

The Inwardness of British Annexations in India

(Sir William Meyer Endowment Lectures, 1948-49)

BY

C. S. SRINIVASACHARI, M.A.

*Professor (retired) of History and Politics
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PREFATORY NOTE

This book is devoted to a discussion of the grounds on which British annexations in India, other than those resulting from wars and conquests, were made. It is based on lectures delivered by the author under the Sir William Meyer Lectures Endowment for the year 1948-49, for which he is grateful to the Vice-Chancellor and the Syndicate.

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14th April, 1951.

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INTRODUCTION

I

An attempt at a clear comprehension of the legal rights of the British Government of India under the East India Company and the Crown, is essential for evaluating the extent of the legality and of extra-legal political and other considerations lying behind the annexations made by the British in India. The Charter of Queen Elizabeth (1600) purported to give to the East India Company the right of exclusive trade over the entire area of the 'East Indies'—the lands and seas between the Cape of Good Hope and the Straits of Magellan, etc.,—and impliedly excepted from it only the territories of such Christian Princes or States that might be in league or in amity with England. The subsequent *farman* of the Mughal Emperor Jahangir permitting the Company to establish trading factories at Surat, Cambay, Ahmadabad and Ghogho was issued in reply to a petition of the English merchants at Surat presented through the Mughal governor of Surat and Ahmadabad: while the letter of King James sent through Sir Thomas Roe to the Mughal Emperor (1613) was in form similar to the communications of the English Kings to the Sultans of Turkey made for obtaining trade concessions. This *farman* was supplemented by another issued in 1624 permitting the English to trade with Bengal at Pipili. The *farman* of 1667 granted by Emperor Aurangzeb by which the rate of customs payable by the English at Surat was reduced from $3\frac{1}{2}$ to 2 per cent was a modification of Jahangir's *farman*. Neither of these can be held to have granted extra-territorial rights similar to those conceded to the British merchants by the Turkish Sultans.

The Letters Patent issued by Charles II in 1661 confirming the former Charters of the Company and his Charter of the same year conferring on the Company power to make war or peace with non-Christian powers can be held to have anticipated the following instructions issued by the Court of Directors to their Indian Presidencies in 1689.

"The increase of our revenue is the subject of our care as much as our trade; 'tis that must maintain our force when twenty accidents may interrupt our trade; 'tis that must make us a nation in India. Without that we are but as a great number of interlopers, united by His Majesty's Royal Charter, fit only to trade where nobody of power thinks it their interest to prevent us." In this resolve was thus early seen "the besetting sin in the Company's history"—*viz.*, the domination of all their administration and policy by the desire for revenue, made so explicit in the despatches and letters referring to the acquisition of the *Diwani* right over the Bengal Provinces in 1765.

It was therefore only consistent with the Company's idea that the first gains of the English in the Carnatic Wars of 1746-61 should have

taken the shape of exactions of money from, and of the right of collecting revenues on behalf of, the Indian rulers who happened to be their partisans. In Bengal the concessions secured by them from the Nawabs after Plassey were the zamindari of the Twenty-four Parganahs, the cession of Burdwan, Midnapur, Chittagong (1760) and the *Diwani* right over the Provinces. Thus, even after the assumption of the *Diwani*, the Company had to treat the Nawab Nazim of Bengal as the sovereign; and the fiction had to be kept up of a grant of the *Diwani* by Shah Alam, though the Emperor had ceased to have any voice in the affairs of the Bengal Provinces for long, and the *Nizamat* had absorbed the *Diwani* into itself.

II

Burke carried through a resolution in the House of Commons in 1784 that the Company was "found totally corrupted and totally perverted from the purpose of its institution, whether political or commercial", and that the "powers of war and peace given by the Charters had been abused by kindling hostilities in every quarter for the purpose of rapine; and all the treaties of peace they have made have only given cause to so many breaches of public faith; countries once the most flourishing are reduced to a state of indigence, decay and depopulation, to the diminution of our strength and to the infinite dishonour of our national character."

Consequently, in the Government of India Act of 1784, a preamble was enacted in Section XXXIV of the Act running as follows:—"And whereas to pursue schemes of conquest and extension of dominion are measures repugnant to the wish, the honour and policy of this nation" Further the same section comprehended several clear inhibitions against unprovoked and unauthorised hostilities and also against the practice of entering into treaties for guaranteeing the possessions of any Prince or State, "but upon the consideration of such Prince or State actually engaging to assist the Company against the hostilities commenced, . . . and in all cases or where hostilities shall be commenced or treaty made . . . the said Governor-General and Council shall by the most expeditious means they can devise, communicate the same unto the said Court of Directors, together with a full statement of information and intelligence upon which they have commenced such hostilities or made such treaties, and their motives and reasons for the same at large."

In spite of this apparently unselfish and self-denying provision in the Act of 1784, the Secret Committee of the Court of Directors departed from it even as early as July 1786, and instructed the Governor-General to follow a contrary policy. They wrote:—"Though we do not mean to depart from the principle we have always had in view (we would desire) to unite our Indian possessions by an acquisition of Cuttack, if any

favourable moment should arise for obtaining it by negotiation." In other respects they apparently renounced once again, all ideas of war and interference in the quarrels of the native princes, "unless called for by the stipulations of any existing treaty," and they would not at all take advantage of their mutual jealousies, nor attempt to aggrandize themselves by the depression of any one of them.

The Third Mysore War of 1790-92, whatever its causes might have been alleged to be, resulted in a peace which cost Tipu Sultan one half of his territories and a huge indemnity of three crores of rupees—a sure implementation of the policy of land hunger and wealth-seeking that continued to dominate the Indian Government.

Section No. XXXIV of Pitt's Act of 1784 was reiterated in Section XLII of the Charter Act of 1793. In the same year, a ruling was given by Lord Commissioner Eyre in *The Nawab of the Carnatic vs. The East India Company*, to the effect that the Nawab was an independent sovereign of a neighbouring state and that any treaty with him could not be made the subject of private municipal jurisdiction. Thus the Company's Government had then the anomalous position of being subject to the English sovereign and at the same time functioning as a *de facto* sovereign in India.

III

Wellesley's minute on Mysore, dated 12th August 1798, in reality actually prepared for the final war with Tipu Sultan. It held that the triple alliance which was formed in 1790 should be revived by persuading the Sindia who was then all-powerful at the Peshwa's court, to join the proposed alliance and by persuading the Nizam to exclude the French for ever from his territories. If possible, Tipu should be asked to give up soliciting French aid and join them; and the triple alliance could then be expanded into a quadruple alliance. All this, Wellesley argued, was to be done only for the object of preserving the peace and tranquillity of India. Wellesley thus outlined his views:—

"It is our right and duty to restore the vigour and efficiency of our defensive alliances; but beyond the limits of this principle we entertain no project of altering the condition or reducing or raising the power of any established state in India. The establishment of our subsidized forces at Poona and Hyderabad will afford effectual means of guarding not only against any such (foreign) intrusion, but against the undue growth of any native powers." This is a clear revelation, more than any other thing, of the real and ultimate aim of Wellesley's subsidiary alliances as well as of its limitations.

After the conclusion of the war of 1799 and the settlement of the Mysore territories that followed, the subsidiary treaty with Hyderabad of 12th October 1800 was negotiated. It became the standard type of subsidiary alliances, the object being declared by the British Government

to be the preservation of constant peace and tranquillity by renouncing war *inter se* and the forming of defensive alliances for the reciprocal protection of their respective territories and those of their allies. Article 2 of this treaty deserves to be quoted. "If any power or state whatever shall commit any act of unprovoked hostility or aggression against either of the contracting parties or against their respective dependants and allies and after due representation shall refuse to enter into amicable explanation, and shall deny the just satisfaction or indemnity which the contracting parties shall have required, then the contracting parties will proceed to concert and prosecute such further measures as the case shall appear to demand. . . . The British Government will never permit any power or state whatever to commit with impunity any act of unprovoked hostility or aggression against the rights or territories of his Highness the Nizam but would at all time maintain and defend the same in the same manner as the rights and territories of the Hon'ble Company are now maintained and defended."

Lord Castlereagh, then President of the Board of Control, and the Secret Committee of the Court of Directors, both advised, in their respective despatches of 4th and 6th March 1804, the propriety and policy of relaxing some of the provisions of the treaty of Bassein concluded with the Peshwa on the lines of the Hyderabad treaty, in December 1802, particularly as to those clauses in it which provided for the permanent stationing of a British force in his territory and which bound him not to commence any negotiation with any other power without any previous communication with the British power, since these two provisions tended to place the head of the Maratha state under the Company's control. Both the Sindia and the Bhonsle had been of the same opinion and had commenced hostilities with the British in consequence. Wellesley had clearly anticipated their action and elaborately prepared for the contingency of war with them; and he easily scored a triumph over these Princes and followed up his success by taking substantial territories from them, the Bhonsle ceding the province of Cuttack which the Company had longed for since 1786. But the Sindia and the Bhonsle refused, however, to accept the subsidiary alliances which Wellesley now offered to them for acceptance. Similarly, the treaty of Rajpur Ghat (1805) made with the Holkar after the war with him, was only a treaty of peace and amity, in contradistinction to a treaty of subsidiary alliance.

Wellesley justified his action in obtaining these territories, and other territories from the Nizam and the Peshwa, on the ground that "no inference can be drawn from the letter or spirit of the Act of 1793, to preclude the extension of the British territories in India by just and legitimate means unconnected with schemes of conquest and irregular ambition." In his Despatch, dated 15th December 1803, he explained why he resorted to each one of the acquisitions he had made, though they were palpably against the Acts of 1784 and 1793.

During Wellesley's rule, Mysore, Hyderabad, Oudh, the Peshwa's state, Baroda and Travancore were brought into the vortex of the subsidiary system. These subsidiary treaties were followed by others. Their first and primary aim was to safeguard the security of the Company's territories and also avert war and establish tranquillity and peace throughout the whole of India. There can be observed a certain degree of resemblance between these Indian subsidiary treaties and the treaties of accession entered into by the Christian powers of Europe on invitation to the Holy Alliance formed in September 1815. The view has been put forward that the subsidiary treaties made by Wellesley did not help to establish the paramountcy of the British power in India which was only achieved many years afterwards.

IV

It was consequently not wholly out of tune with the continuation of Wellesley's system, that the British Government did not interfere, in the post-Wellesley epoch, with the Rajput and other states in Malwa, Mewar and Marwar, which were tributary to the Sindia; and this non-interference was in strict accordance with the treaty of November 1805 concluded with the Sindia, which confirmed all the provisions of the previous treaty made in December 1803 with him; Gohad and Gwalior were ceded to him by the treaty, while its 8th article provided that the Company was not to engage in any political relations with the Rajput tributaries of the Sindia in Malwa, Mewar and Marwar. It was only by a subsequent treaty concluded by the Marquis of Hastings with the Sindia in November 1817, that the Company was specifically permitted to form engagements with these Rajput and other states; and by a similar treaty with the Holkar concluded at Mandesor in January 1818, the latter's tributary rights over these states were likewise transferred to the British. It was as a consequence of the rights secured by these two treaties, that all the engagements of the British Government with the Rajput states, with Bhopal, with the twin states of Dewas and with Dhar that were concluded in the course of the year 1818,—while they provided for non-interference in their internal affairs,—compelled these states to co-operate with the British power to the extent of their military resources and to act in subordinate co-operation with them for ever. It has been held, therefore, that the British were the rightful successors of the Sindia as the paramount power over these states in consequence of their treaty with him and of their subsequent engagements with the latter powers.

That the right to interfere based on claims of paramountcy thus acquired, was limited in area and applicable only in the case of certain definitely mentioned states in the time of the Marquis of Hastings and not to be extended to other states in alliance with the British, was seen in his refusal to permit Metcalfe, then Resident with the Nizam,

to interfere in the internal affairs of the Hyderabad State. This refusal of Hastings to countenance Metcalfe effectively indicated the lack of any right on the part of the British Government either to determine the extent of misgovernment deemed to prevail in the Indian states or consequentially to enunciate the necessity and occasion of British interference in their affairs. It may be of interest to know that at a later date, even Dalhousie gave the same reply to General Frazer, Resident with the Nizam at the time, denying the claim to a right of interference to set right affairs in the Nizam's administration which was made by the latter. Dalhousie held that "there was no mission confided as yet to the British Government, empowering or compelling it to interfere with the independent sovereignties of the Indian States" and to arbitrarily set them aside or diminish the quantum of their independence.

V

Consistent with Lord Hastings's dictum of non-interference in the internal administration of the Indian states and with the existing treaty-provisions, the Report of the Parliamentary Inquiry Committee of 1832 which preceded the passing of the Charter Act of 1833, classified the Indian States into four main categories:—

(1) Foreign independent States like Siam, Ava, Kabul, Persia and Muscat.

(2) Native States not under British protection like Nepal, Lahore, the Chiefs of Sind, the Sindia with whom a subsidiary treaty was entered into only in 1844, Dholpur and Kairah.

(3) States which had concluded subsidiary treaties—Oudh, Nagpur, the Nizam, the Holkar, Mysore, Travancore, Cochin, the Gaekwar and Cutch.

(4) States under British protection without subsidiary treaties—Bhopal, Sikkhim, the Sikh hill-states, the Jat states on the right bank of the Jamuna, the Bundela states, Rewah, the states of Rajputana, Malwa and Gujarat and those on the Malabar coast and on the Burmese frontier.

(5) State pensioners (the King of Delhi and the Nawabs of Bengal and the Carnatic, the Peshwa, the family of Tipu Sultan and others).

James Mill whose great learning, monumental *History of British India* (published in 1818) intellectual and moral influence and long connection with the India House, made him a pre-eminent authority on Indian affairs, gave exhaustive evidence on the subject of Indian states and their relations with the British power. But even he could not be perfectly definite as to the relations of the British power with the states in subsidiary alliance with them which had agreed only to the condition that they would not resort to war and would in addition

help to protect the British possessions with their resources in times of danger. Indeed, Mill admitted that, though the Home authorities had declared frequently and strongly against the extension of British dominion by conquest and aggression, the Indian administration had been constantly pressed by considerations of necessity and policy to resort to war and to effect conquests off and on. He also put forth a strong plea for the plan of gradually taking over in several stages the revenues as well as the administration of all the Indian states into British hands and for reducing all their rulers to the status of mere pensioners; he likewise suggested that all the existing subsidiary treaties should be cancelled, as thereby the Company could save much expenditure on the army. Fortunately, the Parliamentary Committee of Inquiry did not accept these views of the great liberal philosopher on Indian affairs. On the other hand, it recommended that the subsidiary system should be rendered as little detrimental as possible to the interests and to the subjects of the allied states. Thus, while the Preamble of the Act of 1784 and Section XLII of the Charter Act of 1793 declaring against interference and conquest continued to have legal validity, the policy of continued intervention with, and absorption of, the territories of states which had been pursued all along was held to be justifiable. Mill was also largely responsible for the spread among the English people of the idea, not confirmed afterwards, that the subjects of the Indian states were positively anxious to get rid of their rulers and come under direct British sway. He not only believed that Wellesley's system of subsidiary alliances was implemented more for the preservation of the states from French aggression than for the protection or extension of the Company's dominion, but also actually went to the extent of holding that all Asia, excluding only Japan and Siberia, but including China, was the proper field of British domination.

VI

Thus insidiously began the new epoch of aggression, of which the first symptom was action taken in 1831 in Mysore. Lord William Bentinck did abruptly take the management of Mysore into British hands, but he soon regretted very much what he did. For he subsequently discovered that it was "to our own neglect as well as to the large sums which we extracted from the local treasury that the troubles of Mysore were mainly due." Lord William wrote home that there was no fault to be found in the personal character of the Raja, and expressed the emphatic opinion that he would (if restored) make a good ruler in future. Lord William Bentinck's opinion, however, was never acted upon and the Maharaja lived as a titled stipendiary to the day of his death.

Then followed the clause in the Charter Act of 1833 (Section 43) by which the Company was authorised to make laws for punishing their servants living within the jurisdiction of Indian states, for offences com-

mitted by them in the dominions of princes in alliance with the Company. This section was deemed to be a violation of the rights of the states secured under treaties to them.

In the following year (1834) the Court of Directors passed a resolution that when a Hindu prince in subordinate relation to them died, his territories and revenues should escheat to the Company; but they might, at their discretion, permit the adoption and the succession of the adopted heir to the *masnad*, as a special mark of their favour to the family concerned. Seven years later, in 1841, they resolved that they should make it a uniform rule of their policy to "persevere in the one, clear and direct course of abandoning no just and honourable accession of territory or revenue, while all existing claims of a right are at the same time scrupulously respected." It is obvious that these resolutions of 1834 and 1841 were both contrary to the statutory enunciations by Parliamentary Acts, renouncing schemes of conquest and extension of dominion and also subversive of the existing rights of the states concerned. The claim of the right of annexation of a Hindu state on failure of natural heirs to it, was from the very first an unsustainable claim attempted to be bolstered up by sham precedents set up as having been claimed on the part of the Mughal and the Maratha powers and alleged to have been exercised by them, but lacking any sort of historical support or validity.

The annexation process began with Baghat in the Punjab (1839) and stretched through Sambalpur (1840), Colaba (1841) and Mandvi in Gujarat (1842). Then came Satara, Jaitpur in Bundelkhand (1849), Udepur in Bengal (1852), Nagpur, Jhansi, Tanjore and the Carnatic besides Oudh and Berar (all annexed in the time of Dalhousie).

The annexations of Dalhousie (1848-56) are too prominent to need detailed mention. The cases of Orchha in 1841, and of Karauli in 1852, did not end in annexation, on the grounds that they were Rajput states and were not liable to be annexed under the application of the doctrine of Lapse.

VII

While Dalhousie was indulging in his annexations by application of Lapse, by right of conquest and for other reasons, he was strongly supported by one section of the Home authorities and by writers of influence in India, like Joshua Marshman, then the editor of the pro-Government organ, *The Friend of India*, and George Campbell, a rising Civilian, whose books—*Modern India* and *India As It May Be*—commended and warmly advocated the annexation and absorption of Native states, whenever such acts could be indulged in without any open breach of faith. Campbell indeed remarked, in the second of his books, which was published in 1853, thus:—"There are after all comparatively few (states) of which I would covet the direct rule, but I think that

the appropriation of Oudh, Gwalior and one or two others—Baroda and Travancore—would be most beneficial in every way, both to the Empire and to the people of those states without entailing any disadvantages whatever and that we should lose no opportunity which occurs of obtaining possession of those large, rich and convenient territories.”

Campbell's arguments in favour of annexations included, among others, a plea that the absorption of Native states into British territory would remove all dangers of deficit and enable the lightening of the burden of taxation on the principle that territories were to be taken only if they were paying. Hence Berar, Nagpur and Oudh were annexed because they were then so many mines of wealth. The former two supplied raw cotton for the English factories; and so “cotton stuffed the ears of (English) Justice who is deaf as well as blind.” Oudh had been “the mine of munificence” to the English for several decades.

The author of *Dacoitie in Excelsis* which was published in 1856 soon after the annexation of Oudh, tells us that the reports of Sir W. Sleeman and Sir J. Outram on the prevailing misgovernment in Oudh which were capitalised by Dalhousie, had been got up under his specific instructions, “in order to make up a case that would satisfy a deluded public and an apathetic Parliament.” He holds that there was a fair level of tolerable administration maintained in Oudh, relatively to the level of administration prevailing in the Bengal Provinces, in the territories formerly ceded by the Nawab Wazir and even in the Madras Presidency, as was disclosed in the debates in Parliament. In Coorg, Nagpur and Tanjore, the Company took away properties belonging to the deposed rulers, including jewellery and estates that in normal cases would have been deemed to be the private estates of the deposed rulers or their families. With regard to Nagpur, Sir Charles Wood wrote to Lord Dalhousie in April 1854, shortly after its annexation, that the event (annexation) might have “waited with advantage to us and with no detriment to its inhabitants as I hear that it was tolerably administered.” But even he was cynical enough to observe that “we cannot control the time of falling in and it would be absurd to make a new grant simply because the time was inopportune.”

According to A.H. Layard who lost his seat in Parliament in March 1857, on account of his opposition to Palmerston's aggressive action in China and who visited India in the height of the violence of the Mutiny, the main causes of the Indian outbreak lay in the harsh treatment of the Princes and the great landowners, in the annexation of states, in the resumption of tenures and in the extinction of political pensions.

In the process of the implementation of his annexation policy, Dalhousie had a correspondence with Sir Charles Wood, then President of the Board of Control, in 1854, over the question concerning the cases in which adoption should be permitted as a right, or by way of politic

or necessary concession. Wood declared, in his letter of 9th August 1854, that states which had been in existence from times antecedent to the establishment of British rule and had not been tributary or owing more than nominal allegiance to any superior, could not be acquired under the doctrine of Lapse. But in the case of Nagpur which had been such a state, annexation was resorted to on other grounds. The annexation of Oudh on ground of misrule was an act which was even more unjustifiable, according to the previously accepted policy of the British.

That the Home authorities were not only passive and acquiescing parties in these measures, but had a more direct share in implementing the annexations, can be seen from a letter of Sir John Hobhouse to Lord Dalhousie, written early in 1849 which runs thus:—

"It seems fated that you should have plenty to do in your day. Who knows but that in a plain coat you may add more millions of men to the empire than any of your predecessors in epaulets? Of course, all this will or may be done against the inclination of every one concerned, particularly of yourself."

VIII

An attempt was, indeed, made at that time by a few Liberals and just-minded publicists of Britain, of whom John Dickinson, John Bright, Richard Cobden, Henry St. George Tucker, John Sullivan, W. J. Eastwick and H. D. Seymour were the most prominent, to stem this tide of annexations. They soon formed the India Reform Society which functioned for nearly a decade (1853-62) as the organ of frank criticism of the action and policy of the Indian Government and of the Home authorities who supported it. The Society's influence was small in the first four years of its existence; but its power grew with the revival of British interest in Indian affairs after the crisis of 1857-58. Dickinson brought out in 1852 his book, *India, Its Government under a Bureaucracy*, which was one of a series of India Reform Tracts; and in the preface to its first edition are found the following significant words indicating the official secrecy maintained and the misrepresentations made to the British public about Indian affairs:—

"It is the perpetual aim of the Court of Directors to throw a veil of profound secrecy round all their counsels and measures. The great principles of mystery which pervades all the thoughts, feelings and actions of public men in India has its origin in Leadenhall Street."

James Mill had remarked that it was always the interest of the Minister (President of the Board of Control) of the day... "to prevent inspection, to lull suspicion asleep, to ward off inquiry, to inspire a blind confidence, to praise incessantly the management of affairs in India, and by the irresistible force of his influence make other men

praise it. Complaint is extinguished and the voice of praise raised in its stead. Nothing is more remarkable than the propensity of all sorts of persons connected with the Indian Government to infer from anything and everything the flourishing state of the country."

According to Bright, Dickinson, J. B. Norton, Ludlow and other champions of the cause of Indian Princes, the national conscience of England had been lulled to slumber by repeated assertions that the extinction of Native States, and their absorption so warmly advocated by the *Friend of India* and other pro-Government organs, was "an unspeakable blessing to the people whose nationality had been scourged out of them" by tyrannical princes and also that the annexations would add to the resources of the public treasury and to British military strength (both unrealised expectations). The champions of anti-annexation endeavoured to rouse in Britain a feeling of national self-approach and the taking to heart of long-rejected warnings and showed how wrong was the notion that the states were worse governed than British India.

But even in the first part of 1858, after the lessons of the Mutiny had forced themselves on the mind of the English nation, Dickinson could not anticipate that, within a few months, Lord Canning would 'explicitly recant every one of the arguments by which the annexation policy had been recommended.'

A danger from another quarter was envisaged by Sir William Sleeman as a consequence of the continuous annexations of Dalhousie. Sleeman wrote to Sir James Weir Hogg, one of Dalhousie's strongest supporters in the Court of Directors, in January 1853:—"The Native States I consider to be breakwaters, and when they are all swept away, we shall be left to the mercy of our native army which may not always be sufficiently under our control." To Dalhousie himself Sleeman had previously written, warning him that "the system of annexing and absorbing Native States—so popular with our Indian service and so much advocated by a certain class of writers in public journals—might some day render us too visibly dependent upon our native army; that they might see it, and accidents might occur to unite them, or too great a portion of them to some desperate act."

John Dickinson, in his book, *India, Its Government under a Bureaucracy*, written before the annexation of Nagpur and Jhansi, also held out a similar warning. He feared:—"For the fire (of discontent) is not out; we are obliged to keep it up by our native army, which may blaze into a conflagration and burn the Empire... a storm may arise in India which will cost us more to maintain our power, than all we have gained, or can ever hope to gain, by our confiscations."

Even four years prior to Dickinson's warning, when Satara had just been annexed, General Briggs who had opposed annexation on

ground of lack of heirs and the refusal of the paramount power to permit adoption warned Government that these confiscations might shake the fidelity of the army.

In a similar vein, John Sullivan, who was a former member of the Madras Council, warned the Government in his work—*"Are we Bound by our Treaties? A Plea for the Princes of India"* (1853)—when the question of the annexation of Karauli was under discussion that "if we sap the foundations of our rule by acts of injustice to the Rajpoot Princes, we shall surely awaken a sympathy for them in the hearts of the native army; and the greatest of Indian authorities has told us what the consequence will be, whenever our native army is roused to a sense of its own strength."

These successive warnings of experienced persons went unheeded by Government and the Home authorities; and, in reality, in Dalhousie's time, there were seen three eruptions of sepoy insurrection at Govindghur in 1849-50, again in 1852, and yet again at Bolarum in 1855.

IX

By the Queen's Proclamation issued with the sanction of Parliament, freedom from annexation and from appropriation of revenues was confined to the States. The East India Company was abolished, but it dragged on its existence on one ground or another till 1874. A relapse into old ideas of aggression soon followed. In this connection, Mr. F. W. Chesson in his work *"The Princes of India, their Rights and Our Duties"* written in 1874, says:—"It is true that, with the single exception of the small expedition which has been despatched against an offending tribe on the confines of Eastern Bengal, it may be said that India is now in the enjoyment of absolute tranquillity. Moreover, it cannot be imputed to Lord Mayo that he mediates any act of aggression against the princes of India; while it is well known that the Duke of Argyll long since disclaimed the retrograde opinions which, to the regret of many of his friends who respect his great ability and enlightened character, he advanced in his much criticized article in the *Edinburgh Review*. Yet it would be idle to deny that an uneasy feeling prevails...."

Lord Canning revealed the new ideas underlying the post-Mutiny policy of non-annexation in his letter to Sir Mark Cubbon, Commissioner of Mysore, dated 24th November 1860, thus:—"I have no doubt that the policy of disruption and separation was the right one fifty years ago when the Rohillas and the Mahrattas possessed armies and artillery which they could increase at pleasure without our consent and, indeed, without our knowledge. But now it is quite different. These chiefs can scarcely cast a gun; they certainly could not equip it unknown to us. They feel their dependence on us, since 1857, more than ever. We have nothing to fear from them individually, if we

treat them rightly; while individually they have an influence which is invaluable to us as Supreme Rulers in India, if we will but turn it to account. In one way or another, in every way, in short, we must teach these men, unmistakably, that whether they be Chiefs of States, or subjects, no change in the Supreme Power in India, will be a gain to them, either as regards property, religion, social position, or national prejudices; and that the largest possible share of consideration and authority which they can have under any Paramount Power, they shall have under ours. If, as is very probable, the day of a European war is not distant, the need to us of such a conviction in their minds will soon make itself felt. To hold our Indian Empire in its present dimensions, through a war with France and Russia, we must hold it by some other means than the few English regiments, which in such a case, will be spared to us."

Canning added that the same was the case with the provinces of British India as with the states. Actually in the critical years 1856-59, military events and experiences formed the main preoccupation of the English public mind on India; and the foremost questions that agitated Government and Parliament were military and financial; and the main object was the future security of the empire which had weathered the violent storm of the Mutiny. Administrative reforms took precedence of redress of grievances. "What would commonly be called 'Native' interests, though really of national and imperial importance, were swamped and swallowed up in the mere departmental changes consequent on the transfer of Government from the Company to the Crown." Petty administrative details as to the privileges and vested interests of the services roused more interest in Parliament than the high-handed acts of the Indian Government though they might involve the continuance of a dynasty or the fortunes of millions of people.

It was only after 1858 that the rigorous application of supposed treaty rights accruing to them was somewhat modified by the British Government. Thus the rigour of the treaty with the Nizam by which Berar was acquired, was somewhat mitigated by a fresh agreement in which some districts taken along with Berar, were restored to him and Berar itself was declared to be held only in trust for the ruler. But soon the British Government veered round to their old attitude. Thus when Sir Salar Jung, the minister of the Nizam, raised in 1866 the question of the restoration of Berar, he was deemed by some imperialists to be denying the very suzerainty of the Crown and that he was a "Rienzi" in fact.

In the matter of the restoration of Dhar, there was an unconscionably long delay. Similarly, the question of the restoration of Mysore and the claim of its Maharaja to adopt a son were dragged on for a number of years without any decision being arrived at. Similar pro-

crastination marked the settlement of the claims of the heir of the deceased Nawab of the Carnatic; while the disposal of the cases of the Nawab Nazim of Murshidabad and the Nawab of Tonk was needlessly lengthened out.

Again the Prerogative of the Crown which now took the place of the Company, was attempted to be stretched to inordinate lengths. It was held to justify every kind of interference and to include the right to inquire into and punish the misconduct of princes, as in the case of the deposition of the Gaekwar in 1875. The then Gaekwar protested that any inquiry into his alleged maladministration by the British was not warranted by the relations subsisting between the two governments. The Governor-General replied to this protest thus: "Misrule on the part of a government which is upheld by the British power is misrule in the responsibility for which the British Government becomes in a measure involved. It becomes therefore not only the right, but the positive duty of the British Government to see that the administration of the State in such a condition is reformed and that gross abuses are removed."

The effect of the Royal Titles Act of 1876 may also be noted in this connection.

Thus the epoch of fear of annexations which persisted even in the sixties when the Ruler of Mysore was kept in suspense over his request for permission to adopt a son, was followed by the epoch of the insidious extension of the doctrines of Paramountcy and Sovereignty of the Crown.

X

The subject of the Lectures printed in this volume is the Inwardness of British Annexations. The Company's resolve in 1689 to acquire territory and to build up revenues was the beginning of the inwardness. Another idea leading to annexation came in the letter of the 1786 Secret Committee of the Directors already noted. The whole was against the legislative prohibitions laid down by Parliament. What Parliament ordained was legal and what the Company's proconsuls did was illegal and undisciplined and irresponsible. The Act for the Better Government of India of 1858 rendered annexations—taking of territory and revenues and swelling the number of subjects—illegal. Dalhousie did not invent the doctrines of Lapse and annexation. He did not however leave these doctrines as he found them when he arrived in India. Dalhousie's final ideas relating to Lapse and annexation will be understood from what he wrote in his later despatches. In one of them—the Nagpur despatch of 1854—he wrote:—

"I take this fitting opportunity of recording my strong and deliberate opinion that in the exercise of a wise and sound policy, the British Government is bound not to put aside or to neglect such rightful

opportunities of acquiring territory or revenue as may from time to time present themselves, whether they arise from the lapse of subordinate States, by the failure of all heirs of every description whatever or from the failure of natural heirs where the succession can be sustained only by the sanction of the Government being given to the ceremony of adoption according to the Hindu Law."

In another letter he stated to Sleeman who had asked for a reasonable allotment of the Oudh revenues for Oudh reforms: "If the British Government undertook the responsibility, the labour and the risk of reconstructing and reforming a Native State, it ought, after providing for the Pensioned Dynasty, for the administration of the Province and for its progressive improvement, to be allowed to appropriate the surplus revenue to Imperial purposes".

This statement is very revealing. These Lectures, while discussing the processes of annexation and the political and other factors at work, indicate, in appropriate places the legal and moral aspects of the issues.

CHAPTER I

ADOPTIONS AND SUCCESSION

I

When the idea gained ground at Calcutta that the Indian Princes were powerless for good, useless as allies, impotent as enemies, but capable of giving trouble both in peace and war, British policy began to aim at getting rid of principalities intervening between their dominions. This desire for annexation extended itself even to estates and jaghirs; and the *Inam* Commissions of Madras and Bombay helped to uphold the pretensions of Government and to prevent landed properties from passing to adopted heirs.

In 1845 active measures were adopted to assert the reversionary right of government in respect of *inams* which had been diverted from their original purpose; and an order of prohibition was issued against the devolution of *inam* property to adopted sons unless due notice had been given to Government. It was even proposed to limit the continuance of charitable grants to the lives of the existing holders. These proposals and the consequent investigations made by the district officers into tenures and their origins and successions produced a feeling of irritation and insecurity on the part of the holders of *inams*.

In Bombay, a Committee with Mr. Goldsmid as President was appointed in 1843 to investigate the alienations of *inams* in the Southern Maratha country; and this developed in course of time into the notorious Inam Commission, which was vested with powers of adjudicating on all *inams* in the Deccan, Khandesh and the Southern Maratha country. The Inam Commission was placed on a regular judicial footing by Act XI of 1852. It worked vigorously till 1857 and thereafter only nominally till 1863 when it was replaced by the Summary Settlement Inquiry (Act II of 1863). It worked in two divisions; *viz.*, the Commission for the Southern Maratha country and Sholapur, with Messrs. Goldsmid, Hart, Manson and Gordon as Commissioners; and the Commission for the Northern Division, Deccan and Khandesh with Captain Cowper, Major P. Dods and Captain Griffith as Commissioners. Captain Cowper was first appointed Commissioner in 1857; he ultimately became the head of both the branches, with the title of Commissioner for Alienations and held it till 1861; and it was largely due to his energy that the instructions of Government were successfully carried out.¹

The Bombay Inam Commission was so thorough in its work and was so very unpopular, that the *Poona Observer* published, in 1857,

¹G. S. Sardesai—*Hand-book to the Records in the Alienation Office, Poona, 1933*—pp. 4-5.

an article from a writer urging the suspension of its work, lest it might greatly increase the prevailing disaffection, as those who had suffered by the operations of the Inam Commission would be the first to fan the flame of rebellion.²

J. B. Norton thus described, in his vigorous language, the effect of such confiscations in the Madras Presidency in that epoch:—"We have not contented ourselves with sweeping in the territories of potentates; we have grasped the possessions of Polygars and Zamindars, whenever a plausible opportunity of applying the doctrine of 'escheat' has presented itself. Thus we have quite destroyed the Polygars in the South and nearly extinguished the Zamindars in the Northern Circars. Sometimes we succeed to a childless widow; sometimes we take his estate into nursing, and our management is so splendid, that after a season they have to be brought to the hammer, and the Company purchases them in at a nominal upset price. Such was the lot of Luchmeputhy Naidoo, the great Vasooreddy Zamindar. After 20 years of litigation to establish his title to his paternal estate, he was successful, only to find that in the interim the Company, who had taken his acres into their own keepinghad purchased his broad lands.....at a nominal price of Rs. 500; the sale being ordered partly on account of the accumulation of arrears into which the estate had fallen during the Company's incumbency, partly on account of arrears accrued through the mismanagement of the defendant to whom the Zamindary had been delivered by the Sudder, without any security, in spite of express regulation and the well known practice of the Court. The Company in their 'benevolence', as they call it, allow Luchmeputhy a small pension..... But we do not stop with the Zamindars. There is in every district a large class, who for good services or other causes, have received grants of rent-free lands. In many instances parties claim as Inamdars who have really no other title than that of long possession; and it may seem very plausible that such parties should be ousted, or made to contribute towards the general expenses of Government. But it is surely bad policy to seek to disturb parties, who, although they can produce no grant to establish their original title, have nevertheless acquired a title to the land by long possession. Yet such is our course; in Bellary we are now striving to inquire into the title of Inamdars—a measure recommended by Sir Thomas Munro thirty years ago, practicable probably then, but most unjust now after thirty years of undisturbed possession....."³

In the time of Lord Cornwallis British respect for treaties and engagements was well known throughout Asia. But uninterrupted success, and unquestioned supremacy demoralised their code of conduct. The annexation of Colaba in 1841 was the symptom of a lower tone and

²Since collected and republished as "The Inam Commission Unmasked" by Mr. Robert Knight.

³The Rebellion in India: (1857), pp. 113-14.

a flaunting of a spirit of pride and impatience. At last, during the eight years of Lord Dalhousie's rule, "British reputation for good faith and fair dealing sank to a lower level than had ever been known since the time of Warren Hastings." Dalhousie never pleaded necessity, but promised immense material advantages from his policy. One ominous feature of his annexation policy was that it was often directed against friendly ruling families bound by treaties and by gratitude to the British power.

A study of Dalhousie's annexation minutes and despatches would show a lavish use of "words without meaning, or of equivocal meaning." But "their effect was irresistible at the time, and with the men for whose persuasion they were penned: those fluent decisive sentences, those confident, peremptory assertions, the neat peroration, recapitulating every inference as a fact, and every surmise as a proof, and the logical practical conclusion which followed so naturally from undisputed illicit premises, were quite sufficient to secure, and to justify before the world, the concurrence of Councillors, Directors and Ministers, who, satisfied with the result, never thought of questioning the process. . . . They were written for the perusal and persuasion of only four or five men, who were well prepared for the foregone conclusion and who submitted themselves to the sweeping, confident dexterity of Lord Dalhousie's style,—which, with a concise symmetrical arrangement, is its only real merit,—and to that peremptory, oracular, determined tone which, although it would have been at once impertinent and impotent in an English atmosphere, was at Calcutta, appropriate and successful."⁴

Mr. Hovell-Thurlow suggested the appointment of a Royal Commission to be assisted by Indian assessors, and to be commissioned to define the British claim of escheat as against the Indian Principalities as well as the relations of the Princes to the British Government generally. He also recommended the creation of some judicial tribunal to decide on all disputes, between the Indian Princes and the British Government. The establishment of such a Court of Appeal was strongly urged by *The Indian News* in April 1857, which enumerated the cases in which, during last ten years, the injured party had, in person or by attorney, fruitlessly appealed to the Directors, or the Board of Control or the Privy Council.

II

Of the grounds on which the annexation policy of the British Indian Government was implemented the most marked was the right of the Suzerain Power to withhold or grant, at its discretion, the right of an adopted son to succeed to his adoptive father's public status and territorial dominions. The right of adopting a son, if he was sonless, was the inherent privilege of every Hindu.

⁴Bell—*Empire in India*—Letter II, June 28th, 1861.

HISTORY OF SUCCESSIONS BY ADOPTION

Successions by adoption were respected by the British Government till 1841. Thus, when in 1819-20, there was the adoption, by the widow of the Nawab of Bhopal, of a successor to her husband dying without male issue, it was sanctioned as a matter of course and arranged that the only daughter of the late Nawab should marry him.

In the case of Datia, when in 1839, Raja Parichchat died without issue, the succession of the foundling who had been previously adopted by him, was recognised, even as against the claims of a collateral relative who contended that there was an old agreement by which the succession was to revert to his branch of the family on the failure of heirs in the main line.

ORCHHA

In Orchha, the oldest and the highest in rank of all the Bundelkhand States, Raja Bikaramajit Mahendra who had entered into an alliance with the British Government as early as 1812, abdicated in favour of his son Dharam Pal; but on the death of the latter without issue, he re-assumed the reins of government. He died in 1834 and was succeeded by his brother, Tej Singh. Tej Singh died in 1841, having previously adopted his cousin's son, Sujan Singh. Sujan Singh's right was disputed by the widow of Dharam Pal who claimed for herself the right to adopt a successor to the *gadi*. Sujan Singh's adoption was, however, recognised by the British Government, though he was placed under the guardianship of the widow of Dharam Pal; and on his death, she adopted a collateral relative as successor.

"In the case of *Banswarra* (1838-44) we see first the election of a collateral heir as successor to a prince dead without male issue, with the consent of his widow and of the principal chiefs, and next, the immediate adoption by him of a son, with the like consent, whose succession in later years was duly recognised by the British Government."

Colaba formed, as it were, "the watershed between the two policies" on the part of the Supreme Government. According to J. M. Ludlow,⁵ the approaching spirit of annexation was heralded, even before 1841, by Messrs. Ainslie and Simon Fraser, the British Agents for Bundelkhand. The former, writing on the Datia succession case, said:—"It is a question whether, in failure of legitimate offspring, of appointing a successor by adoption, or of the existence of any near relation, the Raj would become lapsed to the paramount state, or be left in abeyance *ad infinitum*." He also argued that the treaties with the Chiefs of Bundelkhand were made with individuals in possession and their successors; and this term might not necessarily include relatives through the father, like uncles, brothers and their children.

Mr. Simon Fraser wrote an elaborate report upon the Orchha case, in the course of which he more than once hinted at the right of the British Government, as the paramount power, to resume hereditary territory for want of heirs and at there being no peculiarity in the case of Bundelkhand which should exempt it from the operation of the general rule.

KOTAH

In the Kotah case, (1825-29), the Supreme Government declared that the ruler "must be considered to possess the right, in common with all other Hindoos, of making an adoption in common with the rules of the Shastre."

The principality of Kotah was an offshoot from Bundi and was formed about A.D. 1579. It was in the continuous possession of the family of Madho Singh, its founder, until the time of Umed Singh with whom the British Government formed their first connection. Kotah was saved from ruin by its talented minister, Raj Rana Zalim Singh, into whose hands Umed Singh had surrendered all power. Zalim Singh was the first of the Rajput chiefs to coöperate with the English in the suppression of the Pindaris in 1817. Through him a treaty was concluded, in December 1817, with Umed Singh, by which Kotah was taken under British protection and the tribute formerly payable to the Marathas was now made payable to them. A supplementary article was added to the treaty by which the administration was vested in Zalim Singh and his descendants, while the nominal chiefship was to descend to the line of Umed Singh; and the tributary claims on the personal estate of Zalim Singh were remitted. The supplementary article was ratified by the Governor-General, in March 1818. Umed Singh's successor, Kishor Singh, attempted to secure the actual administration from Zalim Singh by force; but he was forced to recognise, in 1821, the perpetual succession to the administration of Zalim Singh and his heirs. Subsequently in 1834, when a serious dispute occurred between the Maha Rao and Madan Singh, the incompetent son and successor of Zalim Singh, a new principality of Jhalawar was created as a separate provision for the descendants of Zalim Singh, by the separation of 17 parganahs from the state.

After Maha Rao Umed Singh, the Raja of Kotah, the principality was to descend to his eldest son and heir apparent, Maharaj Kuwar Kishore Singh, and his heirs, in regular succession and perpetuity; and the entire administration of the affairs of the principality was to be vested in Raj Rana Zalim Singh, and after him in his eldest son Kuwar Madhoo Singh, and his heirs, in regular succession and perpetuity."⁶ The arrangement did not prove harmonious; and, after several struggles, matters of the state had to be set right again in 1838, when by a

⁶Volume of Treaties, 1853, p. 443.

new treaty the territory of the state was divided between the nominal sovereign and the hereditary ruler, into the two states of Kotah and Jhalawar.

Jhalawar was thus a created state, dating only from 1838. But the treaty which was entered into with Raj Rana Madan Singh placed him exactly on the same footing as the other rulers of Rajputana; only the succession was to be limited to the descendants of Zalim Singh, the grant being made "to Raj Rana Mudun Singh, his heirs and successors being the descendants of Raj Rana Zalim Singh."

THE GWALIOR SUCCESSIONS

In the First Gwalior Succession Case (1826-7), Daulat Rao Scindia who was sonless, was pressed to adopt a son during his life-time; and the adoption made after his death, by his wife, Baiza Bai, was approved. Government even declared beforehand that, in the event of Daulat Rao dying, without having made an adoption and without having authorised his widow to do so, they would "of course be satisfied with the selection made by the general voice, or by a majority of the chiefs and principal persons of the country, according to usage, whether the letter of the written law be closely adhered to or not."

When the health of Daulat Rao Scindia began to deteriorate in 1826, he was strongly urged by the Resident, under instructions from the Supreme Government, to adopt a son, so as to avoid the dangers of a disputed succession. The sole cause alleged by the Raja for delay was, "that from all his relations being so distant and unknown to him, he was not exactly aware who was the *proper person for him to adopt*, and had therefore sent people to the Deccan to make the necessary enquiries." The Resident's opinion on the subject was given to Government in a despatch dated 4th October 1826, as follows:—"Although according to the regular canons of Hindoo law neither widow might have a valid title to adopt without being empowered by the husband, yet the result of my enquiries leads me strongly to believe that practically when the husband dies suddenly, or otherwise, without making any arrangements for an adoption, the right of the senior wife is universally acknowledged, but *she is considered bound to adopt the nearest male relative within seven degrees.*"

Daulat Rao sent to the Deccan, shortly before his death, for the children of some distant relations, so that he might select one from amongst them. The candidates, five in number, arrived at Gwalior only after his death; and the duty of selection therefore devolved upon his widow Baiza Bai, who was a daughter of the infamous Sarje Rao Ghatgay and who then filled the office of Regent. She selected Mugat Rao, a boy of eleven years of age, of an obscure branch of the family, but

declared to be the nearest relation of Daulat Rao, in accordance with what was believed to be his last wishes.⁷ The ceremony of adoption took place on June 17, 1827; and on the same day the boy was married to the grand-daughter of Daulat Rao, by his daughter married to Dhubari Rao Senapati. The next day he was placed on the *masnad* under the auspices of the British Government, with the title of Alijah Jankoji Rao Scindia, and under the regency of Baiza Bai who acknowledged this succession only most reluctantly and continued to maintain that it was her late husband's intention that she should control the government during her life. She even proposed to the British Government the conclusion of a new treaty by which she might obtain the formal recognition of her right to exercise the powers of regent for life. Government did not agree to the proposed treaty, and insisted, in 1830, on the Regent using the young Maharaja's seal in all her communications.

In the Second Gwalior Succession Case, when Jankoji Rao Scindia died in 1843 without leaving an heir, the adoption made by his widow, Tara Bai, with the assent of the great nobles of the state was duly approved by the British Government.

Jankoji Rao experienced great oppressions from Baiza Bai who would not get him educated and kept him secluded, almost in confinement. He fled from the palace in 1832 and took shelter with the British Resident. Lord William Bentinck who visited Gwalior in December of that year, told him that it was impossible for the British to interfere, but that "if he would abstain from all attempts to subvert the Baiza Bai's power, the British Government would prevent the Regent adopting any other person, to the prejudice of his claim to the throne." This decision satisfied neither party; and in seven months Jankoji Rao was once more a refugee at the British Residency. When he was persuaded, for the second time, to return to the palace, the people and the troops rose against the Regent and forced her to take refuge, in her turn, with the Resident. Now she was compelled to agree to resign her regency and quit the state and the Maharaja was proclaimed sovereign by the Resident. These proceedings of the Resident did not meet, however, with the approval of Lord William Bentinck who censured him for having called out the British Contingent to support the Maharaja's authority. Government declared its indifference as to whether the Maharaja or the Bai exercised power, its only object being "to preserve general tranquillity and its own reputation, recognising the ruler supported by the popular voice." Baiza Bai was prohibited from using her asylum in British territory or in any dependent state for the purpose of organising any aggression on Gwalior; but she was impliedly at liberty to return to the capital and exercise power if she could rely on the support of her own subjects.

⁷Malleson: *The Native States of India* (1875), p. 161; and Hope: *House of Scindia*.

Jankoji was a weak ruler and the administration which was in the hands of his maternal uncle, Mama Sahib, was marked by dissensions and jealousies in the court and by a mutinous temper among the troops. He, however, kept on good terms with the British Government, helped it to suppress *thagi* and highway robbery and firmly rejected all negotiations for alliance with Nepal and Afghanistan.

Jankoji had no male issue. In 1837, however, an attempt was made to substitute a male child for a female to which his wife had given birth. The attempt failed owing to the Maharaja coming to know of it in time. On the death of his wife in the next year, he married her sister, Tara Bai.

In 1843 Jankoji died without having effected an adoption. With the full subsequent approval of the Governor-General, the same course was pursued as on the former occasion; and the senior widow of the late ruler, Tara Bai, adopted one Bhagirat Rao, "*the nearest in blood*" to the deceased Raja, who was immediately installed on the *masnad*, with the title of Jayaji Rao Scindia. This Prince proved a most loyal and devoted ally to the British in the critical days of 1857 and 1858.

THE HOLKAR STATE

Malhar Rao Holkar (1811-33) died without leaving any issue; but shortly before his death, his wife, Gautama Bai, and his mother, the Masaheba, had adopted, as his heir, one of his relations, Martand Rao Holkar, who was duly installed on the *masnad* and recognised by the British Government, "as the spontaneous unopposed act of the Holkar Government, in which the people of the state seemingly acquiesced." In the following month Hari Rao, a nephew of Maharaja Jaswant Rao Holkar (1798-1811) was liberated by his partisans from the hill-fort of Maheshwar where he had been confined by Malhar Rao. He was a lineal descendant of the ruling family and public sympathy was largely on his side. He even received the support of the British Resident and of the Masaheba and ascended the *masnad* on the 17th April 1834, in the presence of the British Resident. The British Government declined to support the claims of Martand Rao, and held that, under the Treaty of Mandesor of 1818, they could not interfere in the internal affairs of the state.

Martand Rao's adoption was not objected to by the British Government. At the same time, it did not bind itself to support the arrangement "if it should appear to be illegal or subversive of the rights of any other party or contrary to the wishes of the majority of the chiefs and followers of the Holkar State;" and the adoption was acknowledged simply as "the spontaneous and unopposed act of the Government of Indore, in which the people seemingly acquiesced."

Martand Rao's adoption subsequently proved to be a device of the mother of Malhar Rao Holkar for the purpose of keeping power in her own hands during his long minority, as he was then only 3 or 4 years of age.

Hari Rao Holkar had the popular voice on his side; and the pronounced British policy of non-interference prevented the Resident from giving any active support to Martand Rao, although his installation had been formally acknowledged by him. On account of this conflict, serious disturbances occurred in the state, resulting in the disorganisation of trade, the flight of merchants and raids into the plains by the Bhil tribes. Hari Rao was eventually brought to Indore by a detachment of the British Contingent and formally installed, while Martand Rao was given a pension on condition of his resigning all his claims to the succession. Hari Rao's adherents were joined by a large body of Bhils and Mewatis who found a good field for their depredations in the confusion. Hari Rao was also joined by the state army; while the prudent Masaheba though it was opportune for her to lend her support to him and openly requested him to place himself on the *Rajgadi*.

"There would appear,"—the Secretary to Government wrote to the Resident at Indore,—“to be three individuals whose pretensions to the sovereignty might be alleged with some colour of right, namely Hurree Holkar, the cousin of the late Maharaja; the infant born subsequently to his death; and the adopted son. His Lordship in Council is not prepared to pronounce upon the relative superiority of these claims. The decision may fairly be left to the voice of the country, and our duty will be to maintain whatever arrangement may appear to be unequivocally consonant to the general wish.”

It can hardly be said that in this case there was any dispute as to the succession at all, until “ambitious hopes are excited by our cold and unfavourable demeanour.” The ceremonies of the adoption and installation of Martand Rao were performed with the concurrence of all the members of the family and the ministers of the state. “But for the significant absence of the Resident from the Palace on both occasions and his undisguised avowal of non-interference,” the partisans of Hari Rao who eventually succeeded in placing him on the *masnad*,—would never have dared even to mention his name.

There was no doubt that the adopted son was the rightful successor: the posthumous son was illegitimate: and Hari Rao Holkar, being only a collateral relation of the deceased Raja, had no claim whatever. This was a case in which the British Government ought to have interfered decisively and effectively and settled the succession, “not as Suzerain investing a feudatory,” for the terms of our treaties with the Holkar Rajahs do not admit such a relation, but simply as the *de facto* paramount power, the power most interested in the public peace not being

disturbed, the most interested and concerned as to all the personal, private, and individual questions depending on the succession, the most capable of preserving peace and enforcing submission to its award." The duty of deciding in doubtful and disputed successions was a moral and not a legal obligation, imposed not by law, but by the actual position and material strength of the British. In this case, "this duty was clearly obligatory, but certainly neglected; and in consequence of this neglect the lawful heir was permanently excluded."

The following genealogical table may be of some use in grasping the points raised:—

TUKOJI RAO HOLKAR I (1795-97)

Jaswant Rao Holkar (1797-1811)	Vitoji	Malhar Rao	Kashi Rao Holkar (1797-98)
Malhar Rao Holkar (Adopted (1811-33))	Hari Rao Holkar (1834-43)		
Martand Rao Holkar (Adopted (1833-34))	Khande Rao Holkar (Adopted) (1843-44)		

Martand Rao Holkar was thus a lineal descendant of Bapuji, brother of Herjiji, the grandfather of the great Malhar Rao I (1728-60), the founder of the state. Khande Rao Holkar was a direct descendant of Herjiji, but by another son of his than the father of Malhar Rao I.

Thus having begun by declining "to pronounce upon the relative superiority" of the several claims to the throne, and having left the question to be settled by "the voice of the country," and "the general wish", Lord William Bentinck saw an attempt made to settle the question by a general rush and scramble. He first enunciated a policy of scrupulous non-interference, but found himself "compelled to interfere with all the power of the British Empire, and to support the usurping party which had the upper hand for the moment, and was in possession of the capital and palace." It was aptly remarked by Sir George Clerk, Governor of Bombay, that "the inconsistency, caprice, and mutability of our opinions regarding all great principles, is the bane of our supremacy in India."

DHAR

In the state of Dhar, near Indore, when its Ruler, Raja Ramchandra Puar, died, having no male issue and but one daughter, his widow adopted the son of one of the nearest relatives of the family with the sanction of the British Government. (1833-34).

The state of Dhar ruled by the clan of the Puars had been greatly weakened by Pindari raids. In 1819 its area was augmented by the addition of the districts of Berasia and Badnawar, by virtue of a treaty with the British Government. When the ruler, Ramchandra Rao, died in 1833, he was succeeded by Jaswant Rao II, adopted from another branch of the Puar house. The latter died of cholera early in 1857, and was duly succeeded by his adopted son, Anand Rao III, a boy of 13 years of age. His ministers were suspected of complicity in the Mutiny; and the state was confiscated, but was ultimately restored in 1860, with the exception of the Berasia *Pargana* which had been given to Bhopal. Major Durand who invested and captured the fort of Dhar, demolished it, ordered the state to be confiscated and arranged that charges should be prepared against the leaders and instigators of the rebellion. Ultimately, all of them escaped punishment; and the Raja himself was restored to his title and position.⁹

Major Durand threw the blame for the Dhar rising on the acts of the Raja's uncle and mother and minister who allowed a band of their mercenaries to join those of the Raja of Amjhera and plunder the stations of Bhowapur and Sirdarpur. Captain Hutchinson, the Political Agent, had already reported that there was strong reason to believe that the Raja's mother and uncle and other members of the Dhar darbar were the instigators of the rebellion. After Durand's occupation of Dhar, the Dewan, the Raja's uncle and other conspirators were sent to Mhow for trial. Actually no trial was conducted, beyond a summary and unofficial enquiry; and Sir Robert Hamilton who resumed office as the Agent to the Governor-General in Central India and his son-in-law Captain Hutchinson, who prepared the charges, were blamed by Durand for their negligence in letting off these prisoners "without the knowledge of the Supreme Government and in spite of the orders issued for their trial of which Government had approved." When Sir Richmond Shakespeare who succeeded as Agent to the Governor-General, brought to light this disobedience of orders, the record of the summary inquiry made in 1858, had been lost. Sir John Kaye, the historian of the Mutiny, quoted the Dhar case as "an exponent of Sir Henry Durand's mischievous views upon the responsibility of Native Princes;" and when Lord Canning made a full inquiry into the facts of the case during his tour in the Upper Provinces which clearly established the complicity of the Dhar darbar in the rebellion, "the Home Government entirely concurred in the justice of the confiscation". But from merciful consideration for the youth and innocence of the Raja, Government decided to forego the extreme penalty of confiscation, though it was of the opinion that it was "not right, nor expedient that the principality of Dhar should wholly escape all penalties for the misconduct of

⁹Kaye and Malletson's *History of the Indian Mutiny*, Vol. V; p. 50; and *Life of Sir Henry Durand* by H. M. Durand; Vol. I, pp. 224 and 472.

those who directed its counsels and forces during the late events"; and it consequently gave over a pargana to the Bhopal State.

Sir John Kaye had pictured Major Durand as not having been sympathetic to Holkar and other Princes of Central India. A prolonged controversy was carried on in the *Calcutta Review* over the affairs and an article defending Durand's stand, from the pen of his son, Sir H. M. Durand, and another by General Travers to the same effect, were published in pamphlet form in England. As Sir John Kaye died soon afterwards, Mr. John Dickinson took up the controversy in a work entitled "The Last Counsels of an Unknown Counsellor," which contained a violent attack on the justification of Henry Durand's actions. This was posthumously edited for Mr. Dickinson, who died before it could be published by Major Evans Bell.

The other side of the Dhar picture presented in the *Life of Sir H. M. Durand*, is available in J. M. Ludlow's book, *Thoughts on the Policy of the Crown Towards India*. In its letter "How some of our allies have been lately treated," we read that a body of Pathan troops in the service of the Dhar darbar rose in mutiny against the Rani who implored assistance from the British, and in the end, the minister and others were arrested for complicity with the mutineers; and in February, 1858, the ruler was deposed and the administration was entrusted to the charge of one Mir Mohammad Shahamat Ali; and even the privy purse of the ruler was confiscated; and the state property of elephants, etc., was put to auction. "The lands assigned by Maratha custom to the Rani for charitable purposes. . . . were placed under sequestration. . . and the young prince was not allowed to sit on a chair in public." Mr. Ludlow protested that a simple restitution of the State to the Raja was no justice at all; he wrote:—"Why, if you doubled the Dhar territory, it would be barely compensation enough to the state—let alone the individuals, the minister for instance, who declares that before the outbreak of the troops their mutinous disposition was more than once communicated by him to the British authorities and their aid implored. If this be the way our friends are treated after such a crisis as that of 1857, Heaven preserve us from any other!"⁹

Thus Colonel Durand's instigation of this last act of annexation, that of Dhar, was happily rendered abortive by the firm and repeated rejection of the Court of Directors, and of two successive Secretaries of State, Lord Stanley and Sir Charles Wood.¹⁰

COLABA

Manaji Angria, the eldest of the illegitimate sons of Kanhoji, the founder of the ruling dynasty of Colaba, acknowledged the supremacy

⁹See also Major B. D. Basu's *India under the British Crown*, p. 24-26.

¹⁰See 'House of Commons' Papers, Principality of Dhar, April 1859.

of the Peshwa who invested his son, Raghuji, with power in 1766. On Raghuji's death in 1793, the Peshwa's government directly ruled the principality for some time, then gave it to Raghuji's son, Manaji. The latter was deposed in 1799, by the Peshwa Baji Rao II, at the instigation of Scindia, in favour of a near relative of his. This chief was succeeded by his son Sambhaji. But the Peshwa again set aside this line and restored the old family in the person of Manaji, a grandson of that Manaji who was deposed in 1799. This second Manaji died in 1817; and his son Raghuji had not been actually invested with ruling power when the Peshwa was overthrown by the British. After the conclusion of the Maratha War, a new treaty was concluded with Raghuji Angria, defining his relations with the British Government.

The Treaty with Raghuji Angria, Rajah of Colaba, in 1822, declared that the *entire supremacy* and right of investiture were expressly reserved to the British Government. Colaba was the first case in which the British Government "interpreted its *ruling sanction* into the power of ignoring adoptions." Article 4 of the treaty of June 1822 ran thus: "The British Government. . . . reserves to itself entire supremacy over the Colaba State and the right of conferring investiture on the Chief of Colaba on any vacancy of the *musnad*."

Raghuji Angria died in December 1838; and a posthumous son was born to him in January 1839, whose succession was recognised. But the child died on the 9th April 1840. Thereupon the widows of Raghuji Angria wished to adopt a son; while the succession was also claimed by Sambhaji Angria, a grandson of Yesaji, who was the second illegitimate son of the first Kanhoji. But both the claims were rejected and the territory of Colaba was annexed by the British.

No restriction on the operation of the validity of the Hindu law of inheritance and adoption was included in the treaty of 1822 with the Raja of Colaba; and there were precedents for succession by adoption in this family. All claims to *nazarana* and tribute had been waived by Article 4 of the treaty; and the "supremacy and right of investiture," reserved by that same article, "simply entitled the British Government, as Suzerain, to exercise supervision and control over each succession, whether by natural descent or by adoption, until satisfied that everything had been done conformably with law, with local custom, and with an equitable regard to the general interests of the family, and to the individual rights of each of its members. This and this alone is the meaning and scope of the "ruling sanction."

Other factors making the British acquisition more unjustifiable are given in the following paragraph:—

"The Principality of Colaba has been held by the family of Angria for nearly two centuries in a state of independence. It has never been

in our possession. Our connection with it rests upon the foundations of a formal treaty, freely contracted; and while a vestige of Angria family remains, it belongs of right to them, and cannot be seized and appropriated by us otherwise than by an act of violence, perpetrated by our superior power. It is assumed that the principality has lapsed to the paramount state, by reason of the failure of heirs. But the ground I rest upon is that the widow of Raghojee Angria possessed, under the authority of that Prince, which is not disputed, the right to adopt, and still possesses that right unimpaired. Adoption with a Hindoo, is both a right and a duty."

The British Government thus began its dreaded policy in 1841 with Colaba, which was no doubt a petty State over which it had the right of investiture. It next acted with decisive vigour in 1848 with Satara, which though certainly subordinate and dependent, was held under a treaty confirming the sovereignty, without any limitation, to the Rajah's "heirs and successors," and it rose to the climax of its powers of assumption in 1854, when Lord Dalhousie denied the right of succession to the adopted heir of the Nagpur State, which had contracted a treaty of "perpetual friendship and alliance," with the Company and which had been formally held in the treaty of 1826 to be "one of the substantive powers of India."

The annexation of Colaba was "not merely a lapse from conservative policy, it was a positive denial of justice and an abuse of our material strength." This act was condemned thus:—"Far from being a proper and opportune assertion of Imperial rank, duties and functions by our Government, as several persons have argued, it was an absolute abdication of that federal rank, and a repudiation of those duties and functions of protection and control, which alone can entitle the *de facto* paramount power to be recognised and obeyed as the Imperial sovereignty of India. By this new policy our Government assumed the offensive and defiant position of an all-absorbing acquisitive *Kingdom*, denied its origin and history, contradicted all its precedents, and cast all treaties to the wind."¹¹

Henry St. George Tucker has condemned it in the following strong language:—

"I never can satisfy myself that true policy can comport with injustice and oppression. The native princes and chiefs of India will see in the fate of Colaba their own destiny; their fidelity and attachment cannot be relied upon while they have such cause for distrust and alarm, and although they may be overawed and kept down by our irresistible military power, the occasion may arise when their hostility may become dangerous. The feelings of our Indian subjects are not to be trifled with; and it is not wise or safe to depart from that conciliatory

¹¹Bell—*The Empire In India*: Letter V: The Right of Adoption, Madras, June 1861

ADOPTIONS AND SUCCESSION

conduct or to efface from their minds those impressions of our justice, wisdom and good faith, which have hitherto constituted our bond of union with the people, and the true basis of our power in India."¹² This most convincing protest had no effect on the Court of Directors, though the writer had a prominent part in it for a number of years.

Bell held that no prerogative of resumption, nor a right of escheat, could be conveyed or implied in a treaty, when the terms of that treaty or of its antecedent negotiations did not disclose such a claim, or concession. Such a right cannot be suddenly acquired or even gradually secured "without an explicit assertion on the one part, and an explicit admission on the other"—even though the stronger party might have grown very strong.

It may be noted that while in the treaty of 1822 with Colaba there was no limitation, either explicit or implicit, of the right of succession of the ruling family according to their custom, there were examples of treaties in which limiting conditions were imposed on successions. Thus the treaty with the Rao of Cutch, in 1819, limited the succession to the Raja and "his legitimate offspring." The treaty with the Raja Rana of Jhalawar in 1838 was one by which the rule was secured to the reigning prince, and "his heirs and his successors being his direct descendants." Jhalawar was dismembered from Kotah only in 1839 and the succession was limited to the descendants of Zalim Singh—the grant being made to "Raj Rana Madan Singh, his heirs and successors being the descendants of Rana Zalim Singh."

The British treaty of 1846 with Raja Gulab Singh of Kashmir limited the succession to "the heirs male of his body." This limitation was removed by Lord Canning in 1859 as a special reward for the services rendered by the Raja of Kashmir during the Mutiny—"an act of favour unconnected with the general tenour of the Adoption Despatches of 1861." An attempt was made to conclude a treaty with the King (Nawab Wazir) of Oudh in 1856, according to which the succession was to be confined to the "heirs male of his body born in lawful wedlock." This was a most insidious limitation, quite novel to Muhammadans and specially offensive to a Muhammadan sovereign.

III

The Hindu's act of adoption is irreversible; and the Suzerain Power had no more right to refuse succession to an adopted son than to a son of the body in the case of ruling princes. In cases of *Surinjam*¹³ property, or service jaghirs, held, according to the terms of the grant or

¹²Memorials of Indian Government (Section on Political Relations) (1853).

¹³Also Saranjam (or Surunjam) i.e., villages temporarily assigned for support of troops or personal military service, including grants to civil officials. (Wilson's Glossary of Judicial and Revenue Terms etc. (1855)—p. 465).

inmemorial custom at the Prince's pleasure, the latter could decline to continue any heir in possession, simply on the plea that the service was no longer required, or because he desired to transfer the estate to somebody else. This right of resumption could be, and sometimes was, effected even during the lifetime of the holder or jaghirdar; but its exercise was held justifiable only after his demise. An irregular or unauthorised adoption did from time to time afford a convenient pretext for resuming the *surinjam* or service jaghir.

But in the case of *swasthans* or ancient Zamindaris, and of *inam*-estates,—which were held to be private property, descending to heirs according to law and custom, or mortgageable, and saleable, with the consent of the co-heirs, there was not a single instance on record, to show that any Muhammadan or Hindu sovereign ever claimed the right of preventing an adopted son from the succession. "The sanction by the ruling power was never withheld, and never could be, where the adoption was unexceptional."

It has been justly contended that "the only corrective infliction, the utmost extent of interference in the succession to a hereditary estate, upon which a native monarch ever ventured, when an unauthorised or inequitable adoption had taken place, was the exaction of an enhanced or unprecedented *nuzzurana* or fine before he would grant investiture to the claimant." Instances of deferred investiture and of the levy of fines are found among the records of the Peshwa's government; but "during all the researches of the Bombay Inam Commission not a single case was discovered in which an adopted heir had been excluded by royal prerogative from succeeding to his adoptive father." Precedents for the exercise of such a power by an Indian ruler over his feudatory chieftains, and even dependent allies of princely rank could not be found at all.

Bell rightly declared that "no such precedent exists in the annals of India. No such prerogative, no such power, no such pretence was ever set forth or heard of in India," until the British Government acted in 1841 in Colaba. The first deviation from a conservative and protective policy in the case of the petty feudatory state of Colaba, led to the subsequent applications of the claim to escheat to the more important principalities of Satara, Nagpur, and Jhansi, after which "no Hindu sovereignty could be considered as secure from a sudden extinction."

"Wherever we have guaranteed a principality to a Hindoo Prince, his heirs and successors, without any qualifications or restrictions, it is quite clear that no limited right of succession, no rule except that of the Hindoo law in all its integrity, can have been contemplated by either party to the treaty."

It might have been possible to have avoided this avalanche of annexations if Lord Dalhousie and his advisers had listened in 1848 to the reasonable arguments of Mr. Bartle Frere, who was then Resident at

Satara, and come to a final decision as to the right of its last Raja. Thus no new precedents in default of an old one, for the following confiscations of Jhansi and Nagpur would have been created, "and the conspiracies of Poona, Satara, Kolhapur and Nagpur and the agitation of the Southern Mahratta country in 1857, would never have placed our Empire on the very verge of destruction."

The position of the British Government as the *de facto* Paramount Power, and the stipulations of treaties restricting the external freedom of the Indian States, gave it the obligation of discharging Imperial duties and responsibilities. Much misunderstanding arose from this imperfectly defined and asserted supremacy and its derivative rights.

Sir Henry Maine, a distinguished jurist, wrote that among the Hindus, "the right to inherit a dead man's property is exactly co-extensive with the duty of performing his obsequies. If the rites are not properly performed or not performed by the proper person, no relation is considered as established between the deceased and anybody surviving him; the Law of Succession does not apply, and nobody can inherit the property. Every great event in the life of a Hindoo seems to be regarded as leading up to and bearing upon these solemnities. If he marries, it is to have children who may celebrate them after his death; if he has no children, he lies under the strongest obligation to adopt them from another family, 'with a view,' writes the Hindu Doctor, 'to the funeral cake, the water and the solemn sacrifices.'"

He then explained how adoption was particularly valuable for the Hindu community. "In Hindoo law there is no such thing as a true will. The place filled by wills is occupied by adoptions; we can now see the relations of the testamentary power to the faculty of adoption and the reason why the exercise of either of them would call up a peculiar solicitude for the performance of the *sacra*. Both a will and an adoption threaten a distortion of the ordinary course of family descent, but they are obviously contrivances for preventing the descent being wholly interrupted, when there is no succession of kindred to carry it on. Of the two expedients, adoption, the fictitious creation of blood relationship, is the only one which has suggested itself to the greater part of archaic societies. The Hindoos have, indeed, advanced one point on what was doubtless the antique practice, by allowing the widow to adopt when the father has neglected to do so."¹⁴

In Sir John Kaye's *Selection from the Papers of Lord Metcalfe* (1855) we read that Metcalfe, one of the pillars of the Company's Government for several decades, was of the opinion that "Hindu Princes had by Hindu law a right to adopt, to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power, the latter, in fact, in such cases, having no real existence, except in the case of absolute want of heirs; and even then the right is only assumed in virtue

¹⁴Ancient Law, pp. 191-2.

of power. . . .” Metcalfe added: “In case therefore, of Hindu sovereign princes, I should say, that on failure of heirs male of the body, they have a right to adopt to the exclusion of collateral heirs, and that the British Government is *bound to acknowledge the adoption*, provided that it be regular and not in violation of the Hindoo Law.”

The Court of Directors, in their Political Letter to the Bombay Government, dated 11th June 1834, wrote as follows:—“Whenever the tenure of the estate and the custom of previous Governments are such that the refusal of your permission to adopt would be considered an act of hardness, still more when it would be considered an injury, the permission should be given; but otherwise not unless as a reward merited either by special services or by general fidelity and good conduct, and especially by a good administration of the jagheer. It is your duty, we may add, not to violate any express or constructive right, not to defeat any just expectation. . . .” These extracts will give a fair idea of the general principles which were supposed to guide the action of the Government.

Sir William Lee-Warner, who became the “High Priest” in the “Temple” of the Foreign Department of the Indian Government in succession to Sir Charles Lewis Tupper, in his book, *The Native States of India*, professed to recognise the binding force of treaties and engagements with the states, but in effect tried to show that the treaties were, not binding—this being “the paradox that the Political Department are obliged to propound when endeavouring to harmonise their practice with royal proclamations.” He thus put forward as a justification, *ex post facto*, for the acts of confiscation of his hero, Dalhousie, the so-called legal aspect of the Doctrine of Lapse as understood and acted on by Government:—“Hindu Law requires that in default of male issue, an adopted son should be engrafted on the family, to save the father’s soul. . . . The religious obligation devolves on the widow to provide an adopted son, should the father be unable to perform the ceremony before his death. The son so adopted is placed at once in the legal position of a natural heir and inherits his father’s property. But the Hindu Law also recognises a fundamental distinction between private property and a chiefship. This division of private and public interest may be traced in the rules governing the partition of family estates, in which all sons have a share. They may even claim against the father a partition of the family property. But such is not the case where a chiefship is concerned. The public estate has to bear the burdens and fulfil the responsibilities of the kingly office. No administration could be maintained even in name, were the partition and disintegration of the state permitted. The younger sons of ruling chiefs are therefore placed in a worse position than the sons of private citizens. In dealing with adoption, the same principle must, it is argued, be applied. Adoption and succession to rule are perfectly distinct. The widow of a chief

may certainly adopt a son to perform the religious rites and services due to his father's manes. The son so adopted will have a right to succeed to any private property of his deceased father by adoption. But before he can succeed to the chiefship the sanction of the superior sovereignty which maintains by its protection the integrity of the state, must be obtained." Lee-Warner further argued that the history of the Peshwa's dealings with his subordinate feudatories might be cited in support of this view; and he asked that, if the recognition of the British Government was required in the case of such succession to a *dependent* native state, even where its existence as a state dated back before the days of British rule, whether the case was not far stronger, where the British Government either actually created the state as in Mysore, or regranted it after rebellion as in Satara and Nagpur.

Lee-Warner further added that the reasons adduced for escheating states for failure of heirs by Lord Dalhousie, were not expressly disowned by Lord Canning when, on the 6th September 1859, he regranted Gahrwal to its Hindu ruler, and expressly declared on that occasion, the fact that "the Chief having died, leaving no legitimate issue, the above territory has lapsed to the Government."¹⁵ The new Raja received a sanad of adoption in March 1861, from which it could be inferred that the sanad of 1859 did not necessarily involve the right of adoption, inherent, as some have argued, in a Hindu." Lord Canning wrote on the 30th April 1860: "Neither will the assurance (of adoption) diminish our right to visit a state with the highest penalties, even confiscation, in the event of disloyalty, or flagrant breach of engagement." Again the claim was made by the British that the sanad of adoption confined the guarantee to the ruler of a state alone, so that a deposed sovereign or a ruler's widow could not claim the privilege of adoption.

This right was attempted to be enforced by Canning against Maharaja Krishnaraja Wodeyar of Mysore when the latter claimed the right of adoption, on the ground that the right did not pertain to a ruler who was not in actual possession of his territories at the time when the right of adoption was granted by Government to Hindu rulers.

It was also surprising that Lord Canning should have declared at the time when adoption came to be generally allowed, that henceforth the Indian Government would not exercise the office—"hitherto always appertaining to the Paramount Power in India, when such a power, whether Mogul or English, has existed—of recognising, or refusing to recognise the adopted son of a native Prince as heir to his dominions;" and that "such a prerogative no doubt is susceptible of abuse; but the moderate, honest, and beneficent exercise of it is also possible."

It was certain that no such prerogative ever appertained to the Paramount Power in India, whether Mughal, Maratha or British. "This

¹⁵Bell—*Letters from India*—Letter V—*The Right of Adoption* (Madras, June 1861).

supposed imperial prerogative of disapproving and forbidding adoptions in the families of Hindoo dependent Princes, is historically false and contrary to the law of nations and the political precedents of India. Neither the doctrine nor the practice can be detected in the recorded acts or in the diplomatic documents of the most powerful and widely extended monarchies that existed in India before ours. Neither the Kings of Delli, nor the Peishwas ever exercised or claimed the right of forbidding adoptions in the families of dependent chieftains,—not even when the chieftain's rank was merely that of zemindar or military jaghirdar,—when once the tenure had been established or acknowledged as hereditary. Undoubtedly a nuzzurana, or personal attendance, or some other mark of fealty and homage, was exacted at each succession from inferior and subject chieftains; undoubtedly the ultimate decision in cases of disputed inheritance, rested with the supreme power; but however pompous and extravagant the despotic pretensions of the confirming authority may have been, the inviolability of the Hindoo Law and custom of inheritance was always scrupulously adhered to both by the Mussalman and the Brahmin Sovereigns. And yet these Sovereigns, even in the decline of their power, never made treaties with the Nawabs or the Rajahs from whom they claimed allegiance. The King of Delhi granted firmans or sunnuds; the Peishwa received written applications for concessions, and returned them with his answers, favourable or unfavourable, attached. On the other hand, however imposing and overwhelming our power may have become, it is undeniable that the British Government has at no period claimed or assumed either the imperial status of the King of Delhi or the federal supremacy of the Peishwa. On the contrary it has made treaties on equal terms with several of their former dependents; and from the language of those treaties alone can the reciprocal relations of the parties be determined.”¹⁶

Another erroneous view of the Suzerain's right was also expressed in official documents and other papers. Adoption was referred to as if it were only “practised by an extinct dynasty or family to prolong or renovate itself.” The truth was that even when the agnates of the dynasty were numerous, and collateral relations were in existence, an adoption frequently became necessary. “An adoption ought to take place whenever there is no lineal male descendant. . . . the law of adoption operates very frequently as a restriction of the rights of consanguinity. What the Hindoo about to adopt requires is not an *heir* to his crown or property but a *son* to perform certain religious duties on his behalf; and although he is generally restricted in his choice, both by natural affection and established custom, to his own kindred, the person whom we should consider next in succession is often legally and ceremonially ineligible for the final position, and is therefore excluded in

¹⁶Bell—*Letters from India*: Letter V: The Right of Adoption (Madras, June 1861)

favour of his own son or nephew, and sometimes of a very remote kinsman, or of a perfect stranger."¹⁷

Therefore it has been maintained by Bell that "the right, or rather duty, of adoption is no peculiar privilege; it is the specific and inherent principle of the Hindu law of inheritance; and there is no religious obligation that is held more sacred amongst Hindoos. When a man has no reasonable hope of male issue, it is a sin in him not to adopt. Should he however die without having effected this great object, it is the duty of his widow, with the concurrence of the senior male relatives, to adopt a son for her deceased husband. The adopted son performs the funeral ceremonies and becomes the heir of the deceased, and henceforward loses all shares and interest in the property of his natural parents. Unless there is a son or lineal descendant, there ought always to be an adoption, for even the nearest relation is not entitled to succeed merely by reason of his consanguinity; and in the event of there being no blood-relation eligible for adoption, a duly adopted son from another family is the heir, to the exclusion of all collaterals."

The right of adoption was thus "not a privilege for which the consent of the Supreme Government was necessary, but the obligation of nominating an heir in cases where *actual issue* failed." Adoption was not "a remedy for lack of heirs, but is the selection of one from a number of possible heirs,—often from a long list of agnates and cognates,—to be not merely an *heir* but a *son* to his predecessors." In the vast majority of cases the person adopted would be "the natural heir . . . or a son of the natural heir,—a nephew, or a first cousin's son of the adoptive father." And it may be remarked that in every one of those cases of adoption in ruling families which Lord Dalhousie refused to confirm, "the rejected claimant was a blood relation of the adoptive father."

Contemporary authorities on Hindu law, and the known and recorded practice both of Princes and of private individuals throughout the land recommended that the nearest eligible relation ought in all cases to be adopted and succeed as the heir to the property of the deceased person.

"The nearest male relation of the adopter is the proper object of adoption. This is of course the nephew, or son of a brother of the whole blood. Where there is none, the choice should still fall upon the next nearest male relation; with liberty, in default of such, to select from among distant ones, and among strangers, on failure of all kin."¹⁸ "A

¹⁷Ibid.

¹⁸Sir Thomas Strange's *Hindu Law*, 1825, Vol. I, p. 72. Sir Thomas Strange, Chief Justice of Madras, compiled an elementary work on Hindu Law, "the first attempt to compose a text-book on the subject in the spirit of an English Jurist." It was based on a mass of opinions delivered by Pandits in the Madras Courts and was submitted to the consideration of Mr. H. T. Colebrooke, the famous Orientalist, Mr. Sutherland, the translator of a work on adoption and Mr. Ellis, a distinguished Madras Civilian and the author of a work on *Mirasi Tenure*. Mr. Colebrooke's notes and criticisms were of the highest value.

person being about to adopt a son, *should take an unremote kinsman, having convnced his kindred, and announced his intention to the King.*"¹⁹

Thus there is a right to be *adopted* as well as the right to *adopt*, and "though the former is certainly not absolute, and the unjust adoption of too distant a relative or of a stranger in blood, if performed with due ceremonies, is irreversible, still the right to be adopted is very generally respected and observed; and among families of Hindoo Sovereigns it has been almost invariably held sacred, both as a point of family honour, and as a matter of public policy."

The following passage from the *Code of Manu* was quoted by Mountstuart Elphinstone, a high contemporary authority of great administrative and diplomatic renown:—"The natural heirs of a man are the sons of his body, and their sons, and the sons of his daughters, when appointed in default of heirs male to raise up issue to him; on the failure of issue of the above description, an adopted son succeeds; such a son loses all claim on the inheritance of his original father, and is entitled to a sixth of the property of his adopter, even if subsequently to his adoption sons of the body should be born; on the failure of sons come brother's sons, who are regarded as standing in the place of sons, and *who have a right to be adopted, if they wish it, to the exclusion of all other persons*: on failure of sons, grandsons, adopted sons and nephews, come father and mother; then brothers, grandfathers and grandmothers and then other relations, such as are entitled to perform obsequies to common ancestors." Various schools in different parts of India interpret Hindu law with some disagreement on these points; but the tendency of all the schools has been to extend and not to contract the privilege of adoption. "Most of them," says Mountstuart Elphinstone, "admit a species of adoption unknown to Manu, which is made by a widow on behalf of her deceased husband in consequence of real or supposed instructions imparted by him during his life. Some schools give power to the widow independent of all authorisation by the deceased."²⁰

Elphinstone applied his energy from his accession to the Governorship of Bombay to the preparation of a code of laws, including a systematic inquiry into the existing customs and usages of the people. The work was drawn up by Mr. Steele and gave an account of the legal treatises in the original Sanskrit which were held in repute and also a mass of information regarding rules of caste, marriage, inheritance and the customary law in some branches of contract. This work was followed up by a series of reports of the decisions of the courts of law prepared

¹⁹*Vyavahara Mayookha*, translated by H. Borradaile, Surat, 1827, p. 72. The *Vyavahara Mayookha* is a treatise of great authority whose author was one Nilakantha who lived in the 16th century. Generally its authority is considered secondary to that of the *Mitakshara*; but in Gujarat its authority is to some extent preferred.

²⁰*History of India*, 1st ed. Vol. I.—p. 66.

by Mr. Borradaile, and by a translation by the latter, of a work on inheritance.²¹ Thus, a boy who has been married cannot be adopted; a person in an equal or higher degree of descent from the common ancestor, however young in years, cannot be adopted; an only son ought not to be resigned by his parents, though his adoption when completed would be valid; and there are other points of disqualification.

A man might adopt any child whose mother he could have married if she had been single. The adopted son and the adopting father must be of the same caste. In former times it was deemed obligatory to the nearest male *sapinda*; but this has become obsolete; and the adoption of a stranger is valid, although nearer relatives, otherwise suitable, are in existence. The only person to whom an authority to adopt can be given is a wife or widow; and no widow can be compelled to exercise her power of adoption if she does not wish to do so. The period fixed for adoption is prior to the *upanayana* (investing with the sacred thread) of members of the *dwija* castes; for others it is prior to marriage. The objection to adopt an only son does not apply, when the adopted son thereby becomes a *dwayamashyayana* or son of two fathers; and there is no change of family for the adopted son, as when a man adopts his brother's son. It is doubtful whether any religious ceremony is required even for adoptions in the twice-born classes. Neither acquiescence nor lapse can make an invalid adoption valid.²²

There were two treatises on adoption which had gained acceptance over the greater part of India, viz., the *Dattaka Mimamsa* and the *Dattaka Chandrika*, the former composed in the early part of the 17th century and the latter somewhat earlier. They are both Bengal treatises and were translated by Mr. Sutherland and published at Calcutta in 1821.²³

²¹T. E. Colebrooke's *Life of the Honourable Mountstuart Elphinstone*: Vol. II: pp. 110-7.

²²There were originally seven kinds of adopted sons. There are now only two: *dattaka* (he whom his father or mother gives away in adoption with his permission); and *kritrima* (son adopted by the man himself). The latter form was in vogue only in Mithila. Lawyers in Western India do not consider that any express permission to adopt is required by a widow who wishes to adopt after her husband's death. In Southern India the widow may adopt without express permission; but the *sapindas* must give their sanction to make the adoption valid. The *Dayabhaga* and Benares lawyers hold that the husband must have expressly authorised the woman to adopt, in order to make the adoption valid. There is difference of opinion about the interpretation of the text of *Vasistha* which is regarded as universally binding and which says:—"Nor let a woman give or accept a son unless with the assent of her lord."

²³See Markby's *Hindu and Mahomedan Law*: and West and Buhler's *Digest of the Hindu Law of Inheritance*.

CHAPTER II

THE SATARA CASE

I

The Satara case was a typical illustration of the attitude of the Dalhousie School of politicians towards Indian Princes. Pratap Singh, the Ruler of Satara, who was elevated to the position after the fall of Peshwa Baji Rao II, was deposed in 1839; and his brother Sahuji (or Appa Sahib) was placed on the *masnad*, while a new treaty, replacing that of 1819, was concluded with the latter. Sir James Carnac, Governor of Bombay, observed on this occasion that neither the deposed Raja nor his brother had any children or was likely to have any issue and, therefore, on the demise of the new Raja, the state would lapse to the British Government, "unless indeed it should then be expedient to allow this line of princes to be continued by the Hindu custom of adoption, a question which should be left entirely for consideration when the event shall actually occur." The ex-Raja died at Benares in 1849 childless; but he duly and formally adopted a son before his death. Raja Appa Sahib died in April 1848, after having adopted, on his death-bed, as his son and successor, a youth of the Bhonsla family, in the presence of the European Civil Surgeon, as the Resident, Mr. Bartle Frere, was away from Satara at the time. Frere wrote at that time that no collateral relative of the family had, or could have, rival claims as against the adopted son of either Pratap Singh or Appa Sahib, because all the relations of the family believed both adoptions to be regular. Sir George Clerk, Governor of Bombay, was of the opinion that Government must confirm the adoption that was made by Raja Appa Sahib immediately before his death; but he contended that the adoption required the sanction of the British Government, though, according to the terms of the treaty of 1819, the principality should be secured to the heirs and successors of Pratap Singh and Appa Sahib—the interpretation of the term 'heirs,' being that it included both heirs by adoption as well as heirs by birth. Mr. J. P. Willoughby, one of the members of the Bombay Council, refuted this view and maintained that there were no heirs at all to the Raj. Willoughby whom Lord Dalhousie thought to be the *decus columenque rerum* in the Bombay Government, was "the real parent of Annexation which under his fostering care grew to such giant proportions and wrought such fearful havoc that the world has quite lost sight of the true original Frankenstein who probably is by no means anxious to claim the credit of his handiwork."¹ Willoughby carried a majority of the Bombay Council with him against the Governor; and Lord Falk-

¹Bell: *The Empire in India* (ed. 1935), p. 178.

land, who succeeded Sir George Clerk in the Governorship, when the question of the Satara succession was still pending, fell in with the opinion of Willoughby and the majority; while Lord Dalhousie approved of this attitude both on grounds of moral right and political expediency. The Court of Directors adopted, by a majority vote, the view of the Governor-General.

Pratap Singh was a direct descendant of the great Sivaji. He had been liberated from the custody of the Peshwa after the latter's defeat at Ashti by the British, in February 1818. Even when he was in custody (the Peshwa's), the Raja, like his ancestors, had been recognised as the nominal head of the Maratha empire and his signature and seal had always been required for the completion of grants and patents for high offices. All official reports of military operations, confirmations of treaties and declarations of war had gone in the Raja's name; and he continued to be addressed as the Chhatrapati (*i.e.*, the Sovereign bearing the Royal Canopy) and to be received and announced as the Hindupat Raja (*i.e.*, the King of Hindustan). Even when the Peshwa, Baji Rao II, after he had concluded the treaty of Bassein with the British Government in 1802 in his own name, discontinued to pay the same respect to his sovereign, he still maintained towards him all the old outward forms of respect; and the Raja, to the last day of his connection with Baji Rao II, addressed him personally as his servant and always spoke of him as such. When the Raja was released from the custody of the Peshwa in 1818, the British Government carried into effect the terms of a previous proclamation made to the Maratha people and chiefs, to the effect that the Raja, on being released, would be placed at the head of an independent state of such an extent as might maintain him and his family in comfort and dignity. On the 20th of May 1818, the Raja was escorted into Satara by British troops and installed on the throne, in a full darbar; while the Governor-General announced, as his motive for the restoration, that he intended to establish among the Marathas, "a counterpoise to the remaining influence of the former Brahmin Government." A treaty was concluded, in September, 1819, with Pratap Singh by which the British Government ceded to the Raja, his heirs and successors, in perpetual sovereignty, certain districts specified in a schedule. This territory was to be held in subordinate co-operation with the British Government and the Raja was to be guided in all matters by the British Resident stationed at his court.

As to the expediency and political value of the constitution of the Satara State in 1818, we have abundant contemporary testimony. Captain Grant-Duff admitted that, when full ruling powers were formally handed over to Pratap Singh on the 5th April 1822, "the boon thus conferred by the British nation on the descendant of Sivajee was certainly

appreciated by the country generally, as well as by his relatives and himself. . . .²

"The re-establishment of the Satara Raja, in the very seat of the ancient power and splendour of his race, was well adapted to reconcile the old Mahratta families to the annihilation of the more recent title and authority of Peishwa. It had the further effect of rendering the cause of Bajee Rao (Peshwa) rather a personal than a national one; more especially as the Commissioner's (Elphinstone's) manifesto contained the promise to all who might submit within two months of its date (12th February 1818), of enjoying in perpetuity under British guarantee, whatever lands they might at the time be possessed of."³ The English, after their capture of Satara (11th February, 1818) hoisted the flag of Sivaji upon the ramparts of his ancient capital; and Elphinstone published the above-noticed manifesto on this occasion, to the Maratha nation, declaring it to be the intention of the British Government to restore the Satara family to an independent sovereignty.

General Smith who in 1818 defeated the Peshwa's forces at Ashti and captured the Raja of Satara and his family, is said to have promised that he would never surrender the latter into the hands of Baji Rao who was an insurgent and that the kingdom would never be ceded to any other than the Raja. The Raja was apprehensive that Baji Rao would try every means to negotiate a treaty and require his (Raja's) surrender; and he demanded, as one of the conditions of his joining the English, that he should never be given into the Peshwa's possession.⁴

This shows that a secret understanding existed between the Raja and Mr. Elphinstone that the former should be restored to the whole of the dominions possessed by his ancestors.

Baji Rao Peshwa had kept Pratap Singh a close prisoner and had given orders that the Raja and his family should be put to death rather than be allowed to fall into the hands of the British. In the proclamation issued by Mr. Elphinstone on the 11th February 1818, he declared the intention of the English power of placing the Raja of Satara at the head of a separate state of sufficient extent and dignity. The Raja was rescued from the Peshwa's hand after the battle of Ashti on the 20th February 1819; and a treaty was made with him defining the limits of his state and the conditions on which he was to hold it, on the 25th September 1819.

Sir Thomas Munro, writing to Mr. Elphinstone,⁵ declared that the Jaghirdars evinced a great aversion to being summoned as the immediate

²History of the Mahrattas (4th ed.), Vol. II, Ch. XXVII, p. 612 (note).

³H. T. Prinsep's History of the Political and Military Transactions in India during the Administration of the Marquess of Hastings, 1813-23 (1825), Vol. II, p. 178.

⁴Para 20 of Historical Sketch of Balla Sahib Chitnis, translated by Dr. J. Milne and published in Appendix A of B. D. Basu's Story of Satara.

⁵Gleig's Life of Sir Thomas Munro, Vol. III, p. 237, letter dated 23rd April, 1818.

servants of the British Government, but would not be averse to coming under the Raja of Satara; he had previously written also that "he was anxious to hear that the ceremony of placing the Rajah of Satara on the Musnud had been performed, because it would probably hasten the termination of hostilities and the settlement of the country."⁸

Major B. D. Basu, in his *Story of Satara* (pp. 8-9), says that "from the very language in which Elphinstone couched his proclamation of February 11, 1818, in which it was stated that the Raja would be relieved from the Peshwa's captivity and placed at the head of an independent sovereignty, it is evident that he had been intriguing with the Raja who was at that time in the camp of Baji Rao."

II

The mother of the Raja was a very intelligent lady and had taken care to have both her sons educated fairly efficiently. The Raja himself displayed always a keen sense of gratitude and fidelity to the British. He also showed much talent and aptitude for administrative business, as well as a liberality and zeal for the welfare of his people. Three years after his installation, the entire management of the state was placed in his hands; and the title of the Political Agent to whose advice he had been required to submit till now was changed to that of Political Resident, whose advice was only to be enforced when the Raja's conduct was likely to lead to inconvenience or injustice or to a positive breach of the provisions of the treaty of 1819.

Pratap Singh continued to manifest a deep respect for those who had placed him on the throne and advised him in the early years of his rule; and he rightly fulfilled the "parting promise" which he gave to Captain James Grant-Duff, the retiring Political Agent, in 1823, that he would "never depart from the laws established for him by that gentleman and confirmed by the illustrious Mountstuart Elphinstone." The Raja developed Satara into a prosperous town, secured for it an adequate water supply and considerably improved the roads and bridges in his dominion. He received from year to year the lavish praises of the Bombay Government, as well as the compliments of the authorities in London. In 1835, the Court of Directors resolved to present him with a sword as a token of their appreciation and regard and sent him a letter signed by all the members of the Court, complimenting him upon his exemplary discharge of the duties of his elevated station. Unfortunately, before the sword and the letter could reach the Prince, he had incurred the displeasure of the Bombay Government and "engines had been already set at work to effect his ruin."

There had been a disagreement between him and the Bombay Government as early as 1832 about his claim to an absolute control over

⁸Letter to Elphinstone, dated 29th March, 1818.

certain jaghirs. He contended that if any power was competent to deprive him of these jaghirs, sovereignty over which was given to him by the treaty of 1819, the same power was competent to take away from him his entire dominion. The Bombay Government promised to refer his contention to the Home authorities; but at the end of a year he found that no such reference had really been made. This greatly affected his peace of mind; and he announced his intention of sending an agent direct to London to represent his case and to claim the fulfilment of the treaty rights he had been guaranteed. This intention to appeal was construed by the Bombay Government into an infraction of the terms of the treaty and also an "insult" to themselves. They retaliated by rejecting the Raja's customary annual presents and complimentary letter and also withheld from him the Directors' sword and message of appreciation. Mr. Elphinstone whose word would have settled at once the point in dispute was never requested to advise on the question, though it was suggested that he might be requested to do so. Lord Clare, the Governor of Bombay at the time, confessed, later, that he was wrong and the Raja was right. Three successive Residents at the Raja's court, General Robertson, General Briggs and General Lodwick, all expressed their unqualified belief in the entire justice of his claim and held that his right to appeal to the Home authorities, by means of his own vakils, was undoubted. But all were of no avail. Charges were preferred against the Raja, firstly, of seeking to corrupt two Indian officers in the service of the British Government, secondly, of conspiring with the Portuguese Viceroy of Goa to raise a large body of troops in Europe, bring them to India and thus "drive the English for ever out of Hindustan;" and lastly, of intriguing with Appa Sahib, the exiled ex-ruler of Nagpur, who was at that time a fugitive, subsisting on the uncertain bounty of the Ruler of Jodhpur.

The first charge was investigated by a Commission of three English officials; and the President of the Commission came to the conclusion that the charge was fabricated by a person who was actuated by a spirit of revenge and unworthy of any credence. The second was supported only by rascally men whom the Bombay Government had previously pardoned for grave offences; and the only evidence of a written character obtained on this count was a bundle of Maratha and Portuguese letters alleged to have belonged to two Brahmans who had died ten months before this date and were said to have been the agents of the Raja. Don Manuel, the Viceroy of Goa, declared the Portuguese letters to be utter forgeries and his alleged correspondence with the Raja to be a gross fabrication and a falsehood. The third charge was too silly to be believed in. The Raja was not called on for any explanation, nor was he given copies of the charges brought against him.

Sir James Rivett Carnac, at one time a Director, was then appointed Governor of Bombay in the place of Sir Robert Grant. As soon as he

reached India, Sir James Carnac drew up a memorandum containing an admission of the Raja's guilt and called upon him to sign it. The memorandum required him to pass an act of oblivion with regard to his accusers and to dismiss from his service several persons in whom he reposed great confidence. The Raja replied that he would consent to anything except to abandon his religion or to acknowledge that he had ever been the enemy of the British. He only demanded a fair trial and even offered to relinquish his personal freedom and also his kingdom.

Several interviews between the Governor and the Raja took place; and in all these the latter firmly refused to subscribe to an admission of his own guilt. At last the Government of Bombay arrested the Raja and had him taken under escort to Benares where he was required to reside under a close surveillance. A few days after his exile, the Government placed upon the throne of Satara, Appa Saheb, his worthless brother, and presented him with the sword that had been withheld from Pratap Singh, as well as with an amended edition of the accompanying complimentary letter of the Court of Directors.

Appa Sahib ruled for nearly nine years (1839-48) in an impassive manner; and the administration during these years was wholly vested in the Resident, Colonel Ovans, who appointed, as the Minister, a notorious person, Balaji Pant Natu, through whose instrumentality the ruin of Pratap Singh had been effected. A new treaty was now concluded with Appa Sahib which was practically the same as that of 1819 except that the jaghirs were now placed under the direct control of the Bombay Government. To all outward appearances, Satara continued to be governed well; but there were several dark lines in the administration which revealed cases of oppression and tyranny indulged in by the unworthy minister and somehow countenanced by the Resident. There was, indeed, a bold petition presented to the Bombay Government as well as to the Court of Directors against these oppressions. But the former dismissed it as unworthy of the slightest credit; and the latter delayed for a considerable time any consideration of it.

In April 1848, a few hours before his death, Appa Sahib adopted a son to whom he wished that the Raj should be transmitted. Sir Bartle Frere, the Resident at Satara, and Sir George Clerk, the Governor of Bombay, were both of the opinion that Government should confirm the adoption made by the Raja and allow the adopted son to succeed to the principality. But the members of the Bombay Council and Governor Falkland who succeeded Sir George Clerk, Lord Dalhousie and the Court of Directors were all opposed to the recognition; and Sir John Hobhouse, the President of the Board of Control, summarily ordered the annexation of the Principality.

Mr. John Sullivan tells us in his book, *Remarks on the Affairs of India* (1852) that a majority of the Directors seeing from the impression that the strong protests of some of their colleagues had made, that

a vote was likely to pass in the Court of Proprietors, repudiating the annexation of the State—called for a ballot and the question was accordingly decided according to their wishes, by the votes of some hundreds of ladies and gentlemen, who knew no more of its merits, than they did of a *terra incognita*.” In a later book of his, entitled *Are We bound by our Treaties? A Plea for the Princes of India* (1853), Sullivan observed that the British Government had no right whatever to annex Satara, as they had ceded it in perpetuity by treaty to Raja Pratap Singh his heirs and successors; and he urged them to refer the matter to Mr. Mountstuart Elphinstone who made the treaty and to Captain Grant-Duff who had been deputed officially to explain it to the first Raja, and to Sir George Clerk whose emphatic opinion was that Government had no right whatever to that territory. Sullivan concluded that “the hypocrisy is not the less nor the tyranny a jot abated because they are shared amongst many.” After all, the anticipated revenue gain that was expected to flow into the treasury from the incorporation of the state did not materialise; and the Directors declared gravely, four years after the annexation, that they were “not prepared to find that the annexation of Satara would prove a drain on the general revenues of India.”

Major Bell deals with the case of the annexation of Satara in great detail in Letter VI of his *Empire in India* and says that Mr. Willoughby, then a member of the Bombay Council, was the real author of the whole idea of annexation. Mr. Willoughby first maintained that no one but a lineal descendant of one of the two brothers, Pratap Singh or Appa Sahib, with whom treaties had been concluded had any right to succeed without special permission. The views of Lord Falkland were altogether dependent upon the Bombay Secretariat of which Mr. Willoughby had been “long the presiding genius”. Mr. Willoughby easily carried Lord Falkland, Lord Dalhousie and the Court of Directors with him. He confidently asserted that the right to a resumption of heirless principalities came down to the British Government from the past and that the whole question should be treated as one of expediency and not one of legality. He maintained in various places in his minutes on the subject, without however adducing any real documentary evidence, that the suzerain power had always enjoyed the undoubted prerogative to refuse to recognise heirs by adoption and actually only quoted the precedent of Colaba, which was no precedent at all. He further held that the state of Satara was “gratuitously” conferred upon the late Raja and that the treaty of 1819 “limited the succession to the descendants of the other contracting party.” Major Bell put forth the points of view ably raised in the dissents recorded by such men as Henry St. George Tucker, John Shepherd, William Melville, Major Oliphant and General Caulfield among the Directors.⁷ The letter of Mr. Bell would show even the

⁷According to a contemporary writer in the *Edinburgh Review*, the Court of Directors, “by a large majority representing the weight of opinion not less than the weight of numbers,” adopted the view of the Governor-General.

casual reader that the annexation could not at all be justified even on the ground of political expediency which can be always interpreted with much elasticity and twisted to suit directly opposing points of view. His analysis of the whole policy of annexation is that Willoughby was "the real parent of annexation"; and Lord Dalhousie was only "its nursing father". Dalhousie was, even according to his most effective apologist, Sir Charles Jackson, not waiving rights (which were invented by men like Willoughby and in which he came to believe) which the law gave him. The Governor-General cynically minuted on the whole question:—"I do not presume to dispute the wisdom of creating the Raj of Sattarah. I conceive that the same reasons do not prevail for its reconstitution now, when it is again placed by events at our disposal."

III

A critical examination of the justice of the deposition of Pratap Singh involves the consideration of other aspects also. Pratap Singh who was raised to the throne in 1818 was a ruler of exceptional ability and probity. The main complaint that the English had against him was one inherent in the geographical situation of his state and one which in other times, "less unscrupulously realist and imperialist", would have been ignored. It was exposed in a minute dated January 30, 1837, by Sir Robert Grant, Governor of Bombay, after the question of his punishment had started:—

"An opinion is now very commonly entertained that the erection of Satara into a separate principality was a mistaken proceeding. It is at least clear that this principality includes the finest part of the Deccan, and by its position most awkwardly breaks the continuity of the British territory. There are those, therefore, who will hail the present crisis as affording an excellent opportunity of repairing the error alluded to, by pulling down the inconvenient pageant we have erected.

"I am aware that it is the probable course of, if I may so speak, the natural history of such an Empire as ours in India, that it gradually absorbs all the petty and dependent states attached to it, nor is there any reason to suppose that Satara will not at length share the common fate."

Grant also observed that the Portuguese possessions were: "absolutely valueless, except as the shattered and fading memorials of past glory; to us they are most inconvenient neighbours, by breaking the continuity of our dominions, and by furnishing in every supposable case rallying points for the discontent and disaffection of our own subjects certainly it is our obvious policy to seize the earliest opportunity of barring up this most inconvenient and possibly mischievous inlet."

In December, 1835, the East India Company took the exceptional step, above noted, of sending Pratap Singh a jewelled sword worth

£3,000 for his 'exemplary fulfilment of the duties' of 'his elevated situation,' which had filled their minds with 'feelings of unqualified satisfaction and pleasure.' He did not receive the sword, however, for early in 1836, the Resident at Satara had reported that he suspected that the Raja was trying to seduce British sepoy's stationed in his capital from their allegiance. The Bombay authorities prosecuted the enquiry 'with an eagerness that embarrassed the Government both at Calcutta and at home.' After a close examination of the evidence, Lord Aukland's Government decided that there was "little or nothing in the evidence recorded . . . to inculcate the Raja." He should, however, be warned that suspicions had arisen, and advised to conduct himself warily to prevent such episodes, painful for both sides.

Then the whole affair might well have been dropped. Grant was not willing to drop it, and did not drop it. But he died in 1838, and others had to continue his inquiry. Further accusations of anti-English intrigue with other powers, notably with the Ruler of Jodhpur and with the Portuguese of Goa were brought against him. The evidence did not seem considerable to several contemporary British officers. One of the charges was that the Raja used titles which indicated that he considered himself the head of the Maratha people, and in general rather more important than the Paramount Power considered him. But in India (where "titles had always been cheap, and the Company had never scrupled to go on giving them to Nawabs and Rajas who had been stripped of every shred of power and territory") this one proved offence (if offence it was) did not justify annexation. At last in 1839 the Bombay Government "took the singularly infelicitous step of inviting the accused prince to acknowledge the truth of the accusation, and renew with more stringent terms the treaty alleged to be broken. Intimation was given that, on his failing to incriminate himself, he would be dethroned. The terms were indignantly rejected, and the dethroned prince went into exile.⁸

IV

Sir Bartle Frere, who was the Resident when Raja Appa Sahib of Satara died in 1848, was strongly impressed with the "impropriety and iniquity" of the intention, clearly manifested by Government, on that

"Pratap Singh thus preferred to be dismissed, rather than accept pardon for actions that had not been proved or even examined in a fair court. He resided at Benares, until his death in 1847, conducting a campaign of protest both in India and England, with many British sympathisers. "He was regarded as a martyr of British injustice by Indian opinion. He quite possibly was guilty—he and the Portuguese may even come to know Sir Robert Grant's statesmanlike plans for them, and have taken counsel together, as threatened men sometimes do; and it is very probable that he was not an enthusiastic subject of the Company, or sure of his own future under their expansive mood." But there is no justification for the way in which our historians assume a doubtful case as proved, as when the *Oxford History of India* compresses his story into words as follows:—"The Raja of Satara. . . engaged in a long-continued series of foolish treasonable intrigues—with the Portuguese and other people. The Bombay Government made every effort to convince the Raja of his folly, and gave him opportunities for repentance; but he refused to listen, and was necessarily deposed, his brother taking his place."

occasion, of deciding the question of the continuance or lapse of the State without the slightest reference to the claimants and without any communication with the Raja's family. Besides the adoption of a son by Appa Saheb on his death-bed, the exiled ruler, Pratap Singh, who was at Benares and died childless, also in 1848, had duly and formally adopted a son.

Frere protested against the action of Government in the following terms:—

"I would take this opportunity of respectfully, but very earnestly, pressing on Government the risk of pronouncing any final decision, whether in favour of one adoption against another, or of the British Government against both, and against all other claimants, without allowing every party, whose claim may be negatived, the fullest possible opportunity not only of himself stating the ground of his own claim, but of answering all objections."

"It may be that both sides of the case have been already very fully argued in the proceedings of Government; but the man is not likely to admit the justice of a decision which negatives a claim to an inheritance when his case has been nowhere stated but by the counsel for his opponent, and when he, the defeated party, had had no opportunity of answering the objections taken to his claim."

"Moreover, in the possible case of the ultimate decisions being in favour of the lapse to the British Government, that opponent will have necessarily been judge in his own case. It is surely not desirable to add to the necessary and inevitable invidiousness of such a position, the circumstance of the judge having been also the self-constituted counsel for the defeated party."

This bold and honest warning failed to produce any effect upon Lord Dalhousie, and the Government, acting as plaintiff, counsel for both sides, and judge as well, gave a summary *ex-parte* decree in its own favour, "ejected the entire Satara family from succession, sold them up, pensioned them off, and thus fabricated the precedent which was used for the extinction of the Jhansi, Nagpore and Tanjore principalities."

Frere was appointed Resident at Satara in 1846; and on its annexation to which he was strongly opposed, he was appointed its Commissioner. He subsequently rose to be the Chief Commissioner in Sind in 1850-9, and later, Member of the Governor-General's Council (1859-62). He became the Governor of Bombay in 1862 and, after retirement, was a Member of the Council of India (1867-77) and Governor of the Cape Colony and High Commissioner of South Africa (1877-80). He wrote a number of valuable papers on questions connected with India.

Frere was away from Satara at the time of Raja Appa Sahib's death in April, 1848. Dr. Murray, the Civil Surgeon, was present at the Raja's

death-bed when a boy was adopted by the dying ruler; and he was exhorted by the latter to testify to the Resident the fact of the adoption. Frere and Sir George Clerk,⁹ the Governor of Bombay, were of the opinion that Government should confirm the adoption and allow the adopted boy to succeed.

At this stage, when the Governor-General's mind was apparently open, and unprejudiced, Sir John Hobhouse, the President of the Board of Control, wrote on the 24th December, 1847, that no adoption should be permitted; and he added the ominous words:—"and if the question is decided in my day. . . . I shall leave no stone unturned to bring about that result." Hobhouse wrote, some months later, that George Thompson and other members of the House of Commons were agitating in favour of an adoption and that he was wearied of the whole thing. Sir William Lee-Warner, the apologist—biographer of the Governor-General, remarks that although Dalhousie never sheltered himself under Hobhouse's wish and pressure, his critics ought in honesty to have referred to it.¹⁰ Dalhousie first wrote on the Satara question as follows:—"The territories lie in the very heart of our own possessions. They are interposed between two principal military stations. . . . The District is fertile and the revenues productive; the population accustomed for some time to peace and regular Government, are tranquil themselves and prepared for the regular government, our possession of the territory would give."¹¹

V

The validity of the adoptions made by both the brothers, Appa Saheb and Pratap Singh, was undoubted according to Hindu Law and Maratha custom, though there was much doubting of their validity politically by the British authorities. Raja Appa Saheb died on the 5th April 1848, aged 46, having on his death-bed adopted, as his son and successor, a youth of the Bhonsla family, lineally descended from the great Sivaji's uncle. Of the regularity and propriety of the adoption, according to Hindu Law and Maratha custom, there never was any question.

The adoption was made during the Raja's last illness; and the ceremony was witnessed, as already noted, by Dr. Murray, the Civil Surgeon, who gave a graphic account of the whole event. The Resident, Mr. Frere, was away from Satara at the time; and he was of the opinion that the adoption should be confirmed by the Government.¹²

⁹Clerk was convinced that Government had no right whatever to Satara, as it was ceded in perpetuity to the Raja and his heirs and successors. He urged that claimants to the throne might be heard and Mr. Elphinstone and Mr. Grant-Duff might be referred to for the meaning of the treaty terms.

¹⁰*Life of the Marquis of Dalhousie* (Vol. II, p. 158).

¹¹J. B. Norton: pp. 74-75.

¹²Memorandum of Dr. Murray, published in the Parliamentary Papers relating to Satara, 1849.

Raja Pratap Singh, the exiled ruler living at Benares, died also childless in 1848. He also duly and formally adopted a son; and the language of his will, which is quoted below, "implies much doubt as to the recovery" of his rights, but none of his adopted son's title to succeed them. The will ran thus:—

"Having no sons by either of my wives, I have adopted, according to the custom practised in our Hindoo religion, as my son and heir, Tribukjee Rajey Sisoday Bhoslay, the son of my kinsman, Bulwant Rao Rajey Sisoday Bhoslay. This adoption has been acquiesced in by his mother, Gunawantbai, to whom the choice of adopting another son in his place has been given. It is my wish that on my death he, Tribukjee Rajey Sisoday Bhoslay, may succeed me in my right to my Kingdom, throne, property (public and private), titles and in everything appertaining to my rank, station and person."

"Hereafter, if I may have any son or sons by my surviving wife, he, my own son, shall be my lawful and principal heir, according to the provisions in this will or testament in all respects; and my will is that my adopted son. . . . may live under and assist my own said son according to our brotherly custom and that my said own son, agreeably to our forefathers' rules and regulations, may be a protector to my aforesaid adopted son, as his legal brother. If I may have never any sons by my wife, my said adopted son . . . is to be my lawful and legal heir as aforesaid"

Done at Benares, 10th October 1845.

(Signed) Rajah Serka Hustakhu Khud
Pertaub Shean Maharajah Chhattaraputtee.

(Translation of a yad, memorandum or paper, written by the Rajah.)

This was communicated through Major Carpenter to the Government of India.

"Sir George Clerk, who was then Governor of Bombay, alone of all the British authorities in India, was in favour of allowing the succession of the child. He admitted that the adoption required our sanction. He admitted that no uniform rule of practice required us to give it. But he held that the 'treaty' securing the principality to 'heirs and successors,' included heirs by adoption as well as heirs by birth." In these views, the Governor of Bombay could not carry his Council with him.

Mr. Lestock Reid, a member of the Bombay Council, argued that a right to grant implied the right to withhold such sanction. Sir George Clerk's minute ran thus:—To judge from the expression of 'perpetual friendship' to a man, 'his heirs and successors,' these ordinarily would seem to mean a sovereignty which should not lapse for want of heirs,

so long as there is any one who can succeed, according to the usages of the people to whom the treaty refers. The boy now adopted by the Rajah is such a successor."

His successor Lord Falkland, who assumed the Governorship a few days after Sir George had recorded the above minute, chose to echo the views of his Secretariat, of which Mr. Willoughby had long been the moving spirit. Mr. Willoughby's argument ran thus:—

"A more important question, 'than that of the continuance or extinction of the Satara State has not arisen since I became a member of this Government. It does not affect that State exclusively, but raises the general question of what is the general policy to be pursued towards any other native State of India under similar circumstances. In other words, it raises the question, whether on failure of heirs natural, it is expedient to absorb them in the general sovereignty of the Anglo-Indian Empire, or to continue them by the Hindoo custom of adoption."

"No member of any of the branches of Sivajee's family can have any claim to the possessions held under the treaty of 1819, which in fact created the State, and limited the succession to the descendants of the party on whom it was gratuitously conferred."

Mr. Willoughby was thus very insistent on the assertion of the Paramount Power's prerogative of escheat of the state on failure of proper heirs and he held that this right had been exercised by previous sovereigns in India. Thus he tried to create, constructively, a right of confiscation on the part of the Suzerain Power, in violation of the distinct terms of the treaty. The very first article of that treaty says that "the British Government agree to cede in perpetual sovereignty to the Rajah of Satara, his heirs and successors, the districts specified in the annexed schedule." While the next article stipulates that the Raja "for himself, his heirs and successors engages to hold the territory in subordinate co-operation with the British Government."

The new Governor who succeeded Clerk when the question was still pending, Lord Falkland, adopted, after full consideration, the opinion of the Council; and the Governor-General, "in a Minute marked by all his vigour and ability, gave his voice against the continuance of the principality, both on the ground of right and on the ground of policy." The Court of Directors, "by a large majority representing the weight of opinion not less than the weight of numbers," as noted above, adopted the view of the Governor-General. This was the staple of pro-annexationist arguments.

Mr. Bartle Frere, Resident at Satara, had written that "no collateral relative of the family would think his claim sufficiently strong to be put in competition with that of an adopted son of either the late Raja (Pratap Singh) or his brother (Appa Saheb) because all other relations,

who might otherwise be claimants, believe both adoptions to be regular. But there are many who might have asserted their claim, had no adoption taken place, and who may possibly assert it now, should they hear that both adoptions are invalidated; and any of them, as far as I can judge of the facts of the case before me, would, were other competitors . . . out of the field, be able to establish a very good *prima facie* claim in any court of justice in India to be the Rajah's heir by blood, as against the British Government, in its character of heir to all who die leaving no natural heirs of their own which appears to me the only character in which our Government can, consistently with the treaty, lay claim to the Satara State."¹³

The Governor-General thus minuted on the subject:—"The words 'heirs and successors' must be read in their ordinary sense in which they are employed in other treaties between states. And in the absence of all evidence or reasonable presumption, founded on known facts, or on some wording of the English instrument in favour of a wider interpretation, those words cannot be construed to secure to the Rajahs of Satara any other than the succession of heirs natural, or to grant to them the right of adopting successors to the Rajah without that sanction of the sovereign state, which may be given or may be withheld, and which, by ordinary and invariable practice, is necessary to the validity of such an adoption by the prince."

The Court of Directors wavered, before they decided to confirm the Governor-General's recommendation. They at last wrote to him their decisions:—"The result of our deliberation is that, concurring with you in opinion, we are fully satisfied that, by the general law and custom of India, a dependent principality like that of Satara, cannot pass to an adopted heir without the consent of the paramount power; that we are under no pledge, direct or constructive, to give such consent, and that the general interests committed to our charge are best consulted by withholding it. The pretensions set up in favour of the adopted son of the ex-Rajah (Pratap Singh) being wholly untenable, and all claims of collaterals being excluded by the fact that none of them are descended from the person in whose favour the principality was created, the ex-Rajah Pertuan Shean (*sic*), it follows that the territory of Satara has lapsed by failure of heirs to the power which bestowed it, and we desire that it be annexed to the British Dominions."

The venerable St. George Tucker was in the service of the Indian Government from 1786 to 1815 and was a Director from 1826 till his death in 1851; he was twice Chairman of the Court of Directors, in 1834 and again in 1847. He had held, in his minute on the annexation of Colaba, that the right of adoption existed in all cases of Hindu succession and that no Hindu could be prevented from raising up an heir by

¹³Pp. 114-5 of Arnold's *Dalhousie's Administration of British India* (1862), Vol. II.

means of adoption; and he had written that "the native princes and chiefs will see in the fate of Colaba their own destiny." He denounced the dethronement of Pratap Singh "as premature, uncalled for, impolitic and unjust; and as contrary to law, because done without the sanction of the home authorities."

Mr. John Shepherd had vigorously protested against the spoliation of Pratap Singh. Major Oliphant was likewise against the deposition of Pratap Singh. Four Directors formed the dissenting minority, protesting against the Directors' despatch of April 1, 1838, sanctioning and commending the dethronement of the Raja.

All these and Major Oliphant and others like Mr. George Thompson, a doughty champion of the ex-Raja's cause, protested against the annexation and voted in favour of his adoption being recognised. Mr. John Sullivan thus wrote: "We have an interest in denying to one Rajah of Satara the inheritance, which he claims from us, and to another, the private property which we confiscated. And not long ago, the interest which we have in deciding such questions in our own favour, was manifested in a manner that was anything but creditable."¹⁴

Sir George Clerk was convinced that the British Government had no right whatever to Satara, as it had been ceded in perpetuity to the Raja and his heirs and successors and the kingdom belonged to his heirs since Mr. Frere, the Political Agent, had sent a declaration that there were people who would be able and were ready to establish their rights as heirs under the treaty before any court of justice. He urged that these claimants might be heard and that Government might refer to Mr. Elphinstone who had made the treaty (of 1819) and to Captain Grant-Duff who had been engaged officially to explain it to the first Raja, for information as to the meaning of the terms used in it, if any doubt could be entertained of their meaning. "But to me," said Sir George Clerk, "they appear to be remarkably distinct and perspicuous."¹⁵

Elphinstone's concern and remarks on this matter are worthy of study. They are summarised below:—

Mountstuart Elphinstone, writing to his biographer, Sir T. E. Colebrooke, under date May 13, 1849, on hearing of the annexation of Satara, thus expressed himself on both the general right of the British to escheat and their right to do so under the treaty of 1819:—"I supposed the argument will be what you say, that the Raja was placed under so many restrictions that he could not be regarded as a sovereign, but must come under the rules applicable to dependants. But although such an argument might be used by foreign princes who choose to deny the Raja's

¹⁴Remarks on the Affairs of India, 1852.

¹⁵Vide pp. 19-20 of J. Sullivan's *Are We Bound by Our Treaties? A Plea for the Princes of India* (1853).

sovereignty, it could not be urged by us who have solemnly acknowledged his sovereignty in the same treaty that enumerates the restrictions which are put upon the *exercise* of it. Even granting that he is dependent, it does not necessarily follow that his territory, on defect of heirs, is to escheat to the power on which he depends, or that that power has a right to regulate the succession to his possessions. To complete the argument it is necessary to prove that such has been the invariable practice of India and must have been understood by the parties to the treaty. To make out this proof, Mr. Willoughby and those who adopt his reasoning proceed to argue that *some* dependent chiefs are subject to this rule, and therefore the Raja is subject to this rule. They instance many *enamdars*, *jageerdars* etc.; but can they show any prince who had been acknowledged as a sovereign to whom the rule had been applied at the time of the treaty? Can they deny that there are now many sovereigns under limitations similar to those of the Raja, over whom such a right has never been used or pretended to? The claims founded on general usage therefore fall to the ground."

"But we have claims founded on the treaty itself which deserve a separate consideration. By one article of the treaty the Raja is bound to be guided by our advice in all important measures. No measure can be more important than the adoption of a successor; and if the Raja adopted one in defiance of our remonstrances, or eluded our objections by a clandestine adoption, he would have broken the treaty and we should be entitled to inflict such punishment as his offence justified up to annulling the treaty and taking back our cession. Nobody has asserted that such an infraction of the treaty has taken place in this business."

"Again, we have a claim to the reversion of the Raja's territory, not as an escheat, but on ground arising from the nature of the treaty. We ceded the country to the Raja, his heirs and successors. When these are extinct the treaty is at an end, and things return to the state in which they were before it was concluded. The country, therefore, is once more at our disposal. I do not dispute Holt Mackenzie's opinion, that the interest and wishes of the inhabitants ought to be consulted in such a case; but their claims are founded on the general principles of justice and not upon this treaty. Our claim to the reversion, however, can only come into operation when the heirs and successors are really extinct; and this must be decided by the law and usage of the country, not by our arbitrary will."

Mr. Elphinstone thus concluded his remarkable letter: "The Court of Directors might give an easy answer to the calls for a reference to me and Grant-Duff. It is not the intention of the agents of one of the parties that ought to influence the decision, but the words of the treaty, which were read and approved of by the principals on both sides. The evidence of the ministerial agents could only be of use if they could dis-

close any new facts showing that both parties had agreed to some tacit reservation or had employed particular terms in a sense different from that usually put upon them."

According to Mr. Elphinstone, in many of the alliances contracted in the time of the Marquess of Hastings, when he was Resident in Poona and Commissioner of the Deccan, "an alteration was made in the footing on which the contracting parties stood, by the native state engaging to acknowledge the supremacy of the British Government and these terms were introduced into treaties with some even of the principal states (those of the Rajpoot princes) but they do not appear to make any difference in the control of the British Government over successions. Their object was to secure the political supremacy of the British Government, not to assist in its feudal sovereignty and to obtain the subordinate co-operation of the native prince as an ally, not his subjection as a vassal. The British Government was to be supreme in all transactions with foreign states; but all internal affairs were to be regulated as before, by the law and usage of the territory, free from any interference unless in a case, which might affect the foreign relations of the state or the general tranquillity of the country. This, I conceive, was the general impression in India when I was in that country. There was no native state to which the recognition of its succession by the British Government was not of the highest importance; but none of them, I conceive, ever imagined that Government had a right to regulate the succession as feudal lord, or had any pretensions to the territory as an escheat on the failure of heirs to the reigning family."

Mr. Elphinstone declared finally that this was his own conviction on a general view of the case and believed that it was the general opinion entertained in India of the time.¹⁶

Thus the highly authoritative opinion of the Commissioner who was instrumental in the creation of the Satara state was that the "heirs and successors" to whom the state was guaranteed by the treaty, should be construed according to the laws and usages of the country, which permitted adopted sons to succeed; and that there was no desire then, nor any aim at interference in internal matters which included the regulation of succession.

¹⁶This letter to T. E. Colebrooke, dated February 13, 1850, was written with a view to be shown to Government.

CHAPTER III THE JHANSI ANNEXATION

I

The last Raja of Jhansi, Gangadhar Rao, died on the 21st November 1853, having on the 19th of the same month adopted a young kinsman as his son. This boy, named Anand Rao, was the sixth in descent from the common ancestor, Raghunath Rao I and received after the ceremony of adoption the name of Damodar Gangadhar Rao. Of the regularity of the adoption from every point of view there was never any doubt or question raised. The dying Raja made the adoption in the presence of two British officers, Major Ellis, the Political Agent, and Major Martin, who commanded a detachment of Sindia's Contingent stationed at Jhansi. He delivered to those officers letters to be given to the proper authorities, commending his adopted son and his widow to the protection of the British Government. The adoption was recognised as regular and irreversible; the Supreme Government ordered that Damodar Gangadhar was to succeed to his adoptive father's private property. The fact and legality of the adoption was therefore not in dispute. The decision of the Government on the point is summed up in the following words: "The adoption was good for the conveyance of private rights, though not for the transfer of the Principality."

When the territories which were in the possession of Shiva Rao Bhao, Subadar of Jhansi, were confirmed by the British Government "in perpetuity" to his grandson, Ramchand Rao, "his heirs and successors," by the treaty of 1817, it was certainly not contemplated by either party to the treaty, that the heir of a Subadar of Jhansi could under any circumstances fail to be his successor. No other law of inheritance was operative except the Hindu Law of inheritance, in which adoption was an ordinary, regular and essential incident. No article in the treaty of 1817 gave the British any right to interfere with the operation of the Hindu Law of adoption, to mutilate it, or to substitute any other law of descent. The following summary of Jhansi's connection with the British power will be useful. The occupation of Bundelkhand by the Peshwa was due to the fact that Baji Rao I was invited to march from the Deccan to repel the invasion of Muhammad Khan Bangash, the Pathan chief of Farrukhabad, into the dominions governed by Raja Chhatarsal. The Maratha victory was followed by Raja Chhatarsal's adoption of the Peshwa as his 'son' and by the division of his dominions between his two legitimate sons and Baji Rao. Thus the Peshwa got territories that yielded 33 lakhs annually and included Kalpi, Sagar, Jhansi, Sironj, and Hardenaga. Baji Rao I put in charge of his Bundelkhand possessions, Govind Ballal Bundela and made him governor over

them in 1733. These possessions were considerably extended by later conquests. Ali Bahadur, son of Shamsheer Bahadur, who was an illegitimate son of Baji Rao, went in the train of Mahadji Sindia to Bundelkhand, took advantage of the confusion prevailing there among the descendants of Chhatarsal and easily established his authority over the greater part of the region. He concluded a treaty with the Peshwa, Baji Rao II, by which the sovereign and paramount rights of the latter over all the Maratha conquests in Bundelkhand were recognised (1802). Ali Bahadur died soon afterwards.

By the Treaty of Bassein (December 1802) the Peshwa ceded to the British Government territories in Bundelkhand yielding 36 lakhs of rupees a year. When this treaty was opposed by the Sindia and the Bhonsla and when Jaswant Rao Holkar planned to make a raid into the rich districts of Mirzapur and Benares by way of Bundelkhand and with the aid of Shamsheer Bahadur, son of Ali Bahadur, Raja Himmat Bahadur, the latter's chief ally, decided to abandon Maratha interest and to assist the British in their endeavour to occupy Bundelkhand. Shamsheer Bahadur failed in his attempts and was forced to retire into obscurity with a small pension (1804); and Raja Himmat Bahadur who had been given districts in Bundelkhand, died in the same year, whereon his lands were resumed.

While the British Government retained in its own hands districts along the Jumna yielding about 14 lakhs yearly, the chiefs who held the remaining portions were guaranteed in their territorial rights and required to serve as a barrier against the inroads then meditated by Jaswant Rao Holkar. "As the authority of the Peshwa in Bundelkhand was little more than nominal, it became necessary, for the pacification of the country, to enter into engagements with the chiefs holding lands in the Peshwa's share of the province, securing to them the rights they enjoyed under Ali Bahadur's government on condition of allegiance and fidelity."¹

In the *wajib-ul-urz* presented by the Subadar of Jhansi to Lord Lake, the Commander-in-Chief, on the 18th November 1803, three months before the actual conclusion of the Treaty of 1804, Shiva Rao Bhao insisted, as a first condition, that "the degree of rank and respectability which I have hitherto enjoyed under His Highness the Peshwa shall be continued and increased under the British Government;" and in the next place, he also demanded that "the country and forts which I at present hold under the authority of His Highness the Peshwa, shall remain in my possession and the revenue which I have hitherto paid to the Peshwa shall hereafter be paid into the Company's treasury." There was a third request made by the Subadar for regularising his new subordination to the British Government; and this was to be implemented by clause 4, of the *urz* which ran thus:—"If the Honourable Company

¹Aitchison—A collection of Treaties, Engagements and Sanads relating to India and Neighbouring Countries (9th ed. 1909), Vol. V, pp. 4-5.

be desirous of possessing my country and fort, they are masters and in every way powerful and I am ready to submit; but as the British Nation and His Highness the Peshwa are at peace and as a Treaty exists between them, let an order of His Highness be produced, that I may perform the duty of allegiance in obeying that order."

The petition contained also a further request that the possessions of the chiefs of Chanderi, Datia and other places should be guaranteed in their territories by the British Government, while the tributes which they had paid to the Peshwa should continue to be paid to the British Government.

Article 6 of the Treaty of 1804 also stipulated that Shiva Rao Bhao need pay only the tribute that he had been paying to the Peshwa, and "the British Government do not demand any tribute for themselves." Article 4 secured him in the right which he valued most, *viz.*, to be the commander of his own troops, except when the latter should be acting with the British forces; and it declared that "the Bhao is in reality the commander of his own troops."

Thus, at the time when the treaty of 1817 was concluded with Rao Ram Chand, minor Subadar of Jhansi, there was already in existence a previous treaty of friendship and alliance made in 1804, consisting of (1) a *wajib-ul-urz* (paper of requests) presented by Shiva Rao Bhao, the Subadar of Jhansi, and acceded to by Lord Lake, the British general; and (2) a supplementary treaty which purported to afford additional security and confidence to Shiva Rao Bhao and to constitute an additional pledge of his fidelity and attachment to the British Government. According to this treaty of 1804 Shiva Rao professed friendship and attachment to both the Peshwa and the British Government and agreed to continue the customary tribute to the latter.

Shiva Rao Bhao was succeeded in 1815 by his grandson, Ram Chand Rao, with whom a new treaty was made in 1817, after the Peshwa had ceded his rights in Bundelkhand to the British Government by an agreement concluded on the 13th June 1817. The preamble of the treaty of 1817 with Jhansi distinctly laid down that the whole of the rights of the Peshwa over the principality of Jhansi having been transferred to the British Government, "in consequence of that transfer the relations established by the former Treaty between the British Government and Jhansi have become virtually extinct." In consideration, however, of the very respectable character of Shiva Rao Bhao and "his uniform and faithful attachment to the British Government, and in deference to his wish expressed before his death that the principality of Jhansi might be confirmed in perpetuity to his grandson... the British Government has consented, on certain conditions, to constitute Rao Ramchand the hereditary chief of the lands held by the late Rao Sheo Bhow at the commencement of the British Government in Bundelkhand and now possessed by the Government of Jhansi."

The treaty of 1817 confirmed, by its first article, the treaty of 1804. In the next article, it "acknowledged and hereby constituted Rao Ramchund, his heirs and successors, hereditary rulers of the territory enjoyed by the late Rao Sheo Bhow, at the period of the commencement of the British Government, and now in the possession of Row Ramchund, excepting the Pergunnah of Mote...."

J. M. Ludlow says of the treaty of 1817 that the name of the ruler, Ramchand Rao, was clearly used in it as "the mere personification of the state" and was really synonymous with the principality of Jhansi and the Jhansi government; and "the two terms, the *Jhansi Government* and the *British Government*, are treated as exact correlatives." Thus the Jhansi forces were to co-operate with the British on all occasions when "the interests of the two governments may be mutually concerned." And also the British Commanding Officer "shall not in any manner interfere in the internal concerns of the Jhansi Government." (art. 7). Mr. Ludlow further quotes from Mr. J. B. Norton who maintains, quoting from the high authority of Grotius, that "if a contract is made with a king, it is not therefore presently to be reputed personal... if it be added to the treaty that it shall stand for ever or that it is made for the good of the kingdom, or with him and his successors... it will from hence fully appear that the treaty is real."² Again Wheaton's dictum³ is urged to mean that "the obligation of treaties, by whatever denomination they may be called, is founded not merely upon the contract itself, but upon those mutual relations between the two states which may have induced them to enter into certain arrangements;" and that "whether the treaty be termed real or personal, it will continue so long as these relations exist."

On these grounds therefore, Mr. Ludlow held that it could well be maintained (1) that Jhansi was a sovereign state according to the principle of Metcalfe's classification and (2) the treaty made with Ramchand Rao in 1817 was a real one.

So far from one side of the argument relating to the character of the Treaty. On the other side Lord Dalhousie, in his Minute on Jhansi, paragraph 6, declared that Jhansi was held by a chief under a very recent grant from the British Government as Sovereign.⁴ In paragraph 12, he adds the words, "under a grant such as is issued by a Sovereign to a subject." But it can be well maintained that the preamble and the first article of the treaty of 1817, prove that the first treaty of 1804 was in full force during the first three years of Ramchand Rao's reign, and that a new treaty was only concluded "in consequence" of our altered relations with the Peshwa. There was "no gift, because Ramchand Rao was already in possession;" there was "no pretension to the relations of

²Taken from J. B. Norton, 'The Rebellion in India', p. 107.

³Elements of International Law, p. 41.

⁴The Jhansi Blue Book, 1855, pp. 31 et seq.

Sovereign and subject, for there already existed relations of amity and defensive alliance; there was no grant made, no sunnud issued, but a new treaty was concluded between two States." The Raja of Jhansi was not therefore a mere jaghirdar but a "hereditary ruler."

The Treaty of 1817 thus renewed and confirmed a treaty of definite alliance made in 1804, when the Subadar of Jhansi was still under the nominal supremacy of the Peshwa. The supremacy was transferred to the British Government in 1817 and was made real and definite by the new treaty wherein there was no article or expression claiming to make a gift or grant of the territories to the actual ruler who had come into their possession in 1815, nearly three years before the date of that new treaty.

The second erroneous view consciously expressed by the Governor-General was of greater importance, as it was four times repeated in the Minute. Thus he wrote in the last sentence of paragraph 7:—"In 1835 Rao Ramchund died. Although he had adopted a boy as his successor the day before his death, the adoption was not recognised; and his uncle Ragonath Rao was declared Rajah."⁵ Lord Dalhousie thus assumed that Rao Ramchand did undoubtedly adopt a son before his death, and that the British Government on that occasion exercised the prerogative of refusing to recognise the adoption. But what actually took place was very different.

There was a disputed succession in 1835; when four claimants asserted their rights to succeed to the *gadi*; and the fact of the adoption was denied by the adverse parties. The true situation is expressed in the note on Jhansi made by the Secretary to Government, by whom the decision in 1835 is thus described:—"On this occasion the lawful heir by blood, descended of the body of Sheo Rao Bhow, was recognised as successor to the Raj, to the disallowance of a boy alleged to have been adopted, or nominated as successor by the late Rajah the day before his death, who, if adopted, would have been unquestionably the heir to any property of his adoptive father to the exclusion of the uncle; and this was done without inquiry into the fact of adoption or nomination (which was doubtful) as though it was an immaterial circumstance."

Thus the Government's view was that in 1835 the adoption or nomination made by the dying Raja was doubtful.

⁵Dalhousie, in another place, minuted his views thus:—

Para: 11: "There is no need of and no room for argument on this head. The historical facts on record negative the Rani's assertion conclusively; for Rao Ramchand did adopt a boy, but the British Government did not acknowledge the boy as successor, and it nominated another person to be Rajah."

Para: 12: "A previous adoption by a Rajah whom the British Government constituted hereditary chief of Jhansi,—was not acknowledged by the British Government."

This para also contains the words: 'the evidence of a precedent' (for rejection of adoption).

A singular feature in the inquiry which preceded the annexation of Jhansi in 1854, was the citation of Sir Charles Metcalfe who was in 1835 Lieutenant-Governor of the North-West Provinces, both in the note of the Secretary to Government and in the Governor-General's minute, as an authority who supported the claim of the Paramount Power to the prerogative of either confirming or invalidating adoptions in *dependent* states, whereas his opinion, as is shown below, was directly contradictory of the existence of that right.

Lord Metcalfe's observations, contained in a minute dated 28th October 1837, were confined to the Chiefs of Bundelkhand. He first remarked that there was a wide distinction to be drawn between "Sovereign Princes" and "Jagheerdars," "between those in possession of hereditary Sovereignities in their own right, and those who held grants of land or public revenue, by gift from a Sovereign or Paramount Power."⁶ This minute found a flaw in the reasoning of Mr. Simon Fraser, Agent for Bundelkhand, who supported in the Orchha Case (1837) the right of the British Government as the paramount power, to resume hereditary territory which lapsed for want of heirs.

Herein Metcalfe wrote: "The question is whether chiefs and princes, not having heirs of the body, have a right to adopt a successor, to the exclusion of collateral heirs, or of the supposed reversionary rights of the paramount power, and whether the British Government is bound to acknowledge the adoption."

"In the disposal of this question there is a wide difference between sovereign princes and jagheerdars, between those in possession of hereditary sovereignties in their own right and those who hold grants of land or public revenue by gift from a sovereign or paramount power."

After embodying the fundamental principle to be observed by Government, Sir Charles Metcalfe held that in the case of Muhammadan princes, however, it was doubtful whether they possessed by law a right to adopt to the exclusion of collateral heirs; and he remarked that "the safest way, where we are paramount or have a

⁶Vide J. Kaye's Selection from the Papers of Lord Metcalfe, pp. 318-320.

Metcalfe wrote thus:—Hindoo Princes have by Hindoo law a right to adopt, to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power, the latter in fact in such cases having no real existence except in the case of absolute want of heirs, and even then the right is only assumed in virtue of power....."

This view was partially countenanced by the Court of Directors also. In their Political Letter to the Bombay Government, dated 11th June 1834, they gave the following direction: "Whenever the tenure of the estate or the custom of previous governments are such that the refusal of your permission to adopt would be considered an act of hardness, still more when it would be considered an injury the permission should be given." But the qualification of this directive by the following words takes away from the direction much of its value and gives discretionary power to Governments—"but otherwise not unless as a reward merited either by special services, or by general fidelity and good conduct, and especially by a good administration of the jagheer. It is your duty, we may add, not to violate any express or constructive right, nor to defeat any just expectation. . . ."

right to interfere, is to acknowledge the legitimate successor according to Mahomedan Law."

In the case of the chiefs of Bundelkhand, he opined that "those with whom we have treaties and who were sovereign princes before we were connected with Bundelkhand, will naturally be considered as such now." But he carefully added that there was, however, an intermediate class, "neither sovereign nor subject, with whom we have engagements distinct from treaties or grants and whom it may be difficult to assign precisely to either of the preceding classes." He cautioned that in these cases discretion ought to be exercised.

Metcalfe's dictum on this subject deserves to be repeated more fully.

"Those who are Sovereign Princes in their own right and of the Hindoo religion, have by Hindoo law a right to adopt, to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power; the latter in fact, in such cases, having no real existence, except in the case of absolute want of heirs; and even then the right is only assumed in virtue of power; for it would probably be more consistent with right that the people of the State so situated should elect a Sovereign for themselves."

"In the case therefore of Hindoo Sovereign Princes, I should say that on failure of male heirs of the body, they have a right to adopt, to the exclusion of collateral heirs, and that the British Government is bound to acknowledge the adoption, provided that it be regular and not in violation of Hindoo law."⁷

"With respect to chiefs who merely hold lands or enjoy public revenue under grants such as are issued by a Sovereign to a subject, the power which made the grant, or that which by conquest or otherwise has succeeded to its rights, is certainly entitled to limit succession according to the limitations of the grant, which in general confines it to heirs male of the body, and consequently precludes adoption. In such cases, therefore, the power which granted or the power standing in its place, would have a right to resume on failure of heirs male of the body."

Thus only a restricted right of resumption was allowed by Lord Metcalfe even in the case of jaghirdars; he considered that the sovereign had the power of refusing to sanction adoptions only when "*the terms of the grant limit succession to heirs male of the body.*" It is to be observed that although this paragraph is quoted by Lord Dalhousie in support of his argument for the annexation of Jhansi, it is obvious, that it was intended to refer to a totally different class of possessions; and moreover even if Jhansi were reducible to the category of jaghirs or grants of land, there was no limitation of the grant, confining its succession "to heirs male of the body."

⁷See Ch. I above.

One flaw can be pointed out in Metcalfe's course of reasoning:—*viz.*, the substitution of official generalisations of classification for specific treaty obligations and the non-stressing of the fact that, even as against the British Government, "the actual treaty engagements entered into with the several chiefs were what they had a right in the first place to appeal to, and no theory of Agents or Lieutenant-Governors or the Governor-General as to whether a chief came or not within the category of sovereign princes, could stand against the words of a definite treaty." This division by Metcalfe of states and non-states was later turned to deadly effect by Dalhousie.⁸

The gradual gripping by the Paramount Power of their claims to the prerogative of refusing sanction to adoptions can be traced further. In 1841, Mr. Robert Hamilton, Secretary to the Government of the N. W. Provinces, spoke of the recognition of an adoption by the British as "that which under any circumstances, must be a relaxation of its own strict right of resumption on failure of direct heirs." Mr. Maddock, Secretary to the Supreme Government, talked of the princes of Bundelkhand as having become "in effect, feudatories and dependent jaghirdars, whose estates, in default of heirs, would lapse to the British Government."; and he quietly and unhesitatingly identified the right of the Paramount Power to sanction adoptions with that of annexing the state on ground of lapse.

Lord Auckland, Governor-General, in a minute dated 2nd January, 1842, relied upon Sir Charles Metcalfe's interpretation of the right of a sovereign prince to adopt and held that the Raja of Orchha was entitled to make an adoption at his own discretion, basing that right upon express treaty obligation. Unfortunately this was the last instance of a generous attitude taken up by the Paramount Power on the question of adoption.

II

In 1825, during the siege of Bharatpur by Lord Combermere, great excitement prevailed throughout Central India; and a rebel chief, Nana Pandit, who had taken the field originally as a pretender to the *gadi* of Jaloun, had collected a considerable force and was threatening a descent upon the British town of Kalpi. The Raja of Jhansi, at the request of Mr. Ainslie, the Political Agent, immediately sent off 400 sowars, 1,000 foot-soldiers and a few artillery-men with two guns. This relieving body arrived in time to save Kalpi and to restore confidence to the people of the district.

How dangerous the situation in Central India at the time was may be judged from the description of Kaye. He remarked that Bharatpur "had seemed to snort defiance at the victorious Feringhis for more than twenty years." If the British had not attacked it

⁸Vide J. M. Ludlow—*Thoughts on the Policy of the Crown Towards India* (Reprint, pp. 80-1.)

before, it was not for want of provocation. The measures undertaken by Sir David Ochterlony for the chastisement of Durjan Sal, the usurper, were deemed by the Calcutta Government to be precipitate, as an unsuccessful attempt on Bharatpur would have had "the worst possible effect on the minds of the chiefs and the people of India." Exaggerated accounts of the initial English reverses in the war with Burma had reached them, and they were indulging in idle speculations as to the downfall of the Company's Raj.

Sir Charles Metcalfe, then Resident at Delhi, who participated in the campaign, was of the opinion that a failure at Bharatpur "would undoubtedly have given a shock to our power in every part of India" and encouraged disaffection.

This was a very important military service rendered to the British by the Ruler of Jhansi, and was "expressly referred to by the Governor-General, Lord William Bentinck, in the highest terms of commendation and gratitude, when at a great darbar held in the Palace at Jhansi on the 19th December 1832, he conferred upon Ranchand Rao the title of Maharajadiraj, and invested him with the royal insignia of the "Nakkara" and "Chowar," on which occasion the Rajah asked and obtained permission to adopt the British Flag, and to append to his titles the adoption of "Fidwee Badshah Janujah Englistan"—(devoted servant of the glorious King of England).

The memory of this service was still fresh in some minds. Major Malcolm, the Political Agent, reporting in 1854 on the Rani's appeal against the refusal of recognition of her adoption, observes:—"The Bae does not, I believe, in the slightest degree over-estimate the fidelity and loyalty all along evinced by the State of Jhansi towards our Government, under circumstances of considerable temptation, before our power had arrived at that commanding position which it has since attained."

The treaty being totally disregarded by Lord Dalhousie or rather "transformed by his vigorous fancy into a sunnud," or "grant from a sovereign to a subject," it was evident that he either deliberately ignored, forgot or was callous to these ties and sanctions and treated them with "contemptuous neglect."

In 1854, when the adoption by Rani Lakshimi Bai, widow of the last Raja, was rejected, Major Malcolm, the Political Agent at Jhansi, reported that the Rani who would have been regent during her adopted son's minority, was "highly respected and esteemed, and fully capable of doing justice to this charge," and was "a lady of very high character, and much respected by every one at Jhansi."

The Rani protested that her husband's house had ever been faithful to the British Government and dwelt upon the services rendered by them in former days to that Government and the acknowledgments that those services had evoked from them. She pointed to the terms of the treaty

which did not bar succession in accordance with the laws and usages of the country.

The Mutiny broke out at Jhansi on the 5th June 1857; and the rebellion quickly spread to the whole district. The Rani attempted to seize the supreme authority; but soon there arose the usual anarchic quarrels. The rebels were driven back to Chanderi by Sir Hugh Rose in January 1858; Jhansi was reached on March 20th; the town was assaulted on April 3; and the fort taken on the 5th; The Rani fled from the fort, the night before its fall, towards Kalpi with her defeated troops. She had to fly from Kalpi further westwards, after discomfiture in a fierce onslaught on Sir Hugh Rose. Joined by Tantia Topi, she designed to march on Gwalior where the troops of the Sindia deserted to her *en masse*. She seized the fort of Gwalior, but was killed in flight before the combined forces of Sir Hugh Rose, and Sir Robert Napier (17th June, 1858), in the Kotah-ki-Serai. "Among the fugitives in the rebel ranks was the resolute woman, who, alike in council and on the field, was the soul of the conspirators. Clad in the attire of a man and mounted on horseback, the Rani of Jhansi might have been seen animating her troops throughout the day. When, inch by inch, the British troops pressed through the defile, and when reaching the summit, Smith ordered his hussars to charge, the Rani of Jhansi, boldly fronted the British horsemen. When her comrades failed her, her horse, in spite of her efforts, carried her along with the others. With them she might have escaped, but that her horse, crossing the canal near the cantonment, stumbled and fell. A hussar closed upon her track and, ignorant of her sex and her rank, cut her down. She fell to rise no more. That night her devoted followers, determined that the English should not boast that they had captured her even dead, burned the body." "Thus died the Rani of Jhansi. My opinion of her has been recorded in a preceding page. Whatever her faults in British eyes may have been, her countrywomen and men will ever believe that she was driven by ill-treatment into rebellion; that her cause was a righteous cause; that the treatment she received at the hands of Lord Dalhousie was one of the main causes of the disaffection in Bundelkhand and Central India in 1857-8. To them she will always be a heroine."⁹

⁹Malleon: *History of the Indian Mutiny* Book XIV: Ch. III, Vol. V, pp. 154-5; (cabinet edition of Kaye and Malleon's work).

"For the last time then, the Rajah of Jhansi's troops crossed the frontier, and appeared at Calpee, in co-operation with those of the British Government, in 1825. But in 1858 we again hear of a Rane of Jansi in person with her troops—at that same town of Calpee,—not, however, this time in co-operation with the Government, but in rebellion against it. Driven by Sir Hugh Rose from the Fort of Jhansi, where those horrible atrocities were committed which were but numerically exceeded by those of Cawnpore, she was defeated by the same General at Calpee, joined Tantia Topi in his successful attack on Gwalior, and was killed in the action near that city at Kote-ka-serai on the 16th of June 1858. By all accounts she was the life and soul of the most formidable rebel army that ever was raised in India. (Bell—*The Empire in India*: Letter VIII (Jhansi)).

CHAPTER IV
THE BHONSLA SUCCESSION

I

Raghuji Bhonsla I carved out for himself an independent field of action in Berar and the Central Provinces. He avoided an open rupture with the Peshwa, Baji Rao I, and having carried out a successful raid in the Carnatic in 1740-1, "attained, in the estimation of the King (Maharaja Shahu), a position by no means inferior to that of Baji Rao himself." In 1742, he precipitated an open conflict with the new Peshwa, Balaji Baji Rao, that was subsequently adjusted at Satara by Shahu himself in the autumn of 1743. Henceforth, both Raghuji and Balaji, though often plunged in jealous intrigues against each other, managed to avoid an open clash; and Raghuji had the good sense not to join the enemies of the Peshwa on Shahu's death; and the next Peshwa, Madhava Rao I, converted the Bhonslas from age-long opponents into friends and supporters.¹

Raghuji Bhonsla, the founder of the dynasty (d. 1755) left four sons viz., Janoji, Sabaji, Mudhoji and Bhimbaji. He was succeeded by Janoji, his eldest son, who died, in 1772, after having, with the concurrence of his overlord, the Peshwa, adopted his nephew Raghuji, son of Mudhoji, as his heir. The reins of government were, however, seized by Sabaji who held them, in spite of opposition, till 1775, when he was slain in battle.² Raghuji II succeeded, but as he was a minor, the government was conducted under the regency of Mudhoji who exercised control till his death in 1788.

Raghuji Bhonsla II, who concluded the treaty of Deogaon with the English (1803), died in April 1816. His son Parsoji Bhonsla was weak and incapable; but he had a nephew, by name Appa Sahib, who was very capable and to whom the British Resident was very partial. Appa Sahib had not been on good terms with Raghuji II, who endeavoured to deprive him of a portion of his private estate; but Appa Sahib appealed to the Resident to intercede on his behalf; and the result was that his estate was "preserved to him, at last by the aid of a remonstrance of the British Resident at Nagpur"; and this circumstance not only produced an irreconcilable difference between the two princes, but induced Raghuji to have recourse to a series of measures, calculated to annoy and distress his nephew in every way."

¹C. U. Wills: *The History of the Nagpur State*; and G. S. Sardesai: *Selections from the Peshwa Daftar No. 20—The Bhonslas of Nagpur*.

²Mudhoji Bhonsla contrived to kill Sabaji in an encounter and gained the undisputed regency on behalf of his son, Raghuji II, and the title of *Senā Durandhar* (1775).

On the death of Raghuji, a council of regency was formed, as Parsoji was obviously incompetent to rule by himself; and Appa Sahib was placed at its head. Mr. Richard Jenkins, the Resident, drew Appa Sahib into the closing net of British subsidiary alliances; and he was actually guaranteed the succession to the *masnad* by the Governor-General, as Parsoji was held to be "incapable of the volition necessary to the act of adoption." Parsoji was found dead in his bed on the morning of February 1, 1817, when Appa Sahib was away from Nagpur. Mr. Jenkins took no serious notice of this event; and the Governor-General wrote on the 21st August 1820, that "Mr. Jenkins's suspicions as to the fact (of Appa Sahib's complicity in the death of Parsoji) had indeed been excited at the period of Bala Sahib's (Parsoji's) decease, but circumstances which I need not recapitulate, having somewhat lessened them, and the difficulty of acquiring satisfactory proof being apparent, he (Jenkins) did not deem it right to intimate, even to his own Government, doubts which had been in a great degree dismissed from his own mind nearly as soon as they had been admitted."

The treaty of subsidiary alliance which had been negotiated with Appa Sahib as regent, was signed by him in great secrecy; but it was protested against by a section of the nobility and by the ladies of the palace.

After Parsoji's death, Appa Sahib's attitude towards the Company naturally changed. More than a third of his whole revenue had to be paid to the British for the subsidy and the contingent. He was frequently subjected to petty annoyances; and the treatment he received from Mr. Jenkins, the Resident, has been described by the contemporary writer Prinsep.³ Sir John Malcolm, in his letter to the Governor-General, dated 9th October 1817, wrote that he believed that Raja Appa Sahib was sincere in his profession of friendship and that "the Rajah, though convinced of the necessity of an alliance with the British Government, has a natural jealousy of the progress of that to encroach on his independence." Jenkins interpreted the Raja's ceremonial acceptance of the *khilat* sent by the Peshwa Baji Rao II, who was then at war with the English, as "a demonstration to follow the path already entered upon by Baji Row." The reception ceremony when the Raja Appa Sahib accepted a *khilat* took place on November 24, 1817. The *khilat* was brought by Khundoo Pandit, the Rajah's Vakil, lately dismissed by the Peshwa under the Treaty of Poona. Though this mark of honour to the Bhonsla was procured through the good offices of Elphinstone and though the Peshwa was on terms of amity with the British Government when the *khilat* left Poona, yet when Appa Sahib received it in a public darbar, the Peshwa had become an enemy; and Mr. Jenkins had remonstrated against its reception—as it was indicative of Appa Sahib having

³History of the Administration of the Marquis of Hastings: (1925), Vol. I, pp. 427, ff.

received the dignity of *Senapati* of the now hostile Maratha state. Mr. Jenkins considered it as "a demonstration of the Raja's alliance with the Peshwa and his determination to follow the path already entered upon by the Bajee Row." The Raja continued to profess good will and friendship for the British Government. It was stated that "pending the discussions with Bajee Rao, which ended in the treaty of Poona concluded in June, Appa Saheb lent himself openly to the counsels and intrigues of those who wished him to make common cause with the Peshwa." On hearing of his submission, the Nagpur Raja began to have some personal apprehension of the consequences of the display of such a bias and accordingly thought it necessary to put on the appearance of a line of conduct directly the reverse. In this favourable disposition the Raja continued till the end of October; indeed, on the 21st of that month, Mr. Jenkins wrote that "although his Highness was still in active communication with Poona, he, the Resident, did not anticipate a change of conduct for the worse. But no sooner were the hostile designs of Bajee Rao towards the English made known unequivocally at Nagpur, than he came at once to the resolution of making common cause with the head of the Maratha nation. Towards the middle of November this change became manifest. . . . The news of the result of the action at Poona on the 5th of November occasioned no remission of these hostile demonstrations." Mr. Prinsep from whose *History* the above extract is taken, says, however, that Appa Saheb long hesitated as to the course he should pursue and his inclination shifted from one side to the other. With measures unfeeling and stiff, Jenkins provoked Appa Sahib into hostility; but even after he had attacked the Residency, the Raja sent a message expressing his regret. He consented, on the 6th January 1818, to sign a provisional agreement, ceding lands in lieu of the subsidy and contingent, and promising that the administration should be conducted according to the advice of the Resident. He went so far as to propose to the Resident the cession of his principality in lieu of a pension. But Jenkins accused him of intrigue; and the Governor-General was convinced of the truth of the accusation. The charge of having murdered his cousin Parsoji was not, however, brought against him; and he was condemned to imprisonment at Allahabad, without being heard in his own defence. His escape from his escort was a romance; he found a refuge among the Gonds, made an unsuccessful attempt to regain his hold of Nagpur and finally fled to Hindustan in 1819.⁴ He died at Jodhpur in 1840.

On Appa Sahib's deposition, a son of Raghuji's daughter was placed in power on the 26th June 1818. He assumed the title of Raghuji III, and the government was placed under the management of the Resident, during his minority. When the Raja attained his majority in 1826, a new treaty was concluded with him, in whose preamble the Raja was

⁴Marquis of Hastings's letter of October 17, 1822.

declared to have succeeded to the throne by the favour of the British Government.

Raghuji III was the nearest of kin both to Parsoji and Raghuji II, when he was placed on the throne in 1818. It was a doubtful question whether he was not the rightful heir even in 1816, instead of Appa Sahib, whose claim the British supported, but whom they afterwards deposed; it was therefore inaccurate to speak lightly of him as a boy "selected to be Rajah"; or as "a person upon whom the sovereignty was bestowed". Lord Hastings himself wrote to the Court of Directors that "the members of the reigning family and the principal persons of the State were consulted; they unanimously recommended the nearest of blood in the Bhonsla family for the succession and he was raised to the musnud in the room of Appa Sahib."⁵

On the question of Appa Sahib's right of succession on the death of Raghuji II, Lord Hastings, the Governor-General (1813-23), wrote in his Private Journal, under date, June 1, 1816:—"Aware that there is a strong party in the palace, he feared that Pursojee might be made to adopt a son, which, according to Mahratta institutions, might cut out Appa Sahib. The latter had to apprehend that this would be a machination of Scindiah's with the women of the palace, and those apparent dependents who really guide them; and he foresaw that in such an event the Scindiah would support the adopted child with troops in order to acquire the rule over Nagpur." He then naively added:—"Under these impressions, Appa Sahib was not difficult to be worked upon. He is confirmed in his legitimate power and he is ensured against the adoption by my professing to consider Pursojee incapable of the volition necessary to the Act."

Prinsep wrote thus:—"The claims of an infant son of a daughter of Raghojee (*i.e.*, the boy who was ultimately adopted) were not held to come into competition with those of Appa Saheb, the nearest in the male line, except, indeed in the case of his adoption by Pursojee." Prinsep added these words—"marriage being considered by most classes of Hindus, to transfer the bride to her husband's family and to cut off herself and her descendants for ever from any claim on that of her own parents."⁶

Goojaba, an influential noble of the Nagpur court, was an opponent of Appa Sahib, though "in the main a moderate man." He was debarred from frequent access to Parsoji's person. After Appa Sahib's formal accession, Goojaba was openly persecuted; and fearing for his life, he

⁵Report of the Select Committee of the House of Commons on the East India Company, 1833. Appendix, p. 104.

⁶History of India (1825), Vol. I, pp. 344-5. Under Mitakshara a large preference is given to agnates in the matter of adoption. But the necessity of adopting the nearest male sapinda was obsolete; and the adoption even of a stranger, not to speak of a cognate was valid, although near relatives, otherwise suitable, might be in existence.

first took refuge with Nago Pant and afterwards within the British Residency whence he was ultimately conducted in safety to Allahabad.

Dharmaji Bhonsla was the head of the party which opposed the claim of Appa Sahib to be the regent for Parsoji. He was a *chela* or *cleve* of the deceased Raghuji II, controlled his privy purse, had several partisans in the zenana and the court and was popular with the Arab guards who guarded the palace and person of Parsoji. His party had a scheme for vesting the regency in Banka Bai, the widow of Raghuji II, and for inducing Parsoji to adopt the infant grandson of Raghuji II (the future Raghuji III). He also attempted to have some person other than Appa Sahib nominated to officiate at the *sradh* of the deceased Rajah. Again, Dharmaji thwarted all efforts at reconciliation between Appa Sahib and the Rani Banka Bai and was charged with having induced the Rani to reject the paper of reconciliation offered by Appa Sahib and with retracting her assent to it, unless Appa Sahib would ensure for himself the security of the *Punnee Patans* (a class of Mussalman assassins who gave pledges for any one's personal security and redeemed them by never failing to murder secretly the aggressor upon the person guaranteed). Appa Sahib was naturally suspicious of the designs of Dharmaji who had sent invitations to his partisans at Elichpur and Hyderabad and who was openly overbearing and insolent in his attitude. He had Dharmaji seized, together with his public and private treasure, on the 11th April, 1816. According to Prinsep, this arrest of Dharmaji was done with the knowledge and formal concurrence of Parsoji which did not, however, mean anything.⁷ Three days after this event, Parsoji was seated formally on the *gadi* and Appa Sahib was vested with the office of *Naib-i-Mukhtar* and the title of Mudhoji Bhonsla.

The ceremony of *sradh* was always to be performed by the nearest male heir, who, being incompetent in the present case, the nephew, as next in the male line, had the right and the duty to perform. According to Prinsep, Appa Sahib openly expressed his resolve to employ force if he should be prevented from officiating at the *sradh*; and as the people of Nagpur were strongly on his side in this point, Dharmaji's party invited him to the *sradh* of the late ruler and disclaimed having ever meditated his supersession by any other person to officiate for Parsoji at the ceremony.

The discovery of the intrigues and designs of Appa Sahib after his deposition and escape made it necessary for the Resident to place every department at the capital under the direct control of British officers. This extended even to the mint and the treasury. Banka Bai, the

⁷Parsoji had been reputed to be of a flighty disposition and impatient of control. A recent sickness had deprived him of sight; he lost the use of one of his arms by a stroke of palsy, as a consequence of which he was completely bed-ridden and his mind was affected and "frequently observed to wander in so much as scarcely to be sensible of what was passing." Prinsep gives several instances of his imbecility as reported from his conduct during his father's funeral ceremonies. (Vol. I; p. 344).

regent, and Goojaba Dada whom she recalled from Allahabad and appointed Dewan and who formally performed the young Raja's adoption and investiture ceremony, acquiesced in the measures of the Resident.

II

When Raghuji III died in 1853, Yeswant Rao Aher Rao, who was generally known by the name of Appa Sahib and was a grand-nephew of the deceased Raja through his sister's daughter, was proposed for adoption as a son by the royal widows. The aged and venerable Banka Bai, widow of Raghuji II, and regent during her grandson's minority, was of the view that the adoption ceremony should take place immediately, but that no public celebration, installation or procession should be conducted until the approval and sanction of the Governor-General should have been obtained; and she had the full support of the widows of Raghuji III. The wishes of the Ranis were forthwith communicated by the Resident, Mr. Mansel, to the Supreme Government.

Mr. Mansel was kind, conciliatory and very considerate in his attitude towards the Ranis. In his demi-official letter, written a few hours after the Rajah's death on the 11th December, 1853, the Resident had informed the Government thus: "The immediate people of the court and the officials of the Government naturally desired an adoption, but I have given no special encouragement to this wish."⁸ In his formal despatch written three days later, after enumerating the claimants to the throne, Mr. Mansel wrote that "Yeshwant Rao Aher Rao, the son of Nana Aher Rao and grandson of the late Rajah's sister, would be decidedly preferred by the mass of the courtiers to any other for the *musnud*, whether given to him by adoption or by the grant of the Company."⁹ Lord Dalhousie had therefore known, even when he recorded his minute of the 28th January 1854, that an *adoption was desired* by the family of the Bhonsla and that the Raja's grand-nephew (*i.e.*, Yeshwant Rao Aher Rao) who was later on actually adopted, would be decidedly preferred for adoption. On the 14th April 1854, Mr. Mansel intimated to the Governor-General the wish of the Bhonsla family to retain the throne in the hands of some heir selected by adoption. Mr. Mansel further wrote:—"In my communications with the late *Durbar Vakeel*, I was led to suppose at first that I should receive a formal representation from the Banka Bae, and the oldest widow of the late Rajah, Anpoorna Bae, on the subject of their claims to adopt an heir to the *musnud*, they and their immediate advisers treating it as hard that their case should be finally disposed of without further formal communication with them. Partly, I apprehend from their own helplessness, and partly from the disinclination of the most intelligent parties about the court to engage in a course

⁸Papers Relating to the Rajah of Berar (1854), p. 56.

⁹*Ibid.*, p. 20.

that might be deemed hostile or held offensive to the British representative, the ladies and other near relatives of the late Rajah have not taken, so far as I can learn, any effective step to appeal in Calcutta or England against the orders executed by me, nor has any formal representation on paper been submitted to myself."¹⁰

As Sir John Low, Member of the Supreme Council, aptly remarked:—"The ladies of the Bhonsla family were naturally deterred from making any attempt of the kind, when they saw the British Resident at once take possession of the Government and order the British troops to be in readiness for any emergency that might occur."¹¹ The Ranis were convinced by Mr. Mansel's considerate attitude towards them, in trusting, in the matter of their adoption of an heir, to his good offices and to the generosity of the British power. It was only after Mr. Mansel was removed from Nagpur that they saw that he had betrayed them into losing much valuable time. They woke up to the exigencies of their position and entered upon a course of direct appeal and remonstrance.

Mr. Mansel had, indeed, made a recommendation that the State of Nagpur "should, for the present, be preserved in feudal chieftainship" under Rani Banka Bai and that Yeshwant Rao Aher Rao should be trained up to succeed her.¹² This middle course was deemed by him to give "a new form to native power and was to be "an experiment for reconciling the interests of the people, the claims of the Bhonsla family and the duties of Great Britain." The main defect of this curious plan was that it ignored the right of the adopted heir to succeed and also his consequent right to the throne against the British claim of lapse.

There was no difference of opinion or jealousy among the Ranis, as to their right to adopt, the advisability of an adoption and the person to be adopted. "Their only doubt was whether the Rajah's elder grand-nephew whom they considered best entitled to the throne, would be the candidate most acceptable to the British Government. They expected some communication to be made to them by the Governor-General on this matter. Fully aware of all the details of recent claims to succession (in other States) the Bhonsla family knew that, in 1838, an adopted son had been set aside at Jhansi in favour of an elder relative; they knew that at Indore in 1844 one adopted son had been rejected in favour of another. They determined therefore not to endanger the succession of the rightful heir by any precipitate step."¹³

In her first direct memorial addressed to the Governor-General, Rani Banka Bai declared that, on the Raja's death she had made "many communications both in person and by agents to Mr. Mansel with respect to the treaties of friendship and alliance, whereupon that officer gave

¹⁰Further Papers, Berar, (1856); p. 5.

¹¹Papers, Rajah of Berar, (1854); p. 20.

¹²Ibid, p. 20.

¹³E. Bell—Prospects and Retrospects of Indian Policy (1868), p. 33.

us, according to the powers vested in him. . . . every assurance of the realisation of our wish." She had also remonstrated against Government's letter, read to her by the Resident, on March 14, 1854, which declared that "as there was no heir to succeed to the *guddee*, Government had annexed the State to the British territories." She communicated with the Resident a second time all her sentiments whereon "he set my mind at ease by assuring me that he would, in the course of three months, procure me favourable orders from your Lordship." But on July 15, 1854, the Resident's Assistant announced to the Ranis that they were to be pensioned off; and that "with the exception of a small portion of the gems and other articles", all the family property would be "seized on behalf of Government."

Rani Banka Bai now made her first direct protest to the Governor-General, and concluded it by requesting him "with reference to the ties of friendship subsisting from of old between the two Governments, to continue the *guddee* of the State in this family." In answer to this, Lord Dalhousie stressed, in his minute on this first direct communication from the Rani, that there was in it "the marked absence of any allegation that an heir was appointed to the *guddee* of Nagpore"; and that Banka Bai did not "so much as attempt to make or even to affirm the existence of any heir to the *guddee*." The truth was, as noted above, that the Ranis had been under the impression that they could trust to the good offices of Mr. Mansel and to the friendship of the Honourable Company. They indicated their wishes to the Resident and waited patiently for the orders of the Supreme Government. Mr. Mansel himself had reported to Calcutta that there were living two grand-nephews of the deceased ruler, one grand-nephew of Raghuji II and a nephew (*i.e.*, sister's son) who was married and therefore incapable of being adopted; and he himself had recommended the elder of Raghuji III's grand-nephews as the most favourable. Even as early as the 28th of January 1854, Lord Dalhousie had recorded a minute that there was no heir or representative of the Bhonsla family and no claimant to the *masnad* of Nagpur and the sovereignty of the State had therefore reverted and lapsed to the Paramount Power. Lord Dalhousie had asked whether "the state of Nagpur which had been once bestowed as a gift to Raghuji III in 1818, should be now conferred on somebody else as a gift a second time." In the course of his Farewell Minute, dated 28th February 1856, Dalhousie, reviewing his administration of India, declared that "the Nagpur Raj was transferred by a simple order to the possession of the British and that, beyond the palace walls, not a murmur had been heard and in no single instance throughout the districts had the public peace been disturbed."

While Dalhousie refused to recognise the claims of the adopted heir, Yeshwant Rao Aher Rao, he gratuitously declared the Prince to be but "a Maratha youth and a stranger", and denied the validity of his adoption, unless it should be confirmed by the Paramount Power. He refut-

ed also the contention that the British Government was bound to recognise succession by adoption in the Bhonsla family, because it had already recognised the right of adoption in the elevation of Raghuji III to the *masnad* in 1818. He further maintained that the State of Nagpur had, even in 1818, been undoubtedly at the disposal of the British Government which had, in consequence of Appa Sahib's treacherous hostility, obtained full rights of conquest, but had merely waived those rights from motives of generosity and policy and allowed the next of kin to succeed.

But Maratha custom clearly confers the right to be adopted upon the nearest relative whose parents consent to resign him. In the case of Yeshwant Rao Aher Rao, no shadow of doubt had ever been entertained as to his right to be adopted by the widows of Raghuji III. Lord Dalhousie held that Raghuji III did not exercise his right to adopt during his life-time, partly because he feared that the existence of an adopted son might some day be used as a pretext for deposing him. He thus observed:—"The dislike of the late Rajah to the adoption of a successor, was of course known to his widow; and although the custom of the Marathas exempts her from that necessity for having the concurrence of her husband in adoption, which general Hindu law imperatively requires in order to render the act of adoption valid, still the known disinclination of the Rajah to all adoption could not fail to disincline the widow to have recourse to adoption after his decease."

Sir John Low, Member of the Supreme Council, minuted thus on the whole question:—"At the same time, while these measures taken by the Resident in pursuance of strict orders from Calcutta, overawed the ladies at the very time when prompt action (on their part) was all important, his kind and considerate manners and expression and his evident desire to maintain their dignity, to preserve their wealth and to secure them a splendid income, still more tended to confirm the Ranees as to the prudence and propriety of trusting to his good offices and to the friendship of the Honourable Company."

Low further remarked:—"It is very remarkable that every native who ever spoke to me respecting the annexation of Satara, asked precisely the same question, *viz.*, "what crime did the Rajah commit that his country should be seized by the Company?—thus clearly indicating their notion, that if any crime had been committed, our act would have been justifiable, nor otherwise. . . ." "As soon as the annexation of Nagpore shall be known, similar questions will be anxiously asked by natives all over India. . . . They know that the late Rajah did not make any war upon us, or upon any of our allies; they know also that he did not neglect to pay his tribute to us; they know that he did not so mismanage his country as to cause inconvenience to us; they consider

¹⁴He was the only member of the Supreme Council who dissented from the annexation. He had been resident in several states, including Oudh and Hyderabad, from 1819 to 1853.

that the succession to a Raj like that of Nagpore, is one of those matters of interior arrangement with which the paramount state has nothing to do, unless there should happen to be rival competitors."¹⁵

According to the Ranis' memorial, dated 26th December 1855, "no effort had been spared by the Commissioner, through his subordinates, by intimidation and threats, to obtain the Maharanees' signatures to such a document as would annul their own rights." It was also asserted further that, on the 2nd January 1856, "a letter containing matter totally at variance with the known wishes of the Maharanees, was prepared by the Commissioner's own people and conveyed to the palace" by "the Commissioner's vakeel and other faithless servants of the late Maharaja to obtain the signature of the Maharanees"—that "nine days after such letter was written, as appears by the date, these persons, by means of threats and intimidation, induced the Maharanee Banka Baee" who was "nearly 80 years of age" to sign such communication. This letter was annexed in a translated shape and was a month later in date than the one to the same effect, inserted in the *Parliamentary Papers* as dated the 2nd December 1855, and varied from it in several particulars, especially in its bearing an attestation by Captain Crichton, Assistant Commissioner, who certified that the Rani Banka Baee sent for him to hear it read and that it was "read over to her and explained carefully" in his presence, that she had made it a particular request that he should witness it, and that beyond witnessing it, he had "nothing whatever further to do with the matter."

J. M. Ludlow called his letter "a strange disclaimer, though one to which one would attach all faith, so far as Captain Crichton personally is concerned;" and he maintained that the letter "proves nothing after all, except that an aged woman, struck by a recent bereavement—the death of Annapoorna Baee, the Raja's chief widow—has no heart for struggling with British omnipotence;" and that "there is no renunciation of the right of adoption, no disavowal of the alleged intentions of the Rajah in that behalf." The Ranis' agents maintained that the letter was forced upon Banka Bai,—one only of the five princesses whom they represented, though she was the acknowledged head of the family—by the Commissioner's native subordinates. They said in proof that the letter was written not on ordinary foolscap, but on the Company's paper, as shown by the water-mark corresponding with that used in the Commissioner's office.

According to Sir John Kaye, Mr. Mansel was the best friend that the Ranis had at this time: but he was removed from Nagpur, largely in consequence of his representations in their favour. But the Ranis accused him later, in the quaint language of their English scribe, of "endeavouring to gain a baronetage and exaltation of rank by reporting to the Governor-General that the late Raja was destitute of heirs to

¹⁵Blue Book: Rajah of Berar (1854), pp. 42-3.

succeed him, with a view to his Lordship being pleased to order the annexation of the territory." Sir John Kaye declared that there was not any man in the country "less disposed to annex provinces and to humour governors than Charles Mansel, and, instead of being exalted in rank, he sacrificed his prospects to his principles and retired from the service."

The annexation was made; and Lord Dalhousie declared, in his Farewell Minute of 28th February 1856, that the kingdom of Nagpur became British territory by simple lapse in the absence of all legal heirs. "The Kingdom which had been granted to the reigning Rajah by the British Government when it had become forfeited by the treachery of Appa Sahib, was left without a claimant when the Rajah died. No son had been born to his Highness. None had been adopted by him; none, as they themselves had admitted, was adopted at the Raja's death by the Ranees his widows. There remains no one male who was descended from the stock and bore the name of Bhonsla. . . ."

"The British Government, therefore, refused to restore the territory in free gift upon a stranger and wisely incorporated it within its own dominions."

III

Thus the Nagpur Raj became a British possession and the Supreme Government ordered the British Commissioner to allot to the Ranis a quantity of jewels, furniture and other personal property suitable to their rank, while the value of the rest of the effects was to be realised by sale and the amount so realised was to be constituted as a fund for the benefit of the Bhonsla family. Dalhousie's minute, dated 10th June 1854, declared that, as the Commissioner seemed to think that the value likely to be realised had been over-estimated, Government should be prepared "to make up any sums that may be wanting to afford adequate stipends to the family". The Governor-General did not evidently deem it desirable either that the property should be alienated from the family or that it should be given up to be appropriated and squandered by the Ranis.

The Ranis sent a memorial to the Governor-General on the 18th April 1855, that, in October of the previous year, their palace was surrounded by an armed force acting under the orders of the Commissioners and the treasures and the family jewels of the late Maharaja, estimated at the value of two millions sterling, were forcibly carried away.

Sir John Kaye, the contemporary historian, lamented the miserably conducted auction of the different items of the Bhonsla family properties thus:—"The livestock and dead stock of the Bhonsla were sent to the hammer. It must have been a great day for speculative cattle-dealers at Sitabaldi when the royal elephants, horses, and bullocks were sold

off at the price of carrion; and a sad day indeed, in the royal household when the venerable Banka Bai. . . . was so stung by a sense of the indignity offered to her, that she threatened to fire the palace if the furniture were removed. But the furniture was removed, and the jewels of the Bhonsla family, with a few propitiatory exceptions, were sent for auction to the Calcutta market. And I have heard it said that these seizures, these sales, created a worse impression not in Berar, but in the surrounding provinces, than the seizure of the kingdom itself."¹⁶ About 500 to 600 animals—elephants, horses and camels—were sold for the paltry sum of a little over 13,000 rupees. Even the trinkets and the family tokens of the Bhonslas were sold by auction.

Sir Edwin Arnold tells us that "there is something natural, therefore, if out of harmony, in the dolorous plaints of the Ladies of the Court, who having lost a kingdom, bewailed to the Judge-Advocate-General of Nagpur that a pair of their bullocks had gone for Rs. 5 and an Arab horse for Rs. 20. There was a tumult raised in the palace court to prevent the removal of the goods and it was said that bags of gold and silver to the value of £40,000 were "disinterred from under the couch of one of the Ranis". Arnold tells us further that "as if to show that the authorities had some tender spot still. . . . when certain amounts were still missing, known to have been concealed in that very common Hindu bank of deposit, the earth, the dying state of the Maharaja's widow, Annapurna Bai, had some humanising effect and the authorities ceased to excavate the zenana."¹⁷

Even the spoons, plates and crockery ware which had been kept by the Raja to entertain the European society at Nagpur and Kampti, seemed to have been auctioned. The Commissioner made a selection of furniture and jewels which were to be assigned to the Ranis which they refused to make for themselves. But it is to be noted that Colonel Elliot, the Commissioner, acted with greatest forbearance under the circumstances; and Lord Dalhousie had previously instructed him to disregard the petulance and the vexatious opposition of the Ranis and to continue to show them, even under every kind of provocation, the courtesy due to their rank, and their sex and their changed condition, and that no stringent or coercive measures should be resorted to and no force should be used for the recovery of the gold mohurs, as "it would indeed be desirable rather to fail in obtaining them than to enter the palace apartments for that purpose."

On the other side, the Ranis bitterly memorialised—several times prior to December 1855 they had written to this effect—that they had been subjected to personal indignities and annoyances and prevented from having any communication with their friends and advisers; and

¹⁶History of the Sepoy War (cabinet ed.), Vol. I; pp. 60-61.

¹⁷The Marquis of Dalhousie's Administration of British India: (1862, 2 Vols.) Vol. I, pp. 168 ff.

that one of them, a member of the Bhonsla family, had been actually imprisoned in the common city jail and only released on condition that he should not interfere in their affairs; and also an English officer, Major Ousely, a retired member of the Bengal Establishment, who was on his way to Nagpur, for the purpose of conducting the English correspondence of the Ranis, was summarily arrested by the Commissioner who only released him on his promise to quit the Nagpur territory forthwith; and also that the Commissioner had obtained, by intimidation and threats, the signatures of the Maharanis to such a document as would annul their own rights.

The curious reader will get an idea of the character of the auction sales of the live-stock of the Nagpur court, commencing on the 4th September, 1854.

Date		Description of the live-stock sold	Rs.	As.	Ps.
September	4th	47 bullocks	..	343	0 0
"	5th	135 bullocks	..	1,675	8 0
"	6th	54 horses and ponies and 10 bullocks	..	1,398	4 0
"	7th	50 horses and ponies	..	642	4 0
"	8th	50 camels	..	1,362	0 0
"	9th	50 camels	..	1,776	0 0
"	11th	6 elephants and howdahs	..	843	0 0
"	13th	49 ponies	..	678	0 0
"	19th	4 elephants	..	1,255	0 0
"	22nd	9 elephants	..	1,290	0 0
"	23rd	46 horses and ponies	..	809	0 0
"	28th	4 elephants	..	785	0 0
October	9th	3 elephants	..	295	0 0

Thus, about 500 to 600 animals, elephants, horses and camels, were sold for Rs. 13,152-0-0, i.e., about £1,300-0-0.

IV

With regard to the propriety of the adoption ceremony of Yeshwant Rao Aher Rao, it should be mentioned that his mother gave birth to him on August 14, 1834, in the Nagpur palace to which she had been purposely invited; that, on his birth, a salute of 21 guns was fired and also a *feu de joie* was fired by the Raja's artillery and infantry; that the child was reared at the palace itself and accompanied Raghuji III in all the royal progresses through the country, sat by his side in public darbar and accompanied him on his ceremonial visits to the Resident. The Raja himself would not permit the marriage of the boy to take place, as it would have precluded his subsequent adoption by himself. As the prospects of the Raja's begetting a son diminished, the court and the members of the Bhonsla family naturally came to look upon the boy as

the destined successor to the *masnad*. These circumstances and the Ranis' own desire for an adoption communicated to the Resident, should be compared with the Governor-General's conclusions stated in his despatches on the Nagpur Succession question in 1854 and reiterated in his Farewell Minute of 1856.

It can be maintained that, even if the Ranis did not adopt Appa Sahib until after the decision of the Government, resolving on annexation, was made known to them, and that even if they had purposely ante-dated the adoption—which was not the truth—even then his right to the succession under the treaties of 1818 and 1826 would not have been weakened or diminished.

After the Governor-General's fiat of annexation went forth, there followed the question of the realisation of the so-called Bhonsla Fund. According to the report of Mr. (Sir Richard) Temple,¹⁸ then Chief Commissioner of the Central Provinces, the realised proceeds of the property of the Bhonsla family amounted to twenty lakhs of rupees, and this was to be utilised as a set-off to the expenses of pensioning the relatives and the retainers of the late Raja. Bell has clearly shown that the property was actually in the possession of the Ranis and was never in the possession of, nor entered into the accounts of, the Bhonsla government of Nagpur. It was the private wealth of Raghuji III; and a great part of it was kept in certain apartments of the palace zenana. It was part of the private property, both real and personal, of the late Raja which included ancient estates, jaghirs, inams, and simple patelships, many of them situated beyond the limits of the Nagpur Raj, in the districts of Poona, Satara, Ahmadnagar and Sholapore and also in the Dominions of the Nizam. A portion of them had belonged to the ancestors of the Bhonslas before they ever attained to sovereign rank at Nagpur in the 18th century. "It is a singular fact that the ancient *watandaris* of the Bhonslas were only saved from forming an addition to Mr. Temple's set-off, by the Bombay Inam Commissioner, Captain Cowper, whose

¹⁸Vide pp. 386-7 of *The Statement Showing the Material and Moral Progress of India for 1861-62*. The Report says:—(1) "Remembering the prosperous days under the virtual regency of Sir R. Jenkins, the people generally (with the exception of the retainers of the Royal Family) appeared to acquiesce cheerfully in the establishment of British Rule." (2) "The terms of the provision for the Bhonsla family were, in the first instance, declared at the annexation. . . . Unpoorna Bae; the senior widow (of the late Rajah) died towards the close of 1855. Thereupon the Banka Bae and the remaining widows formally adopted a young relative, Janoojee Bhonsla, as their son and appointed him head of the house." (3) "In 1857-58, during the time of trouble, the family behaved with fidelity to the Government, the Banka Bae setting the best example and using all her influence, in the interest of the British cause. She died, at an advanced age, in the autumn of 1858." (4) "Thereafter it was decided to revise the allowances payable to the Bhonsla family and to settle a provision on Janoojee, the adopted son of the Ranees. . . . Janoojee was constituted head of the house; and to him the payment of stipends of the Ranees and the general control of the palace and household were entrusted." (5) "The lands of Deor in the Satara District which had been hereditary in the Bhonsla family for 125 years, were conferred on Janoojee and his heirs (begotten or adopted) in perpetuity, with the title of the Rajah of Deor. The grant was "in consideration of the fidelity of the Banka Bai and the family" during the crisis of the Mutiny.

proceedings, for once at least, one is able to approve," and who decided that the deceased Raja did not hold his estates as part of his sovereignty, but as private property, and that under the ordinary rules the estates would fall to the widow." After a sequestration of three years, all the *watandaris* of the late Rajah which had been in charge of the Collectors of the several districts in the Bombay Presidency, were handed over, with accumulated rents, to the agents appointed by the Ranis to receive them. Thus, till 1860, the estates remained in the possession of the widows; and in that year, Lord Canning, the Governor-General, recognised Janoji Bhonsla (*i.e.*, the adopted boy, Yeshwant Rao Aher Rao) as the Head of the Bhonsla Family "in recognition of the loyal conduct of the family during the rebellion and of the faithful attachment of the late Banka Bae to the British Government" and transferred the lands to him, together with the remnants of the movable properties that had escaped the auctions of 1854. At the same time the title of Raja Bahadur of Deor (in the district of Satara) was given to Janoji Bhonsla. There was, however, an unconscious insult to the Bhonsla Raja in the Gazette Proclamation conferring the title which declared Janoji Bhonsla to be "the adopted son of the widow of the late ruler of Nagpore"—"an impossible relationship according to Hindu Law, a solecism in legal phraseology and colloquially about as contemptuous and offensive a designation in India as the son of a priest in Italy". Lord Canning aimed at not acknowledging Janoji Bhonsla's direct heirship to the late Raja; but "the evasion was as ineffectual as the mode of expression was ungracious."

That Janoji Bhonsla was really adopted by the widow of the late Raja is proved in the detailed note of Bell, given below:

After the death of Raghuji III, "Appa Sahib was at once summoned by the Banka Bae and by Annapoorna Bae, the senior widow; and at the request of both these Ranees, his father Nana Aher Rao, and his mother Myna Bae, formally, and in the presence of all the assembled relatives, consented to resign him to Anpoorna Bae. The Banka Bae proposed that until the orders of the Supreme Government were received, the public ceremony of giving a new name to the young Rajah, and the usual procession and installation, should not take place; and while this question was being debated in the family circle, the information that the Resident had ordered seals to be put on the Treasury and Jewel Office, and had otherwise taken measures for exercising all authority in his own person, decided in favour of the Banka Bae's consistently submissive policy. The Bae said at that time, and on many subsequent occasions, that she had already seen the affairs of the Nagpur State settled several times by orders from Calcutta, and that she had no doubt they would be settled once more on the old terms."¹⁹

¹⁹Empire in India, p. 178, 1st ed.

"The ceremonies of adoption were then duly performed in the Palace, and the funeral rites were celebrated by Appa Sahib, who subsequently received the name of Janojee Bhonsla."²⁰

Thus the name of the boy who had functioned at the late Raja's cremation was of course known to Mr. Mansel. But in his first demi-official letter to the Governor-General he merely stated that "the funeral pile was to be fired by the *ordinary relatives* of the deceased."²¹

Sir Charles Jackson declared as follows:—"The report of the Resident, who was in communication with the Ranees after the Rajah's death, and a petition of the Banka Bae's, were conclusive, and Lord Canning refused to acknowledge Appa Sahib as the adopted son of the Rajah."²²

The fact is that an unmarried woman cannot adopt a son, nor can any woman but a widow. And the adoption is made to remove sin from her deceased husband and not the reproach of barrenness from herself. "A son given is the child not of his adoptive mother, but of his adoptive father."²³

As Bell says:—"The adopted son of the Rajah's widow is, by Hindoo law, either the Rajah's son and heir, or else he represents the most degrading species of illegitimacy, which would completely disqualify him from succeeding to the family estates, and which most certainly Lord Canning never intended to impute to Rajah Janojee Bhonsla."

V

The terms of the provision for the Bhonsla family were in the first instance announced at the time of the annexation and included the widows and the relations of the late Raja, the first among them being Banka Bai. Annapurna Bai, the senior widow of Raghuji III, died towards the close of 1855. According to Sir Richard Temple, it was only now that Banka Bai and the remaining widows formally adopted Janoji Bhonsla²⁴ and appointed him to be the head of the Bhonsla house. The aged Banka Bai conducted herself with remarkable loyalty during the

²⁰*Ibid.*, p. 175.

²¹*Papers, Rajah of Berar*, (1854); p. 56.

²²*A Vindication of the Marquis of Dalhousie's Indian Administration*, (1865), p. 23, Note.

²³Colebrookes: *The Digest of Hindu Law of Contract and Succession*, Vol. III, p. 254.

²⁴This was opposed to facts. As noted already, the Ranis satisfied with the assurances of Mr. Mansel given immediately after the death of Raghuji III, "were content to postpone the completion of such ceremony.....and with the concurrence of the Resident allowed Yeshwant Rao Aher Rao to perform the necessary funeral solemnities" (Ludlow: *Thoughts on the Policy of the Crown*, p. 152).

Mutiny and effectively served the interests of the British cause.²⁵ She died, at an advanced age, at the end of 1858. Thereafter it was decided to revise the allowances payable to the Bhonsla family and to settle a provision on Janoji "the adopted son of the Ranees" who was constituted the Head of the House and was entrusted with the general control of the Palace and the household.

Mr. Evans Bell's services in the cause of an adequate provision being made for Janoji Bhonsla were valuable. From almost the start of his service under Mr. Plowden, he urged upon the Commissioner the necessity of pressing their claims upon the Supreme Government. Mr. Plowden apparently did nothing; and it was in vain that Bell emphasised the growing discontent among the principal native nobles and people at the treatment experienced by the Bhonsla family. Then came the Great Mutiny, in the course of which Banka Bai stood loyally forth and did her utmost by her example to keep the Maratha districts of Berar loyal to the British power. What Major Bell attempted to do over the head of his immediate superior and therefore got punished ultimately for, was the pleading for the provision of a respectable sum for the maintenance of Janoji Bhonsla and for his recognition as the head of the Bhonsla house. Mr. Mansel had estimated that the private treasure of Raghuji III would come to about twenty lakhs of rupees and that the jewels of the family would be worth about fifty to seventy-five lakhs. He wrote, that in his opinion, the female branch of the Bhonsla family, to which Janoji belonged had the right to everything but the possession of sovereign power. But Dalhousie decreed that the property should neither be squandered nor appropriated by the Ranis, but that at the same time it should not be alienated from the family. When the funds should be realised from the auction of the private property of the Raja, the life-annuities of the Ranis were to be provided for from the proceeds. Rani Banka Bai was to receive 1,20,000 rupees per annum, Rani Annapurna Bai, 50,000 rupees and the junior Ranis lesser amounts. After the Mutiny and the death of Banka Bai in 1858 it was decided to revise the allowances and to settle a provision for Janoji Bhonsla who got Rs. 90,000 per annum; and, along with him, the three remaining widows of Raghuji III got Rs. 45,000 per annum, each. Major Bell pleaded that it was not at all justifiable that the private personal property of the Bhonsla family which had been converted into Bhonsla Fund should have been declared to be the first source from which the

²⁵Mr. Plowden, Commissioner for Nagpur, thus wrote of her: "Her Highness was undoubtedly a very remarkable woman. Her strong intellect, sound judgment and great strength, and consistency of purpose enabled her to acquire and maintain an ascendancy in all the councils of the state and the palace, which she never failed to exercise beneficially; while her kindness of disposition, self-privations and her charities endeared her to the palace household and won for her the affectionate regard of the multitude. She was firmly attached to the British alliance; and her ruling principle of action was to take no step contrary to the wishes, or without the permission of the British Government. By this principle she continued to be actuated after the incorporation of the province with the British territories."

Ranis' life-annuities were to be supplied and the public stipends that were to be granted as compensation for the loss of their sovereignty were to be made. He protested against the view of the Governor-General who held that the Bhonsla family was entitled only to a life interest in such a proportion of the private property as the annexing Government chose to consider sufficient for their maintenance. In 1856, Colonel Elliot, the then Commissioner, had made a proposal that there was no other mode of adjusting the heavy arrears due to the *Khasgi* establishment (*i.e.*, the household of the Raja whose maintenance had been hitherto defrayed from what had been the civil list) but by making use of the treasure in the palace claimed by the Ranis, which he held was "but undoubtedly the property of the late Raja and justly available in my opinion for the purpose indicated." This opinion of Colonel Elliot was immediately taken advantage of by the Government. Colonel Elliot himself had acted with great forbearance in the realisation of the treasure; but he believed that large sums had been effectively concealed or made away with. From this property portions were to be set aside for the Ranis and the debts of the household were to be paid. These debts should, according to the Governor-General, have been paid by the late Raja in his life-time; and this money was "now applied to the purpose on which it ought to have been originally expended." The sum that was realised after these items had been met, was found to be about Rs. 2,00,000. Lord Dalhousie observed, in his minute of 26th September, 1854, that the Commissioner should pay the full amount of the several stipends allowed to the persons for whom they were designed out of the Government treasury, long before the sum was realised. Major Bell held that Dalhousie's aim was to appropriate the private property of the family and to apply the proceeds to the annual expenses of their maintenance which, according to all rights, ought to have been a charge on the public revenues of the newly annexed territories; and he thought that the appropriation of the private property was in reality "a daring act of spoliation". The annuities granted to the ladies of the Bhonsla family, amounted to Rs. 2,55,000; and in addition to these, the family held estates free from payment of revenue and producing Rs. 15,000 a year. Dalhousie also directed that liberal provision should be made for the other members of the family and for the dependents and retainers of late Raja. The total sum granted to them amounted to Rs. 787,000 a year. Sir Richard Temple, in his *Report on the Central Provinces for 1861*, says that the pensioners who were entitled to this latter sum, numbered 2,158 persons and the pensions ranged from Rs. 3 per annum to Rs. 35,000 and the provision for these persons and for the ladies of the Bhonsla family, besides the revenue-free lands, totalled about 25% of the revenues of the Nagpur Province proper, a fourth of the income of the late Nagpur kingdom. Major Bell rightly took Sir Richard Temple to task for holding that all the military pensioners from the Raja's army and from the Nagpur Irregular Force

that was disbanded only in 1861-62, were to be included in the roll of the Raja's family connections and dependants. He maintained that all pensions of every description and all the *inams* and other rent-free lands enjoyed by the relatives of the late Raja had been thrown together and made to mount up to the 25% of the revenues of the Nagpur Province; and this was purposely exaggerated by the *Friend of India* which was markedly pro-Dalhousie and imperialistic in tone and which wrote that all this sum was devoted to the support of the "one family of the Bhonslas." According to Mr. Bell, the personal household of the Bhonsla family came up to only 200 in number; and these were in receipt of pensions aggregating only to about Rs. 1,75,000 a year; and even these pensions were not new grants, but only continuations of old allowances and stipends granted and confirmed by successive Rajas of Nagpur and later confirmed by the British Government in those persons whom they found in actual possession and enjoyment of them. A certain portion of the amounts thus devoted to the Bhonsla family consisted only of life-annuities to the Ranis; and no part of it was declared to be a hereditary settlement on Raja Janoji Bhonsla and his line. It was contended by Bell that even with the sum of Rs. 270,000 actually realised by the sale of the Bhonsla property and by the appropriation of the private treasure, Government would have made a profit out of the transactions, had Lord Dalhousie's original instructions been carried out. Annapurna Bai, the senior widow of Raghuji III, had died in November 1855, and Kanalji Bai, another widow, died before the pension settlement was actually revised. Banka Bai died in the autumn of 1858. At the time of the resettlement of the annuities only three of the Ranis were alive; and their annuities totalling Rs. 60,000 per annum just amounted to less than half of the interest at 5 per cent of the realised capital. The settlement for Raja Janoji Bhonsla of Rs. 90,000 per annum was declared to be a life-annuity, and no part of it was to be a hereditary settlement in the Raja's line.

Sir Charles Jackson thus defended Lord Dalhousie's action:—"I can find nothing in Lord Dalhousie's Minutes to justify these remarks. He may not have been sufficiently explicit as to the destination of this fund eventually, but he states expressly, that the fund was to be an inalienable deposit for the benefit of the Bhonsla family—a statement which would seem to exclude the Government from any participation in that fund. So long as it was kept in deposit, all the annuities and pensions to the late Rajah's family, relations and dependants—amounting to a sum far exceeding any interest the fund could produce,—were paid by the British Government. And although Lord Dalhousie did not explain how the fund was to be dealt with when the pensions were paid off, yet it is clear that he set it apart, and appropriated it, as an inalienable fund for the benefit of the Bhonsla family, and that he left the fund untouched when he resigned office in 1856. Without pledging the Government of

India as to details, Lord Dalhousie laid down a principle for the administration of the fund, and left it open to some future Governor-General to deal with it, in accordance with such principle, that is, for the benefit of the Bhonsla family, in such manner as he might think just."

Sir Charles Jackson also added that, at the time of the publication of his book (1865), Sir Charles Trevelyan had absorbed this fund and capitalised it. He wrote:—"I suppose this means that the money had been taken by the Government and Government paper substituted for it. But whatever is now done with the fund, I would only call attention to the fact, that the fund which Lord Dalhousie is supposed to have appropriated is actually in existence and the subject of a financial operation, in 1865.²⁶ This disingenuous plea that mentioned the establishment only of the separate existence of the fund, but told nothing about the utilisation of its proceeds, is to be noted.

²⁷A Vindication of the Marquis of Dalhousie's Indian Administration: pp. 79-80.

CHAPTER V

THE NAWABS OF THE CARNATIC

I

Nawab Muhammad Ali Wallajah under whom the British first established their political influence and in alliance with whom they were able to destroy French influence and rivalry and to establish their own dominance in South India, died in 1795. After Lally's siege of Madras (1758-59) was raised, Muhammad Ali paid for the cost of its defence, "because it was the residence of his friends." After Coote's capture of Pondicherry (1761), he was asked to pay for its siege operations on the ground that it was the residence of his enemies. The Nawab agreed to pay, but wanted the stores of Pondicherry to be given over to him. But the Court of Directors sent orders to cancel the sum thus credited.¹

The Nawab was on intimate terms with Governor Pigot (1755-63). To General Lawrence the Nawab was equally generous. When the French destroyed his garden-house and property at St. Thomas' Mount, the Nawab presented him with a lakh of rupees which the Company, at his request, allowed him to accept. When he retired in 1766, the grateful Nawab bestowed on him an annuity of 3,750 *pagodas*. Governor Pigot was appointed, after his retirement from his first Governorship, as the Agent or the Nawab in England. But he was dissatisfied when the remittances which made the place of Agent desirable, did not regularly reach him. General Lawrence presented his own house to the Nawab on his retirement. A letter from Sunka Rama to Robert Orme, the historian, dated 6th November, 1763, reports that Pigot received a present of £ 40,000 from the Nawab, before his departure for England.

By the Parties to the Treaty of Paris (1763) that ended the Seven Years' War, the Nawab was assured of his "entire possession of the Carnatic." Sir John Macpherson, the immediate successor of Warren Hastings in the Governor-Generalship, was now a temporary resident at Madras and was appointed by the Nawab as his Agent, and commissioned to go to England to seek King George's protection as against the Company whom he charged with having kept from him knowledge of the nature of the international guarantee secured to him by the Treaty of Paris. In 1768 Macpherson approached the English Premier on the matter and secured a favourable hearing. Sir John Lindsay was then sent by the British Government to Madras in the double capacity of Naval Commander-in-Chief and Minister Plenipotentiary at the Court of Arcot. King George III's letter to the Nawab Walajah, which was

¹For the destruction effected at Pondicherry, see M. V. Labernadie: *Histoire de Une Ville Coloniale Française* (1936); and H. de Clossets D'Errey: *Precis Chronologique de l'Histoire de L'Inde Française* (1664-1816).

countersigned by Lord Chatham and conveyed by Lindsay, assured the Nawab of Royal protection and friendly assistance and empowered the British Envoy to demand a full account of all the Company's transactions with the Nawab since the Treaty of Paris. The Madras Council angrily resisted Lindsay's demand; while the Nawab bewailed to him that "he was still afraid to avail himself of the protection to possess that power under the vigour of which he had already so much suffered."

In his second letter, to the Nawab, dated March 1771, His Majesty King George III was pleased to express his confidence in the Company and his desire to connect them inseparably with the Nawab. The Madras Council once again resented this Royal interference, as it was productive of great embarrassment to itself. Sir Robert Harland, the Commander of the Royal Squadron in the East, who was entrusted by the King with plenipotentiary powers, told the Madras Council that "he was to represent, in the freest manner, to the Governor and the Council at Madras any complaints which in his judgment shall be well founded that may be made by the Nawab of Arcot." Moreover, the Nawab wrote again to King George at Harland's instance, and got a much-prized reply, in the Royal holograph, dated 7th April 1772. These, however, could not strengthen the Nawab in his attitude towards the Madras Government which followed its own course unperturbed.

The Nawab had been quickly reduced by the political situation of the time into becoming a helpless dependant of the Company which had always to provide a military force for the defence of his dominions and consequently charged him with the cost of its maintenance. The result of this relation was that, after a few years, the Nawab came to realise that he had bought the security of the throne too dearly. His constitutional incapacity to pay promptly and punctually his dues to the Company, was made worse by his extravagance and his readiness to borrow money from whatever source it could be had. He became more and more steeped in debt both to the Company and to private creditors; and to both he made over the right of collecting taxes over large slices of his dominions as securities for his liabilities; while his bonds quickly became a marketable commodity, freely bought and sold, "the discount on them falling or rising as the prospects of the Nawab's debts being liquidated became more or less favourable." His creditors, both European and Indian, official and non-official, became interested in the problem of his debts which became a political issue and exercised a demoralising influence on the whole of Madras society and resulted, among other things, in "the vicious system of the management of whole districts by money-lending creditors."

Nawab Muhammad Ali naturally made much of the fraternal correspondence that he maintained with King George III. His protagonist, Burhanu'd-din, writing in the *Tuzuk-i-Walajahi*, in A.H. 1195, thus describes it:—"The union and friendship between Hazrat Ala (Muhammad

Ali) and the English is maintained till to-day. The fame of this union pervades throughout the provinces in the continent like the spirit in the body. For the two Padshahs of Islam (Sultan of Turkey) and of England, (King George III) had sent letters of friendship and union with the title of 'brother' to Hazrat Ala and with the following contents. . . ."

The Nawab had been mentioned as an ally of Great Britain in the Treaty of Paris; but, as noted above, he was kept in ignorance of the passage relating to his "entire possession of the Carnatic."

The Nawab was recognized in the possession both of the powers of the *Nazim* and of those of the *Diwan* of the Carnatic subah; and the Company first held a "station of dependence", possessing their privileges through his sufferance and owing obedience to his throne.²

II

The Nawab gave a *sanad* in October 1763 for the grant to the Company in *jaghir*, of seven *maganams* belonging to the *sarkar* of Tripassore, with an annual value of nearly 17,000 pagodas, besides Covelong, Manimangalam, Sriharikottai, Tripassore, Peddapollam, Perumbakam, Saliwakam, Conjeevaram etc. The total annual revenue for all these was upwards of four and a half lakhs of pagodas. Another *sanad*, dated 28th August, 1765, was issued under the great seal of the Nawab "for the several places that form the Company's jaghirs in which the former and the present grants are included," comprising also the old grants of Madras, San Thome district, Poonamalle district, and the Tiruvendipuram jaghir, near Fort St. David, with a revenue of over 42,000 pagodas, and also including all the villages excepted in the grant of 1763, with an annual value of 34,500 pagodas." The Nawab wrote in his own handwriting:—"In consideration of the true friendship of the English East India Company and their remaining always in alliance with me, let a *sunnud* for the whole jaghirs without any exception be made out,"—on the back of the *sunnud*.³

The Great Mughal's *farman* of the 12th August 1765, was a confirmation of the Nawab's grants to the Company in the Carnatic. In 1781, the Nawab made several requests to the Governor-General in Council to which the latter replied:—"The rights and authority which the Nawab possesses over his country, his children, his family, his servants and subjects in all the political and domestic administration of his country we will maintain and support."

A *sanad* was made out by the Nawab, dated 2nd December 1781, on account of the pressure of the war with Mysore, for the transfer of the revenues of the Carnatic and the power of appointing renters and *amil-dars*, to the Governor of Madras, Lord Macartney. One-sixth of the

²Mill's *History of British India*, Vol. IV (1848), p. 64.

³Aitchison: *Treaties, Engagements etc.*, Madras and Ceylon, Vol. X (1909 ed.) p. 26.

revenue collected was to be paid to the Nawab and the balance was to be placed to his credit with the Company.

In June 1785, a preliminary treaty was concluded with the Nawab, by which he consented to pay 16 lakhs of pagodas per annum to the Company; and the latter were to be answerable to his private creditors also; and the sum payable by the Nawab was to include current charges; and territorial security was given for his punctual payment.

According to the further Treaty of 1787, it was agreed, that the Nawab should pay the sum of 9 lakhs of pagodas for protection in times of peace, besides 12 lakhs towards the repayment of his debts. In times of war, the contracting parties should each pay $4\frac{1}{5}$ of their revenues; and as guarantee against any failure of payment on the part of the Nawab, certain districts were assigned as security. The Nawab also relinquished his right of having direct political relations with other Indian States. The Court of Directors altered the sum fixed for payment for the protection in times of peace from 9 to 11 lakhs, based on a proportion of the revenues and half a lakh of pagodas paid as tribute by the Raja of Tanjore. The Nawab agreed to this alteration after some demur.

In 1790, when the war with Tipu broke out, the English resolved to take over the direct management of the Carnatic, for the duration of hostilities. A new treaty was concluded with the Nawab in 1792, according to which he was to pay 9 lakhs of pagodas yearly; the Carnatic was to be garrisoned by British troops; the British should collect the tributes of the poligars on behalf of the Nawab; the assignment for his debts should be reduced; and in the event of any war, the British should take over the entire management of the Carnatic.

When once the military power passed to and was in their hands, the English were able to do what they pleased with the Nawab. The resolution of maintaining this absolute power was clearly expressed in the letter of the Court of Directors, to the Presidency of Madras, as early as the 24th December, 1765. "The Nabob has hitherto desired, at least acquiesced with seeming approbation, that garrisons of our troops should be placed in his forts: it is not improbable that after a time he may wish to have his protectors removed. Should such an event happen, it may require some address to avoid giving him disgust, and at the same time a degree of firmness to persist in your present plan; but persist you must: for we establish it as a fundamental point, that the Company's influence and real power in the province cannot be by war so effectually maintained, as by keeping the principal forts in our hands."⁴

The real helplessness of the Nawab was thus expressed by Lindsay, the British Envoy to his court. "By being in possession of most of his strong places, the troops being officered by the Company, and the garri-

⁴See First Report of the Committee of Secrecy, 1781; Appendix No. 23.

sons perfectly under their orders, the Company have it in their power to give law to the Carnatic. Without the concurrence of the Presidency he (the Nawab) can do nothing: They are arbiters of peace and war; and even if one of his own tributaries refuse the *peshcush*, the payment of which they had guaranteed, without them he cannot call them to an account."⁵

The subsidy fixed by the Treaty of 1792 was regularly paid, though the Nawab had to contract heavy loans to meet his liabilities and habitually assigned the revenues of his country to liquidate them. Several attempts, including the agreement of August 1800, regarding the *Desha Kaval* and *Stalam Kaval* fees of Tinnevely, were made to secure guarantees for regular payment.

Lord Hobart, Governor of Madras (1794-8), soon after his accession, contemplated the annexation of Tinnevely in order to liquidate debts which had been transferred from Nawab Walajah on his death in 1795 to his son. The Supreme Government at Calcutta disapproved of the measure, but agreed to refer the matter to England. The Directors resolved, in October 1797, to recall Hobart on account of his ill-judged and ill-executed plan.

Sir John Shore, the Governor-General, had indeed authorised Lord Hobart to propose to Nawab Umdatul Umara, on his accession in 1795, the assignment of the entire revenues of his kingdom to the Company. Hobart apprehended the influence of European usurers on the Nawab's resolution and negotiated, without Shore's consent or knowledge for the surrender of only one district. He addressed the Nawab "in terms at once offensive to his deceased father and menacing to himself; by pressing upon him unseasonably the immediate payment of a debt due to the Company and other claims real or disputable... by threatening compulsory measures." Shore acquiesced in Hobart's proposition, but condemned his procedure "as repugnant to the treaty of 1792, by which the Nawab's rights were guaranteed; as, in respect to some of the demands pressed on the Nawab, unjustifiable—and as, in fact, involving a breach of faith"; Shore argued that "the magnitude of an advantage could not warrant the prosecution of it by improper means." Hobart appealed to the Directors in justification of his conduct; and on his part, Shore, writing to Dundas, the President of the Board of Control, on January 12, 1796, declared that the conduct of Lord Hobart towards the Nawab was "most unjustifiable, violent and indefensible upon every principle." Shore also protested against the idea of forcing the Nawab into an acquiescence by indirect means of coercion that would "soon suggest to the country powers that convenience was the measure of our good faith."⁶

The Directors wrote to the Madras Government a letter dated 5th June, 1799, saying that the Nawab had acknowledged that he was in the

⁵Letter from Sir John Lindsay, to the President and Council of Madras, 11th June, 1771; Rous; Appendix, p. 368.

⁶Life of Lord Teignmouth by his son, Vol. I, pp. 352-60.

practice of raising money annually by assignments of the revenues of those districts which formed the security for the payment of the Company's subsidy. This practice was unquestionably contrary to the letter, and subversive of the spirit, of the treaty of 1792. Consequently they ordered that the Madras Government should adopt measures necessary for taking possession "of the whole or any part of the said districts, the revenues of which shall appear to be so assigned." The Madras Government was ordered to communicate to the Nawab this resolution of the Directors.

The contemporary historian of British India, James Mill, condemned this order and contrasted the assumption that formed the basis and reason for the Directors' order with the solemn asseveration made by the Nawab in his letter of the 13th May 1799, that "not one foot of the districts set apart by the treaty of 1792 have been or are in any manner or way, directly or indirectly, assigned by me or with my knowledge, to any individual whatsoever."

With respect to the Directors' orders for the assumption of the territories of the Nawab, the Madras Governor wrote to them on the 11th April, 1800, that the matter was still under the Governor-General's consideration. Wellesley (1798-1805) wrote to the Directors in January 1800, that the short duration of the war with Tipu rendered it inexpedient for him to assume the management of the Carnatic and Tanjore: as "the immediate effect of such an assumption would have been a considerable failure of actual resources at a period of the utmost exigency." He added that the Carnatic was then occupying his particular attention, as "the perverse councils of the Nabob of Arcot will prove a serious obstacle to any effectual improvement of your affairs in that quarter."

The Governor-General proposed that the Nawab should cede to the Company, in undivided sovereignty, those territories which were already mortgaged for the payment of the subsidy, in which case he would be exempted from the operation of the clause which subjected him to carry out the assumption of the country. It was also proposed to make over to him, in liquidation of his debt to the Company, certain sums in dispute between them, to the amount of over 230,000 pagodas.

Nawab Umdatul Umara however opposed, with a determination that was striking, any attempt to modify or alter the terms of the Treaty of 1792 and maintained that the treaty had had a fair trial of over seven years and had been found sufficient for all common purposes and had secured "the fulfilment of every stipulated condition with harmony."

In March 1800, when news reached Calcutta that the Nawab's health was obviously failing, the Governor-General minuted as follows:—"Although the treaty of 1792 was concluded in the name and on behalf of the Nabob Walajah and his successors, no obligation of that treaty binds the Company to place or to support on the *musnud* any individual of the family (if any should be nominated by the reigning

Nabob) whose pretensions to the succession may be actually disputed or may appear 'questionable'." Thus the Governor-General prejudged the legitimacy of the claims of Ali Hussain, the son of the Nawab, nay, even his birth. But in his letter to Lord Clive, Governor of Madras, he conceded that if that supposed son could be made a better instrument for the accomplishment of the British purposes than the son of Amiru'l Umara, the deceased younger brother of the Nawab, then the Madras Government might place him on the vacant throne, previously requiring his consent to the condition that the civil and the military administration of the Carnatic should be entirely surrendered to the Company. Ali Hussain had been duly and formally nominated as his successor by the Nawab Umdatul Umara; and the Governor-General now envisaged the possibility of the legitimacy of the heir being questioned and of there being other claimants to the throne. Both Wellesley and Clive were thus working out a plan by which they could take away from any future Nawab's hands the administration of the country without causing any open rupture or violent coercion.

III

Just at that time, a correspondence was discovered, from among the palace records of Seringapatam, which had passed between Tipu Sultan and his two vakils, Ghulam Ali Khan and Ali Reza, who had accompanied his hostage sons to Madras in 1792. The vakils, in their report to their master, had given an account of the attitude of Nawab Muhammad Ali towards the hostage princes of Mysore and towards themselves. Besides the report of the vakils, there were some letters of Tipu himself containing a reply to the civil expressions of the Nawab, and commissioning his vakils to procure secret intelligence, and at the same time furnishing them with a cypher for carrying it on. The key to the cypher showed that Walajah was designated by the term 'Well-Wisher of Mankind,' the English by that of 'New-comers', the Nizam by the term '*Heech*' (i.e., nothing) and the Peshwa by the term '*Pooch*'.

The Commissioners who enquired into the correspondence were Mr. Webbe, Secretary to the Madras Government, and Colonel Barry Close. They themselves admitted that their examination of the witnesses, Ali Reza and Ghulam Ali, was not useful in strengthening the charges against the Nawab. Both the vakils affirmed that the expressions of good will towards Tipu made use of by Nawab Walajah and his son, in their hearing, were never understood by them in any other light than that of vague and conventional compliment. Prof. H. H. Wilson, the editor of Mill's *History*, "who generally agrees to differ with his author on points affecting the justice of the Company's policy in India," admits that "upon the face of the correspondence little appears to convict the Nawab of the Carnatic of actual treachery against the British Government." The report of the Commissioners was forwarded for opinion

both to the President of the Board of Control and to the Secret Committee of the Directors.

The Commissioners wrote that the key to the Persian cypher was in a handwriting which resembled exactly that of the favourite Munshi of Nawab Umdatul Umara, who had, however, died long before these charges were thought of.

Mr. N. B. Edmonstone, Secretary to the Supreme Government, who was directed to submit a report on the proceedings of the Commissioners, submitted to the Governor-General his conclusions, among which the following significant ones may come in for special notice:

"The Nabob (Walajah) had both by communications from himself personally, and through Omdat-ul-Omrah, to Gholam Aly Khan and Aly Reza manifested his marked disapprobation of the triple alliance of (the English, Nizam and Mahrattas) which had reduced the power of the Sultan; and that he had on such occasions stigmatized the Nizam, as having acted contrary to the dictates of religion which required that all true believers should join in the support of the cause, of which he repeatedly stated, he considered Tipu Sultan, the chief pillar."

Further, the Nawab had called the defensive war of 1790-2 as 'a war against religion.' In a solemn assembly of the Mussalmans in the service of Tipu Sultan, held at a mosque in Madras, by the latter's order, in August, 1793, "for the declared purpose of binding them by a solemn obligation to support the interests of the Mahomedan faith", Ali Reza, one of the Mysore vakils, is said to have remarked:—"It was very extraordinary that notwithstanding. . . . the great plurality of Mussalmans, they should so depart from the obligations of the faith, as to take up their abode in such a place (Madras) and choose to render obedience to those of a different persuasion (the English)". This was deemed to amount to preaching rebellion in the very heart of the British capital and to strengthen the presumption of the truth of the allegations against the Nawabs Walajah and Umdatul Umara. Ali Reza had ventured "to hold such language in the presence" of Umdatul Umara who should have heard what passed on this occasion, but did not care to communicate it to the British Government. Ali Reza afterwards added prayers for the triumph of the *Khudadud Sarkar* (Tipu's government).

Mr. Edmonstone added that Nawab Walajah and the Sultan perfectly understood each other; and the former's attachment to the cause of religion and to Tipu Sultan was expressed in a letter to Ghulam Ali Khan, in the handwriting of Umdatul Umara, "under the fictitious name of Ghoolam Hoosain, which appears in written characters upon the cover in the place of the seal and in which is a couplet of verse to the following effect:—

"In the preservation of thy person is the permanence of the faith,"

"Let him not remain who wisheth not thy preservation."⁷

The same Report further stated that Nawab Walajah communicated (about December 1792) to Ghulam Ali Khan, news that he had obtained from his secret emissaries in Bengal, to the effect that Tipu Sultan was suspected by the British Government of "maintaining a sinister negotiation with the Mahrattas" and recommending him "to suspend his views until a more favourable opportunity" (i.e., after Lord Cornwallis should have departed for Europe), and that the Resident at Poona had written to the Governor-General that there was reason to believe that Tipu was endeavouring to form a close connection with the Poona Government, and through that Government with the Nizam, and that all this had excited suspicion in the Governor-General's mind.

Nawab Walajah was also accused, in the Report, of having communicated through the Mysore vakils, in May 1793, intelligence of the intended march of the British troops against Pondicherry, wherein he had advised Tipu to be cautious in his relations with the French and to avoid all epistolary communications with them. Further, the Nawab was said to have added the following words:—"I am actuated solely by my good wishes in making this communication. Since the day that a cordial union took place between us, let me be no longer a Mussalman and a servant of God, if I have not always offered up my prayers for the Sultan's good and afterwards for my own. May the Almighty preserve firm and uninjured the Mahomedan Church and the safety of the Sultan!"

The former of these two communications disclosed according to Edmonstone, "sentiments inimical to the British interests, and favourable to Tipoo Sultan in a point of view, opposed to those interests." The latter naturally confirmed the suspicion that Nawab Walajah was "not ignorant of the views which we now know Tippoo Sultan entertained at that very time against the British power, and of the assistance which he hoped to derive, in the prosecution of them, from his connection with the French."

Nawab Walajah is said to have told Tipu's vakils:—"I am what I am, what I know myself to be. Tell the Sultan he is the pillar of the faith; and may God preserve him and grant him long life since I and all Mussulmans derive support from him, for otherwise the state of

⁷"As Omdat-ul-Omrah was the principal channel of communication between Nawab Walajah and Tipu Sultan, these expressions were considered as conveying the sentiments of both (father and son). Further, they confirm the prior negotiations, as subsequent in date to the ceremony above described, at which the sons of Walajah and Omdat-ul-Omrah understood the phrase "supporting the cause of the faith, in the same sense which Tipu Sultan himself intended to convey by it". "Of the authenticity of the note (No. 17) there cannot be a doubt, as it is certainly written by the Nabob Omdat-ul-Omrah himself, whose handwriting cannot be mistaken, although signed (as well as superscribed) Gholaum Hoosain. The use of this fictitious signature is a further corroboration of the secret and clandestine intercourse which subsisted between Tipu Sultan and the Nabobs Walau Jah Omdat-ul-Omrah."

affairs here is evident; that which is evident does not require explanation."

From this and similar quotations taken from the vakils' letters to their master, it became evident to Mr. Edmonstone that the Nawab formally proposed to Tipu, through the medium of his wakil, an alliance with that prince, avowedly for the purpose of supporting the interests of "the Mahomedan religion, one of the first duties of which is to wage eternal war against those of a different persuasion."

The Nawab's alleged negotiation of an alliance of friendship with Tipu, without the participation or knowledge of the British power, was a breach of the treaty of 1792, according to its 10th article. There was also every reason to believe that the vakils had secret instructions from Tipu to establish this connection with the Nawab. It was also stated that the vakils were charged with some concealed commission at Madras. Mention was made in Tipu's letters of "the affair you know of." However, Mr. Edmonstone, in making these allegations was constrained to admit that "what the nature of it was does not clearly appear." He could only maintain that Umdatul Umara was made acquainted with the affair and promised to exert himself to effect the object of it (as appeared from a letter from the vakils to Tipu at a date subsequently to July 1793).⁸ Edmonstone's Report claimed to be a faithful summary of the spirit of several documents which are too voluminous for being even summarised.

Edmonstone stated that "the first indication of the Nawab Walajah's disposition to connect himself with Tipu Sultan, by the ties of political interest appears in a letter dated June 1792, from the vakils, in which the Nawab is represented "to have reprobated the preceding war as having been undertaken by the allied powers for the subversion of the Mahomedan religion"; and that he used "(pending the war) night and day to pray for the Sultan's prosperity, because the confederacy of the three allies was for the subversion of the Muhammadan religion." He thus concluded that "it is obvious from these expressions, that from the very commencement of the war between the allies and Tipu Sultan, the Nawab Walajah wished success to the arms of Tipu Sultan against the power with which he was connected by the most solemn obligations of union and alliance."⁹

Ali Reza acknowledged that the civil expressions used by the Nawab were much exaggerated by them, as it was customary with the vakils to heighten the expressions of regard which fell from Cornwallis and Nawab Walajah, for the purpose of gratifying Tipu Sultan. They specially conveyed several expressions of the Nawab complimenting the

⁸The Report of Mr. Edmonstone on various documents found in the Palace of Seringapatam, implicating the conduct of the Nabobs of the Carnatic, Walajah and Omdat-ul-Omrah, dated Fort William, 6th April 1800.

⁹Wellesley's Despatches, edited by M. Martin, Vol. II, p. 743.

Sultan as "the pillar of the faith" and admiring the union of the Mussalmans; and also of his having advised the Sultan to suspend his negotiations with the Marathas, at least during the administration of Lord Cornwallis, to withdraw his vakil from Pondicherry and to intermit all his correspondence with the French, since he had learnt of the existence of a French war with the English. The Commissioners inquired into the meaning of the phrase, "the affair you know of," which frequently occurred in the letters of Tipu and his vakils and found that it referred to the subject of a proposed marriage connection between the family of the Sultan and that of the Nawab.

James Mill regarded these articles of intelligence conveyed by Wajajah to Tipu as exceedingly trifling and to have at any rate "the appearance of having been conveyed for a good, not for an evil purpose; for the preservation of that harmony between Tipu and the English, which at that time the English had very earnestly at heart. To ask Tipu to desist and suspend his negotiations with the Marathas, at least during the administration of Cornwallis, and to advise him to withdraw his vakil from Pondicherry and intermit all correspondence with the French, having learnt that Pondicherry was about to be attacked, could offer no ground for an inference of guilt. "To call Tipu a pillar of the faith, one of the most flattering of all compliments to his bigoted mind, was not criminal; nor, to speak with approbation of the union of Moslems which might be an exhortation to the Sultan to favour the Nawab, that is the English, who always represented their interests as the same with his." This view of Mill savours of much special pleading, even as the report of Edmonstone seems exaggerated on the other side.

James Mill concludes his view on the Seringapatam correspondence thus:—"Not only does this evidence afford no proof of a criminal correspondence with Tipu on the part of the Nabob, but the total inability of the English to produce further evidence, with all the records of the Mysore Government in their hands, and all the living agents of it within their absolute power, is proof of the contrary, since it is not credible that criminal correspondence should have existed and not have left more traces of itself."

Sir John Malcolm believed that the letters found at Seringapatam contained "conclusive evidence of a secret intercourse between the Nawab and Tipu Sultan, directed to purposes hostile to the interests of the Company."¹⁰

IV

The Report of the Commissioners was drawn up and signed at Seringapatam on the 18th of May, 1800. It was not till over a year after that date, during which period the Governor-General was occupied with

¹⁰Narrative of Proceedings relative to the Settlement of the Carnatic: by Major Malcolm—Papers ordered to be printed by the House of Commons (1806).

other matters, particularly the subsidiary treaty with the Nizam, of October 1800, that he wrote a long despatch to Lord Clive, with an enclosure to the Nawab. In the meantime Wellesley had written to the Home authorities and received their opinion (both of the President of the Board of Control and of the Secret Committee of the Directors). On May 28th, 1801, he issued his final orders on the subject, after getting from Mr. Webbe a direct account of all the circumstances.

In his despatch Wellesley observed that the negotiations with the Nizam rendered it politic to postpone the Carnatic question for the time. But he added that the delay enabled him to receive the opinions of the Board of Control and the Court of Directors on the subject of the Seringapatam Correspondence. He learnt with pleasure that these opinions accorded entirely with his own and with those of Lord Clive. He wrote that he confidently inferred from the evidence of the correspondence and of the subsequent examination of the vakils, "the existence of a criminal correspondence and between the Nabob and Tipu"; and he had consequently resolved on the dethronement of the Nawab and the transfer of his sovereignty to the Company. He had also desired Webbe to go to Calcutta and convey to him all the personal knowledge that he had on the subject, and with that additional knowledge he had carefully revised the examination of the evidence. But he would still make an attempt to persuade the Nawab to acquiesce in the proposed arrangement by consenting to a new treaty; and he asked Lord Clive to let the Nawab know that all the proofs of his correspondence with Tipu Sultan were in the English possession, and at the same time to offer him the generous provision of a sum of three lakhs of pagodas annually for his personal expenses as an inducement to secure his consent. The Governor-General was convinced of "the criminal purpose, and of the actual endeavours of the late and present Nabobs of Arcot to establish an union of interests with the late Tipu Sultan, incompatible with the existing engagements between the Nabob of the Carnatic and the Company, and tending to subvert the British power in the peninsula of India." He was specific in the direction he gave to Lord Clive that, if the Nawab should refuse to acquiesce in the proposal, the Madras Government was to assume the civil and military government of the Carnatic and exercise its full rights and power. In case the Nawab should appeal to the Court of Directors against this proposal, since the Secret Committee had already assented to the proposal for the extinction of his sovereignty, the Nawab's petition should not be admitted; nor should he be given the right of a formal investigation of his conduct.

Thus the Governor-General decided the whole question *ex parte*, "upon the basis of evidence furnished by the English themselves and examined only by themselves and for themselves and upon which they could put any construction they pleased, without admitting the accused to offer a single article of counter-evidence or to sift the evidence brought

to condemn him." The argument that Mill put forward against the decision, that the Nawab was a sovereign ruler who stood in treaty relations with the British power, is controverted by Wilson, who says that the Nawab had never been a sovereign prince; but that the Ministers of the British Crown had most *impolitically and mistakenly* treated him as such. Wilson held that the Nawab was an officer of the Nizam of the Deccan, appointed and removed at his pleasure. It was the English that secured him independence of the Nizam and it was to them that he owed his security. "He was their creature and not their equal." Thus the dispute lay not between two potentates of equal status, but between master and servant, between sovereign and subject; and it was the mistake of the English to have perpetuated in their own attitude the pretensions of the Nawab to sovereign rank. In Wilson's opinion, even Wellesley was generous and weak-minded in this respect, because he chose to treat the Nawab, not as a refractory dependent, but as a sovereign prince in alliance with the English.

Wellesley wrote in his despatch:—"The case requires that we should act as against a state, on the basis of the general law of nations, and that we should employ the power of the British Empire in India to demand, and if necessary to enforce an adequate security for our rights and interests against the machinations of a faithless ally, who has violated the fundamental principles of a public alliance to the extent of placing himself in the light of a public enemy,"¹¹

It should however be remarked that the English Government acted very inconsistently from time to time. At one convenient time it held that the Nawab was an independent sovereign. On another occasion the British authorities were at pains to prove his independence of the Nizam of Hyderabad and to declare that his power was derived directly by a grant of the Mughal Emperor. On a third occasion the Company condemned his attempt at correspondence, as with an equal, with King George III; and now Lord Wellesley conveniently maintained his definite subordination to and dependence on the Company in political status.

Wellesley thus put forward the high sounding plea usually put forward by Imperialists that the Company was justified in the interests of the people of the Carnatic in confiscating the administration from the Nawab's hands, because "in proportion as the feelings of millions are

¹¹"This means, it is to be presumed, that a sovereign who is an enemy, and who is too weak to resist, may be deprived of his sovereignty; but even if this doctrine were generally true, which it is not, the public hostility of the Nawab of the Carnatic had not been so decisively manifested as to justify such extreme punishment. The inconsistencies and unsoundness of many of our attempts to vindicate our political measures in India are undeniable. It would have been more honest and honourable to have confined ourselves to the avowal that the maintenance of the British dominion in India was the main-spring of all our policy. It might also have been safely asserted, on this occasion at least, that the interest of the people demanded the separation of the double administration of the affairs of the Carnatic, and an end being put to the misgovernment of the Nabobs of Arcot."

(Mill and Wilson: *History of British India*: Vol. VI of foot-note p. 39).

of more value than the feelings of an individual" and because even if the English should only retain the administrative and judicial system of the Nawab as it was, and work it, the people would suffer less than they would with the system as it would be administered by the Nawab's officials. Likewise, the Company held that in the short period when they enjoyed undivided powers over the Carnatic, "though their administration had been marked neither by skill nor by success, some efforts had been nobly intended and would have been doubtless followed by more judicious expedients."

Mill thus puts the coping-stone on the arch of his justification of the Company's move to take over the sovereignty. He says:—"Yet I believe it will be found that the Company, during the period of their sovereignty, have done more in behalf of their subjects, have shown more of good will towards them, have shown less of a selfish attachment to mischievous powers lodged in their own hands, have displayed a more generous welcome to schemes of improvement and are now more willing to adopt improvements, not only than any other sovereign existing in the same period, but than all other sovereigns taken together upon the surface of the Globe."¹²

When the Governor-General's instructions embodied in this despatch of May 28, 1801, reached Lord Clive, the Nawab Umdatul Umara was suffering from an illness that was soon to prove fatal. The Governor was generous enough not to agitate his mind with the communication of the despatch.

Lord Clive, writing to Lord Wellesley, on the 15th July, 1801, on the very day of the demise of Umdatul Umara, declared: "I shall be prepared, at the expiration of it, to act according to the termination of the conference, either by acknowledging the succession of Taj-ul-Omra (Ali Hussain) and receiving possession of the Carnatic through the channel of negotiation, or by asserting the right of the Company, and immediately proceeding to exercise the Government of the Carnatic." Messrs. Webbe & Close, who were deputed by Lord Clive to confer with the Nawab's officials immediately after his demise, and to urge them to give up the administration of the country, told them that "upon their answer would absolutely depend either the acknowledgment of the will of Omdat-ul-Omra (appointing Ali Hussain, as his heir) or the necessity of asserting the rights of the Company, by proceeding to exercise the civil and military government of the Carnatic."

A letter written by Muhammad Najib Khan and Muhammad Taki Khan on behalf of Ali Hussain, dated 30th July 1801, enclosed two papers from the members of the Nawab's family stating "the right of succession of the son and heir of Nawab Omdat-ul-Omra and the want of due right, in any sense, on the part of the son of the late Amir-ul-Omra."

¹²Mill's *History of British India*, Vol. VI, p. 331.

The second of these papers distinctly held that "the rights of government and the country of the Carnatic as well as the property of his father were given and bequeathed by the Nawab Omdat-ul-Omra to his heir and successor, the Nawab Taj-ul-Omra, who was entitled to the government according to Mussalman law."

Another letter written by Maulana Abdul Malu'ul Ulama and other learned men, forwarded to Government at the same time, said:—"The Ordinance of the Holy Law, as well as established Precedents and the practice of the Khalifs and Sultans is this, that a Man's son becomes his heir, and when a father makes his son his heir, and gives the son all the property acquired by him, the father, then such son becomes heir and proprietor, without the participation of another—and if the father be proprietor of territory and previously to his death names his son as his heir, such son then becomes heir accordingly, whether he be a legitimate (born from the womb of his proper lawful wife) son or not, and if a person should make another, whether an adopted (son), or a mere stranger his Successor or Executor, then it behoves all to obey the person so appointed." . . . "Thus, the inheritance and the right to all matters of right and property belonging to the Nawab Walajah Amir-ul-Hind devolved to the deceased Nawab Omdat-ul-Omra and from the said deceased to the Nawab Taj-ul-Omra. Because the deceased Nawab having appointed his executor, heir and successor, then departed this life, wherefore the proprietor of all these rights is the Nawab Taj-ul-Omra Bahadur—and intervention of another is contrary to Law and precedent."¹³

Wellesley's opinion on this question was thus expressed:—"Various rumours exist relative to the birth of the person of whom the Nabob Omdut-ool-Oomra declares himself to be the father; it is however certain that the mother of this young man is of low origin, and that she was never married to the Nabob. It is reasonable to believe that the succession of this young man would be felt as an injury to the rights of the late Ameer's son," (Azimu'd Daula) who was eventually raised to the masnad) "by all who might think favourably of the latter's title,"—"the young man who passes for his Highness's son."¹⁴

The impression upon the Governor-General's mind was, that "the right of inheritance, if any such had existed, belonged to Azeem-ood-Dowlah, and that the elevation of Ali Hussain, the reputed son, would probably give great disgust to the Mahomedans, and induce efforts to defeat the succession."¹⁵

This view cannot be justified from a careful study of the records. Wellesley took his stand as to the rightfulness of the claim of Azimu'd Daula, only at a certain stage of the negotiations and was earlier pre-

¹³Country Correspondence, Political Department, 1801—No. 73.

¹⁴Wellesley's Despatches, Vol. II, p. 249-251.

¹⁵Carnatic Papers, 1860, p. 27.

pared to recognise Ali Hussain on certain conditions. The Governor-General had instructed Lord Clive that if Ali Hussain should refuse to subscribe to the conditions within 24 hours of the succession, he should give Azimu'd Daula the option of the succession, but should not treat with any younger branch of Amiru'l Umara family.¹⁶

Sir John Malcolm who prepared a summary, at Calcutta, of the proceedings relating to the Company's assumption of the administration of the Carnatic, from official papers, in 1802 or 1803, maintained that "neither Ali Hussain, the reputed son of Omdut-ul-Omrah, nor Azim-ud-Dowla, the acknowledged son of Amir-ul-Omrah, who was the favourite son of Walajah, had a specific claim to the succession from the Treaty of 1792 or from being heir to Omdut-ul-Omrah, whose own right was then considered by the Governor-General to be forfeited." The elevation of either of them was to be considered a measure of expediency and not of right; and the offer of the throne to either was "unconnected with any admission of his claim or title to the musnud." On this basis it was arguable that the raising of Azimu'd Daula to the throne was a matter concerning only himself and not necessarily continuing the right to his successors.

But even Malcolm had to admit that, from Wellesley's letter of instructions to the Governor of Madras, dated 28th March 1800, given long before any question of the respective claims of the two cousins to the succession was agitated, "it appears that the impression on the Governor-General's mind was, that the right of inheritance if any such had existed, belonged to Azeem-ud-Dowlah." If there was such an idea, Azimu'd Daula's hereditary right and consequently that of his successors were stronger than would be otherwise the case.¹⁷

From a close study of the records one cannot help coming to the conclusion that the Governor-General took up the rightfulness of the claims of Azimu'd Daula only at a certain stage of the negotiations and was prepared to recognise Tajul Umara on certain conditions, at an earlier stage. Of course, he had instructed Lord Clive that if Tajul Umara should refuse to subscribe to the condition within 24 hours after his father's death, he should give Azimu'd Daula the option of the succession, but should not treat with any younger branch of the family of Amiru'l Umara did not consent to the conditions imposed upon him, Azimu'd Daula agreed to the conditions and a treaty was concluded with him by which the entire civil and military government of the Carnatic was transferred for ever to the Company. The new Nawab and his heirs were to enjoy their title and dignity and to receive one-fifth part of the net revenues of the country. Three years after Azimu'd Daula's installation, Lord William Bentinck, the then Governor of Madras declared that the British Government, "unwilling to degrade the illustrious house

¹⁶Martin: Wellesley Despatches: Vol. II, p. 251.

¹⁷Martin: Wellesley Despatches: Vol. V. Carnatic Supplement, pp. 57-67.

of Arcot, was pleased to establish your Highness upon the throne, reserving to itself the administration of the Civil and Military affairs of the country." Even in the earlier proclamation of Lord Clive of July 27, 1801, declaring Azimu'd Daula the Nawab, Government said that "it has now resolved to exercise its right and its power, under providence, in supporting and establishing the *hereditary* pretensions of Prince Azimu'd-daula Bahadur."

V

The reaction in British home politics, of the annexation of the Carnatic by the Company may be noticed. Sheridan and Lord Moira threatened to launch an attack on the Governor-General in Parliament on this question. But their threat proved abortive. Nevertheless, Wellesley's friends, Grenville and Pitt, the Prime Minister, were very anxious on this account (March 1802). Grenville declared:—"It is no longer to the India House or to Whitehall that Wellesley can look for protection and support." Both Addington and Castlereagh examined the Carnatic papers very carefully and finally decided to support Wellesley "but not without misgiving". Addington, writing to Wellesley in September 1802, thus encouraged him: "You will learn from various quarters that an attack on some of your measures, and particularly (and, as I believe, exclusively) on the transactions in the Carnatic, is to be expected very early in the ensuing session; but, though considerable industry has been exerted to excite prejudices, no apprehension ought to be entertained of its ultimate effects. It will be repelled in the House of Lords by the Members of the Government in that House, by Lord Cornwallis, and, I need not add, by Lord Grenville, who, however, I must say, proposed to me, in the handsomest manner, that we should invent together the course that it would be most advisable to pursue. In the House of Commons, it is equally unnecessary for me to tell you, you will have the cordial and strenuous support of Pitt co-operating with that of Government."¹⁸

When Castlereagh wrote to Wellesley after his assumption of the Presidentship of the Board of Control, he confirmed his Carnatic policy, but advised Wellesley that having acquired sufficient territory in India, he should end his tenure of office "with as much solidity as his former policy had brilliance."

VI

The Secret Committee of the Court of Directors was informed in despatches from the Madras Government (of 3rd August) and from the Marquis of Wellesley, (of the 21st October) of these transactions. From these we read that from Azimu'd Daula's compliance Lord Clive was relieved of the supposed difficulties stated in the Governor-General's despatch in proposing to the new Nawab a modification of the preamble

¹⁸The Wellesley Papers by the Editor of the Windham Papers, Vol. I, p. 182.

and of the first article of the treaty of the 31st of July 1801; and the effect was that the new Nawab considered the causes of his own elevation to have flowed from the generosity and moderation of the British Government, though the admission of the "hereditary pretensions" of the Nawab made in the preamble and in the first article was done entirely voluntarily on the part of Lord Clive.¹⁰ The despatch also made it clear that the allowance made to the Nawab would not amount to more than about 3 lakhs of pagodas in any year. Lord Clive praised Mr. Webbe and Col. Close for their services; and he himself was praised by the Governor-General for the advantageous termination of these arduous negotiations. In particular, Webbe and Close were congratulated for their conduct of the examination of Tipu's vakils.

In the assumption of the government of the Carnatic, Lord Clive notified that by the treaty of 1801, the Company had acquired a full right "to ascertain, determine and establish rights of property, to fix a reasonable assessment upon the several *purgunahs* and villages of the Carnatic, and to secure a fixed and permanent revenue....to establish courts for the due administration of civil and criminal judicature....under such such ordinances and regulations as shall from time to time be enacted and published by the Governor-General in Council of Fort St. George." The proclamation further stated that the treaty was unconditional and liable to no change whatever and that the power of fixing and collecting the revenue and of administering civil and criminal justice was vested in the Company alone, "so long as the sun and the moon shall endure". The proclamation further assured the people of the Carnatic of their enjoyment, under public and defined laws, of "every just and ascertained civil right with a free exercise of the religious institutions and domestic usages of their ancestors."

In an examination of the rights claimed to have been acquired by the English, by the treaty of 1801, the following extract from Report of the Commissioners for that Treaty may be found instructive:—"We replied to the Khans, that the condition now proposed actually exist in the treaties of 1787 and 1792; and that, although the entire civil and military government of the Carnatic had been transferred under the operation of that condition to the exclusive administration of the Company, no doubt was entertained that the rank and dignity of Mohamed Ali and Omdutool-Omra as the Nabobs of the Carnatic had been preserved; we therefore drew that conclusion, that the rank and dignity of the Nabob of the Carnatic could not be injured by extending the operation of that condition; and that the object of proposing an amicable adjustment, instead of proceeding to exercise the rights acquired by the British Government, was manifestly founded on the desire of preserving to the family the rank, dignities, and splendour of the Nabobs of the Carnatic."

¹⁰This admission by Clive of the Nawab's hereditary pretensions was productive of much trouble for Dalhousie, later on.

Aitchison remarked that "if the right of succession had not been forfeited, Azim-ud-dowlah would perhaps have had stronger claims than Ali Hussain," as he was the grandson of Muhammad Ali and great-grandson, by both parents, of Anwar-ud-din, the founder of the Carnatic family." His view was that the British Government had convinced itself of the guilt of Umdatul Umara and had declared itself, of course not through any public instrument like a treaty, as having become released from the obligations of the treaty of 1792, which had been, according to its interpretation, flagrantly violated.

Wellesley, in his letter to Lord Clive, dated 4th June, 1801, wrote that "Omdut-ul-Omrah could derive no rights from the formal ratification of that instrument (treaty of 1792), the vital spirit of which had already been annihilated by His Highness's conduct"...and "whatever right to the Company's protection and support, the reputed son of Omdut-ul-Omrah may derive from that of his supposed father, had been utterly destroyed by the hostile conduct of Omdut-ul-Omrah."

Sir Edwin Arnold contended that the Treaty of 1801 could not be regarded as a personal one on the ground that one-fifth of the revenue ought to be appropriated to the use of the Nawab. But Sir Charles Jackson held that the wording of the treaty did not contain the words "for ever," as to the payment of the revenue to the Nawab, and did not confer on him more than a life interest in it.²⁰ Stress was laid on the words "in all times to come" found in the preamble; and these words were interpreted to show that the treaty was not a personal one, and contemplated the existence of a hereditary succession. But even Jackson, the champion of Dalhousie, was constrained to admit that "the framers of the treaty intended it to operate in perpetuity so far as it was expressed, that is, so far as the rights of the Company were concerned, leaving it to be determined by future consideration and events whether the shadowy royalty should be prolonged beyond the life of Azeem-ud-Dowlah."^{20a}

This presumption was still more clearly explained in the Proclamation, dated 31st July 1801, and published by order of Government in the Revenue Department, to all the inhabitants of the Settlement of Fort St. George and of the Carnatic:—"His said Highness the Nabob Azeem-ul-dowlah Bahauder, and the said Company being desirous of correcting such errors as have been heretofore introduced into the Government of the Carnatic, and of supplying the defects of all former engagements between the said contracting parties; and being also anxious to give full vigour and efficiency to the Government of the Carnatic with a view to fix the rights of the people and the interests of the state on a broad and stable foundation, have mutually and of their own accord, agreed by a treaty bearing date the 31st of July, 1801, that all former provisions for

²⁰Arnold—*The Administration of Dalhousie*, Vol. II, pp. 176-77.

^{20a}Jackson—*A Vindication of Dalhousie's Administration*, pp. 93-4.

securing a partial or temporary interference on the part of the Honourable Company in the Government, or in the administration of the revenues of the Carnatic, shall be entirely annulled; and that in lieu thereof a permanent system for the collection of the revenue, and for the administration of civil and criminal judicature, under the sole and undivided authority of the Honourable Company, shall be established throughout the entire territories of the Carnatic.²¹

Lord Clive's proclamation of 27th July 1801, said:—"Justice and moderation warrant that the family of Omdat-ul-Omra shall be deprived of the means of completing its systematic course of hostility; wisdom and prudence demand that the reputed son of Omdat-ul-Omra shall not be permitted to retain possession of resources dangerous to the tranquillity of the British Government in the Peninsula of India."

"Wherefore, the British Government still adhering to the principles of moderation, and actuated by its uniform desire of obtaining security for its rights and interests in the Carnatic, by an agreement founded on the principles of the long-subsisting alliance between the Company and the family of the Nabob Mahomed Ali, judged it expedient to enter into a negotiation for that purpose with the Prince Azim-ul-Dowlah Bahadur."²²

In the above Declaration, the charges, established "by a series of connected written and oral testimony" against Muhammad Ali and Umdatul Umara, in reference to their alleged secret correspondence with Tipu Sultan, were detailed in eleven paragraphs; and the British Government was therefore declared to be released by every principle of public law from the intended obligations of the treaty of 1792. The death of Nawab Umdatul Umara had not therefore, in any way, affected the rights acquired by the British Government, under the discovery of his breach of the alliance; and his reputed son had succeeded to "the condition of his father, which condition was that of a public enemy;" and consequently the British Government was at liberty "to exercise its rights, founded on the faithless policy of its ally, in whatever manner might be deemed most conducive to the immediate safety and to the general interests of the Company in the Carnatic." But, in a spirit of magnanimity, the British Government was generous enough, towards the son of the late Nawab, "to afford, by means of an amicable adjustment, that satisfaction and security which the hostile and faithless conduct of his supposed father had entitled the British Government to demand and which the dictates of prudence and self-defence compelled it to require." It was only when he did not comply with the demand, Government entered into a negotiation with Prince Azimu'd Daula, the son and heir of Amiru'l Umara the second son of Nawab Muhammad Ali and the immediate great-grandson by both his parents of Nawab

²¹Carnatic Papers, 1861, p. 105.

²²Martin-Wellesley's Despatches: Vol. II, p. 560.

Anwaru'd-din Khan, and therefore the most eligible, among the members of the Carnatic family, for the *masnad*.

In his letter dated 22nd May 1804, Lord William Bentinck, then Governor of Madras, wrote:—"Unwilling to degrade the illustrious House of Arcot, the Government was pleased to establish your Highness upon the throne, reserving to itself the administration of the civil and military affairs of the country—a very considerable portion of the revenue was appropriated to the support of the rank and dignity of the Sovereign in his former splendour, as well as the no less princely purposes of extensive charity and benevolence. Upon the same principles of liberality the British Government undertook to provide a maintenance for the families of Walajah and Omdut-ul-Omrah." In the former case the amount and the time of payment were fixed by Treaty.²³

Three years after Azimu'd Daula's installation, when the real object and original interpretation of the treaty of 1801 should have been fresh in the memory of Government, Lord William Bentinck, the then Governor, stressed the hereditary character of the Nawab's dignity and remarked that he was averse to diminishing the stipend of the eldest son of Sayyid Mulk, who was at one time, next in the line of succession to the *masnad*. Again, the treaty of 1801 had established Nawab Azimu'd Daula "in the rank, property, and possessions of his ancestors"; and these words were a sufficient acknowledgement of the hereditary character of his status. All that the treaty took away from him was the civil and military administration of the Carnatic, which the previous Nawab had pertinaciously refused to resign, relying on the rights secured to him by the treaty of 1792.

An interpretation contrary to the denial of the Nawab's hereditary and permanent right to his rank and status, under the treaty of 1801, is founded in a memorandum on "the Government of India under the Marquess Wellesley," said to have been written after the Parliamentary Session of 1806 and to have been completed at the Board of Control and the India House. This memorandum bears a close resemblance in style to that of Wellesley, but is held to have been prepared by his younger brother, Sir Arthur Wellesley, later the Duke of Wellington, for the information of the Ministry and to be utilised for a Parliamentary defence of his brother.²⁴ In it we have evidence of its having been possibly scrutinised by Lord Wellesley. It contains a summary of the Carnatic transaction; and from it we learn that the status of the new Nawab under the treaty was to be *hereditary* by his heirs. The words used in it were:—"This Prince having agreed to the arrangement, a treaty was concluded by which the whole of the civil and military government of the Carnatic was transferred for ever to the Company: and the Nawab

²³(p. 5, of the Records of Fort St. George: Country Correspondence: Political Department 1804).

²⁴It is found on pp. 546-86 of Vol. IV of Duke's Supplementary Despatches.

Azeem-ood-dowla, and his heirs, were to preserve their title and dignity, and to receive one-fifth part of the net revenues of the country." There is a footnote to this memorandum, which runs as follows:—"Unless the revenue exceeded the sum of 25 lacs of star pagodas, in which case, the fifth part of the excess was to be supplied to purposes of military defence." This is supported by Article I of the separate explanatory articles annexed to the treaty of July 1801.²⁵

VII

Nawab Azimu'd Daula died on the 3rd August, 1819, leaving several sons, the eldest of whom was the Nawab Azam Jah. The Madras Government wrote to the India Government, under date 2nd October 1819, that "it would have been satisfactory to them to have been informed whether the Governor-General in Council considered the treaty concluded with the late Nawab on the 31st July 1801, to have guaranteed the succession to the *musnud* to his family in the direct and legitimate line of descent to which opinion they themselves had always been inclined as well from the spirit in which this treaty was concluded, as from the tenor of its professions and also from the terms of the declaration published at the period." They were of the opinion that the new Nawab Azam Jah had virtually become a party to the treaty and he should be called upon to execute a formal instrument recognising its conditions. The Governor-General, the Marquis of Hastings, was of the opinion that there was no necessity for a new treaty as Azam Jah had become "*ipso facto* a party to the treaty concluded with his father in 1801."

Azam Jah was installed on the *masnad* of the Carnatic only six months after the death of his father, in the beginning of 1820 (February 3rd). According to Col. H. D. Love, the delay was due to the absence from the treaty of 1801 of any "stipulation regarding the succession." Sir Charles Aitchison, a later exponent of the policy of Government, repeats this in his justification of the stand which was later taken up by Lord Dalhousie and Lord Harris on the question of the Carnatic succession.²⁶

A letter from Fort St. George to the Court of Directors dated 17th February 1802, had distinctly acknowledged the sovereignty and even the feudal supremacy of the Nawab in the Carnatic and in its 89th paragraph indicated that His Excellency the Ruler of Travancore was informed that the *peshkash*, *nazzaranas* and *nazars* payable by His Excellency according to the agreement of December 1766 for all the latter's possessions east of the mountains from Vadakara including Shencottah,

²⁵Ibid, pp. 564-5.

²⁶He wrote: "Azam Jah, the son of Azim-ud-dowla, was informed that the treaty of 1801 did not stipulate that the rank and dignity of Nawab of the Carnatic should be hereditary in the family of Azim-ud-dowla; his succession depended on the pleasure of the Supreme Government. Azam Jah was, however, recognised; but it was not considered necessary to conclude any new engagement with him." A Collection of Treaties, Engagements, etc.—Vol. X, p. 5 (1909-ed.)

should be paid to His Highness the Nabob, according to the ancient usage. In another letter, dated 22nd February 1803, the Madras Government informed the Court of Directors that His Excellency the Ruler of Travancore had paid to His Highness the Nawab as the *Sovereign of the Carnatic* the sum of 2266 pagodas and 15 annas in full discharge of the *peshkash* and Cape Comorin *nazarana* due to His Highness every *fasli*, according to the agreement of December 1766.

The great Governor, Sir Thomas Munro, thus interpreted Article 3 of 1801:—"By this the Nawab *does not relinquish* his sovereignty. He merely renews the article of former treaties by which he engaged not to correspond with foreign states without the consent of the Company.

"The fifth part of the revenues is his claim as *Sovereign of the whole Carnatic*.

"He is still *Prince of the Carnatic*, and he is a party to the treaty by which one-fifth part of the revenue is secured to him.

"The present assumption of the country is permanent; but the relative situations of the Company, and the Nawab, are the same as in former cases of assumption. The Nawab is still Prince of the Carnatic, and receives in that capacity one-fifth of the net revenue."²⁷

This minute of Munro distinctly enunciated the Nawab's right to the fifth part of the net revenue of the Carnatic which was secured to him by the fifth article of the treaty of 1801 and held that his right to this payment was "his claim as sovereign of the whole of the Carnatic and was the revenue which remains after providing for the civil and military charges." It further added that the Nawab had a right to object to any measure which by the increase of jaghirs or otherwise, might tend to a diminution of his dues.

Major Bell who was an avowed champion of the Walajah house and strove hard to revive the claims of Prince Azim Jah, when the Nawabi was extinguished in 1855, goes so far as to declare that in every transaction conveying grants of territory to the English from the Nawabs during all the years from 1749 to 1801 it was always the Nawab that was the *granitor* and the British that were the *grantees*.

Nawab Azam Jah died on the 13th November, 1925. On the 23rd of December following, Nawab Muhammad Ghaus Khan, his infant son, was proclaimed by the Madras Government as his successor, and Prince Azim Jah, the younger brother of the late Nawab, was appointed

²⁷Pp. 109-10 of *The Empire in India*. Letters from Madras and other places: by E. Bell. Ed. By C. S. Srinivasachari (1935).

Munro further wrote that "the relative situations of the Nawab and the Company are the same as in former cases of assumption", and doubted whether the Supreme Court of Madras could legally exercise jurisdiction in the Carnatic, even in case of private property. "Had the Nabob retained the civil administration, it certainly could not have done so, neither could it have done so under a temporary assumption similar to what has occurred at former periods." (*Munro's Minute in Consultation*, dated 15th March, 1822).

Regent for the minor Ruler. On the 14th of January 1829, the Court of Directors, in a public letter, expressed their approval of certain acts of the Madras Government on the ground that Prince Azim Jah was the next heir "in case of the Nabob's demise". In 1843, during Lord Tweeddale's Governorship, the Madras Government put the name of Prince Azim Jah as the first in the list of persons exempted from judicial process, "in consideration of the position he has lately occupied in communication with the British Government, and that which he holds in relation to his Highness the Nawab, and to his *succession* to the *musnud*."

Azim Jah was Regent for his nephew till the latter attained his majority in 1842. But even after he ceased to be the Regent (*Naib-i-Mukhtar*), he was treated by Government with great consideration and regarded, both socially and politically, as the heir presumptive and successor to the *masnad*.

Nawab Muhammad Ghaus Khan died, leaving no issue, on the 7th October 1855. As soon as he was informed of the event, Lord Dalhousie, the Governor-General, who was then staying at Ootacamund, lost no time in communicating his views to the Government of Lord Harris at Madras. On the 23rd of October Mr. G. F. Edmonstone²⁸ wrote a letter containing the following observations, among others:—

"... 3. The late Nawab, the Governor-General observes, has left no son, so that there is no direct heir to the *musnud*.

4. Under these circumstances his Lordship apprehends that the future disposal of the title of Nawab of the Carnatic must be the subject of immediate and grave consideration.

... 7. In the meantime, his Lordship assumes, as a matter of course, that, until the question regarding the vacant *musnud* shall have been considered and decided, the Government of Madras will not recognise any one to represent himself as successor to the late Nawab of the Carnatic."

Lord Harris, whom John Bruce Norton regarded as a "tame follower" of the Governor-General and who, according to Bell, was "a feeble journeyman in the Dalhousie forge, working under the very eye and rod of the great master himself, to pick the locks and burst the bars of those solemn treaties and engagements which were expressly framed as a protection of the perpetual rights of the weak against the changing interest and policy of the strong"; thereupon recorded his 'echoing' minute on the subject, on the 25th of October. This maintained that the Company was not bound by any act or deed to maintain the hereditary succession of the Nawabs of the Carnatic, as long as the family continued to exist. On the death of the Nawab Azimu'd Daula (1918), the Government of Madras had pointed out to the Governor-General that

²⁸Foreign Secretary to the Government of India (1855-57) and son of N.B. Edmonstone who was Foreign Secretary under Wellesley in 1801.

they were not authorised by the treaty of 1801 to acknowledge any successor. Though the *masnad* had been allowed to descend in regular succession in two instances from father to son, to Nawab Azam Jah (1820 to 1825) and to Nawab Ghulam Muhammad Ghaus (1825-55),—these acts did not bind the Government to continue it when that succession failed, as in the present instance. Ghulam Muhammad Ghaus left no son, and of course there was only his paternal uncle, Prince Azim Jah. On ground of expediency also, Lord Harris objected to the perpetuation of the Nawabship. "The semblance of royalty without any of its power was a mockery of authority which must necessarily be pernicious. It was not merely anomalous, but prejudicial to the community, that a separate authority not amenable to the laws, should be permitted to exist. This pageant, though hitherto harmless, might at any time become a nucleus of sedition and agitation. Moreover, the habits of life and the course of proceedings of the Nabobs had been morally most injurious and tended to bring high station into disrepute and favoured the accumulation of an idle and dissipated population in the chief city of the Presidency."

The Minute interpreted that the words "for settling the succession to the Soubadarry of the territories of Arcot;" occurring at the end of the Preamble to the Treaty of 1801, did not contemplate any hereditary succession and referred only to the filling up of the "musnud of the Soubadarry of Arcot having become vacant," when Nawab Azimu'd-daula was allowed to succeed to it.

Lord Dalhousie recorded his entire concurrence with the arguments and conclusions of the Madras Governor, which were supported by Sir Henry Montgomery, a Member of the Madras Council. The Governor-General's minute declared that he was emphatically against shadowy rulers and that he based his conclusion on four reasons; which echoed the reasoning of Lord Harris;

(1) "The general principle that the semblance of royalty without any of the power is a mockery of authority which must be pernicious;

(2) Though "there is virtually no divided rule or co-ordinate authority in the government of the country (for these points were finally settled by the Treaty of 1801) yet some appearance of so baneful a system is still kept up by the continuance of a quasi-royal family and court";

(3) Because the legislation of the country being solely in the hands of the Honourable Court, it is not only anomalous, but prejudicial to the community, that a separate authority not amenable to the laws, should be permitted to exist,"

(4) Because "it is impolitic and unwise to allow a pageant to continue, which, though it has hitherto been politically harmless, may at any time become a nucleus, for sedition and agitation."²⁹

²⁹Arnold—Dalhousie's Administration of British India, Vol. II. p. 176.

Lord Harris argued that Nawab Azimu'd Daula and his successors, Nawab Azam Jah and Nawab Ghulam Muhammad Ghaus, his son and grandson respectively, were not hereditary princes entitled to be acknowledged as such in their own right, but only members of the Carnatic family, to whom the sovereign British power chose "to grant certain rights, privileges and allowances, and which, therefore, the sovereign power had undoubtedly the right to rescind at any time." Also, he endeavoured to show that the Treaty of 1801 was merely a personal treaty, and therefore not binding on the British Government after the death of Nawab Azimu'd Daula, and that only as "a matter of *grace and favour*," his son and grandson were allowed to enjoy the title of Nawab of the Carnatic.

The first article of the treaty of 1801 distinctly says that the "right of the Nawab to succeed to the state and rank and dignities dependent thereon, of his ancestors heretofore Nawabs of the Carnatic is hereby formally acknowledged and guaranteed by the Company." The treaty further says that it was executed for the purpose of remedying the defects of all the former engagements and of establishing the connection between the two parties on "a permanent basis of security in all times to come." These are not certainly the terms that would be inserted in "a personal agreement made for one life only."

Lord Harris discussed, in paragraph 46 of his Despatch, the merely personal nature of the treaty of 1801 and pointed out the distinction between real and personal treaties as explained by Vattel, from whom he elaborately quoted. Vattel distinguished between personal treaties which expired with the sovereign who contracted them and real treaties which would bind the state permanently. A personal treaty, according to that writer, was "one of those conventions concluded between two princes for an affair peculiar to themselves or to their families,"—being more of the nature of family compacts or treaties of dynastic alliance dependent on the continuance of personal friendship and family connection. According to this view, the wording of the treaty of 1801 can be held easily to indicate a perpetual arrangement; moreover, it was an engagement between the Nawab and the Company; and the Nawab should be treated not as a person by himself, but as only the representative of the Carnatic family; and even if it should be considered as a personal treaty, it would remain as long as the Walajah family existed in any of its branches; and the family was not extinct, because the proper heir of Nawab Ghaus Khan was his uncle and former Regent, according to all the principles of the Muhammadan law of succession and inheritance. This is totally opposed to the glib assumption of Lord Harris that the family had become extinct.

To revert to the question as to whether the treaty of 1801 was real or personal: One might quote Hall's dictum in support of the claim of Prince Azim Jah to succeed of the Nawabi in 1855:—"Either a treaty is

such that one of the two contracting parties must be supposed to have entered into it with the state as the other party, in which case, it is 'real' and not terminable with the death or change of the sovereign; or else it is such that it must be supposed to have been entered into with the sovereign in his individual capacity, in which case it never affects the state except in so far as the individual who happens to be the sovereign, is able to use the resources of the state for his private purpose."³⁰

The champions of hereditary right lay stress on the words that are interpreted to show that the treaty was not a personal one.

Lord Harris gives expression to another extraordinary opinion that cannot be justified under the literal terms of the existing treaties as to the relative positions of the Company and the Nawabs, whatever might have been the change in reality. He said that there could be no doubt that the Company was the "dominant power" and the dynasty of Nawab Walajah were in the position of "dependents". The term 'dominant power' could very well explain the material strength and political influence of the Company, but it could not legally mean that the Company could have any pretensions "to erect itself on the position of Suzerain, Lord Paramount or Superior and to degrade the Nawab to the position of a feudatory, vassal or inferior." The relative real position of the two parties were very much as Lord Harris expressed it; indeed they were so even when the treaty of 1801 was concluded. But it may be pleaded that the political relations prevailing between the different powers of India during the entire length of the rule of the Company were very anomalous and frequently showed a reversal of the actual situation of the different parties.³¹

Therefore, consistent with the Indian political usage of the times, the Nawab was still nominally the sovereign of the Carnatic. Contemporary European analogies can be given in support of this view. Thus the King of Prussia was the sovereign of Neufchatel which was under a republican form of government and really formed part of the Swiss Confederacy. After the Peace Congress of Paris of 1756 and at a Conference of the neutral Great Powers in 1857 it was settled that the King of Prussia was to retain in the title of the Prince of Neufchatel and to

³⁰W. E. Hall—*A Treatise on International Law*, 5th edition, p. 361.

³¹Madhava Rao Sindhia was the keeper and protector of the shadowy Mughal Emperor, Shah Alam, for a number of years. In General de Boigne's *Memoirs* the following significant picture of the position of the Emperor is given—"Such was the respect for the House of Timur, that, although the whole peninsula had been gradually withdrawn from its direct authority, there was not a prince in India who dared call himself 'King.' Shah Alam was still seated on the throne of the Mughal and all was still done in his name." In 1815, after the English had taken possession of Delhi and the protection of the Emperor, the Governor-General, Lord Hastings, refused to visit Delhi, because the then occupant of the shadowy throne, Shah Alam's son and successor would not receive him on an equal footing. Criers still made public notices with the exordium: "The country is the Shah's; the power is the Company's the people is God's." (H. G. Keene's *Sindhia* otherwise called *Madhoji Patel*: p. 143).

receive a million dollars as compensation for his rights. The Ottoman Sultan continued to be the sovereign of the Danubian Principalities, as well as of Serbia and of Egypt, and by treaty he was not to interfere in their administration. Similarly the Queen of England governed the Ionian Islands of which she was not the sovereign. Therefore by analogy it might be argued that the Nawab had never become a 'dependent' of the Company; and he was bound only by the same conditions as his father was without any renewal of the treaty. It was not a question, as Lord Harris contended, in paragraphs 13-14 of his Minute, whether the Government of Madras were or were not empowered by the treaty of 1801, to acknowledge any successor to Nawab Azimu'd Daula. No doubt was then entertained both by the Madras and the Supreme Governments, according to the wording of the despatches that passed between them on that occasion, as to the necessity of some member of the Walajahi family being acknowledged as the successor to the *masnad* of the Carnatic. The Madras Government only asked for specific instructions as to the line of descent and the forms and conditions of succession. They merely pointed out that they were not authorised to acknowledge any particular member of the Carnatic family as the unconditional successor.³²

The then Governor-General, the Marquis of Hastings, wrote, that, in his opinion, no new treaty or instrument was required, because Nawab Azam Jah was considered by him "to be *ipso facto* a party to the treaty concluded by his father in 1801." This was in definite reply to the query of the Madras Government, dated 2nd October, 1819, whether "the Governor-General in Council held that the treaty of 1801 guaranteed the succession in the direct and legitimate line of descent, to which opinion they themselves had always been inclined, as well from the spirit in which the treaty was concluded, as from the tenor of its professions and also from the terms of the declaration published at that period." They did not question the right of descent, because the treaty guaranteed the hereditary pretensions of Azimu'd-Daula; but they only doubted as to where they should fix the line of succession, but not the succession itself.

On the death of Nawab Muhammad Ghaus Khan in October, 1855, according to every principle of law and by virtue of the legal interpretation of solemn treaties, the sovereignty of the Carnatic duly inhered in the next heir who came immediately after the deceased Nawab in the line of succession.

When Azimu'd Daula relinquished to the Company by the treaty of 1801, the civil and military administration of the Carnatic, he still remained its hereditary sovereign; and he was, in his life-time, several times recognised and proclaimed by the British Government as such.

³²The Empire in India by E. Bell, edited by C. S. Srinivasachari, pp. 99-100.

Two generations of rulers had followed him. The heir of the last Nawab Muhammad Ghaus Khan, was naturally his uncle Azim Jah, according to the Muhammadan law of succession. Azim Jah was the second son of Azimu'd Daula and was, after his nephew's death (1855), not only the heir of his father, but also of his childless nephew; and the death of Taju'l Umara, who was childless and of Azimu'd-Daula rendered him the only representative and heir of the rights of Umdatul Umara. Besides, he was descended through his father and grandfather in a direct line from Anwaru'd-din Khan.

Other arguments can also be brought forward even from the records of Government to show that they never contemplated, before the time of Dalhousie and Harris, that they should set aside the family of the Carnatic either on the ground that the existing holder might be childless and therefore the state might lapse for want of heirs, or on the ground that the Nawabs were mere 'dependents' on the bounty of the Company. As late as December 1847, the Madras Government, in its Minutes of Consultation, quoted the fifth Article of the Treaty of 1801, concerning allowances to some of the ladies of the family of Walajah, and declared that the Nawab was bound by that treaty to support them. There was also the previous implied recognition, in 1843, by the Government of Lord Tweeddale, of Prince Azim Jah's likely *succession to the masnad*. The delay of more than six months in the recognition of the succession of Nawab Azim Jah, in 1810 was not due to the Madras Government suspecting or denying his right of succession. That Government did not doubt the right of the family succession, nor the rights of the family under the treaty of 1801, but only doubted whether the late Nawab's son ought to be installed or another member of the family could be deemed to be the proper successor. In 1855, the throne should have descended rightly to the next heir in the family of the deceased Nawab; and that was Prince Azim Jah. The family did not become extinct on the death of the late Nawab without leaving any son, as was contended by Lord Harris, because, according to Muhammadan law, Azim Jah was the next heir.

Some extraneous considerations were brought forward by Lords Dalhousie and Harris in justification of their proposal to extinguish the Nawabi. In the first place, they brought up the old bogey of Wellesley's revelation of the alleged treasonable correspondence between Tipu Sultan, and Nawabs Walajah and Umdatul Umara. Next, Dalhousie held that both the late Nawab and his family had "disreputably abused the dignity of their position and the large share of public revenue which had been allotted to them." There was no political link between the late Nawab's private character and the right of his heir to the succession. Sir Edwin Arnold has remarked that though there was no kingdom to acquire in the case of the Carnatic, still "the revenues of the phantom Nawab were very desirable to Government." He pointedly

adds that "if the Nawabs were immoral and prodigal, and Azeem Jah especially so, and if immorality and prodigality should be fatal to royal and princely claims in India, two-thirds, nay, seven-eighths of the *musnuds* and *gadis* within its limits might have been purged by the Marquis without depending upon the sterility of Ranees or the incapacity of Maharajahs."

John Bruce Norton, later Advocate-General of Madras, writing in 1857, refuted this charge,³³ of immorality against the late Nawab. He held that if the Nawab had been moderately educated, he might have conferred great benefits upon the people of Madras, especially the Musalman population. The charge of immorality was then frequently brought forward by British administrators against the Indian Princes. Some of them like J. C. Marshman "whose un-interrupted connection with the *Friend of India* was marked by 'incessant threats and slanders of native states' and who exerted a most powerful influence on Government, rated the value of Indian institutions, social, political, and religious, at much less than their true worth. But whatever that might be, it should not have had any weight in deciding on rights of inheritance and on the sacredness of treaty provisions. This view found a prominent place in the minutes of Lord Harris and the Marquis of Dalhousie and the Directors echoed it in their Despatch of the 15th of March, 1856. The Governor-General reproduced the same view in his Farewell Minute.³⁴ Dalhousie had remarked in his despatch of 1855, that though allusions might have been made on some previous occasions, by the Madras Government, that if Muhammad Ghaus Khan should have no children, his uncle, Azim Jah, would be allowed to succeed, yet "to indicate an *expectation*, or even an *intention* is not to recognise or even confer a right"; and that the note of the Marquis of Tweeddale that "the position that he (Azim Jah) still holds in relation to his Highness the Nabob and to his due succession to the *musnud*" conferred 'no right' on Azim Jah and conveyed 'no pledge or promise of succession to him.' "Although they indicated a favourable intention on the part of the Govern-

³³I have no hesitation in asserting, that, foolish and improvident as the young man was, his conduct had never been of a quality approximating to what would justify such a punishment as this inflicted on him and his heirs. Indeed, we might just as reasonably have refused to allow the heirs of George IV to succeed him on account of his irregular habits and his extravagance." (*The Rebellion in India: How to prevent Another—1857*, p. 104).

³⁴In his famous Minute reviewing his administration of India for over eight years, dated 28th February, 1856, Dalhousie put forward, rather repeated, his three previous reasons: (1) the treaty of 1801 was a personal one; (2) Nawab Muhammad Ghaus Khan left no male heir; and (3) "both he and his family had disreputably abused the dignity of their position and the large share of public revenue which had been allotted to them."

It is the third reason that requires to be refuted here, as it was both groundless and irrelevant. Both Evans Bell and J. B. Norton refute the statement that the Nawab's life was very bad. Norton says that the Nawab was not worse than many contemporary princes in this respect. Stipulations as to virtuous conduct and thrift are not usual in treaties.

ment towards him, the Government has since (1843) had but too much reason to forego all such intentions in favour of himself and of the members of his family". These last words implied a wholesale condemnation of Azim Jah and the other members of the family, because the deceased Nawab lived a life of sensuality.

Both the Nawabs Azimu'd Daula and Azam Jah, and Prince Azim Jah lived sober and orderly lives, whatever might have been the defects that marked Nawab Muhammad Ghaus Khan's habits of life. Contemporary opinion in Madras felt that if there had been a Nawab of the Carnatic of the type of Azim Jah at the time of the Mutiny, he could have influenced the Mussalman community of Madras towards more orderly and loyal behaviour. Bell goes so far as to say that even if there had been no Nawab of the Carnatic at all, one ought to have been created, because such a prince would have been a factor for moderation in times of religious excitement or political trouble among the Mussalmans of Madras.

VIII

Prince Azim Jah put forward, immediately on his nephew's death, an application for the vacant *masnad*. The Madras Government was very polite to him and sympathised greatly with the widow of the late Nawab, Khair-un-nissa Begum Sahiba, but warned the Diwan of the Nawabi not to recognise any successor. Azim Jah contended that neither at the time of accession of his nephew, nor at any subsequent stage, was there any hint or suggestion dropped by the Madras Government that his succession would not be allowed, but would be opposed; and it was an undoubted fact that he was the successor of and heir to his nephew according to Muhammadan law and custom. Though foiled in his endeavour, Prince Azim Jah persistently pressed his claims. The Administration Report of the Madras Government for the year 1861-62 declared that his claim was "finally rejected". But the Prince continued to press it on the attention of the authorities both in India and in London. He did not look upon this decision as final, nor would he abandon or compromise those rights which had been secured to the Walajah family "by four solemn treaties and ratified by the autograph letters of four British Sovereigns." The Secretary of State, Sir Charles Wood, was again and again pressed to confer the title of Nawab on Azim Jah. The Home Government, when Mr. Vernon Smith was President of the Board of Control, had confirmed the decision arrived at by Lords Harris and Dalhousie. Sir Charles was told by his official advisers of the India Council that if he should grant the request, "he" would have reversed the decisions of Lord Clive, Lord Wellesley, Lord Dalhousie and Lord Harris and would have entailed on India the mischief of more royal puppets whose ancestral names and dynastic traditions made them often the rallying points of disaffection and treason." Sir Algernon West,

Private Secretary to Sir Charles Wood, declared that these appeals were founded on "erroneous grounds and inaccurate statements." John Bruce Norton maintained boldly that the possibility of disaffection and rebellion in Madras in the crisis of 1857 was greatly lessened by the loyal attitude of Prince Azim Jah. As noted above, Bell wrote:—"If there had been no Nawab of the Carnatic, we ought to have invented one. A Prince so situated, residing at one of the great centres of our power, with so much to lose and so little to expect from any disturbance, could not be anything but conservative in politics, and moderate in religion, and in a time of religious revival or excitement he could be held responsible for the manner in which he made use of his influence."

Sir Charles Wood, while declining to reverse the decision of the Court of Directors, carefully abstained from upholding that decision on its intrinsic merits. Finally, owing to increasing pressure, he had to raise Prince Azim Jah's allowance to Rs. 1,50,000 a year and also to consent to recognise his position as that of the "First Nobleman" of the Carnatic. The title of the Prince of Arcot was conferred on Prince Azim Jah and his descendants in 1867, and confirmed by the Queen's Letters Patent, dated 2nd August 1870; the Prince was given the title of *Amir-i-Arcot* (or Prince of Arcot) with a personal salute of 15 guns with succession to his four sons and one grandson who was to be selected by Her Majesty the Queen.

CHAPTER VI THE CASE OF TANJORE

I

As to the English relations with Tanjore, the events that led to the tragedy of 1773, when Tanjore was captured and its Raja was imprisoned, may be first outlined. Both the Nawab and the Madras Council had been casting, for long, covetous eyes on the wealth of the Tanjore Raj. In the war with Haidar Ali (1767-69) the Raja contributed much less than was expected of him; and he was also suspected of having corresponded with the enemy. In the Treaty of Madras (1769) which ended the war, the Company insisted upon including, in its protection, Murari Rao, whose territory would have formed a convenient conquest for Haidar Ali. But the Nawab refused to accept the condition, unless the Raja of Tanjore should be similarly admitted to the protection of the treaty. As the English regarded the Raja as their partisan, they included him in the treaty, specifically as their ally so that he might not owe his safety to the interposition of Haidar Ali.

The Court of Directors, writing to the Select Committee at Madras in March 1769, held that it was unreasonable that the Raja of Tanjore should not agree to contribute to the defence of the Carnatic of which he was a tributary, against any external aggression and declared that the Nawab should be supported in his claim against Tanjore. They added:—"If the Raja refuses to contribute a just proportion to the expense of the war, you are then to pursue such measures as the Nabob may think consistent with the justice and dignity of his government. Whatever sums may, in consequence of the above orders, be obtained from the Raja of Tanjore, we expect, shall be applied to the discharge of the Nabob's debts to the Company; and if more than sufficient for that purpose, to the discharge of his debts to individuals." Thus the first effect of helping the Nawab to realise his claims on Tanjore, should be to satisfy the debt claims that the Company and many of its officials held against the Nawab.

To this despatch the Select Committee of Madras replied, that though the Treaty of 1762 had defined the Raja's obligations towards the Nawab, it might not be politic to undertake the execution of the proposal just then, as an attack on Tanjore might involve the English in a new war with Haidar Ali. The Raja had objected to the payment of his annual *peshkash* demanded by the Nawab, on the ground that he maintained a numerous body of troops that joined the Nawab's army in the late war. But the Nawab argued that it was contrary to the custom of the country for a tributary prince to make any demand for payment for the maintenance of troops furnished by him to the power to which he was tributary, while they were employed within the terri-

tories of the latter. It was added that, if the Raja should persist in demanding a diminution of his *peshkash*, it might furnish the English with a just pretext to accuse him of a breach of his engagements. The Select Committee however added that, in view of a possible outbreak of war with the Marathas and of the "uncertain and unfathomable designs" of the Nawab, and also of the possibility of the Tanjore ruler calling upon Haidar Ali for aid, their undertaking at this juncture to recover the Nawab's claims of arrears would be "impolitic and unwarrantable." The Raja prayed, in the meantime, for a remission of the tribute dues from him, or for some time in which to pay the demand.

Early in 1771, news reached the Madras Council that the Raja of Tanjore had sent troops against the Setupati of Ramnad; and the President thereupon wrote to the Raja that as Ramnad belonged to the Nawab and was thus a dependency of the kingdom of the Carnatic, any attack on it would be a breach of the treaty between the Raja and the Nawab to which the English Government had made themselves guarantors.¹

The Raja replied that he wanted merely to take back from the Marava Chief, Hanumantagudi which really belonged to him and was actually in his possession at the time of the conclusion of the treaty of 1762 and also that the Poligar of Sivaganga had seized elephants destined for him and that the Tondaiman Ruler of Pudukottai had injured his dominions. The Madras Government now contended that the Raja had arrogated to himself the arbitration of a dispute which was to be reserved for decision to themselves. The Raja's reply to this contention was that he did not undertake to do anything "contrary to the hereditary custom observed."

The Nawab was at that time greatly encouraged by Sir John Lindsay, the King's Envoy, who was at Madras. He now called upon the Madras Government "with unusual force and boldness of importunity to make war upon the Raja." Lindsay urged the same view and maintained that the Madras Government would be only betraying the Nawab and violating their duty, even if they should make any delay in rendering the assistance which he required. The Madras Government was in an unfortunate dilemma. They dared not displease Lindsay who was the representative of the Ministers. They were not sure that the Nawab would help them with funds for the expedition; and they were afraid of the probability of an attack on the Northern Sarkars by the Nizam, of a likely war with the Marathas who were allied with Tanjore and of troubles also from Haidar Ali. They pretended to make an inquiry into the dependence of Ramnad on the Nawab and found that the rulers of Trichinopoly, i.e., the Nayaks of Madura, had received more submissions from the Setupatis than the Rajas of Tanjore; and therefore, since

¹Vide the last paragraph of the treaty of 1762; p. 72 of Aitchinson's *Treaties, Engagements and Sanads*, Vol. X: Madras, (1909).

Trichinopoly had been absorbed in the government of the Carnatic, the Nawab had naturally succeeded to the claims of the Nayaks. In June 1771, when Trichinopoly was sufficiently supplied with stores for defence, the Nawab suddenly dissuaded the Government from any further preparations for war, alleging that the Marathas would never give them any respite. The Madras Government held the view that the Nawab's motive for urging the expedition, at first, was to force them into an alliance with the Marathas whom he dreaded. But now, because the alliance was not possible, he did not wish to give the Marathas any pretext to overrun his dominions. The Select Committee at Madras resolved to negotiate with the Raja who said that he would never trust the Nawab without the security of the English. After some negotiations the Nawab proposed to send his two sons to Trichinopoly, the elder, Umdatul' Umara, to conduct the negotiations, and the younger Madarul' Mulk Amirul' Umara,² to manage the supplies of the army. The Nawab was suspicious lest the Company might conquer Tanjore for themselves. He was prepared to make any arrangement with the Raja rather than incur such a risk. He offered to give the Company ten lakhs of pagoda, if, after conquering Tanjore; they should deliver it "in full dominion" to him. The Madras Council wished to refer the question to the Directors; but the Nawab would not consent. They saw that since the Raja knew of the designs of themselves and of the Nawab against his kingdom, it was highly dangerous to leave him in possession of power which he could lend to the French or to any other enemy; and as they could not proceed to war except with the consent of the Nawab, it was therefore best to comply with his terms.

Early in September, 1771, Umdatul' Umara reported to General Smith, Commanding Officer of the English troops at Trichinopoly, that nothing short of compulsion by force would bring the Raja to submission. After getting a sufficient quantity of provisions, the English army proceeded into the Tanjore kingdom, and secured possession of the fort of Vallam and encamped before the fortified city of Tanjore. But its operations were slow, mainly because of lack of provisions, and of want of agreement between the English Commander and the Prince. On the 28th September Umdatul' Umara signed an agreement with the Raja, by which the latter was to pay 8 lakhs of rupees on account of arrears of *peshkash* and 32½ lakhs to cover the expenses of the expedition; he was also to restore whatever he had taken from the Maravar Poligars of Ramnad and Sivaganga and to aid with his troops in all the future wars of the Nawab. Vallam was to be restored to the Raja; but its fort was to be demolished, if the Nawab so chose.

The Madras Government was not satisfied with the terms offered,

²This prince was very ambitious and scheming and enjoyed great power controlling a large body of disciplined troops (letter to the Directors of 4-7-1775). He was the favourite son of Nawab Walajah who schemed to secure the kingdom of Tanjore for him. He predeceased his father.

as they provided no security for their execution. On this plea they held it necessary to keep the troops encamped before Tanjore, prepared as for immediate war. When the Raja did not deliver, on the stipulated day, the sum of money and jewels he had agreed to give, his delay was denounced as a breach of the treaty. An immediate renewal of hostilities was threatened; and thereupon the helpless Raja submitted promptly.

The Nawab now applied for the reduction of the two Maravar Poligars by the Company's forces. The Governor and Council of Madras pointed out that the Nawab was still then ostensibly the friend of the Maravars against the Raja of Tanjore who was their enemy; and now that the Raja was humbled, they became immediately dangerous to the Nawab's government and had to be reduced! But notwithstanding this inconsistency so obvious in the pleadings of Nawab, they consented to undertake the expedition on the simple pretext that the Maravars had not sent troops to help him against Tanjore, as they should have done. After some delay, an English force proceeded against Ramnad which was captured after an assault. The Nawab's son who accompanied the forces bargained beforehand for the plunder by promising the troops a sum of money. Kalayarkoil in which the Poligar of Sivaganga had taken refuge was taken and likewise plundered.³

In June 1773, the Nawab complained that the Raja of Tanjore owed him 10 lakhs of rupees which he would not pay and that he had secretly applied to the Marathas and to Haidar Ali for troops and also encouraged the *Kallar* tribes to ravage the Carnatic territories. The Nawab announced his determination to subjugate Tanjore. A little later, he promised the Madras Council a grant of 10 lakhs of pagodas in case of his success. The Marathas, he argued, would never become his friends; and he declared that whether he attacked Tanjore or not, they would still invade the Carnatic if possible. The Select Committee of Madras held that as the treaty of 1771 left the Raja completely at the mercy of the Nawab, he was naturally anxious, in self-preservation, to seek for protection from every possible quarter; and his application for help to the Marathas and Haidar Ali was confirmed by other evidence. The Madras Government therefore resolved that they should root out his

³Mill thus remarks on the plight of the Madras Government:—"The Governor and Council alleged that they were led on by that friend and ally from one step to another without knowing where to stop, and without being able to make those reservations in favour of the Company which the interests of the Company appeared to require; in this manner had Tanjore been humbled and fleeced; in this manner the two Maravars had been conquered, and delivered up as a dominion to the Nabob. It must be allowed, that except for a little time when he first demanded the attack on Tanjore, the Presidency had shown themselves abundantly forward to second, or rather to excite the Nabob's ardour for conquest of the minor states. The Nabob had only one scruple, the fear of their conquering for themselves. The declarations however, of the Presidency, of the Directors and the King's minister plenipotentiary, the interpretations of the treaty of Paris and especially the recent example in the surrender of the Maravars, raised up a hope in his Highness that the time was at last arrived when the long-desired possession of Tanjore might be fully acquired." (*History of British India*, Vol. IV; pp. 130-4).

power, a resolution, which, was more accommodating and casuistic than any other politic expedient hitherto adopted by them.⁴

The English however desired that the Nawab should advance funds for the expenses of the expedition, provide all necessary material except military stores, and pay for the maintenance of 10,000 sepoys in the field. On this, the Nawab began to vacillate, but was stiffened up into resolution by the Madras Council. He was assured that no peace was to be concluded with the Raja, unless it should be found to be absolutely impossible to effect his destruction. The Nawab, as usual, bargained beforehand, with the troops, by a sum of money for the plunder of Tanjore for himself, if that place should be taken by storm. When the expedition began to march early in August 1773, the Raja protested that he had sent bills for the balance of *peshkash* due to the Nawab and that he had not deviated in his conduct, even by a little bit from the tenour of his undertakings.

The Madras Council, urged by Sir Robert Harland⁵ acting on behalf of the Nawab, had sent a contingent under General Joseph Smith to assist the latter. The British and the Carnatic troops began a regular siege of the fort of Tanjore and after effecting a breach in its wall, captured the place on the 17th September 1773. It was made over to the Nawab who occupied the kingdom and imprisoned the Raja. The fort of Vallam, a few miles from Tanjore, was garrisoned by the Company's troops. The Nawab claimed British help in recovering from the Dutch the port of Nagore and made a bargain with a committee of British officers about the sum of money to be paid to them in lieu of their share of the plunder. There were also afloat rumours to the effect that the British officers might refuse to fight the Dutch on the ground that such service was not covered by their agreement with the Nawab. Nawab Walajah had evidently designs to make his second and favourite son, Amiru'l Umara, the ruler of Tanjore. A majority of the Madras Council opposed the proposition, which was, however, supported by General Smith and two other members; and the matter had therefore to be referred to the Bengal Council (July 1775). Chockappa Chetty, a Madras merchant and a good friend and regular correspondent of ex-Governor Palk, and Manali Muthukrishna Mudali who was for long the Company's Chief Merchant, have both furnished material evidence about the doings of the Nawab's people at Tanjore, during their military occupation of the place.⁶

⁴The gist of it is given by Mill thus:—"We have done the Raja great injury; we have no intention to do him right. This constitutes a full and sufficient reason for going on to his destruction. Such is the doctrine; the practical improvement is obvious. Do you wish a good reason for effecting anybody's destruction? First do him an injury sufficiently great, and then if you destroy him, you have, in the law of self-defence, an ample justification!" *History of British India*, Vol. IV: p. 108.

⁵*The Palk Manuscripts* (ed. by H. D. Love) British Records Commission.

⁶Naval Commander of the British Squadron in the East who was given by the King in 1771 the same powers as had been given to Lindsay in 1769.

When Pigot at last arrived at Madras as Governor for the second time, in December 1775, with orders from the Directors to effect the restoration of the Raja of Tanjore, an extraordinary chapter which ended in the arrest of the Governor by a hostile majority of the Council, began in the history of the Presidency. Pigot is held by Col. Love to have been very considerate to the Nawab, persuading him very mildly to agree to the restoration of Tanjore; and after nearly two months of argument and persuasion, the Nawab consented to release the Raja and to receive a British garrison in the city and fort of Tanjore. But he would not give up possession of the kingdom and held that the two expeditions that he had made for its conquest had cost him over three crores of rupees. Col. Harper marched from Trichinopoly and took possession of the fort of Tanjore. Meanwhile, the Nawab had begun his representations to the Directors through Col. MacLeane, his agent in England. When the Court of Directors ordered the restoration of Raja Tuljaji, a new treaty was concluded with the Raja which deprived him of even the small army that he had and compelled him to maintain in his kingdom an English contingent which was to counteract other European influences and would, besides, enforce the regular payment of his tribute to the Nawab. The period of the Nawab's rule was easily the worst for the people of Tanjore, and unfortunately it was followed by the disastrous invasion of Haidar Ali.

II

At the death of Raja Tuljaji, there arose a disputed succession between his adopted son, Sarfoji, and his illegitimate brother, Amar Singh. The latter's intrigues to oust the proper heir led to the visit of the Madras Governor to Tanjore in 1793, when after an inquiry, the adoption of Sarfoji was declared to be invalid and Amar Singh was proclaimed to be the legal successor of his brother Tuljaji.

When the Company refused to recognise the adoption of Sarfoji and his consequent right of succession on the death of Tuljaji, Mr. Dundas, the President of the Board of Control, commenting upon the action of the Supreme Government in declaring Raja Amar Singh to be rightful ruler, penned the following memorable words:—"It must be recollected that we are in a great degree the authors of this injustice. It was produced by our interference, contrived through the misrepresentations and corruptions of the person who is now reaping the benefit of it; and the rightful heir has a great claim that we should interfere to remedy that injustice which originated in our interference. If after such a lapse of time the native powers were to observe us interfering in order to carry into effect any forfeiture in our own favour, it would afford just cause of reproach; but in the present instance we would appear in the fair light of honourably repairing that injury which we ourselves have been the innocent instruments of committing."

Sarfoji and the widow of Tuljaji appealed to the Governor-General, Lord Cornwallis, against this decision; and the result was that, in 1798, the English Resident called upon Amar Singh to resign his kingdom in return for a pension. Amar Singh refused to do so; but he had been loyal to the Company and had implemented sincerely all his undertakings towards it. Sarfoji was then declared to be the rightful Raja, largely through the influence of his teacher and guardian, the famous Missionary, Christian F. Swartz.

But by the treaty of 1799, Sarfoji resigned the administration of his kingdom into the hands of the Company and received in lieu thereof, a pension of one lakh of pagodas and one-fifth of the net revenues. He also resigned all his sovereign powers, except in the fort of Tanjore and in the neighbourhood. The transfer of administration of the Tanjore Raj to the British might have been a wise and politic measure; but its morality is, indeed, questionable. It was argued that "the isolated Tanjore Raj had no function or mission in the nineteenth century;" and Sarfoji usefully spent his time in the pursuit of culture and made his court the "True Home of Learning and Art". He died in 1832 and was followed by his son Sivaji, the last Raja, who ruled till his death in 1855.

The treaties entered into by the British with the Tanjore Raj in 1787, 1792, and 1799 were all, in theory, voluntary agreements between two sovereign states, each contracting party equally recognising the other's independence and operating for their mutual advantage.

The abolition of the Tanjore Raj in 1855 was held to be even more opposed to equity than the abolition of the Carnatic *masnad*. The question of the Tanjore succession roused a controversy in respect of incidents which occurred after Lord Dalhousie's retirement and for which his apologist, Sir William Lee-Warner, would not hold him officially responsible.

Raja Sivaji succeeded his father, the well-known Raja Sarfoji, in 1832, and died without any male issue in 1855. He left no son, nor any collateral male heir, but only two daughters and 16 widows. Since 1799, the English had been in charge of the actual administration of the kingdom, leaving to the titular Raja of Tanjore nothing except the bare possession of the Fort of Tanjore and its immediate vicinity. The Directors enunciated, in their despatch of April 1856, a novel doctrine that "by no law or usage has the daughter of a Hindu Rajah any right of succession to the Raj," and also that it was "entirely out of the question that we should create such a right for the sole purpose of perpetuating a titular principality at a great cost to the public revenues."

Lord Dalhousie had previously minuted that he was "not dealing in the case of Tanjore with a dependent sovereignty, but only with a tributary state left without any lawful successor and therefore a dead sovereignty which had come to a natural end." He declared that it would be unwise to restore it by resorting to any unusual means; but

he admitted that the survivors of the ruling family should be treated with great liberality and kindness. He refused to recognise either the senior widow of the late Raja or the surviving daughters as his successor; and he even confiscated the jaghirs belonging to the mother of the deceased ruler which was yielding three lakhs of rupees annually to her. Mr. Forbes who was then Resident at Tanjore, seized, according to direction, most of the Raja's horses, elephants, carriages, etc.; and they were subsequently sold at Madras by public auction. He also seized the landed property of the family, marched a company of sepoy into the precincts of the palace, broke open the Raja's seal which had been placed on the treasury-chamber and on the rooms containing the valuables; and he took possession of all the jewels, the private armoury, and the furniture of the Raja.

Mr. Forbes who was the Resident of Tanjore at the demise of the late Raja and was the advocate of the claims of the Princesses of Tanjore, had by a cruel irony, to serve as Special Commissioner for the auction of the Rajah's property. Mr. Norton thus wrote:—"A company of sepoy was suddenly marched into the palace; the whole of the property, real and personal, seized; the Company's seals put upon all the jewels and other valuables; the soldiery were disarmed and in the most offensive way; the private estate of the Rajah's mother, of the estimated value of three lakhs a year, was sequestered, and still remains so; the occupier of every piece of land in the district, which had at any time belonged to the former Rajah, was turned out of his possession, and bid come before the Commissioner, who constituted himself judge, to establish a title to his satisfaction; the whole of the people, dependent for their existence upon the expenditure of the Raj revenues among them, were suddenly panic-struck at the prospect of being thrown out of employ; and in a week the Company succeeded in converting Tanjore from the most respectful, contented place in our dominions, into a hot-bed of sullen disaffection."

Forbes took advantage of a sepoy regiment passing through Tanjore, —having previously disarmed and disbanded the regiment of the Raja —"to make his swoop upon all the valuables in the Palace itself." Forbes, the auctioneer, was followed by Philips as salesman, who held "an auction of pots and pans and other articles within the precincts of the Palace itself. He had sent up the valuable private armoury of the late Rajah to Madras for sale. On the ladies refusing to give him up the keys of their apartments, he had taken carpenters and blacksmiths, with pick-locks and false keys, and thus opened the doors". Norton remarks that "a more indecent indignity has never yet been perpetrated in the annals of Residentsip. It is a nice sort of job truly on which to employ one of the Sudder Judges; the highest Appellate Court in the land!"⁷

⁷W. Hickey—*The Tanjore Mahratta Principality* (1874), p. 157.

III

Rani Kamakshi Bai, the senior widow of the Raja, filed a bill in the Supreme Court at Madras for the recovery of the personal and private estates of her late husband and obtained an injunction against the Company to restrain them from parting with these properties. Against this decision, the Company made an appeal to the Privy Council, where Sir Richard Bethel, the Attorney-General, appeared for the Rani. Their Lordships of the Privy Council held that Forbes's seizure of the properties was, within the scope of his instructions from Government and as such constituted an act of state and therefore was not questionable in any municipal tribunal. But Lord Kingsdown who delivered the judgment, declared emphatically that the Raja was "an independent sovereign of territories undoubtedly minute and bound by treaties to a powerful neighbour which left him practically but little power of free action; but he did not hold his territory, such as it was, as a fief of the British Crown or of the East India Company, nor was there any pretence for claiming it on the death of the Raja without any legal title either as an escheat or a *bona vacante*."

Sir Richard Bethel, the Attorney-General, who was counsel for the Rani, declared thus:—"This most extraordinary act (sequestration of the Raj) was done by the Company; I hope, an act for which there are few similar precedents in the history of its proceedings in India.... It appears that the Court of Directors issued a decree, conceived, as your Lordships will observe, in a style to which I know no parallel, nor anything similar, saving the celebrated decrees of the first Napoleon in which he was in the habit of announcing that a kingdom had ceased to exist or that a royal family had ceased to reign."

He further asked:—"By what principle, by what species of law, on what ground of reasoning are you to justify the *ergo* of the East India Company? that, because the Rajaship had ceased to exist, *ergo* the East India Company are entitled to come in and take possession; to appropriate to themselves everything that belongs to Rajaship of Tanjore... who made the East India Company the *Ultimus Hæres* of the Raja of Tanjore? Who gave them the right to enter in and take possession, because they pronounced that the dignity, the kingdom, the Sovereignty has come to an end?..."

Again:—"If I grant, for a moment, that certain portions of the prerogative are given to the East India Company, the question remains whether the thing has been done by virtue of that prerogative. Now, have your Lordships found anywhere, or can you point anywhere, to the particular words of any charter, to the language of any Act of Parliament, to anything that can be pleaded, to justify a thing done by the East India Company, of seizing upon this estate of Tanjore?.... A sovereign power has no necessity to give a reason; it is sufficient for

the Sovereign power to say *sic vole sic jubio*. . . . If the argument, therefore, should avail the East India Company, the East India Company should have said, we have got here given to us by the Crown authority and power, *per fas aut nefas*, to seize anything within the geographical limits of India. . . . can this thing be proved to be an act of State, done by certain persons who are subjects of the British Crown; unless it can be shown to be an act of State of the British Crown itself? The pleading that it is an act of State is nothing else but a mockery of the name of the Supreme Power of the State." Finally, Sir Richard thus concluded:—"And then they (the statutes) attempt to set up the Company who do it as not being amenable to any law or power of giving justice to the defeated, the plundered and the robbed."

The judgment of the Privy Council said that "with respect to the property of the Raja, whether public or private, it is clear that the Government intended to seize the whole, for the purpose which they had in view required the application of the whole. They declared their intention to make provision for the payment of his debts, for the proper maintenance of his widows, his daughters, his relations and dependants; but they intended to do this according to their own notions of what was just and reasonable, and not according to any rules of law enforced against them by their own courts." The Privy Council Judges were also convinced, from the letter of the Court of Directors, 16th April 1856, that the Company intended to take possession of the dominions and property of the Raja as "absolute lords and owners of it" and to treat any claim upon it "not as a right to be dealt with upon legal principles."

IV

The Resident, Mr. Forbes, had, indeed at first reported very strongly in favour of continuing the Raj and placing the younger daughter on the throne, though here he was no doubt mistaken in law. He pointed out to the Madras Government that the Raj did not become extinct on the death of the Raja without any male issue and quoted instances of women having occupied thrones in the annals of Hindu dynasties; and he also drew attention to the case of Sujana Bai who was the sixth in succession in the Maratha dynasty of Tanjore and who succeeded her husband, Baba Sahib, as his widow, on his death without any male heir, "with the universal approbation of the Durbar and the people of the country." He recommended the recognition of the succession of the Raja's second daughter and that, during her minority, the Resident should act as her guardian and conduct the administration with the aid of the *Sar-i-Khel* and his deputy.

The Government of Madras wrote to the Company that Mr. Forbes advocated the continuance of the Raj, "on the score of the nature of the connection between the Tanjore family and the Honourable Company and of the manner in which the Province (Raj) passed under the autho-

rity of the latter, as also of the benefit redounding to the district from the circulation within it of so large a sum as eleven lakhs, being the average allowance payable to the Raja—and of the prejudicial effect upon the condition of the province by its sudden withdrawal.” They however maintained, in their despatch of 22nd November, 1855, that the treaty of 1799, by which Raja Sarfoji ceded the country of Tanjore, was purely a personal one, although the prior treaty made in 1792 with Raja Amar Singh, was formed “between the contracting parties, their heirs and successors.” They also held that the recognition of the late Raja on his accession in 1833, was “an act of grace and favour on the part of the British Government and in no degree a matter of right on the part of the Raja himself.”

Sir Henry Montgomery, a Member of the Madras Council, held, however, that the treaty of 1799, though personal in its terms, was only a modification of that of 1792 which recognised heirs and successors and that it gave the son of Raja Sarfoji a claim to the succession which Government could not fail to recognise; and that if Raja Sivaji, now deceased, had left a legitimate son or brother, the claim of either to succeed to the *masnad* could not properly be denied. Thus the Madras Government was unanimous in their interpretation of the force of the Treaty of 1799, as one between equal contracting parties, and of the validity of the claims under it, of any legitimate male heir of the Raja, had there been such a person; but they were agreed that, as there was no male heir, there was consequently no legitimate claimant to the Raj, which consequently became extinct and should be so declared.

The Court of Directors denied the daughter any right of succession and avoided any decision on the claim of the widow, acting upon the agreed recommendations of Lords Dalhousie and Harris. Mr. Forbes himself, on the occasion of leaving Tanjore for a seat in the Revenue Board at Madras, to which he was elevated, is said to have written a letter to the Senior Rani, most highly commending her on her conduct during a season of temptation and intrigue. A copy of this letter was, however, later on refused to Mr. Norton by the same Mr. Forbes, who had returned to Tanjore as Commissioner, the Rani having, in the meantime, determined to assert her rights in the law courts.

V

In spite of the reversal of the decision of the Supreme Court in favour of the Senior Rani, by the Privy Council, the Government of Lord Canning generously decided that the whole property, real and personal, with the exception of what were strictly insignia of royalty, should be restored to the family. A few state jewels, two state swords and some articles of regalia were alone retained; and the rest of the property was made over to the Senior Rani as representative of the family, subject to the participative enjoyment of the Junior Ranis and

subject also to the ordinary Hindu law of succession, under which, on the death of the last surviving widow, the property should descend to the surviving daughter of the late Raja, or failing her, to the next heir, if any. The Palace of Tanjore was declared to be the property of the State and therefore to have escheated to the British Government, but was allowed, as a matter of grace, to be occupied by the family subject to the supervisory control of Government which had no objection to the valuable Sarasvati Mahal Library being retained at Tanjore, if the family should so desire it, but ordered that the armoury should be sent to the Commissioner at Trichinopoly for safe custody (Proceedings of Government, dated 21st August, 1862). Government was opposed, however, to the formation of the Tanjore Family Fund as proposed by Sir Charles Trevelyan, but sanctioned the remainder of the Raja's debts and the pensions proposed by the Madras Government. The pensions were divided into 3 classes: (1) those for the immediate members of the Raja's family; (2) those for the more distant relations; and (3) those for servants and pensioners of whom there were 9,800. (*vide* Letter of the Government of India, dated 19th February, 1862).

The Secretary of State thus wrote in a despatch, dated 23rd October 1862, to the Governor-General:—"The orders which you have passed for the restoration to the family of the great bulk of the personal property belonging to the Rajah, are generally in agreement with the intentions of Her Majesty's Government. Fully aware of the difficulty of discriminating in such cases between public and private property, and being desirous that the utmost liberality should be extended to the Tanjore family, Her Majesty's Government cheerfully forego their claim to this portion of the personal estate, and consent to the distribution, in the manner proposed by Sir C. Trevelyan, in his minute of the 14th April 1860, of the jewels, clothes and other personal effects of the late Rajah." Government also gave up its rights to the landed properties of the Raja, which were described in para 51 of the Commissioner's Report of the 11th July 1857 and in the Resolution of the Madras Government of the 5th December 1859.

When the arrangements were finally made in 1860 for the settlement of the stipendary allowances to the family and their servants and retainers, the principle was adopted that in the case of males, the allowances were to pass on to their descendants for two generations, with a moiety lapsing on each succession, and in the case of females, they were to descend, with a similar reduction, to one generation only. Pensions and gratuities were granted to the numerous staff of the palace establishment; and in a few special cases, pensions equal to the full former salaries were given. The number of pensioners under this arrangement was 4,912; and the amount of the monthly pension roll was Rs. 45,535.

Some years later, the surviving daughter of Raja Sivaji put forth her claims for her succession to the Tanjore Raj, and appealed to the

then Governor-General, Lord Northbrook, and to Lord Hobart, then Governor of Madras, saying that when her grandfather, Raja Sarfoji, set forth his claims for the *masnad* of his adoptive father and acquired it, it was a Lord Hobart who was then Governor of Madras and it was a Baring who was a leading Member of the Court of Directors; and "now when the Princess, Sarfoji's grand-daughter, presses forward her claims, it is again a Lord Hobart who is Governor of Madras and a Baring (Lord Northbrook) who is Viceroy and Governor-General"; and so she was hopeful that she would get her claims promptly recognised.

VI

The fate of Tanjore was in every respect similar to that of Nagpur. "The representation of Resident Mansel at Nagpur was as futile as the advocacy of Forbes of Tanjore. Government took measures to extinguish the Raj of Tanjore; minutes were recorded of the value of the state-jewels, no more to be considered heirlooms in a family about to be stripped of royal rank and fortune; and gems and jewels which had been known, from time immemorial, to have adorned the person of royal beauty, were sold by public auction; and these royal personages were converted into pensioners."⁸

Bell has remarked:—"All the condemnatory dicta put forth by the judges on the subject of the Tanjore confiscation, are equally applicable to the counterpart proceedings at Nagpur. Sir Charles Wood has already stigmatised the auction sales of jewels and clothes. But the Bhonslas of Nagpur—although, it is said, frequently advised to do so,—never attempted to make the sequestration of their family property a

⁸The bitter words of Torrens on the spoliation of Nagpur (*Empire in Asia 1757-1858: How We Came By it: A Book of Confessions*: (1874) by W. M. Torrens: pp. 373-4) are also applicable to Tanjore:—"Can any one be at a loss regarding the impression made on the mind of every prince of India by the public sale, in the metropolis of the East, of the personal effects of one, who throughout his reign had been our faithful ally? Can any one doubt that the advertisement was execrated in every Bazaar, and cursed in every Zenanah, as a threatening notice ostentatiously given; that the pick-lock of despotism would be used without shame as an implement of exaction and none could tell whose regalia or casket would next be rifled? Our historians are never weary of reprobating the sudden and summary decree of Bayonne in which Napoleon informed the world that in the peninsula, the house of Bourbon had ceased to reign and in reprobating the duress under which an imbecile sovereign was driven into an act of formal abdication. And many severe things have justly been said of the pictures taken from the Escorial, and of the bronze steeds borne away from the Piazza of San Mark (in Venice). But, at least, Napoleon cannot be upbraided with stealing or selling the gems and apparel of his victims. It was bad enough to appropriate the sword of Frederick; but Napoleon, unscrupulous though he was, would have been ashamed to make away with the rings and necklaces of the Prussian Queen and then to have put them up to the highest bidder among the brokers of his capital. If vice loses half its hideousness by losing all its grossness, it may likewise be said that public violence becomes more hateful when it is tarnished with the reproach of base cupidity. At the very time when the Queen's Governor-General in Asia was thus playing the free-booter and auctioneer, our Foreign Secretary was addressing to the Court of St. Petersburg remonstrances against the sequestration of the revenues of certain Polish noblemen upon suspicion of their complicity in seditious designs. Well might the minister of the Czar scornfully retort,—*"Physician, heal thyself!"*

matter for judicial inquiry. Under some scruples of pride or policy, they refused to bring an action against the East India Company, and in fact, never employed a lawyer at all, or obtained a legal opinion on their case.⁹ Had they done so, they must by this time have arrived at the same goal as their fellow-sufferers of Tanjore. Now is it advisable, is it politic, is it dignified, for the British Government to allow it to be practically demonstrated that no one can hope for success in an appeal of this description without the assistance of skilled advocacy, and that redress cannot be obtained from the moral conviction, the innate justice and honour of the British Government, but only under the pressure of publicity, and in unwilling submission to a solemn judicial censure? The effects of such a belief being established would be most disastrous. It would destroy all the grace and goodwill of the restitution already made, while in all other existing unsettled cases it would lead to an unreasonable and exclusive reliance on legal aid, and would create the impression that no claim need be hopelessly abandoned until all the arts of advocacy and agitation were exhausted. One or two strong claims spontaneously settled by Government would strengthen its moral position greatly; and Lord Elgin might very well begin by accounting for the Bhonsla Fund."

"Nagpore was made a just precedent for the unjust extinction of the Tanjore Raj. Let Tanjore now be made a precedent for the just restitution of the Nagpore property."¹⁰

⁹Maharani Banka Bai contrived indeed to send agents to England in the idle hope of obtaining justice there. But she did not await their answer and signed the capitulation drafted by the Commissioner whereby pensions were offered to her helpless relatives and courtiers as the price of her nominal acquiescence. The Ranis had not the heart to give a power of attorney to sue for them in the Supreme Court of Calcutta. "They suppose that the Supreme Court can possess no higher authority than the Company; if it did, the Commissioners could not exercise such arbitrary powers as they do. At any rate, they look upon Lord Dalhousie as 'resolved to annihilate the Bhonsla family,' as their powerful enemy against whom it would be folly to move" (Ludlow—Thoughts on the Policy of the Crown Towards India—Letter XI).

They first sent a vakil to request that a stop should be put to the sale of effects held as private for a century and a half and sent repeated memorials against their treatment by the Commissioner and the manner of the auction.

¹⁰Empire in India—Letter XI, pages 303-4 of edition by C. S. Srinivasachari.

CHAPTER VII

MYSORE AFTER 1799

I

When the Hindu State of Mysore was constituted on the destruction of the power of Tipu Sultan in 1799, the subsidiary treaty concluded with its Ruler, Maharaja Krishnaraja Wodeyar, who was raised to the throne as the representative of the ancient ruling family of the land which had been thrown into eclipse during the usurpation of Haidar Ali and his son, declared in its preamble that it was made in consequence of what was stipulated in the Partition Treaty of 22nd June 1799, entered into between the Company and the Nizam, Nizam-ud-Daula. The object of this latter treaty was to effect "a settlement of the territories of the late Tippoo Sultan", . . . "to carry the said stipulation into effect." It may be here pointed out that the original offensive and defensive alliance between the Company and the Nizam, of June 1790, explicitly stated, in its 6th article, that there was to be an equal division of the conquered territories. When that treaty was renewed in 1798, Wellesley held that the Nizam could not demand an equal share of the conquests, but only a proportion relative to his exertions and expenditure in the campaign; and the provision for an equal division was to be operative only from the time of each party commencing hostilities, the parties having no claim to the Company's acquisitions made previously to the commencement of hostilities.¹ However, because the spirit of the long-standing engagements was so clearly in favour of an equal division that Wellesley fully acknowledged the Nizam's "concurrent right and interest in the disposal and settlement of the Provinces conquered from Tippoo."² Writing to the President of the Board of Control, on the 7th June 1799, Wellesley stressed "the right of conquest under which I conceive the absolute disposal of the territory to have accrued, to the Com-

¹In his despatch to the Directors dated Fort St. George, 3rd August 1799, Wellesley thus limited the Nizam's claim to an equal share. "The Nizam certainly could not assert any just claim to an equal participation with the Company in the advantages of the peace. The operation of the 6th article of the Treaty of Paungul (4th July 1790) respecting an equal division of conquests was limited to the war which terminated in 1792. Since the Peace of Seringapatam, the 10th (article) is the only part of the Treaty of Paungul which can be considered to continue in force, and no subsequent engagements had been contracted with the Nizam which could entitle him to any advantage in the present peace exceeding his relative proportion in the expenses and exertions of the allied force." (M. Martin: *Wellesley Despatches*, Vol. II, p. 77).

²It may be added that the same plan of equal partition was adopted in the treaties of 1804 and 1818 concluded at the close of the Second and Third Maratha Wars, respectively, as on both occasions the Nizam secured "rather more than his fair share of the territories conquered by the allied forces." By the treaty of 1818, the Nizam got not only an exemption from debts which he owed to the dethroned Peshwa, amounting to 6 crores of rupees, but districts yielding annually a revenue of 18 lakhs.

pany and the Nizam." The Nizam had sent an army of 30,000 men into the field, including 6,000 cavalry, in which the English army was very deficient, and these troops received their full share of the prize-money after the storming of Seringapatam.

Thus for nearly ten years before the settlement of 1799 the English and the Nizam acted on the principle of an equal partition of conquered territories which was the "basis of their original alliance"; and this principle "held good for nearly two decades after 1799."

Wellesley held at first that the only alternative to the restoration of Hindu rule in Mysore was to have the conquered country divided between the Company and the Nizam and he then postulated in fact a plan for the maintenance of the Mysore State under the joint protection of the Company and the Nizam.

Article III of the Partition Treaty of 1799, conferred the Fortress of Seringapatam on the Company "in full right and sovereignty for ever." Without the express consent of the Nizam, Seringapatam would have become part of the separate state of Mysore; and consequently "without the Nizam's consent, no other place or district within the limits of that separate state, could have then become British territory, or can ever become British territory, by any legal title." This "special grant of sovereignty over Seringapatam to the Company by the treaty between it and the Nizam should clearly prove that the claim to sovereignty over the whole of Mysore, by right of conquest, by the British, was quite unfounded."³

The Nizam's concurrent protection for the new state of Mysore, as thus agreed upon, was unequivocally expressed in a despatch addressed to Dundas, President of the Board of Control, "where no empty compliment to the Nizam could possibly find a place, and where Lord Wellesley would be sure to express himself frankly on such a point."

The following passages from his despatches would show that Lord Wellesley fully acknowledged the Nizam's claim to equality of benefit from the peace settlement and to a control over the new Hindu state created.

"It is almost superfluous to state to you that the whole Kingdom of Mysore, having fallen to the arms of *the Company and the Nizam*, is at present to be considered as a part of their dominions by right of conquest.

"From the justice and success of the late war with Tippoo Sultan, *the Company and the Nizam* derived an undoubted right to the disposal of the dominions conquered by their united arms. The right of conquest entitled *the Company and the Nizam* to retain the whole territory in their own hands; the cession of it to any other party, might be a

³As put forth in Lord Canning's letter of March 1862, in reply to Maharaja Krishnaraja Wodeyar's claim to adopt a son.

consideration of policy or humanity, but could not be claimed on any ground of justice or right."

Wellesley further wrote:—

"To have divided the whole territory *equally between the Company and the Nizam*, while it would have afforded strong grounds for jealousy to the Mahrattas, would have aggrandized the Nizam's power beyond the bounds of discretion and would have left in our hands a Territory so extensive as it might have been difficult to manage, especially in the present state of the Company's service at the (Madras) Presidency. To have divided the Territory into three equal portions, allowing the Mahrattas who had taken no part in the expense or hazard of the war, an equal share in the advantage of the peace, would neither have been just towards the Nizam, politic in the way of example to our allies, nor prudent in respect of the aggrandizement of the Mahratta empire. To have given the Mahrattas no larger a territory than is now proposed, while the Company and the Nizam divided the whole of the remainder to the exclusion of any central power, would have been liable nearly to the same objection as that stated against total exclusion of the Mahrattas from all participation. The establishment, therefore, of a central and separate power in the ancient territories of Mysore appeared to be the best expedient for reconciling the interests of all parties.

"The Rajah of Mysore will therefore be restored to the throne, and maintained on it *under the protection of the Company, the Nizam, and I trust also of the Mahrattas*, who certainly all have a concurrent and common interest in the exclusion of Tippoo's family."⁴

It could be safely asserted that, when a Principality had thus been reconstituted out of territories conquered by two allies, and in consequence of the stipulations of a treaty between them, this settlement ought not to be disturbed, and consequently this Principality ought not to be summarily appropriated by either of those two allies, without the other's consent having been asked or secured, without any previous consultation having taken place and without any explanation or notice having been given.

Article 1 of the treaty of 22nd June, 1799, between the Company and the Nizam, pledged the Company to provide in an effective manner, out of the revenues of the districts assigned to the Company as its share, for the suitable maintenance of the entire family of Tipu Sultan, and "to apply to this purpose, with the reservation hereinafter stated, of an annual sum of not less than two lakhs of star pagodas." The succeeding article pledged the Nizam to provide liberally from the revenues of the districts assigned as his share, for the support of Mir Kamaru'd Din Khan and his family, of Gurrumkonda, "equal to the annual sum of Rs. 210,000 or 70,000 *Kantiraya* pagodas." This sum was "over and above, and ex-

⁴Martin: Wellesley Despatches. Vol. II. p. 13 et seq.

clusive of a jagheer which the said Nawab (Nizam) has also agreed to assign to the said Meer Kummer-ood-deen Khan for the pay and maintenance of a proportionate number of troops to be employed in the service of his said Highness."⁵

Under article VI, of the same treaty, the Company was at liberty to make such deductions from time to time from the sums allotted by the 1st article for the maintenance of the family of Tipu, in consequence of the death of any of its members and in the event of any hostile attempt on their part against the English. Article I of the treaty with the Nizam, provided that, to whatever amount the stipends allotted to the family of Tipu and Kamaru'd Din Khan might be diminished in consequence of any one of the stipulations of the former treaty, the contracting parties should not be accountable to each other on this head.⁶

Sir Arthur Wellesley wrote of Kamaru'd Din Khan, to his brother, the Governor-General, on the 13th May 1799, thus:—"He had behaved so well and by coming in (to the English side) so early, has rendered us so great a service that, *cout equi coute*, we ought to give him what he wishes for. If he had remained in arms, we never could have settled this country, unless we incurred the enormous expenses of keeping our army in the field, and even then the operations to be carried on would be liable to all the hazard of protracted military operations. He has saved us this at least, and has thereby rendered us a service almost as great as any of those rendered by the Nizam."

The Company's share of the territories given to them, as in Schedule A of the Treaty, had an estimated value, according to the records of Tipu Sultan's administration in 1792, of *Kantiraya* pagodas 777,170|6½. After deducting for the provision of Tipu's family, two lakhs of star pagodas (or 240,000 *Kantiraya* pagodas) what remained to the Company amounted to *Kantiraya* pagodas 537,170|6½.

The Nizam's share of the territories as in Schedule B of the Treaty, according to the statement of Tipu Sultan in 1792, was valued at 607,332|1½ C. pagodas. Deducting the value of the personal jaghir to

⁵A *Kantiraya* pagoda was nominally 10 *Kanthiraya* fanams which were originally coined by Kanthiraya Narasa Raja. This was employed in accounts, particularly in the northern districts of Mysore.

⁶H. G. Briggs's—*The Nizam*: Vol. I. Appendix XXVI, pp. 269-70 and 79.

Sir Barnes Peacock, when he was Law Member of the Supreme Council in the days of Dalhousie, wrote that the provision made for Tipu's family by the partition treaty of Mysore was only intended for "those in existence at the time and not for their descendants" by citing the corresponding case of Mir Kamaru'd Din to whom the Nizam in the same treaty undertook to grant a personal jaghir of 210,000 rupees. Sir Barnes argued that the English would not bind themselves to provide for Tipu's descendants in perpetuity and place themselves in a worse position and assume a heavier burden than their ally. But it should be noted that the fact was that Nizam's grant to Mir Kamaru'd Din was "over and above and exclusive of a jagheer which the said Nawab (Nizam) had agreed to assign to the said Meer Kummer-ood-deen Khan, for the pay and maintenance of a proportionate number of troops to be employed in the service of his said Highness."

Kamaru'd Din Khan and his relations, *viz.*, 70,000 C. pagodas, what remained was 537,332½ pagodas.

A note may be here given as to the reasons which prompted the Allies to decline the idea of restoring to the Mysore throne, a member of Tipu's family. General Harris writing to the Governor-General, on May 13, 1799, outlined a plan proposed to him by Purnaiya that morning "by the adoption of which alone in his opinion, the immediate restoration of order and tranquillity could be obtained." The following was the outline:—(1) One of the family of Tipu Sultan should be placed at the head of the Government. (2) The prince should pay to the English such tribute as shall be agreed upon. (3) English troops should garrison such forts as they deem necessary for the security of the country. Purniah further suggested that of the sons of Tipu, Prince Fateh Hyder might be selected. When, in the course of the conversation, General Harris hinted at the possibility of the establishment of a Hindu government in favour of the ancient family of Mysore, "Purniah cautiously evaded entering into this idea, in the slightest degree." General Harris concluded his letter with the remark that "the Mahomedan interest is so intimately blended with every department of the State in this country, that no plan by which it is set aside in favour of an Hindoo Prince, could produce the very desirable effect of restoring tranquillity, and reconciling the troops, and the most powerful classes of the inhabitants to the change of Government."⁷

Sir Arthur Wellesley, writing to his brother, the Governor-General, who was at Madras, on the 8th of May, suggested that all the dominions of Tipu might be taken over as a conquest, subject to the following restrictions:—(1) Tipu's women and those of his father ought to have suitable jaghirs; and likewise, each of his sons. (2) The great sardars in Tipu's service ought to be well provided with jaghirs and allowed to choose under which of the three governments—the Company's, the Nizam's or the Marathas'—they would live. (3) The remainder of the Mysore territory should be divided into three parts, equal or otherwise, and taken by the allies; but the English must have Seringapatam and a safe communication with the Carnatic and the sea-coast.⁸

The Governor-General, in his letter to Colonel Arthur Wellesley and the members of the Army Commission (in Mysore), dated Fort St. George, 20th May 1799, desired the Commissioners to report on the character, dispositions and views of the sons of Tipu Sultan, on their connections with domestic and foreign parties and politics, and as to whether they had agreed to Tipu's views of establishing an alliance with France, or disapproved of them, and also on the state of the family of the ancient Rajas of Mysore and the characters and lives of the persons

⁷Martin: Wellesley Despatches. Vol. II, pp. 7-9.

⁸A Selection from the Wellington Despatches, ed. by S. J. Owen, p. 68.

composing it. The considerations that the Governor-General would urge upon their attention were as follows:—

(1) That mode of settlement was to be preferred which shall unite the most speedy restoration of peace and order with the greatest practicable degree of security for the consideration of both.

(2) For this purpose the interests of the Company and those of the Nizam, the Marathas and the leading chieftains of Mysore should be conciliated.

(3) The military power of Mysore should be broken or absolutely identified with that of the Company.

(4) Seringapatam should become, in effect, a British garrison, under whatever nominal authority it might be placed; and the Company must retain the whole of the Sultan's territories in Malabar, in Coimbatore and Dharapuram, with the control of the heads of all the passes on the tableland.

Though the last item concerned a relatively minor subject, Wellesley considered it to be so essential to the stability of any new settlement that he estimated them here "as fundamental articles in every possible view and modification of the question."

Quoting from Wellesley's despatch to Dundas, the President of the Board of Control, on the 7th June 1799, we learn:—"If I were to look to moral considerations alone, I should certainly, on every principle of justice and humanity, as well as of attention to the welfare of the people, have been led to restore the heir of the ancient Rajah of Mysore to that rank and dignity which were wrested from his ancestor by the usurpation of Hyder Ali. . . . Every motive must concur to attach the heir of the Mysore family, if placed on the throne, to our interests, through which alone he can hope to maintain himself against the family of Tippoo. . . . but I am happy to be able to assure you that the jealous policy of Tippoo, added to the brilliant and rapid success of the war, has left no Mahomedan influence in Mysore from which any serious opposition is to be apprehended. . . ." "The Rajah of Mysore will therefore be easily restored to the throne, and maintained on it under the protection of the Company, the Nizam, and I trust also of the Mahrattas, who certainly all have a concurrent and common interest, in the exclusion of Tippoo's family, especially since the discovery that Tippoo's alliance with France was directed not only against the existence of the British power in India, but also against the Mahrattas and the Nizam, at least to the extent of recovering the districts ceded to those powers under the treaty of Seringapatam."⁹

Wellesley expressed the same view in his report to the Court of Directors. Therein he held:—"The usurpation (of Haidar Ali and Tipu) though not sanctioned by remote antiquity, had subsisted for such a

⁹Martin: *Wellesley Despatches*, Vol. II, pp. 291-2.

length of time as to have nearly extinguished the hopes of the Hindoo family and to have accustomed them to the humility of their actual fortunes, while the sons of Tippoo Sultaun, born in the state of royalty, and educated with the proudest and most exalted expectations of sovereignty and power, would be proportionally sensible to the sudden change of their condition, and to the unexpected disappointment of their splendid prospects. In this view of the subject it would have been more grateful to my mind (securing a munificent provision for the ancient family of Mysore) to have restored that of Tippoo Sultaun to the throne; if such a restoration could have been accomplished without exposing Mysore to the perpetual hazard of internal commotion and foreign war, and without endangering the stability of the intended settlement of your interests, and those of your Allies in this quarter of India."¹⁰

Captain Thomas Munro, later Major-General and Governor of Madras, who was then one of the Secretaries to the Mysore Special Commission¹¹ for the Settlement of Mysore and worked in that capacity during the conclusion of the Partition Treaty of June 1799 and the installation of the young Maharaja in July 1799, was also for the restoration of Tipu's family to the rule. Writing to his father, from Bekuil, 6th August 1799, he said:—"I believe that it (the Partition Treaty) has not met with general approbation here. Had I anything to do in it, I certainly would have had no Rajah of Mysore, in the person of a child, dragged forth from oblivion to be placed on a throne on which his ancestors, for three generations, had not sat during more than half a century. I would have divided the country equally with the Nizam, and endeavoured to prevail on him to increase his subsidy, and take a greater body of our troops; but whether he consented or not, I would still have thought myself bound by treaty to give him his fair half of the country. I would have given the Mahrattas a few districts, provided they consented to fulfil their last treaty with him, but not otherwise. We have now made great strides in the South of India. Many think we have gone too far; but I am convinced that the course of events will still drive us on, and that we cannot stop till we get to the Kistna."¹² This should be a partial explanation of Munro's later attitude towards Maharaja Krishnaraja Wodeyar.

The Governor-General remarked that the lack of grace which marked the Nizam's acceptance of his share of the conquered territories was merely the manifestation of "the illiberal, rapacious and vindictive spirit of which I have perceived so many disgusting symptoms at Hyderabad ever since the fall of Seringapatam." General Wellesley had advised his

¹⁰Ibid, p. 78.

¹¹The Commission was an excellent body of picked men. It consisted of Sir Arthur Wellesley, Henry Wellesley (another of the Governor-General's able brothers) and Colonel Barry Close, deemed to be "the ablest man in the political line in India," and it had for its secretaries, Thomas Munro and John Malcolm.

¹²pp. 222-3 of G. R. Glieg: *The Life of Sir Thomas Munro: Vol. I. (1830).*

brother not to extend the Company's territories to the Maratha frontier. He wrote:—"It is impossible to expect to alter the nature of the Mahrattas; they will plunder their neighbours, be they ever so powerful. . . . It will be better to put one of the powers in dependence upon the Company on the frontier, who, if plundered, are accustomed to it, know how to bear it and retaliate, which we do not." Wellesley took care to declare in the treaty by which Mysore was created, that "the territories thus placed under the nominal sovereignty of the Rajahs of Mysore constituted substantially an integral portion of our own dominions." It was also claimed that the treaty of cession was concluded with the Raja, personally, without any allusion to heirs and successors, although it was declared to be binding "as long as the sun and the moon shall endure"—a term which was usually interpreted to mean hereditary succession. It was likewise claimed subsequently that Lord Wellesley intended that the grant of the state should be personal and not hereditary.

II

Krishna Raja Wodeyar was formally installed on the throne of Mysore by the Special Commissioners for the Affairs of Mysore, appointed by the Governor-General, assisted by Mir Alam, the Minister of the Nizam, on the 30th June 1799.

The articles of the Treaty concluded with the new Ruler, comprehended the possible contingency of providing effectual and lasting security against any failure of the funds which had to be paid to defray both the expense of maintaining the permanent military force in time of peace, and the extraordinary expense that might have to be incurred for the protection and defence of the territories of the contracting parties to the treaty, entailing the augmentation of the military forces and the unavoidable charges of war. In such a case, the Governor-General was empowered to fix a sum, bearing a just and reasonable proportion to the actual net revenue of the state, for payment by the Maharaja.

Thus the 4th article of the treaty provided that the Governor-General in Council should be at liberty and should have "full power and right either to introduce such regulations and ordinances as he shall deem expedient for the internal management and collection of the revenues, or for the better ordering of any other branch and department of the government of Mysore; or to assume under the direct management of the servants of the said Company Bahauder, such part or parts of the territorial possessions of his Highness Maharaja Kistna Rajah Oodiaver Bahauder, as shall appear to him, the said Governor-General in Council, necessary to render the said funds efficient and available either in time of peace or war."

The 5th article made it incumbent on the Maharaja that he should issue instructions to his officers for carrying into effect the orders of

the Governor-General in Council, according to the tenour of the 4th article; it provided that "in case the Maharajah should not comply within ten days from the time when the application should have been formally made to him, then the Governor-General should be at liberty to issue his own orders for carrying into effect his ordinances and regulations or for assuming the management and collection of the revenues of the said territories, provided that he should render the Maharajah a faithful account of the revenues and produce of the territories assumed, for the period of assumption."

In his memorandum, explanatory of these two articles, Lord Wellesley thus minuted:—"Recollecting the inconvenience and embarrassment which have arisen to all parties concerned under the Double Government and conflicting authorities in Oudh, Tanjore and the Carnatic, I resolved to restore to the Company the most extensive and indubitable powers of interposition in the internal affairs of Mysore; as well as an unlimited right of assuming the direct management of the country."

Col. Barry Close was the first Resident of Mysore and closely co-operated with Purnaiya and General Wellesley in making the administration a complete success. But he was transferred as Resident at the Peshwa's Durbar, to Poona in 1801. General Sir Arthur Wellesley wrote that Close was "most zealous in the public cause and though his temper was not the best and his mode of reasoning not the most agreeable, it was impossible not to agree with him where the public interests were concerned."¹³ "Although there is no doubt whatever, that he is the ablest man in the diplomatic line in India, and that his knowledge of the language is so extraordinary, and so superior to that of any other European in India, that alone renders him the most fit for a diplomatic situation; and besides that qualification he has others in an equal, if not a superior, degree to other candidates for those situations. Nevertheless, I consider that his presence in Mysore for a few years longer would have been of great benefit and would have established the new Government on so firm a foundation that nothing could hereafter shake it."¹⁴

Close was greatly admired by Purnaiya, who built a suburb, near Bangalore, and named it Closepet, after him (1800). Close was followed as Resident by J. H. Peile, who was, shortly afterwards succeeded by Josiah Webbe, Chief Secretary at Madras. Webbe also left about the close of 1802, much to the sorrow of Purnaiya, to take up the Residency at Nagpur. The obelisk to the northwest of Seringapatam, known as the Webbe Monument, was erected by Purnaiya as a memorial to him, when he died at Gwalior, while Resident at the Sindia's court in 1805. Webbe was succeeded by Major (afterwards Sir John) Malcolm. But as he was then engaged in the war with the Marathas he could not

¹³See his letter dated 26th May 1801.

¹⁴Letter dated 10th October 1801 from the General to his brother Henry Wellesley.

join until November 1804; and Lieut.-Col. Mark Wilks, the historian of Mysore, became the officiating Resident, during the interval. Wilks stayed until about 1807, when he left for England; and Malcolm took over the office about the same time, but he was called away in 1808 for going on a second mission to Persia. A. H. Cole, who had been, since 1806, Secretary to the Resident and then Assistant Resident, officiated in the post until about 1812, when he was confirmed in it, and he continued in office till 1827; and he was followed by Mr. J. A. Casamaijor, who continued in office till 1832.

About the close of 1806, Purnaiya expressed to Col. Malcolm, the Resident at the time, his desire that his Dewanship should be made hereditary in his family. The request was communicated to the Supreme Government, who, while admitting that Purnaiya had "a just claim for some hereditary provision," held that his request was "upon obvious grounds inadmissible," and the grant of an hereditary jaghir would be the best provision they could make for him. They minuted that "the extraordinary merits of Purnaiya entitled him to distinguished reward," and that his services should be recognised by the grant of a small jaghir, which, however, should be the joint act of both (Mysore and the Supreme Government), and took care to add the words, "although the lands should of course be assigned from the territory of the Rajah of Mysore." They directed Col. Malcolm, on his arrival at Mysore, to report to the Governor-in-Council of Madras about the extent of the hereditary jaghir which should be assigned to Purnaiya.¹⁵

Malcolm recommended the grant of "an hereditary Jaghir yielding a revenue of 10,000 Star Pagodas *per annum*," as in his opinion that sum would not be considered more than a just reward of his service," and Yelandur Taluk, which Purnaiya had himself chosen, had an annual income, of Star Pagodas 8,307.¹⁶ The grant was made out in Persian and sealed with the seal of the Resident as a mark of its confirmation by the Supreme Government and presented to Purnaiya by the Maharaja in a special durbār on 27th December 1807. Col. Malcolm was present at the durbār and described "the causes which had led the British Government to recommend to him (the Raja) a measure, which was as honourable to him as to that valuable servant, whose great services he had so generously rewarded." Purnaiya was also informed of "the sense which the English Government entertained of his character, and how completely all those expectations, which had been formed, of benefit from his appointment, had been answered." He was given by the Company, an elephant, a horse, and a rich *khillat*.

Purnaiya was active, energetic and all-mindful of his duties. To have secured the unqualified approval, as he did, of men of the type of Marquess Wellesley, General Arthur Wellesley, Sir Barry Close, Sir

¹⁵Letter from the Supreme Government, dated 18th December 1806.

¹⁶Letter dated 2nd November 1807.

John Malcolm, Lord Clive, Lord William Bentinck, Sir George Barlow, and the Earl of Minto, cannot have been an easy task. As Sir John Malcolm wrote in 1807, he could not "call to mind, during the period of eight years that he governed Mysore, one instance in which his conduct has been censured by those authorities to whose inspection and control he has been, during the whole of that period, immediately subject." Again:—"Such exemplary conduct argues adherence on his part to certain rigid principles of policy in the matter not only of his personal attitude towards the Company's representatives, but also in the matter of the administration of the State itself. These principles appear to have been thorough loyalty to the cause of His Highness and to the Company's Government, and good government his sole aim in the administration of the territories entrusted to his care."

Even earlier, Colonel Wilks had made the following observations in his Report of 1804 on the value of Purnaiya's services to Mysore and the British both in peace and war.

"I have great satisfaction in availing myself on this occasion to record my deliberate declaration, that every object which I have contemplated, in the settlement of the Government of Mysore on the terms of its actual relation to the British power, has been completely accomplished. The affairs of the Government of Mysore have been conducted with a degree of regularity, wisdom, discretion, and justice, unparalleled in any Native State in India. The benefits of this system of administration, combined with the conditions of its connection with the British Government, have been manifested in the general tranquillity and prosperity of the Raja of Mysore's dominions, in the increase of the population and resources of the country, in the general happiness of the people, and in the ability of the Government of Mysore to discharge with zeal and fidelity, every obligation of the subsisting Alliance.

"Under the operation of the Treaties of Mysore and Seringapatam in the course of five years, that country has acquired a degree of prosperity, which could not possibly have been attained under any other system of political connection, and has been enabled in some degree to repay, by the efficacy of its assistance in the hour of emergency, the benefits which it has derived from the protecting influence and power of the British Government.

"I discharge a satisfactory part of my duty in availing myself of this occasion to record the high sense, which I entertain of the merits and services of the Dewan Poorneah. To the extraordinary abilities, eminent public zeal, integrity, judgment, and energy of that distinguished Minister, must be ascribed, in a considerable degree, the success of the measures, which I originally adopted for the settlement of Mysore, and the happy and prosperous condition of that flourishing country. The merits and services of the Dewan have been peculiarly conspicuous in the promptitude and wisdom manifested by him in the

application of the resources of Mysore to the exigencies of the public service, during the late War with the confederated Mahratta Chieftains; and I deem it to be an act of justice to acknowledge, that the expectations, which I formed in selecting Poorneah for the important office of Minister of Mysore, have been greatly exceeded by the benefits which have resulted from his excellent Administration."

It may be remarked here that, even during the Maharaja's personal rule, he gained recognition for loyal help to the British. Thus, Mysore secured the approbation of Lord Hastings also for its help with troops in the wars of 1817-18. In one of his letters¹⁷ Hastings very warmly thanked the Mysore Ruler for the help he had extended for "promoting the welfare and happiness of the people living in the British Territory." "Your sincerity shines, to the best advantage when I see that your Highness has not only carried out the Treaty obligations but has also gone so far as to help this Government with your troops and ammunition even beyond the limits of expectation." At the end of the Maratha War, Lord Hastings wrote his final letter, dated the 27th March 1818, in which he complimented and thanked the Ruler for valuable aid:—"I take this opportunity to express my pleasure at the distinguished services rendered by the Mysore Troops and on account of the zeal and sincere love shown by Your Highness towards this Government."

III

In 1811, when Maharaja Krishnaraja Wodeyar attained his majority, he proclaimed his own assumption of rule, dismissed the capable Diwan Purnaiya, and assumed charge of the government himself. From this date the administration began steadily to deteriorate; and the Resident had to frequently report to the Madras Government under whom he functioned, on its unsatisfactory condition. Several remonstrances were addressed to him from time to time by the Resident and the Government of Madras. But they offered no constructive suggestions for the improvement of the administration and only negatively criticised its conduct.

In 1825, Sir Thomas Munro, then Governor of Madras, warned the Raja that his affairs had reached such a height of confusion as would justify the British Government in acting according to the treaty of 1799, and that if order was not immediately restored and reform measures were not immediately undertaken, direct interference would be resorted to. But even on this occasion no specified plan of reform was suggested to the Raja. On account of its extravagance, the Mysore administration had to raise the land-tax. The ryots, oppressed by this and other exactions, rose in open rebellion in Nagar; and the unrest quickly spread to other areas; but the British troops easily suppressed the risings.

¹⁷Letter dated 19th December 1817.

Mr. S. R. Lushington, Munro's successor in the Governorship of Madras, used all his predecessor's arguments for the suppression of the rule of the Raja. Lord William Bentinck, Governor-General, promptly acted on the representation of the Madras Government and issued an order that the British Government had resolved, under the provisions of the treaty of 1799, to take into its own hands the administration of the Mysore State (October 1831). Two Commissioners were appointed to take charge of all administrative work; but the Resident continued to function at the Mysore court as before (1832). The Raja was given an annual allowance of a lakh of pagodas and one-fifth of the net revenue of the state. He represented that the administration might be carried on nominally at least in his name, and not in that of the Company. But the Directors who had expressed their entire approval of Bentinck's action, ordered that it should be conducted in the name, and on the sole authority, of the Company.

The Governor-General's letter ordering the transfer of the entire administration into the hands of British officers, was immediately complied with by the Maharaja. Shortly after the British assumption of rule over Mysore, the Governor-General constituted a Committee, consisting of Major-General Hawker, Colonel W. Morrison, Mr. J. M. Macleod and Lieut.-Col. Mark Cubbon, to investigate the "origin, progress and suppression of the recent disturbances in Mysore"; and the Committee submitted its report on the 12th December, 1833.

On April 8, 1834, some time after the submission of the above report, Lord William Bentinck wrote a letter to the Maharaja, in which was conveyed, "a proposition of the most vital importance to your interests". In another letter, dated 14th May 1834, he informed the Maharaja, that, in case the recommendation he had already made should be approved by the authorities in England, the Faujdaries of Manjarabad, Mysore and Ashtagram would be made over to him on "the conditions specified by Mr. Casamaijor and cited in your letter to me"; and "the remainder of the territory (of Mysore) or so much of it may suffice to satisfy the claims of the Company will be made over to the British Government."

In his despatch of 14th April, 1834, addressed to the Secret Committee of the Court of Directors, Lord William Bentinck had put his recommendation in the following words:—

"By the adoption of the arrangements which I advocate, certain doubts will be removed which I cannot help entertaining both as to the legality and the justice, according to a strict interpretation, of the course that has been pursued. The Treaty (of 1799) warrants an assumption of the country with a view to secure the payment of the subsidy. The assumption was actually made on account of the Raja's misgovernment. The subsidy does not appear to have been in any immediate jeopardy. Again, the Treaty authorises us to assume such part, or parts, of the country as may be necessary to render the funds which we claim,

efficient and available. The whole has been assumed, although a part would unquestionably have sufficed for the purposes specified in the treaty: and with regard to the justice of the case, I cannot but think that it would have been more fair to the Raja, had a more distinct and positive warning been given him that the decided measure, since adopted, would be put in force, if misgovernment should be found to prevail." This reveals that the Governor-General who ordered the assumption of the entire state, soon doubted both the legality and the expediency of the measure taken and the reasons adduced and resolved to go back upon it in a fundamental measure.¹⁸

Sir Charles Metcalfe, the successor of Bentinck, expressed his wish that the decision of the home authorities might be favourable to the expectations held out by his predecessor to the Mysore Ruler. But his expectations were falsified, and the next Governor-General, Lord Auckland, announced to the Maharaja, in his letter dated 28th March 1836, that the Home authorities had decided that his interests would be best served "by maintaining the then undivided and beneficial administration of His Highness' Territories until such salutary rules and safeguards were matured and confirmed in practice and would afford just ground for confidence to the subjects, of a stable form of good government."

Thus it is plain that Lord William Bentinck ordered the assumption of the State before he received the report of the Committee of investigation into the affairs of Mysore, nay even before he appointed it, and certainly and before he had fully grasped the scope of the rights possessed by the British Government under the treaty, and that, after he perused the Report, he perceived the harshness of his own action in having assumed the entire territories of the Raja and that consequently he made immediate proposals to the Home authorities to get righted the injury done to the Raja and assured him that "the assumption was quite a temporary measure and intended for the time being."¹⁹

IV

Two British Commissioners were appointed, for the administration of Mysore, the Senior by the Governor-General and the Junior by the Governor of Madras; and they were assisted in financial matters by the

¹⁸Bentinck's proposal, made in the beginning of 1834, was to restore the Districts of Mysore, Ashtagram and Manjarabad "in full sovereignty" to His Highness the Maharaja and to annex the remainder of the country as "an equivalent for the subsidy"; and that a new treaty was also to be concluded to give effect to this proposal. Bentinck deeply regretted the hastiness with which he had acted with regard to Mysore, and is known to have more than once said that it was the only act of his Indian administration that he looked back upon with regret. It is only fair to him to remember that he put it on record that what he had done had been carried out under a grievous misconception of facts, and that he had been misled into action by the "exaggerated representations of the Madras Government" of the time.

¹⁹Vide *The Mysore Gazetteer* (New Edition), Vol. II, Part IV: p. 2874-1876.

Dewan who was to be allowed to exercise as much power as he had exercised under the Maharaja. The Commission was under the purview of the Government of Madras till June 1832; and it was definitely instructed by the latter to study the system outlined by Colonel Mark Wilks in his famous Report of 1804 and to follow the methods of Dewan Purnaiya. The Madras Secret Consultation of October 4, 1831, indicated the lines on which the proposed Commission should proceed with the work of administration, in the following words:—"In the execution of a measure of this description, His Lordship would do as little violence as possible to existing establishments and institutions and merely appoint a Commission of experienced officers, to assume the Rajah's place in the administration making it an introduction to them to conduct the affairs with the same, at least the same description of officers as they might find in employment and reforming the abuses of the system gradually as experience in the course of business might suggest."

The Senior Commissioner was empowered to overrule his colleague, by means of his casting vote, on every point; and it was soon found that a Board of two Commissioners who frequently differed from each other, was "an agency ill-adapted for the organisation of a proper system of Government." Colonel J. Briggs, the first Senior Commissioner, could not agree with whatever his junior colleague, Mr. C. M. Lushington, did and reversed all his important decisions. Accordingly, a single Commissioner was appointed for the entire administration in April 1834. But the Resident still continued to function; and thus a dual control still continued.

One of the first acts done by the Commissioners, was to determine their position under the treaties governing the relations between Mysore and the Company's Government. And it showed the remarkable sense of justice of the Senior Commissioner, to interpret accurately and justly the rights of the Ruler in the revenues of the State.²⁰ Colonel Briggs wrote that, under the Subsidiary Treaty of 1799 and the Supplementary Treaty of 1807 explanatory of the third Article of the same, (1) the only pecuniary demand to which His Highness was subject was the payment, under Article 2 of the treaty, of seven lakhs of pagodas, in twelve equal monthly instalments; (2) under Article 5 of the Subsidiary Treaty, the Company's Government were bound, so long as they remained in charge of His Highness's territories, to render to His Highness a true and faithful account of the Revenue (and produce) of the Territories so assumed; and (3) the Company's Government were bound to pay to His Highness from the territorial revenue not less than the sum of "one lac of Star Pagodas, together with one-fifth part of the net revenues of the whole territories, the remaining four-fifths being made available, under the 5th Article, for the expenses of war or preparations for hostilities by

²⁰Vide Letter, dated 21st February 1832, from Colonel Briggs, the Senior Commissioner, to the Chief Secretary to the Government of Madras.

either of the contracting powers. But as this latter clause had been abrogated by the Supplementary Treaty of 1807 and commuted by it for the maintenance of 4,000 horse, the revenues of the State, though under the management of the Commission, were "not liable to any other pecuniary demand beyond the annual subsidy of seven lacs of star pagodas." He also pointed out that the public debt of His Highness's Government was to be met from the public revenues and not chargeable to what was payable to him for his own personal expenses, which were to be considered in the light of a sum chargeable on the Civil List which he was, in every case, entitled to receive in full, as his private income, it being left to him to regulate his expenses according to his means, his convenience and his pleasure.

The charge of Coorg was added to that of Mysore from 1836; and the charge of the Residency which conducted the political relations of the Maharaja and his family with the British Government, was taken over by the Commissioner from 1843. Until 1856 the Commissioner was helped by four European Assistants. The First Assistant was his Secretary, and also acted for him during his absence. The districts were administered with the help of four European Superintendents, each of whom was in charge of a division which yielded approximately a fourth of the state revenue. These were later given the assistance of European officials styled Junior Assistants and charged with varying duties, mainly judicial. Thus, under the rule of the Commission, the higher offices were monopolised by Europeans; and the office of Amaldar of a Taluk was the highest post open to a native of the State. The Dewan's establishment was amalgamated with the Commissioner's office; and his place was taken by an official styled the Huzur Head Sheristadar and Native Assistant to the Commission.

This process of Europeanisation went on, though the Governor-General had actually instructed the Madras Government, on the assumption of the administration, that "the agency under the Commissioners should be exclusively native." The Directors, in their letter dated 25th September, 1835, had also definitely stated that they were desirous of adhering to the native usage and not to introduce a system which cannot be worked hereafter by native agency." Mark Cubbon, the Commissioner, desired the employment of intelligent and educated Indians, and started a Central English School at Bangalore, in order to train men to be fit for responsible posts under Government.

Cubbon, in spite of his protestations for encouraging native talent, had again and again to request the Government of India for a more liberal supply of European Assistants, "to be employed only until the local supply was sufficient." Thus the total number of European Assistants to the Commissioner had more than doubled between 1834 and 1857. In the latter year Cubbon urged the appointment of one more European officer and got it. "The possibility of restoration probably played some

part in limiting the appointment of European officers. It also raised difficulties in the Indian element." Lewin Bowring who succeeded Cubbon as Commissioner, declared, as late as 1868, that "under such a system, had the European officers upon whose energy and ability the whole fabric rested, been suddenly removed and had the administration been then (when the possibility of restoration was near, but not yet a certainty) restored to native rule, the whole structure would have collapsed at once and the former 'Moghalai' would have become again rampant."

The Regulation system was introduced in Mysore in the place of the Non-Regulation system, in 1862; the State was divided into 3 Divisions each under a Superintendent, aided by Assistant Superintendents. The Finance Department was also reorganised; the British Indian budget system of audit and accounts was introduced; and surplus revenue was no longer hoarded. In 1863 a new revenue and land survey settlement began to function, and an Inam Commission was also instituted; and these followed the Bombay system, in preference to that of Madras.

Cubbon always treated the Maharaja with every mark of respect, and conciliated his relations, and dependents as well as the palace officials. He had exempted the Maharaja's staff from attendance at the Government courts and admitted a representative of the Maharaja into the Commissioner's Office to watch his master's interests. He had faithfully adhered to the instructions of Lord William Bentinck and his successors, "to allow the Maharaja the comfort and dignity due to his situation and also to secure his co-operation in the management of the State."

V

When the policy of annexation was strong at Calcutta, Lord Dalhousie wrote in his own manner:—"As his Highness (Krishnaraja Wodeyar) was 60 years age at the time and had no male heirs and had never declared his intention to adopt one, the kingdom would lapse to the original donor." He also observed, gratuitously, that the treaty by which the kingdom was bestowed on his Highness was silent as to "heirs and successors," and that "no mention was made of them, and the Treaty of 1799 was exclusively a personal one."

Strangely enough, Lord Canning was antagonistic to the Ruler of Mysore and did not grant him the right of adoption that was given to all other Princes and Chiefs, ranking above a jaghirdar, on the ground that His Highness was not personally governing his territories at the time of the proclamation of the despatch of adoption which confined its operation to Ruling Princes only.

Sir Charles Wood, Secretary of State, issued a despatch to the Governor-General, dated 26th January, 1860, in which he desired that the Mysore Commission should be placed under the immediate supervision of the Madras Government to which Sir Charles Trevelyan had been

recently appointed. Sir Mark Cubbon, the experienced and talented Commissioner of Mysore, immediately tendered his resignation and wrote, in a private letter, that he found that "the late order is regarded as a great breach of public faith, as the first step towards the final extinction of the State of Mysore and of its incorporation with Madras, and consequently tending to produce the most fatal of all results, the destruction of all confidence in the sincerity of the Queen's Proclamation."

Maharaja Krishnaraja Wodeyar had been for years bent on getting his kingdom restored to him. Apart from the justice of his claim, with the advance of years, the fear became all but universal that the Supreme Government was not unwilling to see the assumption of administration converted into annexation.

The Maharaja himself wrote a *kharita*, dated Mysore, 15th March 1860, protesting against the proposed transfer of Mysore to and its absorption in the Madras Presidency, and claiming the restoration of his kingdom to himself and his heirs, thus:—"I have grave fears that such a measure as this, if introduced, would possibly interfere with the claims that I and my heirs have for the restoration of the government of my country, as it is evident that the contemplated change is with the view of introducing alterations in the form of Government, which would render it difficult for me or my successor to conduct the administration hereafter with native agency; and the recent conduct of the present Government of Madras adds cogency to my fears on this point."

Lord Canning had previously written, in a letter, embodying a very improper suggestion or wish, that "it has been supposed that the Maharaja would bequeath his kingdom to the British Government." He carefully and cautiously added:—"I say supposed, because there is no formal or official evidence of purpose." He continued:—"but I know for certain that such was his intention, because early in 1858 the Raja seized an opportunity of conveying to myself, through an entirely private channel, not only the strongest protestation of his loyalty, gratitude and devotion to the Government, but a distinct and earnest declaration, more than once repeated, of his wish that everything that he possessed, should at his death pass into its hands."²¹

Lord Canning, in his letter, dated 30th March 1860, to the Secretary of State, even after he received the above *kharita* of the Maharaja, still preferred to believe in his alleged intention to bequeath his kingdom to the British and "hoped for its realisation." He added, however, that he feared "to draw from the Raja an emphatic protest and refusal of consent, in which he will carry with him, reasonably or unreasonably, the sympathy of his fellow-princes"; and he still felt that the Raja "possesses a very strong claim to have his wishes and feelings considered by

²¹A parallel was the supposed voluntary gift of his kingdom to the Roman Senate, after his death, made by Attalus III, of Pergamum, in order to secure Roman protection and avoid the extinction of his family, which he feared, was the aim of the annexationists who were then dominant in the Roman government, (cir. 135 B.C.)

us." Finally, he was anxious that "the Raja should not be startled or provoked into an assertion of his rights"; and he hoped that he might be allowed to die quietly without having adopted a son, though he had "no doubt whatever as to his right to adopt a son, if he chooses."

On the 23rd February, 1861, the Maharaja addressed a second *kharita* to Lord Canning in which he desired the retransfer of the administration of the State to himself and added that "the avowed object for which the Government of my country was temporarily assumed, has long since been accomplished, and there is no justifiable pretext for its further retention."

At this time, Sir Mark Cubbon had resigned from the Commissionership and had embarked for his home. He had handed over charge to Mr. C. B. Saunders, the Judicial Commissioner, who conducted the administration, till the arrival, in February 1862, of the new Commissioner, Mr. L. B. Bowring, a distinguished member of the Bengal Civil Service, who had served in the Punjab Commission and subsequently as the Private Secretary of Lord Canning.

Lord Canning, in his reply to the Maharaja, dated 11th March 1862, the day previous to his departure for England, took strong exception to the claim put forward by the latter and brusquely rejected it. He wrote that Sir Mark Cubbon had nowhere, in his correspondence with the Government of India, acknowledged the Raja's share in the credit for the successful administration of Mysore; and he maintained that "any improvements that had taken place had been effected in spite of the counteraction he had met with on the part of your Highness and your partisans." Further he held that the Marquis of Wellesley did not waive any right of conquest over Mysore, but asserted and maintained that right in a three-fold measure: (1) In the partition treaty of 1799, the Raja was "not otherwise a party concerned than as the notified future recipient of the liberality of the British Government," which had effected the conquest; and the contracting parties to that treaty were the Governor-General and the Nizam. (2) The subsidiary treaty with the Raja was auxiliary to the partition treaty; and the cession of territory to him was "based distinctly upon the British Government's right of conquest." (3) The 4th and 5th articles of the subsidiary treaty showed that "far from waiving the rights derived from conquest, Lord Wellesley, in a very signal manner, kept those rights alive in the conditions which he attached to the cession."

Canning concluded his despatch by saying that "there is no waiving of the rights of conquest, and of the Supreme Sovereignty which it conferred upon the British Government." He asserted that even the personal provision for the Maharaja was "a personal right, not a heritable one; it is not claimable as a right, even by a natural born heir. . . . and your title to that right is exactly the same as was your title to the authority which you forfeited through misrule."

In this connection an earlier situation is to be kept in mind. About the beginning of 1860, an attempt was made to transfer the superintendence of Mysore affairs from the Governor-General to the Government of Madras, then under Sir Charles Trevelyan, thus reversing what had been done in 1832. Sir Mark Cubbon resented this measure and tendered his resignation and requested to be relieved early. It also gave cause to a spirited protest from the Maharaja. First, he objected to the transfer on the ground that it had been made without any reference "to himself as if he had no longer an interest in the matter or any interests to uphold,"—a kind of procedure which, he said, filled his mind "with apprehension and alarm." Secondly, he remarked, he did not see how his interests or those of his country were to be bettered by the transfer. "Perfect tranquillity has," he said, "reigned in the country at a time when disaffection on the part of his people would have thrown Southern India into a blaze. . . . But my conduct, and of my people during that dreadful period, exhibit the complete success of the administration as at present carried out." Thirdly, he expressed a grave fear that such a step as this would adversely affect his future and the future of his State." Fourthly, he urged that whereas Mysore had prospered under the Supreme Government for many years, when it was last transferred to the control of Madras, the reverse had proved the case. Fifthly and finally, His Highness remarked that "it would require very strong reasons to justify the risk of making the change now proposed."²²

In April 1862 the Raja sent his rejoinder to Canning's last despatch to the Earl of Elgin, the new Viceroy, in which he fully answered every argument advanced against his claim by Canning. The question was referred to the Secretary of State, who took a long time to decide on the issue. His decision was adverse to the Raja and was sent only on the 17th July 1863. During these months (April 1862—July 1863) rumours reached India of considerable differences of opinion among the members of the India Council in the matter.

When the adverse decision was communicated by the Commissioner, Mr. Bowring, to the Maharaja on the 14th September 1863, the latter suggested as a sort of compromise solution, that the Commissioner might be designated Resident in Mysore and Minister, the government of the state might be carried on by him in the Maharaja's name, that the yearly revenue should be made over to him and that the right of adopting a son should rest with him.

The Maharaja had thus been repeatedly urging his claim to restoration. Three Governors-General, Lord William Bentinck, Sir Charles Metcalfe and Lord Hardinge, had clearly admitted that his abrupt suppression was an inconsiderate act "unduly severe and of doubtful legality." "In no despatch of the Home Government or of the Government of India, during that period (*i.e.*, till 1847) was any intention of perma-

²²Letter dated 15th March 1860. See p. 134 above.

nently retaining the management of Mysore ever expressed or implied."²³ The Directors' despatch of the 14th July 1847 was the turning-point in the Raja's fortunes, as it declared that "the real hindrance (to his restoration) is the hazard which would be incurred to the prosperity and good government which the country now enjoys, by replacing it under a ruler known by experience to be thoroughly incompetent." Lord Hardinge had expressed grave doubts as to the justice or right of the British retaining the administration of Mysore, after the satisfaction of their pecuniary claims and when these claims could be no longer any cause for anxiety as to the regular payment of the subsidy.²⁴ It was in reply to this Despatch that, after ten months' consideration, the Directors gave out their opinion as to the real hindrance to the reinstatement of the Raja on his throne.

The Government of India, learning of the serious intention of the Raja, to adopt a son, wrote on the 29th March, 1864, that "the Raja has a full right to adopt so far as his private property is concerned; but His Highness must be distinctly informed that no authority to adopt a successor to the Raj of Mysore has ever been given him."

At an interview which Mr. L. Bowring, the Commissioner, had with the Maharaja on the 14th September 1863, he asked:—"It is your Highness's wish to adopt a son to succeed to all your Highness' possessions?" The latter replied: "It is not only my wish to make such an adoption, but I repeat it, it is my determination to adopt a son, in conformity with the Hindoo law and the long established usages of my ancestors, to be representative of the ancient Rajas of Mysore." The Raja added, in reply to a further query, that the boy's name could not be announced then, nor until the proper time should arrive; "but it is my express desire that you should communicate what I have said on this point to the Governor-General."

The *Edinburgh Review*, of April 1863, contained an article headed "India under Lord Canning". . . . which could be regarded as an expression of the sentiments of Government, and expressed some very imperialistic ideas. It openly held that "expediency should be our guide"; and its words implied that the Raja of Mysore was to be the next victim of British land-hunger which was yet unsatiated. Bell thus commented on it:—"Yet he (the Raja) is not disloyal, nor disaffected. The Commissioner, the Governor-General and the Secretary of State have testified to the contrary. He must therefore be sacrificed on some other plea; and I know of none, after twenty years' personal experience of the Prince and his country, except that the territory is rich, the climate good, the position eligible—and we want it. Add to this, we are strong, the Raja weak—and what more could possibly be required to satisfy the most delicate Whig conscience? It is the old story of

²³E. Bell: *The Mysore Reversion: An Exceptional Case* (1865)—pp. 29-30.

²⁴Vide his despatch to the Court of Directors, dated 6th August 1846.

Naboth's Vineyard once more repeated—only rather more flagrant for we don't propose to give anything in return to anybody."²⁵

Some months before this His Highness had addressed, after considerable deliberation, on 25th January 1865, a fresh appeal to the successor of Lord Elgin in the Governor-Generalship (Lord Lawrence) in which he set out in some detail the grounds of his claim to re-assume the administration of his dominions. He also followed it up by another *kharita* dated 1st February 1865, in which he intimated that he was reluctantly compelled to carry his appeal to Her Majesty the Queen, through the medium of Dr. Campbell, who had once before gone on a mission on his behalf to England. Lord Lawrence transmitted copies of these communications to the Secretary of State for India.²⁶ In informing His Highness of this, Lord Lawrence expressed the view that he could not countenance the case as formulated by His Highness. This induced His Highness to address his *kharita* dated the 4th July 1865 to substantiate his position. Meanwhile, His Highness desired in due conformity with Hindu custom and religion, to adopt a son as his heir and successor, to inherit his country and hold it as its Sovereign. He had made known his intention in this connection in February 1864; but the Supreme Government, while recognising his right to adopt so far as his private property was concerned, informed His Highness on 29th March 1864 that no authority to adopt a successor to the State had ever been given to him, and that no such power could now be conceded. This decision was upheld by the Home Government, despite Her Majesty's Proclamation of November 1st, 1858, which contained the express clauses: "we desire no extension of our present territorial possessions," "we shall respect the rights, dignity, and honour of native princes as our own" etc., and despite also the fact that the famous circular letter dated 14th October 1860 regarding "adoption as affecting the succession to the Native States and Principalities of India" had been addressed to the Commissioner in Mysore as well and been acknowledged by him (*vide* letter dated 15th October 1860), though not extended to His Highness in person. Notwithstanding this decision, His Highness adopted, on the 18th June Sri Chamarajendra Wodeyar Bahadur, a child of 2½ years of age, and a member of the Bettadakote family.

²⁵Letter from a Friend, dated April 10th, 1863: Appendix H. of the *Mysore Reversion*: pp. 222-3.

Major Bell did much useful service in the Mysore cause. According to the *Saturday Review* (2nd March 1867), Major Bell urged on public grounds, the restoration of the dynasty and since his retirement from service, acted as the avowed agent or advocate of the Raja. "His work for Mysore will be long remembered as it was done willingly and in what he described as the conscientious discharge of public duty." (See *Mysore Reversion: An Exceptional Case* (1865) and *Remarks on the Mysore Blue Book* (188).)

²⁶Lawrence now categorically reasserted the recorded opinion of Canning that his rule over Mysore was "not derived from ancestral claims, nor from hereditary right, but from the free gift of the British Government."

Lord Lawrence had obviously made up his mind on "annexation" and had even won over Sir Charles Wood, then Secretary of State for India, to his views. Lawrence thus proved a true disciple of Dalhousie in his application of the doctrine of lapse. In his despatch dated 17th July 1863, Sir Charles Wood put forward the extraordinary theory that the Treaty of Seringapatam of 1799 "contained no condition under the administration of the Maharaja's possessions if one once assumed by the British Government, was to be restored to His Highness." This argument received special attention at the hands of Mr. (later Viscount) John Morley in a critical article he wrote in the *Fortnightly Review* of the time. Six of Sir Charles' own colleagues on the India Council, among whom were Sir Henry Montgomery, Sir George Clerk, Sir Frederick Currie, Sir John Willoughby, and Captain W. J. Eastwick differed from him on this matter. Even in the Cabinet, the despatch had a qualified approval, and an influential minority was against it. When rumours of these differences in the Cabinet and the India Council became known, public opinion was greatly stirred. Meanwhile, Lord Palmerston, Prime Minister since 1859, died in October 1865, and Earl Russell succeeded him. In 1866, the Derby Ministry came into existence, with Lord Cranborne (later, Marquis of Salisbury) as Secretary of State for India. Then a deputation was organised to protest against the contemplated "annexation". Headed by Sir Henry Rawlinson, it urged on him a reconsideration of the whole case relating to Mysore, more particularly as modified by the adoption. Later in the same year, a petition signed by several old Indian officers and others including Sir Henry Rawlinson, Mr. (afterwards Sir M. E.) Grant-Duff, Colonel Sykes (Chairman of the Court of Directors in 1856), Major Evans Bell, and Mr. John Dickinson (Chairman of the Indian Reform Society in London, in succession to John Bright) was sent to the House of Commons by Mr. John Stuart Mill. It prayed:—"Your Honourable House will take such steps as may seem in your wisdom most efficacious for ensuring, with the least possible delay, the re-establishment of a Native Government in the tributary State of Mysore, with every possible security for British interests and for the prosperity and happiness of the people of the country."

The following extracts from a speech in the Commons on Mysore are worthy of close study. "The Maharaja's cause, or in other words that of British faith, is warmly and judiciously advocated by five members of the India Council. But natives of India are grieved to see a person like Mr. Mangles employing arguments as puerile as they are unjust. Whoever heard a Treaty such as that of Mysore called a deed of gift? Still more strange is it to read that the words "shall be binding upon the contracting parties as long as the Sun and Moon shall endure," do not imply perpetuity to Indian minds. The Indian mind is shocked at such sophistry in high quarters. As to policy, I say for the safety both of Indian and England that political honesty and fair dealing is the

best policy. I would request members of Parliament to fling away mere ephemeral political expediency (to use Mr. Mangles' own expression), and look well deeply into the past and the future. Weigh the words of Sir G. Clerk, Sir F. Currie, and Mr. Eastwick, the other dissenting members. You are now looking at the events of 1805 from the standpoint of 1866. Take note that your conduct will be watched by the people of India. Do justice even if the Heavens fall. The good of the people, which the annexationists talk of to excuse their injustice to the Princes of India, is a mere stock pretence, and this is well shown by Sir F. Currie and others. Has the good of the people been considered when ephemeral political expediency pointed the other way and have not people been handed over bodily to alien Rulers when it suited the interests of the British Government?"

"The Maharaja of Mysore is a Sovereign under a specific Treaty. If he breaks it, let him be punished *in accordance with that Treaty*. But for the British Nation to permit mere land-hunger to turn itself from the scrupulous observance of Treaties, is like a descent from the spiritual to the material—a lapse from monotheism into idolatry, which must in time corrupt the Governors and the Governed, to the certain ruin both of India and England."

VI

The recognition of the adoption of the Maharaja; his death, the guardianship of the adopted Raja Chamaraja Wodeyar and the final Rendition of Mysore—are all of an epoch later than that covered by our treatment. The Rendition of 1881 was, however, "practically a re-grant and not merely a restoration of native rule after a temporary interruption. The Instrument of Transfer²⁷ drawn up by Lord Ripon in fact amounted to "a new constitution for the State" and presumably represented "the ideal relations from the Government standpoint which should exist between the Prince and the Viceroy. That document superseded all others by which the position of the British Government with reference to Mysore had been formally recorded.

Its Sections 22 and 23 are noteworthy as being landmarks in the assertion of the doctrine implied in the term—"Paramountcy is Paramount."

Section 22 runs thus:—

"The Maharaja of Mysore shall at all times conform to such advice as the Governor-General in Council may offer him with a view to the management of his finances, the settlement and collection of his revenue, the imposition of taxes, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry, and any other objects connected with the advancement of His Highness's

²⁷Ripon's Agreement with Mysore, dated March 1, 1881.

interests, the happiness of his subjects, and his relations to the British Government."

Section 23 is as follows:—

"In the event of the breach or non-observance by the Maharaja of Mysore of any of the foregoing conditions, the Governor-General in Council may resume possession of the said territories and assume the direct administration thereof, or make such other arrangements as he may think necessary to provide adequately for the good government of the people of Mysore, or for the security of British rights and interests within the province."

The splendid record of the Mysore State from 1881, and its standing forth as an exemplar of progressive and enlightened administration are all owing to the series of remarkable Diwans from C. V. Rangacharlu to Sir A. R. Mudaliar (1881—1949) no less than to the wisdom of three generations of its Rulers.

CHAPTER VIII THE ANNEXATION OF OUDH

I

A matter-of-fact narrative of the English transactions with Oudh, beginning from the spoliation of the Begams, will be sufficient for our purpose. Nawab Asafu'd Daula owed to the Company at the time about 15 lakhs of rupees as arrears of subsidy and openly declared his inability to pay that amount, urged by the Resident, the Nawab requested the Governor-General that he might be allowed to confiscate the jaghirs and seize the treasures of the Begams (his mother and grandmother) who had inherited from Nawab Shujau'd Daula vast estates and a large quantity of treasure, amounting, as it was believed, to about two millions sterling. He maintained that the Begams could not produce the will by which they claimed this bequeathal and had no moral or legal right to inherit such a large portion of his father's property, which should only legally descend to him as the sovereign of the country. He further argued that the first obligation which lay upon his father's wealth was the discharge of the latter's debt to the Company.¹

The Governor-General who felt the pressure of money-need more than that of a sense of right, agreed to the proposal of the Nawab Wazir who, however, began to waver in his attitude and had to be "steadily driven on by the British authorities to avail himself of the opportunity thus given him."² Soon Hastings found that Resident Middleton was neither sufficiently resourceful, nor strong enough to overcome the vacillation and temporising conduct of the Nawab and would not resort to any open coercion. He therefore superseded him by John Bristow. In June 1782 the new Resident informed his master at Calcutta that "all that force could do has been done."

Mr. P. E. Roberts refutes the theory that Hastings was not responsible for what his agents did to coerce the Begams and torment their

¹Bahu Begam, widow of Shujau'd Daula, had even in 1775, agreed, at the pressure of the British Resident, to pay her son Asafu'd Daula, £300,000, in addition to £250,000, already paid to him on condition that "he and the Company, guaranteed that no further demand should ever be made upon her." And the guarantee was also given.

²Hastings's instructions are revealing in their brutal frankness. Thus he wrote to the Resident in December 1781: "You must not allow any negotiations or forbearance, but must secure both services until the Begams are at the entire mercy of the Nawab." In the following month he expressed his impatience at the Nawab's "great reluctance to enter on this business". He told his Council that he would personally proceed to Lucknow and help the Nawab to execute his plan and referred to "the pressing letters which I have written to the Nawab, the strong injunctions which I have repeated to the Resident." Forrest—*Selections from the State Papers in the Foreign Department*: Vol. III—p. 950.

servants at Faizabad,³ and holds that the much maligned Nawab Asafu'd Daula was "a reluctant party throughout", while his minister was rebuked by the Governor-General for his "very unbecoming tone of refusal, reproach and resentment in opposition to measures recommended by me and even to acts done by my authority."⁴

For Hastings the only question that mattered was the quick exaction of treasure from the Begams and their ministers. He put forward the charge of rebellion as an *ex post facto* justification for his action; and in Oudh there had always prevailed an endemic disorder that bordered on quasi-anarchy.

In 1781, Hastings was offered and accepted a present of £ 20,000 by the Nawab Wazir; and he utilised the amount in the Company's service; "and then after considerable delay and some amazing manipulation of the accounts, he reported the matter to the Directors and made the astonishing request that they should present it to himself as a token of their approval."⁵

It may be noted that Hastings kept the whole affair out of the cognisance of his Council, which act was "a most unconstitutional proceeding." Burke was in the right when he emphatically condemned all presents from Indian rulers to British Governors and others as "the donations of misery to power; the gifts of wretchedness to the oppressors."⁶

Hastings pursued an equally mysterious and unjustifiable attitude towards Oudh, even after this transaction. The Nawab's debts to the

³The Begam's two ministers were kept in confinement from January to December 1782, and were "for a time deprived of food and put in irons." It was not certain, however, whether they were actually flogged. (*Cambridge History of India*—Vol. V—p. 301).

⁴Hastings justified his attitude on the ground of the highly improbable charge that the Begams had supported the rising of Chait Singh of Benares. The evidence for the substantiation of this charge was based upon (1) affidavits taken by Chief Justice Impey, most of which were valueless, being only hearsay statements about the Begams and inculcating the Nawab himself; (2) a statement of Colonel Hannay and his colleagues, about the disturbances in the country, being anxious, as Mill says, to find for these disturbances "some cause other than their own malversations;" and (3) the statement of Mr. E. Wheler who believed that the Begams had really stirred up unrest. But Middleton had reported to the Governor-General in January 1782 on "the reliance which notwithstanding the part I have avowed and acted with respect to her, she (the Begam) probably placed in the support and mediation of our Government." Moreover, as has been pointed out by Roberts, there was no mention of any rebellion at all in "all the correspondence that passed between Hastings and Wheler at that time."—Roberts on the minutes of evidence, p. 302 of *Cambridge History of India*—Vol. V.

⁵The bribe was evidently offered by the Nawab Wazir in order that he might be freed of the disagreeable burden of fleecing the Begams. Hastings accepted it, but continued his plan undeterred.

⁶Captain J. Paton's account of *The British Government and the Kingdom of Oudh (1764—1835)* was compiled under the orders of the Government of India directing that the account should point out "the good or bad consequence of our measures" in order to throw light on the working of the 1801 settlement of Wellesley, when a revision of the existing political relationship, leading to the abor-

Company were still in considerable arrears and Hastings who had given orders to Bristow to obtain a complete control over the administration of the Nawabi, soon declared to his Council that Bristow had been tyrannising over the Nawab Wazir and recommended that the Ruler and his minister, Haidar Beg Khan, whom he had been all along condemning as corrupt and opposed to all reform, should be made jointly responsible for the debts due to the Company. After some demur the Council empowered the Governor-General to proceed personally to Oudh (1784) in order to carry out the change. He conciliated the Nawab, restored to the Begams their jaghirs, which act had, however, been already ordered by the Court of Directors and replaced the Residency by an "Agency of the Governor-General." The net result was that he merely "won a respite for the time by a heavy mortgage on the future." His Agency cost nearly as much again as the maintenance of the Residency and pursued the old methods of interference in the internal administration. Only Hastings pompously minuted that he had adjusted all the disputed accounts between the Nawab Wazir and the Company and declared that "it is my ambition to close my government with the redemption of a great government, family and nation from ruin... it is the boldest enterprise of my public life."⁷

The Governor-General's instructions to the Resident, dated 23rd October 1782, related to the limiting and separating of the personal disbursements of the Nawab Wazir from the public accounts, the reorganisation of the army establishment, the improvement of the judicial administration and the control of the appointment of the Nawabi officials, particularly the Amils.

Paton's Account thus commented on the result of this interference:

"When the Governor-General had made up his mind to interfere to this extraordinary extent, against the treaty, to assume the powers of Government, it would surely have been better instead of this most unsatisfactory mixed administration where neither party, the Vizier nor the Resident, could be held fully responsible for any one act of Government to have assumed complete possession of Territory sufficient to pay

tive treaty of 1837, was under consideration. It contains in chapter III the following information:—

Para 22nd. "By the 23rd February 1782 upwards of 50 Lacs of Rupees (50,00,000) was received by the British Resident for the use of the Company, and there remained still a large balance due upon a Bond extorted from the Eunuchs.

Para 23rd. "The current annual claim of the Company varied from Seventy to 130 Lacs per annum. Previous to 1781 the receipts of the Resident varied from 60 to 80 Lacs per annum whence the balance of debt perpetually increased. When the treaty between the Vizier and the Governor-General was concluded at Chunar the balance appears to have stood at 44 lacs. The Resident instead of 80 Lacs which was the maximum receipt received 1,45,00,000. The ultimate demand for arrears however by various items swelled out to upwards of 2½ crores of rupees, being equal to twice the annual revenue of the whole Kingdom."

(This paper was published for the first time by the Allahabad University in 1944, under the editorship of Dr. Bisheshwar Prasad.)

⁷Gleig—*Memoirs of Warren Hastings* (1841) Vol. III, pp. 153 et seq.

the amount due by the Vizier to the Company leaving the Vizier complete power over the rest. It is out of the nature of things that a mixed Government such as here described could flourish. The executive power being still in native hands, an unseen counter-current of caprice, intrigue, bribery, and corruption, will ever counteract the best schemes, unless indeed where the Resident *were in reality Supreme* in all things to *appoint, punish and dismiss* and to have charge of the public treasure."⁸

II

Sir John MacPherson was charged by Lord Cornwallis with his conduct in Oudh which was "as impeachable, and more disgusting to the Vizier than Mr. Hastings."⁹ Cornwallis was requested by the Wazir that only one brigade of the Company's troops should be stationed in Oudh and a reduction should be effected in "his oppressive pecuniary burdens. After a conference with Haidar Beg Khan, the Wazir's minister, Cornwallis agreed to reduce the tribute from 74 lakhs to 50, only on condition that it was punctually paid, but insisted that the Nawab's own troops should be reduced as they were a standing menace to the security of British territory, declaring that there would be no diminution of the Company's troops "as it would be highly inadvisable for us to attempt the defence of the Wazir's decision, recorded in an able minute which was founded on the conviction that his new arrangement was the only basis calculated to render permanent the relations between the Company and the Wazir; and he hoped that its maintenance would be ended by the able minister Haidar Beg Khan."¹⁰

In 1787 it was agreed between Cornwallis and the Nawab Wazir that the annual subsidy payable by the latter should be 50 lakhs of rupees and the British Government should refrain from all interference in the administration of Oudh.

The minister died in 1794; and the Nawab Wazir followed him to the grave three years later (1797). Earlier, in the latter year, a few weeks before the Wazir died, Sir John Shore paid a visit to Lucknow; and a good picture of the Wazir is furnished by the Governor-General's *aide-de-camp* and brother-in-law. The ageing Wazir was "the most splendid emanation of the Great Mughal now remaining"; he had "a dull intellect and a quick propensity to mischief and vice"; and "the amuse-

⁸Capt. J. Paton: *The British Government and the Kingdom of Oudh (1764-1835)*.

⁹We read that Cornwallis was "against all the modes that used to be practised for providing for persons who were not in the Company's service, such as riding contracts, getting monopolies in Oudh, extorting money for them from the Vizier etc."

¹⁰Malcolm held that this arrangement was "as happy as the personal character of Asafu'd Daula admitted of its being." The Nawab Wazir had pleaded that he had no motive for economy, as he was "uncertain of the extent of our demands upon him" and that he was rendered impotent.

ments of Tiberius at Capua must in comparison with those of their feasts, have been elegant and refined."¹¹

Shore persuaded Asafu'd Daula to agree to defray the cost of the additional body of native cavalry of two regiments, raised according to the despatch of the Directors of 22nd April 1797. The Wazir at first objected to the additional expense, but consented under the Governor-General's personal persuasion. The latter was also responsible for the appointment of Tafazzul Hussain Khan as the minister, as he had a high opinion of his talents and character.

Shore had now to decide as to the succession to the Nawabi. He first recognised Wazir Ali whom, in spite of doubts, as to his legitimacy, the late Nawab had recognised as his son and who had received the support of the Begam. But after adequate investigation on the spot, the Governor-General was convinced that he had backed the wrong horse. Wazir Ali's parentage was unknown and his conduct was that of a ruffian. In spite of warnings from the Commander-in-Chief, Sir Alured Clarke, and of the officer in charge of the British troops in Oudh, as to the danger he was incurring by a change of his nominee to the throne, Shore calmly faced the situation, declared Wazir Ali deposed and raised Sadat Ali, brother of the late Nawab, to the *masnad*.¹²

The new Nawab Wazir tamely entered into a new treaty¹³ in January 1798, by which Shore raised the annual subsidy to 76 lakhs of rupees, secured the stationing of a British garrison at Allahabad, raised the strength of the British troops to 10,000 and limited the number of the Wazir's own troops. The British were to have exclusive charge of the defence of the country, and the Wazir was to have no dealings with other powers without the consent of the English and not to employ any European without their sanction. These conditions were deemed essential in view of the threatened invasion of Zaman Shah of Afghanistan.¹⁴

This was Shore's last administrative act and "certainly the most vigorous, but it was no more effective than his less emphatic actions." The Directors were of the opinion that Shore's settlement bade fair to be permanent though even in the very first year the subsidy fell into

¹¹Cambridge History of India—Vol. V—Ch. XXI, pp. 348-349. W. H. Hutton, the author of this chapter, refers to the Wazir's able minister Tafazzul Hussain Khan, who had been his agent at Calcutta, was a great mathematician and translated Newton's *Principia* into Arabic and who, if he had had sufficient influence with his master, could have made his country a paradise."

¹²Shore held that not only Wazir Ali, but all the other sons of Asafu'd Daula were spurious.

¹³The offer to Sadat Ali who was residing at Benares was accompanied by a treaty to which his unqualified assent was immediately required. Sadat Ali did not cavil about the terms, signed the treaty and set out to Cawnpore whence he was escorted by the British troops to the capital.

¹⁴While Dundas approved, Burke threatened to take the war-path and for a time, a possibility of impeachment of Shore was in the air. Shore himself felt that "he was playing, as the gamblers say, le grand jeu, and with the same sensation as a man who apprehends losing his all."

arrears and they were prepared to countermand the increase in the English troops.

III

Wellesley quickly saw that the condition of Oudh was not so peaceful as the Directors had come to believe, largely through taking in Shore's roseate picture of his own settlement.

In the first year of his Governor-Generalship the threat of Zaman Shah who reappeared, was deemed to be a very serious factor in the political situation.¹⁵ Consequently the Governor-General strengthened the army in Oudh to 20,000 men, while the Wazir demanded an English force as a security against his own troops, for the maintenance of which a subsidy of 50 lakhs was reckoned to be necessary. "This was a heavy burden, but the protection could not be had for nothing." The Wazir's rabble troops were an active instrument for promoting civil disorder. The Doab districts were in danger of falling into deeper chaos, after the death of their present holder, Ilmas. The whole Nawabi dominion was overrun by rascally Europeans who added to the general oppression and pillage "behind the all too powerful screen of British bayonets." Wellesley, unlike Shore, determined to "dislodge every European except the Company's servants" from Oudh.¹⁶ But the task was not so easy as he just imagined. He resolved in the last months of 1798 that nothing could be done to mitigate the extortions and injustices perpetrated in Oudh by the Nawab's troops and civil establishments and by the European parasites, "before I can be enabled to visit Lucknow." But his primary aim was to see that the Nawab paid for a much larger body of English troops "sufficient to be at all times adequate to your effectual protection" and then "nothing further is requisite than that you should disband the numerous disorderly battalions at present in your service."¹⁷

Early in 1799, within a few weeks after the above advice was tendered to the helpless Nawab Wazir, Mr. G. F. Cherry, the Resident at Benares was murdered, along with two other Englishmen, by the deposed Wazir Ali who had been allowed to reside at that place on a handsome pension provided by Sadat Ali, and who now fled to Bhotwal territory

¹⁵Wellesley wrote to General Craig (September, 1798), the Commanding Officer of the troops in Oudh, that the Afghan had notified the Nawab Wazir and the Governor-General that they were to help him in freeing the Mughal Emperor from Maratha hands and restoring him in his throne and that "he should consider our not joining his royal standard and our not assisting him in the restoration of Shah Allum, and the total expulsion of the Mahrattas in the light of an act of disobedience and enmity." (Martin: Wellesley Despatches, Vol. I, p. 282.)

¹⁶Of these the most respectable was General Claude Martin who had been in the Oudh service since 1776 and continued to retain his position in the Company's military service.

¹⁷On this the well deserved comment has been made in *The Rise and Fulfilment of British Rule in India* (p. 230) that "the cool breath-taking ignorance behind that advice justifies a minute's pause. All that the Nawab had to do, to settle all his difficulties finally, was to sack his own retainers!"

and entered Oudh at the head of a band of disaffected Zamindars. His followers were scattered by a British contingent and he was forced to take shelter in Rajputana, but handed over to the British and imprisoned at Fort William (December, 1799).

Wellesley's mental composure was disturbed by this episode as he saw glimpses of the undercurrent of resentment that existed against British intrusions. Writing to the Directors in April 1799, while remarking that Wazir Ali was helped by Muhammadans almost exclusively and "several of them of high rank," he deplored that the British in India had not conciliated "the good will," nor controlled "the disaffection of this description of our subjects whom we found in possession of the Government and whom we have excluded from all share of emolument, honour and authority, without providing any adequate corrective of those passions incident to the loss of dignity, wealth and power."¹⁸

It may be remarked that the confusion in Oudh was more complicated than that in the Carnatic and at the same time more dangerous. Sadat Ali was quite a contrast to Nawab Umdatul Umara who was resolved on, and consistent in, his refusal to entertain any further British move of interference or demand for any increase of subsidy. He was vacillating in mind and even volunteered to abdicate, though he quickly withdrew the offer. This offer of abdication in favour of one of his sons was made, consequent on Wellesley advising him to accept an improved system of government, whose foretaste had already been forced on the Wazir by the arrival of Colonel Scott, as military negotiator, at Lucknow, to supplement the activity of the Resident (June, 1799). Scott made a careful investigation into the condition of Oudh. He was soon convinced of the Nawab's extreme unpopularity and of his desire "to obtain entire control of the internal administration and the exclusion of the English from any share in it." Scott wrote that if the Nawab's wish was to be realised, the administration would become more corrupt and the English would be blamed for the worsening of the situation. When, finally, the vacillating Wazir put forward what was called "his secret and personal proposal"—viz., his offer of resignation, rather of abdication, it was, accepted, but withdrawn." (November, 1799).

The offer of abdication delighted the Governor-General who wrote (on November 26, 1799)¹⁹ to the Secret Committee of the Directors that Sadat Ali "appears to have adopted the resolution. . . upon the maturest deliberation" . . . and that he declared "this resolution to have originated in the reciprocal aversion subsisting between himself and his subjects (an aversion, which on his part, he declares to have grown into absolute disgust) and in his sense of his own incompetency." Wellesley added that he intended to profit by this offer "to the utmost practicable extent" . . . and "to establish, with the consent of the Vizier, the sole and exclusive

¹⁸Ibid: page 231.

¹⁹Martin—Wellesley Despatches—Vol. II, pp. 154 et seq.

authority of the Company within the Province of Oude and its dependencies, or at least to place our interests in that quarter on an improved and durable foundation."²⁰ Wellesley had some doubt, as was to be proved too true soon, that the Wazir might shrink back from his offer and added that if he 'should ultimately persevere in this declared intention,' it was to be deemed "entirely and absolutely his own voluntary act."²¹

The Wazir had offered to Scott, to abdicate, on the 12th November 1799; but he desired that one of his sons should be permitted to succeed him; and a few days later, Wellesley expressed his satisfaction at the decision which, he held, was "pregnant with benefit not only to the Company, but to the inhabitants of Oudh. . . it cannot be too much encouraged, and there are no circumstances which should be allowed to impede the accomplishment of the grand object which it leads to."²² Wellesley added that this grand object was to be "the acquisition by the Company, of the exclusive authority, civil and military, over the dominion of Oudh."

But the Wazir withdrew his abdication when he was told that the Governor-General proposed to give him "a fixed income and of course all the trappings of his position, but shorn of all share in the administration which would be in the hands of British officials." He metaphorically "retired into his tent" and thought, as the Nawab of the Carnatic did, that "he could sit tight and wait."

Wellesley now became irritated and wrote several letters indicating his serious displeasure, "astonishment, regret and indignation which your recent conduct has excited in my mind."

Thus he declared his minimum objectives.²³

²⁰Mill (*History of British India*) Vol. VI—pp. 176-80), gives the text of the Governor-General's letter to the Resident, proposing that, by a secret treaty, the Wazir should set aside his own sons and make over his government and kingdom to the Company.

²¹Thompson and Garratt have forcefully criticised this stand of the Governor-General on this occasion. "The Company had long been past masters of the art of making some vacillating Indian potentate, anxious only to evade decision, and sign the order for his own execution. But that Governor after Governor should be capable of such contradictory tangles of argument, and while flaunting his own vivacity of pursuit and inflexibility of will should nevertheless assert that everything was done by the victim's free will, so that his after-wrigglings were arrant treason and 'Oriental' duplicity, helps us to understand why our dealings on the imperial state have so often been misunderstood by foreigners as hypocritical."

²²According to Paton, the Wazir calmly declined to disinherit his children. But the Governor-General had been so eagerly anticipating the abdication, that the treaty to that effect was actually sent to the Resident and read to the Wazir and a memo was drawn up as to the precautionary movement and distribution of the Company's troops for establishing the English administration.

²³"The conduct of your Excellency. . . is of a nature so unequivocally hostile. . . that your perseverance in so dangerous a course will leave me no other alternative than that of considering all amicable engagements between the Company and your Excellency to be dissolved, and of regulating my subsequent proceedings accordingly. I am, however, always inclined to hope that your Excellency

Sadat Ali pointed out that these new conditions demanded of him were contrary to the terms of his agreement with Sir John Shore, and that the British troops could only be augmented in case of absolute necessity which had disappeared. He insisted also that he should have control of his household treasure. John Malcolm justified Wellesley's new demands on the ground that the Nawab Wazir's consent was not necessary; and the contention stood refuted "by its own absurdity", and by the British statement that "the cause of the increase is said to be the existence of external danger"—of which one party—the English Government, was the sole judge, while the other, the Wazir, was precluded by one of the articles of this treaty (of 1798) from all intercourse or communication whatever with foreign states.²⁴

Then followed the so-called "masterly" and "long, severe and eviscerating" letter of the Governor-General to the Nawab Wazir, dated 9th February 1800, in which the latter's inconsistent conduct was exposed in all its aspects and he was severely warned that "the means he had taken to delay the execution of all reform were calculated to degrade his character, to destroy all confidence between him and the British Government, to produce confusion and disorder in his dominions and to injure the important interest of the Company to such a degree as might be deemed equivalent to nearly positive hostility."²⁵

All that the Wazir got for his respectful remonstrance was that his reply was "highly deficient in the respect due to the first British authority in India" and that if he should "think proper to impeach the honour and justice of the British Government in similar terms... the Governor-

may have been inadvertently betrayed into these imprudent and unjustifiable measures by the insidious suggestions of evil counsellors, and being ever averse to construe your Excellency's actions in such a manner as must compel me to regard and to treat you as a Prince no longer connected with the Company by the ties of amity and of a common interest; I trust that my next accounts from Lieutenant-Colonel Scott may enable me to view your Excellency's conduct in a more favourable light, but lest my wishes in this respect should be disappointed, it is my duty to warn your Excellency in the most unreserved terms. . . ."

His Excellency was urged to see to the two really important matters "namely, the reform of your military establishment, and the provision of funds for the regular monthly payment of all the Company's troops in Oude."

"The least omission or procrastination in either of these important points, must lead to the most serious mischief."

"The troops, at any rate, he was to have, whether he wanted them or not. They were sent, and he was simply ordered to find money for paying them. He was told that he could not alter this decision, though he might present reasoned objections, to which he replied, not without dignity. "If the measure was to be carried into execution, whether with or without his approbation, there was no occasion for consulting him." (P. E. Roberts—*India Under Wellesley*—p. 125).

²⁴The Political History of India from 1784 to 1823: 2 Vols. (1826), Vol. I, pp. 275 et seq.

²⁵Hutton's summary in the *Cambridge History of India*: Vol. V: p. 353.

General will then consider "how such unfounded calumnies and gross misrepresentations deserve to be noticed."²⁰

In February 1800 the Wazir agreed to disband his own troops and accept those of the Company in their place. The negotiations drifted for nearly a year without coming to any conclusive purport. In January 1801, the Governor-General wrote to Colonel Scott declaring that on account of the deteriorating condition of Oudh and its government, the time had arrived—"for the active and decided interference of the British Government in the affairs of the country" and that the Wazir must now be required to make "accession to the Company in perpetual sovereignty of such a portion of his territory as shall be fully adequate, in their present impoverished condition, to repay the expenses of the troops"; and he also directed that the treaty was to be drawn upon similar terms to those concluded recently with the Nizam and the Tanjore ruler.

In November 1801, the fateful treaty was signed which was to remain the basis of Anglo-Oudh relations for long. Shore's treaty of 1798 was strictly subsidiary and made the British Government responsible for the entire protection of the Nawabi against both external and internal danger; and by it the Wazir gave up his right to treat with other powers "except in concurrence with the will of the protecting state"; and the latter was to maintain a definite quota of troops in the state in return for the relinquishment by the Nawab Wazir of the entire control of his external relations. Wellesley adopted this treaty of 1798 as the basis of his subsidiary engagements with some other major states of India.

Wellesley had argued that two urgent considerations compelled a revision of Shore's treaty; viz. (1) the necessity of securing a territorial guarantee for the regular payment of the enhanced subsidy; and (2) the equally absolute and urgent necessity of increasing the British subsidiary forces in the state and of disbanding the "useless" and "dangerous" rabble army of the Wazir. As we have seen, the Wazir was first persuaded and then openly compelled to agree to the new treaty, providing for an increase of the subsidiary troops and for the diminution of his own troops to a limited number and to the cession of territory, for the maintenance of the additional subsidiary troops, of about one-half of his entire dominions, which were expected to yield an income of one crore and thirty-five lakhs of rupees, and were to be in commutation of the annual subsidy and all other expenses that might be incurred on account of the defence "external or internal of the Nawab's remaining territories."

IV

According to Article IX of the Treaty of 1801, it was expressly provided that it should supplement the stipulations of the earlier treaty of

²⁰The Wazir's attitude was merely regarded as a subterfuge to avoid the proposed "military Reform"; and the Governor-General immediately ordered the march of additional battalions into Oudh, being determined "to treat a respectful appeal against the measure as a calumny and impeachment of British honour and to be treated accordingly." (Paton: Ch. VI—para 14.)

1798.²⁷ The English had now undertaken, by Article VI, the right and the burden of interfering in the internal administration of Oudh; and it provided that "His Excellency engages that he will establish in his reserved dominions such a system of administration (to be carried into effect by his own officers) as shall be conducive to the prosperity of his subjects and be calculated to secure the lives and property of the inhabitants; and His Excellency will always advise with and act in conformity to the counsel of the officers of the said Hon'ble Company." While the above provision came to be used later as a lever for destroying the free exercise of the internal sovereignty of the Nawab Wazir, by Article V, it was made possible for him to look to and secure the services of the Company's troops in any exigency that might arise by the recalcitrance or rebellion of the chiefs and zamindars, or by the oppressions practised by the Nawabi officials themselves, without the obligation of paying for such assistance.

Further, Article VIII of the Treaty of 1801 provided for the framing of a separate commercial treaty and it was provisionally agreed that the navigation of the rivers constituting the boundaries of the two contracting states should be "free and uninterrupted" and no duty could be levied on boats in transit along them.

More significant than the treaty itself was the complementary Memorandum of the Governor-General which contained "the general principles which, in his Lordship's judgment, should regulate the connection and the intercourse between the two states". It was the outcome of a conference of the Governor-General and the Nawab Wazir held on the 24th February 1802 and was in the form of answers given by the former to certain propositions of the latter. This memorandum related to Article VI of the Treaty as defining the scope and character of the advice and counsel referred to in it.²⁸

²⁷The words used are:—"All the articles of the treaty concluded by Sir John Shore—not annulled by this treaty—are to remain in force and continue binding upon both contracting parties."

²⁸The Wazir's propositions and the Governor-General's replies thereto were as follows:—"Let no one, as has hitherto been the practice as to countenance and support any person, impede the recovery of just balances from Aumils and others; on the contrary, let him (meaning the Resident) afford assistance to the Sircar in the recovery of those balances. If the Resident is desirous of withholding me from the prosecution of any particular measure, let him state his sentiments to me in private; in which case (as I am far from being disposed to act unjustly) either I will prove to the Resident, the equity of the proceeding, or the Resident will set me right, and in the latter event I will, in conformity to his desire, abandon such proposed measure, and no one will be apprised of any disagreement subsisting between us." The Governor-General's answer to this was: "Unobjectionable and this proposal shall be observed. The Resident shall be furnished by His Excellency the Nawab Vizier with all the information necessary to establish the justice of the proceeding, by vouchers and proofs."

Next: By another proposition, it was deemed "perfectly wise and proper" by the Governor-General, the Nawab wished to establish regular tribunals for providing justice according to Mohammadan Law to all persons, and desired the Com-

The Governor-General thus explained at the end of the Conference, the character of the advice to be offered to the Wazir by the Resident.²⁹

The Governor-General's Memorandum thus plainly and unequivocally instructed the Resident to "offer advice in all practicable cases and to supervise the execution of measures which were to be implemented in consequence of such advice." But the Nawabi officials were to be the instruments and the agency of their execution; and the Resident was to maintain the strictest secrecy as to his advice before any measure was decided upon. Comment on this new situation and its effect on the Wazir's sovereignty has been rightly made by Dr. B. Prasad as indicated below.³⁰

pany's officers to "assist in enforcing obedience to them" in case any person "refused to acknowledge the jurisdiction, or opposed the authority of those tribunals."

Further propositions:—Other propositions related to the affairs of the Begams and their relations with the Nawab, the extradition of criminals, and the claims and interests of the Nawab in the Ceded Districts. The Governor-General had suggested that the Nawab "should appoint some person to conduct, in the quality of minister, the ordinary details of public affairs." The Nawab, therefore, proposed that his second son "Mirza Ahmad Ali Khan be appointed to the situation of minister for the affairs of Government." The Governor-General agreed to it. The last proposition put forward by the Nawab was "that his Lordship will explain all the foregoing points to the Resident, and direct him to act in conformity to them, and that His Lordship will also enjoin the Resident, after His Lordship's departure, to occasion no delay or impediment in my departure, whenever I may choose to set out, to assist me in the preparations for my journey."

²⁹The Nawab's authority is to be completely established within his reserved dominions, and be exercised through His Excellency's own officers and servants; the British Government having engaged to guarantee the establishment and exercise of His Excellency's authority within his reserved dominions, and the Governor-General will never depart from this engagement. His Excellency has engaged to establish within his reserved dominions such a system of administration as shall be conducive to the prosperity of his subjects and be calculated to secure the lives and property of the inhabitants. This system of administration is to be carried into effect by His Excellency's own officers and servants, and by his own authority. . . . "Those counsels will always be offered in the form of friendly advice, and in the spirit of reciprocal confidence, and of mutual regard and respect." This advice was to be given either by the Governor-General "by a direct communication in person or by letter," or by the Resident in the name of the Governor-General, in which case it was "to be received as proceeding immediately from the Governor-General." He further laid down:—"Such advice will be offered by the Resident, in all practicable cases, under the general or specific powers of the Governor-General. The Resident must advise the Nawab with perfect cordiality, and must employ every endeavour to coincide with His Excellency in an uniform course of measures and to unite sincerely with His Excellency in carrying into effect, exclusively under His Excellency's authority and through His Excellency's officers, those measures which shall be determined upon, in conformity to the counsels of the British Government. In cases requiring the aid of the British Government the assistance of the British troops shall be employed according to the exigency of the occasion." The Resident was required to "conduct himself towards the Nawab Vizier, on all occasions, with the utmost degree of respect, conciliation and attention."

³⁰"But the fact that his (the Resident's) advice was to be deemed as emanating from the Governor-General, and that he had the power to see that the advice was acted upon, and that the advice was to comprehend every aspect of Oudh adminis-

But Wellesley was of the firm opinion that "until the exclusive management of the civil and military government of the country should be transferred to the Company," no "effectual security could be provided against ruin of the province of Oudh." He had, in reality, insisted upon such control of the Nawab Wazir's administration as was "properly considered to be tantamount to it (cession) in effect." Nominal sovereignty alone was left with the Wazir whose complete subordination to British control was explicitly stipulated. Thus the British Government secured the power to control the administration of Oudh at its pleasure, without the responsibilities attendant upon the assumption of sovereign authority.³¹

The Nawab Wazir could not maintain any force, except that of peons, for collecting his revenues. He was to call upon the British troops for help even for small things like contumaciousness on the part of a talukdar or amil. Thus in one sense, "his power was reinforced to oppress his subjects". The duality under which the Nawab Wazir was the ostensible sovereign and the Resident had "both the law and the will" to control the administration was the new situation created. Its evil effects rapidly became manifest. "The Vizier by its stipulation claimed the use of British troops to coerce his subjects in the payment of their Revenue. Our troops were given and on the requisition of unprincipled farmers of Revenue, detachments were ordered against the subjects of Oude."³²

V

After the departure of Wellesley the Supreme Government drifted towards a non-intervention attitude while the Residents advocated vigorous interference; and the consequence was "a contradiction between practice and policy, between reality and the statements of the Governor-General." While Sadat Ali was keen on husbanding his revenues and gathering authority in his hands, his son, Ghaziu'd Din Haider, (acc. 1814) followed a policy of drift and invariably sought the advice and

tration, made the Resident's position such as would affect adversely the sovereignty of the Nawab. The ruler had engaged to maintain order and good government in his state, but he was dependent entirely on the British Government both for the counsel which was to determine his policy and for the force which was requisite for the enforcement of his authority. In the circumstances, it may not be an unreasonable inference that the new treaty, and explanation thereof, transferred, though indirectly and indeterminately, the sovereignty of Oudh to the British Government while retaining the show of sovereignty in the person of the Nawab.

³¹A similar provision was made in the subsequent treaties with Travancore and other States.

³²Paton—*British Government and the Kingdom of Oudh (1764-1835)*, ch. VII—para 16. He thus remarked in 1835 on the morality of the stipulation:—

"The treaty in effect guarantees to the Vizier his power under the guidance of the British Government and having by our Guarantee, destroyed the balance of power between the Ruler and his subjects for whom alone all Governments should exist. In justice to the people, we ought either from the beginning to have seen that our counsels were obeyed in the exercise of this power, or to have withdrawn from the field, leaving the inhabitants to redress their own grievances, but from the difficulty of devising a fair and equitable remedy nothing effectual has been done for these 35 years."

assistance of his "uncle and protector" as he called the Resident, who was virtually "the organ as well as the adviser of all the public measures of his administration."

In 1811, Lord Minto who had proposed a scheme of reform of the revenue administration, directed that the British troops could be lent to aid the Nawab against his subjects only "after a full investigation on our part into the justice of the Vizier's complaints and the insurance of the guilt of his subjects." But he failed to secure a strict compliance with his directions. Lord Hastings, while lamenting over the "perverse and unenlightened" policy of the Nawab, held that "the specific plan of reform proposed to the Vizier by Lord Minto, must be relinquished or insisted on as the alternative of a resolution on our part which would amount to a dissolution of the existing relations between the two states." But he added that the latter course was prohibited by the demands of "justice and good faith as well as of political expediency"; and Government had naturally to desist from the further prosecution of the object, and to leave the Nawab Wazir "free to exercise his independent rights over his subjects and servants." He was, according to the Governor-General's letter of 12th November 1814, to the Resident, to be treated "in all public observances as an independent prince," though, in effect differently as, "evidently he must be subservient to the British Government."

This new attitude was, to a large extent, the result of the gift of a crore of rupees by the Wazir at a conference between him and the Governor-General on the 11th November 1814 (which sum, though first taken as a loan, was later on treated as a free gift) to help the Company in the Nepal War. Soon negotiations began for a second loan early in 1815; and the Resident through whom the pressure was applied, could only secure a loan of 50 lakhs, and the Wazir's offer to raise some battalions of Najeeb troops at his own expense was civilly declined.³³ The Governor-General's letter of 22nd March 1815, to Mr. N. B. Edmonstone, Vice-President in Council, reveals how he considered that the offer was inadequate and had to be increased. Paras 6 and 7 of that letter explain themselves.

6th para: "I determined therefore to decline it, and at the same time to authorize Major Baillie to explain more fully to the Vizier the circumstances of pecuniary embarrassment in which we were placed, and

³³Ghaziud Din, the son of Sadat Ali, who ascended the throne in 1814, was deprived of the bulk of the property of Bahu Begam, on the ground that the Company were the executors of Her Highness and entitled to carry her will into effect. In October 1814, the Nawab Wazir offered one crore of rupees as a gift to the Company; it was refused as a gift, but accepted as a loan. A second crore was obtained soon after, in return for a district which was given to him. According to Bishop Heber, "the King lent the British Government all that would have enabled him to ease the people of their burdens" (*Journal*: Vol. p. 81). "The district which was conveyed to the Vizier by a treaty of 1816, was taken from his heirs by Lord Dalhousie, under a proclamation based on the treaty of 1801." (p. 66 of *Dacoitie in Excelsior or The Spoliation of Oude, by the East India Company* (1857).

thus afford His Excellency an opportunity of manifesting his friendship by an offer more adequate to the occasion."

7th para: "According to my expectation the Vizier, on being made master of these circumstances, tendered in the most friendly manner the loan of a crore of Rupees bearing interest at 6 per cent."³⁴

VI

In 1819 the Nawab Wazir was raised to be His Majesty the King of Oudh. The explanation for this was thus given by Paton; the Governor-General's reasons for this increase of dignity were various, but as seen above, chiefly to separate the interests of the two great Muhammadan

³⁴Colonel Baillie, the Resident, let the cat of the method of persuasion and the Wazir's alleged voluntary offer, out of the bag of diplomatic covering and revealed how the loans were secured "not spontaneously, but by painful and protracted urgency and negotiations". His observations, contained in the *Oude Papers*, run as follows:—"It is necessary in further vindication of my official character as Resident at the Court of Lucknow to advert to a most extraordinary statement in the summary of Lord Hastings's administration recently given to the public in which he refers to the relief of the financial embarrassments of the country during the war against Nipaul by a spontaneous offer on the part of the Vizier of more than two crores of Rupees as the price of his emancipation from a painful and degrading thralldom in which he and his father were held inconsistently with the Treaty. Now I venture to assert with perfect confidence and without fear of contradiction that the present sovereign of Oude so far from making a spontaneous offer of a crore of Rupees or of any sum of money to Lord Moira was induced by my earnest entreaty at the express desire of His Lordship to offer with reluctance his first loan of a crore of Rupees in terms which were anything but gracious as the words of his letter demonstrate. So true and so striking a picture of that first pecuniary transaction is given at the time of its occurrence in my letter of the 19th October to a member of Government in Calcutta, now my colleague in this court (the Court of Directors) that I have been induced to give an extract from that letter in the documents appended to this paper."

On the subject of the 2nd Loan from the Wazir Colonel Baillie in the same letter says:—"it was the result of a protracted, painful and vexatious negotiation on my part prescribed by the private instructions of Lord Moira which he has thought proper to withhold from the record."

Again Baillie's letters to C. M. Ricketts, Secretary to Government, dated 10th January and 11th February 1815, may be useful as disclosing the Wazir's true mind.

"By the way I have no recollection of the circumstance of His Excellency's January and 11th February 1815, may be useful as disclosing the Wazir's true mind. His Lordship distinctly in my presence. The Nawab made a general observation in the true oriental style that his "Jan Mal" (life and property) were at His Lordship's command and an expression to the same effect was contained in one of the papers of requests which he recalled. You told me, I also remember and so did Swinton and Adam, that at a conference from which I was absent, His Excellency had offered the first crore as a gift instead of a loan and as much more as might be wanted; but His Excellency's written offer to me of a crore was expressed in by no means so liberal terms and as the paper is still by me I insert a translation of it here."

"You mentioned yesterday the necessity of a supply of cash for the extraordinary charges of the Company. As far as a crore of Rupees I shall certainly furnish by way of loan but beyond that sum is impossible and a voucher for the sum must be given."

Baillie continued:—"I have at length obtained from His Excellency a direct offer of fifty lacs of Rupees, in a letter addressed to Lord Moira, and I assure you with great truth that this offer has been obtained with a difficulty which induced me more than once to despair of the smallest success to my labours. His Excellency has been led to entertain notions of our Government very opposite to the professions of disinterestedness which I was in the habit of conveying to him about the time of his accession to the Musnud. Some miscreants have endeavoured to per-

courts in this quarter of Hindustan, namely, the Imperial House of Delhi, and the court of Oudh, "for the descendant of Timour upon the Throne of Delhi, having nothing but the name of Royalty left, could not be expected to see with complacency his prosperous "Vizier" assume a Crown and ascend the throne of Oude. The event was supposed by the Marquis of Hastings to be likely to create a division of interests, and an exigency can well be imagined when it would prove of the deepest advantage thus to lessen by one half any continuation of the leading members of the Moslim population unfavourable to British interest."³⁵

It was to belittle the prestige and influence of the phantom Mughal Emperor that Ghaziu'd Din Haidar was thus rewarded for his docility, with an empty title which had no validity outside Oudh. It was the price for the conversion into free gifts of the loans he had advanced to the Company. His Majesty of Oudh could not blot out the allegiance of the Muslims of India to the phantom Mughal at Delhi. It was only a few years before this, in August 1814, soon after the accession of Ghaziu'd Din, that the Governor-General wrote to the Resident that "it would be well, if the Vizier should address an *arzee* (petition) to the King of Delhi, announcing his elevation to the Musnud and Honours of his ancestors, under the aid of the British Government, but carefully avoiding any expression which will bear the construction of seeking or acknowledging the necessity of His Majesty's confirmation of his title.... It may be expected that the King of Delhi will proffer the grant of the title of Vizier in the usual forms, in which case it is not judged expedient that His Excellency should decline it."

"To such an extent was this outward respect to the King of Delhi and even to his relations shown at the court of Oude, that the Vizier, though a prosperous and despotic Ruler, and guaranteed too in his power by the British Government, when he met a member of the Royal house of Timour in the streets of his own Capital, though receiving a pension

suade him that the object of all our proceedings is to plunder him of his wealth by degrees and when he has no more money, to take his country, and that his Minister is in league with us to this end. . . ."

"The letter which I first received for Lord Moria conveying the offer for fifty lacs was worded in such a manner as to exhibit the greatest reluctance in the donor instead of a voluntary gift and the purpose of my conference this morning was to obtain an alteration of the language. . . ."

"His Excellency agreed to my proposal of altering the terms of his letter which are now almost entirely to my mind but His Excellency's manner at the conference although it was friendly in the extreme convinced me that he would rather keep his fifty lacs of Rupees than have all the fine speeches which I made to him. . . ."

"If more be required you must authorize a demand on the Begum and our subordinate dependants at Lucknow who will, I doubt not, assist, as if they be called on; and the demand on whom will at all events have one most salutary effect, that of demonstrating to His Excellency the Vizier that we are really in want of the money, and are not using false pretexts of necessity to deprive him of his treasure."

³⁵Paton, ch. X, para 2.

from the Vizier's bounty, the Vizier used to stop the procession of his own retinue and actually make his own elephant kneel down whilst the Royal pensioner passed. The Marquess of Hastings on one occasion witnessed a scene like this and had it communicated to the Vizier that such token of homage to the house of Delhi was entirely optional with himself, and as will be seen in the sequel his Lordship elevated the Vizier himself to the dignity when all such homage necessarily ceased."³⁶

The Resident often tendered his advice in a formal manner by letters—a procedure, "highly insulting and bitterly irksome" to the Wazir. He afforded protection to "guaranteed" individuals even against the King, exercised jurisdiction over the Europeans resident in the kingdom and held his weekly durbars on Saturdays which were attended by the vakils of the Begams, by talukdars and other nobles and by "guaranteed" persons. According to Paton, no minister could run the administration with efficiency unless he was believed to enjoy the goodwill of the Resident who interfered to an undue extent, even in matters of petty detail.³⁷

There was in operation a most vicious system of revenue-farming which, in honest eyes, "the British Government should feel its own honour compromised" "by supporting or even countenancing."³⁸

In 1824-5 the King of Oudh was again pressed for a loan for a crore of rupees, on account of the stringent financial situation created by the Burmese War and the siege of Bharatpur.

³⁶"The coronation of the King of Oude had from the first institution of the ceremony been continued yearly at Lucknow as one of its chief displays. Surrounded by all his nobles and by all the British officers from the regiments at the capital, the ceremony took place. At the foot of the throne the splendid crown sparkling with the most valuable jewels has, in token of his protection by the British state, been yearly placed upon the King's head by the Representative of the British Government, aided by the Brigadier General Commanding the English troops, whilst a salute of 101 Guns has proclaimed to His subjects this continuance to the Ruler of British support. The King then ascended his throne and received the obeisance of all the chief officers of his Kingdom conferring dresses of State etc.

"During periods of glaring misgovernment, however, this open display of support of abused power was considered by the Resident to be humiliating to the British Government and consequently the coronation ceremony did not take place either in 1822 or in 1833, the Resident having taken upon himself to decline attending. Last year in 1834, when the Resident would not have objected to attend the ceremony, it so happened that the King himself owing to his quarrel with the Padsha Begum (which had induced him to leave his Palace) did not wish to celebrate the anniversary of His Father's coronation." (Paton, ch. X paras 4 & 5).

³⁷"When the minister enjoyed the favour of the Resident, "petty chieftains of the interior are found to pay their revenue, to yield obedience to the Firmauns of the King and even to attend at Court when summoned, but when their Agents inform them that the Minister's power is tottering and the British Resident looks coldly towards him, or perhaps has quarrelled within him, in vain are his orders sent to the interior."

³⁸See Memorandum on Oude Affairs by Maddox (Select Committee Report 1832, Vol. VI—Appendix).

But to obtain it was no easy matter. Ghaziu'd Din Haidar, known as the *Mine of Munificence*, was now averse to granting a fresh loan; but the aid of the Minister, Mutamu'd Daula, the Resident managed to get the amount, in a manner that showed how deeply the Minister was interested in obtaining it. Out of the interest the British were to guarantee to the Minister a monthly stipend of Rs. 25,000, along with the protection of his life, family, honour and property; and the wives of the King obtained a guarantee of protection after his death.³⁹

The Resident had developed into a super-despot and controlled the entire administration even to the minutest detail. As one writer has remarked, the Resident always worsened the situation. "Agha Mir's corrupt government had the support of Baillie, who was always hostile to Sadat Ali's strong but beneficial rule." One Resident made "impossible the tenure of Hakim Mehdi," another imprisoned Agha Mir, though at the desire of the King, and in 1830 reduced Ram Dayal "from his elevation to imprisonment." Such was the position of the British Resident; and it will "not be an exaggeration to suggest that for much of misgovernment he (the Resident) was directly or indirectly responsible. And yet Resident after Resident magnified the extent of misrule and demanded the active interposition of the British Government to set aside the titular authority of the King."⁴⁰

VII

Colonel Low who was the Resident in 1830 reported on the intense disorder prevailing throughout the kingdom; and Lord William Bentinck paid a visit to Lucknow early in 1831, having received confirmation of the prevalence of disorders from other sources also. He studied the situation for himself and felt convinced that the responsibility imposed on the Paramount Power by the treaty of 1801 had not been fully realised, and that Article VI of that treaty had not been sincerely acted upon. He declared that mere advice and remonstrance of a purely negative character would avail nothing and "the arm of power forcibly interposed will alone effect the object."

³⁹The whole interest of the crore amounted to Rs. 416,060 and of this no less than Rs. 25,000 per mensem was guaranteed by the British to the Minister.

"It appears most extraordinary that the King could have been induced to give the crore upon those terms so palpably disadvantageous to himself and barefacedly appropriated to such an extent by his Minister." It is true that the King's wives obtained, through it, the British guarantee of protection after his death and the payment of a portion of its interest to them, but this they might have had without bestowing a large sum of the monthly interest upon the Minister.

"It is more than probable that a document produced by the present King, is correct, purporting to be a bond from Moatumud Dowlah for One Crore of rupees, promising to pay back the principal into His Majesty's treasury, for which, and for all other demands, he got from the late King a writing of release."

⁴⁰Paton—*The British Government and the Kingdom of Oudh 1764-1835*. Editor's Introduction, p. 23.

Lord William Bentinck, in his Report dated 11th July, 1831, said:—

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

The Governor-General thus characterised the situation that had resulted.⁴¹

"The errors of our policy in this respect seem to have been twofold, first, to interfere a great deal too much in all the petty details of the administration, and in the private and personal arrangements of the sovereign, making in fact the Resident more than the King, clothing him with a degree of state equal to that of royalty itself, and allowing him to act the part rather of a school master and dictator than of the Minister of a friendly power professing to recognise the independence of its ally. The immense extent of jurisdiction exercised by the Resident at Lucknow within the town itself, the actual residence of the Sovereign, is totally incompatible with Royal dignity; and secondly, not to interfere with sufficient promptitude and decision, as the paramount power when the vital interests of both states, the cause of good government and of humanity imperatively demanded it. It is to the first description of meddling and interference that I feel so much averse. If the political agents for the most part were altogether removed I believe it would be for the comfort of the sovereign, for the advantage of good government and for the real interest of both states. It is impossible that this *imperium in imperio* can ever be successful; it is directly opposed to every feeling and passion of human nature."

Bentinck, though he felt strongly on the situation, warned the King, Nasir'u'd Din who had ascended the throne in 1827 and had proved to be no better than his predecessor that "unless a decided reform in the administration should take place there would be no other remedy left except in the direct assumption of the management of the Oudh territories by the British Government."

⁴¹Ibid, p. 22.

This threat had the desired effect to a little extent. The minister, Mehdi Ali Khan (Hakim Mehdi), was empowered to effect reforms; and the Governor-General had trust in his capacity. The Resident was no longer to interfere or dictate or even advise, unless his advice was called for. "The Government was now to be thrown upon the King of Oudh to follow his own plans and select his own instruments. The experiment of non-interference in one sense was to be tried, that is, as to means and instruments of reform; though in another sense up to this period there had never been such a decided attitude of vital interference as this." It threatened the annihilation of the Government and the assumption of the kingdom by the British if reform did not take place.

But the capable minister was dismissed after a time by the King, on account of the pressure put upon him by a number of discontented persons who were injured by the reforms he carried out (August 1834). From the Resident's despatch we know the details of a private conference that he had with the King who was jealous of the minister, in which the latter said to him: "I expect you to be my friend and not my servant's friend." . . . I want him to be convinced that I am his master in all affairs great and small." The Resident could only get the assurance that the minister should depart from the kingdom in security. He was followed by a weak man and the Resident's despatches had to revert to the old tale of misgovernment and oppression.

In 1835 the Court of Directors instructed the Governor-General in Council to assume the entire possession of Oudh, if no amelioration should have taken place. The Resident was summoned to Calcutta and it was agreed that as some amelioration had taken place a further period of probation should be given to the King of Oudh. The Governor-General, Lord William Bentinck, thus wrote in his letter dated 8th February 1835:—"I shall not for the present put in force the mandate which has arrived for depriving you of that authority for the exercise of which you have hitherto proved yourself so utterly unfit. I shall *fervently* hope that this warning may not be without its effect and that you will in future conduct your country in a manner better suited to the high and sacred trust conferred upon you by Providence. You may rely upon it that this warning will be the last."

No further action was taken in the years 1835-36. The King's health was rapidly declining, and the Supreme Council was agitated about the determination of a fresh policy to be adopted. It was in the latter part of 1835, that Captain J. Paton wrote his account for the information of Government. His account throws considerable light on the administration of the Kingdom and the working of the Residency as well as its interference in the affairs of the internal administration either on behalf of the sepoys or to help the European inhabitants or the British guarantees. Paton discussed various alternative proposals then put forward and was of the view that either the British should withdraw alto-

gether from the kingdom and leave the King to his fate or that he should be deposed and the state should be taken over for some time by the British. He also stated that the huge treasure accumulated by Sadat Ali had melted away by that date.

VIII

Nasiru'd Din Haidar died in 1837, and was followed—after a violent, but unsuccessful, coup in the palace to secure the succession of a spurious heir, Moona Jan—by Muhammad Ali, his uncle who was placed on the throne by the Resident. On his accession a new treaty was concluded to which his assent was given most reluctantly. But the Home Government seemed to have disallowed it and ordered that the British relations with Oudh should be restored to their previous footing, as under the treaty of 1801. Lord Auckland, in his letter to the King dated July 8, 1839, informed him, in disingenuous language, that “from the period you ascended the throne, Your Majesty has, in comparison with times past, greatly improved the Kingdom, and I have, in consequence, been authorised by the Court of Directors to inform you that if I think it advisable for the present, I may relieve your Majesty from part of the clause of the treaty alluded to, by which clause expense is laid upon Your Majesty.”⁴² Lord Auckland, with the approval of his Councillors, General Morrison and Mr. Robertson, decided to merely intimate to the King that he was relieved from the military expenses imposed by the treaty of 1837, on the express ground of the difficulty experienced under the treaty of 1801, of enforcing its conditions, and of the warning embodied in the new treaty of 1837 and of the power obtained by it to “assume the administration as a remedy for gross misrule.”

The treaty 1837 and the British right under it to interfere and to assume the management of the state were made the basis of the long memorandum of advice and remonstrance made in person by Lord Hardinge to the new King of Oudh, Wajid Ali Shah, who had recently succeeded to the throne.

Lord Auckland never informed the King that the treaty of 1837 was a dead letter, consequent on its annulment by the Directors though he reported to them that he had not done so. The King knew that he was only relieved from the operation of that clause of the treaty by which expense was laid upon him; and the rest of the treaty ‘hung over’ him “ready to curtail his authority if he made the slightest slip.” There was a note in the printed Volume of Treaties (1864) which said:—“The Home Government disapproved of that part of the treaty which imposed on the

⁴²The English copy of the letter has the words, “I am directed to relieve you”. But in the Persian version transmitted to the King, the words, “If I think it advisable for the present, I may” were substituted. When the King pointed out the mis-translation, the Governor-General issued an order that only Persian versions of letters should be transmitted to the King and other Indian Princes.” (Vide pp. 92-93 —*Dacoitie in Excelsis or The Spoilation of Oudh by the East India Company* (1857).

Oude State the expense of the auxiliary force; and on the 8th July 1839, the King was informed that he was relieved from the cost of maintaining the auxiliary force which the British Government had taken upon itself". Lord Hardinge cited this treaty in his memorandum of 1847 as if it was still in force and confirmatory of the treaty of 1801.⁴³

Articles VII and VIII of the Treaty of 1837 provided in case of the British assumption of the administration, for the ultimate restoration of the King's rule and for the intermediate payment of all surplus receipts into his treasury, though it conferred full powers of management and reform on the British. Lord Auckland's minute of the 2nd of May 1839, written just before he addressed the King of Oudh on the Treaty, shows how he entirely agreed in the opinion expressed by Mr. Robertson, a Member of his Council, that "if the independence of Oude endure much longer, it will be mainly in consequence of this very provision."

The Government of India did not consider in 1839 that the new Treaty stood annulled, but merely held that the articles imposing a pecuniary charge upon the King would not be enforced, (*viz.*, that he would have to pay more for the military force, which had been partly raised under that Treaty") and that the British would defray the expense of the portion of it already organised.

Lord Auckland did not hold that the Treaty ceased to be of effect by the so-called Parliamentary pledge given by Lord Lansdowne (August 1838) that it should be intimated in the most explicit manner to the King of Oudh that he was "in no degree bound by the promise to sign such a Treaty, and entirely relieved from any stipulations or conditions it imposed." Auckland's letter to the King of the 8th of July 1839—almost a year after Lansdowne's statement was made in the Lords and after the Return made to Parliament by the Secretary to the Board of Control on 3rd July 1838 that "there had been no Treaty concluded with the present King of Oude which had been ratified by the Court of Directors, with the approbation of the Commissioners for the Affairs of India"—was that the Court of Directors "had empowered the Governor-General" in consideration of the embarrassments which might be occasioned to the State of Oude by the annual payment of sixteen lakhs of rupees to the support of the military force, to relieve the state, "from all that is onerous in the conditions respecting this force."

This latter communication naturally implied that the remaining conditions of the Treaty had been confirmed by the Court of Directors, though such confirmation was neither required nor customary, because the Governor-General had full power to conclude treaties, and in this case the final exchange of ratified copies had made the Treaty binding upon both parties. Moreover, the Treaty thus ratified on the 18th of September 1837, could not be cancelled by the Home Authorities without the

⁴³Parliamentary Papers 1857-58—XLIII—(p. 368 para 8 quoted by Luard in Vol. V, *Cambridge History of India*—p. 583.)

knowledge and the consent of the King of Oudh and without fresh negotiations begun with the specific object of revision.

Further, there is nothing in the available records to show that Auckland recognised the full abrogation of the Treaty. Auckland held that the Court's disapproval, and the public declaration in Parliament, constituted "a situation of much difficulty"; but far from considering the Directors' orders as final and irrevocable, he determined again to bring this "question of such extended and vital interest, in all its bearings, under the deliberate review of the Home Authorities." His Council agreed with him in this view. Mr. Rebertson, in a Minute dated 9th January 1839, was "disposed to hope that by a relaxation of the terms of the existing Treaty with Oude, the authorities in England may be reconciled to a measure which cannot now be cancelled without the most serious inconvenience." General Morrison, on the 28th January 1829, wrote:—"Notwithstanding the public avowal made in England of dissatisfaction with the Treaty of September 1837, I would yet maintain its provisions, in the hope that the orders for abandoning the Treaty may be revoked."⁴⁴

No reply was vouchsafed by the Court of Directors to Lord Auckland's last minute on the subject of that Treaty, in which he referred to the unanimous support of the Members of his Council, "in regard to the second branch of the Treaty which provides for the assumption of the administration as a remedy for gross misrule."

Thus while the Directors and the Board of Control did not openly reject the Treaty of 1837, they finally accepted it after relaxing certain conditions. The notion of the Treaty having been annulled by virtue of their confidential strictures is not admissible. No one either in Oudh or in Calcutta doubted the validity and continuing force of it.⁴⁵

⁴⁴Oude Papers, 1858, pp. 51, 52 quoted in Bell's *Retrospects and Prospects of Indian Policy*, p. 60.

⁴⁵Lord Broughton, who as Sir John Cam Hobhouse, had been President of the Board of Control when the Treaty of 1837 was concluded, when the supposed pledges were given in the House of Lords, and when the Return cited by Mr. Kaye was made to Parliament, gave his testimony in the following words:—"My impression certainly is that the Treaty of 1837 was ratified by Government at home, after the disallowance referred to: the whole Treaty was not disallowed, but only one portion of it."

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

General Sir William Sleeman, who was for six years Resident at Lucknow, alluded, in two letters written in 1852 and 1854, to the "ample authority" conferred by "the Treaty of 1837." The Blue Book of 1856 contains an extract from one of Sir William Sleeman's despatches, quoted in one of Lord Dalhousie's minutes, in which he gave it as his opinion that "our Government cannot any longer forbear to exercise to the fullest extent the powers which the Treaty of 1837 confers upon it."

IX

Lord Hardinge warned the King in his Memorandum of 1847 informing him that in 1834 the Court of Directors had sanctioned the assumption of the administration of Oudh by the Governor-General and advising him to commence decisive reforms and thus avoid the necessity of direct and open interference. Hardinge declared that the British Government was anxious "to perform its obligations to the people without setting the sovereign authority aside, or changing the native institutions of the State." He also put forward as a pledge of the disinterestedness of the Government, the precedent of Nagpur where, the state, "after having been restored to order by a British administration of the land revenue, is now carried on under native management, with due regard to the rights of the Prince, and the contentment of the people."

Hardinge further assured that European agency would be afforded, if required, for making a just settlement and for securing the conditions thus made by frequent visits throughout the districts to check abuses by personal inquiries.

He quoted the whole of Article VII of the Treaty of 1837, providing for the assumption of the management of Oudh in the event "of gross and systematic misrule." And he added:—

"I allude to the Treaty of 1837 as confirming the original Treaty of 1801, and not only giving the British Government the right to interfere, but declaring it to be the intention of the Government to interfere, if necessary, for the purpose of securing good government in Oude."

For the years 1848 to 1854 two successive Residents at Lucknow, Colonel Richmond and Colonel Sleeman, proposed plans for extensive reform, but were not supported by the Supreme Council. In fact, the reforms proposed by Richmond were approved by Mr. Thomason, Lieutenant-Governor of the Province of Agra whose advice was asked in 1848. But these suggestions were absolutely discouraged and nullified at Calcutta. "The Bengal Civilians did not want to give assistance, they wanted to take possession; they conscientiously disbelieved in the efficacy of native efforts, and looked upon partial innovations as mere waste of time, delaying the harvest of patronage and deteriorating the crop."

The contention may therefore be justifiably made that, while reforms might have been introduced and disorders might have been removed, the whole situation in Oudh was neglected for over twenty years and at the end the state was annexed on the pretext of continued disorders in its government. In 1848 Sleeman was sent to Lucknow by Dalhousie as Resident for "the reconstruction of a great, rich and oppressed country . . . a noble as well as an arduous task." In his report⁴⁶ made after an

⁴⁶A Journey through the Kingdom of Oude in 1849-50 (2 Vols: 1858). Sleeman was of the opinion that the peasantry of Oudh was the boldest and the most industrious in India; and its landed aristocracy was too strong for the weak and wretched administration.

extensive tour of the Kingdom, he wrote that there was a marked want of fellow-feeling between the governing class and the people; the officials delighted in plundering the peasantry; local governors who killed landholders of mark were rewarded; female infanticide was widely prevalent; Lucknow was "an overgrown city" and "a perpetual turmoil of processions, illuminations and festivities."

Sleeman consistently urged decisive action. He recommended that the British should use all their influence and power to promote the formation of a strong native administration. He then advised that the Treaty of 1837 should be openly enforced. Further in 1849 when the two years of probation which were allowed by Lord Hardinge, were about to expire, he submitted to Lord Dalhousie his plan for the setting up of a Board of Regency, undertaking to superintend its work, and "pledging his great reputation for the success of the scheme." He thus wrote:—"The Board composed of the first members of the Lucknow aristocracy, would be, I think, both popular and efficient; and with the aid of a few of the ablest of the native judicial and revenue officers of our districts, invited to Oude by the prospect of higher pay and security in the tenure of office, would soon have at work a machinery capable of securing to all their rights, and enforcing from all their duties, in every part of this at present distracted country. We should soon have good roads throughout the Kingdom; and both they and the rivers would soon be as secure as in our own provinces. I think, too, that I might venture to promise that all would be effected without violence or disturbance; and all would see that everything was done for the benefit of an oppressed people, and in good faith towards the reigning family."

"... I think the King will consent without much difficulty or reluctance to delegate his powers to a Regency, but I am somewhat afraid that he will object to its being composed of members of his own family. I shall, I daresay, be able to get over this difficulty; and it will be desirable to employ the best members of the family in order to show the people of Oude, and of Indians generally, that the object of our Government is an honest and benevolent one."

"... I have mentioned in my private letter to Sir H. M. Elliot, three persons of high character for the Regency...."

"... Two of them are brothers of the King's father. The third, and best, may be considered as in all respects the first man in Oude. Mohsinood-Dowlah is the grandson of King Ghazee-ood-Deen; his wife is the sister of the King's father; and his only son has been lately united in marriage to the present King's daughter. He and his wife have large hereditary incomes, under the guaranty of our Government, and his character for good sense, prudence and integrity, stands higher, I believe, than that of any other man in Oude."

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

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

At the time when Sleeman made these suggestions, the Punjab had been recently annexed; Satara had been annexed in the previous year. Nothing was therefore done on Sleeman's recommendations which ran counter to the policy of annexation now in the air. Sleeman continued to make suggestions down to 1854; and in a private letter to a friend he lamented thus:—

"Lord Dalhousie and I have different views, I fear. If he wishes anything that I do not think right and honest, I resign, and leave it to be done by others. I desire a strict adherence to solemn engagements, whether made with white faces or black. We have no right to annex or confiscate Oude; we have a right under the Treaty of 1837, to take the management of it, but not to appropriate its revenues to ourselves. We can do this with honour to our Government and benefit to the people. To confiscate would be dishonest and dishonourable. To annex would be to give the people a government almost as bad as their own, if we put our screw upon them."

Writing to the Governor-General, on the 11th September 1854, Sleeman gravely reminding him that though he was about to leave the Residency, he was still unfurnished with instructions, still unacquainted with the Governor-General's plans or wishes.

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

As late as September, 1852, Sir William Sleeman tried, but in vain, to sound Lord Dalhousie on this very point.

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

"Were we to take advantage of the occasion to *annex* or *confiscate* Oude, or any part of it, our good name is more valuable to us than a dozen of Oudes."

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

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

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

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

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

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

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

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

X

Down to Lord Dalhousie's accession no scheme had been proposed by Government except that of temporary assumption of the administration of Oudh. Hardinge held out as the ultimate measure the enforcement of assumption according to the Treaty of 1837 under which however, all surplus revenues were to be paid into the local treasury, existing institutions maintained, and the restoration of native government facilitated, with such modifications and improvements as might be considered advisable.

Lord Dalhousie protested against temporary management and insisted on appropriating the surplus revenues for British purposes; in order to secure these two points, he repudiated "the Treaty of 1837, so recently invoked by his predecessor; and deliberately planned to bring about a scene of insurrection and pillage as a pretext for sweeping away every vestige of native Government."

It is not perhaps too much to say that Dalhousie had persuaded himself against any scheme of temporary management of Oudh and only sought permanent acquisition. The only plan of reform which had been recommended in India and approved by the authorities in London down to the middle of 1855 was that of temporary management with a view to the ultimate restoration of the King's rule. The despatch of the Governor-General to the Court of Directors, dated 22nd August 1855, altered the situation. By 1855, Satara, Jhansi and Nagpur had been annexed and the mediatised rulers of the Carnatic and Tanjore had become extinct; and the Supreme Council had changed its attitude. The Council was now in favour of the permanent assumption of Oudh by the British Government and the difference between the Members was only about the process for attaining that permanent assumption.

The Members of the Council, Mr. Dorin, Mr. Grant, General Low, and Mr. Peacock suggested—though "with slight variance in their pleadings and in the details of the settlement proposed"—that a new Treaty should be offered to the King by which all the powers of administration should be given over to the British Government and only a certain income should be reserved for the ruling family. In the event of the King refusing to accept the Treaty, the British should denounce all the former treaties with him and by force add the kingdom to their own dominions.

Dalhousie recommended that if the King should reject the Treaty, no coercive steps should be taken against him; but all relations with him should be broken off, and the British troops should be withdrawn and British protection of the King and the Kingdom should come to an end. Dalhousie imagined that the King would not face the consequence of the unprotected condition to which he would subject himself and to his likely deposition and death at the hands of an infuriated people who would also subject his capital to pillage and rapine⁴⁷. Therefore, the King would be glad to accept whatever condition might be offered to him by the British Government. Then, even if Oudh should not require British protection, as the security of British territory adjoining it would be endangered by

⁴⁷The Duke of Argyll thus commented on Dalhousie's suggestions:—"It was by our troops that the Native Government was maintained. Experience had proved that it could not stand without them. If the troops were withdrawn the Government would fall, or would be compelled to seek for our help again, in which case we could impose our own terms....the veriest formalist must admit our right to do what Dalhousie recommended,—which was simply to withdraw our troops, declaring the treaty of 1801 to be at an end. He was induced to recommend this, because he thought the result would be the same." *India under Dalhousie and Canning*. p. 19.

the anarchy which was sure to prevail in Oudh, the British Government would consequently be entitled to march in and impose their own conditions.

Dalhousie wrote that he differed so entirely from his colleagues, that, if his recommendation had been turned down by the Directors, he would have declined to carry out any policy that might be founded on their suggestions. But, curiously enough, he added the remark... "I have never affected to conceal my conviction that this measure" "would lead to precisely the same result as the more peremptory course advised by others, but with some intervening delay." As has been remarked by Bell, the formal and ostensible moderation of Dalhousie's procedure contrasted with the relatively harsh measures of his colleagues in his Council to no greater degree than "the polite invitation addressed by the landlord to the barn-door fowls, when he asked them whether they would prefer being boiled or roasted." The only difference between the Governor-General and his colleagues was as to the particular sauce with which the fat capon of Oude was to be cooked." "And after a little more unmeaning prudery, the Governor-General ended by using the very sauce compounded by his colleagues, against which he had expressed such insuperable objections."⁴⁸

In his minute of 13th February 1856, Dalhousie thus concluded:—"Having regard, therefore, to the several opinions and circumstances which have just been mentioned, I resolved to forego my own preferences, and in dealing with Oude, to adopt the more peremptory course which had been advocated by my colleagues, and which was manifestly more acceptable to the Honourable Court."

Commenting on this the Duke of Argyll remarked:—"Without prolonging controversy on points of principle, but protesting against the doctrine laid down by Mr. Grant, he yet agreed to a course which was logically defensible on no other principle than that which Mr. Grant maintained."

Dalhousie was given, however, complete liberty to adhere to his original plan if he should deem it to have any chance of success. Not merely this; but the Directors thought that his plan had an advantage over the others as it "included the King as a consenting party to the measure". Moreover, it was more tender in its attitude to the family of the King who had always been faithful to the British Government.

This suggested plan could not really absolve Dalhousie from any responsibility for the annexation of Oudh, as Sir Charles Jackson and the Duke of Argyll have maintained. The Duke would regard any attempt to fix on Dalhousie any share of the responsibility for the annexation of Oudh as proceeding from "ignorant injustice". As if to illustrate Dalhousie's determination on the annexation of the Kingdom,

⁴⁸Major Evans Dell—*Retrospects and Prospects of Indian Policy*, p. 49.

he had suggested, in the imposition of the new Treaty on the King, the insertion of a condition by which the throne was to pass to "the lineal male descendants of the reigning King, born in lawful wedlock," by which the King's brother and all the descendants of his predecessors would be cut off from the line of succession and the probability of a lapse of the Kingdom on failure of heirs would become greater and nearer. However, this restriction which was deliberately introduced, was unwarranted according to Muhammadan Law; it had indeed, its analogue in the contemporary refusal of permission for the paternal uncle of the last Nawab of the Carnatic to succeed him.

Another expedient that Dalhousie resorted to was the repudiation of the Treaty of 1837 according to which provision should be made in case of assumption for (1) the intermediate payment of all surplus revenue to the King; and (2) the ultimate restoration of his administration. Dalhousie maintained that the Treaty of 1837 was abortive, though he knew well that Lord Auckland had held it to be fully valid, with the excepted provision and that Lord Hardinge had also upheld it and threatened its enforcement as against the King.

Dalhousie cleverly omitted, in his principal minute on the Oudh question, to state that the threat of British interference and assumption of the government as made by Hardinge were based upon the Treaty of 1837. In his later minute of January 15, 1856, he instructed the Resident to deny the validity of that treaty, if the King should appeal to it and should produce Hardinge's recognition of it. He was also against a mere temporary assumption in which case there would be no gain for the suzerain power as the surplus revenues would have to be made over to the King. He held that if the British Government undertook the responsibility and the risk of reconstructing the administration, it should be allowed to appropriate the surplus revenue to "Imperial purposes." This involved a doubly wrong notion, *viz.*, that the British Government was not bound to interfere for the reform of an Indian State unless that interference should yield a financial advantage; and, in the next place, the idea that the conversion of a protected state into a British territory would always be financially profitable. Likewise, Dalhousie put forward the two instances of Hyderabad under Sir Charles Metcalfe and of Nagpur under Sir Richard Jenkins as glaring examples of the total failure of temporary management. It may be argued that the failure in both cases was not due to the character of the management, but to its suspension and relaxation after a time for which the British Government alone was responsible.

Again, another objection to temporary management which Dalhousie considered serious, was that it would be a barrier to the employment of British officers without whose aid a thorough reformation was not possible. The unreality of this contention was demonstrated by the provision of British control of the Oudh Frontier Police under British officers

which had done good work for several preceding years. Also, Lord Hardinge had offered to lend the King the services of English officers.

Therefore it may be justifiable to conclude that Dalhousie's aim was not to reform Oudh, but to annex it. "Reform, whether enforced by the Treaty of 1801 or that of 1837, whether carried out by the Resident and his Assistants with a native agency, or by a larger number of British officers, would have spoiled every chance of annexing Oudh. Therefore the Treaty of 1837 was repudiated; therefore Sir William Sleeman's proposals were coldly and silently received."

XI

Sleeman had always protested against the annexation and had even warned Dalhousie, in writing, that the annexation of Oudh "would cost the British power more than the value of ten such Kingdoms, and would lead to a mutiny of the Sepoys". After he retired from the Residency, Sir James Outram became the Resident; and he reported that there was no improvement; and his account 'excellent, clear, concise, temperate in its tone, and decisive in its conclusion', reached the Governor-General when he was holidaying in the Nilgiris (March 1855). Early in January the next year the despatch of the Court of Directors reached him, by which he was directed to offer King Wajid Ali Shah "a kind of Vatican sovereignty, the title of King, adequate funds, and full jurisdiction short of death over the Lucknow palace, parks (and menageries.)." The King was too feeble to make even a vigorous protest. Outram received his instructions personally from the Governor-General to effect the annexation of the Kingdom, in the last week of January 1856. A body of British troops, sufficient to overawe all opposition, had been moved up to a threatening position. On the 4th February, the King was given the letter from the Governor-General, as well as the draft of the proposed treaty; he received them with an outburst of grief and declared that treaties were only between equals and there was no need for him to sign it; "they had taken his honour and his country and he would not ask them for the means of maintaining his life"; and "now the British Government which had made his grandfather a King, might reduce him to nothing and consign him to obscurity." The King was an abject figure of misery when Outram went to the palace to execute the order. The guns were dismounted, the guards had no arms; and the King placed his turban between the Resident's hands and broke down when he read the Treaty that he was to sign. He was given a few days grace and refused in a moment of manliness to accept the treaty. He was thereupon deposed and sent to Calcutta with a large pension where he continued to live "agitating and protesting, one more centre of pity and resentment."

Dalhousie wrote in his *Diary* for January 9, 1856, when he had made up his mind on immediate annexation which was to be permanent,

thus:—'I believe the work to be just, practicable, and right. With that feeling on my mind, and in humble reliance on the blessing of the Almighty, I approach the execution of the duty gravely; and not without solicitude, but calmly and altogether without doubt.'

The fate of Oudh was one of intense misery in the immediate sequel of the annexation. Dalhousie's pledge of generous grants to the noblemen of Oudh was ignored and in the pre-Mutiny rule of Canning they were reduced to poverty and humiliation. "Those who had sung and revelled starved; and with them starved royalty and nobility. An unsympathetic Chief Commissioner succeeded Outram the Resident, and chose to occupy a palace expressly set aside for the King's family. Oudh was flooded with disbanded troops, under a new regime in which robbery was liable to heavy penalties. Not less than 40,000 Company's sepoys had their homes in the province, and they and their families, a large fraction of the total population, were troubled in their minds."⁴⁸

M. R. Gubbins,⁴⁹ Financial Commissioner for Oudh at the time of Mutiny, had noted that the men of the court of Wajid Ali Shah and of the ex-minister, Ali Naki Khan, had excited this spirit. Sir Henry Lawrence who was in charge of Oudh at the time of Mutiny had protested against the neglect and delay of the British in fulfilling their bounden duty. He recognised the rights of the Kings of Oudh, but not as rights of irresponsible despotic rule. He had also recommended that a worthless ruler should be set aside and replaced by the nearest of kin who gave the best promise. Sleeman had felt that Wajid Ali Shah should be removed on account of mental incapacity and thus had arrived at the same opinion as that of Lawrence. There was a crying necessity for Wajid Ali Shah's deposition. But British military protection and political supremacy made it possible of performance only by the British Government; and Dalhousie's rooted ideas of annexation made only for permanent annexation. It was curious that at the time of annexation there appeared *The Life of an Eastern Prince* to which the author did not affix his name but which was cooked up by a literary hack, containing accounts of unbelievable profligacy of the Court and Kings of Oudh. It is strange that while the memoranda appeared to have been some twenty years old, that they should have been hacked up "just as Oude was about to be ceded."⁵⁰

⁴⁸Garratt and Thompson—*Rise and Fulfilment of British India*, p. 410.

⁴⁹*The Mutinies in Oudh* (2nd Ed. 1858), p. 52.

⁵⁰J. B. Norton—*The Rebellion in India: How to prevent another: 1857*, p. 180.

CHAPTER IX

THE CESSION OF BERAR

The acquisition of Berar in 1853 by Dalhousie remains to be studied. It was claimed in the time of Dalhousie that the British had no cause of political complaint with their "old ally", the Nizam, for more than half a century. But the scandal connected with the banking firm of William Palmer requires attention. In Hyderabad there arose a huge scandal in Lord Hastings's time. The ruling Nizam had no striking ability. The business of government in the absence of regular ministers, was carried on by the Peshkar, an astute Hindu, Raja Chandu Lal. The Nizam's Contingent was a showy force with very highly paid European officers; and large sums of money had to be disbursed for its maintenance. The current catchword was: 'Nizzy pay for all.' A firm of grasping money-lenders, William Palmer and Company arranged to lend to the Nizam a sum of two lakhs per month in return for assignments of land worth 30 lakhs a year, i.e., at 25 per cent profit. One of the partners of this firm, Sir William Rumbold, was the husband of the Governor-General's adopted daughter and had the ear of that nobleman. Lord Hastings sanctioned without enquiry all the demands of the firm; and on one occasion, he desired that the Nizam should pay 16 lakhs of rupees for beautifying the city of Calcutta. Charles Metcalfe who was a person of equal acuteness and integrity and who became the Resident at Hyderabad in 1820, was indignant at such extortions and proposed to float a loan in Calcutta at 6 per cent to free the Nizam from these money-lenders. In spite of the irritation of the Governor-General, Metcalfe did not yield. He was, however, supported by John Adam, the Senior Member of the Calcutta Council, and finally carried out his object.

Lord Hastings incurred the censure of the Directors for his encouragement of the Palmers and resigned in 1821, but lingered on in India till the end of 1822. After his return to England he showed his enmity against Metcalfe. John Adam who acted as Governor-General until Lord Amherst arrived (August 1823), cancelled some of the most outrageous transactions of the firm, which soon became bankrupt and disappeared from Hyderabad. The controversy over the affairs of Palmer and Company provoked "more partisan warfare than any other episode since the trial of Warren Hastings." Hastings had in the end to send Metcalfe a letter of apology, assented to his proposals and bowed his stately head.

Sir Charles Metcalfe, as Resident at Hyderabad (1820-25) placed European officers as superintendents in the different districts with the charge of the supervision of the revenue assessments and police. The next Nizam, Nasiru'd Daula (1829-57), requested the Governor-General, soon after his succession, to discontinue the system of European supervision introduced by Metcalfe.

In 1830, Indian supervisors called *amins*, were thereupon substituted for them; but they had to be withdrawn in 1840 as unfit for their purpose. The Nizam, Nasiru'd Daula now consented to have a revision in the style of correspondence between him and the Governor-General. "The imperial phrase, '*Mabu Dowlat*' or royal self, used by the Nizam, and the term of inferiority, '*Nayar Mund*', used by the Governor-General, were now discontinued; and the correspondence of the parties has since been conducted on a footing of perfect equality."⁵¹

It was Lord William Bentinck that adopted a policy of strict non-interference, in regard to the court of Hyderabad, subsequent to the accession of Nasiru'd Daula; and he instructed the Resident to relieve the Superintendents of their duties. In 1835, however, the Directors issued a despatch in which they warned the Nizam that they would change the Minister (Chandu Lal) and enforce the adoption of other arrangements for securing proper government. The minister agreed that the British Government should nominate officers to superintend the judicial administration or appoint natives of rank and respectability to furnish the Resident direct with periodical reports on the conduct of the Talukdars (district officers); but the Nizam would not consent to this arrangement and appointed only *amins* to act as confidential servants of his government and as a check on the revenue officers. But the system did not prove efficient.

One of the European officers who then entered the Nizam's service as a Commissioned Army Officer was Colonel Meadows Taylor (1808-76). He remained throughout his career as an officer of the Nizam. He married a daughter of William Palmer of the firm of Palmer and Co., and served in India till 1860. He was in charge of the State of Shorapur during a long minority and kept the Buldana district, in North Berar, quiet during the Mutiny. He was a great favourite of the Resident, Colonel Fraser (1838-1853).⁵²

The Residents at Hyderabad formed a picturesque succession of the old world Anglo-Indian Nawabs. Captain Sydenham, Resident at Hyderabad (1805-10), was a good friend of the minister, Mir Alam Bahadur, and mixed himself up so much with local politics that he was censured and had to resign. Then came Sir Henry Russell (1810-20) who was a consistent supporter of the minister, Chandu Lal, in whom he could never see any serious fault. The next Resident was Sir Charles Metcalfe (1820-25) whose attempts to pull down the influence of the European banking firm of Palmer & Co., and to reform the administration are well-known. General Fraser, Resident, (1835-53) was "the most outspoken in his censure of the terrible misgovernment that afflicted the state." His successor, Sir George Yule, spared no pains to keep the

⁵¹Captain Hastings Fraser—*Our Faithful Ally, the Nizam*, p. 235.

⁵²*The Story of My Life*, By Colonel Meadows Taylor, edited by his daughter, 2 Vols.; 1877.

minister, Sala Jang, in office, much against the wishes of the Nizam; and he advised his successor in the Residency, Sir Richard Temple, to support the minister against the pressure that might be put on him by the *Mughalai* (palace) party, which would not, for long, forgive, even Sir Charles Metcalfe "for setting European officers to watch over their misdoings." When Salar Jang was minister, the Nizam could never forego jealousy of him, which was due largely to the impression that he sought to be fortified by the Resident's support in all his measures. Sir George Yule put pressure on the Nizam to become reconciled to his minister and to remove his own adviser, Lashkar Jang, who was the medium of communication between Sir Salar Jang and his master. His successor, Sir Richard Temple, effected certain important reforms in the zillah administration.

II

As the Berar question was fundamentally grounded on the Hyderabad Contingent, it may be well to note that the nucleus of that Contingent was Russell's Brigade, which was part of the Nizam's forces, organised on the British Indian model by the Resident, Sir Henry Russell, during the Pindari War (1817). They were definitely superior to the raw and ill-paid levies of the Nizam. The Hyderabad Contingent was kept up and disciplined by the British Resident at the Nizam's expense.

The Minister's *Diwani* Troops had grown up in various ways. It contained an Arab element, composed of mercenaries thrown out of service by the destruction of the neighbouring Maratha states, and a body of Sikhs, both of whom were fostered by the policy of Raja Chandu Lal, *peshkar* and minister between 1820 and 1845. Then there were the Muhammadan bravos and adventurers from Oudh, Sind and Baluchistan and the *mansabdars* or retainers who received a stipend on condition of rendering military service, whenever required.

There were also the troops under the Nizam's own command, known as the *Sarf-i-Khas* force and the Pagah troops or body-guard under the Amir Kabir, a body of 2,500 Reformed troops which were disciplined and drilled under European and Eurasian officers, and their miscellaneous troops termed *Line-Wallahs*, including the Finglass Corps commanded by the descendants of an Englishman of that name and the *Joseph Cardoza Corps*, a large part of which were officered by Europeans and Eurasians.

The treaty of 1800 which Lord Wellesley concluded with the Nizam was one which placed the latter in a position of confidential partnership with the British Government and left him much freedom and also recognised his common interest in the pacification and general policy of the Empire. This freedom was owing to the inchoate form that British supremacy had attained to in 1800 A.D. when restrictions like those imposed in the later treaties were not thought of.

Under the treaty of 1800, a new and larger British Subsidiary Force was stationed in the State of Hyderabad, whose strength was 10,000 cavalry with artillery; and the Nizam engaged to keep also an army of his own of 6,000 infantry and 9,000 horse to help the British in war (article XII). The Nizam's own army itself came to be known as the Contingent, though the term was usually applied, alternately with 'subsidiary', to denote any British force established in an allied state. Both parties agreed to bring into the field all the forces that they might be able to bring up, over and above the said Contingent and Subsidiary Forces for the speedy termination of any war in which they might be involved. And, according to Article XVII, the British Subsidiary Force was to be used to suppress internal disturbance as well as to guard against external attacks.

The tenour of the provisions of the treaty of 1800 clearly indicates, as is expressed in Article XVIII, that it was "calculated to strengthen and perpetuate the foundations of general tranquillity" and, as noted in the next article, both the parties were "actuated by a sincere desire to promote and maintain general tranquillity."

Lord Dalhousie, writing on the 30th March 1853, admitted that there was no treaty obligation on the part of the Nizam to maintain his Contingent. He remarked:—"The plain intention of the treaty, was, that whenever war arose, the Nizam should reinforce the British army by a body of 15,000 of his own troops. It never contemplated that the Nizam should be made to raise and pay a large body of troops, distinct from his own, to be placed at all times, in peace and war alike, under the sole control of the Government of India." Further the treaty declared, said his Lordship, "in the most emphatic terms, that the Government of India binds itself in no way to interfere with his Highness's subjects, servants, or concerns."

The Nizam thus kept up this Contingent both in peace and war for upwards of fifty years. But he allowed its pay to fall into some arrears. And the Governor-General, writing on the 3rd of June 1853, thus justified his demand for a territorial guarantee, for its regular payment, though he recognised that it was only "good faith" on the part of the British Government that could serve as a basis for the demand and not any treaty right. But he wrote as follows, on this occasion:—

"Justly considering that its good faith was pledged to a body of troops which was commanded by British officers, and subject to its control (the British Government) advanced the money which was necessary to make good the shortcomings of the Nizam. These advances amounted in 1851 to upwards of seventy lacs of rupees. During this course of neglect, and while the debt was accumulating, the warnings and remonstrances of the Government of India were

incessant, but they were unavailing. Every effort to check the reckless conduct of the Nizam having failed, the Government of India intimated to his Highness that no further debt could be allowed to accrue; that the pay of the Contingent must thenceforth be regularly supplied; that the principal sum of debt must be liquidated; and that, if his Highness failed to meet that demand by payment within a year, territory must be made over in satisfaction of it."⁵³

III

When the Nizam had accumulated arrears, Dalhousie wrote to the Resident to demand "temporary assignment" of territory for the liquidation of the debt. In a minute, dated 1st January 1851, Dalhousie observed that "probably we shall find ourselves compelled to retain *permanently*, for the regular payment of the Contingent, those districts which we may now occupy temporarily for the liquidation of the debt." The Resident was instructed that in forming his opinion regarding the territories to be made over to the English by the Nizam, he (the Resident) should "bear in mind the probable necessity of retaining them permanently." This was communicated to the Resident on the 4th of January 1851. A little over six months after that date Dalhousie again addressed the Nizam to this effect. The Nizam was now told that the efficient maintenance of the Contingent was "a duty imposed on the Government of Hyderabad by the stipulations of existing treaties". The Nizam was also told that the demand was "peremptory" and would "neither be withdrawn nor postponed." He was further informed that he should "in due form convey to the Resident the districts named and should vest him (the Resident) with full authority for their administration and control." (Letter to the Nizam dated 6th June 1851).

The Nizam naturally asked that it was not customary with the English Company for it to transfer territories in payment of the claims of its creditors. He proposed to pay the whole of the debt in about three

⁵³Mr. J. M. Ludlow gives a very illustrative analogy for this demand, which he takes from British social life. *Thoughts on The Policy of the Crown Towards India*, p. 40 (Allahabad reprint).—

"Lord Broadacres and Squire Claypole being intimate friends, for divers good considerations, agree, among other things, that whenever his Lordship shall be shooting in the neighbourhood of Claypole Park, the squire shall provide him with a keeper and a certain number of beaters; but nothing in the agreement is to authorize Lord Broadacres to interfere with Claypole's servants or concerns. Claypole straightway engages at high salaries the whole stipulated staff, over and above his other sporting household, and keeps them up for many years, during which time his Lordship scarcely once comes down to shoot. Eventually the squire's money concerns go wrong, and the pay of what we may call the contingent keeper and beaters fall into arrears. Lord Broadacres takes his friend roundly to task for so doing and after a while, sooner than let the men go unpaid, pays them out of his own purse. When the payments so made amount to a good round sum, he claims of Claypole repayment of the whole within a year, or an adequate slice of the Claypole estate in satisfaction. In what material point does this case differ from the story of our claims upon the Nizam?"

months and also to give security for the regular payment of the Contingent in future. Consequently, the British could not pursue their demand and had to suspend it for the time. About half the sum due from the Nizam was actually paid down in bills, while the balance was stipulated to be paid by the 31st of October. The bills however cost much more than their real value. The second instalment was not fully paid by the Nizam and the debt again was increased by new payments incurred on account of the Contingent. The total amount of the debts was over 46 lakhs of rupees by the beginning of 1853.

In the minute that Dalhousie wrote on the 30th of March 1853 he had expressly admitted that the Nizam was under no treaty obligation to maintain the Contingent and also that the aggregated expenses of the Contingent were "unusually and unnecessarily heavy;" while its quality was not better than that of bodies less highly paid. He further admitted that the Government of India owed much consideration to the Nizam in respect of the continued maintenance of this Contingent. But he stuck to the demand for a cession of territory even if it should be agreed that the Contingent should be disbanded, as expenses would have to be incurred to meet the disbandment which must necessarily be a gradual process. The Resident was directed "to contend for the cession to the utmost" and furnished with the draft of a new Treaty which the Nizam was to accept and sign.

The Nizam was naturally averse to his Treaty and remonstrated with the Resident, Colonel Low, as follows:—"Did I ever make war upon the British Government, or intrigue against it or do anything but co-operate with it, and be obedient to its wishes, that I should be so treated.... Two acts on the part of a sovereign prince are always reckoned disgraceful; one is, to give away unnecessarily any portion of his hereditary territories, and the other is, to disband troops who have been brave and faithful in his service." He assured the Resident that the Contingent would be paid in future on the 1st day of every month and offered the guarantee of other persons for his promise; and after asking everyone in the room to retire he entreated the Resident "as a personal favour, to give up the scheme of a new treaty, and to advise his Lordship to trust to his Highness's word that all future payments, in which the British Government are in any way concerned, will be paid with the utmost regularity."

The Nizam added:—"I have heard that some great men of your tribe have been merchants—you cannot understand my feelings in this matter. I am a sovereign prince, born to live and die in this kingdom, which has belonged to my family for seven generations; you think I could be happy if I were to give up a portion of my kingdom to your government in perpetuity; it is totally impossible that I could be happy; I should feel that I was disgraced. I have heard that one gentleman of your tribe considered that I ought to be quite contented and happy if I were put upon

the same footing as Mahomed Ghouse Khan; to have a pension paid to me like an old servant, and have nothing to do but to eat and sleep and say my prayers. . . . You, too, don't comprehend the nature of my feelings as a sovereign prince; for instance, you talked of my saving at least eight lacs of rupees (£80,000) per annum by making this treaty, as something that I ought to like. Now I tell you, that if it were quite certain that I could save four times eight lacs of rupees, I should not be satisfied, because I should lose my honour by parting with my territory."

In a subsequent interview on the 10th May 1853 the Nizam offered the personal guarantee of some noblemen of his state for the regular payment of the Contingent every month and to pay off the debt within four months. But the only answer given to him was that the personal guarantee of the nobles would not be accepted as sufficient security for the payment of the Contingent and that nothing would do except to have "British officers in exclusive charge of districts that would yield a net revenue to the amount required". When the question was put whether the Contingent could be dispensed with the answer was given that it could only be disbanded gradually, if at all.

The Nizam now sent for several of his chief officers and nobles and requested them to give their advice on the proposals of the British Government. One of them boldly replied: "If it is the Governor-General's determination to have districts for the pay of the Contingent, what advice need we give? Your Highness does not require our advice or any further consultation on the subject."

When the Resident pressed the Nizam to give his answer as to the signing of the treaty, the latter replied: "I could answer in a moment, but what is the use of answering? If you are determined to take districts, you can take them without my either making a new treaty, or giving an answer at all."⁵⁴

After further negotiations a few modifications of the arrangements proposed were effected and the Treaty was signed on the 21st May 1853. According to it the Contingent was reduced a little in number and placed upon a permanent footing. It was to be commanded by British Officers, controlled by the British Government through the Resident, and might be employed out of the Nizam's Dominions in any part of the Company's territories. For the payments of its expenses and for the interest on the existing debt, districts in Berar were to be assigned and handed over to the exclusive management of the British authorities. It was however stipulated that the surplus revenue, if any, was to be paid into the Nizam's treasury.

The Nizam was particularly reluctant to cede any territory "in perpetuity" to the British Government. But Dalhousie was indifferent as to the wording of the treaty as much as he was callous to the feelings of

⁵⁴Nizam's Cession Papers, p. 116 ff.

the Nizam; and he thus accorded, in his farewell minute of February 1856 that the Nizam had signed in "perpetual" government to the Company the Province of Berar and other districts of his state.⁵⁵

IV

According to the treaty of 1853 and the Minute of Dalhousie of 30th May, 1853, the Berar Provinces were only to be "assigned to the exclusive management of the British Resident for the time being." The Nizam did "not cede the districts specified, in perpetuity", though he assigned them to the British Government. This was the only diplomatic failure that Dalhousie encountered. The Nizam's sovereignty over Berar was further recognised in the treaty of 1860 which stated in the preamble, that "in order to mark the high esteem in which His Highness the Nizam is held by Her Majesty the Queen, His Highness agrees to forego all demand for any account of the receipts and expenditure of the Assigned Districts for the past, present and future"; and in Article V, the Viceroy "restored to the Nizam the two Assigned Provinces of Nuldroog and the Raichore Doab, retaining in trust, under Article VI, only the two Berar districts." It is a curious feature to be noted that the acquisition of Berar led to the annexation of Nagpur in one way. Lord Dalhousie had written that the essential interest of England required "that the territory of Nagpore should pass under British Government. . . the great field of supply of the best and cheapest cotton grown in India lies in the valley of Berar and in the districts adjacent to it." These latter constituted Nagpur. In his minute on the Nagpur Annexation the Governor-General wrote, "During the past year the Government had obtained by treaty with the Nizam, not the sovereignty indeed but the perpetual possession and administration of the valley of Berar." So as J. B. Norton has remarked, "Cotton stuffed the ears of justice." The

⁵⁵According to Ludlow, when Mr. John Bright referred to the treatment of the Nizam in his great speech in Parliament of June 24, 1858, he remarked as follows:—"Only think of a Governor-General of India writing to an Indian prince, the ruler over many millions of men in the heart of India? 'Remember, you are but as the dust under my feet!' Passages like these are left out of despatches when laid on the table of the House of Commons."

In the negotiations with the Nizam as they were set forth in the Parliamentary Papers, the despatches were garbled and "English eyes have read in the originals, passages of haughty contempt towards the native sovereign which would not bear the translation." Bell notes (in his *Empire in India*, page 394, 1935 edition) thus: Lord Dalhousie threatened in his letters "to crush the Nizam at his will." Bell adds that he had never seen a copy of the Persian original of Dalhousie's letter; (Papers relating to the Nizam, 1854, page 42) but has heard it said that the word which was officially translated "crush" literally meant "trample under foot." Colonel Low is supposed to have used unbecoming words towards the Nizam, according to one authority.

From A. P. Newton (*Scraps of Paper*—pages 186-189) we learn as follows: "At the same time for some days an English Officer was deputed to examine the out-works of the city to note the defences, which he did openly, telescope in hand. Finally Major Davidson, the Assistant Resident, urged the Nizam's Minister to promote a speedy settlement if possible, as the British troops had orders to be ready to march on Hyderabad, and the Governor-General waited only for the word."

cotton fields of Berar were inaccessible for want of rail-roads. The possession of Nagpur enabled the building of these rail-roads. So the British took possession of both Berar and Nagpur.

Our narrative may end here with two observations. One of them is that the Nizam was deeply aggrieved by the demand for Berar. Fortunately he died just before the Mutiny and his successor remained faithful owing to the pro-British loyalty and firmness of the Minister, Salar Jang. But the intimate relations that existed between the English and the Deccan nobility vanished away. The acquisition of Berar was in reality, as expressed by a critic, "a sharp bargain, founded avowedly on a claim which could not be based upon treaty, and enforced with such disregard of the very courtesies of alliance, so galling to a faithful friend."

The situation at Hyderabad at the time of the Mutiny was full of possibilities of violent explosion. According to J. B. Norton, "if Hyderabad had risen, we could not have escaped insurrection at Kurnool, Nagpore, Bellary, Cuddapah, Bangalore, Madras, Trichinopoly, and other cities; while it is scarcely possible that the Bombay Presidency, so much more uneasy as it has proved itself than Madras, could have resisted the spread of such contagion."⁵⁶

⁵⁶Topics for Indian Statesmen, p. 56.

CHAPTER X

CONCLUSION

I

Dalhousie's share in, and responsibility for, annexations by the application of the Doctrine of Lapse is illustrated by the statement that if the policy of annexation had not been accepted by the Government, it could never have been applied. Within six months after his assumption of office, Dalhousie had recorded his dissent from the principle, "apparently implied, though not directly asserted" by Sir George Clerk, that "the maintenance of native governments in the midst of our own dominions was in itself politic and advantageous."

The following extract from Dalhousie's minute¹ on Satara (para 29) is clear proof to the contrary:—

"There may be conflict of opinion as to the advantage or propriety of extending our already vast possessions beyond their present limits. No man can deprecate more than I do any extension of the frontiers of our territory which can be avoided, or which may not become indispensably necessary for considerations of our own safety and of the maintenance of the tranquillity of our own Provinces. But I cannot conceive it possible for any one to dispute the policy of taking advantage of every just opportunity which presents itself for consolidating the territories which already belong to us, by taking possession of States which may lapse, in the midst of them; for thus getting rid of those petty intervening Principalities which may be made a means of annoyance, but which can never, I venture to think, be a source of strength; for adding to the resources of the public treasury; and for extending the uniform application of our system of government to those whose best interests we sincerely believe, will be promoted thereby."²

The Duke of Argyll made the remark that the above paragraph was "the nearest approach in any of Lord Dalhousie's writings to the advocacy of a policy of annexation" and that it contained the "broadest assertion of his principle."

But the extract given above from para 29 of Dalhousie's minute should be read along with its preceding and succeeding paragraphs, in its proper context, which would disclose the Governor-General's policy in all its nakedness.

In para 28, he wrote:—"... while I would not seek to lay down any inflexible rule with respect to adoption, I hold that on all occasions where heirs natural shall fail, the territory shall be made to lapse, and adop-

¹Satara Papers (1849)

²The Duke of Argyll: India Under Dalhousie and Canning (1865), p. 27.

tion should not be permitted, excepting in those cases in which some strong political reason may render it expedient to depart from this general rule."

In para 30, we read:—"Such is the general principle, that, in my humble opinion, ought to guide the conduct of the British Government in its disposal of Independent States, where there has been total failure of all heirs whatsoever, or where permission is asked to continue, by adoption, a succession which fails in the natural line."

Thus Lord Dalhousie definitely and unequivocally held that the doctrine of "lapse", in default of a lineal male descendant, was to be considered as "a general principle" and applied "on all occasions," "in the disposal of independent states."³

A wordy dispute ensued over the question whether Dalhousie put in the term "independent states" instead of "dependent states" in the above minute, unwittingly. But the word "independent" occurs thrice in the course of the minute. Jackson held that while Dalhousie gathered in the whole crop of dependent states except Mysore, he did not believe that even one independent prince was "alarmed at this harvest". Evidently Jackson deemed that those states which had considerable revenues and territories belonged to the category of 'independent' states. But it was a fact that the great states of Sindia and Holkar felt themselves threatened by 'lapse' and alarmed by the frequent applications of that doctrine by the Governor-General.

Dalhousie argued, in his minute on Satara, that that state was interposed between the two principal military stations of the Bombay Presidency and would, in the hands of "an independent sovereign," constitute "an obstacle to safe communication and combined military movement."⁴

The attitude of J. P. Willoughby on the Satara question embodied other arguments justifying annexation, like "the social evils resulting from adoptions" and the bad effect of long minorities that they frequently resulted in. Thus he minuted on what he judged to be an illustrative parallel situation.

"A more striking exemplification of the evils above referred to is afforded by the dissensions in the family of Dowlut Rao Scindia. Bae adopted a son, and continued to exercise regal powers for some years, until at last a struggle for the supremacy occurred between them, terminating in 1833 in the adopted son being proclaimed Sovereign, his mother

³Bell—*Retrospects and Prospects of Indian Policy*, p. 185.

⁴On this unsubstantial and really imaginary plea, Sir John Litter, a member of the Supreme Council, aptly remarked that if the word 'dependent' had been used instead of 'independent' it would have been illogical to infer that the little subordinate dependent state of Satara would constitute a serious military obstacle. Dalhousie used that word 'independent' to denote a 'separate and not contiguous' state perhaps. The word "sounded formidable" and therefore fitted into the rhetorical vein of the Governor-General's minute.

being obliged to seek an asylum in British territory. This Chief dying on February 7th, 1843, *another adoption was allowed*, and the political evils resulting therefrom, and a violent collision with the British Government, terminating in war and bloodshed, are of too recent an occurrence to require to be dwelt upon. These are strong facts in support of those who are of opinion that the annoyance by adoptions of sovereign and territorial rights, ought in the present state of India to be discouraged as much as possible, and that all fair lapses should be annexed to the British Empire, when no absolute right will thereby be violated. The existence of so many Sovereignities and Chiefships, interspersed with our own territory, is in many ways inimical to good government, and to the welfare and prosperity of the people; and if this is admitted, it follows that, on every fair occasion, their number ought to be diminished.”⁵

By this statement Willoughby seemed to threaten the dynasty of Sindia also with extinction at the first favourable opportunity. And Dalhousie used to look upon Willoughby's minute as constituting “a text-book on adoptions”; and we learn from Jackson that he was “in the habit of referring to it when similar questions subsequently arose.”⁶

Nor were Willoughby and Dalhousie without companions and champions to support these views. It has been held that J. C. Marshman⁷ who was the editor of *The Friend of India* and also the Calcutta Correspondent of the *London Times*, was a ‘literal’ mouthpiece of the Indian Foreign Office. In his then recently published *History of India*, he undertook a defence of Lord Dalhousie's administration, that ran as follows:—

“It appears to be forgotten that the application of this law of succession was confined to extremely narrow limits. It did not affect any of the Mahomedan Princes of India; and the Court of Directors and Lord Dalhousie explicitly declared that it was applicable exclusively to those subordinate and dependent Principalities which had been created by the ‘spontaneous generosity’ of the British Government, and not to any of the independent Sovereigns. It was, in fact, restricted to the States of Mysore, Satara, Nagpore, and Jhansi, and possibly to one or two others of minor account.

But neither the Court of Directors nor Lord Dalhousie ever made any such declaration. “The pretended prerogative of rejecting adopted heirs” was extended by Lord Dalhousie, to the “States which recognise formally the supremacy of the British Government,” a formula which would include every Native State in India, with very few exceptions.

⁵Satara Papers (1849), pp. 70-1.

⁶A Vindication of Dalhousie's Indian Administration, p. 12.

⁷Marshman was mentioned in Sir William Sleeman's letters as the writer of “rabid articles” in *The Friend of India*, in favour of the absorption of the Indian States.

In fact, the language of some Civilian officers was more 'outspoken' than even that of Willoughby who was in truth, a little more cautious in his use of words than Dalhousie.

Thus F. Millet wrote:—

"The intersection of our territories by many Native States interferes with measures of general improvement. I believe it to be for the best interests of the people that our direct administration should gradually extend itself over the whole country comprised within the bounds of British India."

Mr. J. A. Dorin minuted on the question of the annexation of Nagpur that so far as he could see into the ultimate destiny of India, "its entire possession must infallibly be consolidated in the hands of Great Britain"; and that "thoroughly believing in this dispensation of Providence, I cannot coincide in any view which shall have for its object the maintenance of native rule against the progress of events which throws undisputed power into our possession."⁸

In the matter of annexations made in the last two years of Dalhousie's rule, the Calcutta press, representing the opinion of a powerful section of the Bengal Civil Service, was very happy over the annexations and the prospects that were then visible of their "speedy and symmetrical completion."

Even in the beginning of 1854, when Nagpur was under the process of annexation, *The Friend of India* declared that "the decision of the Governor-General (would) decide whether the country which has been committed to our charge is ultimately to be fused into one great Empire or to continue split into Principalities, in which two hundred and eighty Rajahlings exhaust the energies left them by debauchery in every species of oppression... We cannot believe that Lord Dalhousie will yield one inch to the clamour of an ignorant section of the last of English political parties, or hesitate to maintain a policy which is at once great, righteous and his own."⁹

A few weeks later, when the decision had been made for the annexation of Nagpur, the same paper declared that the annexation settled "three great principles—unity of dominion, equality of taxation and centralisation of the executive." Further it held that, "in order to change India from a congeries of States, into an Empire one and indivisible, it is only necessary to maintain the policy which Lord Dalhousie has laid down." Again, on the eve of the annexation of Oudh, it declared that "oppression will not be extinct with the monarchy of Oudh." Commenting, in its issue of the 3rd January 1856, on Travancore which was not at all badly governed, it wrote that "annexation is the only remedy for the great disorders of Travancore." In a prophetic vein it declared

⁸Papers: Rajah of Berar, (1854), p. 38.

⁹Dated 12th January, 1854.

a few months later, in July 1856:—"The knell of the Princes of India has sounded. Men now living may see the Empire one and indivisible" a parody of the contemporary cry of Daniel Webster for an America 'one and indivisible', threatened as it was by the secession of the Southern States.¹⁰

On his side, Dalhousie acknowledged, in a farewell message of his, dated 3rd March 1856, his gratitude to the paper for "the fairness with which you have always set your judgment of my public acts before the community, whose opinions are largely subject to your influence, for the frequent support you have given to my measures....."

II

The anti-Lapse arguments were from men like Henry St. George Tucker, Mountstuart Elphinstone, Colonel Sleeman, Samuel Macpherson, Sir George Clerk and Sir Henry Lawrence. There were others less eminent than the abovementioned personages who were equally warm champions of the rights of the Princes. General Briggs, writing immediately after the annexation of Satara, had declared that with the doing away with the right of adoption of Indian Princes, the British would be treading on "very delicate ground". Mr. John Sullivan, a former member of the Madras Council, warned Government, when it was considering the annexation of Karauli in 1853, that "if we sap the foundation of our rule by acts of injustice to the Rajpoot Princes, we shall surely awaken a sympathy for them in the hearts of the native army."¹¹ Mr. John Dickinson, writing even when the question of Karauli was undecided, warned that "if the present system is allowed to go on, it will soon expose our Empire to a greater danger than it has ever yet encountered." He predicted that "a storm may arise in India which will cost us more to maintain our power, than all we have gained, or can ever hope to gain, by our confiscations."¹²

Sir William Sleeman wrote on the 12th January, 1853, to Sir James Weir Hogg, who was a supporter of Dalhousie in the Court of Directors:—"The Native States I consider to be breakwaters; and when they are all swept away we shall be left to the mercy of our native army, which may not always be sufficiently under our control." He had previously written to the Governor-General himself, on the 10th April 1848, thus:—"I took the liberty to mention to your Lordship

¹⁰The balanced and sober-minded Sir Henry Lawrence, ever a friend of Princely India and Indian aspirations, thus remarked on these outpourings of the Serampore Paper:—"The Serampore weekly paper, *The Friend of India*, which was Lord Dalhousie's organ, and is conducted with great ability, is a perfect Filibuster. Almost every number contains a clever article on the duty of absorbing Native States, resuming jaghires etc." (Kaye's *Lives of Indian Officers*, Vol. II, p. 311).

¹¹Are we Bound by Our Treaties? A Plea for the Princes of India, (1853), p. 70

¹²India: Its Government Under a Bureaucracy (1853), pp. 8 & 166.

my fears that the system of annexing and absorbing Native States,—so popular with our Indian Service and so much advocated by a certain class of writers in public journals—might some day render us too visibly dependent on our native army.”¹³

The venerable Mountstuart Elphinstone wrote, on the 20th December 1857, when the first furious onslaughts of the mutineers were subsiding, to Sir E. Colebrooke:—“I think the ardour for the consolidation of territory, concentration of authority and uniformity of administration, which was lately so powerful, must have been a good deal damped by recent events. Where should we have been now if Scindia, the Nizam and the Sikh Chiefs had been annexed?”¹⁴

The best apologists for Dalhousie were the Duke of Argyll and Sir Charles Jackson, whose books were published within a few days of each other in 1865.¹⁵ Both maintained the prerogative power of forbidding successions by adoptions as “the settled public law of India” and spoke of the lapses having occurred by operation of the law. The Duke of Argyll was a member of the British Cabinet and as such had approved the annexations of Nagpur and Jhansi and “had insisted on the annexation of Oudh” and had helped “to promote the prospective annexation of Mysore which Lord Dalhousie had been the first to propose.” He expressed in his book sentiments like the following:—

(1) Treaties expressed “nothing but the will of a Superior imposing on his Vassal, so much as for the time being it was thought expedient to require.”

(2) “The vices of Native governments were systematic and their virtues casual.”

(3) “The dependent position to which they are reduced by our power in India did not contribute to make them better.”

(4) The only security for good government lay in the absorption of every mismanaged Native State.

The Duke claimed to base all his conclusions on Blue Books embodying the minutes of the Indian Government with the opinions and dissents of every individual member of the Council and argued that the minutes were often very able and always exhaustive “of every fact and every argument on either side.”¹⁶

¹³Journey through the Kingdom of Oude in 1849-50: 2 Vols. (1858), Vol. II. p. 362.

¹⁴Asiatic Journal: Vol. XVII, p. 334.

¹⁵India under Dalhousie and Canning: and A Vindication of the Marquis of Dalhousie's Indian Administration.

¹⁶On this assumption Bell, carpingly but justifiably, makes the remark—“If every narrative of political transactions is to be compiled exclusively from papers carefully sifted and selected for publication by the accountable persons themselves, national and historical judgments will be lenient truly! If the minutes of a close and secret conclave are to be humbly accepted as an exhaustive discussion; if plenary inspiration is claimed for Blue Books and prophetic infallibility for the decrees of a Council of five, there will be small scope for political criticism.” (p. 6. Prospects and Restrospects of Indian Policy.)

Sir Charles Jackson was successively Advocate-General and a Judge of the Supreme Court at Calcutta and, for sometime, Vice-President of the Legislative Council under Dalhousie. He also accepted too readily the glib assumption that there was a law, sanctified by political tradition, permitting the suzerain to refuse to recognise adoptions in Hindu ruling houses. The truth was that it was only with the decisions to annex Colaba and Mandavi, (the second finally taken in 1844) that the British claim of annexation by lapse might be regarded as having originated. But even if they could be viewed as precedents, they were only of British creation and of very recent origin and not the "universal and immemorial custom of India", nor "the right universally exercised by all paramount authorities throughout India" as asserted by R. D. Mangles in 1848 and as postulated by Willoughby.

When the dying Raja of Satara requested that his adopted son might be recognised as his successor, the request was twisted into his admission of the right of the British to forbid the succession, though, as was argued, it meant nothing more than that he was conscious of the overwhelming power of the British and was also perhaps suspicious of their *bona fides*. The Duke of Argyll argued that the Raja knew that this consent was requisite for his purpose and could be withheld lawfully. Likewise, the Duke made much of Sir George Clerk's words in his minute on the Satara succession—"The question however remains whether he (the adopted son) is entitled to the sovereignty", though he gave no assent to the question; and to his further remark that "our views and practice had been inconsistent and capricious"—as if that would fit in with his own assumption of "a settled law and custom of India."

The Karauli question was a significant landmark in the development of the Dalhousiean conception of the prerogative of lapse. When the Governor-General took up the case of Karauli, the series of annexations had only just commenced, only Satara having been acquired by the application of lapse before that date, while the acquisition of the Punjab in 1849 was deemed to have been a conquest. The Governor-General wrote, in his minute on Karauli, on the 30th August 1852, thus:—

"The refusal of sanction to adoption in the case of Kerowlee might create alarm and dissatisfaction in the older and more powerful States of Rajpootana, as being apparently significant of the intentions of the British Government towards themselves. Such an alarm would be unfounded. For I presume that the Government of India would not at any time be disposed to interfere with the customary mode of succession among these old Rajpoot States, whose antiquity, whose position and feelings, would all make it our policy to leave them in the possession of such independence as they now enjoy."

Sir Frederick Currie, then a Member of the Supreme Council, wrote a dissenting minute, which was held by Sir John Kaye to be "an admirable state-paper, accurate in its facts, clear in its logic and unexceptionable in its political morality." Dalhousie had instructed his Agent in Rajputana to discountenance the adoption which had been made by the Ruler of Karauli a few days before his death—the adopted son being a distant relative of the deceased ruler and a lineal descendant of the founder of the Raj. The Governor-General's Agent had been expressly desired to discountenance the proposed adoption which took place nevertheless.

Currie had been transferred from his seat in the Council to act as Resident in the Punjab when Satara was annexed and had therefore no opportunity to minute his views on that annexation. Though he now looked upon the annexation of Satara as a settled fact, because of its having been confirmed by the Directors, he thus wrote on the Karauli question:—

"I will admit that the general law and custom of India do usually require the recognition of the Paramount Power to the adoption of an heir to a dependent or protected principality: but so do the law and custom require the same recognition to the succession of a natural heir, and I am not prepared to admit that the Supreme Power is more competent to withhold its recognition of the one than of the other."¹⁷

Currie argued that the recognition of the Paramount Power required for any succession, was merely regulative in its character and aim, "for the purpose of averting dissensions and bloodshed." He held, even as Sir George Clerk had held on the Satara question, that the adopted heir stood exactly in the same relation as the natural heir to the throne.

Currie wrote his minute the next day after the Governor-General recorded his view. Therein the latter had stated that though as a Rajput principality, Karauli had antiquity in its favour, unlike most of the existing Maratha and Muhammadan principalities, he could not, on this consideration, depart from his general policy. He added that "the arguments appear to preponderate in favour of causing Kerowlee to lapse", as British supremacy over it had been practically declared in the treaty of 1817 by the remission of the tribute payable by it to the Peshwa and by its specific acknowledgment of it in the third article of the treaty itself.

Dalhousie wrote:—"In the Minute upon the case of Satara in 1848, I recorded my own opinion that the British Government should not neglect such rightful opportunities as might occur, of extending its rule over Native States which fell to its disposal, either by total lapse, or by the succession depending on the recognition of an adoption. I did not advise that adoption should universally be refused the sanc-

¹⁷Para 10 of Currie's Minute—Kerowlee Papers, 1885, p. 11.

tion of the Governor-General, but *I was of opinion that it should not be admitted in States which recognised formally the supremacy of the British Government in India, unless strong political reasons recommend the exception in any particular case or cases.*"

Dalhousie admitted, however, that Karauli was an isolated state and "would not consolidate our territories like Sattara." The dangerous features of Dalhousie's arguments were obviously two. The first was that if Karauli could be annexed as a dependent and tributary state, the same argument could be applied to all the Rajput states, both large and small, as they had formally recognised British supremacy and either paid tribute to the British Power or had their tribute remitted by that Power, and they were therefore liable to have their successions refused on the first failure of a lineal male heir. In the next place, if other states than the Rajput Principalities, like those of Sindia, Holkar, Dhar, Dewas and Tonk which were scattered in detached portions in and adjoining Rajputana, were to be brought under the operation of lapse, it was most likely that "the more ancient (Rajput) states would immediately be wanted in order to consolidate our territories."

For two years the Karauli succession question was in suspense; and the final favourable decision of the Court of Directors was announced only in July 1854. During these two years the uncertainty and fear of annexation that worked in the minds of the Princes and the people were intense.¹⁸

The danger of discontent increasing was real; and fortunately the state was saved from extinction by a chain of favourable accidents. "Fortunately Sir John Low and Sir Henry Lawrence were successively Agents to the Governor-General in Rajpootana during the two years of suspense. Their powerful representations gave great weight to Sir Frederick Currie's opposition; and these efforts were supplemented at home by the Indian Reform Association, recently established and actively at work, under the guidance of Mr. John Dickinson, Mr. Henry Seymour, M.P., and the lamented Mr. J. F. B. Blackett, then M. P., for Newcastle. A threatened motion in the House of Commons turned the scale, and secured a majority of the Court of Directors against the proposed inroad on the ancient States of Rajpootana."

The sense of security created by the final decision on Karauli was overcome and submerged by the fate of Jhansi and Nagpur.

Both Sir John Low and Sir Frederick Currie bore ample testimony to the prevailing discontent and alarm among the Princes "throughout the length and breadth of India". According to Colonel Macpherson,

¹⁸The Governor-General was fully aware of this fear that his proposal for the annexation of Karauli might generate among the princes and people. (See Extract from his minute of 30th August, 1852, on Karauli, quoted above).

Resident at Sinda's court in 1857, that Ruler felt great anxiety and suffered from a keen sense of suspense as to the problem of succession in his family.

Lord Canning alluded, in his Adoption Despatch (30th April 1860), to the "haze of doubt and mistrust in the mind of each Chief as to the policy which the Government will apply to his own State in the event of his leaving no natural heir to the throne."

He added:—"It is to this alone that I can attribute the extraordinary satisfaction with which my assurance to Scindia that the Government would see with pleasure his adoption of a successor if lineal heirs should fail, and that it was the desire of the Paramount Power that his House should be perpetuated and flourish, was accepted by those attached to his Court, to the extent that at Gwalior the news was received with rejoicings very like that which would have marked the birth of an heir.

"To the same cause I ascribe the manifest pleasure of the Maharajah of Rewah, when a like assurance was given to him. He said to me that his family had been in Rewah for eleven hundred years, and that my words had dispelled an ill-wind that had long been blowing upon him."

III

Even the most partial pro-Dalhousiean writers had to admit the total failure of the annexation policy as disclosed by the Mutiny. The failure was seen most conspicuously when a large number of the people of Oudh participated in the Mutiny, which was certainly a rebellion in that region. But still there were a few who would not wholeheartedly support the new policy.

Thus a writer in the *Spectator* (October 6, 1866), extracts from whose observations are given by Bell, testified to the lessons of the Mutiny in this respect, while yet defending Dalhousie's policy and objective.

"The Mutiny did teach us that the natives prefer their own system of government, with its open careers and occasional injustices, light taxation, and frequent robberies, to our more orderly, more rigid, but leaden rule; that it was dangerous to produce so awful a scene as a Continent occupied only by officials and peasants; and that the Native Principalities acted as breakwaters when a surge of native feeling—we will say, at the risk of being misunderstood, of national feeling—threatened to overwhelm these foreigners. Madras was saved by the Nizam. Bombay was saved because Gwalior broke the rush of the wave which had the able coward, Tantia Topee, on its crest. The Punjab was saved because the old Sikh Princes of the Protected States stood honestly by our side."

He urged the Secretary of State to arrest the threatened annexation of Mysore, "not on ground of obligations of treaties, and of regard to the Hindu laws of succession but on what could be regarded as equally

binding factors, viz., the unwisdom of closing the higher fields of administrative service to Indians which would be a direct consequence of annexation and the consequent radical alteration of policy from the basis of 1860.

He significantly added:—"It may be necessary one day to unsettle it; the new policy may fail, as the old one failed, a third policy of appointing picked native rulers for life may prove wiser than either, but till we resolve, and announce that we take a resolve, that the mixed system shall end, let us least adhere to it."

This writer would call Dalhousie's policy "great" and "statesman-like"; and though he commended the annexations made already, he would not countenance further annexations. Thus he would "give up the practice and maintain the principle...exalt the theory and cry down the conclusion" and would "abandon the policy of annexation as inexpedient for the present, but leave the question open for the future."

He would maintain that the epoch following 1859 was an age of transition and experiment, but would urge that the experiments should not be varied too often. He would not reject the claim of the adopted son of the Maharaja of Mysore, because the Queen's Proclamation had assured the right of succession to adopted heirs.

He would maintain that in this matter the basic question at issue was "whether the existence of subordinate hereditary jurisdictions is beneficial to all India or not", and that question could not be decided easily.¹⁹

Further, he held that it was not an act of justice at all to give autonomy to a state that did not pay its fair share of tribute to the finances of British India—a very curious and contentious plea at its best and quite perverse at its worst. According to him the Queen of England was "the only true Sovereign in India" and the Indian States were only "subordinate hereditary jurisdictions".

Thus he concluded that "if, therefore, the general welfare of India required that Mysore should be directly administered by her (the Queen's) agents no right whatever could be pleaded in bar of that supreme necessity...the natives have never denied this, never questioned the right of the Mogul to remove any Mohammedan Ruler or invade a Hindoo State if considerations of general policy required it." The latter statement obviously needs no refutation and stands condemned in itself, as it is a perversion of the historical truth.

His view-point was that though the annexation of Mysore might be strictly legal, still it was not expedient to do so in the face of the Golden Bull (the Royal Proclamation): "Whether the Rajah of Mysore had a

¹⁹A petition to the House of Commons was presented in August 1866, by J. S. Mill, M.P., in which very able pro-Indians contended that Indian Chiefships were beneficial to the whole country.

right to adopt or not, without the consent of the Paramount Power, does not signify a straw; we do not believe that he had, but we readily acknowledge that to prove that he had not, Lord Cranborne (the Secretary of State) must quote Mussalman precedents directed against Hindoo Houses". This is really bringing in the shades of Willoughby and Dalhousie again on the stage, though in changed attire.

Thus even after the so-called change of heart that was announced by Lord Canning, there were vestiges, that continued to persist, of the old attitude.

IV

Thus Lord Canning protested vehemently against the increased grant to Tipu Sultan's family; he objected to the restoration of the Dhar territories and the Tanjore treasures to their legal owners; and when the Tanjore Raja's property was at last returned to his widows, he never thought of making restitution of the Nagpur Raja's movable property, though the circumstances of its sequestration were identical with those of the Tanjore case. The ancestral estates were, indeed, later given up to Janojee Bhonsle, the grand-nephew and heir of the Raja of Nagpur, and he was recognised as the head of the family by Lord Canning, but those measures had been already suggested by Lord Stanley. In fact all these tardy acts of justice originated with the Secretaries of State at home, contrary to the counsels of Calcutta, as likewise quite recently in the cases of the installation of the Dhar Raja as ruler of his Principality, the imperfect recognition of Prince Azim Jah of the Carnatic, and the prospective restoration of Mysore to its dispossessed ruler.

No new policy, apart from this rigid differentiation between 'British India' and 'Indian India' was laid down at the time of the Proclamation; but an uncodified and extremely complicated kind of 'political law' gradually took shape during the post-Mutiny period. As the country settled down after the Mutiny, the old difficulties with the States arose once more. Many officials felt that the Government had been rather too precipitate in guaranteeing on their thrones these hundreds of ruling chiefs who had survived. Lord Lawrence, who had been a keen annexationist in Dalhousie's time, became Viceroy in 1864, and never hid his view that it was the Government's duty to level up the standard of administration in the States. 'At all his Dubars Lawrence used to harangue the Chiefs, assembled out of all the corners of mediaeval barbarism, on the evils of infanticide and the blessings of female education.' There was continual friction about the size of the armies which many of the Central Indian States maintained. These were often far larger than what was held to be strictly necessary for internal security. Holkar had his gun foundry, and Sindia his thousands of 'drilled soldiers'. Lawrence chafed at the restrictions laid down by the Proclamation of 1858, though in the case of the Nawab of Tonk, whom he deposed for abetting a murder, he

duly placed an heir on the *gadi*. The attitude of the leading officials of that time has been described, not unfairly, as 'one of toleration of the States reluctantly, without hope, and without any fixed intentions for the future.'

The 'political law' which developed during the next half century merely records the gradual incursions made by the Government upon the complete autonomy of the Princes. The Government, though giving up all claim to escheat, in default of an heir, demanded a fuller paramountcy than had been exercised by the defunct Company. No succession was valid until it received the sanction of the British authorities, and in cases of dispute the Government's decision was final. In the *sanads* granted by Lord Canning, as, for example, the one given to Patiala, Government undertook not to receive complaints from the States' subjects; but the Prince must "execute justice and promote the happiness and welfare of his people." In all cases of minority rule the Government claimed the right of approving, and ultimately of appointing, the Regent. British Residents were attached to the principal states, and their 'advice' became more and more authoritative. From time to time some new principle would be laid down, and gradually incorporated into the 'political law.' One of the most important was that 'treaties should be read together', and that the series of relationships which had developed between the Crown and the Indian Princes should be assimilated into a uniform scheme. The Indian States ceased to be isolated units, their rulers tending to become members of a body, all more or less in the same semi-feudal relationship to the Crown, and all part of the imperial organisation of India. This was an extremely slow process, carried on piece-meal by successive Viceroys, whose personal predilections played a larger part in these matters than in the ordinary administrative work of British India.

V

"Three principles had regulated the policy of the Supreme Government of India towards Allied Native States: first, that of respecting native laws and usages as administered by native sovereigns; second, that of respecting the will of the native peoples when manifestly exhibited in the selection of a sovereign; third, that of respecting the letter of treaties, as against ourselves."²⁰ This was conveyed by Lord Hastings to the pageant Nawab of the Carnatic in 1813 and revealed the spirit of British rule at its noblest point. Lord Hastings expressed it to be his duty to maintain the terms of a treaty according to their true spirit which 'ought always to be construed most favourably for the party

²⁰Private Journal: p. 6 (Allahabad reprint).

whose sole dependence was on the honour of the other. Slowly but surely this spirit vanished giving place to a new tendency to 'torture' treaties so as to fashion them to reduce Indian Rulers to the status of dependent vassals. Under Lord Auckland's weak and vacillating rule, in the case of Colaba it was decided to place the privilege of adoption at the discretion of the suzerain power. The Colaba case was followed in the next year by that of Mandavi in which the British showed a callous disregard of the feelings of those with whom it dealt. In the Kishengarh (1841), Udaipur (1841-42) and Dungarpur (1846) successions, the influence of Colonel Sutherland, the Resident, prevented the axe from falling upon their ruling houses. Ellenborough's idea of annexing Indore was foiled by Sir Claud Wade, for a time. The combining of the alleged right of escheat with the right of refusing adoption was the most dangerous feature developed in that decade. The stretching of points which would be materially advantageous to the British, to cover the gaps in arguments sustaining annexation, went often to immoral lengths. Such considerations as "the district is fertile, and the revenues are productive" accompanied the Satara minutes; and on two occasions, when Nagpur was to be annexed, and when the Nizam's richest provinces were to be sequestered, the Governor-General boasted, as Sir Charles Jackson reminds us,²¹ of having acquired the best cotton-growing districts in India; and thus, said Mr. J. B. Norton, "cotton stuffed the ears of Justice, and made her deaf as well as blind."²² But there was not a word of "self-government," or "progressive civilisation," or "the superior claims of Christianity." Those fine words would not have made the policy more just or more statesmanlike, but still they were not there.

The post-Mutiny epoch, obviously presented as a welcome contrast to Dalhousie's dreaded rule which contained, as shown above, its own insidious dangers.

As J. M. Ludlow had remarked:—"The right of adoption, so closely interwoven with Hindoo customs and feelings,—the right of free succession—must be fully, officially acknowledged. The limits of those rights are undoubtedly now wavering and uncertain. Let the law on the subject,—let the British claim of escheat (if any) as against native principalities,—let the relations of the Princes of India to the British Government generally, be defined by all means. Not however by English officials, nor by English lawyers only; but on the report of a Royal Commission, assisted by native assessors, and those appointed, to the extent we will say of at least one moiety by the native princes themselves, and after full communication with princes, ministers, jurists, and others."

²¹A Vindication, p. 40.

²²The Rebellion in India, p. 98.—see also above.

Ludlow hoped that "the next step I take it will be the appointing some judicial tribunal to decide on all future cases involving relations (*not of peace or war*) between the Indian Princes and British Government, such as, between individuals, would form the subject of a judicial trial. It has been overlooked by the annexationists that the further they pushed the doctrine of the paramount authority of the British Government over all native princes, the more they took the mutual relations between the two parties out of the realm of politics, and brought them into that of law."

This was the hope entertained by a liberal-minded Englishman in the decade following the Royal Proclamation.

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ERRATA

- Page 28, line 8, for 'fulfilmen' read 'fulfilment'.
- „ 31, „ 34, for 'absilutely' read 'absolutely'.
- „ 32, „ 8, for 'Aukland's' read 'Auckland's'.
- „ 75, „ 35, for 'writng' read 'writing'.
- „ 86, „ 35, for 'of' read 'if'.
- „ 106, „ 9, for 'still' read 'till'.
- „ 107, foot-notes 5 and 6 should read 6 and 5.
- „ 137, line 20, for 'it is' read 'Is it'.
- „ 139, last line, for 'Indian' read 'India'.
- „ 142, line 8, for 'estaates' read 'estates'.
- „ 148, „ 2 from the bottom, for 'exent' read 'extent'.
- „ 152, last footnote, line 1, for 'it' read 'which'.
- „ 157, footnotes, line 4, for 'Moria' read 'Moirra'.
- „ 159, line 2, add 'with' after 'but'.
- „ 164, „ 10, for 'Mr. Rebertson' read 'Mr. Robertson'.
- „ 175, „ 3 from the bottom, for '(1835-53)' read '(1838-53)'.
- „ 181, „ 18, for 'he' read 'the'.
- „ 193, „ 9, for 'let us least adhere to it' read 'let us at least adhere to it'.
- „ 195, „ 6 from the bottom, for 'soyereign' read 'sovereign'.

Headings on pp. 177, 179 and 181—for "The Annexation of Oudh", read "The Cession of Berar".

