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REMARKS
ON THE
EXTENSION OF TERRITORY
WHICH HAS TAKEN PLACE
IN
INDIA,

SUBSEQUENT TO THE ACTS OF PARLIAMENT
PASSED IN 1784, AND 1793;
*Submitted to the Consideration of Parliament, previous to
the proposed*

RENEWAL OF THE CHARTER
OF THE
EAST INDIA COMPANY.

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INDIA.

The approaching discussion of the Charter of the East India Company involves so many topics of importance to the interests of this Country, that the Public, it is conceived, will receive with satisfaction any statement which may serve to elucidate this interesting Question.

The reference, which has so frequently been made to transactions in India, as proving a systematic plan of territorial acquisition, inconsistent with the policy prescribed by the act of 1793, is calculated to mislead the judgment of many persons, generally entitled to respect and honor: this subject

appears to require explanation, and it is proposed, in this tract, to consider,

1st. The intention of the legislature in that branch of the Indian Bills, which respects "*conquest, and extension of territory in India.*"

2d. The practice of the Governments *abroad*, the orders of the government *at home*, and the *opinion* of Parliament respecting the same points, from 1784 to 1805.

3d. The *positive* enactment of Parliament upon the same points in 1800.

4th. The ultimate result of the augmentations of territory and power which have taken place in India since the year 1784, upon the strength and security of our Eastern empire, and upon the happiness and prosperity of our subjects in India.

1. The resolution passed in the House of Commons in the year 1782, and introduced into the India Act of 1784 and also into the

Act of 1793, declares that, the "pursuit of schemes of conquest and extension of dominion in India, is repugnant to the wish, the honor, and the policy of the nation." This declaratory preamble introduces the regulation for preventing the commencement of hostilities in India, or the conclusion of treaties of guarantee involving the contingency of war, without the express command and authority of the Court of Directors, or of the Secret Committee.

At the period of time when this resolution passed, and even when it was enacted into a law, the situation of the native states of India, as well as of our several tributaries and dependancies, rendered it impossible to suppose, that the intention of the Legislature could be to preclude altogether any extension of territory of the company, or any extension of the civil and military authority of the Company, over territories which we were already bound by treaty, or by positive interest, to defend.

The condition of the power of Tippoo Sul-

tan, of that of the Mahratta states, and of the Nizam at that period* of time, appeared to afford just apprehension, that war might arise in India on grounds of justice and necessity, which might compel the company to seek security in a reduction of the resources and power of some of those states : and it cannot be supposed, that Parliament intended to fix the exact limits of the dominion of the Company, excluding all reference to the conduct and policy of the native states of India, to the changes of power and interest which might occur on the continent of India, or to the advantage which might be derived from the *success of our arms* in any contest in which we might be engaged in the necessary course of events.

To forbid war absolutely was impracticable, whilst we were surrounded with powerful military states, whose policy might compel us to resort to arms ; and to forbid any reduction of the resources and dominions

*1784.

of any state, which we might defeat in war, or any additional strength which we might be enabled to found upon favourable conditions of peace, would not have been consistent with the wisdom of Parliament.

2. No inference can be drawn from the letter or spirit of the resolution or clause of the act to preclude the extension of the British territories in India, by *just* and *legitimate* means, unconnected with schemes of conquest and irregular ambition.

The strict construction of this principle has been repeatedly argued in Parliament ; and, in both Houses, the opinion has uniformly prevailed, that the intention of the Legislature was not to prohibit absolutely, either war or extension of territory in India, if either should become necessary to our security on the principles of justice.

The resolution and the clauses in the acts referred to *preceding* transactions in India, which appeared to the Legislature to have originated in an irregular spirit of aggrandise-

ment; and although it is certain, that unjust wars or exorbitant conquests would have been criminal, if no such principle had been expressly declared by the legislature, it cannot have been deemed superfluous to have declared the rule at a moment* when it was supposed to have been violated, and therefore to require additional confirmation and a new sanction of authority.

3. Neither the practice of the government abroad, nor the orders of the government at home, nor the conduct of Parliament from the time of passing this resolution to the present moment, will warrant any other construction of the rule, than that which has been stated with reference to war and conquest.

4. The extension of the Company's territory, which occurred upon the result of Lord Cornwallis's war against Tippoo Sultan, under the treaty of peace in the year

* 1784.

1792, would otherwise have been deemed a violation of the rule prescribed by Parliament; but that war, and all its consequences, in the extension of territory, were fully approved.

The extension of territory which followed the conquest of Mysore, in 1799, would also have been condemned on similar grounds.

That conquest was the result of a just and necessary war; and the transfer of the enemy's dominions to our authority, although involving considerable extension of territory, was never deemed, for *that reason only*, to be inconsistent with the policy of the act of 1793, but was declared to be justified by the same principles which had justified the commencement of the war.

5. In the year 1789,* Lord Cornwallis, under the treaty of 1768, with the Nizam, obtained the cession of the Guntoor district

* Vide Lord Cornwallis's letter of the 7th July, 1789.

to the Company. This transaction, *as a mere accession of territory*, would have been *censurable* upon the doctrine now maintained, but it was *approved* under the circumstances of the case.

The same observation applies to the arrangement concluded with the Rajah of Benares, in 1795, by Mr. Duncan, under the orders of Lord Teignmouth, by which arrangement the Company's authority was *extended* over the province of Benares.

6. The state of the Carnatic, of Oude, and of other possessions of our tributaries and dependants, had long* been a subject of complaint and alarm. The Company had, in fact, supported these tributaries in their respective countries, and they owed the existence of their power, and must have owed the continuance of it entirely to the Company's assistance.

* 1784 and 1793.

The administration of these countries was grossly abusive and *injurious* to the *welfare* and *happiness* of the *inhabitants*, and to the prosperity of the country. Internal disorder, and external weakness, accompanied by a rapid decay of the resources of these states, were the consequences of these evils.

The Company was bound by positive interest, and in many cases by treaty, to protect and defend these states, and was entitled to derive the means of defending them from the resources of the same countries. But under the mismanagement and corruption of the native governments, the means of supplying the defence of the country were declining, while the people suffered the utmost extremity of misery.

To extend the authority of the Company over these countries, would in fact prove *no extension of territory*, weakening the line, or impairing the means of our general defence; but an *augmentation of power* within territories, *which we were already bound to defend*. Such an augmentation of power, so far from

weakening, would tend greatly to secure and consolidate the strength of our empire in the East. Nor is it rational to suppose that our means of protecting these countries could be diminished by the introduction of the civil and military authority of the Company into their respective governments.

It is evident, that the opinion of the *government at home* has uniformly been, that the Company was *bound* to provide effectually for the good government of the possessions of our tributaries and dependants, and *even to interfere directly* for that purpose in cases of exigency.

7. The extension of the Company's authority over the Carnatic, was always considered as a measure essential to our security in the event of war; the Carnatic was accordingly *assumed*, both by Lord Macartney and Lord Cornwallis in time of war; and the *assumption* of the Carnatic in time of war, afterwards, became a formal article of treaty, concluded by Lord Cornwallis with the Nabob, in 1792.

8. In the short war of 1799, Lord Wellesley did not assume the Carnatic, as he might have done under that article. But in expectation that he would have assumed it, he received orders* from the Secret† Com-

* Vide printed papers relative to the arrangements in the Carnatic.

† It is usual every year to transmit from the India House to the Governor General in Council, an order to the following effect:

“ Having appointed () during the present direction, to be a Secret Committee, agreeable to, and “ for the purposes stated in the acts of the 24th, 26th “ and 33d of his present Majesty, WE, (meaning the “ Court of Directors,) hereby direct, that all orders “ and instructions, which you shall receive from our “ said Secret Committee, be *observed* and *obeyed* with the “ *same punctuality* and *exactness*, as though they had been “ signed by *thirteen* or more members of the Court of “ Directors, conformably to the said acts.”

Notwithstanding this positive order, the Court of Directors, during the discussion of the Oude and Carnatic questions, pretended to be ignorant of the existence of the orders of their Secret Committee regarding those transactions, and at all events, *not to be bound* by the acts of the Secret Committee. The government of India

mittee, *not to restore it to the Nabob*, until a new arrangement for its government should be concluded.

It is therefore evident, that the extension of the Company's authority over those territories of our dependants or subsidiary tributaries, which we were bound by treaty or interest to defend, has not hitherto been deemed repugnant either to law or good policy.

9. With the Nabob of the Carnatic, and with the Rajah of Tanjore, subsidiary

ought to be relieved from this contradiction; if they refuse to obey the SECRET COMMITTEE, they are guilty of a violation of the law, and of disobedience of orders; on the other hand, the *approbation* of the SECRET COMMITTEE, (at least in the case of Lord Wellesley,) was not any security against the *censure* of the COURT OF DIRECTORS. It is hoped, that Parliament will not only rectify this absurdity, but will also fix a due share of responsibility on the Court of Directors, who are now without any. This point demands the *most serious attention*, and ought to be fully considered on the renewal of the charter.

engagements were concluded by Lord Cornwallis in 1792, which eventually stipulated for a considerable *extension* of the authority of the Company over the territory of those princes, in the contingency of ultimate failure in the regular payment of the subsidy. But it never was contended, that in the event of such failure, it would have been inconsistent with the policy of the Act of 1793, to have insisted upon the rights of the Company to demand the execution of those articles of the respective subsidiary treaties, which, either in direct terms or by manifest implication, entitled the Company to an extension of territory in commutation of the subsidiary payments.

10. The following extracts from the Act* of 28th July, 1800, will explain the opinion of the Legislature upon this subject at that time:

“ Clause 1. Whereas the territorial pos-

* 39 and 40 George III. cap. 79.

"sessions of the United Company of Mer-
 "chants of England, trading to the East
 "Indies in the peninsula of India, *have*
 "*become so much extended* as to require
 "further regulations to be made for the due
 "government of the same."* "And whereas
 "the *province or district of Benares has*
 "*been ceded to the said United Company,*
 "*and been annexed* to the said Presidency of
 "Fort William in Bengal, since the establish-
 "ment of the said Supreme Court of Judica-
 "ture at Fort William aforesaid; and it is
 "expedient that the same should be subject
 "to the jurisdiction of the said Court, in like
 "manner as the kingdoms or provinces of
 "Bengal, Bahar, and Orissa; and that the
 "said province or district, and *all other pro-*
 "*vinces or districts, which may hereafter be*
 "*at any time annexed* and made subject to
 "the said presidency, should be subject to
 "such regulations as the Governor General
 "and Council of Fort William aforesaid have
 "framed, or may frame, for the better

* Cap. 20.

"administration of justice, among the
 "native inhabitants and others within the
 "same respectively: be it therefore further
 "enacted, that from and after the first day
 "of March, which will be in the year of our
 "Lord one thousand eight hundred and one,
 "the power and authority of the said
 "Supreme Court of Judicature, in and for
 "the said Presidency of Fort William afore-
 "said, as now and by virtue of this Act
 "established, and all such regulations as
 "have been or may be hereafter, according
 "to the powers and authorities, and subject
 "to the provision and restrictions, before
 "enacted, framed, and provided, shall ex-
 "tend to and over the said province or dis-
 "trict of Benares, and to and over all the
 "factories, districts, and places which now
 "are, or hereafter shall be made subordinate
 "thereto, *and to and over all such provinces*
 "*and districts as may at any time hereafter*
 "*be annexed and made subject to the said*
 "*Presidency of Fort William aforesaid.*"

These extracts must be considered to afford
 a clear sanction of such extensions of terri-

tory as *had been* notified to the government at home at that time, and furnish a clear exposition of the *intention* of the Legislature by the Acts of 1784 and 1793. If those Acts had been intended to constitute positive prohibitions of any extension of the Company's territory in India, the preamble of the Act of the 28th July 1800, would have been improper: it is evident from the words of this preamble, that the Legislature *admitted* the *propriety* of extending the Company's territory in India under certain circumstances, and in certain cases, notwithstanding the declaration of the law concerning "schemes of conquest and extension of dominion."

The words* employed in the latter part of these extracts also afford a further explanation of the intention of the Legislature respecting any extension of territory which might occur *subsequently* to the passing of this Act in 1800. So far from considering any such extension of territory to be illegal, the Act of the 28th of July 1800 expressly

* "All other provinces or districts which may, hereafter, at any time, be annexed, &c."

supposes, the case, that *other provinces and districts may hereafter be annexed* and made subject to Bengal, and provides for the good government of such new acquisitions. In fact, a part of the cessions from Oude was annexed to the district of Benares, and the remaining cessions from Oude, together with the cessions from the Mahrattas, were formed into another district. The whole was annexed to the Presidency of Bengal, and brought under the jurisdiction of the Supreme Court, by the operation of this Act.

11. The Company on various occasions, *with the authority* of His Majesty, had expressed great anxiety to commute the subsidies of the Carnatic and of Tanjore for adequate territorial security. It would be absurd to represent such a commutation as in any degree repugnant to the wish, the honour, or the policy of the nation, or to the spirit of the acts of regulation.

On Lord Wellesley's arrival in India, in April 1798, he endeavoured, in conformity to his *original* instructions from the Court of Directors, to obtain a commutation of

this nature in the Carnatic. It is unnecessary to state the repeated and anxious efforts which Lord Wellesley made to effect this object, or to observe, that in pursuing it, Lord Wellesley followed the steps of Lord Hobart's government, which had proceeded also under the commands of the Court of Directors.

Lord Hobart and Lord Wellesley were equally unsuccessful, but their efforts have received the most unequivocal testimonies of official approbation; nor was an attempt hazarded to represent their endeavours for the improvement of the subsisting subsidiary engagements of the Company in the Carnatic as a systematic violation of the Act of 1793, although the *success* of those endeavours must have been accompanied by an *extension* of the civil and military authority of the Company over territory, not at that time subject to either.

12. In the settlement of Mysore, upon concluding subsidiary engagements with the Rajah of Mysore, Lord Wellesley declared to the Court of Directors in 1799, that his express purpose was to facilitate the direct

control of the Company over the whole territory of Mysore, with a view to the more effectual security of the subsidy, and the good government of the country. In fact, the territory governed in the name of the Rajah, was actually annexed to the Company's dominion by that article of the subsidiary treaty of Seringapatam, which empowers* the Company, at any time, to assume the direct management of the whole country. But this treaty has not in Parliament been quoted to prove the existence of a *systematic* plan of territorial acquisition, inconsistent with the policy of the Act of 1793.

13. In Tanjore, a commutation of subsidy was effected in 1800, founded on the spirit of the Governor General's *original* instructions respecting the Carnatic; and accordingly the territory of Tanjore was subjected to the Company's authority.

14. At the termination of the war with Tippoo Sultan (while *hostilities still conti-*

* The actual condition of the Mysore territory is the best practical proof of the benefits of this arrangement. See Colonel Wilkes's able report on Mysore.

nued in various provinces of Mysore), in the year 1800, a new treaty of subsidy was formed with the Nizam: adverting to the former policy pursued by the Company since the act of 1793, to the tenor of the Governor General's instructions respecting the Carnatic, and to the experience of the evils resulting from the existing systems of subsidy in Oude and the Carnatic, Lord Wellesley framed the subsidiary treaty with the Nizam, upon the principle of obtaining *territorial security* for the payment of the subsidy, instead of depending for the safety of those funds, on the precarious power and imperfect administration of an Indian government.— Can it be supposed, that such an arrangement was precluded by law, especially as the *government at home* was fully* apprised of the whole transaction?

* The acts of 1784 and 1793, only preclude the conclusion of treaties of guarantee, (*involving the contingency of war*) WITHOUT the authority of the government at home. In this case the government at home was not only apprised of this transaction, but hostilities still continued in various parts of Mysore. In fact, this treaty with the Nizam in 1800, was merely an *improvement* of our *existing* engagements with that chieftain.

15. The treaties of Surat, and the treaties with the Guickwar, were founded on similar principles with those of Tanjore and Hyderabad, *substituting* territorial security for an engagement to pay the amount of the subsidy from the Treasury of the State. The right to conclude a subsidiary engagement with the Guickwar, was derived from that stipulation of the treaty of Salbye, which constitutes the Company to be the guarantee of the succession and government of the Guickwar state.

16. The new subsidiary treaty concluded with the Nabob of Oude, in November 1801, rested on the same foundations, and effected a *commutation* of all the Nabob Vizier's engagements with respect to subsidy, and aid in war for a cession of territory.

17. The treaty of Bassein (concluded with the Peishwah) proceeds on the same grounds. In *renewing* the ancient alliance between the Peishwah and the Company, it cemented that alliance by a subsidiary engagement,

and by a territorial cession, formed upon the *improved* plan of policy *repeatedly sanctioned* by the authority of His Majesty, and of the East India Company, and already effected, with other dependant states, in preference to that *defective scheme of subsidiary alliance*, which had produced *innumerable evils* in various parts of our dependancies in India; which for *many years* had constituted an *annual theme of lamentation* for all the governments in India, and for the Honourable court of Directors; and the policy of which appeared to have been *exploded* by the deliberate wisdom and long experience of that body.

The whole course of the negotiations at Poonah, from the year 1798 to the conclusion of the treaty of Bassein, was regularly submitted to the Secret Committee.

18. The transfer of the civil and military government of the Carnatic to the Company (in 1801), was warranted by the justice and necessity of that proceeding, founded upon the forfeiture incurred by Mahommed Alli, and Omdut ul Omrah, and upon the dangers which menaced the security of the

Company's rights on the coast of Coromandel, in consequence of their treachery. The justification of this proceeding rests upon principles similar to those, by which war is justifiable against any public enemy; and the extension of authority which accompanied the prosecution of a *just and legitimate public right*, cannot be condemned upon any principles correctly derived from the Act of 1793.

In prosecuting the just rights of the Company against the Nabob of the Carnatic, Lord Wellesley resorted to his *original* instructions from England respecting the Carnatic; and he framed the new settlement with reference to the *acknowledged expediency* of effecting a commutation of the subsidy for territorial security, and of rescuing the Carnatic from the evils of *divided government* and conflicting power, by establishing over that province ONE DISTINCT AUTHORITY in the hands of the Company, with a liberal provision for the Nabob and his family. It is impossible to comprehend the application of the Act of 1793, to any part of this transaction.

19. The acquisitions of territory which were accomplished in India during Lord Wellesley's administration, proceeded, either from the successful prosecution of *war*; or from *forfeiture* in consequence of the violation of dependant alliances; or, lastly, from the *improvement* of existing, or the *formation* of *new* treaties of subsidy and guarantee. The *first* description includes those provinces and possessions of Tippoo Sultan, retained by the Company under the partition treaty of Mysore,* together with the conquests made from Scindia and the Rajah of Berar, at the termination of the late Mahratta war. The *second* description consists of the possessions of Omdut ul Omrah in the Carnatic; and the *last* comprehends the territories *commuted* for subsidy by the Rajah of Tanjore, by the Nizam, and by the Nabob of Oude, and the territories *ceded* in *payment* of *subsidy* by the Nabob of Surat, by the Guickwar, and ultimately by the Peishwah.

* 1799.

1803.

The records of the Company will furnish sufficient evidence, that every extension of territory acquired under each of these classes, originated in principles, not only strictly conformable to the Act of 1793, but to the general maxims of justice and policy applicable to our Indian empire.

No extension of territory has been acquired otherwise than by the prosecution of a JUST and NECESSARY WAR, or of JUST and LEGITIMATE PUBLIC RIGHT: the result of these acquisitions has not involved the necessity of defending any territory, which had not *previously* furnished increased means of offensive war to our enemies, or which we were not *previously* bound to defend, either by the obligation of positive treaty, or of our own manifest interest.

Our *means of defence* in every case are now *greatly augmented* by the annexation of the civil and military government of the territories from which we derive the military resources, applicable to defray the charge of their respective protection and security.

The result of the whole progress of these wars and negotiations will appear to be nearly conformable to the following statement.

1. The limits of the Company's civil and military authority have been considerably extended since the year 1784.

2. The principles of these successive extensions of power have been conformable to justice and good policy, and regularly brought under the consideration of the authorities at home; and sanctioned, either by direct law, or by *orders* from the Government in England, or by long acquiescence in the arrangements effected in India.

3. The magnitude of our empire in India has been increased by these events; but its *strength* and *resources* have also been *greatly increased*; our frontier in every quarter is improved, our internal government invigorated, and our means of defence considerably augmented.