

a proof of the amiableness of his affections. I confess that they do not tend to raise his character in my estimation. Is it not rather an aggravation of his guilt that he, who thus felt the anxieties of a parent, and who consequently must be sensible of the reciprocal feelings of a child, could be brought to tear asunder, and violate in others, all those dear and sacred bonds? Does it not enhance the turpitude of the transaction that it was not the result of idiotic ignorance, or brutal indifference? I aver, that his guilt is increased and magnified by these considerations. His criminality would have been less had he been insensible to tenderness, less if he had not been so thoroughly acquainted with the true quality of parental love and filial duty.

The jaghires being seized, my lords, the Begums were left without the smallest share of that pecuniary compensation promised by Mr. Middleton, as an equivalent for the resumption; and as when tyranny and injustice take the field, they are always attended by their camp followers, paltry pilfering and petty insult; so in this instance, the goods taken from the princesses were sold at a mock sale at an inferior value. Even gold and jewels, to use the language of the Begums, instantly lost their value when it was known that they came from them. Their ministers were imprisoned to extort the deficiency which this fraud occasioned; and every mean art was employed to justify a continuance of cruelty towards them. Yet this was small to the frauds of Mr. Hastings. After extorting upwards of 600,000*l.* he forbade Mr. Middleton to come to a conclusive settlement with the princesses. He knew that the treasons of our allies in India had their origin solely in the wants of the company. He could not therefore say that the Begums were entirely innocent until he had consulted the general Record of Crimes, the Cash

Account at Calcutta! His prudence was fully justified by the event. For there was actually found a balance of twenty-six lacks more against the Begums, which 260,000*l.* worth of treason had never been dreamed of before. "Talk not to us," said the governor general, "of their guilt or innocence, but as it suits the Company's credit! We will not try them by the Code of Justinian, nor the Institutes of Timur. We will not judge them either by the British laws, or their local customs! No! We will try them by the Multiplication Table, we will find them guilty by the Rule of Three, and we will condemn them according to the unerring rules of—Cocker's Arithmetic!

My lords, the prisoner has said in his defence, that the cruelties exercised toward the Begums were not of his order. But in another part of it he avows, "that whatever were their distresses, and whoever was the agent in the measure, it was, in his opinion, reconcilable to justice, honor, and sound policy."

By the testimony of Major Scott it appears, that though the defence of the prisoner was not drawn up by himself, yet that this paragraph he wrote with his own proper hand. Middleton, it seems, had confessed his share in these transactions with some degree of compunction, and solicitude as to the consequences. The prisoner observing it, cries out to him, "give me the pen, I will defend the measure as just and necessary." I will take something upon myself. Whatever part of the load you cannot bear, by unburthened character shall assume. Your conduct I will crown with my irresistible approbation. Do you find memory and I will find character, and thus twin warriors we will go into the field, each in his proper sphere of action, and assault, repulse, and contumely shall all be set at defiance.

If I could not prove, my lords, that those acts of Mr. Middleton were in reality the acts of Mr. Hastings, I should not trouble your lordships by combating them. But as this part of his criminality can be incontestably ascertained, I appeal to the assembled legislators of this realm, to say, whether these acts were justifiable on the score of policy. I appeal to all the august presidents in the courts of British justice, and to all the learned ornaments of the profession, to decide whether these acts were reconcilable to justice. I appeal to the reverend assemblage of prelates feeling for the general interests of humanity, and for the honor of the religion to which they belong, to determine whether these acts of Mr. Hastings and Mr. Middleton were such as a Christian ought to perform, or a man to avow.

My lords, with the ministers of the Nabob, Bahar Ally Cawn and Jewar Ally Cawn, was confined in the same prison that arch rebel Sumshire Cawn, against whom so much criminality has been charged by the counsel for the prisoner. We hear, however, of no inquiry having been made concerning his treason, though so many were held respecting the treasures of the others. With all his guilt, he was not so far noticed as to be deprived of his food, to be complimented with fetters, or even to have the satisfaction of being scourged; but was cruelly liberated from a dungeon, and ignominiously let loose on his parole! The Begums' ministers, on the contrary, to extort from them the disclosure of the place which concealed the treasures, were, according to the evidence of Mr. Holt, after being fettered and imprisoned led out on a scaffold, and this array of terrors proving unavailing, the meek-tempered Middleton, as a dernier resort, menaced them with a confinement in the fortress of Churnargar. Thus, my lords, was a British garrison made the

climax of cruelties! To English arms, to English officers around whose banners humanity has ever entwined her most glorious wreath, how will this sound? It was in this fort, where the British flag was flying that these helpless prisoners were doomed to deeper dungeons, heavier chains, and severer punishments. Where that flag was displayed, which was wont to cheer the depressed, and to dilate the subdued heart of misery, these venerable, but unfortunate men were fated to encounter every aggravation of horror and distress. It moreover, appears, that they were both cruelly flogged, though one was above seventy years of age. Being charged with disaffection, they vindicated their innocence.—“Tell us where are the remaining treasures,” was the reply. “It is only a treachery to your immediate sovereigns, and you will then be fit associates for the representatives of British faith and British justice in India!”—Oh! Faith, Oh Justice! I conjure you by your sacred names to depart for a moment from this place, though it be your peculiar residence; nor hear your names profaned by such a sacrilegious combination as that which I am now compelled to repeat! where all the fair forms of nature and art, truth and peace, policy and horror, shrink back aghast from the deleterious shade—where all existences, nefarious and vile, have sway—where, amidst the black agents on one side, and Middleton with Impey on the other, the great figure of the piece—characteristic in his place, aloof and independent, from the puny profligacy in his train; but far from idle and inactive turning a malignant eye on all mischief that awaits him; the multiplied apparatus of temporizing expedients, and intimidating instruments, now cringing on his prey, and fawning on his vengeance—now quickening the limping pace of craft, and forcing every stand that retiring nature can make

to the heart: the attachments and the decorums of life; each emotion of tenderness and honor; and all the distinctions of national pride; with a long catalogue of crimes and aggravations, beyond the reach of thought for human malignity to perpetrate, or human vengeance to punish; lower than perdition—blacker than despair!

It might, my lords, have been hoped, for the honor of the human heart, that the Begums were themselves exempted from a share in these sufferings, and that they had been wounded only through the sides of their ministers.—The reverse of this, however, is the fact. Their palace was surrounded by a guard, which was withdrawn by Major Gilpin, to avoid the growing resentments of the people, and replaced by Mr. Middleton, through the fears of that “dreadful responsibility” which was imposed on him by Mr. Hastings. The women, also, of the Khord Mahal, who were not involved in the Begums’ supposed crimes; who had raised no sub-rebellion of their own; and who, it has been proved, lived in a distinct dwelling, were causelessly implicated, nevertheless, in the same punishment. Their residence, surrounded with guards, they were driven to despair by famine, and when they poured forth in sad procession, were beaten with bludgeons, and forced back by the soldiery, to the scene of madness which they had quitted. These are acts, my lords, which, when told, need no comment. I will not offer a single syllable to awaken your lordships’ feelings; but leave it to the facts which have been stated, to make their own impression.

The inquiry which now only remains, my lords, is, whether Mr. Hastings is to be answerable for the crimes committed by his agents? It has been fully proved that Mr. Middleton signed the treaty with the superior Begum in October, 1778. He also acknowledged signing some others of a different date,

but could not recollect the authority by which he did it. These treaties were recognized by Mr. Hastings, as appears by the evidence of Mr. Purling, in the year 1780. In that of October, 1778, the Jaghire was secured, which was allotted for the support of the women in the Khord Mahal. But still the prisoner pleads, that he is not accountable for the cruelties which were exercised. His is the plea which tyranny, aided by its prime minister, treachery, is always sure to set up. Mr. Middleton has attempted to strengthen this ground by endeavoring to claim the whole infamy in those transactions, and to monopolize the guilt! He dared even to aver that he had been condemned by Mr. Hastings for the ignominious part he had acted. He dared to avow this, because Mr. Hastings was on his trial, and he thought he never would be arraigned. But, in the face of this court, and before he left the bar he was compelled to confess that it was for the lenience and not the severity of his proceedings that he had been reproved by the prisoner.

It will not, I trust, be concluded, that, because Mr. Hastings has not marked every passing shade of guilt, and because he has only given the bold outline of cruelty, he is therefore to be acquitted. It is laid down by the law of England, that law which is the perfection of reason, that a person, ordering an act to be done by his agent, is answerable for that act with all its consequences. *Quid facit per alium, facit per se.* Middleton was appointed in 1777, the confidential agent—the second self of Mr. Hastings. The governor general ordered the measure. Even if he never saw, nor heard afterwards of its consequences, he was therefore answerable for every pang that was inflicted, and for all the blood that was shed. But he did hear, and that instantly, of the whole. He wrote to accuse Middleton of forbearance and of neglect! He

commanded him to work upon the hopes and fears of the princesses, and to leave no means untried, until, to speak his own language, which was better suited to the Banditti of a Cavern, "he obtained possession of the secret hoards of the old ladies." He would not allow even of a delay of two days to smooth the compelled approaches of a son to his mother, on this occasion! His orders were peremptory. After this, my lords, can it be said, that the prisoner was ignorant of the acts, or not culpable for their consequences? It is true, he did not direct the guards, the famine, and the bludgeons; he did not weigh the fetters, nor number the lashes to be inflicted on his victims; but yet he is equally guilty as if he had born an active and personal share in each transaction. It is, as if he had commanded that the heart should be torn from the bosom, and enjoined that no blood should follow. He is in the same degree accountable to the law, to his country, to his conscience, and to his God.

The prisoner has endeavored also to get rid of a part of his guilt, by observing that he was but one of the supreme council, and that all the rest had sanctioned those transactions with their approbation. Even if it were true that others did participate in the guilt, it cannot tend to diminish his criminality. But the fact is, that the council erred in nothing so much as in a reprehensible credulity given to the declarations of the governor general. They knew not a word of those transactions until they were finally concluded. It was not until the January following, that they saw the mass of falsehood which had been published under the title of "Mr. Hastings's Narrative." They were then unaccountably duped to permit a letter to pass, dated the 29th of November, intended to seduce the directors into a belief, that they had received intelligence at that time, which was not the fact. These ob-

servations, my lords, are not meant to cast any obloquy on the council. They undoubtedly were deceived, and the deceit practiced on them is a decided proof of his consciousness of guilt. When tired of corporal infliction, Mr. Hastings was gratified by insulting the understanding. The coolness and reflection with which this act was managed and concerted, raises its enormity and blackens its turpitude. It proves the prisoner to be that monster in nature a deliberate and reasoning tyrant! Other tyrants, of whom we read, such as a Nero or a Caligula, were urged to their crimes by the impetuosity of passion. High rank disqualified them from advice, and perhaps equally prevented reflection. But in the prisoner, we have a man born in a state of mediocrity; bred to mercantile life; used to system; and accustomed to regularity; who was accountable to his masters, and therefore was compelled to think and to deliberate on every part of his conduct. It is this cool deliberation, I say, which renders his crimes more horrible, and his character more atrocious.

When, my lords, the board of directors received the advices which Mr. Hastings thought proper to transmit, though unfurnished with any other materials to form their judgment, they expressed very strongly their doubts, and properly ordered an inquiry into the circumstances of the alleged disaffection of the Begums, declaring it at the same time to be a debt which was due to the honor and justice of the British nation. This inquiry, however, Mr. Hastings thought it absolutely necessary to elude. He stated to the council, in answer, that it would revive those animosities that subsisted between the Begums and the Visier which had then subsided. If the former were inclined to appeal to a foreign jurisdiction, they were the best judges of their own feeling,

and should be left to make their own complaint." All this, however, my lords, is nothing to the magnificent paragraph which concludes this communication. "Besides," says he, "I hope it will not be a departure from official language to say, that the majesty of justice ought not to be approached without solicitation. She ought not to descend to inflame or provoke, but to withhold her judgment, until she is called on to determine." What is still more astonishing, is that Sir John Macpherson, who, though a man of sense and honor, is rather oriental in his imagination, and not learned in the Sublime and Beautiful from the immortal leader of this prosecution, was caught by this bold bombastic quibble, and joined in the same words, "that the majesty of justice ought not to be approached without solicitation." But, my lords, do you, the judges of this land, and the expounders of its rightful laws, do you approve of this mockery, and call it the character of justice, which takes the form of right to excite wrong? No, my lords, justice is not this halt and miserable object; it is not the ineffective bauble of an Indian pagod; it is not the portentous phantom of despair; it is not like any fabled monster, formed in the eclipse of reason, and found in some unhallowed grove of superstitious darkness, and political dismay! No, my lords. In the happy reverse of all this, I turn from the disgusting caricature to the real image! Justice I have now before me august and pure! the abstract idea of all that would be perfect in the spirits and the aspirations of men! where the mind rises, where the heart expands; where the countenance is ever placid and benign; where her favorite attitude is to stoop to the unfortunate; to hear their cry and to help them; to rescue and relieve, to succor and save; majestic, from its mercy; venerable, from its utility; uplifted, without pride; firm, without

obduracy; beneficent in each preference; lovely, though in her frown!

"On that justice I rely; deliberate and sure, abstracted from all party purpose and political speculation, not on words, but on facts. You, my lords, who hear me, I conjure, by those rights it is your best privilege to preserve; by that fame it is your best pleasure to inherit; by all those feelings which refer to the first term in the series of existence, the original compact of our nature—our controlling rank in the creation—This is the call on all, to administer to truth and equity, as they would satisfy the laws and satisfy themselves—with the most exalted bliss, possible or perceivable for our nature, the self-approving consciousness of virtue, when the condemnation we look for will be one of the most ample mercies accomplished for mankind since the creation of the world!—My lords, I have done.