

"Provinces, and for not extending their Conquests, and were contrary to those general principles of justice which the Company wish should be supported;"

After a Debate thereon, a Question was proposed, Whether the Words [*and the, then Governor*] between the Word [*Dowla*] and the Word [*for*] should stand as part of the said Resolution;

And the Question being accordingly put,

It passed in the Negative.

Another Question being proposed for amending the said Resolution, by inserting the Words [*frequently repeated*] between the Word [*Company*] and the Word [*for*] and the Question being put,

The same passed in the Affirmative,

And another Question being proposed, Whether the Words [*of justice*] between the Word [*principles*] and the Word [*which*] should stand as part of the said Resolution;

And the Question being accordingly put,

It passed in the Negative;

And thereupon the said Resolution, as now amended, was agreed to, and stands as follows, viz.

RESOLVED, That this Court doth agree with the said Committee, that the Agreement made with Sujah Dowla, for the hire of a part of the Company's Troops for the reduction of the Rohilla Country, and the subsequent steps taken for carrying on that War, were founded on wrong policy, were contrary to the general Orders of the Company, frequently repeated, for keeping their Troops within the bounds of the Provinces, and for not extending their Conquests; and were also contrary to those general principles which the Company wish should be supported.

At a Court of Directors held on Tuesday the 5th of December, 1775.

TWO Reports from the Committee of the whole Court, dated the 29th and 30th November last, being presented and read, containing their further Proceedings on the reference of Court, dated the 21st of that month, to consider of the State of the Company's Affairs, according to the Advices received from thence in the course of this year,

It was, on the Question,

RESOLVED, That this Court doth agree with the said Committee in their Reports, that the Measure of recalling the Troops from the Rohilla Expedition, as soon as it could be done with propriety, was agreeable to the spirit of the Company's general Orders; but considering the situation of Affairs at that time between the Company and Sujah Dowla, and other circumstances, the Court think the recalling them so hastily might have been attended with inconveniencies.

At

At a Court of Directors held on Wednesday the
6th of December, 1775.

THE Resolutions of this Court of the 28th and 29th November last, and the 1st and 5th instant, relative to the Company's Affairs at Bengal, were read.

At a General Court of the United Company of Merchants of England trading to the East-Indies, held at their House in Leadenhall-Street on Wednesday the 6th of December, 1775, at Twelve o'Clock at noon;

P R E S E N T,

John Roberts, Esq. Deputy Chairman, with most of the Directors, and a very numerous appearance of the Generality.

THE Deputy Chairman acquainted the Court, that the Court of Directors having taken into consideration the Differences which, according to the Advices received in the course of this year, appeared to have arisen in the Superior Council in Bengal, had passed several Resolutions thereon, which are ready to be submitted to this Court.

And the said Resolutions being thereupon called for, were read, being as follows, viz.

"RESOLVED, That this Court is of opinion, that the Agreement made with Sujah Dowla, for the hire of a part of the Company's Troops for the reduction of the Rohilla Country, and the subsequent steps taken for carrying on that War, were founded on wrong policy, were contrary to the general Orders of the Company, frequently repeated, for keeping their Troops within the bounds of the Provinces, and for not extending their Territories; and were also contrary to those general principles which the Company wish should be supported."

"RESOLVED, That this Court is of opinion, that the whole Correspondence between the Governor-General and Mr. Middleton should have been laid before the Members of the Superior Council, who ought to have received every information respecting the transactions of the Company's Agent at Sujah Dowla's Court, in order to regulate their conduct at that critical period."

"RESOLVED, That this Court is of opinion, that it is necessary to wait the arrival of the Anson, or some further Advices from Bengal, before a precise judgment can be formed relative to the future Resources of that Presidency."

"RESOLVED, That this Court is of opinion, that the Measure of recalling the Troops from the Rohilla Expedition, as soon as it could be done with propriety, was agreeable to the Spirit of the Company's general Orders; but considering the situation of Affairs at that time between the Company and Sujah Dowla, and other circumstances, the Court think the recalling them so hastily might have been attended with inconveniencies."

The Court taking the above Resolutions into consideration,

An Amendment was proposed to the first Resolution, by prefixing to it the following Words, viz.

That notwithstanding this Court hath the highest opinion of the Services and Integrity of Warren Hastings, Esq. and cannot admit a suspicion of corrupt motives operating on his conduct without proof, yet they are of opinion with their Court of Directors,

And the Court considering of that Amendment,

And the 32d Paragraph of the Letter to the Select Committee at Bengal, dated the 11th November, 1768, also the 45th Paragraph of the Letter to the Select Committee at Bengal, dated the 28th August, 1771, and

The Instructions from the Governor and Select Committee at Bengal to Sir Robert Barker, dated the 30th April, 1772, entered on the said Committee's Consultations of the same date,

After a Debate of great length, and the Question being put for the said Amendment,

The same passed unanimously in the Affirmative;

And then the Question being put on the said amended Motion, it was

RESOLVED UNANIMOUSLY, That notwithstanding this Court hath the highest opinion of the Services and Integrity of Warren Hastings, Esq. and cannot admit a suspicion of corrupt motives operating on his conduct without proof, yet they are of opinion with their Court of Directors, that the Agreement made with Sujah Dowla for the hire of a part of the Company's Troops for the Reduction of the Rohilla Country, and the subsequent Steps taken for carrying on that War, were founded on wrong Policy, were contrary to the general Orders of the Company, frequently repeated, for keeping their Troops within the Bounds of the Provinces, and for not extending their Territories; and were also contrary to those General Principles which the Company with should be supported.

The Court then having considered the second Resolution of the Court of Directors on the Question,

RESOLVED UNANIMOUSLY, That this Court do agree with the Opinion of the Court of Directors, that the whole Correspondence between the Governor-General and Mr. Middleton should have been laid before the Members of the Superior Council, who ought to have received every information respecting the transactions of the Company's Agent at Sujah Dowla's Court, in order to regulate their conduct at that critical period.

The Third Resolution of the Court of Directors being also considered, and the Question put, it was

RESOLVED, That this Court do agree in opinion with the Court of Directors, that it is necessary to wait the arrival of the Anson, or some further Advices from Bengal,

Letter from the Court of Directors to the Governor-General and Council, before a precise judgment can be formed relative to the future Resources of that Presidency.

And then the Court, on considering the fourth Resolution of the Court of Directors, on the Question,

RESOLVED, That this Court do agree in opinion with the Court of Directors, that the Measure of recalling the Troops from the Rohilla Expedition, as soon as it could be done with propriety, was agreeable to the Spirit of the Company's general Orders; but considering the situation of Affairs at that time between the Company and Sujah Dowla, and other circumstances, the Court think the recalling them so hastily might have been attended with inconveniencies.

A Motion being then made,

"That it is the Opinion of this Court, that the insinuations thrown out by three Members of the Council-General of Bengal, in their late Dispatches, against Mr. Hastings, whereby it is intimated, that his motives for engaging in the Reduction of the Rohillas were not the ostensible Motives he has assigned, and that he acted therein contrary to his judgment, are injurious to the Character of Mr. Hastings, and ought not to have been made use of, unless accompanied with the grounds and reasons on which such insinuations are founded, whereby the Company might have been enabled to judge for themselves on a point of so much importance to it as the Character of the Governor-General of Bengal."

And it being thereupon moved to adjourn,

The Court, on the Question being put,

Adjourned accordingly.

Extract of Letter from the Court of Directors to the Governor-General and Council at Fort-William in Bengal, dated the 15th of December, 1775.

Par. 1. **W**HILE we were indulging the hope that so perfect an harmony would have prevailed amongst the Members of the new Administration in Bengal, as is necessary to give vigour to the Acts of Government, as well as dignity to your Councils, how great must our concern and disappointment be, on finding that dissensions have arisen so early, and operated so far as they appear to have done from the separate Addresses of our Governor-General and the Majority of the Board, as well as from the Minutes on your public Records? We are far from disapproving a difference of opinion on any measure; on the contrary, we consider it as the duty of every Member of your Board to express his sentiments with freedom on every subject. Our concern proceeds solely from observing a warmth of altercation, which threatens to destroy that mutual respect and confidence we were so solicitous to promote when we recommended harmony among yourselves.

2. As the separate Addresses of our Governor-General, and of the Majority of Council, to the Court of Directors, and of the latter to our late Chairman and Deputy Chairman, are entered upon your Records, we shall consider them as Proceedings or Minutes of Council, and as such reply to those particulars which require our observation, direction, or determination; and herein we shall be guided by that equal regard which we bear

dated 13th of December, 1775.

169

towards every Member of your Board, expressing our approbation of such measures as are right, and reprehending those which appear to us deserving of censure; but before we proceed to those particulars, we think it necessary to communicate to you the following Resolutions, agreed to by a General Court of Proprietors, held on the 6th instant, relative to sundry objects on which you have been divided.

RESOLVED UNANIMOUSLY, that notwithstanding this Court hath the highest opinion of the services and integrity of Warren Hastings, Esquire; and cannot admit a suspicion of corrupt motives operating on his conduct without proof, yet they are of opinion with their Court of Directors, that the Agreement made with Sujah Dowla, for the hire of a part of the Company's Troops for the Reduction of the Rohilla Country, and the subsequent steps taken for carrying on that War, were founded on wrong policy, were contrary to the general Orders of the Company, frequently repeated, for keeping their Troops within the bounds of the Provinces, and for not extending their Territories; and were also contrary to those general principles which the Company wish should be supported.

RESOLVED UNANIMOUSLY, That this Court do agree with the Opinion of the Court of Directors, that the whole Correspondence between the Governor-General and Mr. Middleton should have been laid before the Members of the Superior Council, who ought to have received every information respecting the transactions of the Company's Agent at Sujah Dowla's Court, in order to regulate their conduct at that critical period.

RESOLVED, That this Court do agree in Opinion with the Court of Directors, that it is necessary to wait the arrival of the Anion, or some further Advices from Bengal, before a precise judgment can be formed relative to the future Resources of that Presidency.

RESOLVED, That this Court do agree in Opinion with the Court of Directors, that the Measure of recalling the Troops from the Rohilla Expedition, as soon as it could be done with propriety, was agreeable to the spirit of the Company's general Orders; but considering the situation of Affairs at that time between the Company and Sujah Dowla, and other circumstances, the Court think the recalling them so hastily might have been attended with inconveniences.

3. Having thus laid before you the sense of the Proprietors at large on the above subjects, taken after the most candid examination of your Records, we proceed to make such further Observations, and to give such Orders and Instructions, as from the nature of your Advices and the situation of our Affairs in Bengal appear to us necessary.

4. We disapprove all such distant Expeditions, as may eventually carry our Forces to any situation, too remote to admit of their safe and speedy return to the protection of our own Provinces in cases of emergency.

5. We also utterly disapprove and condemn offensive Wars; distinguishing however between offensive measures unnecessarily undertaken, with a view to pecuniary advantages, and those which the preservation of our Honor, or the protection or safety of our Possessions, may render absolutely necessary.

6. The attention paid by the Majority to the tenor and spirit of our Orders on this subject is highly agreeable to us; and it is our most positive direction, that no deviation from those Orders be permitted but upon the most urgent and absolute necessity, as that alone can justify a departure from them; for the prospect of any advantages, however alluring, can in no wise be adequate to the pernicious consequences which must result from examples of disobedience to our Orders.

7. The sentiments expressed by the Majority in the 36th Paragraph of their Address, coincide exactly with our own. Their determination to endeavour to maintain Peace in India, and vigorously to defend our Possessions and Allies, cannot be too much applauded; we therefore strictly enjoin every Member of our Council to concur heartily in such measures as may be necessary for accomplishing these desirable purposes.

8. We have already, in our Letter of the 3d of March, 1775, expressed our extreme concern, on finding that our Arms had been employed in conquering the Rohilla Country for Sujah-Dowla,

Letter from the Court of Directors to the Governor-General and Council,

Dowla, and disapproved the measure, and we have no reason to alter our sentiments respecting that transaction.

9. We not only condemn the principle which eventually produced the Rohilla War, namely, the including of their Country in the line of defence marked out for our Commander in Chief, as being contrary to the System we had adopted, and repugnant to the general tenor of our Orders, but we also totally disapprove the engagements entered into by our Servants with Sujah Dowla, when Hafez Rhamet Khan had failed in the performance of his stipulations.

10. On a supposition that General Barker's sanction to the Treaty between Sujah Dowla and the Rohillas gave him a right to call upon us to see that Treaty fulfilled, it is nevertheless evidently certain, that every principle of Policy forbid our Servants to extend their views beyond the strict accomplishment thereof, and the obtaining of a proper indemnification for charges to be incurred in calling the Rohillas to a just account; and we think there was great probability that those salutary measures might have been accomplished without proceeding to hostilities. But in all events, instead of entering into an Agreement with the Vizier, which left no room for accommodation with the Rohillas, it was certainly the duty of our President and Council to have given an immediate and absolute refusal to all requisitions so injurious to the reputation of the Company, and especially for engaging in a distant Expedition, wherein want of success might have been attended with fatal consequences.

11. It is with great satisfaction we find, that although hostilities were commenced with an apparent determination to exterminate the Rohillas, a more honorable end has been put to that War, and that a provision is made for the Son of Hafez Rhamet Khan. This circumstance is the more agreeable to us, as it seems to have been effected by the interposition of our Commander in Chief, and will, we hope, tend to efface any unfavourable impressions which the part taken by our Servants against the Rohillas may have occasioned amongst the Natives of India.

12. The return of our Troops from the Rohilla Country is an event highly acceptable to us; and from the general tenor of your Advices we are led to hope, that the money then due from Sujah Dowla has been received; but if, from unforeseen accidents, payment of any part has been delayed, we direct that you insist upon the discharge thereof.

13. We by no means approve the idea of continuing to defend the Subah of Oude in the Rohilla Country; you are therefore in future strictly to confine yourselves to the Letter and Spirit of our Orders on that subject, dated 7th March, 1775.

14. It is with equal surprize and concern that we observe, on your Minutes of Council of 13th February, 1775, among several ideas suggested on the subject of a Treaty to be concluded with the Successor of Sujah Dowla, that any Servant of the East India Company should propose the relinquishing of a considerable part of our Property, and giving up the Rohilla Country to the King, in order to facilitate the obtaining from Shah Allum a Grant of the Sovereignty of Bengal and Bahar to the Crown of Great-Britain.

15. We take it for granted that the impropriety of the Minute alluded to must have appeared to you in a light so striking, as to have precluded all concurrence therein; we nevertheless think it necessary to issue the most speedy and peremptory Orders and Instructions for your future guidance, and therefore direct, that no proposal of a like tendency be ever made by you to Shah Allum, or agreed to, if proposed by him, or by any other person, on any account or pretence whatever.

16. Although the death of Sujah Dowla may render it necessary to make new arrangements with his Successor, we cannot agree with our Council that our Treaties with the State of Oude expired with the death of that Nabob.

17. The keeping of a Brigade in the service of the Subah of Oude is a measure we entirely approve, (provided it be done with the free consent of the Subah, but by no means without it;) as it enables us to increase the real strength of our Army, without incurring additional charges thereby; but the whole pay and contingent charges must be borne by the Subah.

18. The death of the late Vizier affords an opportunity for rendering this measure still more satisfactory. His Successor cannot but be sensible how much depends upon our support, and therefore will, we persuade ourselves, readily consent to defray the whole expence of a Brigade, to be employed in the defence of his Dominions. The necessary stipulations on your part will be, that our Troops shall not march beyond the line of those Territories which Sujah Dowla possessed in consequence of the Treaty of 1765, and the Provinces of Corah and Allahabad, which were ceded to him by the Treaty of Benares; and that they shall be at all times subject to your recall, in case they shall be wanted for our own immediate service. Upon these principles we direct you to conclude a Treaty with Sujah Dowla's Successor, and to assure him that the most effectual assistance shall be afforded him by us, in case his Country shall at any time be invaded.

19. We find the Brigade lately employed with Sujah Dowla consisted of two Battalions of Europeans, six Battalions of Sepoys, and one Company of Artillery; and this object appears to us of so great importance in every point of view, that we think a complete Brigade should be stationed in future with the Nabob of Oude, and paid by him, as before directed.

20. And as a good Body of Horse would not only be of great use in time of action, but also of singular service in preventing the incursions of Indian Enemies, who frequently ravage the Country with Cavalry and retire before Infantry can come up with them, we should deem it an essential service rendered the Company, if you could prevail on the Nabob of Oude to keep up a Body of Horse, to be disciplined and officered by Europeans, and under our command.

21. In negotiating a defensive Alliance of this nature and extent, no pains must be spared to convince the Nabob, that our views terminate solely in the preservation of his Country, and that the Troops so to be kept for his defence will not occasion a great additional charge to him, because his own Forces may be diminished in proportion to the strength acquired by our assistance.

22. The safety of so large a part of our Army requires the utmost attention; you will therefore be particularly careful that the respective Corps be so stationed as to admit of a speedy junction in cases of emergency.

23. Whatever number of Troops may be thus entertained by the Subah of Oude, we must again repeat that the whole expence must be borne by him; but due care must be taken that such expence be not increased by any unnecessary charge whatever.

24. As the important Fortress of Chunargur was ceded to the Company by Sujah Dowla, you are by all means to keep possession thereof. A proper number of Europeans must be stationed there, and the command of the Garrison must be entrusted to none but able and experienced Officers.

25. We direct that the Fort of Chunargur be forthwith repaired in such manner as shall be necessary. It is nevertheless our Order, that the charge of those Repairs be included in the Sum already authorized to be expended on Public Works, and that the strictest frugality be observed in conducting such Repairs.

26. Although the Office of Vizier of the Empire was confirmed to Sujah Dowla by our influence, we are uncertain how far the past conduct and present situation of Shah Allum may render it prudent for us now to interfere in the appointment of an Officer of such nominal authority in his Service; but in case, from particular circumstances, it shall appear to you necessary to take a part in the recommendation of a Person to fill that Office, on that it may contribute to the preservation of Peace in the Country, we shall approve of your acting accordingly.

27. The conduct of our late Council, in empowering the President to prepare Instructions for Mr. Middleton, as Agent at the Court of Sujah Dowla, without ordering them to be submitted to the Board for their inspection and approbation, was very improper; and it is our express Direction, that no such independent or separate authority be ever delegated to any Governor or Member of Council, or to any other Person whatsoever; but that all Instructions to Public Agents be laid before the Council, and signed by a Majority of the Members, before they be carried into execution.

28. As the Appointment of Mr. Middleton was made by our President and Council, his Correspondence should have been addressed to them, or speedily and unreservedly laid before them by the President; and we cannot avoid expressing our disapprobation that any part thereof has been with-held from the perusal of our Supreme Council.

29. Observing that Extracts of Letters have been laid before the Board, we direct, that whenever the Governor-General, Commander in Chief, or any of our Council, shall introduce to the Board any Letters or Correspondence wrote to them, or to or by any of them, or by any Person whatever, by their or any of their directions or privity, relating to the Affairs of the Company, the *whole of such Letters and Correspondence* shall be produced to and laid before the Board.

30. On comparing the Statement of Cash in the Provincial and Khalsa Treasuries, transmitted by the Governor-General, with that corrected by the Majority, we apprehend the apparent difference arises from the different modes of stating those Accounts. We think the Governor's Statement could not be accurate, as the periods for which it was taken were distant, and considerable remittances had been made between those periods from subordinate Treasuries to the Khalsa, and consequently some of those remittances might be twice reckoned in the Account; on the other hand, it does not appear that any Estimate is made of the amount of nearly one month's collection then in receipt at the several subordinate Treasuries.

31. In order, therefore, to obtain from time to time a more perfect Cash Account, we direct, that our subordinate Revenue Councils transmit Cash Accounts every month, dated the same day of the month, and that they specify the date and amount of their last remittance to the Khalsa, that you may be certainly informed whether such remittance be received at the Presidency or not; you are then to state the Balance of the Khalsa Treasury for the same day as the Accounts of the subordinate Treasuries are made up to, and to transmit such Accounts, properly adjusted, to us by every Ship for our information.

32. As you have acquainted us that we may expect the General Books of the Settlement and further Advices by the Anson, we shall upon the arrival of that Ship take into consideration the subject of our Revenues and Resources in Bengal, and communicate to you our Orders thereon so soon as convenient.

33. The propriety of paying off so soon as may be the Principal of our Bond Debt, as well as of reducing the Interest payable thereon, appears so evident to us, that we cannot omit the present opportunity of directing, in addition to our Orders and Instructions given in March last, that you constantly apply, from time to time, all Surplus Monies not wanted for the Exigencies of Government, or for the Provision of our Investment, or for Aids to our other Presidencies, or China, towards the discharge of such Principal Money as may be owing by the Company on Bond, or on Interest Notes in Bengal, until the whole shall be paid, except so much as is ordered to be discharged by Bills of Exchange, and as hath been directed to be appropriated to the payment of Pensions to our Military in England, and also such small Sums as may be the property of Widows or Orphans, who subsist upon the Interest paid them by the Company; but even with these exceptions, we think it improper, that our whole Debt at interest in Bengal should exceed the amount of twenty Lacks of Current Rupees.

39. We have noticed the conduct of our Board of Trade respecting the Duty of Two and an Half per Cent. levied upon our Investment, and the Commercial Profits arising from Salt and Ophium; and having taken into consideration their Opinion, and also the separate Opinions of our Governor General and Council on the subject, we are convinced of the propriety of the Opinion of the Board of Trade, and of the necessity of preventing our Commercial Privileges in Bengal from being infringed by making improper or unnecessary additions to the apparent amount of our Revenues.

40. The letting of Salt Lands, as part of the annual Rent is sometimes paid in Salt, the Khallary Tax, and the Duty paid on Salt at the Custom House, are no doubt Articles of Revenue, and as such proper objects of your Department; but we cannot allow that Profits arising from Sales at Auction come under that description. We therefore direct, that you deliver over to our Board of Trade, so soon as may be, all Salt received, or which may hereafter be received by you, either in payment of Rents, or as the Surplus of the Districts, at Prime Cost, necessary Charges included; and that our said Board of Trade sell the same at Public Auction, and apply the produce

produce towards the provision of our Investment, in like manner as we have directed them to apply the produce of our Consignments from hence, in the 17th Article of our Orders and Instructions, dated the 29th of March, 1774.

41. As the Revenue Council at Patna are of opinion, that the Opium Business may be more conveniently conducted by their Board than by our commercial Servants, on that consideration only we direct, that the Provision thereof be continued under your management, but that you consign the same, when provided, to our Board of Trade at Prime Cost, who are to dispose thereof at Public Auction, and to apply the Produce towards the provision of our Investment.

42. We disapprove the levying of Two and an Half per Cent. upon our Investment, as it occasions a fictitious increase of our Customs at Bengal, and a fallacious Account of the Prime Cost of our Imports from thence. On this subject we direct, that the Officers of Revenue continue to issue Rowannahs as usual, in order to prevent impositions by individuals, and that the same be registered for your information; and also that all Rowannahs issued on our account be regularly compared with the Amount of Goods passed Duty-free, under the Denomination of the Company's Investment; but you are by no means to receive any Sums of Money from our Board of Trade as an Imposit or Duty levied on Goods which compose our Investment.

43. As the custom of receiving complimentary Nazirs, or presents, is not only liable to abuse, but also contrary to the late Act of Parliament for regulating India Affairs, we much approve the determination of the Majority to refuse all such presents, and direct, that strict obedience be paid to the said Act, not only by all the Members of our Council, but by every person in our Service, and by all British Subjects residing in India under our protection.

44. The attention shewn by our late President and Council to hereditary Zemindars, and the care taken to exclude Banyans and other Servants of Revenue Officers from farming of Lands, in the general System formed for that purpose, gave us the greatest satisfaction; and it is therefore with great surprize we read on your Minutes of Council, that Banyans of Calcutta, or persons protected by them, occupy the place of Zemindars, and farm the Revenues; and that to such causes the large Balances in arrear may truly be imputed.

45. This subject appears to us of so great importance, that we direct you forthwith to investigate it fully; and if you shall find former Regulations ineffectual for preventing the evils enumerated on your Proceedings, you are forthwith to apply such remedies as the nature of the case shall require, for eradicating all improper influence in obtaining Farms by persons prohibited by the said Regulations.

46. In regard to Pensions being allowed to such Zemindars as have really compounded with Government for the profits of their Zemindaries, it seems to us but just that they should receive their annual Allowance; and as to the effect which such conventions may have upon the Country, we apprehend they must be salutary, because extortions, frauds, and embezzlements of Zemindarry Duans and Collectors are thereby totally prevented. But if you shall find that collusive bargains have been made, and that Stipends are allowed to Zemindars without an equitable consideration received by us for such Stipends, we direct, that you regulate the same in such manner, as shall prevent further imposition upon the Company on this account.

47. Your Proceedings relative to the Ranny of Burdwan and Mr. John Graham, to the Salt-Makers and the Contractors, and to the Writ of Habeas Corpus issued against one of the Company's Farmers at Daeca, have been duly attended to; but as the materials before us are incomplete, we can at present give no directions on those Proceedings. We shall collect the principal facts as they appear to us, and take the opinion of Council thereon, which will be transmitted to you by another but early conveyance for your information and future guidance.

48. By this conveyance we transmit you Copy of Advices received from our Servants at Bombay, relative to the Capture of Saller and Carinja, and to the subsequent Cession of those places to the Company by Ragobah, the Maratta Chief; and although the materials before us do not enable us to give you particular Instructions on every point relative to those important events, we however approve, under every circumstance, of the keeping

of all Territories and Possessions ceded to the Company by the Treaty concluded with Ragobah, and direct, that you forthwith adopt such measures as may be necessary for their preservation and defence.

49. In attending to this object, you will not fail to communicate our sentiments to the Commander of His Majesty's Squadron, or to request such countenance and support from the King's Ships, as shall from time to time be necessary for the security of our Possessions, and for the advantage of our Affairs on that side of India.

52. We see no material inconvenience that can attend the measurement of the Dacca Lands, and therefore direct that it be resumed and faithfully accomplished, if it shall not have been done before the receipt of these our Orders.

53. We find on your Estimate of extra Receipts and Disbursements one Article, which states upwards of Nineteen Lacks of Rupees, as appropriated towards discharging old Salt Balances; this requires the strictest investigation. We observe several claims originally made by Natives in their own names are now renewed in the names of Europeans, which we deem very irregular.

54. Our Committee of Revenue in 1771 were of opinion, that Government had connived at the frauds of their own Officers, who might possibly have received greater advances of money from Salt Merchants than the produce of the Districts could bear; that if the whole of those advances had not been brought to account, the Balances then claimed must be a clear loss to the Revenue; and in case they have been accounted for, it seems evident that there has been an anticipation of the Revenues to the amount specified.

55. It is therefore our Order, that you pay no part of the said sum of nineteen Lacks of Rupees for Salt Balances, until you shall be fully convinced that the Claimants have an undoubted right to receive the same from the Company.

56. We direct that you pay to the late Chiefs of Revenue Councils, or their Attorneys or Representatives, the Sums which would have been due to them respectively, if their annual Allowance had been to the same amount only which you have granted to the present Chiefs of those Departments.

57. As the Bank in Bengal does not appear to have answered the purposes for which it was established, nor the Plan to have been freed from those objections we made to it in our Letters of March last, we fully approve the abolition thereof.

58. In the 15th Article of our General Instructions, dated the 29th of March, 1774, we directed you to continue such of our Servants in the Collection and Management of the Revenues, as were or had been employed with reputation in that Department; and desirous as we are of giving that sanction to your Appointments which in general we deem necessary, in order to avoid the appearance of a divided authority, and to prevent our Servants in the Revenue Department from entertaining expectations of preferment, by any other means than a diligent and faithful discharge of the Duties assigned them by you, it is with reluctance we declare, that we cannot consistently approve of all your Appointments; but having, on a former occasion, out of regard to the Publick Service, and to the Conduct and Abilities of Mr. Purling, particularly recommended him to our President and Council in Bengal, and Mr. Bathoe having also had the recommendation of the Court of Directors, and as you have not stated any reasons to induce us to alter that good opinion which we have hitherto entertained of them, we are at a loss to account for your inattention to our recommendations; however we will not finally determine on this matter until a future conveyance.

60. Having thus given you our sentiments and directions on subjects of importance contained in the Papers of your Secret Department, we reserve our answer to your General Advices for another Letter, and in this place only add, that we hope a sense of duty will animate you to an exertion of your utmost abilities in the conduct of our affairs, with that cordiality and harmony so essential to the interest of the Company.

London, the 15th
December, 1775.

Declaration of the Governor-General, relative to
signing Letters in the Secret Department.

Extract of Secret Consultations, Fort-William, 24th of
March, 1775.

THE Governor-General, in signing the General Letters in this Department, thinks it necessary to declare, that he does not mean thereby to acknowledge any Proceedings as legal which were carried on by General Clavering, Mr. Monlon, and Mr. Francis, and recorded as Minutes of Council in the absence of the Governor-General, and after he had dissolved the Council. His Signature to these Letters is only meant, in obedience to the Orders of the Court of Directors, for the authentication of the facts narrated in them, without conveying any assent to the opinion which dictated them, or approbation of the Measures themselves.

(Signed)

WARREN HASTINGS.

Extract of a Letter from the Governor-General and
Council, in their Publick Department, to the
Court of Directors, dated the 24th of March,
1775; received in London the 1st of January,
1776.

22. WE hoped to have informed you by this Ship of the line having been drawn between the Jurisdiction of the Supreme Court of Judicature and that of the Country Courts, and to have given you our opinions of it's probable effects, but this still remains undecided. We understand, however, that the Supreme Court have declared peremptorily against any other Criminal Jurisdiction existing in Calcutta than that established by the Charter; but whether their Civil Jurisdiction is to exist exclusively in the same limits, or whether it is to extend to the Dewans, Officers, and Dependents of the Dewanny throughout the Provinces, remains yet for decision. We apprehend, if it is determined for the extension, that the consequences may prove hurtful to the Collections; and even if the Jurisdiction is confined to Calcutta, that great embarrassment will accrue thereby to the management of the Revenues, as this City, being the Seat of Government and Center of the Collections, becomes occasionally the resort of every man of rank and substance in the Country. These considerations we submit to you in the mean time, and will take care to advise you of the ultimate decision of the Court on these points as soon as it is declared.

Supreme
Court of Ju-
dicature.

Extract of a Letter from the Governor-General and Council at Fort-William, in their Secret Department, to the Court of Directors, dated the 24th of March, 1775; received in London the 1st of January, 1776.

HONORABLE SIRS,

1. WE had the honor to address you in duplicate from this Department by the Bute and Pacifick, under date 24th of last Month.

Nabob of
Oude.

2. Soon after the departure of these Ships, we resumed the consideration of the conditions on which it would be expedient to renew our Treaties with the Nabob of Oude, should he require it.

+ Appendix,
No. 41. A.

3. The subject was agitated in Council with every degree of attention and circumstantial discussion which its consequences demanded. The opinions and arguments of the different Members are fully recorded in the Proceedings,† to which we beg leave to refer. The Resolutions of the Board upon them were in substance as follows:

1st. That we should agree to guaranty to the Nabob the possession of his ancient Dominion of Oude without any limitation, and of those of Corah and Allahabad conditionally, till your determination on the Treaty of Benares be known.

2dly. That we should not take upon us the defence of the Conquests of the late Vizier in the Doab, or in any shape interfere in its affairs.

3dly. That the Company having fulfilled their Engagements with respect to the Rohilla Expedition, we should not guaranty the possession of that Country to him.

4thly. That it should be an Article in any new Treaty with him, that the Rajah of Gauzepore should be rendered totally independent, and be left to exercise a free authority in his own Dominions, subject only to the payment of his Tribute.

5thly. That in return for the guarantee and protection which we thus agreed to afford the Nabob, we should demand from him the Cession, in favour of the Company, of the Tribute now paid to him by the said Rajah of Gauzepore.

6thly. That it should be stipulated in the new Treaty, that in case of our Troops marching to the assistance of the Nabob, he should pay a Monthly Subsidy equal to the real expense.

4. These Resolutions were communicated to the Resident at the Nabob's Court, and he was instructed to regard them as the ground-work of any Treaty which shall be negotiated between the Nabob and this Government; but that he should listen to no Proposals, until all the claims in virtue of his late Father's Engagements with the Company shall have been adjusted, and payment made or security given for the sums which shall appear due.

5. We also instructed Mr. Bristow, in treating with the Nabob on the different articles above specified, to assure him of our sincere and steady attachment to him, and in a respectful and amicable manner to expose to him our reasons for the limitations we proposed in the Treaty, and for expecting the equivalent we demand. We even

gave

gave him liberty, in case he should find the Nabob disposed to comply with the Cession of the Tribute of Gauzepore, which we look upon as an essential article for the Company's Interest, to yield something in the article of the Subsidy for the Troops, and to intimate, as from himself, that we may content ourselves with the present Stipulation, or some other sum short of the real expense.

6. But if the Nabob should positively refuse to treat on the terms above-mentioned, we then directed Mr. Bristow to suspend all further negotiations with him, informing him at the same time, that it is our determination in this case to withdraw our Troops from his Country, and to notify to us his precise Answer.

7. The last Letters from Mr. Bristow advise us of his arrival at Fyzabad, and of his being ready to set out to join the Nabob, who, we learn by Letters from Colonel Galliez, was arrived at Mindy-Gaut, where our Brigade was encamped.

8. Colonel Galliez, who was with the Nabob at Mindy-Gaut, writes us, that he had received three Lacks of Rupees in money, besides a Tunkaw on Cheyt Sing for six more; and that he expected to receive other six Lacks in a few days, which would complete the payment of the forty Lacks for our assistance in the Rohilla War.

11. Since our last we have received a Letter from the Presidency of Bombay, explaining their motives† for the Attack of Salfet and Bassien, and also advising us of their different negotiations with the Maratta Chiefs, of which, they inform us, they have given you due information. Bombay:† Appendix, No. 54.

12. The tardiness of their Advices almost precluded us entirely from giving any directions for their conduct in the operations consequent on these measures, and we have of course suspended our judgment upon them, but have assured them, that we will afford them such support as may be necessary for preventing any injury to the Company's Affairs. We have positively disapproved of their treating with Ragobah, and have directed them to suspend all further negotiations with him.

13. Late accounts from the Coast of Malabar mention, that an Engagement had happened between the Maratta Fleet and the Revenge and Bombay Grabs from Bombay off Cape Dobbs, near Tellicherry, in which the Admiral's Ship of the Enemy's Fleet blew up and was entirely destroyed.

14. The Presidency of Fort St. George have detached one Battalion of Seapoys to the assistance of that of Bombay by the way of Anjengo, and have also embarked two Companies of Europeans from Madras on the same Service. We have approved of their conduct in the present instance, but strictly enjoined them for the future to send no Troops out of their Provinces, unless for the immediate security of their own Settlement, without our special leave. Fort St. George.

15. We find the Presidency of Bombay have also applied to Sir Edward Hughes for the assistance of his Squadron; he has ordered the Sea-Horse and Swallow for that Service, but he thought it necessary, that he should be made acquainted with the grounds and reasons for their rupture with the Marattas at this time, and we accordingly transmitted him Copies of all the informations we had received on that head. Sir Edward Hughes.

16. On the 11th instant a Letter‡ was delivered in to the Board from Maha Rajah NUNDCOMAR, § wherein he charges the Governor-General with sundry malversations in the course of his administration as President of the late Government, and with having received several sums of money from Munny Begun and from himself for favours bestowed on them through his influence. A Copy of this Charge was ordered to be delivered to the Governor-General immediately. ‡ Appendix, No. 55.

17. A

§ Extracts of Letters and Proceedings relative to the Character of Mahah Rajah NUNDCOMAR are annexed to the Anson's Dispatches.

† Appendix,
No. 55. A.

17. A few days afterwards Rajah NUNDCOMAR addressed the Board for permission to appear before them to make good his Charge, which was objected to by the Governor and Mr. Barwell. The Debates on this point will be seen at length on the Consultations.† It was resolved by the Majority that he should be called in, and on this Resolution the Governor-General declared he dissolved the Council, and withdrew; Mr. Barwell followed him. A Vote was then passed that General Clavering should take the Chair.

18. As we look upon this point to be of the most serious and important consequence, we treat your most attentive perusal of the Debates upon it, and that you would favour us with your decision as speedily as possible on the subject. Where our opinions are so wide, and the Council so nearly divided as to number, we think it necessary to adhere strictly to the line we laid down at first for our General Letters, to mention the facts simply, referring you altogether to the Consultations for the arguments on each side.

Dissolution of
the Council
by the Go-
vernor-Ge-
neral.

19. For the more certainty of conveying to you the intelligence of this transaction, we have resolved to dispatch a Letter † express over-land on that subject only, and requesting your decision upon it.

20. On the Governor-General's withdrawing, Rajah NUNDCOMAR was called in before the three remaining Members then constituting a Board, and examined on the subject of his Letter. He gave a positive declaration as to the sums which he had himself paid to the Governor-General, and gave in the names of several persons who he said were privy to the transactions. He also delivered in a Letter addressed to him under the Seal of Munny Begum, expressing the circumstance of the Governor's having received two Lacks of Rupees from her. It was thought necessary to authenticate the Seal and Letter, by comparing them with others from the same person in presence of the Persian Translator and his Moonshiee, who declared the Seal to be that of Munny Begum. On this evidence the Board called on the Governor to refund the Sums he had so acquired, and pay them into the Company's Cash; the Secretary was accordingly ordered to wait upon him with their demand, to which the Governor, declining to acknowledge the authority of the Board then sitting, refused to give an answer.

21. It is fit to mention, that the Board had before sent the Secretary to wait on the Governor-General with their most respectful compliments, to acquaint him that NUNDCOMAR had withdrawn, and to request that he would return and resume the Chair; but to this the Governor-General replied, that having dissolved the Council, he could not acknowledge the Gentlemen then sitting in that capacity, and that it was too late to summon a new Council for that night.

Cantoo Ba-
boo.

22. The Board had also thought it necessary to require the attendance of Cantoo Baboo, the Governor's Banyan, who, as NUNDCOMAR on his examination informed the Board, had applied to him in the name of the Begum, for the Original, or a Copy of her Letter, in order to ascertain that fact; but Cantoo Baboo refused to obey the summons, alledging that the Governor detained him, and that he would attend when the Council should be complete. The Governor-General has since avowed his orders to Cantoo Baboo, not to obey the summons; and Cantoo Baboo, who has since appeared before the Board, has been deemed guilty of great indignity to their authority; and it is yet in deliberation what punishment shall be inflicted on him for the contempt.

23. We have sent a Copy of the whole evidence delivered in by NUNDCOMAR to our Attorney at Law, that he may take the advice of Counsel, in what manner it will be most proper to proceed, for the recovery of the sums specified from the Governor-General for the Company's Use.

§ Appendix,
No. 56.

Colonel Les-
lie censured.

24. Lately the Commander in Chief thought it his duty to lay before us two Letters § from Colonel Leslie, declining to send into him the vouchers for a charge which he had made against Colonel Champion before his departure, for materials alleged to have been furnished by him for building Cantonments in the Rohilla Country, which he had undertaken as Quarter-Master-General, on the allegation that it was merely a private claim, and that neither the Company nor the Government here, had any concern in it. We however resolved, that the General had a right to call on Colonel Leslie for these vouchers, and that he deserved a strong censure for the disobedience contained in his Letters. This censure

was

was signified to Colonel Leslie, and he was ordered to send in to the Board the papers required of him by the General. In reply, the Colonel expressed his sorrow at having given cause for the censure, fully explained to the Board the nature of his claim on Colonel Champion, and declared he was not possessed of any vouchers in support of the demand he had made against Colonel Champion, but that he trusted solely to such proofs as he might be able to establish before a Court of Law.

We are,

Honorable Sirs,

Your most faithful

humble Servants,

Fort-William,
24th March, 1775.

WARREN HASTINGS,
J. CLAVERING,
GEO. MONSON,
RICH^d. BARWELL,
P. FRANCIS.

Extract of a Letter from the Governor-General and Council at Fort-William, in their Revenue Department, to the Court of Directors, dated the 25th of March, 1775; received in London, the 1st of January, 1776.

7. Rajah Ramkissen, the adopted Son of the Ranny of Rajeshahy, having come down to Calcutta, to support the accusations and complaints which have been presented to us on the part of the Ranny, and the Farmer having likewise absented himself from his District with a view of defending his Cause, the Governor-General represented to us the irregularity and impropriety of this step, without their having previously obtained the permission of the Board, and laid before us two Letters † from the Chief of the Provincial Council of Revenue at Moorshedabad, pointing out the detriment that might arise to the Revenues from their absence; we directed them therefore immediately to return, leaving Vackeels to make such representations as they might wish to lay before us; and in the interim we have referred the petitions for investigation to the Provincial Council of Moorshedabad and to the Superintendent of the Khalsa Records. † Appendix, No. 57.

8. The Rajah applied to us, in answer to this Order, for leave to remain at the Presidency; but as we did not approve of the unusual style of his Letter, we thought it necessary to repeat our Order for his return.

15. Accompanying this Address you will receive a Copy of the Report of Messrs. Young and Anderson, § which we were prevented from transmitting to you with our last Letter. § Appendix, No. 58.

16. We deemed it necessary to call these Gentlemen before us, that we might ascertain the authenticity of their Proceedings, and to put them upon their oaths, that we might obtain information from them on several other points that occurred during their circuit; and as the examination of the several persons, whose evidence we thought it proper to receive, was a duty which would take up some time, and could be as accurately made by a part of the Members, we resolved to appoint a Committee for that purpose.

17. General Clavering and Mr. Barwell accordingly undertook this task, and you will find their separate Proceedings annexed to the broken Set which accompanies this Letter.

18. To a particular circumstance in these Proceedings we beg leave to call your attention, referring you to them for a full relation of the facts. The two Gentlemen who were employed on the investigation did understand, that the Contractor was willing to make them a consideration for a favourable report of the Commission entrusted to them; and you will observe in the course of these enquiries the tenders that were absolutely made to them, and the specific sums.

19. Copies of these Proceedings have been forwarded to the Attorney for his guidance in prosecuting the Suit of the Molungees against the Contractors; and as it appears, by the Account laid before us the 14th instant, in pursuance of the orders of the Committee, that a large quantity remained unfold of what the Contractors reported to be deposited in the Golahs, we have given directions for the Salt to be delivered into the charge of the Agent of the twenty-four Pergunnahs, and for putting him on the same footing as these in other Districts; and we have furnished him with such additional Instructions, as we doubt not will prevent the like complaints from the Molungees in future, recommending at the same time to his particular care that they are not oppressed.

20. Having received from Bridjoo Kishore a Petition,† praying for an examination to be made into the charges preferred against him by the Ranny of Budwan, we transmitted it to her, and required that she should make good her specific charges against him within the limited time of thirty days, or we should proceed to his acquittal.—We also informed her, that unless she should be able to give some satisfactory reasons for having expressed her apprehensions of her own and her Son's life, we should think little credit was to be given to any other part of her Petition.

21. She accordingly presented to us a Letter, accompanied with sundry Accounts specifying embezzlements, and that sums had unjustly been paid away by Bridjoo Kishore to sundry of the Company's principal Servants and others therein mentioned. These papers are entered at large on our Proceedings,‡ together with our reasons for deputing Mr. Elliot, the Superintendent of the Khalia Records, to the Ranny immediately, to ascertain the originality of them.

22. His report is also entered, together with our several opinions and debates on this subject; and as our further resolutions are also recorded at large,§ and too voluminous to be particularized in this Address, we must refer you to them; observing only, that the Board being of opinion that the Ranny's request, to have a day fixed for herself the Rajah and her Servants to receive the Khelaut, which the Board understood to be customary, might be complied with; the Governor-General deeming it an indignity offered to him, declared he would not summon a Council for that purpose.

23. A debate§ arising upon this declaration, the Governor-General gave it as his opinion, that he had the sole authority of summoning and dissolving the meetings of the Council; — and the Majority were of a contrary opinion.

24. The Board resolving to call before them Bridjoo Kishore and Roopnarain Chowdrey, the Governor-General declared that he dissolved the meeting of the Board, and that he would not acknowledge the Proceedings of the Members in his absence to be legal; but the remaining Members being of opinion, that this Declaration expressed nothing but the single Opinion of the Governor-General, continued to sit, and on his withdrawing,‡ voted General Clavering, the senior Member present, into the Chair.

33. Cantoo Baboo and Kissen Churn Chatterjea, the head Servants of the Governor-General, having refused to pay obedience to the Summons sent them for attendance, the Members then present have considered it as a great indignity, that the former, who was a considerable Farmer, should presume to refuse complying with an Order for his attendance, and directed an Account of the Farms formerly and at present held by him to be laid before the Board.

34. We have ordered complete Copies of the information which was received from the persons we examined to be sent to the Company's Attorney, that he may take the Opinion of Counsel in what manner to proceed in recovering the money that may be due to the Company.

35. The Board being assembled as usual on the 17th instant,† and having resolved to send for the Governor's Servants, Cantoo Baboo and Kissen Churn Chatterjea, and the Governor-General having declared it his belief, that it was the intention of the Board to proceed to acts of violence against his Servants; and the Board having resolved, that it was their Opinion that the attendance of these people should be required, and was absolutely necessary for the support of the due authority of Government; the Governor-General declared that he dissolved the meeting; but the Majority of the Board not admitting his authority for so doing, continued to sit, and required the immediate attendance of Cantoo Baboo and Kissen Churn Chatterjea, but not being found, orders for their attendance next Council-Day have been left at their houses. † Appendix, No. 59.

36. The Members that continued, being a Majority of the Council, have recorded their Opinion in support of their Resolution, that the Board was not dissolved by the sole authority vested in the Governor-General.

37. An Account† of the Farms, Talooks, and Zemindary held by Cantoo Baboo having been delivered in agreeably to our orders, the Board have only adjoined a remark, and reserved their future observations until they can collect into one view the reasons for the extraordinary indulgences which appear to have been shewn to him. † Appendix, No. 60.

38. Adjudging, for several reasons that are set forth in a Minute§ from Colonel Monson, that Bridjoo Kishore had been an unworthy and unthrifty Servant to the Rajah of Burdwan, and an improper person to be employed by the Company, or to hold any Office of confidence near the Rajah, we resolved to dismiss him from the Rajah's service, and to permit the Ranny to appoint such persons as she might think proper for the superintendence of the Rajah's Education or his Household. § Appendix, No. 35, F.

39. The Rajah of Burdwan attending agreeably to the former Resolutions of the Board to receive the investiture,|| he was accordingly presented with it by General Cla-|| Contained in Appendix, No. 35, F. vesting, then in the Chair as eldest Member present; and having communicated to the Rajah the Resolutions we had taken of dismissing Bridjoo Kishore from his service, we directed our Secretary to wait on the Ranny, and deliver to her our recommendation of Lolla Colhall Chund and Roopnarain Chowdrey, presenting her at the same time with the Dresses allotted for herself and her Servants, who having given him a Nuzzer of nine Gold Mohurs, as a token of respect to the Board, he delivered it to us, and we have ordered it to be paid into the Khalsa Treasury with those which had been presented by the Rajah.

40. The Board perceiving that the Zemindary of Baharbund had been granted to Lucknaut Nundee,¶ found, by their enquiries of the Roy Royan, that he is the Son of ¶ Appendix, No. 60, A. Kissen Cauntoo, commonly called Cantoo Baboo, and are surprized to find, that instead of being a Man of substance and credit, he now appears to be a Youth of ten or twelve years of age.

P O S T S C R I P T.

Accompanying we have the honor to transmit you Copies of a Petition and several Papers, which have been delivered by one Coja Kaworke† to our Secretary, containing sundry accusations† against Mr. Barwell, since we closed the above Letter; and we forward to you † Appendix, also No. 61, A.

† For a particular Description of Kojah Keworke, and for an Account of sundry Transactions respecting him, as Farmer of Salt Mahls at Dacca, see Appendix No. 61.

+ Contained also numbers in the Packet† a Letter from General Clavering, Colonel Monson, and Mr. Francis, addressed to the Honorable the Governor-General, together with a Letter from Mr. Barwell to the Board on that subject.

We are, with great respect,

Honorable Sirs,

Your most faithful humble Servants,

Fort-William, the
25th March, 1775.

WARREN HASTINGS,
J. CLAVERING,
GEO. MONSON,
RICHd. BARWELL,
P. FRANCIS.

Letter from the Governor-General and Council at Fort-William, in their Secret-Department, to the Court of Directors, dated the 29th of March, 1775; received in London the 1st of January, 1776.

HONORABLE SIRS,

WE closed our annual Dispatch with the Books and Papers of this Presidency two days ago; it was sent by the Anson, Captain Tryon.

Our several Letters by the Ships of this season will inform you fully of the division which has taken place in our Councils, and of the origin and subjects of it, and we wait your decision upon them. But there is one circumstance which has occurred lately, which in our opinion, demands more instant determination, and therefore we have resolved to dispatch this over-land, to ensure as much as possible the arrival of the advice with you, in case the other channels should fail.

The circumstance alluded to, is the claim made by the Governor-General, of a power † of dissolving the Council at his pleasure, against the declared sense of the major part of the Members present. The subject is discussed at length in the Consultations sent home by the Anson; the Governor-General and Mr. Barwell asserting, and General Clavering, Colonel Monson, and Mr. Francis denying the legality of such a power; but in case that Ship should not be arrived before this Letter, we transmit you Copies of all the arguments on this subject, that you may be furnished with the proper materials, and be enabled to transmit us your Instructions upon a subject of this importance by the earliest and most speedy opportunity.

We are,

Honorable Sirs,

with respect,

Fort-William,
the 29th March, 1775.

Your most faithful

humble Servants,

WARREN HASTINGS,
J. CLAVERING;
GEO. MONSON,
RICHd. BARWELL,
P. FRANCIS.

† This Power was exercised on various Occasions, but the particulars being fully stated under their proper Heads in the Appendix, are wholly omitted in this Place, and the following Proceedings relate strictly to the Power claimed by the Governor-General, of dissolving the Council at his Pleasure, independent of the Considerations which induced him to exercise that Power.

Extract of Secret Consultations, Fort-William, 13th
March, 1775.

The GOVERNOR GENERAL.

I DECLARE the Council now dissolved, and I do protest against any Acts of it as a Council during my absence as illegal and unwarranted.

Mr. Francis.—I beg leave to ask the Governor-General whether he means to quit the Chair?

The Governor-General.—I shall not answer your question, because I do not think it sufficiently defined.

I quit the Council.

WARREN HASTINGS.

Mr. Barwell.—I think the Governor said he dissolved the Council; it is now five o'clock in the evening.—The Governor, as I understand him, did not say I quit the Council, but that I leave it.—I esteem the Council as dissolved, and unless I receive a summons agreeable to the usual form from the Governor-General, whose Office still exists and is not vacated, I do not propose to partake in the debates.

RICHARD BARWELL.

Mr. Barwell withdraws from the Board.

Colonel Monson.—I think the Governor-General has no right to dissolve this Council; an Adjournment can only take place by a Majority of the Board. The lateness of the hour should not be mentioned as an excuse for postponing of business of the importance now before us, in which the honor and reputation of our President is at stake; I therefore propose that General Clavering should preside as President until Mr. Hastings shall again think proper to return to the Board.

Mr. Francis.—I think it indispensably necessary in itself, and conformable to the true meaning of that Clause in the Act of Parliament, which provides, that, in the absence of the Governor General, the eldest Counsellor present should have the casting voice, which is allowed on other occasions to the Governor. This provision plainly shews, that the Council may subsist independent of the presence or absence of the Governor-General, and that their Acts in his absence are legal.

General Clavering.—I could not agree to this Motion, were I not convinced that the Board could not be dissolved but by a Resolution of the Majority; and the Majority of the Board having protested against his relinquishing the Chair, at a time when it was most incumbent upon him to have sat in it, to have faced his Accusers, and to have vindicated his honor; in compliance therefore with the Resolution of the Board I take the Chair.

Extract of Revenue Consultations, Fort William, 14th March, 1775.

Mr. FRANCIS.

Mr. Francis's Question to the Governor-General. **I** BEG leave to ask the Governor-General a question for information;—Whether it is his opinion, that if he, or any future Governor-General, as this Government is now constituted, should resolve not to send out summons for the meeting of the Council, there could for that reason be no Council assembled?

GOVERNOR-GENERAL.

Governor-General's Reply. Cases may possibly occur, and have occurred in the course of human affairs, which have rendered it necessary to break through the most positive institutions, and the necessity has been commonly deemed a justification for the breach of them. It is the rule of this Service, that the President only can summon the Meetings of the Board and dissolve the Meetings. I believe I may venture to affirm, that there is not an instance in the Company's Annals of the Council having either been summoned by any other authority, or adjourned by any other; and I conceive it to be a point indisputable, that all the former rules and usages of the Service, which have not been abrogated or changed by the late Act of Parliament, and the Instructions of the Court of Directors subsequent to it, still remain in full force. If a Case shall ever occur, in which the President shall refuse or neglect to summon the Members of the Council to meet for the dispatch of real business, and an evident loss and injury is likely to be sustained by the Company during such suspension, in such case the other Members of the Board might be justified in breaking through the prescribed forms, and in assuming an unauthorized Power for the interest of the Company. In any other instance these proceedings would in my judgment be unjustifiable, and even in this illegal, since the Members of the Board do not exist as a Council, but when they are legally assembled, and no individual but the President has a right to assemble them.

Mr. Francis begs leave to put a Question.

Mr. Francis's Question regarding the Authority of the President in dissolving the Council. My question is, Whether this Board can legally be dissolved or adjourned by the sole authority of the President, against the consent of a Majority of the Members present?

Mr. FRANCIS.

I think it cannot.

Mr. BARWELL.

Mr. Barwell's Opinion. It has ever been customary and usual, and I find no express interdiction of the usages that have prevailed, either in the Company's Instructions, or the letter or spirit of the Act of Parliament. The power of assembling the Council I conceive exists in the Chair; the Power of breaking it up of course, I understand, rests in the same Station. I cannot possibly suppose, that any cause, but such a personal one as may compel the Governor, through necessity, will induce him to adjourn the Board; and I think when any such cause does prevail, the business and interest to which our attention should be directed is departed from. The end proposed from our assembling not being likely to be answered, the Governor-General will stand fully acquitted for adjourning the Board. I do not speak at all to the Powers under which the Members of this Board act, nor will I be led to pass any opinion upon them. Whenever the interests of the public require my particular attention, I shall communicate those points to the knowledge of the Governor-General, who will take such measures, with the concurrence of his Council, as he may think the object merits. Without the Governor-General's authority in a public call for my attendance at the Board, it will be in my option to partake or not in the Councils of the three other Members. It is my duty to communicate with them; but I shall deem all such communications as irregular and unwarranted, and shall therefore look upon them in a private light, to be subsequently introduced in a more regular form.

The Honorable Mr. MONSON.

I think the Governor-General may assemble the Council as often as he shall think proper, Mr. Monson's but that he must do it twice a week, or at the requisition of a Majority of the Members. Opinion.
I do not apprehend the dissolution of the Board to be in the Governor-General solely; the Question of adjournment should be first put, and if carried, that Meeting is dissolved; for if the authority of summoning and dissolving the Council was with the Governor-General only, his power would be absolute and despotick, and the means of conveying information to our Employers totally precluded.

GENERAL CLAVERING.

I agree with Colonel Monson, for the reasons he has so properly urged.

General Clavering's Opinion.

GOVERNOR-GENERAL.

I have already given my opinion upon this subject in my answer to the Question proposed by Mr. Francis, and in the Minutes of the Board in the other Department of yesterday, and repeat it now, that the Board have no authority unless summoned by myself, or when the Meetings of the Board are formally dissolved by me. Arguments drawn from the practice of other Assemblies cannot apply to this. In instances in which other Assemblies are summoned for business by any of their own body, it is in consequence of some positive law or established usage. No such law or usage has ever prevailed in this Government; a Majority of the Members of the Board have asserted a contrary opinion; but I conceive it to be useless to collect opinions on a subject of this kind. The Majority may continue to sit by their own authority, as they did before the opinions were collected; I will not sit with them, nor acknowledge their Proceedings to be legal. Once more however let me repeat the Proposition which I have already made, that any examinations which have my conduct for their object, may be taken by a Committee of the Board. You may certainly obtain by this means all the satisfaction which you can receive in a Meeting, which I cannot acknowledge to be lawful, and at which I cannot be present. If you have the honor of your President at heart, which you have repeatedly, and too repeatedly declared, at a time in which you are wounding it in the most essential manner, you will acquiesce in this Proposition; if you reject it, the Court of Directors, and those to whom these transactions will be made known, may judge of your motives.

Governor-General's Opinion.

Mr. FRANCIS.

I think it very necessary that the Court of Directors should be informed, that no Member of this Board, to my knowledge, has ever expressed a wish, that the Governor-General should be required to give his personal attendance at the Board, in any case in which it would be personally disagreeable to himself to do so. Remark.

The General's Question being read again, Mr. Francis agrees to it.

The Honorable Mr. MONSON, }
GENERAL CLAVERING, } are for the Question.

GOVERNOR-GENERAL.

I am against it. I think it my duty to declare that I dissolve the Meeting of this Board. If the Members continue to sit I shall not acknowledge their Proceedings to be legal. Governor-General dissolves the Council.

GOVERNOR-GENERAL and Mr. BARWELL withdraw.

WARREN HASTINGS,
RICH^d. BARWELL.

This Declaration of the Governor's, being contrary to the Resolution of the Board, expresses nothing but his single opinion, and RESOLVED that it can have no weight or consequence whatever. Board's Resolution in consequence.

RESOLVED that General Clavering be desired to take the Chair.

General Clavering desired to take the Chair.

Extract

Extract of Secret Consultations, Fort-William, 20th March, 1775.

Read the Consultation of the 13th instant.

THE GOVERNOR-GENERAL.

I DECLARE that the words, "I quit the Council," were not recorded by me. What I said on leaving the room I do not remember; but I know that I never meant to acknowledge the existence of the Council after I had quitted the room, and had declared it to be dissolved.

General Clavering moves that the Proceedings of the 13th instant be recorded as read and approved.

Mr. Francis agrees.

Mr. Barwell.—The Proceedings of the Board of that day I approve. The Proceedings after the dissolution of the Board by the Governor-General the Majority of the Members have certainly a right to introduce on the Proceedings; but I esteem it merely in the same light as any Consultation which two, three, or four Members of the Board, assembling in any other place but the Council-House, may with equal propriety have conducted and introduced in a Minute, as the result of their joint opinions and deliberations. The subject which is treated on in this addition to the Consultation of the 13th instant I have from the first declared to be improper, and I look upon it to be more especially so, as the Governor-General has expressly charged the three Gentlemen, who took cognizance of the Charges brought by NUNCOMAR against him, to be parties in the accusation. There is something so strikingly improper in the Accusers and the Accused sitting at the same tribunal, that I own it could have afforded me extreme satisfaction if the alternative I had proposed, in delivering my opinion when this matter was first introduced, had been pursued, and the character and dignity of the first Officer of the Government not lowered in the opinion of the Natives, by promulgating throughout the whole Country, that all power and authority was taken out of the hands of the President.

Colonel Monson.—I agree to the Motion, acknowledging no power or authority in the Governor-General solely to dissolve this Board.

General Clavering agrees to the Motion.

The Governor-General.—I agree to the Motion, so far as it respects the Proceedings of the Board of which I am the Head. The Proceedings of General Clavering, Colonel Monson, and Mr. Francis, held after my departure, and after I had declared the Meeting of the Board to be dissolved, I do not acknowledge to be the Proceedings of the Board; I therefore cannot approve them.

General Clavering, Colonel Monson, and Mr. Francis, deliver in the following Minute.

THE Governor-General having repeatedly claimed and endeavoured to exercise a Power of dissolving this Council in its several Departments, and having also repeatedly and publicly declared his opinion, that any Acts done by the Majority of the Council

in his absence (when he had quitted the Chair in opposition to the sense of the Majority) were not the Acts of the Board, nor legal, which declarations he has been pleased to confirm by his Letter to Mr. Richard Sumner of the 18th instant, recorded in the Consultations of the Revenue Department; we beg leave to lay before the Board our reasons for thinking his opinions and conduct above-mentioned are not warranted by Law; and we request that he will be pleased to communicate to us the arguments, which induce him to think that such opinions and such conduct are conformable to the Act of Parliament which constitutes the present Government. We for ourselves are convinced that his conduct in this respect is illegal, and the public declaration he has made of his opinion, tends manifestly to encourage a general resistance to the authority of this Government, and to the subversion thereof.

If the Governor-General can legally dissolve the Council at his pleasure, it follows of course, that any Acts done by the remaining Members in his absence are not the Acts of the Board, nor legal. But we deny the Power claimed by the Governor-General in this respect, as we know no such authority in him; though supposing he ever had been invested with such Power, it is clear that the same is taken away by the late Act of Parliament, by which the Constitution of our Settlements in India is wholly new modelled, and the whole Civil and Military Government of this Presidency is vested in a Governor-General and four Counsellors, in like manner, to all intents and purposes whatsoever, as the same, at the time of passing the Act, were, or might have been exercised by the President and Council or Select Committee. This Clause seems to us not at all to apply or extend to the particular mode in which the Power given shall be exercised, but only to fix and ascertain the extent of it. The subsequent Clause describes and defines the manner in which it shall be carried into execution; and it is enacted, "*That in all cases whatsoever, or wherein any difference of opinion shall arise upon any Question proposed in any Consultation, the said Governor-General and Council shall be bound and concluded by the opinion and decision of the major part of those present.*" Suppose then a Question to arise, whether the Council should be dissolved, the Majority of the Members should be of opinion that it should not, in opposition to the Governor-General, does not the Act expressly declare, that he by name shall be bound by the decision of such Majority? Suppose again that he should be of opinion that the Council should not be dissolved, and the Majority present should be of a contrary opinion, would it be at all consistent with the Act, that he alone, or that he and one other Member should continue sitting and do business? If he could do the one, we think he might with equal propriety do the other; there seems to us the same reason and the same right for each.

In every Act, whether of a public or private nature, the rule of construction ought to be, that the intent and purpose for which the same was made and done ought to be substantially pursued. How could this be the case, supposing the Power of dissolving the Council was vested in the Governor-General? Whenever any business came to be agitated, which we will suppose he should not approve of, how easy a matter would it be for him immediately to dissolve the Council, and so to times quoties whenever the same case should happen. This would stop all public business but such as he alone chose to enter upon, and in effect make him absolute. In both cases it would be directly to counteract the most obvious ends and purposes of the Act of Parliament.

From whence the idea of this Power arises we are at a loss to conceive, unless from the nature of the Powers vested in His Majesty's Governors in our American Colonies and Plantations. There, it is true, the Governor is the sole Representative and Deputy of the King, and, as such, has the Power of dissolving or proroguing their Provincial Assemblies as he thinks proper; but then such Power is annexed to the Office by the original Constitution granted by the King to those Countries, and expressly confirmed by His Majesty's Commission and Instructions to each succeeding Governor, which is by no means the case here. Neither is there, as we conceive, the least analogy between the Constitution of those Countries and this; but even supposing there ever had been, no doubt can be entertained, but that the whole of the Constitution of all those Countries is liable to be new modelled and reformed by the general superintending power of the British Legislature, and is in every respect subject to their control. Here the Parliament has thought proper to interfere, and has clearly drawn the line.

The Instructions from the Court of Directors were, or ought to have been, 'till this Act of Parliament, the sole guide, as we apprehend, for the Governor, or rather President and Council here to go by; such Instructions are still in some measure to be followed, but not

Of the Power claimed by the Governor-General to dissolve the Council.

wholly so. The Court of Directors may, it is true, instruct the Governor-General and Council, as to the particular manner of carrying the Act into execution; but were they to give any one Instruction which might even indirectly tend to counteract it, it would not, we presume, be doubted, but that such Instruction ought to be wholly disregarded. If so, and there is no particular authority given to the Governor-General, either by the King, the Parliament, or the Court of Directors, to exercise the Power in question, we do not see from whence it can originate; the Name of Governor-General is, with all due deference, nothing,—a mere empty sound. The privileges and powers annexed to such title are what alone make it valuable to its possessor, or respectable to others. What such privileges and powers are, can only be known and defined by a reference had to the grant by which such title is conferred; that in the present case is the Act of Parliament, and we do not find that it either expressly or implicitly, directly or indirectly, gives any such Power as that claimed by the Governor-General.

We think the presence of the Governor-General is not essential to the Constitution of a Council, since the Act provides, that in his absence, and supposing the remaining Members to be equally divided upon any Question, "The eldest Counsellor present shall have a casting voice, and his opinion shall be decisive and conclusive."

(Signed)

J. CLAVERING,
GEO. MONSON,
P. FRANCIS.

THE GOVERNOR-GENERAL.

—THIS Question has already been put and amply discussed at the Revenue Board on the 14th instant. I do not recollect any arguments or authorities, by which I can sustain my part of the Question, stronger or more apposite than those which are contained in my Minute upon that Question, and in my Minute in reply to a preceding Question of Mr. Francis on that day upon the same subject. If, on the revival of those Minutes, and on an attentive perusal of the Minute now delivered in by the Majority, I shall find it necessary to use any further arguments on the subject, I will record them; for the present I shall only declare, that I abide by my former resolutions.

Mr. Francis moves, that a Letter to the Honorable the Court of Directors be immediately drawn up and dispatched over-land, to acquaint them of the difference which has unhappily arisen in this Council between the Governor-General and Mr. Barwell on the one side, and General Clavering, Colonel Monson, and Mr. Francis on the other, respecting a Power claimed by the Governor-General to dissolve the Council at his pleasure; the former asserting, and the latter denying the legality of such a claim. That the arguments on both sides be also transmitted to the Court of Directors, with the unanimous request of the Board, that a decision of the above Question be obtained and transmitted to this Government as soon as possible.

Mr. Barwell. I see no objection to it at present; if any should occur to me afterwards I shall send them in.

Colonel Monson agrees.

General Clavering agrees.

The Governor-General. I cannot refuse my assent to the Question, wishing equally with the Gentlemen from whom I understand the Proposition to come an early decision of it; my sentiments unsupported but by a single Member of the Board imposing every disadvantage on me, to which nothing but my sense of the duty which I owe to the respectable Powers from whom I hold my appointment could induce me to submit. But there are many objections to the proposal, which would have dissuaded me from being the mover of it. I do not approve of detached Questions being sent to the Court of Directors, considering (as I do) this only a point of a connected and deliberate System, adopted on the first formation of the Council, and continued without intermission to this day. To render

our Advices on this subject complete, would require a great variety of materials on both sides of the question. It will be scarce possible to commit these to Cypher in the midst of the voluminous Dispatches of the last Ship of the season, and it will be dangerous to transmit them in plain writing. However, as the Question has been put and resolved on, I will endeavour to perform my part in the preparation of the Advices which are to be thus transmitted.

† AGREED, That a Letter to the Honorable the Court of Directors be prepared accordingly, to be transmitted to them over-land.

Extract of Secret Consultations, Fort-William, the 3d of April, 1775.

The Governor-General delivers in the following Minute, and requests that one Copy may be sent in Cypher with the Letter written on the Subject, to go over-land to the Court of Directors, and that another Copy may be sent with a Duplicate of that Letter by the Anson.

THE Gentlemen of the Majority having set forth in a Minute, dated the 20th instant, The Governor-General's Minute on his Power to dissolve the Council, that "I have repeatedly claimed and endeavoured to exercise a Power of dissolving this Council in it's several Departments, and that I have repeatedly and publicly declared my opinion, that any Acts done by the Majority of the Council in my absence (when I had quitted the Chair in opposition to the sense of the Majority) were not the Acts of the Board, nor legal; and having requested that I will communicate to them the arguments, which induce me to think such opinions and such conduct are conformable to the Act of Parliament which constitutes the present Government;"

I think it proper in the first place to inform them, that my opinions and conduct, and the arguments on which I ground my support of both, stand already recorded and fully stated in the Minutes of Consultation of the Public Department, dated the 13th instant, and in those of the Revenue Department, dated the 14th instant.

For the further information of my Superiors, I shall next relate the grounds on which this Question arose, and proceed to assign my reasons at large in support of my part of it.

On the 10th instant, a Packet, containing an English Address to the Board from the Rannee of Burdwan, with sundry Accounts in the same Language, and a Copy of the former in the Persian Tongue, was brought to the Council of Revenue by a Servant of Mr. Joseph Fowke, the Agent of General Clavering. In these Papers a formal Charge was produced against me, of having received, in the month of May or June, 1773, a Present from Bridjoo Kishore Roy, the Dewan of the Rajah of Burdwan, amounting to 15,000 Rupees.

On the 11th instant Mr. Francis delivered to the Board a sealed Letter from Rajah NUNCOMAR, containing a specific Charge against me, of having in September 1772 received a Present from Munny Begum of 3,54,105 Rupees, and other Charges of indefiniteness received by me, as Presents from sundry other persons, to the apparent amount of many millions of Rupees.

† A duplicate of the above Letter was received by the Anson before the original came to hand, and is prefixed to these Minutes. See page 172.

On

On the 13th instant a Motion was made by Colonel Monson, and supported by General Clavering and Mr. Francis, that Rajah NUNDOOMAR should be called before the Board, and required to produce the proofs of his allegations. To this I strongly objected, declaring that I looked upon the Members of the Majority themselves as my Accusers, that they were therefore unfit to sit in judgment upon me; that I would not suffer the dignity of the first Magistrate of this Government to be debased, by sitting to be arraigned as a Criminal at the Council Board, of which he was the President, by a man of a character so notoriously infamous as that of Rajah NUNDOOMAR; and that I disclaimed their right, in any respect, to erect themselves into a tribunal to judge my conduct; that I had no objection, and would consent to their forming themselves into a Committee, for the purpose of obtaining such information as they required, but would not suffer them to bring such a business before the Board. They persisted in their purpose, and I declared the Meeting dissolved; I accordingly departed, Mr. Barwell did the same; the other Members paid no regard to my declaration, but continued to sit.

The next day, being the 14th, the Council being assembled in the Revenue-Department, a like Motion with that of the preceding day was made by General Clavering, that Bridjoo Kishore Roy, and Roopnarrain Chowdry, who was the principal Agent in the accusation preferred by the Rannee of Burdwan, should be called before the Board for the like purpose of enquiring into those accusations. I objected in like manner, and repeated my Proposition, that a Committee should be formed for these enquiries, but without effect; I again declared the Meeting dissolved and left them; Mr. Barwell did the same.

On the 17th a Council was summoned at their request for special purposes express in their requisition; I met them, Mr. Barwell did not attend. Instead of proceeding to the business for which they had been expressly assembled, a Motion was immediately made by General Clavering, and supported by the other Members, that Cantoo Baboo and Kissen Chatterjee, my principal Servants, should be called before them, for the purposes of questioning them concerning a supposed contempt shewn to the authority of the Board, in having refused to obey the like summons sent to them by the Majority in their preceding Meetings, held after my declaration of their dissolution, and of supporting the authority of the Board. As I had cause, from the terms of the Motion, from the violence of their former proceedings, and from their refusal to give me the assurance which I demanded of them, of the personal safety of my Servants if they appeared before them, to apprehend some disgraceful treatment of these men, which, in the eyes of the people of this Country, would have been equal to the greatest personal indignity offered to myself, I after repeated remonstrances again proceeded to the last but ineffectual resource which was left me, and a third time declared them dissolved.

How far I was justified in my suspicion of the violence which might be intended to be offered to the persons of my Servants, will best appear from a Motion which was actually made by General Clavering, at the public Council Board on the 20th instant, to inflict a punishment on my Servant Cantoo Baboo, to which none but the meanest of the people are ever sentenced, that he should be put into the common Stocks.

I have been thus particular in the detail of the transactions which gave rise to the Question now before the Board, because, in whatever way it may hereafter be determined by those who are to be the judges of it, nothing can so effectually justify my conduct, in proceeding to such apparent extremities, (for, in effect, they are rather declarations of a Right than the exercise of a Power) as the violence of those who compelled me to it.

I shall now proceed to the Question itself, which I shall take the liberty to repeat in words more applicable to the subject in debate.

I am called upon to communicate to the Board the arguments, by which I support my claim to dissolve the Meetings of the Council, and my opinion that the Acts done by the Majority of the Board after such a dissolution are illegal; and why I think such a claim, and such an opinion, conformable to the Act of Parliament which constitutes the present Government.

I answer, that my claim and opinion are grounded on reason, and the immemorial usage of the late Presidency, approved by the Court of Directors, and passed into a positive Law by the Act of Parliament.

The Power of summoning and dissolving the Council must exist somewhere; it is reasonable that it should exist in the first and executive Member of it. The Members of the Council do not possess any authority, as such, but when they are assembled; they cannot therefore assemble themselves, because that would be to exercise an act of authority. The Governor only therefore has the Power of assembling them; it is equally reasonable that the same Power should dissolve them. If this privilege rested only with the collective body of the Council, and the President had no authority to dissolve them, a prevailing Faction in the Council would always have it in their power to steal in or obtrude business on the Board, for which the other Members were unprepared, and to impose such insult and indignities upon their President, as he could not otherwise avert than by an instant resignation of his Office and of the Service; a Case necessary to be strongly guarded against, as the temptations to force him to such a resignation are powerful in a body whose number is small, and whose succession to the first Post in the Government is immutably fixed.

Our Honorable Employers have an undoubted right to the assistance and advice of every Member of the Board; this they cannot have, unless each Member has an opportunity of considering and deliberating on each Question before it passes into an Act of the Board. Such an opportunity cannot be ascertained to them without the existence of this Power.

The business to be discussed at each Meeting of the Board, (except the current business, which is always supposed to be the first in course of dispatch) ought to be specified in the summons by which the Council is convened, and, without the consent of each individual Member, business not specified in the summons cannot legally be entered upon; but if a Majority, notwithstanding the reasonableness of the objection, will persist to go through with such business, the only means of preventing illegal Acts from assuming the sanction of the Board, is, that the Governor-General, as President of the Assembly, shall dissolve the Meeting. This Power, as he apprehends, is no more than what is incidental to, and universally exercised by the Mayor, or other President, of every Corporation in England.

That this Right, founded in reason, has been supported by the immemorial usage of the former Presidency, and of all the Presidencies established by the Honorable Company to this day, I appeal to the Consultations of this and the other Presidencies; I appeal to the Court of Directors? whether they have not ever understood this to be the rule, That the Presidents have universally the Right of summoning the Councils is not disputed. That they alone have that Power, and that they have a Power of dissolving the Councils, is equally certain, if there never yet was an instance of any Council's being either assembled, or of their Meeting continued, in opposition to the authority of the President. I firmly believe that no such instance did ever occur; if such ever did in this Government since the time in which I have been acquainted with the Service, that is since the year 1749, it may be easily traced on the Records which are in the possession of the Honorable Court of Directors, and I am willing to trust to the issue of such a search as decisive of the Question.

That the Power which I have described has been confirmed by the Court of Directors, I appeal to the General Instructions of the Honorable Company, written with the knowledge of the exercise of such a Power, and not forbidding it.

The Right being reasonable, and having existed in and been exercised by the President of this Settlement, Has it been abrogated by the Act of Parliament? No, it has in express words been confirmed; the first Clause of the Act produced by the Gentlemen of the Majority, though with an attempt to explain it away, is direct in point to prove it.

“The whole Civil and Military Government of the said Presidency, &c. shall, during such time as the Territorial Acquisitions and Revenues shall remain in the possession of the said United Company, be, and are hereby vested in the said Governor-General and Council of the said Presidency of Fort-William in Bengal, in like manner, to all intents and purposes whatsoever, as the same now are, or at any time heretofore might have been exercised by the President and Council or Select Committee in the said Kingdoms.”

The Powers are given in like manner, to all intents and purposes, as the same now are, or at any time heretofore might have been exercised by the President and Council or Select Committee. Such a Power was heretofore exercised by the President; it follows, *reddendo singula singulis*, that it may be exercised by the Governor-General, who is substituted in his place.—I am at a loss to find out why this Clause seems to the Gentlemen of the Majority only to fix and ascertain the extent of the Powers, when the words plainly and expressly apply both to the extent and the mode of exercising them. Their construction is forced and unnatural. Had the Legislature meant to confine it to the extent only, they would have used fewer words, and by that means have conveyed their meaning more clearly; instead of, “In like manner as the same now are, or heretofore might have been exercised,” they would have left out “In like manner,” which plainly refer to the mode of exercising, and have simply vested such Powers in the Governor-General and Council as were vested in the President and Council. They have not been contented with vesting the Governor-General and Council with the Powers, but have vested them in like manner as they were heretofore exercised.

I understand it to be a rule of construction amongst Lawyers, that in all Acts of Parliament, or Grants, every word, if it can, consistently with the general tenor of the Act or Grant, should have an effect given to it; and if possible, that no words should be rejected. By my construction, the clear and obvious effect of all the words is given to them consistently with the Act; by the other, the words “In like manner,” which are operative, are totally rejected.

It is by no means true, as is asserted, that “Our Constitution in India hath been wholly new-modelled.” The substantial operation of the Act on the Constitution, has only been to annihilate the President and Council appointed by the authority of the Honorable Company, and to erect, by its own authority, a new one limited to a less number of Members in its stead, to give that number a greater permanency in their Offices, and to fix a certain succession to the chief Office of the Government. The very same Powers, and no others, as far as they relate to the government of this Settlement, are vested in them, as were vested in the President and Council and Select Committee, and the mode of exercising them is enacted to be the same. They still remain Servants of the Honorable Company, and are required “To pay due obedience to all such Orders as they shall receive from the Court of Directors.”

The Honorable Company have considered the Constitution no further altered, as is evident from the 39th Article of the Instructions, in which they treat the new as a continuation of the old, and clearly intend that the Government should be administered as formerly. They expressly direct, that the Governor-General and Council shall strictly attend, not only to the standing Orders of the Company communicated to their Presidency of Fort-William, but to all such Orders and Instructions as the Court of Directors have transmitted to the Governor and Council, or the Select Committee. Had they simply not altered their former Orders and Instructions, I apprehend those Orders and Instructions would have been the proper rules of action for the Governor-General and Council.

The other Clause in the Act, cited by the same Gentlemen, does not, in my opinion, apply to the Question; “That in all Cases whatsoever, wherein any difference of opinion shall arise upon any Question proposed in any Consultation, the said Governor-General and Council shall be bound and concluded by the opinion and decision of the major part of those present.” This is no more than would have been implied had it not been expressed; it is the law of all Assemblies, except there is an express provision to the contrary, and no argument can be drawn from the Legislature simply expressing that which would have been implied. The reason for introducing it seems to be to give the casting voice. “All Cases,” must mean all Cases properly before the Board, and which they have a right of deciding upon. It cannot apply to a Question concerning the manner of exercising the Powers, the Act having before determined that point, that it shall be “In like manner, to all intents and purposes whatsoever, as the same, at the time of passing the Act, were, or might have been exercised by the President and Council or the Select Committee.” It can give them no right to change the Constitution of the Council, of which the Power of dissolving is by the Act made a part. The words construed in the sense of the Gentlemen of the Majority, would give a Power

in the Majority of excluding the Governor-General, or any Member of the Council, from their Debates, and even from the Service.

If I have proved my Right to dissolve the Assembly, it follows of course, that after a dissolution of it by me the remaining Members are no Board; and consequently, such Acts done by them, as require the authority of the Board, are illegal.

The Case put, of the Governor-General alone, or with one Member, continuing to sit after the Majority shall be of opinion that the Council should be dissolved, does not stand on the same reasons as my claim of dissolving it.

I am not apprized of any usage concerning it, and therefore do not know that it has been confirmed by the Act. Such a claim might possibly be considered as an attempt to vest in myself those Powers, which I think illegally claimed and injuriously exercised by the Majority, of compelling the Members to hasty decisions on matters they have not been permitted to consider; but the inconvenience would not be dangerous, for it would be in the power of the Majority who voted for the dissolution, by continuing to over-rule the Minority. My claim is to prevent illegal acts, not to enforce them.

What the Gentlemen of the Majority have been pleased to advance, concerning the Governor-General dissolving the Council, when any business may come before it which he shall not approve, and by that means stopping all public business, is an argument drawn from the possible abuse of the Power, not the legal exercise of it. There are no Powers which may not be abused, but that is no argument against the existence or propriety of the Power; the abuse of the Power is illegal. I had not in contemplation the Powers of the Governors of the American Colonies when I asserted this claim; I agree there is no analogy between those Constitutions and this; the Gentlemen might therefore have spared themselves the trouble of supposing arguments for the purpose of confuting them, as they were never insisted on or thought of by me.

I am not apprized of any Instructions sent out by the Court of Directors tending directly or indirectly to counteract the late Statute, and think it as unbecoming as unnecessary to enter into a discussion, before the Cases happen, in what instances obedience is, and in what not, to be paid to my Honorable Masters. I have the same guide for my conduct since the Act of Parliament as I had before, implicitly to obey all their lawful commands. I have not received, nor will presume I shall receive Orders which it may be necessary for me to dispute. I do not see why the Gentlemen have introduced this into their Minute, except their diligence has found out, that the Right of dissolving the Council by the former Presidents has its foundation in positive Instructions from the Honorable Court of Directors, which I think highly probable, though I have not time to investigate it; or because they expect, from the justice or necessity of the claim, to receive Instructions positively confirming it, and mean, by imposing such construction as they think fit upon the Act, to give notice of their intention to disobey them.

That I have been placed at the head of the new Administration I shall ever esteem the highest honor, as it implies a national approbation of my conduct. I am told that the Name of Governor-General is a mere empty sound; yet I esteem it a title intended by the Legislature to give additional dignity to my Station; and cannot be persuaded that the Parliament, at the instant in which they approved my conduct, and dignified my Station, if they did not mean to enlarge, intended to abridge those Powers which my Predecessors had enjoyed, which I was then actually in possession of, and which at this day are exercised by all the Presidents in the Settlements belonging to the Honorable Company.

I have never asserted that my presence is on all occasions necessary to constitute a Council. If by absence from the Presidency by sickness, or any other unavoidable cause, I shall be unable myself to attend, I will, as has heretofore been the practice, ever give notice of it to the Council assembled by my orders, and the eldest Member present will of course take my place; and in the case of my leaving the Presidency, it has been the rule

Of the Power claimed by the Governor-General to dissolve the Council.

to delegate my Office in form to the next in succession, on whom all the Rights of the President devolve of course.

(Signed)

WARREN HASTINGS.

Extract of Secret Consultations, Fort-William, 6th April, 1775.

General Clavering, Colonel Monson, and Mr. Francis, deliver into the Board the following Minute, in consequence of that given in by the Governor-General at the last Council, and desire that Copies of it may accompany his by the Anson, and in Cypher overland.

Minute from General-Clavering, Colonel Monson, and Mr. Francis.

Fort-William, 4th April, 1775.

General Clavering, Colonel Monson, and Mr. Francis's Minute on the Governor's Power to dissolve the Board.

IN laying before the Board our reasons for thinking that the Right claimed, and Power exercised by the Governor-General, of dissolving the Board at his pleasure, and against the declared sense of the Majority, was illegal, we considered the difference between us strictly as a Question of positive Right; and avoided entering into any narrative or other matter not immediately necessary for the determination of it. We therefore object to that part of the Governor-General's Minute on this subject, in which he departs from the Question of Right, and enters generally into a state of those Proceedings on both sides, which, in his opinion, justify his resolving to exercise the Right now in dispute. Supposing our conduct to have been blameable in any degree whatsoever, it will not convey a Power to the Governor-General which the Law has not allowed him; nor should, in point of regularity, the Governor-General's strictures upon it be introduced into the present argument.

It appears to us, that the Opinion maintained by the Governor-General amounts to this conclusion; that the Members of this Council have only a deliberative voice on such matters or points of business as shall be laid before us by him, and that if we enter upon any other business, which he may deem offensive to himself, or otherwise irregular, he may immediately dismiss us.

If this construction of the Act of Parliament shall appear to be well founded, the Council then becomes merely a Board of reference, and the Governor-General in effect is absolute.

With respect to the Governor-General's representation of our conduct, we flatter ourselves that the Honorable Court of Directors will not suffer their judgment to be influenced against us, until they see the whole state of our Proceedings, as they are recorded in the Consultations sent home by the Anson.

(Signed)

J. CLAVERING,
GEO. MONSON,
P. FRANCIS.

Ordered, that Copies be prepared and transmitted by the Anson and Overland to the Court of Directors.

Extract of a Letter from the Court of Directors to the
Governor-General and Council at Fort-William,
dated the 31st of January, 1776.

Par. 15. **B**Y the Ship Anson we have received a duplicate of your Secret Letter dated the 29th of March, 1775, and also your separate Minutes, dated the 20th of March, and 3d and 4th of April, relative to a Power claimed by the Governor-General of dissolving the Council at his pleasure, against the declared sense of the major part of the Members present.

16. The Anson having been obliged to put into Ireland, we have not yet received your Book Packet, and consequently the Proceedings of the Majority, after the Governor-General and Mr. Barwell had withdrawn from the Board, are not before us.

17. The importance of the Question, Whether the Governor-General is legally empowered to dissolve the Council at pleasure, contrary to the declared sense of the Majority, is so great, that we have judged it proper to state the Case to some of the most eminent Lawyers in this Kingdom, and to have their Opinions, before we finally decide thereon; which Opinions we have not yet been able to obtain. But however the Question may be determined respecting the legality of the Power, We are clearly of opinion, that it is highly improper that such a power, which may be attended with the most fatal consequences, should be exercised by our Governor-General, or by any President of our Council; and therefore, to prevent further inconvenience, and totally to suppress all claims of this kind in future, it is our express Command, that no Meeting of our Council (the Members having been duly summoned) shall be dissolved, or adjourned, by the authority of our Governor-General, or of any President for the time being, without the consent of a Majority of Members present at every such Meeting of our said Council.

18. And if it shall hereafter happen that the Governor-General, or any Member or Members of Council, not being a Majority, shall think proper to withdraw from the Council Board, and leave a Majority of the whole Council sitting, and if such Majority shall be of opinion, that it may be necessary, and for the good of our Service, to proceed to the dispatch of public business, we hereby direct, that they continue to sit so long (and to adjourn from time to time) as they shall think it requisite and for our interest so to do; and that their Minutes, Resolutions, and Proceedings shall be recorded in the same Book and form as would have been the case if no Member had withdrawn.

19. It is our further Command, that all Orders which shall be issued by such Majority, so assembled in Council, as aforesaid, to any of our Servants in Bengal, Civil or Military, be implicitly obeyed, in the same manner, to all intents and purposes, as though such Orders had been authorized and signed by all the Members of our said Council.

At a Court of Directors held on Wednesday the 7th
February, 1776.

Nathaniel Smith, Esquire. delivered in the following Dissent, viz.

To the Honorable the COURT of DIRECTORS.

GENTLEMEN,

“**A**PPREHENSIVE the Directors Power alone, under the late restrictive Act, will not be found competent to controul the Supreme Council in the Mode of exercising it's executive Authority, by any positive injunctions they shall give to direct the Adjournment of the Council in future; and as great doubts do evidently arise on the intention of the Legislature, respecting the manner by which the said Council shall from time to time become adjourned, and which will appear from the Directors own confession in the Letter lately sent to Bengal;”

“And as very fatal consequences are likely to ensue should the Directions given by this Court on the Mode of Adjournment in future be deemed illegal, or should the Court's Authority to prescribe to the Council on the execution of their Power be disputed by them;”

“For these reasons, I desire to enter my Dissent against that part of the Letter to Bengal, of the 31st of January, 1776, which relates to so consequential a step taken by the Court under it's own authority, as that of venturing to decide upon a point not clearly described by the Act, and which Decision must so materially affect a Constitution given by the Legislature to the Supreme Power in India; nor can the Governor-General and Council be justified in paying obedience to your Orders, I apprehend, should such Orders be interpreted as contradictory to the Act of Parliament under which they are established.”

“I am,

“Gentlemen,

“with respect,

“Your most obedient

“humble Servant,

“NATHL. SMITH.”

“East-India House,
“February 7th, 1776.

At a Court of Directors held on Wednesday the 20th
March, 1776.

THE Opinions of the Attorney-General, Mr. Wallace, and Mr. Dunning, on the Governor-General raising upon himself to dissolve the Council, were read.

C A S E.

BEFORE the Act of Parliament of the 13th year of the reign of His present Majesty, for regulating the Affairs of the East-India Company, the Company's Affairs at Bengal were managed by a President and twelve other persons, who were called a President and Council, whose Commissions were to the following effect, viz.

The Company reposing especial trust and confidence in the fidelity, prudence, justice, and circumspection of A. have made, constituted, &c. the said A. to be President and Governor of and for all the said Company's Affairs in the Bay of Bengal, and other the Places and Provinces thereunto belonging in the East-Indies; and also to be Governor and Commander in Chief of Fort-William, and all the Towns and Territories thereto belonging, and of all the Forts, Factories, and Settlements, Lands, Territories, Countries, and Jurisdictions belonging to the Company within the Subahship of Bengal, and of all the Forces which were, or might be employed for the Service of said Company, in said Forts, Towns, and Places, and to execute all Powers thereto appertaining, by Order of the Court of Directors, and to continue same during their pleasure. And to the end said A. may be better enabled to order and manage the Affairs of said Company, they constituted and ordained B. C. and D. &c. (naming the twelve persons of the Council) to be Council of Fort-William, for governing and managing all the said Company's Affairs in Bengal, and the Places and Provinces belonging to the said Company as aforesaid; and the said Company did thereby grant unto the said President and Governor and Council aforesaid, or the major part of them, (the Council being duly summoned) full Power to rule and govern all the Company's Factors and Servants under said Presidency, and all the Soldiers and Inhabitants of Fort-William, and all the Towns and Territories thereto belonging, and all the Forts, Factories, and Settlements, Lands, Territories, Countries, and Jurisdictions belonging to the Company within the Subahship of Bengal; and to do all such other acts and things, and exercise all such other Powers and Authorities as said President and Governor and his Council, in their respective Places where the said Company had, or should have Factories or Places of Trade, were authorised to do, according to such Instructions as said President and Council should receive under the hands of thirteen or more of the Court of Directors of the said Company.

Extract of Commission usually granted to the President and Council of Bengal.

Besides the above general Commission, the Company for a great many years back have had a Committee at Bengal, which they call a Select Committee, consisting of the President and some of the Council, the number of whom varied at different times, the Committee being sometimes composed of only three, at other times four, five, or six persons. The first cause for appointing this Committee was the troubles of the Company in Bengal in the year 1754; and at that time the Objects of the Committee were, to treat with the Country Powers, and negotiate such matters with them as were of a more secret and confidential nature than were proper to be immediately communicated to the whole Council.

Afterwards, when the Company got into a supposed state of prosperity, and their Servants were supposed to have been guilty of great abuses of their power, this Committee was authorised to enquire into and correct such abuses.—This Committee was from time to time appointed by Letters signed by thirteen or more of the Court of Directors without any formal Commission; and sometimes the Select Committee had power to determine, and carry their Resolutions into execution, and at other times they were only to deliberate and propose matters to the President and Council, who were to decide thereon.

For the better management of the said United Company's Affairs in India, it was enacted, that for the Government of the Presidency at Fort-William in Bengal, there should be appointed a Governor-General and four Counsellors, and that the whole Civil and Military Government of all the Territorial Acquisitions and Revenues in the Kingdoms

13th Geo. III. Cap. 67. Sect. 7.

OF

of Bengal, Bahar, and Orixá, should, during such time as the Territorial Acquisitions and Revenues should remain in the possession of the said United Company, be, and were thereby vested in the said Governor-General and Council of the said Presidency of Fort-William in Bengal, in the like manner, to all intents and purposes whatsoever, as the same then were, or at any time theretofore might have been exercised by the President and Council, or Select Committee, in the said Kingdoms.

Sect. 8.

It was enacted, that in all Cases whatsoever, wherein any difference of opinion should arise upon any Question proposed in any Consultation, the said Governor-General and Council should be bound and concluded by the opinion and decision of the major part of those present, and if it should happen, that by the death or removal, or by the absence of any of the Members of the said Council, such Governor-General and Council should happen to be equally divided, then, and in every such Case, the said Governor-General, or, in his absence, the eldest Counsellor present, should have a casting voice, and his opinion should be decisive and conclusive.

By another Clause in the Act, the Governor-General and Council were directed to observe and obey such Orders as they should receive from the Directors of the said Company.

Sect. 46.

It was enacted, that all and every the Rights, Interests, Powers, Privileges, and Authorities, which were then vested in the said United Company of Merchants trading to the East-Indies, and which were not thereby expressly taken away, altered, or varied, should remain to, and continue in the said Company, in as full and ample a manner, to all intents and purposes whatsoever as if that Act had never been made.

Pursuant to the above Act of Parliament, the Court of Directors of the said Company gave several Orders in writing to the said Governor-General and Council; amongst which was an Order, that they should assemble in Council twice in every Week, to which Assemblies each of the Council were to be duly summoned.

The constant usage of the Company has been, at all their Presidencies; for the President to summon the other Members of the Council to meet together in Council on such days, and at such hours, as he thought proper; and if either business or pleasure required the President's absence from the Settlement, he always delegated this Power to the person next in rank to himself. This usage has been pursued by the Governor-General and Council.

Various disputes have happened between the Governor-General and Council at Bengal in their Assemblies or Meetings to transact the business of the Company; and shortly before the last Dispatches came from thence, a Question being proposed by the Majority of the Council, which the Governor-General disapproved, as improper to be brought before them as a Board, and they (the Majority) insisting to bring it on, the Governor-General declared the Council dissolved, and thereupon he, and the Member who agreed with him in opinion, quitted the Council Board, and left the Majority sitting, who proceeded in the business they had proposed, insisting that it was a legal Board; for that (as they contended) the Governor-General had no power to dissolve them, but that after the Council were regularly assembled, they could not be discharged without the consent of the Majority.

The same conduct was held twice afterwards on Questions relating to the same business.

The Governor-General and Council have signed a joint Letter, requesting the decision of the Court of Directors respecting the Governor-General's power of dissolving a Council at his pleasure.

Each of the parties have entered their reasons and arguments upon the point in their Consultation Book, which are as follows:

[The Consultations quoted in the Case are omitted here, being an exact Copy of those printed, Page 176, to 178, beginning with the words,

"The Governor-General having repeatedly claimed and endeavoured to exercise a Power of dissolving this Council in it's several Departments," to the words,

"And his Opinion shall be decisive and conclusive."

And page 179 to page 184, beginning with the words,

"The Gentlemen of the Majority having set forth, &c." to the words,

"Proceedings, as they are recorded in the Consultations sent home by the Anson."]

The Officers at the East-India-House cannot find any instance upon the Books of Consultations received from any of the Company's Presidencies, where a President has exercised the Power of dissolving an Assembly of the President and Council, or where such a Power has been denied or disputed; nor have the Directors ever had such a Question before them, or given any Orders or Opinion thereon.

Your Opinion is desired, Whether the Governor-General has Power at his pleasure to dissolve a Meeting of himself and the Council legally assembled? And if he has, Whether such Power is derived from the Act of Parliament?

The Power of dissolving an Assembly constituted of Persons upon an equal footing, is, by the general Rule of Law, vested in a Majority of the Assembly; and I do not perceive any express Power given to the Governor-General by the late Act, or to the President, by any former Commission or Instructions, to dissolve an Assembly legally convened. If an Assembly is constituted of certain integral parts, the Power of putting an end to the Assembly rests in each integral part, not by a Declaration that the Assembly is dissolved, but by an integral part withdrawing from the Assembly, which in effect dissolves the Assembly, and no business can afterwards be proposed. If the Governor-General be a necessary constituent part of every Assembly, he has the Power of dissolving the Assembly by withdrawing himself. I incline to think the Governor-General is not an essential part of an Assembly. The Government is vested in the Governor-General and four Counsellors; and they, or the major part of them, have the Power of superintending and controlling the management of the Company's Affairs, Civil and Military; these are words of reference to the Powers exercised by the President and Council or Select Committee, which I conceive allude to the Powers exercised by those bodies being assembled, and not to the Powers exercised by any individual Member. It does not appear that the President in fact claimed the Power of dissolving the Council before the Act; I therefore conceive the Governor-General has not the Power of dissolving the Assembly at his pleasure, which would in effect vest the Power of Government in him personally, which by the Act seems to me to be entrusted to the Majority. It does not appear to me, that the presence of the Governor-General is indispensably necessary to the constituting an Assembly, and consequently the withdrawing himself will not put an end to an Assembly regularly convened. The Act supposes an Assembly without his presence; for there is a provision, in case the Council shall be equally divided, the eldest Counsellor, in the absence of the Governor-General, shall have the casting voice.

JAS. WALLACE.

Lincoln's-Inn,
4th February, 1776.

We are of opinion, that by the constitution of this body, as it stood before the late Act of Parliament, the President and Governor was an integral and essential part of it, without whom no Council could be legally holden, and on whose departure therefore it was of course dissolved, unless where he appoints a Delegate, agreeable to what is stated to have been the usage; and we are further of opinion, that whatever was the constitution in this respect before, is not altered, but confirmed by the late Act of Parliament.

Opinion of
the Attorney-
General and
Mr. Dunning.

Lincoln's-Inn,
11th March, 1776.

E. THURLOW.
J. DUNNING.

B b b

Mr.

Mr. Sayer's Opinion. †

THE Civil Government being vested in the Governor and Council, in like manner, and to all purposes, as it was exercised before by the President and Council or Select Committee, the President always issued or ordered Summons for the Meeting of the Council, and it should seem that the Council cannot legally meet without such Summons. The Meeting of the Council depends on the pleasure of the Governor, and I think the duration of it must do so too; but it was as great a crime to dissolve the Council upon base and sinister motives, as it would be to assume the Power of dissolving if he had it not. I believe he is the first Governor that ever dissolved a Council enquiring into his behaviour when he was innocent. Before he could summon three Councils and dissolve them, he had time fully to consider what would be the result of such conduct, to convince every body beyond a doubt of his conscious guilt.

C. SAYER.

7th January, 1776.

Governor-General's Address to the Court of Directors, by the Ship Anson, dated at Fort-William, the 25th of March, 1775; received in London the 1st of January, 1776.

HONORABLE SIRS,

I HAVE the honor to send you a triplicate of my Address of the 10th of January, a duplicate of my last, and Observations on the Minutes sent by the Gentlemen of the Majority to your Honorable Court with the last Dispatches.

The various and accumulated attacks which have been made upon me by my Adversaries exceed my abilities, and the narrow compass of my time, to repel them by that circumstantial mode of defence which I have made use of in my former Addresses.

I beg leave to recall to your attention the original points of controversy which formed the subjects of our first Appeals; these were, on their part, a condemnation of the Rohilla War, a justification of their Resolutions for the recall of the Brigade, and the dismission of my public Agent from his appointment at the Court of the Vizier Sujah Dowla; and on mine, a vindication of that War, and a protestation against their Resolutions.

Not trusting to their strength on this ground, they shifted the scene to the Treaty of Benaras, which they endeavoured to decry, and I have defended.

Their next attack was on the management of your Collections and Finances; those were represented as in a state of irretrievable ruin, and these exhausted; with what truth you will judge from facts, which supersede all arguments.

On all these points I have fully replied, and it rests with you to determine on the justice of their accusations and of my defence; neither my judgment nor my conscience will allow me for a moment to fear for the issue of your decision.

To this period the contests between the Majority and me were confined to subjects of a public nature, although my conduct and character, my credit at home, and my influence here, were the ultimate objects of them. Perhaps even these retrospections were foreign

† This Opinion was given before the preceding Case was prepared.

from the design of the Legislature in the constitution of this new Government, invested with such extended Powers, and a Charge of such vast importance to the British State. I have long ago in my Letter to the Honourable Court of Directors, dated the 11th (November, 1773) offered to you my opinion of their effects, at a time when it was impossible for me to foresee the present occasion for the application of it.

The first Acts of the Majority manifestly shew, that their aim was either, by continual provocations to induce me to throw up my Seat, and leave them the sole uncontrolled Masters of this valuable State, or, by annihilating my present influence, to render me a cypher in it; and, by misrepresenting the measures of my former administration, as universally tending, and even systematically calculated for the ruin of your interests and the national honor in this Country, to effect my removal by a superior and legal authority.

The ruling principle and spring of all their actions is fairly, but rather unguardedly explained in their first Letter of Appeal, in the declaration, "That the justification of their conduct must of necessity carry with it, and could only be supported by a strong and deliberate censure of the preceding Administration." I have admitted the truth of this Proposition, in the application of it to such of their measures as are directly contradictory of those of the preceding Administration, but I will not allow it to be either just or fair applied to measures with which these have no relation; but it is a powerful though trite policy, to which the unthinking part of the world have too often been the dupes; to such let them address themselves; I trust that my Cause will be decided by other Judges.

The subsequent transactions have not even the pretext of a public object, but are directly and openly levelled at myself. The ground is popular, and calculated to the temper of the times; and whatever be the issue of them, there are thousands on whom the bare Allegations will fix an indelible impression.

On the 10th instant, an English Letter, containing English Accounts, was brought to the Board, in the name of the Ranny of Burdwan,† by a Servant of Mr. Joseph Fowke, charging me personally with having received the Sum of 15,000 Rupees as a Present from Dewan Bridjoo Kishore Roy. † See Appendix, No. 35. D. and 35 E.

On the next day a weightier Charge was delivered to the Board, in the Public Department, through the hands of Mr. Francis,§ from Maha Rajah NUNDCOMAR,† of various Presents having been received by me, which, on the most probable estimation of the indefinite Sums, added to those which are particularly specified, must have amounted to many millions of Rupees. † See Appendix, No. 35.

The Proceedings of the Board, and of the Majority continued by their own authority, on those Accusations, will be found at large in the Consultations of the 10th, 11th, 14th, and 17th instant in the Revenue Department, and of the 11th, 13th, and 20th in the Public Department. I beg leave to refer to these Records, as I think it necessary that you should have the most complete as well as the most authentic information of the subject.

Those relating to the Allegations of Rajah NUNDCOMAR have been committed to the hands of your Attorney, for the purpose of commencing a Suit at Law against me; in the name of the Company, for the recovery of the Sums said to have been received by me from Munny Begum in the year 1772; I reserve my defence for the same channel, not chusing to give my Adversaries an advantage by anticipating it, nor to bespeak your premature judgment on a Cause thus depending. I do not mean to restrict myself solely to this mode of defence; let the Law have it's effect, and I am willing, and shall be proud to submit all my transactions, of what nature soever, to your justice, in any way or form which you shall prescribe. In the mean time I beg that you will suspend your opinion upon my conduct, except on those parts of it on which you have complete materials to decide, and on which your earliest decision is required; in this decision the conduct of my Opponents must necessarily be involved.

A combined and declared Majority of the Council have stood forth as my Accusers; I appeal, for the truth of this assertion, to the whole tenor of their conduct since their arrival in this Country, and to the undoubted evidences which appear on the public Records of the last fifteen days Consultations, that these Gentlemen are themselves Parties, if not the Principals, as in my heart I believe them to be, and such the world esteems them, and the Ranny

§ See Mr. Francis's explanation of this circumstance, in his Minute, dated 21st March, 1775, annexed to the Minutes of the Majority received by the Ship Anson.

Ranny of Burdwan and Rajah NUNDCOMAR little more than Instruments and ostensible Agents in the Accusations preferred by them against me.

Whether considered as my Accusers, or as joint Members of the Administration, I disclaim their Right to erect themselves into a Tribunal to try my conduct, nor should any consideration prevail upon me to subject myself to such a state of humiliation.

As little do I judge it consistent with my own honor or your interest, to suffer the first Member of this State to be personally arraigned at the Council Board, and exposed to the insolence and calumnies of a miscreant like NUNDCOMAR. Had the Majority been disposed to accept of my proposition, of appointing a Committee for prosecuting their enquiries either into these or the Ranny's Allegations, they might have obtained the same knowledge, and all the satisfaction in this way that they could have expected from an inquisition taken by the Board at large; their Proceedings would have had the appearance at least of regularity, and my credit would have been less affected by them. The only point which they could possibly gain by persisting in bringing such a subject before the Board, was to gain a public triumph over me, and to expose my Place and Person to insult.

Reduced to this extremity, and supported only by a single Member of the Board, whose behaviour and reasonings on this occasion will, I trust, do him honor in your eyes, although they availed but little against a precombined Resolution, I had no alternative left, but to yield to the indignities offered me, or to make use of the authority, which the ancient and unrepealed Constitution of your Service has vested in the President of your Council, to declare the Meeting dissolved. My Declaration had no effect with them, nor did I expect it would. It rests with you to determine, whether, in this instance, I usurped (or, to speak more properly, asserted) a Privilege to which I had no lawful claim; or whether I am justified by the ancient and invariable practice of the Service, and by the necessity of the case, in that Resolution. This point was debated and fully discussed in the next day's Consultation at the Revenue Board, and of course determined by the Majority in favour of the practice which they had already begun. I cannot add any Argument to those which appear in my Minutes upon this Question; to prove the legality of my claim; I trust they will be found conclusive in point of fact; and am confident that the reasonableness of this Power, and its necessity in various cases, will not escape your penetration. Without it, a prevailing Faction in the Council might have it in their power, at any time, to steal in and obtrude business on the Board for which the other Members were unprepared, and they would have opportunities of imposing such indignities upon their President, as he could only avert by a resignation of his Office and of the Service. In such cases, the only remedy seems to be, that the Power which summoned the Meeting should dissolve it; and this surely could not be more properly exercised than in the present instance, when not only new matter was attempted to be introduced, foreign from the declared purpose of calling the Meeting, but even a personal indignity and wanton triumph over my weakness in the Administration were prepared for me.

My Adversaries will doubtless alledge, that whatever was the Constitution formerly in this respect, such a Privilege does not now exist. I have carefully examined this point; I find no alteration expressed in the Act of Parliament, in respect to the Powers of the internal Constitution of the Council, except one single point, namely, that in the old Council the first Member was titled President, a Title specifically including him in the number of the Council, and assigning him only the first Seat in it; and in the new Establishment he is dignified by a higher and exclusive Title, and in a manner separated from the other Members. How far the wisdom of the Legislature meant by this distinction to extend the Privileges of the Chief of this Government, is not for me at present to enquire; but surely it is conclusive as to their intention of neither diminishing nor abrogating the inherent Rights of the former Chiefs, unless specially taken away by other Clauses of the Act; besides, I even find in the Act itself a positive Declaration, that the Rights of the Governor-General and Council shall remain to them, in like manner, to all intents and purposes, as they were at any time before exercised by the Presidents and Councils. I may err in this construction, and suffer a subject too nearly allied to my feelings to impose

on my judgment, but I am confident, whatever may be the Opinion as to the Right, that with you, Gentlemen, and with all wise and moderate men, nothing will justify the intemperance of my Opponents, who compelled me, by every circumstance of useless and indecent provocation, to fly to such an expedient, as the only means of saving me from personal insult.

You will observe the attempts that have been repeatedly made by the Majority to compel the attendance of my two principal Servants before them; in this instance also I presume to affirm, that they have acted without a precedent and without any legal authority. To those who know the custom and manners of the Country, this will be considered as an outrage offered directly to myself, and, whatever colour may be given to it, I believe there is not a man in this place that looks upon it as intended for any other purpose: if it were possible to ascribe it to any other, the behaviour of General Clavering at the public Council Board on the 20th would put it beyond the possibility of a doubt.

Again I beg leave to refer you to the perusal of the Consultations upon these subjects, of which I wish that not a single word should escape your observation.

Although I have declined entering at this time and place into a refutation of the Accusations which have been preferred against me in the names of NUNDCOMAR, and the Ranny of Burdwan, yet I do not think it proper to pass them wholly unnoticed.

You are well informed of the reasons† which first induced me to give any share of my confidence to NUNDCOMAR, with whose character I was acquainted by an experience of many years. The means which he himself took to acquire it were peculiar to himself: he sent a messenger to me at Madras, on the first news of my appointment to this Presidency, with pretended Letters from Munny Begum and the Nabob Yeteram o'Dowla, the Brother of the Nabob Jaffier Ally Khan, filled with bitter invectives against Mahomed Reza Khan, and of as warm recommendations, as I recollect, of NUNDCOMAR. I have been since informed by the Begum that the Letter which bore her Seal was a complete forgery, and that she was totally unacquainted with the use which had been made of her name 'till informed of it, by Juggut Chand, NUNDCOMAR's Son-in-Law, who was sent to her expressly to intreat her not to divulge it. Mr. Middleton, whom she consulted on the occasion, can attest the truth of this story. I have not yet had the curiosity to enquire of the Nabob Yeteram o'Dowla whether his Letter was of the same stamp, but I cannot doubt it.

The promise, which he says I made him, that he should be constituted Aumeen, that is, Inquisitor-General over the whole Country, and that I would delegate to him my whole power and influence, is something more than a negative falsehood. He did once or twice intimate to me a wish of the kind, but with so little success that for a while he wholly dropt it. On Mr. Reed's return from the Coast, where he had been on leave of absence, NUNDCOMAR made his application to him for the same employment, hoping through his influence to obtain it; Mr. Reed, deceived by his suggestions, brought the proposition before the Board, and supported it with warmth, but it was rejected. The manner in Consultation, which this matter was then introduced contains striking proofs of the incendiary 1773. character of the man, and the Proceedings will shew the grounds on which the proposition was rejected.

For the enquiries which were made into the conduct of Mahomed Reza Khan and Rajah Shitabroy, I beg leave to refer to the Proceedings themselves, in which every voucher and every evidence that I could obtain from NUNDCOMAR are recorded at length, and you will yourselves be the best judges of the diligence which was exerted by me in the prosecution of them. Mahomed Reza Khan, who was brought to trial by your express commands, on formal Charges exhibited against him, was confined under a Guard of Seapoys from April 1772 to June 1773. Shitabroy, although there had not been any express commands received from you concerning him, was in like manner confined from May 1772 to June 1773, and the most public notice was given with respect to both, that every complaint against them would be heard and strictly tried.

The reasons for appointing a native Officer at the head of the Khalsa, and the particular reasons which induced the Committee to make choice of the Son of Rajah Doolubsum for that Office, appear on the Records of that time.

C c c

I recollect

I recollect an information given me by NUNDCOMAR, concerning the pretended usurpations made by the Rajah of Benares of the Purgunnahs of Keera Mungrore and Bidjygar, in the Province of Bahar, but at a much more distant period of time than NUNDCOMAR has asserted. I do not recollect his mentioning it again when I set out for Benares, neither did I ever intimate the subject either to Cheyt Sing or his Ministers, because I knew I could not support the claim; and to have made it and dropped it would have been in every sense dishonorable: not that I passed by it with indifference or inattention; I took pains to investigate the foundation of this title, and recommended it to the particular enquiry of Mr. Vansittart, who was the Chief of Patna at the time in which I received the first intimation of it. The following Letter and Voucher which I received from him contain a complete State of this pretended usurpation.

Extract of a Letter from George VanSittart, Esq.
Chief at Patna, to the Governor, dated the 25th
September, 1772.

“WHEN I was at Moorshedabad, you mentioned a report of a Purgunnah's having been alienated from this Province, and given by Shitabroy to Rajah Bulwant Sing. I asked you if you meant Bejugur or Choufa; you said no, that neither of these was the name; that the place you meant was somewhere in the neighbourhood of Rotas. Since my return hither I have been making particular enquiry, and I imagine Mungrore must be the Purgunnah you spoke of; but it is not in the neighbourhood of Rotas, it belongs properly to Shahabad, and is situated not far from Benares. It paid its Revenue to this Province 'till 1085, or 1677. In 1086 it was all given away to Jagheerdars. In 1140 about a fifth part was resumed, and again paid a Revenue. In 1142 this part was again given to Jagheerdars, and the Bahar Government has never since received a Rupee from it. About eight years ago Meer Jaffier made a present of it to Bulwant Sing, to whom it was confirmed by Lord Clive and Carnac, and he afterwards procured Sunnuds for it as an Altumgaw from the King and the Vizier. Enclosed are Copies of these several Papers.”

Memorandum of a Sunnud and Firmaund, from the beginning of the month Shâbaan, in the 8th year of the Reign of the King Shah Allum.

The Sum of 16,80,083 Daums on the whole Purgunnah of Mungrore, in the Sircar of Shahabad, in the Subah of Bahar, the Revenues of which amount to 50,000 Rupees and upwards, is granted, agreeably to the Zimmum, from the latter end of Kubby-ul-Owel, as a free and unconditional gift to Rajah Bulwant Sing and to his Heirs, without the association of any other person, and with an exemption from the payment of all Customs.

The Contents of the Zimmum.

The whole of the Purgunnah of Mungrore, in the Sircar of Shahabad, in the Subah of Bahar, is granted as a free and unconditional gift to Rajah Bulwant Sing and his Heirs. Tunca 16,80,083 Daums, Jumma of the Purgunnah, 50,000 Rupees and upwards.

Copy of a Perwannah, under the Seal of the Vizier ul Mulk, Sujah ul Dowlah Bahadre, Seefdur Jung, from the 29th of Shâbaan, in the 8th year of the reign of His Majesty Shah Allum, agreeable to the above illustrious Firmaund of the 15th of Shâbaan, in the 8th year of the reign, the sum of 16,80,083 Daums on the whole Purgunnah of Mungrore, the Revenue of which amounts to 50,000 Rupees and upwards, with an exemption from the payment of all Duties from the middle of Kubby-ul-Owel, agreeably to the Zimmum, is granted as a free and unconditional gift to Rajah Bulwant Sing Bahadre and to his Heirs.

Contents of the Zimmum.

The Tunca, as a free gift and donation to Rajah Bulwant Sing, on the whole Purgunnah of Mungrore, in the Sircar of Shalhabad, in the Subah of Bahar, 16,83,083 Daums; the Revenue of the said Purgunnah 50,000 Rupees.

Copy of a Sunnud from Meer Mahomed Jaffier Khan Bahadre, written the 20th of Rujjub, in the 5th year of the reign of His Majesty Shah Allum.

In consideration of the attachment and services of the high and mighty Rajah Bulwant Sing Bahadre, the Revenue of 16,80,083 Daums in the Pergunnah of Mungrore, with the Phouldarry and other Duties usdally paid to Government, are remitted to him, and given for his own emolument, that he may be always ready to protect that quarter. Dated as above.

Copy of the Treaty under the Seals of the Nabob Sabut Jung (Lord Clive) and General Carnac Bahadre.

In the fifth Article of the Treaty between the Nabob Sujah ul Dowla, and the Nabob Nudjum ul Dowlah Bahadre, Nizam of the Subah of Bengal and Bahar, and the English Company, which was acceded to by His Sacred Majesty, and signed and sealed by the respective parties, the Affair of Rajah Bulwant Sing is mentioned as follows:

Article the 5th. Rajah Bulwant Sing shall be established and continued in the Zeminaries of Benaras, Gauzepore, and also the other Districts which he possessed at the time he entered into alliance with the Nabob Meer Jaffier Khan Bahadre and the English, upon condition of his paying the same Revenues as heretofore.

Memorandum of Particulars relating to the Purgunnah of Mungrore, extracted from the Records.

From the Records of the year 1085, it was annexed to the Khalsa Shereefa. In the year 1086 till the year 1136 Fushelly the whole of the Purgunnah was relinquished to Jagheerdars.

In the year 1140 three Lacks and 5000 Daums reverted in charge to the Nizamut, and remained as a depolite till the year 1142, and were annexed to the Caboolat of Shalhabad; the remaining Sums continued under the Jagheerdars.

From the year 1143 Fushelly to the year 1170 the Records of the whole of this Purgunnah were re-annexed to the Nizamut.

From the year 1171 Fushelly, in the Records of the Nizamut, it was considered as separated from the authority of the Nizamut. It appeared that Rajah Bulwant Sing had obtained a Sunnud for the whole Purgunnah as an unconditional gift, and was in possession of it. The Sunnud is not in the Records.

A true Translation,

(Signed)

J. H. D'OYLY,

Acting Persian Translator.

The reasons which prevailed on the late Board to grant the Purgunnah of Baharbund to Cantoo Baboo, my Servant, will appear in the Consultations of the 12th and 19th of July, 1774, in the Revenue Department; to those I refer. † You will find that this is not a part of the Zemindary of Raunty Bowanny, nor ever in her possession; but a Mahl, or District,

Appendix,
No 62.

District, depending immediately on Government, and lying on the Frontier of the Province; that no kind of indulgence was shewn to my Servant in this Grant, but an advantage provided for Government, by the Peshcush, or Fine, to be paid, and by the security which the Collections of it would naturally derive from being in the charge of a man of business and property.

The Sunnud was never granted, though ready drawn up, and in my possession from the time of the Order of Council; nor of course the Peshcush paid, because I chose to defer the confirmation of it till the assembly of the new Council.

The Majority, in their separate Meeting of the 17th instant, have thought proper to deprive Cantoo Baboo of this Grant for reasons which they are yet to seek. One indeed they have assigned, namely, that the person in whose name it was granted was described as a man of credit and property, but proved on enquiry to be a boy of ten years of age. You, Gentlemen, need not be told, that it is the constant practice of the Gentoos to register all Deeds and Contracts, and apply for all Grants in the names of their Sons. Locknaut Nundee, the nominal Zemindar, is the Son of Cantoo Baboo, whom the Board intended by the above description.

I beg leave to drop the immediate subject for a moment, to take notice of the general reproach which the Gentlemen of the Majority have thought proper to cast upon me, for having permitted my Servant to hold Talooks and Farms to a considerable amount in the Province.

Indeed, such is the peculiarity of my lot, that I find I must defend myself even against the opposite Charge, of having permitted him to quit many of his Farms. I shall say but little to both Accusations.

Cantoo Baboo was in possession of his Talooks before my arrival.

Many of his Farms were taken without my knowledge, and almost all against my advice. I had no right to use compulsion or authority; nor could I with justice exclude him, because he was my Servant, from a liberty allowed to all other persons in the Country. The Farms which he quitted, he quitted by my advice, because I thought that he might engage himself beyond his abilities, and be involved in disputes, which I did not chuse to have come before me as the judge of them.

† Contained
in Appendix,
No. 69.

The Enclosure, No. 1,† is a comparative Account of the Jumma and Collections of all his Farms in the year preceding the Settlement, and in the years in which he has held them, with the Jumma continued to the end of the Lease. This, compared with the general Accounts of the Bengal Province, will afford a more convincing proof than any words can offer, that he has received no sort of indulgence or privilege from my protection. If further proofs are wanting the Consultations referred to in my Dispatches by the Bute and Pacifick contain many instances of my impartiality, and some even of rigour shewn him by the Board with my concurrence, particularly, in depriving him of his Teeka Salt Works, in favour of his Competitor, Cumal o'Dien, an act rather of necessity than of strict justice.

† Appendix,
No. 63.

As to the Charge of with-holding from NUNDCOMAR a Pallankeen which he lays claim to, I am ashamed to reply to so futile an Accusation. The Enclosure,† No. 2, delivered to me by Mudgelis Roy, the Vackeel of Rajah Shitabroy, contains all that I know of this affair, except that the Pallankeen is in my possession, as I am told, for I have never seen it.

The appointment of Munny Begum to the management of the Nabob's Household, and of Rajah Goordass, and the other Relations and Dependants of NUNDCOMAR to the Dewanny and subsidiary Offices of the Nizamut and Behla, took place in the month of August, 1772. My motives in these arrangements have been already fully explained to you in the Minutes of the Committee of Circuit and the General Letters of that year, and in my Address to your Secret Committee dated the 1st September.

I believe there is scarce a man in Bengal who does not now commend my choice of Munny Begum for the trust assigned her. I believe there were few to whom the distinction

by the Ship Anfon, dated the 25th of March, 1775.

tion which was shewn by me on that occasion to the Family of NUNCOMAR did not afford matter of much astonishment, as his character was known to all, and my opinion of it to all who knew me.

You have been pleased to honor me with your approbation of every part of this transaction.

It is now scarcely three years since I received the charge of the Government of these Provinces from Mr. Cartier, of which time the last six months may be accounted a blank. The variety, multitude, and importance of the arrangements which have been crowded into the narrow space of time in which I held this authority are fully known to you; for their effects, the state of your Treasury and the diminution of your Debts will be my best vouchers.

How much the Trade of these Provinces has benefited during my Administration, the following authentic Accounts of the Customs and Shipping of this Port for some years past abundantly testify.

General View of the Calcutta Custom-House Collections and Cash Accounts for the following Years, viz.

	Gross Duties.	Nett Duties.	Paid into the Treasury.
	C. Rs.		
1769	262756 12 3	237960 12 6	224306 5 3
1770	146801 1 6	120934 4 6	144901 5 6
1771	206166 6 3	183526 13 3	201650 13 6
1772	234792 5 6	205515 4 9	307542
1773	339484 12 3	304818 11 3	306192
1774	441045 2 9	400966 12 9	408992 15 6

Errors excepted,

(Signed)

Calcutta Custom-House,
1st January, 1775.

W. BENSLEY,

Custom-Master.

D d d

Account

Account of the Number of Vessels arrived in the River Hughly, with their Tonnage, from the 1st of January, 1771, to the 31st December, 1774.

Years.	Number of Arrivals.	Tonnage.	Increase of Tonnage annually.
1770	95	23,831	
1771	81	25,070	1,239
1772	115	26,184	1,114
1773	161	37,037	10,853
1774	147	43,935	6,898

N. B. The number of Arrivals in the year 1774 being less than the foregoing year, and the Tonnage more, is owing to the many small Coasting Vessels being put down in the Account for the year 1773, and not included in last year's.

(Signed)

H. WEDDERBURN,
Master-Attendant.

For the rest I dare appeal to every man who has left Bengal since the date of my accession to the Government of it, in the certain assurance that their concurrent voices will do me strict justice and ample credit.

Foiled in all their repeated attacks upon me, my Adversaries have recourse to the Charge of rapacity, a Charge of all others the most foreign from my nature. I do not assert this on the empty credit of self-presumption; neither my general character, circumstances, nor conduct in life, before my appointment to this Government, are unknown to many of your Honorable Court; and a slight review of my measures since that period, will manifest how little they have been guided by an attention to my private interest.

The stoppage of the King's Tribute was an Act of mine, and I have been often reproached with it. It was certainly in my power to have continued the payment of it, and to have made my terms with the King for any part of it which I might have chosen to reserve for my own use; he would have thanked me for the remainder.

Your Order for the reduction of the Nabob's Stipend was communicated to him in the month of December, 1771; he remonstrated against it, and desired that it might be again referred to the Company; the Board tacitly acquiesced in his remonstrance, and the subsequent payments of his Stipend were made as before. I might easily have availed myself of this plea; I might have treated it as an Act of the past Government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expense of his Court and Household without it, which I could have proved by plausible arguments drawn from the actual amount of the Nizamut and Behla Establishments, and both the Nabob and the Begum would have liberally purchased my forbearance. Instead of pursuing this plan, I carried your Orders rigidly and literally into execution. I reduced the Nabob's Stipend from the date on which the first notification of it was made to him; I undertook myself the laborious and reproachful task of limiting his charges, from an excess of his former Stipend to the sum of his reduced allowance; and I had the satisfaction of viewing the Nabob in a state of magnificence suitable to his dignity within a twelvemonth after at Plaffey, where he had met me the year before with every appearance of indigence and meanness: for this too I can appeal to many Gentlemen of your Service, who were witnesses of the Nabob's condition in both the periods which I have related.

Had I been desirous of reaping an advantage from the new Settlement of the Lands, the very means which I employed were diametrically opposed to it; since it has been reproached

to me by my Adversaries themselves, that the Farms, particularly those in the settlement of which I was personally concerned, were let beyond their real value.

When the Ranny of Burdwan renewed her intrigues on my accession to the Government in 1772, she solicited my interest with proffers of many Lacks. Prompted equally by ambition, hatred to Bridjoo Kishore Roy, and the rage of former disappointment, she was prepared to have agreed to any conditions that would ensure her a victory over her enemy: but it will appear, from the early date of the Consultations on this subject, that her solicitations served only to incite me to an instant conclusion of the dispute, by a full and effectual confirmation of the decree which had been passed upon it in the preceding Administration.

It will not escape your observation, that, notwithstanding the violence with which I have been persecuted, I am not even charged with a single instance of oppression, except in the grant of the Purgunnah of Baharbund, which I have already explained; there cannot I think be a stronger proof that my conduct in this respect has been wholly unexceptionable.

To what lengths the violence of my Adversaries, which has been progressively improving to this time, will be carried, when the last Dispatches of this Season will have left no means of further appeals, I can only conjecture.

You will see how effectually they have already accomplished one part of their System, by the total extinction of my authority here, not only by excluding me from a share in the public Resolutions at the Council Table, where I sit only as an object of the most illiberal persecution, but by so manifest a declaration of their power and determined enmity towards me, that it is universally believed to be the surest means of acquiring an influence with the present Administration to bring Accusations against their first Member; as, on the other hand, those who are supposed to have shared any degree of my favour are the marked objects of their vengeance. If circumstances of such notoriety require the support of formal proofs, I might appeal to almost every page of your Consultations for the first part of this assertion; but I content myself with instancing only the Consultation of the 20th, in the Public Department, and the enclosed Minute, No. 5, ^{Respecting} delivered at the Board yesterday, the 24th, by General Clavering, on which I shall make no comment; for the latter, the favours and honours heaped on the Burdwan Ranny and Roopnarrain Ghowdry, and the countenance shewn to NUNDCOMAR; the refusal of the Majority to receive the visits of Mahomed Reza Khan when they were offered through me, and his close connexion with them since; the selection of the Salt Contractor for the subject of a civil prosecution, because it was supposed that Captain Weller, whom I patronized, did, while living, and his Widow, since his death, partake of the profits of the Contract; the force and intimidations used to my Servant Cantoo Baboo; and the dismissal of Mr. Lewis from the Council of Burdwan, because he had my permission to go to sea for his health, are instances sufficient to characterise both the temper and influence which rule the acting Members of your State.

Col. Leslie, and contained in Appendix, No. 56.

I cannot help taking notice of the peculiar disadvantages which I have laboured under, in the times which seem to have been chosen (you will judge whether accident could have produced such an invariable similarity of effects) for the introduction of the several materials which have the arraignment of my conduct for their direct or ultimate aim.

The first Letter from the Ranny of Burdwan, which I consider as the preface to all the rest, was sent to the Board on the 30th of December, after the day fixed for the close of the Proceedings, in the height of the business of the Dutton's Dispatches; although it is publicly known, that Lalla Koochalchund, her Agent and present Dewan, who had been compelled to leave Calcutta on account of his former intrigues, returned thither almost as soon as the Transports arrived; and it is not likely that he was idle in the intermediate time.

The Ranny's Reply to Mr. Graham's Vindication was sent in after the close of the public Proceedings on the dispatch of the Bute and Pacifick.

Her last Charge, in which I am directly included, was brought before the Board on the 10th of March, NUNDCOMAR's Accusations on the 11th, and Mahomed Reza Khan's, which

which I believe will be read as obliquely aiming at the same end, on the 13th, the day fixed for the close of the Proceedings now in course of dispatch.

The requisition which has been made by the Majority for sending a number in the Packet the Charges preferred against Mr. Barwell by Coja Kaworke, which I never saw till the 24th, is a similar instance of this uncandid mode of proceeding. But it is not in these instances only that I complain of it; they are the Assaults, and of course know the times and modes in which their attacks are to be made: unapprised of both, I have to encounter their deliberate and guarded projects by the instant and unpremeditated impulse of my own judgment; and my attention is thus kept perpetually drawn off from the calls of instant business by the expectation of fresh hostilities. Do not wonder therefore, Honorable Sirs, if my behaviour in any part of these disputes shall appear to you defective or improper. I am not yet conscious of any impropriety in it; but I think that on many occasions I could have provided myself with a much completer plan of defence, had I been allowed the same leisure and tranquillity to form it, as my Opponents possessed in concerning that of their attacks upon me.

I beg leave in this place to make one short observation upon the Right claimed and exercised by the Gentlemen of the Majority, to examine persons before them on oath, even in accusations against the parties themselves. This you will find to have been practised with Bridjoo Kishore, in their Proceedings held after my departure on the 14th instant, in the Revenue Council Chamber; and on the 17th instant sentence was formally passed against him by the same Gentlemen, expressly grounded on his Answers to the Questions which had been proposed to him. Thus to extort from a man evidence against himself, is so directly contradictory of the fundamental principles of justice, that it requires no comment. Several other persons also were examined by them on the 14th, and put to their oaths; a measure which has an immediate tendency to the subversion of justice. The Inhabitants of this Country, from the nature of their education, from the form of their own Government, and from the timidity of their dispositions, are equally incapable of bearing up against the frowns of Power, and of resisting the allurements attendant upon it. Thus called before a settled Majority, the violence of whole measures has filled the Country with alarm, they will naturally give evidence as NUNCOMAR may have told them is expected; and having once done so, they are tied down to support it, whether true or false, when legally summoned before the Supreme Court of Judicature.

In a former Letter I pledged myself to prove, that Mr. Graham was not guilty of the crimes laid to his charge in the Petition of the Ranny of Burdwan, entered in Consultation the 30th December; these were, 1st. The cruelty and oppression with which he is said to have separated the young Rajah of Burdwan from the Ranny his Mother. 2dly. The violence with which he wrested the seals from her. 3dly. That he had appropriated to himself very large sums from the young Rajah's Allowance.

The grounds on which I thus pledged myself to you, were my knowledge that Mr. Graham did not possess any distinct authority since the death of Tillook Chund, the former Rajah, and the assurances which he made me before his departure from Bengal.

The 1st and 2d Articles your Records will prove to have been deliberate Acts of the Administration; and a Letter from Mr. Charles Stuart, of which I have already transmitted you a Copy, will shew that the Orders were carried into execution by that Gentleman, and that Mr. Graham did not interfere.

The third Charge you will observe to have dwindled from many Lacks of Rupees to 35,000, and this Sum the Ranny allows to have been paid to Mr. Graham in discharge of a Bond which had been given him; but she asserts that the Bond was collusively given, without any money being actually received from him, and that consequently the money thus paid him was in effect a Present from Bridjoo Kishore; Bridjoo Kishore, on the contrary, positively denies that any Present has been made by him to Mr. Graham since the death of Rajah Tillook Chund, except some shawls, &c. to the amount of 4 or 5000 Rupees. With respect to the other Sums of money which the Ranny accuses Mr. Graham of receiving, it is not pretended that they were given since the death of Rajah Tillook Chund, and therefore the Accusation, whether true or false, is entirely foreign from her original Charge. The Majority have now determined that a prosecution shall be commenced in the Supreme Court of Judicature for the recovery of these Sums. I cannot with propriety say more on the subject.

I am not able to reply by this conveyance to Colonel Champion's Vindication. Besides the more pressing weight of other business preventing me, I must necessarily wait for the Replies to the Questions which I have proposed to put to the Field-Officers and others, concerning the subjects of his Vindication, which I have yet in vain attempted through the channel of the Board: but I mean to give it a thorough and effectual examination; in the mean time I am not much alarmed for the effects of such a production.

I have the honor to be,

With the greatest respect,

Honorable Sirs,

Your most faithful

Fort-William,
the 25th March, 1775.

and obedient humble Servant,

WARREN HASTINGS.

Remarks on the Minute from General Clavering, Colonel Monson, and Mr. Francis, dated the 25th February, 1775.†

I SHALL not ring the changes for ever on the same trite subject. My observations therefore on this production shall be confined to such passages of it as contain new matter, or new but specious argument on the old. The rest I shall pass without a comment.

4. To this what I have said on the subject in my Letter per Dutton may serve for a complete reply.

6. and the following. The conditions of the Treaty of Benaras were as well known to the world as to the Board when the Mercury failed, and private Advices all concurring in the same points bore equal authority to public. Private intelligence of the Treaty they had received, and that is sufficient for my argument.

10. § I have read with attention the Answers of Messieurs Middleton, Dacres, and Van Sittart, † Contained and recommend them to the attention of the Court of Directors, as containing the most in Appendix valuable lights into the state of this Country; No. 51, and 51 A.

But I do not recollect that their description of it is unfavourable.

All that I recollect, to which that construction can be applied, is, that the attempts of the Board in 1772 to increase the Jumma have proved unsuccessful, and that instead of such attempts, it would be more advisable to ease the people of a part of the new impositions which took place before that Settlement.

To this Opinion I heartily subscribe, and, for my fuller sentiments on the subject, refer to the 37th paragraph of the first part of my last Dispatches, and to the Plan recommended by Mr. Barwell and myself for the new Settlement of the Lands, which will make a part of the present Dispatches.

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ie. Neither

† See page 128. § Page 130.

Minute of the Governor-General, dated 25th March, 1775, containing degree of odium, and is an act of severity which the late Administration ever wished to avoid.

Where the Zemindars are Minors, and where they are themselves incapable of, or inattentive to business, the settling of the Rents with them is subjecting them to be deprived of their Inheritance by the misconduct of their Servants, upon whom the fear of their Masters' Zemindaries being sold, cannot be supposed to have so much influence as the hope of present profit.

In some parts of the Country, especially on the Frontiers, there is no security against Balances by a sale of the Lands, because Purchasers are not to be found.

How reasonable soever it appears that the Zemindars should be solicitous for the good condition of their own Estates, yet it is frequently a maxim of their policy to let them rather fall to decay, in order to reduce their Jumma (their rated Revenue.) The Zemindars, especially in large Zemindaries, have often been found to possess an influence, which they have exercised to the oppression of the Riots, the injury of Government, and the interruption of the peace of the Country; and to destroy this influence has been deemed a desirable object.

When men of property have offered to farm the Lands on terms more advantageous to Government than the Zemindars would agree to, (I mean exclusively of their Pen-sions) the late Administration did not think themselves at liberty to reject their Proposals.

These are what I recollect of the arguments which occurred, to prevent the farming to the Zemindars themselves from being adopted as the general plan for the settlement of the Revenue; and I know not how they can be obviated, till, by proper regulations, and a course of time, the landed property in this Country is put upon a more desirable and more permanent footing.

With respect to the persons to whom the Farms were granted, they were let without partiality to whoever offered the most advantageous terms, and found good security. How the Plan of the five years Settlement has a tendency to destroy all confidence in Government I really do not understand. As to alienating the affections of the people, the sale of Zemindaries has a stronger tendency to this purpose than the letting of them in farm.

+ 53, 54. The Revenue of Burdwan, as expected to be realized this year by the Provincial Council, is equal to what it paid before the Famine, and that of Midnapore is superior.

The deductions which have been admitted have already been fully explained. I wish the want of unanimity at our Board may not extend itself to the Provincial Councils, and occupy the time which should be employed in enforcing the Collections and checking oppression.

56. In answer to this Paragraph, I beg leave to refer to my Remarks by the Dutton on the 73d Paragraph of the Majority's Letter of the 30th November, and to the Estimate † of Receipts and Disbursements transmitted by the Bute.

58. to the end. The Administration whose measures I have endeavoured to defend, is that in which I had the honor to preside, and those measures remain yet unimpeached, as far as I know, by any man but General Clavering, Colonel Monson, and Mr. Francis. I could not call them my own, because they were the concurrent Acts of the collective Body, nor can I conceive either a reason why they should not be joined in the vindication of those measures which were peculiarly mine, nor in what manner I could have separated my own conduct from that of the Board, since I had no power to undertake any public measure without their concurrence.

Neither the account they give of the origin and purpose of the late Act of Parliament, nor the conclusion they are pleased to draw from it against the late Administration, seem to me either just or fair. I do not know for whose information this history was drawn up; it was surely needless for that of the Court of Directors, and if for mine,

I must

I must beg leave to decline receiving it at second-hand when I can have it at first. From every paper of uncontested authority, it is notorious, that the Company's Affairs were on the late occasion brought into Parliament by the distresses which arose from their China Trade, and from the heavy Draughts on them from Bengal by a former Administration, to which the late bore no relation. The Company from these causes became unable to fulfil their Engagements with Government, and applied for relief; Government released them from their Engagements, but thought it a favourable opportunity for acquiring a share in the management of those Affairs in which the Nation was so deeply concerned. On these grounds I conceive the new Administration was formed, and not from any opinion of the misgovernment of the late. If that had been the case, I should think the Person who had been the head and the leading Member in it would hardly have been put at the head, or even joined in the new Administration.

REMARKS on the 3d Letter†.

3. The Sum of 210,000 Rupees having been calculated by General Sir Robert Barker as the expense of an entire Brigade, excepting a Battalion of Seapoys in garrison at Chunargur, I have in consequence spoke of the Company's being relieved from the whole charge of the Forces lent to the Vizier. In the Account here referred to I make the supposition of it's relieving them from only a part of the charge, in consequence of the assertions of the Majority. I will not pretend to speak with certainty on this point till the Paymaster's Accounts have been examined.

4 and 5. I enclose a daily Abstract of the state of the Khalsa Treasury for the whole Month of January. It will contradict the assertion of the Majority, that in general the Paper preponderates considerably, and will shew that the Pauts and Bills are too quickly converted into Specie, to admit of the Bankers making by them the profits which the Majority suppose. The Balances in the Provincial Treasuries are under the control of the Provincial Councils, and the Gomastahs of the Bank act only as their Cash-Keepers, and are always liable to be called upon for immediate payment of the sums in their charge.

WARREN HASTINGS.

Abstract of the daily Balances in the Khalsa Treasury, for the Month of January.

Dates.	Ready Money.	Bills and Pauts receivable.	Total.
1775.			
January 2	16,35,752 9 11	6,69,819	23,06,571 9 11
3	18,39,921 6 1	4,19,819	22,59,740 6 1
4	18,39,921 6 1	6,84,819	25,24,740 6 1
5	9,39,921 6 1	6,84,819	16,24,740 6 1
6	11,89,921 6 1	4,05,819	15,95,740 6 1
7	11,89,921 6 1	4,05,819	15,95,740 6 1
8	11,89,921 6 1	4,05,819	15,95,740 6 1
9	14,18,351 11 8	1,74,957	15,93,308 11 8
10	15,18,351 11 8	1,58,957	16,77,308 11 8
11	15,18,351 11 8	1,58,957	16,77,308 11 8
12	15,18,351 11 8	1,58,957	16,77,308 11 8
13	15,18,351 11 8	1,58,957	16,77,308 11 8
15	6,18,251 11 8	1,58,957	7,77,208 11 8
16	6,13,862 10 18	10,28,958	16,42,820 10 18
17	7,04,021 0 8	14,28,958	21,32,979 0 8
18	7,05,232 7 8	14,28,958	21,34,190 7 8
19	7,55,232 7 8	14,28,958	21,84,190 7 8
20	7,55,232 7 8	14,28,958	21,84,190 7 8
22	7,55,232 7 8	14,28,958	21,84,190 7 8
23	7,53,464 0 18	14,28,958	21,82,422 0 18
24	7,53,464 0 18	14,28,958	21,82,422 0 18
27	15,32,292 0 18	6,50,001	21,82,293 0 18
29	15,19,161 0 18	6,50,001	21,69,162 0 18
30	16,19,161 0 18	6,50,001	22,69,162 0 18
31	11,19,061 0 18	3,50,001	14,69,062 0 18

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Fort-William, 21st March, 1775.

Minute from General Clavering, Colonel Monson, and Mr. Francis.

THE Honorable Court of Directors have now undoubtedly sufficient materials before them, to judge of and determine upon the propriety of our observations on the public conduct of the Governor-General, and the measures of the late Administration. The cause in which we have hitherto pleaded is that of the Company and the Nation, not our own; we have supported it fairly, and wait impatiently for the decision. There are but two Articles in the Governor-General's Minute of the 22d of February that seem to us to require any further notice on our part.

He adheres to the truth of the assertion contained in his Letter to the Court of Directors of the 3d of December, 1774, viz. "That on the 30th of November there was a Balance of Current Rupees 80,49,806 *actually lying* in the Company's Treasuries, as particularized in the Account enclosed in that Letter."

We have now called upon Mr. Croftes to explain the Account, and beg leave to refer the Court of Directors to the annexed Copy of the Questions put to him and the Answers, as they stood recorded on the Consultations of the Revenue Board of the 17th instant. Mr. Croftes declares, "That the Account in question was not meant by him as the Cash-Account of the Company on the 30th of November."—"That he did not draw it up with a view to prove, that the Balance stated by Mr. Hastings was *actually lying* in the Company's Treasuries on that day, and that it does not prove the actual existence of such a Balance."

As we have now the authority of Mr. Croftes himself for affirming, that the Account does not prove the truth of the proposition which the Governor-General proposed to prove by it, we shall leave any further Question that may arise on this subject to be agitated between him and Mr. Croftes, and determined by our Superiors.

† Contained in Appendix No. 36. In the Account of Arrears due to the King,† annexed to our Minute, No. 3, of the 11th of January last, we are informed by Mr. Croftes that he has led us into a mistake. It seems that he has given credit to the King for one year's Tribute too much. In his Letter to Mr. Francis of the 25th of February, of which we enclose a Copy,† he says, that he had never received any intimation *'till the other day* of the Resolution of the late Board to withhold the Tribute from the 7th of October, 1773. Being asked from whom he received this very late communication, he replies, that *he really does not recollect*.

We leave it to Mr. Croftes to settle with the Governor-General in what manner the Credit already given in the Khalsa Ledger is to be balanced on the other side of the Account, or whether the Books of the Treasury are to be altered by erasure or otherwise.

At any other time, or in a situation less perplexed and embarrassed than that in which we are now involved, we might perhaps have pushed our enquiries into these transactions with greater exactness and attention; but the difficulties we have to contend with increase upon us every day, and are attended with such personal pain and mortification, as not only discourage us in the execution of our duty, but disable us from going through business in the manner we could wish. The anxiety and concern with which the Court of Directors will undoubtedly hear of the Charges lately brought against the Governor-General, cannot be greater than that which we feel in communicating them. He now stands publicly accused of the receipt of large Sums of Money corruptly taken for Services performed by him, or Places disposed of by his influence in his Office. Maha Rajah NUNCOMAR and the Ranny of Burdwan stand forth as his Accusers, and desire to be heard in support of their several Charges, the former in person, the latter by her authorized Servants; on the other hand, the Governor peremptorily denies the authority of the Board to enquire into these Accusations. Instead of permitting his Accuser to appear before him, he illegally endeavours to dissolve the Board, and repeatedly quits the Chair.