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M I N U T E S
OF THE
E V I D E N C E

T A K E N A T
T H E T R I A L

O F

WARREN HASTINGS Esquire,

Late Governor General of BENGAL,

At the Bar of the HOUSE OF LORDS, in Westminster Hall,

U P O N

An Impeachment against him for High Crimes and Misdemeanors,
by the Knights, Citizens, and Burgesſes, in Parliament aſſembled,
in the Name of themſelves, and of all the Commons of Great Britain.

MDCCLXXXVIII.

MINUTES of the Evidence taken at the Trial of WARREN HASTINGS Esquire, late Governor General of Bengal, at the Bar of the House of Lords in Westminster Hall, upon an Impeachment against him for High Crimes and Misdemeanors, by the Knights, Citizens, and Burgeesses, in Parliament assembled, in the Name of themselves, and of all the Commons of Great Britain.

Die Luna, 25^o Februarij 1788.

THE Managers for the Commons having finished their Opening of the First Article, acquainted the House, that, previous to their entering into Proof of the Facts alledged in the said First Article, they would give Evidence of the general Matter stated in the Preamble; after which, they would proceed to call Evidence in support of the several Allegations of the said First Article, as nearly in the Order of the Facts therein stated, as the Nature of the Circumstances would admit; beginning first with general Evidence of the Situation of the Rajah Bulwant Sing, and of the Rajah Cheyt Sing, at the several Times in the said First Article respectively mentioned:

And thereupon they called

THOMAS MORTON, who being sworn, was examined as follows:

Q. What Situation are you in under the East India Company?

A. I am their Secretary.

Q. What Papers are those which you have in your Hands?

A. The Charter of the East India Company under the Great Seal of England, dated 5th September 1698. Anno 10 Gul. III.

The Managers for the Commons desired, that that Part of the Charter might be read which grants to the East India Company a Power to appoint their own Officers and Governors in the East Indies.

Accordingly, the Charter being delivered in at the Table, the following Extract was read by the Clerk.

"And Wee doe, of Our most especiall Grace, certain Knowledge, and meere Motion, for Us, ^{skin at.} Our Heires and Successors, give and grant unto the said English Company trading to the East Indies, that the said Company for the Time being shall and may have the Ordering, Rule, and Government of all such Forts, Factories, and Plantations, as shall be att any Time hereafter settled by or under the said English Company, within the East Indies and Parts before mentioned; and shall and may name and appoint Governours and Officers from Time to Time in and for the said Forts, Factories, and Plantations; and them to remove and displace att their Will and Pleasure. And that such Governours and Officers shall and may, according to the Directions of the same Company, raise, traine, and muster, such Military Forces as shall or may be necessary for the Defence of the said Forts, Places, and Plantations respectively, (the Sovereigne Right, Power, and Dominion over all the said Forts, Places, and Plantations, to Us, Our Heires, and Successors, being always reserved)."

Then the Witness was directed to produce the Minutes of the Committee of Correspondence of the East India Company of the 9th April 1771.

The Witness produced a Book, marked with the Letter A, and intituled, "Minute Book 1770;" which being delivered in, an Extract from a Minute of the Court of Directors, held on Tuesday the 9th April 1771, in Page 498 of the said Book, was read by the Clerk, and is as follows *:

* To avoid Repetition, it may be proper to observe in this Place, that where an Extract only is set forth from a Minute, Consultation, Letter, or other Document produced, it is to be understood as including every Thing in such Minute, Consultation, Letter, or other Document, relative to the Subject Matter of the said Extract.

" Minutes of the Committee of Correspondence, dated the 8th instant and this Day, being read;

" Resolved by the Ballot, That Warren Hastings Esquire, Second of Council at Fort Saint George, be appointed to the same Station in the Council at Fort William, and to succeed to the Government in case of the Death or Absence of John Cartier Esquire."

Then the Witness was asked;

Q. Whether that is, or is not, the usual Mode by which the East India Company appoint their Servants abroad without any other Instrument?

A. Yes.

Q. (from a Lord.) Without any other Instrument?

A. An Instrument follows.

Q. Have you got that Instrument here?

A. The usual Instrument is a Commission under the Company's Seal, which is transmitted to the President and Council at Bengal in the Original.

Q. Have you a Copy of it?

A. There was no Instrument accompanying this Appointment. There is a Paragraph appointing Mr. Hastings to the Government of Bengal in a General Letter of the 10th April 1771.

The Managers for the Commons desired, That the 162d Paragraph of the Letter mentioned by the Witness, of the 10th April 1771, which contains the original Appointment of Warren Hastings Esquire, to be Second of Council at Fort William, and to succeed Mr. Cartier as President and Governor of Bengal, might be read.

The Counsel for the Defendant observed, That in point of Regularity, the Receipt of this Letter in Bengal ought to be first proved.

The Managers for the Commons being heard in answer to this Observation, the Paragraph was ordered to be read *de bene esse*, and not to be considered as Evidence, unless it should appear by some subsequent Letter from Bengal that the Letter of the 10th April 1771, was received there.

Then the Witness produced a Book marked with the Letter B, and intituled, " Bengal Dispatches 23 March 1770, to 10 April 1771;" and the same being delivered in, the 162d Paragraph of a General Letter from the Court of Directors to the President and Council at Fort William in Bengal, dated the 10th of April 1771, beginning in Page 721 of the said Book, was read by the Clerk, and is as follows:

Paragraph 162. " Considering the Importance of the Government of Bengal, and being well persuaded of the Abilities of Warren Hastings Esquire for the due Discharge of the Office of Governor; we do hereby appoint him Second of Council at Fort William, and to succeed Mr. Cartier as President and Governor of Bengal: And we have accordingly directed Mr. Hastings to proceed to Fort William as expeditiously as possible, to take his Seat in Council at your Presidency.

London,
10th April 1771.

Ja. Cockburn,
Daniel Wier,
Wm. James,
John Michie,
Wm. Devaynes,
Robert Gregory,
Benj. Booth,
John Roberts,
Charles Chambers jun.
Pet. Lascelles.

We are your loving Friends,
G. Colebrooke,
J. Purling,
Thomas Rous,
Henry Crab Boulton,
Frederick Pigou,
Edward Holden Cruttenden,
George Cuming,
Henry Savage,
John Harrison,

* Then the Witness was directed to produce a Letter from the Court of Directors, of the 25th of April 1771.

The Managers for the Commons being asked, if they were apprised whether there was or was not a Commission upon this Occasion, answered, They were apprised that there was no Commission upon this Occasion, nor even any upon the Appointment of Mr. Hastings to the Presidency of Fort William.

Then the Witness produced a Book, marked (C), intituled, " Bengal Dispatches, from the 25th April 1771, to 10th December 1773;" and the same being delivered in, the 4th Paragraph of an additional General Letter from the Court of Directors to the President and Council at Fort William in Bengal, dated 25th April 1771, from Page 3 in the said Book, was read by the Clerk, and is as follows:

" By the before-going Removal of Mr. Becher from the Council, and of Mess. Russell and Floyer to their respective Stations upon the Fort St. George Establishment, and the Appointment of Mr. Hastings (by our Letter of the 10th instant) to succeed Mr. Cartier at your Presidency; and having likewise re-admitted Mess. Rumbold and Dacres into our Service, it becomes necessary to make a new Arrangement of our Council; We therefore direct that, upon the Receipt hereof, it be composed of the following Gentlemen, notwithstanding our Orders of the 23d March 1770, for limiting the Number of Council to Nine Members, exclusive of the Commander in Chief.

" John Cartier Esquire, President and Governor.

Warren Hastings Esquire—Second; and to succeed to the Government, in case of the Death, or coming away of Mr. Cartier.

Brigadier General Sir Robert Barker, Third (or the Commander in Chief for the Time being), but not to rise higher.

Mr. James Alexander,	Fourth.
Thomas Rumbold,	Fifth.
Samuel Middleton,	Sixth.
William Aldersey,	Seventh.
Thomas Kellall,	Eighth.
John Reed,	Ninth.
Francis Hare,	Tenth.
Joseph Jekyll,	Eleventh.
Philip Milner Dacres,	Twelfth.
Thomas Lane,	Thirteenth.
Richard Barwell,	Fourteenth, and last of Council."

Then the Witness was directed to withdraw.

To prove that, in consequence of the Extracts read from the above-mentioned Letters, Mr. Hastings took his Seat at the Board of Council at Fort William, and acted in virtue thereof, the Managers for the Commons desired Mr. Robert Hudson might be called.

The Managers for the Commons being asked, if it would not be proper that Mr. Cartier's Commission should be read, in order to shew what the Nature and Description of the Authority of the President of the Council at Fort William was; answered, That, if it was thought material, they would produce it To-morrow.

Then Mr. ROBERT HUDSON was called in, and, being sworn, was examined as follows:

Q. What Book do you hold in your Hand?

A. The Bengal Consultations in the Year 1772, as sent to the Court of Directors.

Q. Is that the Correspondence transmitted to the Court of Directors from Bengal?

A. Yes.

The Managers for the Commons desired the Consultation of the 20th February 1772 might be read.

The Witness produced a Book, marked with the Letter D, intituled, "Fort William Consultations, Public Department, from 3d January to 7th April 1772," and indorsed Vol. I.

Then the Witness was asked,

Q. Is the Consultation you are going to read signed?

A. It is signed, Warren Hastings, Richard Barwell,
William Aldersey, Henry Goodwin,
Thomas Lane,

The Managers for the Commons demanded of the Counsel for the Defendant, Whether they would put them upon proving the Defendant's Hand Writing?

To which the Counsel answered, That, in Point of Regularity, the Managers for the Commons ought to prove the Defendant's Hand Writing; but that they would not put them to it.

Then the following Extract was read by the Clerk from the said Book.

" Fort William, 20th Feb. 1772.

" At a Consultation, Present,
The Hon. John Cartier, Esq.

Warren Hastings,	} Esquires.	Philip M. Dacres,
James Alexander,		Thomas Lane,
William Aldersey,		Richard Barwell,
John Read,		James Lawrell,
		Henry Goodwin.

B

" Mr.

" Mr. Hastings being arrived, now takes his Seat at the Board, after having the customary Oaths administered." [Signed, at the End of the Consultation,

Warren Hastings, Richard Barwell,
W. Alderfey, H. Goodwin.]
Tho. Lane,

Q. Have you got the Form of the Oaths in that Book?

A. It is not in this Book.

Then the Witnesses produced a Book marked with the Letter E, and intituled, " Beng. Lett. Rec. 30 Aug. 1771, to 24 April 1772 ;" and the same being delivered in, the 9th Paragraph of a General Letter from Bengal, dated the 13th April 1772, to the Court of Directors, was read by the Clerk, and is as follows :

Par. 9. " In Conformity to your Orders, our late President, Mr. Cartier, this Day resigned the Charge of this Government to Mr. Hastings, and has availed himself of your Permission to remain in the Country until the next Season. We shall be careful that, during his Stay, every Respect and Attention be paid to him, according to your Orders.

Signed,

Warren Hastings,
Wm. Alderley,
P. M. Dacres,
Thomas Lane,
Richard Barwell,
James Lawrell,
H. Goodwin,
J. Graham."

Fort William,
the 20th April 1772.

Then the Witnesses was directed to withdraw.

To prove the Appointment of a Governor General and Council for the Government of the Presidency of Fort William in Bengal, by an Act passed in the 13th Year of His present Majesty, the Mode of Decision prescribed by the said Act, in case of a Difference of Opinion of the said Governor General and Council, the Powers thereby given to the said Governor General and Council, and that Warren Hastings Esq. was, by the said Act, nominated to be the First Governor General of the said Presidency of Fort William, the Managers for the Commons desired the Stat. 13 Geo. III, Cap. 63, Sect. 7, 8, 9, 10, might be read. The same was accordingly read at the Table by the Clerk, as follows :

" An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe.

Sect. 7. " And for the better Management of the said United Company's Affairs in India, be it further enacted by the Authority aforesaid, That, for the Government of the Presidency of Fort William in Bengal, there shall be appointed a Governor General and Four Counsellors; and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management and Government of all the Territorial Acquisitions and Revenues in the Kingdoms of Bengal, Bahar, and Orissa, 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.

Sect. 8. " And be it enacted by the Authority aforesaid, 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; and if it shall 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 shall happen to be equally divided, then, and in every such Case, the said Governor General, or, in his Absence, the eldest Counsellor present, shall have a casting Voice, and his Opinion shall be decisive and conclusive.

Sect. 9. " And be it further enacted by the Authority aforesaid, That the said Governor General and Council, or the major Part of them, shall have, and they are hereby authorized to have, Power of superintending and controuling the Government and Management of the Presidencies of Madras, Bombay, and Bencoolen respectively, so far, and inasmuch as that it shall not be lawful for any President and Council of Madras, Bombay, or Bencoolen, for the Time being, to make any Orders for commencing Hostilities, or declaring or making War, against any Indian Princes or Powers, or for negotiating or concluding any Treaty of Peace, or other Treaty, with any such Indian Princes or Powers, without the Consent and Approbation of the said Governor General and Council first had and obtained, except in such Cases of imminent Necessity as would
render

render it dangerous to postpone such Hostilities or Treaties until the Orders from the Governor General and Council might arrive; and except in such Cases where the said Presidents and Councils respectively shall have received special Orders from the said United Company; and any President and Council of Madras, Bombay, or Bencoolen, who shall offend in any of the Cases aforesaid, shall be liable to be suspended from his or their Office by the Order of the said Governor General and Council; and every President and Council of Madras, Bombay, and Bencoolen, for the Time being, shall, and they are hereby respectively directed and required to pay due Obedience to such Orders as they shall receive touching the Premises from the said Governor General and Council for the Time being, and constantly and diligently to transmit to the said Governor General and Council Advice and Intelligence of all Transactions and Matters whatsoever that shall come to their Knowledge, relating to the Government, Revenues, or Interest of the said United Company; and the said Governor General and Council for the Time being shall, and they are hereby directed and required to pay due Obedience to all such Orders as they shall receive from the Court of Directors of the said United Company, and to correspond from Time to Time, and constantly and diligently transmit to the said Court, an exact Particular of all Advices or Intelligence, and of all Transactions and Matters whatsoever, that shall come to their Knowledge, relating to the Government, Commerce, Revenues, or Interest of the said United Company; and the Court of Directors of the said Company, or their Successors, shall, and they are hereby directed and required, from Time to Time, before the Expiration of Fourteen Days after the receiving any such Letters or Advices, to give in, and deliver unto the High Treasurer, or Commissioners of his Majesty's Treasury for the Time being, a true and exact Copy of such Parts of the said Letters or Advices as shall any way relate to the Management of the Revenues of the said Company; and in like manner to give in, and deliver to one of his Majesty's principal Secretaries of State for the Time being, a true and exact Copy of all such Parts of the said Letters or Advices as shall any way relate to the Civil or Military Affairs and Government of the said Company; all which Copies shall be fairly written, and shall be signed by Two or more of the Directors of the said Company.

Sect. 10. " And it is hereby further enacted, That Warren Hastings Esquire, shall be the first Governor General; and that Lieutenant-General John Clavering, the Honourable George Monson, Richard Barwell Esquire, and Philip Francis Esquire, shall be the Four first Counsellors; and they, and each of them, shall hold and continue in his and their respective Offices, for and during the Term of Five Years, from the Time of their Arrival at Fort William in Bengal, and taking upon them the Government of the said Presidency, and shall not be removable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors of the said United Company for the Time being; and in case of the Avoidance of the Office of such Governor General by Death, Resignation, or Removal, his Place shall, during the Remainder of the Term aforesaid, as often as the Case shall happen, be supplied by the Person of the Council who stands next in Rank to such Governor General; and in case of the Death, Removal, Resignation, or Promotion of any of the said Council, the Directors of the said United Company are hereby empowered, for and during the Remainder of the said Term of Five Years, to nominate and appoint, by and with the Consent of his Majesty, his Heirs and Successors, to be signified under his or their Sign Manual, a Person to succeed to the Office so become vacant in the said Council; and until such Appointment shall be made, all the Powers and Authorities vested in the Governor General and Council, shall rest and continue in, and be exercised and executed by the Governor General and Council remaining and surviving; and from and after the Expiration of the said Term of Five Years, the Power of nominating and removing the succeeding Governor General and Council shall be vested in the Directors of the said United Company."

To prove that Mr. Hastings afterwards took the Oaths in the usual Form, the Managers for the Commons desired Mr. ROBERT HUDSON might be again called in; who appearing, produced a Book, intituled, " Fort William Council Proceedings, from 20th Oct. to the 28th Dec. 1774;" and the same being delivered in, the following Extract was read by the Clerk.

" Fort William, 24th Oct. 1774.

" At a Consultation, Present,
The Hon. Warren Hastings Esq. Governor General, President;
Lieut. Gén. John Clavering,
The Hon. George Monson,
Richard Barwell, } Esqrs.
Philip Francis, }

Pub. Dep.
Monday.

" Mr. Barwell being come down to the Presidency, takes his Seat as Member of the Council.

Mr. Barwell
arrives.

" The Book of standing Orders upon the Table.

" Read and approved the Consultation of the 20th instant.

" The Oaths of Allegiance, of Office, and of a Justice of the Peace, being prepared in the usual Form, are now taken by each of the Members of this Board respectively."

Oaths admi-
nistered.

To

To prove that certain Provisions in the Stat. 13 Geo. III, c. 63, which were made for a limited Time only, were continued, revived, and further continued, by several subsequent Acts, the Managers for the Commons desired the Stat. 19 Geo. III, c. 61, sect. 5, might be read. The same was read at the Table by the Clerk, as follows :

“ An Act for continuing in the Possession of the United Company of Merchants of England trading to the East Indies, for a limited Time, and under certain Conditions, the Territorial Acquisitions and Revenues lately obtained in the East Indies; and for continuing, for a limited Time, so much of an Act made in the Thirteenth Year of the Reign of his present Majesty, intituled, ‘ An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe,’ as will expire in the Course of the present Year.

Sect. 5. “ And whereas by another Act, passed in the same Session of Parliament, intituled, ‘ An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe,’ it was, among other Things, enacted, That for the Government of the Presidency of Fort William, in Bengal, there should be appointed a Governor General and Four Counsellors; and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management, and Government of all the Territorial Acquisitions and Revenues in the Kingdoms of Bengal, Bahar, and Orissa, should, during such Time as the Territorial Acquisitions and Revenues should remain in the Possession of the said United Company, be vested in the said Governor General and Council of the said Presidency of Fort William in Bengal; and also that the Governor General and Four First Counsellors, appointed by the said Act, should each of them hold and continue in his and their respective Offices for and during the Term of Five Years, from the Time of their Arrival at Fort William in Bengal, and taking upon them the Government of the said Presidency, and should not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being: And whereas it may be expedient that the said Regulations should be extended to the Person and Persons who, at the Time of passing this Act, shall have and enjoy the respective Offices of Governor General and Counsellors of the said Presidency; be it therefore enacted by the Authority aforesaid, That the Person and Persons who, at the Time of the passing of this Act, shall have and enjoy the Office and Offices of Governor General and Counsellors of the said Presidency, shall hold and continue in his and their respective Offices, for and during the Continuance of this Act, and shall not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being; and shall have and enjoy all and singular the Powers and Authorities vested by the said Act in the First Governor General, and Four First Counsellors, by the said Act appointed, and shall be subject to the said Restrictions and Limitations as by the said Act the First Governor General, and First Four Counsellors, were made subject; and that in case of the Avoidance of the Offices of such Governor General, or any of the said Counsellors, such Office shall be respectively supplied in the same Manner as the same Office would by the said Act have been supplied during the Remainder of the Term of Five Years, which was computed from the Time that the First Governor General, and Four First Counsellors, took upon them the Government of the said Presidency.”

Also the Stat. 20 Geo. III. Cap. 56. Sect. 5. And the same was read as follows :

“ An Act for continuing in the Possession of the United Company of Merchants of England trading to the East Indies, for a further Time, and under certain Conditions, the Territorial Acquisitions and Revenues lately obtained in the East Indies; and for reviving, and continuing for a further Time, so much of an Act made in the Thirteenth Year of the Reign of his present Majesty, (intituled, ‘ An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe),’ as hath expired in the Course of the present Year, and for indemnifying the said Company for any Money they have paid, or may pay, in or about the building of Three Ships of the Line for the Service of the Publick.

Sect. 5. “ And whereas, by another Act passed in the same Session of Parliament, (intituled, ‘ An Act for establishing certain Regulations, for the better Management of the Affairs of the East India Company, as well in India as in Europe),’ it was, among other Things, enacted, That, for the Government of the Presidency of Fort William in Bengal, there should be appointed a Governor General and Four Counsellors, and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management, and Government of all the Territorial Acquisitions and Revenues in the Kingdoms of Bengal, Bahar, and Orissa, should, during such Time as the Territorial Acquisitions and Revenues should remain in the Possession of the said United Company, be vested in the said Governor General and Council of the said Presidency of Fort William in Bengal;

gal; and also that the Governor General and Four first Counsellors appointed by the said Act should each of them hold and continue in his and their respective Offices for and during the Term of Five Years, from the Time of their Arrival at Fort William in Bengal, and taking upon them the Government of the said Presidency, and should not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being: And whereas it may be expedient that the said Regulation should be revived, and extended to the Person and Persons who, at the Time of passing this Act, should have and enjoy the respective Offices of Governor General and Counsellors of the said Presidency; be it therefore enacted by the Authority aforesaid, That the Person and Persons who, at the Time of the passing of this Act, shall have and enjoy the Office and Offices of Governor General and Counsellors of the said Presidency, shall hold and continue in his and their respective Offices, for and during the Continuance of this Act, and shall not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being, and shall have and enjoy all and singular the Powers and Authorities vested by the said Act in the First Governor General and Four First Counsellors by the said Act appointed, and shall be subject to the said Restrictions and Limitations, as by the said Act the First Governor General and First Four Counsellors were made subject; and that in case of the Avoidance of the Offices of such Governor General, or any of the said Counsellors, such Office shall be respectively supplied in the same Manner as the same Office would by the said Act have been supplied during the Remainder of the Term of Five Years, which was computed from the Time that the First Governor General and Four First Counsellors took upon them the Government of the said Presidency."

Also the Stat. 21 Geo. III. Cap. 65. Sect. 35. And the same was read as follows :

" An Act for the establishing an Agreement with the United Company of Merchants of England trading to the East Indies, for the Payment of the Sum of Four hundred thousand Pounds, for the Use of the Publick, in full Discharge and Satisfaction of all Claims and Demands of the Publick, from the Time the Bond Debt of the said Company was reduced to One million five hundred thousand Pounds, until the First Day of March One thousand Seven hundred and Eighty-one, in respect of the Territorial Acquisitions and Revenues lately obtained in the East Indies; and also for securing to the Publick, in respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further Term, the sole and exclusive Trade to and from the East Indies, and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in India as in Europe, and the recruiting the Military Forces of the said Company.

Sect. 35. " And whereas, by another Act passed in the Thirteenth Year of his present Majesty, intituled, An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe, it was among other Things enacted, That for the Government of the Presidency of Fort William in Bengal there should be appointed a Governor General and Four Councillors, and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management, and Government of all the Territorial Acquisitions and Revenues in the Kingdom of Bengal, Bahar, and Orissa, should, during such Time as the Territorial Acquisitions and Revenues should remain in the Possession of the said United Company, be vested in the said Governor General and Council of the said Presidency of Fort William in Bengal; and also that the Governor General and Four First Councillors appointed by the said Act should each of them hold and continue in his and their respective Offices for and during the Term of Five Years, from the Time of their Arrival at Fort William in Bengal, and taking upon them the Government of the said Presidency, and should not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being; and in case of the Avoidance of the Office of such Governor General by Death, Resignation, or Removal, his Place should, during the Remainder of the Term aforesaid, as often as the Case should happen, be supplied by the Person of the Council who should stand next in Rank to such Governor General; and in case of the Death, Removal, Resignation, or Promotion of any of the said Council, the Directors of the said United Company were thereby impowered, for and during the Remainder of the said Term of Five Years, to nominate and appoint, by and with the Consent of his Majesty, his Heirs and Successors, to be signified as therein is mentioned, a Person to succeed to the Office so become vacant in the said Council; and until such Appointment should be made, all the Powers and Authorities vested in the Governor General and Council, should rest and continue in, and be exercised and executed by the Governor General and Council remaining and surviving: And whereas it may be expedient that certain Parts of the said recited Act which are expired should be revived and continued, subject to such Variations as herein-after are mentioned; be it therefore enacted by the Authority aforesaid, That the Person and Persons who at the Time of the passing

of this Act shall have and enjoy the Office and Offices of Governor General and Councillors of the said Presidency, shall hold and continue in his and their respective Offices for and during the Continuance of this Act, and shall not be removeable in the mean Time, except by his Majesty, his Heirs and Successors, upon Representation made by the Court of Directors for the said United Company for the Time being; and shall have and enjoy all and singular the Powers and Authorities vested by the said Act in the First Governor General and Four First Councillors by the said Act appointed, and shall be subject to the same Restrictions and Limitations as by the said Act the First Governor General and First Four Councillors were made subject; and that in case of the Avoidance of the Offices of such Governor General, or any of the said Councillors, such Office shall be respectively supplied in the same Manner as the same Office would by the said Act have been supplied during the Remainder of the Term of Five Years, which was computed from the Time that the First Governor General and Four First Councillors took upon them the Government of the said Presidency."

The Managers for the Commons also referred to the Stat. 24 Geo. III. c. 25. and Stat. 26 Geo. III. c. 16. but did not desire the same to be read.

Then the Managers for the Commons stated, that having, for the Sake of Regularity, gone through the several Matters contained in the Preamble of the Charge, although the same are admitted by the Defendant in his Answer, they would next proceed to prove the several Facts alledged in the First Article.

It was suggested to them by the House, whether it would not be better, for the Sake of Clearness, that they should first produce the Instrument by which the President of Fort William was appointed, in order to shew what his Authority as President was, and then apply the Stat. 13 Geo. III. c. 63. to it, that Statute making express

* Vide Sect. 7. Reference to such his Authority as President *.

The Managers for the Commons said, they meant to have proceeded in that Manner, but that the Book which contained the Instrument was left by Mistake at the India House, and that they would produce it the first Thing To-morrow Morning.

To prove the Situation of Bulwant Sing in the Year 1764, and that the Object of the then President and Council was to make a Treaty, by which Bulwant Sing was to be made independent, Mr. ROBERT HUDSON was again called; and produced a Book marked No. 37, and intituled, "BENGAL SELECT CONSULT. 8 Dec. 1763, to 31 Dec. 1764;" and the same being delivered in, the following Extract was read by the Clerk, beginning at Page 111.

"Fort William, 29th March 1764.

"At a Consultation, Present,

The Honourable Henry Vansittart Esquire, President;

Commodore Tinker,

Warren Hastings Esquire,

Randolph Marriott Esquire,

John Burdett Esquire,

Messrs. Middleton and Leycester indisposed.

"The Commodore having been requested to assist at this Consultation, now takes his Seat at the Board.

"The Book of Standing Orders on the Table.

"The Consultation of the 26th instant being wrote fair, was now read and approved.

"Received a Letter from Major Carnac, dated 18th instant, enclosing one he has received from Shitabroy, to which he refers us for Information of Shuja Dowla's Intention against us, and expressing his Concern to find that by the Advices from Calcutta of the 8th, the Reinforcement under the Command of Captain Pemble had not yet begun their March, that their being so late renders it next to impossible for them to join him in Time, and that he must therefore put every Thing to Risk with the Force he has at present, however little to be depended on, after what has passed; further advising us, that he would fain cross the Carumnassa, and give the Enemy a Meeting as far as possible from the Boundary; but that he fears the Distress they are in for Provisions, being only supplied from Day to Day, will not permit his doing so, and that he shall be obliged to keep close by the Ganges to secure a Conveyance by Water, having had Intimation that the Enemy's Design was to hover at a Distance around them, and endeavour to cut off their Supplies—That a Treaty of Alliance has been some Time in Agitation between the Nabob and Bulwant Sing the Rajah of Benares. That the Nabob is now very anxious † for its being brought to a Conclusion,

† Sic in Orig.

and

Sec. Dep.
Thursday.

Mr. Tinker
takes his Seat
at this Con-
sultation.

Major Car-
nac's Letter,
J. L. R. No. 33.

and proposed to him that Evening setting his Seal thereto on the Part of the English, without which the Rajah will not enter into any Engagement. That he shall be very unwilling to take a Step of such a Nature, without first knowing whether it be agreeable to us; but that the present Exigency will not admit the Delay of waiting our Answers.

“ A Translation of Shitabroy's Letter to the Major being here read,

“ Ordered it be entered in the Books of Country Correspondence.

“ Having duly considered this Letter of Major Carnac's, we are unanimously of Opinion, that as Shuja Dowla has now openly espoused the Cause of Cossim Aly Cawn, and encourages his Design of an Invasion into Bengal, we can entertain no further Thoughts of entering into a Treaty with him. On the contrary, we think it our Duty to form against him all the Enemies we possibly can; that the proposed Alliance with Bulwant Sing will therefore be a very proper Measure, and prove as well now, as in all Time to come, a strong Barrier and Defence to the Bengal Provinces.

“ Agreed therefore, that we write to Major Carnac, advising him that we shall approve entirely of his entering into the intended Treaty in Concert with the Nabob, and of his engaging to protect and maintain Bulwant Sing independent, both now and hereafter.”

Translation of
Shitabroy's
Letter en-
closed, read
and entered.

The Major's
Letter con-
sidered, with
the Opinion
of the Board
on the Ad-
vices contain-
ed therein.

And answered,
J. L. S. No. 27.

To prove the Allegation in the Charge, “ that the Court of Directors were of Opinion, “ that the Rajah Bulwant Sing was of signal Service to the Affairs and Interests of Great Britain *;”

The Witnesses produced a Book marked with the Figure 2, and intituled, “ Bengal Dispatches 17th May 1766, to 16th March 1768.”—Read the following Extracts (p. 65 of the same Book) from “ The Company's Letter to the President and Select Committee at Fort William in Bengal,” dated London, 17th May 1766.

* Vide printed
Articles, p. 3,
par. 1.

Charles Chambers,
J. Pardoe,
Jof. Du Pré,
Thomas Saunders,
George Cuming,
John Harrison,
J. Purling,
John Roberts,
Peter Du Cane sen.
George Wombwell,
Robert Jones,

Signed, at the End of the Letter,

Geo. Sudley,
Tho. Rous,
John Stephenson,
Charles Cutts,
Henry Savage,
Christopher Baron,
Frederick Pigou,
F. W. Barrington,
Edward Wheler,
Luke Scrafton,
E. H. Cruttenden,

Par. 6. “ From the Sentiments we expressed in every one of our late Letters, you will easily judge the great Pleasure it gave us to see the War with Souja Dowla ended so conformable to our Wishes. We always esteemed the Power of that Soubah the strongest Barrier we could have against the Invasions of the Northern Powers and of the Morattas, which have so long laid desolate the Northern Provinces; and had the impolitick, injudicious Views of our late Governor and Council been followed, and the King or Nudjief Cawn been left in Possession of Souja Dowla's Country, we are convinced they would not have had Weight and Abilities to have supported themselves; and we must either have had their Wars to maintain at that immense Distance, or they would have been drove back on us, and brought the War down to our own Frontiers, or even into our own Provinces. Nothing could so effectually restore that Country to its former State, as putting its natural Prince in the full Possession of his Dominions; and we are equally pleased to see the Care that has been taken of all those who shewed their Attachment to us in the Course of the War; Bulwanting's joining us at the Time he did was of signal Service, and the Stipulation in his Favour was what he was justly entitled to.

Per Mercury
and overland.

Par. 7. “ Equally politick and prudent are the Concessions in favour of the King, whose Interest was best considered by the restoring Souja Dowla to his Country, the only Soubah in Indostan who is ever likely to support him in his Pretensions to the Empire. The Revenue agreed to be paid him must be, in the Eyes of the Indian Powers, a Mark of our Respect to the Royal Blood, and an Acknowledgement of his Right. We approve also the being Guarantee for Nudjief Cawn; and finally we hope the Moderation and the Attention paid to all those who have espoused our Interest in this War, will restore our Reputation in Indostan, and that the Indian Powers will be convinced no Breach of Treaty will ever have our Sanction.”

Then the Witnesses produced a Treaty between the Nabob Shujah ul Dowlah, the Nabob Nudjum ul Dowlah, and the English Company, executed at Illahabad the 16th of August 1765; and the same being delivered in, was read by the Clerk, and is as follows:

Sha L. S. Aalum.

[On this Side is the Persian].

“Whereas the Right Honourable Robert Lord Clive, Baron Clive of Plassey, Knight Companion of the most Honourable Order of the Bath, Major General and Commander in Chief of the Forces, President of the Council, and Governor of Fort William, and of all the Settlements belonging to the United Company of Merchants of England trading to the East Indies, in the Provinces of Bengal, Bahar, and Orissa, and John Carnac Esquire, Brigadier General, Colonel in the Service of the said Company, and Commanding Officer of their Forces upon the Bengal Establishment, are invested with full and ample Powers, on the Behalf of his Excellency the Nabob Nudjum ul Dowla, Subadar of Bengal, Bahar, and Orissa, and likewise on the Behalf of the United Company of Merchants of England trading to the East Indies, to negotiate, settle, and finally to conclude a firm and lasting Peace with his Highness the Nabob Shuja ul Dowla, Vizier of the Empire: Be it known to all those to whom it may or shall in any Manner belong, that the abovenamed Plenipotentiaries have agreed upon the following Articles with his Highness.

I.

A perpetual and universal Peace, sincere Friendship, and firm Union, shall be established between his Highness Shuja ul Dowla and his Heirs on the One Part, and his Excellency Nudjum ul Dowla, and the English East India Company, on the other; so that the said contracting Powers shall give the greatest Attention to maintain between themselves, their Dominions, and their Subjects, this reciprocal Friendship, without permitting on either Side any Kind of Hostilities to be committed from henceforth for any Cause, or under any Pretence whatsoever; and every Thing shall be carefully avoided which might hereafter prejudice the Union now happily established.

II.

In case the Dominions of his Highness Shujah ul Dowla shall at any Time hereafter be attacked, his Excellency Nudjum ul Dowla and the English Company shall assist him with a Part or the Whole of their Forces, according to the Exigency of his Affairs, and so far as may be consistent with their own Security: And if the Dominions of his Excellency Nudjum ul Dowla, or the English Company, should be attacked, his Highness shall in like Manner assist them with a Part or the Whole of his Forces: In the Case of the English Company's Forces being employed in his Highness's Service, the extraordinary Expence of the same is to be defrayed by him.

III.

His Highness solemnly engages never to entertain or receive Cossim Aly Cawn, the late Subadar of Bengal, &c. Sumbroo, the Assassin of the English, nor any of the European Deserters, within his Dominions, nor to give the least

least Countenance, Support, or Protection to them: He likewise solemnly engages to deliver up to the English whatever Europeans may in future desert from them into his Country.

IV.

The King Shah Aalum shall remain in full Possession of Cora, and such Part of the Province of Illahabad as he now possesses, which are ceded to his Majesty, as a royal Demesne, for the Support of his Dignity and Expences.

V.

[His Highness Shujah ul Dowla engages in the most solemn Manner, to continue Bulwund Sing in the Zemindarries of Benares, Gazypore, and all those Districts he possessed at the Time he came over to the late Nabob Jaffier Aly Cawn and the English, on Condition of his paying the same Revenue as heretofore.]

VI.

In consideration of the great Expence incurred by the English Company carrying on the late War, his Highness agrees to pay them Fifty Lacks of Rupees, in the following Manner; viz. Twelve Lacks in Money, and a Deposit of Jewels to the Amount of Eight Lacks, upon the signing of this Treaty; Five Lacks One Month after; and the remaining Twenty-five Lacks by monthly Payments; so as that the Whole may be discharged in Thirteen Months from the Date hereof.

VII.

It being firmly resolved to restore to his Highness the Country of Benares, and the other Districts now rented by Bulwund Sing, notwithstanding the Grant of the same from the King to the English Company, it is therefore agreed, that they shall be ceded to his Highness in the Manner following, viz. They shall remain in the Hands of the English Company, with their Revenues, till the Expiration of the Agreement between Bulwund Sing and the Company, being on the 27th of November next; after which his Highness shall enter into Possession, the Fort of Chunar excepted, which is not to be evacuated until the Sixth Article of this Treaty be fully complied with.

VIII.

His Highness shall allow the English Company to carry on a Trade, Duty-free, throughout the Whole of his Dominions.

IX.

All the Relations and Subjects of his Highness, who in any Manner assisted the English during the Course of the late War, shall be forgiven, and no ways molested for the same.

X.

As soon as this Treaty is executed, the English Forces shall be withdrawn from the Dominions

It may be proper to observe here, that where any Paragraph or Extract in a Consultation, Minute, Letter, or other Document produced, is marked with this Bracket [, and a Hand pointing to it, it is to denote that such Paragraph or Extract was the particular and only Matter referred to by the Managers for the House of Commons in such Consultation, Minute, Letter, or other Document: And where this Bracket] appears either in the Middle or End of a Paragraph or Extract, it is to denote that the Matter so particularly referred to by the Managers for the Commons leaves off there.

nions of his Highness, excepting such as may be necessary for the Garrison of Chunar, or for the Defence and Protection of the King, in the City of Illahabad, if his Majesty should require a Force for that Purpose.

XI.

His Highness the Nabob Shujah ul Dowla, his Excellency the Nabob Nudjum ul Dowlah, and the English Company, promise to observe sincerely and strictly all the Articles contained and settled in the present Treaty, and they will not suffer the same to be infringed, directly or indirectly, by their respective Subjects; and the said contracting Powers generally and reciprocally guarantee to each other all the Stipulations of the present Treaty.

Clive

(L. S.)

John Carnac

(L. S.)

Signed, sealed, and solemnly sworn to, according to their respective Faiths, by the contracting Parties, at Illahabad, this 16th Day of August, in the Year of our Lord 1765, in the Presence of us,

Edmund Maskelyne.
Archibald Swinton.
George Vanfittart.

Shujah ul Dowla's Seal and Ratification.

Mirza Cossim Khan.
Rajah Shitabroy.
Meer Musshala.

The Counsel for the Defendant observed, that in the *Fifth* Article of the Treaty just read, the Word "Revenue" was used; and desired to draw the Attention of the House to the Word "Malguzary," which would afterwards occur in the Sunnuds granted to the Rajah Bulwant Sing, and which was there used as descriptive of the particular Sort of Revenue paid by the said Rajah to Shujah ul Dowlah. That the Original was in the Persian on one Side of the Instrument, and the Translation on the other.

The Managers for the Commons stated, that the Fifth Article which had been read from the English, was not read as a Translation. That the Treaty was written both in English and in Persian; that both Parts were Originals, both executed at the same Time, and they chose to read the English Original.

Then Mr. JOHN BENSON was called in, and being sworn, was desired to produce the original Petition of Warren Hastings Esquire, presented to the House of Commons on the 26th April 1786; and the same being delivered in, was read by the Clerk, as follows.

" To the Honourable the Commons of Great Britain in Parliament assembled.

" The humble Petition of Warren Hastings, late Governor General of Bengal, Sheweth,

" That your Petitioner observes, by the Votes of this Honourable House of the 4th and 12th Days of this instant April, that ' Mr. Burke, in his Place, has charged your Petitioner with sundry high Crimes and Misdemeanours to this Honourable House; which Articles are referred to the Consideration of a Committee of the whole House.'

" Your Petitioner, therefore, humbly prays this Honourable House, that he may be heard, in his Defence, to the said Articles, and that he may be allowed a Copy of the same.

" And your Petitioner, as in Duty bound, shall ever pray.

WARREN HASTINGS."

Then the Witnesses produced the Journal of the House of Commons of the 26th April 1786, and the following Entry was read therefrom.

" Mercurii, Die 26^a Aprilis, Anno 26^a Georgii III. Regis, 1786.

" And a Motion being made, and the Question being proposed, That the said Warren Hastings Esquire be permitted to be heard on the Matter of the said Charges, and that he be allowed a Copy of the same ;

" The House was moved, That the several Entries, in the Journal of the House, of the 20th, 25th, and 26th Days of November 1680, of the Proceedings of the House on the Articles of Impeachment of High Crimes, Misdemeanors, and Offences, delivered in against Edward Seymour Esquire, might be read.

" And the same being read accordingly ;

" Ordered,

" That the said Warren Hastings Esquire be permitted to be heard on the Matter of the said Charges, and that he be allowed a Copy of the same."

Then the following Entry from the same Journal was read.

" Lunæ, 1^a Die Maij, Anno 26^a Georgii III. Regis, 1786.

" The other Order of the Day being read ;

" Warren Hastings Esquire, late Governor General of Bengal, was called in to the Bar, and, in Part, heard on the Matter of the several Charges of High Crimes and Misdemeanors presented against him.

" And then he was directed to withdraw."

Then the following Entry from the same Journal was read.

" Martis, 2^a Die Maij, Anno 26^a Georgii III. Regis, 1786.

" Ordered,

" That the Order of the Day, for the further Hearing of Warren Hastings Esquire, late Governor General of Bengal, on the Matter of the several Charges of High Crimes and Misdemeanors presented against him, be now read.

" And the said Order being read accordingly ;

" The said Warren Hastings Esquire was called in to the Bar, and further heard on the Matter of the said Charges ; and having requested that he might have Permission to deliver in the Minutes, from which he read what he had now offered to the House.

" The said Warren Hastings Esquire was directed to withdraw.

" Resolved,

" That the said Warren Hastings Esquire be at Liberty, according to his Request, to deliver in the Minutes from which he read what he has now offered to the House upon the Matter of the said several Charges of High Crimes and Misdemeanors presented against him.

" The said Warren Hastings Esquire was again called in to the Bar ; and Mr. Speaker acquainted him with the said Resolution.

" Then the said Warren Hastings Esquire having delivered in the said Minutes, the same were brought up to the Clerk's Table.

" And then he was again directed to withdraw."

Then the Witness produced the original Petition of Warren Hastings Esquire, presented to the House of Commons 8th May 1786 ; and the same was read, and is as follows :

" To the Honourable the Commons of Great Britain in Parliament assembled.

" The humble Petition of Warren Hastings, late Governor General of Bengal, Sheweth,

" That your Petitioner observes, by the Votes of this Honourable House, that on the 5th of this instant May, Mr. Burke, in his Place, delivered in an Article of Charge of High Crimes and Misdemeanors, against your Petitioner.

" Your Petitioner humbly prays this Honourable House, that he may be furnished with a Copy of the said Charge, and that he may be permitted to be heard on the Matter of the said Charge, in such Manner as this Honourable House shall be pleased to direct.

WARREN HASTINGS."

Then the following Order made by the House of Commons thereupon was read from the Journal.

8^a Lunæ,

"Lune, 8^e Die Maij, Anno 26^e Georgii III. Regis, 1786.

- " Ordered,
- " That the said Warren Hastings, Esquire, be permitted to be heard on the Matter of the said Charge, and that he be allowed a Copy of the same.
- " Ordered,
- " That the said Warren Hastings, Esquire, be heard at the Bar of this House upon Wednesday Morning next on the Matter of the said Charge."

Then the following Extract from the same Journal was read.

"Mercurij, 10^e Die Maij, Anno 26^e Georgii III. Regis, 1786.

- " Ordered,
- " That the Order of the Day for the hearing of Warren Hastings, Esquire, late Governor General of Bengal, on the Matter of the Charge of high Crimes and Misdemeanors presented against him upon Friday last, be now read.
- " And the said Order being read accordingly ;
- " The said Warren Hastings, Esquire, was called in to the Bar, and heard on the Matter of the said Charge ; and having requested that he might have Permission to deliver in the Minutes, from which he read what he had now offered to the House ;
- " The said Warren Hastings Esquire, was directed to withdraw.
- " Resolved,
- " That the said Warren Hastings, Esquire, be at Liberty, according to his Request, to deliver in the Minutes, from which he read what he has now offered to the House upon the Matter of the said Charge of High Crimes and Misdemeanors presented against him.
- " The said Warren Hastings, Esquire, was again called in to the Bar ; and Mr. Speaker acquainted him with the said Resolution.
- " Then the said Warren Hastings, Esquire, having delivered in the said Minutes, the same were brought up to the Clerk's Table.
- " And then he was again directed to withdraw."

Then the Managers for the Commons desired that the Introduction, and so much of the Minutes delivered by Warren Hastings Esquire, to the House of Commons on the 2d May 1786, might be read from the said Journal.

The same was objected to by the Counsel for the Defendant, stating, that, in Point of Form, the original Minutes delivered by the said Warren Hastings, and signed by him, and not the said Journal, which is only a Copy of the same, might be produced.

The Managers for the Commons answered, That the Minutes being a Proceeding in their House, and a Declaration of the said Warren Hastings in the same, they considered their Journal as the best Evidence thereof.

The Counsel for the Defendant replied, That they conceived the Journals were not in this Case the best Evidence that the Nature of the Thing admitted of ; it being in Proof from the Journal itself, that the original Minutes were delivered in by the Defendant in his own Hand Writing, and that it never was held in a Criminal Case that a Party shall be bound by Entries in the Journals of the House of Commons.

To which the Managers for the Commons said, That thinking it their Duty to spend as little Time as possible, they had no Objection to produce the original Paper.

Whereupon Mr. BENSON was again called in ; and was asked,

Q. What Paper is that you have in your Hand ?

A. The original Minutes delivered by Mr. Hastings at the Bar of the House of Commons in the Year 1786.

The Managers for the Commons desired the Paper might be delivered in, and that so much of it as relates to the Charge of Benares might be read.

Q. (from the Counsel.) Who has had the Custody of those Papers since the Time you saw them put in and delivered at the Bar of the House of Commons ?

A. They have been officially in my Custody as Clerk of the Papers, except when they went to the Press.

Q. How long were they out of your Custody ?

A. Four or Five Days.

Q. (from a Lord.) Have you any Doubt of their being the same ?

A. Not in the least.

Q. (from

Q. (from the Counsel.) I understood the Witness to say, he saw them delivered in. He was asked, Whether he saw them delivered in, and I understood him to say so.—He now says, he did not see them delivered in?

A. I did not, I believe.

Q. (from a Lord.) Are they signed?

A. No, they are not.

Q. (from the Managers.) The Managers for the Commons wish the Witness to be asked, Whether Mr. Hastings himself was ever in the Witness's Office?

A. He was.

Q. Did he look at those Minutes in your Office?

A. He did at Part of them, I believe.

Q. Did he say any Thing upon the Subject of them?

A. He, or some other Person for him at the Time, gave Directions, before they went to Press, in what Manner the Printer should print them.

Q. Was that Person, who gave the Directions, present with him at the Time?

A. Yes.

Q. Then the Managers for the Commons wish to know, Who that Person was that came with him?

A. I don't exactly recollect who he was; I believe there might be more than One Person with him.

Q. (from a Lord.) They were in his Presence when he gave that Direction?

A. Yes.

The Managers for the Commons said they would leave it there; and desired, First, that the Introduction to the said Minutes, and then as much of the Matter as relates to the Charge of Benares, might be read.

The same were read by the Clerk, as follows:

“ Introductory Defence.

“ Before I enter upon my General Defence, I humbly solicit the Indulgence of this Honourable House, to be permitted to preface it with a few necessary Observations relative to the Circumstances which have progressively conspired to make me an Object of the present Enquiry. In the First Place, I beg Leave to remark, that I am here by no Obtrusion of my own. I have too humble a Sense of my own Consequence, to consider either my Reputation, Honour, Fortune, or Life, or all these Interests collectively, as having any Claim to the smallest Portion of the valuable Time of this House, on any Ground, however just in itself, which has these only for its Object. I have been brought before the Notice of this Honourable House by the Acts of others, independant of my Will or Desire; and all the Participation which I have in it, is in the Request made by a Member of this House on my Behalf, and at my Suggestion, that since it was determined that my Conduct was to be arraigned before this Honourable House, my Arraignment might be speedy, and that I might have the Time and Means afforded me to provide the Materials for my Defence: For after having been, during a Course of Five Years, the continued Subject of the same Criminations, and from the same Quarter, with the Name of the Almighty solemnly invoked to attest the Pledge given to this House that the most undoubted Proofs should be produced to authenticate them—I allude, Mr. Speaker, to no Declarations made in this House, but to Publications out of it—I may surely be allowed, even with a Consciousness of the purest Integrity, to wish for a speedy Accomplishment of a Menace thus made, and for such professed Purposes; and that it might not hang the Denunciations of Parliamentary Vengeance over my Head for ever.

“ Of the First Effects of this Injury I have a Right to complain; for in these the Injury affected the Public alone, through their Interests committed to my Charge. During a long and desperate Struggle, with an Accumulation of Difficulties, and a Host of natural Enemies combined against our National Possessions in India, when I required all the Support and Confidence of my Superiors in the Parent State to give Effect to my Exertions, all my Actions were reprobated at Home, and my Name linked to the foulest Invective, even in Places of the highest Authority; and every Dispatch from England brought Orders opposing my Measures in their Course, and the Sentences of my Disgrace and Dismission. Yet these caused no Alteration in my Conduct, or Relaxation of my Zeal for a Service in which my Labours had met so ill a Requital, except from my respectable Constituents, in whose Applause alone I receive a Consolation under all my Discouragements. I steadily pursued that Line which my Sense of Duty had prescribed; and sometimes availing myself of the transitory Moments of Power which the Hand of God afforded me, at others using the Resistance which the Influence of Possession or Opinion enabled me to make, or the Caution of

Opposition permitted; or endeavouring to temper its Violence by qualified Submission, where the Means of Resistance failed me; never possessing the Allowance of Authority, but always charged with Responsibility; I persisted in the Formation and Prosecution of every Measure, which the Emergency of the Service rendered necessary in my Judgment, and had the conscious Triumph of seeing them all invariably terminate in their designed Objects: Nor did I resign my Charge, until I had fulfilled every Duty which required my Continuation in it; and I resigned it in a State of established Peace and Security, with all the Sources of its Abundance unimpaired, and even improved, notwithstanding the vast Drains which were made of its Treasures, and the multiplied Diversions of its Strength, in the Support of the dependant and remote Possessions of the Company, and in the Maintenance of their Wars, and of Wars in which the Company were involved by the Policy of Great Britain. I parted from the Scene of my public Life with the expressed Regrets of my Fellow Servants and Countrymen; which were followed by a like Declaration from all the Officers of the Army who had served during my Administration; and on my Return to my own Country, I was received by the Court of Directors, my immediate Masters, with their Thanks; and I gratefully remember the Chairman's emphatical Praise on the Epithet which was joined to them, their *Unanimous Thanks*, for my Services; with a Notification of those which had been some Time before bestowed on me by the Votes of the Proprietors, my honoured Employers, which were not the less acceptable for their Consistency with the uniform Tenor of their Sentiments and Conduct respecting me through the whole Course of my Administration. If this Honourable House is desirous of knowing in what Estimation I stood with the Princes and Rulers of India, and with the Subjects of our own Dominion, the Opinions of both may be easily obtained, by Enquiry of the Witnesses whom my Prosecutor has called to establish his Charges against me: And I will anticipate their Evidence.—It will state, that my Political Conduct was invariably regulated by Truth, Justice, and good Faith; that all Persuasions of Men were impressed with a superstitious Belief that a fortunate Influence directed all my Actions to their destined Ends; and that my Departure was scarcely less regretted by the Inhabitants of the Provinces of my late Dependency, than it was by my own Countrymen. I believe this Honourable House is in Possession of One Testimony of the former, in the Letters which Mahdajee Sindia wrote to His Most Gracious Majesty, and to the Company. These were written many Months after my Departure, and contain much more of my Praise than his own Wants or Requisitions, unless the former is inserted as an Implication of his Desire that others may be instructed to govern themselves by my Example:—And who will question such an Authority?

“With such Testimonies in my Favour, and with the internal Applause of my own Mind superseding all Evidence, what was my Surprise to find, on my Arrival in England, that my Character still continued to be assailed with the bitterest Calumnies and Invectives, and a formal Notice given before the Close of the last Session of Parliament to this Honourable House, that I should be arraigned as a Criminal before it on the Opening of the present?

“I am since told that no such Intention existed; and that my own Intemperance, and the Zeal of my Friends, has forced my Accuser to verify his own Declaration.

“I have no Right to credit such an Assertion, nor will I believe, new and unpractised as I am in the Modes of Life in which I am now become a Participator (and I have learnt by it to know more Things than were dreamt of in my Philosophy) that so daring an Imposition could be either practised upon this high and dignified Assembly, or permitted by it. Though I might have thought myself entitled by my Services to a different Reception, and my Body and Mind, worn down by the Labours of Thirty-five Years, to an Interval of Repose; and though I might erroneously imagine that no Power upon Earth had a Right to impeach me for the Exercise of a Trust which those for whom I held it had repeatedly declared, and in the most authentic Terms, that I had discharged to their Benefit and entire Satisfaction; yet I was glad to see some substantial Ground on which I could build my Hopes of a speedy Trial and definite Termination. There too my Expectation failed me. The Prosecution began, not as is the universal Practice of every System of Jurisprudence established either in this or any other civilized Nation, by the Introduction of specific Charges, and the Examination of Witnesses to prove them: For the latter indeed there was little Need, since my Accuser had long before asserted, that he was in the actual Possession of Proofs, and of such Proofs as were to fill the Breasts of this Honourable Assembly with Horror. Why therefore aggravate them with new Proofs? But Witnesses were ordered to attend, and Rheams of Official Documents demanded, produced, and printed; Additions were daily made to these during the Course of many Weeks; and the Eyes of the World were fixed upon me as a Man blackened by the Imputation of some unknown Guilt, which was the blacker for its Concealment. No Grounds were alledged for the Accumulation of such a Mass of Evidence against me; no specific Objects to which it was to be applied; nor was it known to this Honourable House, perhaps not even to that Member of the House who had required these Materials, what the Charges were to be, which he was to establish by them.

“At length I heard that a Day was fixed for the Production of the Charges; but here too I experienced a fresh Cause of Disappointment and Mortification. Three Weeks were assigned for the Term of their Appearance; and when that Term expired, this Honourable House knows (for I may not perhaps affirm what I have heard) whether even then any of the Charges were presented, and whether, when they were presented, they were Optionally given.

" In all this long and painful Interval I myself, though the Object of the Enquiry, remained in total Inaction, a mere Spectator of the passing Scene; for I knew not, nor could I know, what Defence to prepare, not knowing what Charges were to require my Defence. And when they were produced, I was told that I could not be admitted to my Defence, because, by the Rules of the House, I could not know the Charges exhibited against me, nor that any had been exhibited; nor indeed were all exhibited at the same Time, but followed tardily, and the Three last (if indeed these are the last) not till last Wednesday. But though it might be informal in me to know the Charges, the Public are certainly in Possession of all but the Three last, for they have been printed and publicly sold, and Purchasers invited, by an Advertisement made in all the public Papers, which stated them "Articles of Charge of High Crimes and Misdemeanors" against me by Name, and the Name of my Accuser inserted by a Construction marking him not as the Presenter of the Charge, but as the Publisher of it. How much my Reputation must have suffered in the Opinion of all Mankind from this Publication; how severely my Feelings must have been wounded by so unfair and iniquitous an Appeal to their Judgment, while the Charge itself, loaded as it was with Crimination against me, yet waited its slow Term of Maturity for the Examination of it before its allotted Judges, I leave to the Decision of every Member of this Honourable House, who will bring the Question home to his own Judgment and his own Passions, by supposing that Case to be his own which I have described as mine.

" Nor is this the only Injury of the Kind that I have suffered. Every Daily Paper has teemed with Reflections upon me; and Pamphlets, filled with the most scandalous and libellous Abuse, have been written on various Subjects of the Charge, to influence the Prejudices of the Public against me; and it has been boasted that they have produced the Effect.

" Pressed by the Load of Slander thus heaped upon me, I resolved to try the only Resource which afforded me a Chance of Redress; and in Opposition to many and weighty Discouragements, I threw myself upon the Justice of this Honourable House, and petitioned to be allowed to make my Defence in Person, and I succeeded. Whether I owe this Indulgence to your Goodness, or your Justice, I accept it with equal Gratitude.

" Of the Discouragements to which I allude, I shall mention but Two Points; and these it is incumbent on me to mention, because they relate to Effects which the Justice of this Honourable House may, and I trust will, avert. The First is an Objection to my being at all Personally committed in my Defence, since in so wide a Field of Discussion it would be impossible not to admit some Things of which an Advantage might be taken to turn them into Evidence against myself: Whereas another might as well use as I could, or better, the same Materials of my Defence, without involving me in the same Consequences. But I am sure that this Honourable House will yield me its Protection against the Cavils of unwarranted Inference; and if the Truth can tend to convict me, I am content to be myself the Channel to convey it.

" The other Objection lay in my own Breast. It was not till Monday last that I formed the Resolution; and I knew not then whether I might not in Consequence be laid under the Obligation of preparing and completing in Five Days, and in Effect so it has proved; the Refutation of Charges which it has been the Labour of my Accuser, armed with all the Powers of Parliament, and at One Time greater, to compile during as many Years of almost undisturbed Leisure. But I knew myself equal to the Undertaking; and I now only revert to my Difficulties, that the Consideration of them may bespeak the candid Allowance of this Honourable House for any Inaccuracies, or for any Thing defective which may appear in my Defence; but I claim no other Indulgence on this Account.

" It might perhaps be expected, that I should object to the Construction of the Articles of which the Charge is composed; for, in Truth, they are not Charges, but Histories and Comments. But they are yet more; they are made up of mutilated Quotations, of Facts which have no mutual Relation, but are forced by false Arrangement into Connection, of Principles of pernicious Policy and false Morality, Assertions of Guilt without Proof, or the Attempt to prove them; Interpretations of secret Motives and Designs which passed within my own Breast, and which none but myself could know; Actions of others imputed to me, in which I had no Concern, or which passed in Opposition to me; and Epithets and Invectives affixed to Acts ascribed to me, equally to those which in the Construction are bad, as to those which are indifferent, or even meritorious.

" These are Artifices by which the most wary Judgment might be surprized, that had nothing before it to repel their Effects, but which on the Touch of Truth disappear, and leave, not merely the Conviction of their own Fallacy, but the strong internal Presumption that the Charges themselves were formed under the Conviction of their Want of Foundation; and as far as my Feelings as a Man will allow me to consider them in that Tendency only, I am glad that they wear the Form which they do wear.

" With respect to the general Subject of the Charge, I must beg Leave to observe to this Honourable House, that it has been composed from a laboured Scrutiny of my whole Official Life, during a most important and weighty Administration of Thirteen Years, comprehending perhaps a greater Variety of interesting Events than have fallen to the Lot of any Man now living: Events not brought to the public View by their Notoriety alone, but all, the Subjects of minute Record,—Measures proposed, with all their Motives and Objects distinctly laid down in Writing, with their Effects displayed

played by Letters and Official Reports through every Process of their Operation;—opposed by every Objection, and those too written, that the Judgment or Ingenuity of my Colleagues in Office, among whom I had always Opponents, could devise;—at Times weakened, at others suspended, and again resumed with their Effect enfeebled; but my own Responsibility still attending their Issue. Yet all my Actions have undergone, and even during the actual Progress of them, they underwent, such a Severity of Investigation, as could suit only a Mind possessing in itself an absolute Exemption from Error. In the present Occasion, I am put to a harder Test; for not my Actions alone, but my Words, and even my imputed Thoughts, as at the final Day of Judgment, are wrested into Accusation against me. And from whom is this State of Perfection exacted? From a Man who was separated, while yet but a School Boy, from his native Country, and from every Advantage of that Instruction which might have better qualified him for the high Offices, and arduous Situations, which it became his Lot to fill; and left to form his Rule of Conduct on his own Practice, and the Light of such an Understanding as it had pleased God to bestow on him.

“I pass over the First Years of my Life.—These no otherwise relate to the present Purpose, than as they recommended me successively to the Succession of the Government of Fort St. George, to the Government of Fort William, and virtually to all the Appointments which have since followed.

“I received the Government of Bengal with Incumbrances, which might have intimidated a firmer Spirit than mine; and I felt the perilous Situation in which it placed me.

“I found myself the titular Head of a numerous, and not always accordant, Council, appointed to manage the Affairs of a great State, which yet wore the Marks of recent Acquisition; but had neither a determinate Form nor System, nor any Orders or Instructions which could enable them to give it either.

“I attempted, and with the Aids of my Colleagues, where I was allowed them, I gave it both Form and System; for every Office into which it was distributed, to the Time of my Departure, received its Institution during the Period of my Administration, and all the Transactions of it have, except the First Two Years of the General Government, in some Part of their Progress, received their Direction from my Guidance.—Yet in every Step I had Difficulties to surmount, which are unknown to the Rulers and Ministers of other Governments. Besides the Conciliation of discordant Opinions, and their more frequently confirmed Opposition, I had my Conduct circumscribed by Orders which would apply to few of the Cases which occurred, and those Orders uncertain in the Construction.

“I beg Leave to extend this Reflection. During the long Exercise of a Charge so constituted, and with such Exigencies attending it, how, may I ask, was it possible to keep Affairs in one even Line, or to avoid Contradictions both in Measures and Expressions? At some Times Affairs were forced into a Direction diametrically opposite to my Views, by the Power of a Majority; sometimes they received their Bias from my being obliged to submit to the Opinions of those on whom I depended for Support: And whenever the Course of Business was thus diverted from the straight Line, it was often difficult to bring it back, without some Degree of Irregularity, of Violence, or of general Inconsistency.

“Where I suffered them to proceed in that devious Line, I am charged with pursuing Measures which my own Opinions have condemned; where I attempted to restore them to their proper Channel, I am accused of Innovations. Many Measures, which it would be now difficult to explain from written Documents, were founded on Circumstances of such Notoriety, that no one could doubt their Propriety at the Time, and no one ever thought it necessary to record the Reasons, or to establish the Proofs of Facts and Events, which were then certain, and universally admitted.

“The Minister of this Empire (if I may compare great Things with small) had, in the various Emergencies of his Administration, the learned Judges of the Land, General Officers of the first Authority and Experience, and the Merchants of the greatest Commercial City in the World, to whom he might apply, and whose Opinions he might command, on every doubtful Question, whether of Law, Military Operation, Trade, or Finance.—He could not err.

“I possessed no such Professional Aids, but had only my own Mind for my Resources, and Minds as little instructed as my own to assist me, and to be the Instruments of my Measures.

“That this Description of my Situation may not be imputed to me as the Invention of Difficulties made up for the Occasion, I beg Leave to appeal to the following Extract of a Letter which I wrote to the Court of Directors so early as the 11th November 1773, which was before I knew of the Formation of the new System for the Government of India.

Paragraph 4. “May I be permitted, in all Deference and Submission to your Commands, to offer it as my Opinion, that whatever may have been the Conduct of Individuals, or even of the collective Members of your former Administrations, the Blame is not so much imputable to them, as to the Want of a Principle of Government adequate to its Substance, and a coercive Power to enforce it. The Extent of Bengal, and its possible Resources, are equal to those of most States in Europe. Its Difficulties are greater than those of any; because it wants both an established Form and Powers of Government; deriving its actual Support from the unremitted Labour and Personal Exertion of Individuals in Power, instead of the vital Influence which flows through the Channels of a regular Constitution, and imperceptibly animates

" every Part of it. Our Constitution is no where to be traced, but in ancient Charters, which were framed for the Jurisdiction of your Trading Settlements, the Sales of your Exports, and the Provision of your Annual Investment. I need not observe how incompetent these must prove for the Government of a great Kingdom, and for the Preservation of its Riches from private Violence and Embezzlement."

" I will content myself with this Quotation in this Place; though I could wish that the whole Letter were attentively perused, as it is strongly expressive of the Difficulties and Embarrassments of my late Situation in India. To what I have said let me add, that in a newly established Government many Occasions will constantly occur, which can be regulated by no Precedent; and even the Uncertainty of the Constitution, and the unknown Limits of the Authority belonging to its various Branches, will often provoke Resistance, and produce Events, which never could happen under a Government long established, and with its Powers clearly defined, and universally understood.

" Under such Circumstances I humbly apprehend, that since it is not, as I have said, the Lot of human Nature to be exempt from Error, some notorious Calamity, affecting the Interests of which I had Charge, or some well-ascertained Ground of Corruption, or other moral Deviation from my Duty, the Loss of National Reputation, or of substantial Property, ought to have appeared, before I became the Subject of a Parliamentary Impeachment. But what Losses has the Nation sustained through my Mismanagement? Have Provinces been dismembered from it? Have its Armies been defeated in Operations of my Formation? or War or Famine wasted the Countries of my Jurisdiction?—No: The Reverse has been the Attendant of my Fortune in every Stage of it; and so little Ground have I afforded, from the Notoriety of my Character, for such an Inquisition into it, that I dare affirm that I stand, even at this Hour (notwithstanding the Prejudices excited against me) as high in the Estimation of the World, I mean not to confine the Assertion to this Kingdom alone, as any Man of my own Rank and Pretensions in it.

" Yet I mean not to avail myself of this Plea. I assert my general Claim to the Approbation of this Honourable House, and of my Country, for my Services; but I neither desire, nor will admit, of their being placed in Balance against my Faults, if I have Faults to stand in Opposition to them.

" I entreat the House, that each Article of the Charge may be distinctly tried, and that they will be pleased to give their Sentence upon each.

" Answer to the Third Charge. Part Ist.

" B E N A R E S.

" I T has been the Fashion to give Histories of Benares; but as far as I have had Occasion to peruse them in Reports of the Select Committee, or in anonymous Pamphlets, they are, for the greater Part, fanciful and unsupported. I shall here detail as much as I am warranted by certain Knowledge of its former and present Situation, adopting, where I possibly can, the very Words of the Third Charge against me.

" The Territory of Benares is a fruitful, and has been "*(and is at this Day)*" an orderly, well-cultivated, and improved Province. Its Capital City may rather be considered as the Seat of the "Hindû Religion than as the Capital of a Province." I am not certain of the Period at which it was annexed to the Mogul Empire; but it is clear, by the *Ayeene Acheree*, that it was a Part of the Subah of Allahabad in Acber's Time.—Catrou (Page 119) mentions a Raja Carn to have been subdued by Acber, whom I conceive to have been Raja of Benares. However, the same Ayeene Acheree asserts, that Sultan Mahmood Ghaznavee (the first Mahomedan Invader of India) came to Benares in the 410th Year of the Hejrah, above 750 Years since. After Acber, his Son Jehân Gucer was undoubtedly Master of it; and Daia Shekuh, the eldest Son of Shâh Jehân, Son and Successor of Jehân Gucer, resided a considerable Time at Benares in a Station of Authority, as we learn from his own Preface to a Book he compiled during his Residence there. Aurengzeeb, his youngest Brother, and Successor to the Empire after Shâh Jehân, has effectually displayed to Posterity the Power and Sovereignty which *he* exercised in Benares, with a savage Bigotry characteristic of his Temper and Policy, by a magnificent Mosque which he erected on the Site (and even admitted into his Plan a considerable Part of the Edifice) of an ancient and most superb Hindû Temple. This Mosque continues perfect to this Day, and with its neighbouring Minarets (which *he* also erected) overlooks the whole City. If Benares, in Acber's Time, was a District of the Subah of Allahabad, it continued annexed to the same Province in the Time of Aurengzeeb, as we learn from Catrou (Page 362): it therefore never was considered a Capital of any considerable Kingdom, nor yet as a Province annexed to the Subah of Oude. Benares is a naked defenceless City, situated so near to the almost-impregnable Fortress of Chunar, that the Possessor of the *one* may at all Times be Master of the other; and this accounts for its having been annexed to the Subah of Oude, some Time since the Invasion of Nadir Shah. Rajah Bulwant Sing, who resided at Benares with some Degree of Authority (but who never had Permission to coin Money, nor even the Administration of criminal Justice in the City itself) when the Incursions of the Shahzâdah, now the King Shah Allum, first drew the Attention of the English to that Quarter; and, far from being a

great Lord (or any Lord) of the Empire, he was a mere Dependant on the Nabob of Oude, *Shujah ud Dowlah*. He was originally Zemindar of a small Pergunneh, called *Gungapoor* (by Purchase, not by Inheritance, for his Father, Munferam, was not a Zemindar) yielding a Revenue of about £.500 a Year. He had been patronized and employed by Sefdar Jung, the Father of Shujah ud Dowlah, and was gradually promoted to be *Aumil* or Collector of Benares and Gazipoor. He continued in that Capacity to the Day of his Death, and *never was Zemindar of either District*. In the Year 1764, when Shujah ud Dowlah's Affairs were on the Decline, Bulwant Sing made Overtures to the Nabob of Bengal, Meer Jaffier, to join his Army with such Troops as he could muster. General Carnac, who commanded our Army at that Time, warned the Governor and Council of Calcutta of the Rajah's Perfidy; and so well were those Gentlemen convinced of the Truth of those Allegations, that on the Sixth of November of the same Year, they wrote thus to Major Munro: "With respect to Bulwant Sing, *the double Part he acted in the Beginning of the War* sufficiently warns us to put no Confidence in him; and therefore, if he has not already been permitted to join you, or you have entered into no Engagements with him, *we would have him dispossessed of his Country, and his Person, if possible, secured.*"—My Predecessors, it may be here observed, both in *Language* and *Conduct*, equalled at least, or rather exceeded, every Thing of which I am now accused. I have said that Bulwant Sing *never was Zemindar of Benares or Gazipoor* (*); in Proof of this, I appeal to Bulwant Sing's own Proposals to Major Munro, dated the 21st November 1764: "If you, Gentlemen, chuse to possess yourselves of Shujah ud Dowlah's Country, I will agree to hold the Sircars of Benares, Gauzipoor, Joinpoor, Bidjgur, &c. on the same Terms as I hold them from Shujah ud Dowlah." Of whose Country were the English supposed to intend a Seizure?—Of *Shujah ud Dowlah's*. Who held the Four Sircars here mentioned?—*Bulwant Sing*. Of whom did he hold them?—Of *Shujah ud Dowlah*. By what Denomination are they described?—*As Parts of Shujah ud Dowlah's Country*. Every Word of the Proposal proves that Shujah ud Dowlah was *Sovereign of those Sircars*, and that a Seizure of Shujah ud Dowlah's Country necessarily include (*) the Seizure of Benares, Gauzipoor, Joinpoor, Bidjgur, &c. Had Bulwant Sing possessed a separate Territory, the Conquest of *Shujah ud Dowlah's Country* would not have been tantamount to a *Seizure of Bulwant Sing's*. Had he been Prince or Zemindar of those Provinces, he would naturally and of course have named them, in his Proposals, "*my Sircars*," or "*my Zemindary*;" and his *Arzee*, or Proposal, must, according to the universal Custom of the Country, have been signed by him "*Zemindar of the Mahals of Benares, &c. &c.*" Through that whole War, which terminated in the entire Defeat of Shujah ud Dowlah, Bulwant Sing's Conduct was alternately treacherous to his Master and to us. His First Junction with us is acknowledged by the Court of Directors, in the Letter of the 26th of May 1768, to have been "*of signal Service to us*," and I do not deny it; but the whole Correspondence of the Bengal Government in the Years 1764 and 1765, proves that he *never did us any other Service*: That he was suspected, a faithless and a dangerous Ally; and that but for the Treaty made with him by the Commander of our Army, the Governor and Council would have "*seized his Person, and transferred his Districts to another.*" (See 2d Report of the Select Committee, Pages 4 and 5, &c.) Bulwant Sing dying in the Year 1770, his Son Cheyt Sing succeeded to his Rights, as *Zemindar of Gungapoor*. The Appointment of Farmer or Collector of Benares and Gauzipoor reverted of Course to the Vizier his Sovereign: I must observe, that in the Translations of the Persian Papers, both of those and the preceding Times, great Confusion occurs, in the Application of peculiar and definite Terms, with a loose and unguarded Signification; for in Twenty different Documents at least, quoted in the Second Report of the Select Committee, Bulwant Sing's Farm or Collection, is styled his "*Zemindarry*." I need go no farther than the 5th Article of the Treaty of Illiabad: (See 2d Report, 10th Page): "His Highness Shujah ud Dowlah engages in the most solemn Manner to continue Bulwant Sing in the *Zemindaries* of Benares, Gauzipoor, &c. &c.;" and in the 7th Article of the same Treaty, it is resolved "*to restore to his Highness the Country of Benares, and the other Districts now rented by Bulwant Sing.*" Both of these Articles cannot be admitted in their true and literal Sense. If the *Zemindary* belonged to Bulwant Sing, he could not be said to *rent* it: he paid Tribute only. If the Country did not *belong* to Shujah ud Dowlah, it could not be *restored* to him. In short, the Word '*Zemindary*' is used by our Translators in a lax Sense, to signify *District* or *Province*: This is evident from the Letter of the Bengal Government to the Court of Directors of 11th September 1770 (see 2d Report, 10th Page): "In our former Letter, Gentlemen, we expressed our Sentiments of the Consequence it was to your Affairs, that the *Succession* to the Zemindary of Benares should *continue in the Family*, but that it was a delicate Point to *comply with the Vizier.*"—Why was this a delicate Point? The Third Paragraph of Mr. Burke's Third Charge, *peremptorily* states, that on the Death of Bulwant Sing "*his Son Cheyt Sing succeeded to his Rights and Pretensions.*" The *Delicacy* of the Point consisted precisely in the *Want of Right*, for had Bulwant Sing been real and hereditary Zemindar, the Succession would have gone to his Son of course, there being in India no such Custom as Disinheritance: This Circumstance proves also, that Bulwant Sing was not the Zemindar; for in that Case it must have devolved to him by Inheritance: Instead of which, he writes to Rajah Shitabroy (see 2d Report, Page 5): "If it is the Intention of the English Gentlemen to take Possession of Shujah ud Dowlah's Dominions,

(*) Sic in Orig.

(*) Sic in Orig.

" I will agree to hold Benares and Gauzipoor, &c. which have long been under my Jurisdiction, on the same Terms from the Company as I did from Shujah ud Dowlah." Here was precisely the Place to have pleaded his *Right of Possession*, and his *Title by Inheritance*: Instead of which, he only says, those Places had long been under his Jurisdiction, which (if any Meaning be annexed to the Words) must imply that they were not *always so*. I must quote another Part of this Bengal Letter of 10th September 1770 (2d Report, Page 11): " A jealous, suspicious Disposition of the old Rajah, assisted by the Distrust of their own Children, inherent in the Minds of the People of this Country, may possibly have been the Reason why the Son was not included in the Treaty of 1765; for had he expressed a Wish to secure the Zemindary in his own Family, a Doubt can scarcely be formed, &c.—But suspicious, probably, of the Consequences that his Son should think he had a Right to the Succession, his whole Aim seemed to center in Self-security, without the least Attention to the Good of his Posterity."—I answer, every Word of this, if it be really applicable to Bulwant Sing's State of Mind, proves beyond a Doubt, that *he was not the Zemindar*; for, as Zemindar, his Son must have succeeded, in the Language of the Charge itself; and it was a Matter perfectly indifferent to the State of the Case, whether Bulwant Sing expressed or did not express his Wishes on that Head: But if he really were " suspicious of the Consequences that his Son should think he had a Right to the Succession," it is demonstrable that he knew the Son to have *no Right*; for had he a Right, Bulwant Sing could neither suppress a Knowledge of it from his Son, nor controvert its Effects. It would have been a clear, entailed, hereditary Estate, of which it was mutually indifferent to the Father and to the Son what each might separately think.—When Cheyt Sing, by the Influence of the Company, was confirmed in the Place which his Father had held as Farmer or Collector for the Vizier, he paid, as a Gift or Nuzzeranah, a Sum amounting to nearly 200,000 Pounds, and increased his Rent near 30,000 Pounds per Annum; " by which" (Mr. Burke says) " he became a Purchaser, for valuable Considerations of his Right and Inheritance in the Zemindary aforesaid." I do not profess to understand how a Man can be said to purchase of another that which the other has not to sell. To the Rights, the Charge expressly declares Cheyt Sing to have succeeded by the Death of his Father: The Inheritance itself is that very Right; so that Cheyt Sing purchased what he had already; and the actual Functions of his Office, the Collection of the Rents, and the Government of the Districts, &c. were obligingly thrown into the Account. But why did the Vizier exact £. 200,000 on the Death of Bulwant Sing?—Assuredly because, as Sovereign of the whole Country, he possessed and exercised the Right of *levying Fines*, and that to an arbitrary Amount, as appears by the 2d Report of the Select Committee. I know not how we can deny the Existence of many *despotic Principles* in the Mogul System of Government; but wherever those exist the Powers of the Prince will be every Thing, and the Rights of the Subject nothing. Shujah ud Dowlah *fined* Cheyt Sing £. 200,000, and £. 30,000 per Annum; which, at only Ten Years Purchase, is £. 300,000; in all, £. 500,000 for the mere Investiture of what in the Charge is stated to be his *Right of Inheritance*. I, who was vested by my Station with exactly the same Powers as were exercised by Shujah ud Dowlah, never thought of a *greater Fine* as a Punishment for the most flagrant Offences. Cheyt Sing succeeded of course to his Father's Treasures (See Lieut. Colonel Harper's Evidence, Appendix to 2d Report), not by any Testamentary Form, not by any Permission of the Vizier, not by any Intermediation of his Friends, but by *Right of Inheritance*. Are there Two or more Species of Rights of Inheritance? All that the Father could call his own came to the Son; what he held of his Sovereign reverted to its Owner. The Dignity, the Power, the Profit consequent on the Government, were Matters which the Vizier had a Right to sell, and which Cheyt Sing might have a Preference in purchasing, if the Two Parties could settle their Terms. Bulwant Sing had saved great Sums of Money out of his Government, by Colonel Harper's Evidence; it was therefore an Object of Cheyt Sing to succeed to his Father's Lease, even on Terms somewhat less advantageous. The Government, or Lease (or by whatever other Title of Possession Bulwant Sing had exercised Authority in Benares) was, at the Father's Death, procured for the Son; and as the General Letter from Bengal, dated 31st October 1770 (See 2d Report, Page 11th) expressly states, Cheyt Sing was " considered by the Vizier as holding that Country on the same Terms as his Father." Bulwant Sing, I have proved above, held only *in Capite*; the Son therefore, at this Time, held only *in Capite* also: And Colonel Harper, who acknowledges that Bulwant Sing had but a *Life Interest* in the Lands, must be mistaken, where, in quoting from Memory, he gives Evidence, that " the Sunnud to Cheyt Sing was granted to him and his Heirs." It is allowed on all Sides, that the Letter of the Treaty of Allahabad did not extend to Bulwant Sing's Heirs (see 2d Report, Page 12th). The Vizier therefore was perfectly justifiable in refusing to acknowledge it farther; and in my Deputation to Benares, in 1773, I procured a new Treaty, for the express Purpose of settling this Point to Cheyt Sing's Satisfaction. It may be remarked, that all the governing Powers of Hindostan are extremely averse to any Treaties or Agreements which are declared to be *binding on Posterity*; and I have had frequent Difficulties in many Negotiations with the native Princes on this Head; they have always pleaded " that it was against the Custom of their Country."—It must be admitted, that the Council in 1773 conceived some Doubts to exist somewhere respecting the Validity or the Extent of the First Stipulations in Behalf of Cheyt Sing, or they would not have empowered me to *renew* them. And I am warranted in having declared in my Narrative, " that Cheyt Sing obtained from our Influence, exerted by myself, the First legal Title that his Family ever possessed of Property in the Land, of which he, till then,

" was only the *Aumil*, and of which he became the acknowledged *Zemindar*, by a *Sunnud* granted to him by the Nabob Sujah Dowlah, *at my Instance*, in the Month of September 1773." The Father was no more than *Aumil*, as I have amply proved; on his Decease the Son precisely succeeded to his Rights and Pretensions, as the Charge states—he therefore became *Aumil*; and if he ever was *Zemindar*, it could only be derived from the *Sunnud* of 1773. In 1774 the Majority of the new Council General adopted, in the Case of Shujah ud Dowlah's Son, the System formerly supported by Shujah ud Dowlah in the Case of the Son of Bulwant Sing. They decided that the Treaty made with the *Father* did *not* bind them with respect to the *Son*. In *both* Cases my Opinion had been uniform and consistent. In 1770 I thought that the Agreement made between Shujah ud Dowlah and Bulwant Sing was virtually in Force, though one of the contracting Parties were dead, and that Cheyt Sing stood precisely in the Place of his Father. In 1774, I thought that the Treaty we had entered into with Shujah ud Dowlah continued to bind the Company; and that his Son, Asoph ud Dowlah, had in every Respect succeeded to his Father's Engagements, as well as his Dominions. In both Cases my Judgment has been unfortunate; the *latter*, however, procured the Company a large Addition of Territory and Revenue, on the Appropriation and Management of which, as the Majority of the Council decided *against my Opinion*, their Sentiments alone, and *not mine*, are to be considered in whatever relates to the Transaction. I must therefore *except* to the Use made by Mr. Burke, and to *any* Use whatever being made, of any Minutes delivered in Council *by me* on that Occasion, as those Minutes were no Part of the Cause or Motive on which the Majority acted; and therefore, as far as any Good or Evil arose out of the Act itself, I am totally unconnected with it. General Clavering, Colonel Monson, and Mr. Francis, in their Minute of 7th December 1775 (see 2d Report, 23d Page), fully acquit *me*; "the Measure" (they say) "is strictly and exclusively *ours*. The original Plan was *opposed in every Step by the Governor General* and Mr. Barwell." Upon the same Principle I solemnly disclaim all Connection with, and even all Knowledge of, any "improper and fraudulent Transactions with regard to the Symbols of Investiture which ought to have been given to the *Rajah*; and the Form of the Deeds by which the said *Zemindarry* ought to have been granted," as stated in the 13th Article of the Charge. I am not responsible for the Acts of the Majority, nor for the Acts of Mr. Fowke *their* Resident at Benares, who acted wholly under their Authority, and over whom I had not the Shadow of an Influence; I was at that Time but a Spectator of what was doing, a mere Cypher at the Board.

" If there were any Mistakes in the Modes of Investiture, or the Forms of the Deeds, they were without my Concurrence; and as I cannot even now conceive what Purpose so pitiful an Artifice could be supposed to answer, I will positively assert they could not be *fraudulent*. Mr. Francis, who is the surviving Member of that Majority, "*to which the Measure strictly and exclusively belonged*," is alone amenable for every Part of it, for its *Informalities*, as well as for its Merits; for any "*complicated, artificial, and fraudulent Management*," that might take Place in the Course of its Execution, as well (*) for the Grounds on which it was proposed: For my own Part (after disclaiming all Pretensions to any particular and exclusive Duty *on me* to attend to the due Insertion of all Transactions on the Company's Records, which Duty I conceive to be that of the *Secretary*, under the Direction of those who had the Authority; and also after professing most religiously that I did never, either directly or indirectly, procure the Omission of a Syllable of any public Document whatever, which ought to have been transmitted to the Court of Directors) I do most solemnly affirm and declare, that *I did not*, at the Time specified, meditate to make *any evil Use whatever* of the Deeds which are stated to have been withholden from the Company;—that I did *not* (until the very Day when I first read it in the Charge) know that such Deeds had been withholden, and that I should at all Times have loathed and spurned at the mere Idea of grounding any Measure of mine on so shallow and base a Manœuvre; I may be allowed to add, that while the Counterparts of the Deeds existed, all Concealment on our Side was equally ridiculous and ineffectual; it is an invariable Form, that the Cabooliet, on (b) Agreement with the *Zemindar*, is always Word for Word the same as the Potta or Lease. After all, I have been combating with a Shadow, for what were these Deeds which were suppressed? The only Deed or Instrument of Cheyt Sing's Investiture was the *Sunnud* or Charter, and the Potta or Lease, which are expressed in the Charge to have been regularly made out, and transmitted; I know of no other. *No Sunnuds* were ever sent to the Court of Directors, nor any Papers in the original Language.

" P A R T II.

" I MEAN to *prove fully*, in its proper Place, that I never gave Permission to any Agent to resign for me the Office of Governor General, I can here only *assert* it; but when General Clavering attempted to assume the Chair which I had *not* vacated, I was warranted in supporting my Authority by every Means in my Power: I was warranted in styling him "*my Opponent*," and warranted in treating every misplaced Mark of Homage to *him* as a Personal Disrespect to myself:—When, therefore, I affirmed that Cheyt Sing had deputed an Agent, with an express Commission to compliment General Clavering on his Accession to the Government, I affirmed a Fact certainly criminal and offensive to the

(*) Sic in Orig.

(b) Sic in Orig.

Company's Government, inasmuch as it was an officious and premature Interference on the Part of the Rajah,—pregnant in itself with very great Disadvantages to the due and orderly Administration of Affairs, and deeply injurious, by the Example it held out to others, for taking Part in the Dissensions which at that Time harraſſed our Councils. In Cheyt Sing's Caſe it was particularly obnoxious, becauſe all Correſpondence with *him* (as with other native Powers) was by the Company's Orders conducted through the Medium of the Governor General; the Rajah, therefore, had no Right, no Pretext, for paying ſuch a Compliment to General Clavering, until his Acceſſion to the Chair had been notified *in Form*; nor can it be urged, in the preſent Inſtance, that ſuch Notification was duly made; for, granting (as I believe I may) that General Clavering had iſſued, in his aſſumed Character of Governor General, Information to that Purpoſe, Cheyt Sing had a Vakeel in Calcutta, whoſe expreſs Buſineſs it was to ſet his Maſter right, and for that Purpoſe he might have had, *and had*, at all Times free Acceſs to my Houſe and Apartment; and I alſo cauſed immediate Official Diſpatches to be ſent off to the different Country Powers to aſſure them of my Continuance in Adminiſtration. I urged this Act of the Rajah *at the Time it took Place*, and I now urge it, as a Proof of the Readineſs which he ſhewed to foment, or even to take Part in any Diviſions of our Government; it always appeared to me indecent with reſpect to *my Office*, unjuſtifiable with reſpect to *his Situation*, and a Proof of his rooted Diſaffection to the Engliſh Adminiſtration. Whether or not I *Perſonally* forgave him, is of no Conſequence: I never ſought to puniſh him but on *public Grounds*. And had he faithfully diſcharged his Duty to the Company, he would never have heard a Syllable of my Relentment. Implacability to my Inferiors is no Part of my Character. I am accuſed “ That having obtained, in my Caſting Vote, a Majority in Council on the Death “ of Sir John Clavering and Mr. Monſon, I did ſuddenly, and without any previous general “ Communication with the Members of the Board, by a Minute of Conſultation of the 9th of “ July 1778, make an extraordinary Demand, namely, that the Rajah of Benares ſhould conſent “ to the Eſtabliſhment of Three regular Battalions of Sepoys, to be raiſed and maintained at his “ own Expence.” I anſwer, that on the 6th of July *at Night* a Packet was received from Mr. Baldwin at Cairo, with an Account (deemed fully authentic by the whole Council) that War had been actually declared and commenced between Great Britain and France. It was my Duty to propoſe Meaſures in Conſequence of this Intelligence, *without Loſs of Time*. Accordingly, on the 9th of July, after an Interval of only Two Days, I gave in at the Council Board a Plan of *General Increaſe* for our Military and Marine Eſtabliſhments, to meet the Exigencies of the Moment. Every Member of our Government felt the Neceſſity of the Meaſure, and we were for Once unanimous. My Propoſitions, which embraced every Part of the Company's Dependencies on that Side of India, could not, without glaring and very ſuſpicious Partiality, have omitted the Territories of Cheyt Sing. I allotted what I thought (and *ſtill think*) a very moderate Portion of the newly-incurred Burthen of the War to him: Had my Colleagues been of a different Opinion, they might have propoſed a Modification, or a total Exemption. They did neither. While they admitted the Neceſſity of the actual Demand, they did *not* object to the Sum: And the *Deciſion of future Right* (on which there appeared ſome Shadow of Heſitation) *was*, by General Conſent, *referred to our Superiors* (ſee 2d Report, 26th Page). On this Right our Superiors *did never decide* while Cheyt Sing continued at Benares, though our Minutes on the Subject arrived in London the 12th of April 1779.—*Their Silence had all the Effect of Acquieſcence*. The Rajah is ſaid to have aſſerted, that I had promiſed this Exaction ſhould continue *but for One Year*, and *ſhould not be drawn into Precedent*.—I now moſt ſolemnly declare, *that I never made any ſuch Promiſe*; and that I had eſſentially precluded myſelf from making it, the Minutes themſelves will teſtify: for in our Firſt Debate on the Subject, I agreed to add to my original Motion for raiſing the Troops the following Words, “ and *to be diſbanded at the End of the War*,” (ſee 2d Report, 26th Page). After this I muſt have affected a Spirit of Prophecy, to pretend that the Demand ſhould exiſt *only for One Year*. The War continued in 1779, and the Demand was accordingly renewed. It met with Prevarication, Excuse, and Procratiſtination, on the Part of the Rajah. On the Third Year his Delays grew ſtill more perplexing, and indicated the ſtrongeſt Signs of determined Diſobedience. See all the Bengal Conſultations of that Period, as exhibited in the 2d Report of the Select Committee. By this Time I conſidered myſelf as *acting on the ſureſt Grounds*. The Letters from our Superiors, in Anſwer to thoſe of the Two preceding Years from us, contained no One Sentence which could be deemed a Diſapproval of our Tranſactions with the Rajah of Benares. As the Subject had been fully and repeatedly before them, it was impoſſible to ſuppoſe they had overlooked it. *With my Hands thus ſtrengthened by the implied Approbation of my Employers*, as the Exigencies of the War grew daily more preſſing, I moved in Council, “ That Cheyt Sing might be required to furniſh ſuch Cavalry as he could “ ſpare, with an expreſs Declaration to him, that they ſhould be returned at the Cloſe of the War:” and this was done by the Advice and Recommendation of Sir Eyre Coote. The Rajah certainly maintained a conſiderable Body of Cavalry. He admitted *Thirteen hundred*, and I know they were many more. In the War with the Rohillas he furniſhed Five hundred to his then Sovereign, Shujah Ud Dowlah (ſee Supplement to 2d Report, 12th Page), and General Clavering would have recommended to him to keep up *Two Thouſand*: This was the Number I demanded; but on his repeated Repræſentations, I gradually lowered my Requiſition to *One thouſand*. He acknowledged to have *Thirteen hundred*, and yet offered but *Five hundred* to the Company. My Patience was exhausted by ſuch repeated Acts of Contumacy, and I determined (I

repeat it) to convert them into an Advantage for the Company's Affairs. I considered the Light in which such Behaviour would have been viewed by his native Sovereign, and I resolved he should feel the Power he had so long insulted. Forty or Fifty Lacks of Rupees would have been a moderate Fine for Shujah Ud Dowlah to exact; he who had demanded 25 Lacks for the mere Fine of Succession, and received 20 in Hand, and an increased Rent tantamount to considerably above 30 Lacks more: And therefore I rejected the Offer of Twenty, with which the Rajah would have compromised for his Guilt when it was too late. If I ever talked of selling the Company's Sovereignty over Benares to the Nabob of Oude, it was but *in terrorem*; and no subsequent Act of mine warrants me to have seriously intended it: If I ever threatened to dispossess the Rajah of his Territories, it is no more than what my Predecessors (without Rebuke from their Superiors, or Notice taken of the Expression) had wished and intended to have done to his Father, even when the Company had no Pretensions to the Sovereignty of the Country; it is no more than such a *legal Act of Sovereignty* as his Behaviour justified, and as I was justified in by the Intentions of my Predecessors. If I pretended to seize upon his Forts, it was in full Conviction that a Dependant on the Company, guaranteed, maintained, and protected in his Country by the Company's Arms, had no Occasion for Forts, had no Right to them, and could hold them for no other than suspected and rebellious Purposes: None of the Company's other Zemindars are permitted to maintain them; and even our Ally, the Nabob of the Carnatic, has the Company's Troops in all his Garrisons; Policy and Public Safety absolutely require it. What State could exist, that allowed its inferior Members to hold Forts and Garrisons, independent of the superior Administration?—It is a Solecism in Government to suppose it.

“ P A R T III.

“ I REMOVED Mr. Fowke from Benares on Political Grounds, against the Orders of the Court of Directors, because I thought it necessary that the Resident there should be a Man of my own Nomination and Confidence; I avow the Principle, and think no Government can subsist without it. The Punishment of the Rajah made no Part of my Design in Mr. Fowke's Removal, or Mr. Markham's Appointment, nor was his Punishment an Object of my Contemplation at the Time. I removed Mr. Fowke, to appoint Mr. Markham; an Appointment of my own Choice, and a Signal to notify the Restoration of my own Authority, as I had before removed Mr. Fowke, and appointed Mr. Graham, for the same Purpose.

“ The Charge adds, “ It was soon after that I prepared for a Journey to Benares.” This is not true:—The Interval of Time is evidently shortened, for the Purpose of forcing the Inference before drawn from my Appointment of the new Resident. This Appointment was made early in February, and I left Calcutta in July.

“ I deny that the Design of exacting a Penalty from Rajah Cheyt Sing for his contumacious Behaviour, was either “ wicked” or “ perfidious,” as is stated in the Charge. I admit that I did not enter it on the Consultations, because it was not necessary; even this Plan itself of the Fine was not a fixed Plan, but to be regulated by Circumstances, both as to the substantial Execution of it, and the Mode: Nay, I will aver, that I had drawn up a Review of our whole Political Connexions, extended even as far as Guzerat, and given a Copy of it to Mr. Wheeler, containing a Variety of Modes, from which I meant to draw some Relief of Alliance, Power, or Finance, to save them from the Ruin which was accumulating around them; and this Plan of the Fine, as I recollect, made a Part of it. But was it necessary, as an Official Obligation upon me, or would it have been prudent that I should enter upon our Consultations every speculative Resource to which the Exigency of our Affairs might eventually compel me to have Recourse? And was I precluded from availing myself of any such Resources, when the Occasion required them, and the Means were afforded me, because the Design of them had not before been entered on our Consultations? In what Part of the Company's Standing Orders, nay, I may add, in what Code of Common Sense, is such a Rule prescribed to me? In this Charge I am blamed for “ the long Concealment, and “ late Communication” of this Intention (viz. of the Fine), Time not being allowed to my “ Colleague to consider the Nature and Consequences of such a Project, or to advise any Precaution concerning the same.”—The Grounds on which this Charge is founded are, that although I communicated my Intentions to Major Palmer in June, it does not appear that I communicated them to Mr. Wheeler till the Eve of my Departure. It is supposed that the Eve means the preceding Night: Assuredly it will admit of a larger Construction. From my Recollection, at this Distance of Time, I will venture to affirm, that my Intentions were communicated to Mr. Wheeler *some Weeks before my Departure*; I believe I may say, almost as soon as they were formed, for I was then in the Habit of the most confidential Intercourse with him; nay, I think it probable that they were communicated to him even before they were to Major Palmer, as that Gentleman arrived in Calcutta only a very short Time before my Departure, which was on the 7th of July. I avow my Intention of fining Cheyt Sing Fifty Lacks. This was the “ Improvement of the Interest which “ the Company possessed in the Zemindarry,” alluded to in my Minute on the Occasion. And as I own myself not to have foreseen Cheyt Sing's Flight or Rebellion, I *did* conceive it possible to have formed an Arrangement of this Kind “ *with the Rajah*,”—and it was certainly “ fit “ and consonant to the mutual Engagements *subsisting between the Company and the Rajah*.”

This

This I will prove at large : A *Fine* was what I meant to exact—and *to fine* was a *Right* expressly reserved to the Company (see a Secret Letter from the Governor General and Council of Bengal, dated 15th January 1776—i. e. General Clavering, Colonel Monson, and Mr. Francis): “ We thought it advisable to fix a proper Weight and Standard, to be invariably observed by the Rajah in all Money which might be coined, on Pain of forfeiting the Mins, and being liable to any Penalty the Board might think fit to impose, on the First Instance of any Deviation.” The same Sovereignty which could dictate to authoritatively on one Occasion, must have had an equal Right in others; and therefore the Exaction and Payment of a Penalty was *consonant to the Engagements between the Company and the Rajah*. Shujah ud Dowlah levied a *Fine*, on the Death of the Father, for investing the Son. Here then we have a *Second Right* made over, with the other Appendages of Sovereignty, to the Company. Had not our powerful Interposition prevented the Consequences of Bulwant Sing’s Treachery to his Master, in 1764, Shujah ud Dowlah would probably have exerted, with signal Rigour, a *Third Right of Fining*, and have furnished me with a Precedent full in Point to my Treatment of Cheyt Sing. The Inference therefore is, that the *Right of Fining* was general—perhaps arbitrary; but for *that* I am not responsible: It is a Defect woven into the Texture of the Mogul System—It will no Doubt be most happy for the Inhabitants of Asia, when the despotic Institutes of Jengheez Khawn or Tamerlane shall give Place to the liberal Spirit of a British Legislature; and I shall be amply satisfied in my present Prosecution, if it shall tend to hasten the Approach of an Event so beneficial to the great Interests of Mankind. In my Narrative of the subsequent Transactions between Cheyt Sing and myself, composed while all the Circumstances were strong in my Recollection, I have detailed every Particular necessary for a complete Comprehension of the painful Part I had to support.—To the *Colourings* which are put upon many of my Expressions by the Subtilties of Construction, I shall make few or no Objections. Truth is my immediate Aim, and I cannot step out of my Way to glean up every casual Insinuation; otherwise I might observe, that I cannot well conceive why, on my Refusal to see the Rajah, it should be pronounced that I “ *rudely and insolently forbade his Visit*.” Is it rude to be peremptory? or is Resolution Insolence? if he were a *great Prince*, I, as representing his Sovereign, should seem a *great King*. I gave the Rajah in Writing my Charges respecting his Conduct, “ *informal*” perhaps, and “ *irregular*,” for where should I have acquired the *legal Precision* requisite for a *Special Pleader*? but certainly *substantial*, and *momentous*, and *just*. I have said that his *Answer* was “ *not only unsatisfactory in Substance,—but offensive in Style*.” I repeat the Assertion *now*, that near Five Years since elapsed have cooled my Regretments (if I ever had any) and that my Feelings are no longer interested by concomitant Circumstances. It was filled with shuffling Excuses and palpable Falsehoods. It stated that the Rajah had furnished the additional Five Lacks of Rupees “ *with the utmost Readiness*,” and that he had “ *taken a Penalty Bond* from his Aumils that “ *they should keep no Thieves in their Districts*.” Was all this *true*, or *satisfactory*, or *decent*?—I had now Reason to suspect that the Rajah would never come to such “ *an Arrangement*” as I wished, till he had, at least in some slight Degree, felt the Hand of Authority; and I accordingly put him under an Arrest. No Insult, no Menace, no Violence of any Kind, was intended or applied: I even wrote to him to calm any Apprehensions for Personal Safety which he might be weak enough to entertain; and I received his Answer, that “ *he was entirely free from Concern and Apprehension*.” What followed I need not here particularize. My Conduct was regulated by Events which I could neither foresee nor controul. All my original Measures were broken through, all my Designs annihilated, by the barbarous Massacre of my unarmed Troops, and the unexpected Flight of Cheyt Sing. Every Step which I had taken before that fatal Moment is an incontrovertible Proof, that I had *formed no Design* “ *of seizing upon the Rajah’s Treasures, or of deposing him*,” and certainly, at the Time when I *did* form the Design of making the Punishment of his former ill Conduct subservient to the Exigencies of the State, by a large Fine, “ *I did not believe him guilty of that premeditated Project for driving the English out of India, with which I afterwards charged him*.”—Had I been forewarned of this Project in the Extent which I afterwards discovered, I most assuredly would have anticipated his Schemes with more solid Effect, and *without Personal Hazard*: I would never have proposed to “ *settle his Zemindary upon him, on any Footing at all*.” Nothing therefore can equal my Surprise at the Tenor of this Part of the Charge, except my Incapacity to answer, without Contradiction, Two Accusations *totally contradictory*. In the 13th, 14th, and 15th Clauses of this 3d Section of the 3d Charge, I am accused of *Implacability* to all the Rajah’s humble Submissions; of *Perseverance* in rejecting all Accommodation (though several Offers were made); and of “ *being filled with Insolence and Malice*,” in not replying to the Rajah’s Letters, after he had so notoriously drawn the Sword of Rebellion. And in the 27th Clause of the same Section of the same Charge, it is asserted, that if I “ *had conceived him (Cheyt Sing) to have entertained traiterous Designs against the Company, from whom he held his tributary Estate, or had been otherwise guilty of such enormous Offences as to make it necessary to take extraordinary Methods for coercing him, it would not have been proper to settle upon such a Traitor and Criminal the Zemindary of Benares, or any other Territory, upon the most eligible, or upon any other Footing whatever*.” Thus am I in one and the same Charge accused of being *severe*, and told it “ *would not have been proper*” for me to have been *lenient*;—Censured for intending to settle the Zemindary upon Cheyt Sing, and Censured for having rejected all

all his Offers towards a *Settlement*.—I can only answer to this formidable Dilemma, that so long as I conceived Cheyt Sing's Misconduct and Contumacy to have *me* rather than the Company for its Object, at least to be merely the Effect of pernicious Advice or misguided Folly, without any formal Delign of openly resisting our Authority, or disclaiming our Sovereignty, I looked upon a considerable Fine as sufficient both for his immediate Punishment, and for binding him to future good Behaviour: I therefore entertained no serious Thoughts of expelling him, or proceeding otherwise to Violence; but when *he* and his People broke out into the most atrocious Acts of Rebellion and Murder; when the *Jus fortioris et Lex ultima Regum* were appealed to on his Part (and without any sufficient Plea afforded him on mine) I from that Moment considered him as the Traitor and Criminal described in the Charge; and no Concessions, no Humiliations, no Submissions, could ever after induce me "to settle the Zemindary of Benares, or any other Territory, upon him, on any Footing whatever."

"Minutes delivered by me at the Council Board during the Time that the Cession of the Sovereignty of Benares and Gauzipoor was negotiated with the Vizier, are quoted *against me* in the 28th Clause of this Part of the Charge. The Minute in Question does undoubtedly contain my Sentiments at that Period, but those *Sentiments* went for *Nothing*: General Clavering and his Majority decided against my Opinion; "*the Measure is strictly and exclusively their own*;" I, therefore, have nothing to do with it. But when, by the Death of Two who composed that Majority, I became somewhat more than a mere Pageant in the Administration, I necessarily resumed the Business where they had left it; I considered Cheyt Sing precisely what *they had made him*, a tributary Landholder; not what *I would* have made him (but was over-ruled) an independent Prince, and a powerful Ally, placed as a Barrier between the Vizier and Government of Bengal.—I would have caused the Company's Tribute to be received at Patna within the Company's Provinces: *They* caused it to be received at Benares.—I would have renounced the Sovereignty of his Country: *They* assumed it. The *Sovereignty* which they assumed, it fell to my Lot, very unexpectedly, to exert; and whether or not "such Powers, or Powers of that Nature, were delegated to me by any Provisions of any Act of Parliament," I confess myself too little of a Lawyer to pronounce. I only know, that the Acceptance of the Sovereignty of Benares, &c. is not acknowledged or admitted by any Act of Parliament; and yet, by the particular Interference of the Majority of the Council, the Company is clearly and indisputably seized of that Sovereignty. That if, therefore, the *Sovereignty* of Benares, as ceded to us by the Vizier, have *any Rights whatever* annexed to it (and be not a mere empty Word without Meaning) those Rights must be such as are held, countenanced, and established by the Law, Custom, and Usage of the Mogul Empire, and not by the Provisions of any British Act of Parliament hitherto enacted. *Those Rights* (and none other) I have been the involuntary Instrument of enforcing. And if any future Act of Parliament shall positively, or by Implication, tend to annihilate those very Rights, or their Exertion, as I have exerted them, I much fear, that the boasted Sovereignty of Benares, which was held up as an Acquisition almost obtruded upon the Company, against my Consent and Opinion (for I acknowledge that, *even then*, I foresaw many Difficulties and Inconveniences in its future Exercise), I fear, I say, that this Sovereignty will be found a Burthen instead of a Benefit; a heavy Clog rather than a precious Gem to its present Possessors. I mean, unless the Whole of our Territory in that Quarter shall be rounded and made an uniform compact Body, by One grand and systematic Arrangement; such an Arrangement as shall do away all the Michiefs, Doubts, and Inconveniences (both to the Governors and the Governed) arising from the *Variety* of Tenures, Rights, and Claims in all Cases of Landed Property and Feudal Jurisdiction in India; from the Informality, Invalidity, and Instability of all Engagements in so divided and unsettled a State of Society; and from the unavoidable Anarchy and Confusion of different Laws, Religions, and Prejudices, moral, civil, and political, all jumbled together in One unnatural and discordant Mass. Every Part of Hindostan has been constantly exposed to these and similar Disadvantages ever since the Mahomedan Conquests. The Hindoos, who never incorporated with their Conquerors, were kept in Order only by the strong Hand of Power. The constant Necessity of similar Exertions would increase at once their Energy and Extent, so that Rebellion itself is the Parent and Promoter of Despotism.

"Sovereignty in India implies nothing else; for I know not how we can form an Estimate of its Powers but from its visible Effects—and those are every where the same, from Cabool to Affam. The whole History of Asia is nothing more than *Precedents* to prove the invariable Exercise of arbitrary Power. To all this I strongly alluded in the Minutes I delivered in Council, when the Treaty with the new Vizier was on Foot in 1775; and I wished to make Cheyt Sing independent, because in India *Dependence* included a Thousand Evils, many of which I enumerated at that Time, and they are entered in the 9th Clause of the First Section of this Charge. *I knew the Powers with which an Indian Sovereignty is armed, and the Dangers to which Tributaries are exposed.* I knew, that from the History of Asia, and from the very Nature of Mankind, the Subjects of a despotic Empire are always vigilant for the Moment to rebel, and the Sovereign is ever jealous of rebellious Intentions. A *Zemindar* is an Indian Subject, and *as such* exposed to the common Lot of his Fellows. "*The mean and depraved State of a mere Zemindar*" is, therefore, this very Dependence above-mentioned on a despotic Government—this very Proneness to shake off his Allegiance, and this very Exposure to continual Danger from his Sovereign's Jealousy, which are consequent

sequent on the Political State of Hindostanic Governments. Bulwant Sing if he *had been*, and Cheyt Sing as long as he *was*, a Zemindar, stood exactly in this "*mean and depraved State*," by the *Constitution of his Country*. I did not make it for him, but would have secured him from it. *Those who made him a Zemindar* entailed upon him the Consequences of *so mean and depraved a Tenure*. Ally Verdy Khaun and Cossim Ally *fined* all their Zemindars, on the Necessities of War, and on every Pretence, either of Court Necessity, or Court Extravagance.

"I have but few Words to alledge in my own Behalf on the Depositions, Affidavits, and other Testimonies annexed to my Narrative. Every Man will see that in so singular a Situation I could do no otherwise. If the Means I made use of were *the best in my Power*, I stand acquitted of Neglect or ill Intention. The Persons who have given their several Testimonies on the Occasion were not selected for the Purpose *by me*, but are such as were on the Spot, and who owed their Knowledge of the Transactions either to actual Inspection, or to sharing a Part of the common Difficulties: How such of the Evidence as was attested upon Oath could be "*not fit or decent to be taken by a British Magistrate, or to be transmitted to a British Government*," I am still at a Loss to comprehend. I have always thought that an Affidavit might be sworn *before any of His Majesty's Justices of the Peace*, whether *in or out of* the particular and local Jurisdiction of that Magistrate. British Subjects could certainly swear with Propriety *before no other Person whatever*, while such a Magistrate was on the Spot; and if I had neglected this Precaution, I cannot doubt but it would have been converted into a much more formidable Charge against me, "*that, with every Opportunity for completely vindicating all the Steps I had taken in this Affair, I had most shamefully, and fraudulently, and unjustifiably omitted to have the several Circumstances detailed in Writing and upon Oath, although One of His Majesty's Justices was upon the Spot at the Time*." In a Matter of mere Affidavit (no Trial in a Court of Justice then pending) I never have heard that it was usual, or expected or necessary to have a Person present "*to object to the Competence or Credibility, or Relevancy of the Affidavit*." To the Admission of *such Objections*, a Justice of Peace, *out of his local Jurisdiction*, is certainly *not competent*: It alters the very Nature of the Function; and would constitute a Judicial Process between Two Parties, before a Judge who holds no Court, and to whom neither Party is amenable. But these are Sophistries totally unconnected with the main Question. I deemed Cheyt Sing a *Rebel* and a *Traitor*; I accordingly rejected his Submissions, and expelled him from his Zemindary. The Affidavits are meant as *Proofs* of his Rebellion for the Satisfaction of *others*: *My own Conviction* wanted no such Assistance; nor would any Objections *be could have made ever shake a Tittle of my Opinion*. My Superiors, the Court of Directors, in their Letter to Bengal of the 28th January 1784, have said, "*After the Resistance which the Rajah had made, no Countenance could be consistently shewn him; nor was any Measure for his Restoration every proposed*." *To them*, therefore, and to *their Sense of the Rajah's Guilt*, I may appeal for the Propriety of transmitting those Testimonies. It was a Mass of Evidence, which on the Whole proved the Sufficiency of the Grounds on which I have acted.

" P A R T IVth. and Vth."

"I AM here accused of having caused a *Second*, and then a *Third* "*Revolution in Benares*:" That is, the Removal of a Collector or Receiver General of the Province is put on the Footing of a Dispossession of the immediate Landholder and Zemindar; which amounts nearly to asserting, that the Dismission of a Ministry in this Country is *as complete a Revolution* as the Abdication of James the Second. The Expulsion of Cheyt Sing was indisputably a "*Revolution*." I have always called it so. The subsequent Arrangements were mere internal Corrections of a System which Experiment proved to be imperfect. When a new System was to be formed with the Successor of Cheyt Sing (who, not being his Heir, *had no Claim of Right*) I saw no Objection to making the Company's Interests my first Principle of Action. The early Accumulation of too much Wealth had been Cheyt Sing's Ruin; it had buoyed him up with extravagant and ill founded Notions of Independence, which I very much wished to discourage in the future Rajah. Some Part therefore of the superabundant Produce of the Country I turned into the Coffers of the Sovereign, by an Augmentation of the Tribute. To the Mint, and the Exercise of Criminal Justice, we were exclusively entitled by the very *Act of Cession from the Vizier*; and they were both given up to Cheyt Sing as a Matter of Personal Favour *only*: That we had not given up to him the *Right* as well as the *Function*, is proved by the Paragraph above quoted, where an arbitrary Penalty, and *actual Deprivation*, are denounced against him for the very first Abasement of Coin, by the Authority of the Council, without my Participation in the Act. These Two, therefore, I resumed, from Conviction of it's being proper and necessary so to do. The *One* is held by the British Resident, nominated and appointed by the Company, Mr. Fowke, by whom I believe it to have been most honourably conducted; the *other* I entrusted, with some new and necessary Modifications, to a Mahomedan of the first Abilities in India, and of the most unimpeachable Integrity; under whose Administration Tranquillity, good Order, and Security have taken Place in a Degree never before experienced in Benares. The Inhabitants have greatly increased since that Period, and upwards of 2,500 Houses (as he informs me in a Letter I have lately received from him) have been added to the City. To obviate Misunderstanding, I must observe, that the Administrator of Criminal Justice in Benares has always been of the Mahomedan Religion, and was always appointed by Shujah ud

Dowlah himself to the Day of his Death. Of the Events subsequent to Cheyt Sing's Expulsion, I conceive a very slight Account to be sufficient. I settled the Affairs of the Zemindary at that Period with as much Care and Circumspection as the Shortness of the Time, and the Variety of my Employments, would permit. It happened (for which I was by no Means blameable) that the Persons in whom I entrusted the executive Powers of the Zemindary, and whom I chose because they were the nearest Relations to the Rajah, were inadequate to the Duty. I had Reason to doubt their Integrity as well as Capacity, and therefore I caused them to be removed. A *Second Experiment* proved equally unsatisfactory, and from the same Causes. I was therefore reduced to exert the same Remedy; but during these necessary, and *by no Means extraordinary*, Changes of Ministry, the Rajah himself and his People were in perfect Security: The very Removal of the effective Administrator, on his oppressive Conduct and Official Peculation, has operated on the Minds of the Inhabitants very greatly in Favour of British Integrity and good Government. It is a Fact, and I can adduce very many Gentlemen now in London to confirm my Assertion, that the Countries of Benares and Gauzipoor were never, within the Memory of Englishmen, so well protected, so peaceably governed, or more industriously cultivated, than at the present Moment: And as for the City of Benares, I appeal to the Letters which have been lately received from Madajee Scindia, by His Majesty and the East India Company, and which were written Months after my Departure, to prove, that my Regulations had not only contributed greatly to the Peace and good Order of that City, but had extended the Credit and Reputation of the English Government to every Part of Indostan and Deccan.

Die Martis, 26^o Februarii 1788.

THE Lords being in their Places, the House resumed, the usual Proclamations made, and the Defendant appearing at the Bar, the Lord Chancellor acquainted the Managers for the Commons that they might proceed with their Evidence.

The Managers for the Commons informed the House that they should begin with what they left unfinished Yesterday, and first produce the Form of the Commission to former Presidents of the Council at Bengal. That upon Inquiry they found that Governor Cartier, who immediately preceded Mr. Hastings as President of the Council at Bengal, had no Commission as President, but was appointed to that Office in the same Manner Mr. Hastings himself was: Therefore they would produce the Commission to Mr. Verelst, who was the immediate Predecessor of Mr. Cartier, and also the immediate Successor of Lord Clive, the latter of whom had been appointed by a similar Commission with that now about to be produced.

For this Purpose they called Mr. ROBERT HUDSON, who produced a Book, intituled, "Bengal Dispatches;" which being delivered in, the following Extracts from it were read by the Clerk, viz. Paragraph 7. of the Company's General Letter to Bengal, dated 12th January 1768, Page 388 of the said Book—also the Company's Commission, constituting Harry Verelst Esq. President and Governor of Fort William, Page 394 of the said Book; and the same are as follow:

" Our President and Council at Fort William
in Bengal.

12th January 1768.
Sent per Dutton,
Queen,
Ankerwyke.

7. " By the Ship Dutton we send a Commission under the Company's Seal; and an attested Copy thereof in the Queen's Packet, constituting and appointing the President and Governor and the rest of the Council at our Presidency of Fort William in Bengal, in the Order and in the Manner they are hereunder directed and described, viz.

Harry Verelst Esquire,	-	-	-	President and Governor.
John Cartier Esquire,	-	-	-	Second in Council, and to succeed to the Government in case of a Vacancy therein, by the Decease, or otherways, of Mr. Verelst.
Colonel Richard Smith,	-	-	-	Third, but not at any Time to rise higher in the said Council than Third.
Mr. Francis Sykes,	-	-	-	Fourth.
Mr. Richard Becher,	-	-	-	Fifth.
Mr. James Alexander,	-	-	-	Sixth.
Mr. Claud Russell,	-	-	-	Seventh.
Mr. Thomas Rumbold,	-	-	-	Eighth.
Mr. William Aldersey,	-	-	-	Ninth.
Mr. Thomas Kellall,	-	-	-	Tenth.
Mr. Charles Floyer,	-	-	-	Eleventh.
Mr. Alexander Campbell,	-	-	-	Twelfth, and last of the said Council.

" 12th January 1768.
Per Dutton,
Queen,
Ankerwyke.

" The United Company of Merchants of England trading to the East Indies, to all to whom these Presents shall come, send, greeting. Know ye that the said United Company, reposing especial Trust and Confidence in the Fidelity, Prudence, Justice, and Circumspection, of Harry Verelst Esquire, have made, constituted, and ordained, and, by these Presents, do make, constitute, and ordain the said Harry Verelst Esquire 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 our Governor and Commander in Chief of our Fort William in the Bay of Bengal, and all the Towns and Territories thereunto belonging, and of all and singular the Forts, Factories, and Settlements, Lands, Territories, Countries, and Jurisdictions, belonging to us within the Subahship of Bengal, and of all the Forces which now are, or hereafter may or shall be employed for the Service of the said United Company, in the said Forts, Towns, and Places, and to execute all and every the Powers and Authorities thereunto appertaining, by Order and Direction of the Court of Directors of the said United Company for the Time being, and to

continue

continue in the Exercise of the same during our and their Pleasure, and until the contrary thereof shall be signified, under the Seal of the said United Company of Merchants of England trading to the East Indies, or under the Hands of Thirteen or more of the Court of Directors of the said Company for the Time being. And to the End the said Harry Verelst may be better enabled to order and manage all the Affairs of the said United Company, we do, by these Presents, constitute and ordain John Cartier Esquire to be Second of our Council of Fort William, next after our said President Harry Verelst; Colonel Richard Smith to be and continue Third of our said Council, and not to rise to a superior Rank therein; Mr. Francis Sykes to be Fourth, Mr. Richard Becher to be Fifth, Mr. James Alexander to be Sixth, Mr. Claud Russell to be Seventh, Mr. Thomas Rumbold to be Eighth, Mr. William Alderley to be Ninth, Mr. Thomas Kellall to be Tenth, Mr. Charles Floyer to be Eleventh, and Mr. Alexander Campbell to be Twelfth, and last of our said Council of Fort William, for governing and managing all the said Company's Affairs in Bengal, and the Places and Provinces belonging to us as aforesaid; and we do hereby give and grant unto our said President and Governor Harry Verelst, and to our Council aforesaid, or the major Part of them (the Council being duly summoned), full Power and Authority from Time to Time, to rule and govern all and every our Factors and Servants under the said Presidency, and all the Soldiers and Inhabitants of our said Fort William, and all the Towns and Territories thereunto belonging, and of all and singular the Forts, Factories, and Settlements, Lands, Territories, Countries and Jurisdictions belonging to us within the Subahship of Bengal, to administer lawful Oaths as Occasion shall require, and to do and perform all such other Acts and Things, and to use and exercise all such other Powers and Authorities as the said President and Governor, and his Council, in their several and respective Places, where the said United Company have or shall have Factors, or any Places of Trade, are authorised to do, according to such Instructions and Directions as the said Harry Verelst, our President and Governor, and Council aforesaid, shall, from Time to Time, receive, under the Hands of Thirteen or more of the Court of Directors of the said United Company for the Time being. And we the said United Company do hereby order and require all our Factors, Servants, Officers and Soldiers within the Limits of the said Presidency, and all the People and Inhabitants of the said Fort William, and all the Towns and Territories thereunto belonging, to conform, submit and yield due Obedience unto him the said Harry Verelst, our said President and Governor, and his Council accordingly. And forasmuch as it is altogether necessary, that in case of the Death or Removal of the said Harry Verelst, our Presidency should be provided for the Defence and Government thereof, we do therefore, by these Presents, ordain and appoint, that in such Case the said John Cartier Esquire shall immediately be and succeed in the Place and Charge of President and Governor of Fort William aforesaid; and, in case of his Death or Removal, the next in Degree of Council below the said Colonel Richard Smith shall succeed in the said Presidency and Government, in as full and ample Manner, and with as large and ample Powers, Privileges, and Authorities, as are hereby granted unto the said Harry Verelst, until our further Pleasure be known therein. And we do hereby revoke, repeal, annul, and make void, every former Commission or Commissions, given and granted by us, whereby any other Person or Persons was and were constituted and ordained President and Governor, and any other Persons therein named were constituted and ordained to be of the Council at Fort William aforesaid. In Witness whereof, we the said United Company have caused our common Seal to be affixed to these Presents the Twelfth Day of January, in the Eighth Year of the Reign of his Most Excellent Majesty George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth, and in the Year of our Lord One thousand seven hundred and sixty-eight.

L. S.

Signed by Order of the Court of Directors of the said United Company.

Rob. James, Secretary.

To prove that the Country of Bulwant Sing was always reckoned a Zemindary, that Bulwant Sing was considered as a Zemindar, and that he held and enjoyed the same through Shujah ul Dowlah, Nabob of Oude, and Vizier of the Mogul Empire*,

The Witness was directed to produce the Bengal Secret Consultations of the 6th December 1764.

The Managers for the Commons acquainted the House, That it might tend to Elucidation, if they stated, that about this Time, namely, the latter End of the Year 1764, a Project was formed for obtaining the Sovereignty over Bulwant Sing for the Company; which Project, however, was given up, and the Sovereignty left with Shujah ul Dowlah, the same not being transferred to the Company till some Years after, viz. in the Year 1775.

Then the following Extract from the Consultation, 6th December 1764, was read by the Clerk, and is as follows:

* Vide 1st Par. of the 1st Article of the Charge.

" Fort William, 6th December 1764.

" At a Consultation; Present,
The Honourable John Spencer Esquire, President;
Charles Stafford Playdell Esquire,
Warren Hastings Esquire,
John Johnstone Esquire,
Samuel Middleton Esquire,
Ralph Leycester Esquire,
John Burdett Esquire.

" The Book of Standing Orders on the Table.

" The Consultation of the 26th *ultimo*, being wrote fair, was now read, and approved.

" Mr. Vansittart having since our last Meeting embarked for Europe, and Mr. Spencer received from him the Charge of the Government, he now takes his Seat as President of the Council, after having the Oath of Office administered to him.

" Received the following Letter from the Commander in Chief of the Army.

" To the Honourable Henry Vansittart Esquire, President and Governor, &c. Council of Fort William.

" Gentlemen,

" Before my Arrival here, Bulwant Sing wrote me a Letter, offering his Services, and that he would pay the Revenues of the Country regularly, the same as he did to the Vizier. I desired to see him; but he would not come, unless I sent him Articles signed, which I did; knowing well that if I left him in our Rear with 15 or 20,000 Horse which he has, he would prevent our Grain from coming to us, and every Thing else, did the Army march to Iliabad; notwithstanding he did not come, but put me off from Day to Day, which made me send Munier Dowla from the King to him, and also Captain Stables from myself. And now that he finds the King is under our Protection, and that no Peace is to be made with the Vizier, he has began to cross his Troops to this Side, and has promised to be with me the Day after To-morrow, and proceed, whenever I please, with the Detachment that is to take Chinargur. He has stopped Grain going to that Fort, and has ordered his People to seize such of the Vizier's Troops as they may meet with in the Country. As the King wished so much for this Man's joining us, I shall look upon it a lucky Circumstance if he keeps his Word; for, if I was obliged to drive him out of the Country, it would take up a great deal of Time, having the Ganges to cross again; and I neither could set about taking Chinargur, or march to Iliabad, till that was done, for the Reasons already mentioned; besides this, there are very few People in the Country who had any Appointments, but such as have been turned out formerly by Bulwant Sing, and have no Weight in the Country or Troops at Command; so that the Consequence of putting any of them as Phousdars or Jemadars to collect the Revenues, and assist the King against any of his Enemies, would be keeping the Army here I don't know how long, and would require, at all Times, a stronger Detachment of the Troops remaining in the Country than you would choose, or would, in all Probability, be convenient for the Honourable Company to keep up. Upon my receiving your Letters of the 6th current, I waited on the King, who is very happy at his present Prospect, and will do any Thing we please to prescribe to him. He has wrote you Letters which I now send, and were wrote before he knew of your Intentions towards him, as was also the enclosed Paper, which he desired me to forward to Calcutta, and have been by me for some Days, waiting till I would receive a Letter from the Board, by which you will find his Proposals, in a great Measure, agree with your Inclinations. I moved our Camp Three Cofs Yesterday, so as to be in Front of the King's Encampment, and between him and Iliabad. He is to write immediately to the Chiefs of the Rohillas, and all his Friends, not to join the Vizier; and assures, that if he once got Benibahadre and Bulwand Sing to come in, the Vizier would leave the Country immediately, and never make any Head again; and, at any Rate, if once we got Iliabad, and take Chinargur Fort, he will be answerable soon after to dispossess the Vizier of all the Rest of this Country. I am convinced, from what I have seen and heard, the Vizier will not agree to your Demands, and must be drove out of the Possession of his Country. The Methods you propose for doing of it are undoubtedly the best could be thought of, and what must, I think, succeed. I shall therefore, before my Departure from the Army, which I propose, with your Consent, shall be the Beginning of January, so as to go home with the Detachment of the Eighty-ninth on the February Ship Captain (Maitland), do my utmost to leave Affairs here in the following Situation; how soon a Boat from Patna arrives with Stores, which I expect daily, I will send a proper Detachment from the Army to take Chinargur, and when it is taken, shall put a proper Garrison of the Troops in it. I am to write to Mr. Billers this Night to send Grain up for the Army, which I intend to lodge in that Fort. In a few Days hence, after I have waited on the King, I shall proclaim him Superior and Possessor of all Shuja Dowla's Country, and send Letters jointly with him to all the Rajahs, &c. between this and Delly, acquainting with it, and desiring they will pay due Obedience to the King, and not join Shuja Dowla, but assist in driving him out of the Country. But before this is done, I shall take care to have it from under the King's Hand, that he holds these Rights from the English; that he will agree to whatever the Governor and Council of

Culcutta will prescribe to him; and pay the Honourable Company yearly such Part of the Revenues of the Country, as the Presidency of Fort William will desire. I will then proceed to Iliabad with the Army, taking care that we shall, on the March, be properly supplied with Provisions; and that our Boats can proceed up also: And, after being in Possession of that Place, I think the Troops should go no further; nor do I imagine there will be any Occasion for it. I would recommend leaving a strong Detachment of the Troops at Iliabad, till the Army is properly established, and that Shuja Dowla has no more Power or Country; and afterwards leave always with the King a small Detachment as he desires, and to be at his Expence, which he also proposed. This, Gentlemen, is the Situation I intend to leave Affairs in when I take my Departure from the Army, if my Time will permit of it; and wish it may meet with your Concurrence and Approbation.

" I am, with Esteem,
Gentlemen,

" Camp at Banarafs,
the 22d Nov. 1764.

Your most obedient,
Humble Servant,

Hector Munro."

" Read the Translations of Paper of Proposals from the King, enclosed therein, as follows :

" If this Country is to be kept, put me in Possession of it, and leave a small Detachment of the Troops with me, to shew that I am protected by the English, and they shall be at my Expence, that if any Enemy come any Time against me, I will make such Connections in the Country, that, with my own Troops and the aforementioned small Detachment, defend the Country without any further Assistance from the English, and I will pay them of the Revenues of the Country what Sum they shall demand yearly. If the English will, contrary to their Interest, make Peace with the Vizier, I will go to Delli, for I cannot think of returning again into the Hands of a Man who has used me so ill. I have no Friends I depend on more than the English; their former Behaviour to me will make me ever respect and regard them. Now is their Time to be in Possession of a Country abounding with Riches and Treasure. I shall be satisfied with whatever Share they please of it. The Rohillas H. H. were always Enemies to the imperious Vizier; they are all my Friends."

" Read also Translations of the King's Letters enclosed, to the President, the Council, Major Carnac, the Nabob, and Shitabroy, representing in general that Shuja Dowla has met with the just Punishment of his Perfidy and Disobedience of his Commands; that conformably to our Advice and Letters which he received after the Defeat from Major Munro, he separated himself from him, and remained at Benaris, and urging us to establish ourselves and him in the Possession of Shuja Dowla's Country.

" Ordered these Letters to be entered on the Books of Country Correspondence.

" And having now maturely considered the Contents of the Whole;

" Agreed we write the following Letter in Answer to the Commander in Chief.

" To Major Hector Munro, Commander in Chief of the Army.

" Sir,

" We have received your Letter of the 22d ultimo, with the several Papers enclosed, and, having maturely considered the Contents of the Whole, we are now to give you our Sentiments and Instructions thereupon.

" We are extremely glad to find the King has joined you, and approve of the Plan which you have laid down for establishing him in the Possession of Shuja Dowla's Country, to which we are reduced by Shuja Dowla's having again refused a Compliance with our Terms, and the King's having in Consequence received our Protection. We do not however mean to enter into any Connections which would engage us further than fixing the King as aforesaid; and altho', for the Completion of this Object, we wish not to be carried to a greater Distance than Iliabad, yet we cannot prescribe that Place as the utmost Limit to which the Army shall advance, as Circumstances may possibly intervene to render your proceeding further necessary.

" As to the King's Request for having a small Detachment of our Forces stationed with him, we shall be better able to judge of the Necessity or Propriety of such a Measure, when he is entirely established in these Possessions, and we know the State of his own Army.

[" With regard to Bulwant Sing, we shall adhere to the Terms which you may have thought it necessary to make with him; but it is our View, so far as it can be done consistently with your Engagements, to have the Power and Authority over this Rajah and his Zemindarries, vested in the Company by Sunnuds from the King, holding them under him with the same Rights, and in as full a Manner, as enjoyed by Shuja Dowla; and that the whole Rents so collected shall be appropriated for the Use of the Company, and wrote off from the Books of the King's Revenues (*)."]

" This, you will observe, will extend the Limits beyond those mentioned in our last of Benaris and Chinargur: The Tract of Country including those Places was considered as a Cession

to

(*) For the Purpose of more distinctly marking the Conclusion of the Matter particularly referred to by the Managers for the Commons, it has been thought proper to add a Hand pointing to the inverted Bracket], thus

to be made by Shuja Dowla on our acceding to a Peace with him; but what we now mean to require for the Company, we demand as a Conquest to be secured to them from being obliged to continue the War, and as some Recompence for the Hazard their Property has been and may be exposed to in the Course of it.

" With regard to the other Parts of Shuja Dowla's Country, as the King has been declared Supreme, he will of course take Possession, and collect the Revenues thereof; but as his Authority becomes established, we think it proper to demand, that such Proportions of them as his Necessities will permit, should be applied to assist in defraying the Expences of the War; and when he is in full Possession, we shall expect to have the Whole reimbursed us.

" In the mean Time, as the King, in some of his Letters, expresses great Distress for Money, and as his Collections may not for some Time come in, we permit, should he apply for it, that you advance him such Sums as his Exigencies may absolutely require, taking proper Care not to expose yourself to any want for the Payment of our own Army; by this, however, we only mean to contribute to the Support of his Dignity, by advancing for the necessary Expences of his Household, and not to take upon ourselves the Burthen of maintaining the Troops which he may raise; and we trust to your Discretion, as you know our Resources, for not engaging us in too heavy an Expence.

" As the King intimates, that when we have once put him in Possession, he shall be able to maintain himself with very little Assistance from us; we desire you will inform yourself, as well from the King himself, as from his Officers, what Views he has, in this Respect, and what Prospects of forming Connections, that shall answer such Expectations.

" To avoid giving any Umbrage or Jealousy of our Power to the King, or the Nobles of the Empire, we would have every Thing done under the Sanction of his Authority, and that we may appear as holding our Acquisitions from him, and acting, in the War, under his Authority, in supporting his Rights, and not he as holding those Rights from us.

" The Paper from the King, which you mention to have inclosed, was not received with your Letter, only a Translation of it. We desire, therefore, you will send us the Original, or an exact Persian Copy, and observe this Method in future.

" With respect to the Agreements entered into by the Inhabitants of Benaris for the Ransom of the City, we are glad that such an Opportunity has offered of obtaining a Reward to the Army for the very signal Service which they have rendered the Company, as well as a Compensation for the Loss which they sustained of their Baggage in the Action of the 23d of October; nor can we have any Objection to it in this particular Occasion; but as we would consider the Country, not as a Conquest, but belonging to the King, whom we have engaged to support against the common Enemy, no future Considerations of this kind should be demanded from the Inhabitants, or expected by the Army, but every Care taken to conciliate the Affections of the People.

" We have caused the Articles which we mean the King should accede to, to be drawn up in proper Form, in the Persian Language, and we now enclose them, together with an English Copy, for your Information, desiring you will present them to him for their being executed; in case he should not have already agreed to them on Mr. Marriott's Arrival, we have desired him to co-operate with you in engaging his Majesty to a Compliance with them.

" In Answer to the Intention, which you intimate, of quitting the Army with the Detachment of the 89th Regiment in order to embark for Europe; we can only say, that we must request the Continuance of your Services, as long as the Season, and your Orders from his Majesty, will possibly permit of your remaining with the Army.

" The Delivery up of Meer Cossim Sombre, and the Deserters, has always been a principal Object with us, and we must request that you will make it a Point with the King, that he will jointly with you use his utmost Endeavours for securing their Persons, and bringing them to the just Punishment of their atrocious Behaviour; and that his Majesty will, on no Account, consent to the granting them any Protection throughout his Dominions, but publicly declare them outlawed.

" We have appointed Mr. George Vansittart to proceed up to the Army with all Expedition, and attend you in the Capacity of Persian Interpreter.

" P. S. The President has wrote a Letter to the King, in Answer to those received from him, which you will receive herewith, together with an English Copy for your Information."

" The Articles mentioned in the foregoing Letter to be executed by the King.

✂ [" In consideration of the Assistance and Fidelity of the English Company, which has freed us from the Inconveniencies we laboured under, and strengthened the Foundations of the Empire which God has given us, we have been graciously pleased to grant to the English Company our royal Favours, according to the following Articles, which shall remain firm both at present and in future.

" As the English Company have been put to great Expence, and their Affairs exposed to Danger, by the War which the Nabob Shuja ul Dowlah unjustly, and contrary to our royal Pleasure, waged against them, we have therefore assigned to them the Country of Gazypoor, and the rest of the Zemindarry of Rajah Bulwant Sing belonging to the Nizamut of the Nabob Shuja ul Dowla; and the Regulation and Government thereof, we have given to their Disposal in the same Manner as it

was in the Nabob Shuja ul Dowla's. The aforesaid Rajah having settled Terms with the Chiefs of the English Company, is according thereto to pay the Revenues to the Company, and the Amount shall not belong to the Books of the Royal Revenue, but shall be expunged from them. The Army of the English Company having joined our Standard, shall put us in Possession of Iliabad and the rest of the Countries belonging to the Nizamut of Shuja ul Dowlah, and the Revenues, excepting those of Rajah Bulwand's Zemindarry, shall be in our entire Management and Disposal.]

"As the English Company will be at a further Expence in putting us in Possession of Iliabad, and the rest of the Nizamut of the Nabob Shuja ul Dowlah, we will therefore, as we get Possession, grant to them out of our Treasury such a Proportion of the Revenues as the Exigencies of our Affairs will admit of; and when we are put in full Possession, we will reimburse the whole Expences of the Company in this Business, from the Time of their joining the royal Standard."

"Agreed further, that we write to the Chief and Council at Benaris, advising them, for their Information and Government, of our having demanded for the Company all the Rights and Jurisdiction over Bulwant Sing's Country, and enclosing them a Copy of the Articles which we have sent to Major Munro to get executed by the King, desiring, if he should not have already agreed to them when Mr. Marriott arrives, that he will accordingly co-operate with the Major in engaging his Majesty to a compliance with them.

Signed at the End,

J. Spencer.
C. S. Playdell.
R. Leycester.
John Burdett."

To prove that Rajah Cheit Sing, on the Death of his Father Bulwant Sing, succeeded to the said Territories, and was fully invested with the Government thereof in the Year 1770,

The Witness produced Book 4, intituled, "Bengal Letters received 21st April } 1769.
12th April } 1771."

Read, Paragraphs 30, 31, 32, and 33, from a General Letter of the President and Council at Fort William in Bengal, to the Court of Directors, dated the 31st Oct. 1770; and signed,

"John Cartier.
Claude Russell.
Charles Floyer."

[Par. 30. "In our Letter of the 11th ultimo we informed you of the Death of Rajah Bulwant Sing, and of the Measures we were taking with the Nabob Sujah ul Dowlah to induce him to settle the Succession of the Zemindarry of Benares on the late Rajah's Son. The Nabob immediately dispatched Allage Cawn as his Agent to Benares, in order to open a Negotiation with the young Rajah, which he in Person had at first seemed desirous of concluding, and accordingly fixed a Day for his Departure from Fayzabad; but being prevented from his Purpose by Indisposition, and wisely judging that the March of his Retinue through the Country might at that Time be prejudicial to the new Crop, he desired Captain Harper, immediately on Receipt of the President's Letter, to proceed as expeditiously as possible with his Battalion of Sepoys to Benares, and to be present at the Conferences held between his Agent and the late Rajah's Son. The Demands made by the Nabob's Agent were Twenty Lacks of Rupees, as a Nazerannah, and Five Lacks per Annum, as an Addition to the Sum stipulated by the Treaty of 1765. The Terms were however finally concluded on the 8th instant, when the Nazerannah was settled at 17 Lacks, and the required Increase was reduced to 2½ Lacks of Rupees. Permit us, Honourable Sirs, to congratulate you on so very happy a Conclusion of an Event we deem highly important to your Interest.

Par. 31. "The Vizier's Readiness in complying with this our earnest Recommendation and Request has afforded us the greatest Satisfaction, and is a Circumstance the more pleasing, as it must give Strength to the Opinions of the several Powers in Hindostan of the strict Friendship subsisting between the English and him, and his having considered Captain Harper as a necessary Witness to the Negotiation carrying on between his Agent Allage Cawn and the young Rajah Chait Sing, will serve as a Proof to the World, that he meant not to take any Measure therein that might give the least Cause for Suspicion on our Part. And here we must express our Belief, that so delicate a Matter being brought to a speedy Issue without those Altercations and Difficulties which generally take place in Treaties of this Nature, has been in great Measure owing to the prudent Conduct of Captain Harper.

Par. 32. "The President was requested to acquaint the Vizier with the proper Sense we entertain of the Attention he has paid to our Recommendation, and that we consider it as an additional Proof of his Friendship.]

Par. 33. "Captain Harper informs us, there were several Competitors for the Zemindary of Benares, amongst whom was a Grandson of the late Rajah Bulwant Sing, who was strongly supported

ported by the Bramins, because his Mother is the Wife of a Bramin, and to whom he gives the prior Right of Succession, for this Reason, that Chait Sing is not the Issue of Bulwant Sing's Wife, but of a Rageport Woman, whom the Rajah took into his Family.—This Matter does not seem to be properly understood by Captain Harper; for when it is considered that by the Tenets of the Gentoo Laws, the Right of Inheritance is confined to the Issue of the Male Line, to the utter Exclusion of that of the Female, it is evident, the Pretensions of the Grandson can only be urged by Bramins, who are ever partial to their own Sect."

Read also, from the same Book, Paragraph 18, of a General Letter from the Select Committee at Bengal, to the Honourable the Court of Directors, dated Fort William, 24th Dec. 1770.

" No. I.

" Received per Duke of Kingston, 12th July 1771.

Signed,

John Cartier,
Sam. Middleton,
Claude Russell,
Charles Floyer.

Par. 18. " With respect to the Son and Successor of Bulwand Sing, the Vizier has, as we before informed you, acted agreeably to our Desire. Chait Sing is now fully invested with the Government, to the entire Satisfaction of every one, and is considered by the Vizier as holding that Country on the same Terms as his Father, the Difference in the Revenue excepted. The Whole are now settled at Benares Rupees 22,48,449, 2,50,000 more than were paid by his Father. The Vizier expressed a Desire of seeing the young Rajah at the Marriage of his eldest Son Mirza Amany; the Rajah, sensible how much this Mark of Respect was due from him at that Time, promised to attend; but at length excused himself, perhaps by the Advice of his Father's Counsellors, who had kept alive the Family Enmity."

To prove the next Allegation in the first Article, namely, that, in the Year 1773, the Defendant was empowered by the President and Council to renew, on Behalf of the Rajah Chait Sing, the Stipulations formerly made with the Vizier in Favour of his Father Rajah Bulwant Sing *;

* Vide 1st Article, page 3, par. 4.

The Witness was directed to produce the Bengal Secret Consultations of the 4th of October 1773.

The Managers for the Commons being asked, Whether there was any Instrument by which the Rajah Chait Sing was invested with his Zemindarry,

Made answer, That if any Instrument of that Sort did pass, it was probably in the Hands of Shujah ul Dowlah, or of the Rajah Chait Sing.

Being further asked, If there was any Passage stating such Instrument,

They made answer, None that they had been able to find.

Then the Witness produced Book 3, intituled, " Bengal Secret Consultations, 18th January to 30th December 1773."—Read, Extract from a Consultation of the 4th October 1773, Page 521, of the same Book.

" Fort William, the 4th October 1773.

" At a Consultation; Present,

The Honourable Warren Hastings, Esquire, being returned, now resumes his Seat at the Board as President;

William Aldersey
Philip M. Dacres
Henry Goodwin
John Graham, and
George Vansittart Esquire, who is also returned with the Governor, and takes his Seat accordingly.

} Esquires;

" Read and approved the Proceedings of the 27th ultimo.

" The Instructions given to the Governor before his Departure for Benares, which the Board, at that Time, thought proper to seal up and deposit in the Custody of Mr. Aldersey, are now opened, and recorded, as follows, with the Letters written in Consequence.

" To the Honourable Warren Hastings Esquire, President and Governor of Fort William, &c. &c.

" Honourable Sir,

Par. 5. " We empower you to renew, in Behalf of Raja Cheyt Sing, the Stipulation which was formerly made with the Vizier, in Favour of his Father Rajah Bulwand Sing, in consideration of his Services to the Company in the Year 1764."

K

Then

Then the Witnesses produced Book V. intituled, "Bengal Letters received 14th April 1773, to 21st March 1774."

Read, Paragraph 5, of a General Letter from the Secret Department at Bengal to the Court of Directors, dated, Fort William, 12th October 1773 (received by the Mercury, 26th March 1774.)

Signed,

Warren Hastings,
R. Barker,
Wm. Aldersey,
P. M. Dacres,
H. Goodwin,
J. Graham,
George Vanfittart.

Par. 5. "We have obtained from the Vizir a Renewal of the Sunnuds in Favour of Raja Cheit Sing and his Posterity, on the same Footing as it was granted to his Father Bulwant Sing, excepting only the Increase of 2 ½ Lacks to his annual Tribute, which the Raja had agreed to at his Accession in 1770."

The Managers for the Commons proposed next to shew the Proceedings of the Defendant in the Year 1773, when he was at Benares, from his own Report of them at his Return to the Board. For which Purpose,

The Witnesses produced Book 3, intituled, "Bengal Secret Consultations."

Read, the following Extract from Page 522, of the said Book:

Sec. Dep.

"Fort William, the 4th October 1773.

"At a Consultation; Present,

The Honourable Warren Hastings Esquire, being returned, now resumes his Seat at the Board as President;

William Aldersey,	} Esquires.
Philip M. Dacres,	
Henry Goodwin,	
John Graham,	

"The Governor delivers in to the Board the following Report of his Negotiations with the Nabob Sujah ul Dowla at Benares, and of his other Proceedings during his Absence from the Presidency, with all the Papers referred to in the Report."

Read also, from same Book, Page 527.

"To William Aldersey Esquire, &c. Council at Fort William.

"Gentlemen,

"I have already advised you in my Letter of the 7th of September from Benares, of the Issue of my Negotiations, and the Sum of the Treaty concluded with the Vizir. I now lay before you No. 1. the Treaty itself, a Counterpart of which remains in his Possession. The other Papers which accompany this I shall refer to.

"No. 3. is a Persian Copy of a Cowlnama, or Engagement, which I obtained from the Vizir, confirming to the Raja Cheyt Sing, and his Posterity, the Stipulations formerly made in Behalf of his Father Bulwant Sing. No. 4. Is an English Translation of it. No. 5. A Copy of the Vizir's Pottah, or Rentroll, fixed with Raja Cheyt Sing for the Year 1178, and alluded to in the Cowlnama. No. 6. An English Translation of the Pottah. No. 7. The Translation of a Letter which I wrote to Rajah Cheyt Sing, as a further Assurance of the Conditions promised in the Cowlnama.

"The Cowlnama was executed in my Presence, and attested by me. The Vizier desired, that the Stipulations made in favour of the Rajah might be executed in this Mode, rather than by an Article in the Treaty; and it was equally satisfactory to the Rajah. I must remark, that he had already given the Rajah a Cowlnama of this Tenor, soon after the Death of Bulwant Sing, through the Solicitation of Captain Harper, by the Orders of the Select Committee. He could, therefore, have no reasonable Plea to refuse the Confirmation of it. Nevertheless, he seemed to think his former Act of so little Validity, that he pressed me, in very earnest Terms, for my Consent, that he should dispossess the Rajah of the Forts of Lutefgur and Bidgygur, and take from him Ten Lacks of Rupees over and above the stipulated Rents; and he seemed greatly dissatisfied at my Refusal. He argued, that the Treaty of Illahabad related to Bulwant Sing solely, and was never meant to extend to his Posterity. I confess, the Letter of the Treaty expresses no more; yet, I cannot conceive that either the Rajah or Lord Clive, when the Treaty was made, could have intended it in that Sense. It has certainly been differently understood both by the Company, and by this Administration; and the Vizier himself had before put it out of all Dispute, by the solemn Act passed in the Rajah's favour on his Succession to the Zemindary. I am well convinced, that the Rajah's Inheritance, and perhaps his Life, are no longer safe than while he enjoys the Company's Protection, which is his due by the Ties of Justice, and the Obligations of public Faith, and which Policy enjoins us to afford him ever most effectually.

His

His Country is a strong Barrier to ours, without subjecting us to any Expence, and we may depend upon him as a sure Ally, whenever we may stand in need of his Services."

Read next, the several Instruments referred to in the above Extract, p. 543 of the same Book, and from the same Consultation; as follow:

" Fort William, 4th October 1773.

" Translation of the new Cowlnama, or Agreement, given by the Nabob Shujah ul Dowlah to Rajah Cheyt Sing. No. 4.

" The Affairs of the Zemindarry and Tahud of the Sircar of Benaras, and Sircar Chunarah, and of the Mehalls of Juanpoor, Bejeypoor, Buddohy, Suknefegurrah, Mulboos Khans, Sircar Gazeypoor, Lekinderpoor, Khereed Shadeyabad, and Jopfoch Serinch, &c. which were under the Charge of Rajah Bulwund Sing deceased; I do hereby grant and confirm unto you, upon their former Footing. It is necessary that, after deducting the Nanker, and Half of the Jaghier of Buddohy, you monthly and annually pay into the Treasury of the Sircar the established and stated Payments. By the Favour of God, whatever is promotive of your Honor shall be performed; and, exclusive of the Jumma specified in the Cabooleat of the present Fuffelly Year 1178, no Increase shall ever hereafter be demanded; and if you remain firm, and steady in your Obedience, and in the Payment of your Rents, no Harm shall, by any Means, happen to your Ryots or Country. By the Word of God, and the holy Coran, and of the blessed Imaums, this Agreement is made between me and my Heirs, and you and your Heirs, and it shall never be deviated from. Dated this 18th Day of the Moon Jemmady ul sami, in the Year 1177 Hegiree, answering to the 6th September 1773, English Style."

" A true Translation.

" (Signed) Wm. Redfearn, Persian Translator."

" Translation of the Potta given by the Nabob Shujah ul Dowlah to Rajah Cheyt Sing. No. 6.

" The Sircar of Benares and Chunarah, and the Mehals of the Sircar of Juanpoor, &c. including Land Rents and Syer Duties, and Havely Mahomedabad Benares, Mulboos Khans Pergunnah Booder, &c. Talook of Sikinra Mow, in the Dependencies of the Pergunnah Khaundat, Pergunnah Buddoky Lukunefegur Bejeypoor, Sircar, Gazeypoor Pergunnah Sakinderpoor Khereed Shadeyabad, and Toppeh Seyriach, &c. Land Rents and Syer Duties included, after deducting the Dustoor Dewanny, Nankar Half of the Jaghier of Buddohy, and the other exempted Jaghiers, and whatever has formerly been allowed as Deductions, I do now fully grant and make over to you, in the Terms of your Cabooleat, from the First of Khareef 1178, in Consideration of the Sum of Benares Cumfunna Rupees 22,48,449 Asfil and Ezafa, as specified underneath, clear of all Expences of Schbundy. It is necessary that you pay the above Sum to the Sircar, according to the stated and established Kists Year by Year, and by the Favour of God, there shall never be any Deviation from this Agreement.

" Particulars, viz.

" Paid by Rajah Bulwund Sing as follows;

" Benares,	-	-	12,00,607
" Buddochy,	-	-	1,30,000
" Sukneefgur,	-	-	16,000
" Bejeypoor,	-	-	2,00,000
" Gazeypoor,	-	-	5,00,000
" Shadeyabad,	-	-	40,000
			<hr/>
			20,86,607

" Deduct Nanker Half of the Jaghier of Buddochy and Alturngha, &c. - - - 88158

" Net Revenue paid by Rajah Bulwund Sing, - - - 19,98,449

" Increase settled with Rajah Cheyt Sing, - - - 2,50,000

" Net Revenue to be paid by Rajah Cheyt Sing, Rupees, 22,48,449

" Dated the 27th of Rejeb, in the Year of the Hegiree 1184.

" A true Translation.

" Signed, Wm. Redfearn, Persian Translator."

" From the Governor to Rajah Cheyte Sing. No. 7.

" At this Time the Vizier of the Empire having given you an Agreement, under his Hand and Seal, which I have countersigned, and also affixed my Seal to, it is necessary, that conformably thereto, and according to the Treaty concluded at Allahabad, by Lord Clive and the Vizier, respecting Rajah Bulwund Sing your deceased Father, you, with the greatest Cheerfulness, pay to the Vizier the Rents thereby established; in which case the Company will always attend

attend to your Welfare, and afford you their Care and Protection; and in the Agreements aforementioned, there shall never be any Breach or Deviation.

" A true Translation.

" Signed, Wm. Redfearn, Persian Translator."

The Managers for the Commons proposed next to shew the Light in which the Defendant understood these Agreements, and the Sense he put upon them. For which Purpose,

The Witness produced Book 6, intituled, " Bengal Letters received 16th May 1775, 20th January 1776."

Read Paragraphs 7 and 8 of a General Letter, Secret Department at Bengal, to the Court of Directors, dated, Fort William, 16th May 1775. (Received per Northumberland, 4th April 1776).

7. " We must not omit to mention, that the Nabob some Time ago paid in to Colonel Gailliez a second Tunka on Rajah Cheyt Sing for Six Lacks of Rupees on the Company's Account, against which the Raj did not fail to remonstrate in the strong Terms, alledging that he had made great Advances already in the Payment of his Tribute; that if the Nabob continued to dr on him in this Manner, it would bring him under the greatest present Distress, and establish a Precedent that would be injurious to him in future, and therefore praying that we would not accept the Tunka, but return it to the Nabob.

8. " As we saw the Force of these Objections on the Part of the Raja, and considered him as under the particular Protection of the Company, we thought fit to order the Tunka to be returned, and consequently directed Mr. Bristow to remonstrate to the Nabob against such Proceedings. The Nabob at first received this Remonstrance with Warmth, and alledged that the Raja was his Zemindar, and that he had a Right to draw his Revenue from him as he pleased; but at last seemed to acquiesce in the Justice of Mr. Bristow's Representation, and said he would avoid giving any Uneasiness on that Account to the Raja in future."

Then the Witness produced Book 7, intituled, " Bengal Secret Council, 24th March to 31st May 1775. (Received per Northumberland, 4th June 1776.)"

Read, several Extracts from Bengal Secret Consultations, Fort William, 30th March 1775, beginning at Page 1625 of the said Book, containing the Remonstrance of Rajah Cheyt Sing, alluded to in the Extracts last read, and the Proceedings of the Governor General and Council upon it.

" Fort William, 30th March 1775.

" At a Council; Present,

The Honourable Warren Hastings, Governor General, President;
Lieutenant General John Clavering,
The Honourable George Monson,
Richard Barwell, } Esquires.
Philip Francis,

" The Governor lays before the Board the following Translations of Letters from Rajah Cheit Sing, One of which is addressed to himself, and the other to the Rajah's Vakeel.

" From Rajah Cheit Sing.

Rajah Cheit Sing dissatisfied with the Tuncawa granted by the Nabob on him.

" I have been honoured by your gracious Letter, informing me that my so ready Compliance with your Desire in the Payment of the Tunka of Five Lacks of Rupees gave you great Pleasure, and also that you would write to the Nabob Asoph ul Dowlah to expel Munneer and Oflant Sing, and to put a Stop to the building of the House at Benares. Munneer Sing is still in the Presence, and Oflant Sing has left his Highness's Army, and taken up his Residence at Illahabad, and has an Intention of farming Two or Three Mahals of Noroze Ally Cawn, the Naib Soubah.

" With respect to the Letters which you were so kind as to promise to write to the Nabob Asoph ul Dowlah on this Subject, if they are not yet sent, I request that there may be no Delay in forwarding them, that these Two rebellious and ungrateful Servants may be expelled from the Country. My sole Dependence is in your Favour.

" The Decease of the late Nabob has for the present put a Stop to the Building which was carrying on at Benares.

" I have written fully to Ally Nawaz Cawn on several Subjects, who will have the Honour of communicating every Particular to you."

" Extract of a Letter from Rajah Cheit Sing to his Vakeel.

" By a Letter from Mohukkim Sing I learn, that Mahomed Eliah Cawn has received a Tunkaw on me, to commence on the 7th Kikaft, and that it has been determined to give another Tunka on

on me for Six Lacks of Rupees in advance to the English Chiefs. You are well acquainted with the Nabob's Disposition, and that he is continually devising Means to bring me under the Governor's Displeasure. He has concluded in his own Mind that I will not consent to the Payment of Advances, lest it be considered as a Precedent; and that, by refusing to do so, I shall fall under the Governor's Displeasure. I have already paid Five Lacks of Rupees to the Government, and you are to consider that, by the Payment of that, it makes good all that was due from me to the 6th Kist, Mahomed Elliah Cawn's Tunka commences the 7th Kist, and will be paid at the latter End of Suffer.

" The Tunka of Six Lacks in advance, which it has been determined to give the English Chiefs on me, is without any Precedent, except the One of Five Lacks of Rupees, which I lately discharged. I was then fearful of its becoming a Precedent, and was undetermined whether to comply with it or not; but, in consequence of Letters from the Governor and you, pressing me to the immediate Payment of it, I raised the Sum by Loans. I am now again plagued with Demands beyond my Power to comply with. As the Governor has been graciously pleased to honour me with the Appellation of his Son, I have the greatest Confidence that he will exert himself to prevent any Tunkas in advance being given on me. Represent this Affair to him in private, and request from me that he will not give his Consent to this Tunka, but that he will be so kind as to write to the Nabob Asoph ul Dowla, that he may desist from ever troubling me with such kind of Tunkas, which it is not in my Power to comply with, but to take my Kists from me monthly."

Agreed that the following Directions be sent to Mr. Bristow, in consequence of the above Representation from Raja Chite Sing.

" To Mr. John Bristow, Resident at the Court of the Nabob of Oude.

" Sir,

" We have received a Letter from you of the 14th March since our last to you.

" Rajah Cheit Sing having complained to this Government of the Distress which he suffers from the Nabob Asoph ul Dowla granting Tuncaws upon him, particularly in the late Instances of One granted to Ellich Cawn, and another to the Company, for Six Lacks of Rupees, both of which encroach greatly upon the Kists which are not yet due, every Thing being paid up already by him to the 6th Kist, we direct that you remonstrate to the Nabob against such Proceedings, shewing that they are unjust, and contrary to his Engagements with the Raja, of which we are the Guarantees, and that you demand Payment from him for the above-mentioned Tuncaw to the Company which he delivered to Colonel Gailliez, and which the Raja thus declines to accept; and also that you require the Payment of the other Sums due by him without Delay.

" We desire you may transmit with all possible Dispatch the Account of the monthly Subsidy for the Troops received from the Nabob, for which we wrote you some Time ago.

" We are, &c.

" Fort William, 30th March 1775.

Signed, at the End of the Consultation,
Warren Hastings.
J. Clavering.
Geo. Monson.
R. Barwell.
P. Francis."

To prove what Mr. Bristow, the Resident at Oude, did in consequence of the above Letter,

Read, from the same Book, p. 2043, the following Extract from Bengal Secret Consultation.

" Fort William, the 27th April 1775.

" At a Council; Present,
The Honourable Warren Hastings, Governor General, President;
Lieutenant General John Clavering,
The Honourable George Monson,
Richard Barwell, } Esquires.
Philip Francis, }

Secret Dep.
Thursday.

" Received the following Letter and Inclosure from the Resident at the Court of the Nabob Asoph ul Dowlah.

" Rajepe Gaut, opposite to Konnogee,
the 14th April 1775.

" To the Honourable Warren Hastings Esquire, Governor General, and the Members of the Supreme Council at Fort William.

Resident at
Oude.

" Honourable Sir, and Sirs,

" My last was on the 14th instant, since when I am favoured with your Letter of the 30th ultimo. I, in consequence, waited upon his Excellency, and intimated your Commands to him. He, at first, expressed great Discontent at the Honourable Board's protecting Rajah Cheyte Sing; called him

him his Zemindar, of whom he had a Right to require his Rents in advance ; and told me that he did not think I was authorized to make any Representation to him on this Head, or that of the Release of the Rohilla Families ; for the Governor General would have wrote to him, as well as to me, on these Matters. I hereupon quoted the Words of my Credentials, and requested his Excellency to consider my Trust was general ; that it was intended he should pay Attention to any Representations I should make in the Name of the Honourable Board ; and this Mode of Negotiation had been adopted to save Trouble on both Sides.

Deest in Orig. " I likewise quoted the Treaty subsisting between the late Vizier and Rajah Chyete Sing, and their Heirs respectively, of which the Company were the Guara so long as the Raja paid his Gifts, when they and his Excellency, on his Part, could not dema Increase of Rent or Sums in advance.

" After a long Conversation his confessed he had, on my first mention, not recollect the Circumstances I had explained to him ; that his Reason for granting the last Tuncaw was, the Rajah having once before paid me in favour of the Company for Five Lacks of Rupees, and thought he would do it again ; besides this, he had, at the Time, no other Means of discharging ever so small a Part of the Money due from him to the Company. I, upon this, told his Excellency (what he also pretended not to remember) that the Rajah had been induced to pay the First Tuncaw of Five Lacks with great Difficulty, and did it solely to avoid Altercation ; that he would not now, by a Repetition, establish a Precedent so disadvantageous to himself, and contrary to the Letter of the Treaty. I then explained the Orders of the Honourable Board, which I had just received, directing me to solicit for the immediate Payment of the Amount of the said Tuncaw of Six Lacks, and the Balance in full, due to the Company : To which his Excellency replied, that he really had not Money at present ; but if I would wait only Eight or Ten Days, agreeable to his Promise, he would liquidate the Balance ; and should esteem it an Act of Friendship in the Honourable Board, still to accept the Tuncaw ; for although it was not immediately receiveable, yet the Money might be esteemed secure, and would be paid out of the Rajah's ensuing Gifts. His Excellency also assured me, that he would not draw in future upon the Rajah in advance.

" After the Instructions I had received from the Honourable Board relative to the new Treaty, I thought it adviseable, in case the ceding of Benaras should take Place, that it ought to be done without Incumbrances ; for this Reason I shall write to Mr. Motte to return the Tuncaw to me, receive such Part of it as is become due upon the Rajah's Gifts, which I will get passed in Account with the Nabob, and endeavour to have the Balance paid me here.

" At my Interview this Day there were many People present. I therefore thought it necessary, after the Conversation which had passed, both to support the Honour of the Government, and the Credit of my own Station, to tell his Excellency, that the Honourable Board would never suffer the Rights of their Dependants to be infringed ; Rajah Chyete Sing was to be considered in this Light, and he must expect to see him protected ; for that he was not to be put upon a Footing with his other Zemindars."

Signed, at the End of the Letter,

" John Bristow,

Resident at the Court of the Nabob of Oude."

Then the Witness produced Book VIII. intituled, " Bengal Secret Consultations, 2d January and 14th February 1775."

And the Managers for the Commons desired an Extract from Bengal Secret Consultation of the 13th February 1775, containing a Proposition made by Mr. Hastings relative to Chyete Sing, and his own Observations upon that Proposition, might be read.

The Counsel for the Defendant submitted, that the Sense would be mutilated if the Governor General's Proposition alone were read, without reading the Whole of the Minutes preceding it.

The Managers for the Commons said they thought it immaterial, but did not object to the rest of the Minutes being read.

Accordingly read, the following Extracts of Secret Consultation, 13th February 1775, beginning at Page 793 of the said Book.

" Fort William, 13th February 1775.

" At a Council ; Present,

The Honourable Warren Hastings, Governor General, President ;

Lieutenant General John Clavering,

The Honourable George Monson,

Richard Barwell } Esquires.

Philip Francis

" The Board proceed to consider the Subject of the further Instructions which it may be necessary to give to the Resident at the Court of Asoph ul Dowlah, Nabob of Oude.

" The

" The Governor General,—conceives it to be necessary, before the Board proceed any further on the Business now before them, that One Principle, upon which every other Resolution must depend, should be determined ; and therefore desires that the following Question be put.

" Whether this Board considers the Treaties which were made with the late Nabob Sujah Dowlah, as remaining in Force, or as having expired at his Death ?"

" Mr. Francis.—I think that the Obligations contained in the several Treaties with the Vizier, to support him in the Possession of his Territories, were confined to his Person, and consequently expired with him.

" Mr. Barwell.—This Question must be decisively determined by the express Letter of the reciprocal Engagements of the contracting Parties. I therefore desire the Treaties may be referred to, the Board will then see how far the Obligations extend.

" Read the Treaties of Illahabad and Benares.

" Mr. Barwell.—I think the Treaties bind to his Heirs.

" Colonel Monson.—I think the Treaties with the Vizir expire in his Person.

" General Clavering.—I desire to know, whether the Governor in the Word " Treaties " comprehends the Engagement with the late Vizir respecting the Rohilla War ?

" The Governor General.—I conceive, that my Opinion in this Point can be of no Use in deciding the Question before us, because it has been already decided by the Majority of the Board, that the Engagements with respect to the Rohilla War, formed by the late Administration with the late Vizir, had not the Obligation of Treaty, nor, if I rightly recollect the Declaration made on this Subject, were, in any respect, obligatory upon this Government.

" General Clavering.—I could have wished to have heard the Governor General's Opinion upon the Question I took the Liberty to submit to him, on the Obligations of this Government to defend the Rohilla Country, as clearly given as that which Mr. Barwell gave in his Minute of the 31st October, because I might have formed some Judgment of the Governor General's Ideas on the Force and Extent of the Treaties contracted with the late Vizir. I think the Treaty of Illahabad was broken by the subsequent Treaty of Benares, by which Corah and Illahabad were taken from the King and given to the Vizir ; so that, whatever Conception I might entertain of the Validity of the original Treaty, I think it now no longer obligatory on this Government till the Court of Directors have given their Approbation of the Treaty of Benares, which entirely altered the Nature of the other.

" The Governor General.—I am of Opinion, that the Treaties which were made with the late Nabob Sujah Dowlah still continue in Force, and have admitted of no other Change but in that of the Person of his Heir and Successor standing in his Place. The first Clause of the first Article of the Treaty of Illahabad, in my Construction of it, extends the Obligation of that Treaty to the whole Line of the Nabob Sujah Dowlah's Heirs. The Treaty of Benares being but explanatory of the former, in the Article which respects the Part of the extra Charges of the Forces employed in his Defence, must be understood in the same Sense with respect to that Article ; and the first Article expressly granting the Possession of Corah and Illahabad to the Vizir for ever, a Term excluding all Limitation ;

" Resolved, That the Treaties made with the late Vizier Sujah Dowlah do not remain in Force, but expired at his Death.

The Treaties of the late Vizier expired with him.

" The Governor General proposes the following Question.

" Whether a new defensive Treaty shall be executed with the Nabob Asoph ul Dowlah, in case he himself should solicit it ?

" Mr. Francis.—Supposing the Nabob to require our Assistance in support of his Succession, I think that a new Defensive Treaty should be formed with him on the most advantageous Terms which can be obtained for the Company.

" Mr. Barwell.—Certainly.

" Col. Monson.—I think a new Defensive Treaty should be executed with the Nabob Asoph ul Dowla on the most advantageous Terms for the Company.

" The General agrees with Colonel Monson.

" The Governor General.—I am of Opinion there should.

" Agreed, that a new Defensive Treaty be executed with the Nabob Asoph ul Dowla, in case he solicits it.

A new Treaty to be formed with Asoph ul Dowla.

" The Governor General proposes that each Member of the Board deliver in his Sentiments of the Conditions to be required or acceded to for the new Treaty. Not having himself sufficiently considered this Subject in the Latitude which has been given to it by the foregoing Resolution, he wishes to prepare what he may have to offer himself, unless any immediate Proposition shall be made by any Member of the Board, on which he should be willing to give his Opinion.

Each Member to deliver his Sentiment on this.

" Resolved to adjourn to the Evening, that every Member may prepare his Ideas on this Subject.

Adjourned.

" Met in the Evening at Six o'Clock, according to Adjournment.

Met again.

" Resumed the Subject of the new Treaty to be formed with the Nabob of Oude.

" Agreeable to the Governor General's Proposal in the Morning, the Members of the Board deliver in their separate Opinions in Writing, as follows :

" Mr.

" Fort William, 13th February 1775.

" Mr. Francis.—Supposing it to be the Interest and Desire of the present Nabob of Oude to enter into a new Defensive Treaty with the Company, by which we may oblige ourselves to guarantee to him the Possession of any Part of his present Territories, I think that the following Articles should be proposed and insisted on for the Advantage of the Company.

" 1st. The Pay of our Troops in his Service to be made equal to their real Expence upon a new monthly Estimate, and to commence from the Accession of the present Nabob.

" 2d. The Zemindarry of Benares to be made dependant as a Fief on the united Kingdoms of Bengal and Bahar, and the Tribute lately paid by the Rajah to the Vizier to be paid to this Government.

" 3d. The present Rajah of Benares to be confirmed in the Zemindarry, which may be perpetuated in his Family, under a fixed annual Tribute, and a fixed Fine at each future Investiture. A free Trade to be opened between these Provinces and his Country. The Rajah's Authority in his own Government to be left free and uncontrouled.

" 4th. If the Possession of the Rohilla Country, or any Part of it, be guaranteed by a future Treaty to the Nabob, that some favourable Terms be made for the surviving Chiefs of the Rohilla's, or their Representatives.

" 5th. The Debts from Sujah Dowlah (supposing them not to be liquidated at the Conclusion of the new Treaty) to be considered and acknowledged by the present Nabob as due from himself, or the Representative of the State of Oude for the Time being.

" 6th. Besides the Guarantee to be stipulated in Return for the above Conditions, this Government shall undertake to obtain from the King a regular Confirmation of the Nabob in his Government, according to the Laws and Constitution of the Empire.

" 7th. I conceive that the Attachment of Nudjuff Cawn might be secured with the greatest Advantage to this Government, if, through our Recommendation, the King would appoint him Vizier of the Empire with a Jaghire, which might easily be found for him either in the Donab or the Rohilla Country. I understand that he is one of the ablest Men and best Soldiers in the Empire, if properly placed in point of local Situation, and his Attachment secured, he might serve as a Barrier to the Subadary of Oude either against the Marattas, or any other Invaders, from the Western or Southern Parts of India.

(Signed) P. Francis."

" Mr. Barwell.—The first Object to be attended to in a new Treaty is the future Strength and Security of our own Possessions. The Company have invariably declared against any further Accession of Territory to themselves, any Conditions of that Tendency are of Course out of the Question.

" 1st. I think the Conditions of the old Treaty (the Article respecting Corah and Illiabad excepted) is a good Foundation for any we may now chuse to form.

" 2d. As it may be possible to encrease the Subsidy for a Brigade employed in Oud, &c. that Increase ought if possible to be effected; but its Extent being arbitrary, and depending entirely on the Pleasure of the Board, we should consider in which Way to make our Aid the least burthensome and most useful to our Ally.

" Our Military Establishment is become an intolerable Burthen, and the Directors have expressly recommended that such Reduction take Place in it as may be done with Safety to Bengal. To effect a Reduction appears here a secondary Object, the Safety of Bengal the First; to answer both, we should engage our Ally to pay a respectable Body of Troops, such as we may at all Times be able absolutely to command, and use as our own on any emergent Occasion; if this can be effected, a proportionable Retrenchment of our own Forces may immediately take Place, and the Burthen be removed from our Shoulders to those of our Ally; this is preferable, in my Opinion, to the hiring out any Part of our own Forces occasionally to defend Oud, &c. and will equally strengthen the Nabob against his foreign Enemies, while it renders him proportionably weak and dependant on us.

" 3d. The Independency of Gauzipore on Oud is a great political Object, and ought to be insisted on; and whatever may be resolved respecting the Revenue paid by the Rajah of that Country, the English Government ought not to stand in the same Relation to it as the late Vizier, because the Country of Benares and Gauzipore is a natural Barrier to these Provinces, and the Rajah should have the strongest Ties of Interest to support our Government in case of any future Rupture with the Subah of Oud. To make this his Interest, he must not be tributary to the English Government, for from the Instant he becomes its Tributary, from that Moment we may expect him to side against us, and by taking Advantage of the Troubles and Commotions that may arise, attempt to disburthen himself of his pecuniary Obligations.

" Mr. Monson.—On the Death of a Suba, the Subdaree escheats to the Crown; before Stipulations are made with Asif ul Dowla, his Right to the Nabobship of Oude should be legally ascertained.

" If the King nominates any other Person to the Nabobship of Oude, our Opposition to that Appointment is a Violation of the Laws of that Government under which we ostensibly hold the Dewannee.

" I think, therefore, in the present Instance, we should act as Mediator between the King and Asif ul Dowla. This Measure will be serviceable to the young Nabob, respectful to the King, and obviate many Circumstances that may hereafter appear inconsistent in our Conduct.

" Supporting Mirza Amanee in the Succession without the King's Firmaund, will be an Act of Rebellion.

" The King's Firmaund therefore appears to be indispensably necessary as a Sanction for our Conduct and Honour.

" For this Service done the Nabob, we should require that Cheit Sing's Zemindaree be annexed to the Soubahship of Bengal or Bahar, or to both.

" To engage for the young Nabob strictly to adhere to all Treaties made between the King and Soujah Dowlah, and to endeavour to prevail on the Nabob to give the Whole of the Rohilla Country to the King.

" The King Shaw Allum, for these Advantages, and for the Respect shewn him, should make over the Sovereignty of Bengal and Bahar to the King of Great Britain, and relinquish all Claims to his Tribute.

" If these Terms are too severe on the Nabob, they may be mitigated, by relinquishing the Sums that remain due from him for the Conquest of the Rohilla Country.

" If the Nabob Asif ul Dowlah requires the Assistance of a Brigade, he should pay all Charges attending it.

" I mean by Charges, the Pay, Batta, and contingent Expences.

" General Clavering.—In considering the important Subject which is now before us, I have two Objects in View; first, the obtaining the greatest possible Advantage to the Company, in Consideration of the defensive Aid proposed to be given to the new Nabob; the Second is, the avoiding the greatest probable Inconveniency to the State by virtue of the Engagements we may enter into with him.

" As the Basis of all my Reasoning, the following Premises must be granted to me: First, That the Nabob Miza Amanee possesses such Disqualifications of Character, that he cannot maintain himself in his Musnud without our Assistance.

" 2d. That there is a political Necessity in this Government not to allow any other Prince to occupy the Subahship of Oude, and the Countries of Corah and Illahabad, without our Concurrence.

" It is well known that there will be as many Competitors for the Countries left by the late Vizier as there are Powers in that Part of Indostan. The King, the Mahrattas, the Jauts, the Rohillas, Nudjuff Cawn, and even some of the Nabob's own Family, and Commanders of his Armies, will probably all, or most of them, strive to obtain some Share of his Dominions.

" The Question then is, Will it be for the Interest of the Company to permit any of these Princes to establish themselves in the Provinces bordering on Bengal without our Consent? I am of Opinion there would be great Danger in permitting it. In that Case, what Measure must be pursued to render us the Arbiters of those Countries consistently with those Views which I first stated, the obtaining the greatest possible Advantage to the Company, and avoiding the greatest probable Inconveniency in the Undertaking?

" The greatest Advantage, in my Conception, that can be obtained for the Company is, First, the total Extinction of the King's Claim to the Tribute on these Provinces.

" That the Zemindary of Benares and Gauzipore shall be held by Cheit Sing of the Company instead of the Suba of Oude.

" To obtain the first, it should be proposed to the King that he should renounce his Tribute on these Provinces; that he should acknowledge the Nabob of Oude to be Soubah of that Country, and should appoint him Vizier.

" In return for this Favour, we should restore to him the Country of Corah and Illahabad.

" The Nabob, in return to the Favour shewn him, and procured by our Mediation, should relinquish to the Company the Sovereignty of Benares and Gauzipore, to be held as at present by Cheit Sing, on his paying his Tribute to the Company.

" In order to attach this Rajah to the Company, his Tribute ought to be diminished at least Three Lacks of Rupees. Whatever Assistance shall be afterwards required by either the King or the Nabob for the Defence of their respective Countries of Corah, Illahabad, and the Province of Oude, not less than Three Lacks per Month should be paid to the Company, as less than that will not defray the Expence of a Brigade serving out of the Provinces.

The Governor General.—On the Grounds already resolved on, I propose the following Articles for the new Treaty, premising, that I consider the Debts due from the late Vizir as not appertaining to the Subject of the intended Treaty. These we claim as a Right exempt from any future Negotiation.

" 1st. That the Treaties of Illahabad and Benares be renewed on the Footing on which they stood at the Vizier's Death.

" By this Proposition, the monthly Subsidy for our own Army will remain as settled with the late Vizir at 2,10,000 R^l. I am against augmenting it. The Expence ought not to exceed that Sum. If more be agreed on, it will either discourage the Nabob from employing the Brigade, or he will employ it, and most probably suffer it to run in Arrears.

☞ [" 2d. That the perpetual and independent Possession of the Zemindarry of Benaris, and its Dependencies, be confirmed and guaranteed to Rajah Cheit

" The Rajah of Benaris, from the Situation of his Country, which is a Frontier both to the Provinces of Oude and Bahar, may be made a serviceable Ally to the Company whenever their Affairs shall require it. He has

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always

Cheit Sing and his Heirs for ever, subject only to the annual Payment of the Revenue hitherto paid to the late Vizir, amounting to B. R. 23,71,656 : 12, to be disposed of, as expressed in the following Article; that no other Demand be made upon him, either by the Nabob of Oude, or this Government, nor any Kind of Authority or Jurisdiction exercised by either within the Dominions assigned him.

" 3. That an equal Partition be made of the Revenue of the Zemindarry of Benaris between the Company and the Nabob of Oude; that is to say, that the Rajah shall pay monthly to each the Sum of 98,823 : 2 : 9, amounting on the whole to R. 23,716,56 : 12 per Annum; and that this Participation be expressly declared to be intended as a Pledge and Acknowledgment of the equal Relation in which the Rajah and his Successors are hereafter to stand to both Governments.

" Agreed, that these several Opinions lie for further Consideration."

The above Extracts being read, the Managers for the Commons submitted to the House, whether it would not be reasonable, that, for the future, when a Paper was produced, such Matter ONLY as they proposed to read should be read, unless the Counsel for the Defendant would state that they wished to read other Parts of the same Paper, as necessary to illustrate and to make intelligible the Matter particularly referred to by the Managers for the Commons.

The House informed the Managers for the Commons and the Counsel, that the Rule stood thus: That if a Paper is produced, it must be read intire, if required by either Party; and that the House for the present must put a Confidence in the Party who shall insist upon its being so read intire, that they will not do it frivolously.

To prove that the 2d Proposition abovementioned was agreed to by the Board,

The Witness produced* Book 9, intituled, " Bengal Secret Consultations, 24th February and 20th March 1775."

Read, the following Extracts beginning at Page 1126 of the same Book*.

" Fort William, the 3d March, 1775.

" At a Council; Present,

The Honourable Warren Hastings, Governor General, President.

Lieutenant General John Clavering.

The Honourable George Monson.

Richard Barwell, } Esquires.

Philip Francis,

" Read and approved the Consultation held Yesterday.

" Resumed the Consideration of the separate Minutes delivered in by each Member of the Board in Consultation of the 13th ultimo, on the Subject of a new Treaty to be entered into with the Nabob of Oude, and of the Instructions to be given to the Resident at his Court.

" It being resolved that a new Defensive Treaty shall be executed with the Nabob Asoph ul Dowlah, in case he himself shall solicit it; it remains to be determined, what Part of the Nabob's Dominions shall be included in this Defensive Treaty.

" The Governor General remarks, that the Nabob's present Dominions consist of the Subahdary of Oude, the Districts of Corah and Illiabab, the Country lately conquered from the Rohillas, and the late Vizier's Conquests in the Duabe; to these may be added the Zemindarry of Rajah Cheit Sing, which is tributary to the Nabob; and the Government † proposes, That the Question be put which of these Territories shall be included in the proposed Defensive Treaty.

" Mr. Francis.—My Opinion is, That we may with Propriety guarantee to the present Nabob of Oude, for his Life, all the Countries guaranteed to the late Vizier by the Treaty of Illahabad, except the Dominions of Cheyt Sing. I think that this Guarantee may also be conditionally and pro tempore extended to the Countries of Corah and Illahabad, until we shall be informed whether

* See the Matter particularly referred to by the Managers for the Commons, Page 48.

† Sic in Orig.

the Treaty of Benares be ratified or disapproved of by the Court of Directors. I do not think it safe or precedent * to enter into any Engagements that may eventually carry the Company's Forces ^{* See in Orig.} beyond the Limits of the Countries I have mentioned.

“ Mr. Barwell.—In the different Resolutions that the Board have come to as a Ground-work for a new Defensive Treaty, it is acknowledged that this Government is bound to support the Rights and Pretensions of the Son of Sujah Dowlah to the Succession of his Father's Dominions, and Orders have, conformably to this Resolution, been sent to Colonel Galliez. Upon what Terms the Nabob of Oude was to have his Pretensions to succeed his Father supported by this Government, is not expressed; I therefore conceived, that the Aid of our Troops was hereafter to be settled by a Subsidy adequate to the Expence, and that the Intention of the Board was expressly declared of opposing any Competitor in Prejudice to the Rights this Government sanction. And, as I do not suppose there is any Design in the English Government to withdraw the Countenance already shown the Son of Sujah Dowlah, and by such Means render Commotions probable which may reduce him to that Distress to solicit our Interposition on any Terms, I imagine the Son of Sujah Dowlah is to be maintained in the Soubadarry of his Father, on the equitable Footing of his discharging the just Charge of the Armament he requires for his Support; and if 2,10,000 Rs. are inadequate to the Expence of the Brigade, it should be rated as high as the real Charge. I premise this before I proceed to answer the Question, because every additional Advantage to be obtained to this Government, both upon Principles of Equity and Policy, must be in Proportion to the Advantages it gives to the other contracting Parties. If, therefore, we propose the Acquisition of Wealth to this Government, that Acquisition can only be in Proportion to the Policy which shall be adopted; and, as I conceive the English Government may be benefited both in its Finances, and its Powers of external Defence, by guaranteeing the Countries already in Possession of the Soubah of Oude, such Guarantee, in my Opinion, should take Place; if it does not, I must propose, equally for the mutual Defence of our Ally and this Government, that every after Persuasion shall be used to influence the Soubah to maintain a Body of 12,000 Sepoys, agreeably to the English Establishment, to be commanded by our Officers, and the Pay to be advanced to the Officers, who shall issue it to the Sepoys. Thus, either by guaranteeing all the Countries now depending on the Soubah of Oude, or the Alternative of furnishing him with the Means of maintaining his Conquests, some Advantage will result to the State; otherwise, I do not see any Means there is to influence a Prince to make such Concessions, as appear from the different Minutes of some of the Members to be expected from him.

“ Colonel Monson.—I do not conceive it to have been the Intention of this Government, to support Mirza Amany in the Succession of the late Vizier's entire Dominions. The Intention was to acknowledge the Succession, and to support him under certain Stipulations in the Soubadarry of Oude. The Defensive Treaty now proposed to be entered into with that Prince for the Guarantee of his Dominions, should not extend beyond those of Oude, Corah, and Illahabad, with the proviso that the Treaty of Benaris is ratified by the Company. This Guarantee should only be granted on such Terms as may be advantageous for the Company. If the Guarantee is to extend beyond the ancient Dominions of the Soubahdarry of Oude, an Equivalent is to be given to the Company for that extraordinary Service granted to the Nabob. If, in this Defensive Treaty, the Nabob should make a Requisition of any Part of the Company's Military Force, he is to defray the whole Expence attending them.

“ General Clavering.—The Opinion of the Majority of the Board, when the Question was agitated, Whether there was an Obligation by Treaty on this Government to interfere in regulating the Succession to the late Vizier, was absolutely, That there was no such Obligation; however, on Occasion of the Successions, it was agreed to acknowledge Mirza Amany to be the Heir and Successor to his Father, Sujah Dowlah. The Question is therefore at present open for any Resolution the Board pleases to take, in regard to the defensive Alliance it was agreed that we would enter into with Mirza Amany, provided he proposed it. On this Footing I am ready to consent to guarantee the Possession of the Province of Oude to the young Nabob; provided he, on his Part, consent to cede to the Company the Sovereignty of Cheyte Sing's Country; and whenever he requires the Assistance of the Company's Forces, to defend the Province of Oude only, and never to the Rohilla Country. I will give my Consent to such a subsidiary Treaty, on his paying Three Lacks of Rupees Monthly for a complete Brigade. With regard to the Province of Corah, I think, in Justice, it ought to be restored to the King, and a Negotiation set on Foot, at the same Time, to obtain from him a Renunciation of his Tribute upon Bengal.

“ The Governor General.—My Answer to the Question is short, as it can be of no Use. We ought, in my Judgment, to guarantee to the Nabob of Oude, the Soubadaree of Oude, the Districts of Corah and Illahabad, and the Country lately conquered from the Rohillas, but no more. I do not wish to see the Company's Forces carried within the Line of the Rohilla Country, for its Defence. I believe that an Engagement to defend that Country for him would render it unnecessary. I fear he may lose it; we shall in that Case have a greater Burthen imposed on us in the Defence of the Nabob of Oude, and he be less furnished with Means of discharging his Engagements with us.

“ Resolved, That the Board will agree to guarantee to the Nabob Mirza Amaney the Province of Oude, and conditionally those of Corah and Illahabad, until the Pleasure of the Court of Directors on the Treaty of Benaris be known.”

[“ The

☞ [“ The Governor General proposes the following Question :

“ Whether it shall be made a Condition of the new Treaty, that Rajah Cheyt Sing shall exercise a free and independent Authority in his own Dominions, subject only to the Payment of his Tribute ?

“ Mr. Francis.—Yes.

“ Mr. Barwell.—Yes.

“ Colonel Monson.—No, I think not, as I see no Advantage in it for the Company's Interest.

“ General Clavering.—Provided he pays the Tribute to the Company, I think he should be rendered independent.

“ The Governor General.—Yes.

“ Resolved in the Affirmative.]

“ The Governor General further proposes ;

“ Whether it shall be made an Article in the Treaty, that, in Consideration of the Engagement to be entered into by this Government to guarantee the Possessions of the Nabob of Oude, as before resolved, he shall cede and make over to the Company the Whole or any Part of the Tribute due from the Zemindar of Gauzapoor.

“ Mr. Francis.—I consider the Cession to the Company of the whole Tribute paid by the Zemindar of Gauzapoor to the late Nabob, as the first and most essential Condition of a Treaty with the present Nabob. The Advantage gained by the Zemindar will be also very considerable, as it has always been my Opinion that his Authority in his own Government should be left free and uncontrolled. As long as this Advantage is preserved to him, he must consider it as his Interest to be the Tributary of the Company, rather than of the Nabob.

“ Mr. Barwell.—The Policy which the Company have laid down to be pursued, orders us to confine our Views to the Territories of which we are already possessed, and of course precludes the pernicious Consequences which another System might influence. The Company, it is obvious, never intended that, upon the Necessities of our Allies, we should grasp at any Part of the Territory they possessed. The Son of a Man with whom we were so lately intimately connected, upon a Supposition of his standing in Need of our Assistance, ought not, in my Opinion, to be stripped of any Part of his paternal Territory. I am therefore against any Separation of Gauzipore, as inconsistent with Equity and the Company's Instructions. If we can secure to the Son of Sujah Dowlah any Advantages as an Equivalent for such a Cession, I think in that Case it ought to be demanded ; otherwise, that we should be content with receiving from him whatever may be the Charge of the Armament that marches to his Assistance.

“ Colonel Monson.—As I consider the Company's Interest as the Rule of my Conduct, I can have no Objection to the Whole or any Part of the Tribute of the Zemindar of Gauzipore being demanded for the Company ; but I would by no Means consider it as an absolute Condition to be made in consequence of the Defensive Treaty, as I know of no Compensation that is proposed to be given to the Nabob for so considerable a Cession.

“ General Clavering.—It is equally repugnant to my Ideas of Justice, and to my Conception of the Company's Intentions of not enlarging their Territories, to strip any Prince of his Possessions to enlarge the Company's Territories. I only wish to obtain the Sovereignty of Gauzipore by a Negotiation for equivalent Services, and for the Protection to be given to the Nabob. If he pleases to cede it to us upon these Terms, it may be held, by the Company without extending the Line of Defence which the Court of Directors has prescribed for the Rule of our Conduct, beyond the Bounds of our present Engagements. By this Means the greatest possible Advantage will be obtained for the Company, without either violating the Principles of Justice, or exceeding the Company's Orders, since the Possession will still remain in the Rajah of the Country, though the Sovereignty and Tribute to be drawn from it will devolve to the Company.

“ The Governor General delivers his Sentiments upon the Question as follows :

“ I am of Opinion that a Demand should be made of a Moiety of the Revenue paid by the Zemindar of Gauzipore ; but I do not think that we ought to insist on this Article, or that his Refusal to consent to it should prove an Impediment to our proceeding on the Treaty. The Zemindary of Benares, whilst the Nabob's Right to the Tribute paid in Acknowledgment of his Sovereignty is admitted, is but Security for the punctual and faithful Discharge of his Engagements with the Company.

“ It is for ever within our immediate Reach, and may be attached at any Time in case of such a Failure on the Part of the Nabob as shall render it necessary and justifiable. A Conviction of this Advantage, and a Dread of incurring so mortifying a Penalty, will at all Times, except in a Case of absolute Insolvency, bind the Nabob of Oude firmly to his Engagements, and eventually prove a greater Benefit to the Company, in his Possession, than if the Revenue was converted entirely to their Use.

“ Resolved, That a Demand be made for the Tribute of Gauzipore, but that it be not considered an absolute and indispensable Article in the Negotiation with the Nabob.

“ The Governor General proposes for the next Question,

“ Whether the Subsidy to be stipulated for the Assistance of our Troops, to the Nabob of Oude, by the proposed Treaty, shall continue on the present Footing of a, 10,000 Rupees per Month, for a Brigade, or what other Sum shall be demanded ?”

" Mr. Francis.—I think, that provided the whole Tribute from the Rajah of Benares be transferred to the Company, we may then be content with the Monthly Subsidy on its present Footing; this however should be our Ultimatum.—The first Demand should be, that the Pay of our Troops, while in the Nabob's Service, be made equal to the real Expence.

" Mr. Barwell is of Opinion, that if the 2,10,000 Rupees are not enough, the Subsidy should be made equal to the real Expence.

" Colonel Monson.—If the present Subsidy is not equal to the Expence, a Demand should be made on the Nabob, to make the Subsidy equal to the Expence of the Troops he may require.

" General Clavering.—As I only consented that he should have the Assistance of our Troops on Condition of the Cession of Gauzipoor to the Company, I am of Opinion, that without that Condition obtained, no Subsidy whatever will be equivalent to the Risk and Expence which the Company may be drawn into, in consequence of our affording Support to a Prince so incapable of governing as the young Nabob is represented to be, and who is surrounded on every Side by Competitors to the several Countries to which he has succeeded. The present Subsidy is thought to be inferior to the Expence of the Troops in the Field by 70,000 Rupees per Month, exclusive of the Cost of bringing Recruits from Europe, and the Price of Military Stores; the Amount and the Value of which cannot be estimated.

" The Governor General.—I am of Opinion, that the present Subsidy is sufficient, and that it ought not to be increased. I doubt whether a larger Sum would in reality prove a Gain to the Company.

" Resolved, That an Increase of the Subsidy be demanded from the Nabob, to make it equal to the Expence of the Troops.

" Ordered, That the Secretary prepare Instructions for the Resident at the Court of Oude, agreeable to the above Resolutions, and those of the 13th Ultimo."

To prove that the before mentioned Resolution particularly referred to by the Managers for the Commons, supra Page 48, relative to the Rajah of Gauzepoor being made independent; was communicated to the Court of Directors;

The Witness produced Book X. intituled, "Bengal Letters received from 12th April 1774, to 6th April 1775."

Read, 1st, 2d, 3d, 4th, 5th, and 6th Paragraphs of a General Letter, Secret Department, dated Fort William, 24th March 1775, to the Court of Directors.

" To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

" Honourable Sirs,

" 1st. We had the Honour to address you in Duplicate from this Department by the Bute and Secret Dep. Pacifick, under Date 24th of last Month.

" 2d. 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.

" 3d. 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 guarantee to the Nabob the Possession of his ancient Dominion of Oude, without any Limitation, and of those of Corah and Illahabad 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 Dozab, or in any Shape interfere in its Affairs.

" 3dly, That the Company having fulfilled in their Engagements with respect to the Rohilla Expedition, we should not guarantee the Possession of that Country to him.

" 4thly, That it should be an Article in any new Treaty with him, that the Rajah of Gauzipore should be rendered totally independent, and 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 Favor of the Company, of the Tribute now paid to him by the said Rajah of Gauzipore.

" 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 Expence.

" 4th. 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. Conf. 8th March.

" 5th. We also instructed Mr. Briflow, 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

Ditto.

cable 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 him Liberty, in case he should find the Nabob disposed to comply with the Cession of the Tribute of Gauzipore, 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 Expence.

" 6th. 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.

" Signed, Warren Hastings.
J. Clavering.
Geo. Monson.
Rich^d. Barwell.
P. Francis."

To prove that the Sovereignty of Benares was transferred to the Company, the Witness produced Book XI. intituled, " Bengal Secret Consultations, from 6th June to 31st July 1775."

Read, following Extracts, beginning at Page 1 of the same Book.

" Fort William, 6th June 1775.

" At a Council, Present,

The Honourable Warren Hastings Esquire, Governor General, President;
Lieutenant General John Clavering,
The Honourable George Monson,
Richard Barwell, } Esquires."
Philip Francis,

" The Persian Translator sends in the following Translation of the Letter enclosed in Mr. Bristow's last Letter, received and entered in Consultation 31 ult^o.

" Copy of a Representation delivered to the Nabob Asoph ud Dowlah, on the 15th of Rubbee-ul-Auwrel (16th May), from Mr. Bristow, enclosed in that Gentleman's Letter to the Board, dated 17th May 1775.

" It occurs to me, that if your Excellency would grant the Company the Revenue and perpetual Jurisdiction of Rajah Chite Sing's Zemindarry, on Condition of their protecting the Countries of Oud, Corah, and Illahabad, as specified above, and encrease the Sum formerly stipulated for the Pay of the English Troops, the English Chiefs would probably consent thereto. The resigning them so small a District, from which your Excellency derives so little Advantage, and where your Authority is so limited, in Comparison of your other Dominions, is a Matter of no Consequence to you.

" I have drawn up the Articles, which now occur to me, in the Form of a Draft of a Treaty, which I now send your Excellency; and such as I do not at present recollect, when they occur to me, I will represent to you, and at the Time of concluding the Treaty betwixt your Excellency and the English Chiefs, I will insert them therein.

" Draft of the proposed Treaty.

" Whereas the sincerest Friendship and firmest Union subsisted between the late Nabob Vizier ul Mammaluk Asoph Jah Soujah ul Mulk, the Nabob Sujah ul Dowlah, and the Honourable East India Company; and as the Nabob Asoph ud Dowlah Tahyau Khan Bahadre Huzzubber Jung is the immediate Heir to all the Dominions of the said Nabob deceased, the Nabob Asoph ud Dowlah and the Nabob Amad ud Dowlah, Mr. Warren Hastings Bahadre Jelladur Jung, President and Governor, and the other Members of the Council of Calcutta, in the Name and on the Part of the English Company, do engage, on their respective Parts, to observe the following Articles.

ARTICLE V.

" The said Nabob engages to grant the Revenues and perpetual Jurisdiction of Rajah Chite Sing's Zemindary to the English Company, on Condition of their protecting his Country as aforementioned.

" Read a Letter from Mr. Bristow, as follows:

" Honourable Sir, and Sirs,

" My last Address was dated the 17th Instant, since when my Attention has been taken up in urging the Proposals for the new Treaty.

" The Nabob did this Day give me a verbal Answer, that he acquiesced in them all, and would To-morrow finally settle every Article to my Satisfaction."

" Received a further Letter, and Inclosures from Mr. Bristow, the Resident at the Court of Oude.

" Honourable Sir, and Sirs,

" I addressed the Honourable Board last on the 19th instant.

" Having

" Having finally settled the proposed Treaty between the Nabob Aufsup-up-Dowlah and the Honourable Company, I herewith enclose the Copy of it in the Persian Language, and a Translation in English; the Original I did not chuse to trust by the Dawk, for fear of Accidents.

" The Nabob objected to my inserting any Thing concerning the Money Engagements of the Company with the late Vizier in the Treaty, upon the Pretence, That it (the Treaty) related only to what was to be perpetual. Such Matters as were only temporary and personal ought to be confirmed in separate Papers of Agreement. In this Light too he was pleased to consider the delivering over Benares without Incumbrances of Tuncaws, &c. The Copies of the Agreements in Persian, and the Translations in English, I herewith enclose. That relative to the Money will be returned on his Excellency's performing it. The other, relative to Benares, shall be sent along with the Treaty, by any Mode of Conveyance which the Honourable Board may be pleased to point out.

" Together with the Treaty, I received Perwannahs from the Nabob to Rajah Chyte Sing, the Cutwal, and the Daroga of the Mint at Benares, directing them to deliver over their separate Trusts to the Company at the stipulated Time. I have enclosed the original Perwannas by this Night's Dawk to Mr. Motte, desiring him and the other Parties to acknowledge the Receipt of them.

" The Nabob Aufsup-ut-Dowlah, Icaayaa Cawn, Behadre Hozebbur Jung, on the one Part, and the Honourable Warren Hastings Esquire, Governor General, and the Members of the Supreme Council of Fort William, for and in the Name of the English East India Company, on the other Part, agree to the following Articles.

✍ " Fifth. The said Nabob, for the Defence of his Country, as above specified, declares, that he has given up, of his own free Will and Accord, unto the English Company, all the Districts dependent on Rajah Cheyt Sing, together with the Land and Water Duties, and the Sovereignty of the said Districts, in Perpetuity. That the English Company shall, after One Month and a Half from the Date of this Treaty, take upon them the Sovereignty and Possession of the Districts under Rajah Cheyt Sing, as here-under specified; viz.

Sirkar Benares — The Districts of Juanpore.

Sirkar Chumar — Bijchpore Bahdow.

Sukteffgun — Mullbobs Kawfs.

The Sirkah Gawzypore.

The Pergunnah of Seckunderpore Jeride Shaay, Abad, Toppa Surchehur, &c. as formerly, the Mint and Cutwally of Benares.

Compared with an attested Copy sent down by Mr. Bristow, and found to be an exact Translation, except that the Word Bahdow, in the List of Districts, was omitted, which I have inserted.

(Signed)

J. H. D'Oyly,
Acting Pⁿ Tr."

" Translation of an Agreement under the Seal of his Excellency the Nabob Aufsup ul Dowlah.

" In case of any Persons having any Demands, or having received Tuncaws, on Rajah Cheyt Sing, or on the Districts under him, agreeable to my Orders, such Demands * Tuncaws do not depend on the said Rajah, or on the said Districts, but are due from myself.

" The Possession and Sovereignty in Perpetuity of the said Districts under the said Rajah, without Incumbrances, Delay, Dues, Debts, Tuncaws, &c. I wholly give up to the English Company, at the Expiration of One Month and a Half.

" Dated the 20th of Rubby ul Ewnt, 1189 of the Hegira, or the 21 of May 1775.

" A true Translation.

" (Signed) John Bristow, Resident at the Court of the Nabob of Owd.

" Compared with an attested Copy sent down by Mr. Bristow, and found to be an exact Translation.]

(Signed)

J. H. D. Oyly,
Pⁿ Tr."

" Agreed that the following Letter be written to Mr. Bristow.

" To Mr. John Bristow, Resident at the Court of the Nabob of Owde.

" Sir,

" We have received your Letter, inclosing Copies of the Treaty proposed to be entered into by the Company with the Nabob Afoph ul Dowlah, and of the separate Engagements executed by him. We entirely approve of every Article in the Treaty, and the Negotiation of it. We have ordered Two fair Copies to be immediately engrossed in Form, which we shall transmit to you as soon as possible, with our Signature and the Seal of the Company affixed to each, that you may obtain the Seal and Signature of the Nabob in like Manner, to return them to us.

" In the mean Time, however, you will directly make known to the Nabob our Acceptance of this Treaty."

To prove that an Account of the abovementioned Treaty with the Nabob Afoph ul Dowlah was communicated to the Court of Directors,

The Witness produced Book VI. intituled, " Bengal Letters received 16th May 1775, to 20th January 1776."

Read, 2d and 3d Paragraphs of a General Letter, Secret Department, from the President and Council at Fort William in Bengal, to the Court of Directors. Dated 3d August 1775.

" Signed, Warren Hastings.
J. Clavering.
Geo. Monson.
R^d. Barwell.
P. Francis.

" 2d. It is now with the greatest Satisfaction we can inform you, that the Nabob Asoph ul Dowlah has consented fully and totally to the Terms we proposed for a new Treaty with him, as advised you in our Letter of the 24th of March last. The Treaty was finally adjusted between the Nabob and the Resident, at his Court, on the 21st of May last, and the Ratification executed by us immediately after the Receipt of the Treaty.

6th June.

" 3d. In the Consultation referred to in the Margin, is inserted an exact Copy of the Treaty as signed by us. The Articles differ in nothing essential from those agreed upon to be offered to the Nabob, when we first determined to renew our Alliance with him. The Cession of Benares, and the other Territories of the Rajah Cheit Sing, to the Company, we flatter ourselves will prove perfectly agreeable to your Ideas, as it conveys a valuable Acquisition to the Company, without incumbering them with any new Engagements, or loading them with additional Expences; nor, indeed, is it liable to the Objection of involving them in the Trouble of new Collections, and new Establishments, with all the Disorders which attend them. The Revenue which accrues from this Acquisition amounts to Rupees 23,72,656 : 12, and will be paid by the Rajah in monthly Payments as a neat Tribute, without rendering any Accounts of his Collections, or being allowed to enter any Claim for Deductions. You will observe, that the Cession of the whole Zemindary of Chitling, with all the Powers and Rights annexed to it, is made immediately to the Honourable East India Company, without any Participation with the Subah of these Provinces, or any formal Union of Title or Possession between this and the Company's former territorial Acquisitions. In the Treaties entered into with the late Vizier Suja Dowla, in the Years 1765 and 1770, the Company's Representatives acted as Plenipotentiaries from the Nabob Nugum ul Dowlah, and his Successor Syeful Dowla. We hope that our securing to the Company the exclusive Right to the rich Zemindary of Benares, independent of the Sovereignty of Bengal, will be deemed a Service of Importance to their Interests, and favoured with their Approbation. It is not yet finally settled with the Rajah, whether the Tribute shall be paid at Patna or Calcutta. We wait his Answer to our Proposal on this Head, as well as to some others regarding the Cutwally and Mint at Benares, and to our Recommendation of his keeping up a Body of Cavalry to be ready for our Assistance when called upon. When these Matters are adjusted, we shall duly advise you; in the mean Time, the Governor General's Proposals respecting them, and our Deliberations upon them, will be seen in the Consultations."

12th June.
5th July.

Then the Managers for the Commons stated, That having traced the Business as far as the Transfer of the Sovereignty of Benares to the East India Company, and all the Rights of the different Parties, at the different Periods at which they held them, they would now proceed to shew what Acts of Confirmation and Extension of the various Rights of Cheyt Sing, were granted to him by the East India Company; and as the next Paper they proposed to read would go to several of the Allegations in this Article, they thought it proper to apprise the House, that it related not only to the general Settlement proposed with the Rajah Cheyt Sing, but to the Grants of the Cutwally and Mint, and to the Proposal of his maintaining a certain Body of Cavalry.

The Witness was desired to produce the Bengal Secret Consultation of the 5th July 1775, in Book XI.

The Managers for the Commons stated, That the Minute of the Defendant, which they were about to read from this Consultation, consisted of Five Propositions, with the Defendant's own Observations and Comments on each of the said Propositions; it might, perhaps, therefore tend to Elucidation, if, instead of reading them successively in the Order in which they appear to be entered in the Consultation, each Proposition, and the Observations on it, were read separately and distinctly, one after the other, beginning with the First Proposition, then the Observation on that Proposition, and so on. The same was agreed to.

Read, the following Extracts from Bengal Secret Consultation, 12th June 1775. Book XI. p. 99.

" Fort

" Fort William, 12th June 1775.

Secret Dep.
Monday.

" At a Council; Present,
The Honourable Warren Hastings, Governor General, President.
Lieutenant General John Clavering.
The Honourable George Montfort.
Richard Barwell, } Esquires.
Philip Francis, }

" Read and approved the Consultation of the 8th instant.

" The Treaties with the Nabob Asoph ul Dowla being written fair in English and Persian, Treaty executed.
agreed that they be signed and sealed with the Company's Seal, and transmitted to Mr. Bristow, with the following Letter.

" To Mr. John Bristow, Resident at the Court of the Nabob of Owd.

" Sir,

" The Treaties being drawn out in Form, and ratified by us, we now inclose them to be executed by the Nabob, after which you will return one of the Copies to us, and deliver the other to him.

" Fort William,
12th June 1775."

" We are, &c.

" The Governor General lays before the Board the following Minute and Observations for their Consideration.

" The Sovereignty of the Zemindarry of Benaris, and its Dependencies, having been ceded in Perpetuity to the Honourable Company, by the Fifth Article of the Treaty lately formed with the Nabob Asoph ul Dowla, it becomes immediately necessary to determine in what Manner this Right shall be exercised, and the regular Payment of the Revenue due from the Rajah secured.

" The Governor General moves, That this Subject be taken into the Consideration of the Board, and submits to their Correction and Approval the following Plan of Settlement with Rajah Cheyt Sing, to be observed until the Pleasure of the Company respecting it shall be known, declaring his Readiness to acquiesce in any other which may be proposed on Terms by which more effectual Provision may be made for the Interest of the Company, without an Encroachment on the just Rights of the Rajah, or the Engagements actually subsisting with him.

" Prop. 1. That Rajah Cheyt Sing shall pay into the Treasury of the Honourable Company at Patna, in equal monthly Payments, the yearly Revenue of 22,48,449, Senewant R^l. being the Sum settled with the late Nabob Sheja Dowla, and confirmed by an Agreement executed by the said Nabob, in Presence of the President of the late Council of Fort William, at Benaris, under Date the 6th September 1773.

" Observ. 1. There is no Question that the Rajah can well afford to pay this Proportion of the Rents of his Zemindarry, which consists of as rich and well cultivated a Territory as any District perhaps of the same Extent in India.

" The Company have a clear and indisputable Right to this Sum, nor is it likely that he will either contest it, or desire any Remission of it. Besides, the other Conditions proposed in this Plan will virtually prove both an Augmentation of his Means and a Diminution of his real Payments to Government, as will be shewn in the Remarks on the last Article.

" It is proposed to receive the Payment of his Rents at Patna, because that is the nearest Provincial Station, and because it would not frustrate the Intention of rendering the Rajah independent. If a Resident was appointed to receive the Money as it became due at Benaris, such a Resident would unavoidably acquire an Influence over the Rajah and over his Country, which would in Effect render him the Master of both. This Consequence might not perhaps be brought completely to pass without a Struggle, and many Appeals to the Council, which, in a Government constituted like this, cannot fail to terminate against the Rajah; and, by the Construction to which his Opposition to the Agent would be liable, might eventually draw on him severer Restrictions, and end in reducing him to the mean and depraved State of a mere Zemindar.

" Prop. 2. That the Rajah shall be empowered to exercise a complete and uncontrouled Authority over his Zemindarry, under the acknowledged Sovereignty of the Honourable Company, in the Government of the Country dependent on him, in the Collection of the Revenues, and in the Administration of Justice.

" Observ. 2. The Advantages which the Rajah will receive from these Concessions, exclusive of the Gratifications which his Pride would obtain from the Possession of a State of Power and Dignity, unknown to any of his Ancestors, and the Security of his Person and Possessions from the Company's Protection, may be rated equal to many Lacks of Rupees, which, though saved to him, are no Loss to the Government on which he depends, being all Articles of in visible Expence in Fees to the Ministers and Officers of the Nabob, in the Charges of a double Establishment of Vackeels to both Governments, in Presents and Charges of Accommodation to the Nabob during his Residence at any Place within the Boundaries of his Zemindarry,

darry, in the Frauds, Embezzlements, and Oppressions, exercised in the Mint and Cutwally, besides the allowed Profits of those Officers, and the Advantages which every Man in occasional Power, or in the Credit of it, might make of the Rajah's known Weakness, and the Dread he stood in, both of the Displeasure of the Nabob, and the Ill-will of Individuals among the English, who were all considered either in their present Stations or Connections, or the Right of Succession, as Members of the State of Bengal. It would be scarce possible to enumerate all the Inconveniencies to which the Rajah was liable in his former Situation, or to estimate the precise Effect which they produced on his Revenue, and on the gross Amount of his Expences; but it may be easily conceived that both were enormous, and of a Nature the most likely to lessen the Profits of Government, instead of adding to them.

" Prop. 3. That Sunnuds be granted to the Rajah, specially conferring upon him the Power of appointing Officers to the Charge of the Cutwally and the Mint of Benaris; the latter to be subject to such Orders and Regulations as the Governor General and Council shall at any Time think proper to decree.

" Observ. 3. These Offices have been considered as Marks of Sovereignty; at least, this has served for the Pretext to withhold them from the Possession of the Rajah, to whom they have been a heavy Grievance, the Cutwally especially, which, being held in Farm, and exercised under the Authority of a Prince who had no Interest in the Welfare or Ease of his People, has always been represented, as in its obvious Tendency it could scarce fail to prove, a Source of the worst Corruption and Oppression, from which there was no Appeal. If there be any Weight in the Plea for referring these Prerogatives to the Company, the Grant of them to the Rajah himself, by special Sunnuds, will be a sufficient Expression of their Sovereignty, although the solemn Renunciation of it already made by the Nabob of Owde, is the best and most valid Charter under which it can be claimed; and while they have Three Brigades and a full Treasury to assert it, there is no Fear that their Right to it will be opposed by Reasonings drawn from implied Symbols of Dominion.

" Some Regulations will be immediately necessary for the Mint, and others may occasionally become so. No Alterations should be made in the Weight or Alloy of the Coin to be debased, and the Rajah himself hold his Right to the Mint on Condition of his faithful Observance of these Rules.

" By the Custom of Benares, all Rupees struck in the Mint are called Siccas, and pass as the current Coin of the Country for One Year; after which they are charged with a Batta, varying from 2 to 3 $\frac{1}{2}$ per Cent. according to their Dates, and pass under the Denomination of Sunwants or Gowher Shakees. It is in these Species that the Rents are payable to Government; and while they continue of equal and proper Qualities, they may be introduced into Circulation in the Province of Bahar without Loss to the Company, and with an Advantage to the Collections.

" But the greatest Care ought therefore to be taken that the Rupees be not debased; for if they are, they will occasion a double Loss on the Company, by the immediate Discount on them in the Treasury, and by a false Currency introduced into the Revenue.

" Prop. 4. That in Return for these Concessions, and for the Performance of his Duty as a Vassal to the Company, the Rajah shall engage to maintain in constant Pay, and ready at all Times for immediate Service, a Body of Two thousand Horse, on such a fixed Establishment as shall be prescribed by the Governor General and Council; and that whenever the Service of this Corps shall be required by the Governor General and Council, it shall be assigned to the Command of such Officer or Officers as they shall appoint, and be allowed from the Company an additional Pay or Gratuity of Fifteen Rupees per Month for each private Man, and in Proportion for the Officers of the said Corps, during the Time of such Service.

" Observ. 4. I rather propose this for Consideration, than recommend it. Such a Body of well-disciplined and well-appointed Cavalry will give Credit to the Rajah, and may prove serviceable to this Government, though the Occasions will rarely happen in which we shall want it. The additional Pay will make them our own, when we do want them, and will be no great Expence.

" Prop. 5. That while the Rajah shall continue faithful to these Engagements, and punctual in his Payments, and shall pay due Obedience to the Authority of this Government, no more Demands shall be made upon him by the Honourable Company, of any Kind, nor on any Pretence whatsoever shall any Person be allowed to interfere with his Authority, or to disturb the Peace of his Country.

" Observ. 5. The voluntary Restraint laid by the Government on its own Actions, will afford the Rajah the greatest Confidence, and naturally inspire him with Sentiments of Fidelity and Attachment, both from the Principles of Gratitude and Self-Interest. Without some such Appearance, he will expect with every Change of Government additional Demands to be made upon him, and will of course descend to all the Arts of Intrigue and Concealment practised by other dependant Rajahs, which will keep him indigent and weak, and eventually prove hurtful to the Company. By proper Encouragement and Protection he may prove a profitable Dependant, a useful Barrier, and even a powerful Ally to the Company; but he will

will be neither, if the Conditions of his Connection with the Company are left open to future Variations.

“ Ordered, That these Minutes be circulated to the Members of the Board, for their more attentive Perusal and Deliberation.

Warren Hastings.
J. Clavering.
Geo. Monson.
R^d. Barwell.
P. Francis.”

To prove that the before-mentioned Plan was agreed to by the Council at Calcutta ;
Read, Extract of Secret Consultation, 5th July 1775, from the same Book, p. 420.

“ Fort William, the 5th of July 1775.

Secret Dep.
Wednesday.

“ At a Council ; Present,
The Honourable Warren Hastings, Governor General, President ;
Lieutenant General John Clavering,
The Honourable George Monson,
Richard Barwell, } Esquires.
Philip Francis, }

“ Reconsidered the Governor General's Minute and Plan proposed for a Settlement with Raja Cheit Sing, for the Countries lately ceded by the Nabob, which Minute, &c. are recorded in Consultation the 12th June.

“ Read the First Article of the proposed Plan.

“ The Governor General.—When I proposed the Sum of 22,48,449, Rupees, as the Sum to be fixed for the Raja's annual Payments, I meant the Sum which the Raja actually paid to the late Vizier, being the Amount of the Agreement made with the Vizier on the Accession of this Raja to the Zemindary of Benares, and confirmed by the Vizier in my Presence ; but I have since received from the Vackeel sundry Accounts, by which it appears that the Sum annually paid was 23,72,656 : 12.

Settlement
proposed with
Cheit Sing.

“ Ordered, That the Accounts be entered after the Consultation. The Vackeel of Raja Cheit Sing attending the Board in Consequence of the Desire of the Governor General to him, he is called in, and the following Questions put to him :

His Vackeel
attends.

“ Q. In what Manner were the Payments of the Revenue made to the late Nabob, and how was the Money remitted to him ?

“ A. A Kistbundee was formed at the Commencement of every Year, for the Payment of the Revenue by Monthly Kists, or Installments, into the Houses of Cushman Mull, and Latta Bucharaje, Two principal Shroofs at Benares, who were appointed the Nabob's Receivers ; they paid this Money to the Nabob partly by Tuncaws or Assignments, and partly by Remittances in Specie, through the Nabob's Agents who were deputed to Benares for that Purpose.

“ Q. Whose was the Expence of the Shroffage and the Charges of the Receivers ?

“ A. The Nabob's.

“ Q. Do you know whether it would be agreeable to the Raja, or will you undertake on his Behalf to answer for his Consent, to pay into the Company's Treasury at Calcutta, without Deduction, and punctually, in equal Monthly Payments, the same annual Sum which has been hitherto paid to the late Nabob Vizier, and to the present Nabob Asoph ull Dowlah ?

“ A. No. The Raja could not agree to it ; the Risk, the Expence, and the Length of the Way, are insuperable Obstacles.

“ Q. Do you know if the Raja would consent to pay his Rent at Patna ?

“ A. There are Two Objections ; the Length of the Way, which would occasion a great Expence, and the Risk.

“ Q. What Authority do you hold from the Raja, and under what Commission do you act ?

“ A. I have no other Authority than the Letter which I have delivered to you from my Master.

“ The Vackeel now takes his leave and withdraws.

“ Read again the First Article of the Governor General's Plan, and his Observations on it.

“ Mr. Francis.—I agree to the Sum, upon the Supposition that it is equal to the Whole of what was paid by the Raja to the late Nabob, but I think it ought to be paid into the Company's Treasury at Calcutta, at the Raja's Risk and Expence.

“ Mr. Barwell.—I agree to the Question, but prefer Calcutta ; and if the Raja cannot be persuaded to make the Payments there, the Company might subscribe to the Difference of Exchange and Remittance.

“ Colonel Monson.—I agree to the Question, but think the Raja should be asked to make his Payment at Calcutta.

“ General Clavering is of the same Opinion.

“ The

" The Governor General.—I agree with the Board that it would be more expedient, but as it will be attended with a great Expence, the Raja will no Doubt require an Allowance for the Difference. It may be proposed to him.

" Agreed to the First Article of the Plan, but that it be proposed to the Raja to pay his Tribute at Calcutta instead of Patna.

" Read the Second Article of the Plan.

" Mr. Francis approves of this Article, reserving only our Claim to a reasonable Compensation for the Surrender of the Cutwally and Management of the Mint to him, if the latter should be left entirely to him.

" Mr. Barwell is of Mr. Francis's Opinion.

" Colonel Monlon.—No Concession should be made to the Raja; he should remain exactly in the same State of Dependence and Subordination to the Company as he was in to the Nabob.

" General Clavering.—I am of Opinion that the Raja should hold his Zemindary of the Company, on the same Footing precisely that he held it of the late Nabob; and that, if the Administration of Justice be given to him, a suitable Equivalent may be obtained, equal to the Advantages that may accrue to him from it.

" The Governor General observes that his Opinion is included in the Question.

" Agreed to the Second Article of the Plan, but that a Compensation be demanded of the Raja for the Cutwally.

" Read the Third Article of the Plan.

" Mr. Francis.—The Grant of Sunnuds for the Cutwally should be in Consequence of a pecuniary Compensation to be agreed upon between us and the Raja.—If it be thought fit to leave him in Possession of the Mint, it may be necessary that the Company should appoint a Mint Master to take Care that the Standard of the Rupees, to be coined there, shall not be altered, or that some other sufficient Precaution be taken for that Purpose. He should also, I think, pay some Compensation for so great a Privilege as that of a Mint.

" Mr. Barwell.—I think the Raja should be made the Officer of this Government, to exercise the Sovereignty in the Two Instances noticed in this Article, in preference to any other Person; he should pay to the Government the Sum at which the Cutwally and Mint were leased for this last Year, or upon a Medium for these Three last Years, by the Nabob Vizier. It should be particularly specified in the Article for the Mint, the Standard at which the Coin is to be kept up; and that, in consequence of any Abuse proved upon the Officers entrusted with the Management, it shall be deemed a Breach of this Article, and render it void.

" Colonel Monlon.—Sunnuds may be granted to the Raja for appointing Officers to the Cutwally and Mint, on his paying an annual Compensation for them. The Raja to be responsible that the Coin be not debased; if it should, his Right to the Zemindary to be forfeited, and to be disposed of as the Company shall think proper.

" General Clavering.—I have no Objection to giving the Cutwally both of Benares and Juanpore to the Raja, upon his making a just Compensation for all the Advantages which he will receive from it; and I am of the same Opinion with regard to the Mint, provided it should be thought proper to establish it at Benares, but in that Case there should be either an Officer from this Government to superintend it; or the Raja should be subject to a very severe Penalty if the Superintendancy of it is left with him, and that he should debase the Coin; but I think it is impossible to determine these Points till we know the Raja's Sentiments upon them.

" The Governor General's Opinion is comprehended in the Question.

" Agreed to the Terms of the Third Article, on the Raja's paying an annual Compensation to the Company for the Cutwally and the Mint, and obliging himself to coin Money of the precise Standard only, which shall be fixed by the Board.

" Read the Fourth Article.

" Mr. Francis.—I object to our compelling the Raja to keep up an extraordinary Force for our Service, considering it in Effect as an Encrease of the Tribute, which is contrary to the Principles which have guided my Judgement from the first Outset of this Negotiation: I have no Objection however, to its being made an Article of Agreement with him, that he shall either put the Troops, which he now keeps, upon a better Footing in point of Discipline, or disband them, and raise an equal Number in their Stead. What will be the best Method of making such Troops useful, or whether Cavalry should be preferred to Infantry, are Military Points of which I do not pretend to judge. I understand that there are local Objections to the Utility of Cavalry in the Raja's Country.

" Mr. Barwell.—I am of Opinion, that the Raja should keep up such a Body of Forces, but entertain the same Sentiments with Mr. Francis respecting its being an Enhancement of his Tribute, and of any Degree of Compulsion to induce him to it.

" Colonel Monlon.—I am of Opinion, the Company should receive the Raja's Assistance on the same Terms he gave it to the Vizier, or the present Nabob. Cavalry, I understand, is an improper Force for this Country, which is bounded on the North by the Gogra, on the South by the Mountains, on the West by Asoph ul Dowla's Territories, and on the East by Bahar. The Extent Westward from North to South is not above Fifty or Sixty Coss, which is watered by Four Rivers, the Gogra, the Gumpy, the Say, and the Ganges; intersected by many very considerable Nullas,

and otherwise strengthened by Woods, Enclosures, and Villages. That Part to the West of the Frontier from the Gumpty to the Ganges, is almost an entire Jungle, inhabited by Robbers. There is no Ground in the Country, or its Environs, North, West, and South, for some Distance, free from Mountains, Nullas, Toffes, Brushwood, or Jungle Enclosures and Villages; I therefore think Infantry a more proper Force for this Country; but if the Raja should be required to keep Cavalry, more for the Defence of these Provinces than his own, they should be officered and disciplined in the European Manner.

" General Clavering.—I understand that the Raja does keep up a large Body of Cavalry, and that 500 of these, which assisted under the Command of the Captain of the Governor's Guards in the Conquest of the Rohilla Country, were absolutely useless by their total Want of Discipline when they took the Field, but improved during the Campaign. I would not compel the Raja to keep up any Troops, but I would recommend it to him to maintain the Number which the Governor General has proposed for his and our Assistance; and as the Country of Bahar is open, where Cavalry may always act with great Advantage, and as the Company does not maintain any, I think it should be recommended to the Raja to appoint some English Officers to discipline and command his Troops, by the Means of which great Benefit may be derived from them in case of a War with the Mahrattas.

" The Governor General.—The Accounts which have been given to me of the Zemindarry of Benares, differ very much from Colonel Monson's Description of it, and represent it as open, perfectly well cultivated, and but little intersected with Rivers; the Gogra forms the Boundary of one Part of it, and the other Rivers are very inconsiderable; all these lie to the North of the Ganges; on the South Side, I do not remember one: It is on this Side that Provision should be made for its Defence, as it is liable to Invasion on the other from no Quarter but the Province of Oude. It was far from my Intention to propose this or any other Article to be imposed on the Raja by Compulsion: I do not conceive he would object to this, but am willing to yield my Opinion of the Propriety of such an Establishment to the General and Colonel Monson, who, from their Experience, must be the most competent Judges; I only proposed it as an Article of Speculation.

" Resolved, That it be recommended to Rajah Cheit Sing, to keep up a Body of 2000 Cavalry, to be disciplined after the European Manner, but that there be no Obligation on him to do it.

" Read the Fifth Article.

" Approved the Proposal in this Article."

Notice being taken, that, as the Clerk read, the Fifth Article appeared to be approved by the Board without Comment—The Managers for the Commons informed the House it was.

The Managers for the Commons then stated, that they would next proceed to shew, that the Plan so approved of by the Board, was communicated to the Rajah Cheyt Sing, under the Orders and Authority of Mr. Hastings, contained in certain Instructions to Mr. Fowke; which Instructions they should also produce for the further Purpose of shewing the Sense which the Council themselves put upon the Words which have given rise to so much Dispute, viz. " The Sovereignty of the Company."

The Witness produced Book XII. intituled, " Bengal Secret Consultations, 10th August to 2d October 1775."

Read, the following Extracts from Bengal Secret Consultations, 24th August 1775, beginning at Page 85 of the said Book.

" Fort William, the 24th August 1775.

Secret Dep.
Thursday.

" At a Council; Present,

The Honourable Warren Hastings, Governor General, President.

Lieutenant General John Clavering.

The Honourable George Monson.

Richard Barwell, } Esquires.
Philip Francis, }

[" The Secretary having prepared the Draft of Instructions to Mr. Francis Fowke, and not having specified the Amount of the Sum of the Nuzzerana to be paid by the Rajah;

" Agreed, That it be fixt at 10,000 Rupees, as the Board consider this Sum to be about equal to the Value of the Khelaat with which it will be necessary to invest the Rajah.

Rajah Cheyt
Sing's Nuzze-
rana to be
10,000 Ru-
pees.

" The Instructions are amended and agreed to as follows:

" Instructions to Mr. Francis Fowke.

" 1. Having thought proper to appoint you to proceed to Benares to deliver to Raja Cheyt Sing his Sunnuds of Investiture from this Government, of the Zemindarry lately ceded by the Nabob of Oude to the Company, and to make sundry local Enquiries to enable us, from your Reports of the same, to form a final Settlement with the Raja of the Terms on which

Instructions to
Mr. Fowke.

which he is to hold the Zemindarry, we now furnish you with full Instructions to accomplish these Ends.

" 2. On your Arrival at Benares you will wait on Raja Cheyt Sing, and present him with the Sunnuds which will be entrusted to you for that Purpose, having first notified to him the Sovereignty of the Company over all the Territories of his Zemindarry, and received from him, on account of the Company, and in their Name, a Nuzzerranee, or Acknowledgment of his Vassallage, which we fix at 10,000 Rupees; you will then require him to publish this Act by Proclamation through his Country, and invest him with a Khelaat in his Palace, with all the usual Formalities.

" 3. You will next inform the Raja that he is not to enter into any Alliance or Engagement with any Foreign Prince, on pain of forfeiting his Zemindarry.

" 4. It will be proper to assure the Rajah, that we do not mean to increase his Tribute, but to require from him the exact Sum, and in the same Species of Rupees, to be paid at Benares, as he paid to the late Vizier Suja ul Dowlah, besides whatever Equivalent may be fixed for the Grant of the Mint and Cutwally to him, the Whole to be discharged by equal monthly Kists; and if we should find it expedient hereafter to receive the Amount at the Presidency, a suitable Deduction or Commission shall be allowed to him for the Expence and Risk of transporting or remitting it.

" 5. That under the acknowledged Sovereignty of the Company, we are determined to leave him the free and uncontrouled Management of the internal Government of his Country, and the Collection and Regulation of the Revenues, so long as he adheres to the Terms of his Engagements, and will never demand any Augmentation of the Annual Tribute which may be fixed.]

" 6. As we deem it very essential that the Raja, for the Protection of his Zemindary, should maintain a Body of regular Troops, we would strongly recommend to him the keeping in constant Pay, and ready at all Times for Service, Two thousand Horse, disciplined and clothed after the European Manner; we cannot authorize you to insist upon this Article; however, as it appears so obvious for his own Interest, we doubt not but he will readily agree to it; and it must be left to his Option to keep up or reduce his present military Establishment: In Consequence, and as an Inticement, we will agree, that whenever we may find Occasion to call for the Assistance of this Corps, or any Part of it, we will pay a Gratuity of 15 Rupees per Month for each private Man, and in proportion for the Officers, during the Time that they may be in our Employ.

" 7. The Raja of Benares being very desirous that the Mint should be continued in that City, and that the Management of it should be intrusted to him, and having offered to pay the Company a fixed annual Compensation for that Privilege, we have thought fit to decline entering into any Agreement with him on the Subject of his Proposal, until we should receive some certain Information of the present State and Management of the Mint, and of the probable Value of the Privilege proposed to be granted to the Raja.

" 8. We therefore direct you to make a strict Enquiry into the following Points, and report to us the most exact Information you may be able to obtain thereon.

" 1st. What Sum the present Farmer of the Mint paid directly to the late or present Nabob of Oude, or in Presents to his Ministers, for that Farm.

" 2dly. What is the exact Standard and Weight of the Rupees coined in that Mint in the Course of the last Twelve Months.

" 3dly. What was the exact Standard and Weight of the best Rupees that have been coined there at any Time since the Year 1765 inclusive.

" 4thly. What Quantity of Bullion has been coined since the Year 1765 inclusive, specifying the Number of Rupees coined in each Year.

" 9. In the mean Time you may observe to the Rajah, that it is to be made a necessary Condition, on our giving up the Mint to him, that the Weight and Standard of the Coins, which shall be struck in it, be fixed by us; and that on Proof of any Deviation from them, or of his coining any other Specie in the Mint, the Grant of it shall immediately become void.

" 10. We also direct you to enquire, and report to us, what Sums were paid to the late or present Nabob by the several Cutwals in the Zemindarry of Raja Cheyt Sing, for the Privilege of holding those Courts, in order that we may know what Compensation the Company may reasonably expect for making over the Cutwally to the Rajah.

" 11. It may be of Service also, that we should be thoroughly informed of the Nature of the Weights and Measures in general Use in the Districts of Gauzipore and Benares; we therefore desire you will make yourself acquainted with these as early as you may have an Opportunity, and report a State of them to us.

" 12. We further think it necessary to direct, that you make such Enquiry as you may be able into the State of the Trade of this Zemindarry for some Years past, but particularly into its commercial Intercourse with the Company's Provinces, the Restrictions it lies under, whether it has been in the Increase or Decrease of late, and the Condition of it at this Time: You will endeavour to obtain a comparative Account of the Exports made to those Parts by the different European Nations settled in Bengal, and report the Whole for our Information, with such Proposals as you may think fit to offer for its Relief or Improvement.

" 13. As it will be impossible for you to obtain a competent Knowledge of this Branch immediately, you may refer it for a future Report; first transmitting us the Information required respecting the Mint of Cutwally, in which we beg that no Time may be lost; as we must wait the

Receipt of it before we can fix the Annual Tribute to be paid by the Raja for the Cession of those Articles, of Course our Engagements with him will remain suspended till that Time.

" 14. But the other Articles from which the Nabob of Owde used to draw a Revenue, as will appear from the enclosed List, which is as accurate as our Information would enable us to form it, we empower you to make a Grant of to the Raja, upon such Terms as you may deem equitable; and you will settle for these with him accordingly.

" 15. We have ordered the Commanding Officer at Chunar to stop all the Europeans who may be found within the Limits of his Command, if they are not furnished with proper Passports; and we enjoin you to give him Notice of any such, of whom you may receive Information; and you will endeavour to engage the Rajah to use every Means in his Power for preventing Europeans, but particularly Foreigners, from travelling through his Districts, without such Passports from this Government.

" We are, &c.

" Postscript.

" We have acquainted the Rajah, that it is necessary he should take an Oath of Fealty or Allegiance to the Company, upon his being invested with the Grant of the Zemindarry; you will therefore require him to make the same on that Occasion."

" Ordered, That the necessary Sunnuds for granting the Zemindarry of Benares and Gauzipore to Raja Cheyt Sing be immediately prepared and delivered to Mr. Fowke, with the foregoing Instructions."

Sunnuds to be prepared for Rajah Cheyt Sing.

The Managers for the Commons stated, that they would next produce a Letter from the Board to the Rajah Cheyt Sing, which accompanied Mr. Fowke's Instructions. Same Book, Page 90.

" Fort William, the 24th August 1775.

" Same Consultation.

" Resolved, That the following Letter be written by the Governor General to Raja Cheyt Sing, to be delivered to Mr. Fowke with his Credentials.

" To Raja Cheyt Sing.

" By the Treaty concluded with the Nabob Asoph ul Dowlah on the 21st of May last, of which you are already apprized, the Districts which you held as a Zemindarry from him, and from his late Father, the Vizier Suja ul Dowlah, have been ceded to the English Company.

" The Board have therefore thought proper to depute Mr. Francis Fowke, on their Behalf, to take Possession of these Territories; but being willing to continue the Grant of the Zemindarry to you in as full and ample a Manner as you possessed it from the former Sovereigns, and upon the same Terms, that is to say, on your paying to the Order of the said Company at Benares the annual Tribute of Rupees 23,72,656 : 12, by regular monthly Kists, or Payments of Rupees 1,97,721 : 6 : 4, in each Month, I have delivered to the Charge of Mr. F. Fowke a Sunnud in the Name of the Company, with a Kelaat, with which he is empowered to invest you in due Form, reserving however to the Company, the Sovereignty of the Country to the full Extent that it was or might have been held by the late or present Soubah of Owde. Upon Occasion of this Investiture, after paying a Nuzzerranna for the Company, which I have fixed at 10,000 Rupees, it is necessary that you take an Oath of Fealty or Allegiance to the Company, by which you are to understand, that on forming any Alliance with a foreign Prince, or acting in any Manner contrary to the Fidelity which you have thus sworn to maintain to the Company, your Zemindarry, with all the Rights and Privileges granted to you by the Company, will become forfeited; and it will be proper that a public Proclamation should be made of these Transactions, that the Natives as well as Europeans may be fully informed of the Grant made to you, with the Reservation of the Rights of Sovereignty to the Company.

" I mean, as soon as it is in my Power, to fix a proper annual Compensation to be made by you for the Grants of the Mint and Cutwally, to transmit you Sunnuds for them, to continue in Force during your Life; but I must wait for Information from Mr. Fowke to enable me to settle these Matters.

" The other Sources from which the Nabob of Owde drew a Revenue will also be granted you, that you may possess an uncontroled and free Authority in the Regulation and Government of your own Zemindarry; and Mr. Fowke is authorized to treat with you, to settle the most equitable Terms upon which you may obtain these Articles.

Warren Hastings.
J. Clavering.
Geo. Monson.
R. Barwell.
P. Francis."

Then the Witness produced Book 6, intituled, " Bengal Letters, received 16th May 1775 to 20th January 1776."

Read,

Read, following Extract of a Letter, intituled, " Address from the Governor General, N^o 20. dated Fort William, 21st July 1775." (Received per Northumberland, 4th April 1776.)

Signed, Warren Hastings.

" With respect to the Country of Benares, &c. I think it should be left entirely to the Management of Rajah Cheyt Sing, and that we should no otherwise interfere with him than to receive the established Tribute. This I deem to be the best Policy, at the same time that it is most conformable to your abovementioned Orders, and to the Engagements already subsisting with him."

Then the Managers for the Commons stated, That as there had been some Dispute whether the Instruments granted to the Rajah Cheyt Sing were in the Nature of the common Zemindarry Sunnuds, or in the Nature of a Treaty, they would next produce the Defendant's own Opinion upon that Subject.

Read, from Book XII. (before delivered in) the following Extract of Secret Consultation on 4th September 1775, beginning at Page 123.

" Fort William, the 4th September 1775.

" At a Consultation; Present,
Warren Hastings.
J. Clavering.
Geo. Monson.
R. Barwell.
P. Francis.

" The Secretary informs the Board that the Sunnuds for Raja Cheyt Sing being prepared, he circulated the following Proposal of the Governor General for their Opinion.

Secretary.

" The Governor General directs me to request the Opinion of the Board, Whether the Patta, Sunnud, and Coulnama, for the Zemindarry granted to Raja Cheyt Sing, should be signed by him only, or by the Board, remarking at the same time that it has been customary for Dewanny Sunnuds to receive only the Signature of the Governor; but he thinks, that as the Nature of the present Grant is different, and may be considered more in the Light of a Treaty, they should be signed by the Board.

" Saturday Morning.

Signed, J. P. A. Secretary.

" I think it should be signed by the Board, for the Reasons which the Governor General has given.

Signed, J. C.
Agreed, G. M. and P. F.

" Agreed that the Sunnud, Potta, and Coulnama, be now signed, and transmitted to Mr. Francis Fowke."

Then the Managers for the Commons stated, that they had now gone through that Part of the Charge which relates to the Rights of the Rajah Cheyt Sing, and also the several subsequent Acts of Confirmation and of Extension of those Rights by the Company.

Being asked, if there was any Copy of the Sunnud, Potta, and Coulnama, mentioned in the Extract just read;

The Managers for the Commons made Answer, that they thought it proper to observe that the Sunnud, Potta, and Coulnama there mentioned appear no where, as they could find, upon the Consultations: That there was a Sunnud, Potta, and Coulnama, which were to be found in a Book which they should have Occasion in the Course of the Proceedings to give in Evidence, and which have been supposed to be the Sunnud, Potta, and Coulnama granted to Rajah Cheyt Sing: but they should prove it impossible for them to be the same; and that in Truth the real Sunnud, Potta, and Coulnama granted to the Rajah Cheyt Sing did not appear.

Being asked if the Proof then of the Fact did not appear?

The Managers for the Commons answered, That they should prove *negatively* that the Sunnud, Potta, and Coulnama, in the Book alluded to, were not the Sunnud, Potta, and Coulnama granted to the Rajah Cheyt Sing.

They then stated, that it having been argued that the Appointment of a Resident at Benares had changed the Nature of the Rajah Cheyt Sing's Tenure, they should next proceed to shew who appointed the Resident.

The Witness produced Book 39, intituled, " Bengal Secret Consultations, from 23 September to 30 December, 1776."

Read,

Read, Extract of Secret Consultation on 2d December, 1776, beginning at Page 640 of the said Book.

" Fort William, the 2d December, 1776.

Secret Dep.
Monday.

" At a Council; Present,

The Hon. Warren Hastings Esq. Governor General, President;
General Clavering,
Richard Barwell, and } Esqrs.
Philip Francis,

" Governor General.—That I may not furnish Occasion to the Board for the unnecessary Waste of Time in the further Motions which I have to lay before the Board, I now deliver them in Writing to the Secretary; and I hope that the Board will consent to bring their Opinions written thereon at our next Meeting. The Motions are as follow:

☞ [" The Governor General also * moves, That Mr. Francis Fowke be recalled from Benares, and his Commission annulled, the express Purposes thereof having been accomplished.

" Mr. Francis.—I need not bring my Opinion in Writing upon either of these Motions. To the First I make no Objection; but as to the Recall of Mr. Francis Fowke, I know no Motive for it; on the contrary, I am satisfied that his Presence at Benares has been of signal Use in preventing the Delays of the Remittance of the Tribute, and to my Knowledge he has done nothing to incur the Displeasure of the Board. I cannot therefore assent to his Recall.

" Mr. Barwell.—The express Purposes to which Mr. Fowke was first appointed, were the Investiture of the Raja, and the settling a Mode for the Remittance of his Tribute. His Commission ceased the Instant the Object of it was accomplished, and Mr. Fowke ought then to have been removed to Calcutta. He holds no Appointment, and therefore it cannot properly be stiled a Removal. I assent therefore to Mr. Fowke's being called to the Presidency.

" General Clavering.—In regard to the Recall of Mr. Fowke, and the annulling of his Office, I cannot help considering it as a vindictive Measure, couched under the Appearance of Public Service, and therefore dissent to the Motion.

" Governor General.—I agree to both Motions.

" Resolved, That both the Motions proposed by the Governor General be carried in the Affirmative."] ☞

Notice being taken that the Motion was resolved in the Affirmative, though the Voices were equal; the Managers for the Commons were asked, Whether Colonel Monson was dead at that Time?

They informed the House he was.

Then the following Letter, written by the Board to Mr. Fowke, was read by the Clerk, from the same Book, p. 647.

" To Mr. Francis Fowke.

" Sir,

" The Objects proposed by your Appointment to proceed to Benares being now accomplished, we have thought it necessary to annul the Commission which was given you for that Purpose. We therefore direct, that you return to this Presidency immediately on Receipt hereof.

" We are, &c.

Signed, Warren Hastings.
J. Clavering.

Rich. Barwell.
P. Francis."

Read, the following Extract from the same Book, p. 743:

" Fort William, the 23d December, 1776.

Secret Dep.
Monday.

" At a Council; Present,

The Honourable Warren Hastings, Governor General, President;
Lieutenant General John Clavering,
Richard Barwell, } Esqrs.
Philip Francis,

" The Governor General moves, That a Civil Servant of the Company be appointed to reside at Benares on the Part of this Government, for the Purpose of transacting any occasional Business which may arise between this Government and the Rajah of Benares; and that Mr. Thomas Graham may be nominated to this Office, and Mr. Daniel Barwell to be his Assistant.

" Mr. Francis.—If a Civil Servant was necessary for the Purpose described in the Motion, I conceive that Mr. Francis Fowke was perfectly well qualified for that Office. I have no Objection, however, to either of the Gentlemen recommended by the Governor General.

" Mr. Barwell.—Agrees to the Motion.

" General Clavering.—I object to it, and leave the Responsibility of the Measure with the Governor General, who must answer for it.

Governor General moves that Mr. Thomas Graham be appointed Resident at Benares.

* N. B. The First Motion has no Relation to this Subject.

" Resolved,

" Resolved, That a Civil Servant of the Company be appointed to reside at Benares, on the Part of this Government, for the Purpose of transacting any occasional Business which may arise between this Government and the Rajah of Benares.

" Agreed, That Mr. Thomas Graham be nominated to this Office, and that Mr. Daniel Barwell be appointed his Assistant."

Mr. Thomas
Graham ap-
pointed Resi-
dent at Be-
nares, and
Mr. Daniel
Barwell his
Assistant.

To shew what the Opinion of the Court of Directors was upon this Proceeding, the Witness was directed to produce a Letter from the Court of Directors of the 30th of January 1778.

The Witness produced Book 41, intituled, " Bengal Dispatches, 30th January to 28th December 1778."

Read, Paragraphs 65, 66, and 67, of a Draught of a General Letter from the Court of Directors to Bengal, No. 4, dated " London, 30th January 1778."

" Our Governor General and Council at Fort William, in Bengal.

Per Orosvenor,
Offerley,
Godfrey,
Mount Stuart.

Par. 65. " In your Secret Letter of the 19th of December 1776, you inform us, that the Purposes for which Mr. Francis Fowke was appointed to proceed to Benaris being fully accomplished, you had annulled his Commission, and ordered him to the Presidency. But it appears by your Letter of the 6th of January 1777, that in less than Twenty Days you thought proper to appoint Mr. Thomas Graham to reside at Benaris, and Mr. Daniel Octavius Barwell to be his Assistant.

66. " If it were possible to suppose that a Saving to the Company had been your Motive for annulling Mr. Fowke's Commission, we should approve your Proceedings; but when we find Two Persons appointed immediately afterwards, with Two Salaries, to execute an Office which had been filled with Reputation by Mr. Fowke alone, and that Mr. Graham enjoys all the Emoluments annexed to the Office of Mr. Fowke, we must be of Opinion, that Mr. Fowke was removed without just Cause, to make Room for Mr. Graham; and that the Addition of Mr. Barwell's Salary is a clear Loss of Three hundred Rupees per Month to the Company.

67. " As it was not pretended that Mr. Fowke's Conduct had been exceptionable; as he had executed with the greatest Punctuality and Exactness the like Office to which you have now appointed Mr. Graham; and as the Dissent of Mr. Francis, and the Protest of General Clavering, on the Occasion, had no Effect; we think it proper to interfere, and therefore direct, that Mr. Francis Fowke be immediately reinstated in his Office of Resident and Postmaster at Benaris. We however think proper to declare, that though we mean by this Order to do an Act of Public Justice, we by no Means intend it as a Mark of Disapprobation of the Conduct of Mr. Graham, whom we believe to be a very deserving Servant of the Company.

[Signed at the End of the Draught]

" London,
the 30th January, 1778.

Geo. Cumming,
Tho. Cheap,
Samuel Peach,
John Smith,
Robert Gregory,
John Roberts,
Nathaniel Smith,
H. Fletcher,

Geo. Wombwell,
Wm. Devaynes,
Frederick Pigou,
J. Purling,
John Harrison,
Ben. Booth,
Geo. Tatem,
Charles Boddam."

Then the Managers for the Commons proposed to read a Letter from the Court of Directors of the 27th of May 1779, to the Governor General and Council at Fort William, in Bengal, in consequence of the Orders in the last-mentioned Letter being disobeyed.

The same was objected to by the Counsel for the Defendant, as not being applicable to any Allegation in this Article.

The Managers for the Commons being heard in Answer to this Objection, the Counsel for the Defendant in Support of it, and the Managers for the Commons in Reply;

The House adjourned to the Chamber of Parliament.

Die Jovis, 28° Februarij 1788.

THE House being resumed, the usual Proclamations made, and the Defendant at the Bar, the Lord Chancellor said, Gentlemen, Managers for the House of Commons, and you Gentlemen who are of Counsel for the Defendant, I am commanded by the Lords to inform you, that the Managers for the Commons are permitted to proceed, and to read the Letter dated 27th May 1779, from the Court of Directors to the Governor General and Council at Fort William in Bengal.

Gentlemen, Managers for the House of Commons, you may proceed with your Evidence.

Whereupon they called Mr. ROBERT HUDSON, who produced Book 44, intituled, "Bengal Dispatches 1779."

Read, Paragraph 40th of a Letter from the Court of Directors to the Governor General and Council at Fort William, in Bengal, dated 27th May 1779; as follows:

40. "We have read with Astonishment your formal Resolution to suspend the Execution of our Orders relative to Mr. Francis Fowke; your Proceedings at large are now before us; we shall take such Measures as appear necessary for preserving the Authority of the Court of Directors, and for preventing such Instances of direct and wilful Disobedience in Time to come. At present we repeat the Commands in the 67th Paragraph of our Letter of the 30th of January 1778, and direct that they be carried into immediate Execution.

"London,
27th May 1779.

George Cuming,	Signed,
Henry Savage,	W. Devaynes,
Samuel Peach,	L. Sullivan,
Charles Boddam,	John Harrison,
Francis Baring,	J. Purling,
J. Stables,	H. Fletcher,
George Tatem,	John Michie,
	J. Manship,
	Joseph Sparkes."

To shew what the Proceedings of the Governor General and Council in Bengal, were, in consequence of the Receipt of the abovementioned Letter, the Witness produced Book 53, intituled, "Bengal Council, 17th Jan. to 9th March 1780."

Read, the following Extract from the Bengal Public Consultation of the 17th February 1780, beginning at P. 275 of the said Book.

"Fort William, 17th February 1780.

Pub. Dep.
Monday

"At a Council; Present,
The Honourable Warren Hastings, Governor General, President;
Philip Francis, } Esquires.
Edward Wheler, }
Mr. Barwell indisposed.

"The Proceedings of the 14th instant read and approved.

"Read the 40th Paragraph of the General Letter from the Honourable the Court of Directors, dated 27th May 1779.

"Agreed, that Mr. Francis Fowke be appointed Resident at Benares, in Conformity to the Intention of the Court of Directors, and that Mr. Thomas Graham be directed to deliver over the Charge of that Office to him on his Arrival there."

Then the Managers for the Commons stated, that in Point of Order and Regularity they ought next to proceed and shew that the above-mentioned Appointment of Mr. Fowke was annulled by Mr. Hastings, and the Reason of its being so annulled; but, as that did not happen till the Year 1781, a very short Time previous to Mr. Hastings's going up the Country to Benares, it would be better to produce that Evidence in the Chain of Time when it would more regularly and properly come in; that they should now therefore proceed to shew what was stated in the Charge, as the first Breach

Breach of the Engagements entered into with the Rajah Cheyt Sing, namely, the first Demand of Five Lacks of Rupees, made upon him in the Year 1778*: That they should prove the Demand, the Compliance of the Rajah Cheyt Sing with that Demand, and the Debates of the Council in Consequence of it.

Then the Witness was directed to produce Book 13, intituled, "Bengal Secret Council, 1 June to 10 August, 1778."

The Managers for the Commons informed the House, that on the Day of the Consultation they were now about to refer to, viz. the Bengal Secret Consultation of the 9th July 1778, Mr. Hastings laid before the Board a Variety of Propositions; but as they did not seem connected with each other, they should only read that Part which related to the Rajah Cheyt Sing, namely, the Second Proposition, with the Observations and Resolution of the Council thereupon.

Accordingly the Second Proposition, and the Opinions of the Board thereupon, were read by the Clerk; which done, the Counsel for the Defendant desired that the First Proposition might be read.

They were informed by the House, that by the Rule which had been laid down, they might call for any Part to be read which they thought material, essential, or giving a Colour; that that was the Rule, and the House had great Confidence that nothing improper would be called for; but it was impossible for the House to say what was or was not relevant in this Stage of the Business.

The First Proposition was read; after which the Counsel for the Defendant being asked, if there was any other Part of this Consultation that they desired to have read, made Answer, "if they might express a Wish it was, that the Whole of the Governor General's Minute might be read."

Read, the following Extracts of Bengal Secret Consultation, 9th July 1778, beginning Page 1, of Book 13.

"Fort William, the 9th July 1778.

"At a Council; Present,

The Honourable Warren Hastings, Governor General, President,

Richard Barwell, }
Philip Francis, } Esquires.
Edward Wheler, }

Secret Dep.
Thursday.

"Read the Proceedings of the 7th instant.

"The Governor General having sent the following Note to the Secretary on the Evening of the 7th Instant, it was immediately sent round to the other Members of the Board, and the Meeting of the Council postponed accordingly till this Morning:

"Sir,

The Gov. Gen.
to the Secre-
tary.

"Fearing that the Shortness of Time will not admit of my being prepared for the proposed Meeting of the Council To-morrow, I desire that you will inform the Gentlemen of the Board, that it is my Wish to postpone it, with their Permission, to Thursday.

"I am, &c.

"J. P. Auriol Esq."

"(Signed)

Warren Hastings."

"The Governor General delivers in the following Minute:

Governor Ge-
neral's Mi-
nute.

"I state the War with France as a Fact of undoubted Certainty. It is the Part of this Government to consider in what Manner it is likely to affect the British Possessions in India, and to provide accordingly for their Security. This must comprise and limit all our Operations. In the View of the opening Scene, the relative Conditions of the Parties engaged in it will merit our first Attention, and cannot fail to engage it by the striking Contrast which appears between them; and I mention it because I think it an essential Point in the Consideration of our first, and perhaps our future Measures.

"Great as the Power is which the British Nation has acquired in India, compared with that of its Rival, its general Line of Action is and must be purely defensive. It can gain, the French lose nothing. Even the Capture of Pondicherry, and of the other Possessions of the French, will yield no positive Advantage to the English, although it will deprive the French of their Instruments of Attack, and thereby affect our own Safety.

"From this Point, therefore, all our Conclusions must originate, and all our Measures be so laid as to obviate or to oppose the probable Designs of our Enemies. Their first Attempts will be against Bombay or Fort St. George. Bengal will be their last, at least their distant Object.

"The Presidency of Fort St. George possesses in itself the complete Means of Defence. We can add nothing to them, but in the Effects of our political Arrangements. We have always yielded it a large Supply of Treasure. It requires no other present Aid.

* Vide printed Articles, Bottom of Page 4, and Top of Page 5.

" Bombay requires every Thing. Weak in itself, and entangled rather than strengthened by its dissipated Possessions on the Continent, it can only defend itself against a direct Invasion; and to that it is perhaps equal, if it has to contend with the French alone; but this is unlikely. The last Advices from Poona contain such Evidence as the Event itself must soon refute or realize, of an Engagement actually made by the French Minister there to bring a large Military Force to Poona, professedly designed to act with that Government against Ragoba, who at that Time resided at Bombay, under the English Protection.

" In Effect, this is the obvious Policy which the French ought to adopt, if they seek to regain their Influence in India, and it is no longer to be doubted that they have adopted it. They have besides an ancient Claim to the Alliance of Nizam Ally, which is insured by their accidental Union in a common Cause, the Defence of the ruling Administration at Poona, of which his Letters to Mr. Rumbold and the Nabob of Arcot afford an undoubted Proof.

" It is then certain that the French mean to establish a firm Interest at Poona. It is probable that they will effect it. The Consequences may be the Attack of Bombay, or, without it, the Re-union of the vast Powers of the Maratta State under its present Government, strengthened by so formidable an Alliance; and a predatory War brought by their united Force into the Dominions of our Ally the Nabob of Oud, or even into the Heart of our own.

" To guard against such Consequences ought, in my Opinion, to be our first Object, both for the immediate Defence of Bombay, and the further Security of Bengal. We cannot send Succours directly to Bombay. If Bombay should be attacked by the French unsupported by a Maratta Alliance, I have already said that I hope its present Force is equal to its Defence: But if it should be attacked, or in certain Danger of being attacked, by the French and Marattas in Alliance, an offensive War must be undertaken in Defence of Bombay.

" The Detachment under Colonel Leslie may be employed in this Service. It can be spared without Danger to Bengal, which is secure from a present Invasion, and can soon be replaced. But it consists of a Force too inconsiderable to engage singly in such a Contest. Unless it can be assisted by an Ally equal in Power, or so nearly equal to that of the Peshwa, as to give our united Strength a Degree of Superiority over the Combination to which it would be opposed, the Undertaking would be too hazardous. Moodajee Boosla, the Chief of Berar, answers to this Description. His Family has always borne a considerable Rank among the Powers of India. His Father, Ragoojee, subjected the Provinces of Bengal to the Choot, under the Government of the most able Chief that ever ruled them. His elder Brother, Jannoogee, attacked and burnt the City of Poona at a Time when the Power of the Peshwas far exceeded its present State, and the Maratta Constitution respecting Berar was undivided. His Dominions extend from the Sea Coast of Orissa, and from the Western Borders of Bengal, to the Neighbourhood of Aurengabad. His Revenues, though not proportionate to their Magnitude, is * considerable, and his standing Forces are numerous, exclusive of the Militia, which, in all the Maratta States, is always ready to join the regular Armies when they take the Field. While the Contest prevailed between Ragonaut Row and the Ministerial Party, Moodajee sided with the former, his Brother with the latter. This Conduct drew on him the Resentment of the Ministers, who, as soon as they were freed, by the Interposition of this Government, from the Dread of their great Competitor, encouraged and supported the Nabob Nizam Ally Cawn, in an Invasion of his Country, which at that Time had not yet recovered from the Distractions occasioned by the Contention between the Two Brothers. On this Occasion he was glad to purchase a Peace of Nizam Ally Cawn, with the Loss of some Forts of Consequence, the Remembrance of which he still retains, with a Determination to avail himself of the First Opportunity to reclaim them. * Sic in Orig.

" As the Provinces which are now united under the Government of Berar are a constitutional Part of the Maratta Empire, a natural Enmity must ever subsist between them who possess the Sovereign Authority, and the Rulers of Berar, the former looking to the Recovery of their unalienable Rights, the latter jealous of their Independency. Thus Moodajee may be considered as the certain Enemy of the Peshwa, into whatever Hands the fluctuating State of the Parties at Poona may throw his Administration. But a late Event has given Moodajee Pretensions to a Rank even more elevated than that of the Peshwa. I need not inform the Board, that the Power which the Peshwa possessed for about Forty Years past, is an Usurpation on the Sovereign Authority vested by the Constitution in the Raja. Raja Sahoo, the last who retained it, having no Children, adopted Moodajee Boosla, and, as I am informed, designed him for his Successor. But Ballajee, the Peshwa or Prime Minister, had the Art to deprive Moodajee of the Benefit of this Intention, and to transfer the Inheritance to Ram Raja, who was also an adopted Son of Raja Sahoo, and an Infant at his Death. Ragoojee, the Father of Moodajee, instantly marched to Poona with a formidable Army, and by a Negotiation of a Day, obtained, for the Surrender of his Son's actual Pretensions, a large Accession of Territory and other Advantages, still reserving a future Claim to the Rajahship, and refusing to commit himself by any formal Deed in an Acknowledgement of the Title of Ram Raja. From that Time the Grandeur of his Family may be dated. Ragoojee continued to authenticate all his public Acts by the Name of Sahoo Raja; and on the Seals which have been affixed to all the Letters which I have received from Shabajee Boosla, and even since his Death from his Brother Moodajee, they are styled the Vassals of Sahoo Raja. I know not with Certainty what are Moodajee's present Views. Ram Raja died in December last, and the Succession is either still vacant or but lately filled. Moodajee's Rights are still in force, and unquestionably superior to any other.

" I must suspend the Thread of this Narrative to relate a Transaction which brings it nearer to the Concerns of this Government. An Alliance with the Boosla Family has been long its Object,

and considerable Advances were made to the Attainment of it in the Administration of Lord Clive. In the latter End of the Year 1773, Shabajee Boosla sent a Vakeel to me with Letters containing general Professions of Attachment, but expressed with such Warmth as induced me to aim at a formal Connection with him. Finding the Vakeel an intelligent Man, I sent him back with a Plan for that Purpose. Unfortunately Shabajee fell by the Hands of his Brother. But Moodajee himself soon after adopting his Brother's Line, again deputed the same Vakeel to Calcutta; but many Causes, which it is unnecessary to enumerate, prevented me from improving the Disposition of this Chief. A constant Intercourse of Letters, and in some Degree confidential, has been kept up between us. On a false Rumour of the Death of Ram Raja, foreseeing the Use which might be made of this new Diversion in the Maratta Policy, I employed the Agency of the Vakeel to excite the Ambition of Moodajee to aspire to the Sovereign Authority, which such an Event, then probable at least from the infirm state of the Raja, and the Distractions at Poona, seemed to present to him; and I intimated the same Advice in a Letter which I wrote at the same Time to Dewargur Pundit, the Minister of Moodajee Boosla, and the Man whose Counsels have long guided the Affairs of that Government. While these Letters were on their Way, the Raja died: No Answers were given, for the Purport required none, but every Letter since received from Moodajee and his Dewan has repeatedly and urgently pressed the Dismissal of the Vakeel, for the Purpose, as expressed, of communicating with him on Affairs of the greatest Importance. The Vakeel is at this Time with Colonel Leslie.

"From these Facts it will appear, that Moodajee Boosla is by Interest and Inclination likely to join in an Alliance with this Government, and that Two Advantages may be offered to him as the Inducements to it. The First is the Support of his Pretensions to the Sovereign Power; the Second, the Recovery of the Captures made on his Dominions by Nizam Ally. On our Parts we shall possess a powerful Barrier on our Frontier, an Alliance which may counterbalance, and if properly managed, may totally overthrow the present Power of the Maratta State, and give us a lasting Ascendant in its Operations, and for ever dissipate all the Designs which the French have at this Time so wisely, and hitherto successfully, concerted for their Aggrandizement and our Destruction. A more fortunate Concurrence of Events could scarcely have been conceived, than those which appear of themselves to draw the Two States of Berar and Bengal into a decided and lasting Union by the powerful Bonds of common Interest and common Danger. The Poona Government is the natural Enemy of Moodajee. It is ours by their Connection with our natural and declared Enemy, the French. Nizam Ally is the declared Enemy of both, and the Contiguity of our respective Territories, in the wildest and least valuable Parts of both, and of Course the least subject to Competition and Incroachment, renders them important and essential to the Strength of both.

"On these Grounds I recommend that a Company's civil Servant be deputed to Moodajee Boosla, with full Power to form a Treaty of Alliance between that Chief and the Company, on the Terms herein above stated. These may be hereafter detailed in his Instructions.

§ (The Governor General *—"It was my Intention, had the Time permitted it, to have extended the above Minute into other Details, immediately required for the internal Defence of these Provinces. I can now only state those which are most urgent in short Propositions. The Reasons, if necessary, may be given separately.

"1st. I propose that three additional Battalions of Sepoys be immediately formed upon the Plan recommended by General Stibbert."

§ ["2dly. That Rajah Cheit Sing be required in Form to contribute his Share of the Burthen of the present War, by consenting to the Establishment of Three regular Battalions of Sepoys, to be raised and maintained at his Expence.]

§ ("3dly. That the Militia Corps be re-established for the Defence of the City of Calcutta; and for this Purpose, if it shall be found necessary hereafter, I would further recommend, that the Commissioner of Law Suits, with the Assistance of the Company's Attorney and Standing Council, be instructed to prepare a Bill for its legal Incorporation.

"4thly. That the Master Attendant be directed to consult some of the most able Seamen of this Port, upon the Means of forming such an Addition to our Marine Establishment, as may be most effectual for the Communication of immediate Intelligence of the Approach of an Enemy's Fleet, or single Ships of War, and for cutting away the Buoys, and using such other Precautions as may be necessary for guarding this Port and its Commerce against the Effects of a Surprise.

"5thly. That the Opinion of the Chief Engineer be also taken with respect to the other Means which may be necessary to prevent or impede the Progress of an Enemy by the Entrance of the River.

"6thly. That the Commander in Chief be requested to furnish the Board with such a general Plan of Defence as he shall judge necessary, in Addition to the present Disposition of our Army, and in the Supposition that the Detachment now employed under Colonel Leslie may not return for a Length of Time into the Provinces, and to attend the Board with it when prepared.

* The Parts inclosed thus § and marked with inverted Commas at the Beginning of each Line, are the Extracts particularly referred to in this Consultation by the Counsel for the Defendant, and the same Mark will be made use of, for the same Purpose in future.

" 7thly. The Proposition with which I shall now conclude, I offer with much Diffidence and Hesitation. It has been the constant Subject of my Thoughts since our last Meeting, and, though I now incline to recommend it, I see the Objections to it in so strong a Light, as added perhaps to those which may be suggested by other Members of the Board, may induce me to change it; but I will briefly state it. The War having been notified to us, though not by Authority, yet confirmed by Evidence of such Strength as to amount to a Degree of Certainty next to absolute, shall we proceed upon it as upon the Grounds of a War declared and notified in all its Forms? Or shall we wait the Confirmation of it, which it is probable we may not receive for this Month or Six Weeks yet to come? The Consequence of our Determination on this Question, if in the Affirmative, will be instantly to detach a Military Force to guard the Approaches of Chandernagore, to demand the Surrender of that Town, and to appoint Commissaries to take Possession of the public Stores, Shipping, and private Effects of the Inhabitants. This combined Question I propose for the Determination of the Board.

" The First Question being considered, is agreed to."

" Ordered, That the Secretary to the Military Department do prepare and lay before the Board an Estimate of the Expence of the above Augmentation, and of that which will arise from the Increase of Men to the present Establishment lately ordered in the Military Department.

" The Second Question considered.

✂ " Mr. Francis.—On the Supposition that the Detachment now employed under Colonel Leslie will not return for a Length of Time into the Provinces, I acquiesce in the Proposal relative to Raja Cheit Sing; but I think he should be informed that this additional Charge will not be imposed on him beyond the Continuance of the present War.

§
Three additional Battalions.

Rajah Cheit Sing to raise Three Battalions.

" The Governor General.—The Qualification proposed by Mr. Francis is consonant to my Intention in the Question, and is implied in it. I should have no Objection to it's being expressed in an additional Clause.

" That our Resolution upon this Subject may be unanimous, I agreed to add to the Question the following Words, "and to be disbanded at the End of the War;" but perceiving that the Difference in our Opinion upon the Subject arises not from a Disagreement respecting the Requisition simply considered by itself, but from a different Understanding of the Right of the Company to exact, under any Pressure of Affairs, more than the Sum stipulated by the Sunnud granted to Cheyt Sing, and the Cubbooleat given by him in return, I must adhere to the Question as it stands, wishing to avoid the Question of Right. If, however, we cannot agree upon the Point, still I would wish to have the Requisition made in the Words of the Question, and leave the Decision of future Right to our Superiors.

" Mr. Wheeler.—Wishing to avoid the Question of Right, I acquiesce in the Motion; but I think it should be qualified in the Manner proposed by Mr. Francis.

" Mr. Barwell.—An Acquisition of Revenue and Military Force I suppose to have been annexed to the Grant of the Zemindarry of Benares and Gauzipore to the Company. Any military Establishment, independent of the English Administration, in the Heart of the Company's Dominions, may in the Time of Danger be turned against those Interests which, under another Policy, it would protect. I have long regarded the Military Establishment of Benares under the Rajah's native Officers, and not subject to the Discipline, Command, and Regulation of our own Battalions, as a Defect; I therefore most heartily agreed to the present Proposal, for Three disciplined Battalions to be kept up, and paid by the Rajah, and sincerely hope the Company will direct, that the whole Force of Benares and Gauzipoor, under the Zemindar, be placed upon the same Footing as the regular Military Force of the Presidency.

" The Governor General.—I agree to the Question in the original Form of it, deeming it a Right inherent in every Government to impose such Assessments as it judges expedient for the common Service and Protection of all its Subjects, and we are not precluded from it by any Agreement subsisting between the Raja and this Government.

" Resolved, That Rajah Cheit Sing be required in Form to contribute his Share of the Burthen of the present War, by the Establishment of Three regular Battalions of Sepoys, to be raised and maintained at his Expence, and the Governor General is to write to him to that Effect.]

" The Board agree to the Third Question.

" To the Fourth Agreed.

" Agreed to the Fifth.

" To the Sixth agreed. The following Letter is accordingly written to the Commander in Chief.

" To Brigadier General Seibbert, Commander in Chief, &c. &c. &c.

" Sir,

" Having received Intelligence, which we deem certain, that War has been declared between France and England, we think it proper to take the earliest Means to provide for the Safety and Defence of these Provinces. We have already agreed to raise and form Three additional Battalions of Sepoys upon the Plan recommended by you. We propose that Raja Cheit Sing should be required to entertain Three regular Battalions at his Expence, for his Part of the Burthen of the War,

✂ Militia established.
Marine additional.
Engineer to be consulted.

To the Commander in Chief.

War, and we shall immediately give Orders for re-establishing the Militia Corps for the Defence of the City of Calcutta.

" We have thought it necessary to acquaint you with the Preliminaries, and we now request that you will furnish us with such a general Plan of Defence as you shall judge advisable, in Addition to the present Disposition of our Army, and on the Supposition that the Detachment now employed under Colonel Leslie will not return for a Length of Time into the Provinces. When the same shall be completed, you will be pleased to notify it to us, that we may appoint a Day for your Attendance with it in Council.

" Fort William, 9th July 1778.

We are, &c."

Chandernagore to be seized.

" The Seventh Question is resolved in the Affirmative : And

" Agreed, That Lieutenant Colonel Dow the Commanding Officer at Burruchpoor, be immediately ordered to station Guards or Detachments of Sepoys on the Road leading to Chandernagore, with Orders to prevent the Transportation of any Goods or Effects from thence, and that he demand of Mr. Chevalier, the Commandant of Chandernagore, the Surrender of the Town, Shipping, Stores, and all other Effects, both public and private, into his Hands.

" Resolved, That the Quarter Master General be directed to furnish Lieutenant Colonel Dow immediately such Boats as he may require by Indent for this Service.

Mr. Leonard Collings to be appointed Commissary.

" Resolved also, That Mr. Leonard Collings be appointed Commissary to receive all such Goods and Effects belonging to the French at Chandernagore as Lieutenant Colonel Dow shall consign to his Charge, and that he be directed to form an Inventory of the Whole, as soon as possible, and transmit a Copy thereof to the Board.

" Agreed, That Mr. Collings be permitted to take with him any Writer in the Company's Service, who may, at this Time, be unemployed, if he should require a Person to assist him.

" Resolved, That the following Instructions be immediately issued to Lieutenant Colonel Dow.

" To Lieutenant Colonel Alexander Dow, commanding the Troops at Burruckpore.

" Sir,

" In consequence of a Declaration of War, which has been made between France and England, in London on the 18th March, and in Paris on the 30th March 1777, We do hereby order and command you immediately to station Guards or Detachments of Sepoys on the Roads leading to Chandernagore, with Orders to prevent the Transportation of any Goods or Effects from thence, and to demand from Mr. Chevalier, the Commandant at Chandernagore, the Surrender of the Town, Shipping, Stores, and all other Effects, both public and private, into your Hands. You will permit the Commandant, and such of the Inhabitants as will pass their Parole, to remain in quiet Possession of their Houses, and make Prisoners of them who shall refuse or evade it.

" In case of a Refusal to surrender the Town, Shipping, and Effects, as demanded, you will take Possession immediately by Force.

" You will be furnished with an Order to the Quarter Master General to supply you immediately with such Boats as you may require from him by Indent, for crossing the Troops over the River, for taking Possession of the Ships, and such other Services as may demand the Employment of Boats for the Execution of these Orders.

" As it is not likely, from the defenceless State of Chandernagore, that any Opposition should be attempted, we recommend it to you to shew all possible Lenity and Tendernefs to the Inhabitants in the Execution of these Orders, which however must be executed without any Delay or Reservation for further Instructions.

" We have appointed Mr. Leonard Collings, a Commissary, to take Charge of the Stores and Effects which may be delivered up to you. We therefore desire that you will cause them to be made over to him.

" Fort William, 9th July 1778.

We are, &c."

" Agreed, That Captain Robinson of the Star Armed Vessel do immediately proceed down the River, to seize all the French Vessels and Pilots which he may be able to find, and bring them to Calcutta.

" The following Letter is therefore written to him by the Secretary.

" To Captain Robinson, Commander of the Morning Star.

" Sir,

Order to Captain Robinson to seize the French Pilots.

" You are hereby directed to proceed down the River with this Tide, to seize all the French Pilot Vessels and Pilots which you may be able to find, and bring them up to Calcutta. A Pilot will be immediately sent on board you by the Master Attendant, who will furnish you with Orders to him, to point out to you such Pilot Vessels as may be in the Service of the French Nation.

" In the Execution of this Service the utmost Secrecy is to be observed.

" Council Chamber, 9th July 1778.

I am, &c."

" Ordered, That the Master Attendant do immediately send a Pilot on board the Morning Star, that he deliver sealed Instructions into the Hands of Captain Robinson, to convey the Ship down

down the River, and to point out all the Pilot Sloops or Vessels belonging to the French, that he may see or be able to get Intelligence of in the River.

" Resolved, That Orders be immediately dispatched to the Provincial Councils of Patna, Moorshedabad and Dacca, to take Possession of the French Factories at those Places, with all the Property belonging to that Nation, and to attach the Persons of all the Subjects of the French Nation who shall refuse to pass their Parole.

" The following Circular Letter is accordingly written to Patna.

" Gentlemen,

" In consequence of a Declaration of War which was made by the Court of Great Britain against France, on the 18th March last, and by France against England, on the 30th of the same Month, we do hereby order and command you to send a Military Force to the French Factory, to demand of the Chief the Surrender thereof, with all Stores and other Effects, both public and private, into your Hands. Such of the Inhabitants as will pass their Parole may be permitted to remain in quiet Possession of their Houses; but all the Subjects of France, either within the French Factory, or in other Places within the Limits of your Authority, who shall refuse or evade to give their Parole, are to be seized and made Prisoners.

" In case of a Refusal to deliver up the Factory, &c. as demanded, you will immediately take Possession by Force.

" You will cause an Inventory to be made of all the Effects which shall be delivered up, and transmit a Copy of the same to us, taking proper Care to preserve them untouched.

" Fort William, 9th July, 1778.

We are, &c."

" The same to Dacca and Cossimbuzar.

" Resolved, That the following Orders be immediately issued to the Commanding Officers of Berhampore and Dinapore:

" To the Commanding Officer at Burhampore.

" Sir,

" You are hereby commanded to pay immediate Obedience to such Orders as you shall herewith receive from the Chief and Council at Moorshedabad.

" Fort William, 9th July, 1778.

We are, &c."

To the Officers commanding at Dinapore and Berhampore.

" The same to the Commanding Officer at Dinapore, to obey the Orders received from Patna.

" There being no Brigade Sepoys at Dacca, an Order to the Commanding Officer of the Militia Corps stationed there, similar to the above, as that Corps is immediately under the Direction of the Provincial Council.

" Resolved, That the following Letter be written to the Dutch and Danish Settlements, and that they be transmitted to Lieutenant Colonel Dow, to be forwarded by him whenever he shall think proper:

" To the Director and Council at Houghly.

" Gentlemen,

" We have received Intelligence too well authenticated to doubt its Veracity, that War was declared by the Court of Great Britain against France on the 18th of March last, and by the Court of France against Great Britain on the 30th of the same Month. We have therefore thought it incumbent on us to take Possession of the Town of Chandernagore, and to attach all the French Property which shall be found in these Provinces; but as we think it probable that Endeavours will be used by the French to cover their Property under the Marks of Dutch or Danish Colours, to remove with it into the Limits of the Territories of those Nations, we expect, from the Friendship subsisting between your Nation and our's, that you will take effectual Means to discourage and prevent the Success of any Attempts of that Nature.

" Fort William, 7th July, 1778.

We are, &c.

" The same to Fredricknagore.

" Warren Hastings,
Richard Barwell,
P. Francis,
Edward Wheler."

The Managers for the Commons being asked, if they could produce the Instruments which passed on the Occasion referred to in the Evidence given Yesterday*; viz. the Sunnud, Potta, Coulnama, and Caboolat, acquainted the House that they could not; but wished the House to observe, that when the Governor General moved the Propositions read Yesterday, they were declared to be without Encroachment of the Rights of the Rajah,

* Vide Extract of Consultation, 4th Sept. 1775.

† Vide supra,
p. 37.

Rajah, and that they had read the Deeds and Instruments which passed between Shujah ul Dowlah and the Rajah, from the Consultation of the 4th of October 1773, given in Evidence on Tuesday †. However, with respect to the Sunnud, they believed they could make it out thus: That upon the 15th of April 1776, a Sunnud was prepared to be given to the Rajah Cheyt Sing: That that Sunnud was signed by the Board, but the Rajah refused to accept it on Account of a Clause contained in it, declaring all former Sunnuds to be null and void: That in consequence of this Refusal, the Board ordered a new Sunnud to be prepared, omitting the Clause to which the Rajah objected: That this new Sunnud did not appear; but that it seemed to be a fair Inference, that the Sunnud sent up the second Time, was the same as the former Sunnud rejected by the Rajah, omitting the objectionable Clauses; and therefore they would now read that Sunnud.

The Witness produced Book 50, intituled, "Bengal Secret Council, 4th March to 16th May 1776."

Read, the following Extracts from Bengal Secret Consultations, 15th April 1776.

Secret Dep.
Monday.

" At a Council; Present,
The Honourable Warren Hastings, Governor General, President,
Lieutenant General John Clavering,
The Honourable George Monson,
Richard Barwell, } Esquires.
Philip Francis, }

" Fort William, the 15th April 1776.

" The Secretary having prepared the Sunnud and Potta for Rajah Cheyt Sing's Zemindarry, now begs Leave to lay them before the Board, with a Copy of an Obligation to be executed by him for the Remittance of his Tribute.

" The Board having signed the former;

" Ordered, That they be transmitted to him, and Translations of all of them entered in their Place.

" Translation of the Sunnud granted to Rajah Cheit Sing, for the Zemindarry of Gauzipore, &c.

" Be it known to the Mutfudies in Office, present and to come, Canongoes Mukudums, Riotts Cultivators, to all the Inhabitants and People resident, and belonging to Circar Benaris, Gazy-pore, and Chunar, in the Soubah of Allahabad, that, Whereas by virtue of a Treaty with the Nabob Asoph ul Dowla, concluded on the 20th of Rubby ul Awal 1189 Hejree, or 21st May 1775, the Government and Sovereignty of the Circars abovementioned has been ceded to the Honourable East India Company, from the 4th of Jumma's ul Awal 1189 Hejree, or 4th July 1775. The said East India Company therefore, in virtue of the Rights thereby obtained, do confirm unto Rajah Cheit Sing, the Zemindary, Aumeeny, and Fonjedarry, of the said Sircars, agreeably to the Zemmin, together with the Cutwallies of Juanpoor and Benares, and the Mint of Benares, from the said Date; whatever Gold and Silver shall be coined in the Mint, the said Rajah shall coin in conformity to his Muchulka. He is not to be, in the smallest Particular, remiss in the Observation and Execution of the several Duties incumbent on him; he is to behave with Moderation and Kindness to the Riotts and People, to promote the Cultivation and Increase of Inhabitants, and Produce of the Lands, expelling Thieves, nightly Assaulters and Robbers, and so effectually punishing the Disturbers of the Peace, that no Trace of them may be seen; and he is to pay a Tribute of 23,40,249 Benares Mucklidar Rupees, or 22,66,180 Calcutta Siccars, annually to the Company's Treasury. Should he receive Orders to pay the above Revenue at Benares, he shall, in that Case, pay the Sum of 23,40,249 Benares Mucklidar Rupees, each Rupee to weigh 10 Massa, and to contain two Ruttie, and two Chowl of Alloy, and no more. Should the Weight be less, or Alloy more, he shall make up the Deficiency. Whenever the Money shall not be wanted at Benares, he is to remit the annual Amount of 23,66,180 Sicca Rupees punctually, agreeably to his Kists, and Muchulka*, by Monthly Payments at Calcutta. In Consideration of which, he shall be allowed a Deduction of Two per Cent. amounting in all to Sicca Rupees 44,434 : 14 : 5 Account Hindowany, or Exchange, which being deducted, the net Amount is 22,21,745 : 5 : 7 Sicca Rupees of Calcutta, which he is to pay at that Place. After the Settlements of Accounts at the End of the Year, he shall, in the customary Manner, receive Credit for his Payments; and he is by no means to collect the prohibited Abwaub of the Durgah of his Majesty. This Sunnud being granted, is to remain in Force, and all former Sunnuds to become null and void. You the Mutluddies, and Persons above-mentioned, are to regard the said Rajah as truly and lawfully possessed of the Zemindarry, Aumeeny, and Fonjedarry of the above Sircars; and to acknowledge his Authority in the several Acts appertaining thereunto. Know that we have here issued the most strict and positive Commands, and obey them accordingly.

* " This Word
afterwards or-
dered to be
struck out."

" Written on the 25th of Suffer, 27 Sun, or 15th April 1776.

(Signed) by the Governor General and Council.

" The

" The Zimmeen.

" The Office of the Zemindarry of Sircar Benares, Gauzipore, Chundara, the Cutwally, the Duties, and the Mint in the Soubah of Allahabad, have been conferred upon the great Chief Rajah Cheit Sing Behadire, also the Aumeeny and Foujedary.

" Mohals 19, viz.

- " Sircar Benares.
- " Chundara.
- " Sircar Gauzipore.
- " Mohals of Jaunpore, comprehending Maul and Duties.
- " Havily Mah^d abad Benares.
- " The Caus Daums, or for supplying Clothing to the King.
- " Pergunnah Bhadurry.
- " The Talook of Sukramow in Chundara.
- " Suktufgur.
- " Bidjeypore.
- " Sekunderpore.
- " Khireed Shadyabad.
- " Tuppa Serringa.
- " The Cutwally and Duties of Benares, Free.
- " Ditto Ditto of Jaunpore, Ditto.
- " The Mohal of the Mint of Benares, Ditto.
- " The Benares Mukeemi, or Brokerage.
- " The Sungurzenne, or Stone Weighing of Benares, and the other Mohals.
- " The Yantefauly, or Office of Muttuslaub of Benares.

" Copy of a Potta granted to Cheit Sing.

" This Potta, containing the underwritten Stipulations, is granted unto Rajah Cheit Sing Behadire. Sircar Benares, Gazypore, Chunar, and the Mohals of Sircar of Jaunpore, comprehending the Maul and Duties, Havily Mahomed Abad Benares, the Khaus Daums in Pergunna Bhadurry, Talook of Sunkeramow in Pergunna Chunar, Suktisgurra, Bejeepore, Sircar Gauzipore, Pergunnah Sekunderpore, Kheireed, Shadyabaud, Putna, Surrungen, including the Cutwally Duties of Jaunpore and Benares, the Mint of Benares, the Mookeymee, Yahtifaule, and Stone Weighing, both Maul and Duties, and the Dewanny Dultoor, excepting the Nancar of Half the Jaghier of Bhadurry, the exempted Jaghiers and Ayma which have been inferted for a length of Time in the Accounts as Deductions; all the Articles of the Tahud are settled upon you from the 4th of Jamaudy ul Awil 1189 Hejree, or the 4th of July 1775 English, at a Stipulation per Annum of 23,40,249 Mucklidar Benares Rupees, not short of the Weight of Ten Maffa each, and not containing a greater Portion of Alloy than Two Rutties, and Two Beringee, agreeably to your Mutchulka and Cabooleat. This Sum you will therefore pay, but should it not suit the Conveniency of the Company to receive it at Benares, you are to pay it in Calcutta in Sicca Rupees of Calcutta, amounting in which Specie to 22,66,180 Sicca Rupees, the Amount of Hindosaun, or Exchange allowed you, at the Rate of Two per Cent. is Rupees 44,434 : 14 : 5 which being deducted, the Net Sum will be 22,21,745 : 1 : 15 Sicca Rupees of Calcutta. This you are to pay, without the least Deduction or Depreciation whatever, in the Course of each Year, by Monthly Payments, agreeably to your separate Kistbundee. This you are to pay without any Allowance for Seebundey. You will remit the Money to Calcutta without fail conformably to the said Kistbundee.

" Particulars of the Tribute, (viz.)

" Former Cabooleat,	-	20,86,607
" Deduct—Nancar.	-	9,800
" Exempted Lands.	-	8,000
" Moaffy Fourth Part and Siry Sicca.	-	2,358
" One Half Jaghier of Bhadurry.	-	67,500
" Altungaw of Mussaummur }	500	
" Muraud Barnoo.		
		<hr/> 88,158
		<hr/> 19,98,449
" Add—Nuzzeranna.	90,000	
" Tuppa.	34,207 12	
" Mukeeme, &c.	1,800	
		<hr/> 1,26,007 12
" Encrease—Total	250,000	
" Deduct	34,207 12	
		<hr/> 2,15,792 4
Carry over,	" Benares Rupees,	23,40,249 °

Brought over, — “ Benares Rupees,	23,40,249
“ Batta to reduce them into Siccas	74,069
<hr/>	
“ Remains, Sicca Rupees	22,66,180
“ Deduct Hindooaun	44,434 : 14 : 5
<hr/>	
“ Remains net Amount in Siccas	22,21,745 : 1 : 15

“ Written on the 26th of Suffer 17th Year, or 15th April 1776.
Warren Hastings.
J. Clavering.
R^d Barwell.
P. Francis.”

The Managers for the Commons stated, that they would next proceed to shew the Objections made to this Sunnud and Potta, by the Rajah Cheit Sing, as contained in a Letter from Mr. Fowke, the Resident at Benares, dated 17th July 1776, and the Proceedings of the Council thereupon.

The Witness produced Book 52, intituled, “ Bengal Secret Consultations, 1st July to 30th September 1776.”

Read, the following Extracts from Bengal Secret Consultations, 29th July 1776.

“ Fort William, the 29th of July 1776.

“ At a Council; Present,

The Honourable Warren Hastings, Governor General, President.

Licutenant General John Clavering.

Richard Barwell, } Esquires.

Philip Francis, }

The Honourable George Monson, indisposed.

“ Honourable Sir, and Sirs,

“ I am honoured with the Receipt of your Commands, dated 24th June, directing the Erasure of the Word “ *Muchulka*,” in the Sunnud and Potta which accompanied Mr. Auriol’s Letter of the 26th April. I have, in Consequence, acquainted the Rajah with your Orders upon this Subject, and have called upon him to receive the new Sunnud and Potta, and to execute his Caboleat. He has declined the Acceptance of the Sunnud and Potta, for which he assigns these Reasons; that any Erasure in a Sunnud or Public Deed is totally unprecedented in the Usages of this Country; that the Clause in the Sunnud by which the former Sunnuds are declared to be null, is likewise contrary to Custom and Practice; and further, that in the above Clause, the Word “ *Sunnud* ” being used in the plural Number, the Counama, which he received with the former Sunnud and Pottah, is thereby likewise rendered void and of no Effect. The Rajah objects to the Execution of the Caboleat on Account of the Clause it contains, by which the former Sunnuds are annulled. He declares himself ready to return the old Sunnud and Pottah upon Receipt of the new ones; and has requested that a Representation of the above Circumstances may be made to your Honourable Board.

“ Benares,
17th July 1776.

“ I am, &c. &c.

“ (Signed) Francis Fowke.”

“ Ordered, That the Secretary prepare a new Sunnud and Pottah, omitting the Word “ *Muchulka*,” and the Sentence declaring the former Sunnuds to be null, and that these be transmitted to Mr. Fowke, with Directions to receive back the temporary Pottah and Grant which were first allowed him.”

“ Resolved, That the following Letter be written to Mr. Fowke.

“ Sir,

“ We have received your Letters of the 15th and 17th inst.

“ In Compliance with the Request of Rajah Cheit Sing, we have ordered the Sunnud and Pottah for his Zemindarry to be made out anew; with the Omissions which he has solicited, and we shall retain these Grants to be exchanged for the Caboleat to be executed on his Part, which his Vackeel has promised to obtain from him.

“ You will receive back from the Rajah the temporary Grants which you delivered to him on your Arrival at Benares, and return them to us, or let him do it through his Vackeel; the Sunnud and Pottah, formerly sent you by the Secretary, you will also transmit to us.

[At the End of the Letter.]

“ We are, &c. ”

Secret Dep.
Monday.

The Managers for the Commons being asked, if they had any Evidence to shew whether the First Sunnud was returned, according to the Order of the 29th July 1776, just read; and also, whether the Second Sunnud was ever executed, acquainted the House that they had laid before them all they knew, or could find upon the Subject. That they would now return to the Evidence they were about to give when the above Enquiry after the Sunnuds, &c. was made, namely, to shew that the Demand of Three Battalions from the Rajah Cheyt Sing, proposed by Mr. Hastings in the Consultation of the 9th July 1778*, was converted into a Demand of Five Lacks of Rupees.

* Vide supra; Page 66.

The Witness produced Book 14, intituled, "Bengal Secret Consultations, 17th August 1778, to 25th January 1779."

Read, the following Extract from Bengal Secret Consultation 17th August 1778, from Page 12, same Book.

"Fort William, the 17th August 1778.

"At a Council; Present,

The Honourable Warren Hastings, Governor General, President.

Richard Barwell,
Philip Francis,
Edward Wheler, } Esquires.

"The Governor General delivers in the following Minute.

"The Governor General lays before the Board the following Letter from Rajah Cheit Sing, and informs the Board, that having called upon Ally Nucky, the Rajah's Vackeel, for an Explanation of his Master's further Sentiments upon the Subject of it: he received the following Answer from the Vackeel, being the Substance of a long Conversation, viz. That his Master was, at all Times, ready to pay Obedience to the Commands of the Board, and to afford every Proof of his Attachment to the Company; and that the Rajah had authorized him to declare his Acquiescence in the Requisition of a Subsidy, equal to the Expence of Three Battalions of Sepoys for the Service of the War.

The Governor General's Minute on Rajah Cheyt Sing's Acquiescence to defray the Expence of Three Battalions of Sepoys.

"The Vackeel contended much for fixing the Sum of the Subsidy at Three Lacks of Rupees. The Governor told him, it could not be less than Five, and received his Consent, in his Master's Name, and in virtue of the Authority which he derived from the Rajah, to the Payment of that Sum for one Year; his Authority extending no further.

"The Governor General is of Opinion, that as the Rajah's Consent has been expressed with such a Limitation, and eluded in his written Answers, the Payment of the Subsidy ought not to be left subject to the Contingencies which the Course of the Year may produce, but immediately demanded. He computes, that the Amount of Three Battalions of Sepoys on double Batta, exclusive of Tents, Arms, and contingent Charges, will amount to Rupees 4,76,000.

"On these Grounds he moves, that the Subsidy to be paid by Rajah Cheit Sing, for the Maintenance of Three Battalions of Sepoys during the Course of the War, be fixed at the annual Sum of Five Lacks of Muchledar Rupees; and that he be immediately required to pay that Sum into the Hands of the Resident Mr. Thomas Graham.

"(Signed) Warren Hastings."

"Mr. Francis.—I acquiesce, tho', in my own Opinion, it would answer as well to us, and be less distressing to the Rajah, if the Subsidy were added, in equal Proportions, to the Monthly Gifts of the Tribute.

"(Signed) Philip Francis.

"I agree. (Signed) Richard Barwell.

"Agreed. (Signed) Edward Wheler."

"From Maha Rajah Cheit Sing, received 30th July.

"I have been honoured by the Receipt of your gracious Letter, communicating the Intelligence of a War having broke out between the Courts of Great Britain and France, and desiring me to take on myself a Share of the Burden of Expence. My Patron, I am the Servant of the Sircar. I will write you more fully hereafter. On all Occasions, I am hopeful of your Highness's Favour and Support.

"Resolved, That the following Letter be written to Mr. Graham, and that Notice of the Board's Resolution be given to the Persian Translator, that a Letter be accordingly prepared to be sent to Rajah Cheit Sing."

"Sir,

"Thinking it necessary that Rajah Cheit Sing should be required to contribute his Share to support the Burthen of the present War with France; we resolved that Three Battalions of Sepoys should be raised and maintained at his Expence; and the Rajah, in Answer to a Letter which the Governor

To Mr. Graham.

Governor General wrote to him on the Occasion, having, by Means of his Vackeel, agreed to pay a Subsidy of Five Lacks of Muchlidar Rupees for one Year, but not authorized his Vackeel to extend his Acquiescence further. We deem it necessary, and have accordingly ordered that the Rajah shall immediately pay this Sum into your Hands; you will therefore receive the same from him, and remit the Amount of it to the Presidency.

“ We are, &c.”

Notice being taken that the Evidence, as to the Change of the Demand from Troops to a Sum of Five Lacks of Rupees, was, as far as appeared at present, incomplete, in as much as it was not distinctly shewn from whom, or how that Change originated; the Managers for the Commons were asked, “ Whether they had any Evidence of the Change of the Proposition made for a Supply of Three Battalions of Troops to that of a Sum of Money, beyond what appears in the Minute delivered in by the Governor General on the 17th of August 1778 ?”

The Managers for the Commons made Answer, That no other Evidence appeared. But as it was a Matter sufficiently notorious that the Governor General is the Person who officially communicates, on the Part of the Company, with the Vackeels of all the foreign Princes, they conceived it to originate from the Conversation which the Governor General, in the abovementioned Minute of the 17th of August 1778, states to have passed with the Vackeel of the Rajah.

To prove the Demand of the Five Lacks made upon the Rajah; the Request of the Rajah to pay them by Instalments,, and that upon the Proceedings in consequence of that Request, one of the Council dissented materially upon the Question of Right;

The Witness was directed to produce Book 21, intituled, “ Bengal Council, 2d September to 22d October 1778.”

Read, the following Extracts (beginning at Page 362, of the same Book) from Bengal Secret Consultation of the 28th of September 1778.

“ Fort William, 28th September 1778.

Public Dep.
Monday.

“ At a Council; Present,
The Honourable Warren Hastings, Governor General, President;
Richard Barwell,
Philip Francis,
Edward Wheler, } Esquires.

“ Read the following Letter from Mr. Graham, Resident at Benares:

“ I think it necessary to inform you, that notwithstanding Seventeen Days are elapsed since your Orders arrived here, directing the Rajah to pay into my Hands the Subsidy he had agreed to pay of Five Lacks of Muchlidar Rupees, he has not yet paid me One Rupee, and offers as a Reason his Inability to discharge the Whole at once, and requests me to receive it by monthly Payments. Your Honourable Board's Orders authorizing nothing of the Kind, I have acquainted him that it is impossible for me to come into his Request, and have repeated my Requisition, which I have indeed been urging every Day since the Receipt of your Orders, to pay me the whole Amount as speedily as possible.

“ I have the Honour to be, with the highest Respect,
Honourable Sir and Sirs, &c.

“ Benares, the 14th Sept. 1778. (Signed) THOMAS GRAHAM, Resident.”

“ The Governor General lays before the Board the following Letter from Rajah Cheyte Sing :

“ From Raja Cheyte Sing, 28th Sept.

Rajah Cheyte
Sing.

“ I have been honoured with your gracious Letter, desiring that I will, as a Subject of the Company, take on myself the Payment of Five Lacks of Muchledar Rupees, as my Proportion of the Expences of the present War, and pay them to Mr. Graham. Although I have no Ability left, and the great Burthen of Expence I laboured under from the Time of the Decease of the late Raja, till the Expiration of the Nabob Vizier's Authority over me, is well known to God and your Excellency, yet, solely with a View to Compliance with your Orders, and to prove my Fidelity, having fold and pledged every Thing belonging to me, I will make good the aforesaid in Instalments in Six or Seven Months, although by parting with my Effects, which are clearly necessary, I am left in a

State of Inability for the future; yet you will shew me much Favour that I shall again recover myself.

“ As a Time is required for the Sale of my Effects, and raising the Money, I hope, from your Kindness, that the Officers of Government may take from me, in different Payments, the said Sum in Sonant Specie, as I shall not be able to procure this Sum in Muchledar Rupees; and that you will be graciously pleased to affix your Signature to my Requests, that I may apply myself with Satisfaction and Assiduity to the Business of the Sirkar.”

“ Governor General.—The Substance of this Letter, and the Requisition made by the Rajah to Mr. Graham, differ so much from the cheerful and ready Acquiescence with * the Rajah's Vakeel, Shaick Ally Nucky, made in his Master's Name to the Demand made on him for this Subsidy, that I think it necessary, for my own Justification, to call upon the Secretary to certify the Accuracy of my Minute delivered on the 17th August, containing the Assent expressed by the Vakeel, in his Master's Name, to the Payment of the Subsidy. * Sic in Orig.

“ The Secretary acquaints the Board, that the Governor General delivered to him the Minute above mentioned, previous to his laying it before the Board, with Orders to explain the Contents of it to the Rajah's Vakeel, that it might correspond with the Acquiescence which he had delivered; he accordingly communicated the Minute to the Vakeel, and received from him a Confirmation of the Terms therein expressed.

“ The Governor General moves, That Orders be written immediately to Mr. Graham, that he do, on Receipt of them, demand of the Rajah in Person, the Payment of the entire Sum of Five Lacks of Rupees in the Space of Five Days, and declare to him in the Name of this Board, that his Refusal or Neglect to complete the Payment within that Time, shall be deemed equivalent to an absolute Refusal, and that he be forbidden, in that Case, to hold any farther Intercourse with the Rajah until he shall have advised us of the Particulars of the Raja's Conduct in this Instance, and receive our Orders in Consequence.

“ Mr. Francis.—I beg leave to ask, Whether there be any Letter from the Raja himself to the Governor, in which his Consent to pay the Five Lacks, in the Manner agreed to by the Vakeel, is expressed, or the Vakeel's Engagement to that Effect confirmed.

“ Governor General.—All the Rajah's Letters will be found in the Book of Persian Correspondence, to which I refer; but I well recollect that the Assent given by the Vakeel was expressed in Terms the most peremptory that could be conceived, either confirmed by an Oath, or his own Life pledged for the Performance of it. My Minute was drawn up from Heads of what passed in Conversation with the Vakeel, and when it was explained to him by Mr. Auriol, he was very desirous of correcting a Part of it, which made the Acquiescence of the Rajah appear too general, and that it might be specifically limited to One Year; his Powers, he added, extended no further. The Correction was accordingly made upon the Spot in the Room adjoining to this, and the Minute immediately recorded. I desire the Secretary to mention whether this agrees with his Recollection of the Matter.

“ The Secretary very well recollects the particular Circumstances alluded to by the Governor General, and therefore offers his Testimony, that the Vakeel declared he was authorized to acquiesce in the Subsidy for One Year, but no longer, and desired that the Requisition might be limited to that Time.

“ The Minute was before indefinite.

“ Mr. Francis.—I have no Sort of Doubt of the Reality of the Engagements made by the Vakeel; the Question is whether they are Acts of the Rajah, or made by sufficient Authority from him. If the Vakeel had even a Letter of Credence relative to the Point in Question, it would be sufficient. If he had, it must appear on the Persian Correspondence, and I desire the Secretary will read it.

“ Governor General.—I have looked over the Book of Correspondence. There are but Two Letters upon the Subject. The First, a Letter recorded in Consultation the 17th of August, acknowledging the Receipt of mine, which contained the first Requisition of the Five Lacks, and promising an Answer. The Letter recorded on this Day appears to be that Answer, as it begins with an Acknowledgment of the first Letter, and a short Recapitulation of its Substance. My first Letter was written on the 11th July, Two Months and Seventeen Days from this Date. If an Answer from the Vakeel, during so long an Interval, was not to be deemed authentic, the Rajah's Silence was more disrespectful than a direct Refusal; but if it be admitted as an Exculpation, his surest Remedy against any Act of Government will be a Refusal to make any Reply to its Demands. I will not conceal from the Board, that I have expected this evasive Conduct in the Rajah, having been some Time past well informed, that he had been advised in this Manner to procrastinate the Payments of the Five Lacks, to afford Time for the Arrival of Dispatches from England, which were to bring Orders for a total Change in this Government; and this, he was given to expect, would produce a Repeal of the Demand made upon him by the present Government. On intimating my Suspicions of such a Design to the Vakeel, he promised he would write in so effectual a Manner to his Master, as should, without Fail, induce him to make an immediate Payment of the Subsidy. He, this Morning, informed me, that his Letter was dispatched on the 12th of this Month; its Effect ought by this Time to have shewn itself. Sufficient Time will have been given to the Rajah to obey the Authority of the Board by the Arrival of the Orders which I have now proposed;

proposed; and whether, in that Interval, he shall ratify the Act of his Vakeel or not, I shall consider of little Consequence. If the Board will support their own Authority, he shall be made to yield to it.

“ Mr. Francis.—There is no Question, but the Rajah must yield to the Power of this Government; and I shall be as ready as any Member of this Board, to support its Authority, as long as its Power is directed by Justice. I did from the first express a Doubt, whether we had strictly a Right to encrease our Demands upon the Rajah beyond the Terms which we originally agreed to give him, which he consented to, and which, as I have constantly understood it, were made the fundamental Tenure, by which he held his Zemindary. If such Demands can be encreased upon him at the Discretion of the superior Power, he has no Rights; he has no Property; or, at least, he has no Security for either. Instead of Five Lacks, let us demand Fifty; and whether he refuses, or is unable to pay the Money, the Forfeiture of his Zemindary may be the immediate Consequence of it, unless he can find Means to redeem himself by a new Treaty. Having this Opinion of the Demand itself, as it originally stood, it cannot be deemed extraordinary in me, that I should proceed with very great Caution in enforcing any Penalties, which may be proposed to attend his not instantly complying with it. It appears that the Engagements made by the Vakeel have not been confirmed by the Rajah; and that the Vakeel had not even a Letter of Credence from his Master. I know the Temper of black Servants too well to punish their Principals for any Acts done by them, or even to hold them bound by such Acts, if not expressly or virtually confirmed by themselves. I do not mean by what I have said, that the Board should give up the Demand, which they have already thought fit to make of the Rajah. That Resolution being passed, it only remains for us to take Care that it should be carried into Execution without Harshness or Violence. The Rajah must pay the Money if he has it; but I cannot conceive, why we should insist on his paying it all at once. We do not instantly want it; and it may distress him in the greatest Degree to part with such a Sum at a single Payment. My Opinion is therefore, that the Liquidation of the present extraordinary Demand upon him should be settled by Kistbundy; and that he should be assured at the same Time, that this Board will not make any further Demands upon him. Under such a Settlement, unanimously agreed to, it is not likely that the Rajah will delay or evade a due and regular Execution of it, from any Hopes he may conceive of future Relief by a Change in this Government.

“ The Governor General.—The very Demand is itself a Proof that the Rajah expects such Relief; and with Respect to his Ability to pay the Sum so long demanded from him, or even Ten Times that Amount, I speak within Compass, no Man can doubt of it. The Acts of the Majority of the Board are the Acts of the Board. When the Person who is the immediate Object of them stands so high in the Public Estimation, and holds Pretensions, as it appears this Rajah does, to a Sovereign and Independant Authority, such Acts once past ought never to be revoked: The Demand made upon the Rajah was for immediate Payment, the Demand ought to be supported rigidly; but I will so far yield to the Necessity of the Times, weakening as it may prove to the Powers of this Government, at a Crisis, which of all others demand their most vigorous Exertion, as to consent to a Compromise. The Rajah has requested, that he may be allowed to pay the Sum required of him by Instalments, within the Space of Six or Seven Months; I will consent to pardon his past Contumacy and Disobedience, on Condition of his consenting to pay the entire Sum within Three Months, which Time will have elapsed before the Orders now sent to Mr. Graham can take Effect, although not a Rupee shall have been received, to that Period, of the Payments which, by his own Proposal, ought to be half completed. I desire that what I have said may not be misunderstood. I mean only to shew, that instead of the Harshness and Rigour which have been imputed to this Government in its present Conduct to the Rajah, he has been treated with a Lenity almost equal to the Substance of his own Demands. I think it unnecessary to reply farther to Mr. Francis's Minute, as I desire only to obtain his Consent to a Measure upon his own Principles, which I understand to be, that a public Measure, nay, even an Opinion of Government once passed, ought to be invariably supported, even by those who opposed it in the first Instance.

“ Mr. Francis.—It is generally true that a Resolution of Government once passed should be supported; but, where the Rights of others are concerned, it is only true with this proviso, that such Resolutions are not directly contradictory to the Principles of Justice, or to the voluntary and fundamental Engagements of the Government itself. This Board was already bound to the Rajah by certain Acts of their own, not carried by a Majority, but unanimously agreed to. I desire that they may be recorded in this Place, as I find them stated in our Instructions to Mr. Fowke.

“ Mr. Fowke, of the 24th August 1775.

4. “ It will be proper to assure the Rajah, that we do not mean to increase his Tribute, but to require from him the exact Sum, and in the same Species of Rupees, to be paid at Benares, as he paid to the late Vizier Sujah Dowlah, besides whatever Equivalent may be fixed for the Grant of the Mint and Cutwally to him; the Whole to be discharged by equal monthly Kists; and if we should find it expedient hereafter to receive the Amount at the Presidency, a suitable

“ able Deduction, or Commission, shall be allowed to him for the Expence and Risk of transporting or remitting it.

“ 5th. That under the acknowledged Sovereignty of the Company, we are determined to leave him the free and uncontrouled Management of the internal Government of his Country, and the Collection and Regulation of the Revenues, so long as he adheres to the Terms of his Engagements, and will never demand any Augmentation of the annual Tribute which may be fixed.”

“ If the Opinions of the individual Members, who then composed the Board, should be looked back to, I believe it will appear that the Amount of the Tribute was fixed at a higher Sum than the Governor General then thought the Rajah ought to pay. This, however, is immaterial; I only mean to shew that I adhere to my Principles, and that the Doubts which I have constantly expressed of the Justice of encreasing our Demands upon the Rajah, which, if done at all, may be done *ad libitum*, were not ill founded.

“ Governor General.—I must object to the Term “unanimous,” applied to any Resolution passed at the Period to which Mr. Francis alludes, merely because my Dissent was not expressed to it. The Quotation from Mr. Fowke's Instructions related only to the fixed and annual Revenue, but could never be understood to preclude that Right which every Government inherently possesses to compel all its Dependencies to contribute, by extraordinary Supplies, to the Relief of extraordinary Emergencies; but though it were granted that this Injunction given to Mr. Fowke did extend to every Mode of Supply, still the Argument will not apply to the present Question. The present Demand for the Subsidy, just or unjust, was made unanimously, and therefore, even on that Ground alone, ought to be unanimously supported.

“ Mr. Francis.—Understanding that the instant Payment of the Five Lacks is still to be demanded in the Terms of the First Proposition, and that no Relaxation from these Terms was intended, I am against the Motion.

“ Mr. Wheler.—I am for the Question; but am further of Opinion, that it should be left to Mr. Graham to determine whether to enforce Payment of the Sum required of the Rajah for the present Exigencies of Government by one Payment, or whether to receive it by different Installments, not exceeding Three Months from the First Payment to the Completion of the Whole.

“ Mr. Barwell.—The Facts that have been related to the Board by the Governor General, speak the absolute Necessity of the Motion that has been agitated. In these Sentiments it is incumbent on me to support it; and I think, that, in Order to its full Efficacy, the Governor General should be empowered to pursue such Means as may secure the Government from a Possibility of a further Disappointment.

“ Governor General.—I cannot consent to the Qualification of the present Motion, recommended by Mr. Wheler, for the Reasons I have already assigned. With respect to the Proposition implied in Mr. Barwell's Minute, I shall take an early Occasion to offer my Sentiments upon it, desiring the Subject to rest here for the present.

“ Mr. Francis.—If Mr. Barwell, in his Minute, means to give the Governor General, by his Voice, any Powers whatsoever, independent or exclusive of the Board, I must request he will be pleased to explain himself. I am sure that no such Powers can be wanted on the present Occasion.

“ Governor General.—I beg that the Debate, which is now unnecessary, may end. The Morning has already been lost in Words. As nothing more is proposed to be done, I hope it is unnecessary that more of our Time should be consumed in ineffectual Debates, even without a professed Object.

“ Agreed that the following Letter be written to Mr. Graham:

“ Sir,

“ We have received your Letters of the 15th July, 9th August, and 14th instant.

“ We cannot consent to the Request of Rajah Cheyte Sing, to be allowed to pay the Amount of his Subsidy, for the Expence of the present War for one Year, by monthly Kists. Our Orders communicated to him by the Governor General for the immediate Payment were positive; we therefore confirm those Orders, and direct that on Receipt hereof you wait on the Rajah forthwith, and demand of him, in Person and by Writing, the Payment of the full Sum of Five Lacks of Muchlidar Rupees, the Sum at which the Subsidy is fixed, in Specie to that Amount, to be made to you within Five Days of such Demand; and declare to him in the Name of this Government, that his evading or neglecting to accomplish the Payment thereof within that Space, shall be deemed equivalent to an absolute Refusal; and in Case of his Noncompliance with your Demand, we peremptorily enjoin you to refrain from all further Intercourse with him, until you shall have advised us of the Particulars of his Conduct in this Instance, and received our further Orders on the Subject.

“ We are, &c.

“ Fort William,
the 28th September 1778.

Warren Hastings,
Richard Barwell,
Philip Francis,
Edward Wheler.”]

To prove Payment of the Five Lacks of Rupees by the Rajah Cheyt Sing, and an Acknowledgement of the Receipt thereof;

Read, Extract from Bengal Secret Consultation of the 12th October 1778, beginning at Page 567 of the same Book.

" Fort William, 12th October 1778.

" At a Council, Present,
The Honourable Warren Hastings, Governor General, President.
Philip Francis, } Esquires.
Edward Wheler, }
Mr. Barwell indisposed.

" The Secretary lays before the Board the following Note from the Governor General:

" Sir,

" I herewith send you Four Bills of Exchange, this Instant delivered to me by Shekh Ally Vuckee, the Vackeel of Rajah Cheit Sing, being for Four Lacks and a Half of Rupees, which, with Fifty thousand Rupees paid to Mr. Graham, complete the Sum of Five Lacks required of the Regah for the extraordinary Expences of this Year.

" Saturday Morning,
10th October 1778.

I am, &c.

(Signed) Warren Hastings."

" Ordered, That the Bills be sent to the Treasury, and that the following Letter be written to Mr. Graham:

" Sir,

" Rajah Cheit Sing has, by Means of his Vakeel, remitted Bills of Exchange to us for the Sum of Four Lacks and Fifty thousand Rupees, which, with the Amount paid into your Hands, will complete the Subsidy of Five Lacks, required as his Proportion of the Burthen of the War with France for the present Year: We therefore direct, that you refrain from the Execution of the Orders contained in our last Letter.

" We are, &c.

" Fort William,
the 12th October 1778.

Warren Hastings.
P. Francis.
Edward Wheler."

To shew what the Governor General's Opinion was of the State of the Bengal Treasury at the Period above mentioned, the Witness was directed to produce Book 13, intituled, " Bengal Secret Consultations, from 1st June to 10th August 1778."

Read, the following Extracts from Bengal Secret Consultation, 10th August 1778, beginning at Page 695 of the said Book *.

" Fort William, the 10th August 1778.

" At a Council, Present,
The Honourable Warren Hastings, Governor General, President.
Philip Francis, } Esquires.
Edward Wheler, }
Mr. Barwell indisposed.

" The Proceedings of the 6th instant read and approved. Mr. Barwell having sent in the following Minute to the Secretary, it was circulated agreeably to his Desire.

Mr. Barwell's
Minute on the
Resources of
Bengal.

" Mr. Barwell.—In considering the present State of the Treasury, a comprehensive View is doubtless proposed of the actual existing Riches of the State to be commanded to any immediate Exigency of Government, and not depending on Events, or a Revenue, the Receipt of which may be rendered precarious by the Approach of a foreign Enemy.—To effect this, it will be necessary to state in Account the real unappropriated Treasure, this Instant in our Possession: By unappropriated Treasure, I mean all Sums of Money, whether in the Treasury of Calcutta, or elsewhere, not subject to the current Disbursements of Government, and totally distinct from the Annual Revenue, which I shall regard as appropriated to Civil and Military Purposes, and to Remittances to Bombay and China: And to obviate Doubts as to the Sufficiency of this Allotment, I have annexed official Estimates of the Receipts at the Presidency for the Four ensuing Months of August, September, October, and November. All possible internal

* The Passages marked with this Bracket [, and the Hand pointing to it, infra Page 82—3, are the Passages in this Consultation which were at first particularly referred to by the Managers for the Commons; but Notice being taken that it was necessary the Whole of the Estimate should be stated, the Managers for the Commons said they delivered in the Whole as Evidence.

Demands thus shewn to be provided for, we hold at this Instant the following Sums in round Numbers.

" Balances of Calcutta Treasury,	—	—	—	54,00,000
Balance in the Hands of the Paymasters, &c. Military, stated by the	—	—	—	
Paymaster General,	—	—	—	23,00,000
Deduct for all possible Disbursements since the Board's Call for a State	—	—	—	7,00,000
of their Balances	—	—	—	16,00,000
Cash in the Hands of the President of Oude ordered to the Presidency, the Receipt of this Sum cannot be doubted, as it is entirely unappropriated to any Civil or Military Expence	—	—	—	32,00,000
Computed Batta or Assay, at least	—	—	—	3,20,000
				35,20,000
Total Amount of Government's unapplied Cash	—	—	—	1,05,20,000
" The reduced State of the Treasury, therefore, is merely ideal, and the Government is only in such Degree poor, as the Treasure existing has been less concentrated. I am against the Loan."				

“ ACCOUNT KISTBUNDEE of the Provincial Councils for Four Months.

	Bandun.	Affin.	Cawtick.	Augur.	T O T A L.
Burdwan	2,75,577 — — —	4,45,017 — — —	4,15,042 — — —	10,37,567 — — —	21,73,203 — — —
Calcutta	5,24,751 8 — —	2,75,218 — — —	1,68,734 6 — —	5,93,858 8 3 1	15,62,562 6 3 1
Chittagong	73,630 4 5 —	73,650 4 5 —	73,701 4 5 —	90,044 4 3 —	3,11,026 — 18 —
Dacca	3,35,042 — — —	2,54,597 — — —	2,68,245 — — —	4,41,021 — — —	12,98,905 — — —
Dinagepoor	6,05,089 15 3 2	2,74,966 4 12 1	1,50,719 15 2 2	6,21,443 1 16 3	16,52,319 4 15 —
Moorshedabad	5,01,210 4 — —	2,51,667 — — —	1,59,690 10 — —	7,56,443 14 — —	16,69,011 12 — —
Rajmehal	17,712 4 — —	10,093 6 8 —	3,369 12 — —	24,006 4 — —	50,981 10 8 —
Boglepore	— — —	14,875 — 2 —	18,510 — — —	27,718 — — —	61,203 — 2 —
Subah Behar	— — —	2,05,903 15 — —	2,61,311 4 — —	4,18,687 5 — —	8,85,902 8 — —
Banghu	2,401 — — —	4,601 — — —	4,700 — — —	5,400 — — —	17,102 — — —
Tipperah	10,000 — — —	10,000 — — —	10,000 — — —	18,000 — — —	48,000 — — —
Rupets	23,40,414 3 8 2	18,20,588 14 7 4	15,34,124 3 7 2	40,34,989 5 3 —	97,30,116 10 6 1

(80)

“ Fort William, the 25th July, 1778.

Errors excepted.

(Signed)

CHARLES CROFTES,

Accountant General to the Revenue Department.”

" An ACCOUNT Charges, Civil, Military, and Advances for Investments, for Four Months.

	Civil Charges for Baudun to Augun, inclusive.	Military Charges for Baudun to Augun, inclusive.	Investment for Baudun to Augun, inclusive.	T O T A L.
Burdwan	3,22,272 — — —	— — —	— — —	3,22,272 — — —
Calcutta	1,68,284 — — —	— — —	— — —	1,68,284 — — —
Chittagong	66,748 — — —	61,266 — — —	45,700 — — —	1,73,714 — — —
Dacca	1,29,128 — — —	20,000 — — —	3,51,515 — — —	5,00,643 — — —
✕ Dinagpore	1,37,868 — — —	41,000 — — —	2,02,741 — — —	3,81,609 — — —
Moorthedabad	14,34,936 — — —	4,82,619 — — —	2,00,000 — — —	21,17,555 — — —
Rajmehal and Boglepore	1,07,272 — — —	10,000 — — —	14,127 — — —	1,31,399 — — —
Subah Behar	1,27,832 — — —	4,19,216 — — —	3,64,587 — — —	9,11,635 — — —
Ramghur	10,040 — — —	— — —	— — —	10,040 — — —
Rupees	25,04,380 — — —	10,34,101 — — —	11,78,670 — — —	47,17,151 — — —

[8]

" Fort William, the 25th July, 1778.

Errors excepted.

CHARLES CROFTS,

Accountant to the Revenue Department."

" Total of the Kistbundee for 4 Months, or from Aug. to Dec. 1777 — — — —		Rup' 97,30,116 10 6 1
Deduct Total of Charges Civil and Military, and advance account Investment — — — —		47,17,151 — — —
Overplus Rupees —		50,12,965 10 6 1
Add Receipts from Cheit Sing		
4 M ^{rs} , at 1,85,145, 6, 9 per M ^o , is S ^r R ^r		7,40,581 11
D ^r , Board of Customs, estimated at what was received from thence in the 4 Months of last Year		3,50,000
D ^r , Sea Customs, D ^r — —		60,000
		11,50,581 11
Sicca Rupees — —		61,63,547 ^o 5 6 1
P ^r Cur ^t Rupees — —		71,49,714 14 5 Piece.
Fort William, the 25th July 1778.		
Errors excepted.		

Charles Croftes,
Accomp^t Gen^l to the Rev. Dep^t."

" The Governor General having also sent in the following Minute, it was circulated.

" Mr. Francis has assigned Two distinct Motives for his Proposal of opening the Company's Treasury for a Loan of 50 Lacks of Current Rupees, at an Interest of 5 per Cent. First, to secure a Provision against a Deficiency in our ordinary Supplies. Secondly, to afford a Relief to the wealthy Inhabitants, who, for the Want of such a Security for their Specie, might be induced to secrete it.

" The other Reasons enumerated by Mr. Francis depending on these, I shall not separately examine them.

" In the first Place, it appears to me that Mr. Francis has been misled in his Computation of our actual Means, by forming it entirely in the Amount in our Treasuries at the Presidency, without taking any Notice of the Balances in the Provincial Treasuries, and in the other Departments, in which they constitute, or at least ought to constitute, as much a Part of our present Assets, as if they were all deposited in the principal Treasuries. But this Error has been so ably rectified by Mr. Barwell, that it is unnecessary for me to add any Thing to his Observations. I shall take up the Subject in another Point of Light, and in that in which alone it can, according to my Conception of it, be regularly viewed, or indeed without involving it in infinite Intricacy, as the Debate upon the Means of the actual Hour must be continually varying, and the Conclusions upon it, even while they are forming, falsified by the Difference between the real and estimated Amount of each Day's Receipts and Disbursements.

" I shall therefore consider the Subject in its Relation not to a partial Period, but to the whole Year, and shew that instead of the Deficiency which Mr. Francis apprehends, we shall have a large Supply of Cash at the End of it, and that therefore any Addition made to it by a Loan, will not only subject the Company to an unnecessary Loss of 2½ Lacks of Rupees, but lock up the greater Part of the Amount from Circulation, into which it would probably be thrown by the usual Means employed by Individuals of employing their Money to Advantage.

→ [" I have annexed to this Minute, a Copy of the Estimate formed by our Accountant of the probable Receipts and Disbursements for the whole Year. Having carefully examined the several Articles on each Side of the Account, I see no Cause to doubt the Accuracy of any of them. But as several Orders have lately been passed which will produce a considerable Addition to the Expences of the Year, exclusive of those stated in the Estimate, I shall state those in gross Sums, estimated beyond my Belief of their probable Amount, which, deducted from the Balance of the Estimate, will shew the probable Sum in advance at the End of the Year.

" I shall first insert the Balance of the annexed Estimate, being the supposed Sum which will remain after deducting all the probable Disbursements from } 2,35,60,000
our expected Resources on the 30th April 1779, — — — — —

1. Extraordinary Disbursements not provided for by the Estimate.									
2. Six Battalions of Sepoys,	—	—	—	—	—	—	—	Lacks 10	
3. Resolution and Charlotte	—	—	—	—	—	—	—	5	
4. Marine	—	—	—	—	—	—	—	5	
5. Victualling Stores	—	—	—	—	—	—	—	2	
6. Stores of the Works	—	—	—	—	—	—	—	2½	
7. Native Artillery	—	—	—	—	—	—	—	1½	
8. Additional Militia Sepoys	—	—	—	—	—	—	—	1½	
9. Other Contingencies	—	—	—	—	—	—	—	2½	
								30,00,000	
Corrected Balance on the 30th April 1779								2,05,60,000	

" It

“ It is my Belief that the real Expences will not exceed One Half of the Sum at which I have estimated them, for the Period of Time for which they are calculated: but even if they be taken much higher the expected Balance will be at least Two Crores of Rupees, a Sum excluding every Idea of Distress, and of the consequent Necessity of borrowing Money to relieve it.]

“ I now come to the last Argument, namely, the Relief which it will afford to wealthy Individuals, who might otherwise be induced to secrete their Wealth. To this I reply, that the Company's Treasury is always open for Deposits, and there is no Doubt that those who would wish to avail themselves of such a Security for their Property, would not wait for the Profit of 5 per Cent. as an Inducement, if their only Alternative was to entrust it to the Faith and Custody of Government, without Interest, or to secrete it, and conceal it with equal Loss of Interest; for if they have other Means of employing their Money with an Interest or any other Advantage on it, this, as I have before observed, would be an Objection to the Receipt of it in the Company's Treasury, as it would then be dead, instead of being profitably given to Circulation.

“ But in discussing this last Motive, it may be proper to attend to a Point on which I am not sufficiently well informed. It should first be known, whether the Native Merchants are desirous themselves of lending Money to the Company on the Conditions proposed by Mr. Francis. In my Opinion, the Proposition should come from them; if precipitately from us, it would probably, at this Time, occasion an Alarm, or convey an Impression unfavourable to our Credit.

W. H.”

" D' Abstract of an Estimate of the probable Resources, and to balance.

Cash remaining in the following Departments on 30th April 1778.

General Department.

Civil,	-	-	-	-	1,14,20,000
Military, by Estimate,	-	-	-	-	20,00,000
Marine,	-	-	-	-	60,000
					<u>1,34,80,000</u>

Revenue Department	-	-	-	-	S ^r R ^r 50,00,000
					Batta, 16 per Cent. 8,00,000
					<u>58,00,000</u>

Commercial Department,	-	-	-	-	-	<u>21,00,000</u>
------------------------	---	---	---	---	---	------------------

2,13,80,000

To Receipts expected in 1778-9.

General Department.

Civil,					
Draughts on Europe,	-	-	-	-	10,00,000
Calcutta Customs,	-	-	-	-	3,30,000
Mint Duties,	-	-	-	-	50,000
Post Office Collections,	-	-	-	-	50,000
Rajah Cheit Sing's Tribute,	-	-	-	-	25,70,000
					<u>40,00,000</u>

Military.					
Army Subsidy,	-	-	-	-	34,60,000

Marine.					
Sales of Naval Stores,	-	-	-	-	30,000
					<u>74,90,000</u>

Revenue Department.

Receipts of Revenue as in 1777-8,	-	-	-	-	2,44,00,000
Batta, 16 per Cent.	-	-	-	-	39,04,000
					<u>2,83,04,000</u>

Commercial Department.

Import Sales,	-	-	-	-	18,50,000
Export Sales,	-	-	-	-	60,000
Ophium,	-	-	-	-	9,00,000
Sat Committee	-	-	-	-	27,70,000
					<u>55,80,000</u>

Nabob Asloph ul Dowlah. — Balance due from him 30th April 1778, - - - 4,13,74,000

26,70,000

Current Rupees, 6,54,24,000

Fort William, August 1778.

Errors excepted.

(Signed)

W^m L A R K I N S,
Accountant General."

“ Disbursements of the Bengal Government from 1st May, 1778, to 30th April, 1779. C”

By Disbursements expected in 1778-9.

General Department.

Civil Charges as in 1777-8,	-	-	28,00,000	
Military.				
Paymasters to the Army,	-	85,00,000		
Military Stores,	-	4,00,000		
Garrison Provisions,	-	2,00,000		
Fortifications and Buildings,	-	9,00,000		
			1,00,00,000	
Marine.	-	-	5,00,000	
				1,33,00,000

Revenue Department.

Disbursements as in 1777-8.				
Charges,	-	46,45,000		
Stipends and Allowances,	-	19,75,000		
Salt,	-	4,60,000		
Opium,	-	6,00,000		
Salt Petre,	-	20,000		
	S. R.	77,00,000		
Batta, 16 per Cent.		12,32,000		
			89,32,000	
Lord Clive's Jaghire,	-	-	2,60,000	
Commission on the Revenues.				
Two Years will be due,	-	-	1,98,000	
				93,90,000

Commercial Department.

Suppose,	-	-	-	-	1,40,00,000
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Extraordinary Disbursements which may take place in 1778-9.

Account Deposits,	-	-	-	-	8,10,000
Mayor's Court, D ^o	-	-	-	-	1,58,000
Commission due to General Coote,	-	-	-	-	40,000
Bonded Debt,	-	-	-	-	4,00,000

14,08,000

Supplies to other Presidencies.

Bombay,	-	-	-	-	15,00,000
Canton,	-	-	-	-	10,00,000
Madras,	-	-	-	-	10,00,000
Bencoolen,	-	-	-	-	2,50,000
St. Helena,	-	-	-	-	10,000

37,60,000

By Balance unappropriated, -

4,18,58,000

2,35,66,000

Current Rupees, 6,54,24,000

“ Mr. Francis replies to the above Minute as follows :

“ Mr. Francis.—The Considerations which led me to think, that, in our present Circumstances, a Loan of Forty or Fifty Lack might be an advisable Measure, and to recommend it to the Board as a Question worthy at least of their Deliberation, were founded on Two Data, which I conceived were not disputed.

“ The first is a matter of Fact, capable of immediate Proof ;—the second is a Supposition, so far admitted by the Board, that it has already been the Ground of several important Resolutions.

“ It is a Fact, for which I appeal to the State of the Treasury, signed by Mr. Crofts, that we have this Day no more than Current Rupees 37,15,131, applicable to the Company's Service, in which Sum is included 2,99,199 in Bullion uncoined, and 4,84,726 in Paper Security.

“ The whole Balance in the Treasury is	—	—	—	50,09,314 : 2
“ Deduct the Deposits	—	—	—	12,94,183
“ Remains	—	—	—	37,15,131 : 2

“ Instead of this Sum, the Balance is stated by Mr. Barwell to be 54,00,000. He also states the Balances in the Hands of the Paymasters at 16,00,000, calculated, as I presume, from the Balance which was in their Hands at the End of April. By a Computation, with which the Paymaster General has this Day furnished me, it appears that the Balances, which they will have at the End of this Month, will not exceed Current Rupees 5,37,702.

“ When Mr. Middleton's Remittance shall arrive, Credit may be taken for it in the State of the Treasury. In the mean time it is so much Bullion uncoined, the Produce of which cannot be ascertained, nor do I suppose that any Part of it will be coined these Six Months. The Supposition to which I have alluded is, that Bengal will be invaded. On this Principle we have augmented our Army ; on this Principle we ought to provide such Resources for supporting a War as cannot be affected by the Events of the War itself. I was not unacquainted with the general State of our Revenues, or the Resources which we might reasonably depend on in a Time of Peace and Tranquility, though my Reliance on Estimates is by no Means implicit. But the Case of an Invasion of this Country supposes a very different State of Things ; and for my own Part, I have no Doubt it would be followed by a general Failure in the Collections.—I would not trust the Defence of Bengal, on which the Existence of the East India Company, and I fear, the public Credit of the Nation, may, at this Time depend, to any Resources which we absolutely have not in our Possession, especially when Security may be purchased at an Expence so very trifling, that, in my Judgment, it does not deserve a Moment's Consideration.—The Money to be borrowed would not be taken out of Circulation, though it should lye untouched in our Treasury ; because, in the Case supposed, it would assuredly be buried, or otherwise secreted by the Owners. Neither do I admit that in any Case Money borrowed by Government is a Loss to Circulation, since their Bonds represent and perform the Office of Specie, to the Amount of the Sum borrowed, and even with greater Convenience than the Specie itself. I do not know what the Governor alludes to, when he denies that a Loan would be any Relief to the Natives, as if I had recommended it on that Ground, or for that Purpose. My Object is directly the Security of the Government, and collaterally to insure to us, in all Events, the Attachment of so many wealthy Individuals. They will not offer their Money to us for nothing. For a moderate Interest they probably will. If not, it is a Sign our Credit is not very good at present. In Time of actual Distress the Measure will be impracticable.

“ P. F.”

“ Mr. Barwell and the Governor General enter their Replies to the foregoing Minute, as follow :

“ Mr. Barwell.—In considering Mr. Francis's Question, Whether, in our present Circumstances, a Loan of Forty or Fifty Lack might be an advisable Measure, I confine myself to Facts, which, in my Judgment, appear ample and conclusive. I did not think it necessary to state, with the Correctness of an Accountant, the actual Wealth existing, independent of the current Revenue and Balance of the Provincial Treasuries ; my Argument did not require it ; all I aimed to prove, and to insist upon, was, 1st. That the Rupees locked up, and which might be applied to the Exigencies of the Government without encroaching on the current Revenue, amounted to a Sum not short of a Million Sterling. The 2d Fact I insisted upon was, that the current Revenue was more than sufficient to answer the Appropriation of it to the Investment, to the Civil and Military Charges of our Government, and to the Annual Remittances to Bombay and China.

“ The 2d Fact is not denied by Mr. Francis ; for he has suggested, that the Receipts of the Revenue may be rendered precarious, whenever these Provinces shall be invaded by a foreign Enemy. He does not express a Doubt of our Receipts being regular and uninterrupted, until so improbable an Event shall take place. This is all I ask ; and if this is granted, it follows, that the 1st Fact on which I ground my Objection to the Loan, is established beyond the Possibility of Contradiction ; nor is it sufficient to oppose to it, that the Balance of the Calcutta Treasury from 54,32,898, at which it stood the 21st ultimo, as stated by Mr. Francis the 23d, has, to the 10th instant, been reduced to 50,09,314 : 2 ; or that by the End of this Month, or 1st September, the Balance of Sixteen Lacks, which I state against the Paymasters, &c. Military, will be reduced to

5,37,702

5,37,702, because it will instantly be replied to so partial a Representation, that the current Revenue being admitted more than sufficient for every Disbursement of Government, an equal Sum must necessarily accumulate and exist, though not immediately in Calcutta, in our other Treasuries, totally distinct from the Appropriations of the Revenue, and applicable only to extraordinary Occasions. I shall not question the Computation of the Military Paymaster General, which Mr. Francis intimates he is possessed of, because I do not know the Grounds on which it is made; and I do not conceive it of any Consequence whether the Computation is carried on, only One Month, or extended to Twelve Months, beyond the 1st instant; because, if the Members of the Board will be pleased to look into the Book lying on the Table, containing the Statements of the Provincial Treasuries, it will instantly strike their Observation, that an equal Sum for Military Charges having been regularly estimated in the probable Disbursements of each Month, from the 1st February to the 1st July, such Sums must either have been issued Account Military, or remain in the Treasuries unissued. In the First Case, it will increase the Balance in the Hands of the Paymasters; in the Second, add to the Balance in the Treasuries. The Nature of the Fact cannot be altered; and it is of little Moment to insist whether the existing Wealth is in the Hands of the Paymasters, or in our Treasuries.

The Remittances from Mr. Middleton being stated only as so much Bullion, may possibly lead the Gentlemen in the Direction to suppose it cannot be immediately applied: To obviate such an Error, it is proper they should be informed, that this Bullion is so much foreign Coin, Coin that no Individual will refuse at the Assay Valuation, with an adequate Allowance for Charges of Recoinage. The Regulation of Government to reduce every Specie of Rupees to One Standard, it is true, carries all the foreign Coin from our Treasury to the Mint; but the Recoinage is rather a political than an indispensable Operation; for it may be deviated from at any Time, and on any Occasion, without the least Distress or real Loss to Government. The whole Reasoning on the pictured Poverty of Government being confined to the Wealth lodged in the Treasury of Calcutta, would seem to deny the real Existence of One Half of the Amount we actually possess. The last Letter from Mr. Middleton of the 13th July, informs us, that on the 10th June the Balance of our Treasury was 36,35,497 : 7 : 3 Oude, or Calcutta Currency 40,35,402 : 2 : 9; that he had remitted Twenty Lacks to the Presidency.

" Though I must insist that we possess the Wealth I stated in my Minute of the 8th instant, yet it is not necessary to my Argument against the Loan.

" Our Treasury in the lower Station at the Presidency, Mr. Francis states
now at — — — — —

" Our Treasury in the upper Station at Oude — — — — —

50,09,314 : 2

40,35,492 : 2 : 9

The Aggregate is 90,44,806 : 4 : 9

A Sum beyond any Call that can be made on our Government, and sufficient to convince the most prepossessed, that under the present Circumstances of our Government a Loan of Forty or Fifty Lack is not an adviseable Measure.

" That my Silence to the proposed Invasion of the Provinces by the French may not be construed into a tacit Acquiescence in the Probability of such a Measure, I declare I do not believe such an Invasion will be attempted; yet however improbable the Attempt, it is not impossible; and upon this Principle alone that we should be guarded against all possible Events, I have concurred in the late Military Arrangements.

" The Governor General—I agree entirely in the Opinions expressed in the preceding Minute, and think it necessary to add my particular Concurrence to the concluding Paragraph, as consonant to my repeated Declaration on Record."

To prove that the Demand of Five Lacks from Rajah Cheyt Sing was repeated in the Year 1779; the Witness produced Book 22, intituled, " Bengal Secret Consultations, from the 7th June to the 23d December 1779."

Read, the following Extract, from a Consultation of the 19th July 1779, beginning at Page 206 of the same Book.

[" Fort William, 19th July 1779.

" At a Council; Present,
The Honourable Warren Hastings, Governor General, President.

Richard Barwell,
Philip Francis,
Edward Wheler, } Esquires.

Lieutenant General Sir Eyre Coote indisposed.

" The Proceedings of the 8th instant read and approved.

" The Governor General delivers in the following Minute.

" Governor General.—It having been resolved in Secret Consultation, 9th July 1778, " That Rajah Cheit Sing should be required in Form to contribute his Share of the Burthen of the present War with France, by the Establishment of Three regular Battalions of Sepoys, to be raised and

and maintained at his Expence ;” and the Amount of the Subsidy fixed by the Board in Consultation, of the 17th August following, and agreed by him to be paid for One Year, being Five Lacks of Mucklidar Rupees ; as the Year is now expired, I move that he be at this Time required to contribute the like Sum, as his Share of the Expence of the War for the current Year.

“ Agreed to the Governor General’s Proposal.

“ Resolved, that the following Letter be written to Mr. Graham.

“ Sir,

To Mr.
Graham.

“ The Period of One Year, for which Rajah Cheit Sing contributed the Sum of Five Lacks of Mucklidar Rupees, as his Proportion of the Burthen of the War with France for the last Year, being expired, and the War still continuing, we find it necessary to maintain the same Force, and to require, that the Rajah shall be at his Share of the Expence ; you will therefore at this Time demand from him Payment of the above Sum, as his Proportion of the Charge for the current Year, and remit the Amount of it to us.

“ Fort William, 19th July 1779.

We are, &c.”

“ Agreed, that the Governor General be requested to write to Rajah Cheit Sing, acquainting him that the Period of One Year, for which he agreed to pay Five Lacks of Mucklidar Rupees, as his Share of the Burthen of the War with France on the 17th August 1778, is expired ; and as the Continuation of the War makes it still necessary to maintain the same Establishment of Troops for the Defence of the Country, the Board deem it requisite that he should at this Time contribute the further Sum of Five Lacks of Mucklidar Rupees, as his Share of the Charge for the current Year ; Mr. Graham has therefore been directed to apply to him for the same.

Warren Hastings.

P. Francis.

Edward Wheler.”

To prove that the abovementioned Demand of 5 Lacks was modestly disputed by the Rajah ; that the Right of making it was again denied by One of the Council ; and that the Demand was enforced by a Military Force ;

Read, the following Extracts from Bengal Secret Consultation of the 26th of August 1779, beginning Page 286 of the same Book.

“ Fort William, 26th August 1779.

Secret Dep.
Thursday.

“ At a Council ; Present,

The Honourable Warren Hastings, Governor General, President ;

Richard Barwell,

Philip Francis,

Edward Wheler,

Lieutenant General Sir Eyre Coote, K. B.

} Esquires.

“ Read and approved the Proceedings of the 16th Instant.

“ Read the following Letters from Mr. Thomas Graham.

“ Honourable Sir and Sirs,

“ Immediately on the Receipt of your Honourable Board’s Letter of the 19th ultimo, directing me to demand of Rajah Cheyt Sing Payment of the Sum of Five Lacks of Muchlidar Rupees, as his annual Proportion of the Burthen of the present War with France, I waited upon him, and at the same time that I communicated the Orders of your Honourable Board to myself, I delivered to him the Honourable the Governor General’s Letter to him in Confirmation thereof. He then gave me for Answer, that he had not the Ability to discharge the Demand. As this was similar to the Answer he gave me when I demanded Payment of his Subsidy for the last Year, I did not consider it as a definitive one, and therefore continued in renewing my Demand every Second Day ; finding, however, that he holds to the Terms of his first Reply, and seeing no Probability of a speedy Change in his Sentiments, I am unavoidably reduced to the Necessity of applying for your Honourable Board’s further Instructions on this Head. Until they arrive, I shall follow the Orders already sent me, by repeating my Request for Payment every Second or Third Day.

“ Benares,
the 16th August 1779.

“ I have the Honour to be, &c.

“ (Signed) Tho^o Graham, Resident.”

" D Rajah Cheyt Sing in Account of Revenue with the Honourable Company. C

1779 August 4 th	To Account Revenue due this Day from the Rajah, being the Amount of his 1 st Kist Calcutta Sicca Rupees. 185,145 6 16 1.	1,98,431	4	12	1779. August 5	By Amount Revenue received from the Rajah, being in full of his 1 st Kist, as follows :			
					8	Received this Day -	40,000		
					13	D ^o D ^o -	45,000		
					14	D ^o D ^o -	15,000		
					15	D ^o D ^o -	21,500		
							76,931	4	12
	Standard Gourmah Rupees,	1,98,431	4	12		Standard Gourmah Rupees,	1,98,431	4	12

Benares, the 15th August 1779.

Errors excepted.

THOMAS GRAHAM, Resident."

☞ [" Read a Letter from Rajah Cheyt Sing as follows :

" From Rajah Cheyt Sing, received 27th August 1779.

" I have been honoured with your Letter, calling on me for the Payment of Five Lacks of Rupees on Account of the Expence of the War for the present Year, and understand its Contents. Rajah Cheyt Sing.

" My Situation is well known to you, and I assure you, without Reserve, that I have no Ability left, nor is there any Mode of Relief for me but in the Exertion of your Favour. I am fully convinced, that it is your Desire, who are my Master, to support me your Servant; and last Year, you directed Sheik Ally Neecky, that I should by any Means, by disposing of my Effects, or by borrowing, make this one Payment, and I should not be called on in future, and that you would take every Means for my Advantage and Support.

" I accordingly put in Practice every Method in my Power, and by Loans made good the Requisition. It is now absolutely out of my Power to raise the Sum required, and I am therefore hopeful that you will be kindly pleased to excuse me the Five Lacks now demanded, and that nothing may be demanded of me beyond the Amount expressed in the Pottah, which, through your Favour, I obtained from the Honourable English Company.

" This Raje and Zemindary, and my Dignity, are the Gifts of your Highness. I have judged it necessary to represent to you my Inability and helpless State."

" Governor General.—I move that the Commander in Chief be desired to issue an Order for the March of Two Battalions of Sepoys from the nearest Station of the Army, excepting the first and temporary Brigades, to Benares, on the Requisition of Mr. Graham, and there to remain for the further Orders of the Board. That the whole Expence of this Detachment, from the Day of its March, be exacted from the Rajah of Benares. That this Resolution be communicated to him by the Governor General, and that the Resident be ordered to inform the Rajah of it, repeating his Demand for the Sum required; and, in case of his Refusal, or Non-compliance with his Demand, to give immediate Notice to the Officer in Command of the Detachment, that he may march accordingly.

" Sir Eyre Coore,—Agrees to the Motion.

" Mr. Wheeler.—I am against it.

" Mr. Francis.—I never approved of the additional Demand beyond his stipulated Tribute. I cannot therefore concur in the Measure proposed. I firmly believe it to be unnecessary, even for its avowed Purpose; and I am very much afraid, that it will be attended with Consequences ruinous to the Rajah, and to his Country. That Country is now one of the richest Jewels we possess. The great Revenue we draw from that Country may be permanently secured under mild and equitable Treatment. Measures of a different Nature may extort more for a Moment, but they will ruin the future Resources.

" Mr. Barwell.—It rests with the Rajah himself to discharge his Quota of the Expence of the War voluntarily, or to be compelled to it. I agree to the Motion.

" Governor General.—Benares is not a Jewel in our Possession, if we leave the Rajah an Option to obey or disobey the Orders of his superior Government, and to maintain himself in the Independency of a tributary Prince. As to the Ruin pretended from this Order, the Terms of the Question itself put it in his Power to prevent even the Execution of the Order, and more I shall not at this Time say upon the Subject; I may hereafter.

" Agreed to the Governor General's Motion, and Resolved, That the Commander in Chief be requested to give Orders to Major Carnac, or the Officer in Command of his Detachment, for the March of Two Battalions of Sepoys to Benares, on the Requisition of Mr. Thomas Graham, the Resident there, and to remain at that Place for further Orders.

" Resolved, That the following Letter be written to Mr. Graham.

" Sir,

" We have received your Letter of the 16th instant, acquainting us that Rajah Cheyt Sing had declined to pay the Five Lacks of Rupees, which we required of him, as his Proportion of the Expences of the War for the current Year.

" Having judged it necessary to make this Claim, which was suggested to us by the Exigency of the Case, we cannot admit of any Plea which the Rajah may urge to exempt him from it; Orders have, therefore, been sent to Major Carnac, or the Officer in Command of his Detachment, to march to Benares immediately, on your Requisition, with Two Battalions of Sepoys, and to wait our further Orders at that Place. We have thought this Step necessary, for the Purpose of compelling the Rajah to pay the Quota required of him in case of Necessity, and we direct that you repeat your Demand, and insist on his Compliance. If the Rajah should still continue to object to your Claim, and refuse Payment, you are to require the Officer in Command of the Detachment, to march immediately, in Conformity to our Orders, and advise us of your Proceedings.

" We hope, however, that you will not be reduced to proceed to this Extreme, as it would oblige us to increase our Demands on the Rajah, by exacting from him the whole Expence of the Detachment from the Day of its March, in Addition to our original Claim.

" We are, &c.

" Fort William,
the 26th August 1779.

Warren Hastings.
P. Francis.
Edw^d Wheler."}]

The Managers for the Commons observed, that there appeared to be a Mistake in the Day on which the Letter from the Rajah Cheyt Sing is stated to be received, namely the 27th Aug. 1779, the Date of the Consultation in which it is entered being 26th Aug. 1779;—that possibly it ought to be 17th Aug. 1779.

Then they acquainted the House, that they had proposed in the next Place to shew the Dates of the different Payments of the last-mentioned Demand of Five Lacks of Rupees by the Rajah Cheyt Sing; but understanding the Accounts were not at Hand, they would proceed to shew the Acknowledgement of the Council that they had received this Sum.

The Witness produced Book 25, intituled, " Bengal Letters received from 1st Feb. 1779 to 3d March 1780."

Read, the 41st and 42d Paragraphs of a Secret General Letter from the Governor General and Council in Bengal, to the Court of Directors, dated Fort William, 14th January 1780, and received on the 28th of July 1780; beginning Page 95 of the said Book.

" Triplicate, Secret General Letter, dated 14th January, Fort William, 1780.

" To the Court of Directors.

9th July.

" 41. We thought it necessary and consistent to demand a further Contribution of Five Lacks of Rupees from Rajah Cheyt Sing, for his Part of the Expences of the War for the current Year, being the same Sum as he paid towards that End for the last Year.

26th Aug.
29th Sept.
28th Oct.
1st Nov.
12th Nov.

" The Rajah strongly pleaded his Inability to comply with this Demand, and even suffered us to send Two Battalions of Sepoys from Dinapore to Benares, to enforce the Payment, before he would grant it; at length, however, with much Difficulty, the Amount was received from him, added to a Penalty of 20,000 Rupees, for the Expences of the Two Battalions until their Arrival at Benares.

* Sic in Orig.

" 42. We shall make but this short Observation upon the Conduct of the Rajah, That whither* it proceeded from the Apprehension of establishing a Precedent for exceeding the Sum of his annual and stipulated Revenue, or from a Sense of Independency, it was equally unreasonable, and an ungrateful Return for the Benefits which he has been allowed to derive from the Company's Protection.

" Fort William,
14th January 1780.

" We are,
" Honourable Sirs,
" Your most faithful
" Humble Servants,
Warren Hastings.
P. Francis.
Edw^d Wheler."

Then

Then the Witness produced Book 24, intituled, " No. 4, Persian Public Correspondence, Letters received from the 1st January to the 31st December 1779."

Read, Two Letters, one from the Rajah Chite Sing to Mr. Graham, received on 20th September 1779; the other, from the Rajah to the Governor General, inclosed in the foregoing.

" From Rajah Chite Sing to Mr. Graham, 20th September 79.

" I received your Letter about the Five Lacks of Rupees, and understand the Contents. I have before made known to you my distressed Situation that I have not Power to comply, and I have also sent an Arzie in Answer to the Letter from the Presence which you delivered to me. I have no Power to comply; I discharge the Revenue according to the Pottah granted by the Sirkar. I am hopeful that this Order may be revoked, for which Purpose I have also written an Arzie to the Presence, and request that you will oblige me by dispatching it without Delay."

" Enclosure in the foregoing.

" From Rajah Chite Sing to the Governor General.

" Every Two or Three Days am I called upon to pay Five Lacks of Rupees. Your gracious Letter, on this Subject, honoured me by its Arrival. I have dispatched an Arzie in Answer, which will have been presented to you. In Obedience to your Order, I last Year, by every Means, and borrowing from all Quarters, raised the Sum, and at that Time you promised that it should not happen again. I have it not in my Power at present. You have before honoured me with the Title of Son, and regarding me as your Son you have protected me. I am therefore hopeful that I may be excused from this Requisition."

The Managers for the Commons being asked, What was the Date of the Letter from the Rajah Cheyt Sing to the Governor General, acquainted the House, That the Persian Letters have no Date.

The Managers for the Commons stated, they would next proceed to read the Answers to the foregoing Letters.

The Witness produced Book 23, intituled, " Secret Department, Persian Correspondence, Letters written from the 1st January to the 31st December 1779."

Read, a Letter from the Governor General to Rajah Chite Sing, dated September 25, 1779, beginning at Page 42, of the said Book.

" To Rajah Chite Sing.

" Written 25th September 1779.

" I have received your Letter, from the Contents of which, as well as from the Letters of Mr. Graham, and the Copy of a Letter which you wrote to that Gentleman, and which he transmitted for my Inspection, it appears but too clearly, that instead of a chearful Compliance with the Requisition of this Government, in the immediate Payment of the Sum of Five Lacks of Rupees as your Share of the Expence of the War for the present Year, a Requisition which the great Burden of Expence under which the Company labour for the Defence of the Country renders necessary, and to which you, as a Subject of theirs, are bound to contribute, have thought proper, under the Plea of Inability, which is well known to be futile, to endeavour to amuse the Resident with vague and distant Promises, meaning probably to protract, if not entirely evade, Payment of the Sum required of you. In a Letter which I lately wrote you, I informed you, in express Terms, that this Government neither could or would recede from so reasonable a Demand, and added, that in case of no Compliance on your Part, Mr. Graham was authorized to summon a Detachment of our Forces to enforce our Orders if it should be found necessary. This, I hoped, would have opened * Eyes, and induced you to relinquish a Conduct which must, if pursued, bring the greatest Disadvantages on you; but since even this Intimation of our Determination has proved ineffectual, I now think it necessary to inform you, that we have desired the Commander in Chief to dispatch Major Carnac with the Detachment under his Command to Benares, there to wait our further Orders; he will accordingly begin his March immediately, unless the Resident, in the mean Time, from the actual Receipt of the Subsidy, shall inform him that it is unnecessary for him to proceed further; and you will be pleased to observe, that should you force us to a Measure so contrary to our Wishes, the whole Expence of the Detachment, from the Time of its March, will be required from you, exclusive of the Subsidy for the War."

* Sic in Orig.

Notice being taken by the House, that the Answer just read from the Governor General to the Letter of the Rajah Cheyt Sing, referred to a Letter from Mr. Graham, the Resident at Benares, inclosing the said Letter of the Rajah to the Governor General, and the House being desirous to know what was the Date of Mr. Graham's Letter so referred to, the Managers for the Commons acquainted the House, that

they had not Mr. Graham's Letter at Hand, and hoped the House would not be surprised, if, in so voluminous a Correspondence, they were not immediately prepared with every Thing required.

Then the Managers for the Commons were proceeding to shew the Demand made upon the Rajah in the Year 1780; when they were asked by the House, if they were prepared to give an Account of the Dates of Payment by the Rajah in each Year, of the Sum demanded, as they had proposed.

The Managers for the Commons made Answer, That the Letter from the Governor General to the Court of Directors, dated 14th January 1780, admitted the Payment of the Five Lacks, and of the additional Sum of 20,000 Rupees, charged upon the Rajah for the Expence incurred by the March of the Military Force against him.

To prove, that the Demand of Five Lacks of Rupees was again repeated in the Year 1780, the Witnesses produced Book 26, intituled, "Bengal Secret Council from 29th February to 24th July 1780."

Read, the following Extract from Bengal Secret Consultation of the 22d June 1780, beginning Page 503, of the said Book.

"Fort William, the 22d June 1780.

Secret Dep.
Thursday.

"At a Council; Present,

The Honourable Warren Hastings, Governor General;

Philip Francis, } Esquires.
Edward Wheeler, }

Lieutenant General Sir Eyre Coote absent on a Visit to the different Stations of the Army.

Governor
General.

"Governor General.—The Period of Two Years, for each of which the Rajah of Benares, at the Requisition of the Board, has contributed the Sum of Five Lacks of Muchlidar Rupees, as his Proportion of the Burden of the War with France, being nearly expired, and that War still continuing, I move, that he be now called upon to contribute the like Sum, as his Share of the Expence of it for the Current Year.

"Agreed to the Governor General's Motion.

"The following Letter is, in Consequence, written to the Resident at Benares."

To the Resi-
dent at Be-
nares.

"To Mr. Francis Fowke.

"Sir,

"The Period of Two Years, for each of which Rajah Cheyt Sing has contributed the Sum of Five Lacks of Muchlidar Rupees as his Proportion of the Burthen of the War with France being nearly expired, and the War still continuing, we find it necessary to maintain the same Force, and to require that the Rajah shall be at his Share of the Expence; we therefore direct, that you Demand from him Payment of the above Sum, as his Proportion of the Charge for the current Year, and remit the Amount of it to us.

"Fort William,
22d June 1780.

"We are, &c."

The Managers for the Commons being asked, Whether any Objection was made by any of the Council at the above Consultation of the 22d June 1780, to the Renewal of the Demand of Five Lacks of Rupees from the Rajah for the ensuing Year? answered, None, that they could find.

Then the Witnesses produced Book 27, intituled, "Bengal Secret Consultations from 13th July to 7th September 1780."

And the Managers for the Commons informed the House, That the Paper they were now about to produce was to prove two Things: The one, an Acknowledgement of the Receipt of One Lack of Rupees, remitted to the Council at Calcutta by Mr. Fowke the Resident at Benares; the other, an Order of the Board, directing the Resident, when he received the Remainder, to send it to Colonel Camac, who, the Managers for the Commons stated, in Answer to a Question put to them by the House, was at that Time either in the Province of Malwa, or going to it.

Read, the following Extracts from Bengal Secret Consultation of the 7th September 1780.

"Fort

" Fort William the 7th September 1780.

" At a Council ; Present,

The Honourable Warren Hastings Governor General, President ;

Edward Wheler Esquire,

and

Lieutenant General Sir Eyre Coote, K. B.

Mr. Francis indisposed.

Secret Conf

" Read the following Letter from the Resident at Benares.

" Honourable Sir and Sirs,

" In obedience to your Orders of the 22d ultimo, I have demanded of Rajah Cheyt Sing the Sum of Five Lacks of Muchlidar Rupees, as his Proportion of the Burden of the present War with France. The Rajah has desired me to inform you of his intire Submission to Commands. He has promised to pay One Lack of this Amount within a few Days. I shall immediately advise your Honourable Board of the Receipt of it ; and shall remit it upon the most advantageous Terms, I can obtain. I shall likewise urge the Rajah, in the strongest Manner possible, to use the utmost Expedition in the Discharge of the remaining Part.

" I have herewith the Honour to inclose you 14 Bills of Exchange, for the Sum of Calcutta Sicca Rupees, 1,61,819 : 4 : 13 : 1, drawn in Favour of the Honourable Company, as per accompanying Invoice, being the Balance on Account of Rajah Cheite Sing's Kist, due the 4th Instant, after Deduction of the Nabob Saadut Ally Cawn's Monthly Allowance of Standard Gourthay Rupees 25,000.

" I have the Honour to be, with the greatest Respect, &c.

" Benares,

(Signed)

F. Fowke,
Resident at Benares."

" 21 July 1780.

✂ " [Read another Letter, as follows, from the Resident at Benares.

" Honourable Sir and Sirs,

" The Raja having completed the Payment of his Tribute for the last Year, I do myself the Honour to transmit, for your Inspection, an annual Account Current of the same ; and likewise a Kistbundy of the Payments to be made by the Rajah on Account of his Tribute for the ensuing Year.

" I have received the Honour of your Commands of the 13th Ultimo, respecting the Payment of the Nabob Saudet Ally's Stipend, and have accordingly deducted from the last Month's Allowance, the Difference of Batra on the Sums I have issued, amounting to B^s S^r R^s 13,519 : 13, at the Rate of 7 4^s per Cent. I have also received from the Rajah One Lack of Rupees in Part Payment of his Subsidy ; and I have the Honour to enclose Five Bills of Exchange for the Amount of these Two Sums, drawn as per accompanying Invoice.

" I have urged the Rajah very strongly to complete the Payment of his Subsidy, with all possible Expedition ; but I find he is determined to make no further Payment, till he receives an Answer to his Arzee, transmitted in my Letter of the 5th Instant, to the Honourable the Governor General.

" I have the Honour to be with the greatest Respect, &c.

" Benares,

(Signed)

F. Fowke,
Resident at Benares."

" 10th August 1780.

" The Secretary informs the Board, that the Accounts inclosed in the above Letter had been sent to the Accountant General, and the Bills to the Sub Treasurer.

" The Governor General lays before the Board the following Letter to him from the Rajah of Benares, referred to in the Letter from the Resident above recorded.

" Arzee from Rajah Cheit Sing.

" Received the 21st August 1780.

" I have been honoured by your Orders directing me to pay Five Lacks of Sicca Mahydar Rupees to Mr. Fowke for the War, which still continues. And although my distressed Situation must be known to you from other Quarters, notwithstanding I have been afraid to represent it to you myself, that I have sold my House, and borrowed Sums of Money, from which I am not yet released, yet in obedience to your Orders, I have paid One Lack of Rupees out of the Five Lacks, to Mr. Fowke, and shall pay the other Four in Three Months. I request you will send Directions to that Gentleman to allow me that Time, and it shall be punctually paid at the End of that Time, and it shall be punctually paid at the End of that Term. You yourself must be convinced, that I have no Abilities or Resources left."

" Ordered, That Mr. Fowke do inform the Rajah, that the Board are much displeased with these affected Delays, knowing his Ability to make immediate Payment of the Subsidy ; and that he peremptorily require him to discharge it.

" Ordered, That Mr. Fowke be desired to remit the Sum, when received, by Shroffs, if possible, or by any safe Mode of Remittance, to Major Camac, for the Expenses of the Detachment under his Command, and that Major Camac be advised accordingly."

A a

" The

" The following Letter is accordingly written to Mr. Francis Fowke.

To Mr.
Fowke.

" Sir,

" We have received your several Letters, under Date the 21st July, 18th and 20th August, with the Bills and Accounts enclosed.

" We have also had before us the Rajah's Letter to the Governor General, to which you allude in your Address of the 10th ultimo.

" We desire you will inform the Rajah of Benares, that knowing his Ability to make quick Payment of the whole Amount of the Subsidy, we are much displeased with the groundless Pretences which he urges for delaying it; and we direct that, on Receipt of this Letter you peremptorily demand his immediate Discharge of the Sum due from him on this Account; which, when you have received it, we desire you will remit, either by Shroff's Bills, if possible, or by any other safe Mode, to Major Carnac*, the Expences of the Troops under his Command.

* Sic. in Orig.

" We are, &c."

" Agreed, That we write as follows to Major Camac.

" Sir,

To Major
Camac.

" The Rajah of Benares being indebted to the Company in the Sum of Four Lacks of Muchlidar Rupees, we have sent Orders to our Resident at that Place, to demand immediate Payment of it, and to remit the Amount, when received, to you, by Shroff's Bills, if possible, or by any other safe Mode, for the Purpose of defraying the Expences of the Troops under your Command.

" We desire therefore that on Receipt of the Remittances made you by the Resident at Benares, you will appropriate them to their Service for which they are intended.

" Having thought proper to add the Corps of Foreign Rangers now at Cawnpore to the Detachment under your Command, the Commander in Chief has been requested to issue the necessary Orders for carrying this Resolution into Effect.

" Fort William, 7th Sept. 1780.

We are, &c."}]

The Managers for the Commons requested the House to observe, that the Order to remit the Money to Major Camac was on the 7th of September 1780; and stated, in answer to a Question from the House, that the Notice to Major Camac was on the same day.

Then the Witness was directed to produce Book 28, intituled " Bengal Council from 11th September to 13th November 1780."

Read, the following Extracts from Bengal Secret Consultation of the 9th October 1780.

" Fort William, the 9th October 1780.

" At a Council; Present,

The Honourable Warren Hastings, Esq. Governor General, President.

Philip Francis, } Esquires.
Edward Wheler, }

Lieutenant General Sir Eyre Coote indisposed.

" Extract of a Letter from F. Fowke, Resident at Benares, to the Governor General and Council.

Resident at
Benares.

" I have received the Honor of your Letter of the 7th instant, and have signified your Commands to the Rajah. He has promised to discharge the Balance of his Subsidy, being Rupees 2,53,000, in the Course of a few Days. I am treating with the Shroffs for a Remittance to Major Camac, and imagine I shall be able to effect it by Bills from them for the whole Amount.

" I have the Honor to be, &c.

" Benares, 27th September 1780.

(Signed)

F. Fowke,

Resident, Benares."

Read, from the same Book, Extract of Secret Consultations of the 26th of October 1780, as follows:

" Fort William, the 26th October 1780.

" At a Council; Present,

The Honourable Warren Hastings, Governor General, President.

Philip Francis, } Esquires.
Edward Wheler, }

Sir Eyre Coote absent on Service.

[" The following Letter from the Resident at Benares, and one received from the Military Storekeeper, having been circulated, they were returned with the following Minute.]

" Honourable Sir and Sirs,

Military Store-
keeper.

" I beg Leave to request an Order for the Commercial Department for Twenty Bales of green Purpet, for lining of Field Officers and Captains Marquis, upon my paying the usual Advance on the

the Europe Invoice. This will enable me to compleat the Camp Equipage ordered by the Commander in Chief for immediate Service.

" Fort William, 16th October, 1780.

" I have the Honor to be, &c.

(Signed)

Geo. Livius,

Military Storekeeper."

[" Honourable Sir and Sirs,

" I think it incumbent upon me to inform you that the Rajah, notwithstanding his solemn Assurances, has hitherto paid no Part of the Balance of his Subsidy specified in my Address of the 27th ultimo. He has resumed his Plea of Inability, and I can form no Opinion how long he may think proper to protract the Payment.

Resident at Benares.

" I remain, &c.

" Benares, the 5th October 1780.

F. Fowke,

Resident at Benares."

" In Circulation,

" A Letter from the Resident at Benares; also a Letter from the Military Storekeeper.

" Council Chamber,

19th October 1780.

(Signed) E. Hay,

Acting Secretary, G. G.

" Governor General.—Such an Instance of Contempt shewn by the Rajah of Benares to the Authority of this Government, at a Time in which his Fidelity and Gratitude for the many Obligations

Minutes on the Letter from the Resident at Benares. *Ex. simile of Orig.*

which he owes to it, ought to have prempted him to make a voluntary Tender of that Aid which he now refuses, after repeated Promises to grant it, merits some Mark at least of the Resentment of the Board: For that Reason, I must recommend, that Mr. Fowke be directed to demand instant Payment of the Balance due of his Subsidy; and if he shall not have paid it at the Time of the Receipt of this Letter, to exact from him in the Name of the Board the further Sum of One Lack of Rupees, as a Fine for his past Disobedience. That to enforce this Order, Brigadier General Stibbert be directed to issue Orders to the Commanding Officer of the Battalions of the nearest Stations to Benares to march immediately to that Place, and to wait such Orders as may be hereafter transmitted to them. In the mean time, the Board may be informed of the Reception given by the Rajah to the present Order; and it is hoped that it may be such as shall render it unnecessary to proceed to Extremities against him.

" (Signed) W. H.

" I acquiesce, though I hope the Threat will be sufficient.

" (Signed) P. F.

E. W.]

" Agreed, that the following Letter be written to the Resident at Benares.

" Sir,

" We have received your Letter of the 5th instant, informing us that the Rajah, notwithstanding his solemn Assurances, has hitherto paid no Part of the Balance of his Subsidy, specified in your Address of the 27th ultimo: That he had resumed his Plea of Inability, and that you could form no Opinion how long he might think proper to protract the Payment. This Conduct of the Rajah seems to us without Excuse. We direct therefore, that you demand instant Payment of the Balance due of his Subsidy; and if he shall not have discharged it at the Time of your Receipt of this Letter, that you exact from him, in the Name of the Board, the further Sum of One Lack of Rupees, as a Fine for his past Disobedience. To enforce the Compliance due to our Authority, and to the Payment of the Sums required of him, we have given Orders that the Battalions, at the Stations nearest to Benares, should march immediately to that Place, and wait for such Directions as may hereafter be transmitted to the Officer commanding there.

" Fort William, 19th October 1780.

We are, &c.

(Signed) Governor General and Council."

" Agreed that the following Letter be written to Brigadier General Stibbert.

" Sir,

" Having had late Occasion to be much dissatisfied with the Conduct of the Rajah of Benares towards this Government, in withholding the Payment of the Amount due from him as his Subsidy, we think it necessary to direct, and do direct you to issue Orders to the Commanding Officers of the Battalions, at the Stations nearest to Benares, to march immediately to that Place, and wait such further Orders as may hereafter be transmitted to them.

To General Stibbert.

" Fort William, 19th October 1780.

We are, &c.

" (Signed) Governor General and Council."

The Managers for the Commons observed they had already shewn, by Mr. Fowke's Letter, dated 10th August 1780, recorded in the Consultation of 7th of September 1780, (*supra* P. 93.) that One Lack of the Subsidy was actually remitted to Calcutta; and, by his Letter dated 27th September 1780, in the Consultation of the 9th October 1780, (*supra* P. 94.) that the Balance was at that Time reduced to 2,53,000 Rupees, Remainder

Remainder of the 5,00,000 Rupees originally demanded; from whence it was apparent that 1,37,000 Rupees must have been paid to the Resident in the Interim, which it also appeared, by the last mentioned Letter, Mr. Fowke proposed remitting to Major Camac; but the Managers informed the House, they should immediately proceed to prove by another Letter from Mr. Fowke, dated October 18, 1780, that not One Farthing of this 1,37,000 Rupees had been actually remitted.

For this Purpose the following Extract from Bengal Secret Consultation of the 2d November 1780, was read from the same Book.

“ Fort William, 2d November 1780.

“ At a Council; Present,
The Honourable Warren Hastings Governor General, President,
Philip Francis, } Esquires.
Edward Wheler, }
Lieutenant General Sir Eyre Coote, K. B. absent on Service.

“ The Proceedings of the 30th Ultimo read and approved.

“ The following Letter from the Resident at Benares having been received since the last Meeting, Orders were issued immediately for countermanding the March of the Troops ordered to Benares.

“ Honourable Sir and Sirs,

“ The Rajah has this Day given me Bills of Exchange on Gohud, in favour of Major Camac, for the Balance which remained due on Account of his Subsidy, being Benares Sicca Rupees 2,50,000.

“ I shall make a further Remittance to Major Camac, in a few Days, of the whole Amount, which I have received from the Rajah in ready Money on this Account.

“ I have the Honour to be, &c.

“ Benares, 18th October 1780.

(Signed) F. Fowke, Resident
at Benares.”

The Managers for the Commons stated, That the Demand of the Five Lacks of Rupees in 1780, was described in the Article to be made under particular Circumstances, namely, that Mr. Hastings had just before received the Sum of Two Lacks from Sudanund, the Treasurer of the Rajah *. They should next proceed therefore to prove the Receipt of those Two Lacks by the Defendant, without stating whether it was criminal or not; for which Purpose they desired, that Part of the Paper delivered in at the Table on Tuesday, called “ Mr. Hastings’ Defence at the Bar of the House of Commons,” might be read.

Read, Extract of Answer to the 8th Charge, beginning at Page 357 of the said Paper.

“ I beg it may be observed, that the First of these Presents was received in the Year 1780, at a Time when, as I have truly said to the Directors, “ the Exigencies of the Government were my own, and every Pressure upon it rested with its full Weight upon my Mind: Wherever I could find allowable Means of relieving them, I eagerly seized them.” It was in this Year, and at one of these distressful Periods I allude to, that I formed the Plan for drawing Mhadajee Scindia from Guzerat to the Defence of his own Dominions, in Hopes of laying the Foundation of that Peace with the Marattas, to which this Measure did afterwards so greatly contribute. This Plan was opposed by Mr. Francis, then a Member of the Council, on the Plea, amongst others of little Importance, of the additional Expence we should incur by its Adoption. About this Time Buxey Sadanund, the confidential Servant of Cheyt Sing, had been deputed to me in Calcutta by his Master, to acknowledge his former Ill Conduct, and to assure me of his implicit Obedience and Submission in future: He was also entrusted by his Master, to endeavour to procure a Remission of the Payment of the Annual Sum of Five Lacks of Rupees, which the Board had fixed as his Proportion of the Expences of the War.—I peremptorily refused his Request, but assured him, that on the Restoration of Peace, this additional Subsidy should cease; and that this was all he must expect.—Sadanund wrote to his Master, and received a Commission from him, to give me the strongest Assurances of his future Obedience, and Submission to the Orders of Government; and he was further directed to request my Acceptance of Two Lacks of Rupees as a Present to myself. My Reply was, that I cordially received his Submission and Assurances of Obedience, but that I must absolutely refuse his Present, which I did.

Having been disappointed in the Execution of my Plan for attacking Scindia’s Dominions, which I deemed, and which proved to be of the most material Consequence, and being thwarted in it by my Colleagues on the Plea of Expence, which was the only material Objection made to it, I determined to accept of the Offer which I before refused; and on my Return from the Council the Day, I believe, that my Plan was rejected, I sent to Sadanund, and told him I had re-considered his Master’s Offer, and would accept the Two Lacks of Rupees, which I desired him to pay to the Sub-treasurer, Mr. Croftes, meaning to apply this Money to defray the Expence of the Expedition

against

against Scindia, and thereby hoping to obviate the only Objection which had been made to this important Undertaking. Unfortunately I did not succeed in obtaining the Consent of Mr. Francis and Mr. Wheeler, and was therefore concerned at having accepted this Sum from Sadanund, since the only Use to which I meant to appropriate it was frustrated; and I expressed my Vexation to Mr. Markham, my Secretary, as he (who fortunately for me is now in England) can attest. Upon mature Reflection, I determined neither to inform the Council of the Transaction, nor to return the Money to Sadanund, having once consented to accept it; I therefore suffered it to remain in the Company's Cash, as a Deposit for their Use, and by the next Dispatch to Europe I informed the Court of Directors of the Transaction, though I did not state to them from whom I received the Money—a Neglect which I should have studiously avoided, could I have foreseen the Consequences of it. I thought at the Time that I did all that was necessary, by declaring *that it was not my own, and that I neither could nor would have received it, but for their Use.*

The Managers for the Commons stated, that they should next proceed to shew that Mr. Hastings did, contrary to the Engagement subsisting with the Rajah Cheyt Sing, make a Demand upon him of a Number of Cavalry in the Year 1780.

The Witnesses produced Book 30, intituled, "Bengal Secret Consultations, from 10th August to 23d November 1780."

Read, Extracts of a Consultation held on the 2d November 1780, beginning at Page 641 of the said Book.

"Fort William, the 2d November 1780.

"At a Council, Present,

The Honourable Warren Hastings, Governor General, President.

Philip Francis, } Esquires.
Edward Wheeler, }

Lieutenant General Sir Eyre Coote absent on Service.

"The Proceedings of the 30th ultimo read and approved.

"Read again the Letter from Brigadier General Scibbert, dated 28th October, and recorded on the last Day's Proceedings.

"Agreed, that the Governor General be requested to write to the Nabob Vizier, recommending to him to require from Fyzoola Cawn the Quota of Troops stipulated by Treaty to be furnished by the latter for his Service, being 5000 Horse, to be put under the immediate Command of Lieutenant Colonel Muir, commanding at Futtigur.

"Agreed also, that the Governor General be requested to write to the Rajah of Benares, requiring him to furnish such Part of his Cavalry, entertained in his Service, as he can spare for the Service of this Government, and to inform what Numbers he can supply; that a Letter be written to Mr. Francis Fowke, directing him to make the same Requisition of the Raja, and at the same Time, to obviate any Jealousy which the Raja may conceive that this may be converted to a permanent Imposition upon him, by assuring him, that the Board will require the Services of these Forces no longer than while the present War lasts, after which they will be returned.

"Agreed, That the following Letter be written to the Resident at Benares.

"Sir,

"On Receipt of the Intimation conveyed to us in your last Letter of the 18th ultimo, Orders were issued to countermand the March of the Troops which were appointed to proceed to Benares in consequence of the Delays used by the Rajah in the Payment of his Subsidy.

"Deeming it just and proper that the Rajah should be desired to afford every Assistance in his Power to this Government, to whose Protection and Support he owes all that he possesses, the Governor General has been requested to write to him to furnish such Part of the Cavalry entertained in his Employ as he can spare for the Service of the Company. But as some Jealousy and Apprehension may arise in the Rajah's Mind, that his Aid may be converted to a permanent Imposition on him, we think it necessary that such Fears should be obviated, and direct you therefore to assure him, that we shall require the Services of this Force no longer than during the Continuance of the present War, after which it will certainly be returned.

"Fort William, 2d Nov. 1780.

We are, &c."

The Managers for the Commons being asked, Whether any Deliberation was had upon the Subject, or any Objection made to the proposed Demand of Cavalry, answered, they did not believe there was any Dispute, or that any Minutes passed upon the Subject. And being also asked, Whether this Resolution turned in any Manner upon the Letter of General Scibbert referred to at the Beginning of the Consultation from whence the Extract had been read; they replied, that they did not know it did.

The Witnesses produced Book 29, intituled, "Bengal Letters, received from 13th May 1780 to 8th April 1782."

Secret Dep.
Thursday.

Fyzoola Cawn
to furnish his
Quota of
Troops.

Rajah of Be-
nares to sup-
ply a Part of
his Cavalry for
the Service of
the Company.

To Mr. Fran-
cis Fowke,
Resident at
Benares.

Vide Public
Answer.

* Sic in Orig.

Read, the 36th Paragraph of a General Letter to the Court of Directors from the Secret Department of the Board, dated Fort William, 29th November 1780, beginning at Page 158 of the said Book.

“ Fort William, 29 November 1780.

“ We have thought it necessary to require from the Rajah of Benares the same Subsidy for the ensuing Year that he paid in the last, as his Proportion in the Expence of the War. He for some Time hesitated to comply with the Demand, and we were obliged to resolve on Measures of Compulsion; but he has since paid the Amount, and we have stopped the Execution of those Measures. The Support which he receives from this Government, to whom he owes all that he possesses, the known Affluence of his Circumstances, notwithstanding his Pretext to the contrary, and the Interest which he possesses in Chief over all other Persons subject to us in the Company's Prosperity and Success, have induced us to require of him the Assistance of such a Body of Cavalry as he can spare for the Company's Employ, under a Promise made to him that their Services will not be required beyond the Continuance of the War. We have also strongly recommended to the Nabob Vizier to require from Fyzoola Cawn, the Quota of Troops, consisting of 5000 Horse, stipulated by Treaty to be furnished by the latter, and we do not doubt of his ready Obedience to the Requisition.

“ Fort William, the 29th November 1780.

Signed, Warren Hastings,
Edward Wheler.”

Then the Managers for the Commons stated, That having now proved all the Transactions respecting the Three Demands of Subsidies in 1778, 1779, and 1780, and the Demand of Cavalry also in the Year 1780, they ought next, in the Order of the Charge, to proceed to the Statement of some Transactions between Mr. Hastings and the Nabob of Oude, relative to the Rajah of Benares, contained in a very long Paper; but as it would be necessary to read the Whole of that Paper afterwards, they proposed passing over this Paragraph of the Charge at present, and referring to it, when they came to the Paper at Length. They further stated, that for the same Reason, they should now break off their Evidence respecting the Cavalry at the Period of the Demand being made; as on this Subject they should likewise have Occasion to call the Attention of the House to the Paper alluded to, and they wished to avoid reading by Piecemeal what would be more intelligible when taken all together. On these Accounts they should next proceed to state, that Mr. Hastings did write a Letter to the Rajah of Benares, charging him with Irregularity in the Payment of his Annual Stipend; this, they informed the House, they should have proved, but the Defendant had rendered it unnecessary, by setting it forth verbatim in his Answer, already before the House: It only remained therefore for them to prove, that these Payments were, in Fact, made with Regularity; for which Purpose they called,

MR. WRIGHT, who being sworn, was examined as follows.

Q. Are you in the Office of Accountant to the East India Company?

A. I am Auditor of the Indian Accounts to the East India Company.

Then the Managers for the Commons desired the Witness might be directed to produce from the Benares Journal for the Year 1780, the Account and Dates of the several Payments of the Rajah Cheyt Sing's Tribute.

The Witness accordingly produced a Book, intituled, “ Bengal Journal 1780-1.”

Q. What is that Book?

A. This Book is the Journal containing the Account and State of Affairs of the Honourable United Company of Merchants of England trading to the East Indies, their General Joint Stock in Bengal, under the Management and Direction of their Governor General and Council of Fort William, commencing the 1st Day of May 1780, and ending the 30th of April 1781.”

Q. (from a Lord.) Is that the Account from Bengal?

A. From Bengal. The Journal is signed by the Council, viz. Warren Hastings, Edward Wheler, John Macpherson, Esquires. In Page 734 is the Entry of the Resident of Benares, in the Accounts of the Year.

The Book was delivered in at the Table, and the following Extract was read by the Clerk, beginning at Page 734 of the said Book:

“ Resident

" Resident at Benaris		D' to Profit and Loss.	
" Received of Rajah Cheyte Sing,		on Account of his Tribute :	
" 1780.	May	—	1,98,434 4 12
	June	—	1,98,431 4 12
	July	—	1,98,431 4 12
	August	—	1,98,431 4 12
	September	—	1,98,431 4 12
	October	—	1,98,431 4 12
	November	—	1,98,431 4 12
	December	—	1,98,431 4 12
1781.	January	—	1,98,431 4 12
	February	—	1,98,431 6 12
Carried forward		19,84,313	— —

				" Fort William, April 1781.	
" Resident at Benaris	—	Dr to sundry Accounts.			
" To Profit and Loss brought forward				19,84,313	— —
1781. March	—	—		1,98,431	6 12
April	—	—		1,98,431	6 12
				<hr/>	
Standard Gourshay Rupees	—			23,81,175	13 4
Batta 8,314 22 8 per Cent.	—			1,96,048	14 10
				<hr/>	
				25,77,224	11 9

(Signed at the End of the Book)

" Warren Hastings,
Edward Wheler,
John Macpherson."

The Managers for the Commons stated, that they should next proceed to prove the Payments on Account of the Stipend of Mirza Sawdit Ally Khan; it being a Part of Mr. Hastings's Defence, that the Rajah Cheit Sing's Delay was the Cause of the Nonpayment of that Stipend: The same was accordingly read from P. 735 of the same Journal.

" Sundry Accounts		—		D' to Nabob Asoph ul Dowlah.	
" Paid to Nabob Mirza Sawdit Alley Khawn his Allowance of Three Lacks per Annum, as per Order of the Honorable the Governor General and Council, dated 20th March 1781.					
" 1780.	May	—	—	—	—
	June	—	50,000	—	—
	July	—	11,480	3	—
			<hr/>		
Carried forward			61,480	3	—

" Sundry Accounts		—		" Fort William, April 1781.	
" Nabob Asophul Dowlah, brought forward				D' to Resident at Benares.	
1780.	August	—	61,480	3	—
	September	—	23,310	6	2
	October	—	23,310	6	2
	November	—	23,310	6	2
	December	—	23,753	2	—
1781.	January	—	23,753	2	—
	February	—	23,753	2	—
	March	—	23,753	2	—
	April	—	23,753	2	—
Standard Gourshay Rupees			2,73,485	4	16
Batta 8,314 22 8 per Cent.			22,516	13	—
			<hr/> 2,96,002 1 16		

(Signed at the End of the Book)

Warren Hastings,
Edward Wheler,
John Macpherson."

Then the Managers for the Commons stated, they conceived it would tend to elucidate the Matter, if they informed the House that Mirza Sawdit Ally Khân was the Brother of the Nabob of Oude, who resided at or near Benares, and was paid a Stipend by the East India Company, which Stipend was afterwards repaid by the Nabob of Oude: But for the Purpose of first paying it, there was an Order from the East India Company to the Resident at Benares, that it should be provided for out of the Sum of Money payable from the Rajah of Benares, and that it should be allowed him in the Account.

Then they stated, that they should next produce Two Letters, the one written in December 1780, the other in January 1781, from the Resident at Benares, informing the Board of the Payment of the Monthly Kists, in order to shew that it was impossible Mr. Hastings could have merely been under a Mistake when he wrote the Letter to Rajah Cheit Sing.

The Counsel for the Defendant desired that the Witnesses might be asked, Whether he knew by whom the Accounts produced, and signed by the Governor General and Council at the End of the Book, and which appear to be examined, &c. and closed by William Larkins, are made up.

The Witness was asked,

Q. What is the Office of Mr. Larkins?

A. Accountant General to Bengal.

Q. Are those Accounts prepared in his Office?

A. Those Accounts are prepared in his Office. This Book is one general Account and Compilation of the various Accounts of the Presidency of Fort William.

Q. Those various Accounts are transmitted in the Course of the Business to the Accountant General's Office, whose Business it is to make up the General Accounts of all the various Branches of the Accounts that come to his Office?

A. It is so.

Q. And it is sent over here by whose Authority?

A. By the Governor General and Council, and signed by them.

Q. Signed by whom?

A. Signed by the Governor General and Council.

Q. Do you happen to know whether the Course of the Business in Bengal is not only to send over the Accounts made up by their Officers from the Accountant General, but also to send over the Original Documents, and how they are made up?

A. From some of the Departments.—For Instance, the Paymaster General of the Forces sends home his.

Q. Are the Originals, or only Copies sent Home?

A. Only Copies.

Q. From the Paymasters?

A. From the Paymasters.

Q. I understand you to say then, that they keep the Originals there in the Course of their Proceedings?

A. So I understand.

Q. But they send over Copies of particular Branches, when those are wanted for the Information of the Company?

A. Yes.

Q. Are those from Benares One?

A. I believe not: The Account of this Year from Benares is not received.

Q. According to the usual Custom, do they send over the Account of the Benares Revenue, in the same Manner as they do the Army Accounts?

A. Not for this particular Year.

Q. Do they generally?

A. No, not from Benares, otherwise than with this general View.

Q. From your Observations on these Accounts, do the Payments always appear to be ascribed to the Day upon which the same become due, or to the Days upon which the Payments are actually made?

A. To the Days on which the Payments were actually made.

Q. That is as far as you know ?

A. As far as I understand.

Q. With regard to the Payments made, what is the Language of the Entry ?

A. The Entry begins " Received."——

Q. Is there any Date of the Day of the Payments, as yet we have only heard of Months ?

A. There are no Dates of the Days of Payment, only of the Months.

Q. Do you know where the Kistbundy, to which those Payments relate, is lodged, is there any Copy of it transmitted Home ?

A. I don't recollect that there is; but I think there is; I am not certain.

Q. Does it fall under your Observation that the Kistbundy, for the Payment of the Stipend to Mirza Sawdit Ali Cawn, is or is not in the East India Company's Books ?

A. I don't recollect.

Then the Witness was directed to withdraw.

Then the Managers for the Commons observed, that perhaps they might have thought it sufficient to have produced the Accounts sent over by Mr. Hastings, as against Mr. Hastings, but that they would go One Step further, and produce his Letter accusing the Rajah of the Nonpayment of his Tribute; for which Purpose they desired Mr. Hudson might be again called; who, appearing, produced Book 32, intituled, " Persian Correspondence, Letters written in the Public Department from the 1st of January to the 31st December 1781."

Read, a Letter from the Governor General to Rajah Chite Sing, dated 17th January 1781, beginning at Page 1, in the said Book.

" To Rajah Chite Sing.

" Written 17th January 1781.

" Frequent Representations having been made to me of the Want of Punctuality in the Payment of your Malguzary, that Part more particularly which is assigned for the Disbursement of Seidut Ally Khan's Salary, and it having, at this Time, more than any other, a bad and suspicious Appearance, I do peremptorily order, that all Arrears, of whatsoever Kind, be paid up within 24 Hours after the Receipt of this Perwanna, or you must expect that bad Consequences will follow.

" (Authenticated at the End of the Book. as follows):

" Ex^d G. T. Cherry,

" D. P. T.

Fort William,
the 31st December 1781;
H. Colebrooke,
Persⁿ Transl^r."

It appearing that there was no Signature to the Letter, the Managers for the Commons were asked, What Account they gave of the Letter?—They made answer, That the Persian Correspondence is kept in a Book by itself; that it does not appear in the Book at what Consultation this particular Letter was sent, otherwise than by the Date put by the Governor; or that it was signed: That the Address is put; that the Persian Correspondence can only be carried on by the Governor General alone, and that the Book, containing the Letter in question, was authenticated by Mr. Colebrook, the Persian Translator.

Then the Managers for the Commons said, they should next proceed to prove the Payments in December 1780, and in January 1781, of what became due in November and December 1780, by producing the Letters from the Resident above alluded to; and therefore desired the Witness might be directed to deliver in Book 33, and Book 34.

Accordingly Book 33, intituled, " Bengal Public Consultations from 23d November to the 28th December 1780," was first delivered in.

Read, the following Extract of a Consultation on the 14th December 1780.

" Fort William, 14th December 1780.

" At a Council, Present,

The Honourable Warren Hastings Esquire, Governor General, President,
Edward Wheeler Esquire.

Lieutenant General Sir Eyre Coote absent on Command at the Presidency of Fort St. George.

C c

" Read

Pub. Dep^t
Thursday.