

can in no way be held accountable, but Francis and his colleagues, who possessed supreme power, might have saved his life by asking the Supreme Court to grant his prayer that the execution of the sentence should be suspended pending a reference to England.* Not on Hastings but on the triumvirate must rest the responsibility of the death of the culprit Nundcoomar.

argued that the more he disliked Hastings the wider his grounds of quarrel with him were, the more natural was it that he should be his assailant: and the reason for the House of Commons excluding him by their vote from a place among the managers surpassed the powers of comprehension.—*Statesmen of the time of George III, by Lord Brougham, page 89.*

* "Francis gave as an excuse for not applying to the Court the complaint made by the Court that it was unconstitutional to address a Court of Justice on matters judicially before it by letter, and not by petition or motion in open Court. He must either have overlooked or wilfully refused to notice the broad distinction between writing a letter to the Court on a matter judicially before them, and writing on a matter in which they had to exercise an executive discretion. The latter is as natural and proper as the former is unconstitutional. The Home Secretary in England constantly corresponds with individual Judges as to applications for pardons. He would never dream of writing to a Judge as to the exercise of his judicial duties. Any such application would have to be made by Counsel in Court."—*The Story of Nundcoomar, by Sir Fitz James Stephen, Volume I, page 236.*

CHAPTER IV.

FOREIGN AFFAIRS—DUEL WITH FRANCIS.

Shortly after Nundcoomar had been committed for trial, a despatch arrived from the Bombay Government announcing that they had made a treaty with Raghoba, the claimant to the throne of the Peshwa, by which he agreed to cede Salsette and Bassein to the English in consideration of being himself restored to Poona. Hastings pronounced the treaty unseasonable, impolitic, unjust, and unauthorised. "It is unseasonable because the treaty was formed with Raghoba at a time in which he appears to have been totally abandoned by his former adherents. It was impolitic because it threw the whole burthen of the war on the Company without a force at the command of the Presidency equal to the undertaking, without money or certain resources, and because it was undertaken without any regard to the general interest of the other settlements of the Company in India. It was unjust because they had received no injury from any part of the Mahratta State which could authorise their interfering in their mutual dissensions, nor were under any actual ties to assist Raghoba." * Though Hastings condemned the treaty, he took a statesman's view of the position, and felt that to withdraw abruptly after having entered into positive engagements with

* Secret Select Committee's Proc., 31st May 1775, Vol. II, page 391.

one party and offended the other perhaps beyond hopes of reconciliation, might be attended with greater danger than prosecuting the original design and even with national dishonour. He therefore proposed that—
“The President and Council of Bombay be peremptorily enjoined to cancel the treaty with Raghoba, and to withdraw the detachment immediately to their own possessions by whatever means may be in their power, unless any of the following cases may have occurred” :—

“*1st*—That they shall have obtained any decisive advantage over the enemy ;”

“*2nd*—That the detachment shall have proceeded to such a distance, or be in such a situation, as to make it dangerous either to retreat or go on ;”

“*3rd*—That a negotiation shall have taken place between Raghoba and his opponents in consequence of the support afforded by this alliance.” *

Francis entirely agreed “with the Governor General in disapproving of the conduct of the Government of Bombay, and in protesting against all the consequences which may attend it ;” * but he added : “I think that their engaging the Company’s troops on distant inland expeditions, especially without any determinate object for their operations, or limitation of time for their services, ought not to receive the least

* Secret Select Committee’s Proc., 31st May 1775, Vol. II. page 392.

countenance or authority from us ; and that we ought to insist upon their recalling the troops without any consideration but that of their safe retreat." *

It was agreed by the majority that "the troops be ordered to be recalled without any exception but the single consideration of their safety." *

The Bombay Government obeyed the commands of the Supreme Government and ordered the forces who had won the hard-fought battle of Arras into British territory, but the President wrote a dignified protest against their action. He declared that he and his colleagues considered the welfare of the Presidency entirely depended on their preventing the Island of Salsette from again falling into the hands of the Portuguese, and "in this situation we are of opinion policy absolutely required that we should side with one of the contending parties in the Mahratta State, that it might be reconciled to our motives for that attack, and to our continuing in possession of that island. This necessity being allowed, justice doubtless required that we should take part with Raghoba, the Peshwa, and in duty to our employers we made this decision as advantageous to them as possible, as we think is evident from the treaty." † They proceeded to inform the Governor General that they had de-

* Secret Select Committee's Proc., 31st May 1775, Vol. II, page 392.

† Selections from the State Papers preserved in the Bombay Secretariat (Mahratta Series).

puted Mr. William Taylor, "a member of our Board, to visit Calcutta in order, more fully than can be done by letter at so great a distance, to represent to your Honor and Council the motives for all our proceedings, the present situation of affairs, with the danger and discredit that must attend our treaty being cancelled, and Raghoba deserted?" Mr. Taylor on reaching Calcutta wrote a very full and able letter reviewing Mahratta affairs, but his arguments had no effect on the Supreme Government. They informed him that "after duly considering the representations which you have been pleased to deliver to us, we are confirmed in our opinion of the expediency of the Company's troops being immediately recalled from the service of Raghoba to their own garrison?" They also declared their intention of deputing an agent of their own, Colonel Upton, to negotiate with the ruling ministerial party at Poona. At first the pretensions of the Ministry at Poona were so great that it was impossible to make any settlement with them, and on the 7th March the Supreme Government, thinking that Colonel Upton's negotiations had been entirely broken off, wrote to the Bombay Government to renew hostilities. They said—"We think it necessary to take the earliest opportunity to release you from the restrictions which we formerly laid upon your operations, and to provide every means in our power for carrying on the war in conjunction with Raghoba with vigour." The

treaty of Purandhar however, to the disappointment of the Governor General and the Bombay Government, had been signed before the letter was written. "The treaty of Purandhar," writes Warren Hastings to a friend, "was executed on the 1st March 1776. I disapproved of it?"

The treaty established peace between the British Government and the ministerial party, and dissolved the alliance with Raghoba. It proved, however, only a temporary and hollow truce. The Bombay Government continued to give protection to Raghoba, and the Mahrattas delayed and evaded the concessions they had made. It was impossible that any treaty which left Salsette in the hands of the English would meet with the approval of the patriot party in the capital of the Deccan. Two years passed in appeals from the Bombay and Poona authorities to the Governor General in Council, and in ineffectual though earnest endeavours on their part to reconcile them. Then a new feature was added to the dispute by the arrival of the Chevalier de St. Lubin at Poona. Nana Fadnavis, the great Mahratta statesman who had strenuously obstructed the fulfilment of the treaty, immediately attached himself to the Chevalier. The British Envoy complained that "indeed in every respect they paid the greatest attention to the French?" And M. de St. Lubin was received with great pomp by

the Peshwa when he delivered his credentials, "being letters from the King and Ministers of France." The main object of the Chevalier was to establish a factory, supported by a military force, at Poona, and to obtain a seaport near Bombay.* If he had succeeded the French would have regained their former importance in India, and the English would have had to battle with them, supported by all the powers and resources of the Mahratta Empire, for supremacy in the East. The Bombay Government rightly remarked "if time is given to the French for the French Ministry to take their measure, and to supply Nana with a body of forces, we can expect nothing but a repetition of the scene of wars and intrigues formerly acted on the coast of Coromandel, which will certainly be fatal to the influence of the English on this coast, and may end in our total subversion." At this critical time the rivalry between Sakaram Bapu, the aged premier, and his younger associate Nana Fadnavis created a division in the Poona Cabinet, and the former made overtures for the assistance of the Company to restore Raghoba to Poona. The Bombay Government resolved "that if a formal application were made it might certainly with the utmost justice be considered as an

* The letters from J. Madgell and Mr. Farmer of the Bombay Civil Service, published in the *Selections from the Bombay State Papers (Mahratta Series)*, pages 291 and 296, reveal in detail the exploits of M. St. Lubin.

application from the Mahratta State and treated accordingly : as Sakaram Bapu is the Divan, or first officer of the Government, and the principal person with whom Colonel Upton concluded the late treaty on behalf of the State he being the Minister first named in the treaty." It was also ordered that "the resolution be immediately forwarded to the Governor General and Council, who, we flatter ourselves, will do justice to our motives, and afford their approbation and support to the step we have taken, and to the measures we may further pursue." // The approbation and support of the Supreme Government were, after a stormy debate, gained only by the casting vote of Hastings, who owing to the death of General Clavering had recovered his ascendancy in Council. Francis and Wheler condemned the resolution as illegal, unjust, and impolitic. They argued that it was illegal because it was taken without the sanction of the supreme authority ; unjust because it was contrary to the Treaty of Purandhar ; and impolitic because it involved the English in the dangers and burdens of war. Hastings and Barwell argued that the emergency justified the illegality ; that it was not contrary to the treaty because the principal person with whom the treaty had been made had proposed it ; and that it was not impolitic because it would give the English permanent influence in the Mahratta Empire. After considerable

discussion, and after minutes of considerable ability and force had been dictated and read at the Council Board both by Francis and Hastings, the following main resolutions were adopted: that the President and Council of Bombay are warranted by the Treaty of Purandhar to join in a plan for conducting Raghunath-rao to Poona on the application of the ruling part of the administration of the Mahratta State; that a supply of money, to the amount of ten lakhs of rupees, be immediately granted to the President and Council of Bombay; that military assistance be sent to the Presidency. A force under Colonel Leslie was ordered to cross the Continent, and place itself under the orders of the Government of Bombay.

On the 8th June a letter reached the Board from Colonel Leslie informing them that he had met with some slight opposition from the Mahrattas, and Francis took advantage of the occurrence to propose, with the pertinacity which distinguished him, that "the expedition be absolutely countermanded, and Colonel Leslie's command of course dissolved as soon as he has quartered his troops on this side the Jumna in the best manner the season will permit."* Before the proposition could be discussed news of a very grave nature reached the Board. The Bombay Government wrote to them—"It is with much concern we

* Secret Select Committee's Proc., 11th June 1778, Vol. II, page 623.

acquaint you that, by the *London Gazette* of the 16th December just received from Bassora, we learn that General Burgoyne with his whole army, consisting of 3,500 fighting men, was compelled to surrender to General Gates on the 14th of October on condition of being transported to England from Boston, and not to serve again in America during the war. General Howe remains in possession of Philadelphia, with which place the fleet have in vain endeavoured to open a communication, and three of our ships have been destroyed in the attempts, *viz.*, the *Augusta*, of 64 guns, the *Roebuck*, of 44, and the *Merton* of 16. General Washington was encamped within a few miles from Philadelphia, and the Congress had removed to Lancaster. General Clinton with a small army had proceeded up the river of New York and had met with some success.*

Francis requested his colleagues to consider "whether the unfortunate event in America ought not to have a general influence upon our measures here, whether this be a season for hazarding offensive operations of any kind, and whether policy and prudence do not plainly dictate to us that, while the nation is so deeply engaged and pressed on one side, with everything to apprehend from the designs of France and Spain on

* Secret Select Committee's Proc., 22nd June 1778, Vol. II, page 630.

the other, we should stand on our defence, and not weaken or divide the force on which the safety of Bengal may depend."* Hastings replied with the force and dignity which he could command when occasion required—"I hope that our affairs in America are not in the desperate situation in which they are described to be; but I see no connection between them and the concerns of this Government, much less can I agree that with such superior advantages as we possess over every power which can oppose us, we should act merely on the defensive and abruptly stop the operation of a measure of such importance to the national interests and to the national safety as that in which we have now decidedly engaged, with the eyes of all India turned upon it. On the contrary, if it be really true that the British arms and influence have suffered so severe a check in the Western world, it is the more incumbent on those who are charged with the interest of Great Britain in the East to exert themselves for the retrieval of the national loss."*

On the 7th of July 1778 the Government "received intelligence, by way of Suez, that war was declared by the Court of France against England on the 30th of March last."† A Council was immediately held, and Hastings, after bringing

* Secret Select Committee's Proc., 22nd June 1778, Vol. II, page 632.

† Ditto Ditto 7th July 1778, Vol. II, page 637.

forward various measures concerning the defence of the city and province, proposed that—"Raja Chayt Singh be required in form to contribute his share of the burthen of the present war by consenting to the establishment of three regular battalions of sepoy, to be raised and maintained at his expense."* Francis acquiesced in the proposal, but suggested that Chayt Singh "should be informed that this additional charge will not be imposed upon him beyond the continuance of the present war."* Hastings remarked that "the qualification proposed was consonant to my intention on the question and implied in it;" but he could not agree to have any specific words added to the proposition as the matter involved a grave principle. "I agreed," he stated, "to add to the question the following words—'and to be disbanded at the end of the war;' but perceiving that the difference in our opinions upon this subject arises not from a disagreement respecting the requisition simply considered by itself, but from a different understanding of the right of the Company to exact, under any pressure of affairs, more than the sum stipulated by the sunnud granted to Chayt Sing and the kubbooliat given by him in return; I must therefore adhere to the question as it stands, wishing to avoid the question of right. If however we cannot agree

* Secret Select Committee's Proc., 9th July 1778, Vol. II, page 638.

upon this point, still, I would wish to have the requisition made in the words of the question, and leave the decision of future right to our superiors."* At the close of the debate Hastings again reiterated his opinion as to the right of the paramount power to make the demand. His words were—"I agree to the question in the original terms of it, deeming it a right inherent in every Government to impose such assessment as it judges expedient for the common service and protection of all its subjects; and we are not precluded from it by any agreement subsisting between the Raja and this Government."† It was "resolved that the Raja Chayt Sing be required in form to contribute his share of the burthen of the present war, by the establishment of three regular battalions of sepoys to be raised and maintained at his expense, and the Governor General is requested to write to him to that effect."‡

Though no formal intimation of the war with the French had reached Bengal, Hastings determined, by a decisive stroke, to take possession of the French settlements in India. A force was immediately despatched to demand the surrender of Chandernagore, and on the 10th of July Colonel

* Secret Select Committee's Proc., 9th July 1778, Vol. II, page 638.

† Ditto Ditto 9th July 1778, Vol. II, page 639.

Dow wrote to the Board:—"In obedience to your demands, I took possession of the French factory at Chandernagore this morning at 10 o'clock. As I found various pretensions of delay were made, not admissible by the tenor of my orders, I was under the necessity of ordering the Company's troops to advance within the barrier where a guard of sepoys was posted under the command of a French officer. On this occasion the enemy's guards of the barrier having fired by order of their officer, without effect, a platoon was returned which killed four sepoys and wounded three or more. This accident was unavoidable. The guard dispersed and the troops entered the town of Chandernagore, where everything was afterwards conducted with the greatest regularity."* A letter was also received from Monsieur Hocquart, late Commandant of Chandernagore, demanding that the Board should accept certain specific articles of capitulation proposed by him, and expressing a hope that the inhabitants would be well treated. He also desired to be acquainted "with the reasons for the violence and force which you have used towards the French nation in whose name I speak to you."† To his letter the Board sent the following reply: "The instructions which we have given to Lieutenant-Colonel

* Secret Select Committee's Proc , 11th July 1778, Vol. II, page 642.

† Ditto Ditto 11th July 1778, Vol. II, page 646.

Dow being grounded on certain information that a war was declared by the Court of Great Britain against France on the 18th of last March, and by that of France against England on the 30th of the same month, we cannot depart from them. We beg leave, however, to acquaint you that it forms a part of our orders to Colonel Dow to treat the inhabitants of Chandernagore with all possible lenity and tenderness. We have no doubt he will attend to this injunction as far as may be consistent with their present situation and the usages of war in such cases.”* The French Commander in reply reminded the Council that they “make no manner of answer to the ten articles in my letter,” and added—“I do not think that requiring of the inhabitants the keys of their godowns and warehouses where he himself goes to take inventories (a commission beneath the rank he holds) is a mark of mildness and attention.”* The Governor General replied—“We did not think it necessary to answer specifically to the different articles which you had proposed to our consideration, because the circumstances under which the town of Chandernagore was surrendered did not appear to be those of a capitulation.”†

The merchants of Chandernagore^o also addressed

* Secret Select Committee's Proc. 11th July 1778, Vol. II, page 647.

† Ditto Ditto 11th July 1778, Vol. II, page 648.

an indignant remonstrance to the English Commandant. They put forward an ingenious and plausible argument that they should be unmolested because "the English settled in France have peaceably exerted their industry in times of war, and the same indulgence has been granted to the French settled in England." "We think, Sir," they wrote, "this latter situation with some exceptions to be nearly that which we have in Bengal. We have no other circulations than the moneys which your Government coin; we know no laws but those which you impose on us. Our Government, faithful to its treaties, has only established an administration at Chandernagore to give some sanction to our existence and to judge our differences according to our civil laws. If we had not thought, Sir, that such was our existence in Bengal, and if our interests, blended with those of the English, had not strengthened us in this opinion, we should never have abandoned ourselves to your discretion, in exercising our industry in a country at 60 leagues distance from the sea, and surrounded on all sides by your troops in which, making sacrifice of our properties, we have not even the hope of sheltering our liberty."* The English Commandant with graceful flattery was regarded as one "well acquainted with everything appertaining to history," and he was reminded of the generous

* Secret Select Committee's Proc., 14th July 1778, Vol. II, page 651.

treatment that an English ship of war received from the Governor of Havannah. "The history which relates this fact makes no mention of the Governor's having been blamed by his Court, and all Europe admired the like conduct. So much is the law of nations superior to that of war."*

Colonel Dow forwarded the letter from the merchants to the Supreme Council, and they directed that all reasonable indulgence should "be shown to them in the full and free possession of their houses."†

A despatch was sent to Madras announcing the war with the French, and desiring that immediate steps should be taken for the capture of Pondicherry and of Mahé. It must have reached its destination with unusual expedition, for according to a letter dated the 8th of August "the troops that had been encamped near Conjeverâm; consisting of two battalions of Europeans, three companies of artillery, and six battalions of sepoys with sixteen 6-pounders, encamped on the Red Hills, within 4 miles of Pondicherry, and were intended to prevent any succour being thrown into the fort."‡ More troops, battering cannon, and all sort of stores had however to be brought from Madras, Vellore,

* Secret Select Committee's Proc., 14th July 1778, Vol. II, page 652.

† Ditto Ditto 14th July 1778, Vol. II, page 653.

‡ Ditto Ditto 30th November 1778, Vol. II, page 668.

Tanjore, and Trichinopoly, and many days elapsed before anything could be done. "On the 31st August some cannon and stores being arrived, and the fort and its environs having been examined, it was resolved to carry on two attacks. The one to the northward against the north-west bastion, the other to the southward against the bastion called Dauphin, a battery was begun to be erected this night on the south-west to infilade their works, to contain four 24-pounders and some mortars. The enemy fired continually on this work, but on the 4th September the battery was completed." On the 6th September the besiegers "broke ground to the northward and in the night drew a parallel within six hundred yards of the town. **** On the morning of the 18th September all the batteries opened. The fire from the fort was very heavy on all sides, but towards the evening our batteries had apparently the advantage and the enemy's fire decreased greatly." The approaches both on the north and south side were carried forward with unremitting vigour, but the vigilance and fire of the enemy, and the violent rains retarded the progress of the operations. "On the 14th October the bridge-of-boats that was intended to be used for the passage of the ditch on the south attack being completed, and a float being prepared for the same purpose to the northward, it was intended to assault the place about 8 o'clock in

the morning on the 15th. But about 11 in the forenoon the water forced itself into the gallery with such violence that it broke down and damaged some of the boats. * * * * * Though the assault could not take place yet an attack was made on the ravelin to the northward about 2 o'clock in the morning; the ravelin was surprised, and the enemy's party of twenty-two Europeans were mostly killed, wounded, or taken prisoners. \ Some sepoy's escaped, as did some Europeans. We spiked four cannon and four mortars, destroyed a good many arms, and a quantity of ammunition. The 16th the gallery was repaired, and it was resolved to assault the place next morning, and the necessary orders were to have been given to the troops in the evening, but about 11 in the forenoon Monsieur De Vellite, Aide-de-Camp to Major-General Bellecombe, came with a flag of truce from the fort."* The besiegers by the generosity of their terms bore witness to the gallantry of the besieged. The garrison were allowed to march out with all the honours of war; and at the request of General Bellecombe the regiment of Pondicherry was allowed to retain its colours. After a lapse of some months the fortifications were destroyed. The French now retained in India nothing but Mahé, and on the 13th May 1779 the Governor General received a letter from Fort St. George an-

* Secret Select Committee's Proc., 30th Nov. 1778, Vol. II, page 662.

nouncing the surrender of that place. The Madras Government also enclosed a letter from Hyder Ali strongly protesting against an attack on a French factory situated in his dominions. He had a month previously written direct to the Governor General as follows:—"I see what you write concerning your intentions against the French factory of Mahé. In my country there are factories belonging to the English, Dutch, Portuguese, Danes, and French and besides them there are many merchants here who are considered as my subjects; if any one entertains designs against those traders I will without doubt take the best and most considerate method to give them assistance. If you are not already acquainted with this, you may inform yourselves of those who have been long members of your Council."*

The growing hostility of Hyder threw a new and formidable difficulty in the way of Hastings: and the faction within the Council, as well as the exhaustion of the treasury, added bitterness to the miserable result of the war. The attempt to push into the heart of the Mahratta dominion with a small army had ended in disaster and disgrace. But the hour of danger is the opportunity of heroes. General Goddard, a soldier of courage and capacity, on hearing of the defeat of the Bombay troops, marched his detachment from

* Secret Select Committee's Proc., 23rd March 1779, Vol. II, page 668.

Bundlecund to Surat, a distance of three hundred miles in twenty days, and by his timely arrival saved the Bombay Presidency from the grave danger which threatened it and restored the reputation of the British arms.* The Supreme Government, on hearing the news of the disgraceful Convention of Wargaum, which sacrificed all the acquisitions obtained since the first war and gave hostages to a victorious enemy, immediately disavowed it and directed General Goddard to open a fresh negotiation with the Ministers of the Mahratta State on the basis of the Treaty of Purandhar, provided they would recede from the pretensions which they had acquired by the late Convention and would agree not to admit any French force to their dominions, nor allow that nation to form any establishment on the Mahratta Coast.† The Mahrattas would not make peace on these terms, and on the 1st of January 1780 the war was renewed.

To divide the Mahratta strength and divert it from General Goddard, Hastings determined to despatch a small force to protect the territory of the

* "What reward will our superiors bestow on the man who has been the happy instrument of retrieving the recent dishonor which has tarnished the English name? Let me receive my customary portion of censure for having projected the expedition; I expect it. But his conduct in the execution of it, which has no relation to the principles of its formation, must surely entitle him to universal applause."—*Letter to Lawrence Sullivan, 18th April 1779; Memoirs of Warren Hastings, by Gleig, Volume II, page 273.*

† Selections from the Bombay State Papers (Mahratta Series), page 386.

Raja of Gohud lying on the Jumna, sixty miles south-east of Agra, from the encroachments of Sindia. The detachment under the command of Major Popham advanced in February, and after expelling the Mahrattas from Gohud assaulted and captured the fortress of Lahar. It was however felt that the force was too small to materially divert the Mahratta strength, and it was therefore proposed that a larger force under Major Camac should be sent to invade Mahdajee Sindia's country and to attack his capital. This proposition was vigorously opposed by Francis and Wheler in a minute dated 19th June 1780. They opposed it on the ground of expense, the time chosen, and because they considered that "a peace was indispensably necessary to save the India Company, and every interest connected with theirs, from the greatest distress if not certain ruin."* Hastings replied that "the rainy season is no impediment to our troops, but a great one to the Mahrattas, which consisted only of cavalry." "The objection made to the expense," he admitted, "is a material one, but a vigorous assertion," he remarked, "cannot be made without expense, nor can the war either be concluded honourably or prosecuted successfully without such an exertion. Feeble measures and advances for peace

* Secret Select Committee's Proc., 19th June 1780, Vol. II, page 693.

will but add to the strength and presumption of our adversaries, discourage our friends, and perhaps induce them to become parties against us. The resources of this Government, exhausted as they are, and withheld from it by its internal imbecility, are yet equal to every probable contingency of the present war, if it is conducted on a consistent plan, and that not barred by desultory votes of Council on every measure for its prosecution."* As the main arguments of his opponents were drawn from the low state of the treasury and the inability of the Government to support the expense of the expedition, Hastings, after pointing out that the pay and batta of the troops would be the same whether they remained in their original quarters, or marched to the capital of Sindia, stated—"The contingencies of the detachment are therefore the only expense that can be reasonably charged to the expedition. These I rate far below two lakhs of rupees. That sum I offer to contribute to this disbursement. I have already deposited it within a small amount in the hands of the Sub-Treasurer, and I beg that the Board will permit it to be accepted for that service."† Hastings communicated the fact of having advanced this money to his friend Sullivan in a letter dated 30th August

* Secret Select Committee's Proc., 26th June 1780, Vol. II, page 700.

† Ditto ditto, 26th June 1780, Vol. II, page 701.

1780. He wrote—"Do not be surprised, nor misinterpret my intention. I had no secret view of catching the public applause by an ostentatious display of supererogatory virtue, and the temporary sacrifice of my own fortune in the hopes of future repayment; the money was not my own; it was a peace offering from the Raja of Benares, which he had deputed his most confidential servant to Calcutta to make to me, and to solicit my pardon for all his past offences. I gave the man assurances of my forgiveness, but refused to accept the money, and he was on the point of returning when these debates in our Council began. It occurred to me to convert it to a public use; I gave him an opportunity of repeating the offer, and accepted it, directing it to be delivered to Mr. Croftes, our Sub-Treasurer, and him to receive it as a deposit in my name. It has since been re-coined, and turns out about two lakhs of sicca rupees. I believe I shall communicate this fact to the Court of Directors; but if I do not, I give you permission to make what use of the above relation of it you think proper, declaring upon my honour that I never will reclaim the money, and that I disclaim any title to it as I should not have taken it, but for and on the occasion which induced me to receive it, or one similar to it." Hastings did communicate the fact to the Court of Directors. In a letter to them, dated 29th of November 1780, he wrote—

"The money was not my own, and I neither could, nor would have received it, but for your benefit."

The acceptance of this present was one of the charges of bribery brought against Hastings, but after the various and frank avowals which he made of having received it, it is impossible to believe that he could have had an idea of converting it to his own use. He ordered it to be deposited in his name because he was averse to his opponents in Council having any power over its disbursement, and for the same reason he worded his offer in such a manner as to lead them to suppose that he meant to give it from his own fortune. The perpetual dissensions in Council and the almost unremitted opposition made to the measures proposed by Hastings induced him to do many unconstitutional acts which he would not have done had he been free and unshackled. If he received sums of money without the consent of his colleagues, it must be borne in mind that he also expended sums of money without their participation or consent. He paid without their knowledge three lakhs of rupees for the uninterrupted passage of our army to the coast. Hastings had also often to spend sums of money on secret service which he had every reason to believe the majority would oppose. When Francis left India and the opposition ceased, the sums of money which Hastings received were carried to the public accounts without delay, and without any circuitous proceeding.

Francis and Wheler persisted in their opposition to Hastings' proposals regarding the conduct of the war, and Francis wrote an able and comprehensive minute, in which he attacked vigorously the whole war policy of Hastings. "The Governor General," he writes, "talks of friends who may be discouraged, and who perhaps may be induced to become parties against us. We wish that the names of those friends had been mentioned. We do not know that this Government has a single friend or ally in India in the true sense of friendship and alliance, which supposes the power of giving assistance and a disposition to give it."* Francis did not deny that feeble measures and advances for peace may give strength and presumption to their adversaries, but he added—"We never meant to propose feeble measures, which necessarily defeat themselves: nor yet do we approve of vigorous measures, in the sense in which vigour has been hitherto understood, because we are convinced that this Government is unable to support them, and that if they could be supported a short time longer they would not bring us nearer to our object. Before the commencement of the war we foresaw and foretold the principal consequences that would attend it. We now judge of it by its effects, which we hope will

* Secret Select Committee's Proc., 13th July 1780, Vol. II, page 706.

be considered, though every other sort of argument should continue to be disregarded."*

The tone of the minute and the taunt of failure could not fail to rouse the wrath of Hastings. His anger was increased by the belief that Francis was guilty of a gross breach of faith. At a meeting of the Council held on the 25th January 1779 Hastings had delivered a minute in which he discussed the intimation given by Mr. Barwell of his intention to return to England. He stated it would be fatal to the success of the Maharratta war if it were known at Poona and Nagpur that the powers of the Government were "on the eve of devolving to two Members, who have invariably opposed in every stage of its progress the plan which has been publicly adopted for the support of the Company's interest on the western side of India, and who, it is universally believed, will seize the first means which are offered to them to defeat and annul it altogether." He added—"A Member of this Government entrusted with the guardianship of the Company's interests, and of the honour of the British name in India, has not scrupled to propose that we should make an abject submission to the honourable possessors of the feeble Government of Poona, acknowledging our past

* Secret Select Committee's Proc., 13th July 1780, Vol. II, page 708.

faults with a promise of amendment, and humbly entreating their permission for the safe retreat of our army from Berar to its confines," and he supported this statement by quoting some remarks made by Francis in a recent minute. Hastings then in the most emphatic manner implored Barwell not to carry out his intention of proceeding to England. "I do therefore conjure Mr. Barwell, both by that zeal which he has hitherto so steadily manifested for the interests of our common masters, and even by the ties of a friendship cemented by a participation of the same labour and sufferings for the public service, that he will not permit the measures in which he has a common and equal responsibility with myself to be exposed to the triumph of a party, but that he will both continue to afford the support of his presence and abilities to the present Government while it yet exists, and that he will suffer me to exact from him a declaration to that purpose, not only for my own satisfaction but for that of every man who has the Company's interests or the prosperity of this settlement, or the credit of his country at heart, and who, I presume to say, expects this sacrifice from him."* Barwell responded to the appeal of Hastings and declared that "the reasons that are assigned for it by the Governor

* Secret Select Committee's Proc., 25th January 1779, Vol. II, pages 633-634.

General require me absolutely to retract the intention. I have declared I admit the force of them, and with pleasure declare my determination to support his Government as long as the public measures of it shall require."* Francis remarked that he and the Governor General differed greatly in their respective ideas of national honour. "I have no idea of national honour independent of justice. The projects of ambition are usually dangerous. If they are nothing but the projects of ambition, they are, in my judgment, always dishonourable. To revert to that pacific system which the Company have uniformly prescribed to us, to endeavour to conciliate the friendship, which we have unjustly or unwisely departed from, and to return, if it be possible, to the terms of a treaty which we ourselves have wantonly violated, are not acts, that will ever, as I think and as I feel, bring dishonour on the British name. I am sure they are the best means of preserving our strength and our real influence in India, and I have no doubt that they will meet with the highest approbation from home. As long as I am trusted with any share in the office of guardian of the British interests and honour in this country, these shall be the principles on which I will invariably act."†

* Secret Select Committee's Proc., 25th January 1779, Vol. II, pages 665-666.

† Ditto ditto, 25th January 1779, Vol. II, page 637.

Five days after this acrimonious discussion had taken place in Council it is somewhat surprising to find Hastings writing to his friend Sullivan as follows:—"I have assented to an accommodation with Mr. Francis, the essential points of which are agreed on." In a letter dated the 4th March he again informed his friend of a reconciliation having taken place between himself and Francis, and quotes the conditions of the agreement. The first he gives in the following words:—"Mr. Francis will not oppose any measures which the Governor General shall recommend for the prosecution of the war in which we are supposed to be engaged with the Mahrattas, or for the general support of the present political system of this Government. Neither will he himself either propose or vote with any other member who shall propose any measure which shall be contrary to the Governor General's opinion in these points."* He proceeds to inform Sullivan that "Mr. Barwell, who was privy to the treaty in all stages of it, had determined to return to England in consequence with my free consent." He then speaks in the following handsome terms of the man who had been for the past five years his bitter foe, and had thwarted him in every political action: "In this instance I have

* Secret Select Committee's Proc., 20th July 1780, Vol. II, page 712; see also *Memoirs of Warren Hastings*, by Gleig, Volume II, page 251.

proved the sincerity with which I have acted, and my reliance on Mr. Francis's faith and honour, and I must add in testimony of both, and in justification of my own discretion, that he has behaved so openly and with so little of the reserve and caution of a man actuated by indirect views that I am certain and venture to promise you that I shall suffer no loss of power or influence by Mr. Barwell's departure, though I shall miss and greatly regret the want of that aid which I might have derived from his friendship, his judgment, and his official resources had he stayed, and that I shall find Mr. Francis both true to his engagements and ready and willing to give me his support and assistance to the period destined for our acting together as joint members of this Administration; I am not the least fearful of the reverse."

What had lowered the pride of Hastings into an accommodation with Francis was the need of a united Government to meet the foreign and internal dangers which threatened the very existence of our dominion. The speedy and successful termination of the Mahratta war he considered essential to our safety, and it could only be conducted to a prosperous termination by vigorous and united action. To be free to act vigorously he condescended to make terms with his bitter foe, and he believed that Francis would

be true to his engagement. But in a very short time he discovered the perfidiousness of his adversary. No sooner had the departure of Barwell again given power to Francis than concessions were demanded with arrogance and were granted. As long as they did not involve questions of foreign policy Hastings conquered his pride. Then Francis was rash enough to renew his tactics of obstruction with regard to the conduct of the war, and Hastings in firm but moderate language suggested that his action involved a breach of faith. He wrote—"If Mr. Francis (I am compelled to speak thus plainly) thinks that he can better and more effectually conduct the war, to the termination which we both profess to aim at; and that he can in honour deprive me of the right which I claim to dictate the means of accomplishing it, let him avowedly take the lead; but if I am to be charged with the consequences of it, or if the right which I claim be justly mine, let him allow me to possess and exercise it. It is impossible to combine the principles of enterprise and inaction in the same general measure, and as impossible for his sentiments and mine to be brought into agreement on the subject of the Mahratta war. I have in vain laboured to accommodate them by a studied attention to his opinions in every measure which I have ventured to propose in the course of the last fifteen months, and have restrained myself from urging others which, however proper and

necessary for the occasion exclusively considered, were inconsistent with the actual state and temper of this Government."* Francis replied by denouncing the entire conduct of the war and refusing to sanction any measure until a general outline of the whole campaign was submitted to him. Hastings felt the time for action had arrived. He, however, never allowed himself to act on impulse, or to be led by temper. He wrote to his friend:—"I debated with myself a long time how I should act. I now saw plainly that Mr. Francis had deceived me, and that I had no alternative but to let him take the rule and laugh at my credulity, or make it a matter too serious for derision, and to expose the fallacy which he had thus unworthily practised upon me. This I did in a very strong but deliberate and temperate charge which I had prepared for the next Council day, which was Monday, the 3rd July."† The charge was not laid before the Council till six weeks afterwards, during which time negotiations were being conducted for both opponents to withdraw their respective minutes. On the 14th August, when Hastings saw that all attempts to arrive at a compromise were hopeless, he sent it to Francis with a private note,‡ and next day

* Secret Select Committee's Proc., 26th June 1780, Vol. II, page 701.

† *Mémoires of Warren Hastings*, by Gleig, Volume II, page 304.

‡ "Judging it unbecoming to surprise him with a minute at the Council

it was laid before the Council. It opens with the assumption that the minute signed by Francis and Wheler attacking the war was written entirely by the former, and with an expression of disappointment that the hint conveyed by Hastings had not "awakened in the breast of Francis, if it were susceptible of such sensations, a consciousness of the faithless part he was acting towards him."*

"I have been disappointed, and must now assume a plain-er style and a louder tone. In a word, my objections do not lie to the special matter of his minutes, to which I shall separately reply, but to the spirit of opposition which dictated them. I have lately offered various plans for the operations of the war. These have been successively rejected, as I have successively amended and endeavoured to accommodate them to Mr. Francis's objections. I had a right to his implicit acquiescence. I have lastly proposed a service requiring immediate execution, and I have freed it from the only objection formally made to it."

"In answer he says that he adheres to the reasons which had before induced him to withhold his consent, and composedly invites me to lay before the Board a complete detail of the plan for conducting the war, a comparative statement of the whole of the object with the whole of the means of attaining it, and the final extent of my demands on the Mahrattas, or what concession I would make to them, and he promises to enter into the consideration of these points with

table or send it first to the Secretary, I enclosed it in a note to him that evening."—*Memoirs of Warren Hastings, by Gleig, Volume I, page 307.*

* Secret Select Committee's Proc., 20th July 1780, Vol. II, page 711.

the utmost candour. If his design in this enquiry was simply to gain information, I might refer him to the large and confidential discussions in which I have laid all my views open to his, with all the grounds on which they were formed. If his purpose was to enable him to form a more clear or competent judgment of the plans which I have proposed, its object would be lost in the time required for the deliberation. But in truth, I do not trust to his promise of candour, convinced that he is incapable of it, and that his sole purpose and wish are to embarrass and defeat every measure which I may undertake, or which may tend even to promote the public interests, if my credit is connected with them. Such has been the tendency and such the manifest spirit of all his actions from the beginning. Almost every measure proposed by me has for that reason had his opposition to it. When carried against his opposition, and too far engaged to be withdrawn, yet even then and in every stage of it his labours to overcome it have been unremitted, every disappointment and misfortune have been aggravated by him, and every fabricated tale of armies devoted to famine, or to massacre have found their first and ready way to his office, where it was known they would meet the most welcome reception. To the same design may be attributed the annual computation of declining finances and an exhausted treasury. Computations which, though made in the time of abundance, must verge to truth at last, from the effect of a discordant Government, not a constitutional decay. To the same design shall I attribute the policy of accelerating the boded event, and creating an artificial want, by keeping up an useless hoard of treasure and withholding it from a temporary circulation."

"I am aware of the answer which will be made to these imputations, and I will anticipate it. Mr. Francis may safely

deny them, for they are incapable of positive evidence. He may complain of the injustice and indecency of assuming the interpretation of his thoughts, and assigning intentions to him, upon the reality of which he alone can pronounce with certainty. He may claim an equal right to recriminate upon me, and to pass the same free judgment upon the motives which have influenced my public actions. Against such conclusions I trust that my character will be sufficient to defend me, unless some known instance of it can be produced as a warrant for them, and such I am certain does not exist, either known or unknown."

"My authority for the opinion which I have declared concerning Mr. Francis depends upon facts which have passed within my own certain knowledge. I judge of his public conduct by my experience of his private, which I have found to be void of truth and honour. This is a sure charge, but temperately and deliberately made from the firm persuasion that I owe this justice to the public and to myself, as the only redress to both, for artifices of which I have been a victim, and which threaten to involve their interests with disgrace and ruin—the only redress for a fraud for which the law has made no provisions is the exposure of it."*

In support of this allegation Hastings proceeded to quote the first article of the agreement, and he added—"By the sanction of this engagement and the liberal professions which accompanied it, I was induced to part with the friend to whose generous and honourable support steadfastly yielded in a course of six years I am indebted for the existence of the little

* Secret Select Committee's Proc., 20th July 1780, Vol. II, page 711.

power which I have ever possessed in that long and disgraceful period to throw myself on the mercy of Mr. Francis, and on the desperate hazard of his integrity. It was impossible to afford a stronger demonstration of the good faith with which I entered into this accommodation, nor of my confidence in his, than thus consenting to deprive myself of the means of breaking the engagement on my part, and of preventing the breach of it on his; and surely this difference in our relative situations ought to have impressed him with a sense of what he owed to the delicacy attending it, and have made him dread even an approach towards the precise line of his obligations by the slightest advantage taken of my inability to repel it, and how much more ought it to have restrained him from the direct transgression of it.”*

After the Council had risen, Hastings received a challenge from Francis which was accepted. On the morning of the 17th August the duel took place, and Francis was shot through the body. On the 11th of September he again took his seat at the Council Board and delivered in a minute in answer to the charges brought against him by Hastings. In it he stated:—

“On the point in issue I can only declare, as I do now in the most solemn manner, that I never was party to the en-

* Secret Select Committee's Proc., 20th July 1780, Vol. II, page 712.

gement stated by Mr. Hastings or had a thought of being bound by it. In one of our conversations in February last, he desired me to read a paper of memorandums, among which, I presume, this article was inserted. I returned it to him the minute I had read it with a declaration that I do not agree to, or hold myself bound by, the contents of it, or to that effect. From that time I have never seen the paper.”*

After denying that he had bound himself to any agreement, Francis stated that “the agreement he meant to enter into with respect to the Mahratta war was to prosecute the operations actually existing on the Malabar coast, which since the campaign has begun, and General Goddard had already taken the field, I thought should be pushed on as vigorously as possible.”* To support this declaration he argued that at the time the Malwa expedition had never been even hinted to him, and there was “a strong presumption that up to that period the Governor General had not had that measure in contemplation, or that he must then have abandoned all thoughts of it.”*

As to Mr. Barwell having gone home only on the strength of the agreement having been made he remarked :—

“I believe it, for instance, to be the opinion of many well-informed persons in this settlement, as it is now firmly my own, that Mr. Barwell was determined to go home last season at all events, and that the *Swallow* was kept for several

* Secret Select Committee's Proc., 11th September 1780, Vol. II, page 715.

months on purpose for him. If so, Mr. Hastings gained something, and could lose nothing, by his agreement with me. * * * * But as Mr. Barwell's going home was never demanded by me, nor ever entered into the agreement, I have no concern in Mr. Hastings' motives for consenting to it."*

Barwell no doubt was most anxious to escape from the thralldom of a thankless office, but he had promised Hastings in the most public manner at the Council Board "to retract the intention of leaving."† He could not break the promise without the consent of Hastings, and it is extremely improbable that Hastings would have given his consent unless he had made an agreement with Francis. Months previous to the quarrel, Hastings wrote as follows to a friend:—"Mr. Barwell on the strength of this negotiation has *half* taken his passage in the *Swallow* which will be despatched express to England as soon as this point is determined." At least one well-informed person did not consider that Barwell, as Francis stated, was determined to go home at all events. Sir Elijah Impey, in a letter dated the 18th August 1780, the very day the duel was fought between Hastings and Francis, wrote—"Mr. Barwell left this country on the strongest assurances that Mr. Francis would coincide with Mr. Hastings, *or he would never have gone.*"

* Secret Select Committee's Proc., 11th September 1780, Vol. II, page 717

† Ditto ditto 25th January 1779, Vol. II, page 666.

Hastings did not reply to the minute of Francis for some time as "other cases of a stronger obligation have required and have engrossed the whole of my attention and I now revert to it with reluctance as to a necessary yet unavailing, duty."* He re-affirmed with the utmost earnestness that there was an engagement. "What that engagement was I have expressed in terms in my minute of the 3rd July. Mr. Francis in answer declares, and 'in the most solemn manner, that he never was party to the engagement stated by me, or had a thought of being bound by it.' What can I say to such a declaration but to declare on my part in as solemn a manner that Mr. Francis was a party to the engagement which I have stated? This I now do most solemnly declare, and may God be the judge between us."† He asserted that it was Sir John Day who proposed to him an accommodation with Francis, and that he accepted the offer solely on the indispensable condition "that Mr. Francis should agree to depart from his opposition to the political measures proposed by me, and allow me, without exception or qualification, to prescribe the mode of conducting the Mahratta war. This point was a long time contested by Mr. Francis, but was at length adjusted finally in this manner, that Mr. Francis should

* Secret Select Committee's Proc., 13th November 1780, Vol. II, page 734.

† Ditto ditto 13th November 1780, Vol. II, page 736.

not oppose me, nor yet charge himself with the responsibility of any proposal made by me which had any relation to the war, but support it by his vote at the result of a general measure which he had originally disapproved, and which he now left with the responsibility properly annexed to its original contriver.”*

Hastings proceeds to state :—

“ This point being thus settled I drew it up in writing on a small piece of paper in the words which I have already quoted, with other propositions, of which some had, and some had not, received our final and mutual agreement. * * * * * This paper, with some apology I showed to Mr. Francis, desiring him to read it attentively, and to inform me whether he agreed to the conditions as I had expressed them, or to point out his exceptions. To the first article, which is that of the present question, he replied hastily, and with every appearance of satisfaction, that he entirely agreed to it, adding among other expressions, as I well remember, that his meaning plainly was not to avail himself of Mr. Barwell's departure from the Council to oppose me in any political point which he could not have carried had Mr. Barwell continued. The other articles received some variations and were all finally regulated at the same meeting. Of these, as they do not relate to the question before me, I shall take no further notice. For the truth of this narrative I appeal to Sir John Day, to whom I daily communicated what passed on this business, and to Mr. Barwell, to whom I in like manner related the daily progress of it. They will both attest that my relation of it at the time was exactly the same as I now repeat it. It is impossible to

* Secret Select Committee's Proc., 13th November 1780, Vol. II, page 736.

suggest a motive which I could have had to deceive them at such a time and on such a subject, and as impossible that I myself should be deceived when I took such means to ascertain it. Yet Mr. Francis affirms that 'he returned the paper to me the moment he had read it with a declaration that he did not agree to it, or held himself bound by the contents of it.'*

Hastings met the statement of Francis, that the agreement which he meant to enter into with respect to the Mahrattas was limited to the operations on the Malabar Coast, by quoting an article of a treaty with the Rana of Gohud which clearly proved that a diversion in the province of Malwa formed a part of the measures projected and actually existing before the agreement was concluded. He added—"When I proposed the execution of it other circumstances had recently occurred. General Goddard had solicited us to make such a diversion in his favour, and the Commander-in-Chief had passionately recommended it as the only means of bringing the war to a speedy termination."† Francis replied: "In an argument of the kind the strictest precision of dates should be observed and the facts stated in the order in which they happened. On this principle I join issue with the

* Secret Select Committee's Proc., 13th November 1780, Vol. II., page 736.

† Ditto ditto 13th November 1780, Vol. II., page 737.

Governor General and affirm in his own terms that *when he proposed the execution of the measure (that is, on the 12th June last) General Goddard had not solicited us to make a diversion in his favour.* The fact, if it exists, is capable of immediate and direct proof."* Hastings supplied the immediate and direct proof by producing a letter from General Goddard, forwarded through the Commander-in-Chief, which contained the following words: "It would certainly be of advantage to the operations of the war on this side to cause a powerful diversion to be made on the other, which could not fail to distress and divide their attention exceedingly."† With regard to the request of Francis that the strictest precision of dates should be observed, Hastings remarked: "In compliance with the rule prescribed by Mr. Francis I have been careful to annex the dates to the preceding extracts and for greater precision will repeat them with the facts stated in the order in which they happened. General Goddard's letter to Sir Eyre Coote is dated the 28th March and was recorded in our Consultation of the 29th May. My minute which contained the first proposition of the expedition was dated the 12th June."† Francis tried to escape from the dilemma in which he

* Secret Select Committee's Proc., 13th November 1780, Vol. II, page 739.

† Ditto ditto 13th November 1780, Vol. II, page 743.

was placed by a petty quibble. He wrote: "In denying that General Goddard *had solicited us to make such a diversion in his favour*, I took the proposition literally as it was stated. I was perfectly sure that he had never addressed the Board to that effect, and that a request or opinion from him had never been urged in support of the motion of the 12th of June. Whether his letter to the Commander-in-Chief, recorded on the 29th of May, be equivalent to a solicitation to us to make a diversion in his favour in the sense in which the fact was asserted and denied, I submit to judgment."* Hastings indignantly answered: "Mr. Francis may avail himself as he can of the distinction between a solicitation made by General Goddard through the channel of the Commander-in-Chief to the Board and one directly addressed to the Board. It is sufficient for me that it came regularly before us. I shall not waste my time nor his in such a discussion. I repeat that Mr. Francis's engagement was absolute and unqualified; that in his own explanation of it the measure in question made a part of it since it was found peculiar to it and existed at the time. The assertion that I might have abandoned it in February is no proof that I did not. It was proposed, or, to use Mr. Francis's words, it 'was renew-

* Secret Select Committee's Proc., 13th November 1780, Vol. II, page 744.

ed' in June. My right to his concurrence in it remained the same notwithstanding any intermediate suspension of it."* Thus ended the long war between Hastings and Francis. No impartial judge can read the respective minutes of the two men without coming to the conclusion that Francis was guilty of a gross breach of faith.

Hastings had excused himself for delaying to answer the minute of Francis on the ground that matters of greater importance had engrossed his attention. The matter of greater importance was the preservation of the State from the formidable league formed for the destruction of it. News had reached the Council from Madras that Hyder had entered the Carnatic, destroyed an army, and driven Sir Hector Munro to the walls of Fort St. George. Sir Edward Hughes sent tidings of his having received undoubted intelligence that seven sail of the line and seven thousand land forces had left France and were intended to co-operate with the enemies of England in India. Thirty thousand Mahratta horses were encamped on the western frontier of Bengal; an invasion of Behar by the Mahrattas was also expected; the Nizam professed hostility; Nujiff Khan threatened Oude and the forces

* Secret Select Committee's Proc., 13th November 1780, Vol. II, page 744.

of Mahdajee Sindia threatened Corah and Allahabad, while General Goddard was opposed by the whole power of Poona. Then the spirit, judgment, and decision of Hastings shone forth. At a meeting of the Council held on the 25th September 1780, he declared it was not a time "for either long deliberation at home or the formal and tedious process of negotiations abroad." The crisis demanded "the most instant, powerful, and even hazardous exertion of the Government to avert the event portended by so many concurrent difficulties."* He proposed, though his army was small and his treasury almost exhausted, that a considerable supply of treasure and a large body of troops should be sent to Madras, and that Sir Eyre Coote should be requested to take the command of the Carnatic Army. His "military experience," he wrote, "and, above all the high estimation in which his name is held by the world, and especially by that part of it where it was principally acquired, mark him as the only possible instrument to retrieve our past disgraces, or to preserve the British interests and possessions in the Carnatic from utter ruin. Our armies which have been so long formed to the habits of conquest will not easily recover from the impression of the dreadful reverse which has lately befallen them,

* Secret Select Committee's Proc., September 1780, Vol. II, page 718.

nor be brought to act with their former confidence under unsuccessful commanders. The addition of numbers will not relieve their apprehensions, and will but contribute to oppress the hands which have been already proved too weak to sustain the weight of an inferior charge."* To all the propositions except the motion respecting the Commander-in-Chief, Francis and Wheler objected on the ground that Bengal was their first object, that the danger was at their door, and consequently they could spare no troops and not half the supply of treasure which Hastings proposed to send to Madras. Sir Eyre Coote concurred with the Governor General and the casting vote of Hastings preserved India to Great Britain.

His opposition to the relief of our defeated army at Madras was the last important official act of Philip Francis. In November he set sail for England, a disappointed and baffled man. The two objects nearest to his heart, the humiliation of Hastings and the government of India, had eluded his grasp. "I am now," he wrote shortly after he landed, "I think on the road to be Governor of Bengal which I believe is the first situation in the world attainable by a subject?" But he had miscalculated the mental vigour and pertina-

* Secret Select Committee's Proc., September 1780, Vol. II, page 719.

city of his opponent. The struggle between them for five years had been a severe one, and Francis left India defeated only to renew the war in England. With ceaseless vigilance and concentrated industry he worked to procure the recall of his enemy and to gain the coveted office. He enjoyed the triumph of seeing his foe impeached, and he endured the bitter disappointment of seeing him acquitted after a trial of seven years during which his activity to secure a conviction was unrelenting to the end. The inveterate hostility which he displayed towards the accused created a profound prejudice against Francis, and so materially helped to deprive him of the great ambition of his life. "I will never be concerned," he said, in bitterness of soul, "in impeaching anybody. The impeachment of Mr. Hastings has cured me of that folly. I was tried and he was acquitted." But there was about his nature a pertinacity which nothing could subdue. Six and twenty years did he pursue with unwearied zeal and industry his object. Then, when Pitt died and the Whig party came into office, he believed the prize to be within his grasp. The death of Cornwallis had left the Governor Generalship of India once more vacant. But the new Ministers, as Lord Brougham said, could no more have obtained the East India Company's consent to the appointment of Francis than they could have transported the Himalaya moun-

tains to Leadenhall Street.* The fixed ideas and ungovernable temper of the man must have brought ruin to their dominion. In one of the last speeches he ever delivered in the House of Commons, Francis denounced the second Mahratta war in the same vigorous terms in which he had denounced the first Mahratta war in the Council chamber at Bengal. He regarded our successes in India in the same light that he regarded our successes in the Peninsula, as a series of mistakes, and Hastings and Wellington he considered to be both bunglers.† The appointment of Lord Minto to the Governor Generalship put an end to the dream of his life.‡ He never recovered the disappointment and the bitter remembrance of failure accompanied him into retirement. On the 25th March 1807 he asked a few questions on the affairs of India, including the mutiny of Vellore, and this was the last act of the long and active political career of Philip Francis.

* Statesmen of the time of George III.—*Brougham*.

† Memoirs of Sir Philip Francis.—*Merivale, Volume II, page 369*.

‡ "On the death of Lord Cornwallis my right or claim to succeed him, though supported by His Royal Highness, was superseded by the coalition in 1806."—*Memorandum written by Francis*.

CHAPTER V.

BENARES AND THE OUDE BEGUMS.

At a consultation held on the 26th September 1780, Sir Eyre Coote presented a plan for the defence of Bengal and Oude which he had sketched at the desire of the Board. As an invasion of Behar was expected, Sir Eyre Coote proposed to station a large body of infantry in that province, together with two regiments of horse and one thousand or as many of Cheyt Sing's cavalry as they could procure. This was the origin of the demand for cavalry from Cheyt Sing. It was suggested by Eyre Coote and not by Hastings, who is accused by Macaulay of making the demand in order to fasten a quarrel on Cheyt Sing whom he had determined to plunder.* On the 2nd November the attention of the Board was again drawn to the want of cavalry, and Hastings was requested to write to Cheyt Sing for such as he could spare. In December the Resident of Benares wrote to Hastings that he had repeatedly pressed the Raja on the subject of the cavalry but could obtain no answer. The next month he wrote that the Raja said he had but thirteen hundred in his service, and that all except two hundred and fifty were

* Macaulay writes:—"Hastings was determined to plunder Cheyt Sing and for that end to fasten a quarrel on him. Accordingly the Raja was now required to keep a body of cavalry for the service of Government."

absolutely necessary for collecting the revenue. On the 21st May 1781 Hastings proposed to the Board that he should visit Oude in order to have an interview with the Nawab, whose province had fallen into a state of great disorder and confusion. He also stated that he hoped to take advantage of his visit to Oude to conclude negotiations with the Raja of Benares. At this time the Council consisted only of two members—Wheler and Hastings—and as the latter had the casting vote the request was purely formal. Hastings proposed that his colleague should during his absence consider himself "as possessed of the full powers of the Governor General and Council of this Government, as in effect he is by the Constitution, and he may be assured that if sanction and concurrence shall be or be deemed necessary for the confirmation of this measure, he shall receive them."* He also formally procured from the Council credentials which, besides granting to him power to make treaties with any of the Chiefs or Powers of Hindustan, also invested him "with full power and authority to form such arrangements with the Raja of Benares for the better government of the zemindary, and to perform such acts for the improvement of the interest which the Hon'ble Company possesses in it, as he shall think fit and consonant to the mutual relation and actual engagement subsisting

* Secret Select Committee's Proc., 3rd July 1781, Vol. III, page 765.

between the Company and the Raja."^{*} Burke afterwards regarded this division of power as criminal. It was argued that the word arrangements plainly implied that the Governor was to arrange such acts as he should think consonant to the mutual engagement subsisting between the Company and the Raja in an amicable way, and not in a hostile manner. Lord Thurlow in discussing the charge quoted the precedents of Vansittart, Clive, and Cornwallis to show that Hastings had a right to delegate and assume the powers of Government on great and emergent occasions.

Before starting for Benares, Hastings informed Wheler, his colleague, and others that he intended to fine Cheyt Sing fifty lakhs of rupees. He was assured that he had amassed a very large sum of money, and he regarded his reluctance to aid the sovereign power as an additional proof of his disaffection and a grave offence, "and he determined," as he said, "to make him pay largely for his pardon, to exact a severe vengeance for his delinquency, and to draw from his guilt the means of relief to the Company's distress."[†] On reaching Benares Hastings transmitted to the Raja a statement of his offences. He informed him that the danger to

^{*} Secret Select Committee's Proc., 3rd July 1871, Vol. III, page 765.

[†] Ditto ditto 4th September 1781, Vol. III, page 789.

which the detachment of Colonel Camac was exposed was due to his not paying the war subsidy of 1780, which he by letter had guaranteed to do.

"Relying on this agreement and promise I gave orders to Mr. Fowke, who was then Resident at this place, to receive money and remit it to Colonel Camac for the pay of the army which had been ordered to march towards the Province of Malwa, and I made no other provision for it such was my confidence in your faith; but you deceived me, and after having made the first payment of a few rupees, either consulting the temper of the times, or conforming to a premeditated design, you by shifts and pretexts withheld the remainder until the army, for whose use it was intended, was reduced to the last state of distress. Many hundreds deserted, and had an enemy at that time appeared against them their total destruction would have been inevitable. In all this time daily applications were made to you by the Resident, and I wrote repeated letters to you, but you paid no regard to either." He added—"Besides this, I required, in the name of the Governor General and Council by letter, and ordered Mr. Fowke to repeat the requisition in person, that you should furnish a body of horse to assist and act with the armies of the Company; and when Mr. Markham succeeded Mr. Fowke I gave him orders to repeat the demand, which he did accordingly with frequent and almost *daily* importunity, limiting the number to 1,500 and afterwards to 1,000. To this demand you returned evasive answers, nor to this hour have you contributed a single horseman."*

* Secret Select Committee's Proc., 4th September 1781, Vol. III, page 782.

Hastings closes the letter in the following emphatic manner:—

"I pass over the instances of your conduct in which through the means of your secret agents you have endeavoured to excite disorder in the Government on which you depend, and your neglect of the duty which you owe to it, and to the subjects of this zemindary, by suffering the daily perpetration of robberies and murders, even in the streets of the city of Benares itself, to the great and public scandal of the English name, and in violation of one of the conditions on which you received the confirmation of this zemindary. But as the two foregoing instances amount to a direct charge of disaffection and infidelity to the Government on which you depend, and happened at a time in which it was your duty most especially to have exerted yourself in the support of its interests, I have therefore judged it proper to state them to you thus fully in writing, and to require your answer to them, and this I expect immediately." *

To the charges brought against him by Hastings, the Raja replied, "that he obeyed the orders with the utmost readiness. * * * * I sent first one lakh of rupees with an answer to your letter. Afterwards having paid to Mr. Fowke the sum of one lakh and seventy thousand rupees, I sent a letter requesting a further allowance of time to make some preparations. To this I received no reply. It being no time to delay notwithstanding this I was not a moment inattentive to this concern, and as soon as my Buxey arrived I paid

* Secret Select Committee's Proc., 4th September 1781, Vol. III, page 783.

immediately the remaining part of the sum. The remitting of this to the army did not depend upon me; if any delay happened on this head I could not help it. If besides the payment of the money the remittance of it also to the army had rested with me, a delay of this kind should not have happened." * The answer was false in all its parts. He did not pay the first lakh until the 5th August 1780, though the demand was made in the end of June, and then he refused to pay any further sum until he had got an answer to a letter he had written to Hastings requiring further time to dispose of his effects. To this representation the Raja said he received no reply, though a reply was immediately sent, strongly expressive of the Board's displeasure at his excuses, which they said they knew to be futile. This expression of displeasure did not hasten the payment, which was not finally made until the 18th of October 1780, although the Raja promised it in the month of July. With regard to his not furnishing cavalry the Raja replied: "In compliance with your wishes I collected five hundred horses and a substitute for the remainder five hundred burkundasses, of which I sent you information, and I told Mr. Markham that they were ready to go to whatever place they should be sent. No answer, however, came from you in this

* Secret Select Committee's Proc., 4th September 1781, Vol. III, page 785.

head, and I remained astonished at the cause of it. Repeatedly I asked Mr. Markham about an answer to my letter about the horse, but he told me that he did not know the reason of no answer having been sent; I remained astonished." * The answer of Cheyt Sing well deserves the description given of it by Hastings; it was "not only unsatisfactory in substance but offensive in style." † It also afforded a strong indication of that spirit of independency which the Raja had for some years assumed. "Under these alarming appearances of the Raja's conduct and disposition," wrote Hastings, "I conceived myself indispensably obliged to form some immediate and decisive plan for obviating their consequences, and for the preservation of the Company's rights and interests in this zemindary. To have left him in the full exercise of powers which he had notoriously abused, and which it was to be apprehended he would employ to the most dangerous purposes, was totally inconsistent with the maxims of justice and prudence. To divest him entirely of the zemindary, though justifiable on the grounds stated above, would be attended with an appearance of severity, and might have furnished grounds for construction unfavourable to the credit of our Gov-

* Secret Select Committee's Proc., 4th September 1781, Vol. III., page 784.

† Ditto ditto ditto, page 785.

ernment and to my own reputation, from the natural influence which every act of rigour exercised in the persons of men who stand in elevated stations is apt to impress on the minds of those who are too remote from the scene of action to judge by any evidence but of the direct facts themselves of their motives or propriety." * After weighing the conflicting considerations, Hastings ordered the Resident to put Cheyt Sing under arrest, and he sent two companies of the sepoy's that he had brought with him to Benares to mount guard in the Raja's palace. A numerous body of armed men from the Raja's fortified palace at Ramnagar suddenly crossed the river, attacked and massacred the whole party. The sepoy's having no ammunition fell without resistance. The Raja escaped and fled to his fortress Luteefgarh. Hastings in his letter dated 27th August 1781 writes:—

"On the 19th a large force returned to Ramnagar. Captain Blair with his battalion and Captain Mayaffre with the remainder of Major Popham's detachment were ordered to assemble for the attack of that place, and Major Popham to join and conduct the operations according to a concerted plan. The two corps having joined, Captain Mayaffre, the senior officer, without waiting for Major Popham, against orders, on the morning of the 20th, marched precipitately into the narrow streets of the town, where, in an instant, he fell with Captain Doxatt and 33 rangers, and almost all the sepoy's of

* Secret Select Committee's Proc., 4th September 1781, Vol. III, page 785.

Captain Blair's battalion that had entered with him; the rest of the detachment returned to Chunar with the loss of two guns, one howitzer, and 103 men of all denominations killed. I was in Benares with the broken remains of Major Popham's first party, consisting of about 400 men, in a place incapable of defence even with equal numbers. Preparations were making to attack me. I waited till the evening for a battalion ordered from Chunar to reinforce our party; at 7 repeated intelligence arrived that the Raja's boats were in motion; no news had arrived of the battalion from Chunar. It was resolved to meet it and march with it to Chunar. The resolution was instantly carried into execution. / We passed the battalion which returned and overtook us, and on the 22nd at daybreak we gained the bank of the river opposite to Chunar, having met no opposition. The detachment crossed on the morning of the 23rd. The Raja's forces are divided between Ramnagar and Luteefgarh. His family is at Bidjeygur. His fixed establishment exceeds 10,000 men, and all his recruits bear arms. Major Popham is encamped on the plain east of the fort. I expect to be joined by a regiment from Cawnpore which are ordered for my guard at Lucknow. Lieutenant Polhill, with six companies of the Nabob's guard, are at hand, and Major Moses Crawford's battalions. My only distress is the want of money and is great. "* —

The insurrection at Benares seems to have produced a strong impression on the mind of Hastings, for he wrote to his colleagues: "My regrets for the past are personal. I shall ever retain the painful remembrance of that scene of blood of which I have

* Secret Select Committee's Proc., 18th October 1871, Vol. III, page 792.

been too near a spectator, and which no future return of prosperity can ever efface from my mind ; but in the prospect before me I think that I have every reason to expect the happiest termination of it in the extension of the power and influence of the Company, and that the past example may contribute to the permanency of both by prompting us to guard against the secret growth of the like evil which has produced it." *

In a letter dated the 4th September, Hastings announces to the Board that Captain Blair with his battalion and two companies of his own grenadiers and two guns (6-pounders) had attacked the enemy collected at Pateeta, seven miles from Chunar. "They were prepared to receive him, and made a very spirited resistance; after a very long action, the fortune of the day was happily turned in our favour by a bold but well-judged manœuvre. Captain Blair detached his two grenadier companies to attack two guns which were posted on the flank, and galled his troops exceedingly. The attack succeeded, and the two guns were turned on the enemy who were soon after totally routed. Captain Blair brought off three of their guns and spiked the fourth the carriage of which was disabled; he also brought away one of their tumbrils and all his own loaded with their ammunition, three more of their tumbrils with

* Secret Select Committee's Proc., 18th October 1781, Vol. III, page 798

much loose powder were blown up on the field, Captain Blair having no means of bringing them away. He was obliged to leave about 1,500 of their shot piled in a village. The enemy's numbers are reputed 8 or 9,000 men. Captain Blair judges them from appearance to be only 3,000 or 4,000; they were their prime men. Our loss, which I add with regret, exceeds 105 killed and wounded, theirs must be proportionately more, though unknown. It is remarkable that the enemy's artillery and carriages made at Ramnagar are almost equal to ours; their cartridges and port-fires compounded with equal skill, and their powder much better." *

Information having reached Major Popham regarding the state of the two fortresses of Lutteefpoor and Pateeta, which led him to suppose that they might be easily captured, he determined to attack them without delay, and for that purpose divided his army into two detachments. "The first detachment," wrote Hastings, "marched on the night of 15th by a large circuit through almost impracticable ways. But the spirit of the officers and men surmounted every difficulty. In places where the guns could not be drawn by bullocks the sepoy lifted them up the rocks, and at length, on

* Secret Select Committee's Proc., 18th October 1781, Vol. III, page 803.

the morning of the 26th they arrived at the heights lying behind and above the fort of Lutteefpoor, at a place called Lora, which commands a pass descending to Lutteefpoor, and reputed inaccessible against opposition but from above. The profound secrecy with which this expedition was undertaken, and to which the security of the enemy in a region so unfrequented not a little contributed, prevented any opposition to our troops in the difficult parts of their route. Their first movement only but neither their strength nor destination was known till their very near approach. At Lora they met a body of 2,000 of the enemy, which they defeated and dispersed with little loss on our side, but on theirs of 200 men killed on the spot. The next morning they took possession of the pass and of the fort of Lutteefpoor which they found evacuated." *

On the 25th September Hastings returned to Benares where he found the city restored to a state of order and tranquillity. He issued proclamations offering pardon to all except Cheyt Sing and his brother, "whom their late rebellious conduct and their rancour manifested to our nation in the deliberate murder of many of our soldiers, and even unarmed passengers who had the misfortune to fall into their hands, precluded from every title of

* Secret Select Committee's Proc., 18th October 1781, Vol. III, page 806.

mercy.”* A grandson of Raja Bulwunt Sing by a daughter was proclaimed Raja with great form and solemnity. Hastings also took steps for the protection of the persons and property of the inhabitants of the sacred city. When the sovereignty of Benares was ceded to the Company the superintendence of the police was formally made over by the English to Cheyt Sing, but the arrangement proved a disastrous failure. “From this period,” wrote Hastings, “the appearance of public justice was gradually effaced till at last without any system of police, any courts of judicature, or any awe of the sovereign power, the inhabitants of Benares were guilty of enormities and crimes which reflected the greatest disgrace on the Government to which they were subjects. The relations and dependants of the Raja, or the merchants whose credit was useful in the payment of his revenue, might violate the rights of their fellow citizens with impunity, and the sacred character of a Brahmin or the high rank of the offender were considerations which stamped a pardon on the most flagitious crimes.”†

To remedy this scandalous state of affairs Hastings established distinct departments for the police and for the civil and criminal jurisdic-

* Secret Select Committee's Proc., 18th October 1781, Vol. III, page 806.

† Ditto

Ditto, 12th November 1781, Vol. III, page 815.

tion of the city, and placed them under the regulation and control of a Chief Magistrate who was subject to the immediate orders of the Governor General and Council. The person chosen by Hastings to fill the office of Chief Magistrate was a Mahomedan, Ally Ibrahim Khan, "a man who has long been personally known to myself and, I believe, to many individuals of our Government, and whose character for moderation, disinterestedness, and good sense will bear the tests of the strictest enquiry."* The Board on hearing of this appointment expressed a regret that "the incapacity of the more dignified characters of the Gentoo religion to conduct the management of such a trust prevented you, and must ever do so from promoting them to high office."† Regarding the measures which Hastings had taken for the better administration of the city of Benares his colleagues expressed their warmest approval in the following terms :

"Your guarded attention to the security and convenience of the pilgrims, and your abolition of those taxes and embarrassments which have grown against them from rapacity of a corrupt Government, are peculiarly to your credit."

They added—

"Even in a political view your arrangements upon the

* Secret Select Committee's Proc., 12th November 1781, Vol. III, page 816.

† Ditto

Ditto 3rd December 1781, Vol. III, page 820.

subject are interesting, and may lead to the most important consequences. All Indostan, from the source of the Ganges to Cape Comorin, is interested in the happy regulation of the police of Benares, and the unpolluted tranquillity of its colleges. The leading Mahrattas with whom we are at war are strongly attached to this supposed residence of the purity of their religion.

"From these considerations we beg leave to suggest to you whether it would not be proper to publish in the different languages of India the regulations you have adopted. A very short time will spread them over all Indostan, which, with the reports of the pilgrims upon their return, cannot but impress the natives with the mild liberality and attention of our Government.

"Even among the different nations of Europe whose learned enquiries have been of late particularly directed to the religious antiquities and early knowledge of the sciences in this country, it will be matter of satisfaction and admiration and of consequent credit to our Government that Benares, in which you were so dangerously exposed, should remain so deeply indebted to your careful regulation and protection." *

The measures so warmly applauded by his colleagues were afterwards as forcibly denounced by the managers of the impeachment. The first charge brought against Hastings was regarding his conduct towards Cheyt Sing. He was accused of violating a treaty with an inde-

* Secret Select Committee's Proc., 3rd December 1781, Vol. III, page 820.

pendent Prince, unjustly compelling him to pay five lakhs of rupees annually for three years, intending to impose upon him an enormous fine for imputed delinquency, and causing his person to be arrested. Burke took infinite pains to prove that Cheyt Sing was made independent of the English Government in every respect except that of paying to it annually twenty-three lakhs of rupees, and that the Government had irrevocably bound itself down not to exact in any case a larger sum. It is however clear beyond all question that Cheyt Sing was a dependent on Sujah-Dowlah* and afterwards on the British Government, and consequently responsible to Hastings in his character as Governor General. As Hastings said in his defence at the bar of the House of Commons: "He was neither more nor less than a zamindar. His sunnud and potah were made out, not from a copy of stipulations and agreements between him and the Company

* See translation of the new coulnama or agreement and translation of the pottah given by the Nawab Sujah-ud-Dowla to Cheyt Sing.—*Secret Select Committee's Proc.*, 4th October 1773, Vol. I, page 56.

"Whereas by virtue of a treaty with the Nawab Asoph-ud-Dowla concluded on the 20th of Rabbey-ul-Awul 1189 Hijeree, or 21st May 1775 the government and sovereignty of the Sircars above mentioned has been ceded to the Hon'ble East India Company from the 4th Jemmady-ul-Awul 1184 Hijeree, or 4th July 1775: the said East India Company therefore, in virtue of the rights thereby obtained, do confirm unto Raja Cheyt Singh the Zamindary, Ameen and Fouzdary of the said Sircars, agreeably to the Zemmun, together with the Cutwallees of Jaunpore and Benares and the mint of Benares, from the said date."—*Secret Select Committee's Proc.*, 15th April 1776, Vol. II, page 512.

but from the common formulæ of such instruments granted to zamindars in the Company's original provinces. The Raja never pretended any right to stipulate or demand; he was content with what the Company was pleased to allow him." The sunnud distinctly states that "the government and sovereignty of the Sircars had been ceded to the Hon'ble East India Company, and that the said East India Company, therefore, in virtue of the rights obtained confirmed unto Cheyt Sing the zamindary." The sunnud also granted to him the right of coining money on the condition "that whatever gold and silver shall be coined in the mint, the said Raja shall coin conformably to his muchulka." The sunnud also stipulated that "all former sunnuds do become null and void." A pottah or document specifying the condition on which lands are held, was also framed. A kabulyat or agreement was also drawn up which stated—"It shall be my duty to do everything that may be needful and usual for the interest of the country." On the 13th June 1776 the Résident at Benares wrote that the Raja objected to signing any muchulka, or penalty bond, and to the insertion of any muchulka, or penalty bond in the sunnud or pottah. The Board replied: "As we have not insisted on the insertion of the clause respecting the penalty in the agreement of the Raja, the instrument which is to be executed by him cannot now be

called a muchulka. We thereby authorize you to erase this word where it has been mentioned in the sunnud and pottah transmitted to you, as well as in the titles of the kabulyat, which you are to obtain from him." On the 17th July 1776 the Resident informed the Board that Cheyt Sing "has declined the acceptance of the sunnud and pottah for which he assigns these reasons, that any erasement in a sunnud or public deed is totally unprecedented in the usages of this country ; that the clause in the sunnud by which the former sunnuds are declared to be null is likewise contrary to custom and practice, and further that in the above clause the word 'sunnuds' being used in the plural number, the coulnama which he received with the former sunnuds and pottah is thereby likewise rendered void and of no effect. // The Raja objects to the execution of the kabulyat on account of the clause it contains by which the former sunnuds are annulled." * The Board ordered "that the Secretary prepare a new sunnud and pottah omitting the word 'muchulka' and the sentence declaring the former sunnuds to be null, and that these be transmitted to Mr. Fowke with directions to receive back the temporary pottah and grant which were first allowed him." * On the 25th

* Secret Select Committee's Proc., 29th July 1776, Vol. II, page 549.

September 1776 the Resident informed the Board that he had invested Cheyt Sing with a khelaut or robe of office, and informed him that the continuance of this indulgence would depend on his own punctuality in completing his payments and adhering faithfully to the other conditions on which he holds his zemindary. "I likewise delivered to him the sunnuds transmitted to me by Mr. Secretary Auriol under date the 4th September 1776, and received back from him the former sunnuds which I herewith enclose."* In the charges brought against Hastings by the House of Commons, it was stated that neither the first set of deeds nor the second set of deeds was entered in the records or transmitted to the Court of Directors. Hastings, in his defence, stated that he had no concern in making out the sunnuds or omitting to record them; that these practical operations belonged to the Secretary of the Board under the superintendence of the majority, of which at this time he was not a part, and that if there was any misconduct the majority were answerable for it. The first deeds were however received and are now printed. There was no need to record the second deeds as the alterations were distinctly stated. These alterations

* Secret Select Committee's Proc., 21st October 1776, Vol. II, page 557.

do not affect the main question that Cheyt Sing was not a sovereign, but the zamindar of Benares by a sunnud granted to him by the English, and that he made an agreement binding himself to do "everything that might be useful and needful for the interest and security of the country." The interest and security of the country demanded that he should contribute money and troops for its defence. It was also in accordance with long established custom that a vassal should afford aid to the sovereign State in money and troops. The conduct of Cheyt Sing, in hesitating to afford the necessary aid to his suzerain at a time of great danger was contumacious and refractory and deserving of punishment. Fifty lakhs was undoubtedly a large fine, but it by no means exceeded the ability of Cheyt Sing to pay it with ease, as is evident from the treasures he left behind in his fortresses without taking into consideration the gold and silver he exported beyond the frontier. But when we consider the state of India at that time, when we consider that the English were surrounded by enemies and in hourly expectation of the arrival of a powerful French armament, it is difficult to regard the imposition of even a too heavy fine on a refractory vassal as an act of criminality. In enforcing these demands Hastings was actuated by no personal or malicious motives, but was compelled by the pressing exigencies of the hour and the desire to

save India to Great Britain. "I had no other view in it," he said, "than that of relieving the necessities of the Company by an act which I considered to be strictly just."

When Hastings went to Benares the Government was in the utmost distress for money. There were several armies in the field, and the demands for treasure were various and immediate. The entire expense of all military operations fell on the treasury of Bengal, and the treasury of Bengal was empty. Heavy loans had been contracted, the credit of Government was low, and Hastings, as was natural under the circumstances, looked to the chief debtor of the Company for relief. The Vizier of Oude owed the Company a crore and a half of rupees. But the Vizier informed Hastings at Chunar, where he had gone to meet him, that his own funds were exhausted, and that it was no longer possible for him to maintain the English troops employed in protecting his territories. Hastings knew the statement to be true. The condition of Oude had for the past five years occupied his anxious attention. The settlement made at the death of the late Vizier against his strongest protests had proved a disastrous failure. Francis, Clavering and Monson had increased the hire of the English troops and at the same time deprived the Nawab of the means of paying for them. When his father Sujah-Dowlah