

LONDON, HOUSE OF COMMONS.

MARCH 8, 1787.

CHARGES AGAINST WARREN HASTINGS, Esq.

MR BURKE called the attention of the House to their present situation respecting the prosecution in which the House was engaged. He observed that by the rules prescribed many years since by the Court of Directors, the servants of the Company were obliged to send home copies of all their various correspondence, as well with each other as with the natives on the business of the Company, in order not only that the Directors at home might be fully masters of all that passed in India, affecting their interests, but also that proofs of the conduct of their servants there might be lodged here at the India House, as a body of evidence to convict them in case of any negligence, or disobedience, as the case might be. This was undoubtedly a necessary but a wise precaution, but it was more or less useful as the rule was rigidly adhered to. In the case of Mr. Hastings the most glaring instances of disobedience of this rule had occurred. Whenever the late Governor General thought proper, he mutilated, garbled, or suppressed his correspondence, and one of the great difficulties of carrying on the prosecution against that Gentleman arose from this circumstance, a circumstance involving in itself a charge of very considerable weight and importance. Another difficulty arose from their ignorance what papers to call for. Mr. Burke informed the late charge; he said, he had called for the Farruckabad papers, and he thought that all of them had been presented, but a very respectable Member of that House, a worthy Major, had afterwards called for others in another manner, and had by that means furnished the House with the Persian correspondence, which proved to be material. Mr. Burke reasoned upon this, and informed the House of a fact worthy their consideration; it was, that the attorney of Mr. Hastings was the attorney of the East India Company, in defence of whose rights, and for the punishment of whose servants that House was now carrying on a prosecution! He pointed out the manifest advantage that this circumstance gave Mr. Hastings over the House, for while they were groping in the dark, and guessing at what papers they ought to call for, Mr. Hastings's attorney, who had daily access to all the Company's papers, might lay his hand on any of them, and come to the Bar of the House of Lords, there produce some paper or other, that might overturn the whole of the evidence they had been able to come at, and enable Mr. Hastings to laugh at the prosecution. Mr. Burke submitted these matters to the consideration of the House, and concluded with moving a string of motions for papers, which were granted.

The Chancellor of the Exchequer suggested it to the Hon. Baronet, who was to bring forward the Charge on the Subject of Contracts, as it was a Charge of a very extensive nature, to allow Gentlemen a few more days to make themselves masters of it. He declared for one, he had not had time to examine the subject fully.

Sir James Erskine readily consented, and the Order for this day was discharged and a new Order made for this day fortnight.

MARCH 14.

ORDERS OF SECRECY TO THE EAST-INDIA COMPANY'S SERVANTS IN INDIA.

Mr. DENNIS, (who had before produced his Motion, but suspended it while Mr. Dundas withdrew to fetch a copy of the letter to which the motion alluded) rose, and moved, that

"Copies of all orders sent out by the directors to the East-India Company, since the year 1784, forbidding the servants in India, to correspond with their friends at home relative to the affairs of the East-India Company; together with copies of all notifications of the said orders in India," be laid before the House.

Mr. DUNDAS said, in order to enable the House to judge properly of the complaint which gave rise to the motion then before them; he would read to them, the order from the Board of Control, that had been complained of, the Court of directors letter upon it, with the reply of the Board of Control to that letter. It appeared from the paper, that the Court of Directors disapproved of the order of the Board of Control, and assigned as an argument in support of their opinion, that material intelligence had frequently been conveyed to them through the medium of private letters from some of their servants, of which no mention had been made in their official dispatches. In answer to this, the Board of Control had taken the liberty to state to the Court of Directors, that they had made no new order, but had merely recommended

the enforcement of various orders of their own, referring them to the orders of 1731-2, and a great many others of different dates between the year 1731 and the year 1759. Mr. DUNDAS reasoned upon this as amounting to an unanswerable proof, that the Board of Control had not acted improperly, and that the papers called for were unnecessary. Mr. DUNDAS reminded the House, that there was such a thing as India Stock, and mentioned the gambling in that Stock, in consequence of secret advices from the confidential servants of the Company as a matter, that it was the duty of the Board of Control to guard against.

Mr. SHERIDAN maintained the direct contrary argument, asserting, that the contents of the paper proved, that under the idea of enforcing a particular order, particularly confined to the confidential servants, and those in places of special trust, an advantage had been taken by the Board of Control, and an order had been sent out, under sanction of which all the Company's servants of every description had been generally interdicted from writing to their private friends at home, any account of, or opinion upon the affairs of the Company transacting in India, [Mr. Dundas desiring the Hon. Gentleman to recollect the words of the paper.] Mr. SHERIDAN said, if he had the paper to refer to, he was satisfied he would convince the House that the true construction of it was very different, from that put upon it by the Hon. and learned Gentleman. The paper being upon this handed across the table to Mr. SHERIDAN, he began to read the contents, and to comment, as he proceeded with a view to fix its meaning to his argument. He contended that the preamble of the Order stated, that it was necessary to engage the confidential servants of the Company in India to secrecy, and that after it had been so stated, the Order in itself was general, and equally binding up all the servants of the Company of whatever description.

Mr. DUNDAS replied, and contended, that the Hon. Gentleman had so mingled and blended the parts of the paper that he had read, with his own comments upon each, that it was impossible for the House to form any distinct idea of either. Mr. DUNDAS went into a good deal of argument to justify his former speech, the principles of which, he said, were founded upon the paper in his hand; whence it appeared, most incontestably, that the Board had done no more than recommended the enforcement of the old orders of the Court of Directors. He concluded with declaring, that he should object to granting the papers called for, adding at the same time, that if the motion were agreed to, it was not so drawn as to render it possible for it to procure the information wished by his Hon. Friend who had moved it.

Mr. FOX said, the Hon. and learned Gentleman's own argument proved what his Honourable Friend had before contended, viz. that under a pretence, of sending out an order, binding only upon the select confidential servants of the Company in India, advantage had been taken, and a general interdiction had been laid on all the Company's servants, to prevent their writing to their private friends at home, any account of what was passing in India. Mr. FOX spoke with great severity on so unprecedented a step, declaring that the consequences could not be but mischievous in the extreme degree. In India, above all other Governments, he said, publicity was to be wished for: if any thing could give hopes to the affairs of the Company, being restored to prosperity the publicity of the transactions in India must be the foundation of those hopes. He asked under what government were men restrained from freely communicating their sentiments upon public affairs to their friends? Under no government that he had ever heard of. With regard to persons in confidential office betraying secrets of state, there wanted no special order to prevent that. Men so situated were bound by their duty to preserve inviolable secrecy, and in all countries whoever of that description, betrayed his trust by broaching what of necessity should have been concealed, was deemed guilty of an high-crime, and was liable to severe punishment. Mr. FOX reasoned upon this with great force of argument, reminding the House that in this country the violation of secrecy in persons in responsible offices, was punishable by the law of the land.

Mr. BURKE began with reminding Mr. DUNDAS, that he had himself collected and made public a vast fund of information upon the politics, the commerce, and the revenue of the British possessions in India, and he begged to ask him whether he could have been able to have drawn together such a mass of material, if it had not been for the free communications of the Company's servants in their private letters? He wished to know likewise, whether the Hon. and learned Gentleman thought his Reports of the Secret Committee had done any injury to India? With regard to himself he declared, he could not have been able to have pro-

ceeded half the length he had gone in conducting the prosecution then carrying on, had it not been for the accounts sent home in the private letters of the Company's servants. From these, and from letters sent him anonymously, and from private communications with whose names even he was not acquainted, he declared he had gathered much important information. Mr. BURKE enforced a similar argument with that used by Mr. FOX, as to the advantage of publicity, with respect to every transaction in India; upon that alone, he said, depended the safety, nay, the existence of our interests in that quarter of the globe. The order he contended was on another account altogether unjust. The servants of the Company in general, so far from being admitted to be loquacious communicative, were remarkably sparing of their information. Now, is far from its being easy to get any thing from any of them that House had witnessed that they almost preserved a Paphlagonian silence, for that House with all its authority had scarcely been able to squeeze any the smallest indication from the confidential servants of some of the Company's servants who had been been at their bar. Mr. BURKE added a variety of other arguments to prove the order as unjust as it was, in his opinion, unjustifiable.

The Chancellor of the Exchequer rose, and with great vivacity and ingenuity retorted upon Mr. BURKE, by pointing out several inconsistencies and contradictions in his speech, particularly his saying, that all persons from India seemed to him to be locked up; and yet acknowledging that he had obtained a vast deal of information from that country, through persons to whose names even he was a stranger. After enlarging with much severity on that and similar expressions, he proceeded to point out the absurdity of endeavouring to restrain the confidential servants of the Company in India in confidential situations, from the duty of speaking the truth. He put into several lights the necessity there was for enforcing that duty in various departments of every government in the world; and reminded gentlemen on the other side, that Parliament had itself more than once recognised the necessity of enforcing secrecy in various departments of the East India administration, by appointing a Secret Committee of the Directors, to enquire into the conduct of the Company's servants, as to many had made acquainted with certain matters relating to their establishment; and when that House had thought it necessary to make an enquiry into the affairs of India, it had not ventured to do it, except through a Committee of Secrecy, sitting in secret sessions, were to be discussed in the usual way, it would be a means of disclosing circumstances which ought not to be made public. And what Parliament did not think safe to entrust to the whole body of the directors, what it did not think it could be known to itself, the Hon. Gentleman would make us motion and those who supported it, would think to leave at the discretion of every servant in India, who in the execution of a confidential employment might become acquainted with it, to publish to the world without any restraint whatsoever. He concluded with saying, that though he was personally indifferent whether the paper in question lay hid on the table or not, yet he would object to its Motion, as he did not chuse to sanction the arguments, that Gentlemen on the other side had made. He had thought proper to say in support of it, which he conceived would do no good in India.

Mr. SHERIDAN made a short reply to the Chancellor of the Exchequer, in which he affirmed, that the Right Hon. Gentleman had shown a very singular reason for objecting to the Motion, viz. not that he had any wish that the paper should not be put upon the table, but because it did not, by suffering the Motion to pass, give a sanction to the arguments advanced by the friends of the Motion in proof that the Order ought not to be sent to India.

Lord MALMSEA, in a short speech, objected to order respecting secrecy; and said, among other things, the impropriety of individual Directors being privately furnished with information relating to India, not generally known, and coming within a General Court, and making use of it.

Mr. FRANKS rose to call the House back to the true nature of the question before them, and to state a fact. He said, the question was not, what the Board of Control meant to send out, but what was the sense put upon their Order in India; he said, a large acquaintance in India, and in particular with the Secretary to the Board of Supreme Council at Calcutta, but he declared on his honour, that Gentleman had never written one line upon state of affairs there. Others of the correspondents in India, not in confidential offices had repeatedly and freely communicated intelligence to him, which he had always sent to the Company, by making it public. Of these communications had fallen off in consequence of an Order published in the Calcutta Gazette, and