

INDIA REFORM.

No. VII.

INDIA WRONGS WITHOUT A REMEDY:

ILLUSTRATED BY

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2. THE CASE OF THE DEPOSED RAJAH OF SATTARAH'S PRIVATE PROPERTY.
3. THE CASE OF THE PARSEE MERCHANTS.
4. THE CASE OF THE EX-RAJAH OF COORG



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INDIA REFORM.

INDIA WRONGS WITHOUT A REMEDY.

THE object of this Tract is to give a few specimens of a large class of cases of Wrong and Injustice perpetrated, either directly and through its own acts, by the Indian Government, or indirectly and by its inactivity, for which neither the law of the Predominant Power nor the practice of its Administration as it now stands, has provided a remedy or a tribunal. The cases that follow have not, however, been selected because of their special gravity and scandal, but because they are instances in which the Claimants, either in person or by their agents, are now in England, soliciting and claiming that redress which they have long sought for in vain in India.

In the first case, the Wrong complained of is a violation of a Treaty to the ruin and starvation of the descendants of a Royal House, through which our own fortunes in Southern India were first advanced—a Treaty, too, of which we are still in full and profitable enjoyment. In the second, the injury done is the confiscation of private property to the extent of £300,000, the preservation of which was solemnly promised by the Bombay Government and its agents. In the third case, British subjects complain of their Government allowing a Native Prince to defraud them of large sums of money, of which it had the benefit. And in the fourth, a deposed Prince asserts that the Indian Government has repudiated, to his injury, that part of their public debt in which his private fortune was invested. Now in not one of these four cases is there at present any legal machinery by which the Indian Government can be made to entertain these complaints, by which the question of injury or no injury can be ascertained and decided, by which the amount of redress and compensation if due, can be assessed. And this, it is submitted, is a state of things,

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incompatible with the honour of the British Crown, inconsistent with the character of the British Nation, discreditable to the sacred cause of justice, and encouraging to that want of responsibility which is the vice of our Indian system.

That system is indeed the object of anticipatory and premature laudation by Lord John Russell.* Speaking of the opposition of Mr. Fox to Mr. Pitt's India Bill in 1783, his Lordship remarks, and the importance of Lord John's opinion at the present moment will justify and excuse the length of the quotation :—

"It was easy for Mr. Fox, with his vast powers of reasoning long exercised on this subject, to prove that these two authorities [the Court of Directors and the Board of Control] must be always in conflict; that, with two supreme heads confronted, confusion must ensue, and that the abuses of the Indian Government must be perpetuated under so strange and anomalous a system.

"The experience of seventy years, however, has blunted arguments which could not be logically refuted. The real supremacy of the Ministers of the Crown, usually kept in the background, but always ready to be exerted, has kept in check the administration of the Company, and placed the affairs of India under that guarantee of ministerial responsibility by which all things in Great Britain are ordered and controlled. The Directors of the East India Company have not ventured to connive at acts which a Minister of the Crown would not sanction; and a Minister of the Crown would not sanction acts which he could not defend in Parliament. Thus silently, but effectually, the spirit of the British Constitution has pervaded India, and the most absolute despotism has been qualified and tempered by the genius of representative government.

"In giving to the India Bill of Mr. Pitt, however, all the credit which can possibly be due to it, we must not lose sight of another and more powerful cause of the improvement which has taken place in the morality of our Governors of India. Lord Clive and Mr. Hastings, invested with an irregular power; contending every month for the existence of a British settlement, without any military means of adequate proportion; sought by complicated intrigue, by insincere alliances, by acts of violence at one moment, and of treachery at

* *Memories and Correspondence of Charles James Fox. By Lord John Russell.*

another, to rear and consolidate a sovereignty of London merchants. In the words of Erskine they sought 'to support an empire, which Heaven never gave, by means which it never can sanction.'

"This course of cupidity and fraud, of robbery and oppression, was brought to a close by the impeachment of Warren Hastings. The mind of Mr. Burke comprehended the vast extent of the question, and his genius animated the heavy mass of materials which his industry had enabled him to master. He enlisted in this cause the powerful reasoning of Fox and the brilliant fancy of Sheridan. After a time he succeeded in gaining the support of Mr. Pitt, and armed against the former Governor of India the great battery of parliamentary impeachment. Whether the Minister was convinced by the evidence which threw so full a light on the misdeeds of Warren Hastings, or whether he was glad to protect himself from the ambition of a rival by acceding to a prosecution against him, the effect was no less certain. For years Mr. Burke persevered in his great task. Neither the dilatory plea of a dissolution of Parliament, nor the appalling earthquake of the French revolution (to none more appalling than to him), ever distracted his attention from his great Indian enterprise. The speeches delivered by him in Westminster-hall are great monuments of industry and eloquence: they surpass in power those of Cicero when denouncing the crimes of Verres. Finally, although the impeachment ended in an acquittal, its results were memorable and beneficial. Never has the great object of punishment, the prevention of crime, been attained more completely than by this trial. The Lords and Commons of England, assembled in Westminster-hall, in the presence of the judges, the bar, the aristocracy, and the public, heard the whole record of Indian transactions unrolled before them, and the acts of our agents brought to the test of English law and Christian morality. No palliation, no plea of necessity could alter the character of those acts; and no man who could aspire to civil or judicial authority in India would ever dare to repeat conduct which during seven years of a solemn process, before an august tribunal, had been denounced as wicked, oppressive, perfidious, rapacious, and cruel. The conscience of mankind was brought in presence of negotiations, treaties, usurpations, conquests, veiled in the haze of an obscure distance, and covered by a jungle of strange manners and uncouth phraseology. The sentence was pronounced, not by the Peers, but by the universal opinion of right and wrong. Mr. Hastings was acquitted, but tyranny, deceit, and injus-

tice were condemned. India was saved from abominations disgraceful to the English name, and the hands of Cornwallis, Minto, Bentinck and Auckland, have swayed an empire where Chyett Sing was despoiled and Nuncomar was executed."

How far "the most absolute despotism" has really and truly "been qualified and tempered by the genius of representative government" during the last twenty years, will, of course, be doubted by those who regard the Afghan war as a crime, the acquisition of Scinde as a stupid injustice, the conquest of the Punjab as a doubtful policy, and the Burmese war as an abomination,—will be denied by those who have witnessed a gradual deterioration in the condition of the people of India, who know the actual state of the administration of justice in India, and who have seen the gentry disappear, and individual wealth diminish. The improved tone of morality in the English mind and character during the last seventy years, rather than "the genius of representative government," which, exhausted by the mighty efforts it made during Hastings' impeachment, has never been able since to rouse itself to continued and systematic attention to the affairs of India—this improved tone of morality at home and the more complete organization of the internal government of India itself have, no doubt, corrected to some extent the larger faults of the Indian Government. But even these influences and agencies have failed to prevent the Company's Government perpetrating acts of wrong which would not be endured here in England.

Sir Robert Peel's large and disinterested vision long ago saw that in this respect our Indian "despotism" required some better correctives than the mere "genius of representative government;" he saw that it needed the substance of law rather than the mere reflex of liberal institutions from home; and that power so great ought, in its application to individuals, to be made subject and responsible to the examination and controul of independent judicial authority. So long ago as 1833, that great man (whose loss India will now feel as England has felt it), advocated the establishment of some

tribunal to decide in those personal questions on which the Indian Government now does as it pleases, uncontrolled by Parliament.

In England there is, the law assures us, no Wrong without a Remedy; in India, the following examples will illustrate, there is a large class of Wrongs, for which there is not even the pretence of Remedy. Here, in extreme cases the subject can prosecute his claims on the Queen's Government by a Writ of Right. There the subject's only hope are letters and remonstrances, sometimes unanswered, almost universally unheeded. Redress in India for this class of Injustice is not, therefore, a right to which the subject is entitled, but a favour to be reached by influence and solicitation. Thus the "despotism" of the Government and the servility of the people are promoted; and the suitors tired and worn out by the fruitless prosecution of their cases in India, turn to England, where, believing Justice to be found, they only experience disappointment. With these remarks, the reader will be better able in 1853 to appreciate in the following instances the want of such a Tribunal as Sir Robert Peel deemed necessary in 1833.

HOW THE COMPANY'S GOVERNMENT USES NATIVE STIPENDIARIES.

OF all countries of Southern India, the Carnatic is most intimately connected with the early progress of our dominion and with the growth of our empire. The Company's earliest settlement, Fort St. David, was situated in this kingdom, and its position below the Ghauts, on the coast of Coromandel, brought us at once into connexion with its Mahomedan rulers. There we were met by, there we resisted, and thence we finally expelled French influence. It was our success in the Carnatic that cost Dupleix his fortune, and Lally his life. At its capital, Arcot, Clive won his youthful fame, and by Lawrence and him our adopted pretender

to its throne, Mahomed Ali, was established as Nabob. It was in the Carnatic, that Hyder Ali took such terrible vengeance on its unhappy people for our faithlessness—a vengeance that roused to its highest pitch the eloquence of Burke. It was in the Carnatic that our influence, as our arms, competed with enemies then more formidable to our power than even the French, Hyder and his son Tippoo. Gradually we acquired the supremacy we sought; as usual, however, it brought embarrassments and difficulties, other than political, on the Prince immeshed in it. Of the debts and loans of the Nabobs of Arcot, there is a parliamentary literature of their own. For many years a very costly commission and establishment were maintained at home to enquire into them, and large retiring pensions are still paid to its surviving members and officers. Of their legality, of their classification, of their liquidation, a volume of Oriental romance might be written. At last they were paid off, or their future payment secured by Carnatic Bonds; but long before their arrangement or discharge, the Carnatic had ceased to exist as a State, either in an independent or a dependent form; its Nabob had been removed from the capital, practically deposed, and consigned to a convenient prison, still mis-named *the Palace* of Chepank, situated under the guns of Fort St. George.

It was from no great belief in the goodness of his title, but from a very deep sense of the Company's reputed interests, that British valour made Mahomed Ali Nabob of the Carnatic. His elevation, however, realized its main design, the abatement of French, and the extension of British influence in Southern India. The Company guaranteed, of course, the dominion they had secured to him. They provided a military force for the defence of the Carnatic, and he bound himself to pay its cost. The result of this relation was the now familiar one; the Nabob undertook (by the Treaty of 1787) to pay an amount larger than either his revenue or his then acknowledged liabilities permitted him to discharge with regularity; and his want of punctuality was attributed to his misgovernment. The deeper and

deeper he sunk in debt. The more and more the Company insisted on ampler and better security. This, our first war with Tippoo furnished us with an opportunity of taking. In 1793, Lord Cornwallis imposed a new Treaty on the Nabob. There were, however, a sense of justice and a glow of generosity in Lord Cornwallis's mind, rarely found in Governors-General. He insisted on having full authority, to use when necessary, over the Carnatic; but he reduced the tribute of the Nabob from 15 to 9 lacs of Star Pagodas,* and he especially renounced all power over "the Jaghires or family estates belonging to the Prince's family, amounting to Star Pagodas 2,13,911, which, on condition of the good behaviour of their possessors, the Jagheerdars, and of their fidelity to the Nabob and the Company, shall (he engaged) be continued to them, subject to the pleasure of the said Nabob only." Thus, in extending the real power of the Company over the Carnatic, that great and successful statesman improved the pecuniary position of the Nabob, and conciliated his Court. Three years afterwards—1795—Mahomed Ali died, and was succeeded by his son, Omdut ul Omrah.

Towards the close of the century, Lord Clive was the titular Governor of Madras; Mr. Webbe, chief Secretary of the Government, was, however, the real Governor. Of the latter, the Duke of Wellington pronounced an opinion that he was one of the ablest men the Duke ever knew. Lord Clive, a much inferior person, not unnaturally, was much influenced by Mr. Webbe, who to great abilities added what Lord Clive also wanted, large experience of India, and the unscrupulous rapacity which then accompanied it. On his way to Calcutta, Lord Wellesley, the next Governor-General, touched at Madras. There he discharged his mind of the resolution he had taken, whilst at the Cape of Good Hope, to punish Tippoo for his really childish, but, no doubt, in intention, dangerous philandering with the French Revolutionists of the Mauritius, whom Lord Wellesley hated.

* One lac, or 100,000 Star Pagodas are £40,000. A Star Pagoda is eight shillings.—This coin has been superseded by the Company's Rupee.

with so fierce a hatred; there too he acquired—or, perhaps, propagated—suspicions against Omdut ul Omrah. Tippoo was quickly destroyed, and Mysore (a small part excepted), partitioned. Then Lord Wellesley and Lord Clive turned round upon the Nabob of the Carnatic. They charged him with sympathy for and secret intercourse with his co-religionist, Tippoo, with whom indeed Lord Cornwallis had advised him to keep up a friendly correspondence; though aid or assistance he had none to give to that Prince. Establishing their own charge by their own evidence and their own commission, Mr. Webbe being on it, they pronounced themselves released from the obligations of Lord Cornwallis's Treaty of 1792, and they were about to treat Omdut ul Omrah as a public enemy, when death terminated that unhappy Prince's troubles; but not their determination to annex the Carnatic. They denied that his son, Ali Hussein, inherited his throne: but they decided that though a boy, not of age, he had succeeded to the position of public enmity to British authority imputed to his father. The unhappy lad, like the late Rajah of Sattarah, had the spirit to refuse a nominal throne, and accept of a life of ease and infamy, on the condition of signing a Treaty handing over the Carnatic territorially, in vicarious liquidation of his father's alleged offences against the Company. There was no Benares 1000 miles off in those days, to receive and retain the Company's State prisoners. So he—the grandson of Mahomed Ali, the Company's own Nabob!—with whom on those terms of disgrace they were willing to treat as lawful heir, was declared to be an impostor. An heir more pliant, as well as more legitimate, was next sought and found in another grandson; and with this lay figure of a Sovereign, the Treaty of 1801 was made. By it, the Carnatic, its territories, its revenues, and rights, were vested in the Company; the Nabob receiving as his share of the spoil, one-fifth* of the net revenue of the State he surrendered up.

* It would appear, from the mode in which the Carnatic Finance Accounts are now made out and delivered to that Prince, that the present Nabob does not receive the one-fifth of the net revenue to which he is entitled under the Treaty of 1801.

Thus fell the Carnatic. All that now remains of its former native greatness is to be seen in the beggarly and ruinous palace of Chepank. There lives the nominal Nabob, still ludicrously treated with salvos of artillery in his visits to the Governor of Madras, still received and fraternally and publicly *hugged* as an anointed Prince on State occasions; still held sacred and exempt from the jurisdiction of British law; but not suffered to stir an inch from the bounds prescribed for his airings, without leave first asked and obtained *in writing* from his jailers: without occupation, without employment, without hope, without object in life, a miserable pensioned puppet; relieving the tedium of life by exhibitions of dancing girls and other such follies; his palace, a prison, girt by a tumble-down native town, where dwell in famine and filth the crowd descended from that Court and those servants of the State, whose career of activity, ambition, and honourable occupation finally and equally closed in 1801 with that of their Sovereign.

These men were the Jagheerdars for whom Lord Cornwallis so considerately and nobly provided in the Treaty of 1792. They held their Jaghires, or great fiefs, in what was called *Altumgha Enaum*, or as we would say in Fee Simple; and so complete and independent were their possession, that by the Treaty of 1801, the value (star pagodas 2,13,421) of these private estates had to be deducted from the gross revenue of the Carnatic, in estimating the fifth of the net revenue assigned to the Nabob. Their existence, as private property, was thus distinctly recognized. The Jaghires themselves were, however, for reasons of public safety, assumed by the Company. But by the ninth Article of the Treaty, the Company charged itself with a suitable provision for the families and the Courts of the two preceding Nabobs, and undertook to distribute it in such manner as the Nabob, then acknowledged, should judge proper. No sooner however was this Treaty signed, than the Company, by an explanatory article which they alone signed, shuffled out of the liability to the full extent of the annual value of the Jaghires they had just acquired, by declaring that the

were at liberty to exercise a discretion as to "the extent of the provision to be made for the support of the family and the principal officers of the two Nabobs, Mahomed Ali and Omdut ul Omrah."

This "discretion," they quickly did exercise. On the 29th Sept. 1801, Lord Clive fixed, by a Minute of Council the amount of the pecuniary provision (which had to be provided under the ninth article of the Treaty of 31st July 1801) at rupees 6,98,473, or star pagodas 1,99,564. Thus was at once acquired for the Company a profit of star pagodas 13,857 on the Jaghires which, though granted in fee simple, the Company assumed a proceeding, at which Lord Cornwallis's noble nature would have blushed. And this sum of rupees 6,98,473, (or about £70,000) had to be divided amongst men, who, in addition to these hereditary Jaghires, had enjoyed all the high offices of the Native Court which was extinguished, and to whom all other similar channels of employment were now closed. It had too to be divided amongst families accustomed to the comforts and luxuries of civilized life. It was not therefore a very magnificent fulfilment of the obligations imposed by the Treaty. But at all events it was then deemed a certainty and a permanence; and in that there was some comfort.

It has proved otherwise. The amount of these stipends was duly paid to the persons entitled to them as long as they lived; and, after their deaths, for some years their descendants succeeded to the stipends without question, and as a matter of right. Gradually, however, the Madras Government has gone on reducing them, until in 1851 their aggregate annual amount only reached star pagodas 85,714. To some persons and families, their allowances have been reduced one-third, to others one-half, in some cases by two-thirds. Concurrently, the families dependent on the stipend have gone on increasing. Nearly all the stipendiaries are consequently in debt and embarrassment; some of the descendants of the last Carnatic monarchs starving on one rupee, or two shillings a-month; others eking life out by netting and embroidering; one family, great-grandchildren

of Mahomed Ali, reduced from the position of stipendiaries, as was their father, are existing on charity; and the whole of these unfortunate people are now in the direst apprehension that, on the deaths of the present recipients, no further allowances will be made to their families. In short, the whole colony dependent on Chepank, composed of Mahomedan gentlemen of rank and condition, is at present living in a dread of future starvation.

Now these families either have, or have not, rights under the Treaty of 1801. There is nothing in the language of that Treaty which restricts the obligations of the ninth Article to the heirs of those then living, or their immediate descendants. The Jaghires were hereditary, and held in fee-simple; they were recognised by the Treaty of 1792; their annual value, as there settled, is deducted, under the Treaty of 1801, from the gross revenues of the Carnatic, as an amount the Company had no right to; and by every rule of justice, the money equivalent assigned for the Jaghires by the Company ought to be as lasting a tenure as the Jaghires themselves—that is perpetual. Of the Treaty of 1801, the Company has still the benefit; so ought the Nabob to have. It is in full force. Why, then, are not the meaner parties affected by it, as much entitled to its permanent advantages as the greater powers who contracted it? **

If, however, in the opinion of the Indian Government, these persons have no permanent rights under the Treaty, it is the refinement of cruelty not to announce to them their actual position—not to warn them against the approaching termination of their allowances—not to define in the most accurate manner the legal duration of their stipends. At present, they are left in suspense; hung between heaven and earth; the victims of a policy which is not avowed. And why is it not avowed? Because it is too unjustifiable to avow. Turn to what account of the transactions of 1801 that you will, there you will find all, equally those who praise and those who condemn the acquisition of the Carnatic, uniting to laud the liberality which provided for the support of the families and courts of our own Nabobs. Yet, fifty

years have scarcely passed away, and some of the descendants of those Princes are starving; others are in want; all in dread and apprehension of the future.

Can any man say that this is a just or an honourable fulfilment of the terms on which the Company became complete masters of the Carnatic? Will any one contend that this is creditable or honourable to the British Crown and People, for whom the Company are Trustees of India? But for this wrong there is no remedy.

HOW THE COMPANY'S GOVERNMENT DESPOILS DEPOSED NATIVE PRINCES.

In the destruction of the Native States in India, there is less to be said against the overthrow of the Peishwa than against any other. The authority of those Princes over the principal members of the old Mahratta confederacy was an usurped power; they held in captivity the family of Sevajee, the founder of Mahratta greatness; they maintained their authority by superior intrigue rather than intelligence; they were mischievously disposed towards, rather than, like Scindia and Holkar, openly hostile to British power; and they encouraged for their own purposes Pindarri robbery and freebooting. Baji Row, the last of the Peishwas, too, wanted even the ordinary courage of his family; he was cowardly, treacherous, cruel, and superstitious; he had, too, been party to an assassination of extraordinary atrocity in itself, and of unpardonable insult to the British Government. So when he surrendered to the arms of Lord Hastings, none except his Court and Sardars regretted his fall. By his destruction the Company's Government not only got rid of a dangerous enemy, but added 50,000 square miles of territory in the very heart of their dominions, and four millions of the bravest people of India to their strength. Despite his public offences

and his personal faults, Baji Row was, however, nobly treated by Lord Hastings; he settled £100,000 a year on the ex-Peishwa, allowed him to choose his own residence, to exercise jurisdiction over his followers and guards, and permitted him to carry away camel loads of his treasures. So that for the thirty years he survived his loss of power, Baji Row had at least all the wealth and splendour of a prince, and was able to quiet his fears of the other world by the largeness of his offerings to Hindoo shrines and holy places in this.

From his camp fled the heir of the rightful Mahratta Princes, Pertaub Shean, the head of all the Mahrattas. What to do with him became at once a great question. Lord Hastings left it to Mr. Mountstuart Elphinstone to give him either a large estate or a small principality. "At the time I had to decide," Mr. Elphinstone afterwards wrote to Lord Hastings, "the Mahrattas showed no disposition whatever to quit the Peishwa's standard, and it appeared not improbable that the dread of the complete extinction of their national independence, and, still more, of the entire loss of their means of subsistence, would induce them to adhere to Baji Row, that could never have been produced by affection to his person or interest in his cause." Therefore, for British interests, did Mr. Elphinstone carve out the little state of Sattarah, and over it make Pertaub Shean Rajah. Taught wisdom in his misfortunes, that Prince in his prosperity governed Sattarah so admirably, that to testify their sense of his government and his fidelity, the Court of Directors presented him with a sword of honour. After an admirable reign of nearly twenty years he became the victim of Brahminical intrigues and of British credulity; and on the ground of imputed intrigues which, if real, would have been ridiculous and contemptible, it was resolved in 1839 to unmake the Rajah whom we had made in 1819.

Beloved and honoured by his people, the Rajah could have made a strong resistance; and as any disturbances in India, at that particular juncture, when the Government had rushed into the Afghan war, might have proved infectious, the Resident was directed by the Bombay Government to inform the Rajah, "that all property belonging to him, *bonâ fide*,

containing some 400,000 inhabitants, they were foremost amongst its merchants and bankers. On its decay and depopulation, under British dominion, they enriched, by transferring their enterprise and their capital to, Bombay; and there Parsee mercantile houses have continued to possess the greater part of the home, and no small share of the foreign trade.

Prominent amongst them was the family of Merjee; it consisted of two brothers, Pestonjee Merjee and Viccajee Merjee, trading under the designation of Pestonjee Viccajee. From small beginnings this firm rose to great importance; until the partners not only possessed the confidence, but were also employed by the Bombay Government. As far back as 1817, they were entrusted by Mr. Mountstuart Elphinstone with the fiscal management of a great part of the Northern Konkan, then just conquered from the Peishwa. During our war with that Prince, they advanced large sums for the payment of our troops, and in this connexion won praises from all the British authorities. Throughout a great portion of our new acquisitions they constructed at their own expense bungalows for travellers; in Candeish they cleared a great jungle; in most of the new British towns they established banking establishments; but especially they devoted their attention to promote and increase the growth, cultivation and trade in cotton. In this enterprise, they opened up roads in that portion of Berar which belongs to the Nizam, supplied the peasantry with capital, furnished them with means of carriage, erected screws and presses; and with such effect, that between the years 1825 and 1836, they increased the production of Berar cotton from 120,000 lbs., worth £2,500, to 48,000,000 lbs. of the value of £600,000. The firm of Pestonjee Viccajee was, therefore, it will be seen, no ordinary commercial establishment; it had achieved great public results, and deserved well of the Company's Government, whose subjects its members were.

In prosecution of their cotton trade, Pestonjee Merjee went in 1835 to Hyderabad, the capital of the Deccan, carrying with him letters of recommendation from the Bombay Go-

vernment to the Resident at the Nizam's court; and there, in the British town which surrounds the Residency, he established himself. . Actively engaged in promoting the cultivation of the Berar districts, the Nizam's Government availed itself of his abilities. It forced on the house the management of the revenue affairs of nearly the whole valley of Berar; and under their just and protecting influence, waste lands were brought under culture, the growth of cotton was still further extended, the revenues were regularly paid, and the condition of the country greatly improved. As was to be expected, the Native Government got gradually into the debt of Pestonjee Viccajee; still down to 1838, the account was not (in comparison with future advances) largely overdrawn; the balance against the Nizam being only £56,000.

In that year the Affghan war—the origin of so many ills and woes—was declared; and its enormous demands on the Indian Treasuries pressed heavily on the pecuniary means of the Company. Under the Treaty of 1802, (concluded after the destruction of Tippoo Sultan) the Nizam was obliged to keep up a contingent of 9,000 cavalry and 6,000 infantry for the use of the British Government. This force is,* substantially, part of the British army, disciplined in the same manner, commanded by British officers, paid through the British Resident. Of so little use is it to the Nizam, that to carry on the internal administration of his country, he is obliged to maintain a great army of Rohillas, Arabs, Affghans, and Sikhs of his own. Now in 1838, that prince had not sufficient available funds to keep up the pay of the contingent, which takes one-fifth of his whole revenue, without being of any service to him; and the Company, with the Affghan war to provide for, had, of course, no money to spare.

In this dilemma the firm of Pestonjee Viccajee was requested, with the full knowledge and approbation of the Resident, by the Nizam's Government, to stand between it and the British authorities. They did: they supplied funds to pay the Contingent, and by doing so, saved the Deccan from disorders, and the Company from embarrassment in Southern

* See *India Reform*, No. IV. *The Native States of India*, pp. 10 and 11.

India. The advances, once began, continued. The firm drew bills on their correspondents where the different brigades were stationed; these bills were handed by the Nizam's minister to the British officer in command; and by him, their proceeds were applied in payment of the Contingent. The amount so advanced had by June, 1843, reached the enormous sum of £687,000. Much of it was supplied to Pestonjee Viccajee by friends and correspondents who confided in them; and in 1841 the firm, urged by their creditors, very properly requested, as English bankers under the circumstances would long before have done, the Nizam's Government to give them a tangible security for these and future advances. The request was complied with: a mortgage of part of the Berar revenues was made to them; it was delivered to the British Resident; he placed it on the records of the Residency, and gave Pestonjee Viccajee an authenticated copy; for, (to use his own words), "the satisfaction of their creditors." The Resident was consequently a party to this mortgage; he retained the deed, avouched its sufficiency, and in effect, if not in form, guaranteed the transaction.

In 1845, though the debt had, by their excellent management of the mortgaged districts, been then reduced to some £300,000, Pestonjee Viccajee became desirous of drawing the account to a close, and resolved to make no further advances. This determination gave great umbrage to the Nizam's government, which was thus thrown on its own resources to provide directly and regularly, for the Contingent's pay. Nevertheless, applied to by the Nizam for a personal loan, they accommodated him. Scarcely, however, had they done so, when the possession of the mortgaged districts was demanded from them; and, that being refused, their agents and people were expelled by force, sixteen of them being killed and fifteen more wounded.

Against this injustice Pestonjee Viccajee appealed to the Resident. General Fraser forwarded the appeal to the Supreme Government; but, though the Company had in reality been the recipient of the sums advanced; and though its representative had officially registered and recognized the

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mortgage, the Supreme Government, without assigning any reason, refused to interfere. The consequence was, that in 1848, this great House was obliged to stop payment, receiving, however, the utmost sympathy and consideration from its creditors. From that time Pestonjee Viceajee continued to prosecute their claims both at Hyderabad and at Calcutta; with no success, however. The Nizam's Government would not pay the settled and admitted balance of £260,000; and the Supreme Government, which had received the money and which was the only power to enforce justice, would not condescend to listen to their subjects' entreaties and reclamations.

In March 1851, the agents of the House sought in England the justice denied them in India. They waited on Mr. Herries, then President of the Board of Control, and on the Chairman, the Deputy-Chairman, and others of the East India Directors. At these interviews their claim was fully recognized, the utmost sympathy was expressed for their painful situation, and the impression produced was that their case would receive support. At last came the official reply to their Memorial; it simply stated that "the instructions of the Court would be communicated through the Governor of India." The agents again privately appealed to the Home authorities; were assured that letters would be written both by the President of the India Board and the Chairman of the Court of Directors to the Governor-General of India, in their favour, and that with the result they would have reason to be satisfied.

Thus inspired with hope, they hastened to Calcutta, there to receive this favourable answer. Instead of it, the Court of Directors had instructed the Governor-General, "not to interfere for the realization of any such claims!" By these instructions, Lord Dalhousie was of course bound. He, however, was equally full of verbal professions; he received the agents, voluntarily stated that he had no prejudice against them, and assured them that if he were to receive instructions from the Court of Directors, he would be ready to obey. So, again,

a second time, the agents (sons of Pestonjee and Viccajee) have come to England in search of justice.

In 1848, a single peremptory word from the British Resident at Hyderabad would have saved Pestonjee Viccajee from this ruin. That word was not uttered: they were allowed to be wrongfully ousted from the mortgages of which they were in lawful possession. For six years they appealed in vain for assistance and help in the recovery of their acknowledged claim from the Supreme Government. Then they extend their pursuit of justice to England. Here they are encouraged to expect it on a return to Calcutta. And there they find, instead of the promised support, the stereotyped refusal to enforce what is right, and remedy what is wrong.

Motives for the refusal to act, in 1845, it is needless to impute. But this is clear, that so long as Pestonjee Viccajee would supply funds to pay the Contingent, they were kept in possession of the districts: immediately they ceased their advances, they were allowed to be ejected. And this is how the Company's Government treats native merchants. The House of Pestonjee Viccajee was rich, almost "beyond the bounds of human avarice;"—its aged partners are now about to be turned out penniless on the streets of Bombay. Who is to blame? Can any one doubt that it is the Company's Government? Yet for the recovery of this debt, for the satisfaction of this wrong, the law has provided no remedy.

HOW THE COMPANY'S GOVERNMENT BEHAVES TO OLD ALLIES.

Coorg, nearly opposite Baicul and not far from Tellicherry, is, or rather was, a little Principality, perched on the range of mountains that look down upon Malabar and the western coast of India. Towards the close of the 18th century, it became a country of very considerable political importance; for it

alone, of its neighbours, maintained its complete independence against the victorious career of Hyder Ally, and from its position greatly impeded and obstructed his ambitious designs. A pass connecting the Coast Provinces with Mysore, runs through the Coorg Hills; and so long as this pass was in the possession of an adverse Prince and a brave independent people, Mysore might become assailable from the East India Company's Western Capital, Bombay. Hence Hyder and his still more implacable son, bent every effort to conquer Coorg; at times they were nearly successful; once they had captured and imprisoned the Rajah; but fortune more or less protected him, until Tippoo brought down on himself the just anger and the irresistible arms of Lord Cornwallis.

Of the Rajahs of Coorg, before they had thus acquired the enmity and persecution of Hyder Ally and Tippoo little is known, except that they had, for centuries, ruled over a brave mountainous people, whose attachment and fidelity to their sovereigns became conspicuous when those successful Mahomedan usurpers of Mysore attacked their little State. It was however against desperate odds that the Rajah of Coorg resisted assaults, in which religious fanaticism against a Hindoo Prince, joined with a strong desire to possess a country so important to the safety and defence of Mysore, redoubled the animosity against Coorg independence; and severewere the sufferings both of the Rajah and his people in their gallant and determined resistance. Their sovereign's cruel imprisonment at Seringapatam did not abate the ardour of his subjects; the mountaineers held out firmly and heroically, even when the Rajah was in their oppressor's hands; and the commencement of Lord Cornwallis' war against Tippoo found the Rajah still in possession of the greater part of his own country. He at once risked all the dangers of Tippoo's success, and boldly volunteered co-operation with the British. It was then—26th October, 1790—our first Treaty with Coorg was signed; and in it both parties “jointly call God, the Sun, the Moon, and the World” “to witness that pledge of their perpetual friendship.” The Rajah entered heartily into the war; not only did he allow the Bombay army to pass through

his dominions, but, when distressed for provisions, he supplied it with grain and cattle, refusing all pecuniary compensation. He joined Lord Cornwallis before Seringapatam, shared in all the dangers of the campaign, was foremost in every fight, and almost worshipped the British soldiers for their indomitable courage in those desperate encounters. The preliminary articles of peace were nearly concluded when Tippoo's desire to seek his vengeance on the Rajah risked everything; Lord Cornwallis insisted on Tippoo recognising the complete independence of Coorg, for he was resolved to protect so faithful and useful an Ally. Irritated almost to madness by being thus disappointed of vengeance, Tippoo refused; and it was only when Lord Cornwallis had again pointed his guns against Seringapatam, that his obstinacy gave way. Grateful for these services, Lord Cornwallis undertook never to interfere in the internal affairs of Coorg, and commuted a large money payment, insisted on by the Bombay authorities, for an elephant which the Rajah was yearly to present to the East India Company.

Equally faithful to the English alliance, and equally useful in the campaign, was the Rajah of Coorg in our second and final war with Tippoo; and it is not too much to say that without his energetic co-operation, the Bombay army could not have reached Seringapatam in 1799. "The Rajah of Coorg," wrote Lord Wellesley, in 1799, "has seconded my views and the exertions of the Company's servants on this occasion, with a degree of spirit, energy, and fidelity, which confirm the high character he had justly obtained in the late war." He and his brother and successor were in fact our firm and steadfast friends—when their friendship was of value; and with their throne the son of the latter Prince inherited their feelings and policy.

In so remote and difficult a country as Coorg this youthful Rajah had but little intercourse with Europeans; his life was passed principally in its field and hill sports; and over subjects bold and hardy he ruled with all the fire and spirit of a mountain chief. Of what went on internally the British Au-

thorities outside knew little; but a succession of disputes occurred between the Rajah and the Resident of Mysore, in which the Prince spoke and wrote with a courage and fearlessness to which Residents in India are but little accustomed. The origin of these disputes was the marriage of one of the Rajah's sisters with a man of an inferior position. On the death of this man's first wife, to save the family from the supposed humiliation of his contracting an inferior marriage, a second sister was given him, and he was handsomely supported at the Rajah's expence. Dissatisfied, however, with his want of power, he committed a most barbarous murder, fled towards Mysore; and on the frontiers cut down two of the Coorg people who attempted to prevent his escape. In Mysore, unfortunately, he was received and protected by the British authorities, and into their ears he instilled the vilest calumnies against the Rajah. That Prince demanded the extradition of the murderer; the demand, being refused, was repeated more vehemently. Discussion with the Madras Government followed; it proposed to send a Commissioner to Coorg to arrange the dispute; but the Commissioner appointed never reached its capital, Macara. One of his native suite, however, did; and was instantly arrested by the Rajah, who refused to surrender him unless his brother-in-law was first given up. To this request the British Government would not listen, and from it the Rajah would not recede. So in the beginning of 1834 a Proclamation was issued deposing the Rajah, and an army advanced into Coorg to carry out the Proclamation. This was done, though not without some little difficulty; in April 1834 the Rajah surrendered; all his treasures were seized, Coorg was annexed, and after some little delay he and his family were sent state prisoners to Benares.

At Benares the Rajah was at first placed upon a most inadequate allowance, but, on the representation of Colonel Carpenter, the British officer in charge of him, it was increased to £6,000 a-year: the Government of India having, of course, by his deposition, gained the whole revenues of Coorg. At Benares the Rajah supported his exile with dignity and firmness; for fourteen years he and his family

were in charge of Colonel Carpenter; and the result of their intercourse has been thus authoritatively recorded by that distinguished officer:

"Minute recorded by Lieut.-Colonel Carpenter, Agent to the Governor-General of India, Benares, 1st January, 1848.

"The period for my departure from Benares and return to Europe having arrived, I cannot part with his Highness the Rajah of Coorg, without giving him a testimonial of the sentiments with which he has inspired me.

"Since the Rajah quitted his palace at Coorg, in April, 1834, he has been under my charge, and I have infinite satisfaction in recording the quiet, peaceable, and exemplary behaviour of His Highness during the long period of nearly fourteen years that I have been a constant observer of his conduct, and which has been several times favourably noticed in my various reports to the Supreme Government.

"I am aware that subsequent to the Rajah's deposal numerous charges of cruelty and oppression, whilst he reigned in Coorg, have been brought against him; but I am bound in justice to declare, that during the whole time he has been under my care, no evidence of a cruel disposition has ever been exhibited; on the contrary, his manners and habits are mild and gentle in the extreme, and he has invariably won the regard and esteem of all parties with whom he came in contact since he quitted Coorg. Unfortunately, previous to that event, he had never seen more than half a dozen European officers in his life. The Rajah is a perfect specimen of an innate gentleman, though naturally reserved and shy, so that it becomes necessary to know him well to appreciate his many good and amiable qualities: he is particularly susceptible of attention and kindness.

"In conclusion, I earnestly recommend him and his family to consideration, and heartily and sincerely bid him farewell, with my best and warmest wishes that comfort and happiness may attend them in every situation, and under all circumstances. The Rajah's numerous children are especial objects of care and anxiety to him, owing to the extreme difficulty of providing for their future welfare, more particularly the little girl he is in the habit of dressing in the European style. Any kindness to her is peculiarly gratifying to the Rajah, and he is very desirous that she shall be educated and brought up as if she was an European: whatever arrangements he may wish

to make for the future provision of the child, will, I trust, receive the assistance and support of my successor, as far as it may be in his power to grant it."

In time the Rajah himself not only professed Christianity, but resolved to bring up his favourite daughter—the child thus referred to by Colonel Carpenter—in the faith and nurture of England. With this view, as also to prosecute claims about to be explained, he solicited and obtained permission from the Supreme Government of India to visit this country for twelve months; and, accompanied by the young lady, and a proper suite, he arrived in London in the beginning of 1852. On his arrival here, he unexpectedly found his chief design encouraged and promoted in the highest quarters. The Queen graciously condescended to become sponsor for the child; assigned her guardianship and education to a lady of rank and eminent fitness; and in due course of time the little girl was separated from the Rajah, for the purpose—to use his own language—of being "brought up with English habits and notions." Thus parted from his little favourite, the Rajah's attachment for her seems to have increased, and in dread of the approaching permanent separation, he requested an extension of his leave of absence from Benares. This request the Court stiffly and curily refused.* The Rajah renewed his application with still greater warmth; first, on the ground of his unwillingness to leave his child, about whose position he laboured under some degree of uncertainty, and also for the purpose of arranging, if possible, his private affairs.

"My natural feelings as a father," he wrote to the Secretary of the East India Company, on the 17th January, 1853, "towards my daughter, lately become a Christian, whom I must leave behind me in England, when I return to India, induce me to wish to prolong my stay for a time, as the separation, when it takes place between me and my child will be, in all human probability, a separation for ever. And, although I would not give way to any anxiety on the subject of my daughter's future comfort and happiness, when Her

* *Secretary of the East India Company to the ex-Rajah of Coorg, 24th Dec. 1852.*

Majesty has so graciously condescended to care for both her spiritual and temporal concerns—for which I feel, and shall ever feel, most grateful—yet I may permit myself to indulge in some sorrow at the near prospect of taking leave of her.

“My visit to England was determined upon in order to bring my daughter to be baptized, educated in the Christian faith, and brought up with English habits and English notions; and was projected by me solely with the view of gratifying this, the earnest desire of my heart, without having any reason to hope for any distinguished patronage for myself or child. The spontaneous act of condescension on the part of Her Most Gracious Majesty was necessarily unlooked for by me, and was of a character to call forth, as it did, both my surprise and my gratitude. I do, therefore, earnestly desire to remain some time longer in the same country where my child is, and where I can still see her.”

In this tender appeal to their sympathies, the Court however, could see no sufficient ground for any extension of leave of absence,” and insisted that the afflicted father should “no longer delay to procure a passage to India.” Becoming, however, more and more dissatisfied with the conduct of those in whose charge his daughter was placed, the Rajah did not obey this order to return to Benares, and the consequence is, that the Court of Directors have, at last, resolved to stop payment of his allowance—or, in other words, to starve both him here and his family at Benares, into compliance.

But for the Rajah's wish to remain longer in England, there is another and a more serious reason. The allowance he now receives from the Government of India may, we see, be stopped or diminished, whenever it pleases the Governor-General or the Court of Directors. Now, before her Majesty would assume the responsibility of the young Princess' education, it became, and very properly, necessary to provide a fund to defray its cost, and for the young lady's subsequent maintenance in England. The Rajah thereupon bound himself by deed with trustees—Lord Hardinge and Sir J. W. Hogg—to pay £400 a year on her account. Before leaving her, he is, however, desirous of securing this annuity to his child

for her own life, and not merely for such a length of time as he may live, or may possess his present allowance from the Government of India. He therefore, seeks to remain until he can give the Queen this additional guarantee for his daughter's independent support. But this he can only do by a settlement of his own pecuniary affairs; and these require some explanation to comprehend the full gravity of the conduct of the Court of Directors.

The uncle and father of the Prince now in London, were both prudent and economical Sovereigns; and so well did they rule their mountainous principality, that they were able to invest not less, we believe, than nearly ten lacs of rupees (or about £100,000) in the Company's Funds, all of which the Rajah inherited; receiving, through his Commercial Agents at Madras, the dividends thereon, regularly to the period when the disputes already referred to commenced.

The pecuniary claims of the Rajah are two—one derived from his father, the other from his uncle, the prior Rajah. His father, Rajah Ling Rajundur Wadeer, invested a large sum of money in the Madras 5 per cent loan, and on that Prince's death, the present Rajah inherited it, and received the dividends down to 1831, when it was converted into the Company's 4 per cent paper in his own name. His uncle had also invested a much larger sum in his only child, a daughter's name; but, on it, the dividends were paid first to his brother Rajah Ling, and then to his nephew the ex-Rajah, who, by his cousin's death unmarried, became her heir also. The dividends on both these sums continued to be paid to the ex-Rajah until the commencement of the disputes with the British authorities. Then their payment was suspended; and, after the unhappy Prince's deposition, it was absolutely refused. A prisoner and exile at Benares, dependent on the bounty of the Indian Government, the ex-Rajah was not, of course, in a position favourable to the prosecution of his claims; he made, however, several representations on the subject, but though he stands in their own books as a public creditor, to the extent of upwards of £90,000, he was informed the Indian Government did not recognise their liability to pay

their debts in his case; and from 1832 to 1853, this portion of their public debt has, in point of fact, been repudiated. Before leaving Benares the Rajah, however, informed the Governor-General that he would take active measures to bring the subject before the Home authorities; but here they refuse to listen to his case, and refer him back to India, where they will not "recognise" it.

The Rajah has a large family and being, as Colonel Carpenter states, a man of strong paternal affection, he desires to leave them a competence. For means to do so he has naturally turned to his private property vested in the territorial debt of India. There he stands as a public creditor; but from a period commencing two years' previous to his deposition, and while he was a reigning Prince and their Ally, down to this hour, the Indian Government have repudiated payment of the dividends thereon; and though for nineteen years he has addressed reclamation after reclamation against this injustice, his petitions, he says, "*have only been passed over in silence.*" He now asks the Court of Directors to restore this property to him, that he may make a permanent settlement on the Queen's *protegee*, and provide for his other children at Benares. And the Court refer him to that Local Government by which, for these nineteen years, his letters have remained unanswered!

Upon such conduct, the worst that can be said is, that it wants the boldness, the straightforwardness, and the formal honesty of Louis Napoleon in confiscating the Orleans property. The Indian Government deprive the unhappy Prince of the dividends on private savings invested in the Company's funds, and refuse him all explanation of this act of arbitrary power; and when he appeals to the Home Government, they will not listen to his complaint, because it is not transmitted through a Local Government that will not correspond with him on the subject! And for a Wrong like this, there is in our Indian System—in that "most absolute despotism," which, according to Lord John Russell, "is qualified and tempered by the genius of Representative Government"—no Remedy.

NOTE TO TRACT NO. IV.

"THE NATIVE PRINCES OF INDIA."

In confirmation of the statement contained in this Tract as to the resumption proceedings of the British Authorities in Sattarah, we are now enabled to quote the following.

"Feb. 2, 1853.

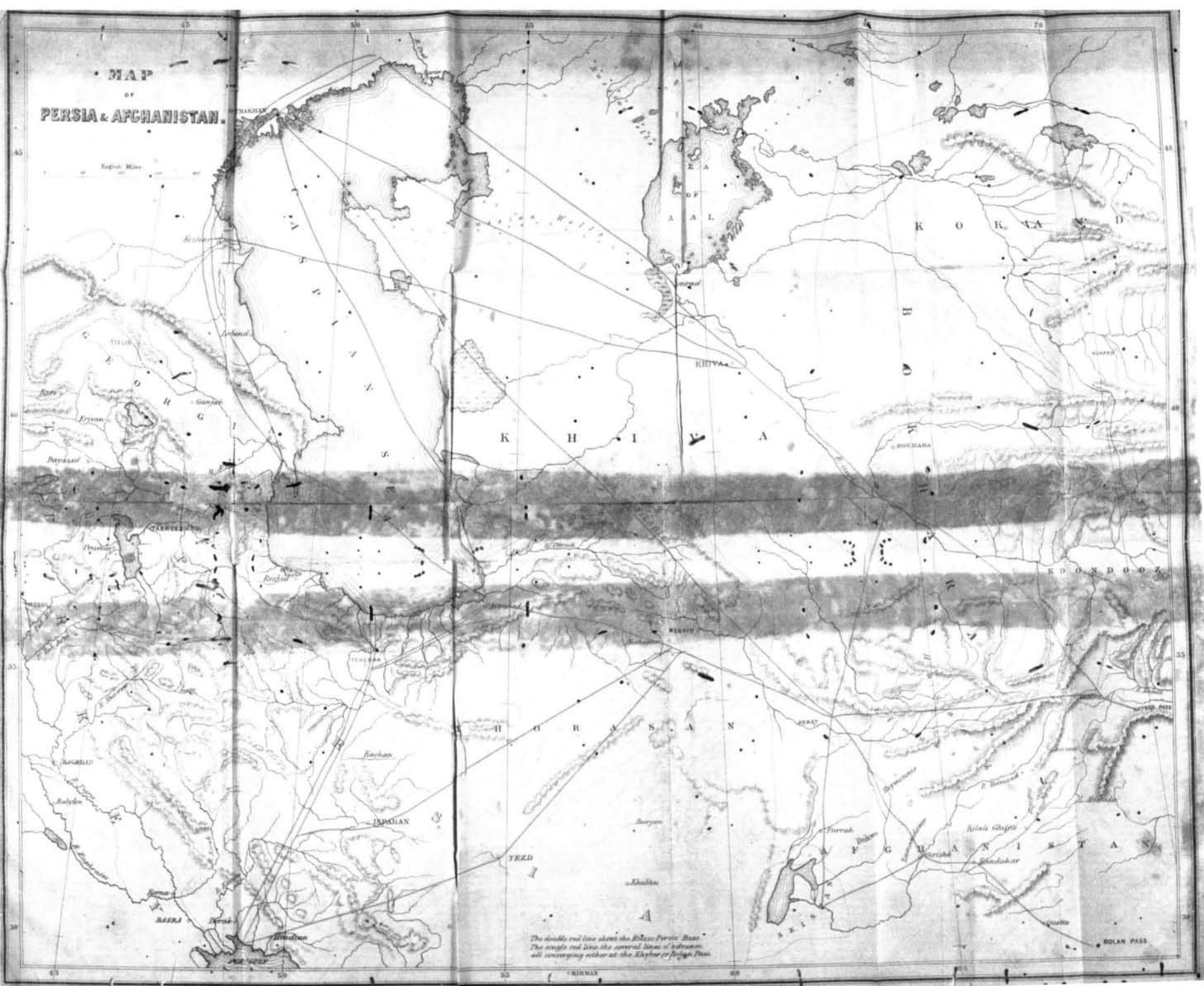
"I have been informed from Bombay that the Company's Government have lately appointed an 'Enam Committee' to inquire into the tenure and nature of enams, [rent-free grants of land], jagheers, &c. Under this pretence the local authorities have extended their injustice in a measure which is not the less short of usurpation of the rights and enjoyments of private individuals, than the usurpation of sovereignties.

"The authorities have demanded the papers and sunnuds [grants], from all Enamdars [rent-free holders], jagheerdars, &c., upon which they hold and enjoy their enams [grants] and jagheers [estates]. The latter, however ready to produce their deeds, have been molested by an arbitrary search in their houses, in order to take away *all other papers, documents, &c. appertaining to the Enam, or to whatever other matters there might be of private concern.* To convince you of the fact, I will herein give you the instance of the shameful treatment met with by Khundeyrow and Rowbah at the hands of the authorities. Khundeyrow and Rowbah are in the possession and enjoyment of their Enam village, Boregaun. There they were called upon by the authorities to give up all the papers, records, documents, they may possess and lay them before the Enam Committee. This was an encroachment upon the concerns of private individuals, and, therefore, Khundeyrow and Rowbah of right remonstrated against the arbitrary demand, with the exception that they were ready to produce the Sunnuds and other documents appertaining to the same, by which they hold their Enams. Notwithstanding this offer, the authorities forcibly entered their houses, and took away to Poonah all the papers, records, &c. found therein, loaded in several carts. The ancient practice was to demand to see the sunnuds, take copies thereof, and return the originals to their holders. Among the papers were printed books and pamphlets which Rowbah had taken with him from Benares, and which related to the unfortunate case of His Highness the Rajah. In these books, there were copies or translations of certain papers which were proved to have been fabricated for the unjustifiable inculpation of his Highness. Upon this, the Mumlutdar [the paid local native authority], accused Khundeyrow and Rowbah of having kept papers in their houses relating to the transactions of Government, and even threatened to imprison them, which however the Mumlutdar did not do.

"This treatment of entering forcibly the houses of Enamdars, and searching and taking away all and every paper relating to whatever matters they may have, is not only suffered by Khundeyrow and

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Rowbah, but by every Enamdar, in face of the integrity and paternal protection, avowed, of the British rule. If inquiry is to be made in respect to Enams only, nothing more could be wanted than a handful of papers including the sunnuds by which enams are held. If they are not produced, or if the right of holding the enams, is not established by the individuals, it is a matter of inquiry and investigation. But this arbitrary and unjustifiable treatment, as enforced by the Company's Government at present will no doubt teach the people to consider what they have to expect from the British rule.

"This is the case with those who hold sunnuds and other documents to prove the grant of the enams. But you must be well aware that there are several Zemindars, Enamdars, and Hukdars, [owners of dues], as well as Bara Bullothe, [the municipal village officers], who enjoy their rights, however trifling they may be, for one, two, and three hundred years, and who know very little of sunnuds or documents; or perhaps they may have lost them. These individuals are told they will be allowed to enjoy their Enams or rights, provided they produce their sunnuds; if not, such Enams will be seized, or permitted only for their lives. What would you think the condition of the people must be under this rule? Instead of confiding in the British Government for protection, such treatment must lead the people to open their eyes, and the result is not known at this time. The Company's Government, instead of giving protection, itself becomes the usurper of individual rights and property."

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