

# EDMUND BURKE

THE WORKS OF THE  
RIGHT HONOURABLE  
EDMUND BURKE, VOL.  
12 (OF 12)

Edmund Burke

**The Works of the Right Honourable  
Edmund Burke, Vol. 12 (of 12)**

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**Edmund Burke**  
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**SPEECHES IN THE IMPEACHMENT OF**  
**WARREN HASTINGS, ESQUIRE, LATE**  
**GOVERNOR-GENERAL OF BENGAL**

**SPEECH IN GENERAL REPLY.**  
**(CONTINUED.)**  
**June, 1794**

**FIFTH DAY: SATURDAY, JUNE 7, 1794**

My Lords,—We will now resume the consideration of the remaining part of our charge, and of the prisoner's attempts to defend himself against it.

Mr. Hastings, well knowing (what your Lordships must also by this time be perfectly satisfied was the case) that this unfortunate Nabob had no will of his own, draws down his poor victim to Chunar by an order to attend the Governor-General. If the Nabob ever wrote to Mr. Hastings, expressing a request or desire for this meeting, his letter was unquestionably dictated to him by the prisoner. We have laid a ground of direct proof before you, that the Nabob's being at Chunar, that his proceedings there, and that all his acts were so dictated, and consequently must be so construed.

I shall now proceed to lay before your Lordships the acts of oppression committed by Mr. Hastings through his two miserable instruments: the one, his passive instrument, the Nabob; the other, Mr. Middleton, his active instrument, in his subsequent plans for the entire destruction of that country. In page 513 of the printed Minutes you have Mr. Middleton's declaration of his promptitude to represent everything agreeably to Mr. Hastings's wishes.

"My dear Sir,—I have this day answered your public letter in the form you seemed to expect. I hope there is nothing in it that may to you appear too pointed. If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the hitherto non-performance of the stipulations made on behalf of the Nabob; though I do assure you I myself represented to his Excellency and the ministers, conceiving it to be your desire, that the apparent assumption of the reins of his government, (for in that light he undoubtedly considered it at the first view,) as specified in the agreement executed by him, was not meant to be fully and literally enforced, but that it was necessary you should have something to show on your side, as the Company were deprived of a benefit without a requital; and upon the faith of this assurance alone, I believe I may safely affirm, his Excellency's objections to signing the treaty were given up. If I have understood the matter wrong, or misconceived your design, I am truly sorry for it. However, it is not too late to correct the error; and I am ready to undertake, and, God willing, to carry through, whatever you may, on the receipt of my public letter, tell me is your final resolve.

"If you determine, at all events, that the measures of reducing the Nabob's army, &c., shall be immediately undertaken, I shall take it as a particular favor, if you will indulge me with a line at Fyzabad, that I may make the necessary previous arrangements with respect to the disposal of my family, which I would not wish to retain here, in the event either of a rupture with the Nabob, or the necessity of employing our forces on the reduction of his aumils and troops. This done, I can begin the work in three days after my return from Fyzabad."

Besides this letter, which I think is sufficiently clear upon the subject, there is also another much more clear upon your Lordships' minutes, much more distinct and much more pointed, expressive of his being resolved to make such representations of every matter as the Governor-General may wish. Now a man who is master of the manner in which facts are represented, and whose subsequent conduct is to be justified by such representations, is not simply accountable for his conduct; he is accountable for culpably attempting to form, on false premises, the judgment of others upon that conduct. This species of delinquency must therefore be added to the rest; and I wish your Lordships to carry generally in your minds, that there is not one single syllable of representation made by any of those parties, except where truth may happen to break out in spite of all the means of concealment, which is not to be considered as the representation of Mr. Hastings himself in justification of his own conduct.

The letter which I have just now read was written preparatory to the transaction which I am now going to state, called *the treaty of Chunar*. Having brought his miserable victim thither, he forced him to sign a paper called a treaty: but such was the fraud in every part of this treaty, that Mr. Middleton himself, who was the instrument and the chief agent in it, acknowledges that the Nabob was persuaded to sign it by the assurance given to him that it never was to be executed. Here, then, your Lordships have a prince first compelled to enter into a negotiation, and then induced to accede to a treaty by false assurances that it should not be executed, which he declares nothing but force should otherwise have compelled him to accede to.

The first circumstance in this transaction that I shall lay before your Lordships is that the treaty is declared to have for its objects two modes of relieving the Nabob from his distresses,—from distresses which we have stated, and which Mr. Hastings has not only fully admitted, but has himself proved in the clearest manner to your Lordships. The first was by taking away that *wicked rabble*, the British troops, represented by Mr. Hastings as totally ruinous to the Nabob's affairs, and particularly by removing that part of them which was called the new brigade. Another remedial part of the treaty regarded the British pensioners. It is in proof before your Lordships that Mr. Hastings agreed to recall from Oude that body of pensioners, whose conduct there is described in such strong terms as being ruinous to the Vizier and to all his affairs. These pensioners Mr. Hastings engaged to recall; but he never did recall them. We refer your Lordships to the evidence before you, in proof that these odious pensioners, so distressing to the Nabob, so ruinous to his affairs, and so disgraceful to our government, were not only *not* recalled by Mr. Hastings, but that, both afterwards, and upon the very day of signing the treaty, (as Mr. Middleton himself tells you,) upon that very day, I say, he recommended to the Nabob that these pensioners might remain upon that very establishment which, by a solemn treaty of his own making and his own dictating, he had agreed to relieve from this intolerable burden.

Mr. Hastings, your Lordships will remember, had departed from Benares, frustrated in his designs of extorting 500,000*l.* from the Rajah for the Company's use. He had ravaged the country, without obtaining any benefit for his masters: the British soldiers having divided the only spoil, and nothing remaining for the share of his employers but disgrace. He was therefore afraid to return without having something of a lucrative pecuniary nature to exhibit to the Company. Having this object in view, Oude appears to have first presented itself to his notice, as a country from which some advantage of a pecuniary kind might be derived; and accordingly he turned in his head a vast variety of stratagems for effecting his purpose.

The first article that occurs in the treaty of Chunar is a power given to the Nabob to resume all the jaghires not guarantied by the Company, and to give pensions to all those persons who should be removed from their jaghires.

Now the first thing which would naturally occur to a man, who was going to raise a revenue through the intervention of the prince of the country, would be to recommend to that prince a better economy in his affairs, and a rational and equal assessment upon his subjects, in order to furnish the amount of the demand which he was about to make upon him. I need not tell your Lordships, trained and formed as your minds are to the rules and orders of good government, that there is no way by which a prince can justly assess his subjects but by assessing them all in proportion to their respective abilities, and that, if a prince should make such a body as the House of Lords in this kingdom (which comes near the case I am going to state) separately the subject of assessment, such a thing would be contrary to all the principles of regular and just taxation in any country in the universe. Some men may possibly, by locality or privileges, be excepted from certain taxes, but no taxation ever can be just that is thrown upon some particular class only; and if that class happen to be small and the demand great, the injustice done is directly proportionable to the greatness of the exaction, and inversely to the number of the persons who are the objects of it: these are clear, irrefragable, and eternal principles. But if, instead of exacting a part by a proportionable rate, the prince should go further and attempt to shake the whole mass of property itself, a mass perhaps not much less than that which is possessed by the whole peers of Great Britain, by confiscating the whole of the estates at once, as a government resource, without the charge or pretence of any crime, I say that such an act would be oppressive, cruel, and wicked in the highest degree. Yet this is what Mr. Hastings projected, and actually did accomplish.

My Lords, at the treaty of Chunar, as it is called, Mr. Hastings (for he always artfully feels his way as he proceeds) first says, that the Nabob shall be permitted to do this act, if he pleases. He does not assume the government. He does not compel the Nabob to do anything. He does not force upon him this abandoned and wicked confiscation of the property of the whole nobility of a great country. All that he says is this,—“The Nabob *may be permitted* to resume these jaghires.” Why permitted? If the act had been legal, proper, and justifiable, he did not want our permission; he was a sovereign in his own dominions. But Mr. Hastings recollected that some of these jaghires (as they are called, and on which I shall say a very few words to your Lordships) were guarantied by the Company. The jaghires of his own house, of his mother and grandmother, were guarantied by us. I must inform your Lordships, that, upon some of our other exactions at an earlier period, the Nabob had endeavored to levy a forced loan upon the jaghiredars. This forced loan was made and submitted to by those people upon a direct assurance of their rights in the jaghires, which right was guarantied by the British Resident, not only to the Begums, and to the whole family of the Nabob, but also to all the other objects of the tax.

Before I proceed, I will beg leave to state to you briefly the nature of these jaghires. The jaghiredars, the holders of jaghires, form the body of the principal Mahometan nobility. The great nobility of that country are divided into two parts. One part consists of the zemindars, who are the ancient proprietors of land, and the hereditary nobility of the country: these are mostly Gentoos. The Mahometans form the other part, whose whole interest in the land consists in the jaghires: for very few indeed of them are zemindars anywhere, in some of the provinces none of them are so; the whole of them are jaghiredars.

We have heard, my Lords, much discussion about jaghires. It is in proof before your Lordships that they are of two sorts: that a jaghire signifies exactly what the word *fee* does in the English language, or *feodum* in the barbarous Latin of the Feudists; that it is a word which signifies a salary or a maintenance, as did originally the English word *fee*, derived from the word *feod* and *feodum*. These jaghires, like other fees and like other feods, were given in land, as a maintenance: some with the condition of service, some without any condition; some were annexed to an office, some were

granted as the support of a dignity, and none were granted for a less term than life, except those that were immediately annexed to a lease. We have shown your Lordships (and in this we have followed the example of Mr. Hastings) that some of them are fees granted actually in perpetuity; and in fact many of them are so granted. We are farther to tell your Lordships, that by the custom of the empire they are almost all grown, as the feods in Europe are grown, by use, into something which is at least virtually an inheritance. This is the state of the jaghires and jaghiredars.

Among these jaghires we find, what your Lordships would expect to find, an ample provision for all the nobility of that illustrious family of which the Nabob is the head: a prince whose family, both by father and mother, notwithstanding the slander of the prisoner against his benefactor, was undoubtedly of the first and most distinguished nobility of the Mahometan empire. Accordingly, his uncles, all his near relations, his mother, grandmother, all possessed jaghires, some of very long standing, and most of them not given by the Nabob.

I take some pains in explaining this business, because I trust your Lordships will have a strong feeling against any confiscation for the purpose of revenue. Believe me, my Lords, if there is anything which will root the present order of things out of Europe, it will begin, as we see it has already begun in a neighboring country, by confiscating, for the purposes of the state, grants made to classes of men, let them be held by what names or be supposed susceptible of what abuses soever. I will venture to say that Jacobinism never can strike a more deadly blow against property, rank, and dignity than your Lordships, if you were to acquit this man, would strike against your own dignity, and the very being of the society in which we live.

Your Lordships will find in your printed Minutes who the jaghiredars were, and what was the amount of their estates. The jaghires of which Mr. Hastings authorized the confiscation, or what he calls a *resumption*, appear from Mr. Purling's account, when first the forced loan was levied upon them under his Residentsip, to amount to 285,000*l.* sterling per annum; which 285,000*l.*, if rated and valued according to the different value of provisions and other necessaries of life in that country and in England, will amount, as near as may be, to about 600,000*l.* a year. I am within compass. Everybody conversant with India will say it is equivalent at least to 600,000*l.* a year in England; and what a blow such a confiscation as this would be on the fortunes of the peers of Great Britain your Lordships will judge. I like to see your estates as great as they are; I wish they were greater than they are; but whatever they are, I wish, above all that they should be perpetual. For dignity and property in this country, *Esto perpetua* shall be my prayer this day, and the last prayer of my life. The Commons, therefore, of Great Britain, those guardians of property, who will not suffer the monarch they love, the government which they adore, to levy one shilling upon the subject in any other way than the law and statutes of this kingdom prescribe, will not suffer, nor can they bear the idea, that any single class of people should be chosen to be the objects of a contrary conduct, nor that even the Nabob of Oude should be permitted to act upon such a flagitious principle. When an English governor has substituted a power of his own instead of the legal government of the country, as I have proved this man to have done, if he found the prince going to do an act which would shake the property of all the nobility of the country, he surely ought to raise his hand and say, "You shall not make my name your sanction for such an atrocious and abominable act as this confiscation would be."

Mr. Hastings, however, whilst he gives, with an urbanity for which he is so much praised, his consent to this confiscation, adds, there must be pensions secured for all persons losing their estates, who had the security of our guaranty. Your Lordships know that Mr. Hastings, by his guaranty, had secured their jaghires to the Nabob's own relations and family. One would have imagined, that, if the estates of those who were without any security were to be confiscated at his pleasure, those at least who were guarantied by the Company, such as the Begums of Oude and several of the principal nobility of the Nabob's family, would have been secure. He, indeed, says that pensions shall be given them; for at this time he had not got the length of violating, without shame or remorse, all the guaranties of the Company. "There shall," says he, "be pensions given." If pensions were to be given

to the value of the estate, I ask, What has this violent act done? You shake the security of property, and, instead of suffering a man to gather his own profits with his own hands, you turn him into a pensioner upon the public treasury. I can conceive that such a measure will render these persons miserable dependants instead of independent nobility; but I cannot conceive what financial object can be answered by paying that in pension which you are to receive in revenue. This is directly contrary to financial economy. For when you stipulate to pay out of the treasury of government a certain pension, and take upon you the receipts of an estate, you adopt a measure by which government is almost sure of being a loser. You charge it with a certain fixed sum, and, even upon a supposition that under the management of the public the estate will be as productive as it was under the management of its private owner, (a thing highly improbable,) you take your chance of a reimbursement subject to all the extra expense, and to all the accidents that may happen to a public revenue. This confiscation could not, therefore, be justified as a measure of economy; it must have been designed merely for the sake of shaking and destroying the property of the country.

The whole transaction, my Lords, was an act of gross violence, ushered in by a gross fraud. It appears that no pensions were ever intended to be paid; and this you will naturally guess would be the event, when such a strange metamorphosis was to be made as that of turning a great landed interest into a pensionary payment. As it could answer no other purpose, so it could be intended for no other, than that of getting possession of these jaghires by fraud. This man, my Lords, cannot commit a robbery without indulging himself at the same time in the practice of his favorite arts of fraud and falsehood.

And here I must again remind your Lordships, that at the time of the treaty of Chunar the jaghires were held in the following manner. Of the 285,000*l.* a year which was to be confiscated, the old grants of Sujah Dowlah, [and?] the grandfather of the Nabob, amounted to near two thirds of the whole, as you will find in the paper to which we refer you. By this confiscation, therefore, the Nabob was authorized to *resume* grants of which he had not been the grantor.

[Mr. Burke here read the list of the jaghires.]

Now, my Lords, you see that all these estates, except 25,782*l.* a year, were either jaghires for the Nabob's own immediate family, settled by his father upon his mother, and by his father's father upon his grandmother, and upon Salar Jung, his uncle, or were the property of the most considerable nobility, to the gross amount of 285,000*l.* Mr. Hastings confesses that the Nabob reluctantly made the confiscation to the extent proposed. Why? "Because," says he, "the orderlies, namely, certain persons so called, subservient to his debaucheries, were persons whom he wished to spare." Now I am to show you that this man, whatever faults he may have in his private morals, (with which we have nothing at all to do,) has been slandered throughout by Mr. Hastings. Take his own account of the matter. "The Nabob," says he, "would have confiscated all the rest, except his orderlies, whom he would have spared; but I, finding where his partiality lay, compelled him to sacrifice the whole; for otherwise he would have sacrificed the good to save the bad: whereas," says Mr. Hastings, "in effect my principle was to sacrifice the good, and at the same time to punish the bad." Now compare the account he gives of the proceedings of Asoph ul Dowlah with his own. Asoph ul Dowlah, to save some unworthy persons who had jaghires, would, if left to his own discretion, have confiscated those only of the deserving; while Mr. Hastings, to effect the inclusion of the worthless in the confiscation, confiscates the jaghires of the innocent and the virtuous men of high rank, and of those who had all the ties of Nature to plead for the Nabob's forbearance, and reduced them to a state of dependency and degradation.

Now, supposing these two villanous plans, neither of which your Lordships can bear to hear the sound of, to stand equal in point of morality, let us see how they stand in point of calculation. The unexceptionable part of the 285,000*l.* amounted to 260,000*l.* a year; whereas, supposing every part of the new grants had been made to the most unworthy persons, it only amounted to 25,000*l.*

a year. Therefore, by his own account, given to you and to the Company, upon this occasion he has confiscated 260,000*l.* a year, the property of innocent, if not of meritorious individuals, in order to punish by confiscation those who had 25,000*l.* a year only. This is the account he gives you himself of his honor, his justice, and his policy in these proceedings.

But, my Lords, he shall not escape so. It is in your minutes, that so far was the Nabob from wishing to save the new exceptionable grants, that, at the time of the forced loan I have mentioned, and also when the resumption was proposed, he was perfectly willing to give up every one of them, and desired only that his mother, his uncles, and his relations, with other individuals, the prime of the Mahometan nobility of that country, should be spared. Is it not enough that this poor Nabob, this wretched prince, is made a slave to the man now standing at your bar, that he is made by him a shame and a scandal to his family, his race, and his country, but he must be cruelly aspersed, and have faults and crimes attributed to him that do not belong to him? I know nothing of his private character and conduct: Mr. Hastings, who deals in scandalous anecdotes, knows them: but I take it upon the face of Mr. Purling's assertion, and I say, that the Nabob would have consented to an arbitrary taxation of the jaghires, and would have given up to absolute confiscation every man except those honorable persons I have mentioned.

The prisoner himself has called Mr. Wombwell to prove the names of those infamous persons with a partiality for whom Mr. Hastings has aspersed the Nabob, in order to lay the ground for the destruction of his family. They amount to only six in number; and when we come to examine these six, we find that their jaghires were perfectly contemptible. The list of the other jaghiredars, your Lordships see, fills up pages; and the amount of their incomes I have already stated. Your Lordships now see how inconsiderable, both in number and amount, were the culpable jaghires, in the destruction of which he has involved the greater number and the meritorious. You see that the Nabob never did propose any exemption of the former at any time; that this was a slander and a calumny on that unhappy man, in order to defend the violent acts of the prisoner, who has recourse to slander and calumny as a proper way to defend violence, outrage, and wrongs.

We have now gone through the first stage of Mr. Hastings's confiscation of the estates of these unhappy people. When it came to be put in execution, Mr. Middleton finds the Nabob reluctant in the greatest degree to make this sacrifice of his family and of all his nobility. It touched him in every way in which shame and sympathy can affect a man. He falls at the feet of Mr. Middleton; he says, "I signed the treaty of Chunar upon an assurance that it was never meant to be put in force." Mr. Middleton nevertheless proceeds; he sends the family of the Nabob out of the country; but he entertains fears of a general revolt as the consequence of this tyrannical act, and refers the case back to Mr. Hastings, who insists upon its being executed in its utmost extent. The Nabob again remonstrates in the strongest manner; he begs, he prays, he dissembles, he delays. One day he pretends to be willing to submit, the next he hangs back, just as the violence of Mr. Hastings or his own natural feelings and principles of justice dragged him one way or dragged him another. Mr. Middleton, trembling, and under the awe of that *dreadful responsibility* under which your Lordships may remember Mr. Hastings had expressly laid him upon that occasion, ventures at once to usurp the Nabob's government. He usurped it openly and avowedly. He declared that he himself would issue his purwannahs as governor of the country, for the purpose of executing this abominable confiscation. He assumed, I say, to himself the government of the country, and Mr. Hastings had armed him with a strong military force for that purpose; he declared he would order those troops to march for his support; he at last got this reluctant, struggling Nabob to consent in the manner we have described.

I shall now read to your Lordships Mr. Middleton's letters, that you may hear these men with their own mouths describing their own acts, and that your Lordships may then judge whether the highest tone and language of crimination comes up to their own description of their own proceedings.

"Lucknow, the 6th of Dec., 1781.

"Finding the Nabob wavering in his determination about the resumption of the jaghires, I this day, in presence of, and with the minister's concurrence, ordered the necessary purwannahs to be written to the several aumils for that purpose, and it was my firm resolution to have dispatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed, I received a message from the Nabob, who had been informed by the minister of the resolution I had taken, entreating that I would withhold the purwannahs till to-morrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the dispatch of the purwannahs appeared of little moment, and as it is possible the Nabob, seeing that the business will at all events be done, may make it an act of his own, I have consented to indulge him in his request; but, be the result of our interview whatever it may, nothing shall prevent the orders being issued to-morrow, either by him or myself, with the concurrence of the ministers. Your pleasure respecting the Begums I have learnt from Sir Elijah, and the measure heretofore proposed will soon follow the resumption of the jaghires; from both, or, indeed, from the former alone, I have no doubt of the complete liquidation of the Company's balance."

"Lucknow, the 7th Dec., 1781.

"My dear Sir,—I had the honor to address you yesterday, informing you of the steps I had taken in regard to the resumption of the jaghires. This morning the Vizier came to me, according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for, after a great deal of conversation, consisting on his part of trifling evasion and puerile excuses for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource than the one of employing that exclusive authority with which I consider your instructions to vest me. I therefore declared to the Nabob, in presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power towards liquidating his heavy accumulated debt to the Company, and that I must in consequence determine, in my own justification, to issue immediately the purwannahs, which had only been withheld in the sanguine hope that he would be prevailed upon to make that his own act, which nothing but the most urgent necessity could force me to make mine. He left me without any reply, but afterwards sent for his minister, and authorized him to give me hopes that my requisition would be complied with; on which I expressed my satisfaction, but declared that I could admit of no further delays, and, unless I received his Excellency's formal acquiescence before the evening, I should then most assuredly issue my purwannahs: which I have accordingly done, not having had any assurances from his Excellency that could justify a further suspension. I shall as soon as possible inform you of the effect of the purwannahs, which in many parts I am apprehensive it will be found necessary to enforce with military aid; I am not, however, entirely without hopes that the Nabob, when he sees the inefficacy of further opposition, may alter his conduct, and prevent the confusion and disagreeable consequences which would be too likely to result from the prosecution of a measure of such importance without his concurrence. His Excellency talks of going to Fyzabad, for the purpose heretofore mentioned, in three or four days; I wish he may be serious in this intention, and you may rest assured I shall spare no pains to keep him to it."

"Lucknow, 28th December, 1781.

"If your new demand is to be insisted upon, which your letter seems to portend, I must beg your precise orders upon it; as, from the difficulties I have within these few days experienced in carrying the points you had enjoined with the Nabob, I have the best grounds for believing that he would consider it a direct breach of the late agreement, and totally reject the proposal as such; and I must own to you, that, in his present fermented state of mind, I could expect nothing less than despair and a declared rupture.

"He has by no means been yet able to furnish me with means of paying off the arrears due to the temporary brigade, to the stipulated term of its continuance in his service. The funds necessary for paying off and discharging his own military establishment under British officers, and his pension list, have been raised, on the private credit of Mr. Johnson and myself, from the shroffs of this place, to whom we are at this moment pledged for many lacs of rupees; and without such aid, which I freely and at all hazards yielded, because I conceived it was your anxious desire to relieve the Nabob as soon as possible of this heavy burden, the establishment must have been at his charge to this time, and probably for months to come, while his resources were strained to the utmost to furnish jaidads for its maintenance to this period. I therefore hesitate not to declare it utterly impossible for him, under any circumstances whatever, to provide funds for the payment of the troops you now propose to send him.

"The wresting Furruckabad, Kyraghur, and Fyzoola Khân's country from his government, (for in that light, my dear Sir, I can faithfully assure you, he views the measures adopted in respect to those countries,) together with the resumption of all the jaghires, so much against his inclination, have already brought the Nabob to a persuasion that nothing less than his destruction, or the annihilation of every shadow of his power, is meant; and all my labors to convince him to the contrary have proved abortive. A settled melancholy has seized him, and his health is reduced beyond conception; and I do most humbly believe that the march of four regiments of sepoy towards Lucknow, under whatever circumstances it might be represented, would be considered by him as a force ultimately to be used in securing his person. In short, my dear Sir, it is a matter of such immediate moment, and involving, apparently, such very serious and important consequences, that I have not only taken upon me to suspend the communication of it to the Nabob until I should be honored with your further commands, but have also ventured to write the inclosed letter to Colonel Morgan: liberties which I confidently trust you will excuse, when you consider that I can be actuated by no other motive than a zeal for the public service, and that, if, after all, you determine that the measure shall be insisted on, it will be only the loss of six or at most eight days in proposing it. But in the last event, I earnestly entreat your orders may be explicit and positive, that I may clearly know what lengths you would wish me to proceed in carrying them into execution. I again declare it is my firm belief, and assure yourself, my dear Mr. Hastings, I am not influenced in this declaration by any considerations but my public duty and my personal attachment to you, that the enforcing the measure you have proposed would be productive of an open rupture between us and the Nabob; nay, that the first necessary step towards carrying it into effect must be, on our part, a declaration of hostility."

Your Lordships have now before your eyes proofs, furnished by Mr. Hastings himself from his correspondence with Mr. Middleton, irrefragable proofs, that this Nabob, who is stated to have made the proposition himself, was dragged to the signature of it; and that the troops which are supposed, and fraudulently stated, (and I wish your Lordships particularly to observe this,) to have been sent to assist him in this measure, were considered by him as a body of troops sent to imprison him, and to free him from all the troubles and pains of government.

When Mr. Hastings sent the troops for the purpose, as he pretended, of assisting the Nabob in the execution of a measure which was really adopted in direct opposition to the wishes of that prince, what other conclusion could be drawn, but that they were sent to overawe, not to assist him? The march of alien troops into a country upon that occasion could have no object but hostility; they could have been sent with no other design but that of bringing disgrace upon the Nabob, by making him the instrument of his family's ruin, and of the destruction of his nobility. Your Lordships, therefore, will not wonder that this miserable man should have sunk into despair, and that he should have felt the weight of his oppression doubly aggravated by its coming from such a man as Mr. Hastings, and by its being enforced by such a man as Mr. Middleton.

And here I must press one observation upon your Lordships: I do not know a greater insult that can be offered to a man born to command than to find himself made the tool of a set of obscure men, come from an unknown country, without anything to distinguish them but an usurped power.

Never shall I, out of compliment to any persons, because they happen to be my own countrymen, disguise my feelings, or renounce the dictates of Nature and of humanity. If we send out obscure people, unknowing and unknown, to exercise such acts as these, I must say it is a bitter aggravation of the victim's suffering. Oppression and robbery are at all times evils; but they are more bearable, when exercised by persons whom we have been habituated to regard with awe, and to whom mankind for ages have been accustomed to bow.

Now does the history of tyranny furnish, does the history of popular violence deposing kings furnish, anything like the dreadful deposition of this prince, and the cruel and abominable tyranny that has been exercised over him? Consider, too, my Lords, for what object all this was done. Was Mr. Hastings endeavoring, by his arbitrary interference and the use of his superior power, to screen a people from the usurpation and power of a tyrant,—from any strong and violent acts against property, against dignity, against nobility, against the freedom of his people? No: you see here a monarch deposed, in effect, by persons pretending to be his allies, and assigning what are pretended to be his wishes as the motive for using his usurped authority in the execution of these acts of violence against his own family and his subjects. You see him struggling against this violent prostitution of his authority. He refuses the sanction of his name, which before he had given up to Mr. Hastings to be used as he pleased, and only begs not to be made an instrument of wrong which his soul abhors, and which would make him infamous throughout the world. Mr. Middleton, however, assumes the sovereignty of the country. "I," he says, "am Nabob of Oude: the jaghires shall be confiscated: I have given my orders, and they shall be supported by a military force."

I am ashamed to have so far distrusted your Lordships' honorable and generous feelings as to have offered you, upon this occasion, any remarks which you must have run before me in making. Those feelings which you have, and ought to have, feelings born in the breasts of all men, and much more in men of your Lordships' elevated rank, render my remarks unnecessary. I need not, therefore, ask what you feel, when a foreign resident at a prince's court takes upon himself to force that prince to act the part of a tyrant, and, upon his resistance, openly and avowedly assumes the sovereignty of the country. You have it in proof that Mr. Middleton did this. He not only put his own name to the orders for this horrible confiscation, but he actually proceeded to dispossess the jaghiredars of their lands, and to send them out of the country. And whom does he send, in the place of this plundered body of nobility, to take possession of the country? Why, the usurers of Benares. Yes, my Lords, he immediately mortgages the whole country to the usurers of Benares, for the purpose of raising money upon it: giving it up to those bloodsuckers, dispossessed of that nobility, whose interest, whose duty, whose feelings, and whose habits made them the natural protectors of the people.

My Lords, we here see a body of usurers put into possession of all the estates of the nobility: let us now see if this act was necessary, even for the avowed purposes of its agents,—the relief of the Nabob's financial difficulties, and the payment of his debts to the Company. Mr. Middleton has told your Lordships that these jaghires would pay the Company's debt completely in two years. Then would it not have been better to have left these estates in the hands of their owners, and to have oppressed them in some moderate, decent way? Might they not have left the jaghiredars to raise the sums required by some settlement with the bankers of Benares, in which the repayment of the money within five or six years might have been secured, and the jaghiredars have had in the mean time something to subsist upon? Oh, no! these victims must have nothing to live upon. They must be turned out. And why? Mr. Hastings commands it.

Here I must come in aid of Mr. Middleton a little; for one cannot but pity the miserable instruments that have to act under Mr. Hastings. I do not mean to apologize for Mr. Middleton, but to pity the situation of persons who, being servants of the Company, were converted, by the usurpation of this man, into his subjects and his slaves. The mind of Mr. Middleton revolts. You see him reluctant to proceed. The Nabob begs a respite. You find in the Resident a willingness to comply. Even Mr. Middleton is placable. Mr. Hastings alone is obdurate. His resolution to rob and to destroy was not

to be moved, and the estates of the whole Mahometan nobility of a great kingdom were confiscated in a moment. Your Lordships will observe that his orders to Mr. Middleton allow no forbearance. He writes thus to him.

"Sir,—My mind has been for some days suspended between two opposite impulses: one arising from the necessity of my return to Calcutta; the other, from the apprehension of my presence being more necessary and more urgently wanted at Lucknow. Your answer to this shall decide my choice.

"I have waited thus long in the hopes of hearing that some progress had been made in the execution of the plan which I concluded with the Nabob in September last. I do not find that any step towards it has been yet taken, though three months are elapsed, and little more than that period did appear to me requisite to have accomplished the most essential parts of it, and to have brought the whole into train. This tardiness, and the opposition prepared to the only decided act yet undertaken, have a bad appearance. I approve the Nabob's resolutions to deprive the Begums of their ill-employed treasures. In both services, it must be your care to prevent an abuse of the powers given to those that are employed in them. You yourself ought to be personally present. You must not allow any negotiation or forbearance, but must prosecute both services, until the Begums are at the entire mercy of the Nabob, their jaghires in the quiet possession of his aumils, and their wealth in such charge as may secure it against private embezzlement. You will have a force more than sufficient to effect both these purposes.

"The reformation of his army and the new settlement of his revenues are also points of immediate concern, and ought to be immediately concluded. Has anything been done in either?

"I now demand and require you most solemnly to answer me. Are you confident in your own ability to accomplish all these purposes, and the other points of my instructions? If you reply that you are, I will depart with a quiet and assured mind to the Presidency, but leave you a dreadful responsibility, if you disappoint me. If you tell me that you cannot rely upon your power, and the other means which you possess for performing these services, I will free you from the charge. I will proceed myself to Lucknow, and I will myself undertake them; and in that case, I desire that you will immediately order bearers to be stationed, for myself and two other gentlemen, between Lucknow and Allahabad, and I will set out from hence in three days after the receipt of your letter.

"I am sorry that I am under the necessity of writing in this pressing manner. I trust implicitly to your integrity, I am certain of your attachment to myself, and I know that your capacity is equal to any service; but I must express my doubts of your firmness and activity, and above all of your recollection of my instructions, and of their importance. My conduct in the late arrangements will be arraigned with all the rancor of disappointed rapacity, and my reputation and influence will suffer a mortal wound from the failure of them. They have already failed in a degree, since no part of them has yet taken place, but the removal of our forces from the Dooab and Rohilcund, and of the British officers and pensioners from the service of the Nabob, and the expenses of the former thrown without any compensation on the Company.

"I expect a supply of money equal to the discharge of all the Nabob's arrears, and am much disappointed and mortified that I am not now able to return with it.

"Give me an immediate answer to the question which I have herein proposed, that I may lose no more time in fruitless inaction."

About this time Mr. Hastings had received information of our inquiries in the House of Commons into his conduct; and this is the manner in which he prepares to meet them. "I must get money. I must carry with me that great excuse for everything, that salve for every sore, that expiation for every crime: let me provide that, all is well. You, Mr. Middleton, try your nerves: are you equal to these services? Examine yourself; see what is in you: are you man enough to come up to it?" says the great robber to the little robber, says Roland the Great to his puny accomplice. "Are you equal to it? Do you feel yourself a man? If not, send messengers and dawks to me, and I, the great master

tyrant, will come myself, and put to shame all the paltry delegate tools of despotism, that have not edge enough to cut their way through and do the services I have ordained for them."

I have already stated to your Lordships his reason and motives for this violence, and they are such as aggravated his crime by attempting to implicate his country in it. He says he was afraid to go home without having provided for the payment of the Nabob's debt. Afraid of what? Was he afraid of coming before a British tribunal, and saying, "Through justice, through a regard for the rights of an allied sovereign, through a regard to the rights of his people, I have not got so much as I expected"? Of this no man could be afraid. The prisoner's fear had another origin. "I have failed," says he to himself, "in my first project. I went to Benares to rob; I have lost by my violence the fruits of that robbery. I must get the money somewhere, or I dare not appear before a British House of Commons, a British House of Lords, or any other tribunal in the kingdom; but let me get money enough, and they won't care how I get it. The estates of whole bodies of nobility may be confiscated; a people who had lived under their protection may be given up into the hands of foreign usurers: they will care for none of these things; they will suffer me to do all this, and to employ in it the force of British troops, whom I have described as a set of robbers, provided I can get money." These were Mr. Hastings's views; and, in accordance with them, the jaghires were all confiscated, the jaghiredars with their families were all turned out, the possessions delivered up to the usurer, in order that Mr. Hastings might have the excuse of money to plead at the bar of the House of Commons, and afterwards at the bar of the House of Lords. If your Lordships, in your sacred character of the first tribunal in the world, should by your judgment justify those proceedings, you will sanction the greatest wrongs that have been ever known in history.

But to proceed. The next thing to be asked is, Were the promised pensions given to the jaghiredars? I suppose your Lordships are not idle enough to put that question to us. No compensation, no consideration, was given or stipulated for them. If there had been any such thing, the prisoner could have proved it,—he would have proved it. The means were easy to him. But we have saved him the trouble of the attempt. We have proved the contrary, and, if called upon, we will show you the place where this is proved.

I have now shown your Lordships how Mr. Hastings, having with such violent and atrocious circumstances usurped the government of Oude, (I hope I need not use any farther proof that the Nabob was in effect non-existent in the country,) treated all the landed property. The next question will be, How has he treated whatever moneyed property was left in the country? My Lords, he looked over that immense waste of his own creating, not as Satan viewed the kingdoms of the world and saw the power and glory of them,—but he looked over the waste of Oude with a diabolical malice which one could hardly suppose existed in the prototype himself. He saw nowhere above-ground one single shilling that he could attach,—no, not one; every place had been ravaged; no money remained in sight. But possibly some might be buried in vaults, hid from the gripe of tyranny and rapacity. "It must be so," says he. "Where can I find it? how can I get at it? There is one illustrious family that is thought to have accumulated a vast body of treasures, through a course of three or four successive reigns. It does not appear openly; but we have good information that very great sums of money are bricked up and kept in vaults under ground, and secured under the guard and within the walls of a fortress": the residence of the females of the family, a guard, as your Lordships know, rendered doubly and trebly secure by the manners of the country, which make everything that is in the hands of women sacred. It is said that nothing is proof against gold,—that the strongest tower will not be impregnable, if Jupiter makes love in a golden shower. This Jupiter commences making love; but he does not come to the ladies with gold for their persons, he comes to their persons for their gold. This impetuous lover, Mr. Hastings, who is not to be stayed from the objects of his passion, would annihilate space and time between him and his beloved object, the jaghires of these ladies, had now, first, their treasure's affection.

Your Lordships have already had a peep behind the curtain, in the first orders sent to Mr. Middleton. In the treaty of Chunar you see a desire, obliquely expressed, to get the landed estates of all these great families. But even while he was meeting with such reluctance in the Nabob upon this point, and though he also met with some resistance upon the part even of Mr. Middleton, Mr. Hastings appears to have given him in charge some other still more obnoxious and dreadful acts. "While I was meditating," says Mr. Middleton, in one of his letters, "upon this [the resumption of the jaghires], your orders came to me through Sir Elijah Impey." What these orders were is left obscure in the letter: it is yet but as in a mist or cloud. But it is evident that Sir Elijah Impey did convey to him some project for getting at more wealth by some other service, which was not to supersede the first, but to be concurrent with that upon which Mr. Hastings had before given him such dreadful charges and had loaded him with such horrible responsibility. It could not have been anything but the seizure of the Begum's treasures. He thus goaded on two reluctant victims,—first the reluctant Nabob, then the reluctant Mr. Middleton,—forcing them with the bayonet behind them, and urging on the former, as at last appears, to violate the sanctity of his mother's house.

Your Lordships have been already told by one of my able fellow Managers, that Sir Elijah Impey is the person who carried up the message alluded to in Mr. Middleton's letter. We have charged it, as an aggravation of the offences of the prisoner at your bar, that the Chief-Justice, who, by the sacred nature of his office, and by the express provisions of the act of Parliament under which he was sent out to India to redress the wrongs of the natives, should be made an instrument for destroying the property, real and personal, of this people. When it first came to our knowledge that all this private intrigue for the destruction of these high women was carried on through the intrigue of a Chief-Justice, we felt such shame and such horror, both for the instrument and the principal, as I think it impossible to describe, or for anything but complete and perfect silence to express.

But by Sir Elijah Impey was that order carried up to seize and confiscate the treasures of the Begums. We know that neither the Company nor the Nabob had any claim whatever upon these treasures. On the contrary, we know that two treaties had been made for the protection of them. We know that the Nabob, while he was contesting about some elephants and carriages, and some other things that he said were in the hands of their steward, did allow that the treasures in the custody of his grandmother and of his mother's principal servants were their property. This is the Nabob who is now represented by Mr. Hastings and his counsel to have become the instrument of destroying his mother and grandmother, and everything else that ought to be dear to mankind, throughout the whole train of his family.

Mr. Hastings, having resolved to seize upon the treasures of the Begums, is at a loss for some pretence of justifying the act. His first justification of it is on grounds which all tyrants have ready at their hands. He begins to discover a legal title to that of which he wished to be the possessor, and on this title sets up a claim to these treasures. I say Mr. Hastings set up this claim, because by this time I suppose your Lordships will not bear to hear the Nabob's name on such an occasion. The prisoner pretended, that, by the Mahometan law, these goods did belong to the Nabob; but whether they did or did not, he had himself been an active instrument in the treaty for securing their possession to the Begums,—a security which he attempts to unlock by his constructions of the Mahometan law. Having set up this title, the guaranty still remained; and how is he to get rid of that? In his usual way. "You have rebelled, you have taken up arms against your own son," (for that is the pretext,) "and therefore my guaranty is gone, and your goods, whether you have a title to them or not, are to be confiscated for your rebellion." This is his second expedient by way of justification.

Your Lordships will observe the strange situation in which we are here placed. If the fact of the rebellion can be proved, the discussion of the title to the property in question will be totally useless; for, if the ladies had actually taken up arms to cut the Nabob's throat, it would require no person to come from the dead to prove to us that the Nabob, but not Mr. Hastings, had a right, for his own security and for his own indemnification, to take those treasures, which, whether they belonged to

him or not, were employed in hostilities against him. The law of self-defence is above every other law; and if any persons draw the sword against you, violence on your part is justified, and you may use your sword to take from them that property by which they have been enabled to draw their sword against you.

But the prisoner's counsel do not trust to this justification; they set up a title of right to these treasures: but how entirely they have failed in their attempts to substantiate either the one or the other of these his alleged justifications your Lordships will now judge. And first with regard to the title. The treasure, they say, belonged to the state. The grandmother and mother have robbed the son, and kept him out of his rightful inheritance. They then produce the Hedaya to show you what proportion of the goods of a Mussulman, when he dies, goes to his family; and here, certainly, there is a question of law to be tried. But Mr. Hastings is a great eccentric genius, and has a course of proceeding of his own: he first seizes upon the property, and then produces some Mahometan writers to prove that it did not belong to the persons who were in possession of it. You would naturally expect, that, when he was going to seize upon those goods, he would have consulted his Chief-Justice, (for, as Sir Elijah Impey went with him, he might have consulted him,) and have thus learnt what was the Mahometan law: for, though Sir Elijah had not taken his degree at a Mahometan college, though he was not a mufti or a moulavy, yet he had always muftis and moulavies near him, and he might have consulted them. But Mr. Hastings does not even pretend that such consultations or conferences were ever had. If he ever consulted Sir Elijah Impey, where is the report of the case? When were the parties before him? Where are the opinions of the moulavies? Where is the judgment of the Chief-Justice? Was he fit for nothing but to be employed as a messenger, as a common tipstaff? Was he not fit to try these rights, or to decide upon them? He has told you here, indeed, negatively, that he did not know any title Mr. Hastings had to seize upon the property of the Begums, except upon his hypothesis of the rebellion. He was asked if he knew any other. He answered, No. It consequently appears that Mr. Hastings, though he had before him his doctors of all laws, who could unravel for him all the enigmas of all the laws in the world, and who had himself shone upon questions of Mahometan law, in the case of the Nuddea Begum, did not dare to put this case to Sir Elijah Impey, and ask what was his opinion concerning the rights of these people. He was tender, I suppose, of the reputation of the Chief-Justice. For Sir Elijah Impey, though a very good man to write a letter, or take an affidavit in a corner, or run on a message, to do the business of an under-sheriff, tipstaff, or bum-bailiff, was not fit to give an opinion on a question of Mahometan law.

You have heard Ali Ibrahim Khân referred to. This Mahometan lawyer was carried by Mr. Hastings up to Benares, to be a witness of the vast good he had done in that province, and was made Chief-Justice there. All, indeed, that we know of him, except the high character given of him by Mr. Hastings, is, I believe, that he is the Ali Ibrahim Khân whom in the Company's records I find mentioned as a person giving bribes upon some former occasion to Mr. Hastings; but whatever he was besides, he was a doctor of the Mahometan law, he was a mufti, and was made by Mr. Hastings the principal judge in a criminal court, exercising, as I believe, likewise a considerable civil jurisdiction, and therefore he was qualified as a lawyer; and Mr. Hastings cannot object to his qualifications either of integrity or of knowledge. This man was with him. Why did not he consult him upon this law? Why did he not make him out a case of John Doe and Richard Roe, of John Stokes and John à Nokes? Why not say, "Sinub possesses such things, under such and such circumstances: give me your opinion upon the legality of the possession"? No, he did no such thing.

Your Lordships, I am sure, will think it a little extraordinary, that neither this chief-justice made by himself, nor that other chief-justice whom he led about with him in a string,—the one an English chief-justice, with a Mahometan suit in his court, the other a Mahometan chief-justice of the country,—that neither of them was consulted as lawyers by the prisoner. Both of them were, indeed, otherwise employed by him. For we find Ali Ibrahim Khân employed in the same subservient capacity in which Sir Elijah Impey was,—in order, I suppose, to keep the law of England and the law of

Mahomet upon a just par: for upon this equality Mr. Hastings always values himself. Neither of these two chief-justices, I say, was ever consulted, nor one opinion taken; but they were both employed in the correspondence and private execution of this abominable project, when the prisoner himself had not either leisure or perhaps courage to give his public order in it till things got to greater ripeness.

To Sir Elijah Impey, indeed, he did put a question; and, upon my word, it did not require an Œdipus or a Sphinx to answer it. Says he, "I asked Sir Elijah Impey." What? a question on the title between the Nabob and his mother? No such thing. He puts an hypothetical question. "Supposing," says he, "a rebellion to exist in that country; will the Nabob be justified in seizing the goods of the rebels?" That is a question decided in a moment; and I must have a malice to Sir Elijah Impey of which I am incapable, to deny the propriety of his answer. But observe, I pray you, my Lords, there is something peculiarly good and correct in it. He does not take upon him to say one word of the actual existence of a rebellion, though he was at the time in the country, and, if there had been any, he must have been a witness to it; but, so chaste was his character as a judge, that he would not touch upon the juries' office. "I am chief-justice here," says he, "though a little wandering out of my orbit; yet still the sacred office of justice is in me. Do you take upon you the fact; I find the law." Were it not for this sacred attention to separate jurisdictions, he might have been a tolerable judge of the fact,—just as good a judge as Mr. Hastings: for neither of them knew it any other way, as it appears afterwards, but by rumor and reports,—reports, I believe, of Mr. Hastings's own raising; for I do not know that Sir Elijah Impey had anything to do with them.

But to proceed. With regard to the title of these ladies, according to the Mahometan law, you have nothing laid before you by the prisoner's counsel but a quotation cut out with the scissors from a Mahometan law-book, (which I suspect very much the learned gentlemen have never read through,) declaring how a Mahometan's effects are to be distributed. But Mr. Hastings could not at the time have consulted that learned counsel who now defends him upon the principles of the Hedaya, the Hedaya not having been then published in English; and I will venture to say, that neither Sir Elijah Impey nor Ali Ibrahim Khân, nor any other person, high or low, in India, ever suggested this defence, and that it was never thought of till lately found by the learned counsel in the English translation of the Hedaya. "God bless me!" now says Mr. Hastings, "what ignorance have I been in all this time! I thought I was seizing this unjustly, and that the pretence of rebellion was necessary; but my counsel have found out a book, since published, and from it they produce the law upon that subject, and show that the Nabob had a right to seize upon the treasures of his mother." But are your Lordships so ignorant—(your Lordships are not ignorant of anything)—are any men so ignorant as not to know that in every country the common law of distribution of the estate of an intestate amongst private individuals is no rule with regard to the family arrangements of great princes? Is any one ignorant, that, from the days of the first origin of the Persian monarchy, the laws of which have become rules ever since for almost all the monarchs of the East, the wives of great men have had, independent of the common distribution of their goods, great sums of money and great estates in land, one for their girdle, one for their veil, and so on, going through the rest of their ornaments and attire,—and that they held great estates and other effects over which the reigning monarch or his successor had no control whatever? Indeed, my Lords, a more curious and extraordinary species of trial than this of a question of right never was heard of since the world began. Mr. Hastings begins with seizing the goods of the Begums at Fyzabad, nine thousand miles from you, and fourteen years after tries the title in an English court, without having one person to appear for these miserable ladies. I trust you will not suffer this mockery; I hope this last and ultimate shame will be spared us: for I declare to God, that the defence, and the principles of it, appear to me ten thousand times worse than the act itself.

Now, my Lords, this criminal, through his counsel, chooses, with their usual flippancy, to say that the Commons have been *cautious* in stating this part of the charge, knowing that they were on tender ground, and therefore did not venture to say *entitled*, but *possessed of* only. A notable discovery indeed! We are as far from being taken in by such miserable distinctions as we are incapable of

making them. We certainly have not said that the Begums were entitled to, but only that they were possessed of, certain property. And we have so said because we were not competent to decide upon their title, because your Lordships are not competent to decide upon their title, because no part of this tribunal is competent to decide upon their title. You have not the parties before you; you have not the cause before you,—but are getting it by oblique, improper, and indecent means. You are not a court of justice to try that question. The parties are at a distance from you; they are neither present themselves, nor represented by any counsel, advocate, or attorney: and I hope no House of Lords will ever judge and decide upon the title of any human being, much less upon the title of the first women in Asia, sequestered, shut up from you, at nine thousand miles' distance.

I believe, my Lords, that the Emperor of Hindostan little thought, while Delhi stood, that an English subject of Mr. Hastings's description should domineer over the Vizier of his empire, and give the law to the first persons in his dominions. He as little dreamed of it as any of your Lordships now dream that you shall have your property seized by a delegate from Lucknow, and have it tried by what tenure a peer or peeress of Great Britain hold, the one his estate, and the other her jointure, dower, or her share of goods, her paraphernalia, in any court of Adawlut in Hindostan. If any such thing should happen, (for we know not what may happen; we live in an age of strange revolutions, and I doubt whether any more strange than this,) the Commons of Great Britain would shed their best blood sooner than suffer that a tribunal at Lucknow should decide upon any of your titles, for the purpose of justifying a robber that has taken your property. We should do the best we could, if such a strange circumstance occurred.

The House of Commons, who are virtually the representatives of Lucknow, and who lately took 500,000*l.* of their money, will not suffer the natives first to be robbed of their property, and then the titles, which by the laws of their own country they have to the goods they possess, to be tried by any tribunal in Great Britain. Why was it not tried in India before Mr. Hastings? One would suppose that an English governor, if called to decide upon such a claim of the Nabob's, would doubtless be attended by judges, muftis, lawyers, and all the apparatus of legal justice. No such thing. This man marches into the country, not with moulavies, not with muftis, not with the solemn apparatus of Oriental justice,—no: he goes with colonels, and captains, and majors,—these are his lawyers: and when he gets there, he demands from the parties, not their title,—no: "Give me your money!" is his cry. It is a shame (and I will venture to say, that these gentlemen, upon recollection, will feel ashamed) to see the bar justify what the sword is ashamed of. In reading this correspondence, I have found these great muftis and lawyers, these great chief-justices, attorneys-general, and solicitors-general, called colonels and captains, ashamed of these proceedings, and endeavoring to mitigate their cruelty; yet we see British lawyers in a British tribunal supporting and justifying these acts, on the plea of defective titles.

The learned counsel asks, with an air of triumph, whether these ladies possessed these treasures by jointure, dower, will, or settlement. What was the title? Was it a deed of gift?—was it a devise?—was it *donatio causâ mortis*?—was it dower?—was it jointure?—what was it? To all which senseless and absurd questions we answer, You asked none of these questions of the parties, when you guarantied to them, by a solemn treaty, the possession of their goods. Then was the time to have asked these questions: but you asked none of them. You supposed their right, and you guarantied it, though you might then have asked what was their right. But besides the force and virtue of the guaranty, these unhappy princesses had ransomed themselves from any claim upon their property. They paid a sum of money, applied to your use, for that guaranty. They had a treble title,—by possession, by guaranty, by purchase.

Again, did you ask these questions, when you went to rob them of their landed estates, their money, their ornaments, and even their wearing-apparel? When you sent those great lawyers, Major —, Major —, and the other majors, and colonels, and captains, did you call on them to exhibit their title-deeds? No: with a pistol at their breast, you demanded their money. Instead of forging a charge

of rebellion against these unhappy persons, why did you not then call on them for their vouchers? No rebellion was necessary to give validity to a civil claim. What you could get by an ordinary judgment did not want confiscation called to its aid. When you had their eunuchs, their ministers, their treasurers, their agents and attorneys in irons, did you then ask any of these questions? No. "Discover the money you have in trust, or *you* go to corporal punishment,—*you* go to the castle of Chunar,—here is another pair of irons!"—this was the only language used.

When the Court of Directors, alarmed at the proceedings against these ancient ladies, ordered their Indian government to make an inquiry into their conduct, the prisoner had then an opportunity and a duty imposed upon him of entering into a complete justification of his conduct: he might have justified it by every civil, and by every criminal mode of process. Did he do this? No. Your Lordships have in evidence the manner, equally despotic, *rebellious*, insolent, fraudulent, tricking, and evasive, by which he positively refused all inquiry into the matter. How stands it now, more than twelve years after the seizure of their goods, at ten thousand miles' distance? You ask of these women, buried in the depths of Asia, secluded from human commerce, what is their title to their estate. Have you the parties before you? Have you summoned them? Where is their attorney? Where is their agent? Where is their counsel? Is this law? Is this a legal process? Is this a tribunal,—the highest tribunal of all,—that which is to furnish the example for, and to be a control on all the rest? But what is worse, you do not come *directly* to the trial of this right to property. You are desired to surround and circumvent it; you are desired obliquely to steal an iniquitous judgment, which you dare not boldly ravish. At this judgment you can only arrive by a side wind. You have before you a criminal process against an offender. One of the charges against him is, that he has robbed matrons of high and reverend place. His defence is, that they had not the apt deeds to entitle them in law to this property. *In* this cause, with only the delinquent party before you, you are called upon to try their title on his allegations of its invalidity, and by acquitting him to divest them not only of their goods, but of their honor,—to call them disseizers, wrong-doers, cheats, defrauders of their own son. No hearing for them,—no pleading,—all appeal cut off. Was ever a man indicted for a robbery, that is, for the forcible taking of the goods possessed by another, suffered to desire the prosecutor to show the deeds or other instruments by which he acquired those goods? The idea is contemptible and ridiculous. Do these men dream? Do they conceive, in their confused imaginations, that you can be here trying such a question, and venturing to decide upon it? Your Lordships will never do that, which if you did do, you would be unfit to subsist as a tribunal for a single hour; and if we, on our part, did not bring before you this attempt, as the heaviest aggravation of the prisoner's crimes, we should betray our trust as representatives of the Commons of Great Britain. Having made this protest in favor of law, of justice, and good policy, permit me to take a single step more.

I will now show your Lordships that it is very possible, nay, very probable, and almost certain, that a great part of what these ladies possessed was a saving of their own, and independent of any grant. It appears in the papers before you, that these unfortunate ladies had about 70,000*l.* a year, landed property. Mr. Bristow states in evidence before your Lordships, that their annual expenses did not exceed a lac and a half, and that their income was about seven lacs; that they had possessed this for twenty years before the death of Sujah Dowlah, and from the death of that prince to the day of the robbery. Now, if your Lordships will calculate what the savings from an income of 70,000*l.* a year will amount to, when the party spends about 15,000*l.* a year, you will see that by a regular and strict economy these people may have saved considerable property of their own, independent of their titles to any other property: and this is a rational way of accounting for their being extremely rich. It may be supposed, likewise, that they had all those advantages which ladies of high rank usually have in that country,—gifts at marriage, &c. We know that there are deeds of gift by husbands to their wives during their lifetime, and many other legal means, by which women in Asia become possessed of very great property. But Mr. Hastings has taught them the danger of much wealth, and the danger of

economy. He has shown them that they are saving, not for their families, for those who may possibly stand in the utmost need of it, but for tyrants, robbers, and oppressors.

My Lords, I am really ashamed to have said so much upon the subject of their titles. And yet there is one observation more to be made, and then I shall have done with this part of the prisoner's defence. It is, that the Nabob himself never has made a claim on this ground; even Mr. Hastings, his despotic master, could never get him regularly and systematically to make such a claim; the very reverse of this is the truth. When urged on to the commission of these acts of violence by Mr. Middleton, you have seen with what horror and how reluctantly he lends his name; and when he does so, he is dragged like a victim to the stake. At the beginning of this affair, where do we find that he entered this claim, as the foundation of it? Upon one occasion only, when dragged to join in this wicked act, something dropped from his lips which seemed rather to have been forced into his mouth, and which he was obliged to spit out again, about the possibility that he might have had some right to the effects of the Begums.

We next come to consider the manner in which these acts of violence were executed. They forced the Nabob himself to accompany their troops, and their Resident, Mr. Middleton, to attack the city and to storm the fort in which these ladies lived, and consequently to outrage their persons, to insult their character, and to degrade their dignity, as well as to rob them of all they had.

That your Lordships may learn something of one of these ladies, called the Munny Begum, I will refer you to Major Browne's evidence,—a man who was at Delhi, the fountain-head of all the nobility of India, and must have known who this lady was that has been treated with such indignity by the prisoner at your bar. Major Browne was asked, "What was the opinion at Delhi respecting the rank, quality, and character of the Princesses of Oude, or of either of them?"—"The elder, or Munny Begum, was," says he, "a woman of high rank: she was, I believe, the daughter of Saadut Ali Khân, a person of high rank in the time of Mahommed Shah."—"Do you know whether any woman in all Hindostan was considered of superior rank or birth?"—He answers, "I believe not, except those of the royal family. She was a near relation to Mirza Shaffee Khân, who was a noble of nobles, the first person at that day in the empire." In answer to another question put by a noble Lord, in the same examination, respecting the conversation which he had with Mirza Shaffee Khân, and of which he had given an account, he says, "He [Mirza Shaffee Khân] spoke of the attempt to seize the treasures of the Begums, which was then suspected, in terms of resentment, and as a disgrace in which he participated, as being related by blood to the house of Sufdar Jung, who was the husband of the old Begum." He says afterwards, in the same examination, that he, the Begum's husband, was the second man, and that her father was the first man, in the Mogul empire. Now the Mogul empire, when this woman came into the world, was an empire of that dignity that kings were its subjects; and this very Mirza Shaffee Khân, that we speak of, her near relation, was then a prince with a million a year revenue, and a man of the first rank, after the Great Mogul, in the whole empire.

My Lords, these were people that ought to have been treated with a little decorum. When we consider the high rank of their husbands, their fathers, and their children, a rank so high that we have nothing in Great Britain to compare with theirs, we cannot be surprised that they were left in possession of great revenues, great landed estates, and great moneyed property. All the female parts of these families, whose alliance was, doubtless, much courted, could not be proffered in marriage, and endowed in a manner agreeably to the dignity of such persons, but with great sums of money; and your Lordships must also consider the multitude of children of which these families frequently consisted. The consequences of this robbery were such as might naturally be expected. It is said that not one of the females of this family has since been given in marriage.

But all this has nothing to do with the rebellion. If they had, indeed, rebelled to cut their own son's throat, there is an end of the business. But what evidence have you of this fact? and if none can be produced, does not the prisoner's defence aggravate infinitely his crime and that of his agents? Did they ever once state to these unfortunate women that any such rebellion existed? Did they ever

charge them with it? Did they ever set the charge down in writing, or make it verbally, that they had conspired to destroy their son, a son whom Mr. Hastings had brought there to rob them? No, this was what neither Mr. Hastings nor his agent ever did: for as they never made a civil demand upon them, so they never made a criminal charge against them, or against any person belonging to them.

I save your Lordships the trouble of listening to the manner in which they seized upon these people, and dispersed their guard. Mr. Middleton states, that they found great difficulties in getting at their treasures,—that they stormed their forts successively, but found great reluctance in the sepoys to make their way into the inner inclosures of the women's apartments. Being at a loss what to do, their only resource, he says, was to threaten that they would seize their eunuchs. These are generally persons who have been bought slaves, and who, not having any connections in the country where they are settled, are supposed to guard both the honor of the women, and their treasures, with more fidelity than other persons would do. We know that in Constantinople, and in many other places, these persons enjoy offices of the highest trust, and are of great rank and dignity; and this dignity and rank they possess for the purpose of enabling them to fulfil their great trusts more effectually. The two principal eunuchs of the Begums were Jewar and Behar Ali Khân, persons of as high rank and estimation as any people in the country. These persons, however, were seized, not, says Mr. Hastings, for the purpose of extorting money, as assumed in the charge, but as agents and principal instruments of exciting the insurrection before alluded to, &c. Mr. Hastings declares that they were not seized for the purpose of extorting money, but that they were seized in order to be punished for their crimes, and, *eo nomine*, for this crime of rebellion. Now this crime could not have been committed immediately by [the?] women themselves; for no woman can come forward and head her own troops. We have not heard that any woman has done so since the time of Zenobia, in another part of the East; and we know that in Persia no person can behold the face of a woman of rank, or speak to females of condition, but through a curtain: therefore they could not go out themselves, and be active in a rebellion. But, I own, it would be some sort of presumption against them, if Jewar Ali Khân and Behar Ali Khân had headed troops, and been concerned in acts of rebellion; and the prisoner's counsel have taken abundance of pains to show that such persons do sometimes head armies and command legions in the East. This we acknowledge that they sometimes do. If these eunuchs had behaved in this way, if they had headed armies and commanded legions for the purposes of rebellion, it would have been a fair presumption that their mistresses were concerned in it. But instead of any proof of such facts, Mr. Hastings simply says, "We do not arrest them for the purpose of extorting money, but as a punishment for their crimes." By Mr. Middleton's account you will see the utter falsity of this assertion. God knows what he has said that is true. It would, indeed, be singular not to detect him in a falsity, but in a truth. I will now show your Lordships the utter falsity of this wicked allegation.

There is a letter from Mr. Middleton to Sir Elijah Impey, dated Fyzabad, the 25th of January, 1782, to which I will call your Lordships' attention.

"Dear Sir Elijah,—I have the satisfaction to inform you that we have at length so far obtained the great object of our expedition to this place as to commence on the receipt of money, of which, in the course of this day, we have got about six lacs. I know not yet what amount we shall actually realize, but I think I may safely venture to pronounce it will be equal to the liquidation of the Company's balance. It has been at once the most important and the most difficult point of duty which has ever occurred in my office; and the anxiety, the hopes and fears, which have alternately agitated my mind, cannot be described or conceived but by those who have been witness to what has passed in the course of this long contest. The [Nabob's] ministers have supported me nobly, and deserve much commendation. Without the shrewd discernment and knowledge of the finesse and tricks of the country which Hyder Beg Khân possesses, I believe we should have succeeded but indifferently; for I soon found that no real advantage was to be obtained by proceeding at once to violent extremities with the Begum, and that she was only to be attacked through the medium of her confidential servants, who it required considerable address to get hold of. However, we at last effected it; and by using some few severities

with them, we at length came at the secret hoards of this old lady. I will write you more particulars hereafter.

"I am sorry to inform you my little boy still continues in a very precarious way, though somewhat better than when I had last the honor to address you. My respects to Lady Impey. And believe me, with great regard, my dear Sir Elijah, your faithful, obliged, and most affectionate humble servant,

"NATHANIEL MIDDLETON."

My Lords, we produce this letter to your Lordships, because it is a letter which begins with "*Dear Sir Elijah*," and alludes to some family matters, and is therefore more likely to discover the real truth, the true genius of a proceeding, than all the formal and official stuff that ever was produced. You see the tenderness and affection in which they proceed. You see it is his *dear Sir Elijah*. You see that he does not tell the dear Sir Elijah, the Chief-Justice of India, the pillar of the law, the great conservator of personal liberty and private property,—he does not tell him that he has been able to convict these eunuchs of any crime; he does not tell him he has the pleasure of informing him what matter he has got upon which a decision at law may be grounded; he does not tell him that he has got the least proof of the want of title in those ladies: not a word of the kind. You cannot help observing the soft language used in this tender billet-doux between Mr. Middleton and Sir Elijah Impey. You would imagine that they were making love, and that you heard the voice of the turtle in the land. You hear the soft cooing, the gentle addresses,—"*Oh, my hopes!*" to-day, "*My fears!*" to-morrow,—all the language of friendship, almost heightened into love; and it comes at last to "*I have got at the secret hoards of these ladies*.—Let us rejoice, my dear Sir Elijah; this is a day of rejoicing, a day of triumph; and this triumph we have obtained by seizing upon the old lady's eunuchs,—in doing which, however, we found a great deal of difficulty." You would imagine, from this last expression, that it was not two eunuchs, with a few miserable women clinging about them, that they had to seize, but that they had to break through all the guards which we see lovers sometimes breaking through, when they want to get at their ladies. Hardly ever did the beauty of a young lady excite such rapture; I defy all the charms this country can furnish to produce a more wonderful effect than was produced by the hoards of these two old women, in the bosoms of Sir Elijah Impey and Mr. Middleton. "*We have got*," he exultingly says, "*we have got to the secret hoards of this old lady!*" And I verily believe there never was a passion less dissembled; there Nature spoke; there was truth triumphant, honest truth. Others may feign a passion; but nobody can doubt the raptures of Mr. Hastings, Sir Elijah Impey, and Mr. Middleton.

My Lords, one would have expected to have found here something of their crimes, something of their rebellion, for he talks of a few "*necessary severities*." But no: you find the real criminal, the real object, was the secret hoards of the old ladies. It is true, *a few severities* were necessary to obtain that object: however, they did obtain it. How then did they proceed? First, they themselves took and received, in weight and tale, all the money that was in the place. I say *all*; for whether there was any more they never have discovered, with all their search, from that day to this. Therefore we fairly presume that they had discovered all that there was to discover with regard to money. They next took from these unfortunate people an engagement for the amount of treasure at a definite sum, without knowing whether they had it or not, whether they could procure it or not. The Bhow Begum has told us, as your Lordships have it in evidence, that they demanded from her a million of money; that she, of course, denied having any such sums; but Mr. Middleton forced her unfortunate eunuchs or treasurers, by some *few severities*, to give their bond for 600,000*l*.

You would imagine, that, when these eunuchs had given up all that was in their power, when they had given a bond for what they had not, (for they were only the treasurers of other people,) that the bond would not have been rigidly exacted. But what do Mr. Hastings and Mr. Middleton, as soon as they get their plunder? They went to their own assay-table, by which they measured the rate of exchange between the coins in currency at Oude and those at Calcutta, and add the difference to the sum for which the bond was given. Thus they seize the secret hoards, they examine it as if they were

receiving a debt, and they determine what this money would and ought to produce at Calcutta: not considering it as coming from people who gave all they had to give, but as what it would produce at the mint at Calcutta, according to a custom made for the profit of the Residents; even though Mr. Hastings, upon another occasion, charged upon Mr. Bristow as a crime that he had made that profit. This money, my Lords, was taken to that assay-table, which they had invented for their own profit, and they made their victims pay a rupee and a half batta, or exchange of money, upon each gold mohur; by which and other charges they brought them 60,000*l.* more in debt, and forced them to give a bond for that 60,000*l.*

Your Lordships have seen in what manner these debts were contracted,—and that they were contracted by persons engaging, not for themselves, for they had nothing; all their property was apparently their mistresses'. You will now see in what manner the payment of them was exacted; and we shall beg leave to read to you their own accounts of their own proceedings. Your Lordships will then judge whether they were proceeding against rebels as rebels, or against wealthy people as wealthy people, punishing them, under pretence of crimes, for their own profit.

In a letter from Mr. Middleton to Mr. Hastings, after two other paragraphs, he goes on thus.

"It remained only to get possession of her wealth; and to effect this, it was then and is still my firm and unalterable opinion that it was indispensably necessary to employ temporizing expedients, and to work upon the hopes and fears of the Begum herself, and more especially upon those of her principal agents, through whose means alone there appeared any probable chance of our getting access to the hidden treasures of the late Vizier; and when I acquaint you that by far the greatest part of the treasure which has been delivered to the Nabob was taken from the most secret recesses in the houses of the two eunuchs, whence, of course, it could not have been extracted without the adoption of those means which could induce the discovery, I shall hope for your approbation of what I did. I must also observe, that no further rigor than that which I exerted could have been used against females in this country, to whom there can be no access. The Nabob and Salar Jung were the only two that could enter the zenanah: the first was a son, who was to address a parent, and, of course, could use no language or action but that of earnest and reiterated solicitation; and the other was, in all appearance, a traitor to our cause. Where force could be employed, it was not spared: the troops of the Begum were driven away and dispersed; their guns taken; her fort, and the outward walls of her house seized and occupied by our troops, at the Nabob's requisition; and her chief agents imprisoned and put in irons. No further step was left. And in this situation they still remain, and are to continue (excepting only a remission of the irons) until the final liquidation of the payment; and if then you deem it proper, no possible means of offence being left in her hands or those of her agents, all her lands and property having been taken, I mean, with your sanction, to restore her house and servants to her, and hope to be favored with your early reply, as I expect that a few days will complete the final surrender of all that is further expected from the Begum."

There are some things in this letter which I shall beg your Lordships to remark. There is mention made of a few preliminary severities used by Mr. Middleton, in order to get at their money. Well, he did get at the money, and he got a bond for the payment of an additional sum, which they thought proper to fix at about six hundred thousand pounds, to which was added another usurious bond for sixty thousand; and in order to extort these forced bonds, and to make up their aggravated crimes of usury, violence, and oppression, they put these eunuchs into prison, without food and water, and loaded their limbs with fetters. This was their second imprisonment; and what followed these few severities your Lordships will remark,—still more severities. They continued to persecute, to oppress, to work upon these men by torture and by the fear of torture, till at last, having found that all their proceedings were totally ineffectual, they desire the women to surrender their house; though it is in evidence before you, that to remove a woman from her own house to another house without her consent is an outrage of the greatest atrocity, on account of which many women have not only threatened, but have actually put themselves to death. Mr. Hastings himself, in the case of Munny

Begum, had considered such a proposition as the last degree of outrage that could be offered. These women offered to go from house to house while their residence was searched; but "No," say their tormentors, "the treasure may be bricked up, in so large a house, in such a manner that we cannot find it."

But to proceed with the treatment of these unfortunate men. I will read to your Lordships a letter of Mr. Middleton to Captain Leonard Jaques, commanding at Fyzabad, 18th March, 1782.

"Sir,—I have received your letter of the 13th instant. The two prisoners, Behar and Jewar Ali Khân, having violated their written solemn engagement with me for the payment of the balance due to the Honorable Company on the Nabob's assignments accepted by them, and declining giving me any satisfactory assurances on that head, I am under the disagreeable necessity of recurring to severities to enforce the said payment. This is, therefore, to desire that you immediately cause them to be put in irons, and kept so until I shall arrive at Fyzabad, to take further measures, as may be necessary."

Here is the answer of Captain Jaques to Mr. Middleton.

"April 23d, 1782.

"Sir,—Allow me the honor of informing you that the place the prisoners Behar Ali Khân and Jewar Ali Khân are confined in is become so very unhealthy, by the number obliged to be on duty in so confined a place at this hot season of the year, and so situated, that no reduction can with propriety be made from their guard, it being at such a distance from the battalion."

You see, my Lords, what a condition these unfortunate persons were in at that period; you see they were put in irons, in a place highly unhealthy; and from this you will judge of the treatment which followed the *few severities*. The first yielded a bond for 600,000*l.*; the second, a bond for 60,000*l.*; the third was intended to extort the payment of these bonds, and completed their series.

I will now read a letter from Captain Jaques to Mr. Middleton, from the printed Minutes, dated *Palace, Fyzabad, May 18th, 1782*, consequently written nearly a month after the former.

"Sir,—The prisoners Behar and Jewar Ali Khân, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined, to assist the medicine in its operation. Now, as I am sure they would be equally as secure without their irons as with them, I think it my duty to inform you of this request, and desire to know your pleasure concerning it.

(Signed) "*LEONARD JAQUES.*"

On the 22d May, 1782, Captain Jaques's humane proposal is thus replied to by Mr. Middleton.

"I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters. Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation while they persist in a breach of their contract with me; and, indeed, no indulgence could be shown them without the authority of the Nabob, who, instead of consenting to moderate the rigors of their situation, would be most willing to multiply them.

(Signed) "*NATHANIEL MIDDLETON.*"

I will now call your Lordships' attention to other letters connected with this transaction.

Letter from Major Gilpin to Mr. Middleton, June 5th, 1782.

"Sir,—Agreeably to your instructions, I went to the prisoners, Behar and Jewar Ali Khân, accompanied by Hoolas Roy, who read the papers respecting the balance now due, &c., &c.

"In general terms they expressed concern at not being able to discharge the same without the assistance of the Begum, and requested indulgence to send a message to her on that subject, and in the evening they would give an answer.

"I went at the time appointed for the answer, but did not receive a satisfactory one; in consequence of which I desired them to be ready, at the shortest notice, to proceed to Lucknow, and explained to them every particular contained in your letter of the 1st instant respecting them.

"Yesterday morning I sent for Letafit Ali Khân, and desired him to go to the Bhow Begum, and deliver the substance of my instructions to her, which he did, and returned with the inclosed letter from her. From some circumstances which I have heard to-day, I am hopeful the prisoners will soon think seriously of their removal, and pay the balance rather than submit themselves to an inconvenient journey to Lucknow."

To Major Gilpin, commanding at Fyzabad, from Mr. Middleton.

"Sir,—I have been favored with your letter of the 5th instant, informing me of the steps you had taken in consequence of my instructions of the 1st, and covering a letter from the Bhow Begum, which is so unsatisfactory that I cannot think of returning an answer to it. Indeed, as all correspondence between the Begum and me has long been stopped, I request you will be pleased to inform her that I by no means wish to resume it, or maintain any friendly intercourse with her, until she has made good my claim upon her for the balance due.

"I have now, in conformity to my former instructions, to desire that the two prisoners, Behar and Jewar Ali Khân, may be immediately sent, under a sufficient guard, to Lucknow, unless, upon your imparting to them this intimation, either they or the Begum should actually pay the balance, or give you such assurances or security for the assets to be immediately forthcoming as you think can be relied upon; in which case you will of course suspend the execution of this order."

Mr. Richard Johnson to Major Gilpin. Lucknow, 24th June, 1782.

"Sir,—I have received the honor of your letter of the 20th. The prisoners arrived here this morning. Lieutenant Crow has delivered them over to Captain Waugh, and returns to you in a day or two.

"I think their hint to you a very good one, and worth improving upon. Was the Bhow Begum to think that she must go to Allahabad, or any other place, while her palace is searched for the hidden treasure of the late Vizier, it might go further than any other step that can be immediately taken towards procuring payment of the balance outstanding.

"The prisoners are to be threatened with severities to-morrow, to make them discover where the balance may be procurable, the fear of which may possibly have a good effect; and the apprehensions of the Begum lest they should discover the hidden treasure may induce her to make you tenders of payment, which you may give any reasonable encouragement to promote that may occur to you.

"The jaghire cannot be released to her on any other terms, nor even to the Nabob, until the five lacs for which it was granted be paid up; and the prisoners must also be detained until the full fifty lacs be liquidated: consequently nothing but the fear of an increase of demand, upon breach of the first engagement on her part, will induce her to prompt payment."

Letter from Mr. Richard Johnson to the Commanding Officer of the Guard.

Lucknow, 23d July, 1782.

"Sir,—Some violent demands having been made for the release of the prisoners, it is necessary that every possible precaution be taken for their security. You will therefore be pleased to be very strict in guarding them; and I herewith send another pair of fetters, to be added to those now upon the prisoners."

Letter from Robert Steere Allen to Richard Johnson, Esq., Acting Resident.

Lucknow, 23d July, 1782.

"Sir,—I have received your instructions, and ordered the fetters to be added; but they are by much too small for their feet. The utmost regard shall be paid to the security of the prisoners. I have sent back the fetters, that you may have them altered, if you think proper."

Letter from Mr. Johnson to the Officer commanding the Guard. Lucknow,  
28th June, 1782.

"Sir,—The Nabob having determined to inflict corporal punishment upon the prisoners under your guard, this is to desire that his officers, when they shall come, may have free access to the prisoners, and be permitted to do with them as they shall see proper, only taking care that they leave them always under your charge."

I will now trouble your Lordships with the following passages from Mr. Holt's evidence.

"*Q.* Did you ever see the two ministers of the Begum?—*A.* I saw them brought into Lucknow.—*Q.* In what situation were they, when you saw them brought into Lucknow?—*A.* They were brought in their palanquins, attended by a guard of sepoy.—*Q.* Under whose command were the sepoy?—*A.* That they were brought in by?—*Q.* Yes.—*A.* I do not recollect.—*Q.* Were those sepoy that brought in the prisoners part of the Nabob's army, or were they any British troops?—*A.* To the best of my recollection, they were detached from a regiment then stationed at Fyzabad.—*Q.* In whose service was that regiment?—*A.* In the Company's.—*Q.* Were they imprisoned in any house near that in which you resided?—*A.* They were imprisoned immediately under the window of the house in which I resided, close to it.—*Q.* Did you or did you not ever see any preparations made for any corporal punishment?—*A.* I saw something of a scaffolding.—*Q.* For what purpose?—*A.* I heard it was for the purpose of tying them up.—*Q.* Whose prisoners did you consider these men to be?—*A.* I considered them as prisoners of the Resident; they were close to his house, and under an European officer."

Your Lordships have now seen the whole process, except one dreadful part of it, which was the threatening to send the Begum to the castle at Chunar. After all these cruelties, after all these menaces of further cruelties, after erecting a scaffold for actually exercising the last degree of criminal punishment, namely, by whipping these miserable persons in public,—after everything has been done but execution, our inability to prove by evidence this part of their proceedings has secured to your Lordships a circumstance of decorum observed on the stage where murders, executions, whippings, and cruelties are performed behind the scenes. I know as certainly as a man can know such a thing, from a document which I cannot produce in evidence here, but I have it in the handwriting of the Resident, Mr. Bristow, that Behar Ali Khân was actually scourged in the manner that we speak of. I had it in writing in the man's hand; I put the question to him, but he refused to answer it, because he thought it might criminate himself, and criminate us all; but if your Lordships saw the scaffold erected for the purpose, (and of this we have evidence,) would you not necessarily believe that the scourging did follow? All this was done in the name of the Nabob; but if the Nabob is the person claiming his father's effects, if the Nabob is the person vindicating a rebellion against himself upon his nearest relations, why did he not in person take a single step in this matter? why do we see nothing but his abused name in it? We see no order under his own hand. We see all the orders given by the cool Mr. Middleton, by the outrageous Mr. Johnson, by all that gang of persons that the prisoner used to disgrace the British name. Who are the officers that stormed their fort? who put on the irons? who sent them? who supplied them? They are all, all, English officers. There is not an appearance, even, of a minister of the Nabob's in the whole transaction. The actors are all Englishmen; and we, as Englishmen, call for punishment upon those who have thus degraded and dishonored the English name.

We do not use torture or cruelties, even for the greatest crimes, but have banished them from our courts of justice; we never suffer them in any case. Yet those men, in order to force others to break their most sacred trust, inflict tortures upon them. They drag their poor victims from dungeon to dungeon, from one place of punishment to another, and wholly on account of an extorted bond,

—for they owed no money, they could not owe any,—but to get this miserable balance of 60,000*l.*, founded upon their tables of exchange: after they had plundered these ladies of 500,000*l.* in money, and 70,000*l.* a year in land, they could not be satisfied without putting usury and extortion upon tyranny and oppression. To enforce this unjust demand, the miserable victims were imprisoned, ironed, scourged, and at last threatened to be sent prisoners to Chunar. This menace succeeded. The persons who had resisted irons, who had been, as the Begums say, refused food and water, stowed in an unwholesome, stinking, pestilential prison, these persons withstood everything till the fort of Chunar was mentioned to them; and then their fortitude gave way: and why? The fort of Chunar was not in the dominions of the Nabob, whose rights they pretended to be vindicating: to name a British fort, in their circumstances, was to name everything that is most horrible in tyranny; so, at least, it appeared to them. They gave way; and thus were committed acts of oppression and cruelty unknown, I will venture to say, in the history of India. The women, indeed, could not be brought forward and scourged, but their ministers were tortured, till, for their redemption, these princesses gave up all their clothes, all the ornaments of their persons, all their jewels, all the memorials of their husbands and fathers,—all were delivered up, and valued by merchants at 50,000*l.*; and they also gave up 5,000*l.* in money, or thereabouts: so that, in reality, only about 5,000*l.*, a mere nothing, a sum not worth mentioning, even in the calculations of extortion and usury, remained unpaid.

But, my Lords, what became of all this money? When you examine these witnesses here, they tell you it was paid to Hyder Beg Khân. Now they had themselves received the money in tale at their own assay-table. And when an account is demanded of the produce of the goods, they shrink from it, and say it was Hyder Beg Khân who received the things and sold them. Where is Hyder Beg Khân's receipt? The Begums say (and the thing speaks for itself) that even gold and jewels coming from them lost their value; that part of the goods were spoilt, being kept long unsold in damp and bad warehouses; and that the rest of the goods were sold, as thieves sell their spoil, for little or nothing. In all this business Mr. Hastings and Mr. Middleton were themselves the actors, chief actors; but now, when they are called to account, they substitute Hyder Beg Khân in their place, a man that is dead and gone, and you hear nothing more of this part of the business.

But the sufferings of these eunuchs did not end here; they were, on account of this odd 5,000*l.*, confined for twelve months,—not prisoners at large, like this prisoner who thrusts his sore leg into your Lordships' faces every day, but in harsh and cruel confinement. These are the persons that I feel for. It is their dungeon, it is their unrevenged wrongs that move me. It is for these innocent, miserable, unhappy men, who were guilty of no offence but fidelity to their mistresses, in order to vex and torture whom (the first women in Asia) in the persons of their ministers these cruelties were exercised,—these are they for whom I feel, and not for the miserable sore leg or whining cant of this prisoner. He has been the author of all these wrongs; and if you transfer to him any of the sympathy you owe to these sufferers, you do wrong, you violate compassion. Think of their irons. Has not this criminal, who put on these irons, been without one iron? Has he been threatened with torture? Has he been locked up without food and water? Have his sufferings been aggravated as the sufferings of these poor men were aggravated? What punishment has been inflicted, and what can be inflicted upon him, in any manner commensurate with the atrocity of his crimes?

At last, my Lords, these unhappy men were released. Mr. Bristow, who had been sent to Lucknow, writes to Mr. Hastings, and informs him that severities could do no more, that imprisonments and menaces could get no more money. I believe not, for I doubt much whether any more was to be got. But whether there was or not, all the arts of extortion, fortified by all the arts of tyranny, of every name and species, had failed, and therefore Mr. Bristow released the prisoners, —but without any warrant for so doing from Mr. Hastings, who, after having received this letter from Mr. Bristow, gets the Supreme Council to order these very severities to be continued till the last farthing was paid. In order to induce the Council to sanction this measure, he suppressed Mr.

Bristow's declaration, that severities could do nothing more in exacting further payments; and the Resident, I find, was afterwards obliquely punished for his humanity by Mr. Hastings.

Mr. Bristow's letter is dated the 12th of December, and he thus writes.

"The battalion at Fyzabad" (where the Begums and their ministers had been confined) "is recalled, and my letter to the board of the 1st instant has explained my conduct to the Begum. The letter I addressed her, a translation of which I beg leave to inclose, (No. 2,) was with a view of convincing her that you readily assented to her being freed from the restraints which had been imposed upon her, and that your acquiescence in her sufferings was a measure of necessity, to which you were forced by her extraordinary conduct. I wished to make it appear this was a matter on which you directed me to consult the Vizier's pleasure, that it might be known you were the spring from whence she was restored to her dignity and consequence."

On the 3d of March following, the Council agree to send the following order to Mr. Bristow.

"We desire you will inform us if any and what means have been taken for recovering the balance due from the Begum at Fyzabad, and, if necessary, that you recommend it to the Vizier to enforce the most effectual means for that purpose."

My Lords, you see the fraud he has put upon the Council. You will find that Mr. Bristow's letters, up to the 3d of March, had been suppressed; and though then communicated, yet he instigated his cat's-paw, that blind and ignorant Council, to demand from the Vizier the renewal of these very severities and cruelties, the continuance of which the letters in his pocket had shown him were of no effect. Here you have an instance of his implacable cruelty; you see that it never relaxes, never remits, and that, finding all the resources of tyranny useless and ineffective, he is still willing to use them, and for that purpose he makes a fraudulent concealment of the utter inefficacy of all the means that had been used.

But, you will ask, what could make him persevere in these acts of cruelty, after his avarice had been more than satiated? You will find it is this. He had had some quarrel with these women. He believed that they had done him some personal injury or other, of which he nowhere informs you. But, as you find that in the case of Cheyt Sing he considered his visit to General Clavering as an horrid outrage against himself, which he never forgave, and revenged to the ruin of that miserable person, so you find that he has avowed the same malicious disposition towards the Begums, arising from some similar cause. In page 367 of your printed Minutes, he says,—"I am sorry that I must in truth add, that a part of the resentment of the Begums was, as I had too much reason to suspect, directed to myself personally. The incidents which gave rise to it are too light to be mixed with the professed subject and occasion of this detail; and as they want the authenticity of recorded evidence, I could lay no claim to credit in my relation of them. At some period I may be induced to offer them to the world, my ultimate and unerring judges, both of that and of every other trait in my political character."

My Lords, you have an anecdote here handed to you which is the key of a great part of this transaction. He had determined upon some deep and desperate revenge for some injury or affront of some kind or other that he thought he had received from these people. He accuses them of a personal quarrel with himself; and yet he has not the honor or honesty to tell you what it was,—what it was that could induce them to entertain such a personal resentment against him as to ruin themselves and their country by their supposed rebellion. He says, that some time or other he will tell it to the world. Why did he not tell his counsel, and authorize them to tell a story which could not be unimportant, as it was connected with a rebellion which shook the British power in India to its foundation? And if it be true that this rebellion had its rise in some wicked act of this man, who had offended these women, and made them, as he says, his mortal enemies, you will then see that you never can go so deep with this prisoner that you do not find in every criminal act of his some other criminal act. In the lowest deep there is still a lower deep. In every act of his cruelty there is some hidden, dark motive, worse than the act itself, of which he just gives you a hint, without exposing it to that open light which truth courts and falsehood basely slinks from.

But cruelly as they have suffered, dreadfully as they have been robbed, insulted as they have been, in every mode of insult that could be offered to women of their rank, all this must have been highly aggravated by coming from such a man as Mr. Middleton. You have heard the audacious and insulting language he has held to them, his declining to correspond with them, and the mode of his doing it. There are, my Lords, things that embitter the bitterness of oppression itself: contumelious acts and language, coming from persons who the other day would have licked the dust under the feet of the lowest servants of these ladies, must have embittered their wrongs, and poisoned the very cup of malice itself.

Oh! but they deserved it. They were concerned in a wicked, outrageous rebellion: first, for expelling their own son from his dominions; and, secondly, for expelling and extirpating the English nation out of India.—Good God Almighty! my Lords, do you hear this? Do you understand that the English nation had made themselves so odious, so particularly hateful, even to women the most secluded from the world, that there was no crime, no mischief, no family destruction, through which they would not wade, for our extermination? Is this a pleasant thing to hear of? Rebellion is, in all parts of the world, undoubtedly considered as a great misfortune: in some countries it must be considered as a presumption of some fault in government: *nowhere is it boasted of as supplying the means of justifying acts of cruelty and insult, but with us.*

We have, indeed, seen that a rebellion did exist in Baraitch and Goruckpore. It was an universal insurrection of the people: an insurrection for the very extermination of Englishmen,—for the extermination of Colonel Hannay,—for the extermination of Captain Gordon,—for the extermination of Captain Williams, and of all the other captains and colonels exercising the office of farmer-general and sub-farmer-general in the manner that we have described. We know that there did exist in that country such a rebellion. But mark, my Lords, against whom!—against these mild and gracious sovereigns, Colonel Hannay, Captain Gordon, Captain Williams. Oh, unnatural and abominable rebellion!—But will any one pretend to say that the Nabob himself was ever attacked by any of these rebels? No: the attacks were levelled against the English. The people rose in favor of their lawful sovereign, against a rebellion headed by Mr. Middleton, who, you see, usurped his authority,—headed by Colonel Hannay,—headed by Captain Gordon,—headed by all those abominable persons exercising, under the Nabob's name, an authority destructive to himself and his subjects. Against them there was a rebellion. But was this an unnatural rebellion,—a rebellion against usurped authority, to save the prince, his children, and state, from a set of vile usurpers?

My Lords, I shall soon close our proceeding for this day, because I wish to leave this part of our charge strongly and distinctly impressed upon your Lordships' memory, and because nothing can aggravate it. I shall next proceed, in the farther examination of the prisoner's defence, to dissipate, as I trust we have done, and as I hope we shall do, all the miserable stuff they have given by way of defence. I shall often have occasion to repeat and press upon your Lordships that that miserable defence is a heavy aggravation of his crime. At present, I shall conclude, leaving this part of our charge with the impression upon your Lordships' minds that this pretended rebellion was merely an insurrection against the English, excited by their oppression.

If the rebellion was against the Nabob, or if he was the author of the oppression which caused it, why do the English only appear to be concerned in both of them? How comes it that the Nabob never appears to have expressed any resentment against the rebels? We shall prove beyond a doubt, that the Begums had nothing to do with it. There was, indeed, as I have already said, what may be called a rebellion; but it was a rebellion against—not the Nabob, but in favor of the lawful prince of the country,—against the usurpers of his authority and the destroyers of his country. With this, as a rebellion, Mr. Hastings has charged these women; he has charged them with a war against their son, for the purpose of exterminating the English. Look, I pray you, at the whole business, consider all the circumstances of it, and ask yourselves whether this is not a charge, not only so grossly improbable, but so perfectly impossible, that there is not any evidence which can make it even plausible. Consider

next, my Lords, on the other side, the evidence of their innocence, and then ask yourselves whether any additional matter could make its probability in the least degree more probable. My Lords, the evidence we have produced is neither more nor less than that of almost all the persons who have had a share in exciting that rebellion, and who, to justify their own horrible cruelty, have attempted to charge the natural consequences of that cruelty upon these unhappy women.

But where, all this time, is the Nabob, against whom this rebellion is pretended to be directed? Was it ever even insinuated to him that his mother had raised a rebellion against him? When were the proofs shown to him? Did he ever charge her with it? He surely must have been most anxious to prevent and suppress a rebellion against himself: but not one word on that subject has ever come out of his mouth; nor has any one person been produced to show that he was informed of the existence of such a rebellion. The persons said to be rebels are his mother and grandmother; and I again ask, Was there the least intimation given to him by Mr. Middleton, or by any other person, of their being even suspected of rebellion against him? There was, indeed, a hint of some rebellion, which the creatures of Mr. Hastings got at obliquely; but neither the person against whom the rebellion is supposed to exist, nor the persons who were said to be guilty of it, were ever either informed of or charged with it. I defy the prisoner and his whole gang to produce one word ever uttered by any one of them, from which the Nabob or Begums could learn that they were supposed to be concerned in the rebellion: so that none of those who were said to be the principal actors in the scene ever heard of the parts they were acting from the actual authors and managers of the business. Not one word was uttered of a charge made, much less of proof given. Nothing was heard but "Give me the money!"—irons,—new irons,—new imprisonment,—and at last the castle of Chunar.

And here I beg leave to pause, and to leave upon your minds the impression, first, of the wrong that was done, the violence, and the robbery,—and, secondly, of the pretences, both civil and criminal, by which they have attempted to justify their proceedings.

## **SIXTH DAY, WEDNESDAY, JUNE 11, 1794**

My Lords,—Your Lordships will recollect that we closed the last day of your proceeding in this trial at a most interesting part of our charge, or rather of our observations upon that charge. We closed at that awful moment when we found the first women of Oude pillaged of all their landed and of all their moneyed property, in short, of all they possessed. We closed by reciting to you the false pretence on which this pillage was defended, namely, that it was the work of the Nabob. Now we had before proved to you, from evidence adduced by the prisoner himself, that this Nabob was a mere tool in his hands; and therefore, if this pretence be true, it aggravates his guilt: for surely the forcing a son to violate the property of his mother must everywhere be considered a crime most portentous and enormous. At this point we closed; and after the detail which has been given you already of these horrible and iniquitous proceedings, some apology may perhaps be necessary for entering again into the refutation of this iniquitous pretence.

My honorable fellow Manager who preceded me in this business did, in his remarks upon the inference drawn by the prisoner's counsel from the seizure of the Begums' treasures by the Nabob, as evidence of their guilt, as he ought to do,—he treated it with proper contempt. I consider it, indeed, to be as little an evidence of their guilt as he does, and as little a defence of that seizure as he does. But I consider it in another and in a new light, namely, as a heavy aggravation of the prisoner's crimes, and as a matter that will let you into the whole spirit of his government; and I warn your Lordships against being imposed on by evasions, of which if it were possible for you to be the dupes, you would be unfit to be judges of the smallest matters in the world, civil or criminal.

The first observation which I shall beg leave to make to your Lordships is this, that the whole of the proceedings, from beginning to end, has been a mystery of iniquity, and that in no part of them

have the orders of the Company been regarded, but, on the contrary, the whole has been carried on in a secret and clandestine manner.

It is necessary that your Lordships should be acquainted with the manner in which the correspondence of the Company's servants ought to be carried on and their proceedings regulated; your Lordships, therefore, will please to hear read the orders given concerning correspondence of every kind with the country powers. You will remember the period when these orders were issued, namely, the period at which the act passed for the better direction of the servants of the Company. By this act Mr. Hastings was appointed to be Governor-General, and the Court of Directors was required by that act to prepare orders and instructions, which Mr. Hastings was required by the same act to comply with. You will see what these instructions and orders were, and in what manner he has complied with them.

Extract of General Instructions to the Governor-General and Council, 29th  
of March, 1774.

"We direct that you assemble in Council twice every week, and that all the members be duly summoned; that the correspondence with the princes or country powers in India be carried on by the Governor-General only, but that all letters sent by him be first approved in Council, and that he lay before the Council, at their next meeting, all letters received by him in the course of such correspondence, for their information. We likewise direct that a copy of such parts of the country correspondence be communicated to our Board of Trade: (to be constituted as hereinafter mentioned) as may any ways relate to the business of their department."

You will observe, my Lords, two important circumstances in these instructions: first, that, after the board had regularly met, the Persian correspondence, kept by the Governor only, was to be communicated to the Council; and, secondly, that he should write no answer to any part of the business until he had previously consulted the Council upon it. Here is the law of the land,—an order given in pursuance of an act of Parliament. Your Lordships will consider how Mr. Hastings comported himself with regard to those orders: for we charge it as a substantive crime, independent of the criminal presumptions arising from it, that he violated an act of Parliament which imposed direct instructions upon him as to the manner in which he was to conduct all matters of business with the native powers.

My Lords, we contend strongly that all the positive rules and injunctions of the law, though they are merely positive, and do not contain anything but mere matters of regulation, shall be strictly observed. The reason is this, and a serious reason it is: official tyranny and oppression, corruption, speculation, and bribery are crimes so secret in their nature that we can hardly ever get to the proof of them without the assistance of rules, orders, and regulations of a positive nature, intended to prevent the perpetration of these crimes, and to detect the offender in case the crimes should be actually perpetrated. You ought, therefore, to presume, that, whenever such rules or laws are broken, these crimes are intended to be committed; for you have no means of security against the commission of secret crimes but by enforcing positive laws, the breach of which must be always plain, open, and direct. Such, for instance, is the spirit of the laws, that, although you cannot directly prove bribery or smuggling in a hundred cases where they have been committed, you can prove whether the proper documents, proper cockets, proper entries in regular offices have been observed and performed, or not. By these means you lock the door against bribery, you lock the door against corruption, against smuggling and contraband trade. But how? By falling upon and attacking the offence? No, by falling upon and attacking the breach of the regulation. You prove that the man broke the regulation, and, as he could have no other motive or interest in breaking it, you presume that he broke it fraudulently, and you punish the man not for the crime the regulation was meant to prevent, but you punish him for the breach of the regulation itself.

Next to the breach of these positive instructions, your Lordships will attend to the consequent concealment and mystery by which it was accompanied. All government must, to preserve its authority, be sincere in its declarations and authentic in its acts. Whenever in any matter of policy there is a mystery, you must presume a fraud; whenever in any matter of money there is concealment, you must presume misconduct: you must therefore affix your punishment to the breach of the rule; otherwise the conviction of public delinquents would be unattainable.

I have therefore put before you that rule which he has violated; and we, the Commons, call upon your Lordships to enforce that rule, and to avenge the breach of it. You have seen the consequences of breaking the rule; and we have charged and do charge it as a heavy aggravation of those consequences, that, instead of consulting the Council, instead of laying the whole correspondence before them, instead of consulting them upon his answers, he went himself up into the country, took his Majesty's chief-justice along with him, and made that person the instrument of those wrongs, violences, robberies, and concealments which we call upon your Lordships to punish.

My Lords, an extraordinary circumstance occurred in the course of our proceedings in another place, which I must state, to show you in what a horrible manner your laws have been trampled upon and despised. None of the proceedings which have been last stated to your Lordships respecting the seizure of the treasures of the Begums appear upon any public record whatever. From the manner in which they came to our knowledge, your Lordships will perceive what must have been the prisoner's own opinion of the horrible nature of proceedings which he thought so necessary to be concealed.

Whilst we were inquiring into the violences committed against the Begums, in breach of the treaty entered into with them, there came into my hands an anonymous letter containing a full account of all the matter which has lately been stated to you. It came anonymously; and I did not know from what quarter it came. I do not even know with certainty at this hour: I say, not with certainty, for I can only form a conjecture. This anonymous communication enabled us to produce all the correspondence with Mr. Middleton respecting the cruelties exercised towards the Begums and their eunuchs in order to extort money. We found the names of Major Gilpin and several other persons in these letters. We also found in them a strong fox smell of a Sir Elijah Impey, that his brush and crime had left behind him; we traced him by that scent; and as we proceeded, we discovered the footsteps of as many of the wolves as Mr. Hastings thought proper to leave there. We sent for and examined Mr. Middleton, and Major Gilpin produced his correspondence. When we applied to Mr. Middleton, we found that all this part of his correspondence had been torn out of his book; but having come at it by means of our anonymous communication, we subsequently proved and established it, in the manner we have done before your Lordships. Here, then, you have important matter which this anonymous letter has brought to light; and otherwise the whole of this correspondence, so essential to the interests and justice of Great Britain, would have been concealed by this wicked man. Thus, I say, his violation of a positive law would have remained undiscovered, if mere accident had not enabled us to trace this iniquity to its source. Therefore I begin our proceedings this day by stating to your Lordships this fact, and by calling upon your justice to punish him for this violation of the laws of his country.

We have told you who the instruments were by which all this wickedness was committed, Mr. Middleton and Mr. Johnson, persons who were sent as ambassadors to represent the interests of the Company at the court of an independent prince. Over this prince they usurped an absolute power; they even made use of British officers in his own service and receiving his pay, to enslave his person, and to force him to rob his kindred. These agents were aided by an English chief-justice, sent under the authority of an act of Parliament to represent the sovereign majesty of English justice, and to be a restraint upon the misconduct of the Company's servants. These are the instruments with which this man works. We have shown you his system; we have shown you his instruments: we will now proceed with the examination of the pretences upon which this horrid and nefarious act is attempted to be justified. We have not entered into this examination for the sake of refuting things that want no refutation, but for the purpose of showing you the spirit of the whole proceeding, and making it

appear to your Lordships, as I trust it will appear, that the wicked act done there is not half so bad as the wicked defence made here.

The first part of Sir Elijah Impey's commission, as your Lordships will remember, was to seize upon the Begums' treasures. He had likewise another budget of instructions, which has been discovered in the trunks of which your Lordships have heard,—secret instructions to be given by him to Mr. Middleton for the furtherance of this business. And that his office of Chief-Justice should not lie dormant, he was commissioned to seek for affidavits or written testimony from any persons, for the purpose of convicting these women of a design of atrociously revolting against their son, and deposing him from the government, with a view of getting rid of the English inhabitants. This was the accusation; and the evidence to support it Sir Elijah Impey was sent to collect.

My Lords, I must here observe to your Lordships that there is no act of violence which, merely as an act of violence, may not in some sort be borne: because an act of violence infers no principle; it infers nothing but a momentary impulse of a bad mind, proceeding, without law or justice, to the execution of its object. For at the same time that it pays no regard to law, it does not debase it, it does not wrest it to its purposes: the law disregarded still exists; and hope still exists in the sufferer, that, when law shall be resorted to, violence will cease, and wrongs will be redressed. But whenever the law itself is debauched, and enters into a corrupt coalition with violence, robbery, and wrong, then all hope is gone; and then it is not only private persons that suffer, but the law itself, when so corrupted, is often perverted into the worst instrument of fraud and violence; it then becomes most odious to mankind, and an infinite aggravation of every injury they suffer.

We have therefore in our charge strongly reprobated Sir Elijah Impey's going to take such affidavits. "Oh! but," they say, "a judge may take an affidavit in his chamber privately; and he may take an affidavit, though not exactly in the place of his jurisdiction, to authenticate a bond, or the like."—We are not to be cheated by words. It is not dirty shreds of worn-out parchments, the sweepings of Westminster Hall, that shall serve us in place of that justice upon, which the world stands. Affidavits! We know that in the language of our courts affidavits do not signify a body of evidence to sustain a criminal charge, but are generally relative to matter [matters?] in process collateral to the charge, which, not coming before the jury, are made known to the judge by way of affidavit.

But was it ever heard, or will it be borne, that a person exercising a judicial office under his Majesty should walk beyond the sphere of his jurisdiction,—that he should desert the station in which he was placed for the protection of the natives, and should march to such a place as Lucknow in order to take depositions for criminating persons in that country, without so much as letting these poor victims know one article in the depositions so taken? These depositions, my Lords, were made to criminate, they were meant to justify a forfeiture, and are not in the nature of those voluntary affidavits which, whether made within jurisdiction or without, whether made publicly or privately, signify comparatively nothing to the cause. I do not mean, to say that any process of any court has not its weight, when the matter is within it in the ordinary course of proceedings: it is the extraordinary course, the extrajudicial conduct, which divests it of that just weight it otherwise would have.

This chief-justice goes to Lucknow, where he holds his court, such as it was. He is ready to authenticate any process by the signature of the English chief-justice, in a court which he holds by night, in a court which he holds in darkness and secrecy. He holds his court in Fyzabad; he holds it, unknown to the Nabob of Oude, in his own capital, and without giving him the least knowledge of or any notice of what he was proceeding to do. He holds it at the lodgings of Colonel Morgan, a pensioner of the Nabob; and the person assisting him is Mr. Middleton, who is likewise, as we have proved to you, one of the Nabob's pensioners, a monopolizer of trade in the country, and a person who received much the major part of his emoluments from the Nabob's hands.

In that clandestine manner, in the Nabob's own house, in his own capital city, in the lodging of his dependant and pensioner, Colonel Morgan, with no other witness that we know of than Mr.

Middleton, was this iniquitous, dark procedure held, to criminate the mother of the Nabob. We here see a scene of dark, mysterious contrivance: let us now see what is brought out in the face of open day. The attestations themselves, which you have seen on the record before you. They were brought out—where? there? No: they were brought out in another place; they were brought out at Calcutta, —but were never communicated to the Nabob. He never knew anything of the matter. Let us now see what those attestations were. Your Lordships will bear in mind that I do not advert to this thing, which they bring as evidence, in the way of imputation of its being weak, improper, and insufficient evidence, but as an incontrovertible proof of crimes, and of a systematic design to ruin the accused party, by force there and by chicane here: these are the principles upon which I am going to talk to you upon this abominable subject,—of which, I am sorry to say, I have no words sufficient to express my horror. No words can express it; nor can anything but the severity of your Lordships' judgments find an adequate expression of it. It is not to be expressed in words, but in punishment.

Having stated before whom the evidence collected in this body of affidavits was taken, I shall now state who the persons were that gave it. They were those very persons who were guilty of robbing and ruining the whole country: yes, my Lords, the very persons who had been accused of this in the mass by Mr. Hastings himself. They were nothing less than the whole body of those English officers who were usurping the office of farmers-general, and other lucrative offices in the Nabob's government, and whose pillage and peculations had raised a revolt of the whole kingdom against themselves. These persons are here brought in a mass to clear themselves of this charge by criminating other persons, and clandestinely imputing to them the effect of their own iniquity.

But supposing these witnesses to be good for anything, supposing it fit that the least attention should be paid them, the matter of their testimony may very possibly be true without criminating the Begum. It criminales Saadut Ali Khân, the brother of the Nabob; the word Begum is never mentioned in the crimination but in conjunction with his; and much the greater part of it criminales the Nabob himself. Now, my Lords, I will say, that the matter of these affidavits, forgetting who the deponents were, may possibly be true, as far as respects Saadut Ali Khân, but that it is utterly as improbable, which is the main point and the stress of the thing, with respect to the Begums, as it is impossible with respect to the Nabob. That Saadut Ali, being a military man, a man ambitious and aspiring to greatness, should take advantage of the abuses of the English government and of the discontent of the country, that he should, I say, raise a revolt against his brother is very possible; but it is scarcely within possibility that the mother of the Nabob should have joined with the illegitimate son against her legitimate son. I can only say that in human affairs there is the possibility of truth in this. It is possible she might wish to depose her legitimate son, her only legitimate son, and to depose him for the sake of a bastard son of her husband's,—to exalt him at the expense of the former, and to exalt, of course, the mother of that bastard at her own expense, and to her own wrong. But I say, that this, though possible, is grossly improbable. The reason why the Begum is implicated in this charge with Saadut Ali by the affidavits cannot escape your notice. Their own acquittal might be the only object of the deponents in their crimination of the latter; but the treasures of the former were the objects of their employers, and these treasures could not be come at but by the destruction of the Begums.

But, my Lords, there are other affidavits, or whatever your Lordships may call them, that go much further. In order to give a color to the accusation, and make it less improbable, they say that the Nabob himself was at the bottom of it, and that he joined with his brother and his mother to extirpate out of his dominions that horrible grievance, the English brigade officers,—those English officers who were the farmers-general, and who, as we have proved by Mr. Hastings's own evidence, had ruined the country. Nothing is more natural than that a man, sensible of his duty to himself and his subjects, should form a scheme to get rid of a band of robbers that were destroying his country and degrading and ruining his family. Thus you see a family compact naturally accounted for: the Nabob at the head of it, his mother joining her own son, and a natural brother joining in the general interests of the family. This is a possible case. But is this the case pressed by them? No: they pass

lightly over the legitimate son; they scarcely touch upon Saadut Ali Khân; they sink the only two persons that could give probability or possibility to this business, and endeavor to throw the whole design upon these two unfortunate women.

Your Lordships see the wickedness and baseness of the contrivance. They first, in order to keep the whole family in terror, accuse the whole family; then, having possessed themselves of the treasures of the Begums upon another pretence, they endeavor to fix upon them that improbable guilt which they had with some degree of probability charged upon the whole family, as a farther justification of that spoliation. Your Lordships will see what an insult is offered to the Peers of Great Britain, in producing before you, by way of defence, such gross, scandalous, and fraudulent proceedings.

Who the first set of witnesses were which they produced before their knight-errant chief-justice, Sir Elijah Impey, who wandered in search of a law adventure, I have laid open to your Lordships. You have now had an account of the scandalous manufacture of that batch of affidavits which was in the budget of Sir Elijah Impey,—that Pandora's box which I have opened, and out of which has issued every kind of evil. This chief-justice went up there with the death-warrant of the Begums' treasures, and, for aught he knew, the death-warrant of their persons. At the same time that he took these affidavits he became himself a witness in this business; he appears as a witness. How? Did he know any one circumstance of the rebellion? No, he does not even pretend to do so. "But," says he, "in my travels I was obliged to avoid Fyzabad, upon account of the suspected rebellion there." Another chief-justice would have gone fifty miles about to avoid Lucknow, for everybody knows that Lucknow was the focus and centre of extortion, corruption, and speculation, and that a worse air for the lungs of a chief-justice could not be found in the world. If his lungs wanted the benefit of pure air, he would even have put himself in the focus of a rebellion, to have kept at a distance from the smell of carrion and putrid corruption of every kind that was at Lucknow. A chief-justice may go to a place where a rebellion is raging, he may die a martyr to his honor; but a chief-justice who puts himself into the focus of speculation, into the focus of bribery, into the focus of everything that is base and corrupt,—what can we expect from him but that he will be engaged in clandestine jobs there? The former might kill Sir Elijah Impey, the knight-errant, but the chief-justice would remain pure and entire; whereas Sir Elijah Impey has escaped from Lucknow, and the chief-justice is left by Mr. Hastings to shift for himself.

After mentioning this violation of the laws of hospitality by Sir Elijah Impey, I would ask, Was any notice given by him, or by any of Mr. Hastings's agents, to the Nabob, who was so immediately interested in this matter? Was any notice given to the Begums that any such charge was entertained against them? Not a word. Was it notified to the eunuchs? Was it to Saadut Ali Khân? Not a word. They were all within their power. The eunuchs were a year in irons, and they were subjected to the want of food and water for a part of that year. They were dragged from Fyzabad to Lucknow, and from Lucknow to Fyzabad. During all that time was there a word mentioned to them by any one person on the part of Mr. Hastings, that they were accused of this matter? Not a word.

We now submit to your Lordships' vindictive justice and condemnation this recriminatory defence, in which every principle of justice has been violated. And now I will ask your Lordships whether you would have suffered such a procedure in the case of the prisoner at your bar. It was asked by a person of great authority in this House, when we were going to produce certain evidence against Mr. Hastings, (we do not say whether we offered to produce it properly or improperly,—that is another matter,)—we were asked, I say, whether our intentions of producing that evidence had been communicated to Mr. Hastings. Had he had an opportunity of cross-examining the witnesses who had given that evidence? No, he added, that evidence must be rejected. Now I say to your Lordships, upon the same ground, deal with the Begums as you dealt with Mr. Hastings. Do not keep two weights and measures for different persons in the same cause. You would not suffer such evidence to be produced against him; you will not assuredly suffer such evidence to be produced to you in his favor and against them.

My Lords, the cause between this man and these unfortunate women is at last come into Westminster Hall; the cause is come to a solemn trial; and we demand other witnesses and other kinds of proof than what these affidavits furnish. My Lords, the persons who have been examined here are almost all of them the same persons who made these affidavits; but there is this material difference in their evidence: at your Lordships' bar they sunk all those parts of their former evidence which criminated the Nabob and Saadut Ali, and confined their testimony wholly to what related to the Begums. We were obliged, by a cross-examination, to squeeze out of them the disavowal of what they had deposed on the former occasion. The whole of their evidence we leave to the judgment of your Lordships, with these summary remarks: first, that they are the persons who were to profit by their own wrong; they are the persons who had seven months' arrears paid to them out of the money of these unfortunate ladies; they are the persons who, to justify the revolt which they had caused in the country by their robbery, charge their own guilt upon others. The credibility of their evidence is therefore gone. But if it were not affected by these circumstances, Mr. Hastings has put an end to it by telling you that there is not one of them who is to be credited upon his oath,—no, not in a court-martial; and can it, therefore, be expected that in a case of peculation they will do otherwise than acquit the party accused? He has himself laid before you the horrible state of the whole service; your Lordships have it fresh in your memories, and ringing in your ears. You have also heard from witnesses brought by Mr. Hastings himself, that these soldiers committed misdemeanors of the very same kind with those which we have stated. They ought not, therefore, to be listened to for a moment; and we aver that it is an aggravation of the prisoner's crimes, that he has brought the instruments of his guilt, the persons of whom he has complained as having ruined and destroyed that country, and whom he had engaged, at the Nabob's desire, in the treaty of Chunar, to send out of the country, as being a nuisance in it,—to bring, I say, these people here, to criminate, at a distance of nine thousand miles, these unfortunate women, where they have neither attorney or agent who can from local knowledge cross-examine them. He has the audacity to bring these people here; and in what manner they comport themselves, when they come here, your Lordships have seen.

There is one of them whom we cannot pass by: that is, Captain Gordon. The other witnesses, who appeared here as evidences to criminate the Begums, did it by rumors and hearsays. They had heard some person say that the Begums had encouraged rebellion, always coupling them with Saadut Ali Khân, and sometimes with the Nabob, because there might have been some probability for their charge in the transactions with Saadut Ali Khân, which, though impossible with regard to the Begums, they thought would implicate him [them?] in his designs. But Captain Gordon is to give a different account of the proceedings.

Captain Gordon was one of Colonel Hannay's under-farmers. He was hunted out of the country and, as one of the Begums says, pursued by a thousand of the zemindars, for robbing the whole country. This woman, through respect to the British name, that name which guarantied her possessions to her, receives this Captain Gordon and Captain Williams with every mark of kindness, hospitality, and protection, that could be given them. She conveys them from the borders to the city of Fyzabad, and from Fyzabad, her capital, supposed to be the nest of her rebellion, on to their place of destination. They both write her letters full of expressions of gratitude and kindness for the services that they had received. They then pass on to Lucknow to Sir Elijah Impey, and there they sink every word of kindness, of any service or protection that they had received, or of any acknowledgment that they had ever made of it. They sink all this: not one word of it appears in their affidavits.

How, then, did we come to the knowledge of it? We got it from Major Gilpin, who was examined in the course of these proceedings; and we used it in our charge, from the papers that we hold in our hands. Mr. Hastings has confessed the fact; and Mr. Middleton has endeavored to slur it over, but could not completely conceal it. We have established the fact, and it is in evidence before your Lordships.

You have now, then, in this manner, got these testimonials given by English officers in favor of these women; and by the same means the letters of the latter accusing the former are come to your hands: and now these same English officers come here with their recriminatory accusation. Now why did they not make it at Lucknow? Why did not Mr. Hastings, when Mr. Middleton had such papers for him in his hands, why, I ask, did not Mr. Hastings procure some explanation of the circumstances whilst he was in India? I will read your Lordships the letter, that you may not only know, but feel, the iniquity of this business.

Letter from the Mother of the Vizier to Mr. Hastings; received the 6th of January, 1782.

"Our situation is pretty well, and your good health is constantly prayed for. I had sent Behar Ali Khân to you. Accordingly people invented a falsehood, that Behar Ali Khân was gone to get the deputyship of the Subah; and some persons here were saying, 'Wherefore has she sent Behar Ali Khân to Calcutta to the Nabob Amaud ul Dowlah? We will never permit the affair to succeed.' And accordingly it has so happened. For they say that you also have not put your seal to the treaty: and the people here say, 'Why does the noble lady correspond with the English gentlemen?' On this account, I did not send a letter at the time when you came this way. Now the state of affairs here is thus. On the 27th Zehedja, Asoph ul Dowlah Banadur, without my knowledge, sent his own aumils into my jaghires. I accordingly wrote several times to Mr. Middleton on this business: that his seal was to the treaty and writing of discharge; why did he not negotiate in my favor? Mr. Middleton replied, 'The Nabob is the master.' I wrote frequently, but without effect. Being helpless, I represent to you the state of my affairs, that, notwithstanding the existence of this treaty, I have been treated in this manner. It is useless for me to stay here. Whatever is is a compact; whenever any one deviates from his compact, he meets with no credit for the future; and the light of mine eyes, Asoph ul Dowlah, wrote to me that he had sent his own aumils into my jaghires, and would pay ready money from his treasury. Reflect on my security for his adhering to his future engagements, from the consideration of his conduct under his past promises. I do not agree to his ready money. Let me have my jaghires as formerly; otherwise, leaving this place, I will wait on you at Benares, and thence will go towards Shahjehanabad, because he has not adhered to his engagement. Send letters to Asoph ul Dowlah, and to Mr. Middleton, and Hussein Reza Khân, and Hyder Beg Khân, not to molest the Begum's jaghires, and to let them remain, as formerly, with the Begum's aumils. And it is here suspected of me that my aumil plundered the property of Mr. John Gordon. The case is this. Mr. John Gordon arrived at Taunda, a jaghire of mine, fighting with the zemindars of Acherpore, which belongs to the Khalseh. Accordingly, Mr. John Gordon having come to Taunda, my aumil performed whatever appertained to his duty. Afterwards Mr. John Gordon wrote to me to send my people, that he might come with them to Fyzabad. I sent people accordingly to bring Mr. John Gordon, and the said gentleman arrived here in complete safety; and Mr. John Gordon is now present. Ask him yourself of these matters. Mr. John Gordon will represent matters in detail; the truth will then become known, how ill-founded the calumny is. Should you come here for a few days, it will be very well, and if not, I will wait on you; and your coming here is very necessary, that all my affairs may become arranged. And send a speedy answer to my letters, and a letter to Asoph ul Dowlah, and Mr. Middleton, and Hussein Reza Khân, and Hyder Beg Khân, on the subject of ceasing to molest my jaghires. And send me constantly news of your health, for my peace of mind depends thereon."

This letter was transmitted to Mr. Hastings. I desire your Lordships will remark upon this letter, for it is a most important one indeed. It is hardly worth observing that all this correspondence came out of the various trunks of which your Lordships have already heard, and that this letter is out of the trunk of Mr. Hastings's private Persian secretary and interpreter, Mr. Jonathan Scott. Now, my Lords, in this letter there are several things worthy of your Lordships' observation. The first is, that this woman is not conscious of having ever been accused of any rebellion: the only accusation that

ever came to her ears was, that Captain Gordon said that his baggage had been robbed by one of her aumils. She denies the truth of this charge; and she produces testimonials of their good behavior to him; and, what is the essential point of all, she desires Mr. Hastings to apply to this Mr. John Gordon, and to know from him what truth or falsehood there is in that accusation, and what weight there is in the attestation she produces. "Mr. Gordon is now present," says she; "ask him yourself of these matters." This reasonable request was not complied with. Mr. Gordon swears before Sir Elijah Impey to the robbery; but he never mentions the paper he had written, in which he confessed that he owed his life to this very lady. No inquiry was made into this matter. Colonel Hannay was then alive. Captain Gordon was alive, and she refers to him: yet that very man was sworn before Sir Elijah Impey, and accuses his prisoner. Did the prisoner at your bar make that attestation known to the Begum, whose letter at that very time was in his possession, in Mr. Scott's trunk,—that very letter in which he is desired to make the inquiry from Captain Gordon?

Mr. Hastings is acquainted with the facts stated by the Begum, and with Captain Gordon's accusation. Did he afterwards inform her of this accusation? or did he ask this Captain Gordon one question in India, where the matter might be ventilated? Not one word, my Lords. Therefore we fix upon him fraud, deceit, and the production of false evidence, after the woman had desired to have the man who was the evidence against her examined upon the spot. This he does not do, but with much more prudence he brings him here. And for what? To discredit his own testimony, and the written evidence. And how does he discredit them? There are two of these papers, which I beg leave to read to your Lordships.

Copy of a Letter to Jewar and Behar Ali Khân, from Mr. Gordon.

"Sirs, my indulgent friends, remain under, &c., &c., &c. After compliments, I have the pleasure to inform you, that yesterday, having taken leave of you, I passed the night at Noorgunge, and next morning about ten or eleven o'clock, through your favor and benevolence, arrived safe at Goondah. Mir Aboo Buksh Zemindar and Mir Rustum Ali accompanied me.

"To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in His keeping, and increase your property, and speedily grant me the pleasure of an interview; until which time continue to favor me with friendly letters, and oblige me by any commands in my power to execute. May your wishes be ever crowned with success! My compliments," &c., &c., &c.

Copy of an Address from Mr. Gordon to the Begum.

"Begum Saib of exalted dignity and generosity, whom God preserve! After presenting the usual professions of servitude, &c., in the customary manner, my address is presented.

"Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents, I became unspeakably impressed with the honor it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity! The welfare of your servant is entirely owing to your favor and benevolence; a few days have elapsed since I arrived at Goondah, with the Colonel Saib.

"This is presented for your Highness's information. I cherish hopes from your generosity, that, considering me in the light of one of your servants, you will always continue to exalt and honor me with your gracious letters. May the sun of prosperity continually shine!"

These acknowledgments of the Begum's friendly disposition and services were concealed, when the charge was made against this woman at Lucknow before Sir Elijah Impey: I wish to impress this upon your Lordships' mind; and that before Mr. Hastings left Bengal, in the trunk of Major Scott, his private Persian interpreter, was this letter. Did he make that inquiry of Captain Gordon? No. Did he make that inquiry of Colonel Hannay? Did he make any inquiry into the matter, after his perusal of these letters? Or did he give this poor woman any opportunity of obtaining justice against this Captain Gordon, who, after acknowledging that he owed his life to her favor, calumniates and

traduces her to her utter destruction? No, he never did; and therefore he is chargeable, and I charge him, with everything that is wrongful in Captain Gordon's evidence.

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