CHAPTER IV

THE ANNEXATIONS OF DALHÓUSIE

A. THE PANJÁB

The policy of Lord Dalhousie towards the Indian States was thus formulated by him: "I take this fitting occasion of recording my strong and deliberate opinion that in the exercise of a wise and sound policy the British Government is bound not to put aside or neglect such rightful opportunities of acquiring territory or revenue as may from time to time present themselves".1 Lord Dalhousie carried the theory into practice with such a determination that 'he changed the map (of India) with speed and thoroughness no campaign had equalled'.1a The additions he made to the British territory in India increased its revenue by four millions and a half sterling and its area by districts equal to Russia in Europe.1b

But in doing this he does not seem to have remembered the condition of such acquisition, which he recorded a few lines later in the same minute, namely, "Where even a shadow of doubt can be shown, the claim should at once be abandoned".2

When Dalhousie arrived in India as the Governor-General, it did not take him long to find out that the Panjáb was a ripe fruit only waiting to be plucked. So once more the war machinery was set in motion. But there was a great deal of difference between the First and the Second Sikh War. This time there was no plea of aggressive attack by the Sikh army. Instead, we find a few local rebellions in a territory under the administration of the British and protected by their own troops. When or how these rebellions merged into a full scale war, it is not easy to determine. Even Lord Gough, the Commander of the British troops, who had crossed the Sutlej with his army on November 9, 1848, remarked on November 15, 'that he did not know whether he was at peace or at war, or who it was he was fighting for'.

This curious state of things has been discussed in detail in Chapter X which also gives a description of the two battles successively fought by the British at Chilliánwálá (January 13, 1849) and Gujarát (February 21). As in the first war, the Sikh soldiers fought with great bravery and skill. The victory at Chilliánwálá—if victory it may be called—was won at a great cost. The British losses were over 2,000 and four guns, and the colours of three regiments were
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captured by the Sikhs. As in the First Sikh War, Lord Gough was
superseded by the home authorities, but before the news could reach
India, he retrieved his honour by his second victory which proved
decisive. The Sikh army made unconditional surrender. Peshawar
capitulated, and the Afghan auxiliaries hurried back to their home.
The war was over and the Panjáb was formally annexed to the
British dominion. Dalip Singh was set aside on a pension.

Whatever views one might entertain about the cause of the
war, there can hardly be two opinions on the injustice of the annexa-
tion of the Panjáb. The Panjáb, it should be remembered, was at
that time under the absolute control of the British, and the admini-
stration was being carried on by the Resident on behalf of the minor
Dalip Singh. If there were local rebellions, the Government had
undoubted right to punish the rebels. But it passes one's compre-
hension how the penalty can be visited upon the unoffending boy-
ruler. He evidently forfeited his throne for failing to check the re-
volt; in other words, for not doing what he had no power or author-
ity to do under the terms of a treaty imposed by the British them-
selves. By what logic, one might ask, was Dalip Singh deprived of
the power, position and privilege which the British had granted to
him by one treaty and undertaken to protect by another. The only
logic which could be invoked was the logic of the strong towards the
weak, which has been the corner-stone of British imperialism in
India.

B. BURMA

The Panjáb was not the only military conquest of Dalhousie.
Another victim was Burma. The occupation of Arakan and Tenasserim,
as a result of the First Burmese War, was merely the begin-
ing of a process which, in its natural course of development, was
bound to swallow up the rest of the kingdom. How this process
usually worked is illustrated by the dealings of colonial European
powers with Asiatic and African peoples. The commercial impor-
tance of Burma attracted English merchants. These unwelcome
guests, conscious of their military strength and proud of their supe-
rior civilization, were arrogant in their demands and loud in their
complaints against the Government of Burma. There were un-
doubtedly corruptions of local Burmese officials, and there was also
some truth in the complaints. But if a body of people feel that they
were not justly treated in a foreign land, ruled by different laws
and procedure to which they could justly object, international law
and practice, as understood and applied in Europe, alike prescribe
that they might quit the land under protest. The policy and mora-
lity of the colonial Europeans in Asia were, however, different. They took for granted their inherent right to be wherever they chose, and also to establish their rights and prerogatives, as they conceived them, by either mending the ways of the recalcitrant Asiatic sovereigns, or, if necessary, by ending them, by the use of force. This truth was well illustrated in China less than a decade before Dalhousie arrived in India. As it was connected with India, we may go into some details. The Chinese, foolishly enough as it seems, tried to stop the import of Indian Opium which was sapping the vitality of the whole nation. British army not only forced the opium down the throat of the Chinese, but also compelled them to pay a heavy indemnity, cede Hongkong, and make other concessions which facilitated future exploitation of the same kind (A.D. 1842). It is worth quoting, in full, the observations of a British historian on this disgraceful transaction. "Moralists of the severer type were unable to reconcile themselves to the arguments adduced in justification of the war. Ashley even brought forward a resolution for the suppression of the opium trade, but withdrew it after a debate turning on the inability of the Indian Government to part with a revenue of £ 1,000,000 or more." 3

Lord Dalhousie was evidently not a moralist of the severer type, and certainly felt no scruple in upholding the most arbitrary act of violence on the part of his own officer against the ruler of Burma, even when he was convinced of its injustice. This will be demonstrated by the detailed account of the circumstances leading to the second Burmese war, given in Chapter V. It is curious that as soon as Dalhousie gave a practical demonstration of his new forward policy by the annexation of the Panjâb, complaints of oppression began to pour in from the British merchants of Burma. Although the British residents in Burma alleged that they "had suffered for long time", they did not place their grievances seriously before the Government of India before 1851, 4 when Dalhousie's policy of annexation was at work in full swing. Another curious fact is that about the same time there was public agitation on the part of the British, through the press and on the platform, about the eminent desirability of conquering Burma.

Neither the local authorities nor the Government of India made any proper inquiry into the alleged charges against the Burmese officials. But Lord Dalhousie decided to demand reparation from the Government of Ava, and for this purpose sent Commodore Lambert of the Royal Navy with the ships under his command and other available vessels. The choice of such "diplomatic" mission to settle political disputes is perhaps unique. As soon as Lambert arrived
in Rangoon, no less than 38 new charges were made by the British residents against Burmese officials. So Lambert demanded the removal of the Governor of Rangoon. The Burmese Government sent a most conciliatory reply and even conceded the high-handed demand of Lambert by removing the Governor of Rangoon. But the old fable of the wolf and the lamb was repeated. A deputation sent by Lambert to the new Governor felt insulted at the manner of their reception. Immediately after receiving their report, and without asking for any explanation, Lambert blockaded the rivers of Rangoon, the Bassein and Salween, and seized a ship belonging to the king of Burma. The rest was, of course, a foregone conclusion. A full scale military expedition was sent to Burma. The Burmese were defeated and the important cities of Prome and Pegu were captured by the British forces. As the Burmese Government, though unable to fight, refused to sue for peace, Dalhousie annexed the province of Pegu, with some territory above Prome, by a formal proclamation on December 19, 1852.

C. AVADH

In addition to the Panjāb and Lower Burma, a third large province, namely, Oudh (now called Avadh) was annexed to the British dominions in India by Lord Dalhousie. No military expedition was necessary, and the mailed fist of Dalhousie was enough to coerce into submission the helpless ruler of Avadh, who had been recently elevated to the status of an independent king by the British themselves. The annexation of Avadh was the culminating act of a series of extortions and oppressions upon the hapless rulers or Avadh since the fateful day when Suja-ud-daulla asked for military help from Warren Hastings to conquer the neighbouring province of Rohilkhand. The subsequent history of Avadh is but the story of gradually increasing interference in its internal administration by the British, and their growing exactions, which reduced the country to an intolerable state of chaos and confusion. No doubt, the depraved character of the rulers contributed to no small extent to this miserable state of things; but this was largely the result of the dual government set up in Avadh, in which the British had all the power without any responsibility, and the Nawab had all the responsibility without any real power to deliver himself or his people from the Octopus of British hold. The successive acts in this tragic drama till the fall of the curtain on the eve of Dalhousie’s departure from India (as a matter of fact, his term of office was extended in order that he might see the business through) will be related in Chapter XI. It will suffice to state here that probably no other act of Dalhousie received such a strong condemnation both in India and
England. It is only fair to state that in equity the blame must be
shared, to some extent, both by the authorities at home and the pre-
decessors of Dalhousie in India. When Dalhousie appeared on
the scene it was no longer the question of whether, but when, Avadh will
be added to British India, and the utmost that can be said is that
he merely quickened the process and thereby ended the prolonged
agony of the king and the people of Avadh.

D. ANNEXATIONS BY THE DOCTRINE OF LAPSE

In addition to the Panjāb, Burma and Avadh Lord Dalhousie's
period of administration is marked by the annexation of a large
number of other Indian States, both large and small, and escheat
of dignitary titles and pensions, the last vestiges of once powerful
and independent States. These were made by the mere flat of the
Paramount Power without any resort to, or even show of, force.

We may begin with the famous Doctrine of Lapse which ac-
counts for the annexation of Satara, Nagpur, Jhansi and several
smaller States, and the extinction of the nominal sovereignty of
the Nawab of the Carnatic and the Raja of Tanjore.

There is a long-standing usage, sanctioned by religious scrip-
tures, by which a Hindu, without any male issue, may, after ob-
serving some rites and ceremonies, adopt a son, subject to some
prescribed restrictions in the choice of the person so adopted. Such
a son, simply by virtue of the process of adoption, becomes immedi-
ately possessed of all the rights and obligations, both secular and
religious, of a son born of a legitimately wedded wife.

So far as the law and general usage are concerned, every Hindu
has the unrestricted right of adoption. This was also at first rec-
ognized by the British rulers. In 1825 the British Government passed
a formal resolution to the effect that "Sovereign princes in their
own right have, by Hindu law, a right to adopt....and that the
British Government is bound to acknowledge the adoption." Later,
they held that so far as a dependent ruling chief was concerned, the
power of adoption, according to prevailing custom, was subject to
the consent of the suzerain authority. The obvious practical impli-
cation was that no subordinate Hindu ruler could adopt a son without
the previous consent of the British Government, and any adoption,
so made, would be invalid, so far at least as succession to political
rights was concerned. Thus the Bombay Government resolved in
1831 to "continue to grant or to withhold its permission to adopt
according to circumstances." In 1834, the Court of Directors issu-
ed the following directive for the guidance of the Indian Govern-
ment: "Wherever it is optional with you to give or to withhold your consent to adoptions, the indulgence should be the exception, not the rule, and should never be granted but as a special mark of favou and approbation."8

The method of practical application of this theory is not, however, quite so clear. In a large number of instances the Hindu ruler of a State, and in a few cases even his eldest widow, was allowed to adopt a son.7 In more than one case, the British Government or its local agent was eager that a ruling chief, without any male issue, should make an adoption during his lifetime. Daulat Rao Sindhia died on March 20, 1827, without having adopted a son, but his widow Baiza Bai adopted Jankojee Rao on June 18, 1827. On the latter's death in 1843, the senior widow adopted Jayaji Rao, the nearest in blood. It has been justly observed that the British Government itself, in truth, had so thoroughly recognized the right, and supported it in the case of Hindu principalities, that 'actually there were many more successors by adoption in the Hindu royal houses than by direct descent, at the time that this universal privilege was denied to the Rajah of Satara.'8 John Sullivan says that in accordance with the Resolution of 1826 no less than fifteen instances of adoption by succession were recognized by the British government between the years 1826 and 1848, seven of which were made by reigning princes.8a

On the other hand a few instances may be cited in which adoption was set aside. One of the earliest cases of this nature occurred in Jhansi in 1835. Ram Chandra Rao, the Raja of Jhansi, died after adopting a son without the sanction of the British Government, and his claim to succession was passed over in favour of Raghunath Rao, an uncle of the deceased ruler. But, as will be shown later, the adoption was set aside, not because it had not the sanction of the British Government behind it, but probably on the ground that it was irregular, i.e. it did not fulfil all the conditions prescribed for adoption in Hindu Scriptures. In any case the invalidity of adoption did not lead to annexation. The next is the case of Jalaun in Bundelkhand, where an adoption was allowed in 1832, but in 1840 Ellenborough refused to sanction a second adoption and the State lapsed to the British Government.9 Jalaun, however, be it noted, was really a jagir, rather than a sovereign principality. The next case is that of Colaba. Its ruler, Raghoji Angria, concluded, in 1822, a treaty with the British by which "the entire supremacy" and the "right of investiture" were expressly reserved to the British Government. In 1841, standing on the right of investiture, Lord Auckland refused to permit an
adopted son to succeed. This action has been condemned on the ground that “this right of investiture was not a right of arbitrary resumption, or of escheat on failure of lineal heirs”\textsuperscript{10} Whatever one might think of this argument, the case of Colaba undoubtedly stands by itself and cannot create a precedent, in view of the express stipulation reserving the right of investiture to the British Government. The small State of Mandavi also lapsed. Mandavi was a small State in Bombay, consisting of the town of that name on the Tapti with 162 villages. It was founded by a Bhil chief and owed allegiance to the Peshwa. In 1803 it became tributary to the British. As the last chief died without issue, and even the most legitimate claimant was very remotely connected with him by blood, the Government of India, with the full approval of the Court of Directors, annexed the State. The Bill for the purpose was introduced during the regime of Hardinge though the Act was not finally passed till 1848, after Dalhousie had taken over charge.\textsuperscript{11}

The whole policy of sanctioning adoption by Indian rulers was thoroughly discussed by the Government of India in 1837, when Raja Tej Singh Bahadur of Orchha applied for grant of recognition to his adopted son, Sujan Singh, as his heir and successor.\textsuperscript{12} Mr. Fraser, the Political Agent of Bundelkhand, collected all possible information and precedents, and submitted a comprehensive review of the general question of succession. He did not deny the right of adoption, but contended, that before recognizing it the British Government should carefully consider the claims of collateral heirs as well as the rights and interests of the Paramount Power. “He did not find any reason why the right of the latter to resume hereditary territories in the absence of lineal descendants should not be asserted and enforced”.\textsuperscript{13} Sir Charles Metcalfe, who was then the Lieutenant Governor of N.W.P., did not accept this view, for he thought that Fraser ignored the differences between the sovereign princes and the Jāgīrdārs. The former, he said, “had a right to adopt to the exclusion of their collaterals and the so-called reversionary rights of the Paramount Power in accordance with the laws of the land. In their cases, the British Government was bound to acknowledge adoptions, if they were regular and not in violation of their customary legal tenets. In the cases of the second category of states, the Paramount Power was entitled to limit successions according to the terms of the grants which were, in general, confined only to the legitimate sons and consequently precluded adoptions.” To Metcalfe it seemed that the “Raja of Orchha was a sovereign Prince, and being a Hindu, he was fully entitled to adopt a son and successor in the absence of his own. He regarded the adoption made by the Raja as an unobjectionable arrangement”. He disputed the statement of
Fraser that the former decisions of the British Government in
acknowledging successions in the States of Bundelkhand were inco-
herent, and said that the one underlying principle, which generally
operated on such occasions, had been that of non-interference in
the internal affairs of the Indian States by which a succession, ap-
parently agreeable to the Prince and the people or to the latter on
the demise of the former, was recognized.\textsuperscript{14}

Before the case of adoption by the ruler of Orchha was finally
decided, it was complicated by his alleged complicity with a sub-
ordinate Jāgirdār in his rebellion against the British authority.
Nevertheless, the case was regarded so important that the question
of the political status of Orchha was discussed threadbare by the
Executive Council of the Governor-General.

Both Fraser and Maddock, the Secretary to the Government of
India, doubted if Orchha was ever regarded as a sovereign State.
Metcalfe expressed the view that the ruler of Orchha was a
sovereign prince and was fully entitled to adopt a son. Lord Auckland
endorsed this view. "In support of his contention, he recalled the pre-
amble to the treaty with Orchha, concluded on the 23rd December,
1842, which clearly defined the status of its ruler whose ancestors
had been holding the state since ancient times without paying tri-
bute or acknowledging vassalage to any other power. The treaty was
designated as one of friendship and alliance by which the state was
guaranteed to its ruler and his heirs and successors. In view of these
clear terms, Lord Auckland considered it impossible to r...ise any
doubt as to the status of the Raja and decided to regard him as a
sovereign Prince who was entitled, as suggested by Metcalfe on the
28th October, 1837, to make an adoption which the British Govern-
ment was legally bound to recognize, provided that the adoption
was regular and not in violation of the Hindu Law".\textsuperscript{15}

Two members of the Executive Council wrote minutes about
this case. W. W. Bird subscribed to the views of Lord Auckland and
saw no reason to depart from the well-established policy. "H. T.
Prinsep was of opinion that the states of Bundelkhand in their rela-
tions with the British Government were not better than the pro-
tected states of other regions. Among them, Orchha belonged to a
superior class like the ruler of Rewa in Baghelkhand. Having no
natural heir, the Raja provided for succession and he had every
right to do so even to the exclusion of the claims of his collaterals.
Being an old inheritance, neither of British creation nor a product
of the Peshwa's bounty to whose rights the company had succeeded,
the British Government was not entitled to claim the Raj as a lapse
on failure of a direct heir to the prejudice of his right to adopt
or of the rights of his collecterals to succeed. He treated this case as quite different from that of Jalaun which was only a jagir and a subordinate province of the Peshwa to which only direct descendants from the first Subedar could have a just claim to succeed.  

Thus Lord Auckland, W. W. Bird, H. T. Prinsep and C. T. Metcalfe held more or less the same view, while those of Fraser and Maddock were different. The view of the Governor-General therefore prevailed as the decision of the Supreme Government, and the right of the ruler of Orchha to adopt a child as his heir and successor was formally acknowledged.

The view so strongly expressed by Lord Auckland in sanctioning adoption by the ruler of Orchha acquires a special significance when we remember that the titular dignity of the Nawabs of Surat was extinguished in August 1842, and that on this occasion Lord Auckland's Government endorsed the general principle of "abandoning no just and honourable accession of territory or revenue, while all existing claims of right are at the same time scrupulously maintained."  

Such was the situation when Lord Dalhousie took over the administration of India. The principle on which Lord Dalhousie acted, and which was supported by the authorities at home, was explained by him in several minutes. He classified the Indian States into three categories, namely, (1) the creation of the British Government, (2) tributary and subordinate, and (3) independent. He laid down as a general principle that no adoption should be permitted to the first, no adoption without previous consent should be recognized in the case of the second, while there should be no interference in the case of the third.  

The legitimacy, morality, and expediency of this doctrine of lapse have been discussed at length by various authorities, but there is no consensus of opinion on the subject. There is no doubt that the adoption, involving the right to succeed like an ordinary child, was an approved custom among the Hindus, sanctioned by ancient law; and there is no clear reason or precedent, sufficiently strong, to set it aside as obsolete or illegal. The only support in Hindu scriptures for the theory, that a valid adoption requires the sanction of the king, is furnished by a dictum in the Vāishētha Śāṃhitā which, according to Colebrooke's Digest, lays down that a person, before making adoption, "must give humble notice to the king". The actual passage in the Dharmaśūtra of Vāishētha (XV.6) has been translated as follows:

"He who desires to adopt a son, shall assemble his kinsmen, announce his intention to the king, make burnt offerings......"
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The announcement of intention to the king is somewhat analogous to the ‘registration’ of a document, to ensure its bonafide character, and cannot, by any stretch of imagination, convey that no adoption is valid without the sanction of the king. Indeed, so little importance was attached to this detail, that no other ancient text contains it.

As to precedents, no one has been able to point out a single clear instance supporting the contention of the British Government. Bell asserts that “neither the kings of Delhi nor the Peshwas ever exercised or claimed the right of forbidding adoption in the families of dependent chieftains”; at least “there is not a single case on record.” The following observations of Bell have not been refuted so far by any cogent argument.

“The prerogative of recognising or refusing to recognise the adopted son of a native prince never belonged to the paramount power in India. The assumption of such prerogative is historically false. Neither the doctrine nor the practice has yet been proved by any authentic record. The summary of Hindu laws and customs in the Deccan printed by the order of Elphinstone in 1826 sanctions adoption, even by the widow, who may adopt one of the husband’s relations, with their concurrence and with that of the caste, who will be the heir. This was the opinion of the Resident in the case of Daulat Rao Sindia who died without adopting a son in 1827. His widow Baiza Bai, who would have postponed adoption in order to keep authority in her own hands required the pressure of the Resident to adopt Jankoji Rao Sindia on June 18, 1827. Jankoji died in 1843 without adoption, but the senior widow adopted Jayaji Rao Sindia. The same opinion was given by Col. Sutherland, Governor-General’s agent in Central India, in the case of the petty Rajput State of Kishengarh:

“The British Government has on many occasions introduced limitations into those clauses of treaty which guaranteed hereditary descent such as legitimate offspring (Rao of Cutch in 1819), descendants (Jhullawur in 1838), the heirs male of his body (Ghulab Singh of Kashmir) and even so late as 1856 in the proposed treaty with Oudh the succession was to be confined to the heirs male of his body born in lawful wedlock. It follows that when a treaty contains no such restriction no rule except that of Hindu law in all its integrity can have been contemplated by either party.”

Bell also categorically maintains ‘that the Adoption despatch itself tacitly acknowledged, that the imaginary precedents for ignoring adoption by ruling chiefs could not be found; did not in fact exist’.21 Lee Warner has pointed out, by way of precedents, that the Peshwa usually sold the Sanad, or title to adopt, to the highest
bidder. He charged a nazaranā or succession duty. From this he draws the inference that British Government had a perfect right either to follow this precedent or to introduce some other plan in regard to succession.22 This is a queer inference, to say the least of it. Some have quoted precedents where Jāgirdārs, or persons of still lower category, had to obtain the consent of the rulers before adoption.23 One can hardly regard them as evidence of an established custom, applicable to ruling chiefs vis à vis their suzerains. At least not a single concrete instance in support of such custom has been brought forward. On the other hand, it has to be admitted that the validity of such principle or custom was not clearly recognized by the Indians at any time, and the mere ex parte decision of the British could not create it. The Doctrine of Lapse, and the annexations based upon it, particularly those of Satara, Jhansi and Nagpur, were undoubtedly regarded as complete innovations all over India, and as abrogations of a right enjoyed by the ruling chiefs in India for a long time. Admitting that the British Government adopted the principle in theory, for its own guidance, as far back as 1831, or even earlier, it does not necessarily follow that an action based on the fiat of executive authority was right, or proper, or thereby created any legal sanction. None of the numerous treaties, concluded between the British and the Indian States, expressly referred to the invalidity of adoption made without the consent of the former, and there was no legal enactment to that effect. It is interesting to note that the legal point involved in the Doctrine of Lapse did actually come up for decision before a judicial tribunal. In the important case of Bhasker Buchajee Vs. Naroo Rugonath (Select Reports, 24) it was decided “that want of the permission of the ruling authorities is an insufficient ground for setting aside an adoption once made with the proper ceremonies.”24

In view of all this it is difficult to maintain that the British Government was within its rights, merely by an executive fiat, in the absence of any legislation, to annul the adoption of an Indian ruler, and to annex his State on the ground of failure of male issue.

So far as the morality or expediency of this doctrine is concerned, it is, of course, a matter of opinion, and arguments have been advanced both for and against it. But a few points may be noted. Lord Dalhousie's confident assertions that the change of rule in Nāgpur, Avadh and other annexed provinces was hailed by the population as a blessing, and that not “a murmur was heard beyond the palace walls”,25 were erroneous and unfounded. The great excitement at Nāgpur and the popular support of the civil commotion at
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Avadh, during the outbreak of 1857-8, sufficiently testify to the feelings of the people on the annexation of these provinces by the British. That great outbreak also proves, in an indirect manner, that the Doctrine of Lapse was regarded as highly inexpedient, if not immoral and illegitimate. For, shortly after it, the British Government voluntarily wrote to the ruling chiefs of India, assuring them of the full and unrestricted right of adoption. On this occasion Sir Charles Wood wrote in his despatch to the Government of India dated July 26, 1860, that the British Government should practically demonstrate that “we are as willing to respect the rights of others as we are capable of maintaining our own”. He thus practically conceded that the Indian States had a right to adopt.

Fortunately or unfortunately for Dalhousie, he had to deal with a number of cases, involving a decision on the right of adoption.

1. Sátárā

The Raja of Sátárā died in 1848. He had no male issue, but adopted a son without the previous consent of the British Government. It was a clear case to be decided on the principle laid down by Dalhousie, but some complications arose in view of the language of the treaty which created the State. It conferred the State on the first Raja “and his heirs and successors”. It was contended that this implied the right of the adopted son to succeed, as he was unquestionably an heir. A few members of the Governor-General’s Council objected to the annexation, and the whole question was referred to the Court of Directors who agreed with the view of the majority, in favour of annexation, as “being in accordance with the general law and custom of India”. Sátárā was accordingly annexed and the claim of adopted son set aside.

2. Jhansi

Gangadhar Rao, Raja of Jhansi, died on November 20, 1853. On November 19, he decided to adopt a son and sent a communication to this effect to Major Ellis, the Assistant Political Agent of Bundelkhand. The ceremony of adoption was actually performed on the 20th. Ellis received the Raja’s letter on that date and saw him. The dying Gangadhar Rao requested him to try his best to secure the approval of the Government to this adoption, and also wrote to Malcolm to the same effect. In this letter he referred to the article 2 of the treaty of 1817 which recognized Ramchandra Rao and his heirs and successors as rulers of Jhansi. In 1817 the Peshwa Baji Rao II transferred his interests and pretensions in Bundelkhand to the British Government by the Treaty of Poona. The territories
in the possession of the Subahdar of Jhansi were confirmed by the British Government "in perpetuity" to his grandson Ramchandra Rao, "his heirs and successors", by the treaty of 1817. The preamble and the first article of the treaty of 1817 prove that the treaty of 1804 was in full force during the first three years of Ramchandra Rao's reign, and that a new treaty was only concluded "in consequence" of the altered relations of the British with the Peshwa. There was no gift, because Ramchandra Rao was already in possession; there was no pretension to the relations between sovereign and subject, for there already existed relations of amity and defensive alliance. Lord Dalhousie is therefore clearly wrong when he says (in para 6 of his minute) that Jhansi was "held by a Chief under very recent grant from the British as sovereign", (and in para 12) "such as is issued by a sovereign to a subject". It is true that the Chief was made Raja in 1832, but the inferior title of Subahdar involves no inferiority in sovereign power or hereditary right. Sindhia, Holkar and Gaekwar were originally Subahdars and feudatories of the Peshwa like the Subahdar of Jhansi.

In paras 7 and 11 of Dalhousie's minute it is said that Rao Ramchandra did adopt a boy, but the British Government did not acknowledge the boy as successor, and this is cited as a precedent for refusing to sanction adoption. But the fact is that there was a disputed succession in 1835, there being four claimants. The Secretary to Government refers to it as follows: "On this occasion the lawful heir by blood, descended of the body of Sheo Ram Bhow, was recognised as successor to the Raj, to the disallowance of a boy alleged to have been adopted or nominated as successor by the late Rajah the day before his death, who, if adopted, would have been unquestionably the heir to any property of his adoptive father to the exclusion of the uncle; and this was done without enquiry into the fact of adoption or nomination (which was doubtful) as though it was an immaterial circumstance." On that occasion the question of annulling adoptions was not even discussed.26a

In the inquiry which preceded the annexation of Jhansi reference is made both by Dalhousie and the Secretary to the views of Metcalfe. But as will be seen from the observations of Metcalfe, quoted above, they go definitely against the views of Dalhousie. In a letter, dated 16-2-1854, the widowed Rani Lakshmi Bai, destined to attain immortal fame four years later, wrote a long letter to the Governor-General. After referring to the loyal services rendered to the British by the past rulers of the family, the Rani drew the attention of the Governor-General to the article 2 of the treaty of
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1817 referred to above. She pointed out that two different words—Warsân and Janisînân—have been used to denote the heirs and successors, of which the first means normal heirs but the second includes adopted sons.

But before the end of February, 1854, Dalhousie decided to annex Jhansi on the ground that there was no male heir. He stressed the point that the ruler of Jhansi was originally a provincial Governor and cannot be regarded as a ruling chief. He also pointed out that the adopted son of a previous ruler, Ramchandra Rao, was also not recognized as his heir.

Lord Dalhousie's reference to the status of the ruler of Jhansi is very misleading. The relevant facts may be summed up as follows:

Jhansi formed a part of the dominions of the Peshwa. Its ruler, Shib Rao Bhaor, however, rendered signal service to the British during the Second Maratha War. In recognition of these services, the British Government, in 1804, while formally recognizing the sovereign rights of the Peshwa, made a treaty of defensive alliance with his nominal tributary, Shib Rao Bhaor, the Subahdar of Jhansi.

3. Sambalpur

Narayan Singh, the ruler of Sambalpur, died in 1849. His widow Rani Mukhyapan Devi assumed the reins of Government, but Lord Dalhousie set aside her claim, and as the late ruler had left no male issue, annexed Sambalpur to the British dominions. It was alleged that no adoption had ever been proposed, and that Narayan Singh, the last ruler, had, during his lifetime, expressly intimated his wish that the British Government should take possession of his principality and provide for his Rani.\textsuperscript{26b}

4. Nâgpur

The Raja of Nâgpur died in 1853. He had no male heir and did not actually adopt any son. Dalhousie regarded Nâgpur as a State belonging to the first category mentioned above, i.e., a creation of the British, and therefore recommended its annexation. But, as will be shown later, Dalhousie's presumptions were wrong, and many of his advisers opposed it on general principles based on the well-known views of Elphinstone, Monroe and Metcalfe. The question was referred to the Court of Directors who supported the Governor-General. Nâgpur was accordingly annexed to the British dominions.

5. General Review

In all these cases the ultimate responsibility for escheat and annexation rests, at least technically, on the shoulders of the autho-
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rities at home, and Dalhousie cannot be held responsible for it. Still, as he held very strong views in favour of annexation which must have largely influenced the opinion at home, he cannot altogether escape the praise or blame for these transactions.

In fairness to Dalhousie, and in order to form a just opinion of the share of responsibility belonging to each of the parties concerned, it is necessary to refer to some of the views expressed in connection with the annexation of Sātārā which was the first case that had to be dealt with by Dalhousie under the Doctrine of Lapse. The contingency arose when Appa Sahib, the Raja of Sātārā, died on April 5, 1848. But long before that event, Sir John Carnac, the Governor of Bombay, anticipated the later decision. When Pratap Singh, the Raja of Sātārā, was deposed in 1839, as described in Chapter VI, Carnac recommended that Appa Sahib, the brother of the ex-Raja, should be appointed his successor. While making this proposal he pointed out that neither the ex-Raja nor his brother had any children or were likely to have any, and then significantly added: “It follows, therefore, that on the demise of the new Raja the Sātārā State would lapse to the British Government”.27 Nor were the home authorities less emphatic on the point. Hobhouse, who at that time presided over the Board of Commissioners for the affairs of India, popularly known as the Board of Control, expressed his views as follows in a letter which he wrote to Dalhousie on December 24, 1847:

“The death of the ex-Raja of Sātārā certainly comes at a very opportune moment. The reigning Raja, I hear, is in very bad health, and it is not at all impossible we may soon have to decide upon the fate of his territory. I have a very strong opinion that on the death of the present prince without a son, no adoption should be permitted, and this petty principality should be merged in the British Empire, and if the question is decided in my “day of sextonship”, I shall leave no stone unturned to bring about that result. But, of course, I should like to have your opinion on the subject”.28

It is difficult to conceive of a stronger pressure from a higher authority on a subordinate, who had just assumed the office of the Governor-General and had not yet formulated his views on the subject. No wonder, therefore, that in a minute, dated August 30, 1848, Dalhousie laid down his views as follows: “I hold that on all occasions where heirs natural shall fail, the territory should be made to lapse and adoption should not be permitted, excepting in those cases in which some strong political reason may render it expedient to depart from this general rule”.29
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As noted above, Dalhousie later modified his policy, and varied it in accordance with the status of the State under consideration. But the views quoted above leave no doubt that annexation by lapse was the generally approved policy, both in India and at home, though there were some Indian officials who held a contrary view. Thus Sir George Clarke, the Governor of Bombay, and six members of the Court of Directors were against the annexation of Sátārā.30

As regards the purely legal aspect, the case of Sátārā is highly instructive. Some English writers have held that it was a well-established principle in India, and the Hindu Law clearly laid down, that the adopted son of a subordinate or dependent ruler had no right to inherit public property, as opposed to private estates, without the sanction of the suzerain authority.31 But, as already noted above,32 no evidence has been cited in support of such a categorical assertion, and its truth may be doubted. But this issue seems to be irrelevant in the case of Sátārā. For, by no stretch of imagination, can it be regarded as a dependent State. The Company's own proclamation, dated 1818, declared that "the Rajah of Sattara, who is now a prisoner in Baji Rao's hands, will be released, and placed at the head of an independent sovereignty...." The Treaty concluded between the restored Raja of Sátārā and the British is quite in accordance with this declaration. "All its language seems that of a convention between equals,...Furthermore, the wordings of the articles reinforce the notion of sovereign equality". For the Raja is called "Chhatrapati", an ancient term denoting independent sovereignty. What is more relevant to the present issue, the Treaty, mentioned above, clearly establishes the right of perpetual succession without any hindrance. "The words in the original for "sons, heirs, and successors" are Persian vocables and phrases, the first implying an own son, the next answering to the idea of an adopted son, the third applicable to "assigns", representatives, or a regency". "The word 'perpetuity' also sudodit could not have been rendered stronger, for the vernacular implies "for ever" "as long as the sun and moon endure". As Arnold justly remarks: "It is difficult to see how an instrument could better assure to a Hindoo prince the rights and the various modes of succession common to Hindu thrones" 33

Bell observes: In the case of setting aside the adoption of Appa Sahib, the Raja of Sátārā, next to that of Colaba, every authority, including Dalhousie, referred to the opinion of Willoughby. This gentleman always refers to a series of precedents going back to the "Imperial house of Delhi" for "the universal and immemorial custom of India", but does not cite a single precedent or a single document except that of Colaba. Willoughby asserts that the Treaty
of 1819 with the Raja of Sátārā "limited the succession to the descendants of the party on whom it was gratuitously conferred". In that treaty there is no such thing. It was a treaty of "perpetual friendship and alliance" with the Raja of Sátārā, his heirs and successors, and contains nothing whatever to restrain the operation of the ordinary law of inheritance. Sir George Clerk, Governor of Bombay, accepted this interpretation and recognized the adopted boy as successor. In the discussion before the Court of Directors and the Board of Control in London, the adoption was supported by a strong minority who made written protests. Mr. R. D. Mangles, the only member on the opposite side who gave a written reply, quoted as a precedent the case of Krishna Rao whose father by adoption had received a grant of a nemnook which was refused him by the Gaekwar. A nemnook is a hereditary pension in money, usually connected with some honorary or sinecure office. The document granting an annuity to the family of a subject and servant is compared by him with a treaty of perpetual friendship and alliance made with a sovereign, "his heirs and successors", and he refers to this treaty as an agreement. Mangles' argument shows that the supporters of Dalhousie were in fearful straits for a precedent.33a

The annexation of Sátārā was "a blow to such reputation for straightforwardness as the Company still possessed". Mr. Elphinstone was shocked beyond measure, and "the treatment of the Satara Sovereignty as a Jageer, he regarded as a monstrous one".34

As regards Nāgpur, Dalhousie wrote an elaborate minute, dated January 28, 1854, in which he proved, to his own satisfaction, that Nāgpur was a dependent State conferred by the British upon Raghuji Bhonsle, his heirs and successors, and that he had died without heirs natural or adopted, leaving no one who had a claim to the sovereignty.35 "The simple question", said Dalhousie, "for determination is, whether the sovereignty of Nāgpur, which was bestowed as a gift upon a Goojur by the British Government in 1818, should now be conferred upon somebody else as a gift a second time".36 The question was not, however, really so simple. The State of Nāgpur cannot be regarded as a dependent State, created by the British, and conferred by them upon Raghuji Bhonsle. It was an ancient Marathā State which, by rights of the Treaty of 1803, stood in the same relation with the British as the States of Sindhi and Holkar. It is true that the ruler of Nāgpur rose against the British in 1818, and the British Government might have, in consequence, annexed it in 1818, or granted it for life, or made any other arrangement. But they did nothing of the kind, and acknowledged the ruler as a suzerain and guaranteed to him, and to "his heirs and
successors", the State of Nāgpur without any new limitation or qualification. This arrangement was confirmed by a special treaty in 1826, by which certain provinces were ceded to the British "for ever", which expression obviously applies also to the portion that was left and constituted the Nāgpur State.37

The other assertion of Dalhousie, that the late Raja made no adoption and there was no claimant to the throne, leading to the more categorical assertion, that the “Raja never adopted a son, and his Ranees neither adopted nor expressed any intention of doing so,”38 can only be regarded as one of those clever half-truths which are deliberately designed to mislead the unwary reader. The fact is that Raghujit Bhonsle III, Raja of Nāgpur, who died in 1853 after a few days' illness, had decided to adopt his grand-nephew, Appa Sahib. He was the nearest collateral heir to the throne, and was chosen to succeed in default of heir-male of the body. He had been brought up in the palace in a way suitable to the dignity of an heir apparent. His mother had given birth to the lad in the palace and a royal salute of 21 guns was given at his birth. He was always seated by the Maharaja's side at all court ceremonials. The king had deferred formally adopting him, probably entertaining the hope of having a son of his own; he was forty-seven when he died, and might therefore still expect progeny.39 But before his death, he frequently represented to the Resident that there was no probability of his having any issue and that therefore he should be permitted to adopt a son as successor to the Raj and territory of Nāgpur, according to the treaty, and according to the custom of the family.40 Immediately after the death of the Raja, the boy was adopted formally by the senior widowed Rani, when the parents of the boy formally handed him over to her.41 The funeral ceremonies and rites of the late Raja were duly performed by Appa Sahib as the adopted son.

The widows of the deceased Raja notified the adoption to the Resident, but suspended the usual pomp and ceremonies, observed on such occasions, pending the formal permission of the British Government. The Ranis frequently requested the Resident to accord the necessary sanction, and submitted three memorials to the Governor-General on the subject. They pointed out that the formal adoption was only "suspended to please the Sircar (Government)", and "should not be construed by it as having been abandoned."42

These facts show the misleading character of the assumptions made by Dalhousie and his apologists, that the Raja of Nāgpur never adopted a son, and his Ranis neither adopted nor expressed any in-
tention of doing so. Indeed such a position would appear almost in-
credible to those who are familiar with the notions, practices and
customs of the ruling families of India at the time. The defence of
Dalhousie and his apologists in regard to the annexation of Nāgpur is
thus not only the weakest of its kind, but may even be regarded as
dishonest. It also conveniently ignores the fact that there were
cases on record within recent memory where, as in the case of Sin-
dhia family, the widowed Ranis, on two successive occasions, in
1827 and 1843, were not only permitted, but even urged to adopt,
as already mentioned above.

As a matter of fact, the widowed Ranis of Nāgpur were denied
any hearing on their behalf. Dalhousie suppressed all references to
their petition for adoption and had the hardihood to say that there
was no claimant to the throne. This was bad enough, but was ren-
dered far worse by the statement of some of his apologists to the
effect that after the decision of Government in favour of annexa-
tion, and after the death of the senior widow at the close of the
year 1855, the Ranis adopted Appa Sahib, and "of course antedated
his adoption."43 No comment is called for on this outrageous state-
ment. Bell's observations on Dalhousie's minute, dated January 28,
1854, are worth quoting:

The Nagpur dominions were not annexed by the Company,
and then conferred as a gift on the late Raja. It was administered
during his minority in his name by British officers until he attained
majority in 1826 when a treaty was concluded in which he was ex-
pressly declared to have "succeeded" to the musnud of Nagpur and in
which he was required to confirm former cessions, which of course
would never have been required or permitted had he received the
principality as a gift or new grant. The late Raja was a Gujar, but
he was also the grandson of Raghuji Bhonsle II. The treaty of 1826
guaranteed the Nagpur dominions to the Raja, "his heirs and suc-
cessors." "Wherever we have guaranteed a Principality to a Hindu
prince, "his heirs and successors," surely there can be no doubt
that no law of inheritance except the Hindu law in all its integrity
was ever contemplated by either party to the treaty. And the addi-
tion of the word "successors" indicates that the protecting power
claims no right to interfere in the domestic policy of the reigning
family, except so far as it is entitled to do so by the express stipula-
tions of the treaty". "The word "heirs" is used in all European and
Indian treaties, to denote the regular succession in the reigning
family; the word "successors"—translated in Persian "jae nishee-
nan", literally "sitters in the place",—while including all heirs, is
used to denote the succession of sovereign power" (Napoleon is not
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an heir but a successor of the Bourbons).\textsuperscript{43a} Bell fully endorses the statements, made above, about the adoption of Appa Sahib (subsequently called Janoojee Bhonsle).\textsuperscript{43b}

In considering the above concrete instances, where the Doctrine of Lapse was invoked to justify annexation, it is necessary to bear in mind one important principle. Even supposing that the adoptions were invalid, and there was no male heir of the body, do they necessarily empower or even justify the British to annex these States, far less impose a solemn obligation to do so? It might be argued, on the analogy of private States, that it would have been a more equitable course, on failure of normal succession, to find out the heir next in kin, or appoint a successor in accordance with the tradition of the family or custom of the locality. Hindu rules of succession go very far in this direction, and failing everything else, a suitable choice could always be made in consultation with the family.

This important consideration was overlooked, or rather deliberately ignored, for there is no doubt that the annexations, though claimed and justified on legal right, were really based upon other considerations. This is quite clear from the policy which Dalhousie himself enunciated, as far back as 1848, when he wrote:

'I cannot conceive it possible for any one to dispute the policy of seizing the advantage of any just opportunity for consolidating the territories that already belong to us, by taking possession of states which may lapse in the midst of them; for thus getting rid of these petty intervening principalities, which may be a means of annoyance, but which can never, I venture to think, be a source of strength; for adding to the resources of the public treasury, and for extending the universal application of our system of Government to those whose best interests, I sincerely believe, will be promoted thereby.\textsuperscript{44}

In other words, Dalhousie "resolved—acting upon an old theory, be it said—to take kingdoms in wherever they made a gap in the red line running round his dominions, or broke its internal continuity."\textsuperscript{44a} Even if we give the most liberal interpretation to his words, annexation is justified because it adds to the consolidation of the British dominion by completing the circle of the red line, or is otherwise advantageous to its administration. His observations on each of the annexed States from this point of view are worth quoting.\textsuperscript{45}

1. SATARA. "The territories lie in the very heart of our possessions. They are interposed between the two principal military stations in the Presidency of Bombay, and are at least calculat-
ed, in the hands of an independent sovereign, to form an obstacle to safe communication and combined military movements. The district is fertile, and the revenue productive. By incorporating Sātārā with our possessions we should acquire continuity of military communication, and increase the revenues of the State.”

2. JHANSI. “It lies in the midst of other British districts, and the possession of it as our own will tend to the improvement of the general internal administration of our possessions in Bundelkhand”.

3. NAGPUR. “Its incorporation, however, with the British Empire would extinguish a Government having separate feelings and interests, and would absorb a separate military power out of which there must always be a possibility that embarrassment, if not anxiety, might some day arise. The incorporation of Nagpur would give to us territory which comprises 80,000 sq. miles producing an annual revenue of forty lacs of Rupees and containing more than four million of people who have long desired to return to our rule. It would completely surround with British territory the dominions of his Highness the Nizam....It would render continuous several British provinces between which foreign territory is now interposed....It would place the only direct line of communication which exists between Calcutta and Bombay almost within British territory.... To sum up all in one sentence, the possession of Nagpur would combine our military strength, would enlarge our commercial resources, and would materially tend to consolidate our power”.

4. Sambalpur was surrounded by British territory.

There were, however, several who opposed these annexations on the ground of expediency. Sir George Clerk and Colonel Low opposed Dalhousie’s policy in the Council.” They contended that “dependent states were useful, inasmuch as they afforded employment to a native nobility and turbulent spirits who would not be employed by us, and who would sink into ‘the dead level’ of the population under our rule; that absorption of native states would therefore create discontent among a large body of men; that the rulers of other native states would be alarmed by these annexations, fearing the application of the same doctrines to their own successions; a childless ruler would feel no interest in the future well-being of his state and might even be tempted to extort as much as possible from his subjects during his lifetime; that our territory was already large enough, and that natives prefer their own rulers to the British Government.”48
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"Sleeman was strongly against annexation, and warned Lord Dalhousie in writing 'that the annexation of Oude would cost the British power more than the value of ten such kingdoms, and would inevitably lead to a mutiny of the sepoy's, a prediction he died just too soon to see fulfilled. He held, as others of his way of thinking did, that the native states were 'breakwaters, and when they are all swept away, we shall be left to the mercy of our native army, which may not always be sufficiently under our control.' Lord Stanley also unequivocally condemned the annexation policy. Sir Henry Russell, Malcolm, and Elphinstone expressed, respectively, the following views on the subject: "I consider the extinction of a Native State as a nail driven into our coffin"; "Tranquillity, not to say security, of our power will be hazarded in proportion as the territories of native princes and chiefs fall under our direct rule"; "The period of our downfall in India will probably be hastened by every increase of our territory and subjects." It would appear that the question of annexation was fought more on the grounds of expediency than on any abstract principle of invalidity of adoption or consequent lapse of succession. This is supported, among other things, by the following passage in a minute of Dalhousie recommending the annexation of Nagpur: "I conscientiously declare that unless I believed that the prosperity and happiness of its inhabitants would be promoted by their being placed permanently under British rule, no other advantages which would arise out of the measure would move me to propose it." The expression, "other advantages", in the above passage, of course, refers to the advantages accruing to the British as mentioned above. We may well believe that Dalhousie was really influenced by these two considerations. The legal aspect of adoption and lapse was merely invoked as a just excuse, and utilised as a good opportunity of carrying out what he desired on other grounds. In short, the motive behind the annexations of Dalhousie was exactly the same which induced Sir Charles Napier and Ellenborough to annex Sindh Dalhousie, however, could always show a plausible excuse, whereas the others were less fortunate in this respect, and so their actions partook of the character of aggressive spoliation. That Dalhousie was prepared, if need be, to follow their example, is proved by his annexation of Avadh and Lower Burma to which reference has been made above.

Dalhousie's administration witnessed the climax as well as the end of a new era of annexation. Whatever one might think of Dalhousie's personal share in the series of annexations noted above, there is some truth in Sleeman's statement, quoted above, that the new
generations of officers formed a school "characterised by impatience at the existence of any native State, and its strong and often insane advocacy of their absorption." He adds that "there is no pretext, however weak, that is not sufficient, in their estimation, for the purpose (of annexation); and no war, however cruel, that is not justifiable, if it has only this object in view."50

In respect of one Indian State, Dalhousie could not carry the Directors with him. The Raja of Kerauli, a State on the border of Rajputana, died in July, 1852, after adopting a boy without the sanction of the British Government, and Dalhousie recommended its annexation. He held that it was a State of the Second Class, mentioned above, and subordinate to the British, as by the third article of the treaty, Kerauli specifically admitted the British supremacy. The Court of Directors, however, held that Kerauli was only a protected ally, and refused to interfere in the adoption. Kerauli was saved, but here, too, expediency, rather than legal right, decided the issue. Lord Dalhousie, though recommending annexation on the Doctrine of Lapse, took care to point out to the Directors that "the state is isolated, and would not consolidate our territories as in the case of Satara." He added: "Though not a very old State, still it is a Rajput principality, and unlike the existing Maratha and Muhammadan dynasties, has the claim of antiquity in its favour. The refusal of sanction to adoption in the case of Kerauli might create alarm and dissatisfaction in the older and more powerful states in Rajputana, as being apparently significant of the intention of the British Government towards themselves."51 This again clearly shows that Dalhousie was influenced less by abstract legal rights or justice and more by considerations of expediency.

Two other petty States, namely, Baghat and Udaipur (to be distinguished from the State of Mewar with its capital of the name), which were annexed by Dalhousie, respectively in 1851 and 1852, were afterwards restored to native rule. As they illustrate how the Mutiny of 1857 had brought about a change in the policy of annexation by lapse, their history may be noted beyond the period under review.

The ruler of Baghat showed unfriendly attitude towards the British during the Nepal War of 1815. For this offence three-fourths of his estate were forfeited and sold to Patiala, and the remaining portion was restored to its ruler, Mahendra Singh. On his death without issue in 1839, Auckland treated his estate as a lapse, but the Court of Directors did not approve of it and Ellenborough restored a part of it to his brother Bijay Singh. This ruler having died in 1849 without issue, Dalhousie referred to the Court of Direc-
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tors whether they intended to recognize the custom of collateral successions in the Hill States of the Panjâb. The Court replied that as a matter of right none but a descendant of Mahendra Singh was entitled to succeed, the succession of Bijay Singh being merely an act of grace. Dalhousie, to whom the final decision was left, annexed the State, but the family of the deceased ruler refused to accept the pension in order to keep open their claim. After the Mutiny Canning entered into a new arrangement by which the son of a first cousin of Bijay Singh became a tributary ruler, and the State of Baghat was granted to him and the “heirs of his body” by a new sanad in 1862.62

Udaipur was a tributary and subordinate State under the Raja of Sarguja. The chief of Udaipur and his brother were imprisoned on a charge of manslaughter, and as the former had no son, his estate was annexed by Dalhousie in 1852. During the Mutiny the two brothers escaped from prison and re-established their authority. One of them died and the other was captured and transported in 1859. But the State was conferred in 1860 on the ruler of Sarguja as a reward for his loyalty during the Mutiny.63 Although theoretically Udaipur was still treated as a lapse, in practice the policy of annexation was reversed.

6. Spoliation of the palaces of Nâgpur and Avadh.

The annexations of native States, one after another, were bad enough, but they were rendered far worse by the method of executing them, at least in some cases. Two notorious cases, namely those of Nâgpur and Avadh, may be cited as illustrations. In a minute, dated 10th June, 1854, Dalhousie noted that the “property of the Bhonsla was considered by the Honourable Court (of Directors) to be fairly at the disposal of the Government.” He, however, did not think it desirable that the property should be ‘either alienated from the family, or given up, to be appropriated and squandered by the Ranis.’ In order to avoid these dangers he suggested that “jewels and furniture, and other personal property, suitable to their rank, having been allotted to the Ranis, the value of the rest of the jewels etc. should be realized, and that the proceeds should be constituted a fund for the benefit of the Bhonsla family.”64

Whatever one might think of this laudable desire, it should have been obvious that the procedure suggested could not be followed without serious wrangles and dissensions, and the sale by auction of the property at Nâgpur, before the eyes of the members of the royal family, would be highly impolitic. It would not fetch a reasonable price and highly exacerbate the feelings of those who re-
garded themselves as victims of a high-handed action of injustice. Nor could it be reasonably expected that the British officials, entrusted with the task, would always act with moderation and a strict sense of justice, as they were unacquainted with the local customs and feelings, and imbued with a haughty feeling of superiority over members of an Indian State which was being ruthlessly spoliating by the orders of the superior Government. The unfortunate and painful incidents that followed need not be related in detail; it will suffice to state that there were unseemly quarrels and disputes between the Ranis and officials, ending in a riot in the palace. The general impression left on all neutral observers may be gathered from the following lines of Kaye:

"The live stock and dead stock of the Bonslah were sent to the hammer. It must have been a great day for speculative cattle dealers at Seetaladee (suburb of Nagpur) when the royal elephants, horses, and bullocks were sold off at the price of carrion; ... the venerable Bankha Bae (widow of the deceased Raja's grandfather), with all the wisdom and moderation of fourscore well-spent years upon her, was so stung by a sense of the indignity offered to her, that she threatened to fire the palace if the furniture were removed. But the furniture was removed, and the jewels of the Bonslah family, with a few propitiatory exceptions, were sent to the Calcutta market. And I have heard it said that these seizures, these sales, created a worse impression, not only in Berar, but in the surrounding provinces, than the seizure of the kingdom itself."

Dalhousie was not inspired by purely beneficent and humane considerations as his minutes would lead one to suppose. The best interpretation of his act may be given in the following words of Mr. Bell.

"He intended absolutely to appropriate the private property of the family, and with the proceeds to supply, or reduce as much as possible, the annual expense of their maintenance. Considering the huge income of the state seized by the British, the Ranis and other members of the family might have been easily spared the indignity and humiliation to which they were subjected for the sake of the amount which the auction sale of their property fetched, and which after paying other expenses constituted the Bhonsla Fund for the benefit and support of the Bhonsla family."

As in the case of Nagpur, the annexation of Avadh was accompanied by needless acts of spoliation of a cruel and barbarous character. Various charges were brought which were thus summed up by Kaye:
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“It was charged against us that our officers had turned the state-
ly palaces of Lucknow into stalls and kennels, that delicate women,
the daughters or the companions of Kings, had been sent adrift,
homeless and helpless, that treasure-houses had been violently bro-
ken open and despoiled, that the private property of the royal family
had been sent to the hammer, and that other vile things had been
done very humiliating to the King’s people, but far more disgraceful
to our own.”68

E. OTHER ANNEXATIONS AND ESHEATS

1. Nana Sahib.

An act of Lord Dalhousie, which has obtained undue promi-
nence, and is usually, though wrongly, regarded as one more appli-
cation of the doctrine of lapse, is the rejection of the claim of
Dhundu Pant, better known as Nana Sahib, the adopted son of
ex-Peshwa Baji Rao II, to the annual pension of eight lakhs of rupees
enjoyed by the latter. Baji Rao died in January 1851, leaving by
a will all his property to Nana Sahib. Nana accordingly took pos-
session of the personal property of his father which he admitted to
be of the value of twenty-eight lakhs of Rupees, though it is gen-
erally believed to be worth considerably more than that amount. On
July 29, 1851, Nana made an application for a continuance of the
pension and Jägir. The Lieutenant-Governor of N.W.P., who first
considered this application, rejected the demand for pension, but re-
commended that the “land contained in Bithur Jaghir should be
allowed to continue free of land-tax during the life of Nana, pro-
vided he continued to reside there”. Lord Dalhousie agreed with
this recommendation, but went out of his way in making some ob-
servations, which were not very happily worded. Referring to Baji
Rao II he said: “He had no charges to maintain, he has left no
sons of his own, and has bequeathed property to the amount of
twenty-eight lakhs to his family. Those who remain have no claim
whatever on the consideration of the Government. Neither have they
any claim on its charity, because the income left to them is amply
sufficient.”69

The words “he has left no sons of his own”, and the reference
to the ample income left by the ex-Peshwa, gave rise to the im-
pression that the decision to discontinue the pension rested upon
two grounds, namely, (1) inadmissibility of the claim of an adopted
son, and (2) the absence of the need. Naturally, the first revived
the whole question of the doctrine of lapse, and the second was
challenged on the ground that if the claims of Nana were just, it is
immaterial whether the property left by Baji Rao II was ample or
not. Actually both these points were debated at length by Nana Sahib as well as the outside critics of Dalhousie.

Really speaking, Lord Dalhousie rejected the application of Nana Sahib on the ground that the pension granted to ex-Peshwa Baji Rao was personal and not hereditary, and even a legitimate son of Baji Rao II, had there been any, would not have been entitled to it. Nana sent a memorial to the Court of Directors. He "relied on the terms of the arrangement, entered into between Malcolm and Baji Rao II, granting a pension to the latter 'for the support of himself and family', and argued that such expression indicates a hereditary grant inasmuch as it is uncalled for in a mere life-grant, which necessarily included the maintenance of the family." The Court of Directors, however, upheld the view of Dalhousie that the pension was not hereditary, and therefore Nana Sahib had no claim to its continuance.60

The point was vehemently argued on both sides, but it is not possible to give a decided verdict on one side or another. While pension undoubtedly means, in a general way, a personal grant, the additional words, mentioned above, may be held to qualify it in favour of Nana. There is, however, no doubt that Malcolm, who negotiated the treaty with Baji Rao II, certainly intended a life-pension and not a hereditary one. This is clear from his letter of June 19, 1818, in which, in support of the terms he offered to Baji Rao, he said, that "if Baji Rao had continued the contest, a course which the agreement with him sought to prevent, the British would have been forced to make military preparations which would have cost more than the value of the life-pension granted to Baji Rao".61 It is a well-known rule of equity that where the interpretation of a word or an expression is doubtful, the intention of the man who used it must be taken into consideration. In accordance with this principle, the view of Dalhousie, upheld by the Court of Directors, must prevail in preference to the contention of Nana. The fact that Baji Rao II himself "often pressed upon the Government the propriety of making a future provision for his family"62 indirectly proves that he, too, regarded the pension as personal and not a hereditary one. On the whole, the legality of the claim of Nana Sahib does not appear to be very strong. In any event, his case was not treated as being affected by the doctrine of lapse, though some words used by Dalhousie might have lent colour to the supposition.

2. Carnatic

The case of the Nawab of Carnatic was of a somewhat different kind. As noted above, by a treaty concluded in 1801, Nawab Azim-
ud-daulla was reduced to the position of a titular dignity, enjoying a pension secured on the revenues, but deprived of all powers of actual administration. On October 17, 1855, Muhammad Ghaus, the Nawab of the Carnatic, died without leaving any issue, and his uncle Azim Jah claimed the rank and dignity of the Nawab on the ground that he was the nearest relation to the deceased Nawab. It was, however, decided that the title of Nawab should be abolished. Lord Dalhousie held that the treaty of Wellesley with Nawab Azim-ud-dualla was a personal one, and though several of the latter's descendants were allowed to succeed, that was due to the favour of the British Government and not by the hereditary right of succession. In support of this view it was pointed out that Wellesley deliberately omitted from the first draft of the treaty all references to hereditary succession of the Nawab. Further, whereas in other treaties, made by Wellesley with the ruling chiefs, as in the case of Avadh, express mention is made of the heirs and successors of the other contracting party, here the treaty was negotiated with Azim-ud-daulla alone. It was urged, on the other hand, that the words, 'of his ancestors', occurring in the preamble and first article, indicate hereditary succession. Reliance was placed also on Article 4 which lays down that revenues of the Carnatic, with the exception of the portion appropriated for the maintenance of the said Nawab, "shall be for ever vested in the said English Company". Against this it was argued that 'for ever' qualifies the enjoyment by the Company and cannot be treated as equally applicable, by inference, to the maintenance of the Nawab, who is singled out as 'the said Nawab'. The use of the word 'ancestors', it was pointed out, merely states a fact but does not create any right, particularly as all reference to hereditary right was deliberately expunged from the first draft of the treaty. More important are the following words used in the preamble to the treaty with reference to its object, namely, "establishing the connection between the said contracting parties on a permanent basis of security, in all times to come; wherefore, the following treaty is now established......for settling the succession to the subadari of the territories of Arcot." These words are certainly very inappropriate if the treaty were intended to be merely a personal one. They certainly indicate that the "framers of the treaty intended it to operate in perpetuity," as was also proved by regular succession of the Nawabs, up to 1855; but it is a debatable point whether these words alone, taken along with the points noted above, give a clear right to the succession of the Nawabs in perpetuity. Lord Dalhousie contended that the two Nawabs who followed Azim-ud-daulla "occupied that position solely by the grace and favour of the British Government and not as of right." But he
had the candour to admit that the uncle of the late Nawab, who claimed to be his successor, was actually referred to as such in certain official papers. He agreed that these references certainly indicated an expectation on the part of the British Government that if Muhammad Ghaus should have no children, his uncle Azim Jah would be allowed to succeed him as Nawab. But, he argued, "to indicate an expectation, or even an intention, is not to recognize or confer a right".

As in the cases of annexations, so, here also, expediency and self-interest played an important part. A minute written by Lord Harris, with which the Governor-General fully concurred, lays down five distinct grounds for abrogating the rights and privileges of the Nawab of Carnatic, if it can be done ‘without a violation of faith’. Two of these may be noted below:—

1. It is not only anomalous, but prejudicial to the community, that a separate authority, not amenable to the law, should be permitted to exist.

2. It is impolitic and unwise to allow a pageant to continue, which, though it has been politically harmless, may at any time become a nucleus for sedition and agitation.

“In later years Azam Jah repeatedly appealed to the home authorities, but they declined to re-open the decision as to the abolition of the title of Nawab of the Carnatic, although in 1867 a new and inferior title of Prince of Arcot was conferred upon him and his heirs by Her Majesty under letters patent. A pension, the dignity of a salute, and certain exemptions from the jurisdiction of the Civil Courts were also granted”.

3. Tānjore

By a treaty concluded in 1799 with Lord Wellesley, Raja Sarroji of Tānjore transferred the whole of his territory, except the fort, to the British Government. He remained the titular sovereign of Tānjore, but his actual sovereignty did not extend beyond the fort where he resided. On 29 October, 1855, died Shivaji, the Raja of Tānjore, who had two daughters but no male issue. Thereupon Mr. Forbes, Resident at Tānjore, proposed, with the consent of the family, that the younger daughter should succeed her father as the elder was on her death bed. He quoted authorities to prove that females could inherit in default of male issue, and cited an actual case in support of it, namely, that in 1735 a Raja of Tānjore was succeeded by his widow. The Council of Madras, attended by Lord Dalhousie, however, decided that the Tānjore Raj was extinct, and
this decision, leading to the annexation of Tānjore, was later upheld by the Governor-General in Council. They, and later, the Court of Directors, which supported them, took the view that the right of 'succession of a female to Hindu Raj' was never recognised by Hindu Law, the isolated cases, like those of Ahalya Bai, being merely exceptions to the general rule in special circumstances.

The real ground for the annexation of Tānjore is revealed by Lord Dalhousie in a minute. Referring to the report of the Resident that the late Raja ‘betrayed a disposition on all occasions’ “to do whatever he knew the Resident would not allow, and to use the whole weight of his authority to frustrate whatever management might be proposed for the advantage of the Durbar”, Lord Dalhousie observes: “I certainly think the British Government would be deeply to blame if it revived this dead sovereign in the person of a young girl, who, helpless now, would be nothing less than a tool in the mischievous hands of others in future years." The Court of Directors added one more reason, namely, the inadvisability of “perpetuating a titular principality at a great cost to the public revenues”.

Now, opinions might differ regarding the right of the daughter to succeed, but if one has to judge on the basis of Hindu laws and precedents, going back to the Hindu period, the succession of a daughter to the throne is not less supported by rules and precedents, nor is more objectionable on general principles, than the British view of the invalidity of adoption made without the previous consent of the sovereign authority.

A more serious issue is involved in the question. The Raja of Tānjore was not a dependent ruler, but an independent sovereign, so far as the last remaining portion of his State, namely, the fort, was concerned. Nor was the State of Tānjore created by the British. So, even according to the principles laid down by Dalhousie as mentioned above, there should not have been any interference with its succession. Even the apologists of the Doctrine of Lapse must admit that the fort of Tānjore, representing the old State of Sātūrā, “was not a fief which could lapse or escheat to the British Government.” This was the view even of a great lawyer who took upon himself the task of vindicating the administration of Lord Dalhousie. There can be hardly any doubt that the British Government had neither the legal nor the moral right to interfere in the question of succession to the Tānjore Raj. The arbitrary procedure by which Tānjore was annexed was rendered far worse by the seizure of even personal and private property of the family. It is unnecessary to refer at length to the litigation arising out of it, both in India and in England. Suffice it to state, that the Supreme Court at Madras
had decided in Rani’s favour, and the Privy Council set aside the
decision only on the ground that, as the Governor-General had acted
for the Company in his interpretation of a treaty, a law-court could
take no cognisance of the Rani’s plaints. Lord Kingsdown, however,
declared that the Company had no legal claim to the property and
the titular dignity of Tānjore. Presumably in view of this com-
ment, the British Government made partial amends for their high-
handed acts of injustice by returning that portion of the property
which they admitted to be private.

The annexation of Tānjore leaves no doubt that the British
Government under Dalhousie pursued “the steady policy of seizing
every chance of aggrandisement”, on any pretext, fair or foul.

4. Berar

Reference has been made above to the Treaty with the Nizam
of Hyderabad on October 12, 1800, by which the Nizam undertook
to maintain a body of troops, officered by the British, at his own
expense. By the article 12 of this Treaty the Nizam was also re-
quired to supply the British, in case of war, an additional force of
6,000 infantry and 9,000 horse of his own troops. This force proved
very inefficient during the Marāthā campaigns of 1803, and the British
urged upon the Nizam the necessity of improving their training and
discipline. They pointed out that as the Subsidiary Force was only
meant for fighting outside enemies, a highly efficient body of troops
was necessary for quelling internal disturbances. Thus came into
existence, with the acquiescence of the Nizam, a new force known as
the Russell Brigade, after the name of the Resident, Henry Russell.
This subsequently developed into the “Hyderabad Contingent”. It
was officered by the British and employed, along with the Subsidiary
troops, in the military campaigns of 1818 against the Pindāris and
the Marāthās. The Resident Russell himself wrote to the Commander-
in-Chief: “In fact they belong to the Nizam’s army in name only;
they consider themselves as Company’s troops, and for all practical
purposes they are as much so as those on our own immediate
Establishment”.

But though the troops belonged to the British, the cost of main-
taining it proved a heavy burden to the Nizam, and he was conse-
quently in arrears in respect of the expenditure of the “Contingent”
It was, however, quite patent, that the Nizam was not bound to
maintain the Contingent, and Dalhousie himself knew it better
than others. Writing to the Resident he observed: “If however the
Nizam should turn upon us and deny the obligation existing by
Treaty, I am bound as a public man to say that I could not honestly
agree that there was any other warrant than that of practice for
upholding the Contingent.....but if he (Nizam) were to take his
stand upon the Treaty, I could not argue that either the letter or
the spirit of it bound the Nizam to maintain 9,000 troops of a peculiar
and costly nature in peace, because it bound him to give 15,000 of
his troops on the occurrences of war.”76

Dalhousie therefore wanted to legalise the whole thing by a
supplementary Treaty, and adopted the tactics of a bully to force
the consent of the Nizam. On June 6, 1851, Dalhousie wrote to the
Nizam demanding, among other things, the payment of the arrears
of the Contingent troops, or, in the alternative, the cession of cer-
tain districts in his dominions, known as the Berars, to the Govern-
ment of India for their maintenance. This demand was accompanied
by the threat that otherwise the Nizam would incur the displeasure
of the British Government whose power, he said, “can make you
as the dust under foot and leave you neither a name nor a trace.”76
Fearing the dire consequence, the Nizam cleared a major portion
of the debt by paying 45 lakhs as the first instalment and promis-
ing to pay the balance of 35 lakhs by the end of October, 1851. But
by March, 1853, the arrears again amounted to 45 lakhs76a and the
Resident informed the Nizam on March 12, 1853, that the Gover-
ment of India could no longer rely on promises, and peremptorily
demanded the cession of Berar. For once the Nizam took courage in
both hands and said to the Resident Colonel Low: “Colonel Sahib,
I want to ask you a question about that Contingent.....” (After
referring to the war which necessitated the Contingent he con-
tinued): “The Company’s army and my father's army conquered the
ruler of Poona.....after that there was no longer any war, so why
was the Contingent kept any longer than the war”? The Resident,
unaccustomed to such language, exclaimed in righteous indignation
that he could not answer questions about events that occurred thirty-
six years ago. He then bluntly told the Nizam that his predecessor
did not object to the Contingent and so it was there.77 The Resident
then demanded the immediate payment of all the arrears includ-
ing principal and interest, and refused to accept the guarantee of the
principal nobles of the State for the regular payment of the Con-
tingent. The Nizam asked him: “suppose I were to declare that I
don’t want the “Contingent”? ” The Resident replied that in that
case the Contingent would be disbanded, but only by gradual stages,
and the Nizam must cede territories, temporarily, to ensure the
regular payment of troops till such time when the whole force
would be disbanded.78 Being pressed for a definite reply, the Nizam
said: “If you are determined to take districts you can take them
without my either making a new treaty or giving any answer at
all". After the abrupt end of the interview the Resident told a noble of the Nizam's court: "I must now immediately report His Highness's obstinacy and folly to my own Government, and if His Highness does not forthwith depart from His present foolish conduct, he will assuredly hereafter have much cause to regret that folly,—but that this will be no fault of mine." The Resident also told the Diwan that in case the Nizam fails to comply with the demand it might be necessary to employ force.

The rest may be briefly told. A new treaty was concluded with the Nizam on May 21, 1853. By Article 3 of this Treaty the Government of India undertook to maintain "for His Highness" an auxiliary force to be styled the "Hyderabad Contingent", consisting of not less than five thousand infantry and two thousand cavalry, commanded by British officers and controlled by the British Government. For providing the regular payment of the troops and cancelling the old debt, the Nizam assigned the fertile districts of Berar, the cotton garden of Hindustân, the Raichur doab, sixteen villages, and some other territories to the exclusive management of the British. This was a concession to the sentiment of the Nizam. Instead of the legal cession of the territories, to which the Nizam was strongly opposed, the Berars were handed over to the management of the British who acknowledged, in theory, the sovereignty of the Nizam over them. But if this encouraged the Nizam to look upon the cession of the Berars as temporary or redeemable in future, he and his descendants were sadly disillusioned. In spite of repeated endeavours on their part, they could not get back the Berars, and ultimately Lord Curzon imposed a new treaty upon the Nizam on November 5, 1902, by which the districts were leased in perpetuity to the British. As a compensation for this, the Nizam secured the privilege of being called "His Exalted Highness" instead of mere "Highness".

Some apologists of Dalhousie have praised him for his moderation in his dealings with the Nizam. This is not altogether unfounded, for whereas the Court of Directors and the Board of Control were in favour of stronger measures, and some officials even suggested the annexation of Hyderabad, Dalhousie scouted these ideas and was satisfied only with the Berars. In this connection a letter of Dalhousie is quoted in which he refused to "put the treaty (with the Nizam) into the fire and walk over him", thus illustrating "the old story of the wolf and the lamb over again, a policy which has abundance of advocates both in this country and at home." The apologists forget that an act is to be judged on its own merits, and cannot be regarded as commendable or praiseworthy simply because
it is less criminal than what was advocated by others. It is gratifying to note that there was at least one Englishman who had the courage and honesty to depict the conduct of Dalhousie in its true colours.\textsuperscript{37} He had ample opportunity of knowing the facts, as his father, General James Stuart Fraser, was the Resident at Hyderabad during the period of most of the transactions noted above. He has argued at great length, and with conspicuous ability, that the British Government had no right to maintain the Contingent for doing the same service which should have been performed by the Subsidiary Force for which the Hyderabad State paid by a large territorial cession. This Subsidiary Force, he points out, was reduced, without the Nizam's consent and in disregard to treaty obligations, for a lengthened period, to a lower strength than that specified, at a great pecuniary saving to the British Government. Such reduction was made possible mainly in consequence of the services rendered by the "Contingent" and the expenditure thereby imposed upon the Hyderabad State. "The Contingent", he said, "therefore did our prepaid work at Nizam's expense". He quotes a despatch of the Government of India, dated 7th October, 1848, which contains the following:

"His Lordship in Council agrees with Colonel Low in thinking that we cause the Contingent to become a much heavier burden on the Nizam's finances than it ought to be. The Staff, in the opinion of the Governor-General in Council, is preposterously large. The pay and allowances and charges of various kinds, are far higher than they ought to be".\textsuperscript{58}

Lord Dalhousie also had said on other occasions that the "Contingent" was "unfairly large and too expensive", and admitted its extravagant costliness. And yet, the Despatch continues, "His Lordship in Council does not think that we are called upon in justice to reduce a man of the force". It is true that in the same Despatch the Governor-General professed to be "prepared" and very willing "to make every exertion" that "might safely diminish" those charges "as vacancies occurred and as opportunities offered".\textsuperscript{59} During the five years that followed, vacancies did occur and opportunities did present themselves, but Dalhousie did nothing. The cost of the "Contingent" in 1849 was thirty-eight lakhs and a half, and continued to be the same till 1853 when the Nizam was forced to cede the Berar Districts for its upkeep. Yet in the very first year after the cession the cost was reduced to seventeen lakhs and a half of Rupees. If, therefore, the cost were reduced in 1849, the savings effected during 1849-53 would have been more than the debt for which the Nizam was forced to cede Berars. If to this be added the
savings effected by the unauthorised reduction of the Subsidiary Force by the British, the Nizam would have been a creditor instead of a debtor.

It is not a little curious that the biographers of Dalhousie, not even Lee-Warner who published his two big volumes in 1904, have dealt with this aspect of the question, although it was forcefully presented in a book, written as far back as 1885. Carefully considering the facts mentioned above, one would feel less enthusiastic over the letter of Dalhousie, quoted above, in which he denounced those who wanted to put the treaty with the Nizam into fire and thus play the wolf to the lamb. Dalhousie did not put the treaty into fire, but certainly kept it in cold storage, and his behaviour to the Nizam differed in degree, but not in kind, from that of the wolf to the lamb in the well-known story of Aesop.

One of the pleas advanced in their support by the Government of India is that the Nizam did not object to the "Contingent". The fact is that the British managed the affair of the "Contingent" with the help of Chundoolal, the chief minister of the Nizam, and this man was upheld by irresistible British power as the head of the Hyderābād administration for more than thirty years for the purpose of compelling the Hyderābād State to maintain out of its revenues the "Contingent" which no treaty recognised or justified.90 How the British authorities took good care to keep Chundoolal in his post will be apparent from the following instructions of the Governor-General, Marquess of Hastings, to the Resident at Hyderābād in a letter dated October 25, 1822: If the Nizam were to indicate any wish to remove the Minister he should be given to understand "that the removal of Chundoolal would cause a material change in the connection between the two Governments. It would be fitting to throw out, as if loosely, that should a minister in whom the British Government could have no confidence be entrusted with His Highness's concerns, it might be incumbent on the British Government to look to its interests in another mode than what had hitherto sufficed, and to claim for itself, as standing in the Peshwa's position, all those rights over the Hyderābād dominions which that Prince had possessed. The Governor-General in Council holds the good faith of this Government to be staked for the maintenance of Chundoolal in his office, unless he shall be guilty of some distinct delinquency".91

That the Nizam felt the galling yoke of Chundoolal, whom he was unable to remove, will be clear from the following account of the interview between the Nizam and the Resident on June 26, 1852:
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"The Nizam entered upon, as he generally does at every inter-
view I have with him, a long explanation of the difficulties and
disordered condition of the State which he dated from the time of
Maharaja Chandooolal." This is a pathetic picture of His Highness
the Nizam fuming and fretting against the maladministration of a
minister, maintained against his will simply in the interest of the
British. It is through pliant tools like Chandooolal that the British
kept under check the rulers of Native States, and then found faults
with them for not doing what they had no power of doing.

5. Minor Annexations

A brief reference may be made to several other annexations
of Dalhousie. The State of Sikkim lay to the north of Bengal at the
foot of the Himalayas. Friendly relations subsisted between this
hilly State and the Government of India, and after the Nepal War,
Sikkim received some territories out of the spoils of the war. In
1835 the Raja of Sikkim granted the territory round Darjeeling
in perpetual lease to the British in return for an annual payment.
The minister of Sikkim thereby lost heavily as it interfered with
slavery and his monopolies of trade, and tried in vain to come to an
agreement with Dr. Campbell, Superintendent of Darjeeling.
In 1849 while Dr. Campbell and Sir Joseph Hooker, the famous
Botanist, were touring in Sikkim, with the permission of the Raja,
for some scientific investigations, they were seized by some royal
officials and attempt was made to extort from them the privileges
demanded by the minister. In spite of strong protests, the two pri-
soners were not released until a small military force was despatched
to the frontier. The Raja was called upon to present himself to the
British authority together with the guilty persons. Though the
first demand was withdrawn and the Raja was asked only to sur-
rrender the guilty officials, he did not do so. Troops were therefore
sent to occupy certain districts of Sikkim, and the annual payment
for Darjeeling was withheld. While all this was taking place,
Lord Dalhousie was absent from the capital, and though he
thought that the Council had betrayed a lack of firmness, he ap-
proved of their action. But on May 4, 1850, the President of the
Council recommended the annual payment to the Raja of Rs. 12,000
on the ground that he had suffered heavy losses on account of the
occupation of his territory and withdrawal of the rent for Darjeeling.
Lord Dalhousie strongly disapproved of this proposal and insisted
on the course already decided upon. The Council once more urged
upon the Governor-General the extension of the mercy and bounty
of the Government. As Lord Dalhousie remained firm, the question
was referred to the home authorities who administered a strong
rebuke to the Council and fully supported the Governor-General. The Council thereupon raised the constitutional issue, claiming full authority during the absence of the Governor-General. But on this issue, also, the home authorities decided against them. Ultimately an outlying tract of Sikkim, about 1670 sq. miles in area, was added to British India.

Reference will be made later, in Chapter VIII, to the recovery of certain territories from Ali Murad of Khairpur on the charge of forging some documents.\(^{04}\) While there is no reasonable doubt about the guilt of Ali Murad, the following comments of Arnold deserve serious consideration in forming a just estimate of Dalhousie’s responsibility in the matter. “It was doubtful if Mir (Ali Murad) was personally responsible for the forgery, but he was no doubt the person to be held justly responsible. . . . But the punishment was too severe. He was reduced from his principality with its annual revenue of about £175,000 per annum to the position of an ordinary jagirdar with an estate yielding no more than £35,000 or £40,000 a year. . . .

“The fault of Lord Dalhousie’s proceedings lay in this that it made our Government judge, accuser, jury and feed barrister in one. Whatever may be thought too of the justice of the sentence, it has been fairly remarked that in trying the Amir Ali Murad—a sovereign prince—by a commission of its own servants, by delivering sentence against him and by making that sentence equivalent to a forfeiture of his rights and privileges as a sovereign, the Government of India declared itself the absolute master of every prince in India, all treaties to the contrary notwithstanding.”\(^{96}\)

Reference has been made above\(^{96}\) to the unjust annexation of the petty State of Câchâr in Assam. Angul, another petty State in Orissa, was annexed, as its ruler was suspected of aiding the Mariah sacrifices (sacrifice of human beings by the Khonds) and had “the temerity to resist the authority of his seigneurs.”\(^{97}\) The ruler of Sambalpur, Narayan Singh, died in 1849 without leaving an issue. He is said to have desired that his country should pass to the British, and it lapsed “without complaint or claim”.\(^{98}\) Jaipur, another petty State of 165 sq. miles, was annexed when its ruler died in 1849 without any male issue.\(^{99}\)

It has been claimed by Lord Dalhousie himself, or on his behalf, that he showed wonderful restraint and moderation in not annexing States even when favourable opportunities offered themselves. One such instance was furnished by the death of the Nawab of Bahawalpore, who loyally helped the British during the rebellion of Mulraj in Multan.\(^{100}\) The inheritance was disputed and an appeal
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was made to the British Government, but Dalhousie refrained from all interference. "Nothing would have been easier", wrote he on this occasion, "than to derive advantage, direct and prospective, by meddling with the quarrel for succession." Arnold's remark on this is worth quoting: "Is it really an English statesman who speaks, or the wolf in the fable, that paid the crane for taking the bone out of his throat, by not biting off his head"?\textsuperscript{101}

Dalhousie also did not derive advantages from the fighting in Kāshmir between Gulab Singh and his nephew Jawahir Singh, and it is claimed that "the Government of India was loyal both to the spirit and letter of its obligations". Arnold's comment on this is equally interesting: "Was there then no "spirit" that restrained or should have restrained—while the letter permitted confiscation—in other cases as well as that of Jummo? These foils of virtuous self-denial render the instances of agrandisement rather darker".\textsuperscript{102}

It has also been suggested that, in making the annexations, Dalhousie was merely carrying out the orders of the Court of Directors or giving effect to the principles laid down by them. His own attitude is, however, quite clear from his own words. "The king of Oudo", he wrote in 1853, "seems disposed to be bumptious. I wish he would be. To swallow him before I go would give me satisfaction".\textsuperscript{103}

6. Bengal

It would not be irrelevant in the present context to refer to an incident which throws a lurid light on the imperious temperament of Dalhousie and his habitual disregard of treaty rights of the Indian rulers. It was in connection with the Nawab Nazim of Bengal, to whose ancestors the British owed almost everything they possessed in India and whose relation with the British was regulated by a series of treaties. A petty theft having been committed in the camp, two persons were tortured to extort confession and died, probably as a result of the beating, though there was no positive evidence in support of the conjecture. Several servants of the Nawab were tried on a charge of complicity in this murder, but were acquitted by the Sadar Nizamat Adalat, which, however, convicted and condemned the guilty parties. Lord Dalhousie, in 1853, pronounced the Nawab guilty of allowing "a monstrous outrage upon humanity to be perpetrated under his very eyes", evidently on the assumption that the Nawab must have been cognisant of whatever occurred in his hunting camp, even when he was absent. Further, Dalhousie held that the persons acquitted by the Sadar Nizamat Adalat, the highest court of justice in India, were guilty, and asked the Nawab
to explain "why he continued to show favour and countenance to those who were concerned in the murder" (in the opinion of his Lordship but not in that of the judges). The Nawab replied that "when they were acquitted by the Sudder Court, after being so strictly tried, I really thought them to be not guilty". Dalhousie declared the reply to be "most unsatisfactory", and peremptorily asked the Nawab "to dismiss them altogether from his service" and to "hold no further communication with any of them".

General Colin Mackenzie, who was Agent at Murshidabād in 1858, and who carefully analyzed the case in a report to Government, observed:

"His Highness had an undoubted right to be of the same opinion as the Sudder Nizāmat, but this Lord Dalhousie would by no means permit, and being in the only position in the world in which a British sovereign or subject can punish those who have been legally acquitted, he decided that the eunuchs were guilty, and punished His Highness for believing them innocent, not only by depriving him of air and exercise, and of his right to have his travelling expenses paid from the Deposit Fund, but by recommending to the Court of Directors to diminish His Highness's stipend, to take away the salute of nineteen guns.........He...even brought in a Bill depriving his Highness, his family and relations, including the ladies, of all immunities and rights which had been secured to them by Treaties, by pledges from successive Governors-General, and by no less than four Acts of Council."

The Nawab's remonstrances were of no avail. The Court of Directors sanctioned all the proposals of Dalhousie except the reduction of stipends and the abolition of salute, which was, however, reduced from 19 to 13. As a reward for his loyal services during the Santal rebellion of 1855 and the Mutiny of 1857, Lord Canning restored to the Nawab most of the privileges taken away by Dalhousie.104

1a. THG (353).
1b. Arnold, II. 5.
2. Warner, II. 115.
4. Some complaints were made before, but they were evidently of too trivial a nature even in the estimate of the Government of India. In a letter addressed to the King of Ava on November 17, 1851, Dalhousie wrote: "From time to time complaints have been preferred to the Government of India.....but the Government of India was unwilling to believe them." Cf. B-II. 49 ff.
5. Jackson, II.
7. Ibid, 185; Arnold, II. 118-9. For the cases of Dhar and Indore in 1834, cf. PIHRC, XXXIV, 134 ff.

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12. The account that follows is based on H. L. Gupta's paper in JIH, XXXVI, Part III (December 1958) pp. 397 ff. which gives full references.
13. Ibid, 400.
16. Ibid, 408.
17. Warner, II. 150.
18. Ibid, 155.
20. SBE, XIV. 75-6.
21. Bell-II, 156; cf. also pp. 140-53. "Sir John Malcolm, who understood 'adoption' and the Indian attitude towards it better than anyone else, twenty years before Dalhousie's time (November 14, 1829) expressed this opinion: 'Adoptions, which are universally recognised as legal among Hindoos, are not a strict right (any more than direct heirs) where grants of land are for service ... But while a few have been permitted to adopt, others are denied the privilege; and while we declare their direct heirs are entitled to succeed, we lie in wait (I can call it nothing else) to seize their fine estate on failure of heirs, throwing them and their adherents and the country into a state of doubt and distraction'." THG (354, fn. 1).
22. Warner, II. 152.
23. Jackson, 13; Bell-II, 147.
25. Dalhousie's Minute of February, 1856, para. 27 (Bell-II, p. 19).
26. CHI, V. p. 582.
26a. Bell-II, 212-3. According to Dr. S. N. Sen the adoption by the queen of her sister's son was invalid, according to local custom, as he belonged to a different family. (S. N. Sen: Eighteen Fifty-seven, p. 267).
26b. Sambalpur DG, 26-7; Calcutta Review, XXII (35), XLII (180).
27. Warner, II. 160.
29. Ibid, 162.
31. Warner, II. 152.
32. See pp. 62, 64.
33. Arnold, II. 110-11.
33a. Bell-II, 162-172.
34. THG, (357).
35. Warner, II. 178.
36. Jackson, 17.
38. Jackson, 16-17. Lee-Warner says that "there was not even the pretence of an adoption" (II. 179).
40. The Ranees stated this in their representation to the Government of India (Arnold, II. 182).
41. Bell-II, 178.
42. Arnold, II. 157, 162.
43. Jackson, p. 23 fn.
43a. Bell-II, 193-7. Some passages are omitted or slightly altered.
43b. Ibid, 174 ff.
44. Arnold, II. 12. The Italics in the quotation are mine.
44a. Ibid.
45. Jackson, 35-37.
47. THG, 408 (363-4).
49. Jackson, 21.
50. THG, 382 (340).
52. Ibid, 167.
53. Ibid, 168.
54. Jackson, 74.
55. Ibid, 75.
61. Jackson, 61.
62. Ibid, 54.
65. Jackson, 103-4.
67. Jackson, 110.
68. Ibid, 111.
69. Ibid, 112.
70. This occurred after the departure of Lord Dalhousie.
72. Arnold, II. 182.
73. Vol VIII. Aitchison, IX. 62.
74. A History of the Hyderabad Contingent by R. G. Burton, (Calcutta, 1905), p. 35. This and many other official documents referred to in this section are quoted in PIHC, XX. 252-9.
75. Fraser, 376.
76a. The following observations of Major Moore, one of the Court of Directors, throw some light on the accumulation of arrears: “Overwhelmed with financial difficulties, the Nizam was at length unable to pay the Contingent, and we kindly lent him the money from our own treasury, first at 12 per cent, and latterly at 6 per cent, interest; and thus our staunch Ally incurred a debt to us of about fifty lakhs of rupees” (Papers, Nizam’s Debt, 1859, quoted by Bell, The Bengal Reversion, p. 54.).
77. Hyderabad Residency Records, Vol. 91 (Foreign Department), L. No. 70 of 1855.
79. Ibid, para. 20.
80. Ibid, L. No. 79.
81. Ibid, L. No. 81. Fraser, 376.
82. Aitchison, IX. 85.
83. Arnold, (II. 144) refers to them as “a few other Jewels picked out of the territory of the old Nizamate” and “some of the best soil in India.”
84. Aitchison, IX. 165.
85. General Fraser, the Resident at Hyderabad, suggested that the Government of India should take over the temporary management of the Nizam’s territories till the finances of the State improved (Fraser, 326).
86. Quoted by Lee-Warner (II. 126) in support of Dalhousie’s policy of moderation.
87. Memoirs and Correspondence of General James Stuart Fraser by Col. Hastings Fraser (London, 1885), Chapter IX, pp. 351 ff. Arnold (II. 145) also strongly condemns Dalhousie’s action and comments: “It is flatly impossible, unless one law of morality prevails in Europe, and another in Asia, to accept Lord Dalhousie’s declaration that ‘the conduct of the Government of India towards the Nizam…has been characterised by unvarying good faith, liberality and forbearance…”
88. Ibid, 353.
89. Ibid, 354.
90. Ibid, 358.
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91. Ibid.
92. Ibid, 374.
93. This is the official version (Warner, I. 378-80). In view of many instances where similar accounts of annexations, laying the whole blame at the door of the Indian rulers, have proved to be wholly or partially inaccurate, it may be doubted whether the affairs at Sikkim, reported above, represent the whole truth. This doubt is enhanced by the fact that Lee-Warner does not refer to brutal outrages and tortures inflicted upon Dr. Campbell, described in minute details by Arnold (II. 185). The lenient view taken by the Council about the ruler of Sikkim is hardly compatible with such barbarous conduct on his part. Evidently these wild reports were first spread to prejudice the case against Sikkim, but later found to be baseless. (After the above note was in print, the author has come across some documents which show that his doubt about the authenticity of the official account was fully justified. A critical and comprehensive account of the British relations with Sikkim, based on these documents, will be given in Chapter XXXII.)

94. For a detailed account, cf. Arnold, II. 188 ff.
95. Arnold, II. 196-8.
96. Chapter V.
97. Arnold, II. 183.
98. Arnold, II. 187; Lee Warner, II. 167.
100. See Chapter X.
101. Arnold, II. 201.
102. Ibid.