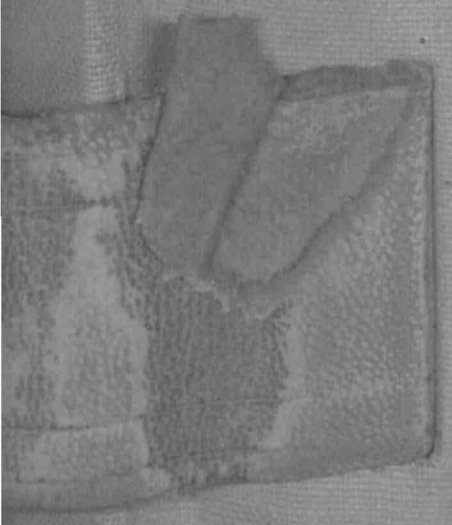
military

Girls

VIENNA 69



127

1. Number of pag
2. Date of repair
3. Initials of Refe

The entries made in pencil on the margin in the Volume were made with the help of the papers in the bundle at the time of the weeding and destruction of records.

RJ
22.8.42

Diary & Proceedings of the Select Committee of Fort Saint George commencing the 1st January 1780.

1. Fort St George 1st January 1780.

1st Dispatched the following Letters

Select Committee

To Edward Cotsford Esqr
Chief & Council
at Masulipatam

Gentlemen,

As we can ascertain
on the present unsettled state of affairs what
movements may be made by the Nizam
or by Hyder Ally to the Northward, We
think it expedient to be prepared against
them & accordingly to be formed to our
any attempts that may be formed to our
Independence and tho' we hope and believe
our Possessions will not be disturbed, We
have given Orders to Lieut Colonel Baillie
to be on his Guard and to act in defence of
the Coast should there be the least cause
Forces to any of them.

Letter to Masulipa-
tam to apprise
Colonel Baillie
if required

We have also directed
him to apply to you if he finds it ne-
cessary for a reinforcement from Ellore
and we desire in case of such an application

That

2 Fort St George January 1760. 2 p.

1st What upon mature advice shall be necessary
to the safety of this Garrison as soon
as Colonel Clive shall
be Embarked for Bengal.

2d We are
Gentlemen
Your Most Obedient Servts
Fort St George
1st January 1760.
Thos Rumbold S. J. Comm
To Lieutenant Col: William Baillie
Commanding the Detachment
Innaccessible

Sir:—

To Col: Baillie
to know his
Opinion &c.

We have received your several
Letters and are pleased to find that things
remain quiet on your quarter.

A requisition having been
made to us by Ba Bahadr Jung for the
Guntoor Circar which we are resolved
not to Comply with — it is probable
that the Soubah or Hyder Ally who have
both instigated Ba Bahadr Jung to this
Measure may make some attempt
to wrest it from us it will be proper
therefore that you be in your guard
and on case any movements should be
made by either of them towards that
or any other of the Circars, you will
if your Judge it expedient make a
requisition of the Troops under Lieutenant
Douglas at Guntoor; and acquaint the Gentlem

3 Fort St George January 1780

Lt at Manchipatam for as large a reinforcement as can be spared from Tellore, you will act in every Manner respecting as you shall Judge necessary for the defence of our Possessions which must be your sole Object, and you are not in any case to act Offensively against any Power on our frontier Borders.

We are

Sir.

Your Most Obedient Servants

Thos Rumbold &c. &c. &c.

Fort St George
2nd January 1780.

To Lieutenant Douglas
Commanding at
Guntoor

Sir

You are immediately upon the receipt of this to march with the Detachment under your Command to Ongole, and from thence to Nellore, where you will receive further Orders.

We are

Sir

Your Most Obedient Servants

Thos Rumbold &c. &c. &c.

Fort St George
2nd Jany 1780.

To Lieutenant
Douglas to Visit
Lt. Baillie
if required.

Sir

As we are uncertain in the present unsettled State of Affairs what movements may be made by the Nizam or Hyder Ally to the Northward, we desire in case Lieutenant Col. Baillie should make any requisition for your Battoys that you will join his Detachment with the whole or such part of them as may not be absolutely wanted for the service of the Revenue.

We are

Sir

Your Most Obedient Servants

Thos Rumbold &c. &c. &c.

Fort St George
2nd Jany 1780.

4 Fort St. George January 1780.

1st To the Honble Warren Hastings Esqr
Governor General &c. Council
of Fort William

Gentlemen.

To Bengal
the posture of
affairs at
Tellicherry.

We yesterday received a Letter from Col. Braithwaite, giving an account of his proceedings in consequence of our Orders to him for evacuating Mahe and joining the Detachment to Tanat. A Copy of this Letter we transmit for your information and you will perceive by it the distressed situation of affairs at Tellicherry and the Reasons which induced Col. Braithwaite to remain there with the whole detachment to act in defence of that Settlement We received the Enclosures last from Tanat at all events to Tanat, but still we cannot blame Col. Braithwaite for making his diversion in a case in which one of the Contending Powers was to be defended against an Actual and Powerful attack. The Steps taken by Hyder-Ally in surrounding this Settlement, and marching a large body of his own Troops to take Post by Sea of the Rains at Mahe, on account its proximity to Tellicherry shews no very favourable disposition towards us, and might well Warrant the Conjecture formed by Colonel Braithwaite that he would probably find

5 Fort St George January 1780.

1st The Naiks on their attempt upon that Factory. There is however reason to fear from what Col. Braithwaite writes, that the Gentlemen at Tellicherry have unfortunately provoked hostilities by interfering in the Country disputes and giving protection to people obnoxious to Hyder and the Naiks, If so, they have certainly been in my opinion, and we hope their superiors will instantly take measures to procure us Accomodation for we are resolves utterly averse from engaging our Troops in such an unjust & inhuman War.

We made it a part of our instructions to Col. Braithwaite during his Command at Mahé to have no sort of intercourse directly or indirectly with any Power or Chiefs beyond the Limits of his Authority, and he appeared to have strictly conformed to our Orders in this respect, that we do not believe he had had the smallest share in any of the transactions which may have given rise to the present troubles.

The moment we heard of these disturbances and the consequent detention of our Troops at Tellicherry, we communicated to Major Abingdon at all Events immediately to march a respectable Reinforcement to join General Goddard's Army at Surat and Ordered a Complete Battalion of Europeans

6. Fort St George January 1808

1st Europeans - A Company of Artillery and a Battalion of Seapoys to be held in readiness to Embark at a Moments Warning. His Majesty's Ships. Sea Horse being here, were desired to Captain Barton for his Assistance on this Occasion; and we have taken upon the Horseback a Country Sloop as a Transport. These two Vessels which are all we have at present with us, with the Battalion of Europeans and Company of Artillery and Seal with them in four or five days at furthest directly for Surat. The Battalion of Seapoys we shall embark from the Bay of Bengal with Artillery and Stores from Vizagapatam and Ganjam, should there be Occasion for them, and we have sent Instructions to Col. Braithwaite to forward the Europeans with them by the Land Route - twenty to Surat, unless circumstances should have materially changed since the receipt of that is to say unless Hyder should have already taken such a part in the Attacks of Tellicherry as to render it absolutely necessary for the Europeans to Act in its defence.

This section we shall

7. Fort St George January 1780

Sir you is the utmost we are capable of making
in the critical situation of our affairs with
Hyder, and it is such, that should a
Powerful Invasion take place, we must
Act upon the defensive and look chiefly
to the care of our Garrisons. Nevertheless
in the present state of affairs on the
other side of India we conceive it to be our
duty to sacrifice much to promote the object
of peace, and we hope and trust that the
considerable Reinforcement we are sending
to General Goddard may enable him to
accomplish it upon safe and honorable
terms We are

Fort St George
30th Dec. 1779

Gentlemen
Your most obedient Humble Servants
Wm Bourchier &c in Co.

Castorsple 5th Jan. 1780.

The Nymph Hospital Ship
arrived here this day, having parted from
Sir Edward Hughes's Squadron to the Eastward
of St Pauls. The Jason Fleet of Indiamen
joined him before he left the Cape.

Nymph Hosp.
arrived from
Sir Ed. Hughes
Fleet.

Arrived the Nymph Hospital Ship Captain
Blanchet Commander having parted with
Admiral Sir Edward Hughes's Fleet to the
Eastward of St Pauls. together with the
Kents & Jason Fleets of Indiamen.

8. Fort St George January 1781

2. Sent the following Letters to Capt. Panton.

1. His Majestys Ship Seahorse.

To Alexander Panton Esqr.

Commander of his Majestys Ship

Seahorse.

Sir,

To Capt. Panton
advising for the
Restoration of the
Sea Horse.

We have received your Letter informing us that on your present Circumstances you Cannot undertake for the Restoration of the Seahorse is conformable to General Instructions you in complying with it.

The Service on which we sent you sending the Troops for the reinforcement of General Goddards at Surat is a very important one undertaken by the Governor General and Council of Bengal, who have requested in the most forcible manner to give us possible assistance to it. They have told us that a War with the Mahrattas is inevitable, the reinforcement we sent sending may by arriving early with Genl Goddard, either enable him to treat upon very favourable Terms, or to act with great advantage in the War, and in the Situation the Affairs of Bengal then stood it was of great utility. For these Reasons we make it our Request that you will forthwith proceed upon this Occasion, and we have sent the

one

9. Fort St George January 1780.

8

2. Cant doubt but your Constituance will be fully
satisfied by the vigorous & active Conduct of
We are
Sir
Your most Obedient Servants
Tho.s Rumbold & Co.a C. Comm.rs

Fort St George
2.d January 1780.

Received the following Letter from Capt.n
Panton.

To the Honble Sir Tho.s Rumbold Bar.t
and the Gentlemen of the Select Committee
Fort St George.

Gentlemen,

From Captain Panton in reply

I have your Letter of this days
date, and shall Comply with your Request
for the reasons you are pleased to mention.
His Majestys Ship Seahorse is
ready to Sail this day, with as many Troops
as can be taken on board, and to convoy
the Transports to Surat.
I have the Honour to be,
Gentlemen,
Your most obedient
humble Servant,
S. Alex.r Panton.

Fort St George
8
2.d January 1780.

We rote the following Letter to Sir
Edward Vernon.

To

To Fort St. George January 1720.

To Sir Edward Vernon,

Rear Admiral of the White and
Commander in Chief of His Majesties Ships
in India.

Sir.

To Sir Edward Vernon

We have the pleasure to acquaint
you, that the Nymph Sloop Arrived here
Yesterday, having touched from Sir Edward
Hughes to the Eastward of St Pauls, and the
March and June Fleets of Indiamen, the
Latter of which joined them at the Cape.

Enclosed we transmit you a
Packet received under your Address for the
President and Select Committee of Bombay
We also send you a Copy of the Instructions
of a General Court of Corporation relative
to the Reduction of Condatchery, and beg
leave to congratulate with you upon the
success which the Company have met with
& your services on that Occasion.

The Governor General and
Council of Bengal having represented
that a War with the Marratta's is
inevitable, and having requested that
a Reinforcement might be sent from
this Presidency to join General Goddard
who Commands the Bengal Army in
Surat, We found ourselves under the Necessity
of making a particular Application to Sir

11. Fort St George January 1780.

Canton, for the use of his Majestys Ship Seahorse to assist us in transporting and convoying the Reinforcement to Bombay and upon our representing the very great Utility which the public Service might receive from this Assistance Captain Canton was so good as to comply with our request which we hope will meet with your Approbation.

We inclose you a Packet from the Governor General and Council of Bengal and an Extract from their Letter to us respecting the convoying of the Company's Ships homeward bound. We expect there will be about four Ships ready to sail from hence by the end of this Month with very Valuable Cargoes.

You will be informed by Captain Blanchet that a Vessel has taken place between Bengal & Bombay We have the Honour to be

for

Your Most Obedient & most Humble Servants

Thos Rumbold &c. &c.

Fort St George
2 January 1780.

3 8

This day sent the following Letter to Bombay.

12 Fort St George January 17. 1780.
8
3

To the Honble William Hornby Esqr
President & Governor &c. &c. &c. Select Committee

Bombay

Gentlemen,

To the Governor
and Council at
Bombay

A few days ago we received a Letter from Col: Pf3 in which he acquainted us with circumstances created in the Neighbourhood of Tellicherry by the Naick, who had formerly set fire to some what settlement on the Canara side, and to commit Hostilities in Conjunction with Hyder Ally Khan's Troops and that the Danger arising from this Junction & the Injury & Loss of Property, and the Danger of both, would be greatly encreased by Hyder to foment these troubles, had induced him to take the Gardeners intended for General Goddard's Army and to act with his whole Force in Defence of Tellicherry.

By Col: Pf3 last Letter it would appear that the Chief and Factors had not been deficient in preventing the disturbances that have arisen but that by affording Protection to Hyder Ally and to the Naick and that these Offices of Friendship had probably occasioned the

13. Fort St George Jany 1st 1796.

& 3d

troubles. This however made some more
property an Object of your Enquiry and
we have no doubt that were made have
the most effectual Measures for putting
an end to the disputes, and enabling
Col. Braithwaite to return to the Coast
with the Madras Seapoys now at Tellicherry
To enable us for the Accomplishment which might be fulfilled by the
detention of our Troops at Tellicherry,
we have resolved immediately to reinforce
Genl. Goddard with a complete Battalion
of Europeans and a Company of Artillery
from hence — Also a Complete Battalion
of Seapoys, all which will form a very
respectable Force, and we propose imbark-
ing the Europeans in two or three days
upon the Seahorse Pilot of War and
Hindostan (a Large Country Ship) the
Seapoys will be imbarked on the two
Ships lately expected from Bengal in
their way to Surat. We have also sent
Instructions to Col. Braithwaite to
forward the Europeans with him if no
material change of Circumstances has
happened.

Receiving the Presidents Letters
of Advice we cannot but be extremely

anxious

14. Fort St George Jan.y 15, 80.

3 anxious for a peace with the Marattas and tho' we have thought it necessary to send such a large force to the other side of India; it is chiefly in the hope that General Goddard might be enabled by this means; tho' it is not already done to obtain a safe and honourable peace without which we are not to enter on any engagement that shall operate as a Confirmation of the Marattas Hostile Alliance and Treaty with the two Powers of whom have actually concluded and offensive treaty against us and the latter is ready to join upon the first Signal. —

We are

Gentlemen,

Your most Obedient Humble Servts

Thos Rumbold Jno Carnac

Fort St George
3 Jan.y 1780. —

The Ld. Wrote the following Letter to Bengal

To the Honble Warren Hastings Esq.r

Governor General &c Council.

at Fort William

To the Governor
General & Council
at Bengal

Gentlemen,

We
Jan.y

Our last Letter to you was dated the 5th November, the receipt whereof hath already been acknowledged by you and to which

15. Fort St George January 1790.

4th to ammadvert on your late Proceedings for obtaining a remission of the Peshcush due by our Treaty with Nizam Ally of 1768, for the Northern Circars, undertaking your Representation of the Effects at this Juncture, when you Conclude many weighty & urgent Considerations on your part to Govern as follows, "In this delicate crisis we have "judged it expedient and Circumstances "to interpose our mediation and Authority "and to prevent the Consequences which "have appeared to us inevitable on one side "or other and we have chosen such Means "for this Purpose as appear to us most "likely to produce their effect, and at the "same time to preserve the Credit of your "Government without occasioning any "diminution of its influence. We have "therefore written a short Letter to Mr Holland in which we desire him to suspend his "Negociation until the State of Contributions from you, and to the Subah of Visiapore (Adoly) We have written likewise at large to the same effect. For your Information we transmit to you an English Copy of this last Letter in which you will perceive that the Terms which Mr Holland "is to have observed in your future Contributions "to Mr Holland, and we require you

16 Fort St George January 1780.

2d
" your strict conformity to it "

Before we proceed in our reply to this Letter, it may be proper to mention that our President has thought it expedient to enter in the Consultations a very full and explanatory account containing not only the whole transaction on which the above Letter is grounded, but also an elaborate view of the present situation of Affairs. As both this Letter are now under by his Hands, and as the manner in which he has handled the subject of the Dispute, will leave us but little to say in this place, we beg leave to refer to his minute for a particular and Circumstantial Account of our proceedings in that Affair.

We condole with you Gentlemen on the little and dastardly opposition you met with from the Company's Troops and Inhabitants of Vizagapatam, but hope that our endeavours to serve the Company by Land & Sea in the heavy and disgraceful Burthen, should have fallen in your Province under the Instructions of a Provisional Council, will appear to the satisfaction to the Court of Diss to shew the like favor to the Company on this Occasion that he had done to other Presidencies in similar Cases, until an official declaration on your part that you meant to separate

17 Fort St George January 1760.

Ld. Ks our claim upon me Shuja Dowlah

of a request which he might grant or

refuse as he thought proper, should I have

been backward to do so from a consideration, But

you say that "the Emperor and Spirited

terms in which your demand is made

" urged accompanied by our denial of the

" right on which it was originally founded

" and the alternation if either inability

" to discharge either the Arrears or current

" Payments of the Peishcush and Countenance

" any Contribution or Condition offered to en-

" gage his compliance with it, did too clearly

" by manifest the Construction which the

" Nabob appeared to have given it" &c. you

will be pleased to remember that our

first Instructions to Mr Floridon

this subject contained only a simple

state of Facts upon which Mr Floridon

was to Ground his Application. those com-

prehending at which the Subah might

reasonably take Offence, in the contrary

when we had such good cause of Complaint

as that which he alledged by assuming

the French Troops under M. Bussy into

his Service contrary to the treaty of 1760,

in which the style of your first reproach-

tation proceeds rather on the side of

forbearance than of Resentment. Upon the

18 Fort St George January 1700.

My Lord

The Contents of your Letter to the Court
of Directors dated the 9th August
last Received the 5th instant have
been Communicated to the Council
& Factors residing by order & Instruc-
tions & we doe to them to address the
Nabob in a style suitable to the post
he bears in the Government. Which we doubt
not will be done to your Satisfaction
in a Letter to you that I am now
engaged in & shall return a Copy of
it with our Letter and the Translate
of every State in Answer unto us made
that
out which the Friendship of the Country
States should be purchased by such Presents
Conditions and Subjections upon Terms
as these are how Reasonable we doe, but
that we should not rashly or unjustly
Incroach their Priviledges.

We are extreamly concerned
that you should have thought it necessary
to Intercede in our Affairs at this time
but our Lords are able more effectually
by the Measures in which it has been
done. If the Conduct of this Government
were in any thing Disagreeable to your
Application to the Soubah, which we
can by no means believe, the proper
way of retrieving it would have been to
have Addressed us to withdraw the Application
and not by the mode you chose to follow

19 Fort St. George January 1760.

4 We follow, which could perfectly convince us that Sandford than to degrade our contemporaries and bring us into Contempt, whose true Interests at the Company require that we should support in a respectable light but should seem to the Company as we are in no doubt it will be that any interference at all upon this Occasion was not justified by the Circumstances Provincial Council nor Your Government shown the manner of doing it were shown till more extraordinary and unprecedented We have heard and read of the Records during the administration of Mr. Wynch and Lord Pigot, numerous instances of Claims and Seizures which were made by your Government, which we could never reconcile to the Ideas we entertain of your Authority, nevertheless our earnest desire to preserve the Public harmony between the two Presidencies, would have kept it in Profound Silence had we not been Peremptorily called upon by an overact of Power, to openly declaring us to declare our sentiments on this subject

The Clause in the Act of Parliament which forms the sole Grounds of the Controuling Power, is in these words And be it further enacted by the Authority

20. Fort St George January 1801.

"Authority aforesaid that the Governor General and Council, or the Major part of them
"shall have and they are hereby authorized
"to have the Power of superintending and
"controuling the Government & Management
"of the Presidencies of Madras Bombay
"and Bencoolen, as fast and as much
"as that it shall not be compleat for any
"President and Council of Madras Bombay
"or Bencoolen for the time being to make
"any Orders for commencing Hostilities or
"declaring or making War against any
Princes
"of the Indian Powers or for negociating or
"concluding any Treaty of Peace or any other
"Treaty without the Consent and Approbation
"of the said Governor General and Council
first had &
"first obtaining such order or
command Thereby &c &c &c

This power we conceive
is only a negative restraining Power
confined to two points — Orders for the Making
War or making Treaties and the power
controlling Correspondency to vote the
Political Affairs of the other Presidencies
but you are pleased to like the Reasons
that we had been appointed by the
Company to transmit the Political
Affairs of this Presidency under the
General Control and Directions of your

28. Fort St. George Jan.y 1790.

To
The Hon.ble Governor & Mr Dundas

Sir

I had the honor of addressing you on the 25th Ult.o by the Packet under the Command of Capt.n Bligh, and I am now to acquaint you that the Packet has returned to this Port, and that we have received no Letters from you by her, nor any Intelligence whatever from Europe.

The Packet sailed from hence on the 30th of October, and arrived at Bombay on the 19th of November, from whence she returned to us on the 12th of December.

The Packet was detained at Bombay by the Commander in Chief, in order to convey Dispatches from the Governor General to Bengal, and from Bengal to Bombay, and by this means we have been deprived of the opportunity of writing to you by the Packet, which we should otherwise have done.

The Packet sailed from Bombay on the 30th of December, and arrived at this Port on the 4th Inst.t

We have received Letters from Bengal, Bombay, Tellicherry, Anjengo, Tuticorin, Negapatam, Trincomalee, Jaffnapatam, Manaar, Calpentyn, Colombo, Point de Galle, Matura, Batticaloa, Trincomalee, Cottiar, Tranquebar, Porto Novo, Cuddalore, Pondicherry, Madras, Sadras, Pulicat, Vizagapatam, Ganjam, Masulipatam, Yanaon, Coringa, Ingeram, Bimlipatam, Vizianagram, Calingapatam, Ganjam, Chicacole

22 Fort St George Jan 4 1760

My Lords &c

By previous Consults Resolutions
to the other matters connected with
the Northern Circars, I have
mainly Confined to civil Affairs, the most
Considerable part of our Correspondence
proceeds from the Obstinacy of Chundo Sahib
thing Liddajee before the Peishwah, to
obtain to say the Honours & Government
thereof, or managing according to
their own Judgement and Discretion
under the sole Authority of their
Constituents. The Detail of Particulars
shall [illegible] The Commission of Government
under which we act, the Orders of the
Company, and a Single Paragraph were
made by your own Board on 1st 3d
which your Parliament Hand made Sir Eyre
Coote and Commander of the King
the Command to subsist and Admiral

We cannot more compendiously
how fully the Points Contained in your
Lodged in your Government, but refer
your Understanding, more particularly
regarding the Circars. Finding our
— others entrusted by their Bounty
and unable to make the Supplies
payments to the Nizam are applied
at a Juncture we thought it

23 Fort St George June 5 1760

Sir

I am commanded to acquaint you that
Fort St George might be considered to
your use, and the Council to good an
cause for detaining you in confinement
altogether their Suspicions of Treachery
upon me as well as the Gentlemen at
Vizagapatam as to
countenance & encourage the Fourth Gentleman
in Council who had not yet given
us by Contributing in his
power the Fourth Troops under Mr
Lally contrary to our Charge Articles
& the Treaty of 1768. But because
the Nizam chose to consider this
as Hostile and sent a Letter requiring
on our part into a Design of Committing
Hostilities, and to attack him
in a Style which betrayed more of
weakness and folly than of any Junction
from which we might apprehend
Danger, you are pleased without any
regarding the least Information or
Explanation from me, to entitle your
Authority (as upon this) by writing
at once to the Nizam and telling him
that without notice in this case without
your knowledge or direction and that
he was not to regard any thing we

Said

24 Fort St George January 1790

[illegible] had done. This was instead of giving the Nizam a complete triumph was but half known or effected. It was effected as far as the influence of the Company's friendship and future interests. It was effected at the expence of the Company's finances, which ought to have been husbanded as far as was consistent with the Nizam's honour and safety. The Nizam had engaged by the late Treaty to pay three Crores of Rupees, a third of the whole to be paid at the end of each year, and Shastry's terms effected at the end of the Credit of your Government, because we conceive the Board did not come within the rule of their Controuling Power.

Shastry's Instructions to Colonel Kelly were to engage by no Treaty to procure any Pardon for any creature = dancing a new treaty with him. He was not to make any to take a Hostage of Tippoo's Children should the Nizam court to Request a Treaty for the Benefit of the Company. The Nizam's Countenance would have lost to no new treaty, because we Shared not bound to engage it but General Abercromby's Secondship. But if had left a treaty there is no reason to suppose that

it/

25 Fort St George Jany 1788.

My Lord

I have received the honor of your Lordships
Letter of the 1st Novr 1787 and shall endeavour
to pay a due attention to the contents of it.

I have likewise received your Lordships
Letter of the 2d Novr and am happy to find
that the Conduct I had taken so soon as
I received the Letters of the 18th of July
containing Intimations of Your Lordships and
Colleagues Appointment to the Government
of Bengal, and Accepting from that event
should not only prevent my proceeding to
Europe on the Ships destined for that purpose
but render it necessary for me to remain
here for some time longer than I had
proposed to myself when I left England.
I have reason to believe that the Arrangements
I then made, if not wholly left unexecuted
by my successor, is materially altered. I have
accordingly written to the Court of Directors
upon the subject of this Government, and
on that account I should think it unnecessary
for me to trouble your Lordship with
any further Observations upon it, than
to assure you that I shall be ready to
Embark for Bengal whenever I receive
the Orders of the Court of Directors
for that purpose.

I have
the honor to be
with the greatest Respect
My Lord
Your Lordships most Humble & Obedient Servant
Fort St George
the 11th Jany 1788.

26. Fort St George 5th Jany 1800

At a Select Committee Present
The Honble Sir Thos Brownlow Bart.
President John Whitehill
Wednesday Sir Hector Munro K.B.
the 5th Charles Ennicks Esqrs
Members of the last Consn
Read and Referred

The Commandant Represents
the Committee that he read by to their
desire he spoke with Captain Carter
Concerning the Transports preparing
to Convey a Battalion of Europeans and
a Company of Artillery to Surat and
that finding it unpracticable in Consequence
to engage the Hoddeedon a Large Country
Ship in the Road, he had directed
Hoddeedon taken up to transport Troops to Surat
Lowrie the Agent for the owners and
that the Company should pay
6000 Rupees for the Tonnage of the Ship
to Surat and purchase the Cargo
he had brought down Bengal consist=
=ing of 700 Bags of Rice - 1575 Bags of
Sugar. That he had accordingly
endeavoured all he could to avoid the
Inconvenience of the Cargo on such terms
but as it was impossible otherwise to
engage the Ship, and Considering
no other Vessel on the Coast to have

27. Fort St George 5th Jan.y 1760.

Sir this serves to let you know that I am about to proceed to the Southward & while I am absent the Command will devolve on Capt. by the Seniority of his Rank. That he therefore may be prepared to join me with the Morning Star as soon as possible I have thought proper to direct that the Detachment under your Command be completed, & that the Commander of the Morning Star may receive on board her 500 Men, with which she shall proceed to Tellicherry & wait for the Detachment. The Commissary of Stores &c. will accompany the Detachment.

Should the Weather prove favourable & it is agreed between the Commanders of the Morning Star belonging to the Bombay & the employed as Transports, that the Fleet with the Morning Star & Sea Horse will be ready to proceed for the Coast of Coromandel.

Morning Star sent on the same service

Mr Edward Fenwicke is appointed Deputy Agent & Commissary to the Detachment ordered to Tellicherry

Mr Fenwicke appointed Commissary by Mr Hamond

Captain Theobald & Lieutenant Engineer is appointed Engineer to the Detachment & Ensign Gordon & Lieutenant Engineer Engineer Commander in Chief

Pay master to the Detachment

Copies before the Committee the following Letters from the Chief Engineer.

28 Fort St. George 5th January 1798.

To Major Gen.l Sir Hector Munro K.B.

Commander in Chief &c. &c.

Sir

From the Chief Engineer to the General

The Lt & Lieutenant Brooke
Skilled by the Explosion of a Mine at the
Siege of Pondicherry on the 8th
Inst. and consequently rendering
a Vacancy of 2d Lieutenant in the Corps
of Engineers, I beg leave to inform you
that the Officer next in Rank
is Ensign Simeon Stuart who is in England
on leave and to recommend him to your
Excellency's notice — I beg at the same
time to recommend through you
to the Honble the Select Committee
the Appointment of Ensign Blackburn
to the Corps of Engineers vacated
by Lieut Brooke as above mentioned
he holds an Infantry Corps the
19th Regiment N.I. & joining here this
Day's date not Recorded any Letter from
him that at the other Officers of the
Corps but inclosing here an Abstract
of his Services, as I am unable to Speak
to it as any Capable and deserving
Young man and I write not to make
Each Recommendation by his Future services
himself deserving of any Indulgence.
Ensign Blackburn's Date of Commission is 1st

Consent

29 Fort St George 5th June 1780.

To an Assistant Engineer at Pondicherry

Having directed to come to this Presidency
for further Instructions & Orders as
he intends to accompany the
Garrison & Stores ordered for Cuddalore
Coast Thereby going on Service &c

I am &c with great respect
Your Most Obedient &
Devoted humble Servant
Hector
Maj. & Engr.

Fort St George
30th June 1780 &c

Ensign Hickens appointed to the Engineers — Ensign Brunton assistant Engineer

Agreed that Ensign Hickens be
Appointed to Mount Norgongah in the
Corps of Engineers, and that Ensign
Brunton be Appointed an Assistant
Engineer in the room of Ensign Hickens

Read a Letter from the Commtee
of Works dated 29th Inst with the following
Orders. &c

To Hector Monro Esqr Chief Brunsfield Baronet.
President & Select Committee
Fort St George. &c

Honble Sirs & Sirs. &c

Memorandum may be observed

From the Committee of works

Honble & Rt Worthd by the Chief
Engineer and Sitting Commissioners
for Works done under the Coast Board

30. Fort St George January 5th 1790

Contract with Mr Banfield's Name the
1st January, to the 30th November 1790
for the South, East, and North Fronts
of Fort St George together with Mr
Banfield's Account Current with the
Committee to the 31st Dec. the Estimate
which is Pags. 2 to 244, 15, 50 in the
Paymr's also the Chief Engineers Accounts
for passing the Contracts, &c. of the Body
of the Fortress and Outworks of the West
Front amounting to Pags. 5923, 2, 22.

We have received before us
Honord &c. a Copy of a Letter Dated 5th
Mr Bruere, and also Copy of an Estimate
entered by Major Maule, explaining
the Nature and Equity of the Claim
Claim contained in that Letter for an
Allowance, for the extraordinary excavation
for the Cistern on the Sea Line, with
regard to which, we beg to remark
to your Honor &c. that when the
Contract for the East Front &c was entered
into with Mr Banfield, the Cisterns
were not intended or contemplated for
to be built on the Sea Line, and as it
appears they have occasioned an extra-
ordinary expence to the Contractor
we cannot but say in justice to him
that

31. Fort St George Jan 15th 1790.

Sheet we thank he is entitled to award
Lowance for the same.

We have the Honour to be
Honble Sirs & Sirs
Your most Obedient humble
& most humble Servants
C. Cowper
Edw Saunders
Geo Maule
CB Dent.

Fort St George
23d Decr 1789.

Extract of the Minutes of the Committee
of Works Dated 23d Decr 1789.

Major Maule desires to inform
the Committee that he is clear of opinion
the Contractor Request is very just & found
ed; for that to conclude the Eastern in
the East Line it has been necessary for
him to make an Extraordinary Excav
ation, Through a very great Stony
& Water, 2 Feet broad, and nearly
2 Feet high, and 1600 Feet long, which
amounts to an advanced Qty of 133 30 Yds
Cubic
Yds the Original Design for the East
Line upon which the Contract was
formed consisting of an exterior and
Interior Retainment with Earth to be
filled in between them, being prop
=osed, The Contractor rejected such
(over)

32. Fort St George 5th June 1760.

an Opportunity of writing to you by
Francis for the Security of Cash that
would have come from the Excavation
of the Cistern and Pagoda under the
Main Guard Room, this Place
which has occasioned Even the removal
of a much additional Ground and
Object than to Discover it the Money can-
be ill and now compensated by the Saving
of the Cisterns, for as the Contractor has
stated in his Letter it cannot be
imagined that a little Building of
Wall can be executed on the same
footing as the building an Extensive and
Pretension Pagoda, and the Cisterns
being Arches, to shut them up would be
to fill them with Earth to render the
Centers and afterwards to take that Earth
out again and throw it away. Major Monk
therefore thinks they must have cash
in executing any more it makes the
Amount of these Measurements; and so
it is a fact that the Company has gained
at half the Expence, Numerous Accidents
greater saving in a much more eligible
situation, the Accident at which has been
of such disadvantage to the Contractor
for has no doubt but the Sentries of the

33 Fort St George 5th Jan.y 1706

the Claim cant evidently appear to
the Committee and that they will agree
in recommending to the Select Committee
that it be accordingly allowed &c.

A True Extract

J. Balfour

Cl. Bri. to the Comm.rs of Works

Peter Perring Esq.r

Sr Gentlemen of the Comm.rs of Works

Gentlemen,

Herewith I send you
the Bills for Works done in the Fortifica-
tions since that of Jan.y to the 30th Inst.
last, Certified by the Chief Engineer
and the Commanding General &c

I take leave to represent
to you that the Cisterns along the Esth
Line having cavin in very greatly I have received
no Allowance in the Bills, and have
accompanied that above that would have
accrued and Estimated Measurements
for the Earth that had come out
of the foundations of the Barrack Walls
which I have now been obliged to throw
into the Sea when the present
Contract was made above and also
of Cisterns along the Sea Line and the

34. Fort St. George 5th. January 1799.

The Citerns are now to have been built along the Fort Square would have been entirely free of that dark and obstinate Spring Water that occurred under the East Curtain, and consequently attended with much less expence when it was proposed & concurred without enquiries or requisition, with the wishes of the Engineer to execute the Citerns according to the present plan the evidently tends to any disadvantage considered in Competition with building them along the Fort Square, and will appear that the public service has not been materially benefited thereby, there being now a Line of Citerns sufficient to Contain at least Six times the quantity of Waters that could have been kept in those proposed along the Fort Square and some Yards of the expence. Whereupon we think one justly entitled to an allowance of Two Pagodas for the Extraordinary Excavation for the present Citerns. It can never be conceived or disputed that Excavations for ordinary five feet Digging the thickness of the floor of the Citerns can be made on an equal footing & charge with those of Walls to be built

one

of

35. Fort St. George 5th Janr. 1790.

Built upwards of 30 feet, notwithstanding the
Seniors Length of the Winter Work of the
Bombay part on its Base. —

Sirs, Gentlemen,

Your very devoted Servants.

Hall Plowman

for Paul Benfield & Comp.

A True Copy

J Balfour

Clk to the Comrs. at Wks.

Fort St George
21st Decr 1789. —

Dr } The Honble Company in account with the under-
mentioned Works performed by Contract. —

South Front.
Seniors Excepting Carpets

		Cubl Feet		
For South Curtain				
Plain Brick Work	—	1021.0.15	@ 1/6	1847.10.10
Arched Brick Work	—	930.129	@ 3/6	3.03033 54
Walk Brick Work	—	304.111	@ 1/3	379 2 " 22.094.3.72
Returns & Foundations				
For South Bastion				
Plain Brick Work	—	2536.3.12	@ 1/6	4589 9 3
Arched Brick Work	—	417.19.3	@ 3/6	1352.6.16 — 594.13.19
For Western Demilune				
Plain Brick Work	—	1532.26	@ 1/6	2.3927.3.4 —
Arched Brick Work	—	363.22	@ 3/6	1178.2.65 — 99.16.65
For Eastern Demilune.				
Plain Brick Work	—	2353.19.7	@ 1/6	3.9.4259.10
Arched Brick Work	—	504.21.4	@ 3/6	1634.2.36 — 509.20.46
For Piers & Bridges				
Plain Brick Work	—	456.16.2	@ 1/6	826.9.3 — 166.3.33
For Curtain South Front				
Plain Brick Work	—	145.9.3	@ 1/6	263 — 3

East Front

East Curtain and 8 Pilasters
& the Southward & the Sea Gate Pavilion

36 Fort St George 5th Jany 1796

Tenaillon wall to the Covered Waterway
Its Basis
To the Northward & Eastward Sea Gate Tenaillon wall to the Underd of Wall 8 Inches above its Basis including Work done for Cisterns

Plain Brick Work	2407.6.2 @ 30 P.		1723.14.10
Arches & Brick Work	148.15.10 @ 40 P.		594.11.60
			4031.27.30
Plain Brick Work	1773.7.3 @ 26 P.		1206.16.32
Cleared in Cast Ditch finished			
Plain Brick Work	192.23.4 @ 36 P.		346.16.55
South East Ridoubt finished excepting Parapets			
Plain Brick Work	1162.4.5 @ 36 P.	2606.36	
Arches & Brick Work	102.5.6 @ 30 P.	330.29.56	
			2936.6.11
North Front & North East Angle Tenaille finished			
Plain Brick Work	2027.25.4 @ 36 P.		5117.9.25
Lunette East & North Bastion except Parapet Traverse & Retirement to Land at its Base Counterscarp before it finished & Glacis East before it to the Level of its Base			
Plain Brick Work	2011.11.9 @ 36 P.	3699.16	
Arches & Brick Work	77.9.1 @ 30 P.	250.17.60	
			5906.66
North East Bland to the Level of 12 Feet above its Base with Retirement & Glacis before it finished & as also Lunette Walls in Front of Glacis and in Flanks & Bland			
Old Brick Work	11.3.— @ 30 P.	134.18.71	
Plain Brick Work	1516.3.— @ 36 P.	2743.16.36	
		2878.35.36	
Fort St George 1st Dec. 1795		Carr.	11658.19.11

The measurements to be exact and Agreable to Terms of Contract

Ex'd per
A Brodie
Asst. to Commiss. Genl

Sam. Hall Pioneer
for Capt Benfield Engr

Geo. Meade
Major & Chief Engr

A True Copy
J Balfour
Clk to the Commn. in Chief

711

Meade

37. Fort St George 4th June 1760.

D.

The Honble Commissary in Chief Abstract

of Provisions Issued from Fort St George

Brock Work in Blanches	3916 @ 1.60 Pagodas per Cwt	3096 21 ~
Plain Brock Work in Chunam Cwt	1521 @ 2.66 Pagodas per Cwt	996 1/2 20
Bricklayers Coolies Brick Work in Chunam	163 @ 5.40 Pagodas per Cwt	930 6 ~
	Pagodas	5023 2 20

Fort St George 1st Nov. 1759.

Errors Excepted

P Hall Planner

for Board Barbers

The Abstract examined & to be

exact.

Geo. Maule

Major and Chief Engr.

Ed. M Brodie

Act. Commy. General

A True Copy

J Balfour

Clk to the Commt. of Wks

38. Fort St George Jany 25th 1780

D.o 3. The Honble Company on Acct of Earth Works into the undermentioned Works by Contract Viz.

South Front Finished excepting Parapets

South Curtain

Earth, turf mound & Sides in	3268	13.6	2 3/4 C.	1556 12 1/4
Earth in a mound & Sides in	2000	24 D	6660	2222 10 1/4

Western Lunette

Earth turf mound & Sides in	1066	20 D		527 4 60

Eastern Lunette

Earth turf mound & Sides in	864	20 D		411 3 90

South Ravelin

Earth turf mound & Sides in	1455	20 D		693 3 30

South Capponiere finished

Earth in Parapet turf mound & Sides in	330	30 D		157 1 30

Ditch finished

Earth in mound	11530	12	24 D	3840 4 4

East Front

6 curtains with F. Cantons & Terraces

One South side of Sea Gate to Level of 10 feet above Base

One North side of D.o to Level of 11.6 above Base

Earth turf mound & Sides in	6000		D.o P.R.	2057 6
D.o One mound & Sides in	567	12	24 D	1890 30 X 1947 36 50

South East Redoubt

Finished excepting Parapets

Earth One mound & Sides in	682	52	24 D	227 15 27

South Front & South East Angle

39 Fort St George 4th Jany 1790

Carried forwards

Earth and mud S ——— 6670.55 ~ D 1/3 ——— 2090 12 2

Lunette to Eastward & to the North

to find it's true Ditch & Counterscarp

before it finished & Setting out the Gorge

Works

Earth mud & Stiles in ——— 1863.32 ~ D 1/4 ——— 621 7 ~

North East Bland

to Bord of 12 Cubature its Base with Glacis before

it finished as also Berm in Revenue

Earth one mud & Stiles in 14220 ~ D 1/40 47 20 10

Do twice mud and Stiles in 700 ~ D 1/20 333 14

380 34 10

Pagodas 16.11396

Fort St George

1st Decr 1789.

E. E. Hall. Plumer

for Capt Barbutt

Contr.

The Measurement certified to be exact

and Agreable to terms of Contract

Geo: Maule

Major & Chief Engr.

Ed. Fr

A Birdie

Act. Commy. Genl.

A True Copy

J Balfour

Clk to the Commee of Works

142

60

No. Fort St. George 5th June 1790.

D.o } The Honble Company's Accountants
" } Stone & Stone Work performed by Contract Dr.

South Front Curtains

South Curtain					
Blue stone Wrought to Clear Face	51	10	2	31	13 27
Do — Do to a plain Worth. Face	250	—	2	3	6 4 12 —
Do — Carriage & Cost of Boats in Chunam	1087	—	17	2	253 6 57
					306 31 4
South Bastion					
Blue stone Wrought to Clear Face	00	—	2	16	9 17 9 2
Do — Do to a plain Worth. Face	120	—	2	136	9 222 36
Do — Carriage & Cost of Boats in Chunam	456	—	2	17	2 8 187 21
					589 11 —
South East Lunette					
Blue stone Wrought to Clear	209	—	2	16	9 80 3 4 10
Do — to a plain Worth. Face	200	—	2	136	9 371 10
Do — Carriage & Cost of Boats in Chunam	50	—	2	17	2 8 20 35
					472 6 29 —

East Front

Southward of Sea Gate to level of Elevation Base					
Northward — Do — to level of 11 ft. 6 above Base					
In Curtains & Flanks Cisterns &c.					
Blue stone Wrought to Clear Face	140	—	2	16	9 246 8
Do to a plain Working Face	456	—	2	136	9 835 36 —
Do — Carriage & Cost of Boats in Chunam	1300	—	2	17	2 8 541 20
					1623 24
					Carry 1687 17 4

E. E. Do

Hall Blunner
for Paul Benkes
Cont.r

The Measurement certified to be
exact & agreeable to terms of Contract

Geo Mowbe
Major & Chief Engr.

E. E. Do

A. Brodie
Act.g Commy. of Cons.

A True Copy
J Balfour
Clk to the Commee of Wks

Ds. Fort St George Jan.y 5.th 1719

D.o —

The Committee of Works in Acct Curt.

1719			
April 1.st	To Balance at last Acct. Current —	43 49 17 19	
Dect. 1.st	To Bricks Work performed on the S.th Fort		
	from the 1.st Jan.y to this day as Pr Bill	11 01 78 19 41	
	To Earth Work performed in & on the		
	above Period as Pr D.o — — — — —	16 19 39 60	
	To Stone Work performed in & on		
	the same Period as Pr D.o — — — —	7 68 17 4	
	Pagodas	116 93 94 44	

Fort St George 1.st
Errors

A True Copy

E. Balfour

Clk to the Comm.e of Works

42. Fort St. George 5th Sept. 1780

with Paul Bonfield Cont. for the East Forrest &c. 6.

1779
Dec. 1st By material rec.d from the Comm.
from the 1st April to this Day — 27690 3554
" By Cash rec.d from Do from the 1st April to this day 7500 — —
" By Balance due to Mr Bonfield 4 462 15 79

Pagodas 46,935 9 44

Dec.r 1779. —
Accepted

Hall Plumer
for Paul Bonfield
Contractor —

43 Fort St George 2d Jan 1701

As the Committee of Works have not yet sent an Account specifying how far the Cost of the Works by them ordered & now in hand have exceeded or fallen short of, or are likely to exceed or fall short of the Original Estimates - it is agreed that they be desired to furnish us with such an Account as soon as possible.

With respect to Mr Pharaoh's Application to the Committee of Works for an Allowance on account of the Extraordinary excavation for the Cisterns, the Committee have not said precisely what Allowance they think him entitled to be - who & therefore that they be desired to specify the exact Sum which they are of Opinion he may reasonably Claim for the extraordinary Excavation abovementioned.

By Mr George Bathurst Com-
- mand with the Consultary for which Day it was stipulated that he should build a Cistern at his own Expence, but the President and Council having determined that the proposed Cistern should be made larger than that which Mr Bathurst obliged to build, and with the Additions & Amendments proof an Estimate of the Cost of such a Cistern was made out by the

61
61

At Fort St George Jany 5th 1720.

The Chief Engineer and Mr Barnes's Authorities
of the absence was Sent at the Desire of Capt
Wm Hay ~ This Day the Committee of
Works were more especially Mr Barnes to
discharge.

As soon as the Cisterns are in
sufficient forwardness, the Committee
must Order a Sarook to be made of them
and a report delivered to the Select Comtee
in Consequence. ~

Before the Committee
has any Orders on the Accounts of the
Contractor for the Fortifications it is
agreed that the Committee of Works
be desired to inform them wherein any
and what sums have been advanced to the
Contractor since the 1st Dec. and the
Additional Works performed, that the
Select Committee may know the exact
Balance due at this time from the Company

Read a Letter from the Comtee
of Works dated the 2d Dec. as follows. ~

To the Honble Jos Thos Raymbold Barnet
President &c Select Committee at
Fort St George

Honble Sir & Sirs ~

The Chief Engineer
has represented to us that some workmen

45. Fort St George Jan.y 5th. 1780.

From the Committee of Works

Whereas an Estimate Accompanies this
are wanted for the Powder Mills, & that
Powder cannot be made until they be
mounted. —

2d. He has also represented that
the Veranda of Mr Hamilton House in
Church Street Occupied by Mr. Hutchinson
impedes the Communication to the
New St. Thomas Gate, & desires the Authority
of your Honor &c. for removing it. —

3d. He also Acquaints us that
the Old Prison in St. Thomas Street is in
a very ruinous and unsafe condition,
that a Considerable part of it has already
fallen down, and the remainder can
not stand Long, & He wishes therefore
to remove it, as the Stone it Consists with
afford a very convenient Access to the
East Line, and as the Fort will thereby
receive a greater Security & the Prisoners
will have a more Airy Situation. We beg to be favoured
with your Orders on these heads. I have the Honor &c
Honble Sir & Sirs
Your Most Obedient and
Most Humble Servants
L Fanning.
Cand Saunders
Geo. Maule
Chs Dens

Fort St George
21st Dec. 1779. —

remainder

46. Fort St George 5th Janr 1790.

Extract of the Minutes of the Committee of Works 24th December 1789.

Estimate of Repairs wanted for the Powder Mills

Old Powder Mills

Bricklayers Work	159.. 34.. 72	
Carpenters — Do	175.. 17.. 54	
Iron & Copper	3.. 20.. 30	338.. 39.. 4

New Powder Mills

Bricklayers Work	128.. 36	36
Carpenters — Do	126.. 7.. 2	
Brass and Copper	179.. 19.. 40	
Iron	10.. 41.. 20	
Painters	113.. 20.. 40	560.. 15.. 66
	Carried	907.. 12.. 50

138

A True Extract

J. Balfour

Ext to the Comm[itte] of Works

Case 1st The Committee to be desired to explain the particular Necessity of the Repairs pointed to the Powder Mills, and more especially as a considerable Sum has lately been expended on the new Powder Mills, which is now by the Engineers Estimate appears to be more in want of Repairs than the Old one.

Case 2d The Committee of Works to

47 Fort St George 5th June 1811

to Ashby to Mr Stones Attorneys & others
there Conserned to the removal of the Vessels
before the new Fort Gate.

Para. 3d. The Old prison to be taken
down agreeable to the Recommendation
of the Committee of Works. &c

The President delivers in the
following Minute. &c

I am to inform the
Committee, that I have received a letter
from Mr J. Hare dated at Calicut 29th of
November and dated 4th Instant and
Thereunto annexed, also have been made
Prisoners by the Officer of Hyder ally
Cawn. The Steps they became in from
which they have been detained, and the Causes
and Effects of Detainders. They have
Addressed the Officer Commanding in
those Districts for the Restoration of
Liberty of which Address I now lay before
the Committee) to which they received
for answer — That there was difference
had arisen between the States and
our Powers and that in Order to
settle them one Gentleman from
Madras were required at his Highness's
Court, and to those Gentlemen they have
wished to forward that state of Grievances

Presidents Minute regarding Persons detained by Hyder Ally

48 Fort St George 5th Jany 1780

Capn. [illegible]

As Mr Hare and those with him have not suffering much from the Inhabitants they have, and are likely to experience, I thinks it absolutely necessary that a Person should be immediately sent to the Natives Abbey to demand the release of those Gentlemen and Families & to Complain of the Outrage Committed on their Persons, and Property; at the same time to assure Hyder Abby, if he will redress our Just Cause of Complaint on this side against the subjects of the Poo-tiah Nation, we will endeavour to remove it — And as it appears from the Letters from Colonel Braithwaite that the Chiefs and Council at Tellichery have encouraged given protection to many of the Officers or Chiefs, of the Nairs dependant on the Government of Hyder Abby; that we do Assure them our interference has been without the Knowledge or Approbation of this Government, as the Officer Commanding the troops sent from hence had the strictest Injunctions, not to afford or give Protection to any of the disaffected Chiefs

49 Fort St George 5th June 1746.

Chiefs at that District, and that at the Chief and Council of Tellicherry have acted so Contrary to the Intentions of the Court's Government, that we shall endeavour to leave a perfect Enquiry made and try to remove all Cause of Jealousy and uneasiness between him and the Country, and that we shall the same Friendly Conduct on his part. —

To his Excellency Jordan Khan General in the service of his Illustrious Highness the Nabob Hyder Aly Khan Commander in Chief & Governor General of the Kingdom of Calicut. —

The Memorial of John Hare on behalf of himself and all his unhappy fellow Subjects of the King of Great Britain. —

Your Memorialist begs leave in the first place to assure your Excellency that the Memorialists & others unenlightened Sages, have suggested Partizans Public & unnatural Conduct under the denomination of the Laws of Nations. — That the Inroads & usurpations have been & and are a manifest attempt in the manner Character.

expect

your

50 Fort St George January 5th 1760.

Your Memorialist is a subject of the King of Great Britain and Seeing Occasion to imbark from England by the shortest Route to the British Settlements in the East Indies, he Arrived at Bombay on the 30th day of August last, and Found at that Port the Maithalia a Danish Ship in Readiness to imbark for Calicut, but did not hesitate to embark on board that Ship and with 8 other English subjects arrived here on the 5th day of November Instant. 061

Your Memorialist and his Countrymen being Apprized of that Moderation Honor and Magnanimity with which the Name of his Illustrious Highness the Nabob Hyder Colly Khan, Himself and Family and the whole World, and being satisfied likewise that your Excellency's Renown is derived from the same Virtues they could Admire and Esteem in this or any other Quarter of his Highness's Dominions the Blessings of Peace Safety or Freedom — But they have experienced Much Less than their Expectations. —

In a Season of public peace and Alliance between the Powers of the Nabob and Great Britain, Their English Subjects have been Seized, they are Confined here

51. Fort St George 5th January 1800.

Love and their persons confined without the Necessaries of Life, separated from their Property the whole of it have been wickedly Intercepted, and such parts as have remained are damaged & rendered useless by the Salt Water.

Their Imprisonment much harder being in the first Instance unjust and contrary to the Laws of nations is aggravated by Circumstances of peculiar and Wanton Cruelty — The indecent Noise & Insolence of the numerous Force which constitute their Guard, molest equally their Hours by day and their rest by Night, their situation is moreover destitute of every Convenience and Consolation and the whole of their Money has been taken from their Chests and Pockets, upon Requesting to know their Accusers or other reasons by whom & Whereas Jurdoy to inform & summons and their Servants —

The Orders only of your Memorialists Property which has been Seized by us, Intercepted, damaged, and detained, amounts to 600 Rupees —

Your Memorialist knowing from Europe to India by a shorter Route than the Cape of Good Hope

cover
Nicholl

your

and

added

52. Fort St George 5th Jany 1806

with many Private Letters, and Packets, which his Friends had requested him to peruse with care and return with additional matters and Papers in connection with his Profession as a Counsellor at Law (in which Capacity he was Authorized to proceed to India) require a great number of Transcript Papers, to the Compilations of which he has dedicated some Years of his Life & as those Letters, Packets & Papers have been forcibly taken away and detained, and as the their Contents are found to be of no Public or Political Import but merely the intercourse of Private Friendship and the Materials of a Private Profession; Your Memorialist is denied a restoration of them, and sees with unspeakable Concern that he is to be detained Six Years while they are sent to His Highness the Nabob.

Your Memorialist therefore in the Name of his unfortunate Friends Solicits Your Excellencys attention to this State of their case, & that your Excellency with Memorialist that humanity & honour be more
will be pleased to order their immediate release, the Restoration of their Property and without granting

53 Fort St George Jan.y 1740.

granting a Passport for the transmitting
their Petition, But should that Pretence
Justice be denied them — Your Honours
Lordships Power that he may not be
further detained from those Lucrative Posts
and Patents which are the Peculiar
Object of this Case, but immediately sent
with them, his Servant and a further Guard
to the Court of his Most Gracious Highness
the Nabob. —

Calicut Nov.r 18.th 1739. — F. Hare. —

Resolved that Mr. George Gray
be appointed to proceed to Hyderabad to demand
the Release of the English subjects confined
by his Order at Tellicherry & that Instructions
be purchased for him in the house of the
Presidents Servants. c —

John Whitehill
Charles Smith
Hulot Mauve

54 Fort St George Jan.y 1790.

6.th This day the following Letters were sent.

To Alexander Panton Esq.r

Commander of his Majesty's Ship

Sea Horse

Sir,

To Capt.n Panton ordering the detachment to go under his Convoy.

We have received upon Letter of the 1.st Instant and are oblig'd to you for the Readiness you have shewn to assist us in an important Service. The Battalion at Pondicherry had Orders to be in readiness to embark with the Expedition on their Arrival of your Ship & the Hoseendaun and Sir Eyre Coote Lieutenant Col.l Brown who is appointed to Command our Troops, to regulate the embarkation in such a manner as to give you as little trouble as possible

It being of the utmost Consequence that the Detachment should arrive speedily at Surat, we hope you will be able to make that your first Port, We should if it had been practicable, have procured another Vessel to assist in the Transportation, but as the Season is now favourable and there is a probability that a quick Passage we hope there will be no occasion from the numbers to be embarked and that you will be able to manage so that none of the Men may

55 Fort St George Jany 1780.

6th may be left behind. We have added an sufficient Quantity of Water & Provisions to be put on board the Rozendaal for the whole Detachment.

Should you send an Express Arrival at Surat that Genl Goddard has concluded a Peace with the Marrattas We shall then send request your Assistance in Conveying them safe back to the Coast We wish you a steady and agreable Passage and are

treaty of

Your Most Obedient Humble Servants Thos Rumbold Sen Select Committee

Fort St George 6th Jany 1780.

To the Honble William Hornby Esqr Governor & Council &c &c &c at Bombay.

Gentlemen,

To Bombay Detachment Sent Them

We enclose you a duplicate of our last Letter dated the 3d Instant. We send this by Lieut Col Brown who Commands the Detachment Destined from hence to reinforce Brigr Genl Goddard Having already mentioned to you the particulars of this reinforcement in our Letter of the 3d we have only to add that

Chartonder

56 Fort St George Jan.y 6 1760.

6th Inclosed that we have an Accommodation shall have to send you with the Manuscripts you write Sunrise the next Pacquet means in your Power for returning our books to this Coast with all Expedition, as the Circumstances of our situation at present, will bear the absence of no longer a Portion of our Force. —

Dear Sir,

Gentlemen,

Your Obedient Humble Servts

Fort St George

6th Jan.y 1760. —

Tho Saunders

Sec.y to Select Committee

To Rawson Hart Boddam Esqr

Chief & Co.s Council

at

Surat

Gentlemen,

To the Chief &c Surat on the same subject

We have judged it expedient to send a large reinforcement of Europeans for General Goddards Army, and have entrusted them on the Sea Horse a Man of War, and Hindostan a large Company Ship under the Command of Lieut.t Colonel Browne, who has directions to apply to you in the absence of General Goddard for the necessary Assistance.

Co.ds

57

Fort St George Jany 1780

6th

which we request you will be pleased to
accordingly.

We have
Gentlemen,

Your Obedient
Humble Servants
Thos Rumbold
Sec. Select Committee

Fort St George
6th Jany 1780

To General Goddard.

Commanding the
Bengal Army
at
Surat.

Sir

To Gen. Goddard
on the Same

Colonel Braithwaite having
advised us that the State of affairs at
Tellicherry had obliged him to detain
his detachment for the defence of that
Settlement, we have ordered to Join
you a respectable force immediately
from hence consisting of a Complete
Battalion of European Infantry and
a Company of European Artillery and
a Battalion of Seapoys with a Field
Train. The European Infantry and
Artillery are embarked on the two Store
Ships of War & Bombay Country
Ships and the Seapoys were to be embarked

Con

58 Fort St George Jan.y 1700.

6th on the Britannia and Bellborough daily expected from Bengal.

We hope and trust this Re-inforcement will enable you to make a Speedy Honorable and Lasting Peace with the Marattas for the Intricate affairs at home by the Junction of the French and Spaniards and Abroad by the probable Union of the Marrattas Hyder Ally and the Nizam against us, render such an Accomodation desirable in every Point of view.

We have Appointed Lieutenant Colonel Browne, an Officer of distinguished Merit and ability to Command our Detachment, and Have directed him on his Arrival at Surat to put himself under your Orders only or those of the Commanding Officer for the time being, in this Expedition he desiring no Instruction to you, but Recommending the Regulations for the Pay &c. of the Bengal troops be different from those in use at this Presidency, you will upon the Junction of our troops put them Incamp upon the same footing with your own to prevent the Discontents.

As we have considerably weakened our Establishment by sending so many of our best troops to such a distance from

59. Fort St George Jan.y 1790.

6th

Sir

As soon as, on account the accommodation is effected with the steamboats you will take measures for returning your Battalion to the Coast with all possible Expedition.

We are,

Sir,

Your Most Obedient

Humble Servant

Fred. Rumbold

Sec.y to Select Committee

To Lieutenant Col. George Browne

Sir,

We have appointed you to command a detachment of troops which we have ordered to be in readiness to embark for Surat, consisting of one complete Battalion of Europeans, one Company of Artillery and One Battalion of Seapoys with a Field Train. The European Infantry and Artillery are to embark immediately on the Sea Horse Brass 28 Gun ship Bridgewater Cruizing ship, and the Seapoys are to proceed passage by the Bellerophon and Britannia which are daily expected from Bengal.

To Colonel Browne to take command of the Detachment with instructions

Fort St George
6th Jan.y 1790.

60. Fort St George Jan.y 1800.

6th Ships Seahorse and Hindostan receive at Pondicherry to receive the European Battalion from thence, you are to use the utmost expedition in embarking the troops, & to regulate the Baggage of the Officers in such Manner that there may be no Confusion or delay in the Shipping of it, and you are to confine it to as small a Quantity as possible.—

On your Arrival at Surat you are to put yourself under the Orders of Brigadier General Goddard who commands the Bengal Army, or the Commanding Officer for the time being of his Division to be superior, and if he should be in the Field, you are strictly to obey the Chief & Council of Surat for their Assistance in landing the troops and supplying them with every thing they may want for the Service that may be required of them.—

We have Appointed Mr. Edward Fenwicke Commissary & Deputy Agent and Mr Anthony Hammond Captain to the detachment.—

We particularly enjoin you to observe the strictest Economy in the Disbursements not provided for by the Book of Regulations and to have a particular Eye to the Provisions and maintaining the Troops

06

61

Fort St George Jan.y 6th 1780.

Gen.l Smith Sir as what we Estimate may be incurred but what are absolutely necessary — We take upon you to regulate and check as much as possible the Hospital charges, as such have been enormous on the late Services at Conjeveram and Arkat.

We have Ordered Money and Provisions to be sent on board for the payment and subsistance of the Troops &c they arrive with Gen.l Goddard. —

Major Colpoys who was Appointed to Command the detachment intended to be sent from Hence to join Gen.l Goddard will be directed to put himself under your Orders and Lieut.t Richardson who was appointed to Act as Brigade Major to that detachment is to Act in that Capacity with the Troops now Ordered from hence Lieut.t James Oliver is also Appointed your Aid de Camp.

Should Gen.l Goddard have made a Peace with the Mahrattas or Circumstances on Occasion for our Troops upon such should [illegible] use your best endeavours to return to this Coast as early as possible Should the Gentlemen at Bombay or Surat have any Letters ready for that Season. —

We are

Fort St George
6th Jan.y 1780. —

Your Most Obedient Servants
For Council & Select

62

Fort St George, Jan.y 1700

To Major John Bolgrave

Sir

To Major Bolgrave to put himself under the Command of Col. Browne

Having determined to send a large Reinforcement to General Goddard under the Command of Lieut.t Col. Browne; We desire You will as soon as possible put yourself under his Orders. We have appointed Lieut. Richardson to act as Brigade Major to Lieut.t Col. Brownes Detachment, and directed Lieut. Colton who was appointed to proceed with You, to return with the Madrass Seapoys at Mahé to the Coast

We are

Your most Obedient Servants

Tho.s Rumbold

&c. Select Committee

Fort St George

6th. January 1700

To Mr. Anthony Hammond

Sir

To Mr Hammond appointing him Pay master to the Detachment

Having appointed You Pay Master to the Detachment under Lieut.t Col. Browne going to be embarked for Surat, We are to inform You that we have Ordered Rupees to be put on Board the Norwenden, which we calculate will be sufficient to pay the troops for two Months. Upon their joining Gen.l Goddard you must apply to him for Money to answer the future Disbursements

We enjoin your strictest attention to the Book of Regulations, or to such orders as may be given by Gen.l Goddard respecting the

63 Fort St George 6th January 1780

to a detail of any Charges not Warranted by due Authority

We are

Sir.

Fort St George
6th Jan.y 1780.

Your Most Obedient Servants
Tho.s Rumbold
Jr. Select Committee.

To Mr. Edward Stroud

Commissary & Deputy Agent

Sir

To Mr Stroud ap-
-pointed Commy
-sary to the Detach-
-ment

Having appointed You to pro-
-ceed as Commissary & Deputy Agent to the De-
-tachment under Lieut.t Col. Browne. We must
inform You that We have put on Board the
Horsendon Bags of Rice & other Provisions
of which You will have a particular Account
Such Part as may be necessary for the Troops
must be served and the Remainder is to be dis-
-posed of by You to the best Advantage for the
Company, after your Arrival at Surat and the
Amount carried to the Company's Credit.

In your Employ as Commis-
-sary you must be strictly attentive to the Mi-
-litary Regulations, and conform yourself to
such Orders as may be established by Gen.l God-
-dard for mustering &c. in regard to the Troops
Detachment

Fort St George
6th Jan.y 1780

Sir

We are

64 Fort St George January. 1780

To Col. John Brathwaite

Commanding at Tellicherry

Sir

To Col Brathwaite to order Officers to join Col Browne

We send You hereunth a Duplicate of our last Letter, and desire you will pay peculiar Attention to what we have therein said with respect to sending the Europeans with You to Surat.

We desire likewise that You will order the following Officers immediately to join the 1st Batt.n 2d Regiment, going with Lieut Col. Browne to Surat. viz.t

Capt.n Donald. M.Leod.

Lieut Noble. J. W. Abbot

Lieut Rich.d Graves

Lieut Tho.s Young

Lieut Alex.r M.cpherson

Ens.n J. Alex.r Bannerman

Do Anthony Beale

Do James Forbes

Do John Pearce who accompanied Major Colyear.

Having appointed Mr Lobb Storekeeper Commissary & Mr Anth.y Hammond Paymaster to the Detachment ordered to Surat, you will desire Mr Baker to return to this Coast with the Madrass Seapoys at Tellicherry.

Lieut Cotton is to return with the Madrass Seapoys to the Coast

We are

65 Fort St George: January 1780

Sir

Fort St George
6th Jan.y 1780

Your most Obedient Servants
Thos Rumbold Jr.
Select Committee

To Alex.r Panton Esq.r
Commander of
His Majestys Ship
Seahorse

Sir

We dispatched the following Letters
To Capt.n Panton
Morning Star — Her in the Transportation of the Troops to Surat. We
order'd to join him have ordered the Morning Star to accompany
Lieu.t and Capt.n Robinson will have directions to
put himself under Your Orders.

We have the pleasure to ac-
quaint You that all the Stores and Baggage are
Ship'd on board & the Detachment of Artillery is
ready to embark & will go off early in the Morning
when it is on Board we request you will sail to
Pondichery & take in the Remainder of the Troops
there.

We enclose You herewith a
Letter to Genl Goddard, which we request may
be delivered on your Arrival at Surat. When the
Morning Star has landed the Troops if you shou'd
have no further Service for her she may proceed to
Bombay & receive your directions Accordingly

Services

66 Fort St George January 1780

Sir

Fort St George
ye 9th Jan.y 1780

Your most Obed.t Hble Servants
Tho.s Rumbold &c.
Select Committee

To Capt.n Robinson
of the Morning Star.

Sir

To Capt.n Robinson of the Morning Star on the subject

You are hereby directed to put your self under the directions of Capt.n Panton of His Majesty's Ship Seahorse, in order to assist in transporting Troops to Surat.

We are

Sir

Your most Obedient Servants
Thos Rumbold &c
Select Committee

Fort St George
7th Jan.y 1780

To the Honble William Hornby Esq.r
President & Gov.r &.c Select Committee
at Bombay.

Gentlemen

To Bombay on the subject

As Capt.n Panton thinks that the addition of another Vessel to his Ship & the Norsedon, will be necessary to assist the Transportation of the Troops to Surat. We have directed Capt.n Robinson of the Morning Star to put himself under Capt.n Panton's Orders, and as soon as the Service is performed, he will proceed to Bombay.

We beg leave to recommend Capt.n Robinson to your favorable Notice & Attention

Ey) Fort St George. January 1760.

as we have found him on all occasions since he
has been under our Orders remarkably diligent
and active.

We are
Gentlemen
Your most Obed.t Hble Servants
Thos Rumbold jr.
Select Committee

Fort St George
7th Jany 1760.

P.S.
The Nymph Sloop of War arrived here the 1st Inst.
having parted from Sr E. Hughes's Squadron to
the Eastward of St Pauls — The same Fleet of
Indiamen joined him before he left the Cape.

To Brig.r Gen.l Goddard
Commanding the
Bengal Army

Sir.

We have written another Letter
by this Conveyance to acquaint you with the Par-
-ticulars of the Reinforcement sent from here under
charge of Capt.n Panton of His Majestys Ship
Sea Horse. As this will be delivered to You by Capt.n
Panton We cannot omit to inform You that he has
given us great Assistance in forwarding the Re
-inforcement, and shewn a particular Zeal for
the Service on this occasion.

We are
Sir

Your most

68. Fort St George January 1780

BS. The Nymph Sloop of War arrived here the 5th Inst having parted from Sir E. Hughes's Squadron to the Eastward of St Pauls. The June Fleet of India men joined him before he left the Cape.

Wednesday 12th

At a Select Committee Present.

The Honble Sir Thos Rumbold Bart President
John Whitehill Sir Hector Munro Kt B
Charles Smith

Minutes of the last Committee read & approved.

Letter & Instructions to Mr Gray

A Letter of Instructions to Mr Gray, and a Letter to Hyder Ally having been prepared agreeably to the Minutes of last Committee are now read & approved & ordered to be copied fair.

The President lays before the Committee the following Letter from Mr Holland to him with a Copy of His Answer.

Honble Sir

From Mr Holland respecting Letter from the Gov General

On the 29th of last Month I rec'd a Letter from the Governor General & Council of Calcutta, enclosing one for his Highness the Soubah, which I immediately delivered pursuant to their orders. I have herewith the Honor to enclose you a Copy of it. As I understood from the tenor of this Letter, that I was shortly to receive fresh orders from you. Excepting this circumstance, had no other particular intelligence to communicate, I should omitted writing to You, being in daily expectation of such fresh instructions

69 Fort St George 11th January 1780

You might think it necessary to send, after the Receipt of the Letter from the Bengall Government. On the 10th I transmitted to Calcutta His Highness the Soubahs Answer to Mr Hastings's Letter; as he did not give me any copy of it, I know only so much of the Contents, as may be inferred from what he declared at the time of delivering it to me; which was, "that it was his intention to preserve a neutrality in our present quarrel with the Poonah Government, that it was his opinion we should find the Establishing Ragonaut Row a very arduous undertaking, that the Marattas would carefully avoid coming to an engagement with us, but would employ their powerful armies of horse, in spreading ruin & devastation throughout such parts of the Country as we depended upon for our supplies of provision; that they would by these means obtain a more secure Victory, than they could hope for in a Pitch Battle; that Moodajee Bhonslaw was now the friend & close Ally of the Poona Ministry, & would act offensively against us; that the charge of the War would be very great, & must be at the Company's risk as their exertions were in favour of a Person, who had neither money nor Credit; that the fickle & treacherous character of Ragonaut Row rendered him

Moodajee

Fort St. George 14th January 1780

even supposing we succeeded in establishing him, would in the end endanger the Advantage we hoped to reap from our connection with him; he said that he was well-informed of the indefeasible nature of the protection granted under the English flag; that in no extremity whatever should we ever be brought to deliver up Ragonaut Row to the Poona Ministers; that as long as this pretender lived, there never would be an end to the troubles of the Maratta Country, & finally that if we thought advisable to put Ragonaut Row under his Protection, he would make him an annual allowance of two or three Lacks of Rupees for his Support.

There is a passage in Mr Hastings's letter relative to which I am under the necessity of requesting your explanation. It appears to me to suppose that the negotiation regarding the Peshwah either originated with me unauthorized by You & the Committee or that Mr Hastings had brought forward, from Political considerations to put the affair upon this Ground. His Highness was pleased to say, that he could not believe I would engage in such a business without being fully instructed, but he added that he had been under the necessity of taking it upon the same Ground on which it stood in Mr Hastings's Letter; if this representation of the matter was not intended by Mr Hastings, the sense in which he had under-

stood

* I am in hopes it will hereafter be cleared up that His Highness's mind was to mention to Mr Hastings

Fort St. George 14 January 1800

stood his Letter, which I have done accor-
dingly

I am with great Respect
Hond.le Sir
Your most Obd.t Hble Servt.
John Hollond

Hyderabad
Dec.r 28. 1799

To Sir Thos Rumbold Bart
Presid.t & Governor of
Fort St George

Fort St George. 13. January 1800

Dear Sir

President & Deputy

I have received your favor of the
28 Ultimo, as orders have been already sent you
from the Select Committee in consequence of the
interference of the Bengal Government relative
to the Peshcush. I have nothing further to
add on the subject. whatever Mr Hastings
might intend, by the Passage in his Letter
which you point out, or how far his political
considerations might have engaged him
to write in any mysterious manner, I will
not pretend to say, but as you had the In-
structions of the Committee with you, I sup-
pose it to have been in your power to un-
deceive the Nizam, with respect to any
Idea he might have formed of the propo-
sitions relative to the Peshcush, having co-
gnated with yourself, and Mr Hastings, could
not have formed any erroneous opinion

(42) Fort St George 14th January 1780.

about it, as it appears from one Publick Letter from Bengal, that he was furnished by you with the copies of the Instructions you received from the Select Committee, it will therefore be always in the power of Mr Hastings and yourself, to set the Soubah right in this matter, indeed whatever shifts the Governor Genral and Council may be drove to, in Order to ward off the consequences of their late impolitic Measures, with regard to the Marhatta State, I am so well convinced of the propriety of our Instructions with respect to the Peshcush, that I should be sorry to have it supposed they Originated from any other quarter than this Government,

I am

Dear Sir

Your most Obed.t Humble Servt

Tho.s Rumbold

Read the following Letter from

Brig.r General Stuart

To the Honble Sir Tho.s Rumbold Bt.

President & Gov.r &c. Select Committee

Fort St George

Gentlemen

From Gen.l Stuart on the subject of his approaching General Courts Martial, wt Papers of facts & Letters recd by him

My earnest desire to prevent, so far as in my power the detaining a Number of Officers of Rank unnecessarily on my Account at the Presidency, as well those of

173. Fort St George 14th January 1780.

His Majesty's as of the Honble Company's
Troops, at a time when more important
publick Service may probably require their
presence elsewhere, led me, after receiving
Official Communications of the Honble Compa
= ny's pleasure concerning the holding of a General
Court Martial, to prepare my Defence, as far
at least as I am able, (from that Communica
- tion) to judge of the Nature of the Charge to be
brought against me.

But as the Charge from the
Articles of War I am referr'd to in the Official
Communication, may possibly tend to affect
any Life, I should be wanting to myself in a
Matter of such personal Consequence, if I did
not take occasion to acquaint your Honors (as
(who are the Depositaries of the Records) of what
I am advised from England.

Viz.t "That nothing of reasoning
" or matter of opinion, or assertion in consequence
" whether making for, or against the Positions
" I wished to establish in my former Correspon
" - dence with the Honble President and Counsel
" as to my right to be tried here by Martial
" Law, Neither any reasoning, Opinions or Re
" solutions of the same Honble Board upon that
" Subject by them already communicated to the
" Court of Directors in England, can come under
" the Cognizance or be brought forward to the Gene
" ral Court Martial

o viz.t the Letter of the Secretary Bame 22d Sept.r 1779 enclosing part of Para.h 7 with Para.hs 7 & 8 & 9 of the Company's Gen.l Letter dated 23d Jan.y 1779.

that

74 Fort St George 14th January 1780

" Charge as connected with or accompanying
" that Charge.

Believing therefore as I do
that I am to be tried and judged by that most
proper Tribunal upon undoubted proof "Only of
"Facts avowed by myself or established by impar-
-tial Witnesses" so I now take occasion to in-
form your Honor &c. That I avow and Abide by
the enclosed State of Facts wrote and subscribed
by myself. Which Facts I admit as Legal Proof
in the hopes that it will answer the purpose
of expediting the Business of the General Court
Martial so ardently wished for.

Altho I am convinced that
it was unnecessary in me to have stated the Law
Opinions as above, because most probably the
same Idea must have occurred to your Honor
&c. Yet as it has been hitherto my Fate from
various unexpected Causes, all of them inde-
-pendent of myself to continue so very long as
I have done here, in the most disagreeable Si-
-tuation imaginable; I therefore wish (even by
Anticipation) to try every method I can think
of with propriety, tending to expedite the Bu-
-siness, or to remove any possible Causes of
future Delays or Difficulties, as far as it de-
-pends upon myself.

This I beg leave to offer as
my Apology for the present Address, and for
presenting the enclosed Paper.

Your

75 Fort St George 13th January 1780

Your Honor &c are at Liberty if you see proper to make use of those avowd Facts towards forming the Charges which the Honble Court of Directors have been pleased to empower your Honor &c to prepare, in or=der to be laid before the Approaching Ge=neral Court Martial.

I am with Respect
Gentlemen
Your most Obedient
& very humble Servant
Jam.s Stuart

Fort St George
the 13th January 1780

The following Facts are acknowledged and admitted By Me.

1.st I acknowledge That at the time when I was a Subordinate Military Officer in the Army under this Presidency, I did accept of the temporary Chief Command of that Army, and of the Fort and Garrison of Fort St George, from the Joint-Authority of George Stratton Esq.r and of the Late Sr Robt Fletcher / then the Comman=der in chief of the Forces / together with Henry Brooke, Charles Sloyer, Archdale Palmer Francis Jourdan and George Mackay Esq.rs all of them Members of Council, being en Number Seven - and that I acted in con=sequence of that Authority

2.ndly I acknowledge - That by the same Autho=rity I did arrest the Person of the Late Lord Pigot by a Military Force on the Evening

76) Fort St George 14th January 1780 –

of the 21st of August 1776 At a Place between the Bridges, leading from the Fort to the Governors Country house

1st Jacknowledge That Capt.n Eidington (the Lieu.t Colonel & Adjutant General) and Capt.n Lysaght, did act by my Orders in Stopping the Chaise of the Late Lord Pigot, at that Time and Place.

2dly Jacknowledge That Capt.n Lysaght by my Orders did conduct the Late Lord Pigot from thence to St Thomas's Mount

3dly Jacknowledge That Lieu.t Colonel (then Major) Horne did act by my Orders, in receiving and detaining the Late Lord Pigot at His (Major Horne's) House at St Thomas's Mount, until the further pleasure of Government was made Known unto him (Major Horne)

4thly Jacknowledge That I gave several Orders To the Officers and others of the Army, at Fort St George, upon the 21st of August 1776 both in Quality of the Acting Commander in Chief of the Army, and as Commandant of the Fort & Garrison

5thly Jacknowledge That from the Period above mentioned, To the Time of receiving the Hon.ble Company's Orders by Mr Whitehill (the 31st of August 1777) I, in like manner as every other Subordinate Military Officer then under this Presidency, did act uniformly under the Orders and Authority of those

77. Fort St George 14th January 1780

Seven Persons above named who origi-
-nally had given me my Orders and Instruc
-tions, with this difference only. That upon
the Late Sir Robert Fletcher's leaving the
Settlement, I did succeed in Course to the
Command in Chief of the Army, and to a
Seat and Voice in all Councils, and after
-wards did make that Part of that Go-
-vernment which from the beginning had
been officially & Unanimously acknowledge
by the Supreme & Superintending Coun
-cil of Bengal, under the Stile and Desig-
-nation of "The Honourable George Stratton
"Esq.r President & Governor &c. Council of
"Fort St George."

Jan.y 13th 1780

Jam.s Stuart

I acknowledge that what precedes was
wrote & signed by me, and Enclosed in
a Letter of this Day's Date, addressed
"To the Honble The President & Select Committee
"of Fort St George" explaining the purpose
for which it was wrote.

J S

Minute thereon

Agreed to acknowledge
the receipt of the above Letter, and to inform
General Stuart that we shall take up
the Business of his Court Martial with
-out Loss of time, and that [illegible]

Copy from Sept.r 1776

78 Fort St. George 14th January 1780

will have all proper Consideration when we enter upon the Subject

Read the following Letter from the Commandant of Palamcotah

To the Honble Sir Thomas Rumbold K.B.ᵉ &
President & Governor &c &c &
Select Committee

Honble Sir &Sirs

With great concern I lay before You the following information just receiv-
ed from Lt Crewtzer of Hughes's Cavalry
Capt Campbell comm.g this
Hughes's Regt of Topasses with that Corps
a troop of Cavalry, a Company of Artillery &
two Guns marched a few days ago towards
Shevegarry, a Polygar Town about 60 miles
from here, to seize the head man who had
escaped from a guard of the Nabob's troops
that were taking him to Tinnivelly to settle
with the Sircar: Yesterday at Noon within
a very few miles of the Village, a body of Po-
lygars supposed to be about 6000 began an
irregular but heavy fire of match-locks &
musquetry

From Capt.ⁿ Burrington's Engagement between the Nabobs troops & the Shevegarry Polygar

The Topasses broke, in spight
of Capt.ⁿ Campbell's & the other Officer's endea-
vours. They and the Company of Artillery
were surrounded: the Cavalry made to an
open spot. The Topasses threw down their
Arms

79. Fort St George 15th January 1780

Arms, and Capt.n Campbell the Aquetant Enst.n Lang
Swain, & a young Volunteer. M.r Bellow were
killed. it is supposed about Half the compa-
ny of Artillery are Killed, and their Officer
Lt Ludlow is wounded. Capt.n Flaxman
of the Troops is Slightly wounded. four troopers
& 5 horses are killed, and many wounded.
Sl Coutzer had two horses Killed. The Guns &
Baggage &.a taken.

His Highness has now ve[ry]
few Troops in this Country, & the Polegars
Success may make them troublesome. the
cruelty was strongly expressed by murde-
ring the Officers. The Shinegany polegar
was assisted by Punjalamcoochy polegar
with 3 or 400 Men. this mans is making
a strong post, & have a large body of
troops about 30 miles from here. he may
take advantage of this Accident, & give
much trouble. I have two Spies about
that place for information, hourly expect
-ed back.

The Fouzdar has been with
me, & applys for five Companies to ena-
-ble him to march first against the She
vigarry, & then against the Punjalam-
coochy polegar. this is positively against
the orders of the Board dated Jan.y 31.st
1770. but I have agreed to send 2 Guns
& Camp Equipage for 5 Companies upon

80 Fort St George 14th January 1800.

the Glacis, I mean to wait for further orders.

The Soubadar writes to His Highness the Nabob applying for more Company's troops from other Garrisons to enable him to overcome these two lead-ing Polygars.

This goes by His Highnesses Express.

I am
Honble Sirs &c
Your most Obedient
& most Hble Servant
G Burrington.

Palamcottah
Jan.y 8th 1800
5 P.M.

The Committee are concerned at the Disaster which has happened to part of the Nabobs Troops in the Tinnevelly Country, but they would not have Capt.n Burrington divide his Force upon this Occasion 'till he should receive further orders from them.

As yet the Committee have had no Information of the Circumstance from the Nabob.

Read the following Letter from the Committee of Works

To the Honble Sir Thomas Rumbold Bt.
President &c.a Select Committee of
Fort St George.

Honble Sir &c.s

We have received from Mr Secretary Oakeley an Extract of your Minutes of the 5th Inst.y

Letter from Committee of Works

the Contractor for the

81 Fort St George 14th Jany 1700.

Works being very forefsing with us for money.
We beg leave to reply to such parts of your Mi-
nutes as relate to our Accounts, and to defer
answering the other paragraphs for some days,
as it must necessarily take up that time to
prepare the papers required.

With respect to Mr Plumer's
application for an allowance for extraordi-
nary Excavation, we beg leave to inform
You that We have collected from the Engi-
neer the information we deemed necessary
on that Subject, & find that the cost of the
Extraordenary Excavation for the Water
Cisterns on the Sea line amounts at the
Contract price for removing Earth to Pags
$135.30. That one fifth part should be
deducted for the Masonry taken up for
the foundations & Gallery of the Cisterns,
& that the Contractor ought to be allowed
the remainder being Pags 650.8.24.

The Contractor has received
no advances of Cash from us since the 1st
December.

We are
Honble Sir & Sirs
Your most Obedient &
Most Humble Servants
P Perring.
Edwd Saunders
Geo. Maule

Fort St George
10th Janry 1700.

82 Fort St George. 14th Jan.y 1700

Orders thereon contractor allow'd Pag.s 6508.24

Agreed conformably to the Opinion of the Committee of Works that the Contractor be allowed Pag.s 6508.24 for the extraordinary Excavation for the Water Cisterns

Agreed also that the Balance due to the Contractor be discharged as soon as possible & the President is requested to use his Endeavours to pay some part of it immediately

As the Engineer gave assurances to Us that the Fortifications would be entirely completed in 4 Months after the Monsoon the Committee of Works must use every means in their power, to forward this necessary Business, as We are exceedingly anxious to acquaint the Company that the whole has been accomplished agreeably to the Promises of the Engineer, which have been communicated to them

Read the following Minutes from the Committee of Stores

Fort St George 28th December 1699

At a Committee of Stores

Present Major General Sr Hector Munro KBs

Colonel Edward James

Major George Maule

Mr Brayer Scottney

The minutes of last Committee Read

and

Fort St. George 14th Jan.y 1800

and Approved

The Commissary of Stores agreable to Orders has examined the Accoutrements of the 2nd Battalion of Seapoys, and reports that one half of them are unserviceable & the remainder of different sorts. Agreed that they be received into Store, & that a new Sett of Accoutrements be issued for the use of the Battalion.

The Commissary of Stores lays before the Committee a List of Military Stores wanting for the Garrison of Ongole, which it is agreed to comply with, agreable to the Remarks on the Indent.

The Commissary of Stores lays before the Committee a List of Stores wanting for the Cantonment at Pondicherry Agreed that it be complied with agreable to the Remarks on the Indent

The Commissary of Stores lays before the Committee an Indent from Madura, which it is agreed to comply with, excepting the Powder, of which only 500 Barrels can be spared, being half the Quantity Indented for, which the Committee recommend may be ordered to be sent from Pondicherry.

The Commissary of Stores lays before the Committee an Indent from

Fort St George 14th Jany 1700.

Palamcotah of which 290 Barrels of Powder they recommend may be sent from Pondicherry at the same time with that for Madura being half the Quantity Indented for

The Estimate of Expence of Tents wanting to compleat the Establishment of the 8th October now delivered in by the Commissary of Stores, it is agreed to forward with the Proceedings of this day.

The Committee having read a Minute of the Military Storekeepers agree that a Copy of it accompany the Proceedings of this Day

The Committee remarking on the returns from Pitchinopoly that there are 1500 Europe Pouches & 1100 Europe Slings in Store, they direct that the Storekeeper there be wrote to not to deliver them out to the Seapoys

The Committee remark that in their Committee of the 19th May they recommend a Removal of Ordnance &c Stores should take place at the different Garrisons which from the Indents they find has not taken effect, they take the liberty therefore of recommending that orders may be again issued for that purpose agreable to the Statements delivered to the Governor by the Commissary of Stores.

The Commandant of Artillery

85 Fort St George 4th Jany 1780

tillery lays before the Committee a Report on the proof of a 13 Inch Mortar Bed on which they remark that as the Teak Wood does not stand the usual proof if be recommended to the Military Storekeeper to endeavour to procure some of the hard Country Wood which may be found to answer better than Teak if to be made up agreable to the old Dimensions, and that no Stop be put to the procuring of the Wood, they recommend that the Honble Committee would please to apply to the Nabob to give his Assistance for the procuring the Wood soon as cheap Terms as possible.

Hector Munro.
Edwd Fraser
Geo. Maule
B Scottney.

The Amount of the Tents wanting to compleat the Establishment of the 8th Oct. 1779. exclusive of those in the Circars.

General Tent	1			150 23 15
Field Officers	6	@ Pr 110 ea		660 - -
Officers	144	@ 60		86 10 -
Private	329	@ 26. 10		87 10 10
Laboratory	1			140 -
Charges for making 20 Bell Tents the Tenking belonging to the Company		@ 1. 20. 4		43. 21 32
			Pagl	10353 - 47

86. Fort St. George. 14th Jany 1760

The Amount of the Tents wanting to Compleat the Establish-
-ment of the 8th Octr 1759 including those in the Circars.

General Tent	1 a		150 33 15
Field Officers	6 a	Pag.s 110 ea	660 - -
Officers	79 a	60 ea	4740
Private	269 a	26 10	7128 10
Laboratory	1		150
		Pagodas	12810 15 15

The Military Storekeeper re-
presents to the Committee that of the Carriages order'd
by the Board to be made use there remains now to
be finished one hundred & twelve from Six to
Twenty Six Pounders & Seventy five for Smaller
Carriages, seven Transport Carriages, Six Plat-
forms & Mortar Beds.

The Military Storekeeper
further represents that on the Board's agreeing
for the Carriages, He hired a Yard for which
he pays 58 Pag.s p.r Month, which with the pay
of Mestrs. Conicopolies & Peons amounts
to near 100 Pag.s p.r Month

In the conducting of this Bu-
siness much depends on the Choice of Timber for
Cheeks & Axle Trees a considerable quantity
of Timber hath therefore been purchased for
these at a great price & a further quantity a-
greed for & expected in the next month. In
addition to this the Military Storekeeper re-
quests

87 Fort St George 4th Jany 1780

- guests the Committee will be informed to consider
the inconvenience that will follow the discharg-
-ing the Workmen & the difficulty that may
attend the collecting them together

The Military Storekeeper take
-ose acquaints the Committee that there are
now finished for Inspection two 12 Lbrs two
24 Lbrs three 20 Lbrs & 6 18 Lbr Carriages that
were just in hand long before he received
the order not to go on with the Contract.

Agreed that the order respec-
-ting the removal of Ordnance, Stores &c in
consequence of a former Recommendation
of the Committee, be repeated

Agreed that the Nabob be
applied to for his assistance in procuring
the Wood requisite for Mortar Beds.

The Committee having perus'd
the two Estimates of Tents, it is ordered that
the Estimate which takes the Tents in the Cs
-vas & amounts only to Pa 19. 15. 15 be adhered
to & that such Tents as have been lately made
up on account of the Exegencies of the Service
be considered as a part of this Establish-
-ment

In consequence of the Mi
-nute of the Military Storekeeper, it is Ordered
that the Carriages which were in hand at
the time the Resolutions of the Committee
[illegible]

88. Fort St George 14th Jan.y 1780

proposed be taken for the Company, that their resolution be in every other respect strictly conformed to

Ordered that 500 Barrels of Gunpowder be sent from Pondichery to Madura and 200 to Pallamcotah.

The President delivers in the following Minute

Presidents Minute proposing Subsidy corps to be raised at Tanjore &c.

The Critical Situation of the Company's affairs at present having alleged this Government to send a very considerable Force to Gen.l Goddard at Surat, and also to Action a Body of Troops to the Northward for the Protection of the Circars against any attempts from either the Nizam or Hyder on that Quarter as their motions will probably much depend on the result of the Negotiations at Poonah. It appears absolutely necessary that the remaining Force on the Coast, should be drawn as much together as possible, and for that purpose I would recommend to the Committee the raising a Body of Subsidy Sepoys in such Districts where it may be found necessary, & particularly at Tanjore and Masulipatam - There are now Five Battalions of Seapoys in the Tanjore Country, & it appears by the last return they are very much dispersed in securing the Collections, which not only makes it difficult on any Emergency to collect them together,

to be

And

Fort St George 14th Jan.y 1780

but it must occasion such a total relaxation of all discipline as to render them unfit for any Field Service, little better than the Troops of the Country Powers, if probably not to equal those trained in the Service of Hyder, Our Officers are also very much dispersed on different trifling Juveleſs Commands. The Rajah in several of his Letters & Representations complains of this as a very great evil tending much to the detriment of his Revenues he is very desirous of having a Secundy established under his own Directions for the Purposes of his Revenue & that they may not be attended with any great encreased expence By the Report made by Sir Hector Munro entered in the Select Committee Proceedings of it appears that the Batta paid during the course of one Year to about 1200 of the regular Seapoys with Officers annexed to Pagod.s 18731. 9. 10 and that the same number of Seapoys on the Establishment of a Secundy, when they are only to receive Pay & no Batta will amount to no more than Pag.s 11331. 9. 0 The Rajah is desirous that the number to be raised should consist of Two thousand Men, & that there should be no European Officers If the latter proposal is given in to, it might be as well to let the Rajah establish his own Secundy, for they will be nothing

Fort St George 4th Jany 1780

more than a Rabble: on the other hand I would not recommend the appointing of many Officers to them, but sufficient to answer the extent of keeping up some sort of Discipline and regularity: to attend to the mustering of them; the inspection of their Arms their Cloathing, & other requisites that may give them the appearance of regular Troops & render them of service in defence of the Country on any Troubles, or in case of an Invasion.

The great difficulty will be to draw the Line between the Regular Troops & those intended for the Secundy & to prevent any Interference. They should be quarterd in some particular part of the Country, wherever the Rajah fixes on as a proper & centrical Situation, they should be entirely under his direction, with regard to sending them out for the purpose of the Collections & the Officers commanding be ordered to comply with every requisition made to them by the Rajah as he may think necessary with respect to the Numbers to be employed on each Service that there may be no delay or impediment whatever. Returns to be made Monthly to the President & Select Committee & to the Commander in Chief, of every occurrence to be reported in such Returns. The Officers to answer themselves to the discipline of such of the Sepoys, as return off the Duty of the Collections

cont

can be brought together & to establish an oeconomy regularity amongst them, as the various Services, on which they are to be employed will admit, if no Officer on any account to be employed on Command himself, without the disaffection of any of the Zemindars or Vassal Powers should render it necessary for the Rajah to make Application for any part of the regular Troops to be employed & to be joined by any collective or considerable body of the Cavalry; The European Officers of both Corps will in that case rank agreeable to the Commissions they hold in the Service None of the regular Troops to be employed but on application from the Rajah to the Select Committee, settling for the the necessity & nature of the Service on which they are required, unless in cases of the greatest emergency, when it must be left to the discretion of the commanding Officer who will immediately Report the reasons for his compliance with any such application from the Rajah to the Select Committee. There are now five Battalions of Sepoys at Tanjore, & it appears from the Returns, that two of them are almost continually out, divided in different parts of the Country - by the Regulation now proposed of a Battalion, the Committee will

92. Fort St George 14 Jany 1780

be able to draw two Battalions from that Country for more immediate Service; three compleat Battalions will be sufficient to garrison Tanjore; as in the Event of a War in the Carnatic, one of the principal Objects for the Army in the Field will be to cover the different Garrisons & more particularly Tanjore.

There are now no less than ten or eleven different small commands in the Tanjore Country, where there are Officers, most of them Subalterns - The Rajah complains of this much in his Letters as proving detrimental to the Collections. I would therefore recommend that they be all immediately recalled & that no Officer be sent into the Country, but where there appears an absolute necessity for it, even before the Establishment of the Serbundy can take place. I move afterwards, as it appears to me to be proving Individuals at the Expence of the Service - I have fixed the number of Men to be raised at 1000, instead of two Thousand (as recommended by the Rajah) as the former number I should suppose will be quite sufficient provided care is taken to keep them compleat, & the expence that would attend the additional 200 Men will go towards clothing the Body to be established, which I am of opinion will be absolutely necessary to give them a appearance of Regular Troops As the

Fort St George 14th January 1780

whole expence will not greatly exceed what is paid in Batta to the regular Troops, when employd on the Revenue Service. I do not see any necessity for making it an additional Brother on the Rajah the amount may be paid out of the Subsidy of four Lacks of Pagodas, especially as it will enable the Government to draw two Battalions of the Regular Sepoys from the Garrison of Tanjore to be employd on other Service. I would recommend to the Committee the establishing of a Seebundy nearly on the same footing in the Masulipatam District under the direction of the Chief & Council, which Mr Colsford has frequently recommended to me as absolutely necessary. Five or Six Hundred Men will be sufficient and the Rajahs Vizeram & Setteram Rauze have obtained my permission to have a Seebundy in the Cheicalore District to be paid by Himself to be commanded by an European Officer, & Sweet Eagles having been named for that Service The Regular Troops will be much eased by such a Body of Seebundy being established in the several Districts. The former may be kept more together under proper discipline & only employd where the necessity of Service may require them in case of any disturbances being raised by any of the Zemindars. There is already a Seebundy at Ganjam they may be employd with the Renter, and

94. Fort St George 14 Jany 1780.

The Battalion of Regulars there be kept compleat together for the protection of Ganjam & the Vizagapatam District. The accompanying Paper will shew the proposd Establishment of a Secondy for Tanjore.

A + Proposd Establishment of a Secondy Corps, to be employd for the Collection of the Revenues in the Tanjore Country on the Regulations.

1st The whole Number to consist of 1000 Men, or 10 Companys as follows, with the Pay they are to receive.

Each Company to consist of

			Gold fanams Rated Pay
1 a Subidar at 60 Gold fanams	60 Each	4 f 6	Pay 4 f 6
1 a Jemidar at 40 Do		40	
2 Hawldars at 30 Do		60	
2 Naigues at 25 Do		50	
94 Sepoys at 20 Do		1880	
		2090 Fns	2093 11

For 10 Companies at 99 Pag 11 fns per each Company — 1791 9

For 12 Months or 366 days at Pag 1791. 9 per Month — 21877 3

2nd To be divided into three Battalions of six Companys each. the whole to be commanded by a Captain.

3d Each Battalion to have two European Officers and no more, to be taken from the List of Subalterns also 2 Serjeants.

4th The Eldest Officer of each Battalion to be a Lieut to receive the pay of Captain the Half Batta of Lieut.

2 o 9

t

95 Fort St George 14 Jany 1780

The 2nd Officer of each Battalion to have the appointment of Adjutant, with the usual Allowances, that Adjutants have on the Regular Battalions, & the half Batta of his Rank in the Army

4th 5. The Officers belonging to the Secondary Corps not to receive any additional Rank to what they hold or are entitled to from their standing on the Company's Military Establishment.

6 Returns of the Troops, & Reports of all Occurrences to be transmitted Monthly to the Presidt & Select Committee & to the Commander in Chief.

7th 7. The Officers commanding the Battns to comply with every Requisition, made by the Rajah for Sepoys for the Service of the Collections, who are to be employd under their Native Officers.

8th 8. The European Officers not to go on any Command on the Country, but to confine themselves entirely to the discipline of the Troops, & to establish, as much as possible & the nature of the Service will admit of regularity amongst them, to attend to the mustering & Clothing of them, & every other requisite that may render them of some Service in case it should be found at any time necessary to join them with regular Troops for the defence of the Country.

N.B. The restitution here laid on Officers not to go themselves on any Commands in the Country is not meant to preclude them from occasion

96 Fort St George 4th January 1780

Surveying the Troops when they are employd in large
Detachments, for the quelling any disturbance or the
Reduction of any of the Tributary Vassals of the Rajah
when application is made by him for the Troops, with
their Officers to be employd on such Services
6th The whole of the Secondy Corps to be clothed in the
same manner as the regular Troops.
7th A Pay Master from the Line of Service to be appointed
to the Secondy Corps, who is also to have the Clothing
Total Amount of the Annual Expence of the Secondy Corps

Total annual Pay of 10 Companies per Mon. 21. 107. 3
Difference between Capt.s & Majors Pay
for the Captain Commandant p.m. 228. 5. 20
Half Batta as Captain to Do " 202. —
Difference between Lieut.t & Capt.s Pay to three
Lieut.s commanding Battalions " 604. 15. 60
Additional Pay of Adjutant to the three
other Officers 15 p.r Month each is for
three Officers p.r Annum 612. 36. —
Paymaster Pay & Batta p.r Mon.r 1040. 10. 40
Sergeant Clothing for Company 132. 27
Half ensworking for D 114. 20
247. 13

For 10 Companies p.r Mon.r 2351. 24. —
Pay of 6 Serjeants Three of whom
are to have the Pay of Serjeant Major
& three the Pay of Seapoy Serjeants 504.

Total Annual Pay 29. 310. 10. 40

Sepoy

Fort St George 14th January 1778

80

The Committee in general approves of the President's plan of Work & many good Effects will arise from it. The Commander in Chief is of Opinion that there should be an Officer of the Rank of Captain to Command the Whole. Ordered that the Minute do lye for further Consideration

The President delivers in also the following Minute

The great detachment the Service sustains from the number of our Effective Officers on the Establishment renders it necessary that some Regulations should be established that the different Corps both Europeans & Sepoys may not be without their full Complement of Officers & particularly the former, for the Advantages attending on Commands & Appointments to Sepoy Battalions, draws off the eldest & best Officers & leave the European Battalions destitute of such whom length of Service & experience render proper for the Command & Disciplining of those Troops, which compose the Chief strength of the Army in time of War. The allowing of Officers to be absent from their Corps in order to do Duty with the Nabob's Troops, is also of infinite detriment & I would recommend that in future no Officers be permitted to enter into the Nabob's Service, but on condition of resigning their Commissions in the Company's, without this rule is strictly observed, the Company will always be liable to lose the service of their best Officers, by the Interest that is ma

President's Minute regarding Officers absent from their Corps

98 Fort St George 14th June 1760

in their favor, for the encouragement is too great of receiving pay on both Services, besides the Addition al Emoluments, attending that of the Nabob's for Offi- cers, not to use their utmost endeavours to be em- ployed by his Highness, & a doubt arises, whether if on their accepting Commissions from the Nabob, their pay from the Company ware ceare, they would be liable to be called on the subject to military Law, for any breach of the Articles of War, there seems no way to prevent the Evil, but by not allow- ing them in future to hold Commissions on both Establishments. I do not mean that this regula- tion should extend to the Officers, already with the Nabob, as his Highness may have occasion for their Services at present & wish to keep them With regard to having a sufficient Number of Officers to the European Corps, I would propose that the Commander in Chief should be requested to form some Regulations, & lay them before the Council for their approval, that may answer the pur- pose intended, & not subject so material a part of the Army to the neglect & irregularity, that must attend their being Officers by very Young inexperienced Men & As there is at present a deficiency of Officers, on Count of Numbers do duty with the European Corps, some mea- should be immediately taken to compleat the Establishments as far as possible, To effect a necessary Regulation, I would recommend that Exempt Commissions be granted to such

99 Fort St George 14th Jany 1700

The Cadets now on the Establishment, as soon
supply the number of Officers gone to England o
their Health, or for other reasons, some of tho
Officers will probably not return so that they be com
out at different times they Should therefore be
-sidered as Supernumeraries till their Vacancies
they will of course fall into their Rank & the yoon
Officers of each Corps. That is to say of Captains
& Ensigns will by that means become the Sup
-numaries till the Service is reduced to the
per Establishment & then mode of remedyi
will compleatly do it, & never in time of actu
Service requiring immediate consideration
occasion very little if any Additional Exp
as the Officers absent in England receive no
till their return to India, & it is only their
-pernumaries succeeded by the Arrival
Old Officers that were absent, that will b
an additional charge which in long
time, & allowing for the Vacancys tha
-pen, can never amount to any thing
derable

There are now absent in England, as apy
the Returns under the Rank of Field Officers

Captains

Wm Collins
Richd Scott — By Brevet — 2 N

Lieutenants

Donald Campbell
Henry &c

100 Fort St. George 14 Jan.y 1760

Thomas Townsend
Peter Bonneveaux
Alex.r Wynch
Tho.s Goudier
Block St. Bale — 7 No

Ensigns

Patrick Alex.r Agnew
Henry Smith Cosby
Charles Smart
Thomas Brisbane
George Aubrey
John Lyeen
Gabriel Doveton
Charles Grant — 8 No

Officers not joind their Corps, and of whom the Adjutant General has no Account

Charles Paxton ... Ensign
Dodt ... do
John Barton ... do
Wm Powell ... do
John Garston } Said to have obtaind Commis-
Thos Phipps } sions on the Bengal Government
Total — 6 No

Total Officers in England such as have not joind their Corps

Captains 2
Lieutenants 7
Ensigns 8
Not joind their Corps 6
23 No

108 Fort St George 14th Jan.y 1780.

I am of opinion Commissions should be granted in the Room of the above absent Officers, for the the Company direct, that on the absence of any Officer to England the next in Rank shall supply his place during such absence the great want of officers on account of those in the Madras Service, and different appointments, makes it necessary to adopt some mode of supplying the deficiency, & I see no one so eligible, & attended with fewer inconveniences, than the one I have now proposed. I would further recommend to the Committee, that all officers absent on leave, be immediately to join their respective Battalions & that such Officers as have been indulged with trifling Commands to the Northward & in the Carnatic whilst there was no appearance of Service be now called upon & directed to join their Battalions to which they belong except in such places where it is absolutely necessary to continue in Command.

The several Propositions mentioned by the President are approved & orders to be given accordingly

Col.o John Braithwaite is now appointed to the Command of Pondicherry in the room of Lieut.t Col.o Browne gone with the Detachment to Surat.

Colonel Braithwaite appointed to command at Pondicherry.

102. Fort St George 14th Jany 1788

The President recommends to the Committee that an Increase may be made to the allowances of the Persian Translator Mr Hodgeston, who has a very laborious employment to execute & whose present Salary, being only Pags 7 Month, is by no means an adequate compensation for his trouble, particularly since the Business of the Translator has increased so much.

The Committee are sensible of the truth of the Presidents Representations & it is agreed that an addition of 70 Pags P Month be made to the Translator's present allowances

Translator 70 Pags month from 1st Jany

" John Whitehill

Robert Ellis
Charles Smith

103 Fort St George Jany 1780

We Sent the following Letter of Instructions to Mr Geo. Gray

To Mr George Gray

Sir

Letter of Instrucs to Mr Gray

appointed

We have thought it proper to Sent you to proceed to Hyder Ally, to demand the release of some English Subjects who are detained at Calicut by the order of Sardar Cawn, Hyder's Der's Officer at that place.

We enclose you a Copy of Memorial which We have one of those persons delivered to Sardar Cawn on Behalf himself & the rest of his Majestys Subjects so detained which will explain all the particulars sufficiently to guide you in your Representations to Hyder

You will complain to him of this outrage committed on the Person Property of so many English Subjects. At the same time assure him that as it has always our desire to preserve a good Standing & friendship with them, if he has any cause of Complaint against any of the Company's people or any British Subject whatever, We shall endeavour as far as lies in our power to remove it. that we have heard by Letters from Commanding Officer on the Malabar coast that he has some Complaint ag.

104. Fort St George Jan.y 1700

Gentlemen at Tellichery for improper corre-
spondence with the Chiefs of the Nairs who are under
his Authority That we have not the prædeces-
sors, but as it is totally contrary to our Insti-
ons & to the Orders we gave to our Commanding
Officer there, That there should have been
any interference whatsoever; so we have repre-
sented both to the Governor & Council of Bom-
bay, & to the Gentlemen of Tellichery, the Im-
propriety of removing every just cause of con-
cernes. That we doubt not to meet with the
same conduct on his part as nothing can
contribute so much to our mutual Interest
as a sincere & mutual endeavour to preserve
the Friendship that has so long subsisted be-
tween us.

You must conform your Re-
presentations simply to the Fact & the Sen-
timents here laid down, but should Hyder
propose or mention any thing foreign to
the subject of this Commission you will
transmit the same to us for our Informa-
tion.

If Hyder Ally refuse or de-
lay to give you Satisfaction in regard to
the detention of the English Subjects at Calicut
you will desire his leave to depart & return
with all convenient Expedition to Madras

You will proceed to Vanam-
bady & wait there for a Passport from Hyder

to

Fort St George. 15th Jan.y 1780

to join him, or if the Kelledar of Vanambady
will furnish you with an Escort you may
proceed without waiting for the Passport

We are

Sir

Your most Obd.t Humb.le Servants

Tho.s Rumbold &c.

Select Committee.

Fort St George
15th Jan.y 1780

X

15th Sent the following Letter to Gen.l Stuart

To Brigadier General James Stuart

Sir

To Gen.l Stuart in answer to his of the 13th

We have received your Letter of the 13th Instant with the Enclosure we proceed upon the Business of your Court Martial which shall be done without loss of time. You may be assured We shall take into Consideration the subject upon which you have written in your said Letter

We are

Sir

Your most Obedient

humble Servants

Tho.s Rumbold &c

Select Committee

Fort St George
15th Jan.y 1780

O 14

106 Fort St George 18th Jany 1760

At a Select Committee Present
The Honble S.r Tho.s Rumbold B.t Pres.t
John Whitehill Sir Hector Munro
Charles Smith.

Tuesday
the 18th Jan.y

Minutes of last Committee
read & approved.

The Committee taking into
Consideration what Officers it may be proper to or-
der to Madrass for the purpose of Genl Stuarts
Court Martial, & the last of the Army being
now before them, they resolve that the follow-
ing Officers be held in readiness to serve as Mem-
bers of the Court Martial viz.t

Officers ordered to hold themselves in readi ness to sit on Genl Stuarts Court Martial

Colonel John Braithwaite
Col. Edward Jaques
Lieut Col. Harper
Lieut Col. Nixon
Major Henry Marcell
Major Sam.l Scars in case of
his Arrival on his way from Pe
Major Cha.s Hopkins
Major Alex.r Macdonald
Major H.ANN Cosby
Major Rob.t Kelly

Lieu.t Col Harper is under orders to sit at a Court
Martial to be held on the 20.th Inst at Pondichery
Col. James commands at the Present from
whence he may be called at an hours warning
and Major Hopkins Cosby & Kelly are on Pleadg

Be

Ma

Fort St. George 18th Jany 1780

so that it will be necessary at present only to
refer to the Presidency. Col. Braithwaite. Lieut
Col Fraser. Major Allardell & Major Macleod

Resolved that Captn Sysaght
Captn Sysaght or Dispd to the Presidency be ordered to the Presidency

The Commander in Chief lays
before the Committee the following Letter from
Ensign Pennecuick &
To Major General Sir Hector Munro K B
Commander in Chief of the Forces &c
&c &c

Letter from Ensn Pennecuick respecting his Rank

Having observed in the General
Orders of the 17th Inst. that the Court of Direc
tors have been pleased to direct that Ensign
Henry Boyle Sullivan shall rank from the
3rd May 1776 next to Ensn Easterbrooke. Beg
leave to acquaint you that I was appointed an
Officer at the same time with Mr Sullivan
and to take Rank from the 2nd of May 1776
agreeable to my Commission which I hope
the Honour to Inclose

My Situation was precisely
similar to that of Mr Sullivan. The Govern-
ment which succeeded to that of the late
Lord Pigot having thought proper to assign
to me a different Rank, by which on the list
of the Army I am brought to Rank under
several Gentlemen whose Commissions are
posterior to mine

108 Fort St. George 18th Jany 1780

Military Rank once conferred by Commission is not usually taken away from an Officer without some particular reason given: And as the Court of Directors appear to have been sensible of the justice of Mr. Sullivans Claim by confirming him to his original station in the Service, I am to request that upon the same Grounds and agreeable to my Commission from Lord Pigot & Council, if any application needs your Approbation, You will be pleased to represent my Case to the Honble the Select Committee

I have the Honour to be

Sir

Your most Obedient and

most humble Servant

J Pennecuik

As Ensign Pennecuik's &c

Fort St George
15th January 1780

to mine for home

Presentations & Claim appear to be well founded it is agreed that the Circumstances of his Case be mentioned to the Court of Directors by the first Despatches.

The Commanders in Chief Letter now lays before the Committee the following Letter from Capt. Bruce.

Atka 20 dec. 79

To General Munro

Sir

from Capt. Bruce relative to the pay for a Linguist & Peon Peons

Ever since the first time Troops were stationed at this place there was an allowance made to the Officers commanding here for a Linguist and four Peons necessary

109 Fort St George 18th Janry 1780

Till very lately when the Chief & Council of Gan-
jam thought proper to order it to be discon-
tinued, in consequence of there being no longer
a Commanding Officer of the district, at the
same time not considering the impropriety
of the Charge, or the necessity of employing
such people on constant pay, or the usage
of the Service as a similar charge is made
on almost every Garrison in the Carnatic,
and I believe in every one in the Circar
except Ashta, and in no one Garrison be-
tween this, and Cape Comorin are they
more necessary than this, where the Na-
tives speak a Language peculiar to this
district, that none of our Black Officers
or Dubashes understand, and whose Cus-
toms, and Religion prevent their enter-
taining as Sepoys on the Company's Ser-
vice from an aversion they have to leaving
the place of their Nativity let the Inside
it be ever so circumscribed, consequently
Sepoys cannot be made use of occasionally
as Hircarrahs, or even Dubashes as Inde-
pendents, from what I have said Sir I flat-
ter myself you'll observe the impropriety of
them being continued, and I doubt not but
you'll believe me when I assure you a
Serjeant and two Hircarrahs have been
constantly paid by me, from the time the
Gentlemen at Chicacole

180. Fort St George 18th Jany 1790

be no longer paid by the Paymaster as I am convinced, I should be put to a very great Inconvenience without them — I am therefore to Request Sir you'll Mention this Matter to the Honble the President & Select Committee who I hope will be so indulgent as to order them to be paid by the Company, particularly as the Expence is very trifling

I am Sir

With Respect

Your most Obedt Servant

Thos Bruce

Granted

As Captn Bruce is the only Officer now in the District of Ganjam, it is agreed that he be allowed a Linguist & 11 Hircarrahs at the usual rate.

The following Appointments are now made.

Mr Jones a ffd D° 70 Rs

Mr Jones Cadet — to be a Lieut Fireworker in the Room of Lieut Fireworker Maddeville ordered to do duty at the West Coast —

Lieut Moorhouse to do the Duty of Commissary of Artillery

Lieut Moorhouse to do the Duty of Commissary of Artillery during the absence of Captain Donald Mackay —

"

John Whitehill

Hugh Munro

Charles Sandlin

111. Fort St George 24th January 1780

Monday 24th the 28th

At a Select Committee Present
The Honble Sir Tho Rumbold Bt President
John Whitehill — Sir Hector Munro Kt.
Charles Smith

The Committee having met to consider the Company's Orders of the 23d Dec. 1780 relative to the trial of Brigadier Genl Stuart by Court Martial several Letters and Papers were read on the Subject for their Information

The President then communicated to the other Members privately at the request of Brig. Genl Stuart a paper which he (Genl Stuart) had written as his private opinion upon some points respecting the Court Martial which he wished might be perused separately by the Members of the Committee

The said Paper having been so perused the Committee were of Opinion that they could not privately and individually take cognizance of its contents or pass any Judgement upon it, unless it were made a matter of record. The President was therefore desired to write a Note to Genl Stuart communicating these Sentiments to him and at the same time returning the Paper which he had delivered — Some time after the following Note was received from

112. Fort St George 24 Jany 1780

Brigadier General Stuart with the inclosed Paper which conformably to his desire is now ordered to be inserted on the Minutes.

Note from Genl Stuart

General Stuart presents his most respectfull Compliments to Sr Tho Rumbold He has just now had the Honor of receiving Sr Thomas's Note and returns him Thanks for having read & communicated the paper signed by him & delivered to Sr Thomas this Morning

Genl Stuart's reason for wishing it to be known to the Gentlemen of the Committee separately was because it contained only matter of private Opinion & he expected no Official nor indeed any Answer to it. But as it appears by Sr Thomas's Note that the Committee do not choose to pass any opinion upon its Contents unless it becomes a Matter of Public Record Genl Stuart requests Sr Thomas that he has wrote at Bottom his Consent to it becoming such if agreeable to the Worshipfull Presidt & Select Committee

24th Janr 1780

Presented to Sir Tho Rumbold on Monday Morning the 24th of January 1780

Wishing as I do that the Proceedings of the ensuing General Court Martial may be unexceptionable both in Form & in Essentials & that there may not be any Ne-

His Opinion on the ensuing Court Martial

Seal

cessity for Objections either on the part of the Crown

113. Fort St George 24 Jany 1780.

Crown or on any Part to any Particular Mem-
ber or Evidence after the Court is Sworn.
I therefore beg leave to Submit to the Consid-
eration of Sir Thos Rumbold as a Private Man,
& to the other Gentlemen of the Committee in the
same Point of View, My own Private Opinion
on before the General Orders for the Court
Martial are Issued by the Select Committee

Vizt That it cannot Commence
to the Words & Spirit of the 77th Paragraph
of the Company's General Letter Dated the
23d Dec 1778 Nolefs than to the Principles
of Equity, that all Persons Civil or Military who
acted in consequence of my Immediate Orders on
the 23d or 24th of August 1776 or who acted under
the immediate Orders of the late Lord Pigot or
of the Gentlemen of the Minority, whether Of-
ficially or Voluntarily after the Publication of
the Letter by Mayors Paddock and previous
to or at the time of Lord Pigots Arrest, are equally
incompetent either as Judges or as Evidences upon
on my future trial

My Reason why Because in Form they may
be considered as Parties & accusers or as Preju-
diced & the innocently in favor either of the
Persons they obeyd or of the cause which they
abetted during that unsettled Period where my
Conduct is to be upon Trial

I Consent that this paper may be entered upon the Records if agreable to the Honble Presidt & Select Committee

Most respectfully Submitted
Jno Stuart

44

114 Fort St George 24th Jany 1700

Committee ad journd till this Day next

That the Committee may have time to consider maturely the Subject of the Company's Orders relative to Brigadeer General Stuart. it is agreed to adjourn till Monday next.

John Whitehill

Nicholas Waite

115. Fort St George 31st July 1780

Monday the 31st

At a Select Committee Present
The Honble Sir Tho. Rumbold Bt Presidt
John Whitehill. Sir Hector Munro Kt
Charles Smith

Minutes of last Committee read and approved

The Committee being assembled according to adjournment, again proceed to the Consideration of the Orders respecting Brigadier General Stuart. The several Letters to & from the Company concerning his Trial by Court Martial are again read with such other Papers as seem to relate to his Case, & after much debate it appearing that the Committee are not yet prepared to give a final Opinion upon the Subject it is resolved to postpone the Determination till Monday next

Letter from the Bengal Presidency & Council detained by them

Read a Letter from the Prize Vessel received the 28th Instant Tendering in behalf of Mr Sullivan representing his friendly disposition to the Company this desire of obliging them as far as he can, at a proper time, in regard to the Peak cloth, advising also that notwithstanding our directions to Mr Sholland to take leave & come to Madras, he (the Suzanna) should detain him until he received the Governors Answer to that Letter

Read also the following Letter from Mr Sholland

116. Fort St George 31st Jany 1780

Honble Sir & Sirs

I received your Letter of the 17th of last Month on the 2nd Instant & on the same Evening sent to the Soubah to desire Leave to wait on him His Highness replyd that he was going the next morning to Golconda & that he would send to me on his return; on the 4th he informd me that he would see me the next day I accordingly waited upon him & delivered to him the Governors Letter. I told him that I had received orders from you to return to the Presidency & that as soon as I should be in readiness to sett off I would wait upon him for leave

On the second or third day following his Highness sent for me again & having informed me that he should have a letter to send to me to forward to the Governor he requested that I would remain here until he could receive his Answer. This I consented to do not doubting but it would meet with your approbation on taking leave I shall not neglect to obey the orders containd in your last Letter.

I informed the President in my Letter to him of the 8th Instant that Mr Pally with his party had gone off to Hyder, who it is said had previously sent him a sum of money to engage him in his service

I herewith enclose the Nabobs

187. Fort St George 31st Jany

Letter received Mrs Manning's ans[wer] wife grant
Respect

Hyderabad
Jany 16th 1780

Hönble Sir & Sirs

Your most Obedt
humble
Servant
John Holland

The Hönble Sir Thomas Rumbold Bt
President &c &c &c
Fort St George

Private Henry
O

As the Committee do not see any
occasion for Mr Hollond's remaining longer
at the Nizam's Court it is agreed to write
again to the Nizam to express our desire that
he should come to Madras, and to inform Holland
repeating our Directions to him to take his leave
& set out with all convenient Expedition.

Read the following Letter from
Bombay.

To The Hönble Sir Thomas Rumbold Bart
President & Governor &c &c
Hönble Sir & Gentlemen

Select Committee
Fort St George.

From Bombay
detaining to be in
formed and what steps
are we are with
Hyder

We have been favored with
your Letters of the 15th & 19th of October Our last
was dated the 31st of that month.

Having too much reason to
fear that two of our Cruizers the Success & Shep
may have perished in a late violent storm

Fort St George 31st Jany 1780

Occasion for the Service of the Remainder of our Vessels. We request You will return the Morning Star to Bombay as soon as possible.

You have no doubt been advised by Col. Braithwaite of the State of Affairs at Tellicherry & the necessity which has occasioned the Detention of his Detachment there. If the Attack on that Settlement should not be supported by Hyder Ally, We apprehend he will soon be able to dislodge the Forces of the Petty Malabar Powers which now invest it, but as the Colonel seems to suspect that a Body of his Forces will move down to assist the Operations of the Enemy, & we find by the Colonel's Letters & from other Quarters that Occasions of difference subsist between your Presidency & that Nabob. We judge it very material, circumstanced as We now are with the Marattas, & considering Hyder's political Influence on this Coast, & the valuable Articles of Commerce We draw from his Dominions, to be exactly informed of the Terms You are upon with him, or what probability there may be of his coming to a Rupture with the Company, & likewise of the part the Nizam may probably take, of all which it is very necessary We should have authentic Information; Our Regard for the Interest of the Company which may suffer from our remaining in Ignorance on these Important

Points

119. Fort St. George 26 Jany 1780.

Points, leads us to solliciat a more unreserved political Correspondence, so strongly recommended by them to be maintained between their different Presidencies.

General Goddards Negociation with the Poonah Durbar is entirely broke off as they would not agree to the Terms he was Commissioned to treat upon & offered only such Condetions, as it would have been highly unsafe and Dishonorable to have Accepted. A War with the Marattas was the Consequence: which is actually commenced, and We have reinforced the Army under Genl. Goddard as far as our Establishment would afford. but the Detention of Colonel Brathwaite's Force at Sellucherry & your Silence to the further part of the Quota you can furnish, will We apprehend confine his Operations to a limitted Extent.

We are concerned to acquaint you, that Lieut. Banks, and Mr. Bonnieveaux, belonging we believe to your Establishment who came over Land from Europe by the way of Bussora with Dispatches from the Honble Company were lately taken in their Passage from Muscat on an Arab Vessel by the Maratta Fleet & carried into Geriack To aggravate the Disappointment a Gentleman who came by the way of Suez & from thence on a Danish Ship to the Malabar

120 Fort St George 3d Jany 1780

Coast probably with Duplicates, has been seized at Callicut by an Officer of Hyder Alleys & according to the Authority we had thought it necessary to give our Factory at Busora, they made Application to Messrs Banks and Bonnineaux to permit their Packets to be opened, & Copies to be taken, which those Gentlemen too tenacious of their Charge unfortunately refused It appears they left England the 10th of July

We are
Gentlemen
Your most Obedient
humble Servants
Wm Hornby
Jno Carnac
D. Draper

Bombay Castle
2nd January 1780

P.S. Enclosed is a Copy of some Information respecting the Strength of the French at Mauritius Collected from the Gunners Mate of the Warren Cartel Ship

Intelligence from the Mauritius

The Information of Dennes dos Santos Second Gunner of the Cartel Ship Warren which sailed from Bengal in January last with the French Prisoners of Chandernagore & who got to Goa in the Month of Novr on a small Vessel from the Islands

He left Mauritius about the 25th Septr last in the Snow Charlotte of eight Swivels Di La Butte Commander,

121. Fort St George 31st Jany 1700.

The Plan of the Voyage is to purchase Slaves and if possible a larger Vessel.

The following Ships were there

The L'Orient of	74 Guns
Brilliant	64
Flamand	64
Another Ship	64 Lately from France
Pourvoyeuse	36
Consolate	36
Subtil	20
Elizabeth	24 Guns a French Ship

Esterly English Prize Ship
Danish Prize Ship
Warren Cartel Ship English
Five Merchant Ships from France taken into the King's Service
A Snow belonging to Hyder Ally.

The foregoing Ships are all in the King's Service; According to Common Conversation the Intention is to Attack Madrass with all their Force consisting in all as the Informant believes of 5000 European Soldiers, of Seamen only a small Number in which Service the above Ships are to be employed; Pondichery the place of Disembarkation; Hyder Ally to join them with an Army of 30.000 Men, Assistance from the Marattas expected; It was said they were to sail three Months after he left the Island

122. Fort St George 31st Jany 1700

Exclusive of the foregoing Ships
Two Merchant Ships to sail for Mosambique
to bring Provisions.
Two Ships ready to Sail for France
One Snow for the African Coast for Slaves
One Do saild to Batavia for Arrack four Days
before the Informant departed
The Lauveston formerly a Merchant Ship
now in the King's Service. Sailed at above
time for Madagascar to bring Provisions.

The Informant was hardly
used as a Prisoner. He fell Sick & went to the
Hospital, People were employed to prevail
on him to Engage in the French Service.
His Captain advised him to enter as the
best means of escaping. He accordingly
entered, & thereby was at full liberty & gained
the Knowledge above communicated.

He forms his judgement of
the Number of Soldiers from his own Obser-
vations. He knows not the Number of Re-
giments or Battalions

There is not any Stock of Pro-
visions on the Island. Dependence is placed
on the Supplies brought by their Ships. Cru-
zers established would Starve them.

The English & other Prisoners
ill treated. Stripped of the greatest part of
their Apparel. Confined in a Fort called
Grande Porte

123 Fort St. George 31st Jan.y 1780

The English & Danish Seamen refused the French Service. The Sawcars press'd into their Service.

A true Copy
Jas. Hastley Depy Secry

Minute on the Letter from Bom Bay

We wish the Gentlemen at Bombay had informed us of the Termes on which the Marattas had refused to make peace, & the Termes on which they were willing to come to an Accommodation. Agrād to Notice this Circumstance in our Answer to their Letter, to repeat again our Strong Termes our desire of seeing the present troubles at an End, almost upon any Termes Your hope they will contribute all in their Power towards it. As they hint in their Letter that there is too much reserve in the Communications from this Presidency, it is agreed to acquaint them, that We have constantly & diligently transmitted every Intelligence necessary for their Information & that our Duty to the Company will induce us always to observe the same Conduct.

Read the following Letter

From Bengal

To the Honble Sir Thomas Rumbold Bart
President &c. Select Committee at
Fort St George

Gentlemen

124. Fort St. George 31st Jany 1780.

dated the 10th Ultimo

From the Governor General & Council

We observe with Concern the apprehensions you so repeatedly & pointedly express in all your Letters of the supposed Intentions of the Nabob Hyder Ally to invade the Carnatic. We cannot ourselves distinguish any thing in the immediate Conduct or Correspondence of that Chief, which indicates a Design hostile to the English, & we should judge from the uniform System of Policy which he has manifested in all his Actions for a course of Years past that he is not likely to forego the Plans he was pursuing of Conquest from the Mharattas, & all the Advantages held out to him by the diversion which our Troops will probably occasion on the other side of India in order to attack the Carnatic without the greatest provocation. Much less can We with out the strongest Evidence impute to him such an apparent want of Judgment as to defer the execution of his supposed Intentions, until after we had reduced Pondichery & Mahé & driven the French out of India. You who possess the Opportunity of a near Inspection into his Actions must of course be more competent Judges of his Intentions, and the conclusions which you have drawn, warrant your using every precaution to guard against the possibility of their taking effect. We trust however that you will be sufficiently guarded.

in

125. Fort St George 31 Jany 1780

in all your proceedings to Obviate any Offence which might be taken from them by Hyder Ally, and leave him to become the undoubted Aggressor, if it be true, as you suspect, that he is so Resolved. But if which we think most probable, his Views and Designs are not so decided. We conceive that a firm and moderate Conduct on one Side accompanied with amicable Professions and Assurances to him on the other, may at least insure his immediate Neutrality and preserve the Peace of the Carnatic.

The heavy losses which we have lately sustained, and the unusual Calls upon Us for Money, which are various, extensive and indispensable, Compell us to withhold that supply which it was our Intention to have afforded you for the completion of the fifteen Lacks which you desired from us, but you may still be assured of our exerting every effort to yield you Assistance should your Necessities hereafter appear equally urgent with our own & your means sufficient to Answer them

We are
Gentlemen
Your most Obedient Servants
Warren Hastings
Richd Barwell
P Francis

Fort William
20th December 1779

Fort St George 31st Jany 1780

Minute thereon

Agreed that an Answer be prepared to the foregoing Letter to go by the Bengal Ships soon under Dispatch. Agreed also that in lieu of the Recruits which arrived on the Ganges & the General Barker & were detained here on account of their scorbutic Complaints, all the Recruits that have come for this Presidency by the Ships lately arrived be sent to Bengal amounting in all to 263 that is upwards of 60 more than were detained. As to the Recruits of the Bengal Establishment who were detained for the Service at Pondichery it is impossible for us to replace them without weakening our Corps to an alarming degree especially as the whole Number (260) did little more than supply the Casualties of the Siege & more especially because we have sent near 700 Europeans to reinforce General Goddards Army at Surat

Read the following Letter from Sir Hector Munro

Fort St George 24th Jany 1780

Honble Sir & Sirs

From the Commander in Chief

I have Sir Eyre Cootes orders to lay before you his Request to have a Passage provided for one compleat Company of His Majesty's 73d Regt to be sent to Bengal as a Body Guard for himself by Virtue of his being Commander in Chief of all

127. Fort St. George 3d Jany 1780

The Kings Troops in India.

I have the Honor to be
Honble Sir & Sirs
Your most Obt. humble Servt
Hector Munro

The President thereupon enters the following Minute

The Presidents Minute

On Considering the Letter delivered into the Committee by Sir Hector Munro in consequence of the Orders received by him from Sir Eyre Coote to apply for one Company of his Majesty's 73d Regt lately landed here to be sent to Bengal for his Body Guard. I think it incumbent on me to give my Sentiments on the requisition and my reasons why at this time I am of Opinion it cannot be complyed with. In the Companys Letter of the 23d December 1778 they write as follows.

"The Troops now sent are designed for the Presidency of Fort St George But if the Publick Service shall require them to proceed to any of our Settlements due care must be taken to provide them with necessary accommodations for that purpose".

It appears to me that any Publick Service, that may require the removal of the Troops from one Settlement or part of India to another can only be determined by the State of the Companys Affairs at the different Presidencies

128. Fort St George 5th Jany 1780

the Governor General & Council or the Presidents &
Councils at the other Settlements, making the
necessary application to the Commander in
Chief, that he may, equally with themselves
convinced of the necessity of such removals. Vin that
case. that a proper Representation be made from
the Presidency where the Service of the Troops
are judged requisite, to the Presidency where
at the time they may happen to be stationed
that effectual Measures may be taken to
convey them with all expedition.

At this time I apprehend it
would be highly improper to divide the 73d Regt.
into Detachments for having sent a large part
of the Company's Troops to Surat. The Regiment
now forms our Principal Force, & tis impossi-
ble to say in the present situation of affairs,
whether any attempt may or may not be made
to disturb the Tranquility of the Carnatic. The
Regiment I understand is entirely composed
of undisciplined Recruits, and I am persuaded
if they are not allowed to continue on one com-
pact Body, and to act together, wherever the
Publick Service may most require their assis-
tance, the Intent of sending them to India, for
the protection & defence of the Company's Possessi-
ons, will be in a great measure frustrated. Where
certainly never was a time more Critical than the
present, or that required greater Caution on Account of
the unsettled State of the different Country Powers.

129. Fort St George 25th Jany 1700.

The other Members of the Committee agree in opinion with the President, except General Munro, who thinks that Sir Eyre Coote should be indulged with a Body Guard.

The President delivers in the following Letter and Report containing what past between him and Lord Mc Leod, on the subject of the Return of his Majesty's Troops now in the Garrison.

Copy. Fort St George 25th Jany 1700

My Lord.

The President Letter & report containing what past between him & Lord Mc Leod on the subject of his Majesty's Troops

Nothing can be more repugnant to my Wishes, and feelings than to enter into any Sort of Controversy, to stand upon unnecessary punctilio, or to asserte an Authority I do not think myself justly entitled to. The Rules & Orders of War so clearly define the Power of a Governor within the limits of his own Garrison That without surrendering up my just, & undisputable Claim, it would be a Measure quite Novel and unprecedented to admit a Body of Troops into the Garrison of which I am by Commission & by Governor without requiring a Return of them, & it will therefore be absolutely impossible out of my Power to take the necessary Measures for quartering your Lordships Regiment, supplying them with Provisions, or in short any other Step for their Health Accommodation or Convenience, unless I receive a regular Return of their Numbers & in case of refusal

the

130 Fort St George 3d Jan.y 1760

will not be answerable for the Consequences. I believe this point was never before contested for I can produce to Your Lordship a Book of Returns of this Garrison when different Corps of His Majesty's Troops were acting in it during the last War, by which it will appear to Your Lordship that Returns of them were regularly made Indeed it appears to me impossible that His Majesty's Instructions of which I have a Copy transmitted to me Can be complied with, where his Troops are to act jointly with the Company's for the Support & protection of their Possessions, if such a Distinction Should be made. When Colonel Aldercron was Commander en Chief in India, unfortunately some Disputes happened between him and the Company's Governor Mr (afterwards Lord) Pigot, upon their being referred home Col. Aldercron received from the then Secretary at War by Command of His late Royal Highness the Duke of Cumberland, directions in Consequence, of which, the enclosed Paper contains an Extract

It gives me infinite Concern, my Lord, that there Should even be a Semblance of a difference on this Matter persuaded that Your Lordship is desirous of preserving the utmost Harmony, & Cooperating with the Principal Servants of the Company for the benefit of their employers, & the Prosperity of the British Nation — I most sincerely assure Your Lordship they are Objects I have so much at Heart, that every endeavor shall be used on my part to promote them, and at the same time to shew every Attention and honor

131. Fort St. George 31st Jany 1780

to the Troops of the Crown but in doing that I should deem myself highly Culpable was I to surrender up a Fleet so essential

I have the Honor to be, My Lord

Your Lordships most Obedient & very humble Servant

(signed) Tho.s Rumbold

Fort St George 26th Jany 1780

On the 24th Instant, I waited upon the Right Honorable Lord Macleod, by order of Sir Tho.s Rumbold, to acquaint his Lordship that as Governor & Commander in Chief of the Troops in Fort St George for which he had a Commission from the Company, Sir Tho.s Rumbold had expected a Return of His Majesty's 73d Regt of Foot, under his Lordships command, which composed a part of his Garrison. That he supposed his not having received it, proceeded from the business, in which the Regiment had been engaged since its Arrival, but that he now desired his Lordship would make a Return to him as soon as possible.

Lord Macleod desired I would inform the Governor, in answer, that upon his arrival, he had ordered a Return of the Regiment to be made out for him but that, at that Instant, a written Order from Lieutenant General Sir Eyre Coote, was delivered to him, which Order forbad his Lordship from Making the Return which the Governor had required. That he should write immediately to Sir Eyre Coote upon the Subject, & that in the mean time he hoped

could in the least affect the good harmony which his Lordship trusted would always Subsist between him and this Government.

In Consequence of this Reply on the part of Lord Macleod the Governor directed me to wait upon his Lordship the Day following with a second Message but as the purport of it is particularly explained in a Letter which the Governor wrote to Lord McLeod afterwards upon his Lordships Desire of having his Sentiments Communicated to him in this Manner, I beg leave to refer to that Letter for an Account of the Message which I carried to Lord Macleod previous to its being sent. The Answer which his Lordship gave to it thro me Verbally, was that he should in Consequence send a Return of his Regiment to the Governor, which was accordingly done

Wm Sydenham
Town Major

Minute

The Committee taking into Consideration the President's Minute entered in the Committee relative to raising an Establishment of Sibbendy for Tanjore & being of opinion that the Plan should be adopted & that one Officer of the Rank of Captain be appointed to Command the whole it is resolved accordingly & that Capt.n Burrowes now Adjutant General be appointed to the Command & that Capt.n Henry Macleod be appointed Adjutant General in the Room of Captain Burrowes with the nominal Rank of Lieut Colonel.

Read the following Letter from Col.

133 Fort St George 3rd Jany 1790

To the Hönble Sir Tho.s Rumbold Bart
President &c.a Select Committee

Hönble Sir & Sirs

From Colonel James

My anxiety to see the Corps of Artillery
very fast on that respectable footing, its consequence to the Service merits has hitherto prevented me making application to you on a subject which essentially concerns myself

When Col. Braithwaite, who was a young Major when I was Lieut.t Colonel, obtained rank of me by going home, I was not insensible to the feelings which must impress every Military Man on being superceded, or deprived of advantages Length of Service entitle him to. the most galling and disquieting circumstances that can happen to an Officer; but the Appointment being made by the Court of Directors, I submitted to it without complaining Yet as they through misrepresentation, or for want of information, may form mistaken notions of their officers; & being press'd by those who go home to push their Interest be induced to make more Appointments of the like nature to the Prejudice of Officers, who with equal Zeal & abilities, remain in the Country and do the duty of the Army. I hope you will take into consideration my present situation in the service, the apprehensions I must have of being superceded in real rank by Lt Col. Harper Lt Col. Horne and others, and secure me against the injustice of such an event by granting me a Commission appointing me full Colonel Commandant of Artillery, and I leave you to Judge if twenty six Years services does not merit it, or, if its reasonable after serving so long that I should be subject to a

Fort St George 6th Jany 1780

supercession by Officers much Junior to me, and to whom I can by no means allow a superiority in Military Knowledge or Talents.

This will also be advantageous to the Corps I have the honor to Command, by removing the Idea of limitted Rank, which has hitherto discouraged young Gentlemen of merit and abilities from entering into it; tho' a particular exertion, may for a time raise the reputation of a Corps, it cannot be uniformly supported without being Officerd by Gentlemen of Education.

I have the Honor to be
Honble Sir & Sirs
Your faithful Obedt Servant
Edwd Jarres

Artillery Cantonments
St Thos Mount 7th Jany 1780

Ordered to lye on the Table

Mr Wm Sedgley late Paymaster at Atka having died lately at Ganjam Mr Matw Sutor is appointed Paymaster at Atka in his Room

" John Whitehill

Hugh Munro
Charles Smith

Fort St George. Febr 1700

Wrote the following Letter to Mr Holland.

To Mr John Holland

Sir

To Mr Holland ordering him to return informing him of the Arrival of the Squadron

We have received your Letter of the 16th January, also one enclosed from the Nizam, on perusing this last We do not find any reason to recoke the Order We gave you to return to the Residency. The Governor has written a Letter to the Nizam which is herewith transmitted, and We desire after you have delivered it that you will take your leave, & return to Madrass with all convenient Expedition.

We have the pleasure to acquaint you that Sir Edward Hughes is arrived with 6 Ships of the Line, 13 of the Company's Ships this Majesty's 73d Regiment of Troops. This large Reinforcement cannot fail of giving the utmost security to all our Possessions.

We are

Sir

Your most Obedient Servants

Fort St George
Febr 1. 1700

Tho: Rumbold &c
Select Committee.

The following Letters were written
To the Officer Commanding
at Pondichery

Sir

To Pondichery ordering the Embarkation of Capt. Walkers Batt &c

We have appointed the Ships Bess borough, Atlas and Duke of Grafton to carry Capt. Walkers Battalion of Seapoys, which is accordingly to be embarked on those Ships in the following proportions

136 Fort St George Febry 1700

		Black Officers & Men
Viz. On the Bristborough	5 Companies	390
Atlas	3 Companies	236
Duke of Grafton	2 Companies	150
		702

The Captains of the Battalions will of course embark with the five Companies on the Bristborough and the Subaltern Officers with their respective Companies.

We are

Sir

Your most Obedient Servants

Fort St George
D. Febr 1700

Tho: Rumbold Pres
Select Committee

P.S. We have given Orders to the Captains of the Atlas & Duke of Grafton to receive the Tents belonging to Col Borrowe's Detachment.

To Rawson Hart Boddam Esq
Chief & Council
of Surat.

Gentlemen

To Surat advising of the Embarkation of Capt Walker's Battation

We have ordered a Battalion of Seapoys under the Command of Capt. John Walker to proceed to Surat for the Reinforcement of Genl Goddard with 2 Howitzers. They are embarked upon the Ships Bristborough Duke of Grafton & Atlas, & we request that on their arrival you will take the necessary steps for enabling them to join Genl Goddard with all Expedition.

We are

Gentlemen

Your most Obed Servts

Fort St George
D. Febr 1700

137. Fort St George 4 Feb.y 1780

Thomas Rumbold Esq.
Select Committee.

P. We have sent by the Atlas & Duke of Grafton sundry Tents belonging to Col.y Browne's Detachment, which could not be taken by the Ships on which that Detachment embarked. You will be pleased to receive & forward them to Colonel Browne.

Friday the 4th

At a Select Committee Present
The Honble Sir Thos Rumbold Bt President
John Whitehill, Sir Hector Munro KB
Charles Smith.

Minutes of last Committee read and approved.

Conformably to the Resolution taken by the Committee on the 14th Ultimo a Minute then delivered in by the President, the following Promotions are now made.

Names.	Present Rank	Intended Rank	In whose Room
Brathwaite abs. det. of last year just arr.d in Bay Ship Sovereign	2 Cadet	Ensign	To complete to rank from the 18th July 1780
John Sinclair	Brevet Ensign	Full Ensign	Ditto ... do ... 20 July 1779
Nich.s Bruce	Ditto	Ditto	Ditto ... 21 do
John Reid	Ditto	Ditto	Ditto ... 22 do
James Burn	Ditto	Ditto	Ditto ... 23 do
Thos Bowser	Ditto	Ditto	Ditto ... 24 do
Barry Close	Brevet Lieut	Full Lieut	Richard Graves Deceased 25th Dec 79
Wm Perry	Ditto	Ditto	Donald Campbell Lieut Eng.r 26 do
Sam.l Jacobs	Ditto	Ditto	Henry Toone do 27 do
			Tho.s Townsend do 28 do

Fort St George 4th Feby 1760

James Oram	Brevet Lieut	Full Lieut	Franc's Gowdie	in England	29 Octo.
Benoit de Boigne	Brevet Ens'n	Full Ensign	Tho's Bowser	made full Lieut	25 July
John McIntosh	Ditto	Ditto	Barry Close	Ditto	26
John Pearce	Ditto	Ditto	Wm Terry	Ditto	27
John Hurd	Ditto	Ditto	Saml Jacobs	Ditto	28
Jos. Hinchley	Cadet	Ensign	James Oram	Ditto	29
Arch Nash	Ditto	Ditto	Patrick Agnew	in England	30
Jos. Turner	Ditto	Ditto	Henry Smith Losby	Ditto	31
Dunbar	Ditto	Ditto	Charles Smart	Ditto	1 Aug
Willison	Ditto	Ditto	Tho's Brisbence	Ditto	2
Peter Moore	Ditto	Ditto	George Audrey	Ditto	3
Willm Dring	Ditto	Ditto	John Green	Ditto	4
Chas Fred Flaurnan	Ditto	Ditto	Gab'l Doveton	Ditto	5
John Robles	Ditto	Ditto	Chas Grant	Ditto	6
John Wallis	Ditto	Ditto	Chas Paxton	who never joined the Establish't	7
Geo Matt Baillie	Ditto	Ditto	Dyce	Ditto	8
John Mollison	Ditto	Ditto	John Barton	Ditto	9
Rob't Johnson	Ditto	Ditto	Wm Powell	Ditto	10
John Grant	Ditto	Ditto	John Garstin	Ditto	11
Sam'l Davis	Ditto	Ditto	Tho's Phipps	Ditto	12
Tho's Broughton	Ditto	Ditto	Jn'o Werton Poe	Ditto	13
Jos. Perkins	Ditto	Ditto	Jas Reid	Ditto	14
Wm Watson	Ditto	Ditto	Tho Clarke	Ditto	15
Servant Ens't	Ditto	Ditto	Wm Gallon	Ditto	16

The Cadets ordered to be divided between Vellore & Pondichery

X Resolved that all the Cadets lately arrived, be ordered to Pondichery & Vellore and divided between those two Garrisons as the Commander in Chief shall think proper, and in order that they may be instructed in their duty, the Commanding Officers of

of those Cantonments are to take care that they attend the Parade and mount Guard regularly with the Europeans.

an allowance of one rupee p Diem made to the Cadets

Agreed also as the Pay of a Cadet being only 5 Pagodas p Month is insufficient to maintain him and as the Cadets now arrived from their number are likely to remain unprovided for a considerable time that an additional Allowance of 1 Rupee p Day be given to each of the Cadets until they obtain Commissions.

Captn Woods Appointment of Town Major objected to by the President.

The Committee taking into Consideration the Para. of the Company's Letter of the 28th Novr with respect to the Appointment of Captn Bell Wood to his former Office of Town Major of the Garrison the President begs leave to mention that it is with great concern he finds himself under the necessity of voicing the smallest Objection to any Order of the Court of Directors but to remove the present Town Major Captn Sydenham who has hitherto acted not only to his Satisfaction, but he has Reason to think to the Satisfaction of the whole Settlement, would be doing a great Violence to his own feelings. That the Appointment to the Office of Town Major was by the Company's military Instructions left solely to the Governor, and tho' the Honble Court in their Letter say that they do not mean in future to deprive him of the Privilege of nominating his own Officer; such a Declaration will not remove the Difficulties under which he hopes his Conduct has not operated. That he shall be very ready to pay Attention to the Recommendation of Captain Wood in any other Line. but hopes he

which he at present labors

shall be indulged in the present case by the Continuation of the Officer who now holds the Office of Town Major

Agreed that the foregoing Representation of the President be communicated to the Honble Court of Directors.

Read the following Letter from Colonel James Caspers

Honble Sir & Sirs

From Col.l Caspers complaining of being neglected by the Company

All the Ships of this Season being now arrived & no mention made of one in any of the General Letters; I think it incumbent on me to account to you for the Cause of my returning to this Country without bringing Orders with me from the Court of Directors for my Reinstatement in the Service. The Reason of their present Neglect of me, is beyond my Comprehension; instead of such severe Treatment, I expected to receive some distinguished Mark of their favor.

On the 26th August 1770. Serjeo. Hornbuckle, Lieut.t Jones, and two Dewayons composing a secret Committee of the Court of Directors applied to me to bring Dispatches by the Way of Bassora. As it was very inconvenient for me to leave England at that time, I at first declined coming, but being told by them it was on Business of great Importance, I considered it as a Point of Duty and agreed to take charge of the Packets provided they would first make some Alterations in my Office of Commissary General, such as I deemed absolutely necessary and without which, I was resolved to resign the Employ. The Secret Committee in answer to this Proposal told me that the suddenness of my Departure, and the Necessity

Fort St George 4th Febr 1780

there was of its being concealed would prevent their com-
-plying with my Request but if I would go satisfied with
their Promises. My Office should be properly arranged
and the Orders for it be transmitted to India by the ear-
liest Opportunity. These official Assurances satisfied me
from the 2nd of September I left England. sixteen Months
are now elapsed, and no Notice has been taken of one
in any Dispatch, either by Land or Sea

I am entirely at a loss what reason reason
to assign for this Silence of the Directors, they must cer-
-tainly either have forgotten me, or at least the Condetions on
which I came out, or perhaps they may have some se-
-cret Cause of Displeasure against me; which how-
-ever it is surprizing they have not thought proper
to mention. As an Individual I might very easily
escape their Remembrance, but I should imagine
the Importance of my Commission, mentioned in
my Instructions, must constantly remind them
of me; nor can I believe they have listened to any
groundless and malicious Insinuations of my Enemies.
I am convinced the Court of Directors are too just to Condemn
me unheard: Admitting even they have heard such
Imputations of my Character, as they deem indispu-
tably true, they would not in that Case suffer me to
remain in India, but order me Home as unworthy
of their future Protection

It is not impossible indeed they that
may have been misinformed of my Conduct on my
Journey & may think I loited away my time on the
Road. To Remove such an unjust Suspicion, it is ne-

-cessary only to observe that I arrived at Bombay in 5 Months, notwithstanding I was three times attacked on the Desert by the Arabs, & was obliged to go from Bussora to Bombay in an open Boat. The Pirates which infest those Seas, and the Inclemency of the Weather at that Season of the Year, rendered it a Voy-age of great Difficulty and Danger, but agreable to the Promise I made to the Secret Committee, I was re-solved to run all risques rather than hazard the Loss of any time in delivering the Packets.

When I came out in the Post of Com-missary General, the Honble Court of Directors were plea-sed to give me the Rank, and order me the Salary & Emo-luments of the Youngest in Council; which at that time, amounted to 1500 Pags ℔ Annum, a Sum as I am ready to prove, not much more than sufficient to pay the Rent of a ready furnished House, for a Per-son of that Station. The Consequence of which was that I suffered very considerably in my Fortune, for my necessary Expences greatly exceeded the Income allowed me by the Company. Believing I should be res-tored to the Service, and my Salary be augmented by Orders from Home this Season; I have also lived since this my last Return at the same Expence as others of the same Rank, which added to my former losses has more than deprived me of the little Remains of Fortune, which would have enabled me and my Fa-mily to return to Europe.

I flatter myself you will consid-cered by the earliest Opportunity to represent my case

143 Fort St. George 4th Feb.y 1700

to the Honble Court of Directors. who doubtless would do me Justice, and allow me some Compensation for my Losses. Let them order the severest Scrutiny into my Character, if it can be proved that I have ever neglected my Duty, or sacrificed their Interest to my own; I thus publicly declare I will not trouble them with any further Importunity

I am

Madras. 21st Jany 1700.

Honble Sir & Sirs

Your most Obed.t & faithfull Servt.

Jas Capsper

P.S. Enclosed I have the Honor of laying before you my Instructions from the Court of Directors

To be sent Home

Agreed that a Copy of the foregoing Letter be sent to the Court of Directors and the Case of Cd. Capsper particularly mentioned to them

Read the following Letter from Admiral Sr Edwd Hughes

Superb in Madras Road 3d Feb.y 1700

Sir and Gentlemen

From Sr Edwd Hughes for information relative to the Service expected from the Country

His Majesty's Ship Coventry being nearly ready to proceed for Bengal I shall be much obliged to you to furnish me with the Necessary Information as to the Nature of the Assistance you with her Commander should give for the Preserving the Communication to Europe by the Way of Suez, & likewise the time you wish her to continue in the Red Sea.

I propose Dispatching the Station to the River of Bengal, on Service relating to the

144. Fort St George 4th Feb.y 1780

Squadron, the instant She can be got in readiness, which I hope will be by Sunday next, as it is absolutely necessary she should return hither before the change of the Monsoon.

I am with great regard,
Sir and Gentlemen
Your most Obedient
and most Humble Servant
Edward Hughes —

To Sir Thos. Rumbold Bar.t Governor &c. & Council,
To which it was agreed to send
the following Answer

To Sir Edward Hughes Knight of the Bath Rear Admiral of the Red & Commander in Chief of His Majestys Ships in India.

Sir

We have had the Honor to receive your Reply thereto.

Letter of the 3.d Inst and requesting we would furnish You with the necessary Information as to the Nature of the Assistance We wish the Commander of the Coventry should give for preserving open the Communication to Europe by the way of Suez & likewise the time We wish her to continue in the Red Sea.

We are of opinion that as the Communication with England by the Way of Suez has lately been interrupted on account of the Trade carried on by Individuals contrary to the orders of the Porte, it may be proper to write to the Sheriff of Mecca and to the Bey at Grand Cairo, informing them that every proper method has, and will be taken to put a stop

to this trade, and as the Government and East India Company wish only to preserve the Communication open on account of their Dispatches, they hope and trust that no interruptions will happen in future, to the free Conveyance of such Packets as may be sent by that Route.

With respect to the Instructions to the Commander of the Coventry. We think he should not remain at Suez longer than the 10th. August. As to the time of departure he may be regulated by such Advices or Dispatches as may come from England. If there be reason to think there may be duplicate Packets for India it may be proper that he should either remain himself, or leave the Nancy Pelch to convey the Duplicates. But if any material Dispatches come from England. We think it might be proper that he should come himself with them, and leave the Nancy for the Duplicates

We are obliged to you for the Information relative to the Fortune.

We have the Honor to be

Sir

Your most Obedient Humble Servt

Thomas Rumbold Jr.

Select Committee.

Fort St George
4 Febry 1780.

Mess. Wordsley & Shipley to take Charge of a Packet for the Company Vizt

The President acquaints the Committee that Mr James Wordsley lately Secretary to the Nabob is desirous of going home by the Way of Suez, and has offered to take charge of any Packets they may have to send to the Company. He also in-

Company

146 Fort St George 4th Febry 1700

forms them that Ensign Willm Shipsey one of his Ad de Camps has requested through him leave to go home on Account of his private Affairs, and he (the President) recommends that Mr Wooley & Mr Shipsey be jointly charged with Dispatches to the Company, which is approved and a Letter to the Court of Directors is ordered to be prepared accordingly.

"

John Westcott

Elihu Yale

Charles Smith

147 Fort St George Febry 1780.

We Dispatched the following Letter to Bombay.

To the Honble William Hornby Esqr.
President & Govr &c. Select Committee
of Bombay.
Gentlemen

To Bombay on the posture of affairs. Sir Eyre Coote arrived 18th Feby

We have received your Letter of the 2nd January with the enclosed Papers of Intelligence

If Hyder Ally has taken or means to take part in the disputes with the Nairs We apprehend it must be from some provocations real or pretended that have been given him by the Gentlemen at Tellicherry in Which we are the more confirmed by our Letters from Col. Brathwaite when at Mahé. We have no subject of differ-ence with him nor that would induce him to take such a part, and We particularly ordered Col Brathwaite when at Mahé to interfere in nothing relating either to Hyder or the Nairs. Hyder's Conduct at present depends very much on the transactions with the Marhattas. A peace with them would have kept him in awe & delivered us from every Idea of troubles from that Quarter but it will be difficult to say what line he may pursue now that the Negotiation with the Marhattas is at an end and Hostilities commenced, for We suppose it must be known to You that a Treaty has been concluded between the Marhattas & him with the view of encreasing our difficulties, and that the Nizam has been from the Beginning of these disputes directed solely by the Influence of the present Powers at Poonah.

You express your Wishes that at this time We may be full and unreserved in our politi-

-cal Correspondence. Hitherto We are not sensible of ha-
-ving omitted to give you every Information that was
necessary, and our duty to the Company will certainly
incline us to continue these Communications without
reserve. Upon this principle We deem it expedient
to give it as our Opinion, that a War at this time may
unite against us all the principal Powers of India, &
when it is considered that We have an Actual War to
sustain against the two greatest Powers of Europe We
think a Peace with the Marhattas is a safer & more De-
-sireable upon almost any Terms than troubles which
threaten so many dangers. For our own part setting
aside the Evils which present themselves from War at
this juncture, We do not see from whence the Company are
to derive Resources sufficient to manage Undertа-
-kings of such great Magnitude.

For these reasons We sincerely
hope that every consistent endeavor will be used to
bring about a Peace. We flatter ourselves from your
exertions joined to those of General Goddard that an
Event so much to be wished may speedily take place;
We should have been obliged to You if you had acquaint
-ed us with the Terms that were proposed to the Ma-
-rhattas & the Terms on which they were willing to
come to an Accommodation. These particulars could
have been very satisfactory & We request you will
communicate them to us as soon as possible.

You will have been informed by
our Letter of the Ultimo (a Duplicate whereof is
is now transmitted) what Reinforcement We had

149. Fort St George. Feby 1780

determined to spare Genl Goddard's Army. A Compleat Battalion of Europeans & a Company of Artillery went to Surat by the Seahorse, Worsendon & Morning Star and We have ordered the Battalion of Seapoys We proposed sending to be embarked on the Bellborough Atlas & Duke of Grafton for Surat —

&c.

Should Capt.n Montgomery by proceeding in consequence of our Orders directly to Surat be unable to fulfill his Engagements exactly to the time with respect to the delivery of his Ship to You. We request and hope that such failure may be of no detriment to him, as the Public Service only will be the Occasion of it

We have the pleasure to acquaint You that Sir Edward Hughes with 6 Sail of the Line arrived here the 18.th Ulto. together with several of the Company's Ships as per List enclosed & a Battalion of His Majesty's 73.d Regiment.

We are

Gentlemen

Your most Obedient

Humble Servants

Thomas Rumbold &c

Select Committee

Fort St George
9.th Feby 1780

Monday the 7.th

At a Select Committee Present

The Honble Sir Thos.s Rumbold Bt. President

John Whitehill Sir Hector Munro KB

Charles Smith.

Minutes of last Committee

read and Approved.

Fort St George 7th Sebr 1780

The Committee having fully & maturely weighed the Case of Brigadier General Stuart & the several Orders of the Company respecting his Trial by Court Martial now proceed to deliver their Sentiments on the Subject.

The Company's Orders regarding General Stuart taken into Consideration

Upon the Arrival of Sir Edwd Hughes's Fleet with Lord Macleod & the other Officers of His Majestys Troops, the Committee entered on the Consideration of the several Paragraphs of the Company's Letter of the 23d Decr 1778 which contained their Instructions for the Trial of Brig Genl Stuart, with the fullest Intention of executing them to the utmost of their abilities but the Committee candidly confess, that when they came to compare their former Difficulties relative to this Trial, with those Instructions & the opinions of Counsel which the Company had taken for the purpose of solving their Doubts the Committee found the Subject by no means freed from Embarrassment & it appeared evident to them, that they could not under this Circumstance, without Censure & perhaps without great personal hazard take upon themselves to form and prosecute the Charges, which seemed to arise upon the Case of that Officer. The Grounds of this Opinion shall be fully & clearly stated.

In the Company's Letter of the 4th July 1777 which first directed the Trial of Brig Genl Stuart by a Court Martial, they say "But notwithstanding "our before going Orders for appointing a Court of Enquiry "into the Conduct of Colonel James Stuart, preparatory "to his Trial by a Court Martial, yet from the Nature,

" of this Offence. We are not certain whether it comes under
" any one of the Articles of War, or that he can be tried by a
" Martial Law. For that Reason We direct, in order to shew
" our Disapprobation of his Conduct in arresting &im-
" prisoning the Person of our President & Governor that
" his Suspension from our Service be continued & that
" he be ordered to return to England by the first pro-
" per Conveyance.

The Reply of the President & Council to this Instruction is dated the 11th March 1780. They therein write "Upon considering the Orders above quoted "We are under no small degree of "Concern & Embarassment from the Doubt expressed "by You in the 53d Para relative to the Propriety of a "Measure concerning which in the preceding Para "You seem so clear & determined We cannot help "on this occasion intimating our Wish that with "all the advantages of obtaining the clearest & most "precise Information You had been pleased to send "us the nature of the Doubts which occurred; more "especially as the Case was so extraordinary & unpre-
-cedented & the Questions involved in it such as "no Authority in this Country can properly decide."

The President & Council then stated some of the principal Difficulties that occur-
-red to them. In particular they said "In order to
determine whether or not Genl Stuart's Con-
-duct be criminal in the Eye of Martial Law
it became necessary to consider the legality or ille-
-gality of the orders & authority by which he

acted & this was a question which We could not take upon ourselves to decide, particularly after the Doubts You had expressed relative to the Trial. They also observed that upon a Question stated to Genl Munro Whether the Conduct of Brig.r Genl Stuart in arresting Lord Pigot by Virtue of an order from the several Gentlemen, under whose Authority he acted came under any Article of War. Genl Munro replied that "Brig.r Genl Stuart having arrested the Person of Lord Pigot out of the Garrison of Fort St George is not in his opinion an offence which comes under any one Article of War &c.

These were the most material Points mentioned in the President & Councils Letter of the 11th March 1778. but as that Letter is full & particular on the Subject of their Embarrassments the Committee beg leave to refer to it.

The Honble Court of Directors are pleased in Reply to this Letter to write as follows viz.t "We have duly attended to your Representation of Difficulties, which occurred in consequence of our Orders concerning Col. James Stuart, & are extremely sorry to be obliged to acquaint you, that although We have taken the Opinions of the Law Officers of the Crown & of other Eminent Lawyers in Consultation upon the Case of Col Stuart. We do not find our Doubts totally removed, nor the Subject freed from Embarrassment by those Opinions

The Question stated for the Opinion of Counsel "Whether the order of a Majority

153 Fort St George 7th Feby 1790

of the Council was a Sufficient Warrant & justifica-
tion for Col Stuarts Conduct & will it protect him
as a Military Man from a Charge of Mutiny

The answer given to the above
Question is in the following Words Viz.t

The order does not appear to
us sufficient to justify the Imprisonment of
Lord Pigot if the Persons concerned were to be ques
-tioned for it in the ordinary Courts of Justice but
whether the Conduct of Col Stuart in executing
that order can or cannot subject him to a
Charge of Mutiny, depends upon Circumstan-
-ces of which We have no proper Information
& it will not follow as a necessary Consequence
that the Illegality of the order will subject the
Officer to a Charge of Mutiny.

The Hon.ble Court then goon
to say "As We are not able to discover that any Cir-
-cumstance hitherto come to our Knowledge &
which could convey proper Information has
been omitted in stating the Case of Col Stuart
We are not able to amend it, but find ourselves
reduced to the necessity of replying to your
Letter without further help from legal Opinions
And upon reconsidering this intricate Subject
in every Point of View before us. We are inclined
to believe even from the Reasons urged by Brig.r
Gen.l Stuart himself, that Trial by Court Mar
-tial is the most equitable & therefore the most
eligible mode of deciding thereon

Fort St George 7th Feby 1780

They then directed in general Terms that he be tried upon the 2d 3d 4th & 5th Articles of the 2nd Section of the Articles of War, & upon any other articles against which he may be supposed to have offended. The four Articles here referred to, all go to the Charge of Mutiny, but the great Question to whom the Question above mentioned was proposed say "That it does not follow as a necessary Consequence that "the Illegality of the order by which Brigr. Genl. Stuart acted, "will subject him to a Charge of Mutiny."

This answer perplexes the Committee a good deal. The Company observe that in stating the Case of Brig-Genl. Stuart, they had not omitted any Circumstance that had come to their Knowledge which could convey proper Information. They had then before them every Fact & every paper that related to this affair. The Counsel in their answer to the Question stated to them say "But whether the "Conduct of Col. Stuart, in exceeding that Order can or can "not subject him to a Charge of Mutiny, depends upon "Circumstances of which We have no proper Information"

The difficulties remain they thereupon

If then every Circumstance were stated to the Counsel that had come to the Knowledge of the Company touching this Case & the Counsel saw nothing in the Information laid before them which could properly subject Brigadier-General Stuart to a Charge of Mutiny, how or in what manner is such a Charge to be formed. The Court of Directors in the Instructions for holding a Court Martial have not given the Committee a specific Charge to prosecute upon. They direct only that he be tried upon the 2nd 3d 4th & 5th Articles of the 2nd Section of the Articles of War & upon such other Articles against which he may be supposed to have offended

but they leave it to the Judgement of the Committee to form the Specific Charges & having so done the responsibility of the Measure rests almost entirely upon the Committee, without any clue to guide them thro' the Embarrasments which they formerly stated - & which are rather encreased than diminished by the Opinion of the Law Council. For those Gentlemen have taken away from this Case the Point upon which the Committee conceived the Conduct of Brig.r Gen.l Stuart in a military view to rise chiefly turned, namely the Legality or illegality of the Authority by which he acted. I have given them nothing to go upon in, its Form, since they declare "that whether his Conduct in executing the Orders can or cannot subject him to a Charge of Murder, depends upon Circumstances of which they have no proper Information."

As the late Lord Pigot was arrested at the distance of half a Mile beyond the Walls of the Garreson, a natural Question arose which the President and Council stated in their Letter of the 14th March 1778 relative to the Extent of this Command as Governor of the Fort. Gen.l Thomas's Opinion upon that subject which the Committee have already recited, declares that the arresting Lord Pigot out of the Fort, was an act which did not come under any one Article of War. This is a Point which seemed to the Committee material to have been ascertained, but the Instructions from the Court of Directors & the Opinions of the Counsel are quite silent on the Subject.

Another Source of Embarrasment

Fort St George 7th Feby. 1780

to the Committee on this occasion proceeds from Brigadier General Stuart's having been suspended from the Company's Service, & continued in that state of Suspension, upon which by the orders of the Court of Directors he can only be relieved in the Event of an honorable Acquittal by a Court Martial. His pay & allowance also they direct ceased from the time he was so suspended this Service, & they positively direct that he shall not receive any allowance on their account for any part of the time he has remained, or shall remain under Suspension, except by the express order of the Court of Directors to be first signified for that purpose.

Whether a Suspension from the Service under which Brigadier General Stuart has so long remained be considered as a Punishment for his Conduct, the Committee cannot pretend to say, but they think it may admit of great Doubt at least, if it be not certain, in that Predicament without Pay or Advantage, of any kind from the Company, he is not within the Cognizance of Martial Law, & that his Request to be tried, accompanied by the strongest Indemnification he can give to the Committee with regard to the Consequence of a Trial, will not justify them in bringing him to a Court Martial, under these circumstances, upon Charges which may affect his Life. The Case of Lord George Sackville, who was dismissed the King's Service, & afterwards tried by a Court Martial, is not as the Committee conceive in point.

The Court Martial on Lord George Sackville was scarcely looked upon as any thing more than a Court of Enquiry given him in order that he

Enquiry

Scar

Fort St George 7th Feby 1780

might have an opportunity of clearing his conduct
His late Majesty had previously dismissed him the
Service, and it appears to have been a condescension
in His Majesty, at the request of his Lordship, to suffer
a Court Martial to be held after he had himself given
Judgement upon his Offence. The King in this case
granted the Court Martial. The King had it in his pow
er to approve - disapprove - suspend - or remit the
Sentence as he thought proper: and it appears highly
probable in this peculiar case, that if the Sentence of
the Court Martial had prescribed a Capital Punish-
ment, or even any Punishment greater than that which
His Majesty had already inflicted by dismissing him
the Service, such a Sentence would have been wholly
or in part remitted. But in the case of Brig Gen Stu-
art the Committee who are instructed to form the Charges
against him have no Power over the Sentence which
might be pronounced on those Charges by a Court Mar-
tial. That Power would be lodged in the Officer com-
manding His Majesty's Troops, who now possesses the
Authority of granting and approving all Courts
Martial. Were the Committee therefore to bring any
Charges against Brig. Gen. Stuart, which might
possibly tend to affect his Life and a Sentence of Capi-
tal Punishment should follow, they would not be
justified. They apprehend for any illegal Proceeding
on their part by the circumstance of his Requesting a
Court Martial & promising to indemnify them from
all Consequences. But supposing Brig. Gen. Stuart
to stand in the same Predicament as Lord George

Port St George. 7th Feb.y 1780

Sackville with respect to his being out of the Service & —
deprived of his Allowances Supposing the Committee
had the Power of approving, disapproving, or suspend-
ing any Sentence that might be given on his case by
a Court Martial. Still under these Circumstances
their Situation would be extremely perplexing for they
have not the Opinion of the great Law Officers which
was taken in the Case of Lord George Sackville, to guide
them, nor any Authority of sufficient weight to which
they might have recourse, in solving their Doubts
upon any Points whatsoever. When these Considerations
are added to the very uncommon Situation of Brig.r
Gen.l Stuart the nature of his supposed Offence & the
Difficulties that arise from the Opinions of the Law
Counsel upon his Case, the Committee hope Stuart they
shall be excused the Task of forming Charges against
him upon their own Judgement & particularly when
it is considered that upon some former References
made to the Court of Directors by the President Coun-
-cil in their Judicial Capacity, the Court were pleased to
write as follows "But notwithstanding any thing that
"We now say, or may say hereafter relative to the Proceed-
"-ings of the President & Council or the Mayor's Court the
"Gentlemen who fill these Departments should be informed
"that what we say in matter of Opinion, & that it is by their
"own Judgement they are to stand or fall" So with this De-
-claration before them, were they Committee to form any
Charges against Brig.r Gen.l Stuart & bring his Conduct
to a judicial Enquiry upon those Charges, the Instruct-
-ons from the Court of Directors for a trial being only

159 Fort St George 7th Feby 1782

general & containing no one specific Charge of Accusation for them to proceed upon they should Dread be screened as they apprehend by those Instructions from the Severences of any Irregularity in their Proceedings or the want of any Substantial Form in wording or supporting the Articles of Charge they might frame against him. Indeed the Committee should not expect in this Standard fall by any other Judgment than their own & therefore is that they think it necessary to be extremely cautious to see their way clearly in a matter of so much Importance.

The Committee have been from the beginning & still continue heartily disposed to fulfill the Company's Intentions & Brig.r Gen.l Stuarts own wishes respecting his Trial but to what purpose should they act when the several Difficulties by which they were obstructed on the receipt of the first Orders from the Honble Court of Directors on this subject are yet unremoved & when the Counsel to whom the Honble Court refer the case of Brig.r Gen.l Stuart, took every Information concerning it, express themselves so doubtfully on the Subject, as to leave it still undetermined, whether his conduct can or cannot subject him to a Charge of mutiny. The Committee would also suggest on this occasion & they think upon good grounds whether in the peculiarity of Brig.r Gen.l Stuarts Situation, his being in a state of Suspension from the Service & out of pay, and his supposed Offence being so unprecedented, & involving questions of a very nice nature, which have not yet been decided, whether under such circumstances

were they to carry the matter to a Court Martial, the Members of that Court, might not probably feel themselves under the same Embarrassments that the Committee experience. & if so the Committee ask whether the Intentions of the Parties concerned in this Trial, would not be in a great measure frustrated. & whether Brig.r Gen.l Stuart himself under his present anxiety for a Speedy, full and candid Trial would not have ample Reason to wish that the Subject had been withheld from a Court Martial, until it were clear'd from Embarrassment in a Course less likely to go before this Tribunal.

The Difficulties to be stated to Gen.l Stuart.

For all the foregoing Reasons & particularly those which are grounded on the circumstance of Brig.r Gen.l Stuart's being under a State of Suspension, & without Pay, the Committee are of opinion, that many & insurmountable Difficulties stand in the way of their proceeding against him in the manner required by the Honble Court of Directors However in order that Brig.r Gen.l Stuart may have an opportunity of replying to the two principal Objections above mentioned it is resolved to state them to him in a Letter which is ordered to be prepared & forwarded as soon as possible

" John Westcott

Hector Munro
Charles Smith

165. Fort St George 4th Febry 1780

The Board Wrote the following Letter to Brigr Genl Stuart

To Brigr Genl James Stuart.

Sir

We have met several days on the subject of the Companys Orders of the 23d Decr 1778 relative to your trial by Court Martial. We have taken up the whole Matter with the view of executing their Orders to the utmost of our abilities, but we are sorry to say that such Difficulties have occurred to us as we fear insurmountable. We shall here state some material ones for your Information, it being our desire to afford you every possible satisfaction in any Affair which so nearly concerns you.

To General Stuart

It is not our Intention to dwell in this place upon the Imperfections (as we conceive) which still exist in the general Instructions for a Trial, and in the Opinions of the Counsel which have been transmitted for our Guidance, but to confine ourselves to two points, arising from the Peculiar Circumstances in which you at present stand in consequence of the Companys orders, which of course come under our Consideration.

The first point is, that the Suspension from the Service under which you remained by virtue of the Companys Orders of the 11th June 1777 was continued for an indefinite time in consequence of their orders of the 5th July 1777. Their Suspension has not yet been taken off, and the Court of Directors expressly say in their Letter of the 14th April last year, that your Employment in the service again is to depend on the Event of your Honorable Acquittal by

Fort St George 11th Febry 1780

a Court Martial.

Secondly. The pay which we ordered to be continued to you in consequence of your request and upon your undertaking Bond to be answerable for the Amount, in the Measures were disapproved by the Company, was struck off in September last in consequence of their Orders dated the 23d Decr 1778 wherein they write as follows Viz.t "Whatever "be the sentence of the Court Martial to be held on Brig.r "Genl Stuart, or any Officer in consequence of the late "troubles, you are to observe, that the Pay & Emolu- "ments of every such Officer ceased immediately "at his suspension from the Service, and that even if "Sentence of Acquittal shall be passed by the Court Mar- "tial, no Suspended Officer shall receive any allow- "ance on the Company's Account for any part of the "time which he has remained or shall remain under "Suspension, except by the express Order of the Court of "Directors, to be first signified to you for that purpose

Being under Suspension from the Service by the express Authority of the Company & your pay & Allowances having likewise been stopt by the same Authority, we do not conceive you to be in any respect within the Cognizance of Mar- tial Law & we shall here beg leave in support of this Opinion, to cite the following Passages from your Letter of the 6th March 1778

"For truth Gentlemen I should "consider my being in England in a state of Suspension "as worse than dismission from the Service were there

Fort St George. Feby 1780

" no Remedy, but in ceasing to receive the Company's Pay
" and to be totally under their military Law, Incase
" to be in any sense of the Word in their Service" Again
" As who it is my most ardent wish to serve the Company
" without degrading myself, or being degraded, yet I
" add from the Nature of my present Case and Si-
tuation, that if from this Period I receive the Compa-
ny's Money, it is in order that I may legally be-
come the more amenable to their future Orders
to their Martial Law & to every Prosecution &
Trial in consequence of their Latest Orders received
" either by Mr Whitehill, or by the Presidency."

Thus circumstanced We apprehend We shall be under the necessity of referring this Matter back again to the Court of Directors.

We are
Sir
Your most obedient Humble Servts
Thomas Rumbold
Select Committee

Fort St George
8th Feby 1780

Thursday
10th Feby 1780

At a Select Committee Present
The Honble Sir Thos Rumbold Bt Presid.
John Whitehill, Sr Hector Munro KB,
Charles Smith.

Minutes of last Committee
read & approved.

Read the following Letter
from Brigadier General Stuart.

164. Fort St George 16th Feby 1780

To the Honble Sir Thomas Rumbold Bart
President & Governor &c. Select Committee

Gentlemen

Late in the Evening of Yesterday
I had the Honor of receiving your Letter of that days
From General Stuart date, and as I hear your Packet by Seez is about to be
closed, I hasten to communicate my Surprize, no less
than my concern after what has passed from the beginning
That any difficulty at all could possibly now arise
in your Minds, to prevent the immediate holding of the
Court Martial, especially after communicating to
me several Months ago, the positive orders of the Compa-
ny to that purpose. And after you had done me the
Honor lately to acknowledge the receipt of my Letter
dated the 13th January wherein I enclosed the Speci-
fication of Facts by me admitted as Legal Evidence
for my expected Trial.

The Special Communication into
Mr S. S Baine of the Company's orders as above, was
dated the 29nd of September 1779. So that if the Dif-
ficulties your Honor &c are pleased to state are not
now to be surmounted, but the whole matter referd
back to the Court of Directors, it will be found, that
by this very latest possible Communication I shall
have lost upwards of four Months to seek Justice
and Redress at Home. A grievance the more dis-
tressing, because no new Matter has occurred.
The whole was under your Eye upon Record, and
I thought even from my Sufferings for these Thirty
Months past, I had a sort of Claim to your earliest

Fort St George 10th Febry 1780

attention to remove those Sufferings by a decided Re-
solution and Communication of the Charge even
before Lord McLeods Regiment had arrived
The facts I avowed were brought forward by myself on
perceiving the Lapse of Time and on purpose to
remove a seeming Hardship or Difficulty which
I had heard made use of to prevent "That Your
"Honors should be employed by the Court of Direc-
"tors in forming the Charge against me." Those avowed
Facts appear to answer the Purpose of That Honble
Court as coming precisely within the Cognizance
of the four Articles of War particularly provided
by them

I had heard of the Officers who
were to compose any Court Martial arriving at
the Presidency I thought every Difficulty was got
over and until I had the mortification to receive
your Letter last Night, I really felt myself a hap-
pier Man than for some Years past

Affected as I am by the Contents
of that Letter; it is impossible for me at this late Hour
pressed by the Shortness of the time to go again over
all the Ground that I have already maintained &
which now after those latest Just orders of the Honble
Company I could with much additional Force
maintain, in order to prove "That it is contrary
"to Military Practice and Military Justice & to the gen-
"ral Principles of Equity, to Delay or in Effect to De-
"ny me a Fair Hearing and Trial before that Court
"which my Honble Employers with great Truth

" and properiety Emphatically diguaify by the Name of
" the Most proper Fortunal"

My Honorable Employers have done nothing towards me, either by the Suspension or by the Temporary Stoppage of Pay or Allowances which I now think a Hardship. I can even see a Justifiable Reason for their having done so. The Opinions of the Lawyers even if they were unsupposed doubtful in respect to others; did in no way affect my Situation as an Officer; or if they had it was my Business in my Defence by the Exercise of Plain Sense and not of Law to remove those Doubts from the Minds of my Military Judges and I am confident to be able to do it. In a Word, from my Heart, I have acquiesced & do acquiesce in every Measure hitherto taken by the Court of Directors concerning me. because by their orders I perceive that their Intentions are just and Honorable and if I who may be unsupposed the only Sufferer, am entirely satisfied upon this Occasion and have no Objection to the Line prescribed and by that Honble Court, I am really at a Loss to know why from any unsupposed informality, not Essential to the Main Business, there should be any possible Delay to the doing me that Immediate Justice which the Honble Court of Directors have been pleased to order.

The previous Points which Your Honor &c. more particularly seem to think attended with insurmountable Difficulty, are, That I have been & still am under Suspension. And that my future Employment in the Service is to depend upon my Honorable

should

167. Fort St George 10th Febry 1780

Acquittal by a General Court Martial. What is the Inference from thence may I beg leave to ask? And ought not every word of this very Objection or Difficulty to make, in Justice to my Arguments in my favor, by inducing your Honor &c to grant me my Right to be tried by my Peers, as the only means left me towards an Honorable Acquittal from any suspected Crime or wilful misconduct. the Reports of which might unfortunately have at first led to that Suspension? And since you are pleased Gentlemen to Mention the Letter of the 12th April 1779 I humbly conceive that it was the Intention of the Honble Court of Directors, that I should be prosecuted Officially of whatever they were pleased to say concerning me. This has not been the case. I have fortunately however had a Copy tho' not Official - and from that Copy I take leave to say, That their very favorable Opinion of my Conduct (exclusive of that part which they order to be tried) will ever fill my Heart with Gratitude, and if I survive the present Torment, I shall endeavor to shew my Sense of Gratitude by a steady Attention to the same Principles and Conduct which have met with their very Honorable Approbation. and I take this Opportunity thro' your Honor &c. to return my most sincere Thanks to the Court of Directors, for the peculiar Honor they have done me by the several Paragraphs in that Letter of the 12th April 1779. Which are indeed now become the principal Means of Support to my Spirits under this new Unexpected Punishment pressure -

The Court have likewise said, That after I should have been Honorable

by acquitted

168. Fort St George 16th Feby 1780

will be well satisfied that I remain in India as I have served in Military Command here, and after the Departure of Genl. Munro that I succeed to the Command in Chief upon the first Vacancy — But permit me to ask Gentlemen how is this to be effected if I am not allowed a Trial?

Does your Honor seriously think that because I am suspended and Voluntarily and Chearfully submit to it, You therefore cannot in that State put me under an Arrest thro' the Adjutant General or any other Officer, altho' I voluntarily & chearfully assent to that Measure also, as necessary & proper previous to any Trial upon the Evidence of Facts recorded or proved before the General Court Martial, I may be coming Gentlemen with? Such as a Military Man of some Experience & Observation. That your Honor &c. are informed if you think that such a Proceeding towards me would be either Exceptionable — Unformal or Un-Military On the contrary you will excuse me — if I not only request but demand it of You as an Act of Justice due to me I am told to assert. That were it ever otherways neither Injury nor Injustice can be done to the Man who willingly submits and the Mode of Proceeding, as in my Case, or who can be the only sufferer by it. and I did not I to suffer I leave this Paper with your Honor &c. in order to free you from all Blame. Penalty or Prosecution in that Event or on that Account.

The other Point where your Honor &c. are pleased to state a material Difficulty Regards the Pay & Emoluments stopped by order of the Company Independent of what must accrue upon the Face of

169 Fort St George 16th Febry 1780

this Objection, Your Honor &c as Individuals cannot have seen it fully answered in the case of Lord G Sackville, and I have particularly spoken to it in my Letter to The Honble President & Council dated the 16th of Febry 1778.

I assert that I am now in the Service of The Honble East India Company, I was called by them & by yourselves by a Military Title in that Service, I am subject to their Martial Law & I cannot leave their Service of my self, unless my Resignation is accepted of. This is totally independent of Money Matters, which, however was an Object of inferior Consideration, and I assert that to the Equity of my Employers. Nobody is concerned in this but myself. I have no objections to offer on that Head I desire and insist on my Trial taking place as an Act of Justice which the Court of Directors have expressly ordered to take Place. The Materials for the Charges are in your Possession and on Record & they may be taken from the Papers enclosed in my Letter Dated the 13th Jany last.

Your Honor &c have thought proper to give me what you are pleased to call a Relation from my Letter of the 6th March 1778 That Relation is (I believe by mistake) very incorrect on comparing it with the Original in my Possession. I shall shew this by placing the one opposite to the other

As cited by the Honble Committee

"In truth Gentlemen I should consider my being in England

My Words are

"In truth Gentlemen I would consider my being in England

179 Fort St George 10th Feby 1780

" in a state of Suspension as more than Dis-
" mission from the Service, were there no
" Remedy, but in ceasing to receive the Compa-
" nys Pay, & to be to Tally under their Milita-
" ry Law. I cease to be in any Service of the
" Word in their Service"

The rest is exact except
in one (immediate) Word.

" in a State of Suspension, as more than Dis-
" mission from the Service, were there no
" Remedy, but in ceasing to receive the
" Dismission, because in ceasing to receive
" the Company's Pay & to be locally under
" their Military Law, I cease to be in a
" Service of the Word in their Service"

Your Honor &c will perceive by com-
paring the above Citations, how by introducing the Word
(totally) any meaning has been totally annihilated, The rea-
soning which I still Adhere to, is, that were I to consent to
appear in England under Suspension, & did not receive the
Company's Pay, I could not be considered there as an Officer
Locally amenable to their Authority or to their Martial
Law, because they have no power of the sort in England, In
the following Part cited by your Honor &c. I only mention
as a Reason for my receiving the Company's Pay in this
Country, that it made me Legally the more amenable to
their future Authority —

But did I ever say or can it be in-
ferred from any part of my Correspondence at any time
with the Hble the President & Council or with your
Honorable Select Committee that I am not now amen-
able to the Company's Martial Law in their Country
and in every Situation whether under Suspension or
under Arrest, or even tho' I should be forced to borrow Mo-
ney for my daily Subsistence, or for the Hire of the House
I live in, during the Continuance of those Sufferings

present

Fort St George 10th July 1780

which I have hitherto endeavoured patiently & undaunted
in the Hopes & Expectation of Enjoying at last a Fair
Trial by my Peers: I say I never did, and I now declare
that I am at present willing to submit to the Hon.ble Company's
Martial Law: so much so, that with due respect
I now demand of your Honor &c to be tried by it, both
as a matter of Choice, and as a Matter of Right -

Wishing as I do Gentlemen by
every Argument in my Power to Induce you to Conform
to the Company's Orders & Intentions concerning me I can
not help in this Place putting your Honor &c in mind
"That upon the authority and Information of the Court
"of Directors, The Commons of England here by their third
"Resolution passed the 17th of last April, concluded, that
"I am to be tried in consequence of the Orders for that
"purpose sent to this Presidency, and therefore if the
"Matter is to be thrown back to the Court of Directors
"upon the Difficulties now Stated - It may possibly
"place the Hon.ble East India Company or their Re-
"presentatives in a very singular Predicament
"in the Eye of Parliament"

Let me also request leave of
Your Honor &c as a further Inducement to recon
-sider your Letter of Yesterday, to make my Appeal to
your own Feelings as Private Men when you recol
-lect every thing that has happened to me since the first
Notification of the Company's Orders, full Thirty
Months ago & in particular my Situation at this

172. Fort St. George 16th Feby 1780

from that very aggravating and painful circumstance, of my being hitherto kept out of my proper place & Rank in his Majesty's Service thro' Forms of Office under the Event of my Trial by Court Martial in this Country could be made known to the War office.

But if Unfortunately, the Argument or Reasoning on my part shall be found of force sufficient with your Honr &c to recommend the Difficulties as stated in your Letter of Yesterday. I must in justice to myself warn your Honr &c that I shall upon the whole of this Business appeal to my Sovereign & to the Honble the East India Company, by communicating the State of my case together with the Reasons which will then compel me to publish the general & particular Defence of my Conduct, after finding as I shall have done the Trial by Court Martial for the second time denied me. My advancing Years & the very probable Change in the State of my Health to be apprehended from so long a Period of future inaction in this Climate, together with the general Circumstances of the Times will not admit of longer Delay in Matters so materially affecting me.

What remains is to request of your Honr &c that this & every other Letter which I have had the Honr to present since the Notification of the Company's Orders in September last, may make part of the Packet, now to be sent Home and also. That you will be pleased to grant me Communication of such Parts of the Correspon-

dence

Fort St George 10th Febry 1780

-dence from this Presidency with the Honble the Court of Directors, whether now under Dispatch or already sent Home as concerns me to know, for the respective of my Cause, which have not hitherto been communicated to me. If there is anything of this sort, I trust your Honor & Council will see it as just and Reasonable, that I should have it in my power, if necessary, to make my Observations upon the same, before the Present Packet is closed.

Fort St George.
the 9th of Febry 1780.

I have the Honor to be
Gentlemen
Your most Obedient &
very humble Servant
James Stuart.

Genl Stuart having in the foregoing Letter made reference to the Opinion of the Judges on the Case of Lord George Sackville the following Letter is now written and sent.

To Brigadier General Stuart

Sir

I having mentioned in your Letter to the President & Council dated 16th Febry 1778 an Opinion of the Judges relative to the Tryal of Lord Geo. Sackville as applicable to your own Case. I am directed by the President & Select Committee to request if such Opinion, or if Lord Barrington's Letter to Lord Geo. Sackville dated 10th Sept. 1759 be in your Possession

To General Stuart to furnish the committee wt the opinion of the Judges in the case of Lord George Sackville

Fort St George 10th Febry 1780

that you will be pleased to favor them with a sight of them

Sir

I am, with Respect
Your most Obedient Servant
D. Baine Jr

In reply to the foregoing the following Letter is now received.

To Mr. D. Jr. Sy Baine

Sir

I have this Instant received your Letter of this Days date where you are directed by the President and Select Committee to enquire if I had in my Possession the Opinion of the Judges relative to the Trial of Lord George Sackville, mentioned in my Letter of the 16th Febry 1778 as applicable to my own Case.

From General Stuart in reply

In answer, I request that you will acquaint the President & Select Committee, that I have not the Opinion of the Judges there enquired — that I was informed they had been consulted, whose Particulars Province it was to give advice upon such Occasion, and that I apprehend whether the Judges or the Crown Lawyers gave their Opinions The Argument applies equally to my Case.

In the Introduction to Lord Geo. Sackville's Trial, it will be found "That His "Lordship applied to the Crown in order to have his "Conduct inquired into, and that the Lawyers were "of Opinion, That he was answerable & Liable to "a Trial. Lord George declaring, that he had no

But that I am very certain

Fort St George 10th Febry 1780

"Objection to it" Also "That the Judge Advocate Ge-
"neral declared That he had no Instructions
"on behalf of the Crown to make any Objections to
"the Proceeding upon the Trial Altho' Lord Geo.
"Sackville had at the time neither Military Em-
"ployment nor Commission under His Majesty"

You will please to acquaint the
President & Select Committee That I am not possessed
of Lord Barrington's Letter to Lord George dated
the 10th Sept. 1759.

I am
Sir
Your most Obedient
humble Servant
James Stuart.

Fort St George.
10th Febry 1780
Half past Noon.

The President then puts the fol-
lowing Question.

Question from the President. } Whether the Reply from Genl Stuart of Yester-
day's date to our Letter of the 8th has removed the
Difficulties that were stated in that Letter?

Mr. Smith — I think Genl Stuart's Letter has
not removed the Difficulties stated in our Letter
of the 8th.

Genl Munro's Mi-
nute. Genl Stuart has so far removed the Difficulties set
forth in the Letter to him of the 8th Instant from
the Committee by agreeing to make himself ama-
nable to Martial Law, how far he makes him-
self Legally so, it rests with the Committee to
determine Hector Munro

Fort St George
10th Feby 1780

Fort St George 16th Feby 1780

Mr Whitehill. I think not.

The President then puts the following Question to Gen.l Munro.

President. Before I give my Opinion I request that Sir Hector Munro will answer the following Question

Question

Whether if it be determined that the Tryal can go on, will Gen.l Munro assist in forming the Charges.

Gen.l Munro's Ans.r

In answer to this Question I must beg leave to observe, that my Situation in this case, is particular: As a Member of the Select Committee, I shall always be ready to give my Opinion (when required of them) to the best of my Judgement, for the Service in which I am employ'd But presiding myself at present empowered by act of Parliament to order the General Courts Martial that may be necessary to be held on the Coast of Coromandel during the Time I have the Honor to Command His Majesty's Troops employ'd in this part of India; and being authorized to approve of the Sentence of such Courts Martial, by Virtue of Powers vested by His Majesty in his Royal Sole Commander in Chief in India and by him delegated in due Form to me, I would wish for my own inward Satisfaction as well as to avoid the least Censure from Public Opinions, to be totally divested of any Concern as a Prosecutor in this Instance, So that I might be considered as Judging of the Sentence of the Court without Partiality, Favor, or Affection. And to be guided only by what I might observe in the Proceedings of the Court Martial.

I am sensible that the Gentlemen

Fort St George 10th Feby 1780

of the Committee will on due Consideration, feel the Delicacy of my Situation, and will acknowledge the Propriety of my Desire, not to be obliged to be assisting in forming the Charge. But if the Tryal is or is not to go on, merely on my Assisting or not Assisting in forming the Charge, or Charges against Brig.r General Stuart. I must then give way to my own Private feelings; and forced by Necessity, endeavor to fulfill the Disagreable Task imposed on me, desiring in that Case that Brig.r Genl Stuart may give under his Hand his Consent. That the Person who is to approve of the Sentence of the Court Martial, by which he may be tried shall also be assisting in forming the Charge to be brought against him, and Read the Answers & Objections to such mode of Proceeding.

Fort St George 10th Feby 1780. Hector Munro.

President's opinion

President. — I am of Opinion that Genl Stuart has not removed by his Letter the Difficulties We found ourselves under which were stated in our Letter to him of the 8th Instant. I will not take upon me to form any charges. I do not think myself justified in doing it. I will give my Reasons why I cannot proceed myself in bringing Genl Stuart to a Tryal. The Difficulties appear to me insurmountable. The Court of Directors have by no means answered Most Material Points. We Stated to them in our Letter of the 12th March 1778. I do not conceive that I should be justified in Acting under General Directions to form a Charge against any Man, and I can construe the 72d Pond.

178. Fort St George 18th Feby 1780

of the Commissary's Letter specifying the Articles of War upon which Genl Stuart is to be tried in no other Light than a general Instruction. They had every Paper & Record before them, that we are possessed of relative to this Business, they had or might have had the Assistance of Civil and Military Law & if they seriously intended the Trial should go on, they should have formed a Specific Charge. If the other Gentlemen of the Committee differ in Opinion from me they have it in their Power to go on. Such I beg to be excused giving any further Opinion upon this Business that what is contained in a Minute which I now deliver in. Whatever Hardships Genl Stuart has or may suffer they proceed from the Imperfections in the Order from Home as the Doubts and Difficulties with respect to Genl Stuarts Trial which were fully set forth to the Court of Directors in our Letter by the Kingston are in no shape removed —

President's Minute

As I deem it incumbent on me on Justice to Brigr Genl Stuart and in Support of the Opinion I give on the very important Subject of his Trial by a Court Martial, to enter fully into the reasons on which my Opinion is founded, I shall in the first place take notice of the most material points referd to the Court of Directors, in our Letter under date the 11th March 1778 p the Duke of Kingston, and then proceed to consider of their answers in their Letter of the 23rd Dec 1778 and of the Letters and Papers since received from Brigr Genl Stuart, a reference to these several Records I think, cannot fail to

Fort St. George 18th Febry 1780

shew the difficulties we are Environed and that the Hardships Brig.r Genl Stuart complains of, are not occasioned by this Government but from the Embarrassments the Court of Directors themselves met with, and their inability to decide with precision on the unprecedented case that came before them and so far from the Members of this Government being liable to that Censure with which Brig.r Genl Stuart seems inclined to treat them in the last letter received from him of the 9th Jany I am persuaded it will appear that they have behaved with uncommon indulgence towards him, in so much as to lay themselves open to the reprehension of their Employers. that they took the only measures that could give him a fair Opening for an honorable Tryal by Martial Law, and that, if there is room for Censure from the Genl it is not due to the Members of this Administration.

In the Letter from the Court of Directors for Bengal under date 4th July 1777. which first ordered the Tryal to be held on Brig.r Genl Stuart, in the succeeding Para to the one in which they order the Tryal. They write as follows.

"But notwithstanding our before going Orders, for "appointing a Court of Enquiry into the Conduct of "Col. James Stuart preparatory to his Tryal by a "Court Martial, yet as in the Nature of his Offence "we are not certain whether it comes under any "one of the Articles of War, or that he can be tried by

1800 Fort St George 16th Febry 1786

" Martial Law in that case we direct, in order to shew
" his disapprobation of his conduct in arresting & Im-
" prisoning the Person of our President and Governor
" that his Suspension from our Service be continued &
" that he be ordered to return to England by the first
" proper conveyance.

When in consequence of the direc-
tions received, the President and Council came to take
into consideration the ordering of a Court Martial
they found it impossible to go on, and in their Letter to
the Court of Directors, by the Duke of Kingston Dated
11th March 1778. they fully stated the difficulty's
that occurred, the most material are here Cited, tho'
the different quotations I shall be obliged to give will
lay me under the Necessity of extending any Minute
to an unusual length. Still it appears absolutely
necessary to bring into one View, the whole that has passed on
this disagreeable business, I shall begin the 6th Para
of the President & Councils Letter to the Court of Directors

" Upon considering these Orders
" We confess we are under no small degree of concern & Em-
" barrassment from the doubt expressed by you in the 53
" Para relative to the Propriety of a Measure, concerning
" which, in the preceeding Paragraph, seemed so clear & de-
" termined, We cannot help on this occasion intimating
" our Wish, that with all the advantages of obtaining
" the clearest & most explicit Information, you had
" been pleased to send us particular Instructions for
" our Guidance, or that you had explained to us the Na-
ture

181 Fort St George 16th Febry 1780

"ture of the doubts which occurred, more especially as
"the case was so extraordinary & unprecedented & the
"Questions involved in it, such as no Authority in this
"Country, can properly decide."

In the 7th Paragraph the President
and Council have expressly declared.

"That a Court Martial could not
"with propriety be held on the Conduct of Brig.r Gen.l
"Stuart until certain Points intimately connected with
"with the part he acted, in the Arrest and Imprisonment
"ment of the late Lord Pigot, be ascertained & deter-
"mined by unquestionable Legal Authority."

In the 10th Para. they proceed as follows.

"It was not here that any difficulty
"occurred. The Acts of arresting and Imprisoning the Per-
"son of the late Lord Pigot, were sufficiently clear upon
"Disapprobation of those Acts is strongly expressed in
"your late orders, but that Disapprobation does not
"make them offensive, in the Eye of Martial Law &
"no charge could be grounded upon it. In order to de-
"termine whether Gen.l Stuarts conduct be criminal in
"that View & before any charge could be preferred it be-
"came necessary, to consider the nature of the orders &
"the Authority under which he acted" again. "If that au-
"thority was clearly illegal, or the order illegal, the Ar-
"rest and Imprisonment of Lord Pigot by Military
"Force, may be deemed an Act of Mutiny, and the Persons
"concerned liable to be tried, by an express Article of War
"but we owe to you these questions appeared to us of so

Fort St George 18th Febry 1780

"Nice & important a Nature, that we did not think ourselves
"competent to form a Judgement upon them, with that Pre-
"cision, which was necessary to constitute a maintainable
"Charge against an Officer, for a Crime deemd Capital by
"Martial Law, it is true indeed that in the 1st Para of your
"Letter dated the 14 June last you were pleased to express
"yourselves in very strong terms of the Arrest and Im-
"prisonment of the late Lord Pigot calling it a total Sub-
"version of your legal Government, upon which we consider
"the doubts expressed in the 53 Para of your Letter of the 4th
"July, We could not but be of opinion, that they may in
"some degree have arisen from doubts concerning the
"legal Authority & Orders, by which the arrests were executed
"and under the Influence of this opinion, We thought it would
"not be only presumptuous, but improper & even dan-
"gerous for us, upon the Authority of your Judgement to
"found a Crime which might touch the Life, Character,
"or Fortune of any Man, and that even if we had gone
"so far, as to have prepared a Charge, & delivered it to a
"Court Martial, it might admit of a great doubt, whe-
"ther a Court of that Nature, were competent to decide
"upon a Case, which involved Questions relative to the Com-
"pany's constitutional Government so nice & so intri-
"cate as those, which have been before mentioned

Paragraph the 12th The Opinion of
Genl Munro is given in answer to a question stated to
him whether Brig. Genl Stuarts conduct in arresting
Lord Pigot came under any one Article of War.

Genl Munro answered that Brig.
Genl Stuart having arrested the Person of Lord Pigot

183 Fort St George 10th Feby 1780

"out of the Garrison of Fort St George is not in his Opi-
"nion an Offence which comes under any one Article
"in the Articles of War, entitled Articles for Mutiny Go-
"vernment &c &c

What I have here mentioned are
the most material Points stated to the Company, but
as the Letter is very full on other particulars relative
to the Subject, I beg leave to refer to the whole begin-
ning at the 4th Para and ending at the 15th I think be-
here necessary to observe, that all the Letters & Papers
given in by Brigr Genl Stuart, with his reasoning
& Acknowledgement of Facts &c and particularly his
Letter of the 6th March 1778 of which I shall have
occasion to speak hereafter, were at the same time
transmitted to the Company - It will now be necessa-
-ry to see in what manner the doubts & difficulty's
expressed by this Government are removed by the Com-
-pany's Letter of the 23d Dec 1778 and whether they
have drawn a clear Line, free from Embarrassments
for our Conduct, I do not mean by this to Reflect upon
the Court of Directors, but to prove that they were
not free from difficulties themselves & have not re-
-moved those we labor under.

In the 72d Para of the Court of Direc
-tors Letter of the 23d Dec: they write as follows.
"We have duely attended to your Re-
"presentation of difficulties which occurred in conse-
"quence of our Orders concerning Col Stuart and are
"extremely sorry to be obliged to acquaint you that al-
"though we have taken the Opinions of the Law Officers

" of the Crown & other eminent Lawyers in consultation
"upon the Case of Col Stuart, we do not find our doubts
"totally removed nor the Subject free from Embarrassment
"by those Opinions"

The Question stated for the Opinion of Council was "Whether the order of a Majority of the Council was a sufficient Warrant and justification for Col Stuart's Conduct & will it protect him as a Military Officer from a Charge of Mutiny."

The Answer given to the above Question is in the following Words Viz.t

"The order does not appear to us
"sufficient to justify the Imprisonment of Lord Pigot if the
"Persons were concerned were to be questioned for it in the
"ordinary Court of Justice, but whether the Conduct of
"Col Stuart in executing that order can or cannot subject him to a Charge of Mutiny, depends upon circumstances of which we have no proper information
" & it will not follow as a necessary consequence that
" the illegality of the order will subject the officer to a
" charge of Mutiny."

"And upon reconsidering this intricate subject in every point of View before us, we are inclined to believe, even from the Reasons urged by Brig.r Gen.l Stuart himself that Trial by Court Martial is "the most equitable, and therefore the most eligible mode of deciding thereon".

In Paragraph 77. They direct, not that any specifick charge shall be brought against

Fort St George 10th Feby 1780

Brigadier General Stuart, Desires that he shall be tried upon the 2. 3. 4th & 5th Articles of the Second Section of the Articles of War & upon any other Articles against which he may be supposed to have offended. The four Articles here alluded to plainly go to a charge of Mutiny. The great Lawyers to whom the Question was referred, absolutely declare, there does not exist whether even the illegality of the Order, by which Genl Stuart acted, will subject him to a charge of Mutiny, Nor have the Court of Directors thought proper to form that charge themselves against him, but have left this Government to do it, and have spoke in General Terms, of all the other Articles for us to form charges on, where he may be supposed to have offended, but with every Record before them & with many material Witnesses in England at the time could any Persons be so improper as to form the charges on those other Articles of War, against which Brig Genl Stuart may be supposed to have offended as the Directors themselves.

The Legality of Mr Hastings Government & the limits of the Governors Command are two Material Points on which the Company have not decided.

On the former point the legality of the Government. The Court of Directors wrote as follows in the 78 Para of their Letter of the 23d Dec.

"We think proper to inform you that the Opinion given upon a General Question stated to the Council abovementioned. Whether Acts done by Mr Hastings and the other Members of Council could be look'd upon as

selves the Government, after Lord Pigot's imprisonment were legal, was in the following Words Vizt. That it is impossible to give any particular answer to a question so generally stated: That Mr. Stratton & self were a Council de facto though not de Jure & that the validity of their acts will be governed by that distinction, And it is with extreme concern that we find ourselves unable at present to decide upon a distinction, thus marked out by the most respectable Legal Authority on to afford such further lights on the subject, as may be deemed necessary for your complete information & future guidance, respecting Commissions, granted to Military Officers by Mr. Stratton & his Council.

On the latter point, The limits of the Governors Command, "Major Genl Munro was of "Opinion, that the arresting the Person of the late Lord "Pigot out of the Garrison, was not an Offence that came "under any one Article of War" Brigr Gen Stuart was of a different Opinion in his Letter of the 6th March 1778, on which Letter the Court of Directors say "they are inclind to believe from the Reasons assigd by Brigr "Gen Stuart himself, that trial by Court Martial is "the most equitable & therefore the most eligible mode "of decending thereon"

But on the two Opinions of Genl Munro & Genl Stuart relative to the limits of the Governor's Command the Court of Directors are entirely silent.

In the 19th Para of the Company's Letter which is the last on the Subject, their Orders

Fort St George 18th Febry 1780

have Embarrassd us more than ever; For at the same time
that they declare, "That they shall take it for granted
"that a Court Martial will be assembled without delay"
they take away the only means by which we can legal-
ly bring Genl Stuart to trial by one, and the difficulty
is fully stated by the Select Committee to Brig Genl
Stuart in their Letter to him of the 8th Inst as follows

"It is not our Intention to devote
in this place upon the Imperfections (as we conceive)
which still exist in the general Instructions for a Tri-
al, & in the Opinion of the Council, which have been
transmitted for our Guidance, but to confine ourselves
to two points arising from the Predicament in which
you at present stand, in consequence of the Company's
Orders, which of course comes first under our Consideration

The first point is that the Suspen-
sion from the Service" under which you remained by
virtue of the Company's orders of the 19th June 1777 was
continued for an indefinite time in consequence of
their orders of the 18th July 1777. This Suspension has
not yet been taken off & the Court of Directors expressly
say in their Letter of the 18th April last Year, that your
Employment in the Service again is to depend on the
event of your Honorable Acquittal by a Court Martial.

Secondly the Pay which we are order'd
to be continued" to you in consequence of your request
"upon your Indemnification Bond, to be answera-
"ble for the Amount in case the measure, were disap-
-ved by the Company was struck off in September

last in consequence of their Orders, dated the 23d Dec.r 1778 wherein they write as follows, Viz.t whatever be the Sentence of the Court Martial to be held on Brig.r Gen.l Stuart, or any other Officer in consequence of the late troubles, you are to observe that the pay & emoluments of every such Officer, cease immediately on his Suspension from the Service, and that even if sentence of acquittal shall be passd by the Court Martial, no suspended Officer shall receive any allowance on the Company's account, for any part of the time which he shall remained or shall remain under suspension, except by the express orders of the Court of Directors, to be first signified to you for that purpose.

Being under Suspension from the Service by the express Authority of the Company & your Pay & allowances having likewise been stopt by the same Authority, we do not conceive you to be in any respect within the Cognizance of Martial Law Nor shall here adduce in support of this opinion, so far the following Passages from your Letter of the 6th March 1773

In truth Gentlemen, I should consider my being in England in a State of Suspension as worse than Dismission from the Service were there no Remedy, but in ceasing to receive the Company's Pay & to be totally under their Military Law, I cease to be in any sense of the word in their Service" and again" although it is my most ardent wish to serve the Company without degrading myself or being degraded, yet I add

Fort St George 10th Febry 1780

from the Nature of any present Case or situation, that if from this period I receive the Company's Money, it is in order that I may legally become the more amenable to their future Orders — to their Martial Law — and to every Prosecution & Trial in consequence of their Latest Orders, received either by Mr Whitehill or the Resolution"

I come now to speak of the Letter from Brig Gen Stuart which in my opinion contributes to add to the difficulties under which we before Laboured. Before the Committee had entered on the Business, formed any charges, or their intentions, or their mode of proceeding, were made known to him in the address these words under date the 13th January "I am requested by them" that he has prepared his defence as far as he was able to Judge of the Nature of the charge to be brought against him. But as that charge from the Articles of War referred to, may possibly tend to affect his Life, he should be wanting to himself in a matter of such Personal consequence if he did not take occasion to acquaint the Committee of what he was advised from England Viz.t.

That nothing of reasoning, or matter of opinion, or assertion in consequence, whether making for or against the positions, I wished to establish in my former Correspondence with the Honble President & Council, as to my right to be tried here by Martial Law, neither any reasoning opinions or resolutions of the same Honble Board upon that subject, by them already communicated to the Court

acquaint.

Fort St George 16th Febry 1780

of Directors in England, can come under the Cognizance or be brought forward to the General Court Martial upon the possible Capital Charge, as connected with or accompanying that Charge.

I must here observe, that part of the reasoning here alluded to, is what includes the Directors to think "that Tryal by Court Martial was the most equitable mode of proceeding" but that reasoning, matter of opinions, or assertions is not now to be made use of. This Letter from Lieut Stuart, was followed by a Paper submitted to my Consideration as a Private Man, & to the other Gentlemen of the Committee, but on our declaring that as private Communication we could give no answer to it, it was allowed at the Generals request to be made a matter of record & contains the following Paras

Viz! "That it seems consonant to the Words & Spirit of the 17th Para of the Company's General Letter Dated the 23rd Dec! 1778. no less than to the Principles of Equity, That all Persons, Civil or Military who acted in consequence of any immediate orders, on the 23d or 24th Aug! 1776. Or who acted under the immediate orders of the late Lord Pigot or of the Gentlemen of the Minority, whether officially or Voluntarily after the Publication of the Letter by Notary Public & previous to or at the time of Lord Pigots arrest, are equally incompetent either as Judges or as Evidences upon any future Tryal." My Reasons Viz! Because in Form

they may be considered as Parties, or Accessaries, or as Prejudiced / tho innocently / in favor either of the Persons they obeyed or of the Cause they abetted during that unsettled Period where my Conduct is to be upon Trial.

Was this reasoning to be entirely to be given into, the Committee would have a difficulty to find Judges, & much more to find Evidence for if all were to be excluded that General Stuart supposes incompetent, & all reasoning, matters of opinion, or assertions on our Records, not admitted, it must prove a mere mockery of a Legal Trial. It is impossible to say how far the Influence of Party has extended, without going to very young Officers, we might have a difficulty even to find a sufficient number to furnish a proper proportion from the Company's Troops.

According to my Idea, the regular mode of Proceeding would have been, for Genl Stuart to have waited till the Court had been formed & then made his Objections to such of the Members as he might think incompetent to sit as his Judges, it would then have rested with the Court to consider, whether his Reasons for such objections carried sufficient weight, with respect to Evidence any Man on his Oath, surely to be Rudely branded with some mark of Infamy cannot be objected to as incompetent, if there are particular circumstances set forth to suppose him Interested, or prejudic'd

it remains with the Court to give what weight to his Testimony they may think from Circumstances due to it - but I repeat the Letters & Objections from Genl Stuart were premature & as I can calculated tho undoubtedly without design / rather to retard than forward the Tryal.

I come now to the last Letter of Genl Stuart's dated the 9th Feby 1780 in answer to the letter sent to him from the Select committee of the 8th of the same month stating some material difficulties granting him a Tryal which I have before cited. — If any Persons were to peruse this last letter of Genl Stuarts

received from Brig Genl Stuart, not acquainted with the whole of the Business they would naturally conclude that all Brig Genl Stuart's sufferings & hardships had originated with the present Government, such Persons could not know that the President & Council had permitted Brig Genl Stuart, contrary to the Company's positive orders for sending him home, to remain in India, in order that he might have the Trial he seemed to wish for by a martial Law, whenever proper Instructions Orders came from Europe with specific Charges, on which he might with propriety be tried; such Persons could not know that the President & Council contrary to the Established Custom which Excludes any Person under suspension from receiving Pay & Emoluments granted to Brig Genl Stuart such pay & Emoluments at his own Request, because he had declared to them that his reason for wishing to receive the Company's Pay was, to render him more amenable to Martial Law and that because in ceasing to receive the Company's Pay, he to be Locally (or totally) under

193. Fort St George 10th Feby 1780

their Military Laws he ceased to be in any degree of
the Lord in their Service, I shall now proceed to
answer such charges as Brig Genl Stuart has
been pleased to bring against the Committee. After the
length of time from the receipt of the Company's
orders to the Communication of our Sentiments
to him relative to the difficulties we met with, upon
in proceeding to bring him to a Tryal. to this I must
observe, that as soon as ever Lord Macleods Re-
giment arrived, we immediately took the Compa-
nys orders into mature consideration, there
was no reason, nor necessity for doing it sooner
the Facts avowed by the General which he
says he brought forward himself, I must repeat
was entirely a premature Unnecessary Mea-
sure, as it rested with the Committee if they found
they could proceed to Trial to bring forward the
Facts themselves - I do not apprehend the Com-
mittee are in any degree answerable for what
the General is pleased to say he heard without
doors relative to the difficulty, that the Committee
should be employed by the Court of Directors in
forming the Charges against him. I am extreme
ly happy to find that Brig Genl Stuart is per-
fectly & entirely satisfied with the conduct of
the Court of Directors towards him in every
respect & intend sincerely hope that his expres-
sions of gratitude towards them may endeavour
them the more speedily to remove every obstacle

and

19th Fort St George 10th Febry 1780

and difficulty to his obtaining a fair and honorable Trial by Martial or any other Law that may be suppos'd to suit the peculiarity of this Case. I can only observe that such difficulty's appear to me to occur at present, as are not to be surmounted. Two Material Points have been stated to General Stuart and his answers do not remove the difficulties in my mind. One reason that the General is plead to give to prove that he is on the Service, is his being called by the Company and the Committee by a Military Title. Courtesy allows every Officer to retain the Title annexed to the superior Commission he has held. even after he has quitted the service at least nothing is more common than to call a Brava General who has at any time bore such a Commission the Generals asserts that he is subject to the Company's Martial Law, but does not bring any matter in proof of the assertion, & takes notice, that the Committee has misstated his Words, but as that matter will be explained in our answer to them, which will appear on Record, I shall not say anything further on it here, but even supposing we have erred in this particular, it makes no material difference, & I am still of opinion We are not mistaken, for if the General had been sent to England he would there have been totally free from the Company's Martial Law, whether he received Pay from them or not as they have no right then to exercise such Law. This difficult to understand the distinction made for receiving the Company's Pay in this Country because that it made him legally the more amenable to their future orders, then Pris-

-ti[illegible]

Fort St George 18th Febry 1780

Trial Law &c. if he was amenable at all, without receiving Pay, it was quite sufficient, for I apprehend there is no medium, and with that thorough indifference about Money, which the General professes, it was quite unnecessary to give us the trouble of such a Solicitation, and himself the trouble, with respect to an Condemnation Bond & it was needless to subject us to the reprehension of the Court of Directors, for what we conceived an Indulgence absolutely necessary to give him, a chance of future Justification, by Military Trial; whatever the General may have stated relative to his being now Amenable, to the Company's Martial Law, he must know that the receiving full Pay, is the first and most material circumstance that renders an Officer an Officer or Soldier subject to Military Trial, and without the due receipt of Pay no Court Martial can proceed where an Objection of not having received it occurs, even Officers on half-pay are not subject to Martial Law; Circumstances may occasion arrears, so Man may serve knowing he is to be paid in time, but when an Officer or Soldiers pay is totally struck off, he ceases from that moment to be under Military order where there is a Civil Jurisdiction.

The General has said in his Letter "That in doing as he does by every argument to induce us to conform to the Company's Orders, and intentions concerning him, he points out amongst other particulars, the Word Resolution of the Commons of England, passed the 17th of last April, by which Resolution

they

they conclude that the General was to be tried in consequence of the orders sent to that Presidency, and then gives us this very pertinent remark. "that if the matter is to be thrown back to the Court of Directors, it may possibly place the Honble East India Company or their Representatives in a very singular Predicament in the Eye of Parliament"

It is impossible for me to say what information was laid before the House of Commons, or whether they were fully informed of the difficulties we have to surmount, in complying with the Company's Orders relative to Genl Stuart, but this I am sure of that Parliament will more readily pardon an Error in Judgement and the loss of time occasioned by Genl Stuart's having too hasty procedure, in an illegal act, and the prosecutions carried on against Messrs Stratton, Boode, Floger & Mackay, will by the determination of the Principal Question relative to the legality of Mr Stratton's Government, clear the way for a fairer trial to Genl Stuart than can be had at present - As the Case of Lord Geo Sackville has been mentioned by Brig Genl Stuart as in some respects similar to his own, I shall observe that we are not furnished with the reasons of the great Law Officers who gave it as their Opinion, that Lord George might be tried at his own request, but perceive the Case before the Committee widely different. The Court Martial on Lord George Sackville, can scarcely be looked on as any thing more, than a Court of Enquiry, His late Majesty had previously dismissed Lord George, his service and it appears to have been a condescension, in his Majesty

to /

ask

Fort St George 18th Feby 1780

at the request of his Lordship to suffer a Court Martial to be held on a Judgement he had before given. The King in Lord George Sackville's Case, granted the Court Martial; The King had it in his power to suspend or totally to remit the Sentence, and had the Sentence been Death its not impossible, but a doubt might have arose, in the Royal Breast, whether it would have been perfectly consistent to have such such a Sentence, in execution, when he had by the prior dismission of his Lordship, inflicted a Punishment, but the Sentence annexated to no greater punishment than what the King had before inflicted

The situation the Committee are placed in is extremely disagreable. Should they must apply to the Officer commanding his Majesty's Troops for a General Court Martial, and should the Charges the Committee bring against General Stuart be attended with a Capital Conviction and a Sentence of Death, it rests with the Officer who granted the Court Martial to approve such Sentence. The Committee will have no power to suspend or mitigate it. Brig Gen Stuart may give the Indemnification which he offers against him, on points that do not extend to Life, but he can give no Indemnification against a Sentence of Death, She observes in one of his own Letters before Quoted. "That the Charge from the Articles of War referr'd to may possibly, tend to affect his Life. Brig Gen Stuart, may submit to be Shot, but a declaration

of

of that kind will be no protection to the Man who shoots him

The Committee no doubt receive with proper Notice the Warning that Brig Gen Stuart has given them that he shall in case of not having a Trial appeal to his Sovereign &c.a on the whole of the business. The hardships the General has labourd under together with the very great sufferings of the late Lord Pigot will when fully officially come before his Majesty, may be a means of removing those difficulties that have appeared to this Committee insurmountable; & those Sentiments of Justice, & compassion which have so eminently distinguished his Majesty during the whole Course of his reign will no doubt induce him, to see the wrongs of all parties redressd With due respect to the Company, and I should be sorry to be wanting in it in any one Instance of my Life) I cannot help lamenting that a Trial as they might have had (* with every Record, & able to form an opinion of the legality or illegality of Mr. Stratton's Government, their own act might have restored Gen Stuart to their Service or entirely dismissd him from it. As the merits of this Conduct appeared to their Judgement to deserve. For myself I claim their Indulgence from the peculiarity of my Situation; — — History does not furnish a Case of a similar Nature, & should I be mistaken in my Judgment there is surely allowances to be made especially when it is considered that on some references formerly made to the Company on such Councils opinion was taken The Directors write as follows Both and with standing —

* not only with civil but Military Law they have not themselves decided this very important question furnishd as they have been

Fort St George 10th Feby 1780

-standing any thing that we now say, or may hereafter say in relation to the Proceedings of the President & Council & of the Mayors Court the Gentlemen who file these departments should be informed that what we say is matter of opinion, & that it is by their own Judgment they are to stand or fall having no Law assistance, being obliged to draw up this Minute in haste to be forwarded by the present dispatch. I have not been able to go so minutely over the whole of this business as more leisure would have enabled me to do -

Mr Whitehill delivers in the following Minute.

Mr Whitehill's Minute

I heartily concur in opinion with the President that the Embarrassments & Difficulties which We labor under from the different orders of the Company relative to Gen Stuart, are an insurmountable Bar in the Way of his Trial. I am therefore perfectly clear that the most safe & unexceptionable Line for us to adopt is to refer the whole matter back to them for their final determination.

Sir Hector Munro delivers in the following Minute -

Sir Hector Munro's Minute

I am sensible that there have been many Embarrassments thrown in the Way of the Committee respecting the Trial of Brig Gen Stuart & as the Company have stopped his pay & Emoluments & desired that his Suspension may be continued until after a Trial. I am equally at a loss with the rest of the Committee what Mode to think of in order to bring

200 Fort St George. 10th Febry 1780

on his Court Martial. I therefore request that the Directors may be desired to give such clear & determinate orders as will remove all Doubts & Difficulties & that they give a specific Charge on which he is to be tried.

Fort St George. 10 Febry 1780 — Hector Munro

Mr Smith delivers in the following Minute

On maturely & deliberately considering the subject of the proposed trial of Brigr Genl Stuart by Court Martial so many serious surmountable Difficulties & Embarrassments occur that I cannot but be of opinion, the whole should be referred back to the Court of Directors pointing out to them these Difficulties & Embarrassments. The President has stated this business upon his Minute entered into day's Proceedings so fully & in a manner so perfectly coincident with my own Ideas that it were unnecessary for me to offer any thing further on the subject

Mr Smith's minute

The 10th Febry 1780 — Charles Smith

Resolved Unanimously

that the Matter be referred to the Court of Directors.

" — John Whitehill

Hector Munro

Charles Smith

201. Fort St George. Feby 1780

8th Wrote the following Letters

To Sir Hector Munro K B.

Messrs Quintin Crawford &

Reuelon Digby

Gentlemen

To Sir Hector Munro on Sepoy Stops.

In the report of the Committee for examining into the Deficiences of Sepoy Half mounting, dated the 29th May 1779. it is said that all the Carnatic Battalions had received their half mounting for the Year 1777. That the Agent had receipt for all except one. which he said accepted for. Since this report however some Captains of Sepoy Battalions have represented that no Stops for 1777 have been received by them. & the Honble the President & Select Committee being desirous of ascertaining this matter beyond all dispute, have appointed you to make further enquiry relative to the Stops for 1777. & they desire you will call upon the agent to produce his receipt for that Year, & make your report in consequence to the Select Committee

I am

Gentlemen.

Your most Obedient Servants

Thomas Rumbold &c.

Select Committee.

Fort St George.

8th Feby 1780.

Here enter Letter to Bombay.

To the Honble William Hornby Esqr.

President & Governor. &c. Select Committee

at Bombay

202 Fort St George. Feby 1780.

Gentlemen

To Bombay advising them of the Battalions of Sepoys embarkd to Surat.

We have already acquainted you with our having ordered a Battalion of Sepoys to be conveyd to Surat on the Ships Bessborough Atlas & Duke of Grafton. The Distribution of the Sepoys is as follows.

		Rank & File
On the Bessborough	5 Companies	308
On the Atlas	3 Do.	236
On the Duke of Grafton	2 Do.	158

The Captains of these Ships have receivd for dieting the Sepoys after the rate of 2½ Fanoms each per Day for 2 Months: but as they inform us that they have thought it prudent to put on Board their Ships 3 Months Provisions. We request you will, after the Voyage is performd, adjust this account with them in such manner as you shall deem equitable.

We are
Gentlemen
Your most Obedient Servants
Thomas Rumbold &c.
Select Committee.

Fort St George
8th Feby 1780

Received the following Letter from Brig Gen Stuart.

To Mr D. A Baine

Dep. Secy Military Department.

Sir

From Gen Stuart with Extracts from Mortimer's & Smollets Histories of England.

In support of my Letter to you of Yesterdays date, I request you will do me the favor to pre= sent to the President & Select Committee as soon as may be, the enclosed Extracts which I have taken the trouble to make from Mortimer's & Smollets Histories of the

Times

Fort St George. Feby 1780

times alluded to.

I am

Sir

Your most Obed Hble Servant

James Stuart.

Friday Noon
11th Feby 80.

"Lord George, seemingly impatient of the
"imputation, under which his Character laboured, insisted
"upon the Privilege of a Legal Trial, which was granted
"accordingly, after the Judges had given it as their opinion
that he might be tried by a Court Martial, though he no lon-
-ger retained any Commission, in the Service" Mortimer Hist Vol 3.
page 712

"Lord George, seemingly impatient of,
the imputation, under which, his Character laboured, insists
upon the Privilege of a Legal Trial, which was granted
accordingly after the Judges had given it as their
opinion that he might be tried by a Court Martial,
though he no longer retained any Commission, in the
Service Cont. Smollett Vol 3d
page 359

Sent the following Letter to Brig Gen Stuart

To Brigadier General Stuart.

Sir

To General Stuart
the Cunings of his
Court Martiall
be referr'd from

We have received your Letter of the
9th Instant & have taken the same into our serious Con-
-sideration.

We are of opinion, that the reasoning
contained in that Letter has not removed the Difficulties
we stated in ours of the 8th Instant & as these Letters

Contain reasons

 Fort St George. Febry 1780

Embarrasments arising from the nature of the compa-
-nys Orders & from the Opinions given by the Counsel in
England upon the Questions stated to them, have ob-
-ly determined us to refer the matter again to the Court of
Directors. We shall write to them on the subject by the
Vessels now going to Suez, which will be dispatched to
morrow Evening at furthest, & send them Copies of the let-
-ters that have passd between you & us on this occasion.
We shall also furnish you with a Copy of what we write
to the Court of Directors.

We think it proper in this place, to say a few words on the subject of the Quotation we made from your Letter of the 6th March 1775. in support of the opinion we gave in our Letter to you of the 8th Inst. relative to your Trial. You observe that we have written the word totally instead of locally by, which you say, your meaning has been totally mis-stated. We assure you very sincerely, that we ecd the word in your Letter, locally. If it is so written, that such reading appears natural, & We beg leave to mention, as a proof of this assertion, that the Secretary who copied it in the Consultation Book just after it was re-ceived, wrote the word locally. But allowing the word to be locally the Quotation, makes nearly as much in favor of our opinion, for as your being in England under any Circumstances would subject you locally, be-yond the reach of the Company's Martial Law. We cannot conceive why the Circumstances of your Suspension

and

and your being out of the Company's Pay are mentioned at all unless you thought they contributed in some degree at least to disqualify you for trial by a Court Martial.

We are

Sir

Your most Obedient Servants

Thomas Rumbold &a

Select Committee

Fort St George
11th Febry 1780

Received the following Letter from Brig Gen. Stuart:

To the Honble Sir Thos Rumbold Bt

Presidt & Govr &a Select Committee

Fort St George

Gentlemen.

By your Letter of the 11th Inst. which I had the honor to receive late last Night, I see that it is absolutely determined to refer the matter again to the Court of Directors. It is therefore needless for me to urge it further. & I must now endeavor to make such any Word to the additional Loss of Eighteen Months of my Life to the Thirty already past.

From General Stuart in reply

Playing at such a Losing Game

Upon Honor Gentn must excuse my complaining; for I venture to say in the mildest Word which occasions me at present, That so great a Hardship never before fell to the Lott of any officer of any Rank or in any Service, where there were any Rules to go by & I foresee it may, may well so happen, that every New Order concerning

-ing me from the East India Company, or perhaps from my Sovereign, for these Eighteen Months to come, will be attended with the Proviso of my Acquittal by the Court Martial, which in England is taken for granted would have sat & determined upon the Business.

My Succession here to the Chief Command of the Army, is as your Honor &c. well know, also with this Proviso - So that altho' the Court of Directors, or even His Majesty should be pleased to call for my Services in that time, Yet I may, may certainly will be disappointed by the present Short Turn this Business has taken -

In regard to what your Honor &c. observe about the Quotation of Totally for Locally, I can only say, that whoever was the Copier in your Office - the word Totally never was mine. I have looked over every Paper in my Possession & they all agree in this. Indeed in my humble Opinion it cannot come in the Place without manifest Nonsense - And even then it would not make for the Inference which your Honor &c. point at deducing; as by my own Argument I had proved myself to be out of the Service.

In answer to the last part of your Letter, I cannot speak plainer than in my own Edition of the Passage quoted.

Without talking of Allegiance I take upon myself to assert that I know my Duty & the common Rights of my Profession better than to think or to say, That either Suspension, or the want of

The

Fort St George. Sept. 1780

the Company's Pay in this Country, taking these Consideration together or separately, ever did or could disqualify me from Trial by a Court Martial in India more especially as I myself desire Your Superiors order it. On the contrary, I repeat it is my Right tho now Defeated.

With your Permission then I shall take leave of this subject by appealing to the Honble East India Company, even to the Sense of every Military Man of Rank in England, who knows the Duties of this Profession, Values the Rights of Trial by Martial Law, against the present very great Injury done me, I am willing to believe unintentionally by your Honor &c. refusing to carry the orders of my Honorable Employers concerning my Trial into immediate Execution.

I observe what your Honor &c. are pleased to say, about communicating your present correspondence concerning me. Return my Thanks, tho I apprehend as it has not hitherto come to hand, it will be too late for my present Letter to England. But as your Honor &c. have not been pleased to give me any Communication of what may have been wrote to the Court of Directors concerning me, for upwards of these Eighteen Months previous to the present time, so it becomes impossible for me to make any Observations, should it be necessary for the support of my Cause at Home.

I have