

engaged for nearly a year in addressing petitions to the Court of Directors and the Board of Control.* Copies of these petitions must of course have been immediately furnished to the Governor-General for his information. The agents also write to the Ranees on the 10th October, 1855, that being desired by the home authorities to transmit what they have to say through the proper channel, they have already forwarded three petitions through the Commissioner of Nagpore to Lord Dalhousie.† What the contents of these petitions were we learn from Mr. Ludlow, who had seen them at the office of the India Reform Society. In the first of these, dated the 18th April, 1855, it is asserted that "the late Prince had long intended to adopt one of his near kinsmen, by name Yeshwunt Rao Aher Rao,"—otherwise called Appa Sahib, and now Janojee Bhonsla. It is asserted that "immediately on the Maharajah's decease the Maharanees made known their lord's wishes to Mr. Mansel, the Resident, and that gentleman assured the Maharanees that he would make known their wishes to the Governor-General for the aforesaid Yeshwunt Rao being placed on the throne." And, as we have seen, this is exactly what Mr. Mansel did.‡ It is said that the ladies, satisfied with this assurance, "were content to postpone the completion of such ceremony," and "with the concurrence of the Resident allowed Yeshwunt Rao Aher Rao to perform the necessary funeral solemnities."§

Sir Charles Jackson expresses his belief that the Ranees did not adopt Appa Sahib until "after the decision of Government in favour of annexation," and that they then "antedated his adoption."|| If it were so, Janojee Bhonsla's right to the succession under the Treaty, as the "heir and successor" of the Rajah would not be weakened. Neither Hindoo law, nor the customs and precedents of the Bhonsla family, prescribe any limited number of days, after which an adoption would not be valid or effective. If it were as Sir Charles Jackson believes, all that could

* *Further Papers, Berar*, 1856, p. 54; *Thoughts on the Policy of the Crown*, by J. M. Ludlow, Esq., p. 151, 153. † *Further Papers, Berar*, 1856, p. 54.

‡ *Ante*, p. 31, 37.

§ *Thoughts on the Policy of the Crown*, p. 152.

|| *A Vindication*, p. 23, note.

be said would be that the Ranees having waited a reasonable time, under the instructions of the British Resident, for the initiative to be taken by the Protecting Power, adopted the Rajah's natural and intended heir, when the bad intentions of the Protecting Power could be no longer mistaken.

In the book which Sir Charles Jackson has quoted, I related the story of the Bhonsla's ancestral estates,—situated beyond the limits of the Nagpore territory,—their hasty sequestration on the Rajah's death, their subsequent restoration to the widow, and their ultimate assignment to the adopted son.

"The estates remained in the widow's possession until 1860, when Lord Canning having, as a partial and very imperfect reparation to the Bhonslas, recognised Janojee Bhonsla as the head of the family, the lands were transferred to him, with the remnants of the private moveable property that had escaped Lord Dalhousie's auctions."*

Sir Charles Jackson, alluding obscurely to this transaction, says:—"The report of the Resident, who was in communication with the Ranees after the Rajah's death, and a petition of the Banka Bace's, were conclusive, and Lord Canning refused to acknowledge Appa Sahib as the adopted son of the Rajah."† This point was met and fully treated by me, but Sir Charles Jackson makes no reference to the following remarks.

"In the notification of his title of Rajah Bahadur of Deoor, in the *Calcutta Gazette*, Lord Canning, certainly with no intention of insult, described the grandnephew and adopted son of our faithful Ally as 'the adopted son of the widow of the late Ruler of Nagpore,' an impossible relationship according to the Hindoo law, a solecism in legal phraseology, and colloquially in India a contemptuous and offensive designation.‡ Of course the object was to avoid the appearance of acknowledging Janojee Bhonsla's direct heirship to the late Rajah. But the evasion is as ineffectual as the mode of expression was ungracious. The Government

* *Empire in India*, p. 244.

† *A Vindication*, p. 23 (note.)

‡ The notification runs as follows:—"No. 1115: Camp Hoshiarpoor, March 30th, 1860:—His Excellency the Viceroy and Governor-General has been pleased to confer on Janojee Bhonsla, the adopted son of the widow of the late Ruler of Nagpore, the title of 'Raja Bahadur of Deoor,' in the district of Satara, in recognition of the loyal conduct of the family during the rebellion, and of the faithful attachment of the late Banka Bace to the British Government."

having recognised this young Prince as the head of the Bhonsla family, and having at last permitted him to succeed to the ancient estates, it was useless to call him 'the widow's son' with no ostensible father. If he be correctly described as 'the adopted son of the widow of the late Ruler of Nagpore,' then he is the son of the late Ruler also, unless we are to assail the honour of this lady, and that without any great refinement or subtlety of allusion. By the Hindoo law the ceremony of adoption severs the relationship between Janojee and his 'natural father,' the widow's late husband taking the place of the latter. An unmarried woman cannot adopt a son, nor can any woman but a widow; and the child is not adopted to remove the reproach of barrenness from her, but its spiritual evils from her deceased husband. Vasishtha says:— 'A son given is the child not of his adoptive mother, but of his adoptive father.' (Colebrooke's Digest, vol. iii, p. 254.) The adopted son of the Rajah's widow is, by Hindoo law, either the Rajah's son and heir, or else he represents the most degrading species of illegitimacy, which would completely disqualify him from succeeding to the family estates, and which most certainly Lord Canning never intended to impute to Rajah Janojee Bhonsla. There stands the dilemma, quite unassailable by any weapon in the Calcutta Foreign Office, or in any store-house of Hindoo law; and there it will remain—a moral, legal and political paradox—until, as I hope, obliterated for ever by a royal restitution.*

* *Empire in India*, p. 225, 226.

CHAPTER V.

OUDE.

THE Duke of Argyll, "having been a member of the Cabinet which decided on the Annexation of Oude, and decided, too, not only on the doing of it, but substantially on the manner in which it shall be done," expresses astonishment at "the ignorant injustice with which, on account of this transaction, the memory of Lord Dalhousie has been assailed."* He complains of that "popular impression which ascribes the annexation of Oude to the special policy of Lord Dalhousie," who, according to him, "not only deprecated annexation, but deprecated even the direct or forcible assumption of the Government of Oude."†

Sir Charles Jackson in the same manner declares that "Lord Dalhousie's advice with respect to Oude was not followed;" that "he is not, in fact, responsible for the annexation of that Province;"‡ that "he was, in fact, opposed to the annexation of Oude;" and "that his part in the transaction was the last sacrifice which he made on the altar of duty."§

So lately as the 28th of December, 1867, an article in the *Spectator*, on "the Lucknow Durbar," written, if I am not much mistaken, by a former Editor of the *Calcutta Friend of India*, asserts that the Cabinet of which Lord Canning was a member, "decided on overriding Lord Dalhousie's proposal to sequester Oude, and carrying out the annexation;" and that "Lord Canning was the statesman really responsible for the annexation of Oude."

And Mr. J. C. Marshman, another former Editor of the *Friend of India*, in his recently published *History*, speaks of "the Court of Directors, the Board of Control, and the

* *India under Dalhousie and Canning*, Preface. † *Ibid.*, p. 15.

‡ *A Vindication*, p. 117.

§ *Ibid.*, p. 157.

Cabinet, having come to the unanimous determination to overrule the advice of Lord Dalhousie.*

Lord Dalhousie is represented as acting in this instance under orders which he loyally and submissively carried out, against his own expressed opinion. This is a very inadequate and inaccurate representation of what really occurred. The Cabinet and the Court of Directors, who were certainly not "unanimous," did not "overrule Lord Dalhousie's advice," nor "override his proposal." He was left at full liberty to carry out his own project, if he chose. Lord Dalhousie's repugnance to the absolute annexation of Oude, and to the immediate and forcible assumption of its Government,—a repugnance which he managed to overcome,—was directed merely against certain forms and phrases, and cannot relieve him of the least responsibility for a measure which he prompted and brought to pass, and which is justly ascribed to his "special policy."

The difference of opinion between Lord Dalhousie and his Councillors can be very briefly described. Down to the despatch from the Governor-General to the Court of Directors, dated the 22nd August, 1855, the only plan for the reform of Oude which had been recommended in India and approved by the Home authorities, was that of temporary management, with a view to the ultimate restoration of purely native rule.† During Lord Dalhousie's tenure of office the ideas of the Supreme Council underwent a complete change. In 1855,—Sattara, Jhansi, and Nagpore having been annexed, the mediatised Principalities of Tanjore and the Carnatic having been extinguished,—the Governor-General and his advisers unanimously agreed that the evils of Oude were incurable by any other means than the permanent assumption by the British Government of the entire administration of that country. They differed only as to the ostensible process for attaining that necessary consummation.‡

The Members of Council,—Mr. Dorin, Mr. Grant,§ General Low, and Mr. Peacock,||—all suggested, with

* *History of India*, (Longman and Co.) vol. iii, p. 427.

† See paragraph 29 of Mr. Grant's Minute, *Oude Papers*, 1856, p. 210, and p. 191 and 233.

‡ *Oude Papers*, 1856, p. 233.

§ Now Sir J. P. Grant, K.C.B., Governor of Jamaica.

|| Now Sir Barnes Peacock, Chief Justice of the High Court of Bengal.

slight variance in their pleadings and in the details of the settlement proposed, that a new treaty should be submitted for the King of Oude's acceptance, vesting all administrative powers in the hands of the British Government, reserving a certain income for the royal family; and that in the event of the King's refusal to consent to these terms, the former Treaties should be declared at an end, and the territories of Oude at once forcibly incorporated with the dominions of the Honourable Company.

The Governor-General desired to take a less direct course, one that would be "more in conformity to international law,"—as he understood it,—and "therefore, less liable to criticism or cavil, and less open to the attack of those who might be expected to condemn and oppose the measure."* He recommended that a Treaty such as was proposed by his colleagues, should be placed before the King; that if he rejected it, no coercive steps should be taken, but all relations with the Court of Oude should be broken off, the Resident and troops be withdrawn from Lucknow, the Treaties proclaimed to be null and void and British protection to have ceased. He believed that the King would shrink from the consequences of being left face to face with his turbulent vassals and subjects; but that if he resolved on braving them, the capital would be pillaged within a month, and the King, "to save himself, would be glad to agree to whatever engagements might be offered him by the British Government."†

Lord Dalhousie, in advising the withdrawal of British protection, had his eye on another possible solution of the problem. Although the King might choose to trust to his own resources, and might even succeed in maintaining his personal safety amid scenes of anarchy and confusion, *"the security of British territories and the interests of their inhabitants might be put in danger by the state of the neighbouring Province of Oude."* In that case the British Government would be compelled to *"interpose in His Majesty's affairs,"* and, of course, entitled to exact and enforce its own inevitable conditions.‡ In the Duke of Argyll's words, "It was by our troops that the Native

* *Oude Papers*, 1856, p. 299. † *Ibid.*, p. 300.

‡ *Ibid.*, 1856, p. 188, and p. 221, 222.

Government was maintained. Experience had proved that it could not stand without them. If the troops were withdrawn the Government would fall, or would be compelled to seek for our help again, in which case we could impose our own terms."*

The Duke pronounces also that "the veriest formalist must admit our right to do what Lord Dalhousie recommended, — which was simply to withdraw our troops, declaring the treaty of 1801 to be at an end. He was induced to recommend this, because he thought the result would be the same."†

From Lord Dalhousie's language it might be supposed that the principles of action for which he and Mr. J. P. Grant respectively contended, were perfectly irreconcilable. "So entirely," he writes, "did I dissent from the view taken by my honourable colleague, and so erroneous did it seem to me, that if unfortunately it had found favour with the Honourable Court, I must have declined to take part in the establishment or enforcement of any policy which might have been founded upon it."‡ Yet after a few paragraphs he adds:—"I have never affected to conceal my conviction that this measure"—his own plan of withdrawing our protection,—"would lead to precisely the same result as the more peremptory course advised by others, but with some intervening delay."§

Thus the formal moderation of the procedure designed by Lord Dalhousie, and contrasted by him with "the unnecessarily harsh" measures of the Councillors,|| amounted to nothing more than the polite invitation addressed by the landlord to the barn-door fowls, when he asked them whether they would prefer being boiled or roasted. The only dispute between the Governor-General and his colleagues was as to the particular sauce with which the fat capon of Oude was to be cooked. And after a little more unmeaning prudery, the Governor-General ended by using the very sauce compounded by his colleagues, against which he had expressed such insuperable objections. He thus concludes that part of his Minute of 13th February, 1856:—"Having regard, therefore, to the several opinions

* *India under Dalhousie and Canning*, p. 19.

† *Ibid.*, p. 19.

‡ *Oude Papers*, 1856, p. 298, 299.

§ *Ibid.*, p. 299.

|| *Ibid.*, p. 298.

and circumstances which have just been mentioned, I resolved to forego my own preferences, and in dealing with Oude, to adopt the more peremptory course which had been advocated by my colleagues, and which was manifestly more acceptable to the Honourable Court."*

The Duke of Argyll's comment on this passage is remarkably just:—"Without prolonging controversy on points of principle, but protesting against the doctrine laid down by Mr. Grant, *he yet agreed to a course which was logically defensible on no other principle than that which Mr. Grant maintained.*"†

The Duke of Argyll says:—"It is a curious fact that Lord Dalhousie alone had scruples even in respect to any forcible seizure of the Government."‡ The result shows what those scruples were worth. His own words prove that his real anxiety was to avert "criticism and cavil," and "the attacks of those who might be expected to condemn and oppose the measure."§ He objected to "a line of political action which was likely to create a keener opposition, and to call forth severer comment."|| All he wanted was a plausible pretext for "the forcible seizure" of Oude. In order to obtain such a plausible pretext as he thought would suffice, he did not scruple to advise the withdrawal of that protection which was promised to the Kings of Oude by a series of treaties, and for which they had "paid such a price," as General Low said, "as no other native ruler ever did."¶ I may be more benighted than the "veriest formalist" despised by the Duke of Argyll, but this policy seems to me to have been detestable. Lord Dalhousie did not scruple to recommend a course which, according to his own expectations, would have led to an immediate insurrection, would have endangered the King's life, and would have given up the great city of Lucknow to pillage.** Then, when the anticipated rebellion and anarchy had either induced the King to beg for our armed intervention, or had "threatened the peace of our own provinces," he would no longer

* *Oude Papers*, 1856, p. 300. † *India under Dalhousie and Canning*, p. 21.

‡ *India under Dalhousie and Canning*, p. 19.

§ *Oude Papers*, 1856, p. 299.

|| *Ante*, p.

¶ *Ibid.*, 1858, p. 19.

** *Ibid.*, 1856, p. 299, 300.

have any objection to the forcible seizure of the country, to "a very prompt and summary settlement of the Oude question."* Such were Lord Dalhousie's scruples!

That Lord Dalhousie had scruples and misgivings as to the annexation of Oude, and as to several other annexations, cannot be doubted. That he so easily overcame those scruples, and smothered those misgivings, is his great opprobrium as a statesman. Sir Charles Jackson says:—"He always entertained a great distaste for the subject. I remember a conversation with him in 1852, in which he stated he had been pressed to take the country (by whom he did not say), and that he felt averse to such a measure. I cannot trust my memory to state the precise nature of his objections at that time."†

Sir Charles Jackson erroneously states,—and the same strange mistake is made by the other apologists,—that Lord Dalhousie's scheme of withdrawal from Oude, was "disallowed,"‡ and that he was "obliged to abandon"§ it, by the Court of Directors' despatch of the 21st November, 1855. It was not so. In this despatch,—characterised by Sir Charles Jackson as "a specimen of the art of writing important instructions so as to avoid responsibility,"|| and by the Duke as "nominally from the Court of Directors, really from the Ministers of the Crown,"¶—some apprehension was indicated that the scheme might fail, but the Directors declined to "express any opinion on the principles laid down by the several Members of Council," and authorised the Governor-General to "carry out his first suggestion," if he "should feel warranted in doing so." They were decided as to the necessity of assuming the government of Oude; but they left "all questions of detail to the wisdom of the Governor-General," abstaining "from fettering his Lordship's discretion by any further instructions,"—"whichever mode of attaining the indispensable result may be resolved on."***

Lord Dalhousie was left completely at liberty to adhere to his original plan, if he thought it likely to be successful. The Directors themselves considered the Governor-

* *Oude Papers*, 300. + *A Vindication*, p. 130, note. ‡ *Ibid.*, p. 153.
§ *Ibid.*, p. 150. || *Ibid.*, p. 144. ¶ *India under Dalhousie and Canning*, p. 21. *** *Oude Papers*, 1856, p. 235, 236.

General's plan to have "an advantage over the others," inasmuch as it "included the King as a consenting party to the measure," and was "intended to show more tenderness to the feelings of a family, who, whatever may have been their offences towards their own subjects, have not been unfaithful to the British Government."*

After the exposition already given of the true nature and object of this measure, I need hardly say that I can see no traces of any such tenderness. Indeed, since under the more "harsh" and "peremptory" course that was actually pursued, the King was offered the option of signing a Treaty, if he chose, and thus becoming "a consenting party," there was really no distinction between the two measures.

Lord Dalhousie's so-called scruples,—really more unscrupulous than the open violence ultimately adopted,—receive the severest condemnation from the Duke of Argyll, in spite of himself, when he terms the plan of withdrawal "an indirect measure of compulsion;"† and when he says that "*Lord Dalhousie probably overstated his own opinion*," in saying that "it would not be right to endeavour to extract" the King's "consent by means of menace or compulsion."‡ Lord Dalhousie certainly overstated his own opinion; his whole plan of action was based on menace and compulsion under the flimsiest disguise; even this disguise was to be thrown off, if he could provoke anything like a plausible pretext for forcible interposition; and it was thrown off as soon as he had secured the support of the Cabinet and the Board of Directors. These scruples never operated beyond the walls of the Council chamber; produced nothing but a few inconsistent and contradictory paragraphs; and avowedly aimed at nothing but disarming hostile criticism. Yet on the strength of these ephemeral scruples, Sir Charles Jackson denies Lord Dalhousie's responsibility; and the Duke of Argyll charges with "ignorant injustice" all those who ascribe the annexation of Oude to the Governor-General who compassed it, who planned it, and who carried it out.

* *Oude Papers*, 1856, p. 235.

† *India under Dalhousie and Canning*, p. 21.

‡ *Ibid.*, p. 20.

That Lord Dalhousie from the first compassed and planned the annexation of Oude as his special policy, "though with some intervening delay,"* is manifest from two main expedients in the process originally designed by him, to both of which he adhered throughout. The first of these was the imposition of a new Treaty, restricting the inheritance to the lineal male descendants of the reigning King, "born in lawful wedlock,"†—a restriction hitherto unheard of, and unwarranted by Mahomedan law. This novel restriction was deliberately introduced by Lord Dalhousie. "It will be seen," he writes, "that the succession was limited to the children born in lawful wedlock, and was not extended to collateral heirs."‡ By thus excluding collateral heirs, many living persons and their offspring,—the King's brother and all descendants of former Sovereigns,—were cut out of the line of succession, and the probabilities of what would be called "a lapse," when merely the title and a stipend were left, multiplied enormously.

The second expedient was the repudiation of the Treaty of 1837,—a Treaty regularly concluded and ratified, brought into operation, never called in question before Lord Dalhousie's time, and actually quoted as a valid Treaty in 1847 by his immediate predecessor, Lord Hardinge, who threatened the King of Oude that its provisions should be enforced.

Full powers of management and reform were given by the Treaty of 1837. But when the assumption of the Government of Oude began to be a practical and urgent question in 1854, it was perceived by the Governor-General that two Articles (VII and VIII) in this Treaty, providing for the ultimate restoration of native rule, and for the intermediate payment of all surplus receipts into the King's Treasury, would deprive the British management of a permanent and profitable character. Therefore Lord Dalhousie (of course without alluding to these strong inducements), proposed that this Treaty, although officially published as a valid engagement, should be declared null and void by the perverted interpretation of a secret letter from the Court of Directors in 1838.

* *Ante*, p. 49.

† *Oude Papers*, 1858, p. 252.

‡ *Ibid.*, 1856, 302.

The Duke of Argyll says:—"It is not true that we derived advantage from the non-ratification of the Treaty of 1837. *On the contrary, Lord Dalhousie would have been delighted to proceed under it, if it had been in force.* It gave him all he wanted,—a right to seize the government. The King, however, was offered a better position than that Treaty would have secured to him."* All this is very erroneous. The Treaty of 1837 did *not* give Lord Dalhousie "all he wanted." It did not give him the surplus revenues of Oude, to be disposed of, as he pleased, for Imperial purposes, but compelled him to account for them to the State of Oude. It did, indeed, give him "a right to seize the government," but only for a temporary object, and bound him "to maintain the native institutions and forms of administration, so as to facilitate the restoration of those territories to the Sovereign of Oude."† Lord Dalhousie would certainly *not* "have been delighted to proceed" under those conditions.

The King was *not* "offered a better position than that Treaty would have secured to him." He was offered a fixed stipend, and an empty title, hampered as an inheritance by novel restrictions, with no prospect for him or his descendants, of reinstatement in the functions of royalty.

Lord Dalhousie's plea for not assuming the management under the Treaty of 1837, was that the Treaty had been "cancelled" by the Home Authorities. The fact is, that the Secret Committee of the Court of Directors disapproved of the increased burden of providing an Auxiliary Force, imposed upon Oude by the new Treaty, and desired that the King should be "exonerated from these obligations." But they added in their despatch to Lord Auckland,—"Although we thus convey to you our directions for the abrogation of the Treaty, we leave it discretionary with your Lordship to adapt your measures to the state of circumstances as may be found to exist when you receive this letter;" and they recommend that the communication to the King should be made, "as an act of grace from your Lordship in Council, rather than as the consequence of the receipt of a public and unconditional instruction from

* *India under Dalhousie and Canning*, p. 110 (foot-note.)

† *Collection of Treaties*, 1864, Calcutta, vol. ii, p. 177.

England." They continue thus:—"Your Lordship in Council, therefore, is authorised to exercise the largest discretion as to the mode of carrying our wishes into effect in respect to the Treaty; but"—here is the important point,—"the order of the Court of Directors is positive, and strictly to be enforced, to discontinue the preparations which may have been made for the organisation of the Auxiliary Force."* Their only positive objection, their only strict order, was directed against the new Force imposed as a burden on the Finances of Oude. But they used the word "abrogation;" and Lord Dalhousie fastened upon that.

Lord Auckland, with the advice of his Councillors, General Morrison and Mr. Robertson, decided on merely signifying to the King of Oude that he was relieved from the military expenses imposed by the Treaty of 1837; and they came to this decision on the express grounds of the difficulty under the Treaty of 1801 "of enforcing its conditions," of the "solemn, recorded, and effectual warning contained" in the new Treaty of 1837, and of the power obtained by it to "assume the administration as a remedy for gross misrule."† The last words of Lord Auckland's Minute of the 2nd of May, 1839, the last that he penned before addressing the King on the subject, contain an expression of his entire agreement in the opinion of his colleague Mr. Robertson, that "if the independence of Oude endure much longer, it will be mainly in consequence of this very provision,"—for the assumption of the administration in case of misrule."‡ The Government of India in 1839, did not consider or intend the new Treaty to be annulled, but simply, as they told the King, that the Articles imposing a pecuniary charge upon him would not be any longer enforced, that he would have to pay no more for the military force which, in Lord Auckland's words, had been "partly raised under that Treaty," and that the British Government would "defray the expense of the portion of it already organised."§

* Oude Papers, 1858, p. 37, 38.

† Minutes by Lord Auckland, Colonel Morrison, and Mr. Robertson: *Oude Papers*, 1858, p. 38, 43, 59.

‡ Oude Papers, 1858, p. 59.

§ *Ibid.*, 1858, p. 60.

Lord Dalhousie, in laying the train for the meditated annexation of Oude, said that "pledges upon the non-ratification of the Treaty were given to Parliament."* I know not to what Lord Dalhousie, or Lord Auckland, whom he is quoting, can allude, except to the conversation that took place in the House of Lords on the 6th of August, 1838, in the course of which

"Lord Ellenborough said that to assert that there was no Treaty in existence because it had not been ratified at home, was not a correct representation of the fact. The Treaty was ratified by the Governor-General, and certainly might be acted on."

"The Marquis of Lansdowne said that he had now distinctly to state that not only did his noble friend at the head of the Government of India, immediately on being informed of this Treaty, express his disapprobation of the manner in which the promise had been drawn from the Sovereign of Oude, but he also caused it to be intimated in the most explicit manner to that Prince, that he was in no degree bound by the promise to sign such a Treaty, and entirely relieved from any stipulations or conditions it imposed."†

Whether Lord Lansdowne's statement constituted a "pledge" or not, matters very little; for it was founded on an error. No such intimation had then been made, or was ever made, to the Sovereign of Oude, as Lord Lansdowne supposed. The noble Lord at the head of the Government of India, Lord Auckland, did indeed express some slight disapprobation of the "superfluous" *promise* extracted from the King,‡ but he did *not* disapprove of the Treaty; it was entirely his own idea and his own work; he framed its conditions himself; he persistently argued with the Court of Directors for the maintenance of every item. The King was *not* told "in the most explicit manner," or in any manner, that he was "entirely relieved from its conditions," but merely that he was relieved from the additional Subsidy for troops. Lord Auckland attributed no efficacy to the so-called Parliamentary pledge; he spoke of it as an awkward difficulty, but still pursued his own course; and his letter to the King of Oude, speaking of the Treaty as still in existence, was written a year later than Lord Lansdowne's speech.

* *Oude Papers*, 1858, pp. 65 & 51. † *Hansard*, 3rd series, vol. xlv, p. 1006.

‡ *Oude Papers*, 1858, pp. 7, 8, 9, 12, 13, 22, 23.

Lord Ellenborough was, of course, perfectly correct in his view of the situation. The Treaty concluded in 1837 was not, and could not be cancelled by a "secret letter" in 1838, or by any amount of conversation in the House of Lords.

The Treaty of 1837 was officially published in a volume of Treaties, by authority of the Court of Directors in 1845, and reprinted as a return to the House of Lords in 1853.

There is a note appended to the Treaty of 1837 in this printed Volume, which tells us what was thought of this Treaty at the India House so late as the 24th June 1853. It is as follows:—

"The Home Government disapproved of that part of the Treaty which imposed on the Oude State the expense of the Auxiliary Force, and on July 8th, 1839, the King was informed that he was relieved from the cost of maintaining the Auxiliary Force, which the British Government had taken upon itself."*

Mr. Kaye, in the first volume of his excellent *History of the Sepoy War*, puts forth, once more, the official version of these transactions, and calls the Treaty of 1837 "an abortion." He also mentions that the following Return was made to Parliament under the signature of the Secretary to the Board of Control:—

"There has been no Treaty concluded with the present King of Oude which has been ratified by the Court of Directors, with the approbation of the Commissioners for the affairs of India." P4.

"India Board, July 3rd, 1838. (Signed) R. GORDON."

It must have been on the strength of this document, fortified by some overstated verbal information, that the Marquis of Lansdowne made his erroneous statement. The literal purport of the Return—true, so far as it goes,—by no means amounts to a declaration that the Treaty, which it does not name, is null and void; nor, had it contained such a declaration, could it have had the effect of annulling the Treaty, any more than the "secret letter" of the Court of Directors, or the erroneous "pledge" given by Lord Lansdowne, neither of which was communicated to the King of Oude. The King was expressly informed in Lord Auckland's letter of the 8th of July, 1839,—just a

* *Return to the House of Lords*, No. 251, 1853, p. 94.

year after the Return to Parliament on which Mr. Kaye relies,—that “*the Court of Directors*,” in consideration of the “embarrassments which might be occasioned to the State of Oude by the annual payment of sixteen lakhs of rupees to the support of the military force,” had empowered the Governor-General “to relieve the State of Oude from all that is onerous in the conditions respecting this force.”* This notification, that the King was relieved by the Court of Directors from some of the conditions, is equivalent to a confirmation by the Court of Directors, of the remaining conditions, had any such confirmation been required. But immemorial custom, and innumerable precedents, and the terms of this particular Treaty, do not give a hint or show a trace of the necessity for such confirmation. The Governor-General had at least the powers of a Plenipotentiary. He had full power to conclude Treaties, and the final exchange of ratified copies made the Treaty binding upon both parties.

Sir Charles Jackson says:—“The Court of Directors refused to ratify this Treaty.”† They were never asked or expected to do so. They have never ratified any Treaties. In the six Volumes of Treaties published by authority at Calcutta in 1864, there is not one Treaty bearing the ratification of the Court of Directors. This Treaty of 1837 is attested in exactly the same style as all the preceding Treaties with the Government of Oude:—

“Ratified by the Governor General of India in Council, at Fort William in Bengal, this eighteenth day of September, One Thousand, Eight Hundred and Thirty Seven.

(Signed) W. H. MACNAGHTEN,
Secretary to the Government of India.”‡

Even in the case, which clearly did not occur, of a timely and open rejection of this Treaty by the Court of Directors, such a Treaty, concluded with every formality between the Governor-General of India and the Sovereign of Oude—signed, and sealed, and ratified,—could not have been cancelled by the Home Authorities without the knowledge and consent of the Sovereign of Oude; without, in fact, a fresh negotiation with that express object.

* *Oude Papers*, 1858, p. 60.

† *A Vindication*, p. 124.

‡ *Collection of Treaties*, 1864, vol. ii, p. 177.

Such a fresh negotiation could have been opened without any difficulty or embarrassment by the Governor-General, if the Home Authorities had insisted on their orders being fully carried out. But there is nothing in the *Papers* of 1858 to show that they adhered to their original resolution after Lord Auckland's last remonstrance. The latest paper in that part of the collection is the Governor-General's letter to the Secret Committee dated July 15th, 1839, in which he forwards copies of his letter, of the 8th idem, to the King of Oude, apprising him simply of his being relieved from the military charges recently imposed.*

Lord Dalhousie's Minute of the 14th August, 1854, containing a *précis* of the correspondence in this matter, is so unfortunately arranged that no one could gather from it that Lord Auckland's letter of the 15th July, 1839, forwarding a copy of his letter to the King, was *later in date* than any of the other documents quoted, and *a year later* than the supposed "pledge" in the House of Lords. He has thrown it back, *without any date*, to a place in his narrative immediately after the Secret Committee's first letter of disapproval, dated April 10th, 1838. Then, on the top of these, he piles extracts from the despatches of the Secret Committee down to 11th July, 1839, in order to prove that they "did not recede from these sentiments,"—thus conveying an impression that they had repeatedly disapproved of the letter to the King of Oude, which they had not seen when those dispatches were written, and which was never disapproved at all.

Lord Dalhousie vainly endeavours also to show that Lord Auckland knew the treaty was null and void.

"In pursuance of the discretion thus left to him, the Governor-General in Council intimated to the King of Oude the abandonment of only a part of the Treaty, but in his recorded Minute he recognised the full abrogation of the entire instrument. He said, 'The Court has disapproved the Treaty. We are ordered to exonerate the King of Oude from its obligations.' And in the same Minute the Governor-General stated that the disallowance of the Treaty had been made known to Parliament. He said, 'I find the view taken by the Court to be publicly declared. I find pledges upon the non-ratification of Treaty given to Parliament.'"[†]

* *Oude Papers*, 1858, p. 60

† *Oude Papers*, 1858, p. 66.

There is nothing in these words to show that Lord Auckland "recognised the full abrogation" of the Treaty. He mentions the Court's disapproval, and the public declaration in Parliament, as constituting "a situation of much difficulty," but far from considering the Directors' orders as final and irrevocable, he determines again to bring this "question of such extended and vital interest, in all its bearings, under the deliberate review of the Home Authorities."* His Council coincided with him. Mr. Robertson, in a Minute dated 9th January, 1839, is "disposed to hope that by a relaxation of the terms of the existing Treaty with Oude, the authorities in England may be reconciled to a measure which cannot now be cancelled without the most serious inconvenience."† General Morrison, on the 28th January, 1839, writes:—"Notwithstanding the public avowal made in England of dissatisfaction with the Treaty of September 1837, I would yet maintain its provisions, in the hope that the orders for abandoning the Treaty may be revoked."‡

How then could Lord Dalhousie persuade himself that the Governor-General in Council at this time "recognised the full abrogation of the entire document"? He was exerting himself to the utmost to uphold it; and four months later, although another adverse dispatch had arrived in the interval, Lord Auckland professes "his unaltered adherence to the principles on which the Treaty of September 1837 was originally negotiated," and again "leaves the case for the further directions of the Home Government."§

After that Minute had been sent off, but before it could have been considered at home, another letter arrived from the Court of Directors, dated 15th April, 1839, repeating their "disallowance of the Treaty," and desiring "the restoration of our relations with the State of Oude to the footing on which they previously stood." At the same time all their specific objections were aimed against the Auxiliary Force being made a charge upon the revenues of Oude; and they permit their decision to be announced

* *Oude Papers*, 1858, p. 51, 52.

† *Ibid.*, 1858, p. 56.

‡ *Ibid.*, 1858, p. 53.

§ *Ibid.*, 1858, p. 58, 59.

to the King, "*in such manner as the Governor-General may think fit.*"*

As it was now impossible any longer to delay informing the Oude Government that it was relieved from the new pecuniary burden, Lord Auckland immediately wrote his letter of the 8th July, 1839, to the King of Oude. This letter was carefully worded so as to avoid suggesting to the King of Oude that he might hope to escape from that liability to the direct management of his country, for which the new Treaty provided. It was written entirely in the spirit of that part of Lord Auckland's last Minute on the subject, dated 2nd May, 1839,—*to which no reply had then been received from the Court of Directors*,—in which he refers to the unanimous support of the Members of Council "*in regard to the second branch of the Treaty, that which provides for the assumption of the administration as a remedy for gross misrule.*"†

How Lord Auckland's letter and enclosure of the 15th July, 1839, were treated by the Home Authorities, we have no means of learning from the printed Papers. If their comments were quite condemnatory, I think we should have found them among the Papers of 1858. No condemnation behind the scenes, however, could, as already shown, have cancelled the Treaty. If, on the other hand, the receipt of the despatch and the copy of the letter to the King, was acknowledged with a simple expression of approval, or was silently passed over with no renewal of their adverse orders, then the proceedings of the Government of India were,—expressly or tacitly,—approved and confirmed.

From no mention being made in any of Lord Dalhousie's Minutes or despatches of any reply by the Court of Directors, to Lord Auckland's last letter, we have the right to presume that no fault was found with it. In such a case, according to common sense as well as official custom, silence gives consent. His proceedings were allowed to stand.

Thus, while it is quite clear and certain that the Home Authorities did not openly reject the Treaty of 1837, it is

* *Oude Papers*, 1858, p. 57. † *Ibid.*, 1858, p. 59.

almost equally clear and certain that, after the relaxation of certain conditions, they finally accepted and approved it. Whether they did or did not, the notion of the Treaty having been annulled or made of no effect, by virtue of their confidential strictures, is utterly vain and totally inadmissible.

Lord Broughton, who as Sir John Cam Hobhouse had been President of the Board of Control when the Treaty of 1837 was concluded, when the supposed pledges were given in the House of Lords, and when the Return cited by Mr. Kaye was made to Parliament,* gives his testimony in the following words:—"My impression certainly is that the Treaty of 1837 was ratified by Government at home, after the disallowance referred to: the whole Treaty was not disallowed, but only one portion of it."†

No one in India, at Lucknow, or at Calcutta, ever doubted the validity and binding force of this Treaty, until Lord Dalhousie found that it stood in the way of his scheme of appropriating all the revenues of Oude.

Sir Henry Lawrence, writing in the *Calcutta Review* in 1845, describes the conclusion of the Treaty of 1837, observes that the Court of Directors "very properly disapproved" of the measure by which the King was to have been saddled with the expense of an Auxiliary Force, and that, in reliance on his Majesty's good intentions, "Government overlooked the glaring mismanagement still existing in parts of Oude, and *did not act on the permission given by the new Treaty.*"‡ And he adds subsequently:—"No one can deny that we are now authorised by Treaty to assume the management."§

General Sir William Sleeman, who was for six years Resident at Lucknow, alludes, in two letters written in 1852 and 1854, to the "ample authority" conferred by "the Treaty of 1837."|| The Blue Book of 1856 contains an extract from one of Sir William Sleeman's despatches, quoted in one of Lord Dalhousie's Minutes, in which he gives it as his opinion that "our Government cannot any longer for-

* *Ante*, p. 57.

† Beveridge's *History of India*, (Blackie, 1866) vol. iii, p. 548.

‡ *Essays*, (published by Allen) 1859, p. 126. § *Ibid.*, p. 131.

|| *Sleeman's Journey through Oude*, vol. ii, p. 377, and 419.

bear to exercise to the fullest extent the powers which the Treaty of 1837 confers upon it."*

And in a long Memorandum of advice and remonstrance addressed by Lord Hardinge to the King of Oude in 1847, his Lordship distinctly threatens to enforce the stipulations of the Treaty of 1837.†

Lord Dalhousie, in the 1st, 18th, and 71st paragraphs of his principal Minute on the Oude question, refers to the solemn warning offered to the King by his immediate predecessor, Lord Hardinge, in 1847,—that if the abuses of his Majesty's administration were not reformed "he would force the British Government to interfere by assuming the government of Oude."‡ but he nowhere gives the slightest hint that this warning and this threat were based upon the Treaty of 1837.

Even in his later Minute of January 15th, 1856, although he anticipated the probability of great "embarrassment," if the King should appeal to the Treaty of 1837, and desired the Resident to "meet it full in the face" by declaring that Treaty null and void, he does not seem to have contemplated the greatest possible embarrassment of all, that of the King producing Lord Hardinge's recognition of that Treaty.§ The Duke of Argyll, adhering to his avowed principles of political criticism,—following Lord Dalhousie, and viewing the facts in the light in which his friend stated them,||—relates Lord Hardinge's warning, but knows nothing of his threat to enforce the Treaty of 1837.¶ Sir Charles Jackson says that Lord Hardinge "cited the Treaty of 1837 as if it were still in force,"** but seems to consider this quite an insignificant circumstance, deserving no comment and calling for no explanation.

Yet Lord Hardinge's citation was full and his intention not open to doubt. He quotes the whole of Article vii of the Treaty, providing for the assumption of the management of Oude in the event of "gross and systematic misrule," and he adds:—

"I allude to the Treaty of 1837 as confirming the original Treaty of 1801, and not only giving the British Government the right to

* *Oude Papers*, 1856, p. 166.

† *Ibid.*, 1858, p. 62.

‡ *Ibid.*, 1856, p. 148, 156, and 187. § *Ibid.*, 1856, p. 239. || *Ante*, p. 6.

¶ *India under Dalhousie and Canning*, p. 13. ** *A Vindication*, p. 126.

interfere, but declaring it to be the intention of the Government to interfere, if necessary, for the purpose of securing good government in Oude.”*

Lord Hardinge's plan was precisely that recommended by Sir William Sleeman and Sir Henry Lawrence, which the Duke of Argyll has entirely misunderstood. It was the same plan that Lord William Bentinck proposed, and was authorised by the Court of Directors to undertake,—that of temporary management, with a view to effectual reform of the native institutions and the ultimate restoration of a purely native government.

Lord William Bentinck, in his Report of 11th July, 1831, says :—

“I thought it right to declare to his Majesty, that the opinion I should offer to the Home Authorities would be that, unless a decided reform in the administration should take place, there would be no remedy left except in the direct assumption of the management of the Oude territories by the British Government.”

“It may be asked of me,—and when you have assumed the management, how is it to be conducted, and how long retained? I should answer, that acting in the character of guardian and trustee, we ought to frame an administration entirely native,—an administration so composed as to individuals, and so established upon the best principles, revenue and judicial, as should best serve for immediate improvement, and as a model for future imitation: the only European part of it should be the functionary by whom it should be superintended, and it should only be retained till a complete reform might be brought about, and a guarantee for its continuance obtained, either in the improved character of the reigning Prince, or, if incorrigible, in the substitution of his immediate heir, or in default of such substitute from nonage or incapacity, by the nomination of one of the family as Regent, the whole of the revenue being paid into the Oude treasury.”†

Lord Hardinge, in his Memorandum of 1847, reminds the King of Lord William Bentinck's conferences with his Majesty's predecessor, and informs him that in the year 1834 the Court of Directors had sanctioned the administration of Oude being assumed by Lord William Bentinck. He exhorts the King to procrastinate no longer in com-

* *Sleeman's Journey through Oude*, vol. ii, p. 202; *Oude Papers*, 1856, p. 62. The version of Lord Hardinge's Memorandum in the Blue Book is not so intelligible as that given by Sir William Sleeman, and contains some manifest inaccuracies. I quote, therefore, from the latter.

† Sir Henry Lawrence's *Essays*, p. 123; see also *Oude Papers*, 1856, p. 155.

mencing decisive reforms, so as to avoid the necessity of direct and open interference. He declares that the British Government desires to "perform its obligations to the people without setting the sovereign authority aside, or changing the native institutions of the State."* And as an example of what had been done, and a pledge of our disinterested objects, he adduces the precedent of Nagpore.

"The Nagpore State, after having been restored to order by a British administration of the land revenue, is now carried on under native management, with due regard to the rights of the Prince, and the contentment of the people."†

"If European agency should be required, in the first instance in assisting your Majesty's officers in making a just settlement, and in the next for securing the conditions made, by frequent visits throughout the districts to check abuses by personal inquiries, such assistance will be afforded by the British Government, with your Majesty's concurrence."‡

During the first six years of the vice-royalty of Lord Hardinge's successor, Lord Dalhousie, the two successive Residents at Lucknow, Colonel Richmond and Colonel (afterwards General Sir William) Sleeman, looked in vain to Calcutta for guidance and support in carrying out projects of reform.

Whatever may be said in the published Papers as to "admonitions" and "remonstrances," it is a positive fact that no plan for improving the administration of Oude was ever countenanced. Some extensive reforms proposed in concert by the native Minister and the British Resident at Lucknow, Colonel Richmond, and approved by Mr. Thomason, Lieutenant-Governor of Agra, whose advice was asked in 1848, were absolutely discouraged and defeated by the Calcutta Foreign Office.§ The Bengal Civilians did not want to give assistance, they wanted to take possession; they conscientiously disbelieved in the efficacy of native efforts, and looked upon partial innovations as mere waste of time, delaying the harvest of patronage and deteriorating the crop. Oude, therefore, having been spared and neglected for twenty years, was at last absorbed by Lord Dalhousie, on the pretext of disorders in its government, which were all removable, and

* *Oude Papers*, 1858, p. 63. † *Ibid.*, 1858, pp. 63, 64. ‡ *Ibid.*, 1858, p. 64.

§ *Dacoites in Excelsis* (Taylor, 54 Chancery Lane, 1856), p. 102 to 108.

which might have been easily remedied without annexation, if there had been any wish to preserve the separate existence of that friendly and faithful State. But there was no such wish.

Sir William Sleeman incessantly urged decisive action, at first recommending that all the authority and influence of the British Government should be used to promote the formation of a strong native administration; and latterly advising that the Treaty of 1837 should be openly enforced. During the year 1849, just as the two years of probation allowed by Lord Hardinge were expired, he forwarded to the Governor-General his plan for a Board of Regency, undertook to direct and superintend their operations with one additional Assistant and three clerks, and pledged his great reputation for the success of the experiment.

"Things would go on like marriage bells.* The judicial courts would be well conducted while the presiding officers felt secure in their tenure of office."—"The police would soon become efficient under the supervision and control of respectable revenue officers." "Oude ought to be, and would be under such a system a garden; the soil is the finest in India, so are the men; and there is no want of an educated class for civil office: on the contrary, they abound almost as much as the class of soldiers."†—"The Board, composed of the first members of the Lucknow aristocracy, would be, I think, both popular and efficient; and with the aid of a few of the ablest of the native judicial and revenue officers of our own districts, invited to Oude by the prospect of higher pay and security in the tenure of office, would soon have at work a machinery capable of securing to all their rights, and enforcing from all their duties, in every part of this at present distracted country. We should soon have good roads throughout the Kingdom; and both they and the rivers would soon be as secure as in our own provinces. I think, too, that I might venture to promise that all would be effected without violence or disturbance; all would see that everything was done for the benefit of an oppressed people, and in good faith towards the reigning family."‡—"I think the King will consent without much difficulty or reluctance to delegate his powers to a Regency, but I am somewhat afraid that he will object to its being composed of members of his own family. I shall, I daresay, be able to get over this difficulty; and it will be desirable to employ the best members of the family in order to show the people of Oude, and of India generally, that the object

* *Sleeman's Oude*, vol. i, p. lviii. † *Ibid.*, vol. i, p. lxiv.

‡ *Ibid.*, vol. i, p. lxxvi.

of our Government is an honest and benevolent one.”*—“I have mentioned in my private letter to Sir H. M. Elliot, three persons of high character for the Regency. Two of them are brothers of the King’s father. The third, and best, may be considered as in all respects the first man in Oude. Mohsin-ood-Dowlah is the grandson of King Ghazee-ood-Deen; his wife is the sister of the King’s father; and his only son has been lately united in marriage to the present King’s daughter. He and his wife have large hereditary incomes, under the guaranty of our Government, and his character for good sense, prudence and integrity, stands higher, I believe, than that of any other man in Oude.”†

“The members of such a Board as I propose, invested with full powers, and secured in office under our guaranty during good conduct, would go fearlessly to work.”‡

“I should persuade the members to draw from the *élite* of their own creed in our service to aid in forming and carrying out the new system in their several departments. *We can give them excellent men in the revenue and judicial branches.*§—“The whole family are most anxious that the King should resign the reins into abler hands, and would, I feel assured, hail the arrangement I have proposed as a blessing to them and the country. All seems ripe for the change, and I hope the Governor-General will consent to its being proposed soon.”||

Before September and October 1849, when these letters were written to the Governor-General and the Foreign Secretary, the Punjaub had been annexed; all were busily engaged in organising the new Province. Sattara, the first taste of blood in the previous year, only whetted the professional appetite; it had now become insatiable. The last idea likely to find favour at Calcutta was the reconstruction of a Native State. Nothing, therefore, was done, or authorised to be done, in consequence of General Sleeman’s repeated applications, continued up to 1854. His correspondence proves that he latterly began to doubt the upright intentions of those who ruled the hour. At last he wrote as follows in a private letter to a friend:—

“Lord Dalhousie and I have different views, I fear. If he wishes anything that I do not think right and honest, I resign, and leave it to be done by others. I desire a strict adherence to solemn engagements, whether made with white faces or black. We have no right to annex or confiscate Oude; we have a right under the Treaty of 1837, to take the management of it, but not to appro-

* *Sleeman’s Oude*, vol. i, p. lxxvi. † *Ibid.*, vol. i, p. lxxvii.

‡ *Ibid.*, vol. i, pp. lxi, lxii.

§ *Ibid.*, p. lxxv. || *Ibid.*, p. lxxiv.

priate its revenues to ourselves. We can do this with honour to our Government and benefit to the people. To confiscate would be dishonest and dishonourable. To annex would be to give the people a Government almost as bad as their own, if we put our screw upon them.”*

There is a touch of respectful yet reproachful irony in the following passage from what seems to have been his last letter to Lord Dalhousie,—it is dated 11th September, 1854,—gravely reminding him that when now about to leave the Residency, after representing the Government of India at Lucknow for six years, he was still unfurnished with instructions, still unacquainted with the Governor-General’s plans or wishes.

“Proofs enough of bad government and neglected duties were given in my Diary. The duty of remedying the evils, and carrying out your Lordship’s views in Oude, *whatever they may be*, must now devolve on another.”†

Thus up to the period of Lord Dalhousie’s arrival in India, no scheme had been proposed for the reform of Oude except that of temporary management. Lord Dalhousie’s immediate predecessor repeated that same proposal, and held out, *as an extreme measure*, the enforcement of the Treaty of 1837, under which all surplus revenues were to be paid into the local treasury, existing institutions maintained, and the restoration of native government facilitated, with such modifications and improvements as might be considered advisable.‡

Lord Dalhousie protested against temporary management; insisted on appropriating the surplus revenues for British purposes; in order to secure these two points, repudiated the Treaty of 1837, so recently invoked by his predecessor; and deliberately planned to bring about a scene of insurrection and pillage as a pretext for sweeping away every vestige of native government. The Duke of Argyll, however, declaims against “the ignorant injustice” of those who ascribe the annexation of Oude to “the special policy of Lord Dalhousie.”

It was in every point of view his special policy. It was in the pursuance of a systematic and settled object,—in

* *Sleeman’s Oude*, vol. i, pp. xxi, xxii. † *Ibid.*, vol. ii, p. 423.

‡ Articles vii and viii of the Treaty, *Oude Papers*, 1858, p. 33.

obedience to a principle, such as it was,—that Lord Dalhousie avoided the temporary management of Oude. That principle was that if the British Government undertook “the responsibility, the labour, and the risk,” of reconstructing and reforming a native State, it ought, “after providing for the pensioned dynasty, for the administration of the Province, and for its progressive improvement,” to be allowed to appropriate the surplus revenue to Imperial purposes.* The double delusion,—false morally, and practically falsified,—that the British Government was not bound to interfere for the reform of a protected State, unless the interference could be made financially profitable to itself; and that the conversion of protected States into British Provinces would be financially profitable,—runs through all the arguments for the successive annexations, from Sattara to Oude.

No doubt Lord Dalhousie had persuaded himself that the temporary management of Oude was not attainable, and, if attainable, would not be effectual for permanent reform. With the fixed purpose of absolute acquisition before him, he was very easily persuaded, and attacked the plan of temporary management by arguments and illustrations of transparent futility. He adduced the two experiments of Hyderabad, under Sir Charles Metcalfe, and of Nagpore, under Sir Richard Jenkins, as instances of the total failure of temporary management;† whereas, if properly examined, they are seen to be instances of marked success, checked only by the sudden relaxation and subsequent neglect, for which our Government was solely responsible. After detailing the good results of the reforming measures in the Hyderabad country, he says:—“But the arrangement was temporary: its fruits, therefore, were transitory and disappointing. No sooner had the present Sovereign assumed the reins of government, than he set aside the system introduced by Sir Charles Metcalfe, and caused everything to revert to its former course.”‡ Did then Lord Dalhousie, who had so recently put forth the vast influence of the British Government, to coerce the Nizam of Hyderabad into consigning his most fertile Provinces, yielding a quarter of his revenue, to

* *Oude Papers*, 1856, p. 190. † *Ibid.*, pp. 186, 187. ‡ *Ibid.*, 1856, p. 186.

British management, really think that the same vast influence would have been uselessly or unjustly put forth, to maintain British management, and pursue the incomplete reforms, at the commencement of the same Prince's reign? * The promptitude with which the Government of India in 1829 acceded to the request of the Nizam that the English Superintendents should be withdrawn from his districts, is, as I observed in a previous publication, "but one instance of the utter indifference of the Calcutta officials to the internal and independent reforms of a Native Principality." *

Another objection to temporary management seemed, in Lord Dalhousie's eyes, to be final and fatal. It was provided in the Treaty of 1801 that the King's administration should be "carried on by his own officers." † Lord Dalhousie professed to see in this provision of the Treaty "an insurmountable barrier to the employment of British officers," ‡ without whose aid a thorough reformation was impracticable.

This barrier to the employment of British officers, was never, before Lord Dalhousie's time, felt or supposed to be insurmountable, or anything more than a difficulty to be overcome. Lord William Bentinck in 1831 was prepared to enter on the task of reforming Oude, under the Treaty of 1801, and the Court of Directors sanctioned its commencement. §

Colonel Low, the Resident at Lucknow, writes as follows to the Foreign Secretary at Calcutta, while the Treaty of 1837 was under consideration:—"In the whole of the correspondence, both from the Home authorities and in this country, all parties seemed formerly to have agreed that not one rupee of the revenues of Oude ought to be appropriated by the British Government beyond the expenses of managing the territory, if we should conceive it necessary to undertake its management by British officers." ||

Lord Auckland, in a letter to the Court of Directors of the 9th February, 1839, refers to "the strong orders

* *The Mysore Reversion*, (2nd Edition) p. 219, and see also pp. 232, 233.

† Article vi, *Collection of Treaties*, 1864, vol. ii, p. 125.

‡ *Oude Papers*, 1854, p. 183. § *Ibid.*, 1856, p. 155. || *Ibid.*, 1858, p. 18.

already received from the Honourable Court, and still unexecuted, which would have warranted a *temporary occupation of the country by British officers*, for correction of the crying abuses that existed."*

Lord Hardinge in 1847, exhorting the King to initiate an improved system, without delay, so as to save himself from the penalties of the Treaty of 1837 at the end of two years of probation, offered, as we have seen, to lend him the services of English officers to superintend the good work.†

Above all, at the very time when Lord Dalhousie was professing to see in the Treaty of 1801 "an insurmountable barrier" to the employment of British officers in the administration of Oude, *several British officers were actually so employed*,—appointed by the Governor-General himself, and directed by the Resident, though paid by the Oude Government. "After such a lamentable picture of the internal Police of Oude," writes Colonel Outram, the Resident, to Lord Dalhousie, "it is satisfactory to turn to the Frontier Police, the only efficient public establishment maintained under the Oude Government; but that it is so efficiently maintained is to be attributed to its being placed under British officers independent of the Durbar, and under the immediate control of the Resident. The Oude Frontier Police was originally established in January, 1845, to the extent of 500 Sepoys and 100 horsemen, which force was subsequently augmented by his present Majesty to the total strength of 750 Sepoys and 150 horsemen." He adds, "it has been most efficient and successful."‡

The same means would have made all the other public establishments equally efficient. If there had been any difficulty in the terms of the Treaty of 1801, the King's consent would have removed it; and Lord Dalhousie, who had already seen that difficulty overcome in the case of the Frontier Police, and who hoped to obtain the King's consent to a Treaty of mediatisation, could hardly have doubted that his Majesty's consent would be more easily procured to the employment of a few more English officers.

* *Oude Papers*, 1858, p. 42. † *Ante*. p. 65. ‡ *Oude Papers*, 1856, pp. 31, 32

But this was one of Lord Dalhousie's "scruples"; this was one of his "misgivings"; this was one of his tender mercies. He could not "compel the fulfilment of the Treaty of 1801 by force of arms," on account of "its peculiar provisions."* But he had no objection to declare the Treaty null and void,—that is to say, to violate it himself by withdrawing the troops stationed in Oude in accordance with that Treaty,—to abandon the country to anarchy and the capital to pillage, and to re-enter with a large army, to dethrone the King and annex his dominions.

Nor is it so difficult as might be supposed, to account for these inconsistencies and contradictions. Lord Dalhousie *did not wish to reform* Oude; it was his special policy to *annex it*. Reform, whether enforced by the Treaty of 1801 or that of 1837, whether carried out by the Resident and his Assistants with a native agency, or by a larger number of British officers, would have spoiled every chance of annexing Oude. Therefore the Treaty of 1837 was repudiated; therefore Sir William Sleeman's proposals were coldly and silently received.

It was in obedience, as I said before, to a sort of principle that Lord Dalhousie objected to projects of reform, and aimed steadily at annexation. This principle was made applicable by him not only to the case of Oude, but to every case of a Native State that seemed to provoke interference, or to lie at his mercy. One of his avowed reasons for deciding to annex the Punjaub, after the rebellion of 1849, instead of continuing to give the promised "aid and assistance in the administration of the Lahore State during the minority of the Maharajah Dhuleep Sing,"† was that "we should have all the labour, all the anxiety, all the responsibility, which would attach to the territories if they were actually made our own; *while we should not reap the corresponding benefits of increase of revenue, and acknowledged possession.*"‡

In the same manner he recommended the annexation of the Rajpoot State of Kerowlee by refusing to recognise an adoption, because we should otherwise "for many years to come have to bear the labour of governing this State,

* *Oude Papers*, 1856, pp. 183, and 299.
1864, vol. ii, p. 267.

† *Collection of Treaties*, Calcutta,
‡ *Punjaub Papers*, 1849, p. 663.

employing, always at inconvenience, a British officer for the purpose," and at the end of the young Prince's minority have to "hand over the country with its revenue of four lacks of rupees."*

And when in 1851 he was urged by General J. S. Fraser, the able and accomplished Resident at Hyderabad, with all the weight of many years' experience in that important post, to undertake effectual measures for reforming the administration of the Nizam's Dominions, Lord Dalhousie positively declined. The Resident had suggested this policy "on many recent occasions,"—for the first time, as we learn from another source, in February 1850,† a year before the Governor-General took any notice of it. General Fraser pointed out that the assignment of several Provinces for the payment of the Contingent Force, demanded at that time by our Government, would augment the Nizam's financial difficulties, and was a measure "providing for our own interests only, not for those of the country at large, either as regards its Sovereign or its inhabitants."‡ Lord Dalhousie recorded his entire disapproval of the Resident's policy. "If," he said, "provision be made for carrying it actively and practically into operation, *all the toil of a laborious task, and all its real responsibility, must ever fall on the British agent, by whom the native ministry is controlled. The agent, on his part, while he reaps no advantage from his labours for his own State, must feel himself to be without undivided authority.*"§

It is true that Lord Dalhousie, on this occasion, pronounced a general reprobation upon suggestions such as those made by General Fraser, declaring them to proceed, "in too many instances, not from sentiments of enlarged benevolence, but from the promptings of ambitious greed."

"Quis tulerit Gracchos de seditione querentes!"

He advanced as his first and main objection to the proposal, that it was unauthorised by Treaty, that the Nizam's "consent would never be voluntarily given, and that, if obtained at all, it would be extorted only by the open exercise of a power which he feels he could not resist,

* *Papers, Keronelee*, 1855, p. 9. † *Our Faithful Ally, the Nizam*, by Captain Hastings Fraser, (Smith and Elder, 1865,) p. 268.

‡ *Papers, the Nizam*, 1854, p. 15. § *Ibid.*, 1854, p. 38.

or by the fear that we should proceed to some such extreme."*

What respect can we pay to these scruples, these tender mercies, when at this very time the Governor-General was engaged in extorting from the Nizam by the fear of the military power which he felt he could not resist, the surrender of his fairest Provinces to British management? In the very Minute containing these precious misgivings, the Resident is instructed to demand the transfer of the Provinces, and "to meet any remonstrances or solicitations which his Highness may make for another reference," by declaring that the Governor-General's "determination is fixed irrevocably." If his Highness "should refuse compliance, or should fail to complete the arrangements which are requisite," the Resident will then state "whether he will require any troops, in addition to the Subsidiary and Contingent Forces, for the purpose of enforcing the determination that has been announced."†

Thus Lord Dalhousie's scrupulosity prevented him from using the enormous influence of the British Government to introduce improvements into the Nizam's administration, because what he called "a system of subversive interference" was "unwelcome alike to people and to Prince," and because the Treaty declared his Highness to be "absolute."‡ But at this very time he was endeavouring to introduce, and eventually carried out, by menace and coercion, "a system of subversive interference" over one quarter of that Prince's dominions. He would not employ judicious pressure for the benefit of the State and people of Hyderabad; but he would use any amount of pressure to extort payment and security for a most questionable balance of debt.§ He would not take effectual steps for correcting the administrative abuses of Oude, out of regard for the "peculiar provisions" of a Treaty; but he was

* *Papers, the Nizam*, 1854, p. 38 † *Ibid.*, 1854, pp. 34, 35.

‡ *Ibid.*, 1854, pp. 38 and 36.

§ Colonel Davidson, Resident at Hyderabad in 1860, writes to the Government of India:—"Had the pecuniary demands of the two Governments been impartially dealt with, we had no just claim against the Nizam."—"In 1853 we had little or no pecuniary claim against the Nizam." *Papers, the Deccan*, 338 of 1867, p. 27. *Papers 94/10.*

prepared to annul all Treaties, and to make a general clearance of all ties and obligations by the withdrawal of our troops and Resident, with the certainty, as he believed, of insurrection and anarchy, and the consequently acquired right of invasion and conquest.

It is true that in the Oude case he would have been satisfied for the present with the exclusive administration and entire possession of the revenues, after paying the King's stipend, with the prospect of an early annexation by "lapse," under the new Treaty restricting the succession to the lineal male descendants of the Prince actually on the throne.* But he evidently preferred his own plan, and worked himself into the strange notion that it was more in accordance with "established law and custom," and less open to hostile criticism, than "the more peremptory course," as he called it, favoured by his colleagues, to which he had, nevertheless, consented. Even in his last Minute, written after possession had been taken, he recurs with regret to his original scheme, and "finds no weight in the objections" made to it.†

In dealing with the alleged debt and disorganisation of the Nizam's Government, Lord Dalhousie's aim and object can be shewn to be identical with those which he set before himself in the case of Oude. When repelling General Fraser's suggestions that he should interpose as Guide, Teacher, and Protector, he evidently looked forward to some future opportunity of interposing as Dictator and Master. He fixed his eyes on that same delightful vision of disorder, bloodshed and anarchy in the dependent State, inviting its total absorption, a vision which, equally in both cases, would be dispelled for ever by "unwelcome" measures of reform. The following passages from Lord Dalhousie's Minute on Hyderabad affairs, dated May 27th, 1851, in which he repudiates General Fraser's policy, will show his own intentions and wishes with sufficient clearness.

"Whatever may be the tenor of his Highness's administration, it cannot be said *as yet* to have materially affected the security of any portion of British territory, or to have damaged the interests of British subjects."

* *Ante*, p. 53.

† *Oude Papers*, 1856, pp. 299, 300.

"So long as the alleged evils of his Highness's Government are confined within his own limits, and affect only his own subjects, the Government of India must observe religiously the obligations of its own good faith."*

"If, indeed, the effect of his Highness's misgovernment should be felt beyond his own bounds; if the safety of our territory should be placed in doubt, or the interests of our subjects in jeopardy if recent insults to British subjects and soldiers within his Highness's territory should occur with increasing frequency, I shall not be satisfied, as on some past occasions, with the punishment of individual offenders; I shall probably feel myself called upon in such case to require the adoption of such stronger measures as shall effectually put a stop to outrages which, unless they are repressed, cannot fail to lower the estimation in which our power is held by Native States, and in some degree to tarnish the honour of our name."

"It may be that every effort we can make will be *insufficient to avert the crash which the recklessness and apathy and obstinacy of the Nizam are all tending to produce*; it may be that the Government of India may, after all, be compelled to that direct interference in his Highness's affairs which it still most earnestly desires to avoid. If ever that time should come, the officer who may then be entrusted with the charge of the Indian Empire, will doubtless be prepared to act as the circumstances of the times, and as his duty to his country may seem to him to require. But he will then be enabled to act with confidence, strengthened by the consciousness that the Government of India has long laboured to the utmost, *though in vain, to avert from the Nizam the fate which will then have overtaken him.*"†

There can be little doubt as to what that fate was intended to be, and would have been, if anything like the expected "crash" had occurred while Lord Dalhousie presided over India. Nor can any one fail to see that Lord Dalhousie's special policy towards the Nizam—in spite of all the intolerable verbiage with which, as usual, he wrapped it up,—was simply that of his giving his Highness "*rope enough.*" Just as he declared the "consent" of the King of Oude to be "indispensable to the transfer of any part of his sovereign authority,‡ and that he was entitled to carry on his administration by "his own officers," the "*peculiar provisions*" of the Treaty of 1801 forming "an in

* This is an unfortunate specimen of Lord Dalhousie's style. The "obligations of good faith" are, apparently, *not* to be observed when the evils of the Nizam's misgovernment pass beyond his own limits.

† *Papers, the Nizam, 1854*, pp. 38-40. ‡ Para. 70, p. 187, *Oude Papers, 1856*.

surmountable barrier" to the introduction of an improved system,*—so, for the nonce, the Nizam was exalted into "an independent Power,"† "absolute," and exempt by Treaty from "interference in his internal affairs."‡ And these scruples arose, with regard to Hyderabad, while he was endeavouring to deprive the Nizam of a large portion of his dominions. It is quite clear that he would force no "unwelcome measure of reform" upon either of those States, when such measures were suggested by Sir William Sleeman and General Fraser, because he did not wish for their reform, but rather for some catastrophe that might lead to their fall or screen their extirpation.

The Duke of Argyll completely misconceives the policy of those who, like Lord William Bentinck, Lord Hardinge, Sir Henry Lawrence, and Sir William Sleeman, were opposed to annexation but bent upon reform. He endeavours to show that their doctrines were quite as arbitrary as those approved by him, less consistent and less efficacious—amounting, in his words, to "annexation without the avowal of the name."§ The acquisitive process of his school requiring, as we have seen, that all Treaties should, by hook or by crook—inverted commas or fabricated lapse—be annihilated, he completely overlooks the vast power of interference and supervision placed in our hands by these Treaties, which, if firmly exercised in good time, could have prevented or cured all misgovernment without destroying the Native State. Lord Dalhousie, in order to shake off the obligations of guidance and protection, dearly bought by the dependent Principality of Oude, declared the Treaty of 1837 to be an abortion, and the Treaty of 1801 to have been violated and made null and void by the King's misrule. Sir Henry Lawrence and Sir William Sleeman upheld both those Treaties, and censured the neglect of our Government in not enforcing them for the good of the people of Oude.

The Duke of Argyll believes that the best authorities on International Law, would give "some name harsher than annexation" to the course in respect to Oude favoured

* *Ante*, p. 70.

† Para. 34, p. 37, *Papers, the Nizam*, 1854.

‡ Para. 27 and 36, p. 36 and 38, *Papers, the Nizam*, 1854.

§ *India under Dalhousie and Canning*, p. 18.

by Sir Henry Lawrence. "The notion," says the Duke, "that the Rulers of Oude had any sovereign rights, *on account of which we were bound not to interfere with their authority*, is scouted by Sir Henry Lawrence with indignation."* Of course that notion was scouted by Sir Henry Lawrence, who recognised the Treaty of 1837, and wished to see it brought into operation. Even under the Treaty of 1801 we were entitled to interfere with the King's authority, since he was bound by Article VI, "*always to advise with and act in conformity to the counsel of the Honourable Company's officers*."† This was quite sufficient warrant for the effectual reformation of Oude, if we had determined to undertake it. Sir Henry Lawrence's indignation was directed against our neglect and delay in fulfilling our bounden duty. He certainly recognised the sovereign rights of the Rulers of Oude, but not as rights of irresponsible and uncontrollable despotism. On the contrary, he saw that the sovereignty and authority of the King were most effectually and beneficially controlled and limited by the Treaties, if we only chose to apply them properly.

Sir Henry Lawrence recommended that if the personal reformation of a Prince were rendered hopeless by a "career of vice and contumacy," he should "be set aside and replaced by the nearest of kin who gives better promise." This passage seems to shock the Duke terribly: it implies, according to him, "that the British Government has absolute power, not only over the administration, but over the succession to the throne of Native States."‡ And who doubts that absolute power? Does the Duke of Argyll doubt it? Certainly I do not. "The consciousness of our own responsibility for the maladministration maintained by our bayonets," of which the Duke speaks in another part of his Essay,§ has undoubtedly weighed more or less upon all Englishmen engaged in the government of India, as it has upon his Grace. He is quite right so far. We cannot get rid of that responsibility. Having undertaken by our system of military protection, paid for by subsidies or ces-

* *India under Dalhousie and Canning*, p. 16. † *Collection of Treaties*, 1864, vol. ii, p. 125.

‡ *India under Dalhousie and Canning*, p. 17.

§ *Ibid.*, p. 12.

sions, to forbid rivalry and to suppress rebellion, despotism in India is no longer "tempered by assassination." Not even a palace revolution is allowed without our concurrence. Time and circumstances have, in fact, reserved for us the revolutionary power as an Imperial prerogative, and we must not hesitate to use it on an emergency. The often recurring problem,—never, I believe, insoluble,—is how to use it with discretion and impartiality, whether we interfere to settle a disputed or doubtful inheritance, or to depose a contumacious or incompetent Prince. No question of this sort should ever be decided, no irrevocable step taken, without consulting those most conversant with local affairs, those most nearly interested in the welfare of the reigning family, and the stability of the commonwealth.

There is no reason why anyone holding the opinions of Sir Henry Lawrence or Sir William Sleeman, should shrink from altering a succession, or deposing a reigning Sovereign. The deposition of a King, however rare an incident, is not always to be stigmatised as revolutionary, or even as irregular. A Sovereign's abdication is seldom the result of his own free will. But there is nothing in it repugnant to the constitutional law of any country. Indeed the voluntary or forced abdication of a reigning Prince, the renunciation or exclusion of an heir apparent, have been, and obviously must be sometimes, essential conditions of prosperity and success under a monarchical form of government. And such a necessity is more likely to arise, the more the nature of the Government approaches a despotism, the more it depends for its working on the personal character and abilities of the Sovereign.

The misrule of Oude was so flagrant as to call for our intervention. General Sleeman thought the King should be removed from the throne on account of mental incapacity.

"His Majesty is hypochondriac, and frequently under the influence of the absurd delusions common to such persons; but he is quite sane during long intervals, and on all subjects not connected with such delusions."* "The King cannot be considered to be in a sound state of mind."†

"The members of the family, who have its interests most at heart, are becoming anxious for some change."‡

* *Sleeman's Oude*, vol. i, p. liv. † *Ibid.*, vol. i, p. lxix. ‡ *Ibid.*, vol. i, p. lxxii.

"No part of the people of Oude are more anxious for the interposition of our Government than the members of the royal family.
* * * The King is a crazy imbecile."*

Sir Henry Lawrence had arrived at the same opinion. There was a crying necessity for the King's removal. In consequence of our military protection and acknowledged supremacy, this could only be performed by our hands.

It is at this point that the views of Lord Dalhousie and the Duke of Argyll on the one hand, and those of Sir William Sleeman and Sir Henry Lawrence on the other, completely diverge. All are agreed that an incompetent Prince is the great obstacle to good government. All are agreed that his removal is necessary. They differ as to the object and effect of his removal. The school of annexation would sweep away with the King the whole fabric of local self-government, dismiss the whole tribe of native dignitaries and superior officials, and replace them by English gentlemen. The reforming school would maintain all existing arrangements as far as possible intact; would introduce very few English officers; and even if the King's executive power were to be entirely suspended for a time, would uphold his sovereignty as the best pledge and safeguard for the separate integrity of the State and the ultimate reconstruction of a purely native administration.

The Treaty of 1837, under which Sir Henry Lawrence and Sir William Sleeman proposed to act, expressly promised "to maintain, with such improvements as they may admit of, the native institutions and forms of administration within the assumed territories, so as to facilitate the restoration of those territories to the Sovereign of Oude, when the proper period for such restoration shall arrive."†

Lord William Bentinck in 1831 proposed to form "an administration entirely native, the only European part of which should be the functionary by whom it should be superintended."‡

In 1847 Lord Hardinge assured the King that the British Government desired "to perform its obligations to the people without setting the sovereign authority aside, or changing the native institutions of the State."§

* *Sleeman's Oude*, vol. ii, p. 369.

† *Collection of Treaties*, Calcutta, 1864, vol. ii, p. 177.

‡ *Ante*, p. 64.

§ *Ante*, p. 65.

Sir Henry Lawrence attributes the misgovernment of Oude in a great measure to that crying evil, "the want of any recognised system of policy in our negotiations with the Lucknow Court," so that everything was "mere guess-work and experiment," and there was no possibility of harmony between the King, the Minister, and the Resident. "Our great error," he says, "has been our interference in trifles, while we stood aloof when important questions were at issue."* "This interference has been more in favour of men than of measures."†

"If an able Minister was appointed or encouraged by the British Government, he was, as a matter of course, suspected and thwarted by his master; if the King did happen to employ an honest servant, the power of the latter was null unless he had the Resident's support."‡

"Among her Ministers have been as able individuals as are usually to be found in the East."§

"The result is before our eyes; the remedy is also in our hands. Let the management be assumed under some such rules as those which were laid down by Lord W. Bentinck. Let the administration of the country, as far as possible, be native. *Let not a rupee come into the Company's coffers.*"||

In the explanation of his plan he provided for only five English Superintendents, under the Resident "as Minister, not only in fact but in name."¶

"Our plan involves the employment of every present Oude official, willing to remain, and able to perform the duties that would be required of him."

"It would be desirable to retain the services of one or two respectable men, *to assist the Resident, and form with him a Court of Appeal from the Superintendent's decrees.*"**

Nor did he ever deviate from these opinions. Five years after the annexation of the Punjaub, in June, 1854, he wrote as follows, in a private letter to Mr. Kaye:—

"Our remedy for gross misgovernment was given in my article on Oude in the *Calcutta Review* nine years ago, to take the management temporarily or permanently. We have no right to rob a man because he spends his money badly, or even because he ill-treats his peasantry. We may protect and help the latter without putting the rents into our own pockets."††

* *Essays*, p. 129. † *Ibid.*, p. 63. ‡ *Ibid.*, p. 129. § *Ibid.*, p. 128.

|| *Ibid.*, pp. 131, 132. ¶ *Ibid.*, 132. ** *Ibid.*, p. 135.

†† *Kaye's Lives of Indian Officers*, vol. ii, p. 310.

Above all it is worthy of remark that Sir Henry Lawrence,—nomere theorist, but one of the ablest administrators in India, who would willingly have undertaken the task he was then sketching out,—proposed that the assessment of the land-tax should be fixed for the whole country, and distributed among the five districts, “as far as possible by the people themselves,”—“in a great assembly of the people.”*

Sir William Sleeman declared that in Oude there was “no want of an educated class for civil office; on the contrary they abound almost as much as the class of soldiers.”† By their means, “with the aid of a few of the ablest of the native judicial and revenue officers of our own districts, invited to Oude by the prospect of higher pay,”‡ he intended to carry out his projects of reform, if Lord Dalhousie would have sanctioned and supported them.

The administrative abuses of Oude and the demoralisation of all its establishments were greatly aggravated during the six years of Lord Dalhousie’s masterly neglect, which, following immediately on Lord Hardinge’s two years of probation, seemed to hold out a prolonged lease of power to the vile advisers of an imbecile King. Before Sir William Sleeman left Lucknow, he had become convinced that the correction of abuses and inauguration of a new system were no longer within the capacity of a Board of Regency, and that stronger measures must be taken. “Our Government,” he wrote on the 5th March, 1854, to Colonel Low,§ who as Resident had negotiated the Treaty of 1837, “would be fully authorised at any time to enforce the penalty prescribed in your Treaty of 1837, and it incurs great odium and obloquy for not enforcing it.”|| He found that he would require the aid of some English officers. He wrote to Lord Dalhousie, “I shall not propose any native gentlemen for the higher offices,”—meaning, no doubt, those originally intended for the Board of Regency,—“but it will be necessary to have a great many in the subordinate ones, to show that your Lordship wishes to open employment in all branches of the new administration to educated native gentlemen.”¶

* *Essays*, pp. 132, 133. † *Ante*, p. 66. ‡ *Ante*, p. 66. § Now General Sir John Low, K.C.B. || *Sleeman’s Oude*, vol. ii, p. 419. ¶ *Ibid.*, vol. ii, p. 355.

He recommended that "all establishments, military, civil, and fiscal, be kept entirely separate from those of our own Government, that there may be no mistake as to the disinterestedness of our intentions towards Oude."* He declared that "by adopting a simple system of administration, to meet the wishes of a simple people, we should secure the goodwill of all classes of society."† And in his last letter to Lord Dalhousie, he said, "There are many honest men at Lucknow. But no honest man can obtain or retain office under Government with the present Minister and heads of departments."‡

Yet the Duke of Argyll declares that Sir William Sleeman's plan was "annexation without the avowal of the name";§ and that to Sir Henry Lawrence's plan "some name harsher than annexation," ought to be applied.||

On another point the Duke completely misunderstands, and consequently misrepresents, Sir William Sleeman and Sir Henry Lawrence. He says, "they had a strange theory that though the King had no indefeasible title to any part of the Kingly power, he had an indefeasible title to the whole of the Kingly revenues,—that the whole revenue over and above the costs of administration was absolutely due to the King of Oude: that is to say, it was legitimate to seize the Government in the interests of the people, but it was not legitimate to administer for the benefit of the people the revenues of the State."¶ And he complains that, according to their doctrine, "the whole surplus was to go where it had gone before,—to be spent on the pageants and buffooneries and dancing-girls of Lucknow!"***

This is a very great mistake. Neither Sir Henry Lawrence nor Sir William Sleeman ever proposed that the surplus revenue should be paid to the King. Both of them intended that the King should receive an annual income fixed at the discretion of the British trustee.

In order to prove that in Sir Henry Lawrence's opinion "it was not legitimate to administer for the benefit of the people the revenues of the State," and that all the surplus,

* *Sleeman's Oude*, vol. ii, p. 380. † *Ibid.*, vol. ii, p. 381. ‡ *Ibid.*, vol. ii, p. 423.

§ *India under Dalhousie and Canning*, p. 18. || *Ibid.*, p. 16.

¶ *Ibid.*, p. 18.

*** *Ibid.*, p. 19.

after defraying the actual costs of administration, should be handed over to the King, the Duke quotes a sentence from Sir Henry Lawrence's Essay on Oude :—"Let not a rupee come into the Company's coffers."* Sir Henry Lawrence's real meaning will be easily understood when the sentence is restored to its place between two other short sentences not quoted by the Duke of Argyll. The whole passage will then stand as follows :—"Let the administration of the country, as far as possible, be native. Let not a rupee come into the Company's coffers. Let Oude be at last governed, not for one man,—the King,—but for him and his people,"†—that is to say, for the State of Oude. In another place he says, "We have not been guiltless : in repenting of the past, let us look honestly to the future. For once let us remember the people, the gentles, the nobles, the royal family ; and not legislate merely for the King."‡

It is strange that the Duke of Argyll should have also completely misunderstood Sir William Sleeman. "We have a right," the latter said, "under the Treaty of 1837, to take the management of Oude, but not to appropriate its revenues to ourselves."§ As late as September, 1852, he tried, but in vain, to sound Lord Dalhousie on this very point.

"I believe that it is your Lordship's wish that the whole of the revenues of Oude should be expended for the benefit of the royal family and people of Oude, and that the British Government should disclaim any wish to derive any pecuniary advantages from assuming to itself the administration."||

"Were we to take advantage of the occasion to annex or confiscate Oude, or any part of it, our good name in India would inevitably suffer ; and that good name is more valuable to us than a dozen of Oudes."

"Annexation or confiscation is not compatible with our relations with this little dependent State. We must show ourselves high-minded, and above taking advantage of its prostrate weakness, by appropriating its revenues exclusively to the benefit of the people and royal family of Oude."¶

When Lord William Bentinck said that "the whole of the revenue should be paid into the Oude Treasury,"*** he

* *India under Dalhousie and Canning*, p. 19. † *Sir Henry Lawrence's Essays*, p. 132. ‡ *Ibid.*, p. 136. § *Ante*, p. || *Sleeman's Oude*, vol. ii, p. 372.

¶ *Ibid.*, vol. ii, pp. 378, 379.

*** *Ante*, p. 64.

did not say that it should be paid into the King's Privy Purse. Nor can "the King's Treasury," mentioned in Article VIII of the Treaty of 1837, be held to signify the King's Privy Purse. The distinction between the two Treasuries is quite well understood all over India; and wherever it has been imperfectly observed in practice, could be established by our influence in any Native State on the first convenient opportunity. Far from wishing to give all the surplus to the King, or to provide him with the means of unlimited extravagance, Sir William Sleeman suggested an annual sum for the Royal Household of fifteen lakhs of rupees (£150,000),* three lakhs less than that offered to the King by Lord Dalhousie,—eighteen lakhs (£180,000), besides one lakh (£10,000) to the Queen Mother,—on condition of his signing the draft treaty of 1856.†

Sir Henry Lawrence, indeed, proposed to give the King a larger income. "Twenty, thirty, or even fifty lakhs per annum might, as the revenues increased, be allowed. He should be furnished to his heart's content with silver sticks,"‡ and so forth. The magnitude of the highest sum here mentioned,—fifty lakhs, £500,000, more than a third of the gross revenue,—is sufficient to show that it is not to be taken literally, but only to express forcibly his opinion that if matters could be smoothed and simplified by a liberal allowance to the King, the exact sum ought to form no difficulty in the settlement. Sir Henry Lawrence was merely writing an article in the *Calcutta Review*, with no official responsibility to give precision to his language. Had he been Resident at Lucknow he would certainly not have recommended a larger income for the King than Sir William Sleeman did.

These two distinguished officers had no weak tenderness for the King's "pageants and buffooneries." They complained that in consequence of our neglect the country was governed too much "for one man, the King," and insisted that for the future it should be governed "for the

* *Sleeman's Oude*, vol. ii, p. 381. † *Oude Papers*, 1856, pp. 242, 291.
 Lord Dalhousie observed that, according to Sir William Sleeman, about twelve lakhs, (£120,000) was all that the King "was usually able to obtain" for his own Household.—*Oude Papers*, p. 302. ‡ *Essays*, p. 136.

people, the nobles, the gentles, and the royal family, and not merely for the King."* The Duke of Argyll says they considered it "not legitimate to administer the revenues of the State for the benefit of the people."† That would have been "a strange theory" indeed; but the Duke alone is responsible for its conception. Nothing of the sort can be found in the writings of Sir William Sleeman or Sir Henry Lawrence. They evinced no reluctance to expend the revenues of Oude for the benefit of the people. They sketched out schemes of roads and other public works that would have transformed the face of the country. Sir Henry Lawrence proposed to commence operations with a loan of a million sterling, to be paid off in ten or fifteen years,‡ so that there would have been little or no surplus for anyone during that period.

But the Duke of Argyll may still object that although these two eminent men did not, perhaps, exactly intend to throw all the surplus revenues into the King's hands,— "to be spent on the pageants, buffooneries, and dancing-girls of Lucknow,"—they certainly intended that all the revenues of Oude should be spent within its limits, that the surplus should not belong to the British Government of India. If his Grace had restrained his rhetoric within those bounds, his statement would have been perfectly accurate, and several pages of my rejoinder might have been spared. When Sir Henry Lawrence and Sir William Sleeman said that "the administration should, as far as possible, be native"; that "not a rupee" should "come into the Company's coffers"; that we had no right "to appropriate its revenues to ourselves," and that they "should be expended for the benefit of the royal family and people of Oude," they undoubtedly intended to exclude our Government from any claim upon the surplus revenues, and to restrain the nepotism of Calcutta within moderate bounds. Until the growing mania for territorial extension arrived at its climax under the fostering care and encouragement of Lord Dalhousie, it was generally acknowledged that the resources of Oude had already been sufficiently drained by monstrous subsidies, extorted

* *Ante*, p. 84.

† *Ante*, p. 83.

‡ *Essays*, p. 134.

cessions, and forced loans,* and that no further demands for Imperial purposes ought to be made upon its Treasury. When the Treaty of 1837 was under consideration, the Articles imposing an annual burden of sixteen lakhs of rupees upon Oude for a new Auxiliary Force, were opposed upon these grounds by two members of the Supreme Council, Mr. Ross and Mr. Shakespear. Both of them observed that in return for the great cession of territory in 1801, we had declared in the 1st Article of the Treaty of that year that the Nawab was "relieved from the obligation of defraying the expenses of any additional troops which at any time may be required for the protection of Oude." And Mr. Shakespear added that before exacting any new subsidy, it would be necessary "to cancel the 5th Article" of the Treaty of 1801, "which engages that no demand whatever shall be made upon the territory of his Excellency, on account of expenses which the Honourable Company may incur for the suppression of disorders within his territories."† This was the main objection of the Court of Directors to the Treaty of 1837. This was the objection of Sir Henry Lawrence and Sir William Sleeman to the surplus revenues of Oude being appropriated by the Honourable Company. On a mere debtor and creditor account, as well as by innumerable and unremitting friendly services, the State of Oude had paid in advance for all the protection, guidance, and instruction we could give. Against Oude we had no pecuniary claim. Even Lord Auckland, when pressing his plan for a new Auxiliary Force, felt himself compelled in common decency to urge that it would be "a measure of real economy" for Oude.‡ All our efforts for "the tranquillity and good government" of Oude, should be, he said, "without the taint which schemes of acquisition in money or land might give them." Any such scheme he declared to be "as repugnant to my own designs and feelings as they have ever been disavowed by the Honourable Court, and by

* With regard to some of these Sir Henry Lawrence says:—"The friends of Lord Hastings have asserted that these loans were voluntary, but Colonel Baillie has shewn the transaction in a very different light. The money was extorted from the Nawab by the importunity of the Resident, who acted on repeated and urgent instructions from the Governor-General."—*Essays*, p. 118.

† *Oude Papers*, 1858, p. 28.

‡ *Ibid.*, p. 50.

each successive Governor-General, in discussing the grave question of the position in which events have placed us, both towards the Oude ruler and people.”*

Sir Barnes Peacock,† who was Legal Member of Council when the annexation of Oude was discussed, “could not recommend that any part of the revenues of Oude should be applied to the payment of the military administration of the Province.” After referring to the cessions and promises of 1801, he says:—“For the same reason I would not place the residue of the revenue at the disposal of the East India Company, but would leave it to be disposed of entirely for the benefit of the people of the Province.”‡ “If the Honourable Court of Directors should resolve to adopt that measure, I think that no pecuniary benefit should be derived by the East India Company.”§

So that Sir Barnes Peacock, one of Lord Dalhousie’s colleagues, an acute and clear-headed lawyer, propounded that same theory which seems to the Duke of Argyll a strange delusion when it comes from Sir Henry Lawrence and Sir William Sleeman. Yet Sir Barnes Peacock had no great sympathy for the King of Oude. He speaks on behalf of “the people of that State.”||

The source of the Duke of Argyll’s error is evident enough. He can think of no “people” but the people of all India. He can think of no “State” but that which is centralised at Calcutta. Like Lord Dalhousie and his best contemporary interpreter, Mr. George Campbell, he looks upon the revenue of a native Principality as a very inconvenient alienation from the Imperial assets, to be called into the common stock as soon as may be.¶ He cannot understand how Oude could have any right to be a State at all. The school of annexation has always

* *Oude Papers*, 1858, p. 8. † Now Chief Justice of the High Court at Calcutta. ‡ *Oude Papers*, 1856, p. 232. § *Ibid.*, 1856, p. 231.

|| *Ibid.*, 1856, p. 232. ¶ “It is indeed only in this way”—by rejecting adopted heirs—“that we can hope gradually to extinguish the native States, which consume so large a portion of the revenues of the country, and so prevent us from lightening the burdens and improving the condition of the mass of the people.”—(Campbell’s *Modern India*, p. 169.) This book was published in 1852, just in the nick of time, as if to serve as an exponent and defence of Lord Dalhousie’s policy. It represents very fairly the ordinary views held by the Bengal Civil Service, of which Mr. Campbell, late a Judge of the High Court of Calcutta, now Chief Commissioner of the Central Provinces, is a very able and distinguished member.

ignored entirely the corporate rights of the Native State. They seem to argue and to act upon an incoherent and inconsistent doctrine, oscillating between Oriental despotism and revolutionary violence,—by which the reigning Prince, for the time being, is made the sole representative and personal embodiment of the State. So long as he remains on the throne, his absolute power must not be limited, or he would have “virtually no sovereignty at all;” * he would be “in leading strings,” “a mere puppet,” and “a sham Sovereign.” † He alone is responsible for any disorder or misrule in his dominions, whether injurious only to his own subjects, or affecting his relations with the British Government. Whether he be a criminal or an imbecile, he is fully empowered to transfer by his signature all his possessions, and may justly and legally be terrified or coerced into doing so. But with or without his extorted consent, the removal of the reigning Prince extinguishes the rights of his family, annuls all treaties, and terminates the separate existence of the Principality, which naturally and necessarily merges in the Paramount Empire as an ordinary Province.

The Duke of Argyll, in common with the school of annexation which he admires and defends, persists in seeing nothing but the King's person between the British Government and the desired acquisition of territory. Sir William Sleeman and Sir Henry Lawrence saw a great deal more. With them the King was not the State. They knew that Oude had, since the cessions of 1801, paid for our military protection over and over again, not only by contributions and advances in the hour of our financial need, not only by supplies and means of transport in several campaigns, but by the inestimable aid of her friendly countenance and faithful influence in days of great military and political emergency. They knew that these services had not been rendered by the King alone; that we had been indebted as much or more, in proportion to their respective importance and ability, to the ministers, the officials, to some of the great landholders, to many of “the nobles, gentles, and people,” whom Sir Henry Lawrence

* *India, under Dalhousie and Canning*, pp. 34 and 37.

† *Mysore Papers*, 1866, pp. 84, 85, 86.

exhorted our Government to "remember." They knew that many persons belonging to these classes had been the greatest sufferers from our neglect, our exclusive attention to our own immediate interests, and, when those were secured, our uniform support of the King's personal authority throughout his own dominions.* They knew that these classes,—the most sensitive, the most reflective, the best informed, the most influential, and the most improvable members of the community,—although anxious for our corrective intervention, would see their own inevitable ruin and degradation in the extinction of the Kingdom. Hear Sir William Sleeman in 1853.

"In 1801, when the Oude territory was divided, and half taken by us and half left to Oude, the landed aristocracy of each was about equal. Now, hardly a family of this class remains in our half, while in Oude it remains unimpaired. Everybody in Oude believes those families to have been systematically crushed."†

"The members of the landed aristocracy of Oude always speak with respect of the administration in our territories, but generally end with remarking on the cost and uncertainty of the law in civil cases, and the gradual decay, under its operation, of all the ancient families. A less and less proportion of the annual produce of their lands is left to them in our periodical settlements of the land revenue."‡

There was not in Oude even such a semblance of a party in favour of British appropriation, as there was in Mexico in favour of the unfortunate Emperor Maximilian. Every one supposed—whether rightly or wrongly it matters not,—that after absorption within the Honourable Company's territories, all avenues to promotion and distinction would be closed, that the manufacture and import of many articles of ornament and luxury would be very much diminished, that all encouragement to native art and learning would cease, and that the wealth of the country would be drained away to Calcutta and London. Even the "pageants and buffooneries of Lucknow," did not excite much horror in the minds of this ignorant population. Such sights are run after by the simple inhabitants of India almost as eagerly as the more serious and intellectual attractions of a review, a royal procession, or a

* *Sir Henry Lawrence's Essays*, pp. 75, 109, 131.

† *Sleeman's Oude*, vol. ii, p. 415. ‡ *Ibid.*, vol. i, p. 168.

Lord Mayor's Show, are in enlightened England. The people are well aware of their Prince's lavish expenditure, but they are rather proud of it than otherwise. The money is spent among themselves, and they all benefit by it, more or less, if only by a little occasional entertainment and excitement. As General Sir John Low remarked, when discussing the question of the stipend to be allotted to the Ex-King of Oude, "these Princes" do not "hoard up their money in large sums, and bury it," nor do they "dispose of their lakhs, as most European gentlemen do with their thousands, that is to say, save more than they expend, and send their savings off to a distant country."*

Nor was the aversion to lose all their local privileges and customs amid the cold uniformity of British rule, confined to the great landlords, the courtiers and the higher officials, the traders and artisans of the capital and large towns. There was literally no class in the country that desired the downfall of the native State.

"It might have been expected," said Lord Canning, in his despatch of the 17th June, 1858, "that when insurrection first arose in Oude, and before it had grown to a formidable head, the village occupants who had been so highly favoured by the British Government, and in justice to whom it had initiated a policy distasteful to the most powerful class in the province, would have come forward in support of the Government. Such, however, was not the case. So far as I am as yet informed, not an individual dared to be loyal to the Government which had befriended him. The village occupants, as a body, relapsed into their former subjection to the Talookdar," or great landlord, "owned and obeyed his authority as if he had been their lawful Suzerain, and joined the ranks of those who rose up in arms against the British Government." The endeavour to neutralize the usurped and largely abused power of the Talookdars by recognising the supposed proprietary rights of the people, and thus arousing their feelings of self-interest and evoking their gratitude, had failed utterly." * * * * * "Those whom we

* *Oude Papers*, 1856, p. 224.

had desired to benefit, and had to our thinking benefited, did not value the rights which we had restored to them, and far from standing up in defence of those rights, and in support of the Government which had been the means of reviving them, they had acted in complete subordination to the Talookdars, and had been no less forward than these latter in their efforts to subvert the authority of that Government and expel its officers.*

The village occupants knew much more of the British revenue system than Lord Canning imagined. They perfectly understood that the "supposed proprietary right" enjoyed by the villagers of our adjacent districts, was nothing more than the right to pay their quota directly to the Government instead of to the Talookdar. They knew quite well that any intermediate profit-rent which was lost by the Talookdar would be no gain to them, but would fall into the coffers of Government; while they would lose the protection and countenance of their hereditary Chief, and would be transferred to the covenanted and uncovenanted mercies of a Collector and his underlings. They knew that in the neighbouring British districts the assessment of the land tax had been systematically and progressively enhanced, and that the ryots, for want of substantial and influential landlords, were exposed to the illicit exactions of subordinate officials.

The alleged prevalence of oppression and extortion in Oude is utterly irreconcilable with the fact that the population showed no inclination to emigrate into the contiguous territories of the Company, open to them on three sides.† The mal-administration of Oude did not drive the people to rebellion, nor even to remonstrance. The King was utterly incompetent, but not cruel. The great fault of his Government was not tyranny but weakness.

Whatever may have been the errors of the last reigning King of Oude, however much he may have neglected and mismanaged the internal affairs of his Kingdom, he was neither a cruel tyrant nor a faithless Ally. "In all those measures," said General Low, in 1855, "which relate exclusively to the interest of the Paramount State, such as

* *Papers, Oude Proclamation*, 1859, pp. 5, 6. † *Oude Papers*, 1856, pp. 52, 57.