

PAPERS

RELATING TO

MYSORE

1861-1866.

Ordered by, THE HOUSE OF COMMONS, to be printed. •

1866.

EAST INDIA (MYSORE):

RETURN to an Address of the Honourable The House of Commons,
dated 27 February 1866;—for,

“COPIES of CORRESPONDENCE between the Maharajah of *Mysore* and the Government of *India* relative to His Highness's Claim to be Restored to the Government of the Territories which were Ceded to him, under the Partition Treaty of *Mysore* of the 22d day of June 1799:”

“Of any INSTRUCTIONS issued by the Secretary of State for *India* in Council to the Government of *India* regarding this Claim; and of any MINUTES, CORRESPONDENCE, or other PAPERS connected therewith:”

“Of any CORRESPONDENCE relating to the request of the Maharajah of *Mysore* to be allowed to adopt an Heir to his Titular Dignities and Territorial Possessions:”

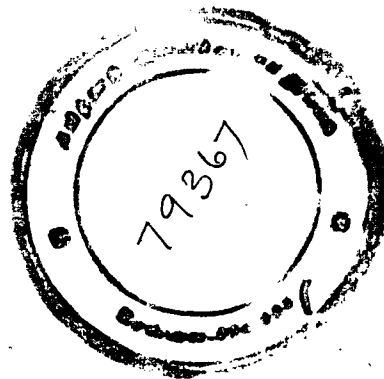
“And, of any PROTESTS or DISSENTS of Members of the Council of *India* relative to the Instructions sent to *India* on either of the above points.”

India Office,
2 March 1866.

JOHN WILLIAM KAYE,
Secretary in the Political Department.

(*Sir Henry Rawlinson.*)

Ordered, by The House of Commons, to be Printed,
13 March 1866.



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PAPERS RELATING TO MYSORE.

(Extract.)

(Foreign Department.—Political.—No. 40.)

The Governor General of India in Council to Sir Charles Wood, Bart., M.P. and G.C.B., Her Majesty's Secretary of State for India.

Fort William, 8 April 1862.

We have the honour to forward copies of correspondence with the Commissioner of Mysore, respecting the claim advanced by the Maharajah of Mysore to have the management of the country of Mysore restored to him.

25th Feb. 1861
15th Aug. "
22d Oct. "

Our decision will be found at length in the Governor General's letter to the Maharajah, dated 11th March 1862.

We have, &c.

(signed) Elgin & Kincardine
H. B. E. Frere.
Cecil Beadon.
R. Napier.
S. Laing.

From Sir Mark Cubbon, Commissioner of Mysore, to the Secretary to the Government of India, Foreign Department (No 12); dated 25 February 1861.

I HAVE the honour to transmit, for submission to his Excellency the Right Honourable Lord Viscount Canning, Viceroy and Governor General of India in Council, a khureeta to his Lordship's address, which I have been requested by his Highness the Maharajah of Mysore to dispatch by express.

This communication has taken me entirely by surprise. There are some parts of it which, had I been aware of the Maharajah's intention, I would have entreated his Highness to omit.

From His Highness the Maharajah of Mysore to Sir Mark Cubbon, Commissioner for Mysore (No. 40); dated 23 February 1861.

I HAVE the pleasure to enclose a khureeta to the address of his Excellency the Right Honourable Viscount Canning, Viceroy and Governor General of India, and to request you will be so good as to dispatch it by express to his Lordship.

A copy of it, in English, is transmitted for your information; the Canarese translation of it will be sent to you as soon as it is ready.

From the Maharajah of Mysore to His Excellency the Right Honourable Viscount Canning, Viceroy and Governor General of India; dated 23 February 1861.

My Lord,

I HAVE to crave your indulgent attention to, and serious consideration of, a subject of the highest importance, which I shall, as briefly as is compatible with the magnitude of the interests involved, now proceed to lay before your Lordship.

In the year 1799 the all-powerful English nation conquered the armies of Tippoo, stormed the fortress of Seringapatam, and slew the usurper, and then that great statesman, Lord Wellesley, founded a noble and disinterested policy, which added immensely to the fame of

the British Government, and did more to establish its influence and consolidate its power than many great victories.

The Governor General waived all right of conquest, rescued me, then an infant, the rightful heir to the throne of Mysore, and the descendant of a long line of kings, from captivity, and restored me to the musnud of my ancestors. By an article in the treaty between the British Government and myself, it was provided that, if at any time the affairs of my country fell into confusion, the British Government should have the power of assuming the management of the country until order was restored; and, in 1831, Lord William Bentinck, then Governor General, intimated to me that this provision of the treaty was to be enforced, and it was enforced without being resisted in any way by me.

I will not pause to argue whether the step taken was an absolutely necessary one; the honourable character of Lord William Bentinck was a guarantee that he considered it so. But his views must have subsequently been greatly modified, for he proposed, in the year 1834, two and a half years after the assumption of my country, that three-fourths of it should be restored to my control, on the condition that I assented to the temporary alienation of the remaining portion as a guarantee for the payment of my subsidy to the British Government. I had previously been gratified by his Lordship's assurance that the assumption of the administration of my country by the Government had not been caused by the personal omissions of the Sovereign.

In the year 1836, Lord Auckland received a Despatch from the Court of Directors, in which their opinion was declared, to the effect that, instead of adopting the views of Lord William Bentinck, they considered it a better course to let the sole management of the country remain as it was, until such salutary rules and safeguards should be matured as would place the affairs of Mysore on a safe and secure basis. In a Despatch from the Court of Directors, republished by your Lordship in your last Administration Report of India, it is ordered, with reference to Mysore, that they are desirous of adhering, as far as can be done, to the native usages, and not to introduce a system which cannot be worked hereafter by native agency, when the country shall be restored to the Rajah. After a personal inspection, Lord Dalhousie, on his return to Calcutta, pronounced his decision, that the affairs of Mysore were all that could be desired. My Lord, I never hesitated to assert that the present enviable state of Mysore is attributable to the enlightened services of Sir Mark Cubbon, whose acknowledgments of my support have received your Lordship's recognition. For twenty-six years he has carried on the administration of the affairs of my country, and has indisputably shown that, whatever requirements there may be in other countries for introducing changes, Sir Mark Cubbon has established that Mysore needs none of them, for its native system of government has produced results that bear comparison with any that can be exhibited in any part of India, whether its material prosperity, the happiness of its people, or any other test be applied. But, My Lord, as you know, Sir Mark Cubbon leaves his office, and there is no successor who can occupy his place. He departs with the fervent prayers of the Sovereign and his subjects that blessings may be showered on him. The universal desire of my people, and justice to my own character, require that I should now solicit the restoration of my Sovereign rights, of which I was deprived, as has always been stated, as a temporary measure, in proof of which—should proof be required in a matter so notorious—I beg to refer your Lordship to Lord William Bentinck's Despatch to the Court of Directors, the Court's answer to Lord Auckland, also the Court's Despatch, an extract from which I have quoted above. What I ask, my Lord, is not much. The country is acknowledged to be mine. All I seek, then, before I die, is, that I may be restored to the position I formerly held, that the stigma which attaches to my name may be removed, and that I may appear once more before my own subjects, and the princes and the people of India, as the Sovereign of Mysore in fact as well as in word.

I ask for my country, not with the intention of making any great changes in the nature of its administration, for Sir Mark Cubbon has shown where the safe road to further improvement alone lies; and I purpose, by the selection of experienced persons, to conduct the government, to prove that this State will continue to prosper under a superintended native administration, and be, as heretofore, loyal to Her Majesty and to Her successors, be the consequences what they may to myself and my heirs.

I have now only to request your Lordship to submit this letter to Her Majesty's Government, and to solicit your support of my claim, and this, from the proofs I have already received of your Lordship's generous nature, and from the noble sentiments expressed in your Lordship's letter to the Secretary of State for India, on the question of the rights of native princes, I feel assured I shall receive. And here I hope I may be pardoned, if I express my individual opinion, as one of the Sovereigns of India, on your Lordship's just and wise treatment of the native princes of this great country, in strengthening their hands, elevating their position, and consolidating their possessions. A day will come, my Lord—possibly not in my time, for I am now an old man, but probably at no remote period—when these princes and chiefs, bound to your Government by the double tie of gratitude and self-interest, will present a bulwark which neither the wave of foreign invasion nor the tide of internal disaffection can throw down; and when the wisdom of your Lordship's policy, a policy which no Governor General before your Lordship had the courage to avow, will become manifest to the world.

In conclusion, I beg you to remember, my Lord, that I have never committed the smallest offence towards the British Government. I have ever been true and loyal. The avowed object for which the Government of my country was temporarily assumed has long since been accomplished, and there is no justifiable pretext for its further retention. Support, then

them, my prayer, my Lord; render me justice, and make the few remaining days of a Sovereign who has drunk so deeply of the bitter cup of affliction as I have done happy, and you will add another jewel to that immortal crown which your Lordship has earned by your generous advocacy and support of the rights of the princes of India.

With every sentiment of respect and gratitude towards your Lordship, and with the renewed protestation of my devoted loyalty to Her Majesty, I beg leave to subscribe myself your Lordship's most faithful friend and servant.

From Charles B. Saunders, Esq., Officiating Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to the Secretary to the Government of India, Foreign Department (No. 95); dated Bangalore, 15 August 1861.

Sir,

With reference to the enclosed copy of a letter to my address from his Highness the Rajah of Mysore, I have the honour to forward, by express, for submission to his Excellency the Viceroy and Governor General in Council, the accompanying khureeta, which his Highness the Rajah has addressed to his Excellency the Right Honourable Viscount Canning.

From His Highness the Maharajah to C. B. Saunders, Esq., Officiating Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore (No. 163); dated Palace, Mysore, 14 August 1861.

Sir,

I HAVE the pleasure to enclose a khureeta to the address of his Excellency the Right Honourable Viscount Canning, Viceroy and Governor General of India, which I request you will be so good as to dispatch to his Lordship by express.

A copy of the letter in English and ~~Canarese~~ is enclosed for your information.

From His Highness the Maharajah of Mysore to His Excellency the Right Honourable Viscount Canning, Viceroy and Governor General of India; dated Palace, Mysore, 14 August 1861.

My Lord,

Nearly six months have now elapsed since I laid before your Lordship my application for the restoration of my kingdom, and more than four since I requested to be informed of the steps which had been taken in consequence.

Up to this time, however, the only reply which I have received has been a verbal message, conveyed to me by Mr. C. B. Saunders in a hurried interview on the 16th of May.

From this I learnt that the question was still before your Lordship's Council, and that an answer would be forwarded at an early date.

Within the last month I have celebrated the 67th anniversary of my birth, and have thus been forcibly reminded of the vital importance of time to one so far advanced on the voyage of life.

I have also heard that your Lordship is about to return to England, and although I feel that the justice of my claim can be denied by no one, still it would be cause of disappointment if I received back my kingdom from any hands but those of the nobleman who is pre-eminently distinguished as the friend of the princes of India.

Mr. Saunders will be requested to forward this by most expeditious mode of conveyance. Your Lordship will pardon me the impatience of an old man in asking for a speedy answer.

With sentiments of great respect and esteem, I beg leave to subscribe myself, your Lordship's most faithful friend and servant.

From C. B. Saunders, Esq., Officiating Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to the Secretary to the Government of India, Foreign Department, with the Governor General, Allahabad (No. 150); dated Bangalore, 22 October 1861.

Sir

In compliance with the request contained in the accompanying copy of a letter to my address from his Highness the Maharajah of Mysore, I have the honour to forward, by express, for submission to his Excellency the Viceroy and Governor General of India in Council,

Council, the accompanying khureeta, which his Highness the Maharajah has addressed to his Excellency.

I have deemed it incumbent upon me to forward the khureeta without delay, although I cannot but regret that his Highness should have considered it necessary so frequently to importune his Excellency the Viceroy on the subject of his original application.

From His Highness the Maharajah to *C. B. Saunders, Esq.*, Officiating Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore (No. 213); dated Palace Mysore, 21 October 1861.

Sir,

I HAVE the pleasure to enclose a khureeta to the address of his Excellency the Right Honourable Viscount Canning, Viceroy and Governor General of India, which I request you will be so good as to dispatch to his Lordship by express.

A copy of the letter in English and Canarese is enclosed for your information.

From His Highness the Maharajah of Mysore to His Excellency the Right Honourable Viscount Canning, Viceroy and Governor General of India; dated Palace Mysore, 21 October 1861.

My Lord,

I HAVE the honour to enclose a copy of a khureeta which I addressed to your Lordship on the 14th August last.

I do so because I greatly fear that the original has miscarried, and because my anxiety for an answer, as your Lordship may well imagine, has increased, rather than diminished, by the continued delay that has taken place in replying to my first communication.

With great respect and esteem I beg to subscribe myself.

From Colonel *H. M. Durand, C.B.*, Officiating Secretary to the Government of India, Foreign Department, to the Officiating Commissioner of Mysore (No. 248); dated 15 March 1862.

Sir,

Commissioner, Mysore, No. 12, 12 February 1861. WITH reference to the letters noted on the margin, forwarding khureetas from the Maharajah of Mysore to the address of the Governor General, I am directed by the Governor General in Council to forward to you, for delivery to the Maharajah, the accompanying reply from his Excellency.

2. A copy of the letter is enclosed for your information.

From the Right Honourable *Charles John Earl Canning, G.C.B.*, Governor General of India, to His Highness *Maharajah Raj Wudayer Bahadur*, Rajah of Mysore; dated 11 March 1862.

My honoured and valued Friend,

I HAVE received your Highness's khureetas of the 14th August and the 21st October, urging, with reference to your own advanced age and my approaching return to England, that a speedy answer should be given to your Highness's khureeta of the 23d February 1861.

It is your Highness's request that the last-mentioned khureeta may be submitted to Her Majesty's Government, and that it may be accompanied by my support to the claim therein advanced; the claim being that the management of the country of Mysore should be now restored to your Highness.

This demand, based upon arguments, which will hereafter be noticed, is one which it is as little my inclination as my duty to treat lightly, or to set aside without the most patient and impartial consideration; and I regret the disappointment which may be caused to your Highness when I now inform you of my inability to support your claim, or to admit the grounds on which it is founded, and which I regard as mistaken and untenable.

My regret is the greater, because it was my pleasing duty, in a letter of the 28th June 1862, to express to your Highness my cordial thanks for your steadfast loyalty, prominently

prominently noticed by the late Sir M. Cubbon in his letter of the 2d June 1860, and subsequently to make known to Her Majesty's Government the spirit by which your Highness had been animated, and of which you had given substantial proofs during the troubles of 1857.

Your Highness, in your khureeta of the 23d of February 1861, after a candid avowal that the present enviable state of Mysore is attributable to the enlightened services of Sir M. Cubbon, has referred to a supposed recognition by me, not only of the loyalty displayed by your Highness at the time of which Sir M. Cubbon wrote, but also of support given by your Highness to that officer during his long and able administration. Had Sir Mark Cubbon ever acknowledged such support, your Highness must feel sure that nothing would have been more agreeable to me than to have had it in my power, on such good grounds, to attribute to your Highness a share in the credit due for the successful administration of Mysore. Under such circumstances there would, most certainly, have been no hesitation on my part in freely according to your Highness the merit which you appear to claim in your khureeta of the 23d February 1861; but I cannot conceal from your Highness that throughout the correspondence between Sir M. Cubbon and this Government, extending as it does over so many years, I have failed to find any such acknowledgment. Sir Mark Cubbon has left on record opinions of an entirely contrary character.

He has stated that any improvements which had taken place had been effected in spite of the counteraction he had met with on the part of your Highness and your partisans, and that the conduct of your Highness during your suspension from power would afford no security that the crisis which induced your suspension would not recur in the event of your restoration. Your Highness observes that the Marquis Wellesley rescued you, when an infant, from captivity. This is true; but the Marquis Wellesley, when he released you from an hereditary prison, and placed you on the musnud of Mysore, far from waiving any right of conquest, asserted and maintained that right in all its integrity, and in a threefold manner.

In the first place, after the fall of Seringapatam and the death of Tippoo Sultan, the territory thus conquered was made the subject of a partition treaty, in which your Highness was not otherwise a party concerned than as the notified future recipient of the liberality of the British Government. The contracting parties were the Governor General and the Nizam. The details of the partition of the territory were prescribed by Lord Wellesley, the conquest having been effected by British arms. This was Lord Wellesley's first and chief assertion of the right of conquest, and in it your Highness had no share whatever as a principal.

In the next place, ancillary to the partition treaty of Mysore, was the grant, on certain conditions, of that portion of the territories conquered from Tippoo Sultan, which the Governor General thought proper to assign to your Highness.

This instrument was styled the Subsidiary Treaty, its subordinate relation to the Partition Treaty being thereby indicated. The cession of territory, in favour of your Highness, which comprised districts annexed by Hyder Ali, over which your ancestors had never ruled, was based distinctly upon the British Government's right of conquest. In one of the communications from your Highness, mention is indeed made of "that hereditary patrimony bequeathed to me by my sires, the sovereigns of the soil." But when the grant was made by Lord Wellesley, in favour of your Highness, you did not inherit any patrimony in the soil, and you could not claim a single village.

For the independence of your Highness's ancestors after the destruction of the kingdom of Bijaynuggur, to which they had long been vassal chiefs, was short-lived, and they had entirely lost by the sword what they had gained by the sword. Therefore, your Highness's title to authority in Mysore rests solely upon the cession made to you by the British Government; and both in the Subsidiary Treaty, and in the Despatches explanatory of the principles on which it had been framed, Lord Wellesley was careful to assert that the only basis of your dominion was the British rights of conquest and the power of his Government to make the cession on conditions. This was Lord Wellesley's second assertion and maintenance of the right of conquest.

Lastly, the 4th and 5th Articles of the Subsidiary Treaty show that, far from waiving the rights derived from conquest, Lord Wellesley, in a very signal manner, kept those rights alive in the conditions which he attached to the cession. By the 5th Article a wide discretionary power is retained to the Governor General to assume, whether your Highness consent or not, the management of the territories, and to provide for the effectual protection of the country and the welfare of the people. Nor was the latitude of the discretion unintentional. In a Despatch which accompanied the Draft Treaty of Seringapatam, Lord Wellesley informed the Commissioners that the provisions of Article 5 were absolutely necessary for the purpose of precluding the embarrassments which had arisen in Oudh, the Carnatic, and Tanjore; and that, in his opinion, it was a more candid and liberal, as well as a more wise policy, to apprise your Highness, from the first hour of your accession, of the nature of your dependence, than to leave any channel open for future ambiguity and discussion. His Lordship proceeded to state that this was a point which he held to be so essential to the very existence of the new arrangement, that, if it should appear objectionable (on grounds of which he was not then aware), he saw no alternative but that of dividing the whole territory between the allies: in other words, of totally excluding your Highness from the purposed liberality of the British Government, if there were any demur on the part of those acting for your Highness, to accept the grant on the conditions attached

to it. Nor was he less precise when reporting his arrangements to the Court of Directors and to the Ministers of the Crown. Throughout those Despatches there is no waiving of the rights of conquest and of the supreme sovereignty which it conferred upon the British Government; on the contrary there is repeated assertion, in the strongest and clearest language, that in the arrangements made it was had in view that the title of your Highness to the territory entrusted to you should have no other basis than the right and power of the British Government to assign it; and that the grant of dominion over that territory was to be in entire subordination to the sovereignty of the British Government, and was conditional, on the country being governed in accordance with the wishes of the British Government, for the good of the people, and in a manner that should leave no reason to apprehend failure in bearing such share of the burthen of military expenditure in peace or in war as the Governor General might see fit for the one, and left open to discretion for the other, state of affairs.

There is, then, no doubt whatever as to the intentions of the Marquis Wellesley when making the grant in favour of your Highness. He has recorded them in the different stages of the arrangement; first, prior to its completion; next, in the terms and conditions themselves of the Treaty; and lastly, when announcing to the British Government that the spontaneous act by which conditional dominion was conferred on your Highness was secured from being hereafter made a ground for assumptions such as those which I regret to see in your Highness's khureeta.

But the khureeta, passing from assumptions without foundation, proceeds on the strength of them to make an appeal for justice; complains of the further retention, without justifiable pretext, of your country, after the avowed object for which its government had been temporarily assumed had long since been accomplished; and claims the restoration of sovereign rights, the suspension of which, it is asserted, was always stated to be a temporary measure. Your Highness thus challenges the justice and the good faith of the British Government.

Thereby your Highness compels me to point out to you that the British Government did not interpose to enforce the remedy provided in the Subsidiary Treaty until the obligations which attached to the cession had been for 20 years flagrantly and habitually violated in spite of repeated warnings and remonstrances by the British Government and its agents; nor until the country had been driven into rebellion by misgovernment of the very worst description, and when, but for that interference, most of the Provinces of Mysore would have effectually shaken off your Highness's authority.

It was under these circumstances that the British Government, sensible of the responsibility which the rights of conquest and sovereignty imposed upon it, acted upon the provisions of the Treaty, and having made ample provision for your Highness's comfort and dignity, cancelled the authority it had conferred, and re-entered on the possession and administration of the Mysore territory, in order to retrieve its public resources, and to rescue the country from anarchy and ruin. When thus reluctantly forced to supersede your Highness's authority, no expectation, direct or indirect, was held out, that that authority would be restored in your Highness's lifetime under its former conditions. The Government of India carefully held itself free to act as future circumstances might show to be the best; and it abstained from all pledge, either to prince or people, that an administration which had so signally failed would ever be re-established.

Your Highness has adhered to certain proposals made by Lord William Bentinck, subject to the approval of the British Government. As the latter withheld its concurrence, the proposals of the Governor General fell to the ground. In the course of the correspondence, the Court of Directors used language which was consistent with a purpose, at some future period and under conditions left undefined, to restore a native government, but not specifically that of your Highness. The expressions of the Court of Directors were simply in the way of caution, to prevent anything being done which could interfere with the future free action of the British Government as to the form of administration to be organised for Mysore. There was nothing in them which approached to a pledge to restore your Highness's share in the administration, even if administration by a British Commission should fail. That which the Treaty promised, the British Government scrupulously performed, and your Highness is now enjoying the personal provision which was secured to you in the event of that Government resuming the administration of Mysore. This provision is a personal right, not an heritable one. It is not claimable as a right even by a natural-born heir, however liberally the Government might of its own grace be disposed to deal with a claim from such a quarter. And as your Highness failed to fulfil the obligations of the authority which had been ceded to you, it is the only right which remains to your Highness.

Your title to that right is exactly the same as was your title to the authority which you forfeited through misrule, that is, interests upon favour shown to your Highness by the British Government in its mode of dealing with other rights which it had acquired by conquest. The good faith of that Government towards your Highness is inviolate.

Its justice can as little be called in question. After patiently permitting for 20 years an administration which culminated in insurrection, and rendered necessary the intervention of British troops to suppress anarchy, the British Government was imperatively called upon to vindicate its own character for justice, and not to permit its name or its power to be identified with misrule. It had a duty to fulfil towards the people of Mysore, and for 30 years, under the able and honest administration of British officers, that duty has been efficiently performed. Solvency has been restored and order is now maintained in Mysore; so far the immediate purpose of the resumption has been attained. But when your Highness proceeds

to state that the native system of government has produced these results, and that you will provide an administration for the future as good as that which you would supersede, your Highness seems to forget the material fact that the paramount authority of British officers is the safeguard and the very essence of the good which is manifest in the present administration. Your Highness fails to offer any security upon a point not inferior in importance to the restoration of order and solvency, namely, the future maintenance of good government in Mysore. This was one of the avowed purposes of the resumption of authority by the British Government; and I say frankly to your Highness that it is my conviction, founded on experience of the past, that, if the authority of the British officers were removed, or even hampered, the peace and prosperity of Mysore would be at an end. The justice of the British Government might, indeed, be open to question, without the fullest security that the measure would not be synonymous with a return to oppression and misrule, the Province of Mysore were replaced under its former condition.

The obligations of the British Government to the people of Mysore are as sacred as its self-imposed obligations to your Highness, which alone form your Highness's title to any rights under the Subsidiary Treaty. When in that treaty the British Government reserved to itself the re-assumption, at its own discretion, of the dominion entrusted, under conditions, to your Highness, it thereby acknowledged the obligation by which conquest had been accompanied, and admitted its responsibility for the enduring welfare of the people over whom it had become sovereign. And, whilst the British Government has been careful to satisfy the right which it originally conceded to your Highness, and certainly not the less careful because the concession was made spontaneously, and without its being in your Highness's power to offer any consideration of the smallest political value as an equivalent, it is equally alive to its obligations to the people of Mysore, and to the responsibility for their prosperity and welfare, of which it cannot divest itself. It has been, and will continue to be, scrupulously just to both parties.

Your Highness has pressed upon my consideration your advanced age, and your desire that the stigma which attaches to your name might be removed by a restoration to the position you formerly held. These are pleas to which, in themselves, I desire to show respect and all practicable indulgence; but, accompanied, as they have been, by pretensions based upon erroneous assumptions, and leading, as they have led, to an imputation upon the fair dealing of the British Government, it has been incumbent upon me to correct the errors into which your Highness has fallen, and to put upon record that, in my opinion, your Highness was very ill-advised when, upon the ground of assumed ancestral and hereditary rights, which have no existence, and of admissions and promises which were never made, you permitted yourself to forget the generosity of the British Government in order to call in question its good faith and justice.

I beg to express the high consideration I entertain for your Highness.

(Foreign Department—Political.—No. 71.)

The Governor General of India to Sir Charles Wood, Bart., M.P. and G.C.B.,
Her Majesty's Secretary of State for India.

Fort William, 4 June 1862.

We enclose herewith a copy of a khureeta from his Highness the Maharajah of Mysore to the address of the Viceroy and Governor General protesting against the decision upon his claim to the restoration of the government of his State, which was conveyed to him in Earl Canning's khureeta of the 11th March, a copy of which was forwarded to you in our Despatch, No. 40, dated the 8th April.

2. As the Maharajah states that it is his desire that this letter should be regarded as an appeal to the Home authorities from the decision of Earl Canning, we think it right to submit it for your consideration, merely observing that the allegations and reasoning which it contains do not shake our confidence in the propriety of that decision.

3. A copy of our reply to the Maharajah's khureeta is also sent for your information.

We have, &c.

(signed) Elgin & Kinardine.
R. Napier.
H. B. Harrington.
W. Grey.

From His Highness the Maharajah of Mysore to the Right Honourable the Earl of Elgin & Kincardine, K.T. and G.C.B., Viceroy and Governor General; dated Palace, Mysore, 20 April 1862.

My Lord,

I HAVE the honour to acknowledge the receipt of Earl Canning's letter of the 11th ultimo, informing me that he was unable to support my prayer for the restoration of the government of my kingdom, and leaving me to gather that he had not complied with my request to forward it on to the Home authorities.

2. I can hardly expect you, my Lord, at this early stage of your government, to enter upon a review of, perhaps, the latest measure of your predecessor, and I shall, therefore, not be disappointed should your Lordship hesitate to make inquiries into the merits of my claim. In fact, it is my desire that this letter should be regarded as an appeal to the Home authorities from the decision of Earl Canning, and I, therefore, beg that a copy of it may be forwarded to the Secretary of State with the least practicable delay. It would, however, be most grateful to my feelings if my case should be fortunate enough to gain your Lordship's powerful support. I now proceed to discuss the communication under reply.

3. In the letter of Earl Canning particular pains are taken to prove that the British Government, after the death of Tippoo Sultan, never waived its right of conquest, but asserted and maintained it in all its integrity, and in a threefold manner. I am not aware that this proposition was ever denied by any one, and most certainly it was never disputed by me, and, so far as I am concerned, may, therefore, be at once conceded in all its entirety. But what follows? Do not these rights expire with their first exercise? and a treaty once signed by the conqueror, is not the *status quo ante* that treaty merely a matter of history? The rights of conquest are swallowed up in its self-imposed obligations.

4. It is to be observed, however, that the conquest was not effected by the British alone, and that, in the diplomatic correspondence of the time, the fact is always scrupulously set forward. A strong Contingent from Hyderabad, under the command of the Duke of Wellington, formed part of the invading force, and participated in the prize money shared among the captors of Seringapatam. The Nizam of the Deccan treated, as an equal power, with the Governor General, in the arrangements which resulted in the partition of Tippoo Sultan's territories: and his assent, to all outward appearance, was as necessary as that of Lord Mornington to the treaty by which the Peshwa and myself were admitted to a share of the conquered districts. Lord Canning may be right in saying that I "was not otherwise a party concerned than as the notified future recipient of the liberality of the British Government;" still, I take it to be manifest that, but for the pledge to make me this recipient, the treaty would not have been concluded as it now stands; and the fact is admitted by Lord Mornington (in a passage quoted by Lord Canning himself), when he states that, if the treaty broke down, he "saw no alternative but that of dividing the whole territory between the allies." It was at one time also intended that I should have been something more than a mere recipient, for I see from Lord Mornington's letter, of the 5th June 1799, that by the treaty, as originally drafted, the whole of the conquered territory was to have been made over to me in the first instance, the allies afterwards accepting as a cession, under my authority, such districts as were to be retained by them. I submit this to be a conclusive proof that the British share with others in the rights of conquest.

5. Lord Canning urges that the erection of the kingdom of Mysore in my favour was a purely spontaneous act, and that it was "not in my power to offer any consideration of the smallest political value as an equivalent." This is perfectly true as regards myself personally, but surely it will not be denied that the device of constructing a quasi-independent kingdom in Mysore was attended with the most important political advantages to the British power as distinguished from that of the allies. Lord Wellesley reiterates the fact again and again. He states that any other arrangement would have "aggrandised the Nizam's power beyond all bounds of discretion," and "afforded strong grounds of jealousy" to the Mahrattas, and have been "an augmentation of their resources and means of mischief;" while, at the same time, it was the expedient best calculated to "secure to the Company a less invidious and more efficient share of revenue, resource, commercial advantage and military strength than could be obtained under any other distribution of territory or power." The Duke of Wellington, too, repeatedly asserts that the kingdom of Mysore "had afforded the most substantial assistance to Great Britain in all her difficulties," and that to this assistance he was, in a great measure, indebted for his early military successes. I believe that the above will be clearly ascertained from the original letters of Sir Arthur Wellesley, which were formerly in the Mysore Residency, but which, I believe, have been carried to England by the late Governor General.

6. Lord Canning truly states that the territory ceded to me in 1799 comprised districts over which my ancestors never ruled, but he omits to add that their kingdom, though differing in its limits, was hardly less extensive than that which the allies assigned to their descendant. Compensation was given in the north for districts not restored in the south. The new limits were fixed for military reasons, and the boundary was removed northwards, in order that the British might hold the keys of the ghats. So paramount, indeed, was this object considered, that, as increased knowledge led the features of the mountains to be better understood, the boundaries were, sometime afterwards, greatly modified by a subsequent special treaty, not alluded to by Lord Canning, in which certain talooks in the north

of Chittledroog were given in exchange for strong positions about Wynaad. Is it too much to say that the anxiety displayed in those days to make the Mysore Territory powerless against the British is a proof that they regarded the distinct position of my country as a permanent fact?

7. My family also, even in its reduced position, was of more importance than the late Governor General seems to have supposed. The political advantage attending the possession of their persons was recognised by Hyder Ali himself, who, besides being a ruthless conqueror, was a quick and far-sighted statesman; and so highly did he estimate their influence, that, when the direct line had failed for want of a natural-born heir, he selected a new head to the family by a formal and interesting ceremonial. Lord Wellesley likewise makes frequent allusion to the "justice" of my claims, and speaks of the "high birth" of my family, and the "antiquity of their legitimate title."

8. The good success of the administration of the *Amir* Begum is constantly quoted as a contrast to the bad success of my own; and, if the amount of revenue collected is taken as the sole test, it must be admitted that the comparison is greatly in favour of the former. It has, however, been distinctly asserted both by Lord William Bentinck's Commissioners and by Sir Mark Cubbon, that the exactions of that minister were calculated to exhaust the real energies of the State, and that his collections were swelled to a fictitious amount by the vast stores of sandalwood, &c., which had accumulated during the reign of Tippoo. Besides this, a very large military force, particularly strong in European regiments, was maintained in those days, by which the price of grain was kept up, and great sums of money drawn from Madras and put into circulation.

9. Sir Arthur Wellesley, whom nothing seems to have escaped, was struck with the consequences which must ensue when this vast military expenditure ceased, and points out that money could come from no other source into a country which was completely land-locked, and "shut out from intercourse with either coast." He apprehends the worst consequences to Lord Wellesley's arrangements when this should take place, and as he apprehended so it fell out; for, although I was able to keep clear of the "Madras sharks," the collections, and with them the subsidy, fell into arrears, and the government of the country was assumed by the British. The true secret for correcting the unfortunate geographical position of Mysore has since been discovered to consist in the construction of roads and bridges; but it was to afford me advice of this sort that a Resident was attached to my court, and I can confidently assert that no such advice was ever given. Nor, if roads had been made in Mysore, would they have been of much use, for years elapsed after the assumption before they began to be constructed in the Madras Presidency.

10. As my collections have been contrasted with those of Poorneah before me, so also have they been compared with those of the British Commission after me. The financial success of Sir M. Cubbon's administration has, doubtless, been very great, but it has been principally caused by the augmentation of the land revenue, which, in a country where the buttaye system extensively prevails, is dependent on the price of grain, which has increased to an incredible extent, entirely, as I believe, owing to the creation of means of communication, which was an idea in advance of the age in which the government was in my hands. A statement of prices in 1832 and in 1842, more particularly in the Nuggur Division, would astonish political economists.

11. I think I have been successful in showing that other causes than misgovernment were at work upon the revenue; and even if misgovernment were proved to have existed, I hope I shall not be misunderstood when I say that the researches of the Torture Commission, and other Government inquiries in the neighbouring territory, will have established the fact that, in India, gross misgovernment may long be carried on without the knowledge, or in spite of the exertions, of the responsible authorities.

12. Lord Canning has laid great stress on the fact that my people broke out in rebellion, and that they had to be quelled by British troops. But is there anything extraordinary in the fact that soldiers were called upon to restore the internal tranquillity of a territory in which they had been living at free quarters for three and thirty years? and has insurrection, if insurrection it may be called, been unheard of elsewhere? On the contrary, may it not be described as the chronic state of India, or may it not be compared with the cholera, as an epidemic from which the well-governed states, as well as the best ordered constitutions, are never safe? In the present instance, it arose in the Nuggur Division, to which I had no hereditary claims, and where I may be supposed to have had no personal influence. The people of one portion of Nuggur are of the same race as the people of Canara; and the inhabitants of the other are closely allied with the inhabitants of the Southern Mahratta country. It is a curious fact that both these territories have more than once been in open rebellion of a serious character subsequent to the assumption of my government, and the flame lighted in Canara was not extinguished without the extraneous aid of European regiments from the Bombay Presidency, and of Irregular Horse from this very Mysore. All three districts, moreover, were alike conquered from Tippoo in 1799, and it is fair to assume that disturbances arose in them from similar causes. A fact must be added, which is no assertion of mine, but is found in the Report of Lord William Bentinck's Commissioners, that the belief was universally prevalent among the Mysore ryots, that their opposition to the Sirkar was viewed with complacency by the Company's Government at Madras.

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13. I now feel that I am treading upon delicate ground, but my character and conduct have been attacked with such extraordinary asperity by Lord Canning, that it is necessary for my own vindication to follow his example by waiving delicacy in this instance, if in no other. I have stated above, on the best authority, what was the belief of my people, and I have equally indisputable authority in the shape of the evidence of a gentleman happily still living in England, for the fact that he has frequently heard Lord William Bentinck say, in his retirement, that he bitterly regretted the step he had taken with regard to Mysore, into which he had been led by what he subsequently found to be false and distorted representations. Lord Canning will be the last man to dispute the authority which has said that, however undesirable it might be to add more provinces to the British dominions, yet that the case of Mysore, lying in the very heart of the Madras territory, was quite exceptional. It was certainly thought to be so 30 years ago, and that this was likely to be the case was clearly foreseen by the great Duke of Wellington, who, on the 14th January 1804, recorded "the Government of Mysore should be placed under the immediate protection and superintendence of the Governor General in Council. The Governor of Fort St. George ought to have no more to do with the Rajah than they have with the Scobah of the Deccan or the Peishwa. The consequence of the continuance of the existing system will be that the Rajah's Government will be destroyed by corruption, or, if they should not be corrupt, by calumny." It is further a matter of the utmost notoriety that Sir Mark Cubbon resigned rather than serve under the Madras Government, and that he considered that even his administration had been weakened by the last-mentioned evil influence.

14. The conviction that I had been deceived had probably begun to work on Lord William Bentinck's mind, when he made his proposition that three of the Foudzarees of Mysore should again be made over to me in sovereignty, and that the remainder, "or so much as may satisfy the claims of the Company," should be transferred to the British Government. This proposal, it must be borne in mind, emanated from the very Governor General whose hasty action had deprived me of my kingdom, and his words most unmistakably are susceptible of no other meaning than that he had abandoned the idea of my being fit to exercise sovereign powers, and that the claim of his Government was now limited to the requirement of a material guarantee for the payment of the subsidy. The Court of Directors demurred to this arrangement, not, as I understood, on personal grounds, but because they objected to any division of a kingdom the integrity of which was guaranteed by the parties to the Partition Treaty. To this I only know from hearsay, for no copy of the Despatch was communicated to me, but its truth is confirmed by the fact that, in the year after Lord William's letter, the Supreme Government received orders "not to introduce a system which cannot be worked hereafter by native agency when the country shall be restored to the Rajah." For this extract I am indebted to Lord Canning himself, who quotes it in his Administration Report in 1860, with an introduction as to the necessity of "fulfilling it conscientiously," and I must, therefore, own to considerable surprise, when I found that his Lordship had made Lord William's proposal tell against me rather than in my favour; and that his conscientious interpretation of the words "restored to the Rajah" was merely that it was "language consistent with a purpose, at some future period, and under conditions left undefined," to restore a native government of some sort.

15. Lord William Bentinck was succeeded by Sir Charles Metcalfe, the ablest Indian statesman of his generation, and pre-eminently qualified to form a judgment on any point connected with the conduct of a native prince. It was Sir Charles Metcalfe's deliberately recorded opinion that the assumption of my Government was harsh and unprovoked.

16. Lord Canning has reproached me, on the authority of Sir Mark Cubbon, with the opposition his administration met with from myself and my "partisans." I am, of course, unacquainted with the contents of that officer's reports (indeed, throughout this vindication I labour under the disadvantage of most imperfect information of what has been alleged against me), but, I think, I can venture to say that they must be of very old date, for I have always understood that for many years past the Commissioner had cherished a very different opinion. These unfavourable statements were most probably made during, or immediately after, the time when, though deprived of the Government, a British Resident still continued attached to my court. My relations with this gentleman (Major-General Stokes) extended over several years, and, as he is happily still alive, I fearlessly appeal to him as to whether he can recall a single instance in which, in his opinion, I acted contrary to the interests of the Government which he represented. I must protest, of course, against being held responsible for all unauthorised uses of my name, and it will readily be admitted that no situation can possibly be conceived more likely to produce such uses, more especially as it was patent to all that between the Commissioner and the Resident there was an utter want of sympathy and harmony. Both were honest and high-minded gentlemen, but their opinions on many of the most important points that came before them were opposite and antagonistic. The one was a friend and disciple of Lord Metcalfe, and held views which, up to the date of the receipt of this letter, I supposed to be identified with the name of Lord Canning. The other has been brought forward by Sir Thomas Munro, and was the strenuous and unflinching advocate of the measures which afterwards found their crowning exponent in the administration of Lord Dalhousie. He was a wise man and a good man, but both his wisdom and his goodness had taken their bent from the school in which he had been brought up. He honestly and firmly believed that, until the last rag of power was stripped from the native princes, and the whole map became coloured red, there was neither safety nor prosperity for India.

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17. I have before stated the opinion of Sir Charles Metcalfe as to the assumption of my country, and I think it quite probable that Colonel Stokes was imbued with the same feeling. At any rate he and Colonel Cubbon never worked in harmony. The battle between them was for a long time fought through the medium of despatches to the Supreme Government, until, at last, in the time of Lord Ellenborough, the Resident fell before the Commissioner, and the post of the former was abolished. I do not pretend to possess feelings above those common to mankind, and I freely own that my sympathies were deeply engaged with Colonel Stokes. It is to this period that I am inclined to refer the hostile opinions of Sir Mark Cubbon, and I can think of no one else likely to be indicated as a "partisan" except the high officer deputed to my Court by the British Government, to advise and guide me in all my actions.

18. Lord Canning appears now to be of opinion that up to 1857 I was disaffected and ill-disposed, and that it was only the great crash of the mutiny, which had so contrary an effect on many others, that led me to become loyal to the British Government, and to withdraw my opposition to the administration of Sir Mark Cubbon. But it is notorious in Mysore that that officer had long been of quite the contrary opinion, and I have been greatly misinformed if Lord Canning himself has not, indirectly, borne testimony to the same fact, by placing on record that I was justified in referring with pride to the present state of my country. His Lordship besides wrote to myself on the 28th June 1860, that "the fidelity and attachment to the British Government, which have long marked your Highness's acts, had been conspicuous upon every opportunity."

19. Lord Canning has attached a reading to Articles IV. and V. of the Subsidiary Treaty, which, I must own, struck me with surprise. I have before shown that, when the words "the rajah" occurred in a despatch from the Court of Directors, they were interpreted to mean nothing more than a native government of some sort. When, however, they occur in the Treaty, they are narrowed down to their most restricted literal meaning, and are held not even to extend to my son, if I had one. I will not ask what was the meaning attached to these Articles by the representatives of the Nizam, whose opposition Lord Wellesley deprecated, but I will ask what Lord Wellesley thought of them himself; and most fortunately I find the question fully and nobly answered in a letter to that statesman from his illustrious brother, the future Duke of Wellington. The Treaty at the time was in an incomplete state, and the Article mentioned as No. VI. can only be IV. and V. of the perfected document; but, even supposing it to refer to the present Article VI., the spirit indicated would be in no way affected. "Colonel Kirkpatrick will have written to you yesterday regarding the 6th Article of the Subsidiary Treaty. We all agreed that that ought to be modified in some manner. As it now stands, it will give grounds for the belief that we give the Rajah the country at the present moment with the intention of taking it away again when it will suit our convenience. Supposing that the candid and generous policy of the present Government should weaken that belief, as far as it regards them, it must be allowed that the conduct of the British Government in India has not at times been such as to induce the natives to believe that, at some time or other, improper advantage will not be taken of that Article. They know, as well as we do, that there will be a change of Government immediately, and that there certainly will be one in the course of a few years; and the person then appointed governor general may not have such enlarged systems of policy as those by which we are regulated at the present moment. This induces me to believe that they will object strongly to that Article, and I don't think that it will be very creditable to us to insist upon it."

20. The above speaks for itself; but according to the reading of Lord Canning, a governor general, such as the Duke of Wellington sees in prospect, had only to form the opinion that the shortcoming provided against had been discovered, and, however restricted and temporary in its nature the particular shortcoming might be, the Subsidiary Treaty became dormant, unless the same or another governor general, during my lifetime, decided that the crisis had passed away, and that the whole Treaty became null and void, and the country lapsed absolutely to the British, and with it all the rights of my heirs, should my death occur before the favourable decision was arrived at. Yet Lord William Bentinck, in 1854, had recorded that the Company had not assumed the Mysore government on its own account, but that it was ~~entirely~~ entirely on my behalf. He also decided that the Treaty was in no way canceled, but still remained in full force. Let the noble ideas expressed by the Duke of Wellington decide the question between these two viceroys.

21. In order, further, to expose the weakness of Lord Canning's interpretation, it is only necessary to push it to the extreme, and to suppose that I had died the day after the Treaty was concluded! I submit it is impossible to conceive that the other ally in conquest, who evidently scanned the provisions with a jealous eye, would have consented to an arrangement which hung on so slight a thread as the life of a child. This appears to me conclusive as to this point, even if the spirit which guided the framers of the Treaty had not been so unmistakably described by the most illustrious hand that aided in it.

22. Lord Canning seems to suppose that I expected the Government to be handed over to me without the provision of any security that the country should continue to be well governed. But quite contrary is the fact. It is hardly to be supposed that, in the same generation, two restored princes should be found, who, in the long period of their adversity, had "learned nothing and forgotten nothing." It has certainly not been so with me. A

vast interval separates 1862 from 1832. Not a single individual survives who was about me at the earlier period. A new breed of public servants has grown up, who are skilled in the ways, and imbued with the principles of Europeans. In the gentlemen of the Commission, too, I should have been provided with a body of officers, brought up at the feet of Sir Mark Cubbon, and acquainted with the general views which guided his long administration. Had my country been restored to me, it was never for one instant my intention to make any change in the present system, which was to remain, as it is now, a native administration, superintended and controlled in its every branch by Englishmen. In the event of any important change being thought necessary by myself and my advisers, it would not have been carried into effect without full discussion with the British Resident, who, I concluded, would have been nominated to my Court.

23. I may here mention that, after watching, from the vantage ground of my isolated position, the working of the Mysore Commission, I had come to the conclusion that it was defective in two points, and generally most admirable in every other. 1. The Judicial system appeared more cumbrous and slow than was necessary, and I had fixed my eyes upon a gentleman qualified beyond all others not only to reform it, but to render it a model for imitation elsewhere. 2. The Public Works Department, in my opinion, and that of every person with whom I have conversed, is based on an altogether mistaken system. It would have been one of my first measures to have proposed to restore to the revenue authorities the power and responsibility which experience shows, should never have been severed from their office.

24. Lord Canning speaks of the high consideration which he entertains for me, but he did not answer my application until after a twelvemonth of torturing delay and almost contemptuous neglect, and his reply at last was couched in language of studied coldness and bitterness. It would appear, too, that he considers that the fact of my making this application had altered my position among Indian sovereigns, for he addresses his answer to the Maharajah residing at Mysore, instead of (as has been the custom for 63 years) to the Maharajah of Mysore; and he has gazetted his Private Secretary as "Commissioner of Mysore," in succession to Sir Mark Cubbon, who, for 27 years, never styled himself, or was styled by others, anything but "Commissioner for the Government of the Territories of the Rajah of Mysore," and I, in my turn, addressed him as "Commissioner for the Government of my Territories." These changes are quite in accordance with the spirit of the letter.

25. Finally, I am almost ashamed to have to defend myself against the charge of having "permitted myself to forget the generosity of the British Government, in order to call in question its good faith and justice." On the contrary, I venture to believe that I am now in reality defending that Government against one of its own most honoured servants. It is not I who have drawn from a Treaty a doctrine which the greatest of Englishmen has declared it would not be creditable to be thought to insist upon. It is from the same great maxims which I have shown that both the crisis which arose, and the advantage that would be taken of it, had been foreseen as almost inevitable, and beyond the power of the local Government to prevent. It is a body of British Commissioners whose words I have appealed to as absolving me of the principal grievance of misgovernment. It is the same body who have pointed out that, when the Madras Government prohibited their Resident from listening to the complaints of the ryots, it was virtually departing from the salutary principles of control relied upon by Lord Wellesley. It is the same body who have more than hinted their regret that, before the "extreme and degrading" measure of resumption was adopted, there had been no attempt to reform by "authoritative interference." It was Lord William Bentinck himself who repented of what he had done, and made a generous effort to remedy it. It was the statesman who governed gloriously for England its three most important dependencies that declared the assumption of my kingdom to be harsh and unwarranted. It is Lord Canning himself who has described the fidelity and attachment to the British Government which have long marked my acts, and been conspicuous upon every opportunity; and it is the same Lord Canning who leads the way to make waste paper of his own proclamation. Lastly, it is from the lips of the Queen of England and of India herself, that, within the last week, I have received the proud and grateful assurance that, as I am the oldest, so am I the staunchest of her country's allies! With these and other gracious words sounding in my ears, I shall well afford to forget the harsh and contumelious language of the late Viceroy, and rely with patient confidence on that British truth and justice which he has so unjustly accused me of calling in question.

With sentiments of great respect and esteem, I beg leave to subscribe myself.

From Colonel H. M. Durand, C.B., Secretary to the Government of India, Foreign Department, to the Commissioner of Mysore (No. 534); dated 4 June 1862.

Sir,

I am directed to forward to you, for delivery to the Maharajah of Mysore, the accompanying khurecta from his Excellency the Right Honourable the Governor General to the address of the Maharajah.

A copy of the khurecta is enclosed for your information.

From his Excellency the Right Honourable the Governor General of India to his Highness the Maharajah of Mysore, dated 4 June 1862.

Maharajah,

I HAVE received your Highness's khurecta, dated the 20th April last, protesting against the decision upon your claim to the restoration of the government of your State, which was conveyed to you in Earl Canning's khurecta of the 11th March last.

The allegations and reasonings contained in your khurecta do not shake the confidence of the Governor General in Council in the propriety of the decision on your claim communicated to you by Earl Canning; but, in accordance with your desire, a copy of your khurecta has been forwarded for the consideration of the Home Government.

I beg to express the high consideration I entertain for your Highness, and to subscribe myself

Your Highness's sincere friend,
(signed) *Elgin & Kincardine.*

(Political.—No. 48.)

Sir Charles Wood to the Governor General of India in Council, dated 17 July 1863.

Para. 1. I HAVE received the Despatch of your Excellency's Government, No. 71, of the 4th of June 1862, enclosing a copy of a letter from the Maharaja of Mysore, and of your Excellency's reply to the same, as well as the Despatch of the Government of India, No. 40, of the 8th of April 1862, and its enclosures, containing the correspondence of Lord Canning with the Maharaja, relative to the question of restoring to his Highness the administration of the territory of Mysore.

2. Her Majesty's Government have given their most serious consideration to the application of the Maharaja; and they have, at the same time, had before them, as bearing upon it, the Partition and Subsidiary treaties which were concluded during the government of the Marquis Wellesley, and the Despatches relating to them, as well as the subsequent correspondence on the affairs of Mysore.

3. For the clear understanding of the question which has been submitted for the decision of Her Majesty's Government, it is necessary to recapitulate shortly the events which have led to the relations in which the British Government now stands towards the State of Mysore.

4. On the conquest of Mysore and the death of Tippee Sultan in 1799, it was determined by the British Government to put an end to the Mahomedan dynasty which had ruled the country for 40 years, and to dispose otherwise of the territory over which Hyder Ali had established his sway.

5. The arrangements which were adopted by Marquis Wellesley for this purpose were carried into effect by the Partition Treaty concluded between the East India Company and the Nizam, by the provisions of which a portion of the territory was assigned to the East India Company, and another portion to the Nizam. It was also determined that "a separate Government should be established in Mysore," under the present Maharaja, then a boy of five years old. Art. IV.

6. The language used in the Partition Treaty is remarkable, inasmuch as the territories allotted to the contracting parties respectively were to be "subjected to the authority, and for ever to be incorporated with the dominions of the East India Company," and "subjected to the authority, and for ever united to the dominions of the Nizam," while the territory allotted to the Maharaja, a considerable portion of which had never been subjected to the rule of his ancestors, was to be "possessed" by his Highness, "upon the conditions" that "he should be assisted with a suitable subsidiary force," to "be furnished by the East India Company, according to the terms of a separate treaty between him and the Company." Art. IX.

7. This separate treaty, which was called the Subsidiary Treaty, was immediately concluded. By its terms it was provided that the Maharaja should at all times

times pay the utmost attention to the advice of the East India Company in the administration of the territories possessed by him, and that he should supply funds for the maintenance of a military force to be provided by the East India Company, as well as extraordinary contributions in time of war. To the Governor General of India in Council was given full power and right, whenever "he had reason to apprehend a failure in the funds," either to introduce regulations and ordinances for the internal management of the country, or to assume and bring under the direct control of the servants of the Company such part or parts of the territories as appeared to him to be necessary to render such funds available, either in time of peace or war. If the Maharaja, after due notice, should decline to submit to the orders of the Governor General, power was given to the latter "to issue orders, by his own authority, either for carrying into effect the said regulations and ordinances, or for assuming the management and collection of the revenues of the said territories, as he shall judge most expedient for the purpose of securing the efficiency of the said military funds, and of providing for the effectual protection of the country and the welfare of the people."

8. The deliberate intentions of Lord Wellesley, in framing these treaties, are shown in his Lordship's correspondence. In his letter to the Court of Directors of the East India Company, forwarding the Partition and Subsidiary Treaties, and explaining the policy which he had pursued after the capture of Seringapatam, Lord Wellesley uses the following remarkable words: "Recollecting the inconveniences and embarrassments which have arisen to all parties concerned, under the double governments and conflicting authorities unfortunately established in Oude, the Carnatic, and Tanjore, I resolved to reserve to the Company the most extensive and indisputable powers of interposition in the internal affairs of Mysore, as well as an unlimited right of assuming the direct management of the country." Again, in his memorandum explanatory of the Subsidiary Treaty, his Lordship says, in reference to the 4th and 5th Articles of that treaty: "The powers both of regulation and assumption are secured, in the most unqualified manner, for the purpose of avoiding the embarrassments which have occasioned so much inconvenience in Oude, Tanjore, and the Carnatic." Lord Wellesley also describes the 4th Article of this Treaty, in a letter addressed to Lord Castlereagh on the 15th of December 1803, as "that Article of the Subsidiary Treaty of Seringapatam, which empowers the Company at any time to assume direct management of the whole country."

9. After the settlement of the country under these treaties, the administration of Mysore was conducted for 10 years by the Brahmin Poorneah, with the assistance of a British Resident, during the minority of the Maharaja, who in December 1810, at the age of 16, assumed the direct government of the country, and continued to exercise it for 21 years. During this latter period the condition of Mysore gradually and steadily deteriorated, and was constantly the subject of remonstrances from the British Residents at the Court of the Maharaja, and upon several occasions also from the Government of Madras.

10. In the year 1825, Sir Thomas Munro, then Governor of Madras, visited Mysore, demanded an interview with the Maharaja, and addressed to his Highness a deliberate warning, in terms which are described as follows in a Minute which Sir T. Munro recorded immediately afterwards:—"I concluded by saying that the disorder of the Raja's affairs had reached to such a height as would justify the Government in acting upon the 4th Article of the Treaty; but that, as a direct interference in the administration, or the assumption for a time of a part of the Mysore territory, could not be undertaken without lessening the dignity of his Highness, and shaking his authority in such a manner that it would be impracticable ever to re-establish it, I was unwilling to adopt such a course until the last extremity, and wished to give him an opportunity of restoring order himself. But, if reform were not immediately begun, direct interference would be unavoidable."

11. These remonstrances were of no avail. In the words of the late Chief Commissioner, Sir Mark Cubbon, in his historical review of these transactions, "the Government had become venal and corrupt; all the establishments were deeply in arrears; no efficient control was exercised over the district officers; the highest offices were put up to sale; valuable lands were alienated; new taxes and monopolies were invented; the people, vexed and fretted by the swarm of petty

petty rulers and monopolists, could obtain no redress; there was no security for property, and nothing that was fit to be called the administration of justice." At length, in the course of the year 1829, an extensive insurrection broke out, for the suppression of which British troops were employed.

12. The Maharaja had thus failed to fulfil the conditions of the Subsidiary Treaty. He had neglected the advice and warning of the British Government; the state of the finances was such as to afford no security for the punctual payment of the subsidy; and the time had arrived when it became necessary for the British Government to interfere.

13. Under these circumstances, it was competent to the Governor General either to enforce regulations and ordinances for the internal administration of Mysore, or to introduce the direct management of the servants of the East India Company; and Lord William Bentinck arrived at the conclusion that the only effectual remedy which could be applied was to assume the entire administration of the whole country.

14. This decision was communicated to the Maharaja, in a letter addressed to him, in 1831, by Lord William Bentinck, who, after alluding to the general state of the country, used the following words: "This mismanagement, and the tyranny and oppression that resulted, came at length to such a pass as to be no longer bearable by the inhabitants of the territory of your Highness; and, for the past year, the half of your Highness's entire dominions have been in insurrection in consequence. The troops of your Highness were first sent to bring the insurgents to subjection; the greatest excesses were committed, and unparalleled cruelties were inflicted by your Highness's officers; but the insurrection was not quelled. It became necessary to detach a part of the armies of the British Government, to restore tranquillity and take part against the insurgents. Tranquillity has, for the present, been restored, but the British Government cannot permit its name or its power to be identified with these acts of your Highness's misrule; and, while it cannot escape from the necessity of putting an end to insurrection, although justifiable, which should lead to general anarchy and confusion, it is imperiously called upon to supply an immediate and complete remedy, and to vindicate its own character for justice. I have, in consequence, felt it to be indispensable, as well with reference to the stipulations of the Treaty as from a regard to the obligations of the protective character which the British Government holds towards the State of Mysore, to interfere for its preservation, and to save the various interests at stake from further ruin. It has seemed to me that, in order to do this effectually, it will be necessary to transfer the entire administration of the country into the hands of British officers."

15. The course pursued by Lord William Bentinck was approved by the Court of Directors of the East India Company. "Having," they wrote, on the 6th of March 1833, "considered all the circumstances of the case, we have no hesitation in fully recognizing the policy, and, indeed, the necessity, of superseding the Raja, and carrying on the Government of Mysore in the name, and by the sole authority, of the Company."

16. In the year 1834, Lord William Bentinck, after having visited Mysore, proposed to the Maharaja that a portion of his possessions should be definitely ceded to the East India Company, and that he should be placed in complete possession of the remainder, "subject only to the distinct understanding that, if he neglected his Government, and suffered any gross and general oppression to be practised upon his subjects, the Company should be at liberty to resume this portion also." In making this communication to the Maharaja, Lord William Bentinck instructed the Resident to "acquaint his Highness that, in the opinion of his Lordship, the restoration to his authority of the Mysore dominions, on the footing on which he had hitherto held them, was an event not to be regarded as within the verge of probability."

17. It was expressly stated to the Maharaja that this arrangement was entirely subject to the approval of the Home Authorities. The assent of his Highness was obtained; and Lord William Bentinck communicated the proposal to the Secret Committee of the Court of Directors, in a Despatch dated the 14th of April 1834. In that Despatch, his Lordship, for the first time, expressed a

doubt whether the assumption of the entire administration of Mysore was in strict accordance with the terms of the Subsidiary Treaty.

18. The Court of Directors of the East India Company disapproved of the proposal of Lord William Bentinck. They considered that the assumption of the administration of the whole country was justified by the provisions of the Treaty, and was essential for the security of the people. The decision of the Court of Directors was communicated to the Maharaja by Lord Auckland in March 1830.

19. The whole of Mysore has, therefore, since the year 1831, been governed under the superintendence of British officers; and the Maharaja has received the pecuniary allowances to which he is entitled, under the terms of the Subsidiary Treaty, in the event of the assumption of the management of his possessions by the British Government.

20. Upon more than one occasion, the Maharaja has ineffectually memorialized the Governor General of India to be reinstated in the administration of his territories; and, in February 1861, his Highness having addressed to Earl Canning a letter to the same effect, his Lordship declined to comply with the request. The Maharaja has now written to your Excellency, appealing from Lord Canning's decision to that of Her Majesty's Government.

21. These are the circumstances which have produced the relations which now exist between the British Government and the State of Mysore, and under which Her Majesty's Government have to decide whether the power which was formerly exercised over the administration of that country by the Maharaja should be restored. Their deliberations have been governed by an anxious desire to do justice to all those who will be affected by their decision. They feel that every consideration is due to the Maharaja, on account of his age and his loyalty to the British Government; but, at the same time, they are deeply sensible of the obligations which the British Government has contracted towards the people of Mysore.

22. The first question to be determined is, whether the Maharaja can establish any right to be restored to his former position. Such a right must depend upon the provisions contained in the Partition and Subsidiary Treaties. It is indisputable, and, indeed, is admitted "in all its entirety" by the Maharaja himself,* that his title rests solely upon the exercise, in his favour, of an undoubted right of conquest.

23. Her Majesty's Government have considered, with all the attention which they deserve, the arguments which the Maharaja has advanced, with the view of establishing his claim to restoration under the provisions of the treaties.

24. His Highness makes the following statement: "By an article in the Treaty between the British Government and myself, it was provided that, if, at any time, the affairs of my country fell into confusion, the British Government should have the power of assuming the management of the country, until order was restored." With respect to this point, it is sufficient to state that the Treaty contains no conditions, under which the administration of the Maharaja's possessions, if once assumed by the British Government, was to be restored to his Highness.

25. The Maharaja also frequently refers to expressions used in a Despatch of the Court of Directors of the East India Company, dated the 25th of September 1830, and elsewhere, as well as in the letter from Lord Auckland, communicating their decision to the Maharaja, which, in his Highness's opinion, show that the Home Authorities contemplated the probability, at some future time, of his being restored to his former position.

26. It is true that, in no Despatch of the Home Government or of the Government of India has any intention of permanently assuming the administration of the country been expressed; and, in the orders to their officers employed in the administration of Mysore, they intimated their desire that no changes should be introduced which would present an obstacle to the restoration of the administration of the country to the Maharaja. It was clearly the wish of the Government

Government that no step should be taken, or expressions used, which would interfere with the free exercise of their discretion in any future circumstances which might arise; but the expression of these sentiments cannot constitute any obligation on the part of the British Government to reinstate the Maharaja, or give to his Highness any right to such restoration.

27. Her Majesty's Government, therefore, after a careful consideration of the arguments brought forward by his Highness, are of opinion that the assumption of the administration of the Maharaja's territories in 1831 was in accordance with the provisions of the Subsidiary Treaty, and that he cannot, as of right, now claim its restoration.

28. As, then, no right can be established by the Maharaja, Her Majesty's Government have to decide whether the reinstatement of his Highness in the administration of the country is compatible with the true interests of the people of Mysore, who have an undoubted right to expect from the British Government that the country, which was placed under the protection of that Government by the Partition and Subsidiary Treaties, shall be justly and properly governed. This consideration was one of the main reasons assigned by Lord Wellesley for the ample powers of assumption given to the British Government in the Subsidiary Treaty. His Lordship, in a letter to the Commissioner of Mysore of the 16th of June 1799, declares that his desire, in framing the Subsidiary Treaty, was to improve the cultivation of Mysore, "to extend its commerce, to provide for its police, and, on the whole, effectually to secure the affluence, welfare, and tranquillity of its people." The Subsidiary Treaty itself bound the Maharaja to follow the advice of the British Government in the administration of his territories; and Lord Wellesley, in transmitting the treaty to the Court of Directors, made use of the following language:—"I trust that I shall be enabled to command the whole resources of the Raja's territory, to improve its cultivation, to extend its commerce, and to secure the welfare of its inhabitants."

29. The benevolent intentions of Lord Wellesley have been carried into effect since the year 1831, from which date the whole of Mysore has been governed under the superintendence of the late Chief Commissioner, Sir Mark Cubbon, and the officers of the Mysore Commission. Through their management, the Government demand upon the land has been reduced, and vexatious imposts have been abolished, yet the revenue has rapidly increased; excellent roads have been constructed, and numerous measures tending to develop the resources of the country have been introduced. This result affords a remarkable example of the benefits which are conferred upon a native state, when its administration is conducted under British officers, with integrity, ability, and justice. The claim of the people of Mysore to have good government ensured to them is strengthened by the fact of their having enjoyed the benefits of it for the last 30 years; and it is our bounden duty to see that those benefits are not withdrawn, or exposed to serious danger.

30. In considering the fitness of the Maharaja to be replaced in the position which he formerly occupied, Her Majesty's Government cannot but look for guidance to the opinions of those who are most competent to form a correct judgment upon the subject.

31. In the year 1847 a request similar to that now preferred by the Maharaja was addressed to the Governor General of India, Viscount Hardinge; and, in answer to a reference from him, the Chief Commissioner of Mysore, Sir Mark Cubbon, recorded his deliberate opinion that "any improvement that had taken place" in the condition and resources of the country "had been effected in spite of the counteractions he had met with on the part of the Maharaja and his partisans; and that the conduct of his Highness during his suspension from power would afford no security that the crisis which induced his suspension would not recur in the event of his restoration." Sir Mark Cubbon adds: "I confess myself unable to imagine any form of administration that would remove all apprehensions for the future, if unaccompanied by his Highness's entire exclusion from power." The Government of India, on this occasion, did not support the request of the Maharaja.

32. In the year 1856 the Marquis of Dalhousie expressed a decided opinion that the administration of Mysore ought to be retained in the hands of the British Government.

* Letter from the Maharaja to Lord Elgin, para. 3.

33. The name of Earl Canning will for ever be associated in the history of British India, with the most liberal policy towards the native princes of India. That lamented statesman has given abundant proof, not only that questions affecting their rights received from him a fair and impartial consideration, but that he cherished a lively sympathy with their feelings and interests; and his opinion, therefore, deserves especial consideration upon the present question. Earl Canning's judgment, however, was adverse to the claim for the restoration of the government of the State of Mysore to the Maharaja. In his letter of the 11th of March 1862, his Lordship says that it is his "conviction, founded on experience of the past, that, if the authority of the British officers were removed, or even hampered, the peace and prosperity of Mysore would be at an end."

34. Lastly, your Excellency has acquainted the Maharaja that nothing contained in his Highness's khureetas shakes the confidence of the Governor General in Council in the decision communicated to his Highness by Earl Canning.

35. Her Majesty's Government attach the greatest weight to the deliberate opinions of so many high authorities; and, after a full review of all the circumstances of the case, they do not believe that the administration of Mysore can, with a due regard to the interests of the people of that country, be again committed to the Maharaja.

36. Your Excellency will, accordingly, inform the Maharaja that, after a careful consideration of the appeal which has been made to them, Her Majesty's Government have determined not to interfere with the decision, which has been communicated to his Highness by Earl Canning, and confirmed by your Excellency, that the administration of Mysore shall continue to be conducted, as at present, by British officers.

37. Her Majesty's Government having arrived at a conclusion adverse to the wishes of a Prince whose fidelity and loyalty during recent events in India have merited and received the approbation and thanks of Her Majesty, I request that the decision may be conveyed to the Maharaja in such a manner as may be the least painful to the feelings of his Highness; and any arrangement which, without involving a change in the present system of the administration of Mysore, would contribute either to his dignity or comfort, will, if recommended by your Excellency in Council, meet with the cordial approval of Her Majesty's Government.

DISSENTS of Members of the Council of India

DISSENT of Sir Henry Montgomery.—13 July 1863.

I AM unable to concur in the Despatch which passed Council on the 2d instant, refusing to restore to the Rajah the administration of the territories of Mysore.

I hold that the original assumption of the Mysore country in 1831 was not warranted by a fair interpretation of the Treaty of 1799, and that the action of the then Governor General was based on erroneous information of the actual condition of the country.

The subsidy was never in arrear, and, as admitted by Lord William Bentinck at a later period, did "not appear to have been in any immediate jeopardy."

Lord William Bentinck himself, desiring to remove from his mind the misgiving he felt as to the sufficiency of the grounds he had assumed for depriving the Rajah of the administration, appointed a commission to inquire into the origin, the progress, and suppression, and the consequences of the insurrection composed of the following high Government officials: the General commanding the Mysore division of the Madras Army, General (Sir William) Morrison, Mr. John Macpherson Macleod, and General (Sir Mark) Cubbon; and a perusal of their able and penetrating report, satisfied Lord William

William Bentinck, as it must, I believe, every impartial reader of it, that the derangement of the affairs of Mysore under the Rajah's rule had been greatly exaggerated; and, though it showed that blame was due to the Rajah for many defects of administration, mal-administration was not proved to the extent that had been represented by the Madras Government; that the disturbances that had occurred were greatly attributable to the withdrawal of the advice of the Resident, and of the support of the British Government, and that these disturbances not being easily quelled, was due "to the flocking to the rebel standard of foreigners (subjects of the British Government) from the Southern Maharatta country." This report moreover showed that at the same time, for the same assigned cause, viz., oppressive taxation, insurrection was rife in our own district of Canara, where the taxation bore unfavourable contrast with that prevailing in Mysore. I would refer to the marginal extracts from the Commissioner's Report,* as proving that

* Extracts Report of Committee on Mysore Disturbances, dated 12 December 1833:—

164. It has also been stated that the ryots had been so often disappointed in their expectations of fair enquiry into their complaints and just redress of their grievances, that they were backward to trust in the terms held out to them by the Rajah; we have no doubt that this was the case in a great degree. One witness has stated that "when the Resident intimated to them that his Highness was at hand, and would satisfy them in every way in his power, they remarked that there was no enquiry (into grievances) in the Mysore country, that though they had been three or four times to Mysore, neither his Highness nor himself (Mr. Casmajor) had made any enquiry, but that they had been sent back under a guard to their tolokas." With respect to so much of this statement as regards the Resident, it is to be remembered that he was prohibited by his instructions not only "from the public reception of complaints from the subjects of Mysore, but from the avowed support of the cause of those whose grievances might become known to him."

165. Having narrated the substance of this address, we think it right to state our conviction that great as were the abuses of power under the Rajah's government, the description here given of them is exaggerated; and, in particular, the statement of the tying up wounded men in cumbics, and throwing them into the river at Holy Honnoor, is, as far as we have been able to learn, wholly unfounded.

166. Although there were circumstances, as we have shown, in the composition of the Mysore territories, unfavourable to the easy maintenance of the Rajah's authority, over them, and although the efforts and influence of the Nagger Pretender, and the Tery King Poligar, together with the belief which at first prevailed that the Company's government would not support the authority of the Rajah, must be regarded as having greatly conduced to the disturbances; yet we think there can be no doubt that their origin is mainly to be ascribed to misrule on the part of that Prince. With respect to the nature and extent of that misrule we beg to offer some observations.

167. We do not however, think that the decline of the revenue, since the time of Poorneah, has been caused entirely by mis-government; it appears to us to be partly attributed to causes which were beyond the control of the Rajah's government; we allude to the general fall which had taken place within the period referred to in the price of agricultural produce, and also to the changes which have occurred, peculiarly affecting the state of Mysore.

168. In the Madras districts of Bellary and Chiddappah, which border on Mysore, and in many circumstances resemble it more than any other part of the Company's territory does; the revenue has also fallen off greatly during the same period, and we cannot believe that in either case the declension can justly be ascribed altogether to change in the management.

169. Among the changes which have occurred, specially affecting the condition of Mysore, we would particularly instance the reduction which has taken place, both in the number of posts at which British troops are stationed, and in the strength of the whole British force in Mysore. This reduction has caused a diminution of the demand for produce and the expenditure of money in some parts of the country, and must have thus contributed to the declension of the revenue. It has also had other effects worthy of remark in relation to the late disturbances. It has removed a restraint, which in the time of Poorneah kept the turbulent in awe, and there can be no doubt that it has afforded a facility to the instigators of the disturbances in leading the people to believe that the Company's government would not support the authority of the Rajah.

170. When public affairs were conducted in this manner, it is not to be wondered at that great discontent with the Government should have arisen among the people; yet it is necessary, in our opinion, to be cautious in drawing a conclusion with respect to the degree in which the collections actually made by the Tehseeldars were oppressive in their amount. The fact of the assembling of the ryots in *contum*, and their complaining that the taxes were too burthensome to be borne of itself, really proves little or nothing upon this point. At the very same time, the Ryots assembled in the same manner, and made similar complaints in the province of Canara, where we understand the public demands have since been found, on full inquiry, to be decidedly moderate, lighter indeed, as they had always been considered, than in any other district subject to the Presidency of Madras. We also understand, and it is a curious coincidence, that those proceedings of the ryots in Canara were instigated by intrigues on the part of the public servants, as has been already shown to have been the case in Mysore. We have no doubt that the people of Mysore are generally in far less circumstances than they were 30 years ago. But we have strong doubts whether the demands made and enforced on them of late years, for or in the name of the Government, have been such in their amount compared with the means of the people to pay them as would be considered particularly heavy in the Madras territories, and though many witnesses have stated their belief that the population has greatly decreased, we are very far from being convinced that this is really the case. All indeed that has been said by the witnesses respecting the decay of the country, though we doubt not that there is too much ground for it, ought, in our opinion, to be received with great caution, as likely to be exaggerated even where it is founded on fact. Besides particular biases, which may probably have influenced their evidence, it was liable to be swayed by that general prejudice, natural to all mankind, which tends to make men believe that the world degenerates and decays as themselves grow old, and which requires for its counteraction a greater enlightenment of mind than those persons could be expected to possess.

200. In illustration of the extent to which the belief prevailed that the Rajah's government would not be supported by the British troops, we may state the fact that a body of insurgent ryots which had been joined by some Candachar Peons, having failed in an attempt to seize the Amildar of Doda Balapoor, and bearing that

that the allegations advanced for the assumption of the country did not bear the test of a careful inquiry, and that the measure itself was not justified either by the words or spirit of the Treaty.

The able and comprehensive document of the eminent men who composed the Commission, confirmed in Lord William Bentinck's mind the doubts he entertained both "as to the legality and the justice" of the course that had been pursued, and in addressing the Court of Directors on the 14th April 1834, His Lordship proposed an arrangement calculated to atone to the Rajah for the error he himself had committed.

Though not acceding to the recommendations of the Governor General, the Court of Directors, in their reply, gave ample grounds for the belief that they did not view the resumption as permanent.

They say, "we are decidedly of opinion that the government of the whole country (with the exception hereafter suggested) should be retained in your hands till you can establish a fair assessment upon the ryots, with security against further exaction, and till you have framed a satisfactory system of administration of justice and for its permanent and undisturbed operation;" and they concluded their Despatch by directing that the Government of the country should be carried on under the designation of the Commission for the Government of the Territories of Mysore, and not in the name of the Company.

From this and other similar expressions of the Home Government, some of which have been quoted in the annual reports of the Commissioner, and published in the "Calcutta Gazette,"* it is impossible to deny that it has throughout been the professed purpose of the Home authorities to restore to the Rajah the administration of the country, and that they regarded the direct management of it only as a temporary measure. That the assumption was not the final and ir retrievable measure under the operation of the Treaty of 1799, is also clearly shown by the words of Lord William Bentinck in his Minute of the 14th April 1834, wherein he asks and answers the following questions in these terms: "Has the Company's government assumed the management of the Mysore country on its own account, or is the country still managed for and on behalf of the Rajah, and is the Subsidiary Treaty of Mysore virtually cancelled, or is it in full force? The answer must decidedly be that the management has been assumed for and on behalf of the Rajah, and that the Treaty is in full force."

The management of the Mysore territories having for 30 years been conducted by British officers, with a success admitted by the supreme Indian authorities, as well as by the Home Government, it can no longer be maintained that security to the ryots against undue taxation, and a system for the due administration of justice for which the Court of Directors stipulated as a condition of restoration, have not been attained; and the Rajah having declared his intention of preserving that system intact, there can no longer be any just pretence for continuing to withhold from him the restoration he seeks; and under the stringent restrictions proposed by the special committee, ample security for the proper

that he had fled to Bangalore, advanced to Yelloomkum, a place within 10 miles of that cantonment, which it can scarcely be imagined they would have presumed to do had they regarded the British Government as disposed to aid that of the Rajah.

202. As some of the witnesses have stated that complaints of the district officers when due attention could not be obtained to them from the Rajah's government were received and inquired into by a former Resident, but that the present Resident would not receive such representations, we think it only an act of justice to Mr. Casmajor to observe that in the line of conduct which he pursued in this respect, he seems to have been guided by positive instructions from superior authority. We cannot, however, here refrain from taking the liberty to remark that a system which expressly enjoined that the "advice and council of the British Government should only be apparent to the public eye when coming directly in aid and support of the native authorities," and that the representative of that Government should "abstain from the public reception of complaints from the subjects of Mysore, and from the avowed support of those whose grievances might become known to Him," appears to us, whatever reasons of policy there might be for adopting it, to have been anything but calculated to promote the popularity of the British name.

* Extract from a letter of the late Sir Mark Cubbon, dated 29th June 1850:—

"The orders from England are imperative that the administration of Mysore shall be so conducted that the country may be restored to a native government at the shortest notice; and, in consequence, we are at this moment obliged to oppose many parts of procedure which a native government could not administer.

Extract from Lord Canning's Administration Report of 1860, published in "Calcutta Gazette."

"It has been necessary so to conduct the administration as to fulfil conscientiously the instructions laid down for guidance in a letter from the home authorities, under date the 25th September 1835, and which states as follows: 'We are desirous of adhering, as far as can be done, to the native usages, and not to introduce a system which cannot be worked hereafter by native agency, when the country shall be restored to the Rajah.'"

British Government was to be restored to his Highness." In all fairness, if the Treaty is to be quoted in such rigid interpretation when adverse to the Rajah's claims, it may also be quoted in the same strictness, as not authorising the assumption of the entire country under any view of its real condition at that period. In paragraph 26, the reiterated professions of the Home Government of intention to restore the administration to the Rajah, and their injunctions to shape the system of government so as not to obstruct such restoration, are passed over as the bare "expression of sentiments which cannot constitute any obligation;" whereas they are the plain and fully considered views of the policy of the Court of Directors, approved by the Board of Control. And, lastly, in paragraph 36, "it has been determined that the administration of Mysore shall continue to be conducted as at present by British officers," the very form and system of government which his Highness pledges himself to maintain, and for the due maintaining of which ample security might be provided.

(signed) *H. Montgomery.*

Dissent of Sir Frederick Currie.—17 July 1863.

I dissent from the Despatch to the Governor General in Council relative to the administration of Mysore, which passed Council on the 2d instant.

2. Because the 36th paragraph, which communicates the determination of Her Majesty's Government, evades the issue distinctly raised by the Maharaja and Lord Canning, and referred to us for decision, viz., the relative position of the Maharaja and the British Government, under the Subsidiary Treaty of Mysore, consequent upon the proceedings of Lord W. Bentinck in 1831, and the temporary or permanent character of those proceedings; but, while the Despatch shrinks from openly declaring a decision on those points, it, by its whole line of argument, and the partial quotations it introduces from records and correspondence, points to a decision of the question in favour of Lord Canning's view, and the permanent retention of the Mysore territory by the British Government.

Para. 6.

3. Because the Despatch attempts to draw from "the language used in the Partition Treaty," a distinction between the durability of the tenure of the Maharaja in the territories allotted to him, and that of the Nizam, and the British Government, in the portions assigned to them respectively, which the provisions of the Treaty do not warrant; and implies that the Maharaja's connection with the Mysore territories is derived solely from the spontaneous liberality of the British Government, keeping out of sight the fact prominently stated by Lord Wellesley at the time, that the principality was established by the allies conjointly with the Maharaja, as the representative of the ancient rulers of Mysore, with whom we had already treaty relations.

Para. 12.

4. Because the Despatch charges the Raja with a breach of the conditions of the Subsidiary Treaty which has never been charged against him by the Government of India, or the Home Government, up to this time. Had Lord W. Bentinck in 1831 been able to fix upon the Raja a failure to fulfil the conditions of the Treaty, he would doubtless have declared the Treaty at an end; he would have considered himself no longer bound by its provisions, and would have dealt with the Maharaja, and with the country in communication with the Nizam, otherwise than he did. Whereas, Lord W. Bentinck, some years after the assumption of the territory, declared the Treaty in all its entirety to be in full force and operation. Doubtless Lord W. Bentinck felt that he could not try conclusions with the Rajah, under the 14th Article of the Treaty, the conditions of which the British Government had themselves, it must be admitted, "failed to fulfil," when they systematically withheld from the Raja the advice which, by that article, they are bound to give to him in the conduct of every detailed department of the administration. The withholding of that advice, and the withdrawal of the support of the British representative, with their results, are forcibly remarked on by the Commissioners in their report* as to the causes of the rebellion which led to the proceedings adopted by Lord W. Bentinck in 1831.

Dated 15 Dec.
1833, paras. 202,
23.

5. Because

5. Because the Despatch gives an incorrect and erroneous statement of what it was competent to the Governor General to do under the provisions of the Treaty.

Para. 13.

6. Because the Despatch does not give a fair or correct epitome of the correspondence between the Government of India and the Home authorities in 1834 and 1835. The doubts of Lord W. Bentinck as to the legality of the proceedings which he was led in 1831 to adopt, as his Lordship admits, on an imperfect knowledge of the real facts of the case (which he did not learn till afterwards) are very fully stated in the Despatch of 1834, but are dismissed, with a very brief allusion, in the Despatch under consideration; while the latter sets forth that those doubts were not shared by the Court of Directors, who, it states, "considered that the assumption of the whole territory was justified by the provisions of the Treaty."

Paras. 17, 18.

Now the Court of Directors have never committed themselves to any such assertion; the language of the Home Government in the Despatches of 1833 and 1835 is very guarded, and somewhat remarkable. In the former, in reply to Lord W. Bentinck's Despatch, detailing the proceedings he had adopted, and which he described as in accordance with the Treaty; they designate the measure as "decided" and "necessary;" they recognise the "policy," and indeed "necessity," of the measure; but they abstain, as it would seem, carefully, from endorsing its legality or conformity to the provisions of the Treaty. Again, in replying in 1835 to Lord W. Bentinck's Despatch, in which he sets forth his doubts as to the justice of what had been done, and its legality in reference to the provisions of the Treaty, the language of the Home Government is even more guarded. They abstain from saying that his Lordship's doubts are groundless; they give their reasons why, the assumption of the territory having taken place, for a specific purpose, no part of it should be restored till that purpose is attained; they point out the measures which should be adopted for the establishment of an efficient administration, and clearly intimate that when those safeguards are established, the administration will be restored to the Raja; they argue that the measures they describe as proper to be observed while the province is retained by the British Government, "are for the essential benefit of the Prince and fully within the intendment of the Treaty;" but they commit themselves no further. The Despatch under consideration, is the first that has ventured to assert, which it does positively and uncompromisingly, that the measure taken by Lord W. Bentinck in 1831 "was in accordance with the provisions of the Subsidiary Treaty;" doubtless if the authors of this Despatch have satisfied themselves that the proceedings of 1831 are in conformity with the provisions of the Treaty, they are right in stating this as their opinion; but they are not justified in sheltering themselves in their statement under the authority of the Court of Directors, who, as I have shown, carefully abstained from committing themselves to such an assertion. But, supposing the proceedings of 1831 to have been in strict accordance with the Treaty, the Treaty itself contemplates only temporary measures for a specific purpose, and could do no more in reference to the terms of the Partition Treaty; while the proceedings and correspondence of the Court of Directors specially declare the measure to be of that character. They advert to "the deferred and future possession of the whole kingdom" of the Maharaja, when certain described safeguards "to secure the people against the vices of the Raja's character" shall be established; till which has been done, they object to the restoration of any part of the territories to the Raja; but this system being established, they say that "the same reasons which would recommend the restoration to the Rajah of a portion of the country, will, in our opinion, recommend the restoration of the whole." I must dissent from a Despatch which declares positively, in the face of these facts, and these deliberately recorded statements, that the Maharaja has no claim to the restoration of his country.

Para. 17.

Para. 18.

Para. 27.

Para. 18.

Para. 23.

8. After the assumption of the administration of Mysore by the Government of India, the Home Government justified their orders for its temporary retention by the obligation they considered themselves under to the people of Mysore, of organising such a system of government as would secure to the people that the future administration of the Raja should be just and equitable. I am decidedly of opinion that this assumed obligation they were bound to fulfil within a reasonable period, and that, having fulfilled it, they were bound to restore the country to the Raja, under such restrictions and conditions for the continuance

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of the system they had established, as might be thought proper. They assumed a trust, and justified its assumption by stating it to be "for the benefit of the Prince himself." Can it be said that we are fulfilling that trust, and benefiting the Prince by excluding him, for ever, from the possession of his property?

Para. 28, 29.

9. I dissent from the proposition that our duty to the people of Mysore compels us to retain possession of the country. I believe that a native administration, efficiently superintended and controlled as Lord Wellesley, by the 14th Article of the Subsidiary Treaty, intended that Mysore should be, and as it would have been, had the provisions of that article been observed by us, and might now be, is, better adapted, and more acceptable to a native community, than one where the European element and English modes of procedure pervade all the departments. But if the occupation by us of the territories of Mysore is to be continued expressly for the interest of the people, yet the people of Mysore, who know well their own interests, be consulted. We are told, and from my own experience I cannot doubt the fact, that the people are now anxiously awaiting our decision in this case; that they will be exceedingly disappointed when the result of this decision is known; and that our philanthropy will cause discontent throughout the length and the breadth of the province. I dissent also, from these arguments being adduced when our own interests, in paving the way for the acquisition of the valuable province of Mysore are concerned, while they are totally ignored by the Government of India, when our interests are not involved, or lie in another direction. More than 10 years ago, the Nizam of Hyderabad was called upon by the Indian Government to cede extensive districts to us, to provide the subsidy for his contingent. This was a permanent cession. Our administration was introduced in these districts under British officers, and was continued with as much success as in Mysore, till about two years ago, when it was convenient to the Government, as a reward to the Nizam for his conduct in the mutiny, and for the adjustment of our boundary with Nagpore, to re-transfer the greater part of these districts. The Government of India had no compunction in making over the people of these large districts which had been eight years under our government, unconditionally, to a more corrupt and tyrannical native administration than ever that of Mysore was in its worst times. I might instance the portions of districts in Rohilcund, which had been within our Regulation Provinces since 1803, the inhabitants of which had been all born and bred our subjects, lately made over, as a reward for good service, to the Nawab of Rampore; this was not a re-transfer of native subjects to their legitimate chief, but a free gift of Hindoo communities, bitterly protesting against the proceeding, to a Mahomedan ruler. I could mention several other like transfers which have lately been made, in which no compunctions were felt, no philanthropy excited. I protest against the inconsistency (to use the lightest term) of making this a plea for refusing to restore Mysore to the Maharaja, who would maintain the present system of administration established by us, under the superintendence and control of a Resident appointed by the Governor General in Council.

10. I dissent also from the introduction of Sir M. Cubbon's statements about the Raja's conduct and character, made upwards of 16 years ago, as a pretext for the measure which this Despatch adopts; when it is known, and is on record, that for very many years past the estimate of Sir M. Cubbon of the Raja's character, has undergone a complete change; and that he has, on many occasions, taken the opportunity of writing in high terms of praise of the Maharaja. In his letter to the Government of India, of 2d June 1860, he writes: "To no one was the Government more indebted for the preservation of tranquillity than his Highness the Raja, who displayed the most steadfast loyalty throughout the crisis, discountenancing everything in the shape of disaffection, and taking every opportunity to proclaim his perfect confidence in the stability of the English rule. When the small party of Europeans arrived at Mysore, he made manifest his satisfaction by giving them a feast; he offered one of his palaces for their accommodation and as a stronghold for the security of the treasure, and even gave up his own personal establishment of elephants, &c. to assist the 74th Highlanders in its forced march from the Neilgherries to Bellary, for the protection of the ceded districts; a proceeding which, although of no great magnitude in itself, produced great moral effect throughout the country. In fact, there was nothing in his power which he did not do to manifest his fidelity to the British Government, and to discourage the unfriendly."

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11. As little could the authority of Sir M. Cubbon be, with justice, cited for the permanency of the Raja's exclusion from the administration of Mysore; for his last Administration Report, dated 23d July 1859, contains the following passage: "It has also been necessary so to conduct the administration as to fulfil conscientiously the instructions laid down for guidance in a letter from the Home Authorities, under date 25th July 1855, and which states as follows: 'We throw out these thoughts for your consideration, but we are at the same time desirous of adhering, as far as can be done, to the native usages, and not to introduce a system which cannot be worked hereafter, by native agency, when the country shall be restored to the Maharaja.'"

12. I dissent from this Despatch, lastly, because I believe it to be impolitic as well as unjust; I feel satisfied that it will fail of the object which it aims at; which is evidently, though not avowedly, the eventual acquisition of Mysore in full sovereignty; doubtless this would be a very desirable consummation. Lord Dalhousie, in his Minute of 16th January 1856, adverts to the value of the province, and dwells with satisfaction on the prospect of the Raja's dying without adopting a son; and Lord Canning's letter to the Secretary of State, of 30th March 1862, has the following passages:—"The Raja is an old man, past 60, and of a family notoriously short-lived. He has no son, and has adopted no heir. It has been supposed that he will bequeath his kingdom to the British Government. It may be very little desirable that more provinces should be added to those which are already under the absolute rule of the Queen in India; but the case of Mysore lying in the midst of the Madras Presidency, and already bound to us in a way which is not convenient or satisfactory, is quite exceptional; and the bequest of that country in full sovereignty to the Crown, by the free will of its ruler, and in a spirit of loyal attachment to the British power, is a consummation which, in the interests of all concerned, no one would wish to see defeated." When the Raja finds that the hopes of the restoration of his kingdom, which have been held out to him, are at an end, he will doubtless feel that the British Government has not kept faith with him; and we cannot calculate on his putting into practice any intention in our favour he may have entertained as long as he had confidence that we would do so. If the Raja should adopt a son, the whole territory in full sovereignty will pass to such son on his obtaining his majority. In making this statement I by no means lose sight of what has been argued by Lord Dalhousie regarding the personal character of the Raja, and the absence of the mention therein of heirs and successors; for that argument, if admitted, would affect the stability of the tenure of Scindia, and of half the princes of India in their dominions. Nor am I forgetful of the importance which is attached to an expression in Lord Canning's Adoption Minute, regarding the personal administration, by adopting rulers, of their territories at the time of their death. I think the decision impolitic, also, as likely to lead, when the permanent exclusion of the Maharaja from the possession of Mysore is promulgated, to inconvenient questions with the Nizam, whose treaty rights in Mysore, though kept out of sight in this Despatch, and the proceedings of Lords Dalhousie and Canning referred to in it, cannot be ignored.

13. I feel, moreover, that it is most impolitic to give occasion to the chiefs of India generally, who are said to be anxiously watching our decision of this case to think that we are compassing, by any indirection, the acquisition of the valuable province of Mysore, after the solemn proclamation of the intention of the Crown to maintain the integrity of treaties, and the somewhat ostentatious declarations of the late Viceroy in his Adoption Minute, and other proceedings, of the desire of the British Government to preserve, with scrupulous fidelity, the possessions and the interests of the princes and chiefs of India.

(signed) F. Currie.

Dissent of Sir John P. Willoughby, 18 August 1863.

I ADHERE to the view which I and other Members of the Council have advocated, which recommended the restoration of the government of Mysore to the present

present Raja, under certain stringent conditions, providing for the effectual protection of the country and the welfare of the people; and I most strongly dissent from the Despatch which has been transmitted to the Government of India on the 17th ultimo, negating that view, and chiefly for the following reasons:—

* Signed by Lord Elgin, Sir Bartle Frere, Cecil Beadon, R. Napier, and S. Laing.

First. Because Lord Canning's letter to the Maharajah, dated the 11th March 1862, and the historical note accompanying the Despatch* from the Government of India, dated the 8th April 1862, No. 40, opens up the entire question of our past and future relations with the Mysore State. It seems to me, therefore, to follow, that the reply ought not to be restricted to the simple question of restoration or non-restoration, unless it is intended to indorse and approve the views and opinions contained in Lord Canning's letter to the Maharajah, and from which I am constrained, by the evidence embodied in the public records of more than half a century, to dissent.

Second. Because the Treaty of the 6th July 1799, with the Mysore State (Articles 4 and 5), only empowers the British Government to assume charge of "part or parts of the territorial possessions" of the Rajah, whenever funds required to pay the subsidiary force are likely to fail. Lord Wellesley, in fact, provided for temporary assumptions for a single specific purpose, namely, to secure payment of the subsidy, and for undivided authority during their continuance; and, rightly interpreted, this is the only power† of assumption conferred by the treaty.

Third. Because, by the confession‡ of Lord William Bentinck himself we are aware that, in 1831, he exceeded the powers vested in him by the treaty, by assuming the administration of the whole of the Mysore Territory. His Lordship, with great candour, recorded the doubts he entertained of the legality of the proceeding; and we are assured that the extreme measure then adopted against the Maharajah of Mysore was the one act of his otherwise just and wise administration of which he repented.

Fourth.—Because we have the explicit declaration of Lord William Bentinck himself, that the assumption of the administration of the Mysore Territory in 1831 was intended only as a temporary measure. In a Minute commenting on the report of a commission appointed to investigate into the causes of the disturbances which were the pretext for depriving the Rajah of the management of his country, Lord William Bentinck makes the following important admission:—

"The entire question hinges, I think, upon this consideration: Has the Company's Government assumed the management of the Mysore country on its own account, or is that country still managed for and on behalf of the Rajah? Is the Subsidiary Treaty of Mysore virtually cancelled, or is it still in full force?"||

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† If this is not the proper construction, there is no meaning in that part of the 5th Article which prescribes that, "whenever, and so long as any part or parts of his Highness's territories shall be placed, and shall remain under the exclusive authority and control of the East India Company, the Governor General in Council shall render to his Highness a true and faithful account of the revenues and produce of the territories so assumed." Until now, it has never been contended that, if under the treaty we exercised the power of assumption, that assumption would be for ever.

‡ I shall here quote his Lordship's own words, in making this avowal—

"By the adoption of the arrangement which I advocate, certain doubts will be removed which I cannot help entertaining, both as to the legality and the justice according to a strict interpretation of the course which has been pursued. The treaty warrants our assumption of the country, with a view to secure the payment of our subsidy. The assumption was actually made on account of the Rajah's misgovernment. The subsidy does not appear to have been in any immediate jeopardy. Again, the treaty authorises us to assume such part or parts of the country as may be necessary to render the funds which we claim efficient and available. The whole has been assumed, although a part would unquestionably have sufficed for the purpose specified in the treaty. And, with regard to the justice of the case, I cannot but think that it would have been more fair to the Rajah had a more distinct and positive warning been given to him, that the decided measure since adopted, would be put in force if misgovernment should be found to prevail."—Despatch to the Secret Committee, dated 14th April 1834.

§ Dated 14th April 1834.—This Commission was composed of Major General Hawker, Messrs. W. Morrison, and John Macleod, and Lieutenant Colonel Cubbon. Their report bears date the 12th December 1833, and there can be no doubt that it was this report which first raised doubts in the Governor General's mind of the legality and propriety of the strong measures he had adopted against the Rajah of Mysore; in a word, the report did not make out the strong case against the Rajah, which previous representations from the Madras Government had led Lord William Bentinck to anticipate.

|| If further proofs are required on this point, I would refer to the able note, dated 30th May 1861, prepared by Mr. Aitchison, Under Secretary to the Government of India, which no one can, I think, peruse without arriving at the conclusion: 1st, That by the Treaty of 1799, no right was reserved to the British Government to assume permanently the administration of Mysore. 2d. That, although the question has intermittently been the subject of constant and repeated discussion, we have never, up to the present time, pretended, and much less declared, our occupancy to be permanent, or checked the Rajah's hopes of eventual restoration.

"The answer must decidedly be that the management has been assumed for and on behalf of the Rajah, and that the treaty is in full force."

And it must be obvious that, if permanency had been contemplated in 1831, the conquest, forfeiture, and annexation of Mysore would have been declared at the time, and not merely a sequestration to continue in force only as long as the subsidy was in danger.

Fifth. Because it follows that, by now virtually declaring the treaty of Mysore cancelled, and the occupation of the Rajah's country to be permanent; we are, after a lapse of 30 years, enhancing the penalty originally imposed on the Rajah, and this at a time when we are prodigal of our admissions that during the recent eventful crisis in India, his Highness the Maharajah has displayed the most conspicuous loyalty, and has performed very essential services for the British Government. Sir Mark Cubbon, a short time before relinquishing the office of British Commissioner of Mysore, acknowledged* that, "To no one was the Government more indebted for the preservation of tranquillity than his Highness the Rajah, who displayed the most steadfast loyalty throughout the crisis; discountenancing everything in the shape of disaffection, and taking every opportunity to proclaim his perfect confidence in the stability of the English rule. When the small party of Europeans arrived at Mysore, he made manifest his satisfaction by giving them a feast. He offered one of his palaces for their accommodation, and as a stronghold for the security of the treasure; and even gave up his own personal establishment of elephants, &c. to assist the 74th Highlanders in its forced march from the Neilgherries to Bellary for the protection of the ceded districts; a proceeding which, although of no great magnitude in itself, produced great moral effects throughout the country. In fact, there was nothing in his power which he did not do to manifest his fidelity to the British Government, and to discourage the unfriendly."

* Letter to the Governor General of India, dated 2 June 1860.

I shall hereafter,† have to point out that this hearty commendation was reiterated and confirmed by Lord Canning himself, only a few months before the letter to the Rajah virtually degrading his Highness from the position of a sovereign prince to that of a pensionary for life. † See Seventh h

Sixth. Because the present decision is in contradiction of the public records, which in a continuous stream indicate the intention to restore the administration of Mysore to its native rulers at some future but hitherto undefined period. The Maharajah has never ceased to urge his claim to the restoration of his sovereign rights, and until now has never been preemptorily refused. On the contrary, on more than one occasion, hopes have been held out to the Maharajah that restoration would ultimately be made to himself personally. Thus, when, in 1834, Lord William Bentinck proposed to restore to the Rajah a large portion of his territory on condition of his ceding the remainder in payment of the subsidy, the Court of Directors negatived the proposal in the following terms:—

"We are, for these reasons, decidedly of opinion that the government of the whole country (with the exception hereafter suggested), should be retained in your hands till you can establish a fair assessment upon the ryots with security against further exaction, and till you have framed a satisfactory system for the administration of justice, and for its permanent and undisturbed operation. Considering

And, when reporting the measure to the Secret Committee on the 6th September 1831, Lord William Bentinck is anxious to disavow that he had any other object in view than a temporary one.

"The necessity for such a measure being thus apparent, the act he thought should be open and avowed, and the method and form of interference should be exempt from all appearance of an insidious character, that it should not seem as if adopted as a step to something else," meaning, I presume, annexation.

‡ In the year 1844, he urged his appeal no less than five times; namely, 15th February, 10th April, 9th May, 11th August, and 7th September. He again appealed in June 1845, and again on the 8th August 1848, and lastly, and more urgently than ever, on the anticipated retirement of Sir Mark Cubbon, on the 23d February 1851. In these appeals the Maharajah asks many perplexing questions; such, for instance, as, "Who was to be the judge of when the conditions for restoration prescribed by the Court of Directors have been fulfilled? Had it ever been before heard, that because a prince or individual had been in his youth extravagant, he should therefore be disinherited? Have not disturbances occurred in the Company's territories, as they have done in those of Mysore, without blame being imputed to the governing authorities? Have not the best and most upright of governments incurred, as we had done, debts? What proportion does my debt bear to the revenues of my country?" Finally, he strongly contends, and I think with success, that the original assumption of the administration of Mysore was not justified by the treaty of 1799. Vide, in particular, his letters dated 7th June 1845, and 8th August 1848, in the last of which he claims the fulfilment of Lord Auckland's promises made in 1838.

Considering, however, that the Rajah of Mysore has ever been the attached friend of the British Government, &c., &c.

"We throw out these thoughts for your consideration; but we are at the same time desirous of adhering as far as can be done to the native usages, and not to introduce a system which cannot be worked hereafter by native agency when the country shall be restored to the Rajah."

And the conditions on which restoration was then contemplated by the Court, were communicated to the Rajah by Lord Auckland, the Governor General of India, in the following very remarkable and explicit language* :—

6. "My friend, it is the opinion of those eminent authorities, who are at all times anxiously disposed to promote whatever may be most conducive to the true interests of your Highness, that those interests will be best conserved by maintaining the undivided and beneficial administration which at present subsists, of your Highness's territories until such salutary rules and safeguards may be matured and confirmed in practice as shall afford just ground of confidence that your subjects in all parts of your dominions will possess the benefit of a stable form of good government. It is considered essential that all apprehensions should be removed of a recurrence of those grievous disorders and abuses which led to the general prevalence of feelings of insecurity and misery among your people, to the ruin of your Highness's affairs, and, in their result, to the assumption of the management of your country by the British Government. The Honourable Court of Directors, on these grounds, signified their commands that the administration of your Highness's territories shall remain on its present footing until arrangements for their good government shall have been so firmly established as to be secure from future disturbance."

Again, in 1839, the Court of Directors gave another very decided proof of their intention that the assumption of the administration of Mysore was to be regarded only as a temporary measure, by disapproving of the abolition of corporal punishment within the Rajah's dominions.

"We think (they observed) it is unfortunate that a country like Mysore, which had so recently come under our management, which we had it in view ultimately to restore to a native government, and for that reason generally avoided any innovations inconsistent with the maxims and practices of the best native governments, should have been made the subject of an experiment so embarrassing to any native government as the total abolition of corporal punishment."

Again, by order of the Court of Directors, the Government of Mysore has from the first been conducted in the name of the Rajah, and not in that of the East India Company; the Commission by which its affairs are administered being by their direction designated, "The Commission for the Government of the Territories of Mysore."

"We attach greater weight to what is urged by the Governor General against carrying on the government in the name of the Company, and as we have no desire to give unnecessary pain to the Rajah, we therefore concur with the Governor General in thinking that the Commission may be designated, 'The Commission for the Government of the Territories of Mysore.'"

This clearly establishes that at this time † the idea of a permanent assumption of the administration of Mysore was not entertained.

Seventh. Because, in view to ultimate restoration, Mysore has always been treated as foreign territory, held temporarily in trust for the Rajah, and to be restored at some future period.

For instance, in 1843, to the great detriment of the revenues of Mysore, and notwithstanding the earnest entreaties of Sir Mark Cubbon to the contrary, the prohibition, by Acts XV. of 1839, and XI. of 1842, of the importation of foreign sugars into the Madras territories ‡ was strictly enforced against Mysore, on the ground

† It is quite clear that the framers of the treaty did not contemplate permanent assumption to secure a temporary object. In his report of 2d August 1799, the Marquis of Wellesley informs the Court of Directors: "With this view I have engaged to undertake the protection of this country in consideration of an annual grant of seven lacs of star-pagodas; but, recollecting the inconveniences and embarrassments which have arisen to all parties concerned under the double governments and conflicting authorities unfortunately established in Oude, the Carnatic, and Tanjore, I resolved to reserve to the Company the most extensive and indisputable powers of interposition in the internal affairs of Mysore, as well as an unlimited right of assuming the direct management of the country, whenever such a step might appear necessary for the security of the funds destined to the subsidy, and of requiring extraordinary aid beyond the amount of the fixed subsidy, in time of war, or preparations for hostility."—Correspondence, vol. ii. p. 85.

‡ Vide Sir Mark Cubbon's letter to Governor General of India, dated 21st October 1843, and Mr. Secretary Currie's

ground that it was foreign territory. It was in fact ruled that no sugar, the growth of Mysore, could be admitted into the adjacent district of Canara, even for local consumption; and sugar in transit to Hyderabad (also foreign territory), passing through a British district, was intercepted by the Company's officers. In like manner, on the same ground, the importation of tobacco from Mysore into Malabar was prohibited altogether, and coffee was subjected to a high differential duty; and this, notwithstanding the fact that Mysore admits all British produce free, and levies on the produce of the Company's districts no higher duty than upon its own.

Again, in 1840, the question arose whether it was within the competency of the Queen's Court at Madras to execute its processes in the Mysore territory; and, on being referred to, the Advocate General at Calcutta distinctly declared his opinion to be in the negative.

"I am aware (he observed) that Mysore is virtually governed by the East India Company; but, I believe, however true that may be, the sovereignty of Mysore is still expressly admitted to be in the Rajah, and the authority of the government there is exercised in his name and on his behalf (nominally) by the East India Company as the trustees for him, and that the sovereignty might instantly be surrendered into his hands to be exercised by him without any change whatever beyond that of the persons who exercise the powers of government. That the sovereignty is exercised by the East India Company as trustees for the Rajah does not appear to me to affect the principle which governs this case. As trustees for the Rajah it is contrary to their duty to commit, or to allow in others, any violation of the sovereignty which might disable them from restoring it to the person whose sovereignty they admit without any derogation."

Again, so recently as the 20th December 1858, the Vice-President in Council at Calcutta (Sir John Peter Grant) in reference to a proposal to assimilate the rules and regulations of the military cantonment at Bangalore to those in force in British territory, expressly declared in the official Gazette that Bangalore "is not like a British cantonment in the Bengal Presidency, where the land is Government property, and where houses are built subject to cantonment regulations, but it is a station in a foreign territory, where houses are lawfully held under a peculiar tenure from the Rajah's government."

Lastly, it is stated in the General Report on the Administration of India, published in 1860, in relation to Mysore, that,

"It has also been necessary so to conduct the administration as to fulfil conscientiously the instructions laid down for guidance in a letter from the Home Authorities under date the 25th September 1835, and which states as follows:—

"We are desirous of adhering as far as can be done to the native usages, and not to introduce a system which cannot be worked hereafter by native agency, when the country shall be restored to the Rajah."

Eighth. Because, not avowedly, but practically, the Despatch tacitly confirms Lord Canning's decision that on the demise of the present Rajah, without (as is certain to happen) lineal issue, the Mysore State will become a lapse to the British Crown.

Ninth. Because, in reality, however, no such lapse can possibly arise without committing the flagrant injustice of denying to the Rajah the right to adopt, and to his adopted son the right to succeed to all his father's possessions and privileges. The "Subsidiary Treaty of Seringapatam" * of 1799 was not a personal

Currie's reply, dated 11 November 1843, No. 1089. "The peculiar situation and circumstances of Mysore render the operation of these acts very injurious to her trade and prosperity, and materially affect her resources. Surrounded on all sides by the Honourable Company's Provinces, it has been of the greatest importance to this state that the liberal intentions of the Marquis of Wellesley should be carefully followed, viz.: That the commercial intercourse between the two states should be unrestrained, and upon this principle no efforts have been spared since the administration was assumed by the British Government to encourage the production of those articles which were adapted to the soil and climate, and chiefly required by the neighbouring countries. Among these, sugar is a very important item, &c. &c."

* According to his own account, the Marquis of Wellesley had two principal objects in view in the mode in which he partitioned the territories conquered from Tippoo Sultan, between the Nizam, the Rajah of Mysore, and the East India Company. First. To prevent the undue aggrandizement of the Nizam, which he thought would have followed an equal partition of the territory between the Nizam and the Company. Second. To gain popularity by creating, or more correctly speaking, by re-creating a native state in Southern India of great antiquity, and by placing on the vacant throne the descendant of the ancient family of Mysore.

"To have divided the whole territory equally between the Company and the Nizam, to the exclusion of any other state, would have afforded strong grounds of jealousy to the Marathas, and aggrandized the Nizam's power beyond all bounds of discretion." Correspondence, vol. ii. p. 74.

After assigning reasons for excluding the pretensions of the family of Tippoo Sultan, and preferring those of the

sonal treaty with the Rajah whom we then raised to the throne; but, in the words of the preamble, and according to oriental phraseology, is "binding on the contracting parties as long as the sun and the moon shall endure."

Tenth. Because we cannot prevent the Rajah from exercising his right to adopt without violating the solemn pledges and assurances contained in Lord Canning's celebrated Despatch on adoption, dated the 30th April 1860 (paragraphs 32 and 35), and from which, as I shall now proceed to show, his Lordship felt that the present Rajah of Mysore could not be excluded.

In January 1860, instructions were issued by the Secretary of State for India for the transfer of the immediate superintendence of the Mysore Commission from the Government of India to the Government of Madras. These orders occasioned great umbrage to the Maharajah of Mysore, to Sir Mark Cubbon, the Commissioner, and, it is to be inferred, to the Viceroy of India himself, although they had no other object in view than the promotion of the convenience of the public service. The Rajah earnestly protested against the transfer; the Commissioner immediately tendered his resignation of his high office; and the Governor General warmly supported the Rajah's appeal, suspended the order, and in the end the idea of the transfer was abandoned* in deference to the wishes "of so venerable and loyal a prince." The whole of the correspondence well deserves attention. A reference to it will show that, in March 1860, the Maharajah of Mysore is dealt with as a sovereign prince, and it contrasts strangely with the more recent correspondence in which he is treated as a mere pensioner for life. I shall restrict myself, however, to quoting from Lord Canning's letter the passage which, in my opinion, contains his Lordship's recognition of the Rajah's right to adopt, and made, it should be remembered, at the very time† when he was considering the important question of adoptions generally, and the policy which it was expedient to pursue in regard to them. It likewise contains the strongest testimony to the Rajah's loyalty, and the good services he performed for the British Government during the mutiny. Paragraph 17. "But although no allusion is made in your Despatch to the Sovereign of Mysore, it appears to me that that prince possesses a very strong claim to have his wishes and feelings considered by us in dealing with this subject; and that we shall do that which is both ungenerous and impolitic if we set these aside." Paragraph 24. "It is unnecessary for me to say that the Rajah's allusions to the loyalty of himself and of his people, and to the example and aid thereby given to the native subjects of the Crown in Southern India, are quite just. Mysore was traversed in all directions during 1857 and 1858 by Mahatras and Brahmin emissaries, but the people of that country remained tranquil." Paragraph 25. Lord Canning here admits. "That the Rajah is well entitled to point, as he does point, with pride, to the actual condition of his dominions. The administration, although in many respects capable of amelioration, deserves, as has been repeatedly acknowledged, the character given to it by the Court of Directors in 1838, of a 'beneficial and improving system;' and I cannot think that the nearness of supervision or any other convenience which would result from

Secretary of State for India to the Government of India, dated 10 May 1860.

"of the ancient house of the Rajahs of Mysore," he urges that "motives of policy, moral considerations, and sentiments of generosity and humanity, favoured the restoration of the ancient dynasty. Their high birth, the antiquity of their legitimate title, and their long and unmerited sufferings, rendered them peculiar objects of compassion and respect; nor could it be doubted that their Government would be both more acceptable and more indulgent than that of the Mahomedan usurpers, to the mass of the inhabitants of the country, composed almost entirely of Hindoos."

"These considerations induced me to adopt the resolution of preferring the descendants of the Rajahs of Mysore to the heirs of Tippeco Sultan."—Letter to Court of Directors, dated 3rd August 1799. *Ibid.* vol. iii. p. 81.

* I state this as a fact, because the Governor General had previously, in a Despatch dated 6th December 1856, informed the Secretary of State for India that, "Upon the general, and somewhat complicated subject of adoptions, and the recognition of them, I shall before long address you." The result of Lord Canning's deliberations on this important question as affecting succession in the native states and principalities of India, is embodied in his Lordship's celebrated Despatch of the 30th April 1860, which, after having been approved of by Her Majesty's Government, was published for the information of the princes, chiefs, and peoples of India in the "Calcutta Government Gazette" of the 22d December 1860, with the following significant heading:

Camp, Benares, 10 December 1860.
"The following Despatches upon the subject of adoptions, as affecting succession in the native states and principalities of India, are published by order of his Excellency the Governor General; and among the Despatches is included one from the Secretary of State for India, which states:

"I have the gratification to inform you that I am commanded to communicate to you Her Majesty's approval of the principles which they (Lord Canning's Despatches regarding adoptions) enforce, and the recommendations which they contain." Letter, dated 26th July 1860.

from a transfer of the superintendence of that system to Madras is worth purchasing at the cost of offending and alienating the sovereign of the country, especially when, by a little patience, the desired end will, in all human probability, be obtained without any such consequence."

But what "desired end" is here alluded to? The 26th paragraph, to the close of Lord Canning's letter of the 30th March 1860, supplies the answer to this question. Undoubtedly "the desired end" is, that on the demise of the Maharajah of Mysore, his dominions should, by his own voluntary act, devolve to the British Crown. If we keep the Rajah in good humour, Mysore, says the Viceroy, will pass into our hands, for in that case the Rajah will not adopt. If, on the other hand, we alienate and offend him, "the desired end" will not be accomplished. Mysore will be lost; for the Rajah will adopt; and under my own adoption policy it will be impossible to deny to his adopted son the succession to his father's possessions. I defy any one to make sense and consistency of the remarks of the Governor General in the 26th and following paragraphs of the letter I am quoting, which, for easy reference, are transcribed in the margin,* without admitting that at that time his Lordship felt that under the adoption policy inaugurated by himself only a month afterwards, the Maharajah could adopt; that the British Government could not resist his right to do so; and that, by its exercise, the attainment of "the desired end" would be defeated. By a comparison of dates, therefore, it seems to me clear that Lord Canning had no idea of excluding the Rajah from the benefits of his adoption policy by resorting to such a quibble as that the Rajah is not "now governing his own territory." This would indeed be availing ourselves of our own wrong, because, as already shown under the fourth head of this Dissent, by his own admission, Lord William Bentinck assumed the administration of Mysore, not on account of the East India Company, but for and on behalf of the Rajah. It would be as unjust to deprive his Highness of any of his sovereign rights on this plea as it would be had the British Government assumed the administration of Mysore in consequence of the Rajah being a minor.

My views on the great question of Adoptions in India remain unchanged. They may be erroneous, but were formed after much and conscientious research. It was my belief that the paramount Authority in India had always possessed the power to sanction or refuse permission to adopt in cases affecting the succession in native states and principalities in India, and more especially as regarded those created by itself. As far, however, as private property is affected, I held that the right of adoption is unlimited. I would not myself have renounced the power. I think its retention for exercise in special cases would have been wise, even if accompanied by an explicit declaration that our policy in future would be to sanction adoptions as a rule, and to refuse as an exception. We have, however, seen fit to give to the native princes of India of the class to which the Maharajah of Mysore belongs, an absolute and indefeasible title to adopt. In Lord Canning's own† words, we have given to every chief above the

† Letter dated 30 April 1860, para. 33.

* Para. 26. "As bearing upon the price which we shall pay for forcing this measure upon Mysore, I invite your attention to the following facts:"

Para. 27. "The Rajah of Mysore is an old man, past 60, and of a family notoriously short lived. He has no son, and has adopted no heir. It has been supposed that he will bequeath his kingdom to the British Government. I say, 'supposed,' because there is no formal or official evidence of his purpose; but I know for certain, that such was his intention, because early in 1853, and whilst Upper India was still in full rebellion, the Rajah seized an opportunity of conveying to myself through an entirely private channel, not only the strongest protestations of his loyalty, gratitude and devotion to the Government, but a distinct and earnest declaration, more than once repeated, of his wish, that everything he possessed, should, at his death, pass into its hands."

Para. 28. "I beg you to compare this declaration with the passage in his letter now enclosed, in which the Rajah expresses grave fears that the measure announced from England will interfere with the claims which he and 'his heirs' have, for the restoration of the Government of his country."

Para. 29. "It may be very little desirable that more provinces should be added to those which are under the absolute rule of the Queen in India, but the case of Mysore lying in the midst of the Madras Presidency, and already bound to us in a way which is not convenient or satisfactory, is quite exceptional, and the bequest of that country in full sovereignty to the Crown by the free will of its ruler, and in a spirit of loyal attachment to the British power, is a consummation, which, in the interests of all concerned, no one would wish to see defeated."

It is worthy of observation, that Lord Canning's predecessor, the Marquis of Dalhousie, appears to have been equally impressed with the idea, that the Rajah of Mysore would not adopt. In a minute, dated 16 January 1856, reviewing Sir Mark Cubbon's report on the administration of Mysore, for 1854-55, his Lordship offers the following remarks:—

"The Rajah of Mysore is now 62 years of age. He is the only Rajah who, for 20 generations past, as he himself informed me, has lived to the age of 60 years. It is probable, therefore, that his life will not be much further prolonged. He has no legitimate son or grandson, nor any lawful male heir whatever. He has adopted no child, and has never designed to adopt an heir; on the contrary, General Cubbon informed me that when sometimes pressed by those about him to adopt, the Rajah has been used to reply, 'No, I have no male child of my own, I will not adopt, I will be the last Rajah of Mysore.'"

rank of jagheerदार an assurance "that the paramount power desires to see his Government perpetuated," and a solemn pledge "that, on failure of natural heirs, his adoption of a successor according to Hindoo law (if he be a Hindoo), or to the customs of his race, will be recognised, and that nothing shall disturb the engagement thus made to him so long as his house is loyal to the Crown and faithful to the conditions of the treaties or grants which record its obligations to the British Government." The present case, perhaps, proves that it was unwise to make these pledges, for I am free to admit with Lord Canning that the acquisition of Mysore is a "desired end." But we have, I conceive, placed its attainment, at all events for the present, beyond our reach. Our reputation for good faith must irretrievably suffer if, on this, the very first occasion for practically testing our sincerity when our own interests are affected, we repudiate altogether the pledges we have voluntarily entered into, and refuse to act on the principles enunciated in the Queen's proclamation, reiterated afterwards in Parliament, and finally announced with great pomp and ceremony by the Governor General to the assembled chiefs during his viceregal progress in 1858-59. It may, indeed, be in some respects inconvenient to act in this case as honour and good faith demand, but, assuredly, we cannot depart from the policy of our own deliberate choice without exposing ourselves to the reproach that no pledge, no declaration, however formal, will be held binding when found to interfere with our real or presumed interests.

Eleventh. Because Lord Canning's decision, conveyed to the Maharajah of Mysore, in the Khureeta of the 11th March 1862, and which our Despatch confirms, is not only repugnant to the adoption policy already notified, but equally so to the formal declarations made by his Lordship in the public darbars held* during his progress through Central and Upper India, after the suppression of the mutiny, to the effect that the British Government desired to perpetuate in undiminished power and prosperity the houses of those native princes and chiefs who, throughout the recent period of trouble and disaster, had been true to their allegiance to the paramount State. No one will dispute that the Maharajah of Mysore stood in the foremost rank of loyal chiefs. Sir Mark Cubbon's testimony on this point has already been given, and in his Khureeta, dated 30th March 1860, to the Maharajah, Lord Canning informed him:—

"Your Highness may be sure that the expression of your sentiments and wishes will always be received by me with the truest respect, and that I do not need to be reminded of your loyalty and hearty attachment to the British Government, or of the strong claims which you have to its consideration."

The assurances of the Governor General have been repeatedly and emphatically endorsed by Her Majesty's Government,† and undoubtedly the annexation of Mysore will be viewed by the princes of India as a violation of the Queen's proclamation issued when the administration of India was transferred to the Crown, and in which, after stating that all treaties and engagements of the East India Company were accepted and would be scrupulously maintained, it is graciously announced:

"We desire no extension of our present territorial possessions; and while we will permit no aggression upon our dominions, or our rights to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the rights, dignity and honour of Native Princes as our own; and we desire that they, as well as our own subjects, shall enjoy that prosperity and social advancement which can only be secured by internal peace and good government."

Twelfth. Because I am not of opinion that the extinction of the Mysore State and its absorption into the Anglo-Indian Empire will be popular, or, as stated in the Despatch, that the people of Mysore, generally, will consider this annexation

* See, in particular, Lord Canning's Despatches, dated Camp, Lucknow, 29th October, and Camp, Agra, 6th November 1859. In the last his Lordship observes:—"The value of the assurance was, I have reason to believe, greatly enhanced in the estimation of those to whom it was in this instance addressed, by the fact that it was given to them by the head of the Government in person, and in the presence of a large assembly of native chiefs and of high officers of the British Government."

† Time presses, and one example must suffice:—"In the sentiments expressed in the concluding paragraphs of your Excellency's letter of the 30th April" (paragraphs 32 to 35) "I entirely concur. It is not by the extension of our empire that its permanence is to be secured, but by the character of British rule in the territories already committed to our care, and by practically demonstrating that we are as willing to respect the rights of others as we are capable of maintaining our own."—Secretary of State for India, to Lord Canning, dated 20 July 1860.

to be conducive to their interests and welfare.* We have, in fact, strong evidence to prove that a large portion of the Mysore population, and more particularly the higher classes, would prefer native to British rule. In reply to the Governor General's Circular, dated 26th February 1858, requiring a report on the conduct of parties during the mutiny, Sir Mark Cubbon reported, that "the Brahminical caste (very powerful), even those in the actual employ of Government, were discontented and hostile; the heads of religious institutions, the great Sowcars, the petty Poligars and heads of villages, who subside with reluctance into their proper and ancient position of the wealthiest and most influential ryots of their respective neighbourhoods, are all against our rule, and disaffected towards the British Government." The Commissioner added: "In watching over such a community, there had been a constant call for information, and much had been obtained, proving beyond doubt the existence among the classes above named, of a spirit exceedingly hostile to the British Government; evinced in carrying on correspondence with the malcontents in the north, in the favourable reception of emissaries of mischief from that quarter; and in the convening of treasonable meetings at their own houses, for the purpose of plotting the subversion of our power."

It is my belief that, could the people of Mysore be polled, a large majority would vote in favour of restoration, and the maintenance of native rule; and as far as the princes and chiefs are concerned, I am satisfied that the absorption of the Mysore state would be construed by them as a repudiation of all the pledges and assurances we have, during the last five years, so lavishly bestowed, and defeat one of the main objects of Lord Canning's renunciation of the right to interfere with adoptions, namely, as he himself explained, to satisfy the princes of India, "at once and for ever, that we are not lying in wait for opportunities of absorbing territory, and that we do deliberately desire to keep alive a feudal aristocracy where one still exists. It would establish this most conclusively, and bring it home to many more minds than the promises and declarations recently made in Durbar to the powerful chiefs to whom we are under special obligations."—Letter on Adoption, dated 30th April 1860, paras. 24 and 26.

Thirteenth. Because I do not think that the Despatch can be said to give an impartial account of our past relations with the Mysore state, or is altogether fair towards the present Rajah. It brings prominently before the reader various extracts from the records of olden times which tell against his Highness, by referring to the errors and vices of his youth, sufficiently atoned for, most people will admit by the penalty inflicted in 1831, and continued up to the present time. On the other hand, it either omits or passes by, with brief notice, other public records, and for the most part of more recent date, which tell greatly in his Highness's favour. The state of Mysore in 1863,† is far different from what it was when Sir Thomas Munro in 1825, and Sir Mark Cubbon in 1847, recorded the opinions against the Rajah. But, as regards the latter officer, it is matter of notoriety that his opinion had changed, and that had he lived, he would have advocated restoration to the Rajah of the management of his country. And that he contemplated restoration may be inferred from the fact, that so recently as the 18th November 1859, Sir Mark Cubbon‡ noticed the difficulty of obtaining land by purchase in Mysore, "in fee simple, and for ever discharged from all demand on account of land revenue, seeing that the sovereignty of Mysore is still vested in the Rajah, and that the powers of administration are exercised in trust on his account." But the public records of former times are not altogether adverse to the present Maharajah of Mysore, but on one very particular

* See, in support of this, Sir Mark Cubbon's Reports on the Administration of Mysore, especially that for 1854-55.

† See Parliamentary Papers, East India—Sale of Waste Lands. Return to two Addresses of the House of Lords, dated 27 March 1863.

* The Rajah, in his appeal to the Governor General of the 23d February 1861, represents that it is "the universal desire of my people" that he should be restored to his sovereign rights, of which he had been temporarily deprived. I fear, however, that we shall not obtain much credit for the sincerity of the anxiety we profess to feel for the future welfare of the people of Mysore. When circumstances render it expedient, we do not hesitate to transfer from British to native rule, those who have enjoyed the benefits of our Government, not only unconditionally, but heedless of the remonstrances of the parties interested. For instance, we lately ceded the district of Sohagpore to the Maharajah of Rewah, and the district of Kasheepore in Rohilkand, to the Nawab of Rampore, as a reward for the services those chiefs performed during the mutiny. A more remarkable case, however, has just occurred. The petty State of Shorapur, the population of which is chiefly Bedurs, a race of Hindoos, has been unconditionally ceded to the Nizam's Government, a Mahomedan state; than which of course nothing can be more distasteful to the people of the former.

particular occasion, speak highly in his praise, and of the important services he had rendered to the British Government. I have already quoted* the favourable testimony recorded by Sir Mark Cubbon and Lord Canning as regards the eminent service he performed during the mutiny; and I observe that the Marquis of Hastings, in an autograph despatch to the secret committee, dated the 11th July 1825, finds great fault with the treatment which the Rajah had received from the Madras Government, which he represents to have been ungracious, and in prescribing a more generous and conciliatory policy, states that his Highness then as now performed good and loyal service.

"This policy (he observes) I have wished to see extended to the Court of Mysore, and I have now augmented motives for the solicitude in my sense of what is due to the Rajah for very zealous and efficient assistance contributed by him during the late military operations.

These are my principal reasons for dissenting from the decision conveyed to the Government of India in the Mysore case. There are also certain paragraphs of the Despatch from which I disagree on other and special grounds. For instance, paragraph 7. If it is intended that Lord Wellesley had a sinister object in wording the Partition Treaty in the manner here pointed out, I dispute the fact, for, on reference to his published correspondence (vol. iii. p. 525) it will be observed that, when defending himself from the charge of having violated the Act of 1793, which declares that "the pursuit of schemes of conquest and extension of dominion in India is repugnant to the wish, the honour, and the policy of the nation," his Lordship anticipated the accusation, and denied it. "This treaty has not yet been quoted to prove the existence of a systematic plan of territorial acquisition inconsistent with the policy of 1793." Again (paragraph 13) we are scarcely justified in charging the Rajah with neglecting the advice of the British Government, when, in fact, the records of the time prove that we ourselves violated the treaty by declining to exercise the powers of control and supervision over the Rajah's Government which the treaty undoubtedly conferred upon us. The Committee appointed in 1833 observed, in the 95th paragraph of their Report, "with respect to so much of this statement as regards the Resident, it is to be remembered that he was prohibited by his instructions, not only from the public recognition of complaints from the subjects of Mysore, but from the avowed support of the cause of those whose grievances might become known to him." Again, with reference to paragraph 22, immediate restoration was certainly refused, but at the same time hopes were held out to the Rajah that his kingdom would, at some future time, under certain conditions, be restored to him. Again (paragraph 24), it was not necessary to insert such a stipulation. The treaty only provides for temporary occupation for one specific object, the security of the subsidy; and it follows, as a matter of course, that when that object is secured we are bound to restore. Again (paragraph 28), I cannot concur in this reasoning. As already remarked, the treaty nowhere contemplates permanent occupation, which would be only one step removed from annexation. What Lord Wellesley intended, and very properly intended, was that, should the case arise contemplated in the treaty, which would alone justify our assuming the administration of Mysore, the British Government should possess undivided authority, whereby the evils of divided authority, which had been experienced in our previous dealings with native States, would be avoided. Lastly, in regard to paragraph 29, I am of opinion that every claim possessed by the people of Mysore to the protection of the British Government might be most fully met and secured, by imposing due and proper conditions and restrictions on the Maharajah of Mysore when his territory is restored to him.

For all these reasons I am of opinion, in the words of the Rajah in his last appeal to Lord Canning, that "the avowed object for which the government of his country was temporarily assumed has long since been accomplished; that there is no justifiable pretext for its further retention." I think we should cast aside all considerations of what may be deemed political expediency, and at once give full weight to the numerous pledges and assurances recently given to the princes and chiefs of India, by restoring to the Maharajah of Mysore the government of his country, under such conditions and limitations as will effectually secure the welfare of his people, and the benefits they have derived from being so long placed under the able administration of the late Sir Mark Cubbon and the officers of the Mysore Commission.

(Foreign Department—Political.—No. 17.)

The Governor General of India in Council to Sir Charles Wood, Bart., M.P. and G.C.B.; dated Fort William, 22 January 1864.

With reference to your Despatch, No. 48, dated 17th July last, we have the honour to forward, for the information of Her Majesty's Government, copy of a letter to the address of the Commissioner of Mysore, and of the khurreeta which accompanied it, communicating to the Maharajah the decision of Her Majesty's Government on the question of the restoration of the administration of Mysore to his Highness.

2. We have requested Mr. Bowring to deliver the khurreeta with all the forms usually observed on such occasions, and have directed that nothing should be omitted which can be done consistently with the instructions given him, to soothe the painful feelings with which the Maharajah must receive the decision of Her Majesty's Government.

We, have, &c

(signed)

J. Lawrence.

R. Napier.

H. B. Harrington.

H. S. Maine.

C. E. Trevelyan.

W. Grey.

From Colonel H. M. Durand, C.B., Secretary to Government of India, Foreign Department, to the Commissioner of Mysore (No. 641); dated 31 December 1863.

His Excellency the Governor General directs me to forward to you the enclosed Despatch, No. 48, dated 17th July 1863, containing the decision of Her Majesty's Government on the claim advanced by the Maharajah to be reinstated in the administration of the Mysore territories.

2. Her Majesty's Government have decided that the administration shall continue to be conducted as at present, by British officers; this decision is conveyed to his Highness in the accompanying letter from His Excellency the Governor General, which you are requested to deliver with all the forms usually observed in delivering khurreetas from his Excellency to the Maharajah. If khurreetas from the Viceroy are usually delivered by the Commissioner in person, the one sent on this important occasion should not be made an exception; but you will be careful to omit nothing which you can do, consistently with the above instructions, to soothe the painful feelings with which the Maharajah must receive the decision of Her Majesty's Government. On this subject I am to draw your special attention to the concluding paragraph of the Despatch of the Secretary of State.

Khurreeta to His Highness Maharajah Kristna Raj Wudayer Bahadur, Rajah of Mysore; dated 31 December 1863.

My honoured and valued Friend,

It is my duty to inform your Highness that your appeal against the decision of the Government of India, which was conveyed to you in Lord Canning's khurreeta, dated 11th March 1862, was duly forwarded to the Secretary of State in Council, and that the commands of Her Majesty's Government on the subject of the administration of the Mysore territories have now been received. Her Majesty's Government, in arriving at their decision, have been influenced by an anxious desire to do justice to all those who will be affected by it, and have felt that every consideration is due to your Highness on account of your age and your loyalty to the British Government. At the same time Her Majesty's Government, after weighing fully and carefully all the arguments adduced by your Highness, have decided that your title to the territories of Mysore rests solely upon the exercise by the British Government, in your favour, of an undoubted right of conquest; that the Subsidiary Treaty of 8th July 1799, contains no conditions under which the administration of your Highness's possessions, if once assumed by the British Government, was to be restored to you; that, while the orders from time to time issued by the Government of India and the Home Government indicate a wish that no steps should be taken or expressions used which

would interfere with the free exercise of their discretion in any future circumstances which might arise, the expression of these sentiments constitutes no obligation on the part of the British Government to reinstate your Highness, and gives your Highness no right to such restoration.

Her Majesty's Government are of opinion that the assumption of the administration of your Highness's territories in 1831, was in accordance with the provisions of the subsidiary treaty; that your Highness cannot, as of right, now claim its restoration; and that the reinstatement of your Highness in the administration of the country is incompatible with the true interests of the people of Mysore.

I am, therefore, commanded by Her Majesty's Government to inform your Highness that Her Majesty's Government have determined not to interfere with the decision which has been communicated to your Highness by Earl Canning and confirmed by Lord Elgin, and that the administration of Mysore shall continue to be conducted, as at present, by British Officers.

(signed) W. T. Denison.

(Foreign Department—Political—No. 43.)

The Governor General of India in Council to Sir Charles Wood, Bart.;
dated 6 April 1864.

With reference to the letters noted on the margin, we have the honour to transmit herewith the enclosed correspondence with the Commissioner of Mysore, consequent on the final decision of Her Majesty's Government on the claim of the Maharajah to the restoration of his State.

2. You will learn, from perusal of our letter to Mr. Bowring, No. 333, dated 29th March, how we purpose to carry out the instructions of Her Majesty's Government, as conveyed in the last clause of your Despatch, No. 48, dated 17th July last.

From L. Bowring, Esq., Commissioner of Mysore, to Colonel H. M. Durand, C.B., Secretary to Government of India, Foreign Department, Fort William (No. 10); dated Nussipore, 18 February 1864.

I HAVE the honour to report, for the information of his Excellency the Viceroy and Governor General in Council, that I delivered in person, on the 3d instant, the khurreeta from his Excellency W. T. Denison, K.C.B., to the address of his Highness the Maharajah of Mysore, which was enclosed in your letter (No. 641), dated 31st December 1863.

2. Although the Maharajah had long learnt from other sources that his claim to re-assume the administration of his territory had been rejected by the Right Honourable the Secretary of State, it is not surprising that he should receive with feelings of anger and emotion the official announcement of this decision. Considering, however, that the orders of Government have finally extinguished the hopes and aspirations of nearly three years, and have terminated a struggle which has cost his Highness large sums of money, and kept up a perpetual agitation in his mind, his demeanour, on learning thus officially that the main question was set at rest, was far more composed than I could have anticipated.

3. His Highness is by nature wavering and inconstant, led away by trifles and swayed by any passing incident which may call off his attention from matters of importance. As an illustration of this, I may observe that, in the course of our conversation regarding the decision of Government against his claim, the Maharajah suddenly changed the subject, and began to joke about a certain retired officer of the Madras army; returning for a time to the question before us, he again broke off to talk jocosely about an officer in the commission: such has been his character through life. It is not to be supposed, however, that he does not feel acutely the humiliation of his position, and regret the means that he has employed to further his ends; but he is unable to concentrate his attention for a prolonged time on any subject, however important it may be; and his feelings being transient, he is happily preserved from brooding constantly over the defeat which he has sustained. To this it may be added that, being now 70 years old, it is not unnatural that his interest, even in his own affairs, should sometimes flag, and that it is necessary for mercenary retainers to furnish a continual stimulus to his excitement and regret.

4. Being well aware of the general purport of the Right Honourable the Secretary of State's Despatch, if indeed his knowledge of its contents was not even more complete, his Highness had long ago conned over in his mind what requests he might prefer with a prospect

prospect of their being successful, on his being informed that he would not be permitted to grasp again the reins of power. On my mentioning the tenor of his Excellency Sir W. Denison's letter, the Maharajah made some remarks which evinced a tendency to dispute the justice of the decision of Her Majesty's Government against his claim, and to re-agitate the subject; I therefore informed his Highness that I regarded the instructions of the Right Honourable the Secretary of State as finally terminating the whole matter, and that if his Highness were well advised, he would abstain from any further contention on the point. His Highness, while making a satirical observation that none of his people were competent to give advice which could be of any use, replied that, of course, he submitted to the orders of Government and placed them on his head, and that the Commissioner must now give him assistance in supporting such requests as he might make. I observed that, if his Highness accepted as final the orders now conveyed, I would consider any requests that he might prefer, and give him my opinion regarding them; but that, on the other hand, if his Highness re-opened the question of his claim to administer the government of his country, he must look for no aid from me.

5. Thereupon his Highness took out a paper, on which he had noted some points which he wished to urge, and which will be found below in the words which his Highness used in conveying them to me subsequently by letter; they comprised, firstly, a request that a Resident might be appointed as in-former days; secondly, that the deposit surplus should be made over to his Highness; thirdly, that any annual surplus which may accrue should be paid to him; fourthly, that his right to adopt should be recognised, and that the Government should guarantee that Mysore should permanently remain a native State; and fifthly, that a landed estate should be secured to some of his illegitimate grandchildren.

6. It will be observed as a significant fact, proving the engrossing thought of himself only in these demands, that the Rajah did not evince any anxiety about the future of his many dependants and retainers, or even of his own numerous connections; no allusion was made to the hundreds or thousands of servants who have served him faithfully for so many years, but the whole scope of the memorandum was concerning his rights, his honour, his dignity, and his name. Making all due allowance for his irritated feelings, I cannot but consider that the Rajah's requests are purely selfish, and that the future of the country, his relations, and his followers, is of far less moment to him than his own personal position.

7. The paper above referred to was a mere memorandum, which I did not offer to receive. The Rajah said that he wished me to mention to the Government that he solicited consideration of the particular points touched upon in it; I replied that I would, of course, submit to Government any requests which his Highness might make, but that I could not support demands which appeared to me altogether unreasonable and extravagant, and of the favourable reception of which by Government there was not the remotest chance.

8. His Highness then diverged to other subjects of conversation; but before I took my leave, he promised to let me know his real views in writing within a few days.

9. The same afternoon the Dewan, Nussuppa, came to call on me, and said that the Rajah was greatly distressed after the interview above recited, and that he had had great difficulty in restraining his master's indignation; he had little to add, however, to what the Rajah had himself stated, except a *noce* proposal that the adjustment of his Highness's debts should be entrusted to him, 20 lakhs of rupees being paid to him out of the deposit surplus for the purpose. To this suggestion I replied that when a similar course was adopted in the time of Colonel Stokes, the last Resident, the result did not redound much to the credit of the parties who were employed by the Rajah to adjust the debts; I reminded him, too, that the Rajah's debts are not of a State character, but are purely personal obligations, for the liquidation of which the Rajah's fifth share of the revenues and his personal property are alone liable. I may here observe that when Mr. (Sir J. P.) Grant was deputed to Mysore in the year 1844 for the settlement of the claims preferred against his Highness, all obligations of the State, as contra-distinguished from his Highness's personal debts, were carefully separated and disposed of at the time by the Commissioner, while Mr. Grant adjusted the Rajah's obligations; it is clear, therefore, that all claims against the Mysore Government were then and there settled, and that none of the Rajah's present creditors can prefer a claim that is valid against the State. This ruling was repeatedly announced to creditors of the Rajah by the late Sir Mark Cubbon, and in the justice of his views I feel bound to concur. It might show a want of consideration to the Rajah at his time of life, and in the present aspect of affairs, to issue a notification to the above purport, but I submit that there is no reason whatever to hold out to any of the creditors the slightest expectation that the British Government will now, or at any time, hold itself responsible for the payment from Mysore revenues of debts contracted by the Rajah since Mr. Grant's adjustment of his affairs.

10. The Rajah's debts are estimated at 40 lakhs, irrespective of one unsettled claim for 14 lakhs or more, which his Highness declares will amount, if sifted properly, to only 5 lakhs, or thereabouts. The assets consist of 10 or 12 lakhs of Government securities, and whatever personalities, in the shape of jewels or other property not claimed for the State, may be in his Highness's possession. The debts are believed to be of various kinds; some for cash lent, others for provisions supplied, others again for jewels and cloths; but no list of them has ever been furnished, nor does it seem to me desirable to call for one, as were a demand

demand to that effect made, it would probably instil hopes that the British Government was disposed to recognise their validity.

I see no option, therefore, but to await the issue of events, and meanwhile to disavow steadily that any recognition of the debts is binding on the Mysore Government.

11. Should his Excellency the Viceroy in Council be of opinion that any particular consideration should be shown to the Rajah's creditors, I beg that I may receive instructions on the subject, as it is to be apprehended that, when it becomes generally known that his Highness will not be permitted to resume in his own person the administration of Mysore, various claims will be preferred against him by the less forbearing creditors to whom he is indebted.

I may observe here that his Highness has not at any time expressed a wish that the Commissioner should render him assistance in the adjustment of his debts, while, on the other hand, complaints of their non-payment have been comparatively rare; it can scarcely, however, be expected that this should now continue to be the case.

12. With regard to the points to which my attention has been especially directed by Government, I beg to submit the following remarks:—As the Province of Mysore has for nearly three years been kept in a state of agitation and uncertainty respecting the Rajah's claim to recover the administration of the territory, and as the wildest and most improbable reports have been circulated regarding its final issue, I originally proposed to put forth a proclamation, announcing to the people generally the fact that the Government had decided that his Highness would not be allowed to re-assume the reins of power. To some extent this course was desirable also in the case of the native officials, many of whom, and especially the elder men and a few influential persons whom I need not name, held a divided allegiance, which is scarcely to be wondered at, and had shared in the intrigues which have been going on for some time past. To have issued the proclamation referred to would, however, have proved extremely galling and painful to the Maharajah; and as I understand it to be the desire of Government to spare his Highness any mortification which might without detriment be avoided, I have contented myself with forwarding to the Superintendents copies of the orders received, which will thus become gradually known publicly, though in a manner which cannot be offensive to the Maharajah's feelings.

13. I come now to the consideration of the points urged by the Maharajah, which are *verbatim*, as follows, in a letter which his Highness has addressed to me since my interview with him:—

"That a Resident should be appointed to my country, and he should himself administer the government of the territory in my name, causing the important matters connected with it to be conducted by me.

"The amount belonging to my State, which is now collected in the Commissioner's treasury, should be made over to me.

"The annual net revenue of the country, after deducting the reasonable charges of the State, should also be paid to me in future.

"I should be permitted to adopt a son and heir to inherit my country; my country should be continued and maintained as a native State for ever; and the river of my State should not be carried ~~to~~ that of *(sic)* the ocean of the British."

"The Chamrajnuggur talook, which was given by me as a jagheer to my late son, Nunraj Bahadoor, should be confirmed to his heirs."

14. The first request, namely, that a Resident should be appointed, appears to me groundless, and not compatible with the true interests of the country: neither would such an appointment conduce in reality to the dignity of the Maharajah, for at the present moment all acts of government are already done in his Highness's name, the official designation "Commissioner for the government of the territories of his Highness the Maharajah of Mysore" denoting with sufficient precision the nature of the authority exercised by the British officers serving in the province. The Maharajah does not say in so many words that he wishes a separate officer to be nominated, but his Highness's desire to see the post of Resident resuscitated appears to arise from a disposition to have a counterpoise to the Commissioner. The system of double and divided authority which existed from 1831 to 1842 failed completely, and the complications and disputes which it occasioned led to the determination of Lord Ellenborough to abolish the post of Resident in the latter year: its revival would be misconstrued, and would, in all probability, lead to future misunderstandings.

The Rajah, in conversing with me on the subject, also used the word "minister" as a suitable term for the chief official employed by the British Government in his territory; but the expression "Commissioner" appears to me more significant, while from the usage of 30 years it is familiar to the people. His Highness's desire to participate in the conduct of the more important matters of administration is, I need scarcely observe, altogether objectionable, as it would be impossible to carry out such a procedure in practice, while it is opposed to the tenor of the Right Honourable the Secretary of State's instructions.

15. His Highness's second request, namely, that he should receive the accumulated surplus of ready money now in deposit, amounting to 102 lakhs or thereabouts, is one which I cannot conceive that the Government would be disposed to entertain favourably: the surplus is the fruit of the thrift and economy practised during many years by the late

Sir

Mark Cubbon, by whose vigilant supervision an impoverished and distracted country was restored to order and a flourishing condition, and by whose unwearied exertions this large sum was mainly accumulated; not a fraction of it was saved by the Maharajah. The few savings that his Highness at one time effected out of his fifth share of the revenues were invested in Government securities, of which he originally held 18 lakhs of paper, being, however, to the heavy drain upon his resources which the recent struggle to recover the administration of his territory has entailed, the amount now standing to his credit is said to have dwindled down to only 11 lakhs. Were any portion of the surplus in deposit paid to the Maharajah, I am afraid that, instead of being applied to the extinction of debt, it would fall into the hands of unscrupulous and greedy hangers-on of the Court, and that the debts would remain as large as before. If the Government is disposed to deal liberally with his Highness in this respect, I should not advocate the payment of a larger sum than five or six lakhs, and, given, it would be useless to attach any stipulation that debts should be adjusted out of the amount, as such an injunction would certainly be void.

16. As regards the surplus which may accrue from one year to another, I see no special objection to this being paid to the Maharajah should the Government so direct; but I must repeat that his Highness is, and always has been, most reckless in his expenditure, partly from indifference, and partly from his being of a generous disposition, which delights in giving; the money would, therefore, disappear as soon as it was placed in his hands.

17. His Highness's claim to adopt an heir is a point which it would be unbecoming in me to discuss, unless directed by Government to submit an opinion.

For the same reason I think it unnecessary to advert in detail to the fifth request preferred by the Maharajah, though I would observe that the illegitimate grandsons of his Highness are not recognised by the Rajbindes as possessing any special claims to consideration, so that it would not be difficult to provide them with a suitable maintenance hereafter. His Highness had two illegitimate sons, one named Chamraj, and the other Nunraj, both of whom are deceased; the former left two legitimate and one illegitimate son; the latter, one legitimate son; these individuals have no fixed allowances from the Maharajah at present, but they live at his Highness's expense, everything being found for them. The Maharajah evinces no particular affection for any of them, excepting Deva Parthiva, the son of Nunraj, whose marriage was celebrated last year.

18. The position of the Maharajah's blood relations, his officials, retainers, and servants of all kinds, presents considerable difficulties. All of these people have a deep and personal interest in the future; their long and faithful service from father to son, not to speak of the claims of those who are more or less closely related by various ties to the Maharajah, entitles them to consideration, and I think that some assurance should be held out to them that they will not be subjected to want or degradation. The allowances now paid by the Rajah to his Rajpind connections should be maintained, the amount being trifling, and the pay of all his Highness's troops and servants who may be fit for service and cannot be provided for should, I consider, be continued to them for a reasonable period, while those who are worn out should be pensioned by Government.

A complete list was submitted to Government by Colonel Stokes in 1836, and I understand that the number of persons is very nearly the same that was shown in the schedule then prepared; they may amount to 10,000 souls, all of them receiving allowances from the Maharajah's privy purse.

19. In submitting for the information of Government the above details, I trust that I may be pardoned for expressing an opinion upon some of the requests preferred by the Maharajah, my object having been to put the Government in possession of facts which may possibly be of service in deciding authoritatively to what extent his Highness's wishes are deserving of consideration.

From Colonel H. M. Durand, C.B., Secretary to Government of India, Foreign Department, to the Commissioner of Mysore (No. 333); dated Fort William, 29 March 1864.

I HAVE had the honour to submit to the Viceroy and Governor General in Council your Despatch, No. 10, of the 18th ultimo, in which you report the delivery, on the 3d February, to his Highness the Maharajah of Mysore, of the khureeta from his Excellency Sir W. Denison, K.C.B., which was enclosed in my Letter, No. 641, of 31st December 1863.

2. Considering the nature of the communication which it was on that occasion your duty to make, namely, the final rejection by the Right Honourable the Secretary of State of the claim of the Maharajah to be allowed to re-assume the administration of the Mysore territory, it has been satisfactory to his Excellency to learn from your report that the announcement was received by his Highness the Maharajah with more composure than might have been anticipated. Although in no way responsible for the delusive hopes which have encouraged the Maharajah during the last few years to dissipate large sums, and to nurse aspirations doomed to disappointment, yet it was always with deep regret that the Govern-

ment of India saw the Maharajah a prey to a long-protracted agitation as little favourable to his own real interests as to the welfare of the Mysore territory.

3. The final termination of this profitless struggle, whilst setting at rest his Highness's mind on the chance of any change in the present administration of the Mysore territory, will now afford an opportunity for his Excellency in Council to evince that, however adverse to his Highness's wishes the decision of the Government of India and of the Secretary of State, that decision arose from no unfriendly feeling, the Government being desirous of treating the Maharajah with the utmost practicable liberality and consideration. With this view the Governor General in Council, after having given much attention to the different requests preferred by his Highness, has directed me to intimate the following instructions:—

4. To the first request, that a Resident should be appointed, and that he should administer the Government of the Mysore territory in the name of the Maharajah, causing the important matters connected with it to be conducted by his Highness, his Excellency the Governor General in Council declines to accede. The proposal is in opposition to the spirit of the instructions of the Secretary of State, and experience of the complications and difficulties which arose from the system of having the concurrent authorities of a Resident and a Commissioner led, more than 20 years ago, to the abolition of the appointment of Resident, which his Highness now seeks to resuscitate: such an arrangement would certainly do no good, but be productive of confusion and inconvenience. It is essential, in his Excellency's opinion, that there should be only one political and civil authority in Mysore, and this authority should be the Commissioner of the province. The Governor General in Council can allow of no change in the existing form of the administration, which, at the same time that it is well adapted to the best interests of the country, sufficiently consults the dignity of the Maharajah by having its head entitled "Commissioner for the Government of the territories of his Highness the Maharajah of Mysore."

5. The second proposal is, that the whole surplus belonging to the State, now in the Commissioner's treasury, should be made over to the Maharajah. This accumulation, the fruits of the economy and frugality of Sir Mark Cubbon's administration, amounts to about 102 lakhs of rupees; and the Governor General in Council, bearing in mind that the revenues of the Maharajah are large and ample for the adequate support of his dignity, had they been properly administered, cannot consent to leave the disposal of so large an amount of treasure as is now in the coffers of the State at the discretion and disposal of his Highness.

6. At the same time his Excellency in Council is well aware that the Maharajah, by his weakness and mismanagement, has again, notwithstanding former aid in the time of Colonel Stokes, and the disposal of State debts in 1844, when Mr. Grant adjusted his Highness's obligations, become deeply embarrassed. His Excellency is aware that all claims against the Mysore Government having formally been settled, none of the Maharajah's present creditors have the smallest reason to expect that any title to payment from Mysore revenues of debts contracted by the Rajah since Mr. Grant's adjustment of his affairs can be admitted as a right; yet, as it must be in a high degree vexatious to his Highness to be subject to constant importunity for the payment of these debts, and as the Governor General in Council is desirous of aiding the Maharajah to free his position from the annoyance of such of his creditors as may appear fair and reasonable in their demands, his Excellency is prepared to sanction the appointment of an officer to receive and to scrutinise all such claims, and to enter into arrangements for the commutation of the whole and the early liquidation of the commuted amount; it being clearly understood that parties not agreeing to such terms would get nothing whatever; and that no debts incurred subsequently to the commutation would, under any pretence whatever, meet with similar consideration and treatment at the hands of Government. As it has since 1844 been repeatedly announced that none of the Rajah's present creditors have any claim that is valid against the State, and as they have therefore, with their eyes open and with perfect cognizance of the non-liability of the State, allowed such debts as exist to be contracted, it will entirely depend on the spirit of reason and moderation which they may evince when the investigation takes place whether the Government will carry into effect any system of commutation at the expense of the State treasury. The grant, if made, will be a pure boon, and, with respect to the debts of the Maharajah, will be an absolutely final measure. It will be necessary, therefore, that both these points be clearly understood by all parties concerned.

7. In fulfilment of these instructions you are authorised to commence the scrutiny and payment of the debts, and directed to submit monthly reports of progress.

8. In effecting such a commutation his Excellency in Council does not anticipate that more than about one-fourth of the accumulated deposit would be requisite. With the balance invested in Government paper it is the intention of the Governor General in Council to form a fund for the support, after his decease, of the many relatives and dependants of the Rajah; in numbers they are said to amount to some 10,000 persons, and although many cases will fairly be disposed of by the payment of moderate gratuities, still a good number may be expected to remain, to whom more permanent means of livelihood ought to be supplied. The annual surplus which accrues will continue, up to the demise of the Rajah, to be added to the main deposit, and will be dealt with on similar principles, and as part of the

he accumulated treasure will swell the resources from which provision can hereafter be made for the connections and retainers of the Maharajah. Although the Governor General in Council feels himself unable to comply literally with the second and third requests which his Highness has preferred, namely, that the surplus, both that already in the treasury, and also such as annually may accrue, should be paid into the Maharajah's own hands, yet his Excellency in Council is convinced that the appropriation to which the surplus revenue of the State collected during the life of the Maharajah is thus destined, cannot fail to be a source of gratification to his Highness, and that he will learn with satisfaction, the purpose to which it is to be devoted.

9. With respect to the fourth request, the Rajah has a full right to adopt so far as his private property is concerned, but His Highness must be distinctly informed that no authority to adopt a successor to the Raj of Mysore has ever been given him, and that no such power can now be conceded to him.

10. With regard to the fifth request, you are authorised by the Governor General in Council to intimate to the Maharajah that the Chamrajnuggur talook, the revenue of which you state to be about one and a half lakh of rupees, will be confirmed as a jagheer to whichever of his grandsons he may select, the grant being subject to the usual conditions of loyalty and good conduct.

11. The Viceroy and Governor General in Council considers it inexpedient to issue any proclamation; such a measure would be productive of unnecessary annoyance to the Rajah, and might be construed into a want of consideration for his dignity and position. The Governor General in Council prefers that the leading people of the country learn the course of policy which the British Government think it right to pursue in a way less galling to the feelings of the Maharajah. They may be given to understand, without recourse to proclamation, that there is no intention on the part of the British Government to make any change in the existing administration of Mysore, and that the claim of the Maharajah to be restored to power having been rejected by the Secretary of State, there is no longer room to entertain any doubt of the final settlement of this much-agitated question. Whilst the knowledge of this decision should set at rest the public mind, the measures now ordered by the Viceroy and Governor General in Council will allay any apprehension on the part of the many connections and dependants of the Maharajah lest the necessities of their position should be overlooked. His Excellency relies with confidence upon the tact and judgment of yourself and of the officers acting under your instructions to prevent any misapprehension on the part of the general community, or any alarm on the part of the numerous retainers of the Maharajah.

(Foreign Department—Political—No. 4.)

The Governor General of India in Council to Sir Charles Wood, Bart.;
dated 31 May 1864.

In continuation of the correspondence forwarded with our Letter (No. 43), dated 6th ultimo, we have the honour to transmit for the information of Her Majesty's Government, copy of a communication from the Commissioner of Mysore, and of our reply, approving of the measures adopted by Mr. Bowring to carry out the instructions of Government relative to the settlement of the affairs of his Highness the Maharajah of Mysore.

(Political, No. 7.)

From L. Bowring, Esq., Commissioner of Mysore to the Secretary to the Government of India, Foreign Department, with the Governor General; dated Bangalore, 10 May 1864.

I HAVE the honour to submit, for the information of his Excellency the Viceroy and Governor General in Council, copies of the correspondence marginally noted, showing the steps taken by me to communicate to his Highness the Maharajah of Mysore, the orders conveyed in your letter, No. 333, dated 29th March, together with his Highness's reply to my letter.

2. The Maharajah's reply is, it will be observed, so worded as to enable his Highness to take advantage of any opportunity which may present itself in future, for reëcting his request;

request; but it may be questioned whether the phrase employed at the close of the letter have any special significance.

3. In obedience to the orders of Government, all creditors have been summoned to file their claims in the Commissioner's Office, according to the terms of a notification of which I submit a copy. I purpose to confide the duty of making the preliminary scrutiny to Mr. Ricketts, the first Judge of the Court of Small Causes, who, from his intimate acquaintance with the languages of the country, and his experience in investigating matters of account, is peculiarly well fitted for the duty. The second Judge, Mr. Newbon Krishen, assisted Mr. (Sir J. P.) Grant, in the investigation previously made into the Rajah's affairs, and will be able to render valuable aid from his knowledge of the settlement of his Highness's debts made in the years 1844-47.

4. Only one or two claims have as yet been preferred, but I have no doubt that in a short time a great many will be filed. The delay on the part of the creditors may be assumed to arise, partly out of consideration for the Rajah, and partly from hesitation whether the chances of liquidation are better if the claims are commuted under the terms of the notification, or if the claimants trust to the Rajah adjusting their dues from his fifth share. There is little doubt, however, that the risk run by the latter course is so great, that few creditors will be contented with it; and I conclude, therefore, that self-interest will prevail, and that all the claims will be filed shortly.

5. As the claims of the Maharajah to the deposit surplus have been decided against him, I have remitted to Madras for the purpose of investment in 4 per Cent. Government paper, the sum of 30 lacs, arrangements having been made with the Bank of Madras to buy paper to this amount at the several Presidencies, so as to avoid as much as possible any derangement of the money market, by purchasing the whole amount at Madras itself. I would suggest, for the favourable consideration of Government, that the interest on the above sum, as well as that on any additional amount which may be similarly invested, should be paid to the Maharajah; an arrangement which, I have reason to believe, will be very satisfactory to his Highness's feelings.

6. Measures have been taken to make known the intentions of the Government regarding a provision hereafter for the Maharajah's connections and dependants. The instructions on this subject will have a very beneficial effect upon the disposition of the parties concerned; but in conveying to them the purport of the orders of Government, I have taken precautions to ensure this being effected without giving umbrage to the Maharajah, and therefore without recourse to proclamation. The knowledge of the guarantee held out by Government will reach those who have an interest in the matter rather more slowly, but quite as effectually as if a proclamation on the subject were issued.

7. The Maharajah has not expressed any wishes as yet regarding the particular grandson whom he may desire to see possessed of the Jagheer of Chamrajnuggur, but there is little doubt that his choice will fall on Deva Parthiva, the only son of the Rajah's younger illegitimate son, Nunraj Urs. I presume that no action is required in the matter until the Maharajah makes known his wishes.

(No. 195.)

The Commissioner of Mysore to his Highness Maharajah Krishna Raj Wodeyar Bahadur, Rajah of Mysore; dated 14th April 1864.

Your Highness,

HAVING received the instructions of the Supreme Government on the subject of the requests preferred by your Highness in your letter to me of the 11th February, I do myself the honour to communicate to your Highness the final orders of his Excellency the Viceroy and Governor General in Council.

2. His Excellency in Council, being desirous to evince, that however adverse to your Highness's wishes may have been the decision lately conveyed to your Highness, that decision arose from no unfriendly feelings, has given much attention to the different requests now preferred by your Highness, being actuated by an earnest desire to treat your Highness with the utmost liberality and consideration.

3. Your Highness's request that a Resident should be again appointed, and that he should administer the government of Mysore in your Highness's name, is one to which the Governor General in Council must decline to accede, as the proposal is opposed to the spirit of the instructions of the Right honourable the Secretary of State, and the Governor General in Council can admit of no change in the existing form of the administration, which, while well adapted to the best interests of the country, consults the dignity of your Highness, by having its head entitled "Commissioner for the Government of the territories of his Highness the Maharajah of Mysore."

4. Although

4. Although the Governor General in Council is unable to comply with your Highness's demand, that the deposit surplus should be placed at your disposal, his Excellency is anxious to aid your Highness in freeing you from the load of debt which now presses so heavily upon your Highness; and although the Government are well aware that none of your Highness's creditors have the smallest reason to advance a claim to adjustment from the revenues of the State as a right, his Excellency in Council has sanctioned the appointment of an officer to receive and scrutinize all such claims, and to enter into arrangements for the commutation of the whole, and the early liquidation of the commuted amount; it being clearly understood that parties not agreeing to the terms prescribed will get nothing, and that no debts incurred after the present date will, under any pretence whatever, meet with any consideration from the Supreme Government. The scrutiny into and liquidation of the debts will take place at Bangalore, and I purpose issuing at once a notification that all claims must be preferred and filed within three months from 1st May, in the Court of the officer who may be selected to examine the accounts. As all the claims will be submitted to the Commissioner, and after analysis, be forwarded monthly for the information of Government, your Highness may be assured that due precautions will be taken to effect the prescribed commutation on reasonable terms. But I would suggest to your Highness that it would be desirable that from 1st May your Highness should withhold the payment of interest on all back accounts, and should distinctly direct all claimants to apply to the officer above mentioned. As I shall give the widest publicity to the notification, announcing the reasonable resolution of the Supreme Government, your Highness will do wisely to abstain from the payment of any demands except those of a current nature legitimately payable out of your Highness's income for 1863-64. It may be anticipated, that under this arrangement your Highness's income will amply suffice for the payment of all present expenditure, and the system of granting *piroops* on the Commissioner for payment, will cease henceforward.

5. In forwarding to the Government your Highness's request, I took the liberty to advert to the position of your Highness's numerous connections, followers, servants, and troops; and I pointed out the advisability of holding out to them a promise of a future provision. I am thankful to say that the Government has treated this request with great liberality and consideration. I am instructed to inform your Highness that although his Excellency the Governor General in Council is unable to comply literally with the second and third claims preferred by your Highness, viz., that the surplus, both that already in the treasury, and that which may accrue annually hereafter, should be paid into your Highness's own hands, the Government have determined that after the adjustment of your Highness's debts out of the surplus money now in deposit, the balance shall be invested in Government paper, to form a fund for the support of the relatives and dependants of your Highness. The annual surplus will be applied to the same purpose, and will tend to swell the resources from which this provision will be made. His Excellency in Council is convinced that this application of the surplus fund cannot fail to be a source of gratification to your Highness, and that you will learn with satisfaction the liberal intention of Her Majesty's Government.

6. With respect to your Highness's fourth request, I am directed to observe, that your Highness has a full right to adopt, so far as your Highness's private property is concerned, but your Highness must understand distinctly that no authority to adopt a successor to the Raj of Mysore has ever been given to your Highness, and that no such power can be conceded.

7. In connection with your Highness's last request, I am instructed to state, that the talook of Chamrajnuggur will, as solicited by your Highness, be confirmed as a jagheer to whichever of your Highness's grandsons you may select, the grant being subject to the usual conditions of loyalty and good conduct.

8. It remains for me to point out to your Highness that the orders now received from the Supreme Government, finally terminate the question of your Highness's claims. The decision of his Excellency in Council will perhaps in some respects be a disappointment to your Highness; but its effects will be alleviated by the knowledge that your Highness will henceforward be free from pecuniary embarrassment, and by the assurance that due care and forethought have been taken for the independence and welfare of your Highness's numerous relatives and friends, an arrangement which I am sure your Highness will view with unmixed satisfaction.

(No. 66.)

To the Commissioner for the Government of my Territories.

Sir,

Palace, Mysore, 7 May 1864.

In acknowledging the receipt of your letter, No. 195, of the 14th ultimo, conveying the decision of his Excellency the Viceroy and Governor General of India respecting my claims, I beg that you will convey my grateful thanks to his Excellency for granting a portion at least of my prayer, and I will not deny that the immediate relief from my present embarrassments is satisfactory. But the feeling of gratitude I entertain towards his Excellency for

his prompt attention to my letter, and partial redress of my grievances, is not unmixed with sorrow and disappointment at the more important points of my prayer having been refused. Whilst, therefore, accepting with gratitude what his Excellency has been pleased to grant, I beg to state that, in doing so, I do not relinquish any of my former claims.

I am, &c.
(signed) *Raojoo Strukrishira,*
in Canarese.

NOTIFICATION.

NOTICE is hereby given that under instruction received from the Government of India, an officer will be appointed for the purpose of scrutinizing and discharging all debts contracted by his Highness the Maharajah of Mysore, since the adjustment of his affairs by Mr. Grant, up to the date of this notification, and that all claims on the part of creditors must be presented and filed in the office of the Commissioner of Mysore, within a period of three months from 1st May 1864.

The conditions prescribed by the Government of India for the adjustment of claims against his Highness, will be made known by the officer appointed for their investigation; but it is to be distinctly understood that all creditors who do not file their claims before the 1st August 1864, will be entirely excluded from participating in the boon now held out, and that no excuses for the non-presentation of claims within the period prescribed will, under any circumstances whatever, be admitted.

14 April 1864.

(signed) *L. Bowring,*
Commissioner.

(Foreign Department—Political, No. 90.)

From Colonel *H. M. Durand*, Secretary to the Government of India, to the Commissioner of Mysore; dated Simla, 27 May 1864.

In reply to your letter dated 10th instant, No. 7, I am directed to inform you that the Governor General in Council approves of the mode in which you have carried out the instructions of Government relative to the settlement of the affairs of His Highness the Maharajah of Mysore.

2. His Excellency in Council agrees to the interest of all investments of surplus revenue being paid to the Maharajah, and desires that you will report when the 30 lacs have been invested. It is the intention of Government that 20 lacs more should be similarly invested.

3. With reference to the last paragraph of your letter, I am directed to state that it is not necessary that the Maharajah should decide on the particular grandson on whom the jagheer of Chamrajnuggur shall be conferred. This may be left open as long as his Highness may think proper.

4. You should take care that all the arrangements are carried out in a manner which shall, as far as practicable, be in accordance with the reasonable wishes of the Maharajah, and with a due regard to his Highness' dignity.

(No. 45.)

Sir Charles Wood to the Governor General of India in Council, dated 30 July 1864.

Para. 1. I HAVE considered in Council the important correspondence enclosed in the letters of your Excellency's Government, noted on the margin,* relating to the manner in which it is proposed to give effect to the instructions contained in my Political Despatch of the 17th July 1863.

2. In that Despatch, whilst communicating to your Excellency's Government that

* Foreign Letter, dated 22 January (No. 17) 1864.
Foreign Letter, dated 6 April (No. 43) 1864.
Foreign Letter, dated 31 May (No. 4) 1864.

that a conclusion had been arrived at by Her Majesty's Government adverse to the wishes expressed by the Maharajah of Mysore, that the administration of the territories should be replaced in his hands, I requested that the decision might be conveyed to him in such a manner as might be least painful to the feelings of his Highness; and I stated that any arrangements which, without involving a change in the present system of the administration, would contribute either to his dignity or his comfort, would, if recommended by your Excellency in Council, meet with the cordial approval of Her Majesty's Government.

3. In consequence of this intimation, your Excellency's Government instructed the Commissioner, Mr. Bowring, to ascertain from the Maharajah in what manner the wishes of Her Majesty's Government could be complied with, so as to give most satisfaction to his Highness. In answer to this communication, the Maharajah has made certain requests, referring, in the first place, to the mode of administering the territory of Mysore; secondly, to the pecuniary arrangements which he wished to have made, both as to the surplus already in the treasury, and that which may annually accrue; thirdly, to the right of adopting a successor; and, lastly, to the confirmation to one of his grandsons of the talooka of Chamrajnuggur.

4. I approve of the answers which you have given to the Maharajah on the subject of the administration of the country, and of the arrangements which you have made for the payment of his Highness's debts, and for the application of the present accumulations and future surplus of the revenues of Mysore, after providing for what may be required for the due improvement of the country.

5. With regard to the question of adoption, I will only observe, that you could not recognize more than the Maharajah's right to adopt, so far as his private property was concerned.

6. I approve of the arrangement which you have made for conferring on any of the Maharajah's grandsons whom he may select, the jagheer of Chamrajnuggur in perpetuity.

DISSENTS of Members of the Council of India.

DISSENT of Sir *Frederick Currie*, 9 August 1864.

I DISSENT from the Despatch to the Government of India, No. 45, dated 30th ultimo, relating to the manner in which it is proposed to give effect to the instructions contained in the Political Despatch of the Secretary of State in Council, dated 17th July 1863, regarding the administration of Mysore. Because, I consider the terms and tenor of the Despatch as approving and confirming all the proceedings reported by the Government of India in the communication received from that Government, to which the Despatch in question is a reply. It is true that the fourth paragraph, in express terms, only approves the answers given by the Viceroy in Council, on the subject of the administration of the country, the arrangements for the payment of the Rajah's debts, and the application of the present accumulation and future surplus of the revenues of Mysore; while, in reference to the answer of the Viceroy to the Maharajah, negating, in distinct and positive terms, his right to adopt an heir to the principality, a different phraseology is advisedly used. But I affirm that the terms of paragraph 5 of the Despatch, read with the context, and in the absence of any allusion even to the contrary, do convey the full approval of the Secretary of State in Council to the decision by the Viceroy, relative to the adoption to the Principality, in common with the other decisions and arrangements, reported in detail by the Government of India, in their Despatch of the 6th April, for the information and confirmation of the Home Government. And that such construction was declaredly attached to the Despatch by the majority of the Council, who voted for the draft, because they considered it as closing the question of adoption to the Principality for ever.

2. Because the right of the Maharajah of Mysore, to adopt a successor to his Principality, is inherent in his position as a Hindoo prince, as acknowledged by law, usage, and precedent, and is specially secured to the Mysore State by the terms of the "Partition Treaty of Mysore," executed in 1799, and the "Treaty of Mysore," of the same year.

The prohibition of the Rajah to adopt a successor, with a view to the annexation of the province to the British Possessions at his death, as is contemplated by the proceedings now sanctioned, and by the Despatch of the Secretary of State in Council, dated 17 July (48) 1863, to which I have recorded a dissent, dated the same day, is illegal and unjust, is a breach of faith, and a violation of the treaties above referred to.

3. The right of the Hindoo princes of India to adopt successors to their territories, in accordance with Hindoo law and family usage, was invariably respected, until the case of Sattara, in the commencement of Lord Dalhousie's administration (the cases of Scindia, Holkar, and Jodpore, in the preceding administrations of Lords Ellenborough and Hardinge, are instances). The decision in the Sattara case, whatever its merits may be, undoubtedly caused surprise and alarm throughout the length and breadth of India; and when this was followed by the proceedings of the Government of India in the cases of Kerowlee, Nagpore, Jhansee, &c., during the same administration, that surprise and alarm became consternation and dismay. Shortly after came the mutiny, and the disorganisation which accompanied it. On the restoration of order, some special measures were deemed necessary by Lord Canning, who had succeeded Lord Dalhousie, to allay the alarm, and remove the belief, engendered by the proceedings above alluded to, the annexation of Oude, &c., that every pretext, however subtle or futile, would be taken, to attach and absorb all the remaining chiefships and principalities of India. Accordingly, the Viceroy, in communication with the Home Government, determined on the promulgation of a solemn assurance that, henceforth, the rights of adoption according to Hindoo law and usage in Hindoo principalities, and of succession in Mahomedan States, according to Mahomedan law and family custom, should be scrupulously respected. A circular to this effect was consequently issued, which caused considerable sensation, and its justice and policy were much lauded by the European and Native press. If on this, the first occasion, since the promulgation of this celebrated assurance, of an adoption to any chiefship of consideration and value, the adoption is disallowed, in order that the province may be appropriated by the British Government, what will be the opinion, in the native mind, of British faith and British honour? Will not the chiefs of India believe that the promise of the Viceroy was made in an hour of weakness and danger, to be disregarded when power should be restored, and the danger had passed away?

But I said above, that, in the case of Mysore, there are special treaties which demand the perpetuation of the Hindoo dynasty in that province; treaties which involve other interests than those of the British Government and the Mysore family. It would be well to review the exact position in which we stand in respect to Mysore. When the allied armies of the British Government and the Nizam of Hyderabad conquered the territories of Tippoo Sultan, at the close of the last century, the division and disposition of the conquered territory were a matter of serious consideration to Lord Wellesley. It was deemed inexpedient that the whole of the portion which would fall to the Nizam should be added to the already extensive possessions of that prince; and not to our advantage that we should occupy the whole of what would fall to our share. Equally inexpedient did it appear to Lord Wellesley (as we learn from the correspondence of that period) that any arrangement for the possession of those territories, by a descendant of Tippoo Sultan, should be made, as that would continue Mahomedan influence in the Deccan, as much as if they were added to the dominions of the Nizam. It was therefore agreed, by the allies, that the districts now forming the Province of Mysore, the greater part of which had formerly constituted a separate principality under a succession of Hindoo princes, should be assigned for the restoration of the Hindoo Raj to be possessed and governed by the representative (at that time an infant) of the ancient chiefs of the Mysore Principality: the remainder of the conquered territories being divided, equally, between the British Government and the Nizam. Accordingly, the treaty of 1799, commonly called "The Partition Treaty of Mysore," was executed by the allies, embodying

embodying these conditions, as described in schedules annexed thereto; and it was declared that these arrangements were to be maintained by the heirs and successors of the contracting parties in perpetuity, or, in the words of the treaty, "as long as the sun and moon shall endure."

It was further stipulated, by the ninth article of the above treaty, that, "for the effectual establishment of Maharajah Mysore Krishna Rajah, in the government of Mysore, that his Highness should be assisted by a suitable subsidiary force, to be furnished by the English East India Company, according to the terms of a separate treaty, to be concluded between the said East India Company and the Maharajah." Accordingly, a separate treaty was entered into and executed by the British Government and the Maharajah, prescribing the mode in which his Highness was to be maintained in his government, and to be advised and assisted in his administration by the British Government, and it was specially stipulated that these arrangements should be binding "as long as the sun and moon shall endure."

My views as to the conditions of this latter treaty are contained in my dissent, recorded 17th July 1863, to the Despatch of the Secretary of State in Council, dated 17th July of that year.

It is to be borne in mind that the chiefs and princes of India have recently been solemnly assured that Her Majesty the Queen will respect and maintain, in all their integrity, the conditions of all the treaties of the preceding Government.

For the above reasons, I repeat that the annexation of Mysore to the British territories, which I look on as a measure determined by the Despatch of 17th July 1863, and the Despatch now dissented from, together with the administrative measures recently adopted and approved, is an act in itself unjust and illegal, and a violation of special treaties, which the British Government have solemnly bound themselves to maintain inviolate.

I am as sensible as any one can be of the great value to us of the rich province of Mysore, but I am satisfied if we can only acquire it by a breach of faith, and the violation of laws, we shall be better without it.

(signed) F. Currie.

DISSENT of Sir John P. Willoughby, 1 September 1864.

I CONCUR in a considerable portion of this Dissent, but having already recorded at length a Dissent on the Despatch of the Secretary of State for India, in Council, dated the 17th July 1863, declaring in fact that the administration of the Mysore territory is irrevocably vested in the British Government, I now only deem it necessary to record my dissent from the Despatch of the Secretary of State, in Council, dated the 30th July 1864, virtually, if not actually, confirming the decision of the Governor General of India, against the right of the Rajah of Mysore, to adopt a son, who shall succeed to the Principality. In my former dissent, I anticipated that this would be the result of the determination of Her Majesty's Government, to negative the request of the Rajah for the restoration of the administration of his country; and stated that, in my opinion, prohibiting an adoption would be a grievous violation of Lord Canning's pledges and proclamation on the subject. In the words of Sir F. Currie, "the chiefs of India will now believe, that the promise of the Viceroy was made in an hour of weakness and danger, to be disregarded when power should be restored and the danger had passed away." On the general question of adoptions in India, my opinion varies in some respects from that of Sir F. Currie, and more especially as regards the case of Sattara; but my views, shared by many others, were authoritatively set aside by the late Lord Canning's manifesto on the subject.

(signed) J. P. Willoughby.

(Foreign Department—Political, No. 66.)

The Governor General of India in Council to Sir Charles Wood, Bart., dated 31 August 1864.

WE have the honour to forward to Her Majesty's Government a Petition bearing 7,347 signatures, which professes to be an expression of the wish of the inhabitants of Mysore that the Maharajah should be permitted to adopt an heir

to the Raj. For information regarding the manner in which the petition was prepared, and the value to be attached to the signatures, we refer you to the Commissioner's letter of the 1st July. As an indication of the feelings of the people of Mysore, generally, we believe the petition to be of little value. It seems to us rather to be an attempt, on the part of the Maharajah and his dependants, by an appeal to the English feelings in favour of a numerously signed petition, to gain what has been refused on the merits of the case.

2. Divested of much verbiage, the prayer of the petition rests on the following grounds:—that the assumption of the administration of Mysore by the British Government in 1831 was professedly only temporary, with a view to the eradication of the evils which had sprung up under the Maharajah's rule; that the special grounds which necessitated the measures adopted in 1831 no longer exist; that under the treaties with the British Government and the guarantee of Her Majesty's Proclamation, the Maharajah has the right to adopt; and that the Hindoo law recognises no distinction between succession by adoption to private property, and to the Raj, but that an adopted son succeeds of right to both alike.

3. The correspondence ending with your Despatch No. 48, dated 17 July 1863, so fully disposes of any claims of the Maharajah, either by inheritance or by the subsidiary treaty of Mysore, that we need do little more than refer to it. By the favour of the British Government, and in the exercise of its sovereign right acquired by conquest, the Maharajah was raised from a prison to the government of a large principality, subject to conditions which, if fulfilled by him, would have been the safeguard of his authority and the guarantee of the continuance of a native rule in Mysore. By 20 years of misrule, by extravagance, venality, and oppression, resulting in the rebellion of his subjects, who, but for the interference of the British Government, would have shaken off his authority, the Maharajah violated the conditions which were the basis of his dominion, and forced the British Government to the exercise of the sovereign power, which, under the 4th Article of the subsidiary treaty, they had retained, of superseding the Maharajah's rule, and of carrying on the government of Mysore in their own name and by their sole authority. By no act or promise, actual or constructive, have the British Government ever revived the Maharajah's forfeited rights, or given ground of hope that they would be revived.

4. The Maharajah having no right by inheritance, or by treaty, or by promise, to be restored to power, the reference to Her Majesty's Proclamation is irrelevant. The Maharajah can have no claim to transmit by adoption rights which he does not possess. Nor, it is plain, can the Maharajah have any claim under the general right of adoption guaranteed by Lord Canning to Hindoo chiefs governing their own territories. For 30 years the Maharajah had ceased to govern, and while, in accordance with the expressed intention of Lord Canning's Despatch that the assurance should be conveyed to each chief individually, a sunnud guaranteeing the right to adopt was granted to every chief governing a state "no matter how small," a sunnud was advisedly withheld from the Maharajah of Mysore.

5. The position taken up by the petitioners regarding the right of an adopted son to succeed to the principality as well as to private property, is so obviously inapplicable to the case, that we do not think it necessary seriously to enter on its refutation.

(Political—No. 41A.)

From *L. Bowring*, Esq., Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department; dated Bangalore, 1 July 1864.

Sir,

I HAVE the honour to submit herewith, for the orders of his Excellency the Viceroy and Governor General in Council, a petition which has been forwarded to me by certain residents of the town of Mysore.

2. This paper has been secretly prepared, and the signatures attached to it do not carry with them much weight, being chiefly those of the Maharajah's retainers, and of traders in the

the town who have dealings with the palace. In the former category are the names of the Europeans and East Indians, with possibly one, or at most two, exceptions.

3. I need scarcely observe that petitions of this nature are easily framed, and that from the secret manner in which it was prepared, and the absence of the signatures of the really respectable inhabitants of Mysore, it cannot be considered as representing public opinion.

To His Excellency the Right Honourable Sir John Laird Mair Lawrence, Bart., G.C.B., K.S.I.,
Viceroy and Governor General of India.

May it please your Excellency,

WITH reference to the accompanying petition addressed by the inhabitants of this place and in its vicinity, I beg leave most respectfully to state that they (as well as those of other provinces of Mysore, who are anxious to share in the national pride and honour of addressing your Excellency on the topic which forms the subject of the petition) have selected and nominated me as their secretary to receive any answer which your Excellency may be pleased to vouchsafe.

I remain, &c.

(signed) *Nanabhoj Nussurwanjee*,
Secretary to the Inhabitants of Mysore.

Mysore, 26 June 1864.

To His Excellency the Right Honourable Sir John Laird Mair Lawrence, Bart., G.C.B., K.S.I., Viceroy and Governor General of India.

The Humble Petition of the Inhabitants of Mysore.

Showeth,

RELIVING as we do on your Excellency's honour and justice, we venture to approach your Excellency with this petition, on a subject which nearly concerns the honour, credit, and happiness of ourselves and our children for all time.

Many years ago, when most of us were but children, we heard that his Highness the Maharajah of our country had been relieved of the direct government of Mysore by the British Government, for what reasons it is not our business here to speak; but we never for a moment contemplated the possibility of the absorption of the kingdom of Mysore in the British territory.

We firmly believed that the interference of the British Government in the administration of the country, was but a temporary measure ordained for the benefit of the Maharajah and his subjects, and we confidently looked forward to the day when, under the auspices of British protection, which under God we always wish to enjoy, and under the benign influence of those enlightened principles of government which have been already introduced, and which will, from time to time, be introduced into the country as a consequence of that protection, we should be restored to the proud position of having the direct and actual, as well as the virtual government of our country vested in, and conducted by, the hereditary and titular sovereign of our own class. In short, we all along flattered ourselves with the belief that the hand which thought proper to interfere on the 18th October 1831, in regard to the administration of our country, was nothing but the same fostering hand of a benevolent guardian power, which, in pursuance of the wise decrees of an unerring Providence, interfered more than half a century ago, not only to deliver the ancient Hindoo kingdom of Mysore from the temporary grasp of an ambitious usurper, but also freely and disinterestedly to vouchsafe protection to it from all future dangers and disasters, and to insure to it life for all time to come, not only through the life of our present Maharajah, but of all his heirs and rightful successors; we accordingly believed, with unmixed confidence, that the object of this guardian power, in its subsequent interference as aforesaid, was really, as it was avowedly, the cure of the maladies which, to a more or less extent, had by various causes been engendered in the constitution of its dependent state and the restoration of the latter to health, not its annihilation and its entire removal from the face of the earth.

Two or three years since we were informed that our Maharajah did express a wish to the British Government, to obtain a more direct share in the government of his country. The news was received by all of us with great joy and satisfaction; but we did not think it necessary to give any external aid by an expression of our sentiments, as the justice of the Maharajah's request was as palpable and undeniable as the absence of those special grounds which necessitated the measure adopted by the British Government in 1831. We were likewise made aware some months ago, that the British Government declined to accede to our Maharajah's request, but even then we did not see any necessity for an expression of our sentiments, as, in deference to the superior wisdom and judgment of the British Government, we brought ourselves to believe that the proper time was, perhaps, not yet come, to restore the direct government of his Raj to our Maharajah, how much sorer such restoration might have been the ultimate object of the British Government, as well as the fond hope of ourselves. We did not, indeed, consider ourselves justified in putting any such meaning upon the said refusal of the British Government, as to construe it to have been an

index of a desire on its part to make the country of our Maharajah entirely an integral part and parcel of the British Indian Government, and to doom an ancient Hindoo dynasty, dear to us as our own lives, to extinction. In fact, we rejected all such ideas with disdain, not only as being unworthy of the noble liberality of the British character, and utterly opposed to that special generous treatment which our Maharajah originally experienced at the hands of the British Government, and for which we are extremely grateful, but as one diametrically antagonistic to what we have been informed, and firmly believe to be the tenor of the treaties between our Maharajah and the British Government, the avowed object of the arrangement which was made in 1831, the real character of the conduct of the British Government in the administration of this country and the disposal of its revenues, and last, though not the least, it is entirely subversive of the sacred guarantee vouchsafed to India, in the recent proclamation of Her Most Gracious Majesty the Queen.

But, alas! in the midst of our unbounded confidence and faith in British honour and justice, and even the express guarantee of the mightiest, most gracious, and most righteous Queen, all our hopes and prospects have in a moment been dashed to the ground, and we are plunged into the utmost depth of sorrow and dismay, in consequence of a report which we had the misfortune to hear a few days ago, to the effect that our Maharajah was informed by your Excellency that he must not adopt an heir to the Raj of Mysore, though he may adopt a son for himself.

We, in the first place, beg to be pardoned by your Excellency when we state that we do not understand how a distinction could properly or legally be made in regard to the right of our Maharajah to adopt, according as such adoption may be, for himself, or for his Raj. If he adopts, the adopted son becomes at once his heir and the heir of the Raj too. Even the Maharajah himself, with his own consent, or by any act of his, cannot, we submit, divest such his heir of his indefeasible and hereditary right, bestowed upon the heir by God and the Shastras. If the Maharajah had a son begotten, and he wished to disinherit him of his Raj, would he be justified or permitted to do so? and much less, would any other be justified in preventing the heir from the enjoyment of his right? What distinction then can be drawn between a begotten son and an adopted son of a Hindoo servant? More arguments would be superfluous, when we consider that we are addressing ourselves to a Viceroy possessing great Indian experience, and profound acquaintance with the laws, usages, and customs of Hindoos, particularly Hindoo sovereigns, chiefs, and princes.

In the next place, we humbly but emphatically beg to affirm, that we never entertained any doubt as to the right of our Maharajah to adopt; neither did the world entertain any such doubt; and if we were already positive as to the right of our Maharajah, we were much more so after the issue of the gracious proclamation of Her Majesty the Queen of Great Britain and Indies.

Can what we have heard be true? This is a question which occurs to us, or which we would fain put to ourselves, and which we would likewise fain answer decidedly in the negative as constantly as the question is so put. Indeed, we cannot bring ourselves to credit the report which threatens us with the deprivation of our right to be governed by our titular sovereign, not only because such act is in every way contrary to the legitimate expectations we had been led to form, from the real aspect, antecedents and other circumstances of the peculiar relation which our Maharajah and his Raj bear to the British Government, but also because it is entirely irreconcilable with the hopes which, in common with the rest of the people of India, we confidently entertained from that unflinching and exemplary respect which you, the present head of the British Government in India, and distinguished for showing to truth and justice, and from that candid and magnanimous regard and sympathy you have been universally understood to evince towards the rights, claims, and feelings of the native princes and chiefs of India. But if, alas! unfortunately for us and for our country, the rumour happens to be true, nothing can be more terrible than the sentence it communicates to us. Nothing can exceed the disappointment which it brings to every breast, and no words can paint the great grief with which we, forlorn and hopeless, shall ever remember the fatal day when this awful sentence came down upon us. For what will its effect be but the eventual descent upon our country of the tremendous blow of annexation. What, we repeat, could the effect be but to doom an ancient and very important native kingdom to extinction. Nagpore is gone; Tanjore is gone; the Carnatic is gone, and now Mysore, almost the only Hindoo Raj of consequence remaining, a kingdom which for centuries has held a good position, and with which for centuries we had identified ourselves, in which our dearest hopes were centred, and upon which our pride and honour so materially depend, is about to follow. We beg to assure your Excellency that we are not insensible of the wisdom and beneficence of the British Government, and of the important benefits we have received from their connection with this country; but when we see that these benefits are to be ultimately accompanied by the loss of the individuality of this our country, and to culminate in the annihilation of an ancient and most important Hindoo Raj of our Maharajah, we confess we cannot but consider our fate to be the most unhappy and calamitous that could befall us in this world. If we have written strongly, it is because we feel strongly; and we trust that your Excellency will pardon us. We mean no disrespect to Her Majesty's noble representative. But we should be unworthy of the name of men, devoid of every feeling of national pride, if we could witness unconcerned the degradation and extinction of the ancient and noble family of our Maharajah, whose faults, if any—and who is free from them?—are immeasurably outnumbered by his virtues; and if we could see almost the only native Hindoo kingdom of importance and antiquity in the south of India passing away, without raising our humble voices to stay its doom.

We

We, therefore, earnestly implore your Excellency, if any interdiction has been really issued by you against the exercise by our Maharajah of his indefeasible right to adopt an heir to the Raj, to reconsider the question in all its bearings, and to recognize the adoption by him of an heir to the ancient and hereditary Raj of Mysore.

In conclusion, we have only again to assure your Excellency that, in addressing this our humble petition to Her Majesty's Viceroy, we do so with every feeling of respect and loyalty to the British Government, and with the utmost reliance on the protection, support, as well as of the justice of the British Nation.

And your Petitioners will ever pray.

(signed) *Hiranapa,
Dinunath Lala, and*

Seven thousand and three hundred and forty-five others.

Mysore, 16 June 1864.

(Foreign Department—Political.—No. 351.)

From Colonel *H. M. Durand*, Secretary to the Government of India, to the Commissioner of Mysore; dated Simla, 11 August 1864.

I HAVE received and laid before the Governor General in Council the petition from the inhabitants of Mysore, forwarded with your letter No. 41 A, dated the 1st ultimo.

(Foreign Department—Political.—No. 391.)

From Colonel *H. M. Durand*, Secretary to the Government of India, to the Commissioner of Mysore, dated Simla, 19 August 1864.

WITH reference to my letter, No. 351, of the 11th instant, I am directed by his Excellency the Viceroy and Governor General in Council to inform you that the petition having been considered, orders have been passed for its transmission to Her Majesty's Secretary of State for India. You are authorised, in such manner as you may think proper, to inform the known this circumstance to the petitioners.

(Foreign Department—Political.—No. 43.)

The Governor General of India in Council to *Sir Charles Wood, Bart.*; dated 22 November 1864.

IN continuation of the correspondence forwarded with our letter, No. 66, dated 31st August last, we have the honour to transmit, for the information of Her Majesty's Government, copy of a communication from the Commissioner of Mysore, enclosing a letter from Nana Bhojee, in which he submits certain additional signatures in favour of the adoption of an heir to the State of Mysore by his Highness the Maharajah.

2. We also send a copy of the reply.

From *L. Bowring, Esq.*, Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to Colonel *H. M. Durand, C.B.*, Secretary to Government of India, Foreign Department, with the Governor General, Head-quarters, Simla (No. 102 A.); dated Bangalore, 7 October 1864.

IN continuation of my letter, No. 41 A, dated 1st July last, I have the honour to submit a letter to the address of his Excellency the Viceroy and Governor General from Nana Bhojee, forwarding certain additional signatures regarding the adoption of an heir to the State of Mysore by his Highness the Maharajah.

2. The petition to which the names are attached bears date the 4th instant, and it is believed to have been prepared at the same time as that which accompanied my letter of 1st July. I say "believed," because it is known that at that time emissaries were dispatched from Mysore to each district of the province for the purpose of procuring signatures to the petition; and one of the native assistants has stated that the emissary to the Nugur division waited upon him privately, in the hope of obtaining his assistance.

3. Although it has been ascertained that the signatures were obtained in the manner indicated, and with the greatest secrecy, it has not appeared to me expedient to institute any

any inquiries why a creature of the palace, named Nana Bhojee, a Parsee by origin, should be put forward as the representative of the people of Mysore, with whom he has no connexion, and among whom his name is entirely unknown. The fact that an individual of dubious character should be selected as the expositor of the opinions of the inhabitants of the province is sufficient to show the source whence the petition originates, and the unscrupulousness of the self-elected secretary.

4. It must be borne in mind, however, that, although this petition is a document prepared in an underhand manner, unattested by the signatures of the more respectable and influential members of the community, and therefore not entitled to consideration, the feeling of all Hindoos, whether in Mysore or in any other part of India, on the subject of adoption, is deeply rooted, and that it would have been a matter of no difficulty to obtain signatures to a *bona fide* petition of similar purport, and this simply on the abstract question of right. The only class of people who would hesitate to attest it is the agricultural, the ryots of Mysore, having in former years suffered so severely from the rapacity of the Rajah's myrmidons, that the recollection of their oppression and greed is still fresh in the minds of the people.

5. Nana Bhojee has received an endorsement that the petition forwarded by him will be submitted for the orders of his Excellency the Viceroy and Governor General in Council.

From *Nana Bhojee Nusservangee*, Secretary to the Inhabitants of Mysore, to *L. B. Bowring*, Esq., Commissioner of Mysore, &c. &c. &c.; dated 4 October 1864.

WITH reference to my letter of the 26th June last, I beg leave most respectfully to submit the accompanying petition, addressed by the inhabitants of the districts of Mysore, Hassan, Shimogah, Cadoor, and Toomkoor, to his Excellency the Viceroy and Governor General of India, and solicit that you will be pleased to forward the same to his Excellency.

From *Nana Bhojee Nusservangee*, Secretary to the Inhabitants of Mysore, to His Excellency the Right Honourable Sir John Laird Mair Lawrence, Bart., G.C.B., K.S.I., Viceroy and Governor General of India; dated 4 October 1864.

WITH reference to my letter of the 26th June last, I beg leave most respectfully to submit the accompanying petition, addressed by the inhabitants of the districts of Mysore, Hassan, Shimogah, Cadoor, and Toomkoor.

Petition of the Inhabitants of the Districts of Mysore, Hassan, Shimogah, Cadoor, and Toomkoor, to His Excellency the Right Honourable Sir John Laird Mair Lawrence, Bart., G.C.B., K.S.I., Viceroy and Governor General of India; dated 4 October 1864.

RELYING as we do on your Excellency's honour and justice, we venture to approach your Excellency with this petition, on a subject which nearly concerns the honour, credit, and happiness of ourselves and our children for all time.

Many years ago, when most of us were but children, we heard that his Highness the Maharajah of our country had been relieved of the direct government of Mysore by the British Government, for what reasons it is not our business here to speak; but we never, for a moment, contemplated the possibility of the absorption of the kingdom of Mysore in the British territory.

We firmly believed that the interference of the British Government in the administration of the country, was but a temporary measure, ordained for the benefit of the Maharajah and his subjects, and we confidently looked forward to the day when, under the auspices of British protection, which, under God, we always wish to enjoy, and under the benign influence of those enlightened principles of government which have been already introduced, and which will, from time to time, be introduced into the country as a consequence of that protection, we should be restored to the proud position of having the direct and actual, as well as the virtual government of our country vested in, and conducted by, the hereditary and titular sovereign of our own class. In short, we all along flattered ourselves with the belief that the hand which thought proper to interfere on the 18th October 1831, in regard to the administration of our country, was nothing but the same fostering hand of a benevolent guardian power which, in pursuance of the wise decrees of an unerring Providence, interfered, more than half a century ago, not only to deliver the ancient Hindoo kingdom of Mysore from the temporary grasp of an ambitious usurper, but also freely and disinterestedly to vouchsafe protection to it from all future dangers and disasters, and to insure to it for all time to come, not only throughout the life of our present Maharajah, but of all his heirs and rightful successors. We accordingly believed with unmixed confidence that the object of this guardian power in its subsequent interference, as aforesaid, was really, as it was avowedly, the cure of the maladies which, to a more or less extent had, by various causes,

causes, been engendered in the constitution of its dependent state and the restoration of the latter to health, not its annihilation and its entire removal from the face of the earth.

Two or three years since we were informed that our Maharajah did express a wish to the British Government to obtain a more direct share in the government of his country. The news was received by all of us with great joy and satisfaction; but we did not think it necessary to give any external aid by an expression of our sentiments, as the justice of the Maharajah's request was as palpable and undeniable as the absence of those special grounds which necessitated the measure adopted by the British Government in 1831. We are likewise made aware some months ago, that the British Government declined to accede to our Maharajah's request; but even then we did not see any necessity for an expression of our sentiments, as, in deference to the superior wisdom and judgment of the British Government, we brought ourselves to believe that the proper time was perhaps not yet come to restore the direct government of his Raj to our Maharajah, how much soever such restoration might have been the ultimate object of the British Government, as well as the fond hope of ourselves. We did not, indeed, consider ourselves justified in putting any such meaning upon the said refusal of the British Government as to construe it to have been an index of a desire on its part to make the country of our Maharajah entirely an integral part and parcel of the British Indian Government, and to doom an ancient Hindoo dynasty, dear to us as our own lives, to extinction. In fact, we rejected all such ideas with disdain, not only as being unworthy of the noble liberality of the British character, and utterly opposed to that special generous treatment which our Maharajah originally experienced at the hands of the British Government, and for which we are extremely grateful, but as one diametrically antagonistic to what we had been informed and firmly believed to be the tenor of the treaties between our Maharajah and the British Government, the avowed object of the arrangement which was made in 1831, the real character of the conduct of the British Government in the administration of this country, and the disposal of its revenues; and last, though not the least, it is entirely subversive of the sacred guarantee vouchsafed to India in the recent proclamation of Her Most Gracious Majesty the Queen.

But, alas! in the midst of our unbounded confidence and faith in British honour and justice, and even the express guarantee of the mightiest, most generous, and most righteous Queen, all our hopes and prospects have in a moment been dashed to the ground, and we are plunged into the utmost depth of sorrow and dismay, in consequence of a report which we had the misfortune to hear a few days ago, to the effect that our Maharajah was informed by your Excellency that he must not adopt an heir to the Raj of Mysore, though he may adopt a son for himself.

We, in the first place, beg to be pardoned by your Excellency, when we state that we do not understand how a distinction could properly or legally be made in regard to the right of our Maharajah to adopt, according as such adoption may be for himself, or for his Raj. If he adopts, the adopted son becomes at once his heir, and the heir of the Raj too. Even the Maharajah himself, with his own consent, or by any act of his, cannot, we submit, divest such his heir of his indefeasible and hereditary right, bestowed upon the heir by God and the Shastras. If the Maharajah had a son begotten, and he wished to disinherit him of his Raj, would he be justified or permitted to do so? And much less would any other be justified in preventing the heir from the enjoyment of his right. What distinction then can be drawn between a begotten son and an adopted son of a Hindoo sovereign? More arguments would be superfluous when we consider that we are addressing ourselves to a Viceroy possessing great Indian experience and profound acquaintance with the laws, usages, and customs of Hindoos, particularly Hindoo sovereigns, chiefs, and princes.

In the next place, we humbly but emphatically beg to affirm that we never entertained any doubt as to the right of our Maharajah to adopt; neither did the world entertain any such doubt; and if we were already positive as to the right of our Maharajah, we were much more so after the issue of the gracious proclamation of Her Majesty the Queen of Great Britain and the Indies.

Can what we have heard be true? This is a question which occurs to us, or which we would fain put to ourselves, and which we would likewise fain answer decidedly in the negative as constantly as the question is so put. Indeed, we cannot bring ourselves to credit the report which threatens us with a deprivation of our right to be governed by our titular sovereign, not only because such act is in every way contrary to the legitimate expectations we had been led to form, from the real aspect, antecedents, and other circumstances of the peculiar relation which our Maharajah and his Raj bear to the British Government, but also because it is entirely irreconcilable with the hopes which, in common with the rest of the people of India, we confidently entertained from that unflinching and exemplary respect which you, the present head of the British Government in India, are distinguished for showing to truth and justice, and from that candid and magnanimous regard and sympathy you have been universally understood to evince towards the rights, claims, and feelings of the native princes and chiefs of India. But if, alas, unfortunately for us and for our country, the rumour happens to be true, nothing can be more terrible than the sentence it communicates to us. Nothing can exceed the disappointment which it brings to every breast, and no words can paint the great grief with which we, forlorn and hopeless, shall ever remember the fatal day when the awful sentence came down upon us; for what will its effect be, but the eventual descent upon our country of the tremendous blow of annexation. What, we repeat, could the effect be but to doom an ancient and a very important native kingdom to extinction. Nagpore is gone, Tanjore is gone, the Carnatic is gone, and now Mysore, almost the only native Hindoo Raj of consequence remaining, a kingdom which for centuries

has held a good position, and with which for centuries we had identified ourselves, in which our dearest hopes were centred, and upon which our pride and honour so materially depend, is about to follow. We beg to assure your Excellency that we are not insensible of the wisdom and beneficence of the British Government, and of the important benefits we have received from their connection with this country; but when we see that these benefits are to be ultimately accompanied by the loss of the individuality of this our country, and to culminate in the annihilation of an ancient and most important Hindoo raj of our Maharajah, we confess, we cannot but consider our fate to be most unhappy and calamitous that could befall us in this world. If we have written strongly, it is because we feel strongly; and we trust that your Excellency will pardon us. We mean no disrespect to Her Majesty's noble representative; but we should be unworthy of the name of men, devoid of every feeling of national pride, if we could witness unconcerned the degradation and extinction of the ancient and noble family of our Maharajah, whose faults, if any—and who is free from them?—are immeasurably outnumbered by his virtues, and if we could see almost the only native Hindoo kingdom of importance and antiquity in the south of India passing away, without raising our humble voices to stay its doom.

We, therefore, earnestly implore your Excellency, if any interdiction has been really issued by you against the exercise by our Maharajah of his indefeasible right to adopt an heir to the raj, to reconsider the question in all its bearings, and to recognise the adoption by him of an heir to the ancient and hereditary raj of Mysore.

In conclusion, we have only again to assure your Excellency that, in addressing this our humble petition to Her Majesty's Viceroy, we do so with every feeling of respect and loyalty to the British Government, and with the utmost reliance on the protection, support, as well as of the justice of the British nation.

And your Petitioners will ever pray.

(Here follow Signatures.)

From J. T. Wheeler, Esq., Assistant Secretary to Government of India, Foreign Department, to the Commissioner of Mysore (No. 468); dated Fort William, 5 November 1864.

With reference to your letter, No. 102A., dated 7th October, I am directed to request that you will inform Nana Bhojee, that his petition regarding the adoption of an heir to the Mysore Raj by His Highness the Maharajah has been received.

(Foreign Department—Political.—No. 46.)

The Governor General of India in Council to Sir Charles Wood, Bart., G. C. B., Her Majesty's Secretary of State for India; dated Simla, 5 May 1865.

Sir,

In compliance with the special request preferred by his Highness the Maharajah of Mysore, we forward copies of the papers noted on the margin.

From the Commissioner of Mysore, dated 28 January 1865, No. 161, and Enclosure.

From the Commissioner of Mysore, dated 3 February 1865, No. 163, and Enclosure.

2. The subject of his Highness's claim to be restored to power having previously been fully discussed and authoritatively disposed of by Her Majesty's Government, it is not our object, in forwarding these papers, to re-open a question in our opinion already justly and correctly decided; and you will observe that in our reply to the khurectas of the Maharajah, it has been distinctly intimated to his Highness that, in transmitting to Her Majesty's Secretary of State copies of the above papers, we neither in any degree countenance his Highness's claim, nor advise the reconsideration of a question which is disposed of by the instructions contained in your Despatch, No. 48, of 17th July 1863, and by the action taken by the Government of India in the liberal fulfilment of your orders.

3. We are fully aware that the claims of the Maharajah received from the late Lord Canning all the careful attention which it was that nobleman's practice to devote to matters affecting the feelings and interests of native chiefs, and that the decision which his Lordship and the Council formed on the Mysore question was the result of much research and calm and mature consideration. In that decision the late Lord Elgin and Her Majesty's Government have also concurred. We therefore enter on a review of the Maharajah's claims with much unwillingness, being satisfied that such a discussion cannot benefit his Highness, while the tendency must be to unsettle the minds of the people, and to disturb the growing prosperity of the country.

4. Nor

4. Nor do we think that the propriety of a firm adherence to this decision is at all shaken by the contents of the khureeta of protest now submitted, for it presents nothing new or not previously adduced in support of the Maharajah's various representations. Moreover, the khureeta announces that his Highness has resolved on making a direct appeal to Her Majesty, and has, with this view, deputed his confidential adviser and friend, Dr. Campbell, as his recognised agent and representative, to lay his suit in such manner as he may deem expedient before the authorities in England, who will have to adjudge his case. It might, therefore, almost appear supererogatory on our parts to touch at all upon this recapitulation of the grounds on which his Highness bases his claim, and thus essays to bring it to the direct notice of Her Majesty's Government. Still, as his Highness solicits our advocacy of the reversal of the decision communicated in Sir W. Denison's letter of the 31st December 1863, and as on our parts we find ourselves wholly unable to acquiesce in any advocacy of the kind, we think it may be satisfactory that you should be in possession of our views on some of the main points which the khureeta discusses, and should understand the grounds on which we have felt precluded from affording any support to the claims of his Highness.

5. In the 30th paragraph his Highness charges Earl Canning and Sir W. Denison with having forgotten the mode in which the subsidiary treaty originated, and the objects of those who were parties to it, where the grant to the Maharajah is treated as resting solely upon the British Government's right of conquest, and upon the cession made to the Maharajah by the British power. His Highness asserts that the conquest was the joint conquest of the British and the Nizam, and that the cession was the joint cession of the same parties; that with reference to this cession—"no doubt in reliance upon the English—very large powers of protection and, under certain circumstances, of government were accorded to them; but these powers were not so large as were given to Great Britain in 1815 in respect to the Ionian Islands."

6. Now, with reference to these arguments, which are pressed as of weighty importance, it may seem almost superfluous to remark, that at the time of the fall of Seringapatam and of the conquest of Mysore, the Nizam was in a state of subordinate alliance with the British Government, and had passed from the condition of an independent to that of a purely dependent ruler. The subsidiary force which co-operated on the part of the Nizam, was nothing else but a British force which, under the treaty of 1798, the Nizam had to entertain; and even the portion of the Nizam's own army which accompanied it was also under British officers. The whole combined, strengthened by Her Majesty's 33d Foot, was under the command of Colonel Wellesley, the superintendence of Meer Allum being nominal. As General Harris's own army was 20,000 strong, and the subsidiary force 6,500 strong, General Harris's combined army of upwards of 30,000 men was composed of 26,500 British troops, European and native, only the remainder being Nizam's troops under British officers. Lord Mornington with plenary power controlled the proceedings of the expedition. The conquest was therefore really a British one; and although from courtesy and views of expediency, the Nizam's government was spoken of as conjoint in the operations against Tippoo, and was allowed to share with the British Government in the advantages accruing from the successful termination of the contest, yet such phraseology was conventional, and misled no one, and least of all the Nizam. For the Governor General, whilst prepared to treat his subordinate ally with the utmost liberality, resented any pretension at interference in or with his arrangements, and, dictating to the Nizam the terms of the Treaty of Mysore, intimated, with stringent plainness, that if the Nizam should object to the basis and fundamental principles of the Treaty, Lord Mornington was perfectly prepared to carry the new settlement into effect by the aid of British arms alone.

7. What the fundamental principles were on which the settlement was framed, was clearly enunciated, and in a form which entirely disposed of any pretension on the part of the Nizam to a right of equal partition of the British conquest. Such a claim the Governor General would no more admit than he would listen to any right on the part of the Nizam to interfere or participate in the prize property

Letter of instructions to Captain J. A. Kirkpatrick, dated 30 June 1799.

Dated 30 June 1799,
S. C. 1 Oct. 1799,
No. 57.

property taken by the troops at Seringapatam. His instructions to the officer charged with the negotiations, the resident at Hyderabad, were as follows:—

8. "I have always been disposed to pay not only every attention to the just pretensions of his Highness the Nizam, but even to exceed the limits of his strict rights in allotting the measure of his participation in the advantages of our late conquests, but I cannot admit the claim of his Highness to an equal partition of all or any of those advantages to be founded on any principles of justice or reason. His Highness cannot avail himself of the Treaty of Pungal to maintain this claim, because the Article of that Treaty relating to an equal partition of conquests could not be construed to apply to the late war. No other written or verbal agreement is existing to support such a claim on the part of his Highness. I have endeavoured to estimate his rights under the alliance by an entirely different, and, in my opinion, more equitable standard. My view has been to distribute the recent acquisitions of revenue between the two States in a due proportion to the efficient share which each has borne in the expense and hazard of the war, as well as to the security which each is likely to derive from the assistance of the other in maintaining their common interests, and in consolidating the basis of the peace."

9. "Although I have assumed this principle as the general foundation of the whole settlement, I am persuaded that a fair review of the details of the Treaty of Mysore will convince any impartial mind that I have made concessions to the Nizam far exceeding the limits of the rule which I had thus prescribed to myself as the just measure of his Highness's rights."

10. Not content, however, with this absolute negation of any claim on the part of the Nizam to an equal partition of territory, Lord Mornington was studiously careful to be perfectly explicit in placing the cession of Mysore to the Rajah on a footing which should exclude any territorial claim of the Nizam, whether actual or reversional, present or future. Accordingly, with reference to the 4th Article of the Treaty of Mysore, which laid down that a separate government was to be established for Mysore, under Kistna Raj Oodiaver, Lord Mornington issued these further commands to the Resident at Hyderabad.

11. "The 4th Article contains the basis of an arrangement founded on the strongest principles of justice, humanity, and policy. It does not appear to me necessary to state anything further on this or the 5th Article; you will naturally observe that if the Nizam's claim to an equal partition of territory had been founded on right, and consequently admitted by me, this adjustment, so honourable to the moderation, generosity, and wisdom of the British character, would not have taken place."

12. These passages prove incontestably that the Governor General caused to be distinctly signified to the Nizam that if he elected to accept the Treaty, it was on the clear understanding, and the precise condition that his accession of territorial rights was limited to the districts specifically assigned to the Nizam in Schedule (B.) of the Treaty, and that the Nizam abjured all claim to the territory which the British Government was about to confer on the youthful Maharajah. It was optional to the Nizam to have rejected the Treaty altogether, or to accept it on the basis and principles which fortunately Lord Mornington was so careful distinctly to record. The Nizam accepted it, and it is idle now, on the part of the Maharajah of Mysore, to endeavour to resuscitate a claim which the Nizam so formally renounced, and has never himself subsequently advanced.

13. So far from preferring any claims, such as his Highness the Maharajah seeks to suggest and to evoke in support of his own pretensions, the Nizam afterwards ceded in perpetuity to the British Government, not only all the territories acquired under the Treaty of Seringapatam of 1792, and the Treaty of Mysore of 1799, but also whatever other territory he possessed, or was dependent on his government south of the Toombuddrah and the Kistna. It is only necessary to turn to the despatches of the Marquis of Wellesley and of Colonel Wellesley; to see it repeated over and over again, that the object of the Treaty was to confine the Nizam's power and government to the north of the Toombuddrah and the Kistna. One extract from the Marquis of Wellesley's Despatch of the 9th June 1800, to the Secret Committee, will suffice to place beyond

beyond doubt the scope of the negotiations which were then in course of being concluded:—"With these sentiments, I have recently opened a negotiation with his Highness the Nizam, and the Resident at Hyderabad has actually concluded a treaty with his Highness, on terms which not only provide for a considerable augmentation of the existing subsidiary force, but stipulate, provisionally, for the substitution of such territorial cessions to the Company, in place of the subsidiary payments, as would give us the complete possession of the whole countries held by the late Tippoo Sultan previous to the peace of Seringapatam in 1792, with the exception of the districts ceded on that occasion to the Peishwa. This desirable arrangement would establish, in the Company's hands, a territorial revenue, which, in the course of a few years of wise and prudent management, would render their pecuniary and military resources in the Peninsula of India superior to those possessed at any time by Hyder Ali or Tippoo Sultan. For the territories placed under the nominal sovereignty of the Rajah of Mysore, by the Subsidiary Treaty of Seringapatam, constitute substantially an integral part of our dominion." The Treaty of the 12th October 1800 was concluded, and the Nizam ceased to exercise power over any tract south of the Toombuddrah or Kistna. From that time, that is, during the last 60 years, there has never been a question on the part either of the Nizam or of the British Government as to the object and meaning of this treaty; and certainly were the Nizam to be so ill-advised as to attempt to advance such a claim as is now raised for him by the Maharajah of Mysore, it ought not to be admitted.

14. It has been shown that the acceptance of the Treaty of Mysore was a distinct admission on the part of the Nizam, that the sovereignty of Mysore rested with the British Government, and that it is an error on the part of the Maharajah to assert that in an open partition the British could only claim half of Mysore; and equally fallacious to speak of the Nizam, as if the power of conferring sovereignty over the whole or a-half of Mysore was in any way vested in that chief. But it must be added, that in provident furtherance of the definitely pronounced intention of excluding both the Nizam and the Maharattas from any interference in the affairs of the Rajah of Mysore, the latter was not otherwise a party to the Treaty of Mysore, than as the notified future recipient of the cession contemplated in his favour by the British Government, whilst the Nizam, with equal prudence and foresight, was not admitted as a party to the Subsidiary Treaty which effected the cession to the Maharajah. Thus, whilst the dependence of the latter on the supremacy of the British Government was secured, any pretension of the Nizam were effectually barred. Consequently, both Earl Canning and Sir W. Denison were strictly right in omitting all reference to the Nizam, as a joint authority, when communicating with the Maharajah. To have named the Nizam, would have been to afford countenance to the error into which the Maharajah has fallen, and to sanction the idea of the existence of a relation between the Nizam and the Maharajah, opposed to the terms of the Subsidiary Treaty.

15. The mistake thus made by the Maharajah leads him into the fallacy of speaking, with evident reference to the Nizam, of very large powers of protection and of government having been accorded to the English, which is an erroneous view of the true state of affairs, and of the relative positions of the two Governments. For, notoriously, on the fall of Seringapatam, it was the English who were in the position to reward their subordinate ally, the Nizam; to re-establish, under conditions, a Mysore ruler, and to place such limitations on the exercise of their own powers of protection or of Government, as might seem to themselves advisable. But these high and sovereign functions were derived from no other source than the right of conquest; they were of a kind which even an independent foreign state could not have accorded, and still less a dependent one like the Nizam. The analogy therefore which is drawn, or attempted to be drawn, between the protectorate of Great Britain over the Ionian Islands, and the sovereign supremacy of the British Government over Mysore, is equally incorrect as that which places a dependent ally like the Nizam, acting in complete subordination to the British Government, on an equality of importance and of footing with the leading powers of Europe, Great Britain, Russia, Austria, and Prussia, supplementing the Congress of Vienna with the definite arrangements of the Treaty of Paris of 1815.

16. We have dwelt at some length upon the endeavour to evoke rights in favour of the Nizam, which never existed, because the mode in which this has been urged forms the only novel feature of the protest now transmitted. Our observations on other points will be more concise, because the ground has been so often gone over, that a lengthy recapitulation seems uncalled for.

17. Under these circumstances it is useless to enter upon any discussion of the proposal made by Lord W. Bentinck in 1834. It was rejected upon weighty grounds by the Home authorities, and has therefore no validity in support of the Maharajah's claim to have the administration of Mysore restored to him.

18. It is true that, by the 14th Article of the Subsidiary Treaty, the Maharajah bound himself at all times to pay the utmost attention to such advice as the Company's government should occasionally judge it necessary to offer to him with a view to the economy of his finances, the better collection of his revenues, the administration of justice, the extension of commerce, the encouragement of trade, agriculture, and industry, or any other objects connected with the advancement of his Highness's interests, the happiness of his people, and the mutual welfare of both States. But unfortunately it is equally true that the administration of the Maharajah was not characterized by either willingness to receive, or aptitude to profit by, the advice of the British Government. On the contrary, it was marked by a jealous resentment and resistance of the counsel of the Resident as an encroachment upon the Maharajah's sovereignty; and in 1814, when the Resident, anxious that oppression, extravagance, and misrule should be checked, found it necessary to advise, it is recorded that the interposition of the Resident, however delicately exercised, produced nothing but irritation in his Highness's mind, and induced him to send an agent to Madras for the express purpose of complaining of that interference, and obtaining the abolition of the obligation imposed upon him by the Treaty of attending to the counsel of the British representative.

19. The powers which the British Government reserved to itself in the 4th and 5th Articles of the Subsidiary Treaty are of two kinds; viz., either to introduce such regulations and ordinances for the internal management and collection of the revenues, or for the better ordering of any other branch and department of the government of Mysore as might be deemed expedient; or else to assume and bring under the direct management of the servants of the Company such territory as it might be advisable to resume, with a view that such territory might be under the exclusive authority and control of the British Government. The first was a remedial process, only applicable under the supposition that efficient action through the Maharajah and his native functionaries was feasible. The second was a radical cure, which involved the employment, more or less, of European agency and an organised system under the superintendence of the British Government. Whatever may have been the hopes of the dictator of the Treaty that the remedial course would admit of application, it is indubitable that experience did not fulfil them; and a perusal of paragraph 17 of the Report of the Special Commission, from which the khurreea quotes freely, where favourable to the Maharajah's exculpation, will satisfy any impartial mind that the remedial form of intervention was quite unsuited to the state of affairs which resulted from 10 or 12 years of the misgovernment of the Maharajah. His Highness endeavours, in the khurreea under consideration, to throw upon the British Government the responsibility of his own 20 years of misgovernment, because, as his Highness alleges, the power of introducing improvement under the remedial form of intervention had been kept studiously in abeyance. But in 1815 and in 1825 the Maharajah was equally opposed to interference, and at the latter period viewed with unabated jealousy the Resident's counsels, and was anxious to be free from all check whatever. The aim of the British Government to afford such support and advice as could be given without undermining the power and destroying the responsibility of the Maharajah, was thus frustrated by the conduct of his Highness himself. The attitude of forbearance maintained by the British Government, and its reluctance to act on the powers reserved by the 4th and 5th Articles, was not by any means a silent permission of the abuses which brought the country to ruin, for it was a state, as proved by the records, of remonstrant forbearance. Sir T. Munro, speaking of the two alternatives open to the British Government, felt, in 1825, that as one of the courses would lower the authority, and

and the other entirely disorganise the government of the Rajah, they ought both to be avoided as long as possible. Whether an earlier authoritative intervention of the British Government, which, under either of the two courses open to it, would have set aside the Maharajah's authority in a more or less direct form, might not have been perfectly justifiable, may be a matter of opinion; but it is certain that it would have been objected to by many as precipitate, and assuredly so by the Rajah himself. Some would have argued, with a show of plausibility, that the fair trial contemplated under Article 14 had not been allowed, and that the hasty intervention of the British Government had been premature. As it was, the course actually pursued may have been that of a forbearance which consulted the position, dignity, and authority of the chief, to a degree disproportionate with the faithful discharge of the equally imperative duty laid on the British Government, of bearing in mind and securing the interests and welfare of the people of Mysore; but such an allegation hardly comes with good grace from the chief himself, in whose favour the patient though remonstrant forbearance of the British Government was exercised; and when once his mismanagement had brought things to that pass, that rebellion had to be put down by the march of British troops, it admitted of no question, but that any attempt to rule the country through the Maharajah and his functionaries, by the issue of regulations and ordinances entrusted to them for execution, would have been regarded by an exasperated and revolted people as a piece of cruel mockery. It was equally clear that under such a state of public feeling the more radical alternative was that, the adoption of which could alone enable the British Government to cope with the disorganised condition into which 20 years of misrule had plunged a once flourishing province; any other course would have been as futile as pernicious, and it is no matter of surprise that the experiment was never tried.

20. It will not escape observation that the remedial measures which his Highness now argues might have been substituted with advantage for the alternative course adopted, is an entirely different mode of intervention from that with which his Highness blends and confuses it. There is no instance in which an administration, presided over by an organised executive establishment of British officers, has ever been under the direct power and control of a native ruler. His Highness asserts that, if the administration of the country were restored to him, it is not for one instant his intention to make any change in the present system, which would remain as it is now, a native administration, superintended and controlled in its every branch by English officers. Were this practicable, it is not clear what advantage would be derived from such a transfer; but his Highness must be well aware that it is a practical impossibility thus to transfer a large body of British officers in civil employment, and a considerable number of European planters and British-born subjects, and that the reversion of Mysore to the power and administration of the Maharajah is synonymous with the withdrawal of the European officers, and the abandonment of a system of upwards of 30 years' growth. It is tantamount to the collapse of order, and a rapid return to the state of confusion and of insecurity of life, honour, and property, from which, in 1831, the people of Mysore were rescued. If not an absolute error on the part of the Maharajah to aver that, under the Treaty, it was always in the power of the British to have established precisely such an administration as now exists contemporaneously with his Highness's retention of power and authority, it certainly is a misapprehension of the provisions of Articles 4 and 5 of the Treaty. According to these the alternatives contemplated and contrasted with each other were, either the issue of regulations and ordinances, to be worked out by the Rajah and his machinery of government, or the supersession of the Maharajah's and the substitution of the direct and exclusive authority of the British Government and its own officers. There was no idea of a third course, combining the two, namely, an establishment of British officers with the Maharajah at the head of the administration in the exercise of power. Such a device was too impracticable ever to have entered into the mind of Lord Mornington.

21. Forced to acknowledge that in the time of the Mogul emperors it was customary for vassal chiefs to obtain the assent of the Sovereign to adoptions for state succession, the Maharajah nevertheless does not hesitate to call in question, by the line of argument his Highness advances, the right of the British Government to limit the issue of the adoption surname to chiefs who govern their own territories. His Highness bases his reasoning partly upon an assertion, the his-

torical accuracy of which is not only open to be controverted by the facts of both Mahomedan and Mahratta supremacy, but upon which the history of the Maharajah's own family might have suggested to his Highness a comment, how far weak Hindoo chiefs were allowed any discretion by Moslem conquerors. Further, it may be added that the principles of the Hindoo law of inheritance have no application to chiefships; but, above all, none to those held under the conditions on which Mysore was conferred on his Highness. It is, of course, immaterial whether the Maharajah adopts or not, but if his Highness does so, his adopted son will have no claim to be recognised by the British Government as heir to the state of Mysore; and we have no intention, should his Highness adopt a son, to sanction the claim put forth by his Highness that such adopted son is heir to the Raj of Mysore as well as to the Maharajah's private property. The Maharajah is not a sovereign prince in the sense in which he uses the term; on the contrary, his Highness is a dependant prince, having no rights whatever beyond those conferred upon him by the Subsidiary Treaty, and no power or authority to amplify those rights beyond the strict letter of the Treaty. That Treaty was a purely personal one with the Maharajah, and conveyed no authority to adopt, and made no mention whatever of heirs. Had the Rajah died in boyhood, it would have rested with the British Government whether the separate government should be continued in Mysore by the nomination of some other person to its Raj, or whether the country should continue under the British Government, to whom, by such a demise, it would have reverted. It has been previously shown that the acceptance of the Mysore Treaty by the Nizam barred any pretensions, on the part of the Nizam, to a conjoint right over the Mysore territory, and that the alleged protectorate conferred on the British Government is a mere fiction. Under the supposition made by the Maharajah it does not, therefore, at all follow that, if his Highness had died in 1800, the treaty of 1799 would have been considered to have failed, and that a new settlement would have been made by the contracting parties. Save for the designation of the Maharajah, as the contemplated recipient at the hands of the British Commissioner of the Raj of Mysore, the Treaty with the Nizam was, in its provisions, quite unaffected by any contingency, such as the early demise of the Maharajah, and its validity would have remained intact, though his Highness had died in 1800.

22. However reluctant to touch upon a subject which, though treated with the utmost delicacy, may seem invidious, yet, where the interests of a great and flourishing province, and of a whole people are at stake, we cannot altogether be silent on a point of the most material importance. When we advert to the character of the Maharajah as deducible from the experience of past years, what security does it offer of a just, wise, and temperate exercise of power? Sir T. Munro, in 1825, adverted to the fact that in 15 years almost the whole of the treasure amassed by the late Dewan Poorneah, amounting to about 73 lakhs of Canteray pagodas, a sum exceeding Company's rupees, two crores,* had been dissipated, every department was in arrears, the revenue declining rapidly, and the expenditure increasing. The state of affairs in 1831 is set forth in the letter to the Maharajah, announcing the assumption by the British Government of the administration of the Mysore territory, and the future annual payment according to the treaty, of a lakh of star pagodas, and one-fifth of the surplus revenue. These annual payments average together from 13½ to 14½ lakhs of rupees; and it might have been thought that, after the severe lesson which the enforcement of the 4th and 5th Articles of the Subsidiary Treaty must have proved, the Maharajah would have been desirous of reforming the habits of wasteful expenditure which had so much to do with his fall, and would, by living within this most liberal income, have sought to establish a character free from the vice of excessive extravagance, a vice which, in a native ruler, is a very different thing from the most reckless profusion and dissipation of means by the wealthy, whether nobles or others, in Europe or Asia. With these such a Government like that of Mysore or of other native states in India, such a course, on the part of a chief, is synonymous with the ruin of his people and country, with disturbance and open revolt. Now, large and liberal as were the receipts of his Highness, you are aware that in 1844-47, 22½ lakhs of debts were paid off by Mr. J. P. Grant, and that lately 23 lakhs of debt have been paid off. Between 1831 and 1864 the Maharajah had therefore incurred debts to the amount

amount of upwards of half a million sterling. We cannot regard this fact as indicative of any such change in his Highness's habits as would warrant the entertainment of a reasonable hope that his return to power would be anything else but a return to reckless and excessive expenditure.

23. We have failed to find that Sir C. Metcalfe recorded the opinion that the assumption by the British Government of the administration of Mysore was a harsh and unprovoked measure. We draw a different inference from the report of the Commissioners as to the character of the Maharajah, and the condition of his country, when the British Government exercised the powers which it had reserved to itself under the 4th and 5th Articles of the Treaty; and we cannot discover in the arguments of the khurreeta any sufficient reason for recommending a departure from the formal decision communicated by Her Majesty's Government in your Despatch, No. 48, of 17th July 1863, and acted upon as set forth in our reply, No. 17, of 22 January 1864.

From L. Bowring, Esq., Commissioner for the Government of the Territories of his Highness the Maharajah of Mysore, to Colonel H. M. Durand, C.B., Secretary to Government of India, Foreign Department, Fort William (No. 164); dated Camp, Kooreki, South Coorg, 28 January 1865.

I HAVE the honour to forward, for submission to the Viceroy, a khurreeta to his Excellency's address from his Highness, the Maharajah of Mysore, sent to me under a covering letter, bearing date the 23th instant.

Khurreeta from his Highness the Maharajah of Mysore to his Excellency Sir J. M. Lawrence, G.C.B., Viceroy and Governor General of India, Calcutta.

I HAVE the honour to acknowledge the receipt of a letter from Sir William Denison, dated the 31st December 1863, in which he informed me that Her Majesty's Government has refused to restore to me the management of my dominions. I feel that I owe it to myself to protest against this resolution, and to place fully upon record the view which I entertain of my position and rights in relation to the British Government. For this purpose it will be necessary to refer to the circumstances under which my kingdom originated, and to the events which led to its being administered by the East India Company.

When the defeat of Tippoo placed this kingdom at the disposal of the allies, it was open to them either to create a new sovereignty in Mysore, or to divide the entire territory among themselves. The latter course was considered by the British Government to be fraught with danger to the East India Company: any share of the country which the Nizam would have accepted would have so increased his power as to make him formidable to the English and offensive to the Peishwa, and a new war was likely to be the result. Further, the heads of the northern passes must have been placed in his possession, while the British share would have been left without a frontier, open to the incursions of the Nizam and the Mahrattas. It was also felt that so large an accession of territory would have been to the East India Company a burden rather than a benefit. As Sir Arthur Wellesley observed, "by the extension of our territory our means of supporting our Government and of defending ourselves are proportionately decreased." On the other hand, all these objections were met by the erection of a new kingdom of Mysore; no overwhelming addition was made to the dominions of the Nizam or of the British; the passes were left in the hands either of the East India Company or of a friendly State; the balance of power between the Nizam and the Peishwa was not disturbed.

3. In the selection of a sovereign for the new kingdom, the choice was equally decided in my favour. The family of Tippoo, besides its necessary animosity to the East India Company, had no hold upon the affections of the people of Mysore. Its usurpation was recent, and its rule had been oppressive. On the other hand, my family had only ceased to reign in 1759, and even after that date Hyder Ali considered that he derived additional security from continuing the old dynasty as nominal sovereign. My father, the last of this series of titular kings, died in 1799; hence, in the selection which was made, the East India Company secured a sovereign who owed everything to the British, and who brought with him the loyalty of his people. Further, the Mahrattas were conciliated by the erection of a Hindoo in place of a Mahomedan dynasty.

4. On the 7th of August 1801, the Honourable Henry Wellesley, writing to his brother, the future Duke of Wellington, says,—"I enclose a paper which I drew up in England by Mr. Dundas's desire in consequence of Mr. having stated to him his doubts of the legitimacy of the Rajah of Mysore's title to the throne. Mr. Dundas was convinced that the Rajah's title was a just one." The memorandum arrives at the conclusion that Kistna Raj Oodiyaver is rightly heir to the throne of Mysore. To this General Wellesley replies: "Your ideas, as stated in the memorandum upon the subject of the right of the present Rajah of Mysore to his musnud, are very correct." I do not assert that I succeeded to the throne by hereditary right; but when a throne was in the gift of its conquerors, I was selected to fill it for the benefit of all parties concerned as being the person best entitled to it, exactly as Louis XVIII. was placed upon the throne of France by the allies after the downfall of Napoleon.

"Beatson's View of the War with Tippoo Sultan," pp. 208, 211, 237.

Earl of Mornington, 3 August 1799.

"Wellington's Despatches," vol. I., p. 209.

2. "Supplemental, Wellington's Despatches," pp. 570, 571.

5. It is evident, then, that the arrangement was brought about by the diplomacy of the British, and was the means of rescuing them from a considerable difficulty: but when agreed upon, it was the joint act of the Nizam and the East India Company. The kingdom conferred was their joint conquest; they were both parties to the treaty by which it was constituted: and when my inauguration took place, my right hand was taken by General Harris and my left by Mir Alluā, and both jointly placed me on the musnud. The principal treaty contemplated the cession of territory to me as being an arrangement as permanent as that which vested the rest of Tippoo's dominions in the Nizam and the East India Company. It was never suggested that the new kingdom could, under any contingency, merge in British sovereignty. So far were the English Commissioners at that time from claiming any special advantage for their own nation, that the portion of territory reserved for the Peishwa was again subdivided upon his refusal to accede to the treaty; the Nizam obtaining far the larger share.

6. In order to secure to the East India Company the full benefits which were aimed at by the Partition Treaty, it was essential that Mysore should be placed under British protection, and that provision should be made for payment of the forces necessary for that purpose. According to the 2d and 3d Articles of the Subsidiary Treaty, it was settled that an annual subsidy of seven lakhs of pagodas should be paid by Mysore for the support of a military force which was to be maintained by the East India Company, and that, in the event of war breaking out against the contracting powers, the additional expense thereby incurred should be shared by the Rajah of Mysore in such proportion as might be determined by the Governor General. This latter article (Article 3) was in 1807 altered, and an arrangement was entered into by which the Rajah of Mysore, in lieu of being bound to an uncertain share in the expenses of a possible war, agreed to maintain a body of 4,000 horse both in time of peace and of war, which horse, when not required for the internal protection of the Mysore country, was to be at all times available for service with the troops of the East India Company. The 4th Article, after reciting that it is indispensably necessary that effectual and lasting security should be provided against any failure in the funds destined to defray "the above charges, gives the Governor General power," whenever he shall have reason to apprehend such failure in the funds so destined, "either to introduce such regulations and ordinances as he shall deem expedient, or to assume and bring under the direct management of the servants of the said Company, such part or parts of the territorial possessions of his Highness as may appear to him, the said Governor General in Council, necessary to render the said funds efficient and available, either in time of peace or war." The 5th Article provided for the mode in which the 4th Article was to be carried out.

7. That Articles 4 and 5 were only intended to apply to the case of failure, actual or impending, in the payments due under Articles 2 and 3, is clear beyond a doubt from the recital in Article 4, which expressly states the fact to be so, and from the terms of Article 5 itself, which provides that it is only to come into operation "when the Governor General shall have reason to apprehend a failure in the funds," and from the power of assumption being limited to such part or parts of the territorial possessions as may appear to him necessary to render the said funds efficient. Further, Article 14 contains a general promise on my part to pay at all times the utmost attention to such advice on matters of internal administration as the Company's Government may offer; but no provision is made for assumption of management in case of disregard of such advice, nor is any penalty attached to a breach of the Article, except such as is implied in every treaty, viz., that a violation of its terms may be treated as a ground of war by the other contracting party.

8. It cannot be said that the State of Mysore has failed to make a substantial return to the British Government, by whom it was created. General Wellesley, in 1804, speaks of the practical benefits which the British Government has derived from the establishment of Mysore; and again, in 1806, refers to "the cordial and intimate union which exists between the Government of Mysore and the British authorities, and the important strength and real assistance which it has afforded to the British Government in all its recent difficulties." The Marquis of Wellesley refers to the same crisis in terms of still stronger praise, saying that "Mysore has been enabled in some degree to repay, by the efficacy of its assistance, in the hour of emergency, the benefits which it has derived from the protecting influence and power of the British Government." On the 31st of August 1850 the Secretary of State wrote to acknowledge "the loyal conduct and good service of the Rajah of Mysore." In the recent mutiny, although my powers of rendering aid could extend little beyond the exercise of personal influence, I succeeded in deserving from Lord Canning the following eulogium:—"I was well aware that, from the very beginning of these troubles, the fidelity and attachment to the British Government, which have long marked your Highness's acts, have been conspicuous upon every opportunity."

"Your Highness's wise confidence in the power of England, and your open manifestation of it, the consideration and kindness you showed to the British subjects, and the ready and useful assistance which you rendered to the Queen's troops, have been mentioned by the Commissioner in terms of the highest praise."

9. In 1810 I assumed the Government of my country, which had, till then, been administered by the Dewan Poorniah. His management had been financially most successful; that is, he had avoided debt and accumulated a large surplus in the treasury. But the Commissioners appointed by Lord William Bentinck to enquire into the causes of the insurrection of 1830 having left on record their opinion, that, so far from enriching the people, his system had gone to impoverish them, and that, even if he had continued in power, the revenue could not have been maintained many years at the height to which it had been raised

raised. But Poorniah himself had made it impossible that I could retain him in office, as he had shown unequivocally that his intention was to reduce me to the position of a puppet, and to make himself and his heirs the real sovereigns of the country.

10. It is undoubtedly true that a few years after I assumed the direct government of my country, serious financial difficulties began to make themselves felt; but these difficulties had their origin in other causes than the mismanagement of public affairs by the native officers employed by me.

11. Before my accession Mysore was an independent and predatory state, continually enriched by plunder from the neighbouring countries, and whose entire resources were spent upon itself. After its conquest all external tribute ceased, and a large portion of its internal wealth annually left the country. Probably the greater part of the seven lakhs of pagodas payable under Article 2 of the Treaty, was finally subtracted each year from the capital of the country. During the administration of Poorniah this evil was in some degree counteracted by the large expenditure of the British troops stationed in the country; but as that force was reduced, the full extent of the change was felt. Very shortly after my accession General Wellesley said of Mysore, "At this moment it goes on principally by the regular monthly expenditure within it."

The administration of Poorniah had, as above stated, greatly impoverished the people. The Dewan, who was examined before the Commissioners, said of Poorniah's rule, "The great body of the ryots were in easy circumstances at the beginning of it, and half of them were reduced to poverty at its close." Even his immense savings had merely the effect of annually withdrawing a mass of wealth from circulation to lock it up in idleness.

Another cause of distress which was felt in British India, as well as in Mysore, arose from a fall in the price of agricultural produce, which caused a corresponding decline in revenue.

It must also be remembered that the annual necessity of finding specie to the full extent of the subsidy was, as General Wellesley had foreseen it would be, a heavy drain upon the resources of a State which had no external commerce.

12. A very injurious influence upon the revenue and happiness of the people is ascribed to the "shuttee" system, or farming out of the revenue. But it is admitted that the written engagements entered into by the contractors, if complied with, would have prevented all oppression; the evils arose from an insufficient system of supervision.

13. From 1814 till 1830 the British Government had it in their power not only to tender advice, but, under Article 4, to introduce any regulations and ordinances which seemed desirable with a view to the collection of the revenue or the administration of justice. No attempt, however, was made to act upon the powers so conferred, although, as the Commissioners observe, the provisions of the Treaty "placed the civil administration of its affairs completely under the control and direction of the Company's Government." On the contrary, after the growing abuses of the administration had been brought to the knowledge of the Madras Government, the Resident was instructed, on the 3d July 1814, to abstain from the public reception of complaints from the subjects of Mysore, and from the avowed support of the cause of those whose grievances might become known to him; and to endeavour to guide the Rajah by advice and admonition delivered in a private and conciliatory manner. Naturally, it was assumed by the evil-doers that the British Government was not very much in earnest in its remonstrances when it did not adopt the obvious and easy mode of giving them effect.

14. The insurrection which commenced in 1820 was admittedly owing, in a considerable degree, to the ambition of the Nigger usurper, Boody Buswapah, to the defection of the Terrikerry Poligars, and to the machinations of the family of Bukshee Idam Rao, whose oppressive and corrupt practices were then under investigation, and who hoped to stave off inquiry by the turmoil of a rebellion. But the Commissioners lay special weight upon a widely-spread belief that the British Government was in favour of the insurgents, and determined not to support my authority. Of course, this notion was wholly unfounded; but so long before as 1805 General Wellesley had thought it necessary to write to the Marquis of Wellesley in these terms: "But still I fear the new Government of Madras, one of whose objects, I believe, is to overturn the existing system in Mysore, of which I have hitherto been the principal support." It is not surprising, therefore, that a similar opinion in an exaggerated form should have extended to my own subjects.

15. The Commissioners, while admitting that the above causes had "greatly conduced to the disturbances, nevertheless state as their opinion that their origin is mainly to be ascribed to misrule on the part of myself." I do not wish to deny the existence of mal-administration, and I have shown that the insurrection was accelerated by the investigations which I had already commenced with a view to punish the offenders. But the Commissioners themselves make admission which greatly detract from the weight of their censure, so far, at all events, as that censure presses upon me. They allow that, in some of the complaints of the people of the grievances they had been subjected to under the Rajah's government, "the period of Poorniah's administration is included in the general censure, without distinction from that of the Rajah's personal rule." In fact, an insurrection, headed by the Poligars, had broken out in the commencement of his rule, and lasted from 1800 to 1802, and was only subdued by the assistance of British troops under the Honourable Colonel Wellesley.

16. Again, the Commissioners, while pointing out the faulty system of collecting the revenue, and the discontent which arose among the people, make the following most important statement as to the extent of the alleged oppression:—

Report, paras. 186, 187.

"Supplemental Despatches," vol. iii., p. 165.

Report, para. 9.

Report, para. 123.

Report, paras. 184, 185.

"Supplemental Despatches," vol. ii., p. 573.

Report, paras. 121-126.

Report, para. 7.

Report, paras. 18, 19.

Report, paras. 201, 202.

Report, paras. 182-183.

Report, paras. 184, 185, 186, 187.

"Wellington's Despatches," vol. i., p. 432.

Report, para. 182.

Report, para. 190.

Report, para. 8.

Report, para. 197.

Report, para. 197.

"When public affairs were conducted in this manner, it is not to be wondered at that great discontent with the Government should have arisen among the people: yet it is necessary, in our opinion, to be cautious in drawing a conclusion with respect to the degree in which the collections actually made by the tehsildars were oppressive in their amount. The fact of the assembling of the ryots in Coosum, and their complaining that the taxes were too burthensome to be borne, of itself really proves little or nothing upon this point. At the very same time, the ryots assembled in the same manner and made similar complaints in the province of Canara, where, we understand, the public demands have since been found, on full inquiry, to be decidedly moderate; lighter, indeed, as they had always been considered, than in any other district subject to the Presidency of Madras. We also understand (and it is a curious coincidence) that those proceedings of the ryots in Canara were instigated by intrigues on the part of public servants, as has been already shown to have been the case in Mysore. We have no doubt that the people of Mysore are generally in far less easy circumstances than they were 30 years ago; but we have strong doubts whether the demands made and enforced on them of late years, for, or in the name of the Government, have been such, in their amount, compared with the means of the people to pay them, as would be considered particularly heavy in the Madras territories. And though many witnesses have stated their belief that the population has greatly decreased, we are very far from being convinced that this is really the case: all, indeed, that has been said by the witnesses respecting the decay of the country, though we doubt not that there is too much ground for it, ought, in our opinion, to be received with great caution, as likely to be exaggerated, even where it is founded on fact. Besides particular biases which may probably have influenced their evidence, it was liable to be swayed by that general prejudice, natural to mankind, which tends to make men believe that the world degenerates and decays as they themselves grow old, and which requires for its counteraction a greater enlightenment of mind than those persons could be expected to possess." Finally, the Commissioners wholly absolve me from the charge of being one of those princes "who had addicted himself to the gratification of avarice and mercilessly oppressed his people by exorbitant exactions of revenue in order to heap up riches for himself." The utmost charge ever made against me was, that I had fallen into the hands of bad advisers, and that I had been weak enough to allow myself to be misled by them. At the very time when the East India Company assumed the management of Mysore, Mr. Casanajor, the Resident, in his letter to the Government of Fort St. George, dated 31st December 1831, earnestly pressed that a tract of country immediately round my capital might be left under my control. He stated, that although, in his opinion, I was not fit singly to administer a large kingdom, still that my personal popularity and kindly disposition rendered such an arrangement peculiarly desirable within limits where my own supervision could continually be applied.

17. During the entire period of my sovereignty, viz., from my accession on the 1st July 1799 till the assumption of the administration by the British on the 16th October 1831, the subsidy was never in arrear by a single day or a single rupee; on the contrary, a payment in advance, of pagodas 2,10,648, had been actually made when the management of the country of Mysore was assumed by the British Government. It is important to put this fact prominently forward, inasmuch as the contrary seems to have been assumed and admitted in previous correspondence between Her Majesty's Government and myself. The pay of my own troops did fall into arrear; but the large monthly subsidy due by me to the East India Company was throughout punctually paid, and the receipts given to me by the Resident for the time being are still in my possession. Yet, although this fact is undoubted, and is as capable of proof from the records of the Commissioner of Mysore as from my own archives, Lord William Bentinck, in his letter of the 7th September 1831, says, "The subsidy due to the British Government, has not been paid monthly, according to the treaty of 6th July 1799;" and Lord Canning was probably under the influence of the same error when he stated that "the obligations which attached to the cession had been for 20 years flagrantly and habitually violated."

18. Immediately after the suppression of the rebellion, Lord William Bentinck resolved to exercise the extreme power of assumption provided by Article 4. The principal ground upon which he based this step, viz., the supposed neglect to pay the monthly subsidy, I have shown to be an error. He goes on to state as an additional ground that the pay of the troops had fallen into arrears. This no doubt had taken place, but the fact that the Irregular Horse in my service were entitled to arrears of pay was no unusual circumstance; nor was there any difference in this respect between my forces and those of our native princes of India, and can hardly, when the punctual payment of the subsidy is remembered, be considered a sufficient reason for the extreme measure adopted by Lord William Bentinck.

The non-payment of the subsidy was the chief reason alleged for depriving me of the management of my country. I have shown that the payment was punctually made, and Lord William Bentinck himself at a later date frankly acknowledged that there was grave reason to question the justice of his own act. In a Despatch to the Secret Committee of the Court of Directors, dated the 14th April 1834, Lord William Bentinck proposed that the districts of Mysore, Ashtagram, and Manjeerabad should be restored to my direct rule; while the districts of Nuggur, Chittaleeroog, and Bangalore, yielding an annual revenue equal to the permanent claims on account of the subsidy and the pay of 4,000 Irregular Horse, which the Mysore State was bound by treaty to maintain should be ceded to the East India Company. In advocating this arrangement, Lord William Bentinck wrote as follows:—

"By

"By the adoption of the arrangement which I advocate, certain doubts will be removed which I cannot help entertaining both as to the legality and the justice, according to a strict interpretation, of the course that has been pursued. The treaty warrants an assumption of the country with a view to secure the payment of our subsidy. The assumption was actually made on account of the Rajah's misgovernment. The subsidy does not appear to have been in any immediate jeopardy. Again, the treaty authorises us to assume such part or parts of the country as may be necessary to render the funds which we claim efficient and available. The whole has been assumed, although a part would unquestionably have sufficed for the purpose specified in the treaty. And with regard to the justice of the case, I cannot but think that it would have been more fair towards the Rajah had a more distinct and positive warning been given him that the decided measure, since adopted, would be put in force, if misgovernment should be found to prevail."

In reference to the equity or necessity of the assumption by the British Government of the administration of Mysore, I need not go beyond the language used by Sir Charles Metcalfe, who recorded his opinion of the measure as being "harsh and unprovoked." It is not necessary for me to go as far as the Honorable Colonel Wellesley, who, in reference to the 4th Article, wrote—"It is to be supposed that, whenever the Governor-General shall be desirous of resuming the country, it will be in consequence of the difficulties in which the general government will be involved by the pressure of an extensive warfare. It is hardly possible to suppose any other case in which the resumption would be justified, or could be attempted." It is sufficient for me to point out that all the evils which are set forth in Lord William Bentinck's Despatch had been well known to the British Government for upwards of 17 years, and that suddenly a rebellion, which was mainly brought about by causes over which I had no control, and especially by the belief that it was favoured by the Madras Government, was taken advantage of to deprive me of my kingdom. That power "of introducing any improvement into any or each branch of the Rajah's administration," in reference to which the Marquis of Wellesley had said—"It may, therefore, be hoped that it will not be necessary to resort to the extreme measure of assuming the Rajah's country," had been kept studiously in abeyance. And yet those very abuses which the British Government had reserved to itself the power of checking, and yet had permitted to exist, were made the pretext for assuming the entire management of the country. Even in 1831 all the advantages arising to the East India Company and to the people of Mysore from that extreme measure might have been obtained from the introduction of such a system of administration as the Governor-General had authority to enforce, and as I would gladly have supported, but this experiment was never tried.

19. When the government was assumed by the East India Company, and, till very lately, it was never suggested that the measure was anything but a temporary one. Lord William Bentinck simply quoted the words of the treaty, as to whose meaning at that time no doubt existed. In 1834, Lord William Bentinck communicated to me the proposition described above, which he had made to the Court of Directors, by virtue of which the three Poudaracs of Manjeerabad, Mysore, and Ashtagram were to be made over to me.

20. The above proposition was not sanctioned by the Court of Directors, on the ground that it would be contrary to the spirit and object of the treaty to subdivide a kingdom whose integrity had been guaranteed by the Allies in 1799. But in the despatch communicating this resolution, the Supreme Government was expressly ordered "not to introduce a system which cannot be worked hereafter by native agency when the country shall be restored to the Rajah." In the despatch from Lord Auckland communicating this resolution to me, he wrote:—"It is the opinion of those eminent authorities who are at all times anxiously disposed to promote whatever may be most conducive to the true interests of your Highness, that those interests will be best consulted by maintaining the undivided and beneficial administration which at present subsists of your Highness's territories, until such salutary rules and safeguards may be matured and confirmed in practice as shall afford a ground of confidence that your subjects in all parts of your dominions will possess the benefit of a stable form of good government. The Honourable Court of Directors have, on these grounds, signified their commands that the administration of your Highness's territories shall remain on its present footing, until the arrangements for their good government shall have been so firmly established as to be secure from future disturbance."

21. When lately I referred to these and similar passages in support of my claim for restoration, I was informed "that the expression of these sentiments constitutes no obligation on the part of the British Government to reinstate your Highness, and gives your Highness no right to such restoration."

22. It had never occurred to me that my right, or the obligations of the British Government, could in any degree depend upon the language used by one of the contracting parties. Those rights and obligations arise out of the terms of the contract itself, and must be regulated by them. I only refer to those expressions as showing from evidence beyond suspicion, that the East India Company understood the contract in exactly the same sense as I did.

23. The despatch from his Excellency, Sir W. Denison, placed a construction upon the Subsidiary Treaty which, as far as I am aware, was wholly new, viz., that the assumption of Mysore for a single day was an assumption for ever, inasmuch as the Subsidiary Treaty of the 6th July 1799, contains no conditions under which the administration, if once assumed by the British Government, was to be restored.

24. It might be sufficient to answer, that the treaty contains no conditions under which the administration was to be permanently retained, and the condition for restoration is implied.

"Wellington's Despatches," vol. i., p. 345.

Letter, 7 Sept. 1831.

Memorial explanatory of the Subsidiary Treaty.

Letter, 14 May 1834.

Lord Canning's Administration Report, 1860.

Letter, 23 March 1833.

Letter to Lord Dalhousie, 20 Apr. 1852.

Letter from Sir W. Denison, 31 Dec. 1833.

Letter, dated 11 March 1832.

implied from the very terms of the treaty. But a more careful consideration of the argument under notice is necessary.

25. All jurists are agreed that, in interpreting treaties, the following rules should be applied:—

1st. That all international treaties are covenants *bond fide*, and are, therefore, to be equitably, and not technically, construed.

2d. That the construction is to be derived from a due consideration of the language of the whole instrument, and not from that of particular portions or sentences of it.

3d. That the ground or reason in which the treaty originated, and the object of those who were parties to it, should be taken into consideration.

4th. That the contracting party, who might and ought to have expressed himself clearly and fully, must take the consequences of his own carelessness, and cannot, as a general rule, introduce subsequent restrictions or extensions of his meaning.

26. As regards the first rule, if it is clear upon the entire treaty that a permanent and absolute detention of the country was not contemplated in 1799, then the absence of express conditions for its restoration cannot affect my position. The treaty purposely left it in the discretion of the British Government to determine when the necessity for assumption arose, and how long it lasted. This discretion would have been fettered by fixing a definite limit to the period of management; but it is one thing to say there was no definite time at which my right to restoration accrued; it is a very different thing to say that no such right ever existed.

27. Taking the whole of the treaty together, it is impossible to maintain that my rights, subsequent to 1831, were limited, as Earl Canning asserts, to "the personal provision which was secured to me in the event of the British Government resuming (it should be assuming) the administration of Mysore." The treaty gives the power of assumption for the purpose of securing a specific object, viz., the due payment of the subsidy and troops. The power is only to be enforced when that object is endangered; and even then only in regard to such part or parts of the territories as may appear necessary to render the funds efficient and available. It is in the fullest sense a mortgage of a part of my kingdom for the purpose of securing certain payments, and carries with it that which is of the essence of every mortgage, that it is to cease whenever the object for which it was granted has been effected.

28. If, as is now suggested, any portion of the territory which was once assumed, lapsed to the East India Company irrevocably, nothing would have been easier than for Lord William Bentinck to carry out the arrangement which he desired to effect in 1834. It would only have been necessary for him to announce what parts of my territories he considered it necessary to hold under Article 4, and they would then and there have passed from me to the British Government. But it never seems to have occurred to him that such a proceeding could be carried out under the treaty, or in any other way than by a voluntary arrangement between myself and the East India Company. The Board of Directors seem to have considered such an arrangement so completely at variance with the principles of the two treaties, that even by mutual agreement it could not be entered into. But if the treaties would have been violated by taking a part of my kingdom with my consent, how much more by taking the whole against my will?

29. The 4th Article provides that whenever and so long as any part or parts of his said Highness's territories shall be assumed, a true and faithful account of their revenues shall be rendered to him. No words can show more strongly the belief that such periods of management by the East India Company would be temporary, and might be recurrent; but that my interest in their revenues was not on that account to cease.

The Article goes on to provide that in no case whatever shall his Highness's actual receipt of income arising out of his territorial revenues be less than, &c. How could the territorial revenues be mine if I had only a personal right "to a provision" out of them? No such idea as that which is now put forward was present to the mind of Lord William Bentinck when, in 1834, he recorded that the Company had not assumed the management of the Mysore Government on its own account, but that it was still managed entirely on my behalf. Nor was it supposed that Mysore had become a British Province when the title of the Commissioner was settled to be "the Commissioner for the Government of the Territories of the Rajah of Mysore." No doubt Earl Canning attempted to change the title of the present officer into that of "Commissioner of Mysore;" but upon my remonstrance the old style has been resumed. Nor would Lord Auckland have been guilty of the mockery of informing me that my true interests would be best consulted by maintaining the existing administration for a further period, if, in fact, I had ceased to have any interest in the country, and had fallen into the position of a pensioner and a pretender.

30. Both Earl Canning and Sir W. Denison seem to have slightly forgotten the mode in which the treaty originated, and the object of those who were parties to it, when they treat the grant to me as resting solely upon the British Government's right of conquest, and upon the cession made to me by the British Government. The conquest was the joint conquest of the British and of the Nizam, and the cession was the joint cession of the same parties. The object of the grant was to keep a large tract of territory equally out of the hands of the Nizam and of the British; and to keep it so substantially and permanently, not merely colourably and for a time. No doubt, in reliance upon the integrity of the English, very large powers of protection, and under certain circumstances of government, were accorded to them; but these powers were not so large as were given to Great Britain in 1715, in respect of the Ionian Islands. Yet it was never supposed that, in respect of those islands,

any period of protection and government could merge into sovereignty. If it had been contemplated in 1799 that the first assumption of management by the British—an even which might any day become necessary—would vest in them the absolute property in Mysore, subject only to a life annuity to me, this would have been the very event which the East India Company at that time most earnestly deprecated. The disadvantages of such a result have, no doubt, greatly diminished; but that cannot alter the original object of the treaty. If it had been suggested to the Nizam in 1799, that, whereas in open partition the British could only claim half of Mysore, he was in reality giving over to them the sovereignty of the whole, to fall into possession the first year there was a defalcation in the subsidy, or reason to apprehend one. It is impossible to suppose he would have yielded to such an arrangement; nor is it likely even now that the Nizam would quietly suffer the entire absorption by the British of that which had been jointly acquired and jointly given away by himself. But in those days no such idea was present to the minds of any of the contracting parties.

31. Had the East India Company intended by Articles 4 and 5 to provide that an assumption of management by them, for whatever cause, operated as an absolute forfeiture of the rights of myself and my heirs to the kingdom, it certainly was for them to say so in clear and unequivocal language. It is as much open to me to say that this is an "extension of their meaning," which cannot be introduced by one of the contracting parties, as for the Viceroy to argue that I cannot claim a restoration because the mode and time of it is not expressly defined in the treaty. But it would be doing gross injustice to the framers of the treaty to suppose, either that they were unable fully to express their meaning, or that they were capable of devising language which should bear one interpretation in 1799 and another in 1862.

32. I am wholly unable to understand the grounds upon which Lord Canning rests when he says, in regard to the annual payments secured to me in the event of the assumption of government by the British—"This provision is a personal right, not an heritable one; it is not claimable as a right even by a natural-born heir, however liberally the Government might, of its own grace, be disposed to deal with a claim from such a quarter."

33. I am not aware that it has ever been asserted that the Subsidiary Treaty of 1799 was a personal one, whose operation was not to extend beyond my natural life. If that were the case, of course the result would be, that at my death all rights constituted by the treaty would terminate, and the country would become the joint property of the British and the Nizam. But it is evident that the settlement of 1799 was a permanent one, intended to last for all time, or, as the preamble says, "as long as the sun and moon shall endure." Had I succeeded in retaining the kingdom in my own hands, it would have passed to my heirs, who would, in their turn, have been liable to all the stringency of Articles 4 and 5. But the moment the assumption of government took place, then the other part of the treaty came into force, which provides that, whenever and so long as any part or parts of his Highness's territories shall be placed, and shall remain, under the exclusive authority and control of the East India Company, a true and faithful account shall be rendered to me; and the East India Company engages at all times and in all possible cases to secure and cause to be paid the sums stipulated in Article 5. No doubt this article contains no mention of my heirs, just as nothing is said of the heirs of the Nizam in the article which assigns to him his share of the kingdom; but it is plain that the benefit and the burden arising from an assumption of government were intended to answer to each other and to be equally lasting. Otherwise it would result, that, if the management had been assumed in 1800, and my death had followed in the same year, the British would at once have become sovereigns of Mysore, instead of its protectors. But there can be no doubt that, if I had then died and left no heirs, the Treaty of 1799 would have been considered to have failed, and a new settlement would have been made by the contracting parties. Length of time can work no change in obligations. I claim for my heirs the same rights as I shall have died possessed of; and should I have no heirs, then, for the first time, those who gave me my dominions will become absolutely entitled to them.

34. I feel still greater difficulty in understanding the grounds upon which Mr. Bowring was directed by your Excellency to observe that I was perfectly at liberty to adopt a son to my private property; but that no authority to adopt a successor to the Raj of Mysore had ever been given, or would be conceded. I am aware that in the time of the Mogul Emperors, it was customary for their vassals to communicate their intention to adopt, and that the assent of the sovereign was acknowledged by the payment of a nuzzur; but I can assert that no single instance is on record in which any native monarch ever refused his permission; still less was it ever heard of that permission was given upon the condition that the son should be partially disinherited. But even those cases do not apply to me. I am myself a sovereign prince, protected, it is true, by the British, and by express treaty deprived of many of the privileges of sovereignty. But the treaty contains no stipulation that I should not exercise that right, most important to every Hindoo, the right to adopt. Where the treaty is silent, no restriction can be introduced; and my son, when once adopted, will be as much my son under Hindoo law, as if he had sprung from my loins.

35. Sir W. Denison states as an additional reason for not restoring my dominions, that, my "reinstatement in the administration of the country is incompatible with the true interests of the people of Mysore." This certainly was not the opinion of Lord William Bentinck when he proposed in 1834 to restore to me so much of the country as was not required to secure the British claims; but I have long since stated, and again here most formally, repeat this statement, that, should my country be restored to me, it is not for one instant

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Letter, 11 March 1862.

Lord William Bentinck's Minute, 14 April 1834.

Letter, 23 March 1836.

my intention to make any change in the present system, which should remain as it is now, a native administration, superintended and controlled in its every branch by English officers. I cannot imagine that I could be suspected of any insincerity in making this declaration; but it was not necessary for Her Majesty's Government to rely upon my sincerity. Under the treaty they were fully authorized to introduce any regulations and ordinances which they thought proper, and under that provision it was always in the power of the British to have established precisely such an administration as now exists. If, then, the only object of the Government is the prosperity of the people of Mysore, and if that prosperity can be guaranteed by the continuance of the present system, then my restoration can in no way clash with the truest interests of the country.

36. I have now recorded fully, though not at greater length than the importance of the subject requires, the manner in which I have always regarded this question. I am confident that it will meet with your Excellency's fullest consideration, and I have further to request that this letter may be submitted to the Secretary of State for India. I am aware that your Excellency may object that the question discussed in this communication has been disposed of, and that the Government of India can take no further action in this matter. I have great confidence in the reputation for impartiality and justice which your Excellency so deservedly enjoys; I am also well aware of the great knowledge which you possess of the past history of India, and of its laws and customs, which bear so importantly upon the subject of my letter; I have been, therefore, desirous to record once more, and, perhaps, more completely than I have hitherto done, the grounds on which my claims are based to have the government of my country restored to me. I am about also to take such other steps as I consider necessary to bring this claim to the direct notice of Her Majesty's Government. I can only trust that a full and impartial consideration of the facts and arguments contained in this communication will induce your Excellency to advocate a reversal of the decision communicated to me in Sir W. Denison's letter, dated 31st December, 1863.

From *L. Bowring, Esq.*, Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to *Colonel H. M. Durand, C.B.*, Secretary to Government of India, Foreign Department, Fort William (No. 163); dated Camp Nakanad, Coorg, 3 February 1865.

In continuation of my letter, No. 161, dated 28th ultimo, I have the honour to forward, for submission to his Excellency the Viceroy and Governor General, a further khureeta to the address of his Excellency, received from his Highness the Maharajah of Mysore, under a covering letter, No. 23, dated 1st instant.

Khureeta from his Highness the Maharajah of Mysore to his Excellency Sir *J. M. Lawrence, G.C.B.*, Viceroy and Governor General of India, Calcutta; dated Palace, Mysore, 1 February 1865.

With reference to the last paragraph of my appeal to your Excellency, dated 25th January 1865, relative to my claims to re-assume the sovereignty over my dominions, I again entreat of your Excellency that you will bestow your early consideration to the arguments adduced therein, so that your sentiments may without delay be before Her Majesty's Government; for, from the tenor of the despatch from the late Earl Canning, dated 11th March 1862, and that from Sir William Denison, dated 31st December 1863, fully adverted to in that khureeta, I have now very reluctantly resolved on making a direct appeal at the foot of that throne whose Great Queen rules over this realm, whose loyal and humble subject I am, and who has assured me, as one of the Native Princes of India, that the treaty and engagements originally entered into between me and the late Honourable East India Company shall be scrupulously maintained, who has graciously pledged her Royal word that my "right, dignity, and honour," shall be respected as her own, and whose sovereign desire is recorded that I shall enjoy that prosperity and that social advancement secured by internal peace, the result of that good government which I most fully recognise and desire to maintain.

With this view I beg to announce to your Excellency that I have secured the good services of my confidential adviser and sincere friend for sixteen years, Doctor Campbell, who, having retired from the service, proceeds to England by next steamer as my recognised agent and representative, to lay my suit before the authorities there in such manner as he may deem most expedient for the advancement of the same.

Doctor Campbell has been, as your Excellency is aware, on the most intimate relation of friendship with that great man, the late Sir Mark Cubbon, whose loss and counsel I deplore in this my emergency. He has served your Government for 30 years, and his character is doubtless not unknown to your Excellency and to those in England who will have to adjudge my case.

When I place my future fate and fortune in his hands, your Excellency will, I trust, acknowledge that I desire only to attain what I consider my lawful rights by moderate, but determined means.

As I am a very old man, and time is now precious to me, I would again beseech your Excellency to expedite the transmission of my khureeta to England, supported by your favourable opinion, as, in the event of this my final appeal being rejected, I have no other course

course left open to me, but to lay my case before the British Parliament, and trust to the honour of the nation to do me justice. This, however, may not be necessary, for I feel sure that, after perusing my khureeta, and weighing well the arguments on which I base my claim, your Excellency will take a favourable view of my case, and feel justified in recommending it to the approval of Her Majesty's Government.

LETTER from His Excellency the Viceroy and Governor General of India to His Highness the Maharajah of Mysore; dated ~~Calcutta~~, 5 May 1865.

I HAVE received your Highness's khureetas dated respectively the 25th January and the 1st February 1865, urging a review of the decision passed upon your Highness's claim to be reinstated in the government of Mysore, and intimating an intention to make a direct appeal to Her Majesty the Queen, through the medium of your Highness's confidential agent and adviser, Dr. Campbell. In accordance with your Highness's request, I have transmitted copies of the khureetas to Her Majesty's Secretary of State for India; but I have not been able in any degree to countenance your Highness's claim, or to advise the reconsideration of a question which appears to me disposed of by the instructions already received from the Secretary of State.

2. I have not indeed failed to give my most careful attention to all the arguments which your Highness has advanced at different times in support of your claims. But I regret to say that these statements have failed to convince me of the validity of your claims, or of the expediency of modifying the decision which has been passed on them. I have been unable to perceive that the present khureeta advances anything substantially new, or in any way renders doubtful the propriety of a firm adherence to the decision already arrived at.

3. I must point out to your Highness that, in treating the conquest of Mysore as the joint conquest of the British Government and the Nizam, and the cession thereof as the joint cession of both parties, your Highness has allowed yourself to fall into an error which it is my duty to correct. The Nizam, at the time alluded to, was in the condition of a purely dependent ruler, and in a state of subordinate alliance with the British Government. The subsidiary force which co-operated on the part of the Nizam was nothing else than a British force, which, under the Treaty of 1798, the Nizam had to entertain; and even the portion of the Nizam's own army accompanying was also under British officers. Lord Mornington with plenary powers controlled the proceedings of the expedition. The conquest was, therefore, really a British conquest. Indeed the Governor General, whilst prepared to treat his subordinate ally with the utmost liberality, expressed his intention of carrying the new settlement into force by the aid of British arms alone, should the Nizam object to the terms of the treaty which the Governor General dictated to him. Nor did Lord Mornington at the same time fail to point out that the principle on which the settlement was concluded entirely shut out the claim of the Nizam to an equal partition of all or any of the advantages of the recent conquests. It was clearly understood by the Nizam that his accession of territorial rights was limited to the districts specifically assigned him in Schedule B. of the Partition Treaty. The Nizam was not even admitted as a party to the Subsidiary Treaty, which effected the cession of Mysore to your Highness; and finally, I must remind your Highness that the Nizam subsequently ceded in perpetuity to the British Government, not only all the territories acquired under the Treaty of Seringapatam of 1792, and the Treaty of Mysore of 1799, but also whatever other territory he possessed or was dependent on his government south of the Toombuddrah and the Kistna.

4. The error your Highness has thus fallen into has led you into the fallacy of speaking of the very large powers of protection conferred by the Nizam on the British Government. The high and sovereign functions exercised by the British Government, at the period alluded to, were of a kind which even an independent Foreign State could not have accorded, and still less a dependent one like that of the Nizam. The analogy which your Highness points out to the protectorate of Great Britain over the Ionian Islands is, therefore, as imperfect as the comparison attempted to be drawn between a dependent and subordinate power like the Nizam and the great powers of Europe.

5. I have dwelt at some length on this point in your Highness's khureeta, because the mode in which it has been urged appears to me the only new feature of the protest now submitted. In noticing your Highness's remaining arguments I shall be more brief. With regard to your Highness's assertion that the 4th and 5th Articles of the Treaty empowered the British Government to assume the management of the Mysore State only for such period as was necessary to ensure a punctual discharge of the subsidy stipulated for in Article 3, I must refer your Highness to the contents of the khureeta addressed to you by Earl Canning on 11th March 1862. It is there clearly pointed out to your Highness that the welfare and general good management of the country were the objects for which, should necessity arise, the direct management of Mysore by the British Government was to be undertaken.

6. Nor is it necessary to enter now upon any discussion of the proposal made by Lord W. Bentinck in 1834. It was rejected upon weighty grounds by the Court of Directors; and, as has been pointed out by Earl Canning in the khureeta I have alluded to, it accordingly fell to the ground.

7. It is true that by the 14th Article of the Subsidiary Treaty, your Highness bound yourself at all times to pay the utmost attention to the advice of the Company's Government,

with regard to the better management of your State. But your Highness failed to fulfil the obligation imposed by this Article; and in 1814, when the Resident felt himself called on to tender his advice, it stands on record that your Highness sent an agent to Madras expressly to complain of the Resident's interference, and to obtain the abolition of the obligation under which you stood.

6. The 4th and 5th Articles of the Treaty provided the one a remedial course, the other a radical cure in the event of matters under your Highness's government rendering necessary the interposition of the British authority. Your Highness endeavoured to throw upon the British Government the responsibility of having compelled the adoption of the latter remedy, by abstaining from the alternative course of intervention, and the introduction of improved measures. But in 1815 and in 1825, your Highness was alike jealously opposed to interference. From a wish to consult your Highness's position, dignity, and authority, the British Government long exercised a patient though remonstrant forbearance. It was only when the intervention of British troops to put down rebellion, brought about by the mismanagement of your Highness's government, became necessary, that the alternative step was adopted. It then admitted of no question but that any attempt to rule the country through your Highness and your functionaries, by the issue of regulations and ordinances entrusted to your Highness for execution, would have produced no beneficial result, and would not have been acceptable to the people of Mysore.

9. Your Highness asserts that if the administration of the country were restored to you, you would maintain the existing form of administration under British functionaries; but such an arrangement would never work satisfactorily.

10. I can add little to what Earl Canning has already said to your Highness in the question of adoption. But it is incumbent on me to point out that the principles of the Hindoo law of inheritance have no real application to chiefships, and, above all, none to those held under the conditions on which Mysore was conferred on your Highness.

11. Earl Canning has put upon record that, in his opinion, your Highness's tenure of the Mysore country was not derived from ancestral claims, nor from hereditary rights, but from the free gift of the British Government. So long as your Highness ruled, in any degree, to the contentment of the people and the satisfaction of the Government, and even for a longer period, viz., until interference on its part was essentially necessary, consequent on mismanagement and misrule, the authority of your Highness was respected. Mysore has now been under the direct control of the English Government for upwards of 33 years; great changes have taken place; new interests have during this period grown up. Pardon me for saying that, if in the flower of your manhood, after experience of some 20 years' rule, your Highness failed to govern your country wisely and well, what hope can there now be that you could do so? The British Government owe a duty to the people as well as to your Highness; that duty is best fulfilled by doing all that is necessary for your personal comfort and well-being, and also by maintaining intact the system of administration under which the country of Mysore has so greatly prospered.

(Political.—No. 57).

Sir Charles Wood to the Governor General of India in Council, dated 17 July 1865.

1. The Despatches, noted in the margin,* contain the correspondence between your Government and the Commissioner for the Government of the territories of his Highness the Maharajah of Mysore, relative to his Highness's position in that principality, which has taken place since receipt of my Despatch, No. 45, dated 30th July of last year.

2. The correspondence embraces the following subjects:—

1st. Two separate memorials, signed by certain inhabitants of Mysore, praying for the restoration of the Rajah to the administration of the principality, with your remarks on the former of the two memorials.

2d. A protest from the Rajah against the decision of Her Majesty's Government, confirming the orders of the Government of India, which refused compliance with the Rajah's request to be restored to the administration; and an appeal from his Highness against the orders passed by your Government on the application of the Maharajah for authority to adopt a heir to the principality of Mysore.

3d. Your reply to the Maharajah's khureeta on the above subjects, in which reply you have entered at length into a discussion of certain remarks in the Rajah's khureeta, regarding the participation of the Nizam of Hyderabad in the proceedings which conferred the principality of Mysore on the Maharajah.

3. Of the former of the two memorials alluded to, to which 7,347 signatures are

are attached, the Commissioner states, "This paper has been secretly prepared, and the signatures attached to it do not carry with them much weight, being chiefly those of the Maharajah's retainers, and of traders in the town who have dealings with the palace." The second memorial (to which the number of signatures attached is not mentioned) is said by the Commissioner to be of the same character. However that may be, it is only necessary that you should cause the memorialists to be informed, that considerations for the well being of the State and people of Mysore render it impossible for Her Majesty's Government to accede to the prayer of their petition.

4. In reference to the Rajah's protest against the decision of Her Majesty's Government regarding the administration of his Highness's territories, conveyed in my Despatch, No. 48, of the 17th July 1863, your statement to the Maharajah, that that decision is final and irrevocable, has my entire approval.

5. In my Despatch to you, No. 45, of the 30th July 1864, which conveyed my approval of the course you had adopted for carrying out the instructions contained in my letter of the 17th July 1863, I merely remarked in paragraph 5, "with regard to the question of adoption, I will only observe, that you could not recognise more than the Maharajah's right to adopt, so far as his private property is concerned." I have now to convey to you expressly my concurrence with your Government in the arguments you have adduced against the Rajah's claim to do more than is above specified, and my approval of your having intimated to the Maharajah, that "no authority to adopt a successor to the Raj of Mysore has ever been given him, and that no such power can now be conceded."

6. I am of opinion that it was not necessary for you, in reply to the Maharajah's khureeta, to enter into any discussion with his Highness on his remarks regarding the Nizam, contained in that paper. Those remarks of his Highness were quite irrelevant to the question at issue. His Highness the Nizam was, and is, in no way a party to the subject which was under discussion.

DISSENTS and Minutes of Members of the Council of India.

DISSENT of Sir George Clerk, 24 July 1865.

I DISSENT from the decision which has been pronounced by the majority of the Council on the late report of the Government of India in the Mysore case, because—

1st. It approves of the Government of India having done that which it was intended by the instructions of Sir C. Wood in Council, dated 30th July last, that they should not do. If there were doubts upon the question of adoption, it was prudent, as Lord Canning supposed, to hold that question in abeyance. It is very much the reverse at this conjuncture to have precipitated a refusal, the effect of which has naturally been to create an embarrassment of long duration. It has provoked an adoption in all form. To this measure I am satisfied, as must all persons be who were at one time in unreserved communication with Lord Canning on the subject, that it was not really contemplated by the Rajah to have ever had recourse, until he knew about a year ago that the determination had been come to that he should die degraded.

This new doctrine regarding adoption is so novel and unjust, so opposed to all custom and religions in India, and so utterly inconsistent with the course of administration as previously exercised during the paramountcy of Hindoos, Mahummedans and ourselves, that I can only conceive it to be the result of wild counsel prompting an indiscriminate gratification of a selfish policy which it is endeavoured to veil under a plea of expediency.

A fact well known to those of us who have been much in the way of observing the circumstances of adoptions of heirs to chiefships, and to those who have made researches with a view to elucidate the subject, as Sir Henry Lawrence in the Kerowlee case in 1853, and Lord Canning on the general question in 1860, is that, if guided by the custom of the country and the practice of all our predecessors

Though it was a rumour when it was written, it has since been confirmed in official despatches.—G. C.

our concern in adoptions consists only in adjusting the rival pretensions of or more such heirs; a precaution which we and our predecessors have made it our duty to exercise in the interests of the peaceable public generally. Hence our sanction may in one sense be said to be necessary; for, naturally, a record of it is always sought by the rightful or by the successful claimant. Hence it is, too, that the confirmation has never been refused. Hence it is that I never found an instance on the old records of Delhi, and that I never knew one occurring within my experience of our own times, of any chiefship, either Raj or Surdarree, great or small, being held to have escheated, excepting for felony, to the paramount State. At length the Calcutta Government led off with that flagrant instance of the barefaced appropriation of Sattara.

2d. It was neither in the letter nor in the spirit of the treaties, that we should ever annihilate this native State, or any portion of it, excepting "the territories required to render the said fund for expenses of a permanent military force sufficient." (Art IV. and V.) Nothing has really occurred to justify a deviation from the stipulations of those clauses. These are remarkably free from the ambiguity which generally characterises our Indian treaties. To disregard them in this instance is clearly an usurpation; it is also rash. Our security in India still requires that we should have native allies. We cannot yet prudently dispense with their good-will and their influence. It was with their aid that last century, and during all the first quarter of this century, we redressed our wrongs, inflicted just punishments, and completed vast conquests. It was owing to violating the rights and disregarding the appeals of some of them, that the incentives to the late rebellion were not neutralised, or, at least, that the movement was not nipt in the bud.

When it is desired to evade the moderation prescribed by the terms of an Indian treaty, it is proper to consider by whom the terms were imposed and for what purpose. Unquestionably, in this instance, the intention of the British Government was, as in our principles of adjustment with the Goorkhas in 1815, with the Rajpoots in 1817, and with the Bhonslas in 1827, to disembarass ourselves of the odium, the danger, the responsibility, of extending our dominion over territories so remote from the seat of our government. And, in a country so vast as India, it is to be hoped that much reliance will never be placed on railroads, as a means of approximating presidencies with dependencies during times of general insurrection.

What was meant in the case of Mysore was, not a prospective violation of the rights of its Rajahs; but the British Government having its hands full of work and being represented by a statesman, among whose rare qualifications a high sense of honour and truth was conspicuous, adopted a measure which was felt to be the most politic and just. It is unworthy of a great nation, because sensible of its being now more able to crush remonstrance or resistance, to use its new strength for the furtherance of selfish interests and for the abandonment of the principles of good faith.

3d. It is not ~~to be~~ dignified to be striving to construe the acts of our departed statesmen in a way which it cannot for a moment be really believed that those acts were intended by them to be at any time construed, or to hail the presence of 73,000 British troops, as enabling you to do that which you did not conceive, or, if conceiving, you would never have attempted to do, when you had only 23,000. On the first point, the discussions in Lord Wellesley's time, and the subsequent opinions recorded by Lord William Bentinck, Lord Metcalfe, and Lord Canning, must afford ample proof to every unprejudiced mind. On the second, one has only to note that not unfrequently measures are now devised, in which fair play, justice, and even common sense, are utterly disregarded, in reliance on the invincibility of a sufficiency of British bayonets.

4th. It is true that when a young man, the Rajah failed to profit by the counsel and administrative capacity of his very able minister, though Purneah was hard upon the ryot classes, as so many of our own distinguished public servants have been in their early career. But that argument for the extermination of the Raj, which is founded on the alleged unworthiness of the Rajah, our chosen "descendant of the ancient Rajahs of Mysore," bound to us by our own act, by our "Treaty of Perpetual Friendship and Alliance," is something peculiarly

harly absurd, when examined by the tests furnished in the sentiments regarding him recorded so late as 1860 and 1862, by Lord Canning and by Sir Charles Wood. There we find "warm thanks" addressed to him for his "loyal attachment," for "the fidelity and attachment to the British Government, which have long marked his Highness's acts and had been conspicuous upon every opportunity," for "his consideration and kindness shown to British subjects," the "ready and useful assistance rendered to British troops," the "fresh proofs of the spirit by which his Highness is animated in his relations with the British Government;" and he is regarded as "so loyal and estimable a prince." And, only three years since, he was told by Her Majesty's Secretary of State for India, that, "for more than six years you had been the faithful ally of the British Government, who felt assured when trouble recently overtook them, that, as your Highness was the oldest, so would you be the staunchest, of their friends."

5th. I dissent from that plea for the annexation of Mysore which assumes to be founded on a regard for the people. I well know that some of those who have concurred in the determination to destroy the Mysore Principality were actuated by no other motive than a conscientious belief that the measure is desired by the people, and that their welfare consists in becoming British subjects. Now, I apprehend that those who hold such opinions may not have had my several opportunities of ascertaining the feelings of the people directly from themselves, unreservedly, in native states, or of closely comparing their relative position in all respects, in the two conditions. Besides, any tangible evidence to be found in this office, in the present instance, is against annexation, as appears in the petitions which have been received numerous signed, although we have no exact information as to the condition of the subscribers, or whether Hindoos or Mahommedans, or both.

I will not admit that any one still living has cared more than I have for the people in British India, and even for the people of its independent chiefs so far as I have been justified in interceding for them. Now, it would, I conceive, have been entirely at the discretion of the Government of India, in the peculiar circumstances of a Mysore succession to secure for ever for its people any rights or privileges worth their preserving that may have grown up during our temporary administration. On the other hand, I consider that benevolence should not be confined to a class. A Rajah, his kinsmen, his retainers, may have feelings as well as a Ryot. And, with regard to the latter, there were, and there still are, native Governments, where, to the minds of the Ryot and the man of the middle classes, their advantages are, perhaps not much, but rather, on the side of their native rule.

6th. Did I not see manifold objections to the course now being pursued, I should dissent from the judgment which is inflicting so overwhelming a penalty, for this reason, that among several unsatisfactory features in the conduct of our functionaries towards this victim, there has clearly been a want of due warning given to him that such extreme measures could ever be in contemplation against so loyal a prince.

(signed) G. Clerk.

DISSENT of Mr. Eastwick, 25 July 1865.

1. I DESIRE to record my dissent from paragraph 5 of the Despatch No. 57, of 17th July, in the Political Department, regarding the affairs of Mysore, in which the arguments of the Government of India, denying the right of the Maharajah of Mysore to do more than adopt, so far as his private property is concerned, are concurred in, and approved by the Secretary of State in Council, and the claim of the Maharajah to adopt a successor to his kingdom is expressly negatived.

2. Because I entirely concur in the rule laid down in Lord Metcalfe's Minute of the 28th October 1837, that "Hindoo Sovereign Princes, in failure of heirs male of the body, have a right to adopt, to the exclusion of collateral heirs, and that the British Government is bound to acknowledge the adoption, provided that it be regular, and not in violation of Hindoo law."

Because I consider that the Maharajah of Mysore comes within this category, and that his sovereignty has been up to a late date uninterruptedly and unequivocally acknowledged by British authorities at home and abroad.

Because I consider that the denial of the right of adoption is contrary to the wise and generous policy sanctioned by Her Majesty's proclamation, and calculated to shock the feelings, and shake the confidence of the princes and people of India in the justice and good faith of the British Government.

3. The sacred nature of adoption, "the factitious creation of blood relationship," need not be dwelt upon.

"Among the Hindoos, the right to inherit a dead man's property is exactly co-extensive with the duty of performing his obsequies. If the rights are not properly performed, or not performed by the proper person, no relation is considered as established between the deceased and anybody surviving him. The law of succession does not apply, and nobody can inherit the property. Every great event in the life of a Hindoo seems to be regarded as leading up to and bearing upon these solemnities. If he marries, it is to have children who may celebrate them after his death; if he has no children, he lies under the strongest obligation to adopt them from another family," with a view (writes the Hindoo doctor) to the "funeral cake, the water, and the solemn sacrifice."

4. The word "heir," when used in India, means either an "heir" of the body or an adopted "heir." Both are equally rightful "heirs." As respects the Rajpoot principalities, which form the most numerous class of Hindoo States, the author of the annals of Rajasthan tells us, that on the death of a prince "the laws of Rajpootana, political and religious, admit of no interregnum; and the funeral pyre must be lit by an adopted child if there be no natural issue."

This is the same principle, which, according to Mr. Maine, is of such high importance in the pure Roman jurisprudence, viz.: "That a man lives on in his heir, the elimination, if we may so speak, of the fact of death."

5. We find in the correspondence now before us, that Mr. Bowring admits, "that the feeling of all Hindoos, whether in Mysore or in any other part of India, on the subject of adoption, is deeply rooted."

6. Such was the respect paid to this feeling by the former rulers of Hindostan, that it was their invariable practice to recognize adoption. In his Minute of 30th April 1860, Lord Canning writes, "I believe there is no example, whether in Rajpootana or elsewhere, of a Hindoo State lapsing to the paramount power by reason of that power withholding its assent to an adoption;" and again, "We have not shown, as far as I can find, a single instance in which adoption by a sovereign prince has been invalidated by a refusal of assent from the paramount power."

7. Such was also the practice of the British Government up to a recent date. The orders of the Court of Directors were characterised by a just adherence to this principle, even with respect to jagheers; and, as to states, until the annexation of Sattara, "there is no instance on record of the refusal of an adoption, or the resumption of a territory held by a sovereign under a treaty."

8. At that period, in 1849, the Court of Directors in confirming the proceedings of Lord Dalhousie, declared that, "by the general law and custom of India, a dependent principality like that of Sattara cannot pass to an adopted heir without the consent of the paramount power."

9. Lord Dalhousie, in his Minute on Kerowlee, apparently desired to extend this principle when he stated, that the Court of Directors "have denied the validity of an adoption for conveying succession to a throne, and to the rights of sovereignty, unless the adoption shall have received the sanction of the supreme power."

10. In reference to Mysore these principles demand the most careful consideration.

11. In the interests of public order, and for the satisfaction of the State itself in which the adoption is made, and as a guarantee against illegality, it may be admitted that the formal assent of the paramount power is usually required, and is considered important; but as Sir Frederic Currie, in his Minute

Maine's Ancient Law, p. 191.

Page 190.

Letter, 7 October 1864.

Para. 18.

Captain Shephard's Dissent on Sattara, 6 January 1849.

Despatch, 24 Jan. 1849, No. 4. Political Department.

Para. 3. Minute, 30 August 1852.

Para. 10. Minute, 31 August 1852.

on the Kerowlee succession justly observed, this assent is equally required in the succession of a natural heir, but this does not imply the right of dissent, the right of withholding recognition, either in the one case or in the other, still less does it imply the right of deciding in our own favour, and of appropriating the territory to ourselves.

12. Sir H. Lawrence writes, "The confirmation of the Suzerain is necessary in all cases. He is the arbitrator of all contested adoptions. He can set aside one or other for informality, irregularity, or for misconduct, but it does not appear by the rules or practices of any of the sovereignties, or by our own practice with the Istumardars of Ajmere, that the paramount state can refuse confirmation to one or other claimant, and confiscate the estate, however small."

Letter from Sir H. Lawrence, on Kerowlee, 17 Nov. 1853.

13. Lord Canning also writes, "It has been argued that the right to grant sanction implies the right to withhold it. This, however sound logically, is neither safe nor sound practically. The histories of feudal governments furnish abundant examples of long-established privileges habitually renewed, as acts of grace from the paramount powers, but which those powers have never thought of refusing for purposes of their own, or upon their own judgment alone."

Para. 19. Minute, 30 April 1860. No. 43 A.

14. The high authority of Mr. Elphinstone also supports this view. He writes, "There is no native state to which the recognition of its succession by the British Government was not of the highest importance, but none of them, I conceive, ever imagined that that Government had a right to regulate the succession as feudal lord, or had any pretensions to the territory, as an escheat, on the failure of heirs to the reigning family."

Letter, 13 Feb. 1850. Memoir, by Sir E. Colebrooke, page 100.

15. It is a remarkable fact that, as far as I know, Lord Dalhousie, the originator of the policy of annexation on the plea of escheat, and its persistent upholder, has nowhere quoted any precedent for annexation in disregard of adoption, though he must no doubt have directed careful search for such precedents, which would have established his policy on something like a basis.

16. And now, with regard to the word "dependent," which also has an important bearing on the Mysore question, I observe, in the correspondence of the Government of India, the assertion that "even in 1799, at the fall of Seringapatam, and conquest of Mysore, the Nizam was in a state of subordinate alliance to the British Government, and had passed from the condition of an independent to that of a purely dependent ruler."

This is a very convenient doctrine to enable us to deal as we choose with the rights and interests of the princes and people of India. But it is looking at the events of 1799 from the stand-point of 1865, and will not, I imagine, bear the test of impartial criticism. Three quarters of a century before 1799 the Nizam was an independent ruler. The British Government has made treaties with him on equal terms before and since that period. Even Lord Dalhousie has repeatedly admitted his independence, and I do not suppose that any one will maintain that we have the right to interfere in the succession to the Nizam's dominions, in the event of failure of heirs, beyond looking to the preservation of the general peace, or that, under any circumstances, the territory could become an escheat to the British Government.

17. What does Mr. Elphinstone say with respect to our relations with the Nizam, and the native states generally? He writes, "Our relations with the principal states (the Nizam, the Peshwa, Sindia, &c.) were those of independent, equal powers, and we possessed no right to interfere in their succession except such as was derived from our treaties with them."

Letter, 13 Feb. 1850.

18. It is of the highest importance to the safety of the weak, and to the good of mankind, that the principle that "independent communities, however different in size and power, are all equal in the view of the law of nations," should never be lost sight of. This principle is equally applicable to the less powerful states of Europe as to those of India; to Portugal and Belgium, as to the Nizam and Mysore. The rulers of these latter states are as much the allies of the British Government as European petty sovereigns. The obligations of treaties are as rigidly binding in the one case as in the other, and are not to be put aside by any considerations of political expediency.

Precedents drawn from the relative positions of Jagheerdars to their feudal superiors,

superiors, are entirely inapplicable to the case of Mysore, in the same manner as they were in the case of Sactara.

19. "There is a wide difference," writes Lord Metcalfe, "between sovereign princes and jagheerdars, between those in possession of hereditary sovereignties in their own right, and those who hold grants of land, or public revenue, by gift from a sovereign or paramount power."

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

20. It is no doubt objected that the Maharajah of Mysore is not a sovereign in his own right. It is further stated that if he had any rights, he has justly forfeited them by his own misconduct. The Government of India write: "By the favour of the British Government, and in the exercise of its sovereign right acquired by conquest, the Maharajah was raised from a prison to the government of a large principality, subject to conditions, which, if fulfilled by him, would have been the safeguard of his authority, and the guarantee of the continuance of a native rule in Mysore. By 20 years of misrule, by extravagance, venality and oppression, resulting in the rebellion of his subjects, who, but for the interference of the British Government, would have shaken off his authority, the Maharajah violated the conditions which were the basis of his dominion, and forced the British Government to the exercise of the sovereign power, which under the 4th article of the Subsidiary Treaty they had retained, of superseding the Maharajah's rule, and of carrying on the government of Mysore in their own name, and by their sole authority. By no act or promise, actual or constructive, have the British Government ever revived the Maharajah's forfeited rights, or given ground of hope that they would be revived."

21. First, with regard to the Maharajah not being a sovereign prince, we have never discovered this until lately. It is only since the absorption of Mysore has been contemplated, that we have changed our style of address to the Maharajah, and have adopted language more convenient for our purposes. Up to a very recent date, the sovereignty of the Maharajah has been uninterruptedly acknowledged by the representatives of the British Government and by the Home Authorities.

22. When in 1799 Lord Wellesley, in concert with the Nizam, restored the Maharajah, "a descendant of the ancient Rajahs of Mysore," to his hereditary dominions, adding at the same time further territory, in order to establish "a Hindoo State," for political purposes, and ratified this arrangement by a treaty, in which it is declared that these territories are "ceded" to the Maharajah. Lord Wellesley acknowledged his sovereignty. So recently previous as 1782 we had made a treaty with the father of the Maharajah, and Lord Wellesley states that "their high birth, the antiquity of their legitimate title, and their long and unmerited sufferings, were considerations which favoured the restoration of the ancient family of Mysore."

23. Lord Wellesley, fettered by the Act of 1793, which declared that "the pursuit of schemes of conquest, and extension of dominion in India is repugnant to the wish, the honour, and policy of the nation," unwilling to aggrandise the Nizam or to excite the jealousy of the Mahrattas, established (to use his own words) "a central and separate government" in Mysore. He writes, "the establishment of a Hindoo State in Mysore, with the restoration of the temples, and endowments of that religion, must be grateful to the Government of Poona, independently of the advantages arising from the substitution of a power of the same religion, and of pacific views, in the place of an odious Mahomedan usurpation, scarcely less hostile to the Mahratta than to the British nation."

24. In pursuance of this policy Lord Wellesley concluded: "The Partition Treaty" with the Nizam, "which, by the blessing of God, shall be binding upon the heirs and successors of the contracting parties as long as the sun and moon shall endure." By the 4th article of this treaty, it was provided that a "separate

rate government shall be established in Mysore," and that Maharajah Mysore Kistna Rajah Oodiaver Bahadur, a descendant of the ancient Rajahs of Mysore, shall possess the territory hereinafter described, upon the conditions hereinafter mentioned. In accordance with this provision, "The Subsidiary Treaty of perpetual alliance and friendship" "which shall be binding upon the contracting parties as long as the sun and moon shall endure," was made with the Maharajah.

25. By this treaty Lord Wellesley acknowledged the sovereignty of the Maharajah, and placed him upon an equal footing with the other native sovereigns around him, the Nizam, the Peshwa, Sindia, &c.; and this Lord Wellesley himself admits when he writes that "the Rajah after his accession may be made a party to the general guarantee." Letter, 5 June 1799.

26. Thus it will be seen that Lord Wellesley re-established "The Hindoo State" of Mysore, with definite political objects of high importance, irrespective of the person of the Maharajah. It was intended to make Mysore entirely subordinate as to foreign relations, and to preserve a command over its resources, but there is no condition in the treaty, and no trace in the correspondence of any intention to make it merely a personal treaty, or to provide for the lapse of the country to the British Government.

27. That this was the decided view of the Duke of Wellington is evident from his strong remonstrance against the expressions used in one of the articles of the treaty, which seemed to leave a loophole to future Governments to annex the Mysore territory. Upwards of 30 years afterwards, when Lord William Bentinck assumed the management of the country, "for the Rajah, and on behalf of the Rajah," he expressed the same views. In 1832 he writes: "Your Highness is well aware of the generosity displayed by the conquerors on that occasion. Instead of availing themselves of the right of conquest and of annexing the territories of Mysore to those of the Honourable Company and the Nizam, the sovereignty was restored to the family of the ancient Rajahs of the country, who had taken no part in the contest; and your Highness was placed on the musnud." Letter, 14 June 1799, page 244/46 Wellington's Supplementary Despatches.

28. In various despatches the Home Government showed that they considered the assumption of the management of the country to be merely a temporary measure, and that it was their intention that the Government should be restored to the Maharajah. The Supreme Government are directed "not to introduce a system which cannot hereafter be worked by native agency when the country shall be restored to the Rajah." Again, "We think it unfortunate that a country like Mysore, which had so recently come under our management, and which we had it in view ultimately to restore to a native Government," &c. Sir Mark Cubbon admits "that these instructions guided the conduct of his administration of Mysore." Despatch, 25 Sep 1835.

29. In a Minute of 7 August 1855, printed in the Oude Papers, Sir John P. Grant writes: "The case of Mysore differs from the supposed case of Oude, inasmuch as our management of that province is professedly temporary, and on account of the sovereign of Mysore." Despatch, 30 Oct 1839.

30. This latter point is nowhere more strongly brought out than in Lord Canning's Despatch of the 30th March 1860 to the Secretary of State. Lord Canning speaks of "the sovereign of Mysore," and of the "sovereign of the country." There is not one word against the Maharajah's right to adopt or to regulate the succession to his own dominions, but his "supposed" intention to bequeath his kingdom of his own free will "in full sovereignty to the Crown," is spoken of as "a consummation which, in the interests of all concerned, no one would wish to see defeated."

31. It thus appears, that while we believed that the Maharajah intended to give his country to the British Government he had entire liberty to bequeath it "in full sovereignty;" but when this illusion is dispelled we find out that he has not the right to bequeath it to any one, even to a natural or adopted heir. In the same spirit we appeal to the conditions of the treaty when we wish to divest the Rajah of his dominions; and we ignore the treaty when called upon under its conditions to restore the country to the Rajah.

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32. We come now to the allegation that the Rajah has forfeited his kingdom by his misconduct. The Maharajah's rule, according to the Government of India, was superseded by Lord William Bentinck under the 4th Article of the Subsidiary Treaty, and the rights then forfeited have never been revived.

33. In his Despatch, dated 14th April 1834, Lord William Bentinck states that he entertained doubts both as to the "justice and legality" of the course pursued. "The treaty warrants our assumption of the country ~~in view~~ to secure payment of our subsidy. The assumption was actually made on account of the Rajah's misgovernment. The subsidy does not appear to have been in any immediate jeopardy. Again, the treaty authorises us to assume such part or parts of the country as may be necessary to render the funds we claim efficient and available. The whole has been assumed, although a part would unquestionably have sufficed for the purpose specified in the treaty; and with regard to the justice of the case, I cannot but think that it would have been more fair towards the Rajah had a more distinct and positive warning been given him, that the decided measure since adopted would be put in force if misgovernment should be found to prevail."

34. Lord William Bentinck also stated that the Company had not assumed the Mysore Government on its own account, and "that the treaty was in no ways cancelled, but still remained in full force." He advocated the restoration of his territories to the Maharajah, except sufficient to indemnify the British Government for the payment of the subsidy, and added that the personal character of the Rajah had materially weighed with him in recommending the measure. "I believe he will make a good ruler in future, and I am certain that whatever may be his past errors, he has never forgotten his obligations and his duties to the Company's Government."

35. It seems to me that the interpretation placed by Lord William Bentinck upon the 4th Article of the Subsidiary Treaty is perfectly correct. An important clause may be quoted from the 5th Article to strengthen this view, and to show that the assumption of any portion of the territory was intended by the framers of the treaty to be only a temporary measure for the purposes of the subsidy; that, in fact, we should hold the country only as trustees for the Rajah, and be prepared to give an account of our stewardship when we restored it to him. The clause runs thus: "Provided always, that whenever and so long as any part or parts of his said Highness's territories shall be placed, and shall remain under the exclusive authority and control of the said East India Company, the Governor General in Council shall render his Highness a true and faithful account of the revenues and produce of the territories so assumed."

36. Lord Canning himself bears the strongest testimony to the good conduct and high character of the Maharajah. He writes, (in reference to the appeal of the Rajah not to be put under Madras), "I feel it to be impossible, in the face of such an appeal, coming from so venerable and loyal a prince, and couched in terms so dignified, but so respectful, to persist in the immediate execution of your orders without submitting the case for your reconsideration."

"Although no allusion is made in your despatch to the sovereign of Mysore, it appears to me that that prince possesses a very strong claim to have his wishes and feelings considered by us, and that we shall do that which is both ungenerous and impolitic if we set these aside."

"It is unnecessary for me to say that the Rajah's allusions to the loyalty of himself and his people, and to the example and aid thereby given to the native subjects of the Crown in Southern India are quite just. Mysore was traversed in all directions during 1867 and 1868 by Mahratta and Brahmin emissaries, but the people of that country remained tranquil."

"Also, the Rajah is well entitled to point (as he does point with pride) to the actual condition of his dominions. The system of administration which has prevailed there, is in many ways capable of amelioration, but it has been repeatedly acknowledged to deserve the character given to it by the Court of Directors in 1838, of a beneficial and improving system; and I cannot think that the nearness of supervision, or any other convenience which would result from the transfer of the superintendence of that system to Madras, is worth purchasing at the cost of offending and alienating the sovereign of the country."

37. It

37. It remains to notice Lord Canning's Minute on the adoption question, dated 30th April 1860. This elaborate and important Minute received the entire sanction of the Home Government, and set the seal of condemnation upon the policy of annexation, and the absorption of native territory, which formed the ruling principles of Lord Dalhousie's brilliant proconsulship. Lord Canning discusses the whole subject with great fairness and impartiality, and states, in forcible and convincing language, the arguments which recommend the recognition of adoption, and the preservation of native states, but unfortunately, in my opinion, he makes one exception. He excludes those chiefs who do not govern their own territories, and places them on the same footing with jagheerdars.

38. As I hold, and as I have endeavoured to prove, that the British Government does not possess the authority to take away what I consider to be the absolute and indefeasible right of a Hindoo sovereign prince, it is not necessary to dwell upon this topic. The distinction drawn by Lord Canning will not be understood by the princes and people of India, or rather, perhaps, I fear, it will be understood, and conclusions drawn, not to the advantage of the moral authority of the British Government.

39. We cannot afford to fly in the face of native public opinion in India. I hold it to be the highest merit of British administration, that we are training the people of India to think for themselves, to understand their own rights, and the duties and responsibilities of those who govern them. We are thus creating a native public opinion which in each succeeding year will acquire greater weight, and will become an enormous engine for good or for evil in the machinery of government. In all cases like that of Mysore we must not take too circumscribed a view. We must look upon the effect it will have upon the feeling of the people of India generally. If we outrage their sense of justice, if we act in the teeth of any deeply rooted sentiment, which is not condemned by the universal voice of mankind, there will, sooner or later, be an avenging Nemesis; and the stability of our rule will be endangered. An eminent and lamented statesman justly writes: "The only stable foundation for a Government is its moral authority: so long as it is looked up to with respect, confidence, and esteem by the body of the people, it stands on a rock." These essentials wanting, it is an edifice built on sand.

Sir G. C. Lewis.
Influence of Authority on Matters of Opinion, page 361.

40. There is only one other argument urged in favour of the absorption of Mysore upon which I would wish to remark. It is affirmed by some that it is the duty of the British Government, as the paramount power in India, to look rather to the welfare of the people than to the maintenance of pageant princes and their courts; and that this doctrine justifies a less rigid adherence to treaties and obligations in India than in more civilised countries. In a Minute, dated 27th May 1851, Lord Dalhousie has noticed this doctrine, and has defined the sphere of the paramount power, with reference to native states, in language of far more force and precision than I could command. Lord Dalhousie writes: "I desire to repudiate all adhesion to a doctrine which leads, in my humble judgment, to a system of unwarranted and officious meddling. In too many instances it proceeds, I fear, not from sentiments of enlarged benevolence, but from the promptings of ambitious greed. Even where the motive from which it springs is pure and sincere, the doctrine is, in my view, not the less unsound. The acknowledged supremacy of the British power in India gives to it the right, and imposes upon it the duty, of maintaining by its influence, and (if need be) compelling by its strength, the continuance of general peace. It entitles it to interfere in the administration of native princes, if their administration tends unquestionably to the injury of the subjects or of the allies of the British Government. But I recognise no mission confided to the British Government which imposes upon it the obligation, or can confer upon it the right of deciding authoritatively on the existence of native independent sovereignties, and of arbitrarily setting them aside whenever their administration may not accord with its own views, and although their acts in no way affect the interests or security of itself or its allies, still less can I recognise any such property in the acknowledged supremacy of the British Government in India as can justify its rulers in disregarding the positive obligations of international contracts, in order to obtrude on native princes and their people a system of subversive interference, which is unwelcome alike to people and prince."

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In these sentiments I entirely concur, and without calling in question the superior advantages of British rule I would observe further, in the words of Lord Metcalfe, that, "admitting it to be generally the case, though it may not be so invariably, that a native government would be worse than our own, it is hardly fair to use this as an argument to prevent the restoration of the Right of another." Moreover, we usually commence by begging the whole question, and assume, in our own interests, to decide what is best for the people of the country. If we asked the people themselves they might express a different opinion.

42. When the affairs of Mysore were last discussed, a comparison was drawn between the kingdoms created by Napoleon and the kingdom of Mysore; and it was argued, because the Napoleonic kingdoms were not recognized by the powers of Europe, the British Government was not bound to recognize Mysore. Napoleon was to France what Tippoo was to Mysore. If any analogy is to be recognized, it is that the allies had no more right to eject the restored Bourbons than we have to eject the restored Hindoo sovereign. Yet it is contended that because we, in connection with another power, gave back his kingdom to the Maharajah, and secured it to him by a treaty, we have a right to take it away again.

43. A much more complete analogy exists, in my opinion, between Mysore and the case brought forward by the Maharajah, and commented upon by the Government of India; that of the septinsular State of the Ionian Islands. Both were created under treaty by independent powers, and both became themselves independent from the date of the ratification of the treaty creating them, within the restrictions imposed upon them by the treaty. Both were brought under the guarantee of the law of nations, and were placed beyond the *sic volo sic jubeo*, of any state, however powerful. There is no doubt with respect to Mysore as there was with respect to the septinsular State, "a hopeless and enormous inequality" between its power and that of the British Government; but "natural justice provides a compensation for the weak, all neutral opinion will lean to the weaker side, and an exacting criticism will be passed on the acts of the strong."

44. Will the proposed measure with regard to Mysore stand the test of an exacting criticism? I humbly think not. Will the extinction of an ancient and loyal state, in default of heirs, be understood by the natives of India? Will it not be asked, as in the case of Sattara, what crime has the Maharajah committed that the British Government seize his territory? British interests are so manifestly on the side of annexation, that in this the first prominent case, when we are called upon to carry into practice our new policy in respect to adoption, we ought to be doubly careful of our grounds of action. The princes of India will watch our course with the deepest interest. In limiting the adoption to private property, I feel strongly that we take a step calculated to shake their confidence and to excite their apprehensions. They will be apt to consider that we are not yet capable of resisting tempting opportunities of converting their country into British territory, and that we shall only keep our promises when it is not our interest to break them. Holding these views I am unable to concur in a measure which, in my opinion, cannot be justified by our treaty obligations with the Maharajah, nor by the law and practice of India, and which, I fear, will also tend to re-open doubts and suspicions as to our ultimate intentions towards native states. Until these doubts and suspicions are entirely set at rest by a long course of consistent policy, I believe, with Lord Canning, "our supremacy will never be heartily accepted and respected."

(signed) W. J. Eastwick.

Dissent of Sir Frederick Currie, 28 July 1865.

I ENTIRELY concur with Captain Eastwick in the view expressed in the above dissent. I have on two former occasions recorded my opinion on the subjects now under discussion; in my dissents from the Despatch of the Secretary of State in Council, dated 17th July 1863, and from that dated 30th July 1864, and I have little now to add to the arguments therein brought forward; but, in the present discussion, one or two new points have been raised, on which I desire to record a few remarks.

An.

An endeavour has been made to draw a distinction between succession by adoption, and succession by lineal descent; it is declared, that in the former case, the recognition of the paramount power is necessary, while it is implied, if not positively asserted, that in the latter no such necessity exists. I stated the fallacy of such a notion, in my Minute on Kurslee in 1852, when, as a Member of Lord Dalhousie's Government, I alone resisted his Lordship's purpose of annexing that State, and I have since that time by further investigation been confirmed in the correctness of the assertion I then made. No distinction was ever made by native rulers between an adopted and a natural heir; the recognition of the succession, by the paramount State, was required equally in the one case and the other; there is no instance of such recognition being withheld, except on account of the personal disqualification (from legal or other like causes) of the individual desiring to succeed, when another individual was required to be substituted, and there is no instance in the history of India of the paramount power, Mahomedan or Hindoo, refusing its recognition of such succession as a pretext for appropriating the Principality itself. This is a mode of territorial acquisition which had its commencement in the annexation of Sattara. The solemn promises to the chiefs and people of India, made by Lord Canning after the mutiny, that the practice should not be continued, I have adverted to in my former papers. It is curious to observe how, in some of these papers, submitted by the Government of India, these very promises by Lord Canning, that in future the rights and customs of the native chiefs in respect to adoption should be respected, are treated as the origin from which these rights are derived, and the basis on which they stand. What Lord Canning's ultimate opinion of the right of the Maharajah of Mysore to adopt a successor may have been, is not very clear. It is evident from his correspondence, that as long as he believed the Raja would leave his State to the British Government, he had no doubt of his authority to do so.

3. Assertions have been made in these later papers, and in the discussions in Council, as to the nature and bearing of the treaties under which the territories held by the Raja of Mysore came into his possession.

It has been argued on the one hand that these so-called treaties are only such in name; that, in fact, they are not national engagements, recognising sovereign rights, but merely deeds of gift, or administrative arrangements, made by the Government of India to meet the political circumstances of the day, ~~and~~ to be revoked or modified, at any time, at the will of the said Government.

And on the other hand that, granting the engagements to be treaties in the usual acceptation of the term, they were merely personal, applying only to the individual Rajah mentioned in them by name, and in no way including heirs or successors.

4. In reference to the former of these positions, I would confidently refer to the solemn language of the treaties themselves, and to the whole tenor of Lord Wellesley's correspondence regarding them, the political reasons which dictated them, and their sacred and abiding obligations. The British Government, the Nizam, and the Maharajah, are, in the negotiations, mentioned as co-ordinate contracting parties; by the "Treaty of Mysore" the districts, which we are now about to appropriate, are "ceded to the said Maharajah Krishna Rajah"; all the attributes of sovereignty are, in the treaties and the published correspondence, attached to the "Government of Mysore"; and the Maharajah's right to negotiate exchange of territory, on equal terms, with the British Government and the Nizam, is recognised in this Treaty. Moreover, after the assumption of the administration of these districts by the Government of Lord W. Bentinck, a question arose as to the political status of the districts, in reference to the differential duties levied in England on coffee and sugar, as they might be the produce of the British territories, or foreign territories, in India; the question was referred to the law officers of the Crown, who decided that Mysore was a foreign sovereignty; that the administration by British officers was a temporary trust for, and on behalf of, the Maharajah, and that the produce of Mysore must be considered, in regard to the customs laws and regulations, as that of foreign territory.

5. In support of the statement that the treaties are personal, having no effect beyond the life of the individual Raja, and are altogether of a temporary character;

character, it is argued that the term "heirs and successors" does not occur in the Subsidiary Treaty; and that, as it was decided by Lord Dalhousie, that the Treaty of the Carnatic was merely a personal engagement, mainly because these words were not inserted therein, and that decision was confirmed by the Court of Directors, and has lately been discussed in Parliament, and not disapproved, therefore this, and other treaties where these terms are omitted, must be regarded in the same light. A reference to the volumes of treaties between the Government of India and native powers will show, as I have already observed, that the terms "heirs and successors," "descendants and representatives," and the like, are as frequently omitted as inserted in those engagements; and that this doctrine, if admitted, will invalidate the titles of a great portion of the remaining native States. It has never been supposed, hitherto, that the districts, made over to Sindia by the Treaty of Surjee-Anjengaum, were not the permanent possessions of the Gwalior State, because they were made over to Maharajah Dowlut Sindia by name, without mention of heirs and successors, and there is no stipulation that that Treaty shall be binding on the heirs and successors of the contracting parties. Nor did Lord Ellenborough, in 1843, dream that the obligations of the Treaty of Boorhanpore were no longer in force, because they were settled with the same Dowlut Rao Sindia in 1804, with similar omissions. The Treaty of the Carnatic, with the decision thereon, is not a case in point. As far as Nawab Azeem or Dowlah was concerned, it was not a territorial treaty at all; it merely "established that prince" in the state and rank, "with the dignities dependent thereon, of his ancestors," and guaranteed to him a stated money allowance; there is not only no allusion to heirs, but there is not a word in the engagement to denote the perpetuity or lasting character of the arrangement.

6. How different is the case of Mysore! When the allied armies of the British Government and the Nizam had conquered the territories which had been usurped by Tippoo Sultan, a partition of those territories was, for the reasons stated in Lord Wellesley's Despatches, agreed on by the allies. This agreement is embodied in a treaty called "the Treaty of Mysore," in which it is expressly declared that "the undermentioned Articles, by the blessing of God, shall be binding on the heirs and successors of the contracting parties as long as the sun and moon shall endure;" the IV. and V. of those Articles, the perpetual obligation of which is proclaimed in such solemn and sacred language, are as follows:—

"Article IV. A separate government shall be established in Mysore; and for this purpose it is stipulated and agreed that the Maharajah Mysore Krishna Raja Wudayer Bahadoor, a descendant of the ancient Rajas of Mysore, shall possess the territory hereinafter described, upon the conditions hereinafter mentioned."

"Article V. The contracting powers mutually and severally agree that the districts specified in Schedule (C.) hereunto annexed, shall be ceded to the said Maharajah Mysore Krishna Rajah, and shall form the separate Government of Mysore, upon the conditions hereinafter mentioned."

This is the treaty which provides that the Province of Mysore shall be continued in perpetuity as "a separate government," and on which the title of the present Maharajah to the sovereignty thereof rests. Article IX. states the conditions referred to in Articles IV. and V., and provides that certain arrangements shall be made, by a separate treaty with the English East India Company, for the "effectual establishment of Maharajah Mysore Krishna Rajah in the government of Mysore." The nature of this Subsidiary Treaty determining the mode in which the effectual establishment of the Maharajah shall be secured, I have already discussed in my dissent, dated 2d July 1863; in it the words "heirs and successors," it is true, do not occur (the unimportance of which I have adverted to above), but it is expressly stipulated that the "treaty shall be binding on the contracting parties so long as the sun and moon shall endure." If it shall be decided that this "Subsidiary Treaty," merely detailing the mode in which the government of Mysore shall be preserved (and by which alone we acquire any right to interfere with the direct administration of the province) expires with the Rajah's life, owing to the absence of the words "heirs and successors," notwithstanding the other conditions of perpetual endurance (a monstrous notion, to my mind), there still remains the "Treaty of Mysore," by which the "separate government" is established, the conditions of which are in express words declared

to

to be "binding on the heirs and successors of the contracting parties so long as the sun and moon shall endure;" and this treaty must also be got rid of, upon some other plea, before the province can be claimed by us as an escheat.

7. There remains one argument to be noticed, and this I certainly heard adduced with something more than surprise; it is, that terms denoting the abiding and perpetual nature of contracts made by the British Government with the natives of India are to be treated as mere idle words of no signification. It was stated, and the authority of Sir Thomas Munro was quoted in support of the statement, that the Persian terms, "from generation to generation," "from heir to heir," "as long as the sun and moon endure," "to the end of time," and the like, purporting a perpetual obligation, where they are used in sundries, for the alienation of the Government revenue in favour of individuals, were, and are, disregarded by native rulers, on the occasion of the death of the grantor or the grantee, and that this was well known and understood by all. This fact, to a certain extent, I admit, but I most emphatically protest against the argument which was drawn from it; that, therefore, terms of similar import, contained in English treaties, dictated and negotiated by British statesmen, the abiding obligations of which, as in the treaty of Mysore, the Almighty is invoked to witness, may be treated as meaning nothing, and conveying no obligation on the parties who make and ratify them.

8. If the above are the glosses by which the Queen's Proclamation, promising to maintain inviolate the treaties of the former Government, and the laws and customs of the natives, is to be interpreted, we must not be surprised if henceforth we entirely forfeit the confidence of the chiefs and people of India in our integrity and honour; a loss which will be poorly compensated for by the acquisition of Mysore.

9. I feel the objections which exist to the restoring to native rule a province, which has, for 30 years, been under the administration of British officers, and I know the vast importance, under the circumstances that have arisen, of, at any rate, the greater portion of the province becoming British territory. If it be considered of paramount necessity, a question on which I am not giving an opinion, that Mysore, or any portion of it, shall henceforth be annexed to the British possessions, let that fact be declared and acted on, compensation being made to all parties who may have just claims under treaty engagements. This will be a far honest course, and far less discreditable to us in the eyes of the princes of India, than an attempt by specious sophistry to evade the sacred engagements of treaties, or a denial of the existence of promises and pledges which will remain recorded against us for all time.

(signed) H. Currie.

MINUTE of Mr. R. D. Mangles, 22 July 1865.

I desire to put upon record the reasons that led me to vote in favour of the Despatch which passed the Council on the 17th instant, approving the intimation given by the Governor General in Council to the Rajah of Mysore, that his adoption of a son would not receive the sanction of the Supreme Government, in as far as that ceremony was intended to carry with it the right of succession to the government of the territory conferred upon him by the Marquis Wellesley.

It is essential to point out thus distinctly what it is that we decline to sanction, because advantage has been taken upon this, as on former occasions, to raise an *argumentum ad invidiam*, for the purpose of misleading the general public into the erroneous persuasion, that to prohibit such an adoption as that proposed to be made by the Rajah of Mysore, is not merely an act of temporal injustice, but a grievous injury extending beyond the grave, and an outrage upon the religious feelings of the whole Hindoo community; and this misrepresentation is the more mischievous, because it would be undeniably true if the British Government had really prohibited adoption, in the broad meaning of the term. It is true that a Hindoo, who leaves no son behind him, natural or adopted, to perform certain funeral rites, which can be properly celebrated only by a son, incurs, according to the creed of that religion, penal consequences, extending, I believe,

believe, to eternity; but it is equally true, that the British Government has never been guilty of the cruelty of preventing a childless Hindoo from using the means prescribed by his religion for averting so fearful a calamity. The Rajah of Mysore is as fully at liberty as the humblest of his fellow countrymen to adopt a son competent to perform the rites in question, and who would succeed to all the personal property and private estates of his father, by adoption. All that the Secretary of State in Council declares, in approving the decision of the Government of India is, that he will not permit the transfer by such a process of the dominion conferred on the present Rajah by Lord Wellesley. That the funeral ceremonies of a Hindoo should be duly performed, it is by no means necessary that his adopted son should be a sovereign prince.

Brushing away then this fallacy, spun to ensnare the ignorant, it is clear to me that neither justice nor policy demands that the dominion of a native ruler over Mysore should be extended beyond the lifetime of the present Rajah, by permitting him to nominate a successor by the process of adoption.

As respects the first point, it is very far from certain, to take the lowest ground, that Lord Wellesley intended that even a natural born son of the child whom he placed upon the throne in 1799 should succeed to his father as a matter of course, or without a distinct and formal act of consent and approval on the part of the British Government. The family of this child had long been deposed, and it had not the slightest claim upon the justice or generosity of the British Government. When, therefore, the Governor General took this boy out of a dungeon, or out of a state of restraint and degradation tantamount to such duration, to place him on a throne purely as a matter of policy (which I need not pause to prove by his own language), and avoided, in the deed of gift called a treaty, to make any mention of the heirs and successors of the Rajah as included in its benefits, it is quite impossible to believe that such an omission was accidental or devoid of a significant meaning.* No statesman was less likely than Lord Wellesley to do such important business with so much haste and carelessness as to allow an accidental omission of these terms to pass without notice; and if the donor of this magnificent gift did deliberately intend to leave his successors in the administration of India as completely at liberty to permit or prohibit a succession to the dominion as he was to bestow or to withhold it, there is no longer any room for discussion upon the question of justice. I cannot doubt that the omission was intentional, and that the object of Lord Wellesley was to leave his successors free to act, if the expectations with which the British Government made the experiment should be disappointed, as the circumstances of the case might demand.

I am aware, of course, that the treaty contains the expression that, "it shall be binding upon the contracting parties as long as the sun and moon shall endure," but I need hardly tell any one well informed in regard to Oriental phraseology, that, strange as it may appear to us, these words certainly do not imply perpetuity to Indian minds. That this is no new doctrine coined for the occasion, the following extract from a Minute recorded by Sir Thomas Munro, on the 15th day of March 1822, will evince. "The terms employed in such documents, for ever, from generation to generation, or in Hindoo grants, while the sun and moon endure, are mere forms of expression, and are never supposed, either by the donor or the receiver, to convey the durability which they imply, or any beyond the will of the sovereign."

The question of policy is still clearer. No one, I presume, will now be found to maintain that the experiments tried in Western India of raising to thrones the descendants of princes deposed and imprisoned or banished by the sovereigns whom we subdued, have been successful. In the course of a few years one Governor General created a Rajah of Mysore; and another, a Rajah of Sattara. They were held in leading-strings from the very commencement of their respective reigns; indeed, that they should be mere puppets in the hands of the British

* This opinion is confirmed by the statement made by Lord Canning in his "Adoption Despatch" of April 1862, "that treaties with quasi-independent or dependent chiefs or princes in which the expressions, 'his heirs and successors,' or 'to his heirs for ever,' are used, are very numerous." Lord Dalhousie, speaking of the case of the Nawab of the Carnatic, says, "Lord Wellesley was not a man who did things without a reason." When, therefore, Lord Wellesley, while negotiating treaties with the Nawab of Oude and others, and forming the treaties with those Princes, their heirs and successors, is found negotiating a treaty with the Nawab Azeem-ul-Dowlah alone, and omitting all mention in it of heirs and successors, it is very certain that Lord Wellesley did not intend to extend the provisions of that treaty beyond the life of Azeem-ul-Dowlah himself."

British Government, was an essential part of the original plan in each case. The Rajah of Mysore, a mere child, was entrusted to the tutelage of a native statesman of high character and great ability; and as long as he, in fact, exercised supreme power, matters went well. But as soon as the Rajah assumed charge of the administration, or, rather, as soon as all power passed into the hands of the flatterers and parasites by whom he was surrounded, affairs at once took a downward course, retrograding from bad to worse, till they resulted in the dissolution of all government, and in the armed rising of the people against intolerable oppression. Then the British Government was obliged to step in to avert still more disastrous consequences, and to undertake the administration of the country as completely and exclusively as in its own territories, with the result, as regards the people, of unprecedented peace and prosperity; but with the result, also, of impressing upon the minds of successive authorities in India and in England, during a period of more than 30 years, the conviction of the utter unsuitness of the Rajah to govern the territories which had been assigned to him, and, therefore, of the inexpediency of restoring him to the position which he had forfeited.

In the other case, that of Sattara, the first Rajah, literally rescued from a dungeon, in which his own servants had placed him, a state of things in which his nominal subjects placidly acquiesced, employed the means with which the British Government had endowed him, and manifested his sense of the boon spontaneously conferred upon him, by engaging in plots against his benefactors, not the less real because they were pre-eminently foolish. His brother and successor dying childless, the Government wisely re-attached the territory, alienated with so little advantage, to the British dominions.

Let me ask what there is in the result of these two deliberate experiments, tried in the best faith, and with the most earnest endeavours on the part of the British Government and its officers to render them successful, to encourage us to convert the real Government which now exists in Mysore, as administered exclusively by British officers, into a second sham Principality, by allowing the Rajah of Mysore to adopt a successor?

But let us assume, for the sake of argument, that the remonstrances of those who insist with so much earnestness that justice and the faith of treaties should constrain us to allow the Rajah to adopt a successor were permitted to prevail. There would then be two, and only two, courses open to us; either the adopted son must be permitted to become the actual ruler of his country, to appoint his own officers, and to administer justice and the revenue according to his own views and principles, or affairs must be carried on, as at present, by a British Commissioner, assisted by a body of British officers, who would exercise all real power, and in whose hands the nominal Rajah would be the merest puppet.

In the first case there could, manifestly, be no assurance that affairs would not fall into the same disorder, and that the people (who have enjoyed for more than 30 years the blessings of a well organised system of government, of a pure administration of justice, and of a moderate assessment of the land revenue), would not be subjected to the same oppression and extortion as when the present Rajah was released from the control of the Dewan, who was the wise and honest guardian of his youth, and permitted to follow his own devices. Indeed, it could not reasonably be expected that the adopted son should enjoy such great advantages in the way of political education as the present Rajah turned to so miserable an account. And in another very important respect, the adopted son of the Rajah would find himself beset with difficulties which did not embarrass his predecessor, and with which, I apprehend, that no native ruler, even with the best abilities and intentions, could successfully cope. Mysore is now full of European settlers, coffee planters and others, and every day is adding to their numbers. If English magistrates find it no easy task to hold the balance even, and to keep the peace between the planters and ryots of Bengal, we might well expect that Mysore would be thrown into a state little short of civil war and anarchy, if native officials had to deal with differences carried on, probably with the same heat and pertinacity between the same classes with equally conflicting interests in that Principality.

On the other hand, it cannot surely be pretended that such a treaty as that which Lord Wellesley dictated to the infant Rajah of Mysore ought to constrain us, under the pain of being denounced as unscrupulous spoliators, indifferent to the dictates of justice and honour, and intent with short-sighted greediness, only on our own aggrandisement, to set up another pageant prince, utterly devoid

devoid of political volition, to waste on his pleasures, to use the mildest term, the surplus revenue that ought to be devoted to the improvement of his dominions, while a British Commissioner maintained order, dispensed justice, and exercised all the functions of the real ruler of the land.

Not all the hard language that has been lavished upon those who hold with me that there are higher and more cogent considerations than any that can be adduced in favour of the Rajah's application, will convince me that the honour of England, the Queen's Proclamation,* or Lord Canning's Despatch on adoption, imperatively demands that we should take a single step to perpetuate a line of so called sovereign princes for such ends as these:

Neither, however, and even more palpable grounds, it is impossible to found an argument in favour of the Rajah's claim upon Lord Canning's Despatch of the 30th April 1862.

The recommendation urged by Lord Canning in that Despatch was, that he should be allowed to give "an assurance to every chief above the rank of Jagheerdar, who now governs his own territory," that in respect to succession to his dominions, an adopted son should be recognised by the British Government, as fully and unreservedly as if he had been his son by generation. The Rajah of Mysore certainly did not come within this category. Further, Lord Canning wrote (paragraph 29): "I recommend that in every case, Mahomedan or Hindoo, the assurance should be conveyed to each chief individually, and not by a general notification addressed to all. This would be necessary in order to avoid future claims from petty Jagheerders, or others whom it is not intended to include in the measure." This plan was carried into effect, lists were drawn up, and to every prince or chief included in those lists a sunnud was issued by the Governor General in Council, after the approval of the scheme by the Secretary of State. The name of the Rajah of Mysore is not found in those lists, and no sunnud was addressed to him. Can it be believed that these were accidental omissions, and that Lord Canning, if he had not forgotten for the time the existence of such a person, would have treated the Rajah on the same footing as the hereditary Princes of Rajpootana, or of what were formerly called "the protected Sikh States?" I cannot give credit to such an hypothesis, and, therefore, I must believe that Lord Canning intentionally omitted the name of the Rajah of Mysore from the list of those to whom "the assurance" of his Government was to be conveyed, because he was satisfied, as I am satisfied, that, under the circumstances of his case, he had no just or reasonable claim to the privilege in question. It seems to me, indeed, to be passing strange that any thinking man should regard such factitious princes as the Rajahs of Sattara and Mysore, the mere creatures of an ephemeral political expediency, and who had made no returns for that gratuitous creation but gross ingratitude in the one instance, and of disgraceful misgovernment in the other, as deserving the same consideration as the representative chieftains of real nationalities, the origin of whose titles is lost in remote antiquity, or even as the gallant rulers of Puttialla or Jheend, who won their dominions with their own good swords, and who well repaid us for the protection which we had afforded them in times past, against the ambition of Runjeet Singh, by the loyal support which they gave us in the great crisis of 1857.

It was their conviction of the unquestionable validity of the hereditary rights of the Rajpoot Princes which led the Court of Directors to decline, in 1853, to sanction the annexation of the little State of Kurowlee to the British dominions.

I have said that I feel that there are higher and more cogent considerations in the case just decided than any which can be adduced in support of the application of the Rajah of Mysore. I mean the claim of the great body of the people, to whom, as I have stated, we have afforded the blessings of good government for more than a generation (by which the whole province has been raised to a state of unprecedented prosperity), that they should not be consigned to the uncertainties and dangers, to say the very least, of a native administration. If, as the Emperor Alexander observed, a wise and benevolent ruler be but "a fortunate accident" in Russia, so little removed, in point of distance, from the centres of European civilization, how often might the subjects of such a State as Mysore reasonably calculate upon being so blessed? The European settlers,

too,

* This proclamation has been construed, or people have pretended to construe it, in all manner of ways. In a district of Madras, the high-caste natives declared that it would be violated if Shanar women were permitted to cover their bosoms. In a district of Bombay, men remonstrated on the same grounds against Christian converts being suffered to draw water from the same tank or well as themselves.

too, it can hardly be denied, are entitled to some secondary consideration. Both classes would assuredly feel the effects of a transfer far more acutely than if they had never tasted the blessings of a happier state of things. For my part, when called upon to weigh the conflicting interests of the Rajah and his subjects, and to decide, if they cannot be reconciled, which should kick the beam, I confess that my sympathies are with the working millions, not with the childless old man, his courtiers, and the few who feed on his lavish and unprofitable expenditure.

I well know that there are some persons endowed with such acute insight into the motives of those from whom they differ, that they are able to pronounce unhesitatingly that such professions as I have made, of an anxious regard for the interests of the great body of the people, are a mere pretence, and that the principle which really actuates me, and those who think with me, is a greedy and insatiable craving for the addition of more and more territory to the British Empire. And they often add, as a supplement to this charge, that it is our national vanity alone that leads us to flatter ourselves that the British Government is better, or, at any rate, more acceptable to the people, than that of a native prince; and that if the whole population were polled upon the question, the decision would be adverse to our pretensions.

I am not careful to reply to the first count of the charge. While I cannot, of course, answer for others, I alone am really cognizant of my own motives, and they are such as fully to satisfy my own sense of right. This is a matter merely personal. The second question, however, is far more important, and if it be true that knowledge, civilization, and honesty of purpose combined, fail to produce a happier effect upon the welfare of a subject people than the opposite and counteracting qualities, it certainly behoves us to review our whole system of administration, in order to conform it more closely to an oriental model.

But I deny the entire premises. It may be, indeed, that the great mass of the people of India are not, as yet, sufficiently intelligent to be able to appreciate the advantages accruing to them from English rulers, but the time will assuredly come when they will understand and value them. It is a false humility, verging, indeed, upon childishness, akin to the theory of the superior happiness of the savage state, to question the superiority of an English Government, acting upon fixed and known principles, unaffected in the main by any personal change of the chief rulers, administering a printed and widely promulgated code of laws, and constantly aiming, at least, at improvement over native Governments, entirely dependent upon the character of the prince, or, if he be an nobility, of his minister, and which have, as a general rule, been going from bad to worse ever since the reign of Akbar. Lord Macaulay was wont to say that the Government of India was probably the only Government in the world which was better qualified to think and act for the people than the people for themselves. The truth of this opinion appears to me to be unquestionable, and upon this principle we are bound to act as we think best for the interests of the people of Mysore.

As to the plausible reference to the test of a poll, a moment's consideration will satisfy any one, willing to profit by the experience of the past, that, even if the expedient were possible, no more fallible scale could be used in which to weigh the wisdom of political measures of importance. Not to go farther afield for instances than our own country and modern times, it is quite certain that if the inhabitants of Scotland had been polled, the decision of a vast majority would have been hostile to its union with England. It is equally unquestionable that, if the Highlanders had been consulted in like manner after 1745, they would not have consented to the construction of roads through their mountains, and the curtailment of the power and privileges of their chiefs. Yet no one could be found at the present day hardy enough to maintain that these measures were not in the highest degree beneficial to the weaker parties concerned. It would be easy to multiply examples to the same effect.

Upon one point I am anxious to deprecate misconception. I would not on any account be understood to write or think slightly of the great men who entertained in times past the views that resulted in the creation of such principalities as Mysore and Sattara. It would be the highest presumption on my part to inter a word in disparagement of the wisdom of those statesmen. Doubtless there were circumstances then of sufficient weight, which recommended the measures in question to their minds, and induced them to try the experiment involved in them. But "we stand," as has been well said, "upon the shoulders of our predecessors," and have seen the utter and hopeless shipwreck of the schemes

schemes which they simply launched. It becomes us to profit by the experience gained during the intervening years, and not to suffer ourselves to be misled by great names into a blind admiration of, and adherence to, those parts of their policy which events have proved to be mistakes. But I cannot feel the same respect for the opinions of those who would now, in spite of experience, perpetuate such impolicy. Is no amount of treachery, sottishness, or imbecility on the part of these puppet rulers, to be admitted as sufficient to justify us in reviewing the policy that raised them to situations in which neither nature nor education had qualified them for discharging their primary duties to those placed under them? Are we under no obligations to the latter, so subjected by us, or are such mistakes to be irrevocable for ever? For my part, I do not believe that it is in the power of the British Government of India, great as it is, to extemporize a native ruler capable of standing alone. Princes with the prestige of centuries, and whose subjects regard them as little less than demigods, have backbones of very different strength. And, as regards the only possible alternative, Oude has proved the utter hopelessness of making a stable or tolerable Government by attempting to unite the iron with the clay.

(signed) *R. D. Mangles.*

MINUTE of Mr. Prinsep, 1 August 1865.

Mysore Case.

The Rajah's Adoption of a Son.

I HAVE already written three papers upon this case, and have therefore no desire or intention again to state in detail the facts and arguments upon which my view is based. That view has been adopted by the majority of the Council, and by Her Majesty's Government. But the new phase given to it by the Rajah's formal claim to adopt a son, and by the telegraphic communication that he has carried out this intention, requires that the circumstances of his position should be clearly set forth in order to show what effect ought to be given to this adoption.

The war with Tippoo Sultan was a British war, waged mainly for British purposes, and upon a British quarrel. We sought allies in it as a matter of course, and especially the alliance of the Nizam, in order that we might have the subsidiary force of British troops, and the Nizam's Contingent to co-operate in the field with our own armies. Still, we were the principals in the war, and it was brought to a close by the storm of Seringapatam with British troops, in the course of which Tippoo Sultan met his death. His dominions thus fell to the conquerors. Lord Wellesley, then Governor General, was master of the position, and dictated entirely the arrangements to be made for the appropriation and future management of the territory. He dealt liberally with the Nizam by giving him an equal share with that which he retained for annexation to the East India Company's possessions. But he set apart a third of the whole to be erected into a separate State, to be managed and controlled by the British Government and its officers. With his ally, the Nizam, he made a special treaty, in which the several allotments of territory were distinctly set forth and defined, and it was declared in that treaty that the third portion, not taken by either of the parties to it, namely, the British Government and the Nizam, should be given into the possession of the Rajah of Mysore, then a child of five years old, to be held by him with the aid of a subsidiary force of British troops, under arrangements to be settled entirely and exclusively by the British Government. Accordingly a separate treaty was made by the British Government with the Rajah of Mysore, to which the Nizam was no party, assigning the territory to him personally, without any mention of his heirs and successors, and providing, in special articles, for the maintenance of a subsidiary force of British troops from the revenues of the territory, which force was to be at the disposal of the British Government in times of war, together with all other resources of the Mysore State that the British Government might require for its aid. The Rajah also was, in his administration, to be guided by the advice of a British Resident; and it was stipulated that if the British Government should at any time consider the subsidy to be in danger through the mal-administration of the Rajah's officers, it was to be at liberty either to take territory sufficient to provide for the subsidy, or to take into its own hands the control of every branch of the administration of Mysore.

Such were the treaty engagements under which the infant Rajah was elevated from a prison to be the nominal head of a new State. During his minority the territory

territory was well administered, financially speaking, by Poorneah, who was installed, under British dictation, as Dewan. When the Rajah reached the age of maturity, which in India is at 16 or 18 years, he was allowed to assume the government, and to remove and disgrace the Dewan, appropriating to himself his accumulated treasure of near 2,000,000 £ sterling, and Poorneah soon after died, under the mortifications he endured. The Rajah then, surrounding himself with a clique of flatterers and parasites, began to act independently of the Resident, taking his own measures in secret conclave, until he brought matters, in 1813, to such a pass that the Resident, the Honourable Arthur Cole, made a distinct representation to Lord Hastings, then Governor General, of the futility of the system of control by advice only, and urged the necessity of more authoritative interference, through the appointment of a responsible Dewan. Lord Hastings, upon this issue being submitted to him, directed the Resident to refrain in future from offering advice unless it should be asked, preferring to leave the Rajah, with the dispositions he had manifested, to administer the country at his own risk and responsibility, and adopting in this case the same policy that he applied to a similar state of things at Lucknow.

This was, as above stated, in 1813, and for near 20 years from that date the Rajah continued to manage the entire affairs of Mysore in his own fashion. During this period the accumulated treasure of Poorneah was dissipated, and debts were incurred, and known to be increasing, while the current revenue was ill-collected, and on the decrease. In 1831-32 a large portion of the country was in insurrection, and the extortions, and even crimes of the local officers, were the main cause of the excitement and dissatisfaction of the population. For two seasons British troops were employed in the endeavour to suppress these insurrections, and in 1832, upon strong representations, as well from the Resident as from the Madras Government, of the impossibility of allowing matters to remain in Mysore upon their then footing, Lord W. Bentinck, who was at that time Governor General, directed the entire administration of the country to be placed under the control of British officers.

Since that date, the whole territory of Mysore has been administered, on behalf of the Rajah, by a Commissioner and subordinates, under the direction of the Government of India, the Rajah receiving the one lakh of pagodas, and one-fifth of the net revenue, which, in the treaty of Mysore, was stipulated for his maintenance in the event of such an assumption of the administration being determined upon.

About three years ago, the Rajah applied to be restored to the administration of his country, on the ground that his removal from it had been only temporary, for the correction of abuses, and for the restoration of order and tranquillity, which ends were now fully accomplished. After a careful consideration of the case, compliance with this application was refused, on the ground that the Rajah's mal-administration, his indebtedness, and the failure of his revenue, justified and required the strong measure of 1832, not only for the security of the subsidy, which was jeopardised by this mal-administration, but for the remedy of the evils and misery which had resulted to the population; that having been adopted, it would be a failure of the obligations we were under to that population to make it over again to the risks, nay, to the certainty of similar mal-administration.

Such having been the decision passed in 1863, the Rajah comes forward now with fresh pleas, derived mainly from our own records, in representation of the hard measure he suffered in the resumption from him of the administration of his territory, and specifically asserts the right of adoption, as if his adopted heir would thus become entitled to claim a restoration of the administration of the territory, because he was no party to the faults and errors which had led to its being taken out of the Rajah's hands. In support of this representation he has sent a petition, signed by between 7,000 and 8,000 persons, expressing a wish for the restitution of the state of things superseded and set aside in 1832.

To deal, first, with this petition, I can only express my wonder that it has so few signatures; with an income, and with such means as we have left at the Rajah's disposal, 10,000 signatures might be expected to be at his command at any time in the city and environs of his immediate residence. The Nawab of Arcot at Triplicane could have procured twice that number to any memorial he might have wished to have submitted. As evidence, therefore, of the feeling and wishes of the population of Mysore, I set down this petition as of no value whatsoever.

The Rajah's case stands as it did before, upon grounds which have been carefully

fully weighed in the balance and found wanting. But now we have the adoption to deal with. The Governor General has met this by declaring the Rajah to be free to adopt, for the accomplishment of any purposes of Hindoo religion, or of family obligation, and he has stated that the son so adopted will acquire rights of inheritance over any personal or other property of which the Rajah may be lawfully possessed; but that the British Government cannot recognize such an adoptive son as possessing any claim to rights of sovereignty, or of administration over the territory placed by the British Government in the Rajah's possession by the Treaty of Mysore in 1799 and 1800, and of the administration of which he was deprived in 1832. The Despatch, in reply to this reference, which has been approved by the majority of the Council, and which is now on its way to India, confirms entirely this answer to the Rajah, and the grounds of objection urged by the minority who voted against its transmission seem to me quite futile. They assume the Rajah to have become, by the Treaty of Mysore, possessed of the fee simple of the territory placed experimentally and under specific conditions in his possession. They assume that the Treaty, though in words specifically personal, and with no mention of heirs or successors, was tantamount to a gift to them as well as to the Rajah, because of the use of expressions, implying that the engagement with the Rajah himself was to be perpetual. Further, they assume that a forfeiture by the Rajah of his right to continue in possession would not be a forfeiture binding on his heirs, or upon any one to whom, by an adoption, he might bequeath or make over his rights. All these assumptions are, to my mind, against reason, and opposed to the common-sense interpretation of the Treaty engagements entered into, and to the expressed views and intentions of their framers. With respect especially to the omission of words implying a continuance of the same gift after the Rajah's decease, and binding the British Government to maintain the same arrangements with the Rajah's heirs and successors, there can be no doubt whatever that this was intentional on the part of Lord Wellesley, in order to enable him at the next succession to determine whether his policy had been successful or required modification, and so, to leave to the British Government the power to adopt whatever measures might then be deemed expedient under the circumstances. In the case of Arcot, this Governor General specifically erased the words "heirs and successors" from the treaty with that prince when it was sent up to him for approval and ratification, and in consequence Lord Dalhousie felt himself justified, upon the decease of the Nawab who occupied the musnud in his time, in discontinuing altogether the nominal title and authority of the Nawabs of the Carnatic, and this he did notwithstanding that three successions had occurred since the treaty with those Nawabs had been signed, without question at each, of the right of inheritance. That act of Lord Dalhousie has been confirmed and approved by the Court of Directors, by us, and by Her Majesty's Government. Now, then, can we put a different interpretation upon the Treaty made with the Rajah of Mysore, which similarly is only personal, and of which, on the Rajah's demise, we shall have to determine the cessation.

But the Rajah is free, of course, to nominate a child, or any other proper representative, to put the funeral cake into his mouth at his cremation, and to become heir to all that is really his own. The empty title of Rajah that he inherited from his ancestors, he may give, along with his personal effects, for that he did not derive from us, nor, hold, under conditions which he failed to fulfil. Territories and populations, however, are not like personal effects, nor even like real estates, to be similarly bequeathed and handed over by a temporary occupant, without reference to the terms on which he obtained them, and the status in respect to them to which he himself is reduced. The considerations which regulate the appropriation, and the proper government of these, are quite different from those on which the transmission of effects and property depends, and are based on much broader principles. The re-establishment of a native government in Mysore, after 30 years' administration of that country by British officers, would be quite opposed to these considerations. There is no treaty obligation that requires it, and every motive of policy and of beneficent regard for the interests of the population, forbids the renewal of an experimental course that has once so signally failed in Mysore, and that experience everywhere has shown to be injurious.

(signed) H. T. Prinsep.

(Foreign Department—Political.)

The Governor General of India in Council to Sir Charles Wood (No. 502), dated 31 July 1865.

We have the honour to forward for your information copies of the papers, noted on the margin, on the subject of the adoption by His Highness the Maharajah of Mysore of an heir to the Mysore State.

From Commissioner, Mysore, dated 19 June 1865, No. 27.
From Commissioner, Mysore, dated 19 June 1865, No. 28.
To His Highness the Maharajah of Mysore, dated 12 July 1865.
To the Commissioner of Mysore, dated 12 July 1865, No. 603.

2. We have refused to recognise such adoption, pending the instructions of Her Majesty's Government.

3. A packet, containing letters from His Highness to the address of certain noblemen and gentlemen in Europe, announcing the adoption, accompanies this Despatch.

From L. Bowring, Esq., Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to the Honourable W. Muir, C.S., Secretary to Government of India, Foreign Department, with the Governor General, Simla (No. 27); dated Bangalore, 19 June 1865.

I HAVE the honour to forward herewith, for submission to His Excellency the Viceroy and Governor General, a letter to his Excellency's address from His Highness the Maharajah of Mysore, together with a copy of a letter to myself from the Maharajah, No. 93, dated 18th instant.

From Rujoo Sreekrishna, in Canarese, to the Commissioner for the Government of my Territories (No. 93), dated Palace, Mysore, 18 June 1865.

I beg to forward a letter to the address of his Excellency the Viceroy and Governor General of India in Council, announcing that I have this day, the 18th June 1865, adopted an heir according to Hindoo law, the custom of my ancestors, and in virtue of Her Majesty the Queen's proclamation.

The child is the third son of Chikka Krishna Urs, the grandson of Gopaul Raj Urs, who was the brother of Lutchmuneo of the Bettadakotay House, the Rance who signed the treaties of 1799. His name is Chamrajendra Wadayer Bahadour.

Enclosed from His Highness Kissen Raj Wadayer Bahadour, Maharajah of Mysore, to His Excellency Sir John Laird Muir Lawrence, G.C.B. and K.C.S.I., Viceroy and Governor General of India, Calcutta, dated Palace, Mysore, 18 June 1865.

I HAVE the honour to announce to your Excellency that, being far advanced in years and without issue, male, of my own body, I have this day, the 10th moon's decrease of Jaishita, in the Krodana year of Shalivahana era 1788, corresponding with the 18th June 1865, according to Hindoo law, the usage of my ancestors, and in virtue of Her Majesty's Most Gracious Proclamation, adopted a son as successor to all my rights and privileges, under the Partition Treaty of 1799 with the East India Company and his Highness the Nizam, and under the Subsidiary Treaty of the same year with the East India Company, both of which are in full force.

In announcing to your Excellency the due performance of the ceremonies attendant on this important rite, I have to regret that, from considerations connected with my age and personal convenience, which it is unnecessary for me to intrude on your Excellency's time and attention, I have been precluded from celebrating the occasion as I could have wished, or, indeed, to undertake more than the solemnity and publicity of the event indispensably required; but I need hardly assure your Excellency that nothing has been omitted in any respect essential to the validity of the adoption, which has now been formally made, and completed.

The boy I have selected is a child of two and a-half years of age, of the purest "rajbindy" or royal blood. He is the third son of the late Chikka Krishna Urs, and the grandson of Gopaul Raj Urs, the brother of Lutchmuneo Rance (the Rance who signed the Treaty between my family and the East India Company in 1799), who is a daughter of Kuttice Gopaul Raj Urs, of the Bettadakotay House, one of the 13 families with which mine is most nearly related.

With regard to this selection, I deem it advisable to acquaint your Excellency with certain circumstances that preceded the final ceremony of the adoption. About three years ago, while Chicka Kristna Urs was alive, I proceeded to his house, and, having formally seated him and his wife before me, pointed out to them how, from time immemorial, our families had been closely united, and signified my intention of adopting one of his children as the heir to my throne, the representative of the ancient princes of Mysore, and the inheritor of all the honours, rights, and privileges guaranteed to me by treaties. He had then two sons born, and a third child was shortly expected. The assent of the parents was readily given, and, in accordance with an urzee lately presented to me by Devajamshy, the mother of the adopted child, communicating the last wishes and injunctions of her husband regarding the adoption, I have chosen, with the mother's consent, the third son who was born 18 days after Chicka Kristna Urs's death, and the ceremony of whose tonsure has not been performed. I have named him Chamrajendra Wudayer Bahadoor.

It only remains for me to solicit the protection of the Governments of India and England to the heir whom I thus adopted, and I request that due and formal intimation of the event may be given to Her Majesty's Secretary of State for India, to whom I have this day telegraphed all particulars, and that your Excellency will do me the favour to issue instructions to the Commissioner for the Government of my territories, for the careful observance of all the honours and privileges due to the boy as my heir.

From *L. Bowring, Esq.*, Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to the Honourable *W. Muir, C.S.*, Secretary to Government of India, Foreign Department, with the Governor General, Simla (No. 28); dated Bangalore, 19 June 1865.

I HAVE the honour to transmit, herewith enclosed, a packet of letters addressed to certain gentlemen in Europe from his Highness the Maharajah of Mysore, in connection with the ceremony adverted to in my letter, No. 27, of this day's date.

2. His Highness has also forwarded letters to the address of five officers in the commission, as well as one to Colonel Hill, Commissary General, which will be duly delivered.

Khureeta to His Highness *Kristna Raj Wudayer Bahadoor*, Maharajah of Mysore; dated Simla, 12 July 1865.

I HAVE duly received the letter of your Highness, dated the 18th of June, informing me that you had adopted a son, in accordance with Hindoo law, the usage of your ancestors, and in virtue of Her Most Gracious Majesty's proclamation, as your successor to all your rights and privileges, under the Partition Treaty of 1799 and the Subsidiary Treaty of the same year. Formal intimation of your Highness's proceedings will be sent to Her Majesty's Secretary of State, and pending his instructions, I regret that it will not be in my power to recognise this adoption, nor to accord to the boy the honours and privileges due to the heir to the State of Mysore. For my reasons for not complying with the wishes of your Highness, I beg to refer to my former letters.

(signed) *John Lawrence*

From the Honourable *W. Muir, C.S.*, Secretary to Government of India, Foreign Department, with the Governor General, to the Commissioner of Mysore (No. 608); dated Simla, 12 July 1865.

I AM directed to acknowledge the receipt of your letters noted on the margin, and, in reply, to enclose, for your information, a copy of a letter which his Excellency the Governor General has addressed to the Maharajah of Mysore; the original letter is also forwarded for delivery to his Highness. His Excellency in Council requests that you will act in accordance with the tenor of the letter, and will simply refuse to recognise the adoption of the child as heir to the Mysore State.

2. The letters for the noblemen and gentlemen in England sent by the Maharajah, will be forwarded to their destination through the Secretary of State.

(Foreign Department—Political.)

The Governor General of India in Council to Sir *Charles Wood* (No. 127); dated 20 September 1865.

We have the honour to transmit herewith the accompanying copy of a khureeta which has been addressed to the Maharajah of Mysore, conveying the instructions of Her Majesty's Government on his Highness's appeal, as contained in your Despatch of the 17th July last, No. 67.

Khureeta to His Highness *Kristna Raj Wudayer Bahadoor*, Maharajah of Mysore; dated Simla, 21 August 1865.

In my khureeta to your Highness, dated 5th May last, I intimated that, in accordance with your Highness's request, I had transmitted copies of your Highness's khureetas, dated respectively the 25th January and 1st February 1865, to Her Majesty's Secretary of State for India.

I informed your Highness at the same time that, after giving careful attention to the arguments advanced at different times in support of your Highness's claim to be re-installed in the government of Mysore, I had failed to perceive the validity of those claims, and that nothing had been urged in your Highness's last khureeta which rendered in any way doubtful the propriety of adhering to the decision already arrived at.

I have now to convey to your Highness the instructions of Her Majesty's Government on your Highness's appeal, and to apprise you that consideration for the well-being of the State and people of Mysore renders it impossible for Her Majesty's Government to accede to the prayer of your Highness's petition. The decision of Her Majesty's Government conveyed to your Highness in the Governor General's khureeta, dated 31st December 1863, must be considered final and irrevocable.

Your Highness further took exception in the khureeta of the 25th January last to the distinction which had been made between your Highness's perfect freedom to adopt a son and heir to your Highness's private property and the authority which it was necessary for your Highness to obtain from Her Majesty's Government, in order to render valid the adoption of a successor to the Raj of Mysore.

On this point also I have to communicate to your Highness the full acquiescence of Her Majesty's Government in the justice of the distinction laid down and in the intimation made to you that "no authority to adopt a successor to the Raj of Mysore has ever been given to your Highness, and that no such power can now be conceded."

I trust that your Highness will now fully understand the propriety of acquiescing in the decision of Her Majesty's Government, both as regards the present administration of Mysore, and the adoption of a successor to your Highness's title; and I am confident that your Highness will abstain from further expressions of remonstrance against a decision which has received from the highest authority an absolute and decisive sanction.

(signed) *John Lawrence*

COPIES of CORRESPONDENCE between the Maharajah of Mysore and the Government of India relative to His Highness's Claim to be Restored to the Government of the Territories which were Ceded to him under the Partition Treaty of Mysore of the 22d June 1799; of INSTRUCTIONS issued by the Secretary of State for India in Council to the Government of India regarding this Claim; and of MINUTES, CORRESPONDENCE, or other PAPERS connected therewith; &c.

(Sir Henry Rawlinson.)

Ordered, by The House of Commons, to be Printed,
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FURTHER PAPERS RELATING TO MYSORE,

In continuation of No. 112, of Session 1866.

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(Foreign Department.—Political.—No. 185.)

The Governor General of India in Council to the Secretary of State for India.

Simla, 31 October 1866.

With reference to the correspondence ending with paragraph 3 of Sir Charles Wood's Despatch, No. 6, dated 8th February last, we have the honour to transmit herewith a memorial, in original, from his Highness the Maharajah of Mysore to the address of the Governor General, reiterating the request that he should be reinstated in the government of that State. We also forward a copy of the Governor General's reply.

We have, &c.

(signed) John Lawrence.
W. R. Mansfield.
H. S. Maine.
H. Grey.
G. N. Taylor.
W. Massey.

KHUREETA from His Highness the Maharajah of Mysore, to His Excellency the Right Honourable Sir John Lawrence, Bart., K.S.I., G.C.B., &c., &c., &c., Viceroy and Governor General of India, Calcutta; dated 4th July 1866.

BUT for the necessity of consulting my advisers in England, I should long ere this have acknowledged the receipt of your Excellency's letter of the 5th of May 1865, informing me that my khureetas of the 25th January and 1st of February of that year had been transmitted to Her Majesty's Secretary of State, and that your Excellency had not been able to advise the reconsideration of my personal claim to be reinstated in the government of my country.

Had not your Excellency been pleased to enter upon the reasons which have led you to adopt this view, I should have been well content to leave the case as it stands to the wise and generous judgment of Her Majesty the Queen, my Imperial protector; but, on mature consideration, there appear to be some statements in your Excellency's letter which cannot be left entirely unnoticed without some danger of my silence being misconstrued, and my cause exposed to unnecessary prejudice.

Your Excellency observes that in treating the conquest of Mysore as the joint conquest of the British Government and the Nizam, and the cession thereof as the joint cession of both parties, I have fallen into an error which it is your Excellency's duty to correct. If I am indeed in error as to the joint conquest, I have erred in company with the Marquis Wellesley, the great statesman who placed me on the throne. His words were:—

"It is almost superfluous to state to you that the whole kingdom of Mysore, having fallen to the arms of the Company and Nizam, is at present to be considered as a part of their dominion." (Despatches, vol. ii., p. 13.) "The Company and the Nizam derived an undoubted right to the disposal of the dominions conquered by their united arms. The right of conquest entitled the Company and the Nizam to retain the whole territory in their own hands." (Despatches, vol. ii., p. 72.) Sir Thomas Munro and Sir John Malcolm, who were so distinguished a part in the campaign and in the first settlement of Mysore after my installation, have also left on record, in documents well known and easily accessible, their testimony that the conquest of Tippoo's dominions was the joint conquest of the Company and the Nizam. Lord William Bentinck wrote to the same effect in a letter to myself, which I shall shortly quote.

If I am in error as to the joint cession, I have been betrayed into that error by the recorded words of the Partition Treaty of 1799, in the 5th Article of which the British Government and the Nizam, the contracting parties, agree that the districts specified in one of the Schedules annexed to the Treaty "shall be ceded to the Maharajah Mysore Kishna Rajah, and shall form the separate Government of Mysore." Article V. of my own Subsidiary Treaty likewise mentions "the territories ceded to him (to me) by the 5th Article of the Treaty of Mysore" the Partition Treaty between the Company and the Nizam, by which Treaty, therefore, the cession was effected.

It was, no doubt, clearly understood by the Nizam, as your Excellency observes, that his accession of territorial rights was limited to the districts specifically assigned him in Schedule B. of the Partition Treaty. But I must add that the territorial acquisitions of the East India Company, were also limited to the districts specified in Schedule A., and to the fortress of Seringapatam and the small tract of land assigned by Article III.; while the provinces intended to form the separate Government of Mysore, and ceded to me by the contracting parties under Articles IV. and V., are in the manner defined in Schedule C. of the same Treaty.

Your Excellency then proceeds to observe that the Nizam was not admitted as a party to the Subsidiary Treaty. This is true, but it was agreed between the British Government and the Nizam, under Article IV. of the Partition Treaty, that a separate Government should be established in Mysore under the representative of the ancient Rajahs; under Article V. certain specified districts were ceded to the restored Prince; and by Article IX. it was arranged that a subsidiary force for the effectual establishment of the Government of Mysore should be furnished by the East India Company, and that a separate Treaty should be immediately concluded between the East India Company and the Maharajah. The terms of the Subsidiary Treaty were then settled, and it was announced in the preamble to be concluded in consequence of what was stipulated in the Partition Treaty between the East India Company and the Nawab Nizam-ood-dowlah, and in order to carry the said stipulations into effect, the extent of my territories is not indicated in the Subsidiary Treaty, and can only be found by turning, as the preamble and Article V. direct, to the Partition Treaty, concluded with the Nizam. And in perfect harmony with those interdependent provisions, which reciprocally explain the two Treaties and bind them indissolubly together, the Marquis Wellesley has himself placed on record his intention that my sovereignty should be restored and maintained under the protection of the Company and the Nizam. (Wellesley's Despatches, vol. ii., p. 38.) I cannot therefore admit that I have fallen into any error in speaking of the joint conquest or of the joint cession.

But I am reminded by your Excellency that the Nizam subsequently ceded in perpetuity to the British Government by the Treaty of 1800, not only all the territories acquired under the Treaty of Seringapatam in 1792 and the Treaty of Mysore of 1799; but also all his possessions and dependencies south of the Toombodra and Kishitua.

It is not, perhaps, a very important correction of this statement to remark that the Nizam, under Article VI. of the Treaty of 1800, retained a portion of these acquisitions from Mysore, the districts of Copal, Gujjinder Ghur, and others, and still retains them.

But I regret to say that I cannot perceive, nor has your Excellency explained, how these cessions and exchanges can touch my rights, or can affect the interest of his Highness the Nizam in the existence of the separate Hindoo State of Mysore. The Partition Treaty of Mysore was not abrogated by the fact of those cessions, nor by the Treaty which effected them, nor by any subsequent engagements; on the contrary, all former Treaties between the two States were expressly confirmed by those of 1800, 1822, and 1853.

The question of the share taken by the Nizam in the conquest of Tippoo's Empire, and of the position which his Highness acquired by that conquest, and under the Partition Treaty, as a guarantor of my restored sovereignty, is not one that I should have chosen to discuss, had not your Excellency, by dwelling upon it at some length, raised those several points of great prejudice to my dignity and to the integrity of my State, which I have now endeavoured to set at rest.

It is true, as I have already stated, that the Marquis Wellesley in one of his Despatches, alluded to the Nizam's protection as an additional pledge for the safety of the re-established Raj of Mysore. But it would be equally incompatible with my duty and my inclination to lay any stress, or to place any reliance upon the Nizam's guaranty, upon any foreign influence, or upon any national sympathy in my behalf. I have no protector, and I desire to have no protector but Her Majesty the Queen, to whom I now appeal, and I will never believe that before her august tribunal any inequality of strength (as in the case of his Highness the Nizam), or the position of subordinate and dependent alliance (as in my own case), can involve the insecurity of my hereditary title, or the instability of those obligations which the British Government has contracted with me, directly, or with the Nizam in my favour.

I am still firmly convinced that I have a very strong claim to reinstatement, on the ground of the original irregularity of Lord William Bentinck's assumption of the country. This view I have never ceased to urge upon the attention of the Supreme Government. Lord William Bentinck himself, when more fully informed on the subject, explained to the Court of Directors in his Despatch of the 14th of April 1834, the doubts which he entertained as to the legality and justice of the course that had been pursued. Your Excellency must be well aware that substantially the same difficulties were experienced, and the same opinions expressed by Sir Charles Metcalfe, Lord Auckland, and Lord Hardinge.

I have repeatedly urged upon the Government of India this point of the unwarranted and hasty manner, as acknowledged by the highest authorities, in which I was deprived of all share in the government of my dominions. And I still maintain that the original defect in the legality of this harsh and unprovoked measure, as Lord Metcalfe termed it, constitutes a powerful plea in my behalf for the removal, before I die, of the present stigma on my name.

I still uphold my protest against the mode in which the British Government, according to the acknowledgment of its most exalted servants, has strayed beyond all just limits the protective powers of the Subsidiary Treaty, more especially by the undue and indefinite prolongation of their exercise; but I neither regret that those protective powers have been exercised for the reform of my Government, nor do I undervalue the generally beneficial effects of Lord William Bentinck's intervention. I have never denied the misadministration of my dominions before the year 1832, and whatever may have been my views during the earlier period of British management, when my humiliation was more recent, when my hopes were more sanguine, and the good results of the change were yet doubtful, the great benefits that have been thereby conferred upon my State and my subjects have long been too apparent to be gainsaid or questioned by any one. For many years before the late General Sir Mark Subban relinquished the Commissionership of my territories, he was fully aware of my approval and admiration of the system which he had perfected.

I do not, therefore, object, as your Excellency supposes, to the radical cure that has been performed, but only to the continued detention of the patient under restraint after that radical cure has been effected. The patient that required curative treatment was the State of Mysore, not its Sovereign, as the

Special Committee and the Governor General distinctly pronounced in 1832, the fault of maladministration could not be said to rest entirely or even principally upon me; and until I am restored to my rightful position at the head of the Executive Government of my country, according to the purport of the treaties and according to the intention of Lord William Bentinck, the curd will never be considered complete by my people, or by any impartial observer. I can only repeat what I said in my letter to Earl Canning of the 23rd of February 1861, that the avowed object for which the government of my country was temporarily assumed has long since been accomplished, and that there is no justifiable pretext for its further retention.

Your Excellency, however, urges that being bound under Article XIV. of the Subsidiary Treaty to pay the utmost attention to the advice of the Company's Government, I failed to fulfil the obligations of this Article. If this had been the case, which I do not admit, the legitimate consequence would have been, not the permanent suspension of my royal functions, but that the British Government would then have been justified in insisting upon and enforcing the obligations of that Article, in which case, as can be seen by the immediate submission of myself and all my officers and servants to the still more severe measures of 1831, not the slightest obstacle or opposition could or would have been offered by the Mysore Government.

But your Excellency remarks, that in 1814, when the Resident felt himself called on to tender his advice, it stands on record that I sent an agent to Madras expressly to complain of the Resident's interference, and to obtain the abolition of the obligation under which I stood. I must remind your Excellency that for the time and to a certain extent the remonstrances of my agent were successful; that, as I have already stated in my khureeta of the 25th of January last, the Resident was instructed by the Madras Government on the 3rd of July 1814 to moderate and not to strengthen his interference. Thus, far from the strict observance of Article XIV. of the Treaty being insisted upon or enforced, its relaxation was promoted by the direct orders of the Company's Government.

There is one more fact in connexion with this critical period of my rule that I must bring to your Excellency's recollection. In the year 1814, when I am charged with being so jealously opposed to interference, I was just 19 years of age. I was permitted by the Company's Government to assume absolute power at the age of 16. I was encouraged by the Madras Government to resent the Resident's close and strict supervision at the age of 19; and after such a political training it is not very surprising that in 1825 I was no more amenable to advice than in 1814, and that the faults of my administration became of such a nature as could not be cured by the mere repetition of remonstrances unaccompanied by a specific and authoritative plan of reform.

I am most grateful for the radical cure that has been effected, though I believe the same results might have been attained with even greater advantage to the Prince and to the people of Mysore by a milder remedial course more in harmony with the letter and spirit of the Treaty. But I cannot sincerely profess to be grateful for the patient, though remonstrant forbearance which, your Excellency tells me, the Company's Government observed towards me for so many years from a wish to consult my position, dignity, and authority. That interval of unreforming forbearance allowed me to fall into error and danger, and was terminated by the sudden and severe blow to my position, dignity, and authority, under which I am still suffering, from which I have as yet been able to obtain no relief, and which now begins to threaten the very existence of my dynasty and State.

Your Excellency affirms the necessity of maintaining intact the system of administration under which the Mysore country has so greatly prospered. I have pledged myself to maintain that system, and there can surely be as little reason to doubt my sincerity in giving that pledge as there is to doubt the ample means and appliances at the disposal of the British Government to watch over and secure its due and exact observance.

Although no notice of it is taken in the letter now under reply, your Excellency cannot have failed to verify the facts mentioned in my khureeta of the 25th of January last, that several of the imputations cast upon my personal rule and conduct, and by which Lord William Bentinck was mainly influenced, were, after a close local investigation by the Special Committee and afterwards by the Governor General in person, discovered to have been either unfounded

unfounded or exaggerated; that the rebellion in Nuggur was clearly shown not to have been caused by any oppression or tyranny for which I could be held answerable; and that his Lordship defended my character in a Despatch to the Court of Directors, and declared his belief that I should make a good ruler in future. Your Excellency, however, objects that if in the flower of my manhood, after experience of some 20 years' rule, I failed to govern my country wisely and well, there can be little hope I should do so now. I must once more remind your Excellency that my 20 years' experience of despotic power commenced when I was 16 years of age, under all those disadvantages and with all those deficiencies of training, instruction, and control, that I have already explained in my khureeta of the 25th of January last. Notwithstanding the officially recorded changes in my views of the reformed system, notwithstanding General Sir Mark Cubbon's officially recorded acknowledgment in his letter of the 2nd of June 1860, of the cordiality observed by me for a good many years towards the existing administration, no credit is given me for the wisdom that comes with age, with reflection, and with observation of passing events.

And yet I must in justice to myself claim to have observed much, and to have learned much in my long retirement. Among other lessons, I have learned that the possession of absolute power is a dangerous and undesirable possession for any man; and I have observed that although my unskilful use of absolute power in early life has been severely blamed, the British Government is careful to entrust no such prerogative to any of its functionaries from the highest to the lowest. Every officer, civil and military, every magistrate, including even the monarch, is ruled and guided by the law. To this great method of established law and order, in financial, judicial, and administrative affairs, I should wish my Government to conform, and I am ready and willing to bind myself and my successors to rule in obedience to such regulations and ordinances as in the first instance and from time to time may be approved by the protecting power.

The question, however, of my reinstatement at the head of the Government of my territories is now complicated with one of much higher and more lasting importance, that of the future destiny of my adopted son and of the ancient Hindoo State of Mysore, of which I am the reigning representative, and he is the lawful heir. I did not bring forward in my khureeta of the 25th January last, or in the earlier part of this letter, the subject of the Nizam's share in the conquest and partition of Tippoo's provinces as having any particular connection with my claim to personal restoration, but only as one among many political embarrassments that might press upon Her Majesty's Government in the event, which God forbid, of the appropriation of my country as a lapse to the paramount power. For I cannot conceal from myself that every disparagement of my ancestral title, and every discountenance of my right to adopt a successor must involve some allusion, must convey some reference to the future maintenance or total extinction of this tributary and separate State. And therefore I can no longer look upon my prolonged suspension from public functions as a matter merely affecting my personal dignity and reputation, when I find the subject of that suspension, as declared to me by Lord William Bentinck, viz., "the preservation of the State of Mysore" and "the permanent prosperity of the Raj," to be completely dropped, and when arguments are now employed to justify a persistence in my suspension, which point to the subversion of the State of Mysore, and the utter extinction of the Raj at my decease, a period which at my advanced age cannot be considered very far distant. A due regard for the honour of my ancestors, for the rights of my son and my family, and for the best interests of my people, compels me to maintain the real strength of my title, both by birth and gift, to vindicate my right to adopt a successor, and to claim from the protecting power my personal restoration, as the best proof that can be given that the preservation of the Raj is still intended, and not its speedy destruction.

With reference, first, to my ancestral title, it is quite true that in order to obviate any future doubt as to the sovereignty of any of the districts retained by the Company and the Nizam, the whole settlement was based by Lord Wellesley upon the Allies' right of conquest, and, in his Lordship's words, their cession was made the source of my dominion. (Despatches, vol. ii., p. 26.) I fully and gratefully acknowledge that my tenure of the Mysore country was not derived from ancestral and hereditary rights, but from the free gift of the Allies. But I cannot admit that my tenure of the Mysore country was not at all derived,

as urged by your Excellency, from ancestral and hereditary claims; a claim, even a very strong moral claim, differs very widely from an absolute right. The Marquis Wellesley himself, while denying that my family could assert any right, pronounced that moral considerations and the antiquity of our legitimate title favoured the policy of restoration, and his Lordship invariably made use of the expression that I had been "restored to the throne." And Lord William Bentinck, in his letter of the 7th September 1831, wrote to me as follows: "Your Highness is well aware of the generosity displayed by the conquerors; instead of availing themselves of the right of conquest, and of annexing the territories of Mysore to those of the Honourable Company and of the Nizam, the sovereignty was restored to the family of the ancient Rajahs of the country, who had taken no part in the contest, and your Highness was placed on the Musnud." While, therefore, I never have asserted, and do not assert, that my accession to the throne was the simple consequence of my hereditary right, I cannot doubt, in the face of all the contemporary records, that my ancestral and hereditary claims were in great measure the cause and motive of my elevation.

With regard to the second point, upon which I feel the deepest anxiety, I can hardly conceive that the apparent purport of your Excellency's words is the real one, when, in opposition to my declared intention of adopting a successor, now happily carried into effect, I am reminded that my tenure of the country is by the free gift of the British Government.

It would have been more accurate, in my opinion, if your Excellency had said that the origin, not the tenure, of my restored sovereignty was the free gift of the British Government; but I want no better tenure. Surely your Excellency did not intend to imply that the free gift of the British Government confers an insecure and precarious title. Are the gifts of Great Britain, even when confirmed by Treaties, less valid and less sacred than the grants of Delhi or Poona? Yet, neither the Great Mogul nor the Peishwa, in all the plenitude of their imperial and federal supremacy, ever pretended to the right of forbidding a succession by adoption, or of otherwise impeding the operation of the Hindoo Law of Inheritance in the families of dependent and tributary Princes.

Your Excellency asserts that the principles of the Hindoo Law of Inheritance have no application to Chiefships; and above all none to those held under the conditions on which Mysore was conferred upon me. The burden still lies upon your Excellency to show, for you have not attempted to do so, how the Hindoo Law of Inheritance, which is the law of Mysore, and the main object of which is to prevent the extinction of families, can be inapplicable to the family of the Rajah of Mysore. The burden, as it appears to me, lies upon your Excellency to show how the Hindoo Law of Inheritance, which is the law of India, and by virtue of which the meanest and the highest Hindoo subject can alike transmit to an adopted heir all his rights, dignities, and possessions, which are by their nature and essence heritable, can be inapplicable to the rights, dignities, and possessions of a Hindoo Prince like myself, who, although a tributary and dependent ally, and owing the allegiance of a faithful feudatory to Her Majesty, cannot be properly included among the subjects of the British Crown. But even if I could be fairly classified as at once a sovereign and a subject, the principles of the Hindoo law of inheritance would still be applicable to my case. From time immemorial the rights, dignity, and possession of a sovereign in India and throughout the world have been held to be essentially heritable, and are transmitted either by the ordinary law of the land or by some special law of royal succession. No special law, no special exception, is applicable to my case. I am the Hindoo sovereign of a Hindoo principality.

But I am told that above all the Hindoo law of inheritance has no application to chiefships held under the conditions on which Mysore was conferred upon me. The conditions on which Mysore was conferred upon me are recorded in the two Treaties of 1799. I know of no other conditions, and I cannot find any article or clause of those treaties that institutes any new or special law of succession, that impugns or limits the operation of the Hindoo law, or declares it to have become inapplicable to a family whose successions had been regulated by its principles for many centuries.

The Marquis of Dalhousie in a Minute of the 16th January 1856, which has been

been recently published in England, founded his expectation of eventually acquiring the Mysore territories upon the fact that I had no legitimate son or grandson; that I had adopted no heir; and (as he had been erroneously informed) that I had never intended to make an adoption, thereby, as it appears to me, admitting my right to adopt a successor if I had wished to do so.

Earl Canning also, in a letter to Her Majesty's Secretary of State, dated the 30th March 1860, which has been lately brought to my notice, in a similar manner observes, that I have no son, and that I have not adopted a son; and his Lordship hopes to obtain my kingdom in full sovereignty, by the free-will of the ruler under a supposed intention on my part to bequeath it to the British Government. By the expression of this hope, by declaring me to be the sovereign of Mysore, and the people of Mysore to be my subjects, and by upholding a right in me (which for myself and my heirs I emphatically repudiate) to bequeath my dominions to the protecting power, I maintain that Lord Canning has in this Despatch fully admitted my sovereignty and my right to adopt a successor.

Allow me to bring to your Excellency's recollection those memorable words by which the lamented Earl Canning, in his officially published Despatch to the Secretary of State of the 30th of April 1860, acknowledged that, notwithstanding all the previous assertions to the contrary, no precedent could be found for declining to recognise a succession by adoption to territorial and princely rights: "We have not shown, so far as I can find, a single instance in which adoption by a sovereign prince has been invalidated by a refusal of assent from the paramount power." And he thus continues: "I venture to think that no such instance can be adduced, and that the practice which has prevailed is truly described by Sir Henry Lawrence, where he says: 'The confirmation of the Suzerain is necessary in all cases. He is the arbitrator of all contested adoptions; he can set aside one or other for informality, irregularity, or for misconduct; but it does not appear, by the rules or practice of any of the sovereignties; or by our practice with the Istumrardars of Ajmere, that the paramount State can refuse confirmation to one or other claimant and confiscate the estate, however small.'" His Lordship adds: "I believe that there is no example of any Hindoo State, whether in Rajpootana or elsewhere, lapsing to the paramount power by reason of that power withholding its assent to an adoption."

That Despatch and the measures consequent upon its approval by the Secretary of State, taken in conjunction with Her Majesty's Proclamation, have spread a sense of security and a spirit of loyalty, not only throughout the native States, but throughout the whole of India. God forbid that during your Excellency's administration any steps should be taken to contradict the admission and assurances of that admirable Despatch, to discredit the promises of that Royal Proclamation, to weaken the sense of security, or to confound the spirit of loyalty.

Your Excellency remarks that during the last 33 years great changes have taken place, and that new interests have grown up. New interests have indeed grown up; but I cannot perceive that my re-instatement would in the least injure or endanger them, nor can I allow that, as new interests arise, treaties may be disregarded; nor can I acknowledge that the doubts and fears of these new interests ought to be allowed to obstruct or destroy those older and more permanent interests of which I am the symbol and guardian.

Times have changed indeed. It is not likely that a state of affairs will ever again arise in India, in which a British Viceroy and a British General shall thankfully declare, as the Marquis Wellesley and the great Duke of Wellington did in the early part of my reign, that the kingdom of Mysore has afforded real assistance to Great Britain in all her difficulties, and had been enabled in some degree to repay, by the efficacy of its help in the hour of emergency, the protecting influence and power of the British Government.

It is not to be expected, it is hardly to be feared, that India will ever again be visited by the horrors of 1857, and it is not therefore likely that I or any successor of mine will ever have occasion to render that "ready and useful assistance to Her Majesty's troops," and to exercise that personal influence in the cause of peace and order for which I, half a century after the departure from India of the two illustrious brothers whose eulogies I have quoted, again received the thanks of the Government of India, and the still more gratifying assurance from the Queen of Great Britain herself that as I am the oldest, so am I the staunchest, of her allies.

It is not likely that events of this nature should occur again, but I think they ought not to be forgotten. It is true that they can give no additional validity, they can add no new sanction to the recorded terms of solemn treaties, but they are at least proofs that my engagements have not been violated, and that the objects of those who framed the Subsidiary Treaty have not been entirely unfulfilled. That treaty, as well as the Partition Treaty of Mysore, with which it is inseparably connected, is still in full force, and I appeal with confidence to Her Majesty the Queen, that those Treaties, in the words of Her Majesty's Royal Proclamation, may for ever be scrupulously maintained.

I have to request that this letter may be submitted in due course to Her Majesty's Secretary of State, and I trust that after a mature consideration of the arguments and explanations I have offered, your Excellency may yet be convinced of the justice of my claims, and may support my prayer to be reinstated at the head of the Government of my dominions, under such conditions and with such securities for British interests, and for the welfare of my subjects, as may appear sufficient to the paramount and protecting power.

KHUREETA to His Highness *Kristna Raj Wudayer Bahadoor*, Maharajah of Mysore; dated Simla, 31st October 1866.

I HAVE received your Highness's khureeta dated the 4th July, calling in question some of the views expressed in my letter to your Highness of the 5th May 1865, and reiterating the request that your Highness should be reinstated in the Government of Mysore.

2. I regret that your Highness, in conformity with the counsel given in my last letter, dated 21st August 1865, has not acquiesced in the decision of Her Majesty's Government. Nevertheless, the khureeta under acknowledgment shall be forwarded, as your Highness desires, for the perusal of Her Majesty's Secretary of State for India.

(signed) *John Lawrence.*

(Political.—No. 55.)

The Secretary of State for India to the Governor General of India in Council.

India Office, 16 April 1867.

Para. 1. I HAVE received and considered in Council the letter of your Excellency's Government, in the Foreign Department, dated 31st October, No. 185, of 1866, enclosing a khureeta from his Highness the Maharajah of Mysore.

2. In considering the questions raised in that communication, it is unnecessary for me to advert in detail to the observations of his Highness upon the transactions referred to in the earlier part of his reign, before the assumption of the Government of Mysore by Lord W. Bentinck. The request of the Maharajah that he should himself be reinstated in the Government of the Mysore territory was fully considered in Council, and the final decision of Her Majesty's Government was communicated to you in Sir Charles Wood's Despatch of 17th July (No. 57) 1865. I cannot hold out any hope that it will be reversed.

3. The decision, however, of Her Majesty's Government with respect to the disposal of the territory of Mysore, after the death of the present Maharajah, has not yet been communicated to you. In the khureeta transmitted by your Excellency, this question is formally raised; and it now becomes my duty to convey to you the instructions of Her Majesty's Government upon this important question.

4. Without entering upon any minute examination of the terms of the Treaties of 1799, Her Majesty's Government recognise in the policy which dictated that settlement a desire to provide for the maintenance of an Indian dynasty on the throne of Mysore, upon terms which should at once afford a guarantee for the good government of the people, and for the security of British rights and interests.

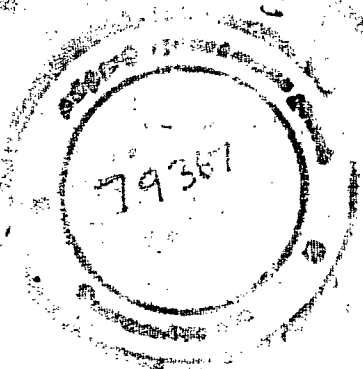
interest. Her Majesty is animated by the same desire, and shares the views to which I have referred. It is Her earnest wish that those portions of India which are not at present under Her immediate dominion may continue to flourish under native Indian rulers, co-operating with Her representatives in the promotion of the general prosperity of the country; and, in the present case more especially, having regard to the antiquity of the Maharajah's family, its long connection with Mysore, and the personal loyalty and attachment to the British Government which his Highness has so conspicuously manifested, Her Majesty desires to maintain that family on the throne in the person of his Highness's adopted son, upon terms corresponding with those made in 1799, so far as the altered circumstances of the present time will allow.

5. In considering the stipulations, which will be necessary to give effect to this arrangement, I have, in the first place, to observe, that Her Majesty's Government cannot but feel a peculiar interest in the welfare of those who have now for so long a period been subject to their direct administration, and that they will feel it their duty, before replacing them under the rule of a Native Sovereign, to take all the pains they can with the education of that sovereign; and also to enter into a distinct agreement with him as to the principles upon which he shall administer the country, and to take sufficient securities for the observance of the agreements.

6. It is, therefore, the intention of Her Majesty that the young prince should have the advantage of an education suitable to his rank and position, and calculated to prepare him for the duties of administration; and I have to desire you to propose to the Maharajah that he should receive this education under the superintendence of your Government. I have to request that you will communicate with me as to the mode in which this can best be effected without separating the young prince more than is necessary from those over whom he may hereafter be called on to rule. If, at the demise of his Highness, the young Prince should not have attained the age which you, upon consideration, may fix for his majority, the territory shall continue to be governed in his name upon the same principles, and under the same regulations, as at the present time. Upon his reaching that age, or at an earlier period, if you should think it desirable, it will be the duty of the British Government, before confiding to him the administration of the whole, or any portion, of the State, to enter into an arrangement with him for the purpose of adequately providing for the maintenance of a system of Government well adapted to the wants and interests of the people.

7. As regards the rights and interests of the British Government, it is sufficient now to point out that, as the cost of supporting troops has largely increased since the date of the Subsidiary Treaty of 1799, it will obviously be necessary that the terms of that Treaty should be revised, and some addition made to the subsidy. The great increase which has taken place in the resources of Mysore since 1799, and more especially since the assumption of the Government by Lord W. Bentinck, will prevent such addition being felt as an undue burden. The precise terms of the revision may be left to be settled when the young Prince is put in possession of the administration.

I have, &c.
(signed) *Stafford H. Northcote.*



 * செப்பனுவற்காக எடுத்தக் *
 * கொள்ளப்பட்ட *
 * 7 மாதம் *February 1883* *
 * செப்பனிட முடிந்த *
 * மாதம் *February 1883* *
 * *கிராமச்சி உதவியாளரின்* *
 * கையொப்பம். *
 * *பெ.க* *

EAST INDIA (MYSORE).

FURTHER PAPERS

RELATING TO

MYSORE,

In continuation of No. 112, of Session 1866.

(Presented to Parliament by Her Majesty's Command.)

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