

## LETTER IV.

*To the Marquis of Wellesley, &c. on his doctrine that, in respect to offences, three cyphers make an unit; and that the Governor-General must be addressed in the most respectful terms.*

"La véritable grandeur est libre, douce, familière, populaire; elle se laisse toucher et manier, elle ne perd rien à être vu de près."

*La Bruyère.*

"Greatness certainly does not consist in pageantry and show, in pomp and retinue, and though a person of quality will make use of these things to avoid singularity, and to put the vulgar in mind of their obedience to authority, yet he does not think himself the bigger for them, for he knows that those who have neither honesty nor understanding, have often times all this fine furniture about them.\*\*\*—He that is truly noble *hates to abridge the liberties, to depress the spirits, or any way to impair the satisfaction of his neighbour.* His greatness is easy, obliging, and agreeable, so that none have any just cause to wish it less. He is affable in his converse, generous in his temper, and immovable in what he has resolved upon; and so prosperity does not make him haughty and imperious, so neither does adversity sink him into meanness and dejection: for if he ever shows more spirit than ordinary, it is when he is ill used, and the world frowns upon him. *In short, he is equally removed from the extremes of servility and pride, and means either to trample upon a worm, or walk to an Emperor.*"

*Collier.*

My Lord,—Sensible, and perhaps even ashamed, of the futility of your former pleas, you again changed your ground, and added a new charge, still more frivolous, if possible, than the former ones. In your explanatory letter, written, no doubt, after much consultation with the law-officers of the Company, not a word is said of the licence. The reasons now assigned, for the extraordinary proceedings against me, may be divided into three branches: 1st, for publishing in a newspaper a letter containing an insinuation of improper conduct on the part of one of the public magistrates in the discharge of his duty: Andly, when called upon to *make an apology for that offence, refusing in the most disrespectful terms to make such apology*: and 3rdly, because I was ordered (four years) before to return to Europe. Now, what inferences, I beseech you, are we to draw from all this, but that finding the position which you had first taken (the apology) untenable, you altered it to another, (the licence,) which you found equally weak; and finally, feeling that both afforded but a shallow pretext for ruining and banishing a British-born subject, (for it is actual and harsh banishment to be forced from the place in which you are established in business and earn your subsistence, even to a better residence,) you thought proper to look for *new offences*, in order to strengthen your cause. It was fortunate for me that none of a more heinous nature could be found than what arose from a simple misrepresentation of a fact which was easily explained to the satisfaction of a former Governor-General, after which I remained four years a constant resident of the town of Calcutta: for if any could have been discovered by a microscope, the whole tenor of your proceedings warrants the belief that they would have been eagerly raked together.

It has been shown, in Letter II, that my refusing to make you an apology was both legal and proper. It has been shown, in Letter III, that I did not come properly under the true construction of that most unconstitutional Act of Parliament relating to licences for residing in India; and that, even according to your own misinterpretation of that law, the exercise of the discretionary power vested in you was, with respect to me, indiscreet, oppressive, and tyrannical: and from the letter of Captain Hudson, of the *Houghton*, it will appear that the new charge of my having been ordered to return to Europe by a former Governor-General is every way worthy of the rest. Such then are the grave and serious charges on which you have yourself expressly founded the extraordinary measure of my expulsion from India. It will remain with you to explain how they constitute an offence against the law, against the morals, or even against the prejudices of any community; or how three circumstances, none of which taken separately constitutes any part of an offence, and all of which are not only frivolous but ridiculous, can be converted, excepting by some mystical process, into a whole offence. I hope every man in the nation will attend to this political chymistry, on his own account: for I am now no farther interested in the decision that may be formed, respecting your Lordship's conduct, than any other member of the community. Dean Swift has somewhere said that, in political arithmetic, two and two do not always make four. But this is probably the first time that three cyphers were ever supposed to form an unit, completing the sum total of one offence. Your idea of offences, my Lord, reminds me of Sir Andrew Ague-Check in the play, who would beat a man because he was a puritan: \**Maria*. Marry, sir, he is sometimes a kind of puritan.—*Sir And*. O if I thought that, I'd beat him like a dog.—*Sir To*. What, for being a puritan? Thy exquisite reasons, dear knight!—*Sir And*. I have no exquisite for't, but I have good reason enough.'

Reluctant as I feel to offend the English ear, or to accustom it to the degrading sounds of apology and licence, I must say a few words more before I dismiss the subject; for it seems to me to merit the most ample illustration. On reperusing your three official letters, my Lord, you will perceive what a ridiculous figure even a man of talent must make in print, when he is acting in contradistinction not only to truth, justice, law, and the constitution, but even to common decency and common sense. In the first you accuse me of having published an *insinuation* of improper conduct against a magistrate, and for that offence, you require me to make an apology. I refuse; and you have no remedy. In the second, you drop the offence against the magistrate, and require me, as residing in India without licence, to return to Europe in a particular ship; and you send your town adjutant to seize my person. I receive intelligence of your designs, order my doors to be shut, and

prohibit your myrmidons from attempting to enter my house by force, at the peril of their lives; and they dare not persist. In this situation, I write to you requiring explanations. In your third and explanatory letter you drop the affair of the licence, and resume my refusal to make an apology, to which you add a new offence of about the same degree of importance. You are, however, graciously pleased, in consideration of certain circumstances stated by me, to allow me, *on certain conditions*, to remain in Calcutta for a few months longer; which conditions I reject with disdain.

Thus you were obliged repeatedly to shift your ground; and if I had urged you further, you would probably have made more changes of position. But being now fully satisfied of your object, I thought it unnecessary to prolong the correspondence; and, without yielding one iota of the principle in dispute, after keeping my house shut for ten days, with sentinels stationed round it like a besieged castle, informed you that, being then *as ready* to comply with your requisition *as I could be at any subsequent period*, I should, at a certain time and place convenient to myself, surrender my person to your town major. This resolution was by no means founded on the exhaustion of my means of resistance. But the reasons why I thought it useless to drive you to the last degree of violence and outrage, shall be stated in a future letter.

From the whole complexion of the preceding correspondence, which comprehends all that passed between your government and myself, it might be supposed, that had I condescended to make the apology required,—had I condescended

——— To bow and sue for grace,  
With suppliant knee, and deify your power,

I should not have been sent to Europe. But this, as I shall show, is an erroneous opinion: for could I even have consented to that measure, I should have been obliged besides to withhold the appreciation which I had promised of the Magistrate's conduct, to renounce the privilege of free discussion, and even to give a security for my conforming in every respect to your will, before I could have obtained permission to remain in India.

But to what monstrous doctrines should I have been subscribing? It is here, I believe, for the first time in modern ages, even virtually asserted by a British Governor, that no comments must be made on the conduct of any Magistrate, under his jurisdiction, let him do what he will; but that if an insinuation of misconduct should happen to escape, the proper atonement for it is an apology, not to the laws of the country, (they, it seems, have nothing to do with the affairs of India,) but to the most noble the Governor-General, and which apology, we are given to understand in the famous explanatory letter, *should be made in the most respectful terms.*\*

\* To such a degree did this Governor carry his love of pomp, that, as I have been informed by officers of respectability from the coast, he

‘O but man! proud man,  
Drest in a little brief authority;  
Most ignorant of what he's most assured,  
His glassy essence, like an angry ape,  
Plays such fantastic tricks before high heaven,  
As make the angels weep!’

Truly, if the feelings of the Governor-General of India are to be the thermometer of offences in that country, it would be advisable to look out for persons of somewhat more tractable sensibilities than your Lordship for that office.

For my own part, on a retrospect of the affair between us, I have only to say, that, were it to happen twenty times over, I should not think it proper to alter any one part of my conduct; and that if my resistance to such abominable principles of government does not prove a general benefit, it is, at least, no fault of mine. But I am sure that cannot be the case. ‘The injustice done to an individual,’ says Junius, ‘is sometimes of service to the public. Facts are apt to alarm us more than the most dangerous principles. The facts here established are indeed sufficiently alarming; and I trust the people of England will see your conduct in its true point of view; that they will be sensible that to suffer the Governor of a province to violate the best principles of our constitution with impunity, is to invite despotism to our doors; and that the best laws become nugatory, if the noble sentiments which foster and uphold them, be allowed to weaken or decay. If, contrary to all expectation, I should be deceived, I shall only have to lament, in common with others, the unhappy state of apathy into which we are at length fallen. But even in that case, I shall at least enjoy the melancholy consolation of reflecting that I have not omitted to do my share of the duty.’

#### LETTER V.

*Letter to the Marquis of Wellesley, &c. on his assumption of the Power of enforcing or dispensing with existing Laws according to his own Interpretation of them, and of making new Laws, at pleasure, annihilating the Personal Freedom of the Subject, and establishing, in fact, an absolute Despotism.*

\* *Sic volo, sic jubeo, stat pro ratione voluntas.*\*

My Lord,—Notwithstanding the reinforcement of your new charge, conjured up after a lapse of six days, you were pleased to

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made stables of the East Indiamen to bring the horses of his body-guard from Bengal, at an enormous expense to the Company, as if the Madras cavalry were unworthy the honour of acting as his body-guard, during his stay on the coast. Here we trace Buonaparte and his inseparable Mamelukes. Could this pomp and circumstance, which disgusted every one who saw it, transfuse more energy or wisdom into the orders conveyed to Generals and Ambassadors, or obtain any useful

say, that in consideration of the circumstances stated in my letter of the 13th July, I might remain in Calcutta, till the 25th of October, *provided I immediately gave satisfactory security, that I should proceed to Europe, on any ship, which might sail after that period, and on which you might require me to embark.* And the town adjutant, in a note with which he prefaced the delivery of your letter, says he is well assured that I have it in my power to give this security on the shortest notice. As I never put my friends to the test, I do not know whether I had or had not this power. But this I know, that if I had, I should not have used it. Not having violated the law, I required no bail, or security for my appearance, and I spurned, as I ought, the idea of asking any friend of mine to guarantee *my obedience to the will of a Governor-General.* But what does all this mean? It is neither more nor less than, 'If you comply with my will and pleasure in part, I will suffer you to remain for three months longer in India; if you comply with it wholly, I will suffer you to remain as long as you please, whether you have a licence or not; but if you do not in any respect comply with it, I will send you immediately to Europe, because you have not got a licence to reside in India.' Now I defy any man in Turkey to produce me a more perfect union of complete nonsense and absolute despotism than this.

The insulting tone of moderation, which you now assumed, my Lord, I placed to the proper account: namely, a conviction on your part, that you were treading upon very slippery ground, together with apprehensions, perhaps, that your object might be openly frustrated by legal means. I say insulting, because there was no room for compromise. It was impossible for me, consistently with any just ideas of what is due to the laws or constitution of the country, to have conceded the principle in dispute; and all the explanations which had taken place, together with the temper of the man, were sufficient to convince me that nothing would be conceded by your Lordship. Seeing that to continue the contest longer upon Asiatic ground would be therefore useless, I voluntarily surrendered myself to the town-adjutant of Calcutta at a time and place appointed; was carried in triumph into Fort William; and from thence hurried, under an escort of soldiers, on board an East-Indiaman at Saugor Roads.

It happened to be on Saturday that I surrendered. You, my Lord, having, as I presume, surmised that I might avail myself of the aid

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object whatsoever? It is a false and ridiculous notion that they are conducive to any good, and however they may dazzle for a moment, instead of increasing they diminish respect; for the people, in their sentiments, are seldom mistaken. Was not Marquis Cornwallis, with only a few attendants, more respected than the Marquis Wellesley, with a suite large enough to form an army?

of the civil law to frustrate your designs, the moment you learnt that I had capitulated, sent a peremptory order that I should be immediately sent on board a ship. The order did not arrive till late at night. I had gone to bed, and absolutely refused to comply with it, observing that if the commandant of the soldiers thought himself obliged to enforce the order, he must use violence. He returned to the Fort-major, to whose custody I was now assigned, for fresh instructions. The Fort-major was in perplexity and doubt. His order was peremptory, yet he saw the impropriety and indecency of enforcing it. But you were at your country residence; and it would be a high crime and misdemeanor to disturb you about trifles. Of what consequence is the convenience, or even the life, of a common individual, if a great man must be incommoded? It was on the same seat of government that so many Englishmen were smothered to death in the Black-hole of Calcutta, that the slumbers of your predecessor, Surajah Dowlah, might not be disturbed!

Imagining what the motives of this peremptory order might be, I observed to the military agents of the Fort Major, that, the gates being shut for the night, no civil officers could get admission, and that the following day being Sunday, no writs could be executed; that, besides, my servants were gone home for the night, and that my baggage, which was in the town, would be left behind. Notwithstanding these arguments, I do not believe, but for the influence of female humanity, I should have got even a single night's reprieve. This is not the only occasion on which I have experienced that women possess a more lively sense of, and a greater regard for, justice, as well as finer feelings of humanity, than men; and I rejoice in this opportunity of acknowledging my gratitude to Mrs. Calcraft, a lady I never saw, to whose intercession I owe it, that I was not hurried on board a ship, without even a change of linen, for a ten months' voyage. After an interchange of messages, I was allowed to continue my repose, it being understood that I should be ready to embark as soon as my baggage could be got from Calcutta the next morning.

These circumstances, which are in themselves trivial, I mention in order to show that it was your own opinion, my Lord, although it did not enter into my contemplation, that your arbitrary measures might have been defeated by the medium of the courts of law. That, I believe, could in fact have been done by an arrest for debt, or on a writ of *habeas corpus*, from which I cannot learn that India is exempted, more than other parts of the British dominions.

But if it had been the intention of the Legislature to confer on the Governor-General of India an authority that must virtually supersede the fundamental principles of our constitution, and deprive the subject of his only means of protection, would they not have expressly declared so, instead of leaving a power, which they thought it necessary to confer, subject to be constantly defeated?

I do believe that, in this case, your intentions, my Lord, notwithstanding the indecent manner in which you ordered me to be hurried on board a ship, might have been frustrated, had I applied to the Judges of the Supreme Court, and had these Judges done their duty. If I understand the law, the Supreme Court of Judicature was bound, upon application, to grant me a writ of *habeas corpus*, as a matter of right. 'If a probable ground be shown, that the party is imprisoned without just cause, and therefore hath a right to be delivered, the writ of *habeas corpus* is then a writ of right, which may not be denied, but ought to be granted to every man that is committed, or detained in prison, or otherwise restrained, though it be by the command of the King, the Privy Council, or any other.' *Com. Journ.* April 1, 1628. If I had claimed the benefit of this doctrine, almost two hundred years old, it would remain to be seen how far your Lordship would have opposed your will to a constitutional mandate thus distinctly expressed. But of the two evils I preferred immediate expulsion, to the uncertainty of remaining subject to the capricious sallies of your Lordship's volition.

Having shown that you avowedly considered yourself as entitled to enforce or dispense with existing laws, according to your own interpretation of them, at pleasure, I shall now make it appear that you assumed the privilege of making new laws, establishing in effect an absolute despotism.—Instead of leaving disputes to be settled in the ordinary course of law, you determined that none should exist; as you imposed previous restrictions on publications, so you would impose previous restrictions on the actions of men. 'Penalty bonds,' says Mr. Maclean, 'are sent up to be executed by all indigo planters in this district (Benares); for the first complaint in court, five hundred rupees; and for the second, to be ordered to Calcutta.' Now, my Lord, you had just as clear a right to order penalty bonds to be signed for a hundred thousand rupees, as for five hundred; and to order the offender to Botany Bay as to Calcutta. Did you not, by this strange measure, if any measure of yours could appear strange, assert an unlimited power over the purses, as well as the persons, of his Majesty's subjects? Could you not ruin a man in a moment, by bringing him from Benares to Calcutta, for having had some trifling quarrel, or at the mere instigation of an enemy or informer? Might you not, with as much propriety, and justice, and law, have ordered any of the inhabitants of Calcutta, who should act improperly in your opinion, to be sent for the first offence to perform quarantine at Benares, and for the second to China?

I will not here say any thing of the sweeping edict, by which all Europeans were ordered to quit Lucknow, that they might not be witnesses of your conduct towards the Nabob, as I believe it is actually the subject of inquiry in another place. But it shall not be lost to the public. This doctrine of arbitrarily transporting the

subject from one part of a country to another, is even more cruel and degrading than that which transfers them in whole lots from one master to another, as has lately been the abominable practice on the continent of Europe. Nor does it appear that, in the assumption of those extraordinary powers, you laid the smallest stress upon licences, by which, when it suited your purpose, you claimed the privilege of transportation. On the contrary, you expressly usurped the right of violating even that, your favourite law.

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THE MINSTREL MAID TO THE WARRIOR.

Oh! go not to the field of war,  
 Or let me share its toils with thee;  
 And tell me not the land is far,  
 And holds no bower for minstrelsy.  
 There is no bower of song for me,  
 No native land but where thou art;—  
 There, though earth's dreariest waste it be,  
 'T would bloom an Eden to my heart!

Oh, I would watch thy tent by night,  
 And guard thy bosom all the day;  
 Thy shield be in the hour of fight,  
 Thy minstrel when 'twas pass'd away.  
 Oh, who could sing so sweet a lay,  
 Or tell thy glorious deeds so well?  
 For Love would give each song its sway,  
 And all its notes of triumph swell.

And who so well could die for thee,  
 As one who longs to be at rest,  
 And asks no other memory,  
 But to be graven on thy breast?  
 And who, among the spirits blest,  
 Could watch thee with a fonder care?  
 Oh, who, when griefs thy heart oppress'd,  
 Would sweeter, heavenlier solace bear?

Or, if there be who loved before,  
 And gain'd that happiest destiny,  
 Already on the heavenly shore,  
 One bliss at least remains for me:  
 To see pure angels' cares for thee—  
 To mark how thou art loved above—  
 Beheld with feelings anguish-free,  
 Since nought could from my own remove!