's Money Agent and from one of the Pleaders of the Civil Court, all of which corroborated the statement that Dr. Dougall had obtained the sum of Rs 3000 from the Dewan as a fee for having furnished the latter with the Certificates above referred

to. The deposition of the Hospital Dresser went to show that the Dewan was in good health at the time that the Certificates were given and that he had not been subjected to medical treatment by Dr Dougall.

3. The Govt in their Proceedings of the 21st Nov. last transferred the correspondence to the Military Department in view to His Excellency the Commander in Chief being moved to cause a formal Enquiry to be instituted into Dr Dougall's conduct in the matter.

4. A Court of Enquiry was accordingly assembled at Waltair which commenced its sittings on the 24 December last and the Proceedings of which together with a Memorandum by the Judge Advocate General have been laid before Govt. with the Adjutant General's letter of the 12 March last.

5. The opinion of the Court is that "Dr Dougall "gave two Medical Certi- "ficates without making "due Enquiry as to their "necessity and further "that no necessity did "exist for granting them"; and that "although the "evidence of the native "witnesses tends to show "that Dr Dougall did "receive remuneration, "Rs 3000 in Currency Notes, "for granting these Certificates,

the

"the point cannot be fully "established until the history "of the Currency Notes is "cleared up." The Court state that they "have done "all in their power to "effect this, and have "left the enquiry on this "head in the hands of "the Police for completion"

6. The Evidence is very fully reviewed in the Judge Advocate General's Memorandum in which he points out various discrepancies between the testimony of two of the principal witnesses, the Dewan and the Dresser, and adverts to improbabilities in the statements in regard to the conduct of the Dewan and the Soucar who is said to have supplied the Notes with reference to that part of the transaction Colonel Pritchard considers that while it cannot be said that no suspicion rests on the conduct of Dr. Dougall, the Evidence in the absence of information tracing the Notes to Dr. Dougall's possession is not sufficient to justify his being tried by a Court Martial.

7. The Governor in Council has attentively perused the Proceedings of the Court of Inquiry and the Memorandum of the Judge Advocate General and concurs in the conclusion at which they have arrived

that

that the evidence is not such as to justify the trial of Dr Dougall by a Court Martial on the charge of having received a bribe from the Dewan. There is inconsistency in the statements of the witnesses, some improbability in the amount of the sum alleged to have been given, more improbability in the manner in which it is stated to have been paid, contradiction in the statements of the Soucar, irregularity in the accounts of the Dewan and suspicion of fraudulent conduct on his part in regard to the disposal of the money entrusted to him by his master. In short there are many circumstances consistent with the hypothesis of a conspiracy on the part of the Dewan to appropriate the sum of Rs. 3000 at the expence of Dr Dougall's official character. As the evidence now stands the Govt. are disposed to accept Dr Dougall's denial of having received money from the Dewan.

8. In respect to the grant of the Certificates, the Govt. regard Dr Dougall's conduct as most reprehensible. The whole of the evidence goes to show that the Dewan was in perfect

health at the time. Dr Dougall admits that he has no recollection of the Dewan having complained of illness at his visit to Dr. Dougall's house on Saturday the 18 noon. On the next day, Sunday, Dr Dougall had a short interview with the Dewan on which occasion it does not appear that he Examined him at all or even felt his pulse. He did not prescribe for him any special medicine but simply told him in general terms to eat less and to take a purgative. The next morning without having seen the Dewan again or having ascertained whether

whether he had taken medicine, what its effect had been or what was his state of health at the time Dr. Dougall gave the Dewan a Certificate that he was incapacitated by indisposition from attending the Civil and Session Courts.-

The case of the second Certificate is still worse. Without having seen the Dewan again, and as he admits simply on the statement of the Dresser, Dr Dougall certified that the Dewan was subject to sudden fits of giddiness and that he should therefore be allowed a seat during his stay in Court.

9. Dr. Dougall is a Medical officer of experience and of established reputation for professional skill. Under all the circumstances it is impossible for the Govt. to entertain the slightest doubt that Dr. Dougall granted the Certificates knowing them to be unfounded.

10. His Lordship in Council accordingly resolves to remove Dr Dougall from Civil Employment, and to direct that his services be replaced at the disposal of H.E. the Commander in Chief.

[signature]

Military Dept.
Inspr. Genl. Medl. Dept.
Collector of Vizagapatam
Dispo. 22/5

Public 1867. *Department.*

No. 152

PROCEEDINGS OF GOVERNMENT.

Dated.

129 c 131.

129 c 131.