

Dhananjayrao Gadgil Library



GIPE-PUNE-018840

THE
LETTERS

OF

GRACCHUS

ON THE

EAST INDIA QUESTION.

LONDON:

PRINTED FOR J. HATCHARD, .
BOOKSELLER AND PUBLISHER,
NO. 190, OPPOSITE ALBANY, PICCADILLY.

1813

V2, L. M. 1
A813
18840

ADVERTISEMENT.

THE following Letters appeared in the **MORNING POST**, at the dates which are annexed to them. The impartial Reader will find in them a strong determination, to uphold the public rights of the **Country**, with respect to the **India Trade**; but he will not discover any evidence of a desire to lower the just, and well-earned honours, of **THE EAST INDIA COMPANY**, nor any symptom of a disposition hostile to their fair pretensions.

LETTERS

OF

G R A C C H U S.

LETTER I.

GENERAL VIEW OF THE EAST INDIA QUESTION.

Tuesday, January 12, 1813.

THE crisis, at which the affairs of the East India Company are now arrived, is one which involves the most important interests of the British Empire. It would be unnecessary to prove a proposition which is so universally acknowledged and felt. It has happened however, that, in our approaches towards this crisis, the Public understanding has been but little addressed upon the subject; so that the appeal which is now suddenly made to their passions and imaginations, finds them unprepared with that knowledge of the true circumstances of the case, which can alone enable them to govern those passions, and control those imaginations. Let us then endeavour to recover the

time which has been lost, by taking a deliberate view of the circumstances which produce this crisis.

The crisis, is the proximity of the term which may conclude the East India Company's rights, to the exclusive trade with India and China, and to the powers of government now exercised by them over the Indian Empire.

The rights of the East India Company are twofold; and have long been distinguished as, their *permanent* rights, and their *temporary* rights. Those rights are derived to them from distinct Charters, granted to them at different times by Parliament. By the former, they were created a *perpetual* Corporate Society of Merchants, trading to India *. By the latter, they obtained, for a *limited period of time*, the exclusive right of trading with India and China, and of executing the powers of government over those parts of the Indian territory, which were acquired either by conquest or by negotiation. The Charter conveying the latter limited rights, is that which will expire in the course of the ensuing year 1814; on the expiration of which, the exclusive trade to the East will be again open to the British population at large, and the powers of the India Government will lapse

* The rights and pretensions of the Company are fully considered in the Tenth Letter.

in course to the Supreme Government of the British Empire, to be provided for as Parliament in its wisdom may judge it advisable to determine.

The renewal of an *expired* privilege cannot be pursued upon a ground of *right*. The exclusive Charter of the Company is a *patent*, and their patent, like every other patent, is limited as to *its duration*. But though the patentee cannot allege a ground of right for the renewal of his patent, he may show such strong pretensions, such good claims in equity, such weighty reasons of expediency for its renewal, as may ensure its attainment. Such are the claims and the pretensions of the East India Company to a renewal of their Charter; and as such they have been promptly and cheerfully received, both by the Government and the country at large.

But the progress of society, during a long course of years, is of a nature to produce a considerable alteration in the general state of things; the state of things must, therefore, naturally be called into consideration, upon the expiration of the term of years which determines the exclusive Charter of the East India Company; in order to inquire, whether that Charter should be renewed precisely in the same terms, and with the same conditions, as before; or whether the actual state of public affairs demands, that some alteration,

some modification, of terms and conditions, should be introduced into the Charter or System which is to succeed.

The arduous task of this investigation must necessarily fall upon those persons, who chance to be in the Administration of the Country, at the latest period to which the arrangements for the renewal of the Charter can be protracted; and it is hardly possible to imagine a more difficult and perplexing position, for any Administration. Those persons, if they have any regard for the duties which they owe to the Public, will consider themselves as standing *between two interests*; the interest of those who are about to lose an exclusive right, and the interest of those who are about to acquire an open and a common one. They will be disposed to listen, patiently and impartially, to the pretensions of both parties; of those who pray for the renewal of an exclusive privilege, and of those who pray that they may not be again wholly excluded from the right which has reverted. And although they may amply allow the preference which is due to the former petitioners, yet they will endeavour to ascertain, whether the latter may not, with safety to the public interest, receive some enlargement of the benefits, which the opportunity opens to them, and from which they have been so long excluded.

While they thus look alternately to each of these interests, and are engaged in striving to establish a reconciliation between the two, it will be neither equitable nor liberal for one of the interested parties to throw out a doubt to the Public, whether they do this “from a consciousness of strength, and a desire of increasing their own power and influence, or from a sense of weakness and a wish to strengthen themselves by the adoption of popular measures *,” And the author of the doubt may find himself at length obliged to determine it, by an awkward confession, that Ministers do not do it “with any view of augmenting their own patronage and power †.”

It is thus that the Ministers of the Crown have conducted themselves, in the embarrassing crisis into which they have fallen. Fully sensible of the just and honourable pretensions which the East India Company have established in the course of their long, important, and distinguished career, they have consented to recommend to Parliament, *to leave the whole system of Indian Government and Revenue to the Company*, under the provisions of the Act of 1793; together with *the exclusive trade to China*, as they have hitherto possessed them; but, at the same time, considering the present

* *Considerations on the Danger of laying open the Trade with India and China*, p. 13.

† *Ibid.* p. 18.

state of the world, and its calamitous effects upon the commercial interest in general, they are of opinion, that some participation in the Indian trade, thus reverting, might possibly be conceded, under due regulations, to British merchants not belonging to the East India Company; which would not impair the interests either of the Public or of the Company.

In this moderate opinion, they are fully justified, by the consent of the Company, to admit the Merchants of the out-ports to a share in the Indian trade. And thus far, all is amicable. But the out-port Merchants having represented to Government, that the condition, hitherto annexed to a Licensed Import Trade,—of bringing back their Indian Cargoes to the port of London, and of disposing of them solely in the Company's sales, in Leadenhall Street,—would defeat the object of the concession; and that the delay, embarrassment, and perplexity, which such an arrangement would create, would destroy the simple plan of their venture; and having therefore desired, that they might be empowered to return with their cargoes to the ports from whence they originally sailed, and to which all their interests are confined; Government, being convinced of the justice of the representation, have proposed that the Import Trade may be yielded to the Out-ports, *under proper regulations*, as well as the Ex-

port Trade. To this demand the Court of Directors peremptorily refuse their consent; and upon this *only point* the parties are now at issue. This question alone, retards the final arrangements for the renewal of their Charter.

Yet it is this point, which one of the parties interested affirms, to be "a question of the last importance to the safety of the British Empire in India, and of the British Constitution at home;" and therefore undertakes to resist it, with all the determination which the importance of so great a stake would naturally inspire. But, when we compare the real measure in question with the menacing character which is thus attempted to be attached to it, we at once perceive something so extravagantly hyperbolic, something so disproportionate, that it at once fixes the judgment; and forces upon it a suspicion, that there is more of policy and design, than of truth and sincerity in the assertion. That objections to the measure might arise, capable of distinct statement and exposition, is a thing conceivable; and, these being stated, it would be a subject for consideration, how far they were removable. But to assert, in a round period, that the safety of the empire in Europe and Asia is fundamentally affected in the requisition, that a ship proceeding from Liverpool or Bristol to India, might return from India to Liverpool or Bristol, instead of to

the Port of London, is calculated rather to shake, than to establish, confidence in those who make the assertion. Yet this is the question which the country is now called upon to consider, as one tending to convulse the British Constitution. Surely, if the foundations of the empire in both hemispheres have nothing more to threaten them, than whether the out-port shipping shall carry their cargoes home to their respective ports, or repair to the dock-yards in the port of London, the most timid politician may dismiss his alarms and resume his confidence. When the East India Company, by conceding a regulated Export Trade, have at once demonstrated the absurdity of all the predictions which foretold, in that Trade, the overthrow of the Indian Empire; we may confidently believe, that the Import Trade will prove as little destructive, and that its danger will be altogether as chimerical as the former.

Whether the Court of Directors endeavour to fix that menacing character upon the proposed Import Trade, as a bar against any further requisition, is a question which will naturally occur to any dispassionate person, who is not immediately and personally interested in the conditions of the Charter; and he will be strongly inclined to the affirmative in that question, when he finds, that the reason which they have alleged for their resistance, is their apprehension of the increased activity which

the practice of smuggling would acquire, from the free return of the out-port ships from India to their respective ports. It is not a little extraordinary, that they should so strenuously urge this argument against those persons, who, while they propose the measure, are themselves responsible for the good management and protection of the revenue; and who must therefore be supposed to feel the necessity of providing means and regulations, adapted to the measure which they propose. The Ministers of the Crown have not failed to inform the Court of Directors, that, in consequence of the communications which they have had with the Commissioners of the Customs and Excise upon the subject, they find that the Directors have greatly over-rated the danger which they profess to entertain; and they acquaint them, that new regulations will be provided to meet the new occasion; and that the out-port ships and cargoes will be subject to forfeiture upon the discovery of any illicit articles on board. Yet the Court of Directors still persist in declaring, that the hazard of *smuggling* is *the reason* why they will not grant to the out-ports an import trade; and this, through a fear of compromising “the safety of the British Empire in India, and the British Constitution at home.”

A calm and temperate observer, who scrupulously weighs the force and merits of this reason-

ing, will naturally be forced into so much scepticism as to doubt, whether there may not be some *other reasons*, besides the safety of the Empire, which may induce the East India Company to stand so firm for the condition of bringing all the import Indian trade *into the Port of London?* Whether there may not be some reasons, of a *narrower sphere* than those of the interests of the Empire? In searching for such reasons, it will occur to him, that the Port of London is the seat of the Company's immediate and separate interests; and he will shrewdly suspect, that those interests are the *real*, while those of the Empire are made the *ostensible*, motive for so vigorous a resistance. When he reflects, *that it is proposed to leave the Company in the undisturbed possession of all the power of Government over the Indian Empire, which they have hitherto enjoyed; that they are to remain possessed, as heretofore, of the exclusive trade to China, from whence four-fifths of their commercial profit is derived; that they themselves have virtually admitted the falsity of the theoretical mischiefs, foretold as the certain results of an out-port trade, by having agreed to concede that trade, to the extent required by Government; that they equally allow, an import trade for the merchants of the out-ports; but make their resistance upon the single point, that the import trade should be all brought together into their own warehouses, and should be disposed of in their own sales in Leadenhall Street; when*

he combines all these considerations, he will think that he plainly discovers, that the interests of the Empire at large are not quite so much involved in the question as they proclaim; and that, if any interests are more pressingly calculated than others, it must be their own, and not the Public's. If their interests are to be affected by the measure, let them fairly state it, and show the extent; but let them not endeavour to defend them covertly, under an artful and factious allegation of *the ruin of the British Constitution*. And if they really do apprehend that the Constitution would be endangered, let them not hazard such consequences by their own proceedings. Let them not come forward as advocates for the preservation of the Empire, if their rhetoric is to sink into a threat, of "*shutting up the great shop of the India House,*"

It may be well to call to the recollection of the East India Company, that they owe their present state to an assertion of those very rights to open trade which have now been brought forward; for, when the first, or London East India Company had experienced certain disappointments and failures, various adventurers came forward with claims similar to those which have been alleged by the merchants of the present day, and obtained an incorporation, to the prejudice of the old Company; and although the old, or London East

India Company, afterwards effected an union with the new, or English East India Company, and with them gave origin to the present Company, yet the UNITED EAST INDIA COMPANY should not forget, how much the activity of the Indian trade was stimulated by the assertion of the rights of their predecessors, *to participate in the trade which had been granted exclusively to a former Company,*

GRACCHUS.

LETTER II.

Wednesday, January 13, 1813.

IT is a distinguishing character appertaining to Britons, to express forcibly their feelings, whenever they think they discover any disposition to encroach upon their rights. It is not therefore to be wondered at, that the communication of the papers, on the subject of the East India Company's Charter, which was made by the Directors to the Proprietors, on the 5th instant, should have produced the effect which was then manifested; of an almost unanimous disposition, to support the Directors in their resistance of a measure, which, at the time, was regarded as an invasion, on the part of the Government, of the established rights of the East India Company.

But now that the momentary ebullition of that spirit has had time to subside, and to give place to cool and sober reflection, it may not be unacceptable to the Proprietors at large to look calmly and attentively into the subject; and to examine its bearings on their own substantial interests.

It must be manifest to every man, who will only refer to the accounts which have been published in the Reports of the Select Committee of the House of Commons, that, from the magnitude of the Company's debt, it would be impossible to calculate the time at which the Proprietors could contemplate any augmentation of their present dividends of $10\frac{1}{2}$ per cent. : even though the Charter, instead of being within one year of its expiration, had an extended period of twenty years to operate.

It is equally manifest, from the correspondence of the Court of Directors with Government, that, in agreeing to the proposition of opening the Export Trade to the out-ports of the United Kingdom, they were free from any apprehension, that the continuance of the present dividend could be endangered by their conceding that point. And, therefore, although the Proprietors were precluded from entertaining any reasonable expectation of *an increase* to their dividends, they were perfectly warranted to consider the continuance of that which they now receive, as free from any hazard,

In consequence of the extension proposed to be granted to the Export Trade.

Whether they may remain in the same confidence, under *all* existing circumstances, is a question which the Proprietors are now earnestly solicited to examine. The point at issue (if I may apply that expression to a case, in which the Company are upon the disadvantageous ground of petitioning for the renewal of a privilege, now about to expire) is, whether the ships which shall be permitted to clear out from the out-ports of the United Kingdom, ought to be allowed to return to any given description of those ports, or whether they should all be compelled to enter at the Port of London? And upon *this point* is made to hinge a question, which may affect (not the *British Empire and Constitution*, but) the main interest of the Proprietors, namely, *their dividends*. For no man can be so inconsiderately sanguine as to suppose, that the Company, under the present pressure of their pecuniary embarrassments, (whatever may have been the causes from whence they have arisen;) embarrassments proceeding from a debt, in India and in England, of *more than forty-two millions*; nearly four millions of which are in accepted bills on England, which will shortly become due, and for the payment of which there are not funds at the India House; no man can be so inconsiderately sanguine as to suppose, that the

dividend may not become a little precarious, under such circumstances. It must be evident to the most superficial observer, that the credit of the Company with the Public can only be sustained by the prompt and liberal aid of Parliament; and it will hardly be maintained, that it is a *propitious* mode of soliciting that aid, to connect with the solicitation an avowed determination to oppose a measure, which Government represent it to be their duty to recommend to Parliament, for the general benefit of the community; a measure, founded on, and growing out of, the principle of the Charter of 1793, which first opened the private trade between India and this country; the provisions respecting which trade have been progressively extended at subsequent periods, and of which trade the Public will now call for a further enlargement and participation, as a just and necessary qualification to the proposed renewal of the Company's Charter.

The City of London, indeed, is *now* an exception, and apparently a very weighty one, to this general call; but it will lose much of that weight with the Public, and must fall into the scale of an interested party, when it is recollected, that so long as the question between the Company and the Public was, whether the commerce with India should remain a strict monopoly, or whether a participation in it should be granted to individuals,

under the restriction of importing to London, the commercial interest of the metropolis was powerfully incited against the Company; and that, to that great commercial interest, supported by the weight of Mr. Dundas's opinion, and to the more enlarged view which Lord Wellesley took of the subject, the extension that has hitherto been given to the private trade with India is to be attributed. The experience of twelve years has now proved, that both India and the parent state have greatly benefited by that extension; and it has followed, as a necessary consequence of that experience, that the active and intelligent merchants of the other large ports of the United Kingdom, have urged their fair pretensions, to be admitted to a share in the profits of that widely diffused trade; by sending their merchandise from their own ports, and by receiving the returning cargoes into their own warehouses, in those ports.

A reference to the printed papers (as has already been signified) will show, that the Court of Directors were prevailed upon to concede *the first* of those points, but that they have been immoveable with respect to *the second*; although their own commercial knowledge must have made it evident to them, that the concession of the first, that is, a *free export*, would be nugatory, unless supported by the benefit arising from the *freedom of import*; which is not only in the proportion of four to one

in amount to the export, but is requisite to give that unity to the concern, without which great commercial establishments cannot be kept up.

Such is the state of the question, or, as it has been called, by some strange perversion of ideas, the *negotiation*, between the Company, as applicants for a renewal of their Charter which is about to expire, and the Government, through whose aid it is to be solicited, or at least, without whose concurrence it is certainly very questionable, whether they would be able to obtain it. These are the circumstances, under which the affairs of the East India Company must necessarily, and speedily, be brought forward, for the consideration of Parliament. Can it, then, be considered an exaggerated view of the hazards of such a situation, to suppose, that some guardian of the public purse may deem it requisite to inquire, whether the application for pecuniary aid from Parliament ought not to be preceded by a substantial proof, not of concession, for they have in fact nothing to concede, but of something like accommodation on the part of the Proprietors? And in that event, might it not be questioned, whether, since the dividend of 10 per cent. was sanctioned upon an assumption, that the revenue of the Company yielded a *surplus* of upwards of a million; now, when instead of a surplus, a *deficit* is admitted to exist, the dividend ought not to be reduced, not merely

to the standard from which it had been raised under the supposed prosperous state of the Company's affairs, but to a standard to be regulated by the amount of the ascertained profits upon their own trade, under whatever circumstances it may hereafter be conducted }.

It is not meant to insinuate, that any condition of the kind alluded to is likely to be imposed, in granting the relief so pressingly required by the present exigencies of the Company ; but if a necessity for the winding up of their affairs, as an exclusive Company, should arrive, and if their own resources, with the profits they may derive from their commerce, as a Corporate Body, should not be adequate to the payment of a dividend of 10½ per cent. ; could it reasonably be expected, that Parliament would, in *all future times*, extend its liberality towards the Proprietors of India stock, to the extent of *securing to them* a continuance of their present dividend ?

It is to be feared, that those who may have calculated upon such a result, have taken a false measure of their *prospective situation* ; and it is on account of this apprehension, that it appears highly important to call the attention of the Proprietors to the care of their own substantial interest in the dividend ; an interest, which to them is, and must be paramount.

GRACCHUS.

LETTER III.

Thursday, January 14, 1813.

IT is at all times an object equally interesting and instructive, to trace the origin of laws and institutions, and to follow them in the progress of their operation; but this inquiry becomes more powerfully attractive, when the pursuit is stimulated by an anxiety to defend a supposed right, or to acquire an extension of advantages which are already possessed.

Such an investigation appearing to be a necessary sequel of the subject treated of in a former communication, let us now take a succinct view of those provisions of the Act of 1793, by which the East India Company, upon the last renewal of their Charter for a fixed time, were called upon to relax from the exclusive restrictions of the monopoly which they had so long enjoyed. Taking that Act as the source and origin from whence the present India Question arises, let us briefly follow the subject in its progress, down to the propositions that are now before the Public.

It is necessary to premise, that the Company had, from an early period of their commerce, granted as a favour and indulgence to the Captains

and Officers of their ships, permission to fill a regular portion of tonnage with certain prescribed articles, upon their private account, subject to the condition; that those privileged articles should be lodged in the warehouses of the Company, that they should be exposed by them at their sales, and that they should pay from 7 to 5 per cent. to cover the charge of commission and merchandise.

The Act of 1793, relieved the trade carried on under this indulgence, by reducing the rates of charge to 3 per cent.; which was established as the rate, at which the more enlarged trade, for the first time allowed by that Act to private merchants unconnected with the Company, should pay to the Company; which trade was then limited to 3000 tons, the shipping for which was to be provided by the Company, who were to be paid freight for such tonnage, and were to have the same control over the goods which might be imported, as they already exercised over the trade of their Captains and Officers.

It was soon found, that the conditions, under which this trade was opened, changed its operations, so as to render the privilege of little value. The residents in India, for whose benefit it was professed to have been principally intended, presented memorials upon the subject to the Governments abroad; and the merchants of London represented

to the authorities in England, the necessity of an enlargement of the principle, as well as a correction of the regulations. It is not necessary, to go into any detail of the reasons upon which those applications were supported; because Mr. Dundas, who then presided over the affairs of India, and who had introduced and carried through Parliament the Bill of 1793, did in the most explicit terms inform the Court of Directors, in his letter of the 2d April, 1800, that “ he should be uncandid, “ if he did not fairly acknowledge, that experience “ had proved it to be inadequate to the purposes “ for which it was intended—and that therefore “ he was clear, that the clause in the Act ought to “ be repealed, and in place thereof *a power be given “ to the Governments abroad, to allow the British “ subjects, resident in India, to bring home their “ funds to Britain on the shipping of the country;*” that is to say, on ships built in India. This letter, of the President of the Board of Control, was referred by the Court of Directors to a special Committee of their body; who, in a very elaborate Report, dated 27th Jan. 1801, that is to say, after the deliberation of eight months, declared that it was impossible for them to acquiesce in the proposition then made by Mr. Dundas. They supported their opposition by a variety of arguments, from which the following short passage need alone be selected;—“ The proposals which have been “ brought forward by certain descriptions of men,

“ both in India and in England, for the admission
 “ of their ships into the trade and navigation be-
 “ tween India and Europe, *proposals which extend*
 “ *to the establishment of a regular and systematic*
 “ *privilege in favour of such ships, appear, when*
 “ *maturely weighed, and followed into all their ope-*
 “ *rations, to involve principles and effects dangerous*
 “ *to the interests both of the Company and of the na-*
 “ *tion ; that the adoption of those principles would,*
 “ *immediately and essentially, affect both the system*
 “ *of policy which the Legislature has established for*
 “ *maintaining the connexion and communication be-*
 “ *tween this country and British India, and the char-*
 “ *tered privileges of the East India Company. And*
 “ the introduction of any practice of this nature,
 “ would tend to widen gradually, and indefinitely,
 “ the channel of intercourse between India and Bri-
 “ tain ; to multiply the relations between the two
 “ countries ; and to pour Europeans of the lower
 “ sort into India, and Indian sailors into this coun-
 “ try ; to lessen, by both these means, the respect
 “ for the European character ; *to disturb and shake*
 “ *our government there ; and, in a word, to lead*
 “ *progressively but surely to colonization.*”

The language employed by the Court of Direc-
 tors at the present day, in opposition to the pro-
 position for allowing private ships returning from
 India to import to the places from whence they
 had sailed upon their outward voyage, is feeble

and languid; in comparison with the passage which has been just now recited; from the Report of their Special Committee, made upwards of twelve years ago, upon the proposition then submitted by Mr. DUNDAS. That Minister, in his reply of the 21st March, 1801, to the Court of Directors, observed, “ *I have reviewed my own opinions with the most jealous attention, and I have weighed, with the most anxious care, the arguments of those who suppose that the system which I have recommended, is likely to produce any inconveniense or danger to the rights, privileges, and exclusive interests of the East India Company: but it is my misfortune to view the subject in an opposite light. If any thing can endanger that Monopoly, it is AN UNNECESSARY ADHERENCE TO POINTS NOT ESSENTIAL TO ITS EXISTENCE.*” Mr. Dundas then adverted to a letter of the 30th September, recently received from the Governor-General, Marquis Wellesley, which, he said, “ had with clearness and precision ably detailed and demonstrated the grounds of those opinions.

“ But, the judgment and reasoning of Mr. Dundas, elucidated by the arguments of Marquis Wellesley, (which were founded on the knowledge of what, at the time, was passing under the eye of the Governor-General,) had not influence upon the Court of Directors, sufficient to make them adopt the proposition of the President of the Board of Control; and still less, the enlargement of that proposition,

as suggested by Lord Wellesley; who represented, “ the great advantages that would result to the “ Sovereign State, by encouraging the shipping and “ exportation, of India; and, that if the capital of “ the Merchants in India, should not supply funds “ sufficient for the conduct of the whole private “ Export Trade from India to Europe, no dangerous “ consequences could result from applying, to this “ branch of commerce, capital drawn directly from “ the British Empire in Europe;” thereby taking that trade from foreign nations, whose participation in it was become “ *alarmingly increasing.*”

These distinct and concurring opinions, of the President of the Board of Control and the Governor-General, could not prevail upon the Court of Directors to, “ alter the opinion they had delivered.” They accordingly drew up paragraphs, to be sent to the Governments in India, conveying their *final resolutions and instructions.*—“ The “ British residents in India,” they said, “ aided by “ those who take up their cause here (*viz.* the “ King’s Ministers and the Merchants of London), “ desire to send their own ships to Britain, with “ private merchandise; and the principle of em- “ ploying British capital in this trade, is also con- “ tended for. This trade, although it might, for “ a time be carried on through the existing forms “ of the Company, would, at length, supersede “ them; the British commerce with India, instead “ of being, as it is now, a *regulated monopoly,*

“ would deserve, more properly, the character of
 “ a regulated free trade; a title, which it is to be
 “ feared would not suit it long.”

Such is the substance of the paragraphs which the Directors had prepared, upon the propositions we have been considering; although both the one and the other of those propositions explicitly provided, *that all the private trade with India, export as well as import, should be confined to the Port of London.* The Board of Control, though no longer presided at by Mr. Dundas, interposed its authority; and, on the 2d June, 1801, the Directors were enjoined not to send those paragraphs to India.

The language of the Court of Directors in 1813, upon the question of the Import Trade, is, as has been already affirmed, feeble and languid in comparison with that which the same body employed in 1800 and 1801, with regard to the admission of India-built ships in the carrying trade between Britain and India; but Indian-built ships have, from that time to the present, been employed in that trade, and none of the alarming consequences, which the Directors had predicted, have resulted from that practice.

May it not therefore be reasonably assumed, that the alarm under which they now profess themselves

to be, would prove to be equally unfounded; that the direful influence upon the Constitution and Empire, which the Directors tell us is to be apprehended, from any change in the existing system that shall admit private ships returning from India to import at the places whence they had cleared out, would be found to be as little entitled to serious consideration; and that neither the public revenue, nor the immediate interests of the Company, would be endangered by an experiment, which the Government and the Company would be equally bound to watch; and which Parliament could at all times control, and if necessary, absolutely bring to a termination?

GRACCHUS.

LETTER IV.

Saturday, Jan. 16, 1813.

HAVING hitherto taken a view of those parts of the India Question, which more immediately relate to the commercial interests of this country, and to the Proprietors of East India Stock; let us now advert to the deportment of the Directors towards the Ministers of the Crown, in their last communication made to the Court of Proprietors.

It appears, from the printed papers, that as long

back as the month of April, the President of the Board of Control put the Court of Directors in full possession of the *final opinion* of His Majesty's Ministers ; concerning the privileges of trade which, they conceived, it would be their duty to submit to Parliament, as the basis of a Charter. Early in the month of December, a deputation from the Court of Directors appears to have been admitted, by special appointment, to a conference ; in which it is known to every clerk and messenger about the offices, as well as to every member of that deputation, that the three Secretaries of State, the First Lord of the Treasury, and the Chancellor of the Exchequer attended. And it is equally notorious, that two subsequent meetings were held, between the same parties. We are warranted to infer, from the letter of Lord Buckinghamshire, that the discussions which took place at those several conferences, were declared to be open and unreserved ; with a view that the Members of Government, and the Members of the Deputation, might freely, and without restraint of form, deliver their reasons for the opinions which they respectively held.

The impression which the Court of Directors received, from the conduct of the Ministers of the Crown, in those conferences, is manifested in the Letter from the Chairman and Deputy Chairman to the President of the Board of Control, of the 30th December, in which " they return sincere

“acknowledgments for the attention with which
 “their representations had been listened to, in the
 “various interviews with which they had been
 “honoured by his Lordship, and His Majesty’s
 “Ministers, who attended.”

In conferences of this nature, and between parties thus relatively circumstanced, all that was to be expected from the Ministers of the Crown was, that they should listen with attention to the representations made to them, and should reply to those representations, so as to command the acknowledgment of the inferior party. If, in the issue, (to use the words of Mr. Dundas to the same authorities in 1801,) “after having reviewed
 “their opinions with the most jealous attention, and
 “after having weighed, with the most anxious care,
 “the arguments brought forward, it was still their
 “misfortune to view the subject in an opposite light” to that which presented itself to the judgment of the Directors; it was not to be expected, that they should surrender their own judgment to that of the Directors, who stood in the anomalous character of defendants and judges in their own cause.

At the time that these conferences were terminated, the Ministers appear to have entertained an expectation, that the subject would not be further agitated, until an official communication should be made upon it from Government. The

Court of Directors, however, met on the 18th December, and entered something very like a protest, by anticipation, against the measure, which they knew, (from what appears to have passed at the conferences,) would be the subject of that official communication; and they transmitted it to the India Board. By the irregularity of this proceeding; which bore upon the face of it the appearance of a design, either of intimidating Government from coming to the final decision which they had signified, or of creating a bar against future discussion; they precluded Government from going into any detail of argument, and consequently, the reply of the President of the Board of Control appears to have been principally intended, to convey officially to the Court of Directors that result, which the Members of the Deputation were already in possession of; namely, “those conditions, upon which alone, consistently with their public duty, the King’s Servants could submit a proposition to Parliament for the renewal of the Charter.”

To this official communication, the Chairman and Deputy Chairman of the East India Company sent a reply, wherein they offer some explanation of the irregularity; but, in their opposition to the ultimate determination of Government, they call upon the King’s confidential servants, to impart to them all the reasons which had determined them to think, that “the privilege of Eastern com-

“merce should be extended to British merchants;” and also, the specific regulations which they may propose to adopt, for giving additional security to the revenue against smuggling.

The President of the Board of Control, thus called upon to step out of his sphere, or to admit the Court of Directors to *Cabinet discussions*, was constrained to acquaint them, that “the duty of Ministers had been performed, by communicating to the Company the conditions on which they were disposed to submit the business to Parliament;” at the same time informing them, that they would find most of the reasons, which had determined the judgment of Ministers to yield to the representations of the out-port merchants, stated “in the petitions presented by those merchants to the Houses of Parliament.” And he finally referred them, with confidence, to the “justice and wisdom of Parliament, for obtaining a due regard to their interests.”

If the Court of Directors did not entertain feelings and views very different from those of the community at large, in consequence of that peculiar position which renders them *defendants, and judges, in their own cause*, they could not fail to contemplate with applause, the temper, patience, and regard to public engagements, which mark the whole proceedings of Government on this arduous occa-

sion. But, being at one and the same moment, petitioners and arbitrators, and having their judgments biassed under those clashing characters, they have not always kept themselves within the capacity, in which alone they can consistently treat with the Government of the country. In their communications with the Servants of the Crown, respecting the renewal of their Charter, all that they are authorized to pretend to, is to have a distinct knowledge of the conditions, on which the Government think they shall be justified in the sight of the country, in proposing to Parliament the renewal of their Charter; and, in the course of obtaining this information, they have experienced the utmost consideration, and have received the most ample and unreserved communications from His Majesty's confidential servants; who have given their attention to every argument urged by those who appeared as representatives of the Court of Directors, and have put them in possession of all the grounds upon which they differ from them in opinion. After having done this, they have discharged their highly responsible duty to the Public; and if "*they have the misfortune to view the subject in an opposite light,*" the Company's records will show them, that this is not the first time a radical difference of opinion had subsisted, concerning their pretensions, between the King's Ministers and the Court of Directors.

Such being the true state of the case, it becomes a subject of grave inquiry, why the Directors, in the Court of Proprietors held at the India House on the 5th instant, took no step whatever for moderating the spirit which was then shown; or for rectifying the false impressions which were there testified, respecting the deportment of His Majesty's Ministers. It does not appear, that any one of the Directors who were parties in those various conferences, in which they acknowledge to the President of the Board of Control that they experienced so much attention, took any forward step to set right the misrepresentations which were delivered; or to repel the charges, implied or declared, of contempt, neglect, encroachment, &c: which were so freely imputed to the Servants of the Crown. But they left the spirit which had improperly been excited, to act by the impulse of an erroneous impression; omitting to render to the Government that justice, which the frankness of their proceedings strongly called for.

A review of the debate at the India House,—with the Directors, either silently withholding what they were enabled to impart in justification of the Government, or by the rhetoric of some of them tending to blow wider the flames of discord,—would almost authorize a suspicion, that the Directors were not displeased at the fever which their

silence nourished. It is therefore earnestly to be hoped, for the honour of the East India Company, and more especially for the interest of the Proprietors, that some Director, or other individual, may, at the next General Court, strive to efface the memory of the last; who may call upon the Deputation, to render to the Ministers of the Crown whatever justice is due to them, for their conduct in the late discussions; and who may recommend a revision of the statement, in which they represent to those Ministers, that the terms on which Government have offered to the Company a Charter, are such as may “leave their dividend unprovided for,” and “create a necessity for their going to Parliament!” For, unless they have brought themselves to a state to suppose, that Ministers and the Public have lost all intelligence, they must know, that both Ministers and the Public are well aware, that they are actually under a necessity of going to Parliament for aid, as soon as Parliament shall be assembled; and that, at the present moment, *their dividend* may, in strictness, be considered as *unprovided for*.

GRACCHUS,

LETTER V.

Tuesday, January 19, 1813.

THE writers, who have recently undertaken to defend and justify the opposition of the Court of Directors to any extension of the Import Trade from India to the out-ports of the kingdom, have laid a peculiar stress upon an opinion conveyed in that part of Mr. Dundas's Letter of the 2d of April 1800, in which that Minister was considering "the *agents* to be employed at home; to manage the private trade of individuals from India, and to take care of their interests in the cargoes of the returning ships." He states his opinion, that "there is no use of any interference by the Company; that the great interest to be attended to on *the part of the Company*, is, that no goods come from India that are not deposited in the Company's warehouses; and that the goods, so imported, be exposed at the Company's sales, agreeably to the rules prescribed for that purpose."

In taking ground upon any principle, it is necessary to ascertain whether it applies to the case in point. That it was a great interest to the East India Company to watch and control the trade

carrying on under their own licenses, is obvious ; and this the Company could not effectually do, unless that Trade, on its return from India, was brought under their own eye; and collected within the sphere of their own control ; which is confined to the Port of London. But the case, to which this argument is now applied by the advocates for the Company, is so essentially deficient, that the principles appear to be wholly inapplicable. In this *new case*, the extended trade would be carried on, not under *the Company's licenses*, but under *the provision of Parliament* ; and the protection and control of that trade would become the care, not of the Company, but of the executive Government. Here then the determination of that trade would be governed, not by the separate interest of the Company (which alone came within the scope of Mr. Dundas's argument), but by the combined interests of the Company and the Public at large. To this *combined interest*, Mr. Dundas's argument was *not* directed ; and it is a fallacy in reasoning, to apply a partial argument to a general case,

But, let us grant what these advocates assume ; that the opinion here delivered by Mr. Dundas, does really apply to the case in question. May not that have happened at the present day, which actually did happen with regard to the regulations of the Charter of 1793 ? Might not new light be

thrown upon a subject in 1813, which was supposed to have been thoroughly investigated in 1800? And, as the candour and openness of Mr. Dundas caused him, in 1800, to avow, that the provisions of 1793 were *inadequate*, and prompted him strenuously to recommend the adoption of a *new principle*; is it not possible that, taking into his view all the circumstances which bear upon the question at the present day, he might, had his life been spared, have been convinced, that the extraordinary and unforeseen changes which have taken place in the political and commercial world, might have now rendered it, not only expedient but, necessary to relax, in some degree, upon the point of the import trade from India?

At an early period of the present discussion, Ministers appear to have entertained the same maxim, of confining the import trade from India to the Port of London. They were afterwards led, by a full exposition, of all the various interests which remonstrated against that close restriction, to deem it just and expedient to propose (and wise and politic for the East India Company to consent), that *such of the principal out-ports as possessed the means whereby smuggling could best be guarded against*, should participate with London in the import trade from India; reserving exclusively to London, the whole of the trade from

China. This alteration of their original plan was suggested by them to the Court of Directors, not as a relaxation of the *existing privileges* of the Company (which was the nature of Mr. Dundas's proposition in 1800), but as a qualification to take place under a *new Charter*.

When Mr. Dundas suggested to the Directors the new principle, of admitting Indian-built ships as the vehicle for carrying on the private trade, he was not treating with them concerning *the renewal* of their Charter; for they had then an *unexpired term of fourteen years*, in the privileges conferred upon them by the Act of 1793. His proposition, as has been just observed, went to a *relaxation* of an important part of those *subsisting privileges*; for which he sought to gain their acquiescence; and as his opinion was decided and avowed, "that the *ostensible form* of Government for India, with *all its consequent detail of patronage*, must remain as it now is, and that the monopoly of that trade ought properly to continue in the hands of the East India Company;" it was prudent and seasonable in him to dwell upon that point,

Have not the Ministers of the present day evinced the *same opinion*? Have they not proposed, to leave the patronage of India, and the exclusive profits of the China Trade, with the Company? Does not the China Trade ensure the em-

employment of all the large ships in the service of the Company; together with the continued engagement, in that line of service, of the Commanders and Officers of those ships; and also, of every other description of person now connected with that (*the largest*) branch of the Company's concerns? Have not Ministers proposed to confine the private trade with India to ships of four hundred tons and upwards; thereby leaving to the owners of such of the smaller ships now in the service of the Company, as by possibility may not be required for their commerce, the advantage (which establishment in any line of business must always give) of finding employment from those who, under the proposed extension, may engage in that trade? Have not Ministers, in proposing that the *Government* of India should continue to be administered through the organ of the Company, proposed to them the continuance of the peculiar and great benefit, of carrying on their *commerce* by means of *the revenue* of that Government? Whereas, the private adventurers must trade upon their own capitals, or at an heavy charge of interest.

How is it, then, that we hear so much of the loss which our Navy must sustain, from the large ships of the Company being withdrawn from the Eastern Trade; of the distress to which the Commanders and Officers, and the numerous classes

of artificers and others connected with those ships, are to be exposed? Why are we told, that the East India Docks will be left empty, and the Proprietors be reduced to apply to Parliament for an indemnification? Can it possibly happen, that all these calamities, so heavily denounced, should arise out of a permission to be granted to private ships, returning from India, to proceed to *certain ports to be designated*; more advantageously situated for their trade than the Port of London? A permission, which the Directors themselves are of opinion will not long be made use of to any great extent; for they have told us, that the adventurers in those private ships will be disappointed in their speculations; and they have adverted to the mass of individual loss, which must ensue from the delusion, as furnishing a strong argument, why Government ought not to yield to the importunity of the Merchants of the out-ports.

From all that has been stated, it would appear, that instead of the exaggerated picture of distress, which the advocates for a close monopoly to the Port of London have represented as the necessary consequence of relieving commerce from its present restrictions, we ought to entertain a well-founded expectation; that *every class and description of persons*, who now find employment in the Indian Trade, will continue to have their industry called into action in the same line of em-

ployment, and even to a greater extent, in some instances, than is now experienced. For, unless the *union of interests*, which has so recently taken place between the City of London and the East India Company, should have the effect of preventing all competition between the Merchants of London (formerly so eager to participate in the trade with India), and the Merchants of the out-ports; it cannot fail to happen, from the spirit of enterprise which has uniformly distinguished the Metropolis, that the Port of London, *to which the whole India Trade would be generally open*, will furnish its full proportion of the new adventurers; and thus amply fill up that void, which the East India Company affirm would be created in the Port of London, by diverting so much of the Indian Trade to the out-ports: more especially, as all the houses of Indian agency, which have been formed since the Act of 1703, are established within the Metropolis.

Since this is the just prospect, which the adoption of the conditions proposed by Government as the terms for the renewal of the Company's Charter, opens to our view; since the share which the London Merchants may take in the enlargement of the trade, would not fail to supply employment for all that industry, which the Court of Directors assert will be interrupted and suspended; while, at the same time, the extension of that advantage

will create new sources of industry in various parts of the kingdom, without impairing or diminishing that of London; whose will be the awful responsibility, if, by an obstinate rejection of terms capable of yielding consequences so extensively beneficial to the community, the Charter of the Company should not be renewed; and if the disastrous effect should in consequence be produced, in London and its vicinity, of “a suspended industry, interrupted employment,” and all the train of sufferings and calamities which has been drawn out? Who will be chargeable, before the country, with “the loss and waste of establishments which have cost upwards of a million sterling—of shipping, to the amount of many millions—of a numerous and respectable class of warehouse-keepers, clerks, and superior servants, joined to three thousand labourers, and their families—of tradesmen of various descriptions, who have incurred a very great expense for the conduct of their business?” Who will be chargeable, in fact, with all this destruction? Will it be the Government, who desire the East India Company to *keep their Indian Empire, and their exclusive China trade?* Or will it be the Conductors of the East India Company, who shall suffer this great machine suddenly to stop its action, *because their limited exclusive privileges are not made perpetual?*

GRACCHUS.

LETTER VI.

Friday, January 22, 1813.

GRACCHUS is charged, by some of the champions of the East India Company, with error and a want of candour, because he has represented the Directors to have maintained, that opening the import trade from India to the out-ports of the kingdom, involves a question of the last importance to the British Empire in India, and to the British Constitution at home; and those writers affirm, that the Directors do not deduce the danger of those great interests from the question of the out-port trade, but from the question of disturbing the present system of administering the Government of India.

Yet he can discover, neither error nor want of candour in his statement. If those advocates will take the pains to follow the whole argument of the Directors, on the present occasion, throughout, they must be sensible, that his statement cannot be controverted. The Directors, indeed, avoid expressing their proposition in the fair and distinct form in which it is here drawn out; yet such is the proposition in effect. For, if the

whole of it be reduced into a form of syllogism, it is no other than this:—

“ Whatever shall cause the subversion of the present system of Indian Government, will cause danger to the Empire and Constitution.

“ But, pressing the extension of *an import trade from India to the out-ports*, will cause the subversion of the present system of Indian Government.

“ Therefore, *pressing the extension of an import trade to the out-ports, will cause danger to the Empire and Constitution.*”

If we question the *minor* proposition, and ask, Why, pressing an import trade for the out-ports, should necessarily cause the subversion of the existing system of Indian Government? the answer of the Directors is already given:—Because they *will not* continue to carry on that Government, if an import trade from India should be granted to the out-ports. Thus, the original statement is demonstrably established; and all the logic of the City cannot overturn it.

The Directors must permit the words “ *will not* ;” for, with the record of the East India Company’s history before us, it is impossible to say they *cannot*. In proof of this assertion, let us take a review of that history, and let us examine,

what evil resulted to the Company, during the period that the import trade from India was ACTUALLY extended to the out-ports of Great Britain.

When the first, or London East India Company, had incurred the forfeiture of their Charter in 1693, by the non-payment of a stipulated sum of money, their privileges were immediately restored to them, and confirmed by letters patent, granted by King William III. upon this express ground:—" Considering how highly it imports
 " the honour and welfare of this our kingdom,
 " and our subjects thereof, that a trade and traffick
 " to the East Indies should be continued; and
 " being well satisfied that the same may be of
 " great and public advantage; and being also desirous
 " to render the same, as much as in us
 " lies, *more national, general, and extensive, than
 " hitherto it hath been,*" &c.

This principle, of promoting a more national, general, and extensive trade to India than had subsisted under the then existing Company's exclusive Charter, gave rise to a new measure in the year 1698, in an Act passed in the 9th and 10th year of the same King, entitled, *An Act for raising a sum not exceeding two millions, &c. and for settling the trade to the East Indies.* The parties subscribing towards that loan, were formed into a Society, called *The General Society of Merchants, &c.*; and such

of them as chose to unite their subscriptions, and to form a joint-stock, were incorporated under the name of *The English East India Company, &c.* The General Society possessed the privilege of an export and import trade with India, with the power of *bringing their import cargoes from India to the out-ports of the kingdom*, in the same manner as is proposed by Government at the present day; with this only difference, that the General Society of Merchants were not restricted as to the ports at which they should enter, whereas Government have *now* proposed, that merchants *should be restricted to such ports as can best afford the means of guarding against the depredations of smuggling.*

The regulations, which were adopted for ships importing from India to the out-ports, are to be found in the Act 9 and 10 William III, c. 44, s. 69. and were as follows;—

“ Provided always, and it is here enacted, that
 “ no Company, or *particular person or persons*,
 “ who shall have a right, in pursuance of this Act,
 “ to trade to the East Indies, or other parts with-
 “ in the limits aforesaid, shall be allowed to trade,
 “ until *sufficient security* shall be first given (which
 “ the Commissioners of the Customs in England,
 “ or any three or more of them for the time
 “ being, are hereby authorized and required to

“ take, in the name and to the use of His Ma-
 “ jesty, his heirs and successors), that such Com-
 “ pany, or *particular persons*, shall cause all the
 “ goods, wares, merchandise, and commodities,
 “ which shall at any time or times hereafter, du-
 “ ring the continuance of this Act, be laden by or
 “ for them, or *any of them*, or for their, or any of
 “ their accounts, in *any ship* or ships whatsoever,
 “ bound from the said East Indies, or parts within
 “ the limits aforesaid, to be brought (without
 “ breaking bulk), to *some port of England or*
 “ *Wales*, and *there be unladen and put to land, &c.*
 “ And that all goods and merchandises belonging
 “ to the Company aforesaid, or *any other traders*
 “ *to the East Indies*, and which shall be *imported*
 “ *into England or Wales*, as aforesaid, pursuant
 “ to this Act, shall by them be sold openly and
 “ publicly, by inch of candle, *upon their respective*
 “ *accounts*, and not otherwise.”

Upon this Act of the 9th and 10th of William
 III. was built, in the following year, that famous
 Charter of the Company, upon which they rest the
 weight of their pretensions; and that very Charter,
 as is here rendered incontestable by the Act itself,
 comprehended the principle, of an *Import Trade*
from India to the OUT-PORTS of the kingdom,

The form and condition of the security which
 was to be given by the out-port merchants, will

be found in the Act, 6th Anne, c. 3. entitled; “ *An Act for better securing the duties on East India goods.*” By that Act, the security to be given was fixed “ at the rate of 2500*l.* sterling for every hundred ton their ships or vessels shall be respectively let for;” and the *only* restriction imposed upon the import trade from India was, that it should be brought “ *to some port in Great Britain.*”

Thus, then, any man who looks but a little beyond the objects which lie accidentally before his eyes, may see, that the measure now suggested by Government, instead of being a wild and airy speculation, a theoretical innovation, a *new*, untried, and dangerous experiment, on which we have no ground to reason from experience (as it has been ignorantly and falsely asserted), is nothing more than reverting to an *ancient* principle, involved in the Company’s applauded Charter of the 10th of William the Third, and to the practice of our forefathers in the brightest period of our domestic history; a period, in which the British Constitution received its last perfection, and from which the present power and greatness of the British Empire, in the East and in the West, dates its origin.

Having sufficiently proved and established this *great fact*, let us next inquire, what history reveals

to us, of *the consequences* of that import trade to the out-ports, that can tend, in any degree, to justify, or give support to, the Company, in determining to resort to an alternative, which, they acknowledge, will subvert the system of Indian Government (and thereby shake the Constitution at home), rather than *renew the measure* of a regulated trade to the out-ports.

We have not to deduce these consequences from *abstract hypothesis*, but from *historical testimony*; let us, then, observe what that testimony unfolds. No evil, of any kind whatever, resulted to the incorporated, or Joint Stock Company, from the privilege enjoyed by the out-ports. On the contrary, that *Joint Stock Company*, issuing out of the General Society of Merchants (which, as has been above stated, soon became the English East India Company), rose above all their competitors, notwithstanding the power of importing, without limitation, to *any of the ports of the kingdom*: and such was the rapidity of their progress, that they overcame the former, or London Company; they obtained a surrender of all their rights to St. Helena, Bombay, and all their other islands, and settlements in India; they at length received that ancient Company into their own body; and finally became the United East India Company of the present day. And so little did the competition and free import of the general merchants tend to ob-

struct the growth of the United Company, even in the age of its *infancy*; and so “superior were the “advantages they derived from trading with a “joint-stock (to use the words of one of the “Company’s most strenuous champions), that at “the time of the union of the two Companies, “out of the whole loan of two millions, only “7000*l.* then remained the property of the *separate traders of the General Society*; and this “sum also was soon absorbed in the United “Company*.” If then the Company, starting originally with only a joint-stock, against a competition in the out-ports of the kingdom, with a power to import to those out-ports, outstripped and overcame all their competitors; what can they seriously apprehend from a renewal of the same experiment, in the present momentum of their power, and when they are able to unite with their joint-stock, the whole of the revenues of their present empire in the East?

But it may be asked, if no better success is likely to attend the commercial speculations of the out-ports, why is so strong an effort made, to admit them to a share in the India trade? The answer is obvious. When Mr. Dundas, in the year 1800, so forcibly expressed his opinion against any such admission, he did not ground that opi-

* A Short History of the East India Company.

nion upon a question of *ports*, but of *commercial capital*. He considered the capital of the Company as sufficient for all the advantage which the Public, in the aggregate, could derive from the India Trade; and he maintained, that the aggregate interest of the Public would suffer from any measure, tending "to divert any larger proportion " of the commercial capital of the country from a " more advantageous and more profitable use." But the circumstances of the world are become materially altered, since the period of 1800. The commercial capital, of which Mr. Dundas then reasoned, is deprived of that advantageous and profitable employment which his argument supposed, and is therefore without application or direction; from whence it has resulted, that the operation of commerce is interrupted, and its activity suspended. The allowing that capital to be partially directed to the markets of India, would therefore, under present circumstances, have the great national advantage, of recovering the activity and spirit of commerce, and of encouraging an extensive public interest which is at present disappointed, if not dormant; and, whenever a more prosperous state of things should return, the capital so engaged for a time, would, from the nature of commerce, unquestionably recall itself, and seek again a more profitable market, if any such should open. In the mean time, the East India Company, adding to their joint-stock all the revenues

of India, need hardly know, because they could not *feel*, that they had any competitors in the markets of India. And, as the Executive Government was able to guard the out-ports against smuggling in the period of *the infancy* of the Company, they might and ought to feel a perfect confidence, that the same authority can guard them equally now, in the present period of *their maturity*.

Thus, since history renders it indisputable, that an import trade from India to the out-ports of the kingdom has been heretofore exercised under Acts of Parliament; and that it may be perfectly compatible with the highest prosperity of the East India Company; since the Executive Government can guard it against smuggling at the present day, as well as in the reigns of King William and Queen Anne; and since a great and urgent national interest reasonably demands it, both from Parliament and the Company; the present moment furnishes a most fit occasion for the Company to consider, Mr. Dundas's solemn call upon "their wisdom, policy, and liberality," made by him to them in the year 1800; and also, his weighty admonition, that "*if any thing can endanger their monopoly, it is AN UNNECESSARY ADHERENCE TO POINTS NOT ESSENTIAL TO THEIR EXISTENCE.*"

It has been called *illiberal*, to question the motives of the Directors, in refusing their consent

to an import trade to the out-ports. But, with the facts of history, which have been here produced, staring us and them in the face, it would be impossible not to question those motives. No man can entertain a higher respect for the East India Company, as a body politic and corporate, or contemplate with higher admiration the distinguished career which it has run, than Gracchus; but, at the same time, no one is better persuaded of the operation of *policy*, in a body circumstanced as they are. And it is more especially necessary to watch that policy, and to be free to interpret *political motives*, at the present crisis, because, at the eve of the expiration of the Company's last Charter, in 1793, certain rights were anxiously alleged on their behalf, in a work entitled, "*A Short History of the East India Company, &c.*" rights absolutely unmaintainable, and utterly incompatible with the sovereignty of the Empire, and the freedom of the Constitution; and the allegations then made, appear now to assume the form of a *practical assertion*. . To those alleged rights, therefore, it will be advisable early to call the attention of Parliament and of the nation.

GRACCHUS.

LETTER VII.

Wednesday, Jan. 27, 1813.

THERE is an irritability manifested at the present moment, by those who are intimately united in interest with the East India Company, which appears strongly indicative of an unhealthy case. It is well known, that the revenues of the Company, far from being able to contribute to the revenues of the State that augmentation which was made the condition of the Company's present Charter, have, from causes which the Directors could not control, been so deficient, that they have been obliged, at different times, to apply to Parliament for pecuniary aid; that they are burdened with a debt of not less than forty-two millions; and that they are *now* unable to discharge their engagements, without again coming to Parliament to obtain the means. Yet, "AN OLD PROPRIETOR" feels no uneasiness from this state of the Company's affairs; and this, we must suppose, proceeds from an opinion, that the dividend he now receives is secured to him for the time to come.

But Parliament has never, directly nor indirectly, made itself a collateral security to the Propri-

prietors, for the payment of a dividend of 10½ per cent. The aids, at different times granted by Parliament, have proceeded from a mixed principle, of *equity* and of *liberal support*. Of *equity*, in so far as the embarrassments of the Company have been occasioned by political events; of *liberal support*, in so far as those embarrassments may have been caused by disappointment in trade. If the Proprietors should not discriminate between these two principles which have actuated Parliament, but claim the whole of the succours afforded, upon a ground of *positive right*, they might impose upon Parliament the necessity of requiring the East India Company to bring their affairs to a final settlement; in order that it may be accurately determined, how far the Public are equitably pledged to the Proprietors, and how far the Proprietors must be left to settle their own accounts with the Company alone. And it is possible, that the result might not afford that confidence of a well-secured dividend of ten and a half per cent., which an OLD PROPRIETOR considers it an attack upon private property even to question.

Such an issue, however, does not appear to be very likely to occur, unless the Managers of the East India Company's concerns, from any ill-advised determination in their counsels, should take some steps, by which their affairs should be abruptly brought to a settlement: in which event,

any disappointment or loss sustained by the Proprietors will be chargeable upon those Managers, who thus desert their duty to their Constituents; and not on the Public, or the Government. The Managers of the East India Company, having so clear and responsible a duty binding upon them, ought to be most scrupulous of failing in that duty, through any capricious or speculative “*adherence to points, not essential to their existence* ;” for, if they should sacrifice the interest of the Proprietors by now attempting to convert their *temporary grants* into a *perpetual right* ; although the disappointed Proprietors may arraign the Public, yet the Public at large will, with justice, impeach the Managers of the East India Company.

In order to open the eyes of the Proprietors to the simple fact of their actual position, their attention was called by Gracchus, on the 13th inst. to the consideration, whether the Company, loaded with a debt of 42,000,000*l.* and being unable to discharge the sum of four millions becoming due, could reasonably expect, that if Parliament should now come to their immediate relief, it would engage itself, *in all future time*, for the payment of a dividend of ten and a half per cent. ; especially, if, upon any contingent winding up of the Company’s affairs, called for by their own pertinacity, their remaining resources should be found inadequate to secure that dividend to the

Proprietors? And the possible case was suggested, of some guardian of the public purse deeming it equitable, that in the event of Parliament being disposed to come to the relief of the Proprietors, under such circumstances, the latter should be called upon, on their part, to submit to some condition of accommodation.

“ AN OLD PROPRIETOR” discovers in this argument of caution, only a *direct menace* from the Executive Government to the purses of the Proprietors;—a plain and intelligible *threat*, that payment of their just claims shall be withheld; and he “ thanks God, that he lives in a country, “ where such language will be treated with merited scorn.” This OLD PROPRIETOR should have known, that Government has never declined to settle any accounts with the East India Company; which had been properly authenticated: under present circumstances, it is not to be expected, that Government should incur the responsibility of applying the public money to discharge claims which have not been sufficiently investigated. So far, however, is Government from having evinced any disposition to throw unnecessary difficulties in the way of the Company’s pecuniary arrangements, that, in the midst of the present contest with the Directors, it has granted to the Company a suspension of the payment of between 8 and 9,00,000*l.* of tea duties, which the Company had

actually received from the buyers of the tea. It is perhaps not generally known, that the Company formerly paid the duties upon tea upon its being imported and landed; by which means the amount of duties was immediately drawn into the Exchequer. To accommodate the Company, a change of practice was allowed by Government, and the Company have been permitted to sell their teas, in the first instance, without the interference of the Officers of the Customs, upon condition of the Company afterwards remitting the gross amount of duties to the Board of Revenue. Thus they actually make their own profits upon the tea, and receive into their own hands the Government duties, before they are called upon to pay them. The duties actually so received by the Company, amount to the sum above stated; and the OLD PROPRIETOR will probably deem it no slight proof of a wish on the part of Government to render an accommodation to the Company, that, during the pending discussion, it has made arrangements, for allowing the Company an extended period, for transferring the very considerable sum of which they have actually received the beneficial use.

It should be always remembered, by the Company, and by the Public, as parties in a great compact, that the privilege of an exclusive trade

to India and China has never been granted to the Company without reserve ; or, as if their possession of that exclusive benefit was, *in itself*, the most advantageous arrangement for the public interest. The grant has always proceeded upon a principle, of bargain and covenant ; and on the consideration of a pecuniary advance, to be made by the Company to the Public, as the condition for the renewal of *the lease of the public rights in the India trade*. Upon this principle alone, has the exclusive trade ever been conceded to the East India Company ; either under its present form, or under any of its former denominations.

To shorten the discussion, however, let the Proprietors and the Company take the following compressed view, of the probable consequences which would severally result, from a *compliance with*, or *rejection of*, the proposition made by Government, as the basis of a new Charter ; and let them consider, in *which of the two* they foresee the greatest security for their own future interests.

If, upon maturely weighing the case before them, the Company should accede to the proposition of Government ; and if an arrangement, founded upon that proposition, should receive the sanction of Parliament ;

1. The Company will preserve *the entire China trade*; and this principal sphere of their commercial profit, will remain undisturbed.

2. They will possess advantages for continuing to carry on the India trade, so far superior to those of all private competitors, from *their territorial and commercial revenues*, that, with a moderate exertion of their activity, they may preserve almost the whole of that trade.

3. They will possess *the regulation and control of the India trade*, so far as depends upon the Indian Governments; and as those Governments will continue in the exercise of the executive power, all the private Merchants, who may repair to the ports and harbours within the extensive limits of their jurisdiction, will of course *be subject to the authority of their Government*.

4. They will retain the whole patronage and expenditure of a revenue of upwards of *Fifteen Millions* sterling per annum in India, together with very extensive establishments at home, depending upon that revenue.

5. The accounts between the Public and the Company, being brought to no sudden and violent crisis of settlement, may be amicably and

leisurely adjusted, with a view to mutual convenience.

On the other hand, should the Company incautiously drop the *substance* to pursue the *shadow*, and refuse the proposition of Government; and should Parliament, upon a full and deliberate consideration of the actual circumstances of the Company, deem it more advisable to bring their accounts with the Public to a thorough investigation and final settlement, than to admit the Company's new pretensions to a *perpetual monopoly*;

1. The Company will lose as much of the China trade as may fall into the hands of the private merchants, who *think* they shall be able to sell tea 85 per cent. cheaper than the Company.

2. They will lose the control of the India commerce, and will carry on their traffic in India as *subjects*, in common with the private British merchants.

3. By that loss, voluntarily incurred, they may throw the greatest part of the trade into the hands of the private traders.

4. They will lose the patronage of India, and the establishments depending upon it; which they will thus compel Parliament, contrary to the dis-

position of Government, to place under different arrangements: -

5. The accounts between the Public and the Company must be referred for investigation to Commissioners of Inquiry, to be finally settled and adjusted.

It is now for the Proprietors, after well considering these two alternatives, to determine, under *which of the two* their dividend will be *most secure*.

With regard to Constitutional objections against taking the Government of India out of the hands of the Company (upon which objection their confidence in their present pretensions chiefly reposes), it is difficult to conceive that the wisdom of Parliament, after the experience of so many years, is unequal to the task of devising a system as good as that of the Company, without incurring the evil which those Constitutional objections suppose. The Company's Government, it must be recollected, has been a production of chance, and has grown by the progress of accidental events. It has, indeed, answered far better in practice than could have been expected, if we consider its origin; and therefore, it is not desirable that it should be materially altered; neither is it likely that any such alteration of the system should be

contemplated, unless the indiscretion of the Company should impose upon Parliament the necessity of resorting to that measure. But it certainly does not seem to be a measure insuperably difficult, to preserve whatever is really good in the present system, and even to remedy some of its defects, without departing from the path of experience, and resorting to improvements of theory and experiment.

There is one point of view, however, in which such a system would acquire an evident advantage over that which has hitherto obtained: viz. that it would, in every Session, be liable to the revision of Parliament, and to the immediate correction of every error which might be observed, and to such further continual improvements as experience might direct; *not being embarrassed by the compact of a Charter.*

GRACCHUS.

LETTER VIII.

Wednesday, February 17, 1813.

It is very observable, that the objections which have been made by the East India Company to the admission of ships, returning from India, to import and dispose of their cargoes at any other place than the Port of London, are not founded so much upon any statement of the injury which the trade of the Company would sustain by admitting them, as upon a provident regard for the adventurers themselves, and a caution held out to them not to entertain an expectation of benefiting by any commercial speculation in India; since the long experience of the Company has enabled them to show, that it must be ultimately ruinous to the speculator. The sum of the experience, alleged by those who have come forward to defend this point, is, “*That it is not practicable to extend the consumption of European manufactures generally in India;*” and the facts which they have asserted in support of this experimental argument, and upon which they rest its strength, are these four following:

1. That the natives of India entertain a strong characteristic aversion, to engage in commercial transactions with foreigners.

2. That their religious prejudices, customs, habits, and tastes, render it impossible that they should ever become consumers of our manufactures, to any extent.

3. That their poverty opposes an insuperable bar to such consumption.

4. That these facts and their consequences are demonstrated in the examples of the Portuguese and the Dutch, who were not able to carry their export commerce with India to any considerable extent.

Let us take these several propositions in their order; and examine; how far they possess that force of truth, which the Company has supposed to belong to them.

1. In the infancy of the European intercourse with India, the sole object of those who engaged in its commerce was, to procure the produce and commodities of the East. In this pursuit, so far were the natives from opposing any obstacles to their endeavours, that they were found disposed to afford every facility to a traffic, which brought them *specie* in exchange for their manufactures, and for the productions of their soil. This fact, which is established by every writer who treated upon the subject of the India commerce during that period, would of itself constitute a complete answer to those who advance the proposition; that

the natives of India are averse, through an established prejudice, to engage in commercial transactions with foreigners.

When the ingenuity of the French and German artists enabled the speculators in this traffic to introduce *works of fancy*; we learn from Tavernier, who made six several journeys, between the years 1645 and 1670, from France to India, by various routes, that the Rajahs of Hindostan and of the Deccan, as well as the Mahomedan princes of those countries, admitted him into their states; that the articles of manufacture which he introduced were received and purchased with an avidity which encouraged him to continue, for so many years, the pursuit of that commerce; that he found the natives of India, spread over the whole range of country from the Indus to the Caspian Sea, engaged in the active prosecution of foreign traffic; and that the number of *Banyans* (the chief commercial cast of Hindoos) at that time established at Ispahan, were not less than ten thousand. Forster, who, in a more recent period, followed Tavernier in one of the routes which he had traversed, informs us, that, in the year 1783, he found Banyans established at Astrachan, within the Russian empire. And we further learn from Bruce, that the principal agents of commerce at Mocha and Jedda, in the Red Sea, were Banyans; and that they had even extended themselves into

Abyssinia, No stronger evidence, therefore, can be required to make it manifest, that foreign as well as internal trade has been in all ages, and still continues to be at the present day, a common practice, and a favourite pursuit of the Hindoos:

2. With regard to the restrictive operation of the religious prejudices and customs of the Hindoos, against the adoption of foreign articles of manufacture; Mr. Colebrooke, lately a Member of the Supreme Council; and an eminent Oriental scholar, has furnished us with information upon this subject, equally important and decisive. In an unpublished work, on the Agriculture and Commerce of Bengal, cited in *The Edinburgh Review*, for November 1812, that gentleman observes, that, according to the sentiments of the Hindoos, “All things come *undefiled from the shop*;” or, in the words of Menu, “The hands of an artist employed in his art are always pure; and so is every vendible commodity when exposed to sale; that woollens are purified by a single exposure to air, while water is necessary to purify other clothes.” Proceeding with these principles, he further informs us, “That the rainy season and winter of India afford real occasion for the use of woollens; that the fabrics of Europe are always preferred; and, if the articles were adapted in the manufacture to the Indian use, and the price reduced, the consumption would descend

“ from the middle even to the more numerous
 “ classes. That the natives of India do not want
 “ a taste for porcelaine, and other elegant wares ;
 “ that they require vast quantities of metallic ves-
 “ sels; and of hardware ; that, considering the
 “ greatness of the population, and the disposition
 “ of the natives to use European manufactures, it
 “ cannot be doubted, that a great vend might be
 “ found, and that the demand will increase with
 “ the restoration of wealth.”

The authority of Mr. Colebrooke on this sub-
 ject would be conclusive, even if it stood alone ;
 but it may be supported by a reference to the
 opinion of many persons, who have been resident
 in the great cities of India. Those persons would
 be found to testify, that at Delhi, at Lucknow, at
 Hydrabad, Mysore, and Tanjore, in all the capi-
 tals, whether Hindoo or Mahomedan, a taste pre-
 vails amongst the natives for a variety of articles of
 European manufacture. The late Nabob of Oude,
 was known to have affected the European dress ;
 as may be seen by the costume of his picture, in
 the possession of the Marquis Wellesley.

A large assortment of cut glass lustres has been
 provided by order, for the Soubahdar of the Dec-
 can ; and a person is now proceeding to India,
 with the license of the Company, for the express

purpose of arranging them, when they shall have reached his palace of Hydrabad.

The Rajah of Mysore (and, in the same manner, many of the Serdars of that state), is frequently clothed in scarlet cloth; his servants are generally dressed in woollen of that colour; and he often travels in an English carriage, driven by postillions, who are habited in the English costume. The Rajah of Tanjore exhibits in his palace a colossal marble statue of himself, wrought by the hand of Flaxman; and the monument of his revered Mentor, the late celebrated missionary Swartz, sculptured by the same eminent artist, was executed and sent to Tanjore, at the express and urgent desire of that enlightened Prince.

We must further observe, that so far are the religious and civil habits of the Hindoos from obstructing the intercourse of trade, that their policy has connected trade with religion; and the great festivals of their worship, are at the same time the appointed periods and scenes of their most active commerce. Jaggernaut, Ramisseram, Tripetty, are the most celebrated places of Hindoo devotion within the British dominions; and every one who has resided in India must know, that *fairs* are held at those places at the periods, when the greatest concourse of pilgrims is drawn to them by the celebration of their religious rites

and ceremonies. In further illustration of the disposition of the natives to traffic, in every way by which profit can be derived, the following fact may be stated; which can be attested by every officer who served with the army under Sir Arthur Wellesley (now Marquis of Wellington), against the Mahrattas, in 1803. The distant and severe service in which that army had been engaged, had exhausted the store of European necessaries with which it had advanced against the enemy; and the officers arrived at Poonah, almost destitute of those comforts and accommodations. But they found the native merchants of that capital provided with the most essential of those several articles, and they were soon supplied, through the agency of those merchants, with every thing for which they had occasion. Poonah is the capital of a Brahmin government; and, therefore, this single fact would serve to furnish a complete answer to every thing that has been asserted, against the practicability of introducing and extending the manufactures of Europe into every part of Hindostan.

3. That the poverty of a large majority of the native subjects of our Indian Empire is such, as to disable them from acquiring our manufactures, is certainly true; but it is no less true; that a very considerable portion of that population possess the means of indulging in every article of convenience and luxury, both native and European. It has

been very generally stated, that there are only *two* classes of people in India, the very rich and the very poor. But a minute investigation into the society of India, would discover the error of this statement, and would show, that there exists a third and *middle* class, far removed from the condition of either of the others; greatly exceeding in number the former of these, and falling far short of the latter. This class, as they certainly possess the means, would, if proper steps were taken, materially contribute to the demand and consumption of many of our home manufactures.

4. With respect to the evidence, attempted to be drawn from the ill success of the Portuguese and Dutch traders, we are to observe, that the situation of the Portuguese and the Dutch, during the period when they were in possession of the European trade with India, was so exceedingly different from that of the British nation at the present moment, that it is scarcely possible to draw a sound comparison between them. The native Governments were at that time powerful; and the establishments of the Portuguese, and afterwards of the Dutch, extended but a short distance from the sea-coast; the manufactures of Europe were, in a manner, in their infancy; and neither Portugal nor Holland were manufacturing countries. Whereas, the British empire is now established over the richest and most populous regions of In-

dia, and its influence is extended even further than its dominion; the manufactures of the United Kingdom have attained a degree of perfection, which never has been equalled; they can be fashioned to the tastes, the wants, and the caprices of every nation and climate; and certainly, the interests of the country call for the cultivation of every channel, which can be opened for the enlargement of our commerce.

We cannot better conclude these observations, than by applying the circumstantial evidence which they afford, to Mr. Dundas's letter of the 2d April 1800; in which that Minister admitted the fact, of a *progressively increasing* consumption; but, at the same time, conceived, that the *customs of the natives* would prescribe *limits* to its extension. "I do not mean to say," says he, "that the exports from this country to India have not been *very considerably increased of late years*; and I make no doubt that, from recent circumstances, *they may be still considerably increased*. But the prospect, *from the causes I have already referred to*, must always be a limited one." What these causes are he thus explains:—"The export trade to India can never be extended to any degree, proportionate to the wealth and population of the Indian Empire; neither can the returns upon it be very profitable to individuals. Those

“ who attend to *the manners, the manufactures,*
 “ *the food, the raiment, the moral and religious*
 “ *prejudices of that country,* can be at no loss to
 “ trace *the causes* why this proposition must be
 “ *a true one.*”

The evidence which has been produced demonstrates, that neither the manners, raiments, nor prejudices of Hindostan, are of a nature to impede the introduction of articles of European manufacture; and it thus proves, that *the causes* assigned for the limitation of our export trade, are not calculated to impose any such limitation. What, then, it may be asked, are the causes, why the consumption of the manufactures of Europe in India has in no degree kept pace with the extension of our territories, and of their population? The examination of this branch of our subject would carry us to too great a length on the present occasion, and will therefore best be reserved for a separate communication.

GRACCHUS.

LETTER IX.

Saturday, March 20, 1813.

IN searching for the *causes*, which have prevented an extensive introduction of the British manufactures into the countries subject to the dominion or influence of the British Crown in India, it naturally occurs; that no measure appears ever to have been concerted, for the general purpose of alluring the attention of the natives of India to the articles of European importation. This neglect, has evidently arisen from the opinions which have been so erroneously entertained, concerning the civil and religious prejudices of the Hindoos.

The evidence of Mr. Colebrooke has been adduced, to prove that those opinions are wholly unfounded; the following extracts from the Travels of Forster, in the years 1782-3, will further evince, that the Hindoos, far from entertaining any indisposition to engage in commercial dealings with strangers, have widely extended themselves in different foreign countries for that express purpose;

HERAT. — “ At Herat, I found in two Naravanseras about one hundred Hindoo merchants, who, by the maintenance of a brisk commerce,

“ and by extending a long chain of credit, have
 “ become valuable subjects to the Government,
 “ When the Hindoos cross the Attock, they
 “ usually put on the dress of a northern Asiatic,
 “ being seldom seen without a long cloth coat,
 “ and a high cap *,”

TURSHISH.—“ About one hundred Hindoo fa-
 “ milies, from Moulton and Jessilmere, are esta-
 “ blished in this town, which is the extreme limit
 “ of their emigration on this side of Persia. They
 “ occupy a quarter in which no Mahomedan is
 “ permitted to reside; and I was not a little sur-
 “ prised to see those of the Bramin sect distin-
 “ guished by the appellation of *Peerzadah*, a title
 “ which the Mahomedans usually bestow on the
 “ descendants of their Prophet. Small companies
 “ of Hindoos are also settled at Meschid, Yezd,
 “ Kachin, Casbin, and some parts of the Caspian
 “ shore; and more extensive societies are esta-
 “ blished in the different parts of the Persian Gulf,
 “ where they maintain a navigable commerce with
 “ the western coast of India †.”

BAKU.—“ A society of Moulton Hindoos,
 “ which has long been established at Baku, con-
 “ tributes largely to the circulation of its com-
 “ merce; and, with the Armenians, they may be

* Forster's Travels, p. 135—5.

† P. 166.

" accounted the principal merchants of Shirwan.
 " The Hindoos of this quarter usually embark at
 " Tatta, a large insular town in the lower tract of
 " the Indus; whence they proceed to Bassorah,
 " and thence accompany the caravans, which are
 " frequently passing into Persia: some also travel
 " inland to the Caspian Sea, by the road of Can-
 " dahar and Herat. I must here mention, that
 " we brought from Baku five Hindoos; two of
 " them were merchants of Moultan, and three
 " were mendicants, a father, his son, and a Su-
 " nyasseé (the name of a religious sect of Hindoos,
 " chiefly of the Brahmin tribe). The Hindoos
 " had supplied the little wants of the latter, and
 " recommended him *to their agents in Russia*;
 " whence, he said, he should like to proceed with-
 " me to England. The Moultanee Hindoos were
 " going to Astrachan, merely on a commercial
 " adventure *."

ASTRACHAN.—" The Hindoos also enjoy at
 " Astrachan every fair indulgence. They are not
 " stationary residents, nor do they keep any of
 " their females in this city; but, after accumu-
 " lating a certain property, they return to India,
 " and are succeeded by other adventurers. Being
 " a mercantile sect of their nation, and occupied
 " in a desultory species of traffic, they have neg-

* *Forster's Travels*, p. 228.

“lected to preserve any record of their first settle-
 “ment, and subsequent progress, in this quarter of
 “Russia, nor is the fact ascertained, with any ac-
 “curacy, by the natives of Astrachan *,”

Having thus seen, that the natives of India are in no respect averse to engage in commercial dealings with strangers, and that no prejudices exist among them of a nature to prevent them from using our manufactures; we cannot but be forcibly struck with the reflection, that no systematic plan has ever been adopted by the East India Company, to attract the attention of the Hindoos to the various articles of our home manufacture, or to stimulate their speculation in the traffic of them. Whereas, in Europe, the Company have always found it necessary, for the disposal of their Indian Imports, to take active measures for drawing the attention of the nations of the European Continent to their sales in London.

The Directors, in their letter to Lord Buckinghamshire, under date of the 15th of April, 1812, (adverting to their sales in Europe,) observe, “That the Foreign Buyers repose confidence in
 “the regularity and publicity with which the
 “Company’s sales are conducted; that the parti-
 “culars of their cargoes are published immediately

* Forster’s Travels, p. 399.

“ on the arrival of the ships, and distributed all
 “ over the Continent. That notices of the quan-
 “ tities to be sold, and periods of sale, are also
 “ published for general distribution; and that the
 “ sales of each description of goods are made at
 “ stated periods, twice in the year.”

No measure of this nature has ever been projected for India; and yet, the predilection of the natives of India, both Hindoo and Mahomedan, for public shows, scenes of general resort, and exhibitions of every kind, is so well known, that we may confidently affirm, that nothing could have a surer tendency to draw them together, than a display, at periodical fairs, of our various manufactures. Fairs of this kind, for the sale of their home manufactures, have been held from time immemorial, in every part of India. The Company, therefore, needed only to engraff, upon an established usage of the Hindoos, a regular plan of periodical fairs; and, by thus adopting in India a course analogous to that which they have found it necessary to employ in Europe, they might generally have arrived at giving to Calcutta, Madras, and Bombay, attractions of curiosity and mercantile interest, which would most probably have drawn to those settlements the wealthy natives from every part of the East; and have rendered the capital cities of British India, what Amsterdam, Frankfort, and Leipsic have long been in Europe, the resorts of

all descriptions of people, and the repositories of every European article of use and luxury. From these different centres of commerce, the markets of the interior of India; and especially those held at the scenes of religious assembly, might be furnished with supplies; and, under the fostering encouragement of a wise and provident Government, the intelligence and enterprise of the natives of India might be called into action, and be stimulated, by a powerful motive, to exert in their own country those commercial talents that have obtained for them the encouragements, which, upon the unimpeachable testimony of Mr. Forster, they have long received in Persia, and in parts of Russia.

The advantage of collecting together, at stated periods and in established points, the productions of human industry and ingenuity, has been so universally felt by all nations; that there is scarcely a country, advanced to any degree of civilization, in which the practice has not prevailed. To effect this object, with a view to the extension of our export trade in India, *active encouragement* is alone requisite; but, in order to give it stability, *native agency* must be called forth into action. The supplies which (as was mentioned on a former occasion) were found at Poonah, were obtained from that source alone. The Parsee merchants at Bombay, are the principal agents of the Command-

ers and Officers of the Company's ships; such parts of their investments as are not disposed of among the European population, are purchased, and circulated in the interior, by the Parsees. The small supplies of European manufactures which find their way into the principal cities of the Decan, proceed from this source: but there is reason to believe, that the articles which arrive at those places are too frequently of an inferior sort, or such as have sustained damage in the transit from Europe.

To give perfection to the great object here sketched out, it will be indispensably necessary that the local authorities in India should direct their most serious attention to this subject. As *our Indian empire is our only security for our Indian trade*, so our Indian trade must be rendered an object of vigilant concern to those who administer the Government of that empire. From the multiplicity and importance of their other avocations, that trade has not hitherto received all the consideration to which its high value is entitled; but, whenever an adequate regard shall be paid to it, it will become a duty of the Governments to take active and effectual steps, for *drawing the attention of the natives to our exported commodities*, and for *promoting the dispersion of those commodities*, within the sphere of their influence or power.

We now discern *one operative cause* of the comparatively small demand for, and consumption of, our European articles, in the Indian empire; a cause, however, which it is within our capacity to control, or to remove. And, after what has been summarily exposed, in this and in the preceding communication, it can be no difficult point to determine, whether *this cause*, or the alleged *prejudices of the Hindoos*, have most contributed to limit the extent of our Export Trade to India.

GRACCHUS.

LETTER X.

THE RIGHTS AND PRETENSIONS OF THE EAST
INDIA COMPANY,

Monday, March 8, 1813.

IT is now become a matter of the most solemn importance, that the public attention should be called to a clear and deliberate survey of THE RIGHTS and PRETENSIONS of the East India Company; and that the judgment of Parliament should be directed to, and its sense declared upon, the subject of those pretensions, which have generated A NEW CONSTITUTIONAL QUESTION, and are now carried to an height to affect the supreme Sovereignty of the State. To discuss those Rights and

Pretensions at large, would demand a far more extended space than the present occasion can supply; but it would be altogether unnecessary to enter into a more enlarged discussion; because, in order to obtain the end here proposed, of drawing and fixing the attention of Parliament and the Public upon the subject, little more is required, than to bring those several Rights and Pretensions into one compressed and distinct point of view; and to leave it to the legislative wisdom to determine finally upon their validity.

The rights of the East India Company, are usually distinguished into their *temporary* rights, and their *perpetual* or *permanent* rights.

I. The temporary rights of the Company are:

1. *A right to the exclusive trade with all the countries lying eastward from the Cape of Good Hope to the Straits of Madagellan.* This right is a lease of all the public right to the trade of those parts of the world; which lease has been renewed to the Company, from time to time, in consideration of a varying premium to be paid by them to the Public.

2. *A right to administer the government and revenue of all the territories in India acquired by*

them during their term in the exclusive trade. This is a right delegated from the Crown, with the assent of Parliament; and which can be possessed by the Company no longer, than the authority from which it emanates has, or shall prescribe.

Upon the expiration of these temporary rights, which determine, as the law at present stands, in the ensuing year, 1814, the East India Company will remain in possession of whatever *permanent* rights shall be found to pertain to them.

II. The *perpetual*, or more properly, the *permanent* rights of the Company, must be considered under two distinct heads, viz. *admitted* and *alleged*.

§ 1. The *admitted* permanent rights are,

1. *To be a Body Politic and Corporate, with perpetual succession.*—This right has been confirmed by various succeeding Charters and Statutes. But there are some observations, which it is important to make upon this subject. The first Charter, granted by Queen Elizabeth, in 1601, to the first or London East India Company, created *both its corporate capacity and its exclusive privilege; to continue for a term of fifteen years; but it provided; that, in case it should not prove beneficial to the Public, the whole of the grant might*

at any time be determined, upon two years notice given to the Company. The succeeding Charters of James I. Charles II. James II. and William and Mary, conferred, in the same manner, both the corporate capacity and the exclusive privilege; and though they did not, like the former, fix a term for their duration, yet they rendered the *whole grant*. determinable upon three years notice. No provision is introduced into any of these Charters, to make the corporate capacity outlast the exclusive trade. When the principle of "*a more national, general and extensive trade to India,*" declared in the Charter of the 5th of William and Mary, had been followed by the measure of creating a General Society of Merchants, and of erecting a *New Company*, the advocates for that measure took particular care to show, "That the Old Company, in reciting their Charters, had *forgot* to mention the *provisos* therein, viz. that the respective Kings of England, who granted them, reserved a discretionary power to *make them void* on three years "warning*." This observation did not apply to their exclusive privilege only, but extended equally to their corporate capacity; both being determinable by the same warning, because both were derived from the same grant, the whole of which grant was made liable to that determination, not-

* Anderson's Hist. of Commerce (1698), vol. ii, p. 221, fol.

withstanding their corporate capacity was to enjoy "*perpetual succession.*" Hence it is manifest, that the perpetuity conferred by the Charter was not perpetuity of exclusive trade, or political power, but of *corporate succession.* But perpetual succession in a body corporate, does not imply perpetuity of duration, but merely *uninterrupted succession* of the individuals who compose it; which every corporate body must possess, whatever may be the term of its duration, in order that it may become, and may be able to perform the acts of, *a legal person.*

The Statute of 9 and 10, and the Charter of 16 William III. which created *both the corporate capacity and the exclusive privilege* of the New, or English Company, followed the example of the former Charter, granted to the Old Company, and rendered the *whole grant* determinable by the same process. But, in the 10th year of Queen Anne, after the two Companies had become *United*, they represented the great hazard they should encounter, by engaging in any considerable expenses for securing *the Pepper Trade*, under the limitation of that clause; in consequence of which representation the clause was repealed, and the limitation was *left open.* The Company from thence inferred, that they had acquired a perpetuity of duration, both for their corporate capacity and their exclusive privilege; the continuance of

both of which had ever been subjected to the same rule of determination. They soon, however, became sensible that such could not be the true intention of the Act, and they “submitted themselves to Parliament*” on the subject; in consequence of which a limited term of exclusive trade was assigned them, without any limitation being imposed upon the *negative* perpetuity of duration, which they had acquired for their Corporation by the repeal of the determining clause. But it was not till the year 1730, the third year of the late King, that the Company obtained a true and *positive* perpetuity of duration for their Body Corporate; at which time an Act was passed, empowering them to continue to trade to the East Indies, as a Company of Merchants, although their exclusive right to the trade, and their power of administering the government and revenues of India, should be determined by Parliament. From that time only, the Incorporation and the Exclusive Privilege become distinguished. The distinctions here made will be found of material importance, in another part of this statement.

2. *A right to acquire and possess lands, tenements, and property of every kind; and to dispose of the same, under a Common Seal.*—This right was conferred by the Charter of the 10th of King

* A Short Hist. of the East India Company, p. 6.

William; but by Stat. 3 G. 2. c. 14. § 14. the Company's estates in *Great Britain* were limited to the value of 10,000*l.* per annum. In virtue of this right, the East India Company were empowered to settle "*factories and plantations,*" within the limits of their exclusive trade. The Charter of William, indeed, adds also "*forts,*" with the power of "*ruling, ordering, and governing them;*" but that this privilege cannot attach upon their corporate and *permanent* capacity, will presently be made to appear. Fortresses and fortifications cannot, from their nature and use, become absolute private property; being part of the public defences of the Empire, they are (to speak with Lord Hale) "*affected with a public interest, and therefore cease to be juris privati only* *." The building a fort is an act done, in its nature, by virtue of a sovereign authority, and is therefore the dereliction of the private right of property for a public and general purpose. In asserting for the Company a *private* right to forts and fortifications, the Company's advocates have therefore fallen into an extreme error, from not discriminating between the rights which necessarily belong to their *delegated sovereignty*, and those which can alone be annexed to their *commercial corporation*. And this brings us to the consideration of

* De Portibus Maris, p. 2. c. 6. p. 77,

§ 2. The *alleged* permanent rights of the Company, which require to be considered under *two* descriptions, viz. rights *alleged for them* at the expiration of their last exclusive Charter, and rights *alleged by them* at the present moment, with a view to the renewal of their present Charter. *These* are the rights, or more properly the pretensions, which have been pronounced by GRACCHUS, “ absolutely “ unmaintainable, and incompatible with the freedom of British subjects ;” and not their true legitimate rights, as the writer of a letter under the signature of PROBUS has chosen to assume.

The rights *alleged for them* were these :—

1. *A right to possess in perpetuity certain extensive territories and seaports in India, after their right to the exclusive trade with those places shall cease.* In consequence of different ancient Charters, granting to the Company an exclusive trade, together with certain powers of Government, they have acquired, and actually possess, various islands, seaports, forts, factories, settlements, districts, and territories in India, together with the island of St. Helena ; either by grants from the Crown, by conquest, purchase, or by grants from the native powers in India. The nature and extent of their property in these several possessions, is an important public question. By grants from the Crown to the original or London Company, and by con-

veyance from that Company, they possess St. Helena and Bombay. By purchase, conquest, or by Indian grants, they possess Calcutta and Fort William, Madras, and Fort St. George, and various other important seats of trade; of all of which, for a long course of time, they have enjoyed the exclusive benefit.

With respect to the first of these; it is evident, that the Old Company could only convey the places which they held of the Crown as they themselves held them, and subject to the same principles of policy and state under which they themselves had received them. The Grants of Charles II., which conceded Bombay and St. Helena to the first Company, refer to the Charter of the 13th of the same reign, which Charter refers to, and confirms the preceding Charters of Elizabeth and James I., making them *the ground* of the Grants. The Charter of Elizabeth declares its principle to be, “the tending the honour of the nation, the wealth of the people, the increase of navigation, the advancement of lawful traffic, and the benefit of the Commonwealth.” The principle declared in the Charter of James I. is, “that it will be a very great honour, and in many respects profitable, to THE CROWN and THE COMMONWEALTH.” By a reference to, and confirmation of, these several Charters, in the Charter of Charles II., and in the grants of St. Helena and Bombay, these prin-

ciples are virtually adopted ; the *end and purpose of the Grants* is declared ; and their ground is proclaimed to be, the honour of the British Crown, and the welfare of the British Nation. It was those great *public interests*, and not the *separate interests* of the Company, that the Crown had in view, in conceding the property of those distant dependencies.

By grants from the native powers, the Company are in actual possession of many extensive and valuable territories. The doctrine of the law of England, in regard to the operation of these Grants, was distinctly and officially declared in the Report of the Attorney-General Mr. Pratt, and Solicitor-General Mr. Charles Yorke, in the year 1757, viz. That the moment the *right of property* vested in the Company by the Indian Grants, the *right of sovereignty* vested necessarily in the Crown of England. “ The property of the soil (said those eminent lawyers) vested in the Company by the Indian Grants, *subject only* to Your Majesty’s right of sovereignty over the settlements, and over the inhabitants as British subjects ; who carry with them Your Majesty’s laws, wherever they form colonies, and receive Your Majesty’s protection by virtue of your Royal Charters*.” In considering this head of right, the case of *the*

* Short Hist. of East India Company, p. 11.

five Northern Circars, to which the Company lay claim in their Petition, demands a particular attention; because, the advocates of the Company's pretensions are under a manifest error, with respect to their tenure of those territories. They maintain, that the Circars are held by the Company in perpetuity, under a *military service*, as tributaries to the Indian Power or Powers by which they were originally ceded; and that the Crown of England has no title to interfere, between them and their supposed Indian Chief. This pretension renders it absolutely necessary, to take a general view of the situation of the Company with respect to the Circars.

In the year 1753, the French were in the confirmed possession of the five Circars, together with the adjoining fort and dependencies of Masulipatam; of all of which they declared themselves to have obtained "*the complete sovereignty for ever,*" by a grant from the Subah of the Deccan, a Prince nominally dependent on the Imperial Crown of the Mogul. "So that these territories (says Mr. Orme), rendered the French masters of the greatest dominion, both in extent and value, that had ever been possessed in Indostan by Europeans, not excepting the Portuguese when at the height of their prosperity*." The establish-

* History of Indostan, vol. i. p. 335.

ment of the French power in these important provinces, during the war between England and France, excited the most serious alarm in the Company, by threatening their settlements and possessions in Bengal; and called forth the vigorous and splendid exertions of Lord Clive, who, in the year 1759, sent a military force against Conflans, the French Commander, under the command of Colonel Forde. That gallant Officer succeeded in defeating the enemy in a pitched battle at Peddipore; and, pursuing him from one extremity of the Circars to the other, terminated the campaign by the capture of Masulipatam: and thus, by obliging the French to abandon the Circars, the right of conquest was made good against the French. For it is not necessary that every part of a conquered country should be acquired by a separate victory, if the enemy is compelled to evacuate his territory in consequence of any decisive operation; and the retention of Masulipatam, was the evidence of the triumph of the British arms over the French. That this was *the object* of the campaign, is distinctly shown in the declaration made by Lord Clive before the Select Committee of the House of Commons, in the year 1772. Lord Clive stated to the House, “ That soon after his appointment
 “ of President of the Company’s affairs in Bengal,
 “ in 1758, he took into his most serious considera-
 “ tion the situation of affairs upon the coast of
 “ Coromandel. Monsieur Lally was arrived with

“ such a force, as threatened not only the destruc-
 “ tion of all the settlements there, but of all the
 “ East India Company’s possessions. That he
 “ thought it was his duty to contribute his mite
 “ towards the destruction of the French, and there-
 “ fore projected *the scheme of depriving the French*
 “ *of the Northern Circars*, contrary to the inclina-
 “ tion of his whole Council. That *this expedition*
 “ *succeeded completely, for the French were totally*
 “ *driven out by Col. Forde, with the Company’s*
 “ *troops*, whose conduct and gallantry upon that
 “ occasion was equal, if not superior, to any thing
 “ that had happened during the whole course of
 “ the war *.” This evidence of Lord Clive proves,
 that the scheme was *entirely military*, and that the
 success was *the success of arms*. By the Treaty of
 Peace concluded at Paris in 1763, (Art. 11,) “ the
 “ Crown of France renounced all pretensions to
 “ those territories,” which thus devolved, by an
 indisputable right of conquest, to the Crown of
 England. The Company, indeed, in the same
 year obtained a grant of Masulipatam from the
 Subah of the Deccan, which they now set forth in
 their Petition to Parliament: but yet, their most
 strenuous advocates admit, that Masulipatam be-
 longs to the Crown of England, *by right of con-*
quest over the French †. And the same argument,
 that proves a right of conquest to Masulipatam,

* Journals of the House of Commons, vol. xxxiii. p. 811,

† Short Hist. of the East India Company.

proves also a similar right to the Northern Circars.

In 1765, however, the Company being desirous of acquiring *the form of an Indian title* to the Circars, against the Subah, who might reclaim them; negotiated for a grant of those provinces at Delhi, over the head of the Subah; which grant they obtained. But the pretensions of the Subah, who was close at hand, might disturb them in their attempts to occupy the provinces; they therefore thought it *expedient*, to temporize with the Subah; and to enter into a separate negotiation with him, to induce him to surrender them; and they agreed to hold the provinces of him also, under an engagement to supply him with a contingent aid of *military force*, when called upon; and moreover, to pay him annually a tribute in money. By thus confusing their titles (which, instead of confirming, mutually defeated each other), they fully demonstrated the inefficacy and impotency of the Mogul's grant, in the present fallen state of that Empire. But the Company could only engage themselves for *military service*, so far as they possessed the ability; and their ability, is limited by the extent of their *military power*; which, being a part of their *sovereign power*, must necessarily determine with their sovereign capacity: as will be shown in the next article. Whenever that capacity ceases; they will be unable to furnish a single soldier, be-

cause they will be unable to raise a single soldier for the defence of the provinces. In that event, the Crown must of necessity interfere, to maintain and defend the territories ; and then, *the original cause* which led to the acquirement of the Circars, namely, the expulsion of the French *by force of arms*, and their exclusion *by the influence of the same arms* in the Treaty of 1763, will be the true ground on which to rest *the question of right* : a right in *the Crown of England*, which had existence, prior to *the form* of the Mogul's grant, and prior also to *the expedient* of the grant from the Subah. And here we must keep in mind, that all territories possessed by the Company in India, by whatever means they have been acquired, are necessarily incorporated into the British Empire, and become subject to its Imperial Crown ; conformably to the resolution of the House of Commons, in the year 1773 : “ *That all acquisitions made under the influence of a military force, or by treaty with foreign Princes, do of right belong to the State.*” And as the whole fabric of BRITISH INDIA grew out of a principle of advancing *the public welfare*, and was not an edifice raised merely for the separate welfare of *the Company*, every private interest comprehended in that fabric is, by every acknowledged maxim of State, public right, and consistency, subordinate ; and must be determined by the security of the public good,

2. *A right to retain in perpetuity certain essential rights of sovereignty, after the present delegated sovereignty of the Company shall have reverted to the Crown.*—Although this pretension is a contradiction in terms, yet the assertors of it entertained no doubts of its reality. They claimed for the Company, in their permanent capacity of a trading body corporate, a right “to appoint governors, to build and maintain forts, to muster forces by sea and land, to coin money, and to erect Courts of Judicature*,” even after they shall have lost their power of administering the Government of India; and this claim is renewed for the Company at the present day†. There is in this pretension so radical an ignorance of the nature of sovereignty, that it is inconceivable how it could have been entertained by any one, who had ever given a thought to the subject of law or government. The powers here enumerated, are essential prerogatives of sovereignty; which may indeed be delegated for a time by authority of Parliament, but can never be granted in full property by the Crown. In order to appoint governors, it is first necessary to be invested with the power of government. The same power is manifestly necessary, in order to be able *legally* to raise or muster any force by sea or land, either for

* Short Hist. of the East India Company, p. 56.

† Morning Post, Jan. 15, 1813, Letter, signed Probus.

defence, or for any other military service. And it is acknowledged, that *the power of government* has never been granted to the East India Company, *but with limitation*. In the grants of Bombay and St. Helena, the Company is certainly empowered to erect forts, and to raise and employ forces; but by the same grants they are invested with the powers of Captain General in order to that end; virtually in the first, and *expressly* in the second. Will it be imagined, that they are to retain the authority of *Captain General*, after their powers of *government* shall cease? And if not, it must be evident, that their authority over forts, and all their military power, must determine, whenever their delegated power of *Captain General* shall determine. It would be an insult to any reader, who has ever cast his eye even on the elementary Commentaries of Sir William Blackstone, to insist upon a truth so obvious and simple. With regard to the *erecting of Courts*, no such power is given in any of the Charters produced in evidence. The Crown erects the Court, and the power granted to the Company is, and necessarily must be, limited and subordinate. The *true cause* of that extraordinary error, is plainly this: the Charters of King William and Queen Anne, upon which they rest these pretensions, conferred at one and the same time (as has been already observed), both their corporate capacity and their exclusive privilege. The assertors of those *permanent sovereign rights*,

not discriminating, by the principles of things, between the several powers conferred in those Charters, have confused the provisions; and have construed all the powers above enumerated, which by their nature could only appertain to them as *delegated Sovereigns*, to belong to their capacity of an *incorporated Company*. And, under this illusion, they have imagined, that those powers are annexed to that perpetuity of their corporate body which was first enacted in 1730; and confirmed in the 33d year of the present reign; and that they do not constitute a part of those powers of government, which have been conferred upon them, from time to time, by their exclusive Charters. As this construction is entirely arbitrary on the part of the Company, and as it is unsupported by the principles either of law or sound reason, it will be best refuted by the authority of Parliament.

3. *A right to exclude all British subjects from the Company's Indian ports, after their own exclusive privilege shall be expired.*—This right has been claimed in the following words:—“*Al-*
 “ though their exclusive right to the trade; and
 “ their power of administering the government
 “ and revenues of India, were to be determined,
 “ they would still remain an incorporated Com-
 “ pany in perpetuity, with the exclusive property
 “ and possession of Calcutta and Fort William,
 “ Madras and Fort St. George, Bombay, Ben-

“ coolen, and St. Helena, and various other
 “ estates and settlements in India. Whether, in
 “ the event of the sole trade being determined,
 “ individuals would be able to carry on a success-
 “ ful trade to India, if the Company were to debar
 “ them the use of their ports and factories, may
 “ require a serious consideration*.”

This is a claim, not only to a *practical* exclusive trade, after the right to *exclusive* trade expressly granted by Parliament shall cease and determine; but involves also claims of perpetual sovereignty. It is incomprehensible, how it could be alleged by a writer who, in the preceding page, had pointedly excepted from their powers, that of converting the trade into “ a *mischievous* monopoly †;” for, what more *mischievous* form could monopoly, or an *hos- tile* sovereignty, assume, than that of excluding all British individuals from the chief ports and seats of trade in India? By this alleged right, the grants of Charters and the provisions of Parliament would be reduced to an absurdity. But as this is a claim of *private right*, to cause a *public wrong*, it cannot fail particularly to engage the considera- tion of Parliament.

The rights alleged by the Company at the pre- sent day, are these:—

* Short History of the East India Company, p. 32.

† Ibid. p. 37.

1. *A right to all the ports and territories in India, possessed by the Company, of the same kind and extent as the right by which they hold their freeholds in London.*—This right has been solemnly asserted for the Company, by the Chairman and Deputy Chairman of the Court of Directors, in these words.—“The Company are as much owners of THE CHIEF SEATS of European trade in the Indian Empire, as they are of THEIR FREEHOLDS IN LONDON *.” This is an open and unreserved declaration of the East India Company, renewing and assetting the preceding allegations made on their behalf at the expiration of their last exclusive Charter; and the same allegation is now repeated in their Petition to Parliament, though in terms somewhat more qualified than those which they addressed to the Government; viz. “that no person can have a right, except with the consent of the proprietors of India stock, to use the seats of trade which the stockholders have acquired.” But they must bring an oblivion over all the reasons of state and policy by which they exist at all, before they can carry in the face of the nation the proud assertion, that they stand equally circumstanced, in regard of private right, with respect to “the chief seats of European commerce in the Indian Empire,” and with respect to “their freeholds in London.” They will as-

* Letter to Lord Buckinghamshire, Dec. 30, 1812.

suredly be told by Parliament, that they *may not* exercise the same arbitrary authority over the chief seats of Indian commerce, which they may over their freeholds in London. With regard to their freeholds in London, they may exclude all persons from entering them, they may desert them themselves, or they may let them fall to ruin. But it is not so, with regard to the chief seats of Indian commerce; they will find; that they cannot arbitrarily exclude British subjects from those seats, beyond a limited time; that they cannot *debar* the nation the beneficial use of them; and that they will not be suffered to render them unavailable, or unprofitable. As soon as the India Trade shall be thrown open, the ports of India will necessarily become open; and, if the Company should then search for *their private right to close them*, they will find, that it is merged in the *public right to use them*; or, to use the words of Lord Hale, that “their *jus privatum* is clothed and superinduced with a *jus publicum* *.”

2. The last right alleged by the Company at the present crisis, which forms the **CLIMAX** of their pretensions, and is the *key* to all their late proceedings, is that of a *perpetual union and incorporation with the Supreme Government of the Indian Em-*

* De Portibus Maris, p. 2. c. 7. p. 84. . .

pire; so that the Indian trade and government must ever continue to be united *in them*, and cannot now be separated, without endangering “*the British Empire in India, and the British Constitution at home.*” This pretension renders the question of a *temporary* exclusive trade entirely nugatory, because it is the unqualified assertion of a *perpetual* one; not to be received any more as a *grant* from Parliament, as hitherto it has been; but to be extorted from Parliament through fear of the subversion of Parliament. This pretension is founded upon the Company’s interpretation of an observation, made by a late eminent Minister to the Managers of the Company’s affairs, in the year 1800; viz. that “*the Government and the trade of India, are now so interwoven together,*” as to establish an indissoluble “*connection of government and trade.*” This dictum, is assumed by the Company for an incontestable maxim of State, as applicable to their own Corporation; and for an eternal principle, connecting that Body Corporate with all future Indian Government. This they denominate, “*THE SYSTEM, by which the relations between Great Britain, and the East Indies are now regulated;*” and, in their sanguine hopes of gaining *perpetuity* for their *system*, they already congratulate themselves upon their Incorporation into the Sovereignty, as a **NEW, and FOURTH ESTATE** of the Empire.

It is that maxim, evidently embraced for this construction at the present crisis, that has emboldened the conductors of the Company's concerns to assume so lofty a demeanour towards the King's servants; and to venture to represent the cautious proceedings of Government in a great political question (in which it appears only as a *moderator* between two conflicting interests), to be an aggression against their indisputable rights. It has been asked in the Court of Proprietors, "whether the Ministers of the present day are become so far exalted above their predecessors, or the Company so newly fallen, that adequate communications should not be made to the latter, of the plans and intentions of the former?" It is neither the one nor the other; but it is, that *the Company* are become so elated and intoxicated by the ambitious expectation of being incorporated as a perpetual Member of the Supreme Government, that they conceive they have no longer any measures to keep with the Ministers of the Crown.

And can the British people now fail to open their eyes, and to discern the strait to which the ancient crown and realm of England would be reduced, by submitting to acknowledge this *new estate* in the Empire? Greatly as it would be to be lamented that any thing should disturb the present internal tranquillity of our political system, yet, if

such should be the necessary result of a resistance to the ambitious views of the East India Company, it ought to be manfully and cheerfully encountered; rather than admit, by a temporizing concession, a claim which shall bend PARLIAMENT to the will of, and degrade THE CROWN to an alliance with, a Company of its own subjects; which owes its recent existence to the charters of the Crown, and the enactments of Parliament, and yet aspires to seat itself for ever, side by side, by its own supreme Government.

The Company have carried too far their confidence in the *constitutional defence* by which they hoped to ride in triumph over the Executive Government. Their exorbitant pretensions have bred a *new constitutional question*, to which the public mind is now turning. In their solicitude to fortify themselves with *constitutional jealousies*, they have constructed a formidable fortress, which threatens to embarrass the Citadel of the State, and must therefore of necessity awaken its jealousy. A change in the Administration of the Indian Government (should the Company finally provoke such a change), *need not necessarily* throw the patronage of India into the hands of the Crown; means are to be found, by which that political and constitutional evil may be effectually guarded against. But if, through a precipitate assumption, that no such adequate substitute can be

provided for the present system, Parliament should, at this critical moment, unguardedly yield to the demands of the Company, and give its sanction to their claims to a *perpetuity* of those privileges which they have hitherto been contented to receive *with limitation*, what difficulties would it not entail upon its own future proceedings? If the *corporate sovereignty* of the Company is once absolutely *engrafted* upon the *Sovereignty of the State*, it cannot be extracted without lacerating the ancient stock, and convulsing the general system.

The Company would have done wisely, if, instead of resting their case upon pretensions erroneous in fact, inadmissible in law, and derogatory of the authority addressed, they had rested it wholly upon their own endeavours to promote the original purpose of their incorporation: namely, *the honour of the Crown, and the advantage of the commonwealth*. Upon that ground the Company might have stood strong; and all that would then have remained for the consideration of Parliament, would have been a question, how those great interests could, under existing circumstances, be best advanced; either by continuing the present arrangement without alteration, or by modifying it in such particulars, as Parliament in its wisdom might judge to be necessary. But instead of this, they have taken ground upon

high pretensions of RIGHT, which must necessarily provoke investigation; and we have discovered, in the foregoing inquiry, how far those pretensions are supported.

The determination of this great question, however, is now reserved for Parliament; and, upon the wisdom of Parliament, the Country may with confidence rely, for a full consideration of all the public rights, commercial as well as political; and likewise, for the final adoption of such an arrangement for the government and trade of India, as shall appear to be the best calculated to advance the real interests, and to promote the general prosperity of the Empire, both in the East and West.

GRACCHUS.

THE END.

THE
FUTURE GOVERNMENT
OF
INDIA,
CONSIDERED
IN ITS RELATION TO A COMPACT WITH ITS
NATIVE SUBJECTS.

BY
MAJOR M. H. COURT, M.R.A.S.
FORMERLY OF THE MADRAS ARTILLERY

LONDON:
WM. H. ALLEN & CO. 7, LEADENHALL STREET.
1858.

PREFACE.

THE object of a Preface, it may seem, in the present instance will be best accomplished by the Introduction of five letters, which at their several dates were published in the Berks county paper, the *Reading Mercury*, with a view to impart information to those resident in that county, upon the serious events which have occurred to endanger the stability of our empire in India.

LETTER I.

To the Editor of the "Reading Mercury."

SIR,—The newspaper which I received this morning conveys the intelligence from India which might have been reasonably anticipated. My associations with the public service in India, during years of the most early and active period of my life, and the personal interest of my affections with those now there, will be the warrant for the sincerity and spirit of truth with which I shall venture to offer my observations upon the disasters which are now inflicted upon this most distant and valuable portion of our empire, and to which none of your readers can be supposed to be indifferent;—wounds inflicted by a military body which have ever obtained solicitude and kindness from the Government they serve, and who, for so long, had merited the confidence reposed in their allegiance and fidelity.

The serious question of which all are so anxious to acquire the solution, is—From what cause has sprung the dire effect of

mutiny in a body of men who had never been found deficient in display of bravery, fidelity, and zeal, in aiding our military triumphs, or in yielding support to our civil administration, or in participating severe trials upon occasions of defeat or retreat? Had they ever been found to betray or desert us in such difficulties? A body of men, also, selected from the subjects of our empire in India, whose inclinations are disposed towards attachment to our government, and whose principles of religion inculcate respect, obedience, and fidelity to the Government under which an Almighty Providence has assigned it to be their lot to serve.

The causes of the mutiny in Bengal at the present time are, to me, evidently in exact correspondence with those which produced the like effect of the mutiny at Vellore in 1806, now fifty-one years since; in both instances proceeding from an unruly spirit of fanaticism, which, once engendered, usurps dominion over the mind, and under ascendancy of a heated religious impulse becomes uncontrollable, setting aside all moral restraints, all feeling of fidelity, and the duties of temporal concern, as well as all inducements of self-interest or preservation—absorbed in one overpowering influence, excited by persuasions of their priests of their superior duties to uphold their religious faith and the injunctions with the customs enforced by its tenets, even with the sacrifice of life itself.

In confirmation of this view of the question,—It will be remembered, that after the conquest of Mysore, in 1799, the surviving sons of the Sultan Tippoo became sumptuously lodged in the fort of Vellore, and were so when the mutiny broke out there. By the subversion of the Mahomedan kingdom of Mysore, many ardent spirits, though pensioned, were left under aggravation of loss of power, of influence, and of distinction. They, under such feelings of disparagement, became active in disaffection. They knew, and they felt, that so long as the sepoys were faithful they must remain powerless and under constraint. They judged wisely that they could only act upon the fidelity of the sepoys by instilling into their minds a firm belief that we had intention to enforce upon them the observances of a

Christian faith. To effect this purpose, the disaffected were aided by the injudicious zeal of persons who were instigated by an anxious desire for the conversion of our subjects in India to the adoption of the Christian faith; and about this period, one very exemplary reverend gentleman, most active and intelligent in such pursuit, was so indiscreet as to avow his opinion to be, that "a wise policy seems to demand that we should use every means of *coercing* this contemptuous spirit of our native subjects."

By such demonstrations of purpose of conversion, the Hindoos and the Mahomedans became equally alarmed and exposed to the designs of the disaffected. They were further confirmed in their apprehensions and distrust by another untoward circumstance which occurred at this period. It happened, unfortunately, that there prevailed at head-quarters of the Madras army a "martinet spirit," as so termed by Sir C. Napier; in consequence, with perfect innocent intention, changes were ordered in the formation of the turban, or head-dress, of the sepoy, and the new turban was in material obnoxious to the Mahomedan. With reference to the Hindoos, they were required to set aside the marks upon their foreheads, which hitherto they had always used, and which each class of Hindoos universally observed as distinctive of their particular caste.

Antecedent to the mutiny at Vellore, there appeared amongst the sepoys, at stations not far distant, a spirit of insubordination, proceeding, no doubt, from distrust instilled into their minds by fakeers and other religious devotees, who became the instruments of the disaffected to encourage the workings of fanaticism in defence of their religion and customs. But examples being made of a few more prominent in their conduct, occasioned some appearance of subsidence for a time; but the flame of discord was only left smouldering—it was not stifled, and, at length, it burst forth in a torrent of fanaticism, in the night of the 9th of July, 1806; and under which the lives of Colonel Fancourt, with thirteen officers and a detachment of Her Majesty's 69th regiment, became the sacrifice.

There is scarcely an incident in evidence of the cause of the

mutiny at Vellore in 1806, of which a type may not be traced in the antecedents of the mutiny at Meerut in 1857. But to have a clear understanding of the imprudences committed to engender fanaticism in Bengal, your readers will become more authoritatively informed by giving their attention to the admirable speeches of Mr. Disraeli and Mr. Vernon Smith, as published in the debates of Monday last.

Whatever may be the opinions of Sir C. Napier as to the deficiency in the number of officers to each regiment, it will be a question open for future dissertation, whether the inefficiency, rather than the insufficiency, be not the solid objection.

Whatever may be the similarity of cause in the instances of Vellore and Meerut, there will remain the striking contrast of the conduct pursued—in the one case, to arrest its progress, by promptitude of action; and in the other, to let it run its course.

When the mutiny at Vellore became known to the gallant Gillespie, who commanded at Arcot, sixteen miles distant, he lost not a moment, but, at the instant of receiving intelligence, rode off with the first men he could collect, with orders to the others of the 25th dragoons to follow; and on their arrival with their guns, he blew open the gates of the fort, assaulted the mutineers, and, after a slaughter of 300, captured 500 of the mutineers.

Thus, before twelve o'clock, he quelled the mutiny, stifled the fanaticism, and we heard no more of the effects of the mutiny, further than the alarms of natural doubt and distrust, and the precautions taken to secure a subsidence, of the discordant elements.

I remain, Sir, your most obedient Servant,

M. H. COURT.

Castlemans, 30th July, 1857.

LETTER II.

SIR,—By my letter of the 30th July, your readers will understand the facts upon which to rest their belief that the mutiny of the Bengal army had originated from a deep-rooted conviction, which became universally prevalent amongst the Hindoos as well as the Mahomedans, that our Indian Government entertained a design, in correspondence with the expression of the National Society for the Propagation of the Gospel, for their conversion to the Christian faith. That such conviction was prevalent has been admitted by the Government of India ; and in consequence thereof the Governor-General of India has issued a proclamation disavowing any such design, and its firm resolution to continue to respect and uphold the religion, laws, and customs of their native subjects. Upon the occasion of the mutiny at Vellore, a similar proclamation was issued by the Government of Madras, in 1806, which was translated into every language spoken from north to south, and sent to every magistrate or collector, for the purpose of being fully understood in all parts of the country.

Some months previous to the outbreak of the mutiny at Meerut, it is well known that mysterious cakes had been circulated throughout the villages in the provinces of Upper India, which gave rise to apprehensions the more serious because it was so inexplicable. But on reference to the institutes of *Menu*, the great patriarch and lawgiver of the Hindoos, who may be considered to hold in their sacred history the distinction which we attach to Noah in our sacred volume, it will be seen in chap. 1st, verse 94—That the Brahmins are appointed to perform holy rites, and to *present cakes* to the progenitors of mankind for the preservation of the world.

96—Of created things, the most excellent of men are the sacerdotal class.

97—Of priests, the most excellent are those who know their duty : of those who know their duty, such as perform it virtu-

ously ; and of the virtuous, those who seek beatitude from a perfect acquaintance with scriptural doctrine.

98—The Brahmin is born to promote justice and to procure ultimate happiness.

99—He is assigned to guard the treasury of duties civil and religious.

To me, it appears, that these mysterious cakes had been circulated under the directions of the priests assigned to guard the *Treasury of Duties* ; and, as the Brahminical class would seem to have been so extensively incorporated as sepoys in our native army, your readers may interpret for themselves the impressions conveyed to their feelings or understanding by the circulation of these mysterious cakes.

Again, it is understood that a lotus had, in an equally mysterious manner, been delivered by a concealed agent to every regiment of sepoys. This flower is said to be the emblem which represents the physiological mysteries of their religion.

Thence we may infer that the insubordinations which, in various places and on several occasions, had preceded the outbreak of mutiny, would have been instigated by the mysterious proceedings above mentioned to convey impressions amongst the sepoys of our latent design to subvert their religion, and to bring into contempt their sacerdotal class ; for suspicion of which it may have happened that we, unfortunately, had too often given occasion.

There can be no doubt, however, of the effect : of the causes thereof we can only form a rational conjecture. But certain it is, that the Hindoo sepoys, under the impulse of religious fanaticism, became subservient to the ambitious design and religious fervour of a Mahomedan conspiracy to overthrow our dominion over the North-West Provinces of India ; and that against any such coalition of two such opposite sects, in any such project, we might have remained perfectly safe so long as the Hindoos had confidence in the promises of our Government, and the resolutions of Parliament, to protect them and to respect the exercise of their religion, laws, and customs.

Our knowledge of history would satisfy us that there is no enormity of which religious fanaticism has not been found capable. But, considering the countervailing horror inherent in the Hindoos against the shedding of human blood, excepting in battle, I very much doubt if the cruelties which have been perpetrated towards women and children will be eventually traced to the Hindoo sepoys, such atrocities being more reconcilable with the ardent and revengeful spirit of the Mussulman.

It is quite natural that the detail of horrible cruelties, of which, I fear, we have yet but imperfect knowledge of the numbers, should at once produce a decided persuasion that the sepoys are not again to be trusted; and I should certainly yield adherence to such belief, if we are to act upon the advice which I have heard delivered from persons of position and character to command that respect and esteem of which they are so well worthy, viz.—That we should more earnestly and strenuously than hitherto extend our missions by every means to every part of India, for the conversion of our native subjects in India to the Christian faith; such purpose being carried forward without any avowed sanction or authority of the Government of India, but simply by the National Society for the Propagation of the Gospel, and other missionary societies, promoted by the honest zeal and Christian spirit of individuals—a purpose, no doubt, of great apparent sanctity, proceeding from the most laudable motives of humane intention and fervour of religious contemplation.

But let us pause, and, in the first place, rest assured that, in giving effect to such extended design, your acts will appear to the natives of India in direct contradiction with your professions of respect for their religion, laws, and customs, and those proclamations which have been promulgated by the Government of India to impress them with belief in the sincerity of such professions, which, in such case, would be considered by them as artifices to ensnare them. That the very impressions which they imbibe from their religion of the duties they owe to respect, obey, and be faithful in their allegiance to Government,

will operate to engender conviction upon their minds that no persons could possibly take their parts in such offensive proceedings towards them excepting they had obtained the sanction and authority from Government to permit them so to do. Consequently, any such extended efforts for conversion could only have one effect, to create universal distrust and apprehension among the natives of India.

Sullen and passive, they may submit to the domination of European military power, but with all the attendant evils of rooted disaffection awaiting opportunities or incitements to interminable intestine warfare, the results of which could only be the severance of the affections of our native subjects, and the calamitous infliction of discord and devastation upon 160,000,000 of people, who would be gladly united with you, as they have hitherto been, in upholding your dominion over the vast empire which they inhabit—but only upon one condition, that you unreservedly command their confidence by your respect for their religion, laws, and customs.

This letter is already sufficiently long, and I shall, therefore, defer further observation upon this critical question to a future opportunity.

I remain, Sir, your most obedient Servant,

M. H. COURT.

Castlemans, 11th August, 1857.

LETTER III.

SIR,—By the conclusion of my letter which was inserted in your last week's paper, your readers will be led to expect the further observations I might propose to offer upon the question of conversion of the Hindoos, by efforts of the Society for the Propagation of the Gospel, and other missions, to which I have before alluded.

Of the ruinous impolicy of any such extended efforts I can have no doubt in my own opinion. Even with those most urgent

and sanguine in the pursuit of an object of so exalted a purpose, I cannot but apprehend that with reference to public policy, they will contemplate with hesitation, and not less with awful concern, the consequences certain to proceed from failure; and that their only confidence of a successful result, must rest upon the interposition of an Almighty Power, to consecrate their efforts and prosper their design to an ultimate fruition.

The present aspects of India, it may be expected, will suggest circumstances which, in the future government of that empire, will involve serious and deep considerations of the course to be pursued, and the admissions to be allowed, with reference to any change in the social state of the natives, whether by inducements of persuasion, or more stringent methods, to effect a change in their religion, laws, and customs. To enter upon such a question simply as one of public policy, would certainly demand more of intelligence and power of mind than I have ability to exercise, even if it were possible to do so within reasonable compass of an address of this nature; and it might be considered presumptuous in me to offer opinions to which higher motives would attach than considerations of policy.

But I shall hope to be excused intruding upon your readers' attention the authorities I shall quote in support of my own conviction, that the attempt to convert the people, though doubtless it would engender much of disorder and distraction, will be hopeless of attainment until it may please God, by manifestation of His Divine grace and will, to incline the hearts and dispositions of the people to the reception of the doctrines which it is our desire to inculcate.

In the year 1793, two clauses were proposed in the bill for Renewal of the East-India Company's Charter,—one for Institution of Free Schools, throughout India; by the other Christian Missionaries were to be appointed for the avowed purpose of civilizing and converting the natives of India. These clauses being in contradiction of the fixed principle of the Legislature in 1781, that we ought never to interfere with the religion, laws, and customs of the people of India, they were rejected by the House of Lords, having been strongly opposed by the Bishop of

St. Asaph, who had the reputation of a sound and orthodox divine, and one of the main pillars of the Church of England, who upon that occasion said,—

“ He deprecated any attempt to interfere with the religion, the laws, or the local customs of the people of India, which were so interwoven one with the other, that it would be impossible to separate them. As Christians, there was no obligation upon us, were it possible, which he denied, to attempt the conversion of the natives of India. Providence had placed millions of men under our government, who for ages differed from us in religion, laws, and customs; and we were bound, upon every principle of justice as well as policy, to preserve to them the free exercise of each. The command of our Saviour to his Apostles to preach the gospel to all nations, did not, as he conceived, apply to us. The gift of languages, and the power of working miracles, were conferred on the Apostles. All extraordinary powers had long ceased; and the extraordinary commission, he conceived, had ceased also.”

Other eminent divines are said to have concurred in the opinions of the Bishop of St. Asaph, which moreover will receive confirmation in evidence with your readers, if they will refer to the 16th chapter of the Acts of the Apostles, where, in verse 6, they may read that the Apostles “ *were forbidden of the Holy Ghost to preach the word in Asia.*”

Many of your readers are probably not informed that the natives of India, although they do not profess the Christian faith, have nevertheless a firm and rooted faith in the knowledge of God, as it has been revealed to them in sacred volumes, which have been handed down to them by their forefathers from remote antiquity,—which, in their estimation, are as sacred and immutable as our Bible is to us; and in those volumes are imparted to them the duties which they owe, of reverence and worship of God, and the performance of their duties towards their neighbour. And whatever opinions may be formed of their observances of idolatry and superstitious rites, they nevertheless worship God in unity, and express their conception of the Divine Being and his attributes in the most sublime terms. God thus

adored by them is called Brahma. "Of Him whose glory is so great there is no image." "The invisible, incomprehensible Being, which illumines all, delights all, whence all proceeded; that by which they live when born, and that to which all must return." Such is the language of their sacred volume.

The natives of India are a civilized people, capable of improvement, and accessible to improvement by those examples of piety, benevolence, and moral excellence which it will be our study to portray in our relations with them, when we may hope to amend any imperfections in their customs or habits, and which we might possibly accelerate, and certainly facilitate, by the introduction into the Legislative Council of one or two learned Pundits or expounders of their religion and laws, and with the aid of whose counsel, upon such questions only, we might more certainly avoid all rash and undigested infractions, by rendering the changes we might desire to introduce acceptable to the people through the interyention of their priests.

I remain, Sir, your most obedient Servant,

M. H. COURT.

Castlemans, 19th August, 1857.

LETTER IV.

SIR,—The Lord Bishop of Oxford, in his very enlightened and interesting lecture addressed to the numerous audience as noted in your paper of last week, delivered his opinion that for one hundred years during which we had attained to the possession of our empire in India, and the exercise of dominion over one hundred and eighty millions of people, "The one ruling feature" of our whole administration, "as to doing anything to encourage the faith of Christianity," has been a most un-English timidity.

With reference to this ruling feature, I do hope it will be perfectly reconcilable with that reverence and respect which

is so justly due to our venerable diocesan to convey to the knowledge of your readers and to those who constituted the audience at the meeting upon the occasion of this lecture, a clear, impartial, and undoubted exposition of those principles and acts which have been the guides of our administration of the government of India, that they may thence form their judgment whether a sound, wise, and politic discretion, or an un-English timidity be found the conclusive characteristic of such administration.

In my attempt to impart this knowledge to your readers, I shall adopt that straight road which, as it will certainly be most easy to myself, so, I may confidently believe, it will be best calculated to obtain a fair judgment. That road leads me at once to the public documents laid before Parliament in the year 1839, amongst which, along with others, will be found the following extracts, which I have taken from a despatch to the Governor-General of India, addressed by the Court of Directors of the East-India Company, under date October 18, 1837 :—

“Par. 3. We concur in the opinion expressed by Mr. Ironside, to the effect that if religious societies and religious publications recommend the adoption of measures, and that if, as it were in consequence of them, the Government immediately carries those measures into effect, our native subjects may conceive that we, as rulers of the country, now identify ourselves with missionary labours. Nothing can be more dangerous than the prevalence of such an impression; for, as was long since observed by Mr. Thackeray, our success in India is, in a great measure, owing to our *religious neutrality*; the failure of other European nations, especially of the Portuguese, in maintaining their power, to their injudicious attempts to convert the natives to their own religion. *As we could not have established, so we cannot maintain our empire without continuing this neutrality.* It would have been much better that we should have failed in establishing, than that we should now shake to pieces on our own heads the great edifice of power now erected, by such imprudence. Sir Thomas Monro

said, on the same occasion, it never was intended to employ collectors and magistrates as teachers of morality and religion. We cannot allow any public officer to act as a missionary merely because he supposes that he abstains from *obnoxious interference*. Every man has a different opinion regarding the obnoxious limits, and each would fix them differently, according to the standard of his own zeal. It is the declared intention, both of the Legislature and of the Honorable the Court of Directors, that the people of India *should be permitted to enjoy their ancient laws and institutions*, and should be protected against all interferences of public officers with their religion. This system is the wisest that could be adopted, whether with regard to the tranquillity of the country, the security of the revenue, or the improvement or conversion of the natives.

“ Par. 4. Now, it is not sufficient to say that the mere discontinuance of a custom is strict non-interference. It is not so. It is not simply a negative act ; it is an interference with established custom, and has, more or less, the effect of a positive interference, according to the interpretation which may be placed on the purpose with which it has been adopted. Between zealots on the one hand aiming at proselytism, and disaffection on the other seeking every means to injure our supremacy, we cannot too cautiously abstain from every act which may have the remotest tendency to excite against us the *spirit of native fanaticism*. The experience of history shows that against this spirit, when once roused into action, no government can stand.

“ Par. 5. In every country, says Sir Thomas Monro, but especially in this, where the rulers are so few, and of a different race from the people, it is the most dangerous of all things to tamper with the religious feelings. They may be *apparently dormant*, and when we are in *unsuspecting security*, they may burst forth in the *most tremendous manner, as in Vellore*. Should they produce only a partial disturbance, which is quickly put down, even in this case the evil would be lasting : *distrust* would be raised between the people and the Government which would

never entirely subside, and the district in which it happened would never be so safe as before."

In instance of the "un-English timidity" as the characteristic of our Indian administration, his lordship quotes the case of Sir Peregrine Maitland, who, he alleges, was obliged to give up his command, because "he refused to allow the altar of their detestable idol to remain with the troops, or to be longer saluted by them." There can be no doubt, that this most distinguished and highly-respectable officer, under consciousness of the obligations of military service to obey the orders of the government under which he held his military command, did make sacrifice of his high office, in preference to yielding his authority in discharge of a duty enforced upon him, and which was repugnant to his conscience. His resignation was voluntary, but, on this account, not the less worthy of praise and commendation of the highly honourable feeling by which he was actuated. But, with reference to this subject of military salutes upon occasion of the Hindoo festivals, it will be more suitable to make extract from the despatch of the Court of Directors of the East-India Company above referred to:—

"Par. 6. It is most justly observed in the minute of the 1st April, 1837, of the Governor-General—'The salutes of Surat are a compliment paid to the return of the season, when the coast, by the change of the monsoon, is again open to the merchant, and industry and profit are diffused amongst the commercial seafaring classes. I would be extremely loth to discontinue any one proper demonstration. We must all, I feel assured, lament that occasions of the kind are so rare on which it can be shown that the sympathies of the government are in unison with those of the people. The day of these observations at Surat seems to be a popular holiday, on which joy is natural and reasonable; and if something of superstition be added to it, this will disappear as intelligence and civilization advance, whilst the holiday and its festivities will, as must be desired, survive. Something of paganism may be traced in our English feast of May-day and harvest-home; something Druidical in the rites of *Hallow-e'en*; more that is Catholic in the

village mummeries of Christmas; and with such observances, which ought to be upheld while they are gay and innocent and popular, will, doubtless, much that is now distasteful in India be ranked, as instruction is spread, and classes are mingled, and differences are softened. To time and the gradual growth of knowledge I would trust much, and would deprecate in these matters all overstrained fastidiousness of feeling, and a sternness of action which must tend to create alarm, and to alienate the people from the Government.' And it is most clear to us, as also observed in that minute, 'the present moment is not favourable to measures of abrupt and ostensible change. It is, unhappily, but too notorious that dissensions upon these subjects have prevailed amongst persons high in authority at the presidency of Madras, and that the minds of men have become alarmed and unsettled in regard to them; and, whilst a disposition is known to exist to goad the Government into measures which a just and tolerant policy would reject, every step in this direction, though limited by the soundest and most moderate views, may be liable to dangerous misapprehension and misconstruction."

"Par. 8. We now desire that no customary salutes or marks of respect at native festivals be discontinued at any of the presidencies; that no protection hitherto given be withdrawn; and that no change whatever be made in any matter relative to the native religion, except under the authority of the Supreme Government."

So much for the principles and acts which have guided the Government of India, which, if simplified in expression of one word, would rest upon the observance of a religious "neutrality," to which we owe our success in India. This principle will, at the same time, be intitled to the merit of conformity with the resolution proposed by Mr. Gladstone, and the Bishop of Oxford, at the meeting held at Chester, on the 13th October; and in accordance with the sentiments of Lord Shaftesbury;—
"All that we require is complete religious equality."

In continuation of this question, upon the propriety of our consent to military salutes upon the occasions of Hindoo or

Mahomedan festivals, it will not be irrelevant to refer to the experience of any gentleman, civil or military, who may have held authority of any degree over the natives of India. They well know that, upon the recurrence of our Christian festivals at Christmas and the New Year, the natives of whatever class, through their superiors, cordially and respectfully offer their compliments of congratulation, without the least suspicion that, in so doing, they commit themselves to any compromise of their own faith; and it has been our custom upon their festivals, by render of military salutes, to reciprocate those feelings of kindness and goodwill which they had manifested towards us. In doing so, so far from rendering any undue subserviency of our own faith, we may rather aspire to the merit of a Christian observance of the pious and humane injunctions of the Apostle St. Paul to the Romans, where, in chap. xii., verse 10, it is written: *Be kindly affectioned one to another with brotherly love*; and again, in verse 15: *Rejoice with them that do rejoice, and weep with them that weep.*

With reference to the case of the sepoy, which has obtained the notice of his lordship and which has otherwise become so significant in the public attention:—In the first place it may be observed, that it is a very old story and of solitary instance, which occurred no less than thirty-eight years since; that it was a matter which concerned military discipline in its efficiency, which became more immediately under cognizance and authority of the Commander-in-Chief; that the sepoy, so far from enduring any degradation or loss of rank, or any diminution of pay, retained not only both, but was offered advance of rank in another corps. That the Government had no further interference in the matter than instituting inquiry into the proceedings of the chaplain on the establishment, to whom the sepoy had presented himself of his own free will for baptism, which rite the chaplain had duly administered to him, and to which the Government had no objection.

As to the woollen cloths provided to the Temple of Jugger-naut, whether they were delivered gratuitously from the Government stores, or whether they were purchased by the

Brahmins, is not worth inquiry, as the whole question appertains to a very important despatch from the Court of Directors, dated 20th February, 1833, which forms one of the documents, and the most lengthy, laid before Parliament in 1839, which may be accessible to any of your readers, and by reading of which they will learn the resolutions of the Court for a *total abolition of the Pilgrim Tax*, by which the Government sustained a diminution in their revenue to the amount of at least two lakhs of rupees, and which set at rest every suspicion of connivance to support idolatry by the delivery of woollen cloths.

This letter is already sufficiently long, I shall therefore defer to a future opportunity any observations which I might consider appropriate for information to your readers upon the complicated and most interesting question of the institution of caste amongst the Hindoos.

I remain, Sir, your most obedient servant,

M. H. COURT.

Castlemans, near Maidenhead, 25th Nov. 1857.

LETTER V.

SIR,—In my letter which obtained publication last week, I expressed an intention of delivering, for information of your readers, an exposition of facts and observations relative to the complicated and interesting question of caste in its effects upon the religion, laws and customs of the Hindoos. In the first instance, it will be clearly proper to bring under notice the ordinances of Menu, the Hindoo prophet and lawgiver, and the acknowledged expounder of their religious revelation and faith. These ordinances are comprised in twelve chapters. The first of which, “On the Creation,” will be found to contain many particulars of a divine revelation in correspondence with the scriptural doctrine of the Old Testament, and some of which may admit an inference of their accordance with our faith in

the divinity of our Lord and Saviour. But these sacred points of inquiry will more appropriately attach to our venerable divines, and more especially to those who undertake the duties of the mission with view to conversion of the Hindoos to the Christian faith; therein following the bright example of the Apostle St. Paul, as it may be traced in his first epistle to the Corinthians, ix. 20, "And unto the Jews I became a Jew, that I might gain the Jews," &c.

My undertaking will most fitly be limited to the consideration of the institution of caste, as it appears founded in the following extracts from the "Creation" :—

"31. That the human race might be multiplied, He caused the *Brahmin*, the *Chatrya*, the *Vaisya*, and the *Sudra* (so named from the *scripture*, *protection*, *wealth*, and *labour*) to proceed from His mouth, His arm, His thigh, and His foot.

"88. To the *Brahmins* He assigned the duties of reading the *Véda*, of teaching it, of sacrificing, of assisting others to sacrifice, of giving alms *if they be rich*, and, *if indigent*, of receiving gifts.

"89. To defend the people, to give alms, to sacrifice, to read the *Véda*, to shun the allurements of sensual gratification, are, in a few words, the duties of a *Chatrya*.

"90. To keep herds of cattle, to bestow largesses, to sacrifice, to read the scripture, to carry on trade, to lend at interest, and to cultivate land, are prescribed, *or permitted*, to a *Vaisya*.

"91. One principal duty the supreme Ruler assigns to a *Sudra*; namely, to serve the before-mentioned classes, without depreciating their worth."

Such are the clearly-defined characteristics of the four classes who are included by us under the general appellation of caste. And it cannot be otherwise than indisputable, that inasmuch as such distinctions are enforced by religious obligation from earliest infancy amongst the Hindoos, their tendency will be to inculcate in youth that Christian precept in our Catechism; *That we should do our duty in that state of life to which it has pleased God to call us.* Moreover, these distinctions, which,

under sanction of religious obligation, do regulate the laws, the manners, and the customs of the Hindoos, may be justly compared with those natural influences which engender the formation of the several classes and conditions of men in Christian communities; nor will it be found consonant with experience, that they excite envy or hatred amongst the Hindoos, more than might appear to be the effect of aspiration in European society.

It may be safely averred, that there is no consequence to be apprehended from our toleration and protection of the institution of caste which could be irreconcilable with our desire for the conversion of the Hindoos. On the contrary, there would seem to be evidence from experience, that the efforts of control, impressions in its favour have had effect to counteract the purposes of the missionaries, of which we have evidence in the Report of the Incorporated Society for the Propagation of the Gospel for the year 1857, wherein, at page 98, may be read: "*The Mission.—The enforcement of the caste test throughout the Tanjore circle of missions has led to the secession of more than one congregation connected with VEDIARPOORAM.*"

Again, at page 102: Bethel Dindigul.—*The introduction of the caste test has affected his school and congregation.*

SUNYERPOORAM.—*A full statement of the caste struggle has also been received from him.*

At page 105: Negapatam.—*Mr. Regal forwarded the important division of the missionaries of the Tanjore Circle, regarding the enforcement of the caste test.*

Again, at page 104: Erungalore.—*The enforcement of the caste test has removed many Christians from his roll. At one village, Eechamputty, a congregation of 120 seceded, with the exception of twenty persons.*

It is of great importance to trace, as far as we may be able rationally to do so, the causes which have operated to excite to mutiny the sepoys in the North-West Provinces of India, setting aside the opportunities afforded to them for encouragement of their revolt.

It may be taken for granted, that besides Mahomedans and

other sects, the far larger portion had been recruited from the Brahmin and Chatrya or Rajahpoot castes, the latter, most probably, the more numerous. There can be no doubt that men of these castes would be the most susceptible of religious rancour, from impressions which they might imbibe or which might be most studiously instilled into them by malevolent, fanatical, or disaffected persons; and under such feeling they would be excited to outrage by ungovernable fanaticism, when they became assured of danger to their religion.

Read from the *Church Missionary Intelligencer* for October, 1857, the following extracts, to be found at pages 231, 232, 233, 234:—

“It is not an alteration of views and principles which a Hindoo dreads, nor is this what he understands by the expression, danger of religion. * * * It is not argument as affecting his views and tenets that he dreads, but pollution incurred by offences against the laws of caste. * * * Even Christianity might with facility have many converts, did it only consent to the introduction of caste arrangements within its precincts. * * * The missionary, in approaching a man, does not commence with an aggression on his caste.”

As the more prominent causes of the mutiny to which the Hindoo castes became exasperated, we may take into view, at page 233,—

“The *Lex Loci Act* of 1850, which expressly provided that forfeiture of rights or property should no longer be consequent on deprivation of caste, nor the rights of inheritance be in aught impaired because of exclusion from the communion of any religion. * * * To these measures of reform may be added the *recent Act*, which removed the illegality of widow marriage (a sacred ordinance). * * * Let it be observed, they were all direct interferences with the laws and usages of caste. Legislative enactments of this character, reversing the current of *old-established usages*, and diverting the popular practice into new channels, are most safely made where Christianity has gone before to prepare the way. * * * Unhappily, this grand preparatory element, which so materially

aids the action of a government desirous of correcting evils in society, and introducing beneficial changes, has been very sparingly used in India.”

Your readers will be at no loss to understand, that the aggressive character of the acts of the Government, in their injudicious—because most untimely—interference with the religion, laws, and customs of the Hindoos, has been the primary causes of the Brahmin and Rajahpoot sepoys combining with Mahomedan conspirators to subvert our dominion over the North-Western Provinces of India.

I would recommend those who may desire to take a general view of the question involved in a due administration of our empire in India, that they read the first and last paragraphs of the preface written by that upright judge and amiable man, Sir William Jones, in his publication of the Institutes of Hindu Law.

I am quite sensible that I have very imperfectly, and perhaps too concisely, delivered my observations upon this important subject, upon which I could not venture to enlarge in this form of address.

I remain, Sir, your most obedient servant,

M. H. COURA

Castlemans, near Maidenhead, 2nd December, 1857.

THE

FUTURE GOVERNMENT OF INDIA.

No subject can have need of more careful, calm, and mature consideration, than that which may concern the policy to be pursued in relation to the future government of our empire in India.

Whatever may be the measures contemplated with view to compass the essential attainment of the permanency of our dominion, to be combined with the maintenance of protection, peace, and happiness to the inhabitants of so extensive territories, embracing a people of so many varieties in their several races, having corresponding diversities of character and disposition, —all such arrangements must undeniably rest upon a due regulation of public policy as it may affect the imperial interests united with a consistent regard to the religion, the laws, and the customs which have prevailed to govern the dispositions of the people from remote antiquity, and by which they have imbibed impressions to enforce upon them the obligations of fidelity and allegiance to the supreme power which we hold in dominion over them.

The question of the future government of India will consequently depend upon the determination of

those general principles of policy by which we may purpose to form its administration, and which may reasonably be included in the selection of two prominent and definite qualifications.

The first will be,—Whether, with every honest intention of a strict uncompromising justice, we shall act simply upon our own conclusions of right and wrong, without deference to the feelings, the prejudices, or the opinions of the people, in respect to their religion, laws, and customs.

Or secondly,—Whether by accommodation of our policy to the religion, the laws, and the customs of the people, we may purpose, with every fair exercise of our supremê authority, so to reconcile them to our distant dominion as to command their fidelity and willing allegiance, under conviction that they could not hope for any amelioration of their condition from any violent effort to induce a change in the authority to which they are subjected.

With reference to the first qualification, it would be indispensable to provide a constant over-powering European military force, so as to enforce submission of the people through fear of the consequences of resistance.

The second qualification would have effect to uphold the allegiance of the people by command over their affections, proceeding from their sense of benefits conferred upon them by exercise of our power directed to the purposes of protection to their laws and institutions and the security of their peace.

In the course of last year (1857) there was pub-

lished the memorial of the Society for the Propagation of the Gospel, for the extension of the episcopate in India, which was addressed to Lord Palmerston, as First Lord of the Treasury, and to Mr. Vernon Smith, the President of the Board of Control, in advocacy of the extension of episcopacy in India, according to delineation of a map which was annexed, and by which the whole of India, from north to south and east to west, was, according to the map, apportioned into dioceses. To give effect to any such design, with view to conversion of the people to the Christian faith, would unavoidably manifest such a spirit of hostility to the religion of the Hindoos as could not fail to excite in them a deep sense of exasperation. It is not many years since we had experience of the audacious attempt of Cardinal Wiseman to provide in like manner a Roman Catholic episcopate in England, and the universal indignation which became excited by such presumption. We have unfortunately no reason to believe that the natives of India are less sensitive to invasion upon their religion than we have proved ourselves to be;—not only in this recent instance, but more conspicuously upon record of the period of our history in the times of James II., when that ill-fated monarch, acting under the influence of an infuriated bigotry, so convulsed the kingdom by exercise of his power in his attempt to subvert the religion and laws of the country, as to forfeit the allegiance of his people, and was made to suffer that penalty which the institutues of Menu, equally with the constitution of England. provide to be the conse-

quences of so criminal an infatuation. In the merited fate of that misguided monarch we may trace an example to operate upon our conviction, that no pretext of an assumed compliance with the Divine will can plead a justification for attempts to subvert the religion and laws which are wedded in the faith and opinions of the people. Therefore, upon a question of this nature, which will have relation to our future policy in the government of our empire of India, it may be wise to take for our guidance the text which will be found in the 22nd chapter of Exodus, at verse 28 : *“ Thou shalt not revile the gods, nor curse the rulers of thy people.”* Taking note, at the same time, of the 1st Epistle of St. Paul to the Corinthians, chap. xii. verses 4, 5, 6 and 7 : *Now there are diversities of gifts, but the same Spirit. And there are differences of administration, but the same Lord. And there are diversities of operations, but it is the same God, which worketh all in all. But the manifestation of the Spirit, is given to every man to profit withal.*

No person can hesitate to acknowledge the inestimable benefits which have been conferred by the societies for the propagation of the Gospel by the application of the means at their disposal to provide missions to the barbarous races of Africa, who, being consigned to our West-India colonies, were doomed to exist in an abject state of slavery, until by the devotional energies and the religious fervour of the gifted and enterprising missionaries, those so degraded became enlightened by the doctrine and faith in Christ. and were thus prepared to receive emancipa-

tion from thralldom, without any disheartening dread of the consequences which otherwise might have been apprehended from extension to them of the licence of freedom.

Equally conspicuous, from certain experience, have been the successful efforts of the zealous missionaries for propagation of the Gospel, wherever their devotions may have been directed to enlighten by imparting religion to the people sunk in ignorance and barbarism in every quarter of the globe, whether in America, Africa, New Zealand, Australia, or the islands of Polynesia. But there yet remains a wide field for suitable application of the funds of the missionary societies, to the enlightenment of the people who inhabit the interior of Africa, and the large islands of Sumatra, Borneo, Billiton, Celebes, Gillolo and numerous small islands in the Indian Archipelago,—who, inhabiting these countries as Lampoongs, Battas, Rejangs, dyaks, Alfores, and other denominations, are needing the benign influence of the Gospel, and the knowledge of Divine revelation to those now sunk in ignorance of such blessings. And it will in truth be urged, that the accomplishment of such righteous purposes would be in perfect accordance with the injunctions of the Gospel, whilst it would meet the fulfilment of the original design of the charter granted for the incorporation of the society for its propagation in 1707; and so let it be.

But when the societies assume to themselves the privilege of providing for the religious faith, and an ecclesiastical government, over the two hundred

millions which constitute the population of our empire in India, they can only contemplate a design so exalted, and of so vast magnitude, under the conviction that throughout the territories over which we hold supreme dominion the natives thereof are not yet blessed with a faith in divine revelation from God; that they have no sense of moral duties; that they are divested of all knowledge necessary for the guidance of mankind in their civil and social relations; and, in fact, that they are like the benighted tribes in Africa, in the wilds of America, or in the islands of the Eastern Archipelago or of Polynesia, and equally miserable under privations of religious assurances of consolation, and that they are absorbed under the influences of gross ignorance and stupidity of barbarity.

Whosoever may entertain such impressions of the degraded state of the natives of India, it may at once be asserted, rest their belief upon a foundation which has no reality in truth or in fact. It will be no contradiction to this assertion, to observe that darkness pervades a large mass of the population. Such is equally the case in the masses of all Christian and Mahomedan countries, but in all gradations of ignorance amongst those masses, they are influenced by the doctrines of religion which are inculcated by their priests, which excite in their minds the belief of a future state, and which impart to them the hopes of bliss in reward of their good works, and the fears of punishment as the consequence of their misdeeds. As more happily expressed in Paley's evidence, chap. ii. :

—“ *If I were to describe in few words the scope of Christianity as a revelation, I should say, that it was to influence the conduct of human life by establishing the proof of a future state of reward and punishment, —to bring life and immortality to light. The direct object, therefore, of the design is, to supply motives, and not rules—sanctions, and not precepts.*” Further he observes, p. 156:—“ *The most important service that can be rendered to human life, and that, consequently, which one might expect beforehand would be the great end and office of a revelation from God, is to convey to the world authorized assurances of the reality of a future existence. And although by doing this, or by the ministry of the same person by whom this is done, moral precepts or examples, or illustrations of moral precepts, may be occasionally given, and be highly valuable, yet still they do not form the original purpose of the mission.*”

Again at p. 162, he goes on to say,—“ *In estimating the value of a moral rule, we are to have regard, not only to the particular duty, but to the general spirit; not only to what it directs us to do, but to the character which a compliance with its direction is likely to form in us. So in the present instance, the rule here recited will never fail to make him who obeys it considerate not only of the rights but of the feelings of other men, bodily and mental, in great matters and in small; of the ease, the accommodation, the self-complacency of all with whom he has any concern, especially of all who are in his power, or depend upon his will.*”

Respecting the influence of religion, at p. 288, he

observes,—“ *If it check, in some degree, personal dissoluteness, if it beget a general probity in the transaction of business, if it produce soft and humane manners in the mass of the community, and occasional exertions of laborious or expansive benevolence in a few individuals, it is all the effect which can offer itself to external notice. The kingdom of heaven is within us.*”

Again, at p. 289,—“ *The influence of Christianity is commensurate with no effects which history states. We do not pretend that it has any such necessary and irresistible power over the affairs of nations as to surmount the force of other causes.*”

These extracts, which are delivered from authority of an approved and acknowledged standard for guidance of Christian principles and conduct, will reduce the question concerning the policy or the propriety of permitting the society to proceed in its extensive and wild project for conversion of the natives of India, to the simple solution of a truth—whether the revelation of divine truth, and the moral precepts concurrent therewith, are so imbibed and inculcated by the Hindoo faith and practice, as to merit the credit of accordance with the scope and object of Christianity, in consistency with the purpose set forth in those extracts.

It is now one hundred years since the “*Reflections on the Government of Indostan,*” was published by Luke Scrafton, Esq., the author. This gentleman, in the Civil Service of the East-India Company, was one of the coadjutors of Robert Clive, who laid the foundation of our empire in Bengal, by his superior military genius at the battle of Plassy, and by the political

wisdom which he exercised in securing the fruits of his prowess. In giving his description of the religion and character of the Hindoos, Mr. Scrafton has delivered opinions founded on his own observation and inquiries, which will be found in the following extracts from that work:—"It is difficult to draw a general character of the Brahmins, as they vary so much in their pursuits, and in their degrees of knowledge. Some I have conversed with acknowledge the errors that have crept into their religion, own one Supreme Being, laugh at the idolatry of the multitude, but insist upon the necessity of working upon the weaknesses of the vulgar, and will admit of no doubt of the divine character of their legislator." It is very remarkable, that in the printed reports of the missions* in India, only last year (1857), it appears that in conference of one of the missionaries with a learned native, he obtained a precisely similar remark respecting the idolatrous weaknesses of the multitude.

In continuation of extracts:—"Talk to them of the truth of the Christian religion, they say, *They believe it is all very true; but that God has given different laws, and ordered different forms of worship for different nations, and has prescribed them theirs, which their forefathers have practised for many thousand years, and that they have no reason to doubt its being acceptable.* For this reason they admit no converts, nor are themselves ever converted, whatever the Roman missionaries may pretend; except, indeed, the

* "Mission Field Monthly Record," November, 1857, p. 259 Appendix II.

Hallachores (*Pariahs*), who are glad to be received into a society where they are treated as fellow-creatures. But I much doubt, whether, there ever was an instance of any other of the Indians being converted by the missionaries; and even those do no honour to the Christian religion, for, as far as my observation has reached, these half Christians are the most abandoned, profligate wretches of the human species."

"The soldiers are commonly called Rajah-poots. These inhabit chiefly the northern provinces. These Rajah-poots are much more robust than the rest, have a great share of courage, and a nice sense of military honour, which consists among them in fidelity to those they serve."

"It does not enter into my plan to give a detail of all their religious follies and ceremonies. Let it suffice, that amidst all their errors they agree in those truths which form the harmony of the universe, that there is *one Supreme God, and that he is best pleased by charity and good works*. Their worship and ceremonies at the great temple of Jagernaut, seem instituted to remind them of this; for there the Brahmin, the rajah, the labourer, the mechanic, all present their offerings, and eat and drink promiscuously together, as if they would insinuate that all these distinctions are of human invention, and that in the sight of God all men are equal."

Speaking of the Gentoos, he says,—“They are a meek, superstitious, charitable people, a character formed by their temperance, customs and habits. The men are equally ready to resign their lives to preserve

their religious purity. Fortitude on these occasions is common to all of them, even those who in other dangers appear of most dastardly, spiritless dispositions. Such, you see, is the force of principle, that it has preserved its efficacy through a series of ages."

Of the truth of which, we have at this time it may be said, a melancholy example.

In continuation,—“The Brahmins, who in other respects have perverted the doctrines of their founder, have, however, strongly inculcated the virtue of charity, by teaching them how much it will contribute to their happy transmigration. Happily for the country, they have grafted a vanity on this virtue, which promotes and extends its good effects. It is the height of their ambition to have a temple or choultry called after their name, and reflects more honour to their children than if their parents had left them immense wealth.”

It would have been to little purpose to provide these extracts, did not the truths comprised in them portray the religious character of the Hindoos in 1757 to correspond with our knowledge of their characteristics in the present year, 1858;—and they are confirmed by the knowledge, which we may derive from perusal of the publication of the “Institutes of Hindu Law; or, the Ordinances of Menu, comprising the Indian system of duties, religious and moral;” a translation of which from the Sanscrit, was verbally compiled by Sir William Jones, formerly the Chief Justice in Bengal, whose character for learning and intelligence of mind, equally with those qualities of a

benevolence of disposition for which he was so distinguished, will be a perfect guarantee for its accuracy and impartiality..

The work was printed at Calcutta in the first instance, by order of the Government; and afterwards reprinted in London, in the year 1796.

The need for acquisition of knowledge upon such a subject at the present time, will be appropriately expressed in the words of Milton, "Paradise Regained," book iv, 301.

" And with the Gentiles much thou must converse,
Ruling them by persuasion as thou mean'st ;
Without their learning, how wilt thou with them,
Or they with thee, hold conversation meet ?
How wilt thou reason with them, how refute
Their idolisms, traditions, paradoxes ?
Error by his own arms is best evinced."

The inspiration of the poet will yield its concordance with the preface to the "Institutes," as delivered by Sir William Jones, and from which the following extract is made, as most applicable to its meaning and effect :—

"It is a maxim in the science of legislation and government, that *Laws are of no avail without manners* ; or, to explain the sentence more fully, that the best-intended legislative provisions would have no beneficial effect even at first, and none at all in a short course of time, unless they were congenial to the disposition and habits, to the religious prejudices and approved immemorial usages, of the people for whom they were enacted ; especially if that people universally and sincerely believed that all their ancient

usages and established rules of conduct had the sanction of an actual revelation from heaven. The legislature of *Britain* having shown, in compliance with this maxim, an intention to leave the natives of these *Indian* provinces in possession of their own Laws, at least on the titles of *contracts* and *inheritances*, we may humbly presume, that all future provisions for the administration of justice and government in *India* will be conformable, as far as the natives are affected by them, to the manners and opinions of the natives themselves; an object which cannot possibly be attained, until those manners and opinions can be fully and accurately known. These considerations, and a few others more immediately within my province, were my principal motives for wishing to know, and have induced me at length to publish, that system of duties, religious and civil, and of law in all its branches, which the *Hindus* firmly believe to have been promulgated in the beginning of time by MENU, son or grandson of BRAHMA, or, in plain language, the first of created beings, and not the oldest only, but the holiest of legislators."

The motives which actuated Sir William Jones to compile the "Institutes," will be clearly evinced in the words of the preface; and the like motives will have more essential urgency at the present time, when we have under consideration a system for the future government of our now more extended empire in India. Such motives will be the more enforced by the authority presented to us from the Scriptural text that the Apostles "*were forbidden of the Holy Ghost*

to preach the word in Asia." * This injunction of the Holy Spirit will appear to render it the more necessary that we obtain as clear insight as human infirmity will admit of the promulgation of that divine revelation which, by the will of God, had been revealed in Asia, and which had conferred the gracious gift of knowledge and holy faith imparted to the people, for guidance of their worship and devotion of God, and the regulation of their lives in conformity with its injunctions.

" He who receives
Light from above, from the Fountain of Light,
No other doctrine heeds, though granted true."

Parad. Reg book iv 301.

Those who may desire to be informed of the whole contents of Sir William Jones's publication can refer to the original ; but in order that every essential knowledge, may be at once accessible, every important part of the Institutes which has concern with revelation or may have a relation to moral duties, will be found in the APPENDIX, which contains *verbatim* the whole of the first chapter, with all essentials of the remaining eleven chapters.

" In them is plainest taught, and easiest learnt,
What makes a nation happy, and keeps it so,
What ruins kingdoms, and lays cities flat ;
Those only with our law best form a king."—*Ibid.*

It will be quite consistent with this subject, to direct attention more pointedly to the chapter "On Creation," par. 5 to 11 inclusive, that the mind may be directed to the inference of the Godhead of the

* *Vide* Preface, Letter III p 12.

Trinity being deducible therefrom, in correspondence with the Athanasian and Nicene Creeds, excepting the Atonement, as with first chapter of the Gospel of St. John 1—5, and in chap. viii. 58; Epistle to Coloss. chap. i. 15—17. And it will be readily discernible that other paragraphs of the Creation have coincidence with the first chapter of Genesis.

The omissions of paragraphs in the other chapters will be found in some parts to have coincidence with the chapters in Leviticus, more especially as they may concern restriction or habits with respect to marriage, diet, purification, sacrifice, and cleanliness; and, in other particulars, to hold similitude in allegorical character with the Revelations of St. John.

Having thus conveyed in the Appendix the requisite means of knowledge for guidance of an impartial judgment upon the relation and moral duties enjoined for veneration and observance of the Hindoos, it may at once be determined whether, as prescribed by Paley, “they check in some degree personal dissoluteness, beget a general probity in the transaction of business, produce soft and humane manners in the mass of the community, and occasional exertions of laborious or expensive benevolence in a few individuals.”

Having determined these excellences in their dispositions, which those who best know them will probably most readily acknowledge, the conclusion of the preface of Sir William Jones to the “Institutes” will aptly be fitted as the conclusion to this subject:—
“A spirit of sublime devotion, of benevolence to mankind, and of amiable tenderness to all sentient

creatures, pervades the whole work ; the style of it has a certain austere majesty, that sounds like the language of legislation, and extorts a respectful awe ; the sentiments of independence on all beings but God, and the harsh admonitions, even to kings, are truly noble ; and the many panegyrics on the *Gáyatrì*, the *Mother* as it is called, of the *Véda*, prove the author to have *adored* (not the visible material *sun*, but) *that divine and incomparably greater light*, to use the words of the most venerable text in the *Indian* scripture, *which illumines all, delights all, from which all proceed, to which all must return, and which alone can irradiate* (not our visual organs merely, but our souls and) *our intellects*. Whatever opinion in short may be formed of MENU and his laws, in a country happily enlightened by sound philosophy and the only true revelation, it must be remembered, that those laws are actually revered as the word of the Most High by nations of great importance to the political and commercial interests of *Europe*, and particularly by many millions of *Hindu* subjects, whose well directed industry would add largely to the wealth of *Britain*, and who ask no more in return than protection for their persons and places of abode, justice in their temporal concerns, indulgence to the prejudices of their old religion, and the benefit of those laws, which they have been taught to believe sacred, and which alone they can possibly comprehend."

These observations were scarcely traced, when there appeared a report in the *Times*, of the 6th January, of a meeting held on the previous day, for the purpose

of considering “*the future relation of the British Government to religion in India.*” At this meeting the Earl of Shaftesbury presided, and the Rev. Canon Champneys, moved a resolution :—

“ That, in the judgment of this meeting, it is the sacred duty of the British Government in India, as the executive of a nation professing Christianity, at the earliest practicable period, and in the most expedient manner *to withdraw its countenance from every form of idolatry, especially by discontinuing all grants for the maintenance of heathen temples and idol-worship, and ceasing to administer endowments for their support, by preventing all acts of cruelty and all obscene exhibitions connected with idolatrous rites, and by entirely withholding its sanction to the social evils connected with the system of caste.*”

This motion was of course agreed to, as every such motion upon abstruse questions of policy will be, when presented to a public meeting of which the greater number are incompetent to form a judgment, from ignorance of the merits. But there is in this motion one purpose intended which would no doubt be very effective to sustain the project, for dividing the whole length and breadth of India into episcopal dioceses, which of course would need endowments for their support, and which endowments might be attainable by deprivation of the whole property of the religious establishments throughout India.

To spare any lengthened remarks upon such extravagances, it will be sufficient, to quote the lines of Pope :—

“ But Satan now, is wiser than of yore,
He tempts by making rich, not making poor.”

With reference to the “*entirely withholding its*

sanction to the social evils connected with the system of caste," it must be evident, that in connecting social evils with the institution of caste, those assembled at the meeting could not be competent to form any correct judgment upon so complicated, abstract question of policy and jurisdiction with regard to such a people.

Inasmuch as the system of caste may have direct effect to dispel many social evils, which might ensue from exclusion of all religious motives for confirmation of its moral duties amongst the Hindoos, sufficient has been pointed out, in the 5th Letter, dated 2nd December, as entered in the preface. Thence it may be inferred, that any attempt of our Government to relax those salutary restraints which are imposed under solemn sanction of religion by the system of caste, to which the Hindoos are habituated, and to which they willingly and cheerfully conform, could only succeed by subversion of the religious faith upon which it is founded; thus rending asunder those social ties by which the whole frame of the thoughts, feelings, conduct, and the domestic habits of the people is cemented. With respect to the strength and stability of a government, by yielding its support to such an attempt, the consequences to be apprehended would be:—Instead of affording peace and protection, it would excite universal commotion, with dislocation of all order and security of property; whilst it would divest the people of every principle of cohesion, which now impels them to perform with affection and fidelity their duties of allegiance.

Moreover, it would involve the British dominion in deep responsibility for the tumults, chaos, and ruin visited upon the people by so unwise and inhuman intolerance of misgovernment.

The dangers to be apprehended even from suspicion of a desire of the Government to countenance such an invasion upon the religious faith, will be best explained in the following extract from vol. i. "Of the Political History of India," published in 1826, by its distinguished author, Sir John Malcolm, who lived and died in the service of the East-India Company. He, in giving an account in that work of the insurrection at *Bareilly* in the year 1816, which became instigated by the resistance of the people of that town to an obnoxious tax, at p. 587 observes:—"The Hindoo inhabitants of Bareilly, who were in the first tumult more numerous than the Mahomedans, were, no doubt, chiefly actuated by their desire to oppose the obnoxious tax; but it was remarked that on this occasion, as has occurred on others of a similar nature, they appeared to enter into the religious feelings of the Mahomedans. The cause of this can only be traced to a general persuasion which pervades both these classes, of our desire to convert them to Christianity. This persuasion is kept continually alive by the discontented, and becomes on every occasion the watchword of union, whenever designs are cherished hostile to the British Government. The commissioners, adverting to this point, with reference to the occurrences at Bareilly, observe, 'That there can be no doubt that some

Mussulmans entertain a rooted apprehension of an intention of our Government to subvert their religion, catching with the most jealous suspicion at everything which indicates to their conception any even the most remote tendency to this end ; and that on the present occasion they appear to have persuaded the Hindoos that their religion also was similarly threatened.' ”

At page 509, it is observed,—“ Events like these, which are but too likely to recur, afford, if read aright, those alarming but useful lessons through attention to which we can alone hope to preserve our Indian empire.”

Unfortunately, the prophetic language of this extract has been too familiarly verified by the sad catastrophe of the mutiny at Bareilly, as elsewhere in 1857.

In further attention to the resolution of the meeting which has been already quoted, it pronounces in its declaration to be “ the sacred duty of the Government in India to withdraw its countenance from any form of idolatry.”

Now if we are to imply the signification of “ countenance ” to be an open and avowed support to the “ idle superstitions,” “ minute and childish formalities,” “ with ceremonies generally absurd and often ridiculous,” as objected to by Sir William Jones in his preface to the “ Institutes,” there can be no hesitation in avowing the duty of Government to avoid any such manifestation of its concurrence ; but, as it is undeniable that the East-India Company, acting

with the Board of Control upon the principle of a religious and moral, as well as political injunction, have carefully abstained from yielding any such countenance to idolatry, the meeting might have been spared its denunciations upon such a subject, more especially so in accordance with the words of our Saviour, "*Why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye.*"

With view to a suitable application of this solemn thought, better authority cannot be referred to than the highly-respected and reverend name of the late Dr. Arnold, who, in his eighteenth sermon upon the subject of idolatry, observes: "He who prays to the Virgin Mary or to the Saints, though he may have no image of them at all, is equally guilty of idolatry: what he worships is not merely an unauthorized representation of God, but it is not God at all; and the sin of idolatry is the reverencing, or worshipping, or loving another in the place of God." Again, he says: "The ancient idols were so numerous, that it was said by the prophet, '*According to the number of thy cities are thy gods, O Judah!*' And so are they no less numerous now; for take any congregation, and we shall not find that they worship the same idols; on the contrary, it may almost be said that each man worships his own. There are a great variety of notions of persons, of things, some of which are the idols of one man, and some of another, none of them being worshipped by all alike."

be, hinder us from approving the things which are excellent. It takes the place of some duty which ought not to be neglected; it makes us judge the worse to be the better, and the better to be the worse. If the Church were in its greatest purity, looking to its approbation would have a tendency to become idolatry; for no man or set of men may be to us in God's place, nor can claim from our conscience that its account should be rendered to them with the same submission to their judgment which it owes to God."

In a letter dated June 24, 1840, Dr. Arnold observes: "It is idolatry to talk about Holy Church and Holy Fathers, bowing down to fallible and sinful men; not to bend the knee, lip, and heart, to every thought and every image of Him, our manifested God."

The reflections which will necessarily arise in the mind upon consideration of the foregoing quotations cannot otherwise than lead to reverence and compliance with the mandate of our Saviour, "*Judge not, that ye be not judged;*" and let us bear in remembrance that this maxim is implanted forcibly upon the Hindoos, who make no pretension to condemn or to approve the faith which the Christians or Mahomedans have imbibed from their revelation; and whilst they steadfastly hold fast and abide by the revelation which has been vouchsafed to them, they with perfect tolerance, believe that every man who worships God in spirit and in truth, and whose practice in good works may yield proof of conformity with his worship and faith, may hope to obtain remis-

sion of sins, and to prove himself acceptable to God in a future state. "And if ye call on the Father, who without respect of persons judgeth according to every man's work, pass the time of your sojourning here in fear."—1 Peter, i. 17. "Who will render to every man according to his deeds."—Romans, ii. 6.

A very excellent letter was addressed under the signature of "A Hertfordshire Incumbent," which appeared in the *Times* of October 13, 1857, the whole of which is worthy of attention, but the purport of which will possibly be fully apparent in the following extract of the conclusion :—

"The practical rule of doing as we would be done by (not as others would do by us, which is a very different thing), will, I suspect, be a much safer guide in the government of India than any theories about the special duties of Christian rulers. We are bound to render to Cæsar the things which are Cæsar's, to establish and maintain a secure and just government, which shall be a guarantee of life, property, and rational freedom to every member of the community; but let us beware of the temptation to set Cæsar about doing God's work. Political economists tell us that the material interests of a country can only be furthered by a government confining its operation to opening communications, allowing traffic its natural course. Very much the same is the case with its moral and spiritual welfare. Let the Government open roads for this kind of commerce, giving every facility for the interchange of ideas. Let the ways of science, literature, and religion be kept clear and free

from all impediments, except such as are a necessary condition of maintaining civil order; but let us be very careful how we attempt to advance the 'kingdom which is not of this world' by an appeal, direct or indirect, to anything else than reason or conscience. With such a policy the conversion of the Hindoo may proceed slowly, but it will, at any rate, be sure, and its progress will not weaken the bond of confidence between the governors and the governed, which *must* be maintained, if it is to proceed at all."

That we may obtain some clear understanding of inducements for our policy in the future government of India, it will be proper that we take into consideration the relations we have had with the natives of that country during our progress to acquisition of dominion over them; and which, without extending our views to any length, will be sufficiently illustrated by reference to the prominent incidents which history will suggest for our discernment.

These relations are so strikingly connected with the subjection of the provinces of India to the Mahomedan supremacy which we have supplanted, it will be requisite in the first instance to trace the particular occurrences in progress of which the Mahomedan government obtained its footing in India. The original invasion of India, some eight hundred years past, was undertaken by associations of various tribes of a migratory people, who became confederated under the common ties of the Mahomedan faith, and who, under such union of religious impulse, were formed into a compact military body with

object equally inviting to all, in the pursuit of plunder, and conquest of the adjoining territories exposed to their onslaught. As occasions offered from time to time, under encouragement of a confirmed location and increase of numbers, their military hosts were sent forth under leaders who in like manner extended their conquests of provinces, over which these leaders held authority, subject to the supremacy of the Mogul chief, who conferred upon them distinctions of title and power commensurate with their successes, and of which they obtained investiture from the authority whom they acknowledged as supreme.

It was observed by Mr. Scrafton, of whom mention has been made, and who wrote one hundred years ago, "that the Tartars, living in tents, although they required few laws, they could distinguish the use of them in the countries they conquered; and, accordingly, both in India and China they made no innovation, so that the Gentoo laws still prevail." And further, that "these laws continued in full force till the invasion of Nadir Shah; and till that time there was scarce a better-administered government in the world." The devastation and destruction from this invasion so weakened the power of the Mogul emperor as to deprive him of all control over the subordinate chiefs, who each in his own province assumed sovereign authority, and who, to increase their wealth and to provide for their rapacious wants, not being content with those assessments upon the land which constituted the ancient and customary taxes due to

the state, they doubled or tripled the amount, thus infringing those immutable laws of the Gentoos which extended their hereditary right to all lands even to the tenants.

The divisions and rivalries which subsequently prevailed amongst these subordinate and dependent chiefs, the Mogul emperor having no power to control, he became rather precipitated to combine his strength with one or the other, in order to counteract any over-ruling predominance. These disorders of the chiefs, combined with their extortions and oppressions upon the people, effectively destroyed the confederacy of Mahomedan power, and in the course of time generated that influence of a more steady policy which enabled us, by the union of our military power in aid of one or other of the Mahomedan chiefs, not only to overcome his rival, but to hold in subordinate alliance to our interests the power in whose favour we had exercised our strength, to suit our own political interests and private or national gains; and at length, by continued consistent action, according as opportunities were offered for application of such line of policy, the whole of the Mahomedan empire became, by gradual absorptions of the various provinces, subjected to our supremacy and dominion.

Under the circumstances of our original position as traders to India, holding lands for factories, and being permitted to erect fortifications for the protection of our settlements, which privileges were conferred upon us by the Mahomedan princes, we were empowered to yield not only security from vio-

lence, but also profitable employment, to the natives who entered our service, or who became domiciled in our factories for pursuit of commerce or trade. The peace and security, as well as the profit afforded to them, of which they had undoubted experience—in conjunction with the justice of our conduct towards them, and which was never impaired by unwise or inhuman interference with their religion, laws, and customs, or by any attempts on our parts to manifest design for their conversion—instilled into their minds impressions of decided preference in our favour, when compared with the Portuguese or the French, who were not so enlarged in their views of policy, prudence, or propriety, and whom, in consequence, we were enabled to supplant, not only as traders, but in conflict of rivalry for European supremacy as settlers.

The military power by which we accomplished this great purpose, which has been the prelude to such wonderful extensions of dominion, was solely created by the union of the goodwill and services of the natives themselves, in co-operation with our own small means of European strength; the first effect being, after the adjustment of our power in the *Carnatic*, that we were enabled to embark with Clive, from Madras, a force of sepoys for the relief of Calcutta; and, with such addition to the English forces, we established an empire in Bengal by the victory gained at the battle of Plassy, where the sepoys fought under their old and revered commander Clive, who, in conjunction with the primitive merits of

Lawrence, had conquered all obstacles in the Carnatic. Thence it would appear, that as the native troops of Madras were aiding to acquire our ascendancy in Bengal, so, one hundred years afterwards, they became instrumental to its preservation at the present time.

This goodwill, marked by the constant fidelity and devoted services of the native troops, was originally sustained by the distinguished conduct of the Company's officers, who, free from every contagion of intolerance or religious frenzy, directed their attention to the wants and innocent peculiarities of those confided to their care and under their command, and who, uniting kindness with firmness of character and display of courage, engaged their affections and encouraged the gallantry of those faithful sepoys whom they never found otherwise than trustworthy, because they always evinced respect for their religion, laws, and customs.

The Mahomedans having by means of their own numbers and strength effected by military enterprise their conquest of India, the relation in which they stood to the natives of India was that of conqueror to the conquered.

The British empire, having been acquired by coalition with the natives themselves, their aid of military services, in conjunction with our own strength, enabled us to overcome the Mahomedan, and to substitute the supremacy of our own dominion; it becomes, consequently, a fair inference that our relations with the natives of India partake of the

nature of a compact, by which they are bound as subjects to render fidelity of service and due allegiance to our supremacy; whilst we on our parts are bound unreservedly to fulfil our promises and declarations to respect their religion, their laws, and their customs; and it is only by scrupulous adhesion to this compact that we can sustain the peace or expect the permanency of our empire in India.

Entertaining these views of our relations with the natives of India, and contemplating the proofs of their infraction in the awful and calamitous occurrences of recent and still-occurring outrages, it will become indispensable to trace the causes or influences which may have induced so deplorable consequences, in order that we may in our future administration of India effectively provide against their recurrence.

That the least supposition should for a moment be admitted that the East-India Company, or their servants, civil or military, had, under impressions of imbecility or fear, committed, directly or indirectly, any act, or expressed any thought, tending to a denial of Christianity, by unworthily yielding their accordance with the superstitions of the natives, with sole object of their gratification, and thereby to have emboldened the sepoys to cast off their allegiance and commit themselves to the atrocities of their mutinous acts, would seem to be incredible, as it could not be possible to trace a single foundation of fact to support so baneful an inference. It is perfectly inconceivable how such a notion could have had entrance, unless indeed there be any man, or any body of men, who,

under influence of inordinate religious zeal, might so tenaciously desire to extort compliance with their own faith as to denounce those who from sense of propriety, as well as the obligations enforced by duty and public policy, protect and respect the religion and the laws of a people, who, being subjected to their authority, are entitled to receive their protection, as well as the observance of their promises to respect their religion.

Such men, under impulse of an impassioned judgment, may indulge the ardour of their zeal by imputations against others of their denial of Christianity, because they have respect for the religion of the natives of India; but it behoves all such persons to inquire whether such a doctrine is consonant with the true faith of Christianity, of which they will attain to a more perfect knowledge and practice by following the precepts and the example of the Apostle St. Paul, in 1 Cor. xiii.

It is to be feared that apprehensions of a very contrary character to the denial of Christianity may be more reasonably deduced from observation of the disposition of the civil and military servants of the East-India Company to indulge more of contempt and disdain towards the natives of India than any the least inclination of neglect or adverse sentiment to their Christian faith; of this we have indication in their contumelious appellation of "niggers," which they pronounce familiarly to describe the natives; thus using a word of degradation which, unfortunately, of late years would appear to have entered their vocabulary.

This manifestation, combined with the missionary exertions, together with the facts of which mention is made at the conclusion of the fifth letter in the preface, united with the spirit which has been excited and so actively displayed by zealots in England for their conversion, cannot have failed to inspire a belief of our ultimate intention to exercise the authority of Government in purposes for their conversion, —a belief already attended with most disastrous consequences, and which, there can be scarcely reason to doubt, was the original impulse which, in co-operation with the aggravation of the questionable justice and policy of the annexation of Oude, excited them to mutiny and rebellion.

The natives of India are exceedingly acute in devising suspicion of future evils to be resulting from acts of present apparent insignificance. In illustration: —A native observed, If you are permitted to insert the end of a thread into the eye of a needle, you will easily draw the whole length of the thread through it.

There can be no question that the East-India Company, inasmuch as they may have held powers in the exercise of their administration so to do, have uniformly persevered in their design to fulfil the conditions of our compact with the natives of India, without any attempt of disguise or evasion; consequently, whatever powers may be intrusted to their guidance under any future administration of the government of India, a perfect reliance may be placed in their fidelity to the principles to which they have

hitherto so scrupulously adhered, of abiding by the compact with the natives to protect their religion, laws, and customs, consistently with the authority vested in them.

But there would seem to be very conclusive reasoning, from knowledge of the woful incidents of which we have had the past, as we have now the present experience, that the politic objects and the humane intentions of the East-India Company, as sustained consistently by the acts of the successive governments in India to affirm the compact, have had to contend against the counteraction of a commanding influence exercised by the missionary societies. The relations of these societies with the Government of India will justly bear interpretation to be an anomaly of an *imperium in imperio*, because the the Governments of India are divested of all authority or power to interpose any check upon the numbers or disposal of the persons deputed and aided by those societies, in taking up their position in any and every locality which they may select, and according to their own discretion, only to be guided by directions from these societies, to regulate their motions and proceedings with the sole intent and purpose to distract the minds of the people in attempts for their conversion, and thus to subvert their religion, laws, and customs; thereby acting in contravention of that compact which it has been the obligation as well as the desire of the British Government to uphold in its integrity, for the preservation of the peace, protection, and happiness of their native subjects. It is quite clear that

these proceedings of the societies and of the persons deputed by them, can obtain no encouragement or support by reference to the spirit or the meaning of the quotations from "Paley's Evidences of Christianity," as delivered in a foregoing page. It is no less a lamentable conclusion that the mutiny at Vellore in 1806, and the more sad atrocities of mutiny and rebellion perpetrated at the present time, are to be attributed principally to the earnest impressions and convictions of the several classes of the natives of India incorporated as soldiers, of a design contemplated by the British Government to be severed from obligations of their compact, and by progressive steps to enforce their conversion to the Christian faith.

In order to provide against all future occurrence of discord, and with object to prevent future irregularities, misconceptions, and perturbations of religious strife, the following suggestions are offered whereon to determine the exercise of privileges and authorities for guidance of the future Government of India, under authority of an Act of Parliament, of which the preamble might be to the following effect :—

Taking into consideration the resolutions of former Parliaments, as also the promises and declarations which of more recent time have been promulgated by authority of the East-India Company, or from other authorities duly empowered by law to administer the government of the several provinces and territories which from time to time have, by treaty and conquest, been annexed to the British dominion in India ; and which promises and declarations were,

and have been, proclaimed for the ease and tranquillity of the native subjects, by confirming to them the enjoyment of those privileges which they held of ancient times, in the exercise and observance of their religion, laws, and customs; this Parliament, in confirmation of the compact comprised in the promises and declarations as aforesaid, doth hereby enact,—

That no European, or subject of a foreign state beyond the limits of the supremacy of the British Government, shall hereafter be permitted to take up his abode within the British territories, with design and object to assume his position or calling as minister of religion, or as schoolmaster, preceptor, teacher, or missionary, without having previously obtained a license permitting him so to do, from the Governor in Council of the presidency within the limits of which he may desire to be so located.

That every European now located or domiciled in the capacity of missionary, and having under his guidance a communion of natives or others professing the Christian faith, shall be permitted to retain his present position, and to discharge as heretofore those religious duties to his congregation which belong to his profession; but every such European missionary shall be subject to such orders, rules, and visitations of the bishop of the diocese in which he may be located as such bishop may direct, or may depute any other ecclesiastic of the establishment, by his appointment and on his behalf, to do for him.

If any European missionary shall die or resign, leaving a son of competent age to succeed him, if,

upon examination by the bishop, or by any person appointed by the bishop, such son be found of character and qualification to take the guidance of such local communion of native Christians, the son may, at the discretion of the bishop, obtain a licence to succeed to the vacancy of the father; otherwise, the bishop of himself may appoint any qualified native Christian to exercise the duties which his predecessor had performed; or the bishop may depute any chaplain of the establishment, or other person, at his discretion, to select a native Christian duly qualified for such purpose.

The Governor in Council of each presidency, under advice from the bishop of the diocese, shall be empowered to grant stipends and aids to each local communion of native districts, in substitution of any such stipends and grants now extended to them from the missionary societies, with such additions to or diminutions thereof as the condition and circumstances of such local communions may from time to time render expedient in the opinion and by advice of the bishop.

Anticipating the early subjugation of the revolt and disorders which now so unhappily prevail, and the subsidence of those enmities which will have accompanied their progress, it may be hoped that laws formed in the spirit of the foregoing suggestions might induce in our native subjects a disposition to view with assured confidence our decided purpose to observe the compact in its perfect integrity; which will at the same time impress belief of our firm

intentions to uphold the native Christians,* and to yield to them every needful support in their pious exertions and peaceful example to extend the diffusion of a Christian faith to their fellow-subjects around them. And having by such laws provided for the protection of our native subjects of whatever denomination, or whatever may be their profession of faith, to promote the worship of God and the performance of their civil duties, we may expect the resumption by them of that willing obedience and fidelity of allegiance which for so many years had been the character of their thoughts, feelings, and actions in their subjection to our Government.

With the cheering contemplation of these results,—which, as they would consolidate our dominion, so they would elevate the natives to the virtues of concord and the enjoyment of peace and happiness,—it would be difficult to divine any motive of necessary policy to dictate the propriety of an immediate change in the form of government hitherto so honourably, so ably, and so successfully administered by the East-India Company, because the effect of any change would probably be, to unsettle the minds of the people, and to create in them doubts of the intentions of fluctuating councils, with respect to their future state and condition.

The administration of our empire in India, equally with its acquisition, has excited the wonder and the admiration of every impartial person qualified to form an opinion. That administration has been distin-

* *Vide* Appendix III.

guished not only by the ability which has been displayed by the East-India Company, but by that commanding influence which they have exercised in the elevation of their civil and military servants to a high sense of honour, integrity, and that dignity of character by which they have been-actuated in the discharge of their duties with a spirit which disdained corruption or injustice, and which they have performed with a firmness and ability equally honourable to themselves and beneficial to their country.

It is only to be hoped, if any change do happen, that we may hereafter obtain demonstration of virtues and capacities equally exemplary in any successive administrations of the government of our empire in India.

With excusable notice of past and present most melancholy occurrences, it would be impossible to admit the least justification of that satanic fanaticism which in these instances, as in so many others upon record, whether Christian, Mahomedan, or Hindoo, has excited a people to such infuriated atrocities.

As to those who have permitted such evil influences of fanaticism to provoke them to so vindictive and unpardonable cruelties, no person can desire otherwise than that they should unhesitatingly be subjected to that retributive justice which will condemn them to the extreme punishment which is sanctioned equally by the laws of God as it will be enforced by the natural instincts and feelings of mankind for the restraint of such deeds of wickedness.

In summary conclusion :—It will not have escaped

notice that in this discussion no recommendation is offered to favour the first qualification of the principle which might regulate the policy for the future government, as set forth in the page; such omission being justified by conviction that such qualification must inevitably involve a renunciation of the compact; the consequences of which might be, that, instead of securing the peace, content, and goodwill of our native subjects, it could only be pursued in a spirit of defiance towards them.

On the contrary, the second qualification, intending a conformity with the existing compact, rests upon the support of those evidences which would appear to confirm belief that the religion and the laws of the Hindoos are established upon knowledge of a divine revelation, which, being imparted by the will of God to them at a period of so remote antiquity, may yield inference of its subsequent manifestation to the patriarchs and prophets, from whose inspirations we obtain those sacred scriptures which constitute the foundations upon which we rely with confidence for our own faith. With such assurances of the sublimity of the source whence proceeds the religion of the Hindoos, it cannot fail to command our reverential respect and veneration.

Nevertheless, we cannot avoid the lamentable conviction that the religion of the Hindoos, which is founded upon so sublime and pure a basis, should, under the impassioned devices and vain imaginations of sinful men, have become polluted by its conjunc-

tion with idolatrous superstitions and gross observances in their forms of worship, and which, proceeding from motives of fear, have induced absurd notions that through the interposition of such impure agencies, they might avert those dangers and calamities with which they are beset, sometimes by misadventure, but more frequently by their own corruption and the indulgence of those frailties to the temptation of which human nature is subjected.

At the same time, we must not be unmindful that similar errors had, for a long period of time, been incorporated with the Christian doctrines and practices, of which we have undoubted record in Mosheim's Ecclesiastical History of the Fourth Century, in which, vol. i. p. 365, it is stated,—“An enormous train of different superstitions were gradually substituted in the place of true religion and genuine piety.” These evils, it would appear by this history, continued to prevail in various degrees of enormity until the eleventh century (or a lapse of seven hundred years), when the endless conflicts and controversies which influenced feeling and opinion for or against the sanctity of images, became in some measure appeased by the separation of the Latin and Greek Churches.

But there still remains room for interpretation that the far larger portion of the Christian communities do, at this moment, retain impressions and practices to tolerate such superstition, and against which, as justly observed by Mr. Mosheim, vol. ii. p. 261, we

shall best consult "the dictates of prudence, which avoids precipitancy where prejudices are to be combated, and destroys and mines inveterate superstitions rather by slow and imperceptible attacks than by open and violent assaults."

Without any compromise of our abhorrence of such superstitions, whether as regards the Hindoos or Christians, we may fairly trace in commendation of the institutes of Hindoo law, that their spirit and effect has been to inculcate the sentiments and the practice of justice and humanity, with gentleness of disposition; whilst they restrain those evil passions which amongst other people have induced the perpetration of secret assassinations and poisonings—crimes of which we have had no instance, during the long period of years that they have been subjected to our dominion. That these laws more especially, though possibly under too rigid rules, do enforce the Christian precept "that every man shall do his duty in that state of life to which it has pleased God to call him," whilst they equally insist upon the exercise of charity and kindness towards every sentient being, with the duties of fidelity and allegiance to the Government they serve.

Excepting those direful events of mutiny when, under overpowering feeling of an imperious duty to protect their religion at any sacrifice, they became so foully exasperated by a desperate fanaticism, it will be only justice to say that their conduct had been marked by adherence to the "Institutes" in all matters

which concerned their relations with us and our Government.

That we may for the future guard against recurrence of such fatal fanaticism, it may be for those who hold authority to provide for the future government of India, whilst yielding every considerate deference to a laudable desire for the gradual extinction of idolatry and superstitious observances, they at the same time exercise control over too ardent and impetuous zeal for its accomplishment, by carefully securing a conformity with the admonitions of the Apostle St. Paul, as delivered in 1 Cor. x. 32,—“Give none offence, neither to the Jews nor to the Gentiles;” 1 Thess. v. 22,—“Abstain from all appearance of evil;” 1 Thess. iv. 11, 12,—“That ye study to be quiet, and to do your own business, that ye may walk honestly toward them that are without, and that ye may have lack of nothing;” Romans iii. 8,—“And not rather, (as we be slanderously reported, and as some affirm that we say,) Let us do evil that good may come; whose damnation is just.” And moreover with anxious purpose to be worthily exonerated from those evil imputations of which the apostles were publicly acquitted by the town clerk of Ephesus, as recorded in Acts xix. 37,—“For ye have brought hither these men which are neither robbers of churches nor blasphemers of your goddess.”

The future government, under guidance of the spirit which is stamped upon these admonitions, will

equally conform to the text, "Thou shalt not revile the gods, nor curse the rulers of thy people," above quoted, and will discharge that obligation due to our native subjects of India, to respect their religion, laws, and customs.

APPENDIX.

THE LAWS OF MENU, SON OF BRAHMA

CHAPTER I.

ON THE CREATION; WITH A SUMMARY OF THE CONTENTS.

1. MENU *sat* reclined, with his attention fixed on one object, *the Supreme God*; when the divine sages approached him, and, after mutual salutations in due form, delivered the following address:—

2. Deign, sovereign ruler, to apprise us of the sacred laws in their order, as they must be followed by all the *four* classes, and by each of them, in their several degrees, together with the duties of every mixed class;

3. For thou, Lord, *and thou only among mortals*, knowest the true sense, the first principle, *and* the prescribed ceremonies, of this universal, supernatural *Véda*, unlimited in extent, and unequalled in authority.

4. HE, whose powers were measureless, being thus requested by the great sages, whose thoughts were profound, saluted them all with reverence, and gave them a comprehensive answer, *saying*, Be it heard!

5. This *universe* existed only *in the first divine idea yet unexpanded, as if involved* in darkness, imperceptible, undefinable, undiscoverable *by reason, and* undiscovered *by revelation*, as if it were wholly immersed in sleep:

6. Then the *sole* self-existing power, himself undiscerned, but

making this world discernible, with five elements and other principles of *nature*, appeared with undiminished glory, *expanding his idea, or dispelling the gloom.*

7. HE, whom the mind alone can perceive, whose essence eludes the external organs, who has no visible parts, who exists from eternity, even HE, the soul of all beings, whom no being can comprehend, shone forth in person.

8. HE, having willed to produce various beings from his own divine substance, first with a thought created the waters, and placed in them a productive seed :

9. The *seed* became an egg bright as gold, blazing like the luminary with a thousand beams ; and in that egg he was born himself, *in the form of BRAHMA*, the great forefather of all spirits.

10. The waters are called *nára*, because they were the production of NARA, *or the spirit of God* ; and, since they were his first *ayana*, *or place of motion*, he thence is named NARÁYANA, *or moving on the waters.*

11. FROM THAT WHICH IS, the first cause, not the object of sense, existing *everywhere in substance*, not existing *to our perception*, without beginning or end, was produced the divine male, famed in all worlds under the appellation of BRAHMA.

12. In that egg the great power sat inactive a whole year of *the Creator*, at the close of which, by his thought alone, he caused the egg to divide itself ;

13. And from its two divisions he framed the heaven *above* and the earth *beneath* : in the midst *he placed* the subtil ether, the eight regions, and the permanent receptacle of waters.

14. From the supreme soul he drew forth Mind, existing substantially, though unperceived by sense, immaterial ; and *before mind, or the reasoning power, he produced* consciousness, the internal monitor, the ruler ;

15. And, *before them both*, he produced the great *principle of the soul, or first expansion of the divine idea* ; and all vital forms endued with the three qualities of *goodness, passion, and darkness* ; and the *five* perceptions of sense, and the five organs of sensation.

16. *Thus*, having at once pervaded, with emanations from the Supreme Spirit, the minutest portions of six principles immensely operative, *consciousness and the five perceptions*, He framed all creatures;

17. And since the minutest particles of visible nature have a dependence on those *six* emanations from God, the wise have accordingly given the name of *s'arira* or *depending on six*, that is, *the ten organs on consciousness, and the five elements on as many perceptions*, to His *image or appearance* in visible nature :

18. Thence proceed the great elements, endued with peculiar powers, and Mind with operations infinitely subtil, the unperishable cause of all apparent forms.

19. This *universe*, therefore, is compacted from the minute portions of those seven divine and active principles, *the great Soul, or first emanation, consciousness, and five perceptions*; a mutable *universe* from immutable *ideas*.

20. Among them each succeeding element acquires the quality of the preceding; and, in as many degrees as each of them is advanced, with so many properties is it said to be endued.

21. HĒ, too, first assigned to all creatures distinct names, distinct acts, and distinct occupations; as they had been revealed in the pre-existing *Véda*.

22. HĒ, the supreme Ruler, created an assemblage of inferior Deities, with divine attributes and pure souls, and a number of Genii exquisitely delicate; and he *prescribed* the sacrifice ordained from the beginning.

23. From fire, from air, and from the sun he milked out, *as it were*, the three primordial *Védas*, named *Rich*, *Yajush*, and *Sáman*, for the due performance of the sacrifice.

24. HĒ gave being to time and the divisions of time, to the stars also, and to the planets, to rivers, oceans, and mountains, to level plains, and uneven valleys;

25. To devotion, speech, complacency, desire, and wrath, and to the creation, which shall presently be mentioned; for He willed the existence of all those created things.

26. For the sake of distinguishing actions, He made a total

difference between right and wrong, and inured these sentient creatures to pleasure and pain, *cold and heat*, and other opposite pairs.

27. With very minute transformable portions, called *mátrás*, of the five elements, all this perceptible world was composed in fit order ;

28. And in whatever occupation the supreme Lord first employed any vital soul, to that occupation the same soul attaches itself spontaneously, when it receives a new body again and again :

29. Whatever quality, noxious or innocent, harsh or mild, unjust or just, false or true, He conferred on any being at its creation, the same quality enters it, of course, *on its future births* ;

30. As the *six* seasons of the year attain respectively their peculiar marks in due time, and of their own accord, even so the several acts of each embodied spirit *attend it naturally*.

31. That the human race might be multiplied, He caused the *Bráhmén*, the *Cshatriya*, the *Váísya*, and the *Súdra* (so named from the *scripture*, *protection*, *wealth*, and *labour*) to proceed from his mouth, his arm, his thigh, and his foot.

32: Having divided his own substance, the mighty Power became half male, half female, *or nature active and passive* ; and from that female he produced VIRAJ :

33. Know Me, O most excellent of *Bráhméns*, to be that person, whom the male *power* VIRAJ, having performed austere devotion, produced by himself ; Me, the *secondary* framer of all this *visible world*.

34. It was I, who desirous of giving birth to a race of men, performed very difficult religious duties, and first produced ten Lords of created beings, eminent in holiness,

35. MARÍCHI, ATRI, ANGERAS, PULASTYA, PULAHA, CRATU, PRACHÉTAS, OF DACSHA, VASISHT'HA, BHRÍGU, and NARADA :

36. They, abundant in glory, produced seven other *Menus*, together with deities, and the mansions of deities, and *Maharshis*, or great sages, unlimited in power ;

37. Benevolent genii, and fierce giants, bloodthirsty savages,

heavenly quiristers, nymphs and demons, huge serpents and snakes of smaller size, birds of mighty wing, and separate companies of *Pitris*, or progenitors of mankind ;

38. Lightnings and thunder-bolts, clouds and coloured bows of *Indra*, falling meteors, earth-rending vapours, comets, and luminaries of various degrees ;

39. Horse-faced sylvans, apes, fish, and a variety of birds, tame cattle, deer, men, and ravenous beasts with two rows of teeth ;

40. Small and large reptiles, moths, lice, fleas, and common flies, with every biting gnat, and immovable substances of distinct sorts.

41. Thus was this whole assemblage of stationary and moveable bodies framed by those high-minded beings, through the force of their own devotion, and at my command, with separate actions allotted to each.

42. Whatever act is ordained for each of those creatures here below, *that* I will now declare to you, together with their order in respect to birth.

43. Cattle and deer, and wild beasts with two rows of teeth, giants, and blood-thirsty savages, and the race of men, are born from a secundine :

44. Birds are hatched from eggs, *so are* snakes, crocodiles, fish *without shells*, and tortoises, with other animal kinds, terrestrial, as *chamelions*, and aquatic, as *shell-fish* :

45. From hot moisture are born biting gnats, lice, fleas, and common flies ; these, and whatever is of the same class, are produced by heat.

46. All vegetables, propagated by seed or by slips, grow from shoots : some herbs, abounding in flowers and fruits, perish when the fruit is mature ;

47. Other plants, called lords of the forest, have no flowers, but produce fruit ; and whether they have flowers also, or fruit only, *large woody plants* of both sorts are named trees.

48. There are shrubs with many stalks from the root upwards, and reeds with single roots but united stems, all of different kinds, and grasses, and *vines* or climbers, and creepers, which spring from a seed or from a slip.

49. These *animals and vegetables*, encircled with multiform darkness, by reason of past actions, have internal conscience, and are sensible of pleasure and pain.

50. All transmigrations, recorded *in sacred books*, from the state of **БРАHMĀ**, to that of plants, happen continually in this tremendous world of beings; a world *always* tending to decay.

51. **HE**, whose powers are incomprehensible, having thus created both me and this universe, was again absorbed in the supreme Spirit, changing *the time of energy*, for *the time of repose*.

52. When that Power awakes (*for, though slumber be not predicable of the sole eternal Mind, infinitely wise and infinitely benevolent, yet it is predicated of БРАhmĀ, figuratively, as a general property of life*), then has this world its full expansion; but, when he slumbers with a tranquil spirit, then the whole system fades away;

53. For, while he reposes, *as it were*, in calm sleep, embodied spirits, endued with principles of action, depart from their several acts, and the mind itself becomes inert;

54. And when they once are absorbed in that supreme essence, then the divine soul of all beings withdraws his energy, and placidly slumbers;

55. Then, too, this vital soul *of created bodies*, with all the organs of sense and of action, remains long immersed *in the first idea or in darkness*, and performs not its natural functions, but migrates from its corporeal frame:

56. When, being *again* composed of minute elementary principles, it enters at once into vegetable or animal seed, it then assumes a *new* form.

57. Thus that immutable Power, by waking and reposing alternately, revivifies and destroys in eternal succession this whole assemblage of locomotive and immovable creatures.

58. **HE**, having enacted this code of laws, himself taught it fully to me in the beginning: afterwards I taught it **MAVICHI** and the *nin* other holy sages.

59. This *my son* **BHĪGU** will repeat the divine code to you

without omission ; for that sage learned from me to recite the whole of it.

60. BHRIGU, great and wise, having thus been appointed by MENU to promulge his laws, addressed all the *Rishis* with an affectionate mind, saying : Hear !

61. From this MENU named SWAYAMBHUYA, or *Sprung from the self-existing*, came six descendants, other MENUS, or *perfectly understanding the scripture*, each giving birth to a race of his own, all exalted in dignity, eminent in power ;

62. SWARÓCHISHA, AUTTAMI, TÁMASA, RAIVATA, likewise, and CHÁCUSHUSA, beaming with glory, and VAIVASWATA, child of the sun.

63. The seven MENUS (or *those first created, who are to be followed by seven more*), of whom SWAYAMBHUYA is the chief, have produced and supported this world of moving and stationary beings, each in his own *antara*, or *the period of his reign*.

64. Eighteen *niméshas*, or *twinklings of an eye*, are one *cásh' há* ; thirty *cásh' há*s, one *calá* ; thirty *calá*s, one *muhárta* ; and just so many *muhártas* let mankind consider as the duration of their day and night.

65. The sun causes the distribution of day and night, both divine and human ; night being *intended* for the repose of *various* beings, and day for their exertion.

66. A month of *mortals* is a day and a night of the *Pitris* or *patriarchs inhabiting the moon* ; and the division of a month being into equal halves, the half beginning from the full moon is their day for actions ; and that beginning from the new moon is their night for slumber :

67. A year of *mortals* is a day and a night of the Gods, or *regents of the universe seated round the north pole* ; and again their division is this, their day is the northern, and their night the southern course of the sun.

68. Learn now the duration of a day and a night of BRAHMÁ, and of the several ages which shall be mentioned in order succinctly.

69. Sages have given the name of *Críta* to an age containing four thousand years of the Gods ; the twilight preceding it

consists of as many hundreds, and the twilight following it, of the same number ;

70. In the other three *ages*, with their twilights preceding and following, are thousands and hundreds diminished by one.

71. The divine years in the four *human* ages just enumerated, being added together, their sum, *or* twelve thousand, is called the age of the Gods :

72. And, by reckoning a thousand such divine ages, a day of BRAHMÁ may be known ; his night also has an equal duration :

73. Those persons best know the divisions of the days and nights, who understand that the day of BRAHMÁ, which endures to the end of a thousand such ages, gives rise to virtuous exertions ; and that his night endures as long as his day.

74. At the close of his night, having long reposed, he awakes, and awaking, exerts intellect, *or reproduces the great principle of animation*, whose property it is to exist unperceived by sense :

75. Intellect, called into action by his will to create worlds, performs *again* the work of creation ; and thence *first* emerges the subtil ether, to which philosophers ascribe the quality of conveying sound ;

76. From ether, effecting a transmutation in form, springs the pure and potent air, a vehicle of all scents ; and air is held endowed with the quality of touch :

77. Then from air, operating a change, rises light *or fire*, making objects visible, dispelling gloom, spreading bright rays ; and it is declared to have the quality of figure ;

78. But from light, a change being effected, comes water, with the quality of taste ; and from water *is deposited* earth with the quality of smell : such were they created in the beginning.

79. The before-mentioned age of the Gods, or twelve thousand *of their* years, being multiplied by seventy-one, *constitutes what* is here named a *Menwantara*, *or the reign of a MENU*.

80. There are numberless *Menwantaras* ; creations also and destructions of worlds, *innumerable* : the Being supremely exalted, performs all this, *with as much ease* as if in sport ; again and again, *for the sake of conferring happiness*.

81. In the *Crīta* age the *Genius* of truth and right, in the form of a Bull, stands firm on his four feet; nor does any advantage accrue to men from iniquity;

82. But in the following ages, by reason of unjust gains, he is deprived successively of one foot; and even just emoluments, through the prevalence of theft, falsehood, and fraud, are gradually diminished by a fourth part.

83. Men, free from disease, attain all sorts of prosperity, and live four hundred years in the *Crīta* age; but, in the *Trétà* and the succeeding ages, their life is lessened gradually by one quarter.

84. The life of mortals, which is mentioned in the *Véda*, the rewards of good works, and the powers of embodied spirits, are fruits proportioned among men to the order of the *four* ages.

85. Some duties are performed by *good* men in the *Crīta* age; others in the *Trétà*; some, in the *Dwápara*; others, in the *Cali*; in proportion as those ages decrease in length.

86. In the *Crīta* the prevailing virtue is declared to be in devotion; in the *Trétà*, divine knowledge; in the *Dwápara*, holy sages call sacrifice the duty chiefly performed; in the *Cali*, liberality alone.

87. For the sake of preserving this universe, the Being, supremely glorious, allotted separate duties to those who sprang respectively from his mouth, his arm, his thigh, and his foot:

88. To *Bráhmens* he assigned the duties of reading the *Véda*, of teaching it, of sacrificing, of assisting others to sacrifice, of giving alms, *if they be rich*, and, *if indigent*, of receiving gifts:

89. To defend the people, to give alms, to sacrifice, to read the *Véda*, to shun the allurements of sensual gratification, are, in a few words, the duties of a *Chatriya*:

90. To keep herds of cattle, to bestow largesses, to sacrifice, to read the scripture, to carry on trade, to lend at interest, and to cultivate land, are prescribed or permitted to a *Vaisya*:

91. One principal duty the supreme Ruler assigns to a *Súdra*; namely, to serve the before-mentioned classes, without depreciating their worth.

92. Man is declared purer above the navel; but the self-

creating Power declared the purest part of him to be his mouth.

93. Since the *Bráhmén* sprang from the most excellent part, since he was the first born, and since he possesses the *Véda*, he is by right the chief of this whole creation.

94. Him, the Being, who exists of himself, produced in the beginning from his own mouth, that, having performed holy rites, he might present clarified butter to the Gods, and cakes of rice to the progenitors of mankind, for the preservation of this world.

95. What created being then can surpass Him, with whose mouth the Gods of the firmament continually feast on clarified butter, and the manes of ancestors, on hallowed cakes ?

96. Of created things the most excellent are those which are animated ; of the animated, those which subsist by intelligence ; of the intelligent, mankind ; and of men, the sacerdotal class :

97. Of priests, those eminent in learning ; of the learned, those who know their duty ; of those who know it, such as perform it virtuously ; and of the virtuous, those who seek beatitude from a perfect acquaintance with scriptural doctrine.

98. The very birth of *Bráhmén*s is a constant incarnation of *DHERMA, God of Justice* ; for the *Bráhmén* is born to promote justice and to procure ultimate happiness.

99. When a *Bráhmén* springs to light, he is born above the world, the chief of all creatures, assigned to guard the treasury of duties, religious and civil.

100. Whatever exists in the universe, is all in effect, *though not in form*, the wealth of the *Bráhmén* ; since the *Bráhmén* is entitled to it all by his primogeniture and eminence of birth :

101. The *Bráhmén* eats but his own food ; wears but his own apparel ; and bestows but his own in alms : through the benevolence of the *Bráhmén*, indeed, other mortals enjoy life.

102. To declare the sacerdotal duties, and those of the other classes in due order, the sage, *MENU*, sprung from the self-existing, promulged this code of laws :

103. A code which must be studied with extreme ease by

every learned *Bráhmén*, and fully explained to his disciples, but *must be taught* by no other man *of an inferior class*.

104. The *Bráhmén* who studies this book, having performed sacred rites, is perpetually free from offence in thought, in word, and in deed ;

105. He confers purity on his living family, on his ancestors, and on his descendants, as far as the seventh person ; and he alone deserves to possess this whole earth.

106. This most excellent code produces everything auspicious ; this code increases understanding ; this code procures fame and long life ; this code leads to supreme bliss.

107. In this book appears the system of law in its full extent, with the good and bad properties of human actions, and the immemorial customs of the four classes.

108. Immemorial custom is transcendent law, approved in the sacred scripture, and in the codes of divine legislators ; let every man, therefore, of the three principal classes, who has a due reverence for the *supreme spirit which dwells in him*, diligently and constantly observe immemorial custom :

109. A man of the priestly, military, or commercial class, who deviates from immemorial usage, tastes not the fruit of the *Véda* ; but, by an exact observance of it, he gathers that fruit in perfection.

110. Thus have holy sages, well knowing that law is grounded on immemorial custom, embraced, as the root of all piety, good usages long established.

111. The creation of this universe, the forms of institution and education, with the observances and behaviour of a student in theology ; the best rules for the ceremony on his return from the mansion of his preceptor ;

112. The law of marriage in general, and of nuptials in different forms ; the regulations for the great sacraments, and the manner, primevally settled, of performing obsequies.

113. The modes of gaining subsistence, and the rules to be observed by the master of a family ; the allowance and prohibition of diet, with the purification of men and utensils ;

114. Laws concerning women, the devotion of hermits, and

of anchorets wholly intent on final beatitude, the whole duty of a king, and the judicial decision of controversies,

115. With the law of evidence and examination; laws concerning husband and wife, canons of inheritance; the prohibition of gaming, and the punishments of criminals;

116. Rules ordained for the mercantile and servile classes, with the origin of those that are mixed; the duties and rights of all the classes, in time of distress, for subsistence; and the penances for expiating sins;

117. The several transmigrations in this universe, caused by offences of three kinds, with the ultimate bliss attending good actions, on the full trial of vice and virtue;

118. All these titles of law, promulgated by MENU, and *occasionally* the customs of different countries, different tribes, and different families, with rules concerning heretics and companies of traders, are discussed in this code.

119. Even as MENU, at my request, formerly revealed this divine *Sástra*, hear it now from me without any diminution or addition.

CHAPTER II.

ON EDUCATION; OR ON THE SACERDOTAL CLASS, AND THE FIRST ORDER.

1. Know that system of duties, which is revered by such as are learned in the *Védas*, and impressed, *as the means of attaining beatitude*, on the hearts of the just, who are ever exempt from hatred and inordinate affection.

2. Self-love is no laudable motive, yet an exemption from self-love is not *to be found* in this world: on self-love is grounded the study of scripture, and the practice of actions recommended in it.

3. Eager desire *to act* has its root in expectation of some advantage; and with such expectation are sacrifices performed; the rules of religious austerity and abstinence from sins are all known to arise from hope of remuneration.

4. Not a single act here below appears ever to be done by a

man free from self-love; whatever he performed, it is wrought from his desire of a reward.

5. He, indeed, who should persist in *discharging* these duties without any view to their fruit, would attain hereafter the state of the immortals, and even in this life, would enjoy all the virtuous gratifications that his fancy could suggest.

6. The roots of law are the whole *Véda*, the ordinances and moral practices of such as perfectly understand it, the immemorial customs of good men, and, *in cases quite indifferent*, self-satisfaction.

7. Whatever law has been ordained for any person by MĒNU, that law is fully declared in the *Véda*: for He was perfect in divine knowledge:

8. A man of true learning, who has viewed this complete system with the eye of sacred wisdom, cannot fail to perform all those duties which are ordained on the authority of the *Véda*.

9. No doubt, that man who shall follow the rules prescribed in the *Sruti* and in the *Smṛiti*, will acquire fame in this life, and in the next inexpressible happiness.

10. By *Sruti*, or *what was heard from above*, is meant the *Véda*; and by *Smṛiti*, or *what was remembered from the beginning*, the body of law: those two must not be oppugned by heterodox arguments, since from those two proceeds the whole system of duties.

11. Whatever man of the three highest classes, having addicted himself to heretical books, shall treat with contempt those two roots of law, he must be driven, as an Atheist and a scorner of revelation, from the company of the virtuous.

12. The scripture, the codes of law, approved usage, and, *in all indifferent cases*, self-satisfaction, the wise have openly declared to be the quadruple description of the juridical system.

13. A knowledge of right is a sufficient incentive for men unattached to wealth or to sensuality; and to those who seek a knowledge of right, the supreme authority is divine revelation.

18. The custom preserved by immemorial tradition in that

country, among the four *pure* classes, and among those which are mixed, is called approved usage.

30. Let the father *perform, or, if absent,* cause to be performed, on the tenth or twelfth day *after the birth,* the ceremony of giving a name; or on some fortunate day of the moon, at a lucky hour, and under the influence of a star with good qualities.

35. By the command of the *Véda,* the ceremony of tonsure should be legally performed by the three *first* classes in the first or third year *after birth.*

38. The ceremony of investiture hallowed by the *gáyatrí* must not be delayed, in the case of a priest, beyond the sixteenth year; nor in that of a soldier, beyond the twenty-second; nor in that of a merchant beyond the twenty-fourth.

39. After that *all youths* of these three classes who have not been invested at the proper time, become *vrátyas,* or outcasts, degraded from the *gáyatrí,* and contemned by the virtuous.

44. The sacrificial thread of a *Bráhmen* must be made of cotton, so as to be put on over his head in three strings; that of a *Cshatriya,* of *sana* thread only; that of a *Vaisya,* of woollen thread.

57. Excessive eating is prejudicial to health, to fame, and to future bliss in heaven; it is injurious to virtue, and odious among men: he must, for these reasons, by all means avoid it.

67. The nuptial ceremony is considered as the complete institution of women, ordained for them in the *Véda,* together with reverence to their husbands, dwelling first in their father's family, the business of the house, and attention to sacred fire.

68. Such is the real law of institution for the twice-born; an institution in which their second birth clearly consists, and which causes their advancement in holiness: now learn to what duties they must afterwards apply themselves.

74. A *Bráhmen,* beginning and ending a lecture on the *Véda,* must always pronounce to himself the syllable *óm;* for, unless the syllable *óm* precede, his learning will slip away from him; and unless it follow nothing will be long retained.

76. BRAHMÁ milked out, *as it were,* from the three *Védas,*

the letter A, the letter U, and the letter M, *which form by their coalition the trilateral monosyllable*, together with three mysterious words, *bhur, bhuvah, swer*, or *earth, sky, heaven*.

77. From the three *Védas*, also, the Lord of creatures, incomprehensibly exalted, successively milked out the three measures of that ineffable text, beginning with the word *tad*, and entitled *sávitri* or *gáyatri*.

81. The three great immutable words, preceded by the trilateral syllable, and *followed by the gáyatri* which consists of three measures, must be considered as the mouth, or *principal part of the Vēda*.

83. The trilateral monosyllable is *an emblem of the supreme*, the suppressions of breath *with a mind fixed on God* are the highest devotion; but nothing is more exalted than the *gáyatri*: *a declaration of truth is more excellent than silence*.

84. All rites ordained in the *Vēda*, oblations to fire, and solemn sacrifices, pass away; but that which passes not away, is declared to be the syllable *óm*, thence called *acshara*; since it is a *symbol of God*, the Lord of created beings.

86. The four domestic sacraments which are accompanied with the appointed sacrifice are not equal, though all be united, to a sixteenth part of the sacrifice performed by a repetition of the *gáyatri*.

96. The organs being strongly attached to sensual delights, cannot so effectually be restrained by avoiding incentives to pleasure, as by a constant pursuit of divine knowledge.

97. To a man contaminated by sensuality, neither the *Védas*, nor liberality, nor sacrifices, nor strict observances, nor pious austerities, ever procure felicity.

110. Let not a sensible teacher tell any *other* what he is not asked, nor what he is asked improperly; but let him, however intelligent, act in the multitude as if he were dumb:

111. Of the two persons, him who illegally asks, and him who illegally answers, one will die or incur odium.

116. He who shall acquire *knowledge of the Vēda* without the assent of his preceptor, incurs the guilt of stealing the scripture, and shall sink to the region of torment.

121. A youth who habitually greets and constantly-reveres the aged, obtains an increase of four things: life, knowledge, fame, strength.

136. Wealth, kindred, age, moral conduct, and, fifthly, divine knowledge, entitle men to respect; but that which is last mentioned in order is the most respectable.

137. Whatever man of the three *highest* classes possesses the most of those five, both in number and degree, that man is entitled to most respect; even a *Súdra*, if he have entered the tenth decad of his age.

146. Of him who gives natural birth, and him who gives knowledge of the whole *Véda*, the giver of sacred knowledge is the more venerable father; since the *second or* divine birth ensures life to the twice-born both in this world and hereafter eternally.

147. Let a man consider that as a mere human birth, which his parents gave him for their mutual gratification, and which he receives after lying in the womb;

148. But that birth, which his principal *áchárya*, who knows the whole *Véda*, procures for him by *his divine mother* the *gáyatri*, is a true birth: that birth is exempt from age and from death.

154. Greatness is not conferred by years, not by gray hairs, not by wealth, not by powerful kindred: the divine sages have established this rule: "Whoever has read the *Védas* and their *Angas*, he among us is great."

155. The seniority of priests is from sacred learning; of warriors, from valour; of merchants, from abundance of grain; of the servile class, only from priority of birth.

156. A man is not therefore aged, because his head is gray; him, surely, the Gods consider as aged, who, though young in years, has read *and understands* the *Véda*.

159. Good instruction must be given without pain to the instructed; and sweet, gentle speech must be used by a preceptor, who cherishes virtue.

161. Let not a man be querulous, even though in pain; let him not injure another in deed or in thought: let him not even utter a word by which his fellow-creature may suffer

uneasiness; since that will obstruct his own progress to future beatitude.

164. Let the twice-born youth, whose soul has been formed by this regular succession of prescribed acts, collect by degrees, while he dwells with his preceptor, the devout habits proceeding from the study of scripture.

169. The first birth is from a natural mother; the second, from the ligation of the zone; the third, from the due performance of the sacrifice: such are the births of him who is usually called twice born, according to a text of the *Véda*.

179. From gaming, from disputes, from detraction, and from falsehood, from embracing or wantonly looking at women, and from disservice to other men.

191. Let the scholar, when commanded by his preceptor, and even when he has received no command, always exert himself in reading, and in all acts useful to his teacher.

192. Keeping in due subjection his body, his speech, his organs of sense, and his heart, let him stand with the palms of his hands joined, looking at the face of his preceptor.

213. It is the nature of women in this world to cause the seduction of men; for which reason the wise are never unguarded in the company of females:

214. A female, indeed, is able to draw from the right path in this life not a fool only, but even a sage, and can lead him in subjection to desire or to wrath.

218. As he who digs deep with a spade comes to a spring of water, so the student, who humbly serves his teacher, attains the knowledge which lies deep in his teacher's mind.

222. Let him adore God both at sunrise and at sunset, as the law ordains, having made his ablution, and keeping his organs controlled; and with fixed attention, let him repeat the text, which he ought to repeat, in a place free from impurity.

224. The chief temporal good is, by some, declared to consist in virtue and wealth; by some, in wealth and lawful pleasure; by some, in virtue alone; by others in wealth alone; but the chief good here below is an assemblage of all three: this is a sure decision.

227. That pain and care which a mother and father undergo in producing and rearing children, cannot be compensated in a hundred years.

228. Let every man constantly do what may please his parents; and, on all occasions, what may please his preceptor: when those three are satisfied, his whole course of devotion is accomplished.

233. By honouring his mother he gains this *terrestrial* world; by honouring his father, the intermediate, or *ethereal*; and, by assiduous attention to his preceptor, even the *celestial* world of BRAHMÁ.

238. A believer in scripture may receive pure knowledge even from a *Súdra*; a lesson of the highest virtue, even from a *Chandála*; and a woman, bright as a gem, even from the basest family.

249. The twice-born man, who shall thus, without intermission, have passed the time of his studentship, shall ascend after death to the most exalted of regions, and no more again spring to birth in this lower world.

CHAPTER III.

ON MARRIAGE; OR ON THE SECOND ORDER.

4. LET the twice-born man, having obtained the consent of his venerable guide, and having performed his ablution with stated ceremonies, on his return home, as the law directs, espouse a wife of the same class with himself, and endued with the marks of excellence.

12. For the first marriage of the twice-born classes, a woman of the same class is recommended; but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred:

13. A *Súdra* woman only must be the wife of a *Súdra*; she and a *Vaisyá*, of a *Vaisyá*; they two and a *Cshatriyá*, of a *Cshatriyá*; those two and a *Brahmaní* of a *Bráhmen*.

15. Men of the twice-born classes, who through weakness of

intellect, irregularly marry women of the lowest class, very soon degrade their families and progeny to the state of *Súdras*.

42. From the blameless nuptial rites of men springs a blameless progeny; from the reprehensible, a reprehensible offspring; let mankind, therefore, studiously avoid the culpable forms of marriage.

43. The ceremony of joining hands is appointed for those who marry women of their own class; but, with women of a different class, the following nuptial ceremonies are to be observed:—

44. By a *Cshatriyá* on her marriage with a *Bráhmén*, an arrow must be held in her hand; by a *Vaisyá* woman, with a bridegroom of the sacerdotal or military class, a whip; and by a *Súdra* bride, marrying a priest, a soldier, or a merchant, must be held the skirt of a mantle.

55. Married women must be honoured and adorned by their fathers and brethren, by their husbands, and by the brethren of their husbands, if they seek abundant prosperity:

56. Where females are honoured, there the deities are pleased; but where they are dishonoured, there all religious acts become fruitless.

57. Where female relations are made miserable, the family of him who makes them so, very soon wholly perishes; but, where they are not unhappy, the family always increases.

60. In whatever family the husband is contented with his wife, and the wife with her husband, in that house will fortune be assuredly permanent.

65. By sacrificing for such as have no right to sacrifice, and by denying a future compensation for good works, great families, being deprived of sacred knowledge, are quickly destroyed:

66. But families enriched by a knowledge of the *Véda*, though possessing little temporal wealth, are numbered among the great, and acquire exalted fame.

67. LET the house-keeper perform domestic religious rites, with the nuptial fire, according to law, and the ceremonies of the five great sacraments, and the several acts which must, day by day, be performed.

70. Teaching and studying the scripture is the sacrament of the *Véda*; offering cakes and water, the sacrament of the Manes; an oblation to fire, the sacrament of the Deities; giving rice or other food to living creatures, the sacrament of spirits; receiving guests with honour, the sacrament of men.

72. But whoever cherishes not five orders of beings, *namely*, the deities; those who demand hospitality; those whom he ought by law to maintain; his departed forefathers; and himself; that man lives not, even though he breathe.

80. The divine sages, the manes, the gods, the spirits, and guests, pray for benefits to masters of families; let these honours, therefore, be done to them by the housekeeper who knows his duty.

105. No guest must be dismissed in the evening by a housekeeper; he is sent by the retiring sun; and, whether he come in fit season or unseasonably, he must not sojourn in the house without entertainment.

106. Let not himself eat any delicate food, without asking his guest to partake of it: the satisfaction of a guest will assuredly bring the housekeeper wealth, reputation, long life, and a place in heaven.

107. To the highest guests in the best form, to the lowest in the worst, to the equal, equally, let him offer seats, resting-places, couches; giving them proportionable attendance when they depart; and honour as long as they stay.

167. Those lowest of *Bráhmens*, whose manners are contemptible, who are not admissible into company at a repast, an exalted and learned priest must avoid at both *fráddhas*.

168. A *Bráhmen* unlearned in holy writ, is extinguished in an instant, like a fire of dry grass: to him the oblation must not be given; for the clarified butter must not be poured on ashes.

171. He who makes a marriage contract with the connubial fire while his elder brother continues unmarried, is called a *perrivétrî*; and the elder brother a *perivittî*:

172. The *perrivétrî*, the *perivittî*, the damsel thus wedded

the giver of her in wedlock, and, fifthly, the performer of the nuptial sacrifice, all sink to a region of torment.

258. Having dismissed the invited *Bráhmens*, keeping his mind attentive, and his speech suppressed, let him, after an ablution, look toward the south, and ask these blessings of the *Pitrís* :—

259. “ May generous givers abound in our house ! may the scriptures be studied, and progeny increase in it ! may faith never depart from us ! and may we have much to bestow on the needy ! ”

275. Whatever a man, endued with strong faith, piously offers, as the law has directed, becomes a perpetual unperishable gratification to his ancestors in the other world :

276. The tenth and so forth, except the fourteenth, in the dark half of the month, are the lunar days most approved for sacred obsequies : as they *are*, so *are* not the others.

280. Obsequies must not be performed by night ; since the night is called *rácshasì* or *infested by demons* ; nor while the sun is rising or setting, nor when it has just risen,

CHAPTER IV.

ON ECONOMICS AND PRIVATE MORALS.

1. Let a *Bráhmen*, having dwelt with a preceptor during the first quarter of a man's life, pass the second quarter of human life in his own house, when he has contracted a legal marriage.

2. He must live, with no injury, or with the least possible injury, to animated beings, by pursuing those means of gaining subsistence which are strictly prescribed by law, except in times of distress :

3. For the sole purpose of supporting life, let him acquire property by those irreproachable occupations which are peculiar to his class, and unattended with bodily pain.

12. Let him, if he seek happiness, be firm in perfect content, and check all desire of acquiring more *than he possesses* ; for

happiness has its root in content, and discontent is the root of misery.

16. Let him not, from a selfish appetite, be strongly addicted to any sensual gratification ; let him, by improving his intellect, studiously preclude an excessive attachment to such pleasures, *even though lawful*.

17. All kinds of wealth that may impede his reading the *Véda*, let him wholly abandon, persisting by all means in the study of scripture : for that will be found his most beneficial attainment.

18. Let him pass through this life, bringing his apparel, his discourse, and his frame of mind, to conformity with his age, his occupations, his property, his divine knowledge, and his family.

20. Since, as far as a man studies completely the system of sacred literature, so far only can he become eminently learned, and so far may his learning shine brightly.

29. Let him take care, to the utmost of his power, that no guest sojourn in his house unhonoured with a seat, with food, with a bed, with water, with esculent roots, and with fruit :

30. But let him not honour with his conversation such as do forbidden acts : such as subsist, like cats, *by interested craft* ; such as believe not the scripture ; such as oppugn it by sophisms ; or such as live like rapacious water-birds.

31. With oblations to the gods and to ancestors, let him do reverence to *Bráhmens* of the second order, who are learned in theology, who have returned home from their preceptors, after having performed their religious duties, and fully studied the *Véda* ; but men of an opposite description let him avoid.

32. Gifts must be made by each housekeeper, as far as he has ability, to religious mendicants, though heterodox ; and a just portion must be reserved, without inconvenience to his family, for all sentient beings, *animal and vegetable*.

43. Let him neither eat with his wife, nor look at her eating, or sneezing, or yawning, or sitting carelessly at her ease.

61. Let him not dwell in a city governed by a *Súdra* king, nor in one surrounded with men unobservant of their duties,

nor in one abounding with professed heretics, nor in one swarming with low-born outcasts.

92. LET the housekeeper wake in the time sacred to BRĀHMĪ, *the goddess of speech, that is, in the last watch of the night* : let him then reflect on virtue and virtuous emoluments, on the bodily labour which they require, and on the whole meaning and very essence of the *Véda*.

94. By continued repetition of the *gáyatrî*, at the twilights, the holy sages acquire length of days, perfect knowledge, reputation during life, fame after death, and celestial glory.

133. Let him show no particular attention to his enemy or his enemy's friend, to an unjust person, to a thief, or to the wife of another man ;

134. Since nothing is known in this world so obstructive to length of days, as the culpable attention of a man to the wife of another.

138. Let him say what is true, but let him say what is pleasing ; let him speak no disagreeable truth, nor let him speak agreeable falsehood : this is a primeval rule.

145. Let him be intent on *those propitious observances which lead to good fortune*, and on the discharge of his customary duties, his body and mind being pure, and his members kept in subjection ; let him constantly without remissness repeat the *gáyatrî*, and present his oblations to fire :

146. To those who are intent on good fortune and on the discharge of their duties, who are always pure, who repeat the holy text, and make oblations to fire, no calamity happens.

147. In due season let him ever study the scripturè without negligence ; for the sages call that his principal duty : every other duty is declared to be subordinate.

148. By reading the *Véda* continually, by purity of body and mind, by rigorous devotion, and by doing no injury to animated creatures, he brings to remembrance his former birth.

155. Let him practise, without intermission, that system of approved usages, which is the root of all duty, religious and civil, declared at large in the scriptural and sacred law tracts, together with the ceremonies peculiar to each act :

156. Since, by such practice long life is attained; by such practice *is gained* wealth unperishable; such practice baffles every mark of ill-fortune:

157. But by an opposite practice, a man surely sinks to contempt in this world, has always a large portion of misery, is afflicted with disease, and short-lived.

160. ALL THAT DEPENDS ON ANOTHER, GIVES PAIN; AND ALL THAT DEPENDS ON HIMSELF, GIVES PLEASURE; let him know this to be in few words the definition of pleasure and pain.

163. Denial of a future state, neglect of the scripture, and contempt of the deities, envy and hatred, vanity and pride, wrath and severity, let him at all times avoid.

170. EVEN here below an unjust man attains no felicity; nor he whose wealth proceeds from giving false evidence; nor he who constantly takes delight in mischief.

171. Though oppressed by penury, in consequence of his righteous dealings, let him never give his mind to unrighteousness; for he may observe the speedy overthrow of iniquitous and sinful men.

172. Iniquity, committed in this world, produces not fruit immediately, *but*, like the earth, *in due season*; and, advancing by little and little, it eradicates the man who committed it.

173. Yes; iniquity once committed fails not of producing fruit to him who wrought it, if not in his own person, yet in his sons; or if not in his sons, yet in his grandsons.

175. LET a man continually take pleasure in truth, in justice, in laudable practices, and in purity; let him chastise those whom he may chastise in a legal mode; let him keep in subjection his speech, his arm, and his appetite:

176. Wealth and pleasures, repugnant to law, let him shun; and even lawful acts, which may cause future pain, or be offensive to mankind.

178. Let him walk in the path of good men; the path in which his parents and forefathers walked: while he moves in that path he can give do offence.

195. A covetous wretch who continually displays the flag of virtue, a pretender, a deluder of the people, is declared to be

the man who acts like a cat; he is an injurious hypocrite, a detractor from the merits of all men.

198. LET no man, having committed sin, perform a penance under the pretext of austere devotion, disguising his crime under fictitious religion, and deceiving both women and low men :

199. Such impostors, though *Bráhmens*, are despised in the next life, and in this, by all who pronounce holy texts; and every religious act fraudulently performed goes to evil beings.

204. A WISE man should constantly discharge all the moral duties, though he perform not constantly the ceremonies of religion; since he falls low, if, while he performs ceremonial acts only, he discharges not his moral duties.

227. If he meets with fit objects of benevolence, let him constantly bestow gifts on them, both at sacrifices and consecrations, to the best of his power, and with a cheerful heart;

228. Such a gift, how small soever, bestowed on request without grudging, passes to a worthy object, who will secure the giver from all evil.

234. And for whatever purpose a man bestows any gift, for a similar purpose he shall receive, with due honour, a similar reward.

238. GIVING no pain to any creature, let him collect virtue by degrees, for the sake of acquiring a companion to the next world, as the white ant by degrees builds his nest;

239. For, in his passage to the next world, neither his father, nor his mother, nor his wife, nor his son, nor his kinsmen will remain in his company: his virtue alone will adhere to him.

240. Single is each man born, single he dies, single he receives the reward of his good, and single the punishment of his evil deeds:

241. When he leaves his corse, like a log or a lump of clay, on the ground, his kindred retire with averted faces; but his virtue accompanies his soul.

242. Continually, therefore, by degrees, let him collect virtue, for the sake of securing an inseparable companion; since, with

virtue for his guide, he will traverse a gloom, how hard to be traversed !

243. A man habitually virtuous, whose offences have been expiated by devotion, is instantly conveyed after death to the higher world, with a radiant form and a body of ethereal substance.

246. HE who perseveres in good actions, in subduing his passions, in bestowing largesses, in gentleness of manners, who bears hardships patiently, who associates not with the malignant, who gives pain to no sentient being, obtains final beatitude.

254. As the nature of the poor stranger is, as the work is which he desires to perform, and as he may show most respect *to the master of the house*, even thus let him offer his service ;

255. For he who describes himself to worthy men in a manner contrary to truth, is the most sinful wretch in this world ; he is the worst of thieves,—a stealer of minds.

256. All things have their sense ascertained by speech ; in speech they have their basis, and from speech they proceed : consequently, a falsifier of speech falsifies everything.

258. Alone, in some solitary place, let him constantly meditate on the divine nature of the soul ; for by such meditation he will attain happiness.

260. A priest, who lives always by these rules, who knows the ordinances of the *Véda*, who is freed from the bondage of sin, shall be absorbed in the divine essence.

CHAPTER V.

ON DIET, PURIFICATION, AND WOMEN.

23. No doubt in the primeval sacrifices by holy men, and in oblations by those of the priestly and military tribes, the flesh of such beasts and birds as may be legally eaten was presented to the deities.

28. For the sustenance of the vital spirit, BRAHMĀ created all this *animal and vegetable system* ; and all that is moveable or immoveable, that spirit devours.

30. He who eats *according to law*, commits no sin, even though every day he tastes the flesh of such animals as may lawfully be tasted; since both animals who may be eaten, and those who eat them, were equally created by BRAHMĀ.

31. It is delivered as a rule of the Gods, that meat must be swallowed only for the purpose of sacrifice; but it is a rule of gigantic demons, that it may be swallowed for any other purpose.

32. No sin is committed by him, who, having honoured the deities and the manes, eats flesh meat, which he has bought, or which he has himself acquired, or which has been given him by another.

43. Let no twice-born man, whose mind is improved by learning, hurt animals without the sanction of scripture, even though in pressing distress, whether he live in his own house, or in that of his preceptor, or in a forest.

45. He who injures animals that are not injurious, from a wish to give himself pleasure, adds nothing to his own happiness, living or dead;

46. While he who gives no creature willingly the pain of confinement or death, but seeks the good of all *sentient beings*, enjoys bliss without end.

47. He who injures no animated creature, shall attain without hardship whatever he thinks of, whatever he strives for, whatever he fixes his mind on.

48. Flesh meat cannot be procured without injury to animals, and the slaughter of animals obstructs the path to beatitude; from flesh meat, therefore, let man abstain:

54. By subsisting on pure fruit and on roots, and by eating such grains as are eaten by hermits, a man reaps not so high a reward, as by carefully abstaining from animal food.

56. In lawfully tasting meat, in drinking fermented liquor, in caressing women, there is no turpitude; for to such enjoyments men are naturally prone; but a virtuous abstinence from them produces a signal compensation.

59. By a dead body, the *sapindas* are rendered impure in law for ten days; or until *the fourth day*, when the bones have been

gathered up ; or for three days, or for one day only, *according to the qualities of the deceased* :

89. For those who discharge not their prescribed duties ; for those whose fathers were of a lower class than their mothers ; for those who wear a dress of religion unauthorized by the *Véda* ; and for those who *illegally* kill themselves, the ceremony of giving funeral water is forbidden by law.

92. Let men carry out a dead *Súdra* by the southern gate of the town ; but the twice-born, in due order, by the western, northern, and eastern gates.

94. To a king, on the throne of magnanimity, the law ascribes instant purification, because his throne was raised for the protection of his people and the supply of their nourishment :

95. It is the same with *the kinsmen of* those who die in battle, after the king has been slain, or have been killed by lightning, or legally by the king himself, or in defence of a cow, or of a priest ; and with all those whom the king wishes to be pure.

98. By a soldier discharging the duties of his class, and slain in the field with brandished weapons, the highest sacrifice is, in that instant, complete ; and so is his purification : this law is fixed.

105. Sacred learning, austere devotion, fire, holy aliment, earth, the mind, water, smearing with cow-dung, air, prescribed acts of religion, the sun, and time, are purifiers of embodied spirits ;

106. But of all pure things, purity in acquiring wealth is pronounced the most excellent : since he who gains wealth with clean hands is truly pure ; not he who is purified merely with earth and water.

107. By forgiveness of injuries the learned are purified ; by liberality, those who have neglected their duty ; by pious meditation, those who have secret faults ; by devout austerity, those who best know the *Véda*.

109. Bodies are cleansed by water ; the mind is purified by truth ; the vital spirit, by theology and devotion ; the understanding, by clear knowledge.

126. As long as the scent or moisture, caused by any impurity, remains on the thing soiled, so long must earth and water be repeatedly used in all purifications of things inanimate.

128. Waters are pure, as far as a cow goes to quench her thirst in them, if they flow over clean earth, and are sullied by no impurity, but have a good scent, colour, and taste.

129. The hand of an artist, *employed in his art*, is always pure; so is every vendible commodity, when exposed to sale; and that food is always clean which a student in theology has begged and received: such is the sacred rule.

131. The flesh of a wild beast slain by dogs, MÈNU pronounces pure; and that of an animal slain by other carnivorous creatures, or by men of the mixed class, who subsist by hunting.

140. *Súdras*, engaged in religious duties, must perform each month the ceremony of shaving their heads; their food must be the orts of *Bráhmens*; and their mode of purification, the same with that of a *Vaisya*.

147. By a girl, or by a young woman, or by a woman advanced in years, nothing must be done, even in her own dwelling-place, according to her mere pleasure.

148. In childhood must a female be dependent on her father; in youth, on her husband; her lord being dead, on her sons; *if she have no sons, on the near kinsmen of her husband; if he left no kinsmen, on those of her father; if she have no paternal kinsmen, on the sovereign*: a woman must never seek independence.

150. She must always live with a cheerful temper, with good management in the affairs of the house, with great care of the household furniture, and with a frugal hand in all her expenses.

151. Him, to whom her father has given her, or her brother with the paternal assent, let her obsequiously honour, while he lives; and, when he dies, let her never neglect him.

154. Though unobservant of approved usages, or enamoured of another woman, or devoid of good qualities, yet a husband must constantly be revered as a god by a virtuous wife.

155. No sacrifice is allowed to women apart from their husbands, no religious rite, no fasting; as far only as a wife honours her lord, so far she is exalted in heaven.

156. A faithful wife, who wishes to attain in heaven the mansion of her husband, must do nothing unkind to him, be he living or dead :

160. And, like those abstemious men, a virtuous wife ascends to heaven, though she have no child, if, after the decease of her lord, she devote herself to pious austerity :

161. But a widow, who, from a wish to bear children, slights her deceased husband *by marrying again*, brings disgrace on herself here below, and shall be excluded from the seat of her lord.

162. Issue begotten on a woman by any other *than her husband*, is here declared to be no progeny of hers ; no more than a child, begotten on the wife of another man, *belongs to the begetter* : nor is a second husband allowed, in any part of this code, to a virtuous woman.

167. A twice-born man, versed in sacred ordinances, must burn with hallowed fire and fit implements of sacrifice, his wife dying before him, if she was of his own class and lived by these rules :

168. Having thus kindled sacred fires and performed funeral rites to his wife, who died before him, he may again marry, and again light the nuptial fire.

169. Let him not cease to perform day by day, according to the preceding rules, the five great sacraments ; and having taken a lawful consort, let him dwell in his house during the second period of his life.

CHAPTER VI.

ON DEVOTION ; OR ON THE THIRD AND FOURTH ORDERS.

2: WHEN the father of a family perceives his muscles become flaccid and his hair gray, and sees the child of his child, let him then seek refuge in a forest :

3. Abandoning all food eaten in towns, and all his household utensils, let him repair to the lonely wood, committing the care

of his wife to her sons, or accompanied by her, *if she choose to attend him.*

4. Let him take up his consecrated fire, and all his domestic implements of making oblations to it, and, departing from the town to the forest, let him dwell in it with complete power over his organs, *of sense and of action.*

9. Let him, as the law directs, make oblations on the hearth with three sacred fires; not omitting, in due time, the ceremonies to be performed at the conjunction and opposition of the moon.

10. Let him also perform the sacrifice ordained in honour of the lunar constellations, make the prescribed offering of new grain, and solemnize holy rites every four months, and at the winter and summer solstices.

31. Or, *if he has any incurable disease*, let him advance in a straight path, towards the invincible *north-eastern* point, feeding on water and air, till his mortal frame totally decay, and his soul become united with the Supreme.

32. A *Bráhmén*, having shuffled off his body by any of those modes which great sages practised, and becoming void of sorrow and fear, rises to exaltation in the divine essence.

33. HAVING thus performed religious acts in a forest during the third portion of his life, let him become a *Sannyási* for the fourth portion of it, abandoning all sensual affections, *and wholly reposing in the Supreme Spirit :*

34. The man who has passed from order to order, has made oblations to fire *on his respective changes of state*, and has kept his members in subjection, but, tired with *so long a course of giving* alms and *making* offerings, thus reposes himself entirely on God, shall be raised, after death, to glory.

45. Let him not wish for death; let him not wish for life; let him expect his appointed time, as a hired servant expects his wages.

47. Let him bear a reproachful speech with patience; let him speak reproachfully to no man; let him not, on account of this *frail and feverish* body, engage in hostility with any one living.

48. With an angry man, let him not in his turn be angry;

abused, let him speak mildly ; nor let him utter a word relating to vain illusory things and confined within seven gates, *the five organs of sense, the heart and the intellect ; or this world, with three above and three below it.*

49. Delighted with meditating on the Supreme Spirit, sitting fixed in such meditation, without needing anything earthly, without one sensual desire, without any companion but his own soul, let him live in this world seeking the bliss of the next.

50. Neither by explaining omens and prodigies, nor by skill in astrology and palmistry, nor by casuistry and expositions of holy texts, let him at any time gain his daily support.

60. By the coercion of his members, by the absence of hate and affection, and by giving no pain to sentient creatures, he becomes fit for immortality.

61. Let him reflect on the transmigrations of men caused by their sinful deeds, on their downfall into a region of darkness, and their torments in the mansion of YAMA ;

64. On the misery attached to embodied spirits from a violation of their duties, and the unperishable bliss attached to them from their abundant performance of all duties, religious and civil.

65. Let him reflect also, with exclusive application of mind, on the subtile indivisible essence of the Supreme Spirit, and its complete existence in all beings, whether extremely high or extremely low.

66. Equal minded towards all creatures, in what order soever *he may have been* placed, let him fully discharge his duty, though he bear not the visible marks of his order : the visible mark, or *meré name* of his order, is by no means an effective discharge of his duty ;

73. Let him observe, with extreme application of mind, the progress of this internal spirit through various bodies, high and low ; *a progress* hard to be discerned by men with unimproved intellects.

74. He who fully understands the perpetual omnipresence of God, can be led no more captive by criminal acts ; but he who

possesses not that sublime knowledge, shall wander again through the world.

75. By injuring nothing animated, by subduing all sensual appetites, by devout rites ordained in the *Véda*, and by rigorous mortifications, men obtain, even in this life, the state of beatitude.

79. Letting his good acts descend (by the law of the *Véda*) to those who love him, and his evil deeds to those who hate him, he may attain, through devout meditation, the eternal spirit.

80. When, having well considered the nature and consequence of sin, he becomes averse from all sensual delights, he then attains bliss in this world; bliss which shall endure after death.

81. Thus having gradually abandoned all earthly attachments, and indifferent to all pairs of opposite things, *as honour and dishonour, and the like*, he remains absorbed in the divine essence.

82. All that has now been declared, is obtained by pious meditation; but no man who is ignorant of the Supreme Spirit, can gather the fruit of mere ceremonial acts.

84. This holy scripture is a sure refuge, even for those who understand not its meaning, and of course, for those who understand it; this *Véda* is a sure resource for those who seek bliss above; this is a *sure resource* for those who seek bliss eternal.

92. Content; returning good for evil, resistance to sensual appetites, abstinence from illicit gain, purification, coercion of the organs, knowledge of scripture, knowledge of the Supreme Spirit, veracity, and freedom from wrath, form their tenfold system of duties.

95. And, having abandoned all ceremonial acts, having expiated all his offences, having obtained a command over his organs, and having perfectly understood the scripture, he may live at his ease, while the household affairs are conducted by his son.

96. When he thus has relinquished all forms, is intent on his own occupation, and free from every other desire, when, by devoting himself to God, he has effaced sin, he then attains the supreme path of glory.

CHAPTER VII.

ON GOVERNMENT AND PUBLIC LAW; OR ON THE MILITARY CLASS.

1. I WILL fully declare the duty of kings; *and show* how a ruler of men should conduct himself, in what manner he was framed, and how his ultimate reward *may be attained by him*.

3. Since, if the world had no king, it would quake on all sides through fear, the ruler of this *universe* therefore created a king, for the maintenance of this system, both religious and civil;

4. Forming him of eternal particles drawn from the substance of INDRA, PAVANA, YAMA, SÚRYA, of AGNI and VARUNA, of CHANDRA and CUVÉRA :

5. And since a king was composed of particles drawn from those chief guardian deities, he consequently surpasses all mortals in glory.

10. Fully considering the business before him, his own force, and the place, and the time, he assumes in succession all sorts of forms, for the sake of advancing justice.

11. He, sure, must be the perfect essence of majesty, by whose favour Abundance rises on her lotos, in whose valour dwells conquest; in whose anger, death.

12. He who shows hatred of the king, through delusion of mind, will certainly perish; for speedily will the king apply his heart to that man's perdition.

13. LET the king prepare a just compensation for the good, and a just punishment for the bad: the rule of strict justice let him never transgress.

14. For his use BRAHMÁ formed, in the beginning of time, the genius of punishment, with a body of pure light, his own son, even abstract criminal justice, the protector of all created things.

16. When the king, therefore, has fully considered place and time, and his own strength, and the divine ordinance, let him justly inflict punishment on all those who act unjustly.

17. Punishment is an active ruler ; he is the true manager of public affairs ; he is the dispenser of laws ; and wise men call him the sponsor of all the four orders for the discharge of their several duties.

18. Punishment governs all mankind ; punishment alone preserves them ; punishment wakes, while their guards are asleep ; the wise consider punishment as the perfection of justice.

19. When rightly and considerately inflicted, it makes all the people happy ; but inflicted without full consideration, it wholly destroys them all.

22. The whole race of men is kept in order by punishment ; for a guiltless man is hard to be found ; through fear of punishment, indeed, this universe is enabled to enjoy its blessings.

24. All classes would become corrupt ; all barriers would be destroyed ; there would be total confusion among men, if punishment either were not inflicted, or were inflicted unduly.

26. Holy sages consider as a fit dispenser of criminal justice, that king who invariably speaks truth, who duly considers all cases, who understands the sacred books, who knows the distinctions of virtue, pleasure, and riches ;

27. Such a king, if he justly inflict legal punishments, greatly increases those three means of happiness ; but punishment itself shall destroy a king who is crafty, voluptuous, and wrathful.

30. Just punishment cannot be inflicted by an ignorant and covetous king, who has no wise and virtuous assistant, whose understanding has not been improved, and whose heart is addicted to sensuality :

31. By a king wholly pure, faithful to his promise, observant of the scriptures, with good assistants and sound understanding, may punishment be justly inflicted.

32. Let him in his own domains act with justice, chastise foreign foes with rigour, behave without duplicity to his affectionate friends, and with lenity to *Bráhmens*.

35. A king was created as the protector of all those classes and orders, who, from the first to the last, discharge their several duties.

44. Day and night must he strenuously exert himself to gain complete victory over his own organs; since that king alone whose organs are completely subdued, can keep his people firm to their duty.

46. Since a king addicted to vices arising from love of pleasure, must lose both his wealth and his virtue, and, addicted to vices arising from anger, he may lose even his life *from the public resentment*.

49. A selfish inclination, which all wise men know to be the root of those two sets, let him suppress with diligence; both sets of vices are constantly produced by it.

53. On a comparison between death and vice, the learned pronounce vice the more dreadful; since, after death, a vicious man sinks to regions lower and lower, while a man free from vice reaches heaven.

54. THE king must appoint seven or eight ministers, who must be sworn *by touching a sacred image and the like*; men whose ancestors were servants of kings; who are versed in the holy books; who are personally brave; who are skilled in the use of weapons; and whose lineage is noble.

55. Even an act easy in itself is hard sometimes to be performed by a single man, especially if he has no assistant near; how much harder *must it be to perform alone the business of a kingdom with great revenues!*

56. Let him perpetually consult with those ministers on peace and war, on his forces, on his revenues, on the protection of his people, and on the means of bestowing aptly the wealth which he has acquired.

57. Having ascertained the several opinions of his counsellors, *first* apart and *then* collectively, let him do what is most beneficial for him in public affairs.

58. To one learned *Bráhmén*, distinguished among them all, let the king impart his momentous counsel, relating to six *principal* articles.

60. He must likewise appoint other officers; men of integrity, well informed, steady, habituated to gain wealth by honourable means. and tried by experience.

61. As many officers as the due performance of his business requires, not slothful men, *but active*, able, and well instructed, so many, and no more, let him appoint.

63. Let him likewise appoint an ambassador, versed in all the *Sástras*, who understands hints, external signs and actions, *whose hand and heart are pure*, whose abilities are great, and whose birth was illustrious :

64. That royal ambassador is applauded most, who is generally beloved, pure within and without, dexterous in business, and endued with an excellent memory ; who knows countries and times, is handsome, intrepid, and eloquent.

66. For it is the ambassador alone who unites, who alone disjoins the united ; that is, he transacts the business by which kingdoms are at variance or in amity.

68. Thus, having learned completely *from his ambassador* all the designs of the foreign prince, let the king so apply his vigilant care, that he bring not evil on himself.

74. One bowman, placed on a wall, is a match in war for a hundred enemies ; and a hundred for ten thousand ; therefore is a fort recommended.

75. Let that fort be supplied with weapons, with money, with grain, with beasts, with *Bráhmens*, with artificers, with engines, with grass, and with water.

77. Having prepared it for his mansion, let him choose a consort of the same class with himself, endued with all the bodily marks of excellence, born of an exalted race, captivating his heart, adorned with beauty and the best qualities.

79. Let the king make sacrifices, accompanied with gifts of many different kinds ; and for the full discharge of his duties, let him give the *Bráhmens* both legal enjoyments and moderate wealth.

80. His annual revenue he may receive from his whole dominion through his collectors ; but let him in this world observe the divine ordinances : let him act as a father to his people.

81. Here and there he must appoint many sorts of intelligent supervisors, who may inspect all the acts of the officers engaged in his business.

82. To *Bráhmens* returned from the mansions of their preceptors, let him show due respect: for that is called a precious unperishable gem, deposited by kings with the sacerdotal class.

88. Never to recede from combat, to protect the people, and to honour the priests, is the highest duty of kings, and ensures their felicity.

90. LET no man, engaged in combat, smite his foe with *sharp* weapons concealed *in wood*, nor with arrows mischievously barbed, nor with poisoned arrows, nor with darts blazing with fire;

91. Nor let him, *in a car or on horseback*, strike his enemy alighted on the ground; nor an effeminate man; nor one who sues for life with closed palms; nor one whose hair is loose *and obstructs his sight*; nor one who sits down *fatigued*; nor one who says "I am thy captive;"

92. Nor one who sleeps; nor one who has lost his coat of mail; nor one who is naked; nor one who is disarmed; nor one who is a spectator, but not a combatant; nor one who is fighting with another man;

93. Calling to mind the duty of honourable men, let him never slay one who has broken his weapon; nor one who is afflicted *with private sorrow*; nor one who has been grievously wounded; nor one who is terrified; nor one who turns his back.

94. The soldier, indeed, who fearing and turning his back, happens to be slain by his foes in an engagement, shall take upon himself all the sin of his commander, whatever it be;

95. And the commander shall take to himself *the fruit* of all the good conduct which the soldier, who turns his back and is killed, had previously stored up for a future life.

99. What he has not gained *from his foe*, let him strive to gain; what he has acquired, let him preserve with care; what he preserves, let him augment; and what he has augmented, let him bestow on the deserving.

103. By a king, whose forces are always ready for action, the whole world may be kept in awe; let him, then, by a force always ready, make all creatures living his own.

104. Let him act on all occasions without guile, and never with insincerity; but, keeping himself ever on his guard, let him discover the fraud intended by his foe.

107. When he thus has prepared himself for conquest, let him reduce all opposers to submission by negotiation and three other expedients; *namely, presents, division, and force of arms*:

108. If they cannot be restrained by the three first methods, then let him firmly, but gradually, bring them to subjection by military force.

109. Among those four modes of obtaining success, the wise prefer negotiation and war for the exaltation of kingdoms.

111. That king who, through weakness of intellect, rashly oppresses his people, will, together with his family, be deprived both of kingdom and life.

117. Then let the lord of twenty towns notify them to the lord of a hundred; and let the lord of a hundred transmit the information himself to the lord of a thousand townships.

121. In every large town or city, let him appoint one superintendent of all affairs, elevated in rank, formidable in power, distinguished as a planet among stars.

123. Since the servants of the king, whom he has appointed guardians of districts, are generally knaves, who seize what belongs to other men, from such knaves let him defend his people.

129. As the leech, the suckling calf, and the bee, take their natural food by little and little, thus must a king draw from his dominions an annual revenue.

139. Let him not cut up his own root *by taking no revenue*, nor the root of other men by excess of covetousness; for by cutting up his own root *and theirs*, he makes both himself and them wretched.

148. That prince, of whose weighty secrets all assemblies of men are ignorant, shall attain dominion over the whole earth, though *at first* he possess no treasure.

150. Since those who are disgraced *in this life, by reason of sins formerly committed*, are apt to betray secret counsel; so are

talking birds; and so above all are women: them he must for that reason diligently remove.

154. On the whole eightfold business of kings, *relating to the revenue, to their expenses, to the good or bad conduct of their ministers, to legislation in dubious cases, to civil and criminal justice, and to expiations for crimes*, let him reflect with the greatest attention; on his five sorts of spies, *or active and artful youths, degraded anchorets, distressed husbandmen, decayed merchants, and fictitious penitents, whom he must pay and see privately*; on the good-will or enmity of his neighbours, and on the state of the circumjacent countries.

155. On the conduct of that foreign prince who has moderate strength *equal to one ordinary foe, but no match for two*; on the designs of him who is willing and able to be a conqueror; on the condition of him who is pacific, *but a match even for the former unallied*; and on that of his *natural enemy* let him sedulously meditate.

178. Perfectly let him consider the state of his kingdom, both actually present and probably future, with the good and bad parts of all his actions:

179. That king shall never be overcome by his enemies, who foresees the good and evil to ensue from his measures; who, on present occasions, takes his resolutions with prudent speed, and who weighs the various events of his past conduct.

180. Let him so arrange all his affairs, that no ally, neutral prince, or enemy, may obtain any advantage over him: this, in a few words, is the sum of political wisdom.

198. Yet he should be more sedulous to reduce his enemy by negotiation, by well-applied gifts, and by creating divisions, using either all or some of those methods, than by hazarding at any time a decisive action;

199. Since victory or defeat is not surely foreseen on either side, when two armies engage in the field: let the king, then, *if other expedients prevail*, avoid a pitched battle.

200. But should there be no means of applying the three *before-mentioned* expedients, let him, after due preparation, fight so valiantly that his enemy may be totally routed.

201. HAVING conquered a country, let him respect the deities adored in it, and their virtuous priests; let him also distribute largesses *to the people*, and cause a full exemption from terror to be loudly proclaimed.

203. Let him establish the laws of the conquered nation as declared *in their books*; and let him gratify the new prince with gems, *and other precious gifts*.

205. All this *conduct of human affairs* is considered as dependent on acts ascribed to the Deity, and on acts ascribed to men; now the operations of the Deity cannot be known by any intenseness of thought, but those of men may be clearly discovered.

208. By gaining wealth and territory, a king acquires not so great an increase of strength as by obtaining a firm ally, who, though weak, may hereafter be powerful.

209. That ally, though feeble, is highly estimable, who knows the whole extent of his duties, who gratefully remembers benefits, whose people are satisfied, *or, who has a gentle nature*, who loves his friend, and perseveres in his good resolutions.

210. Him have the sages declared an enemy hard to be subdued, who is eminently learned, of a noble race, personally brave, dexterous in management, liberal, grateful, and firm.

211. Good nature, knowledge of mankind, valour, benignity of heart, and incessant liberality, are the assemblage of virtues which adorn a neutral prince, *whose amity must be courted*.

226. THIS perfect system of rules let a king, free from illness, observe; but when really afflicted with disease, he may intrust all these affairs to his officers.

CHAPTER VIII.

ON JUDICATURE; AND ON LAW, PRIVATE AND CRIMINAL.

10. LET that chief judge, accompanied by three assessors, fully consider all causes brought before the king; and having entered the court-room, let him sit or stand, *but not move backwards and forwards.*

11. In whatever country three *Bráhmens*, particularly skilled in the three several *Védas*, sit together with the very learned *Bráhmen* appointed by the king, the wise call that *assembly* the court of *BRAHMÁ with four faces.*

12. WHEN justice, having been wounded by iniquity, approaches the court, and the judges extract not the dart, they also shall be wounded by it.

14. Where justice is destroyed by iniquity, and truth by false evidence, the judges who basely look on *without giving redress*, shall also be destroyed.

16. The divine form of justice is represented a *Vrisha*, or a bull, and the gods consider him who violates justice as a *Vrishala*, or one who slays a bull: let the king, therefore, and his judges beware of violating justice.

17. The only firm friend, who follows men even after death, is justice; all others are extinct with the body.

22. The whole territory which is inhabited by a number of *Súdras*, overwhelmed with atheists, and deprived of *Bráhmens*, must speedily perish, afflicted with death and disease.

24. Understanding what is expedient or inexpedient, but considering only what is law or not law, let him examine all disputes between parties, in the order of their several classes.

25. By external signs let him see through the thoughts of men; by the voice, colour, countenance, limbs, eyes, and action.

30. Three years let the king detain the property of which no owner appears, *after a distinct proclamation*: the owner

appearing within three years, may take it ; but, after that term, the king may confiscate it.

41. A king who knows the revealed law, must inquire into the particular laws of classes, the laws *or usages* of districts, the customs of traders, and the rules of certain families, and establish their peculiar laws, *if they be not repugnant to the law of God ;*

42. Since all men who mind their own customary ways of proceeding, and are fixed in the discharge of their several duties, become united by affection with the people at large, even though they dwell far asunder.

46. What has been practised by good men and by virtuous *Brahmens*, if it be not inconsistent with the legal customs of provinces or districts, of classes and families, let him establish.

63. Just and sensible men of all the *four* classes may be witnesses on trials ; men who know their whole duty and are free from covetousness ; but men of an opposite character the judge must reject.

64. Those must not be admitted who have a pecuniary interest ; nor familiar friends ; nor menial servants ; nor enemies ; nor men formerly perjured ; nor persons grievously diseased ; nor those who have committed heinous offences.

74. Evidence of what has been seen, or of what has been heard, *as slander and the like*, given by those who saw or heard it, is admissible ; and a witness who speaks truth in those cases neither deviates from virtue nor loses his wealth :

75. But a witness who knowingly says anything before an assembly of good men different from what he had seen or heard, shall fall headlong after death into a region of horror, and be debarred from heaven.

77. One man, untainted with covetousness *and other vices*, may *in some cases* be the sole witness, and will have more weight than many women, because female understandings are apt to waver ; or than many other men who have been tarnished with crimes.

81. A witness who gives testimony with truth shall attain exalted seats of beatitude above, and the highest fame here below : such testimony is revered by BRAHMĀ himself ;

82. The witness who speaks falsely, shall be fast bound *under water*, in the *snaky* cords of VARUNA, and be wholly deprived of power to *escape torment* during a hundred transmigrations : let mankind, therefore, give no false testimony.

89. **WHATEVER** places of torture have been prepared for the slayer of a priest, for the murderer of a woman or of a child, for the injurer of a friend, and for an ungrateful man, those places are ordained for a witness who gives false evidence.

90. The fruit of every virtuous act which thou hast done, O good man, since thy birth, shall depart from thee to dogs, if thou deviate in speech from the truth.

91. O friend to virtue, that Supreme Spirit which thou believest one and the same with thyself, resides in thy bosom perpetually, and is an all-knowing inspector of thy goodness or of thy wickedness.

93. Naked and shorn, tormented with hunger and thirst, and deprived of sight, shall the man who gives false evidence, go with a potsherd to beg food at the door of his enemy.

94. Headlong, in utter darkness, shall the impious wretch tumble into hell, who being interrogated in a judicial inquiry, answers one question falsely.

95. He who in a court of justice gives an imperfect account of any transaction, or asserts a fact of which he was no eye-witness, shall receive pain *instead of pleasure*, and resemble a man who eats fish *with eagerness* and swallows the sharp bones.

103. In some cases a giver of false evidence from a pious motive, even though he know the truth, shall not lose a seat in heaven : such evidence wise men call the speech of the gods.

104. Whenever the death of a man, *who had not been a grievous offender*, either of the servile, the commercial, the military, or the sacerdotal class, would be occasioned by true evidence, *from the known rigor of the king, even though the fault arose from inadvertence or error*, falsehood may be spoken : it is even preferable to truth.

105. Such *witnesses* must offer, as oblations to SARASWATĪ, cakes of rice and milk addressed to the goddess of speech ; and thus will they fully expiate that venial sin of benevolent falsehood.

109. In cases where no witness can be had between two parties opposing each other, the judge may acquire a knowledge of the truth by the oath of the parties, *or* if he cannot *otherwise* perfectly ascertain it.

111. Let no man of sense take an oath in vain, *that is*, *not in a court of justice*, on a trifling occasion; for the man who takes an oath in vain, shall be punished in this life and in the next.

117. Whenever false evidence has been given in any suit, the king must reverse the judgment; and whatever has been done, must be considered as undone.

123. Let a just prince banish men of the three *lower* classes, if they give false evidence, having first levied the fine; but a *Bráhmén* let him only banish.

128. A king who inflicts punishment on such as deserve it not, and inflicts no punishment on such as deserve it, brings infamy on himself while he lives, and shall sink, when he dies, to a region of torment.

170. Let no king, how indigent soever, take anything which ought not to be taken; nor let him, how wealthy soever, decline taking that which he ought to take, be it ever so small:

171. By taking what ought not to be taken, and by refusing what ought to be received, the king betrays his own weakness, and is lost both in this world and in the next;

172. But by taking his due, by administering justice, and by protecting the weak, the king augments his own force, and is exalted in the next world and in this.

174. That evil-minded king, who through infatuation decides causes with injustice, his enemies, *through the disaffection of his people*, quickly reduce to a state of dependence.

178. By this system of rules let the king decide, with equal justice, all disputes between men opposing each other, having ascertained the truth by evidence or the oaths of the parties.

203. One commodity mixed with another shall never be sold as *unmixed*, nor a bad commodity as good, nor *less than agreed on*; nor anything kept at a distance or concealed, *lest some defect in it should be discovered*..

219. The man, among the traders and other inhabitants of a town or district, who breaks a promise through avarice, though he had taken an oath to perform it, let the king banish from his realm.

222. A MAN who has bought or sold anything in this world, *that has a fixed price, and is not perishable, as land or metals*, and wishes to rescind the contract, may give or take back such a thing within ten days.

227. The nuptial texts are a certain rule in regard to wedlock, and the bridal contract is known by the learned to be complete *and irrevocable*, on the seventh step of the married pair, *hand in hand, after those texts have been pronounced.*

245. If a contest arise between two villages, or landholders, concerning a boundary, let the king, or his judge, ascertain the limits in the month of *Jyaisht'ha*, when the landmarks are seen more distinctly.

251. And substances of all sorts which the earth corrodes not even in a long time, should be placed *in jars* not appearing *above ground* on the common boundary.

252. By such marks, or by the course of a stream, and long-continued possession, the judge may ascertain the limit between the lands of two parties in litigation.

262. As to the bounds of arable fields, wells, or pools, gardens and houses, the testimony of next neighbours on every side must be considered as the best means of decision.

264. He who by means of intimidation shall possess himself of a house, a pool, a field, or a garden, shall be fined five hundred *panas*; but only two hundred if he trespassed through ignorance of the right.

309. Be it known, that a monarch who pays no regard to the scriptures, who denies a future state, who acts with rapacity, who protects not his people, yet swallows up their possessions, will sink low indeed *after death.*

341. A twice-born man who is travelling, and whose provisions are scanty, shall not be fined for taking only two sugar-canes, or two esculent roots, from the field of another man.

344. LET not the king, who ardently desires a seat with

INDRA, and wishes for glory, which nothing can change or diminish, endure for a moment the man who has committed atrocious violence, as by robbery, arson, or homicide.

351. By killing an assassin who attempts to kill, whether in public or in private, no crime is committed by the slayer: fury recoils upon fury.

352. MEN who commit overt acts of adulterous inclinations for the wives of others, let the king banish from his realm, having punished them with such bodily marks as excite aversion.

380. Never shall the king slay a *Bráhmén*, though convicted of all possible crimes; let him banish the offender from his realm, but with all his property secure, and his body unhurt.

381. No greater crime is known on earth than slaying a *Bráhmén*; and the king, therefore, must not even form in his mind an idea of killing a priest.

390. LET not a prince, who seeks the good of his own soul, *hastily and alone* pronounce the law; on a dispute concerning any legal observance, among twice-born men in their several orders.

394. NEITHER a blind man, nor an idiot, nor a cripple, nor a man full seventy years old, nor one who confers great benefits on priests of eminent learning, shall be compelled by any *king* to pay taxes.

403. Let all weights and measures be well ascertained by him; and once in six months let him re-examine them.

415. THERE are servants of seven sorts; one made captive under a standard, *or in battle*; one maintained in consideration of service, one born of a female slave in the house, one sold or given, or inherited from ancestors, and one enslaved by way of punishment *on his inability to pay a large fine*.

416. Three persons, a wife, a son, and a slave, are declared by law to have, *in general*, no wealth exclusively their own: the wealth which they may earn, is *regularly* acquired for the man to whom they belong.

417. A *Bráhmén* may seize without hesitation, *if he be distressed for a subsistence*, the goods of his *Súdra* slave; for as

that slave can have no property, his master may take his goods.

418. With vigilant care should the king exert himself in compelling merchants and mechanics to perform their respective duties; for when such men swerve from their duty, they throw this world into confusion.

420. Thus, bringing to a conclusion all these weighty affairs, and removing *from his realm and from himself* every taint of sin, a king reaches the suprême path of beatitude.

CHAPTER IX.

ON THE SAME; AND ON THE COMMERCIAL AND SEVILE CLASS.

1. I now will propound the immemorial duties of man and woman, who must both remain firm in the legal path, whether united or separated.

11. Let the husband keep his wife employed in the collection and expenditure of wealth, in purification and female duty, in the preparation of daily food, and the superintendence of household utensils.

12. By confinement at home, even under affectionate and observant guardians, they are not secure; but those women are truly secure who are guarded by their own good inclinations.

22. Whatever be the qualities of the man with whom a woman is united by lawful marriage, such qualities even she assumes; like a river *united* with the sea.

29. She who deserts not her lord, but keeps in subjection to him her heart, her speech, and her body, shall attain his mansion in heaven; and, by the virtuous in this world, be called *Sádhvî*, or *good and faithful*.

45. Then only is a man perfect, when he consists of *three persons united*, his wife, himself, and his son; and thus have learned *Bráhmens* announced this *maxim*: "The husband is

even one person with his wife," *for all domestic and religious, not for all civil purposes.*

46. Neither by sale nor desertion can a wife be released from her husband: thus we fully acknowledge the law enacted of old by the Lord of creatures.

47. Once is the partition of an inheritance made; once is a damsel given in marriage; and once does a man say "I give:" these three are, by good men, done once for all, *and irrevocably.*

57. The wife of an elder brother is considered as mother-in-law to the younger; and the wife of the younger, as daughter-in-law to the elder.

59. On failure of issue by the husband, *if he be of the servile class*, the desired offspring may be procreated, either by his brother or some other *sapinda*, on the wife, who has been duly authorized.

68. Since his time the virtuous disapprove of that man who, through delusion of mind, directs a widow *to receive the caresses of another* for the sake of progeny.

69. The damsel, *indeed*, whose husband shall die after troth verbally plighted, *but before consummation*, his brother shall take in marriage according to this rule:

72. **EVEN** though a man have married a young woman in legal form, yet he may abandon her if he find her blemished, afflicted with disease, or previously deflowered, and given to him with fraud:

74. **SHOULD** a man have business abroad, let him assure a fit maintenance to his wife, and then reside *for a time* in a foreign country; since a wife, even though virtuous, may be tempted to act amiss, if she be distressed by want of subsistence:

75. While her husband, having settled her maintenance, resides abroad, let her continue firm in religious austerities; but if he leave her no support, let her subsist by *spinning and other* blameless arts.

76. If he live abroad on account of some sacred duty, let her wait for him eight years; if on account of knowledge or fame, six; if on account of pleasure, three; *after those terms have expired she must follow him.*

77. For a whole year, let a husband bear with his wife, who treats him with aversion; but after a year, let him deprive her of her separate property, and cease to cohabit with her.

81. A barren wife may be superseded by another in the eighth year; she whose children are all dead, in the tenth; she who brings forth *only* daughters, in the eleventh; she who speaks unkindly, without delay;

82. But she who, though afflicted with illness, is beloved and virtuous, must never be disgraced, though she may be superseded by another wife with her own consent.

90. Three years let a damsel wait, though she be marriageable; but after that term let her choose for herself a bridegroom of equal rank.

91. If, not being given in marriage, she choose her bridegroom, neither she, nor the youth chosen, commits any offence;

92. But a damsel thus electing her husband, shall not carry with her the ornaments which she received from her father, nor those given by her mother, or brethren: if she carry them away, she commits theft.

96. To be mothers were women created; and to be fathers, men; religious rites, therefore, are ordained in the *Véda*, to be performed *by the husband* together with the wife.

97. If a nuptial gratuity has actually been given to a damsel, and he who gave it should die *before marriage*, the damsel shall be married to his brother if she consent.

99. Neither ancients nor moderns, who were good men, have ever given a damsel in marriage after she had been promised to another man.

101. "Let mutual fidelity continue till death:" this, in few words, may be considered as the supreme law between husband and wife.

108. Let the father alone support his sons; and the first-born, his younger brothers, and let them behave to the eldest according to law, as children *should behave* to their father.

109. The first-born, *if virtuous*, exalts the family, or, *if vicious*, destroys it: the first-born is in this world the most respectable, and the good never treat him with disdain.

114. Of all the goods collected let the first-born, *if he be transcendently learned and virtuous*, take the best article, whatever is most excellent in its kind, and the best of ten cows or the like.

117. Let the eldest have a double share, and the next born a share and a half, *if they clearly surpass the rest in virtue and learning*; the younger sons must have each a share: *if all be equal in good qualities, they must all take share and share alike*.

118. To the *unmarried* daughters *by the same mother*, let their brothers give portions out of their own allotments respectively, *according to the classes of their several mothers*: let each give a fourth part of his own distinct share; and they who refuse to give it shall be degraded.

125. As between sons born of wives equal in their class, *and without any other distinction*, there can be no seniority in right of the mother; but the seniority ordained by law is according to the birth.

127. He who has no son may appoint his daughter in this manner to raise up a son for him, *saying*, "The male child who shall be born from her in wedlock, shall be mine for the purpose of performing my obsequies."

131. Property given to the mother on her marriage, is inherited by her *unmarried* daughter; and the son of a daughter, *appointed in the manner just mentioned*, shall inherit the whole estate of her father, who leaves no son *by himself begotten*.

134. But a daughter having been appointed to produce a son for her father, and a son, *begotten by himself*, being afterwards born, the division of the heritage must in that case be equal; since there is no right of primogeniture for a woman.

189. The property of a *Bráhmén* shall never be taken *as an escheat* by the king; this is a fixed law: but the wealth of the other classes, on failure of all heirs, the king may take.

192. ON the death of the mother, let all the uterine brothers and the uterine sisters, *if unmarried*, equally divide the maternal estate: *each married sister shall have a fourth part of a brother's allotment*.

194. WHAT was given before the nuptial fire, what was given

on the bridal procession, what was given in token of love, and what was received from a brother, a mother, or a father, are considered as the sixfold *separate* property of a *married* woman :

195. What she received after marriage from the family of her husband, and what her affectionate lord may have given her, shall be inherited, even if she die in his lifetime, by her children.

213. Any eldest brother, who, from avarice, shall defraud his younger brother, shall forfeit *the honours* of his primogeniture, be deprived of his own share, and pay a fine to the king.

214. All those brothers who are addicted to any vice, lose their title to the inheritance: the first-born shall not appropriate it to himself, but shall give shares to the youngest, *if they be not vicious*.

227. Even in a former creation was this *vice of gaming* found a great provoker of enmity: let no sensible man, therefore, addict himself to play even for his amusement:

228. On the man addicted to it, either privately or openly, let punishment be inflicted at the discretion of the king.

232. Such as forge royal edicts, cause dissensions among the great ministers, or kill women, priests, or children, let the king put to death; and such as adhere to his enemies.

249. A king is pronounced equally unjust in releasing the man who deserves punishment, and in punishing the man who deserves it not: he is just who always inflicts the punishment ordained by law.

253. By protecting such as live virtuously, and by rooting up such as live wickedly, those kings whose hearts are intent on the security of their people, shall rise to heaven.

257. Open rogues are they who subsist by cheating in various marketable commodities; and concealed rogues are they who steal and rob in forests and the like secret places.

262. Then, having fully proclaimed their respective criminal acts, let the king inflict punishment legally, according to the crimes proved;

263. Since, without certain punishment, it is impossible to

restrain the delinquency of scoundrels with depraved souls, who secretly prowl over this earth.

274. They who give no assistance on the plundering of a town, on the forcible breaking of a dyke, or on seeing a robbery on the highway, shall be banished with their cattle and utensils.

275. Men who rob the king's treasure, or obstinately oppose his commands, let him destroy by various modes of just punishment; and those who encourage his enemies.

280. Those who break open the treasury, or the arsenal, or the temple of a deity, and those who carry off royal elephants, horses, or cars, let him, without hesitation, destroy.

312. Engaged in these duties and in others, with continual activity, let the king, *above all things*, restrain robbers, both in his own territories and in those of other princes, *from which they come, or in which they seek refuge*.

322. The military class cannot prosper without the sacerdotal, nor can the sacerdotal be raised without the military: both classes by cordial union are exalted in this world and in the next.

323. SHOULD the king *be near his end through some incurable disease*, he must bestow on the priests all his riches accumulated from legal fines; and, having duly committed his kingdom to his son, let him seek death in battle, *or, if there be no war, by abstaining from food*.

335. Pure *in body and mind*, humbly serving the three higher classes, mild in speech, never arrogant, ever seeking refuge in *Bráhmens* principally, he may attain the most eminent class *in another transmigration*.

CHAPTER X.

ON THE MIXED CLASSES; AND ON TIMES OF DISTRESS.

3. FROM priority of birth, from superiority of origin, from a more exact knowledge of scripture, and from a distinction in the sacrificial thread, the *Bráhmen* is the lord of all classes.

4. The three twice-born classes are the sacerdotal, the mili-

tary, and the commercial; but the fourth, or servile, is once-born, *that is, has no second birth from the gáyatrì, and wears no thread*: nor is there a fifth pure class.

5. IN all classes they, and they only, who are born, in a direct order, of wives equal in class, and virgins at the time of marriage, are to be considered as the same class *with their fathers*.

24. By intermixtures of the classes, by their marriages with women who ought not to be married, and by their omission of prescribed duties, impure classes have been formed.

28. As a twice-born son may spring from a *Bráhmén*, by women of two classes out of three, a *similar son*, when there is no interval, and an *equal son* from a woman of his own class, it is thus in the case of the low tribes in order.

29. Those six beget, on women of their own tribes, reciprocally, very many despicable and abject races even more foul than their begetters.

30. Even as a *Súdra* begets, on a *Bráhménì* woman, a son more vile than himself, thus any other low man begets, on *women of the four classes*, a son yet lower.

42. By the force of extreme devotion and of exalted fathers, all of them may rise *in time* to high birth, as, *by the reverse*, they may sink to a lower state, in every age among mortals in this inferior world.

46. THOSE sons of the twice-born who are said to be degraded, and who are considered as low-born, shall subsist only by such employments as the twice-born despise.

57. HIM who was born of a sinful mother, *and consequently* in a low class, but is not openly known, who, though worthless in truth, bears the semblance of a worthy man, let people discover by his acts:

58. Want of virtuous dignity, harshness of speech, cruelty, and habitual neglect of prescribed duties, betray, in this world, the son of a criminal mother.

62. Desertion of life without reward, for the sake of preserving a priest or a cow, a woman or a child, may cause the beatitude of those base-born tribes.

63. Avoiding all injury to *animated beings*, veracity, abstinence from theft, and from *unjust seizure of property*, cleanliness, and command over the bodily organs, form the compendious system of duty which MENU has ordained for the four classes.

64. SHOULD the tribe sprung from a *Bráhmén* by a *Súdra* woman produce a *succession of children*, by the marriages of its women with other *Bráhméns*, the low tribe shall be raised to the highest in the seventh generation.

65. As the son of a *Súdra* may thus attain the rank of a *Bráhmén*, and as the son of a *Bráhmén* may sink to a level with *Súdras*, even so must it be with him who springs from a *Cshatrya*; even so with him who was born of a *Vaisya*.

80. Among the several occupations for *gaining a livelihood*, the most commendable respectively for the sacerdotal, military, and mercantile classes, are teaching the *Véda*, defending the people, and commerce, or keeping herds and flocks.

81. Yet a *Bráhmén*, unable to subsist by his duties just mentioned, may live by the duty of a soldier; for that is the next in rank.

82. If it be asked, how he must live, should he be unable to get a subsistence by either of those employments, *the answer is*, he may subsist as a mercantile man, applying himself *in person* to tillage and attendance on cattle.

95. A MILITARY man, in distress, may subsist by all these means; but at no time must he have recourse to the highest or sacerdotal function.

96. A man of the lowest class, who, through covetousness, lives by the acts of the highest, let the king strip of all his wealth and instantly banish:

97. His own office, though defectively performed, is preferable to that of another, though performed completely; for he who, *without necessity* discharges the duties of another class, immediately forfeits his own.

98. A MERCANTILE man, unable to subsist by his own duties, may descend even to the servile acts of the *Súdra*, taking care never to do what ought never to be done: but when he has gained a competence, let him depart from service.

99. A MAN of the fourth class, not finding employment by waiting upon the twice-born, while his wife and son are tormented with hunger, may subsist by handicrafts :

100. Let him principally follow those mechanical occupations *as joining and masonry*, or those various practical arts, *as painting and writing*, by following of which he may serve the twice-born.

115. THERE are seven virtuous means of acquiring property : succession, occupancy or donation, and purchase or exchange, *which are allowed to all classes* ; conquest, *which is peculiar to the military class* ; lending at interest, husbandry, or commerce, *which belong to the mercantile class* ; and acceptance of presents, *by the sacerdotal class*, from respectable men.

121. If a *Súdra* want a subsistence, *and cannot attend a priest*, he may serve a *Cshatriya* ; or, *if he cannot wait on a soldier by birth*, he may gain his livelihood by serving an opulent *Vaisya*.

127. Even *Súdras* who are anxious to perform their entire duty, and, knowing what they should perform, imitate the practice of good men *in the household sacraments*, but without any holy text, *except those containing praise and salutation*, are so far from sinning, that they acquire just applause :

128. As a *Súdra*, without injuring another man, performs the *lawful acts of the twice-born*, even thus, without being censured, he gains exaltation in this world and in the next.

129. No *superfluous* collection of wealth must be made by a *Súdra*, even though he has power to make it, since a servile man, who has amassed riches, *becomes proud, and, by his insolence or neglect*, gives pain even to *Bráhmens*.

130. SUCH, as have been fully declared, are the several duties of the four classes in distress for subsistence ; and, if they perform them exactly, they shall attain the highest beatitude.

CHAPTER XI.

ON PENANCE AND EXPIATION.

1. HIM, who intends to marry for the sake of having issue; him, who wishes to make a sacrifice; him, who travels; him, who has given all his wealth at a sacred rite; him, who desires to maintain his preceptor, his father, or his mother; him, who needs a maintenance for himself, when he first reads the *Véda*; and him, who is afflicted with illness;

2. These nine *Bráhmens* let mankind consider as virtuous mendicants, called *snátacas*; and to relieve their wants, let gifts of *cattle or gold* be presented to them, in proportion to their learning:

9. HE who bestows gifts on strangers, *with a view to worldly fame*, while he suffers his family to live in distress, though he has power to *support them*, touches his lips with honey, but swallows poison; such virtue is counterfeit:

10. Even what he does for the sake of his future spiritual body, to the injury of those whom he is bound to maintain, shall bring him ultimate misery both in this life and in the next.

18. The wealth of a virtuous *Bráhmen* must at no time be seized by a *Cshatriya*; but, having no other means to *complete a sacrifice*, he may take the goods of any man who acts wickedly, and of any who performs not his religious duties:

19. He who takes property from the bad, *for the purpose before mentioned*, and bestows it on the good, transforms himself into a boat, and carries both *the good and the bad* over a sea of calamities.

21. Let no pious king fine the man *who takes by stealth, or by force, what he wants to make a sacrifice perfect*, since it is the king's folly that causes the hunger or wants of a *Bráhmen*:

22. Having reckoned up the persons whom the *Bráhmen* is obliged to support, having ascertained his divine knowledge and moral conduct, let the king allow him a suitable maintenance from his own household;

34. A soldier may avert danger from himself by the strength of his arm; a merchant and a mechanic, by their property; but the chief of the twice-born, by holy texts and oblations to fire.

44. EVERY man who does not an act prescribed, or does an act forbidden, or is guilty of excess, *even in legal gratifications of the senses*, must perform an expiatory penance.

45. Some of the learned consider an expiation as confined to involuntary sin; but others, from the evidence of the *Véda*, hold it effectual even in the case of a voluntary offence:

46. A sin, involuntarily committed, is removed by repeating certain texts of the scripture; but a sin committed intentionally, through strange infatuations, by harsh penances of different sorts.

48. Some evil-minded persons, for sins committed in this life, and some for bad actions in a preceding state, suffer a morbid change in their bodies:

54. Penance, therefore, must invariably be performed for the sake of expiation; since they who have not expiated their sins, will again spring to birth with disgraceful marks.

57. Forgetting the texts of scripture, showing contempt of the *Véda*, giving false evidence *without a bad motive*, killing a friend *without malice*, eating things prohibited, or, *from their manifest impurity*, unfit to be tasted, are six crimes nearly equal to drinking spirits; *but perjury and homicide require, in atrocious cases, the harshest expiation.*

216. A total fast for twelve days *and nights*, by a penitent with his organs controlled and his mind attentive, is the penance named *paráca*, which expiates all *degrees of guilt.*

228. By open confession, by repentance, by devotion, and by reading the scripture, a sinner may be released from his guilt; or by almsgiving, in case of his inability *to perform the other acts of religion.*

229. In proportion as a man, who has committed a sin, shall truly and voluntarily confess it, so far he is disengaged from that offence, like a snake from his slough;

230. And in proportion as his heart sincerely loathes his

evil deed, so far shall his vital spirit be freed from the taint of it.

231. If he commit sin, and actually repent, that sin shall be removed from him; but if he merely say, "I will sin thus no more," he can only be released by an actual abstinence from guilt.

232. Thus revolving in his mind the certainty of retribution in a future state, let him be constantly good in thoughts, words, and action.

233. If he desire complete remission of any foul act which he has committed, either ignorantly or knowingly, let him beware of committing it again: *for the second fault his penance must be doubled.*

236. Devotion is *equal to the performance of all duties; it is divine knowledge in a Bráhmen; it is defence of the people in a Cshatriya; devotion is the business of trade and agriculture in a Vaisya; devotion is dutiful service in a Súdra.*

239. Whatever is hard to be traversed, whatever is hard to be acquired, whatever is hard to be visited, whatever is hard to be performed, all this may be accomplished by true devotion; for the difficulty of devotion is the greatest of all.

240. Even sinners in the highest degree, and of course the other offenders, are absolved from guilt by austere devotion well practised.

242. Whatever sin has been conceived in the hearts of men, uttered in their speech, or committed in their bodily acts, they speedily burn it all away by devotion, if they preserve devotion as their best wealth.

244. Even BRAHMA, lord of creatures, by devotion enacted this code of laws; and the sages by devotion acquired a knowledge of the *Védas*.

245. Thus the Gods themselves, observing in this universe the incomparable power of devotion, have proclaimed aloud the transcendent excellence of pious austerity.

246. By reading each day as much as possible of the *Véda*, by performing the *five* great sacraments, and by forgiving all injuries, even sins of the highest degree shall soon be effaced:

247. As fire consumes in an instant, with his bright flame, the wood that has been placed on it, thus, with the flame of knowledge, a *Bráhmén*, who understands the *Véda*, consumes all sin.

248. Thus has been declared, according to law, the mode of atoning for open sins: now learn the mode of obtaining absolution for secret offences.

249. SIXTEEN suppressions of the breath, *while the holiest of texts is repeated* with the three mighty words, and the trilateral syllable, continued each day for a month, absolve even the slayer of a *Bráhmén* from his hidden faults.

266. The primary trilateral syllable, in which the three *Védas* themselves are comprised, must be kept secret, as another triple *Véda*: he knows the *Véda* who *distinctly* knows the *mystic sense* of that word.

CHAPTER XII.

ON TRANSMIGRATION AND FINAL BEATITUDE.

1. O THOU, who art free from sin, *said the devout sages*, thou hast declared the whole system of duties ordained for the four classes of men: explain to us now from the first principles, the ultimate retribution for their deeds.

2. BHĀĪGU, whose heart was the pure essence of virtue, who proceeded from MENU himself, thus addressed the great sages: Hear the infallible rules for *the fruit of deeds* in this universe.

3. ACTION, either mental, verbal, or corporeal, bears good or evil, *as itself is good or evil*; and from the actions of men proceed their various transmigrations in the highest, the mean, and the lowest degree:

4. Of that threefold action, connected with bodily functions, disposed in three classes, and consisting of ten orders, be it known in this world, that the heart is the instigator.

5. Devising means to appropriate the wealth of other men, resolving on any forbidden deed, and conceiving notions of atheism or materialism, are the three bad acts of the mind:

6. Scurrilous language, falsehood, indiscriminate backbiting, and useless tattle, are the four bad acts of the tongue :

7. Taking effects not given, hurting sentient creatures without the sanction of law, and criminal intercourse with the wife of another, are the three bad acts of the body ; *and all the ten have their opposites, which are good in an equal degree.*

8. A rational creature has a reward or a punishment for mental acts, in his mind ; for verbal acts, in his organs of speech ; for corporeal acts, in his bodily frame.

9. For sinful acts mostly corporeal, a man shall assume *after death* a vegetable or mineral form ; for such acts mostly verbal, the form of a bird or a beast ; for acts mostly mental, the lowest of human conditions :

10. He whose firm understanding obtains a command over his words, a command over his thoughts, and a command over his whole body, may justly be called a *tridandî*, or *triple commander* ; *not a mere anchoret, who bears three visible staves.*

11. The man who exerts this triple self-command, with respect to all animated creatures, wholly subduing both lust and wrath, shall by those means obtain beatitude.

14. Those two, the vital spirit and reasonable soul, are closely united with *five* elements, but connected with the Supreme Spirit, or divine essence, which pervades all beings, high and low.

15. From the substance of that *Supreme Spirit* are diffused, *like sparks from fire*, innumerable vital spirits, which perpetually give motion to creatures exalted and base.

16. By the vital souls of those men who have committed sins *in the body reduced to ashes*, another body, composed of *nerves with five sensations*, in order to be susceptible of torment, shall certainly be assumed after death ;

17. And, being intimately united with those minute nervous particles, according to their distribution, they shall feel in that new body the pangs inflicted in each case by the sentence of **YAMA.**

18. When the vital soul has gathered the fruit of sins, which arise from a love of sensual pleasure, but must produce

misery, and, when its taint has thus been removed, it approaches again those two most effulgent essences, *the intellectual soul and the divine spirit* :

19. They two, closely conjoined, examine without remission the virtues and vices of that sensitive soul, according to its union, with which it acquires pleasure or pain in the present and future worlds.

24. BE it known, that the three qualities of the rational soul are a tendency to goodness, to passion and to darkness ; and endowed with one or more of them, it remains incessantly attached to all these created substances :

25. When any one of the *three* qualities predominates in a mortal frame, it renders the embodied spirit eminently distinguished for that quality.

26. Goodness is declared to be true knowledge ; darkness, gross ignorance ; passion, an emotion of desire or aversion : such is the compendious description of those qualities which attend all souls.

27. When a man perceives in the reasonable soul a disposition tending to virtuous love, unclouded with any malignant passion, clear as the purest light, let him recognize it as the quality of goodness :

28. A temper of mind which gives uneasiness and produces disaffection, let him consider as the adverse quality of passion, ever agitating embodied spirits :

29. That indistinct, inconceivable, unaccountable disposition of a mind naturally sensual, and clouded with infatuation, let him know to be the quality of darkness.

31. Study of scripture, austere devotion, sacred knowledge, corporeal purity, command over the organs, performance of duties ; and meditation on the divine spirit, accompany the good quality of the soul :

32. Interested motives for acts of *religion or morality*, perturbation of mind on slight occasions, commission of acts forbidden by law, and habitual indulgence in selfish gratifications, are attendant on the quality of passion :

33. Covetousness, indolence, avarice, detraction, atheism,

omission of prescribed acts, a habit of soliciting favours, and inattention to necessary business, belong to the dark quality.

35. Let the wise consider, as belonging to the quality of darkness, every act which a man is ashamed of having done, of doing, or of going to do.

36. Let them consider, as proceeding from the quality of passion, every act by which a man seeks exaltation and celebrity in this world, though he may not be much afflicted, if he fail of attaining his object.

37. To the quality of goodness belongs every act by which he hopes to acquire divine knowledge, which he is never ashamed of doing, and which brings placid joy to his conscience.

38. Of the dark quality, as described, the principal object is pleasure; of the passionate, worldly prosperity; but of the good quality, the chief object is virtue: the last-mentioned *objects* are superior in dignity.

39. SUCH transmigrations as the soul procures in this universe by each of those qualities, I now will declare in order succinctly.

40. Souls endued with goodness, attain always the state of deities; those filled with ambitious passions, the condition of men; and those immersed in darkness, the nature of beasts: this is the triple order of transmigration.

68. That man, who designedly takes away the property of another, or eats any holy cakes not first presented to the *Deity* at a solemn rite, shall inevitably sink to the condition of a brute.

73. As far as vital souls, addicted to sensuality, indulge themselves in forbidden pleasures, even to the same degree shall the acuteness of their senses be raised in *their future bodies, that they may endure analogous pains*;

74. And, in consequence of their folly, they shall be doomed, as often as they repeat their criminal acts, to pains more and more intense in despicable forms on this earth.

77. They shall assume the forms of beasts continually miserable, and suffer alternate afflictions from extremities of cold and of heat, surrounded with terrors of various kinds:

79. Then shall follow separations from kindred and friends,

forced residence with the wicked, painful gains and ruinous losses of wealth; friendships hardly acquired, and at length changed into enmities;

80. Old age without resource, diseases attended with anguish, pangs of innumerable sorts, and, lastly, unconquerable death.

81. With whatever disposition of mind a man shall perform in this life any act, *religious or moral*, in a future body endued with the same quality, shall he receive his retribution.

84. Among all those good acts performed in this world, *said the sages*, is no single act held more powerful than the rest in leading men to beatitude?

85. Of all those duties, *answered* БУДЬГУ, the principal is to acquire from the *Upanishads* a true knowledge of one supreme GOD; that is the most exalted of all sciences, because it ensures immortality;

86. In this life, indeed, as well as the next, the study of the *Véda*, to acquire a knowledge of GOD, is held the most efficacious of those six duties in procuring felicity to man;

87. For in the knowledge and adoration of one GOD, which the *Véda* teaches, all the rules of good conduct, *before mentioned* in order, are fully comprised.

88. The ceremonial duty, prescribed by the *Véda*, is of two kinds; *one* connected with this world, and causing prosperity on earth; *the other* abstracted from it, and procuring bliss in heaven.

89. A religious act, proceeding from selfish views in this world, *as a sacrifice for rain*, or in the next, *as a pious oblation in hope of a future reward*, is declared to be concrete and interested; but an act performed with a knowledge of God, and without self-love, is called abstract and disinterested.

91. Equally perceiving the supreme soul in all beings, and all beings in the supreme soul, he sacrifices his own spirit by fixing it on the spirit of GOD, and approaches the nature of that sole divinity who shines by his own effulgence.

94. To patriarchs, to deities, and to mankind, the scripture is an eye giving constant light; nor could the *Véda Sástra* have

been made by human faculties; nor can it be measured by human reason *unassisted by revealed glosses and comments*: this is a sure proposition.

95. Such codes of law as are not grounded on the *Véda*, and the various heterodox theories of men, produce no good fruit after death; for they all are declared to have their basis on darkness.

96. All systems which are repugnant to the *Véda*, must have been composed by mortals, and shall soon perish: their modern date proves them vain and false.

100. Command of armies, royal authority, power of inflicting punishment, and sovereign dominion over all nations, he only well deserves, who perfectly understands the *Véda Sástra*.

105. Three modes of proof, ocular demonstration, logical inference, and the authority of those various books which are deduced from the *Véda*, must be well understood by that man who seeks a distinct knowledge of all his duties.

108. If it be asked, how the law shall be ascertained when particular cases are not comprised *under any of the general rules, the answer is this*: "That which well-instructed *Bráhmens* propound shall be held incontestable law."

109. Well-instructed *Bráhmens* are they who can adduce ocular proof from the scripture itself, having studied as the law ordains, the *Védas* and their extended branches, or *Védangas*, *Mímánsà*, *Nyáya*, *Dherma sástra*, *Puránas*.

110. A point of law, *before not expressly revealed*, which shall be decided by an assembly of ten such virtuous *Bráhmens* under one chief, or, *if ten be not procurable*, of three such, under one president, let no man controvert.

118. Let every *Bráhmen* with fixed attention consider all nature, both visible and invisible, as existing in the Divine Spirit; for when he contemplates the boundless universe existing in the Divine Spirit, he cannot give his heart to iniquity:

119. The Divine Spirit alone is the whole assemblage of gods; all worlds are seated in the Divine Spirit; and the Divine Spirit, no doubt, produces, *by a chain of causes and effects consistent with free will*, the connected series of acts performed by embodied souls.

120. We may contemplate the subtile ether in the cavities of his body; the air, in his muscular motion and sensitive nerves; the supreme *solar and igneous* light, in his digestive heat and his visual organs; in his corporeal fluids, water; in the terrene parts of his fabric, earth;

121. In his heart, the moon; in his auditory nerves, the guardians of eight regions; in his progressive motion, *VISHNU*; in his muscular force, *HARA*; in his organs of speech, *AGNI*; in excretion, *MITRA*; in procreation, *BRAHMA*:

122. But he must consider the supreme omnipresent intelligence as the sovereign lord of them all, *by whose energy alone they exist*; a spirit, *by no means the object of any sense*, which can only be conceived by a mind *wholly abstracted from matter*, and as it were slumbering; but which, *for the purpose of assisting his meditation*, he may imagine more subtile than the finest conceivable essence, and more bright than the purest gold.

123. Him some adore as transcendently present in elementary fire; others, in *MENU*, lord of creatures, *or an immediate agent in the creation*; some, as more distinctly present in *INDRA*, *regent of the clouds and the atmosphere*; others, in pure air; others, in the Most High Eternal Spirit.

124. It is He who, pervading all beings in five elemental forms, causes them, by the gradations of birth, growth, and dissolution, to revolve in this world *until they deserve beatitude*, like the wheels of a car.

125. Thus the man who perceives in his own soul the supreme soul present in all creatures, acquires equanimity toward them all, and shall be absolved at last in the highest essence, even that of the Almighty himself.

APPENDIX II.

Note at p. 33.

“ June 27.—Met a young Jangum priest, who, to a smattering of Vedantism, added a vast amount of assurance. He began to discourse very learnedly, as he thought, on the spirituality of God, His holiness, omnipresence, and omnipotence. * * * I quietly pointed to a Saiva temple on the opposite side of the road, and asked him whether he made *puja* regularly to the image of Nundi that was there? He answered in the affirmative with great reluctance. I then taxed him with his great inconsistency in worshipping, and teaching the people to worship, a stone image of a bull, while he believed that God was a spiritual, holy, and omnipotent Being. He tried to get out of the difficulty by saying that the people’s ideas were too gross, and that it was necessary for him to adapt his teaching to their tastes.

“ June 28.—I again met the young Jangum priest. He had a manuscript copy of the Bhugavat Gita in his hand, and told me, if I would listen to some of the verses, he would show me all that I had been teaching the people was contained in that work, and that Christianity could teach the Hindoos nothing new about the Way of Salvation.”

APPENDIX III.

Note at p. 60.

It may be needful, in providing laws or regulations for the native Christians, to yield particular attention to the peculiarities of the most ancient as well as the most numerous classes of Christians, who receive from the Hindoos the names

of Nuzarane Moplay, or Surians, or Surianee Moplay. These Christians were originally settled by their founder, Mar Thomé, on the southern provinces of the Malabar coast, in consequence of the persecution of Theodosius II., the Greek emperor, of the Nestorian Christians in Syria, whence they fled, and were cheerfully received by the rajahs of Travancore and Cochin, about the middle of the fifth century.

On the arrival of the Portuguese, they pretended that the conversion of these Christians had been the work of St. Thomas the Apostle.

A minute account of the Syrian Christians in Travancore and Cochin, their origin and settlement in those provinces, will be found in vol. vii. of "Asiatic Researches," published in 1803, when it was computed their numbers amounted to 150,000, after suffering much reduction by persecution and successive revolutions, placing their confidence in that Divine Spirit which a Christian faith would assuredly inculcate, by confirming the promises held forth for their comfort by redemption through the atonement of our blessed Redeemer.

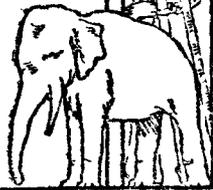
WAR-PAMPHLETS



WHAT INDIA OWES THE BRITISH NAVY

$\frac{A}{P} 3$

PRICE ONE ANNA



FORD • • UNIVERSITY • • PRESS

What India Owes the British Navy

“At this grave moment in our national history I send to you, and through you to the officers and men of the Fleets of which you have assumed command, the assurance of my confidence that under your direction they will revive and renew the old glories of the Royal Navy, and prove once again the sure shield of Britain and of her Empire in the hour of trial.”

**HIS MAJESTY THE KING-EMPEROR'S MESSAGE TO ADMIRAL
SIR JOHN JELlicoe ON AUGUST 4TH, 1914.**

“It is upon the Nav that, under the good Providence of God, the wealth, prosperity and peace of these islands and of the Empire do mainly depend.”

THE ARTICLES OF WAR.

“The might of Great Britain and the unquestioned supremacy of the All-powerful Navy of our King-Emperor have kept the War away from our shores.”

HIS HIGHNESS THE MAHARAJA OF BIKANER.

On the last Anniversary of Lord Nelson's great victory of Trafalgar, the victory which saved Great Britain from the ambitions of Napoleon, thirty million people in America passed a resolution paying a tribute to the stupendous work of the Navy. “Understanding the full significance of the part the British Navy has been privileged to play in liberating the world from autocracy and misrule and appreciating particularly its gallant and efficient work in transporting and conveying American men and supplies with so little loss as to constitute an achievement which must stand for ever among the most glorious annals of the Great War, we, the people of America numbering over thirty millions assembled in our churches, lodges and other meeting places, desire that this expression of our lasting gratitude and enduring esteem be conveyed to the officers and men of the British Navy and to the peoples of the British Empire.”

What India Owes the British Navy

What has the Navy done for India? What does India owe to it? These are the questions which we shall try to answer.

In the first place, India owes to the British Navy her immunity from the horrors of war. No invading armies have camped upon her soil, slaughtered her peaceful populations, and ravaged her rich cities. She has not been crushed like Belgium beneath the iron heel of the German invader, she has not seen her peoples driven homeless and ruined into exile, she has not seen her temples and her mosques foully desecrated by invading armies. Instead, she has been saved from the desolation of warfare, she has been able to carry on her peaceful activities, she has even been able to grow richer through the opportunities for economic expansion which the war has placed before her.

The Navy has saved India from the horrors of a German invasion. We all know what the Germans would have done had they been able to reach India. We have the examples of Belgium, of Serbia, of Roumania, of Russia before our eyes. And, in addition, the Germans have shamelessly told us themselves that they intended to come to India in 1915, that they were going to conquer the country, not merely to occupy it, that streams of Indian gold were to be made to flow into the coffers of Germany. The Kaiser has openly mocked the British for the justice and economy of their rule, and has boasted that, if he came, he would conquer India, and would exploit the country in the way which would bring most money to Germany.

From all this the Navy has saved India. But India does not stand alone; she is a member of the British Empire, and she shares in common with other members of the British Empire the benefits of the great work of the Navy during this war.

6 *WHAT INDIA OWES THE BRITISH NAVY*

What has the work of the Navy been? First, let us remember that right through the war the Navy has stood behind the armies of Great Britain and of her Allies. Without the Navy the forces of the Empire could never have been brought to bear upon the Central Powers: without the Navy France would have been crushed and Germany would have won the victory for which she hoped a few weeks after the Declaration of War. But the Navy prevented all this. Thanks to the Navy, Germany has lost all save one of her colonies—the colonies she hoped to use as bases for military and naval operations. Thanks to the work of the Navy, the forces of the Empire and of the Allies have been linked up, co-ordinated, and brought to bear upon the Germans. Thanks to the Navy, the British Empire has fought no fewer than seven campaigns in different parts of the world—in France, in Italy, in Salonika, in Palestine, in Mesopotamia, in Russia, and in East Africa. The forces employed in these campaigns have stopped the Germans and their friends from carrying out their enterprises. We in India have especial reason for being grateful to the Navy. Without the Navy, not a man of those gallant British and Indian troops, whose exploits have interposed a barrier between our enemies and ourselves, could have been carried to the field where he was most effective. Without the Navy, it would not have been possible to supply these men with the materials of war: in fact without the Navy, the British Empire would have been helpless against Germany. But as it is, the men of the Empire, Indians, Englishmen, Australians, New Zealanders, Canadians, South Africans—men from every part of the earth where the British flag flies, have been carried safely to the place where they could best strike their blow for the freedom of the world and for the destruction of Germany's evil power.

The same thing happened when America came into the war. The foolish Germans looked at the map of the world, and saw that the United States was separated from the

European battlefields by more than three thousand miles of sea. They imagined that with their submarines they would be able to prevent American troops from crossing the Atlantic in sufficient numbers to affect the issues of the war. But what has happened? The Atlantic has been bridged by the Navy, whose untiring vigilance and supreme skill have baffled the submarines. American soldiers were brought to Europe at the rate of more than 200,000 a month. When the armistice was signed there were 2,000,000 Americans in France, and they were still coming. As Lord Curzon recently said:—

“ This great procession of ships, crossing thousands of miles of ocean in regular formation, presenting a large and visible target for attack, hunted and harried as they enter the Danger Zone by an invisible and desperate foe, but guarded by an ever-moving screen for the most part of British Destroyers and British Men-of-War, and weekly landing its complement of men in the ports of England and France, is one of the most impressive spectacles of the war.”

Without the Navy, not a single American could have crossed the ocean to fight side by side with the Allies in the cause of justice and freedom.

Again it is entirely due to the efforts of the Navy that Germany's policy of unrestricted submarinism has failed. If the submarines had succeeded, our armies in France, in Mesopotamia, in Palestine and elsewhere would have withered away. We could not have carried on the war. Great Britain, France and Italy would have been starved. Not a ship could have left the shores of India: her commerce and industry would have been ruined: her imports and exports alike would have entirely ceased: unendurable distress for all classes of her population would have resulted. Germany would have been victorious: she would have conquered the world, and compelled all men to bow their heads to her tyranny. But it has turned out differently. As Mr. Lloyd George recently said:—

8 WHAT INDIA OWES THE BRITISH NAVY

"Our British ships are convoying, patrolling, mine laying, mine sweeping, escorting, chasing submarines over vast and trackless areas. They have destroyed at least 150 of these ocean pests, more than half in the course of last year"

Almost as important as the destruction of Germany's hopes for the submarine campaign has been the Navy's steady economic pressure upon the Central Powers. In 1913, the seaborne trade of Germany and Austria-Hungary amounted to £363,260,000 annually. For two years that trade has been partially arrested: for two years it has been completely stopped, owing to the blockade which the British Navy has maintained. Mr. Lloyd George has spoken of this blockade as follows:—

From Shetland to Greenland, from Greenland to Iceland, from Iceland to the Coast of Norway, the most savage waters in the world, always angry, resenting the intrusion of man by every device known to Nature, for four years these seas have been incessantly patrolled by the British Navy, and they have set up an impenetrable barrier to Germany.

What has been the effect of this on the countries we are fighting?

Austria has been forced to surrender to the Allies; Germany has been compelled to beg for an armistice; Turkey has been obliged to go out of the war. Bulgaria, who was in worse case than any, was the first to yield to the force of pressure, and to surrender unconditionally to the Allies. From the North Sea and Baltic down to the Adriatic and the Mediterranean, starvation stared the enemy in the face. Germany and her friends could not obtain many of the raw materials without which war cannot be carried on. She could not obtain rubber, cotton, copper, and many other things she needed. This not only made the manufacture of munitions

increasingly difficult for her, as her stocks became more and more exhausted, but made her transport, both mechanical and railway transport, far less efficient, because she lacked the material for repairing her motors and her railway waggons as they wore out. The very life was drained out of her by the blockade. Even now her fields are going out of cultivation owing to the absence of fertilisers and the continual withdrawal of labour. For many years to come, she must expect nothing but bad harvests. Even after the termination of the war, both she and her ally Austria have made piteous appeals to the Allies for food.

Just as Germany has experienced all the terrible effects of the supremacy of the British Navy, so have the British Empire and the Allies experienced all the advantages of that Navy's work. From Calcutta, Bombay, Karachi, and other parts of India, scores of ships travel safely to and fro every day, bringing to India the commodities she needs, taking her own products to the world's best markets, and pouring wealth into her coffers. But for the Navy, this state of things could not have continued for an hour. When one single German ship, the 'Emden,' evaded for a short while the vigilance of the Navy, the consternation spread through the Indian mercantile community was great. Commerce and trade were adversely affected, Indian bankers began to refuse advances to their customers, and the whole structure of credit seemed to be imperilled. Before long, however, as everyone knows, the 'Emden' was destroyed by the Navy, and trade activities went on in India as before. But supposing the Navy had failed to catch the "Emden," or supposing that there had been too many 'Emdens' for the Navy to catch. Then indeed would India have formed some idea of the perils from which she is now protected by the ever-watchful Navy of the Empire.

But it is not merely to members of the British Commonwealth of Nations that the Navy has performed services which are beyond all price. Here is what Lord Curzon recently said —

“ Take the case of France alone. We cannot sufficiently express our admiration for the spirit and resolution with which the people of France have over and over again resisted and repelled the invasions of the enemy. We admire her veteran and indomitable Prime Minister, the skill of her commanders, the bravery of her troops, the patriotism and self sacrifice of her citizens. We are proud to fight by their side and in their cause. But, without our aid, this superb effort could never have been made or sustained. Last year we carried to France 45 per cent. of her entire imports, and the same proportion to Italy. We carry to her shores over 50 per cent. of the coal by which her furnaces and forges, her railways and arsenals, are fed. We carry over 60 per cent. of the cereals by which her armies and her civil population are kept alive. We have at this moment 1,000,000 tons of shipping in the service of France, and half a million tons in the service of Italy. We carry to France an enormous amount of the railway material which she uses, the steel and iron—no fewer than 2,000,000 tons of the latter in the last year and a half—of machine guns and trench mortars and every variety of munitions of war, including no fewer than 120,000,000 rounds of small arms ammunitions in the year 1917. This has nothing to do with the British Army in France. How have we been able to do all this? The whole of this economic service depends upon our command of the sea. It has been secured by the predominance of the British Navy. Had we lost command of the sea, we could not have helped our Allies to fight ; we could not even have kept our own population alive. The Navy has kept the seas open for the Mercantile Marine, and the Mercantile Marine has been the life-preserver of our Allies.”

Here are some figures which help to explain the work the Navy has been doing during the last four years. When the war broke out, the tonnage of the Navy was 2,500,000. Now, including the auxiliary fleet of patrol boats, armed liners, mine-sweepers, and so forth, it is 8,000,000—more than three

times as great. At the beginning of the war, the Navy was manned by 145,000 men, now it is manned by almost half a million. These figures refer to the fighting ships alone. In the Navy and the Mercantile Marine taken together, there are at least 1,500,000 men. Under the care of this force, more than 16,000,000 troops have been transported to various corners of the world and only 3,000 have been lost by enemy action. Some 40,000,000 tons of explosives to be used against our foes, some 3,000,000 horses and mules for transport work, some 60,000,000 tons of oil and fuel for the manufacture of munitions and the feeding of railways and motor cars have been carried where they were most wanted by the Navy and Mercantile Marine. **The food and other material moved by British ships about the world since the beginning of the war amounts to more than 200,000,000 tons.**

In what manner has the Navy done all this wonderful work? The question may be answered very simply. First, the German ships were driven from the oceans, and second, the oceans were patrolled ceaselessly by the British Navy.

At the beginning of the war, Germany had a powerful fleet, which was only second in importance to our own. But as soon as war was declared, the German fleet was driven to take refuge in its own harbours. Thrice that fleet has come out, and on each occasion it has been badly beaten, and has only escaped destruction by a miracle. On August 28th, 1914, a German squadron which was cruising in the Bight of Heligoland was caught by the First Light Cruiser Squadron of the Navy, and held in action until our Battle Cruiser Squadron came up. The Navy did not lose a single ship, while the Germans lost two new cruisers, one older cruiser, and several smaller craft. This was the first big naval engagement of the war. On the 24th of January 1915, the Germans made another sally out from their refuge. This time they had a stronger force, consisting of four powerful battle cruisers, several light cruisers, and a number of smaller craft. Again they were met and forced to fly back quickly.

One of their best battle cruisers was sunk, and many of their other ships were severely damaged. Since that time, the German fleet has only ventured out once again. This was on the last day of May 1916. The German High Seas Fleet put to sea in great strength, and sailed a hundred miles or so north of the Jutland Coast. It was engaged by the Light Cruiser Squadron under Sir David Beatty, which, despite heavy losses inflicted by the enemy, contrived to make a brave show until the British Battle Fleet under Admiral Sir John Jellicoe came up and engaged the enemy. The battle was a very severe one, but the Germans were decisively defeated and fled home, in the darkness of the night, having lost some of their finest ships, with most of the remainder out of action. We lost three battle cruisers, three armoured cruisers, and eight destroyers, while the Germans lost three of their best battle ships, one battle cruiser, five light cruisers, six destroyers and one submarine. But more important than the losses inflicted upon the Germans was the moral effect of their defeat. They had learnt once for all that the British Navy was too strong for them, and from that day to this, the German Fleet has remained hiding in the security of its harbours.

At the beginning of the war, it was not only the main German Fleet which the British Navy was called upon to fight. There were several isolated squadrons of German ships, scattered about in various seas, and until these were destroyed or captured, the oceans were not safe for Britain and her Allies. Owing to the speedy conquest, by means of sea-power of most of the German colonies, these squadrons were compelled to rove over the seas like homeless wanderers, until they met their fate. One of the squadrons, under the German Admiral von Spee, succeeded in defeating a small British squadron at the battle of Coronel on the Pacific Coast of South America. Despite the fact that the British ships were smaller and older than the German ships, they engaged them without the slightest hesitation and the brave British Commander, Admiral Cradock, went down

in his flagship with the British flag still flying. This was on the 1st November 1914. But before six weeks had passed, this reverse was amply avenged by a strong British squadron, under Sir F. Doveton Sturdee, who completely destroyed Admiral von Spee and his ships, and restored the supremacy of the Navy in the South American waters.

There were also a number of isolated German ships to be rounded up and destroyed before the safety of the seas was secured. One of the most famous of these ships was the light cruiser 'Emden,' whose exploits in Indian waters we have already mentioned. Evading the British ships which were looking for her she fired some shells into Madras, and continued for some time to sail about the Indian Ocean, destroying merchant ships and doing much damage. What this one small ship was able to do gives some idea of how India would have suffered had the Navy not exercised its constant protection over her coasts. Before long, the British had news of the 'Emden's' whereabouts, and on 9th November 1914, she was finally brought to bay and destroyed at Cocos or Keeling Island, halfway between India and Australia. The ship which destroyed her was the 'Sydney,' a cruiser belonging to the Australian Navy. The engagement was short. After one hour and forty minutes of fighting, the 'Emden' ran ashore, a blazing wreck. All India, in common with the rest of the British Empire, rejoiced to hear of her destruction.

Having cleared the seas of German ships, the Navy has proceeded to patrol them, in order to keep them safe for the shipping of the Allies. Every ocean in the world is patrolled by the vessels of the Navy, and some idea of the gigantic character of the work done is shown by the fact that in the month of June 1918 alone, the British ships of the Navy steamed 8,000,000 miles.

Through the steady and ceaseless watch—for the Navy "never goes into winter quarters"—the oceans of the world have been made safe for the Allies. Men, munitions, raw

materials of all kinds, have thus been transported across every sea for the destruction of Germany and her evil power. In vain by her policy of submarine piracy did she attempt to loosen the grasp which was steadily throttling her. The courage and resourcefulness of the Navy proved, as we have already seen, too much for the submarines, and Germany's last desperate throw of the dice has failed completely.

The British Merchant Service played its full share in securing the defeat of submarinism. The Germans had counted on frightening our sailors, so that they would not venture to put to sea. But they counted in vain. The men of the Merchant Service faced the peril undaunted, and by their heroism and fortitude saved Britain and the Empire from starvation.

Of the courage and resourcefulness of the Navy, it is impossible to say enough. Wherever British seamen have met their foes, they have behaved with a disciplined bravery, a coolness, a fortitude, which are beyond praise. Take the two famous exploits of Zeebrugge and Ostend. These alone would have made the name of any Navy live for ever: but they are just a small link in the long chain of gallant deeds which the Navy has performed, and is performing every day, in the present war.

Zeebrugge and Ostend are two ports on the Belgian Coast, which the Germans until recently occupied and used as bases for their submarines. They were close to the coast of England, and therefore very useful for attacking the shipping which brought men and food and munitions to England and France. The Germans fully expected the Navy would attack these ports, so they fortified them as strongly as they could, and were always on the alert. Yet on the 24th April 1918, a small British squadron set out from Dover, partially destroyed the great mole which guarded Zeebrugge harbour from the waves and sank two ships full of cement in such a way as to block the entrance. The Germans, who, of course, out-numbered the British enormously, made a desperate resistance, but were so surprised at the boldness and daring of the

attack that they were helpless to prevent its success. Every man of the British force was a picked volunteer, and none had any reason to think that he would escape alive. Yet so well planned and so well executed was this gallant exploit that the losses suffered by the attackers were slight. On May 11th, a similar exploit, all the more creditable since the enemy were now thoroughly on the alert, was carried out at Ostend, where the old battleship "Vindictive" which had played a splendid part on the Zeebrugge exploit, was now sunk across the mouth of the harbour. The result of these two enterprises was that, for a long time, the Germans could not make use of Zeebrugge and Ostend as naval ports, and the effect upon the success of the submarine campaign was very marked. Up to the very last days of the war, the Germans could not make use of these ports, for they had not succeeded in clearing them of the obstructions.

Many gallant deeds has the Navy done during the war: but its greatest services to the Empire and to India are those which have been described at the beginning of this pamphlet; the safeguarding of the oceans, the transporting of war material; the strangling of our enemies. This is what Mr. Lloyd George recently said, in describing the Navy's part in the war, and we may take it as a fitting summary of all that we have written previously:—

"Unless the Allies had been completely triumphant at the outset of the war at sea, no efforts on land would have saved them. The British Fleet is mainly responsible for that complete triumph."

What, then does India owe the Navy? Peace, security, and her share with the Empire and the Allies in the victory of civilization over the forces of German barbarism.

**OXFORD UNIVERSITY PRESS
WAR PAMPHLETS.**

- | | | |
|-----------|---|-------|
| 1. | India's Silver Bullets. | An |
| 2. | India's Opportunity | An |
| 3. | Blood and Treasure
Facts and Figures of Britain's Effort,
1914-1917 | 1 An |
| 4. | Blood and Treasure
The Dominions and the War | 1 An |
| 5. | Why America Made War | 1 An |
| 6. | Germany's Eastern Dream | 1 An |
| 7. | Prince Lichnowsky's Mission to London | 4 Ans |
| 8 and 13. | Letters to the Loyal Women of
India (Nos. 3 and 4) each | 1 |
| 9. | Blood and Treasure
India's War Efforts | An |
| 10. | The Indian Soldier
Better Pay and better Prospects | |
| 12. | Germany and her Colonies | 1 An |
| 14. | What India owes to the British Navy | 1 An |
| 15. | Germany's Peace Offers | 1 An |

Other Pamphlets in Preparation.

**HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS**

ELPHINSTONE CIRCLE, BOMBAY

10, ESPLANADE, MADRAS.

Nuclear
Affairs of the
1806.

A

P

AFFAIRS OF ASIA

CONSIDERED IN THEIR EFFECTS

ON THE

LIBERTIES OF BRITAIN,

In a Series of Letters,

ADDRESSED TO

THE MARQUIS WELLESLEY,

LATE GOVERNOR-GENERAL OF INDIA;

Including

A Correspondence with the Government of Bengal, under that Nobleman, and a Narrative of Transactions, involving the Annihilation of the personal Freedom of the Subject, and the Extinction of the Liberty of the Press in India :

WITH THE

MARQUIS'S EDICT for the Regulation of the Press.

BY CHARLES MACLEAN, M. D.

Author of a View of the Science of Life; and an Excursion in France, from the Cessation of Hostilities in 1801, to December 1803, &c.

London :

Printed by C. MACLEAN, Cross-court, Drury-lane; and sold by
J. Quick, No. 393, Strand, and all Booksellers.

1806.

A D V E R T I S E M E N T.

AS virtue is rendered more amiable by the contemplation of vice ; as beauty itself becomes more lovely by the contrast with deformity ; so I am not without hopes, that even the imperfect delineation contained in these pages of some hideous features of despotism, may contribute to heighten the native attractions of freedom.

Bell's Buildings, }
July 9, 1806. }

THE
AFFAIRS OF ASIA
CONSIDERED IN THEIR EFFECTS, &c.

LETTER I.

*Addressed to the Marquis WELLESLEY, late Governor
General of India.*

“Whoever will attentively consider the English history, may observe that the flagrant abuse of any power, by the crown or its ministers, has always been productive of a struggle, which either discovers the exercise of that power to be contrary to law, or (if legal) restrains it for the future.”

Blackstone's Commentaries, vol. iii. p. 155:

MY LORD,

I REJOICE that your arrival in England affords me the opportunity of renewing the subject of our correspondence in India, upon terms of somewhat less inequality. Aware as I am of the weight which, even in this free country, family connections, wealth, and parliamentary influence, throw into the scales of a contest, I feel that it would be paying a bad compliment to the spirit and understanding of the people, when their rights and liberties are invaded, to doubt that they will make common cause in their defence. It is, I believe, an established maxim

of free governments that acts of injustice, tyranny, or oppression, perpetrated against any member of the community, although as facts they may only affect him individually, as precedents equally affect them all. What is my case to-day may be any other man's case to-morrow. The injuries of the individual are therefore the cause of the community; and, as it is his duty to resist, it is their province to punish, every undue exercise of authority.

How far this principle applies to the proceedings which I shall here detail, the public will decide. Holding it to be the first duty of every subject of a free state, if he wishes that the state should continue free, to resist all encroachments, whether in his own person, or on a more general scale, upon the rights and liberties of his country, I glory in having opposed a regular and constitutional resistance to pretensions, I will not say simply unconstitutional; but wholly incompatible with the existence of any degree of freedom. During your administration of India, I made an insinuation, in one of the public newspapers, of improper conduct against a magistrate. You required me to make an apology for that insinuation. I refused to make such apology. You sent me a prisoner to England. This is the sum total of the affair between us. The details and illustrations will be found in the following correspondence.

Let us now see what the magistrate had done, against whom *I insinuated* improper conduct. He only committed to prison, with various circumstances of indignity, a friend of mine, on accusation *by a friend of his* *, of a simple assault, refused to admit him to bail for that offence, and sent him under an escort of soldiers, in an open boat, at the imminent risk of his life, and to the actual injury of his health, in order to be conveyed to Calcutta, an immense distance from the scene of action. (I presume if he had any specific purpose in view) for trial. "In this boat," says my friend, (See Letter No. IV.) "was I confined for upwards of a month, exposed to wind and weather, sitting all night in the rain, and ready to jump overboard, expecting the boat to be dashed to pieces by the severe north westers, prevalent at that time of the year." He adds: "I got a deafness, which I am as yet hardly clear of."

Was it not in consequence of my insinuation, and of some other hints conveyed to your Lordship's ears, through the medium of the Calcutta newspapers, that orders were sent by government to release Mr. Maclean, while yet on his passage, and to permit him to return home, without however putting him in possession of his Indigo-

* Mr. A. Maclean and Mr. B. D'Aguilar, the persons in question, were partners in an indigo-work, of which the former had the management and was in possession.

works, from which it had been the object of a conspiracy to eject him? Did not the same hints also, with the letter of *Habeas Corpus* (of which I regret that I have not a copy) produce a reprimand to the magistrate, and frustrate the ulterior proceedings projected by a junto against Mr. Maclean? A perusal of his Letters No. III. and IV. will plainly shew that the whole was a preconcerted plan; that the assault was purposely provoked, with a view to the ulterior proceedings of ejecting him from the Indigo-works, imprisoning and removing him. But this was not all: a criminal indictment at the suit of the crown, was laid against Maclean in the supreme court of judicature, for this terrible assault, by which manoeuvré D'Aguilar might be cited as a witness in his own cause, and being, in that quality, placed under the protection of the court, would be exempted from the operation of a debt contracted in Calcutta solely on his account, while Maclean was to have been arrested for the very same debt, with which he had no other concern than having, when they were upon friendly terms; unadvisedly (and perhaps with this very object in view on the part of *his friend*) become security for D'Aguilar*. The bill of indictment for the assault was

* Historically it may be worthy of remark that Europeans, residing beyond the provinces of Bengal, Bahar, and Orissa, are not considered under the jurisdiction of the supreme court of judicature, and consequently cannot be forced *by them* to pay their debts. But the Governor-General *may* order them within the provinces;

found by the grand jury, but the prosecution had not commenced when I left India. I have however reason to believe that the various notices given to the public, through the newspapers, quashed the proceedings, and in part frustrated these projects of complicated iniquity *. Even the expiring efforts of the liberty of the press in India were then productive of some good.

The greatest statesmen and legislators from Cicero to Burke, agree that justice is the only solid support of a state: *nec domus nec respublica stare potest, si in ea nec recte factis præmia extent ulla, nec supplicia peccatis.* CIC. Even those of us, who are most alive to these truths, are too ready to pass over solitary instances of injustice as unworthy of notice. We are too apt to believe that they will not recur. It is by such criminal neglect that the liberties and happiness of nations are endangered and lost, while by duly attending to these minutiae, obscure states have risen into greatness: *Parva sunt, sed parva ista non contemnendo majores nos tri maximam hanc rem fecerunt.* LIVY. The arbi-

so that, in some cases, it depends upon *his will*, whether British subjects shall pay their debts!—The district of Benares is beyond these provinces.

* It seems not undeserving of notice, that the legal adviser of the Benares junto, in the case of Mr. Maclean, and of the Governor General, in my case, was one and the same person, the now puisne judge, Sir W. Burroughs, whose absence from this country prevents my making any farther observations on his conduct, than that I have no doubt he merited the additional 1500*l.* a year added by the Marquis Wellesley to his salary.

trary imprisonment and transportation of an individual, will be considered of little importance by those "whose understandings measure the violation of the law by the magnitude of the instance, not by the important consequences which flow directly from the principle." It is not to such men, that I address myself, nor to those "who affecting a character of moderation, in reality consult nothing but their own immediate ease," nor to such as "are weak enough to acquiesce under a flagrant violation of the laws, when it does not directly touch themselves." To persons of this description, I have only to say that I lament a punishment more severe than contempt has not been provided for such despicable supineness.

But I am unwilling to believe that there is yet a man in the kingdom so criminally indifferent as not to be roused, if not from sentiment, at least from a consideration of remote interest, by the series of profligate measures which I shall here present to his view. They are not simply a gradation of private injury, or public wrong, or even an imperfect mixture of both; but an absolute and complete violation, in epitome, of all that is most precious, in the principles of the British Constitution, and that in as complete and perfect a form as it is possible for the human imagination, in civilized times like these, to conceive practicable, in any portion of the British Empire. If

the establishment of a despotism over fifty millions of people, such as these measures infer, and which I shall prove to the satisfaction of every unprejudiced man in the kingdom, be not sufficient to strike a general alarm throughout the land, and to cause the most vigorous measures of enquiry, the national apathy must have already reached a point from which there is no return. Let us here take a cursory view of the stages or degrees by which you completed the climax of despotism. The conduct of the Magistrate of Ghauzeepore in abetting a conspiracy against Mr. Maclean, and yours, my Lord, in abetting the conduct of the Magistrate of Ghauzeepore, cannot be better characterised than in the following words of Blackstone. “ There is yet another
 “ offence against public justice; which is a crime
 “ of deep malignity; and so much the deeper, as
 “ there are many opportunities of putting it in
 “ practice, and the power and wealth of the of-
 “ fenders may often deter the injured from a le-
 “ gal prosecution. This is the *oppression* and
 “ tyrannical partiality of Judges, Justices, and
 “ other *Magistrates*, in the administration and
 “ under the colour of their office. However,
 “ when prosecuted, either by impeachment in
 “ Parliament, or by information in the court of
 “ King’s Bench (according to the rank of the
 “ offenders), it is sure to be severely punished
 “ with forfeiture of their offices (either conse-

“ quential or immediate), fines, imprisonment,
 “ or other discretionary censure, regulated by
 “ the nature and aggravations of the offence com-
 “ mitted.”

But, if such crimes, according to that excellent lawyer, deserve impeachment, what must we think when we find that these were but the mere incipient stages of your progress? That you proceeded in your course with a rapidity worthy of a better cause, and never drew breath until you annihilated the personal freedom of the subject, and extinguished the liberty of the press in India? These offences, whatever they may amount to, I pledge myself to prove by facts the most clear and incontrovertible. It will depend upon others to apply the law and the punishment.— Had not the measures of your administration, my Lord, been stamped with a character of consistency throughout, I should have much doubted whether you were fully aware of even the most immediate consequences of the arbitrary proceedings, which are to be the subject of the following letters. To suppose that you could have perceived them all would I trust be paying too high a complement to your discernment at the expense of your integrity. Did you perceive that, in the single fact of imprisoning and sending an individual to Europe, for refusing to make an apology for having insinuated improper conduct against a magistrate, you were, in effect, asserting

a general principle, that the liberty, property, reputation, and in some degree the life, of every British subject in India, were equally at your disposal? That you had the right of transportation over every individual, who did not pay implicit obedience to your will—a doctrine which you afterwards, indeed, in promulgating your regulations for the press, did not scruple formally to avow * ?

After having asserted this right of transportation for every act of disobedience to your will, and by laying previous restraints upon publications, prevented the possibility of committing offences by the press, it would require some ingenuity to divine means by which you could have taken the law more completely into your own hands, or established a more perfect system of despotism. Although the facts would have been more striking, the principle could not be better illustrated, if you had abolished the courts of justice as useless, and shipped all the judges for Europe.

With respect to the extinction of the liberty of the press, it was the natural consequence, as in-

* The Marquis's regulations for the press have been moved for in parliament. But as the circumstances attending my transportation are essentially connected with, and comprehend a historical detail of, the extinction of the liberty of the press in India, it seems absolutely necessary to the right understanding of the subject that I should consider them together.

deed it was the principal object, of your assumption of the power of transportation in my case. You were probably aware, that while I remained in India, as the proprietor of a newspaper and a magazine, you could never accomplish your grand object of subjecting the press to an *imprimatur*. But finding that you could not with decency avow so profligate a motive, you availed yourself of the ridiculous pretexts of my refusing to make an apology for having insinuated improper conduct against a magistrate, and of my residing in India without a licence, to effect your purpose. This much I think it necessary here to anticipate. The merits of each of these points shall be afterwards separately considered.

You best know, my Lord, whether, during your administration of India, you committed many similar acts of prowess, or were satisfied with the manifestation of your strength in this single instance. This indeed, as the accumulation of instances would not affect the principle, is a matter not of great importance to the public to ascertain. From what has passed in my case alone, we are fully entitled to conclude that, if your Lordship was sometimes graciously pleased to be merciful, you must still have considered yourself as having an undoubted right to exercise the same arbitrary authority over every British subject in India, which you exercised over me. The singularity of the case, if it be singular, would but ag-

gravate the oppression of the individual, without mitigating the offence against the state. But the Court of Directors, or their secret committee, will perhaps have the goodness to inform us, and the public have a right to expect the information, whether transactions, or correspondence, relating to the imprisonment or expulsion of individuals from India, without the form of a trial, have ever been considered as matters of sufficient importance to be communicated to them, by their governors, or to obtain a place upon their records.

Having stated your general object, let me now advert to your Lordship's motives, in the assumption of these very extraordinary powers. They may, for ought I know, have been unexceptionable. With a man of your exalted notions, they could not of course have been founded in personal ambition. You had possibly some grand schemes of happiness for the inhabitants of India, which could only be carried into effect by first depriving them of all free-will. These projects you have perhaps deigned to communicate to the *Secret Committee* of the Court of Directors, and they, with or without the compulsion of the Board of Controul, have perhaps thought proper to approve of your conduct*. Of the sys-

* The Marquis's brother has actually moved that papers be laid before parliament to shew the *approbation* of the Court of Directors of his regulations for the press! It would have been more to the purpose to have shewn that they were necessary or useful.

tem of compulsion under which the Secret Committee of the Court of Directors acts, and the effects it is likely to produce, or has already produced, on the liberties of this country, I shall afterwards have occasion to speak. The motives of the Court of Directors and Board of Controul may have also been quite unexceptionable. But in the conduct of public men we have nothing to do, but with facts. They owe an account of their motives to another tribunal.

Do you, then, really think, my Lord, that with such explanations you will be able to satisfy the people of England? Do you imagine that they are already converted into Asiatics? Your knowledge of the world might have taught you, that men will suffer an invasion of their dearest rights, when they will not bear an insult to their understandings. If a person had spontaneously committed a theft or a robbery, but, finding afterwards that some enquiries were likely to be made by the owners of the property he had taken, he were to tell them, in his vindication, that he had informed his master of what he had done, and that his master highly approved of his conduct, would they not treat him as an impostor, as well as a fool, and a knave?

Pray have the goodness to explain to us, my Lord, wherein this would differ from your case, if you have actually annihilated the personal freedom of the subject and extinguished the liberty

of the press in India, and if you should now attempt to vindicate yourself by alleging the *approbation, not even the order* of your masters? If however you could produce their order twenty times repeated, you must, before it can serve you in any stead, first shew what right your masters have to give that which does not belong to them: you must shew that the fee-simple of the persons and property of fifty millions of his majesty's subjects is vested in the Board of Controul and Court of Directors. Unless you can do this, the orders of these bodies will be no exculpation of your conduct.

But we can comprehend the policy of procuring the approbation of your masters to measures which cannot stand upon their own merits. Although it cannot excuse you, it may lessen, by dividing, the odium; and, by increasing the number of accomplices, augment the chances of impunity. At all events, my Lord, your conduct and your language have been perfectly intelligible, and we owe you obligations for coming so fairly to an issue. The grand experiment must now be made, whether the British Constitution is for ever to fall, or that complex Asiatic machinery, which has been so long silently operating its destruction, to be overthrown.

This is precisely a case calculated to remove uncertainties on several points of the highest importance to the public. The manner of its

reception will enable us at once to ascertain whether the inroads that have been made, particularly for the last few years, on the freedom of public discussion, have paralysed beyond redemption the wonted energies of the British mind ; whether, in respect to every grand or liberal sentiment, we are in a state of advancement or retrogradation, and whether we are in the actual enjoyment of civil and political liberty, or the vaunted blessings of our Constitution be mere mockery and delusion. There cannot, I think, be a fitter season for enquiring how far our internal freedom is solid and efficient, than when we proclaim ourselves the defenders, and are so in effect, of the independence of Europe. It would be a curious and an useful enquiry, but into which I do not mean at present to enter, how far the apparent decline of our freedom may be connected with circumstances, and how far with men. If it should appear that we have actually suffered permanent political debasement, the principal cause of the evil, if I be not widely mistaken, will be found in the nature of our connection with Asia. This cause indeed is, in my opinion, so palpable that, unless we shut our eyes, we cannot avoid perceiving it. I here assert, and I shall prove it before I have done with you, my Lord, that the silent progress of Asiatic influence, particularly under such a guide as you, is alone sufficient, by weakening the sentiments of freedom, and corrupting

the morals of the people, to deprive our constitution and liberties of the sole principles by which they exist. It is like the vile creeper, which twines round the majestic oak, insinuates itself into its vital parts, arrests the current of its circulation, impedes the progress of nutrition, and continues its odious caresses until the venerable tree is converted into a lifeless trunk.

With respect to the offences imputed to you against the East India Company, having been little more than a month a subject of your government, I know nothing of your innocence or guilt. It is quite sufficient for me to prove, from transactions within my own knowledge, that, in this short period of time, you annihilated the personal freedom of the subject, and extinguished the liberty of the press, in India.

But it may be proper in this place to state generally not only what, under the system you have established in India, and that which has been established by others in Europe, even a single Governor-General may effect, in the way of speculation, extortion, and tyranny, abroad, but also what he may do by a re-action towards destroying the liberties and the Constitution of the mother country. He may, if he has a Board of Control in understanding with him, assume the patronage of whole provinces, and apply millions annually, with scarcely any risk of detection, (for the liberty of the press is no more) to his own use and their

gratification. He may continually employ the petty princes of the country as mere sponges, through which to suck up the last *pice* of the miserable natives, throughout the afflicted provinces. The enormous sums, which, without descending into petty but fertile details, might be thus obtained by a rapacious Governor-General, would supply him with ample means of corrupting a great portion, not only of the representative, but of the literary, integrity of the nation, that his delinquencies might be not simply covered and defended, but even remunerated, and applauded, upon his return home. Here, then, we should have an individual above the laws, intangible, behind impenetrable ramparts of corrupt influence, with the Constitution of the country prostrate at his feet, and exulting over its ruins !

Oh! but this can never happen. The Court of Directors have the power of *récal*; they have the power of doing wonders! Let us now see in what situation these unhappy gentlemen really stand! If it should please the Board of Controul, or the Government, which is precisely the same thing, to order otherwise, will the Court of Directors dare to *récal* the most obnoxious Governor? No! They may even be compelled to thank him for a conduct of which they totally disapprove, and after he arrives at home, although their affairs may have been ruined by his extravagance and tyranny, and every one of his

measures should be altered by his successor, (I am speaking generally) the Court of Directors may be placed in a situation that they dare not prosecute him, nor even avow their reasons for not prosecuting. Well and truly has Mr. Francis called them "Unhappy, unfortunate, and poor gentlemen," who may be made the mere tools of the Board of Control and Governor General, laughed at by them, and blamed by the public for not daring to seek redress, or not daring to avow their reasons for not seeking redress. We are supposing the Board of Control to be covering the measures of the Governor General and perhaps their own. But how, it may be asked, can they prevent the Court of Directors, in such a case, from doing justice to their interests and their character? By a very easy process. They have only to say, "You owe the State six millions sterling; which we can either demand or not as we think proper. If you obey *our* will, we shall give you longer credit; but if you are refractory, we shall oblige you to fulfil your engagements to the public, and if you cannot pay the money you must forfeit your charter." This reasoning is conclusive. Each Director has a salary and some little patronage to lose.

But what must be the effect upon Great Britain of this system of checks; this circular government, which has neither beginning nor end, which

puts the revenues of a population of fifty millions of people at the disposal of a Board and a Governor General? It is alarming to contemplate. A wicked Board of Controul might tell a wicked Governor General: "Extort millions from the native powers, or British subjects, it does not matter which; be sure you remit us a good portion, and you may enrich yourself as much as you please. In order, however, that you may do this with safety, take such vigorous measures that no one will dare to speak or to write upon public affairs in India. We shall take care of the Court of Directors. They must approve of every thing you do, otherwise they shall forfeit their charter; and as to the public, we can easily satisfy them." We shall suppose this wicked Governor (ambition is the gentle term usually given to this species of wickedness) sets out invested with those full powers; that the very first thing he does, upon his arrival in India, is to extinguish the liberty of the press, and to annihilate the personal freedom of the subject; that he afterwards, by war, negotiation, spoliation, extortion, patronage, and immersing the Company in debt, raises unheard of funds, for the purpose of enriching himself, and making adherents to support his cause in England; that he even employs vast sums in corrupting the periodical publications of Great Britain, from the an-

nal records of history to the daily journals *. This is a case, my Lord, which of course I am only supposing. Under the present Administration, and the present noble President of the Board of Control (Lord Minto), I am very certain such a case cannot happen. But others less scrupulous may succeed them; and we are to guard against what men *may* do, not against what they *will* do.

The East India Company, the Court of Directors, and the public, have now surely had sufficient experience of Mr. Pitt's India Bill to convince them of its real tendency, if any thing short of absolute slavery can convince them. Has ever such a monstrous instrument of government been known in the world, as that with which the patronage of a subordinate country, possessing fifty millions of inhabitants, supplies the Administration of a mother country possessing only fifteen millions?—Is there a family of any consequence in England, Scotland, or Ireland, that has not some friend or relation to be provided for in India? How many individuals, how many families, how many counties even, will the expectation of preferment keep at the devotion of the Board of Control, and therefore of the government? Is it extravagant to suppose that a patronage so immense

* It may be matter of curious speculation to observe how far such influence may hereafter operate either by silence or by an active support of Eastern delinquency.

is alone capable of sustaining an Administration in office, not only contrary to the voice of the people, but even to the power of the Crown? In the hands of a wicked Administration, so enormous an engine of government, by absorbing the power of every branch of the Constitution, is alone adequate to destroy the freedom of the state. But even at the disposal of the most virtuous administration that can be supposed to exist, it would, by a gradual but infallible operation, produce an abject and servile disposition in the people, and rooted habits of tyranny in their rulers. It is therefore a political monster against which every man in the universe, who does not wish for a return of slavery and barbarism over the face of the earth, should raise his voice. The plan of Mr. Fox, (I mean no invidious comparison between the two greatest Statesmen of modern times) which was rejected under the influence of a strange delusion, was, comparatively speaking, sublime. Why not again have recourse to that simple and wise plan, (the admirable principles of which were supported by Mr. Burke, Sir Gilbert Elliot (now Lord Minto), and many other distinguished characters in both Houses of Parliament, with the force of British Eloquence and the prescience of British wisdom?) From this or some such change, the Company and

the public would derive incalculable benefit, and vice and corruption would along suffer.

Under the actual circumstances of India, men going in official capacities to that country are but temporary tenants of the soil, who wish to make the present crops as productive, as possible, having no interest in the permanent improvement of the estate. But the narrow limits that have been put to colonization in India have other pernicious effects to this country. Those who make large fortunes generally return to England, and it is their great ambition to become members of parliament. Now, without thinking worse of those gentlemen than of any other set of men placed in similar situations, I cannot believe that, after having been inured to Asiatic despotism, for ten, fifteen, or twenty years, they are the most fit persons to compose the senate of a free nation, particularly if they have been under the tuition of such governors as your Lordship

It is for the consideration of the public whether it be wise, in preventing the colonization of Asia, and endeavouring by that means to perpetuate the East India Company's monopoly, to ensure the certainty of converting Britons into Asiatics. These are considerations that cannot be too strongly impressed upon their minds. It cannot have escaped their recollection how much the gradual operation of the wealth, luxury, and cor-

ruption, introduced by the proconsuls of the different provinces, on their return to Rome, contributed to vitiate, and finally to overthrow, the once venerable fabric of Roman greatness. The example should operate as a salutary warning.

The liberties and independence of England, I maintain, have nothing to fear from the power of France, but every thing from the influence of Asia. The freedom which is smothered for a moment by a foreign invasion, may burst forth in all its pristine vigor; but that, which is extinguished by a gradual debasement of the soil, will not resuscitate for ages. To what purpose shall we have expended such enormous treasures; and sent forth such mighty armaments, to prevent the risk of foreign subjugation, if we are to suffer our liberties to be gradually undermined at home? If we are to be slaves, is it of any consequence who are to be our masters? But domestic tyranny, if it were not in itself odious, would in the end infallibly prepare us for a foreign yoke.

The necessity of watching the silent and almost imperceptible progress of despotism is thus eloquently expressed, by a constitutional writer, to whom the people of this country owe many obligations: "If an honest, and I may truly affirm, a laborious zeal for the public service," says Junius; "has given me any weight in your esteem, let me exhort and conjure you, never to suffer

“ an invasion of your political constitution, *how-*
 “ *ever minute the instance may appear, to pass by,*
 “ without a determined, persevering resistance;
 “ One precedent creates another. They soon ac-
 “ cumulate and constitute law. What yesterday
 “ was fact, to day is doctrine. Examples are sup-
 “ posed to justify the most dangerous measures,
 “ and when they do not suit exactly, the defect is
 “ supplied by analogy. Be assured that the laws
 “ which protect us in our civil rights, grow out of
 “ the Constitution, and they must fall or flourish
 “ with it. This is not the cause of faction, or of
 “ party, or of any individual, but the common in-
 “ terest of every man in Britain.”

With respect to the great Eastern portion of
 the British empire, I shall here prove that our po-
 litical constitution has been not only violated in
 minute instances, but that it has been wholly de-
 stroyed. Let us then apply the appropriate re-
 medy to this growing evil. Let us, before it be too
 late, alter the whole system of Asiatic government;
 so as give it a simple, intelligible and useful or-
 ganization, and to establish a precise and deter-
 minate responsibility. Let us not out of mis-
 placed tenderness for any set of men, wait till, by
 the force of influence and example, every remain-
 ing sentiment of liberty be destroyed in Britain.
 Let us follow the light of history, which shows
 that the best legislative provisions have risen out of
 particular cases, rather than the prescience of man.

It is on these grounds chiefly that I hold it my duty to lay your proceedings before the public, conceiving it of great importance to them to ascertain whether the power of imprisonment, and transportation, which you have claimed the right to exercise over British subjects, as Governor of an Asiatic province, be contrary to law, or, if legal, it should be restrained for the future; and whence you derive your right to violate the British constitution, by imposing previous restraints upon publications? But I have also other objects in reviving the discussion between us. I own I am desirous that those who know the general fact of my expulsion from India, should be made acquainted with the particular circumstances attending that extraordinary measure; and it may be presumed that details, illustrative of the principles upon which mighty empires are governed, are not wholly devoid of interest as matters of historical record.

Let others accuse you of disobedience to the Court of Directors, extortion, misapplication of public money; oppression of native princes, unjust partiality to your relations, and making war contrary to law, for purposes of aggrandisement. These are indeed grievous offences. But in their consequences to the people of England, they dwindle, in my opinion, into nothing, when compared to the enormity of those which the follow-

ing facts infer. If the twenty millions added to the Company's debt, during your administration, had been all appropriated to your own use, or divided among your partisans; if you had oppressed, banished, or beheaded, all the native princes of India, for the purpose of extortion and of aggrandizing the Company's territory; although, morally speaking, these would be great crimes, the legal measure of punishment might be difficult to determine. But when justice and freedom, the natural props of every state, are taken away from an empire, so aggrandized, it stands a colossus with feet of clay, ready to fall upon the parent state, and crush her in its ruins. The consequences are incalculable, and the nature of the crime well understood. I wish, my Lord, this was only declamation. But unfortunately the case is too well made out. You have destroyed liberty, and violated justice in our great Eastern empire. The fact, the precedent, and their whole enormous chain of consequences, are already operating with secret but accumulating force against the liberties and the constitution of this country, and rapidly undermining their foundation. The reflux of Asiatic despotism, if we do not oppose an immediate resistance to the torrent, will overwhelm us in irretrievable ruin.

When it becomes necessary to accuse of high crimes and misdemeanours a man who has held high offices in the state, I feel the ungraciousness

of the task, and undertake it with reluctance. But a paramount duty imposes it, and I shall perform it to the best of my ability. On such occasions, it is usually one of the first questions asked by the public, What are the motives of the accuser? And although motives cannot affect the truth of facts, and are seldom easily ascertained, yet this curiosity, as originating in a wish to prevent the operation of prejudices against persons under the imputation of crimes, is in itself laudable, and ought therefore to be gratified. It seems also due to myself that I should on this point enter into some explanation,

Men of slavish minds, consulting their own breasts as the only standard of human sentiment, are incapable of conceiving that such a thing as public spirit can exist. According to them, every charge of state delinquency must originate in motives of interest, prejudice, or passion, taking these words in their ordinary, not in their strict philosophical acceptation. But such monstrous doctrines are unfit for a community of free men. A people by whom sentiments so degrading can be entertained, are already more than half enslaved: they are at least, *homines ad servitutem paratos.*

Your partisans, my Lord, will no doubt be cautious how they insult the understandings of the people of England, by setting up this mode of defence: Allow me by the way to observe

(for really I am not, excepting upon public grounds, your enemy), that, from what we have already seen of their conduct, the indiscretion of your adherents is likely to produce the worst effects of enmity. The attempt to throw obstacles in the way of an inquiry into your administration, without the possibility of succeeding, can have no other tendency than to increase the suspicion of delinquency in the public mind; and you will come to your trial under an undue weight of prejudice superadded to any proofs of real guilt.

That there is in effect a wide difference between wellwishers and friends, is a truth of which if you are still ignorant, you will probably soon have abundant experience. The senatorial exertions of your relations, and of the gentlemen of the law, although doubtless well intended, are by no means calculated to turn the popular prejudice in your favour. The public, however they may excuse the partiality of the former, will not easily give credit for disinterestedness to the volunteer defences of the latter. In proportion as they regard the professional exertions of these gentlemen as respectable in their proper courts, they will consider their extra-official advocacy as liable to suspicion and doubt. If in your own purity, my Lord, we had even a guarantee for theirs, we have still a very high authority (that of Mr. Burke) for believing that the lawyers are,

on another principle, naturally hostile to parliamentary inquiry and impeachment.

But parliamentary inquiry, and impeachment, I conceive to be the only proper mode of proceeding on the offences with which you are charged. It will be for your Lordship to determine whether, if the lawyers persist in defending you by anticipation in parliament, they will not ruin your cause with the people, whose opinions, I trust, are not yet to be slighted with impunity. If I were personally your enemy, my Lord, nothing could give me greater satisfaction than to observe the modes of defence which have been resorted to by your adherents of various descriptions. But, far from wishing you a punishment one degree beyond what I, in my conscience, believe your offences against the constitution of this country constitutionally require, I should be even sorry to see the public indignation aroused, by the indiscretion of your partisans, beyond the strict limits of justice, and the current of popular opinion rush against you with too unrelenting a fury. Indeed, my Lord, if you will condescend to look back to the period of our correspondence, you will be sensible that, had you profited of the lesson of moderation, which I gave you, only one month after your arrival in India, by my constitutional resistance to your will, you need not be in that situation of peril, in which, if all sentiments of political liberty be not extinguished in

England, you must shortly stand. You will then perhaps have cause to lament that, instead of treating me as an enemy (and an enemy too who had no chance of being able to inflict retaliation), you did not perceive that I was in effect your best friend. I had not, in fact, an opportunity of imbibing the smallest particle of enmity, or even prejudice against you ; for until you appeared as Governor-General of India, I was as ignorant of your existence as you was probably of mine. The incipient measures of your government, although enveloped in mystery, had not excited more than doubt ; and your attack upon myself was I believe the first strong act of your administration. During our official intercourse, I still remained, in respect to your person, as ignorant as an honourable and learned gentleman * lately took occasion to declare himself in the House of Commons ; and I have not since had an opportunity of taking exception at a single feature or lineament of your countenance. Under these circumstances, it will not I trust be deemed too presumptuous that I should claim credit with the public for being, in respect to your Lordship, precisely in that unbiassed state of mind so eloquently depicted, in his maiden speech, by the honourable and learned gentleman alluded to, with perhaps this difference, that I have experienced how very possible it is to feel the force of your influ-

ence, without having any knowledge of your person.

If I should be accused by your partisans of acting from motives of resentment, founded on a deep sense of injury, I do not know that it would be very necessary for me to repel the charge. Mr. Seldon, when he was arbitrarily imprisoned by an order of King Charles I. retained his resentment twenty-four years after his liberation. But there is a wide difference between entertaining a legitimate resentment and gratifying an useless revenge. There is besides, if you are yet to learn it, in the minds of free men, a resentment for public wrongs—a resentment for liberty violated, which they cannot and ought not to relinquish. If, after the lapse of centuries, we still remember with indignation the conduct of men much less tyrannical, and much more excusable, than your Lordship, surely we may be permitted, merely as members of the community, to retain some gentle sparks of indignation against public measures, which we have seen and felt after a lapse of only eight years, and which we are likely to feel in their remotest consequences.

If there was no possibility of your Lordship ever having an opportunity of acting upon your own confessed principles of government in public life; if there was no possibility of my coming, as a subject of this country, again in collision with those principles; if there was no possibility that

future governors should act upon the precedents you have established, or that the despotism of Asia should in the end swallow up the liberties of Britain; I should most willingly consign the whole affair to an everlasting oblivion, for indeed my time might be much more profitably as well as more agreeably employed than in the discussion. To undertake the labor and expence of laying this detail before the public, if there were no other motives than the gratification of an useless revenge, would, after such an interval for deliberation, be a strain of folly which even you, my Lord, will scarcely impute to me, knowing as you must do, that, after the experience I have had, nothing but a firm conviction of right could induce me coolly to re-enter the lists against so formidable an antagonist.

Those who know me intimately will not, I believe, doubt my sincerity, when I declare that, far from considering the political duties of the individual as limited to himself and his acquaintances, I should not have remained an indifferent spectator to the violation of any principle of the British Constitution, in the person of a man whom I had never seen. I well know the disadvantages of indulging such sentiments in these times. But if men did not frequently act upon them, even at the expence of their interests, and prospects in life, the country would be in a most deplorable situation indeed. For my part, so strongly am

I impressed with the advantages and necessity of animadverting freely on the conduct of public men, that I would not relinquish the right of discussing the extraordinary pretensions of your Lordship, were I sure of incurring the penalty of being re-banished from England to Bengal.

It is this thorough conviction of the obligations incurred by every individual in Great Britain, to maintain the laws and constitution of his country in general, in return for the protection which they afford him, and to support his own rights in particular as a part of the common stock, together with a due sense of the utility and glory of preserving, and of the injury and dishonor of losing, our liberties, which impel me to appear as your accuser; a duty which, however repulsive, I should feel for ever dissatisfied with myself if I neglected to perform.

To exclusive sentiments of patriotism, however, I make no pretensions; for notwithstanding all that has been done, for the last twenty years, principally by Asiatic influence, to destroy those sentiments in England, I am persuaded that whatever regard I entertain for freedom and for just laws is yet only in common with millions of my fellow-subjects: and nothing less than their acquiescence with those tyrannical and ruinous measures of which I shall convict your Lordship, can convince me to the contrary.

CORRESPONDENCE,

&c. &c.

ON the 23d and 24th of April, 1798, a paragraph was inserted in two Calcutta newspapers, the *India Gazette* and the *Hircarrah*, announcing the death of Mr. Allan Maclean, said to have been killed in a duel at Benares. On the 27th of April, I received a letter from that gentleman, dated at Monghyr, the 20th of the same month, which circumstance, as the distance from Benares to Calcutta is eight or ten days journey, rendered the report of his death, published there on the 23d, an evident fiction. In order to prevent the alarm which this unfounded report would occasion to Mr. Maclean's relations, I wrote, immediately upon the receipt of his letter, a note to the editor of the following day's newspaper, requesting him to contradict it. That note gave rise to my subsequent correspondence with the Governor General in Council of British India, which terminated in my expulsion from that

that country; and, as having formed the sole ground of that extraordinary proceeding, will be considered a curious document.



No. II.

To the Editor of the Telegraph.

SIR,

I request you will contradict the account which, through some very gross misinformation, was inserted in the last *India Gazette* and *Hircarrah*, announcing the death of Mr. Allan Maclean, said to be shot in a duel at Benares. I this day received a letter from that gentleman, mentioning indeed some circumstances, which, if his antagonist had not possessed an uncommon degree of prudence, might have led to that catastrophe; but I am happy to add, that the only disagreeable effects of the rencontre have arisen from the interference of the magistrate of Gauzeepore, whose conduct, upon this occasion, I will take a due opportunity of appreciating.

I am, Sir,

Your obedient Servant,

CHARLES MACLEAN.

Calcutta, April 26, 1798.

The circumstances of misconduct on the part of the magistrate of Gauzeepore, above alluded

to, are thus detailed in the following extracts of letters from Mr. Maclean.

No. III.

Extract of a Letter, dated Monghyr, 20th April, 1798.*

“I am thus far on my way to Calcutta, under a guard of a havildar, naick, and twelve seapoys. My confinement and treatment, since the 25th ultimo, have been not only unprecedented, but most unwarrantable and ignominious; all for a private quarrel between Mr. D’Aguilar and me. The particulars are as follows.”

[In order to render the detail perspicuous, it will be necessary to premise, that D’Aguilar and Maclean had, for several years, been joint proprietors of an indigo work; and that, in the management of it, subjects of disagreement had latterly arisen, which were, by mutual consent, referred to the decision of arbitrators.]

“On the 19th ultimo, during my absence (at Benares,) I was informed that Mr. D’Aguilar intended coming to take charge of the concern, and forcible possession of my house. This disagreeable information induced me to set off home

* At this place Mr. Maclean was released from confinement, by order of government, so much was the conduct of the magistrate of Gauzeepore virtually disapproved of, even by themselves.

with all expedition. I rode from Benares, about seventeen coss, in the night, and arrived only a few minutes before Mr. D'Aguilar, greatly fatigued and irritated, not only at his former persecuting treatment of me, but particularly his attempt to dispossess me of my house, which I was determined to resist at the hazard of my life. He also, a few days previously, added insult to injury, by writing me, 'he conceived me beneath his notice.' These were things which, had I tamely submitted to, I should justly deserve to be turned out of society and my character despised. Wishing, however, if possible, to avoid a personal quarrel, and to have our disputes settled as we had both agreed to, I sent Mr. Watt, a friend of Mr. D'Aguilar's, to endeavour to dissuade him from coming near me, as, if he did, I should most certainly be under the necessity of insulting him. Mr. Watt delivered my message, and Mr. D's own servants begged of him not to come near me, which he paid no attention to, but walked up to the verandaw, where I was standing. I demanded an explanation of his letter, &c. which not proving satisfactory, I insulted him. He attempted to strike me, and, in defending myself, I hit his nose, which bled. Upon this he called out to his servants to seize me, which they actually were doing until prevented by my people. After the scuffle was

over, I offered him instant gentlemanly satisfaction; but, instead of accepting my offer, he rode off to the magistrate and swore against me.

“The magistrate, though not a justice of the peace, without ceremony, or hearing any thing I had to say in my vindication, committed me to prison; would not admit me to bail; would not indulge me a few hours to go home and look after my property, notwithstanding I offered him any security he might approve of; and would not take the deposition of my witnesses, on oath, which I publicly called upon him to do, representing to him the accidents, such as their decease, &c. which might deprive me of them in Calcutta, besides the great expence to me of being obliged to bring them with me. I ought also to have observed, that, instead of acting independently, in his public capacity, or consulting the Nizamut Adawlut, relative to the steps he should take, he wrote to the Benares appeal judges, who have no right to interfere, for instructions, and Mr. Treves (one of these judges) being a party concerned with D’Aguilar in the indigo works, of course gloried in any opportunity of accomplishing the object he long ago had in view, of turning me out of the works; and made out a letter, which he and Mr. Cherry jointly signed, peremptorily ordering the magistrate to send me in confinement to Calcutta, and

that he had no other alternative or option in the business. Mr. Neave, another of the appeal judges, was absent, and highly disapproved of their conduct.

“Major Macrae, Captains Macleod and Caméron, and the Reverend Dr. Mackinnon of the 76th regiment, publicly applied to the judge of Patna for my release, offering themselves securities for my appearance in Calcutta. But he declined interfering with the orders of the Gauzeepore magistrate.”

No. IV.

In another letter of the 11th of June, 1798, after having been released by order of government, and having returned to Benares, Mr. Maclean writes: “I ought in the statement to have observed, that Mr. Rider, the magistrate of Gauzeepore, sent me down in a common pattella, or baggage boat, without a decent chupper*; and that, though she was already so lumbered that I could hardly move, he gave strict orders to the havildar of the guard to keep no less than four seapoys over me—enough for a criminal guilty of murder. In this boat was I confined for upwards of a month, exposed to wind and weather, sitting all night in the rain, and ready to jump

* Chupper is a covering, or roof, to ward off the sun and rain.

over board, expecting the boat to be dashed to pieces by the severe north westers, prevalent at that time of the year. You may easily conceive how disagreeable and mortifying such a situation must have been. Indeed, my health suffered greatly from vexation of mind as well as fatigue of body, and I got a deafness which I am as yet hardly clear of.

“On my return, Mr. Rider made no enquiry after me, nor offered to this moment to make any compensation or apology for the injuries and indignity I have sustained; screening himself on the ground of having acted, not from his own conviction of the propriety of the measure, but agreeably to the order of the appeal court,

“I hear that Dr. — wrote you to suppress the intended representation to the public; this he did because he was living at Mr. Rider’s, who wrote down to the board* to interfere, and to prevent your inserting it. The doctor is a particular friend of Mr. D’A—’s; it is not, therefore, likely that any thing you may write him can have effect. Should you have occasion to mention Mr. Dick’s name, the register to Mr. Rider, I beg you will do so in the most friendly terms; for he paid me every attention in my confinement, and regretted much he could take no effectual steps in my behalf, on the occasion.”

* Consisting of the Governor General and Council.

P. S. "Penalty bonds are sent up to be executed by all indigo planters in this district—for the first complaint in court 500 rupees, and for the second to be ordered to Calcutta. This is in consequence of Mr. D'Aguilar's mean conduct in complaining, and the noise it has made."



The applications made to government, in consequence of the part I took (letter No. II.) in the case now described, occasioned the following correspondence.

No. V.

To Mr. Charles Maclean.

SIR,

JUD. DEPARTMENT.

A representation having been made to government respecting a letter which was published in the *Telegraph* of the 28th of April last, under your signature, I am directed by the Right Hon. the Governor General in Council to inform you, that his lordship considers the insinuation in your letter, with regard to the conduct of the magistrate of Gauzeepore, to be highly improper, and that he accordingly requires that you submit to government an immediate and satisfactory

apology for having published the letter in question.

I am, Sir,

Your obedient humble servant,

(Signed) H. ST. G. TUCKER, Sub-sec.
Council Chamber, June 1, 1798.

To which I returned the following answer.

No. VI.

To Henry St. George Tucker, Esq. Sub-secretary.

SIR,

I have to acknowledge the receipt of your letter of the 1st instant, intimating the desire of the Right Hon. the Governor General in Council, that I should submit to government an immediate and satisfactory apology for the insinuation, with regard to the conduct of the magistrate of Gauzeepore, contained in my letter published in the *Telegraph* of the 28th April last, which the Right Honourable the Governor General in Council considers as highly improper.

In answer, be pleased to acquaint the Right Honourable the Governor General in Council that, as my insinuation can be proved to be well founded, I must beg leave to decline making the apology required.

Having reason to believe that the editor of

the *Telegraph* has been written to on the same subject, I beg leave to state, that I alone am responsible for the transaction, having solicited the insertion in the *Telegraph* of the letter in question, for no other reason than that it was the next paper for publication.

I am, Sir,

Your obedient humble servant,

(Signed) CHARLES MACLEAN.

Calcutta, 10th June, 1798.

Believing that the Governor General in Council could not, upon reflection, but perceive his error, I imagined the matter would of course drop here. Anxious, however, to act with all possible circumspection, in a case of so delicate a nature, in order to prevent every fresh occasion of reviving the dispute on my part, I wrote to the editor of the *Telegraph* as follows,

No. VII.

DEAR SIR,

I have had a letter from government, requiring an apology for having published a letter in the *Telegraph*, in April last, respecting the conduct of the magistrate of Gauzeepore, in the case of Mr. Maclean and Mr. D'Aguilar. I perceived that there was also a letter addressed to you upon the same subject.

I have returned an answer, declining to make any apology, and at the same time declaring, that I solely am responsible for the insertion of that letter in the *Telegraph*, having solicited you to give it a place for no other reason than that your paper was the next for publication.

As this is a delicate subject, may I beg to be favoured with a copy of the answer, which you may have already sent, or intend to send, to the Governor General in Council?—My reason for making this request is an anxiety that your answer, whilst it transfers the whole blame from yourself, as it properly may, should be couched in such terms as not to lay me under the necessity, unless called upon, of giving any farther explanation.

I am, &c.

To which I received the following answer.

No. VIII.

DEAR SIR,

I have sent in an apology for both letters*—but know not if it will be accepted.

* Viz. No. I. and an anonymous letter, also upon the same subject, inserted in the *Telegraph*, but which, as it was not written by me, nor with my knowledge or consent, does not appear to have any necessary connection with this correspondence, and is therefore here omitted,

I was desired to give the reason for publishing them—I answered thus—

“I beg to assure you, Sir, I had no reason for publishing these letters, but that of conceiving it to be within the line of my duty to the public. The first letter being signed by Mr. M'L. I could not well have refused to publish, as by his signature he took upon himself all responsibility. The other letter, I was assured, gave a correct account of a public transaction that had been misrepresented, and as such I published it.”

Yours, &c.

H. M. KENLY.



That this apology, however, was not accepted by the Governor General in Council, will appear evident, from perusing that which was really published, viz.

No. IX.

Apology by the Editor of the Telegraph.

“The Editor, from error in judgment, having inserted a letter in the Telegraph of the 28th of April, under the signature of CHARLES MACLEAN, and also a subsequent letter on the same subject, in the Telegraph of the 12th May, signed HABEAS CORPUS, and the terms of both the said letters

appearing to him, on reconsideration, to be extremely improper, he is induced to apologize for having published them; particularly as the writers of the said letters have assumed a privilege of animadverting, through the medium of a public print, upon the proceedings of a Court of Justice, and of censuring the conduct of a public Officer, for acts done in his official capacity.”



About a month after the receipt of my letter, declining to make an apology, the Right Honourable the Governor General in Council thought fit to communicate to me his resolution that I should return to Europe, in the following words:

No. X.

To Mr. Charles Maclean.

SIR,

PUBLIC DEPARTMENT.

I am directed by the Right Hon. the Governor General in Council to inform you, that he has resolved, in pursuance of the powers vested in him by acts of parliament, to require you, as residing here without licence, to return to Europe by the extra ship *Mildred*, now under dispatch.

The Right Hon. the Governor General in Council further requires, that you give good and substantial security for complying with his requi-

sition, and he has issued orders to Captain Mougach to secure your person, and to detain you until you shall have given the security required.

I am, Sir,

Your most obedient humble servant,

(Signed) D. CAMPBELL, Sub-sec.
Council Chamber, July 9, 1798.

Having got private information of the intentions of government, before I received their official letter, I shut my door, and took such other precautions as I deemed necessary, to prevent their seizing my person, before I should have time to enter into an explanation with them upon the subject.

A few days having elapsed, before I could determine on the answer which I should give to the letter (No. X.) of the Governor General in Council, I received the following note from Captain Mougach, whose followers were, during the interval, employed to watch my house.

No. XI.

To Mr. Charles Maclean.

SIR,

I have to request that you will inform me, by a line, whether you have answered the public letter from government, under date the

9th inst. and if you have taken the necessary measures to give the required security.

I am, Sir,

Your most obedient servant,

(Signed) J. MOUGGACH,

12th July, 1798.

Captain, Town-Adjutant.

No. XII.

To Captain J. Mouggach, Town-Adjutant.

SIR,

In reply to your note of this morning, I beg leave to acquaint you, that I am now preparing an answer to the letter of government, dated the 9th inst. and expect it will be ready to-morrow forenoon.

It should have been forwarded sooner, but that the affair is of an importance which requires much deliberation.

I remain, Sir,

Your most obedient servant,

CHARLES MACLEAN.

Respecting the propriety of resisting a most enormous misapplication of a most unconstitutional law, there was, in my mind, no question. The *mode* of resistance formed the only subject of deliberation. That being determined upon, I sent, on the following day, my answer.

No. XIII. .

To D. Campbell, Esq. Sub-secretary, &c.

SIR,

I have to acknowledge the receipt of your letter of the 9th instant, intimating the requisition of the Right Honourable the Governor General in Council, that I should return to Europe by the extra ship *Mildred*, now under dispatch; and, in the mean time, give good and substantial security for my compliance with his order.

It will not, I hope, be deemed disrespectful to government, that, whilst they are pleased to adopt measures which must deprive me of every means of subsistence, and destroy all my present prospects in life, I should request them to assign the grounds of so severe a proceeding; and thus afford me an opportunity of explaining whatever circumstances may have given them an unfavourable impression of my conduct.

But should they have determined, at all events, to enforce their resolution against me, without acquainting me with their motives, or, should the explanations, which, after knowing them, I could give, be deemed unsatisfactory, I beg leave, previous to a compliance with their orders, to state some circumstances peculiar to my situation, which I have no doubt the Right Honourable the Governor General in Council will find not unworthy of his consideration.

Some time ago two gentlemen became bail for me in a sum of money; and as I have no means of exonerating them, but such as my continuance in this country would afford, it becomes my duty to represent, to the Right Honourable the Governor General in Council, the injury which my being sent to Europe would occasion to individuals, certainly not implicated in any offence that I may be supposed to have committed.

I am besides a married man.—Trusting it is not the wish of the Right Honourable the Governor General in Council to part me from my wife, and being, by the present measure, deprived of all my resources, I hope it will not be deemed unreasonable in me to expect, that the Right Honourable the Governor General in Council should order a passage to be provided for her, with suitable accommodations.

With respect to the security required, having already given that of the two gentlemen above alluded to, for my personal attendance, on the 25th of October next, at the Supreme Court here, I submit, with deference, how far I can, with propriety, ask security that I shall return to Europe before that period.

I am, Sir,

Your obedient humble servant,

CHARLES MACLEAN.

Calcutta, 13th July, 1798.

The day after my answer (No. XIII.) was delivered to the Right Honourable the Governor General in Council, I received private information that orders had been issued to Captain Mouggach, to permit me to remain in my house, until the Mildred should be on the eve of sailing; then to force open my door, and to carry me on board of that ship. This notice, however, being non-official, and a state of suspense, in such a case, being both irksome and inconvenient, I determined, after some days were elapsed, to make an effort, either to get an answer to my letter of the 13th, or to procure other official information respecting the intentions of government. With that view I wrote the following note.

No. XIV.

To D. Campbell, Esq. Sub-secretary, &c.

SIR,

May I beg to be informed if you have had an opportunity of laying before the Right Honourable the Governor General in Council my letter of the 13th instant, and if he still persists in the intention of sending me to Europe by the Mildred.

I have the honour to be,

Sir,

Your most obedient servant,

CHARLES MACLEAN.

Calcutta, 17th July, 1798.

In answer I received a *salaam* (compliments) from the secretary.

From the 9th to the 20th of July I kept my door almost constantly shut, went on with my business, as well as the nature of such a situation would permit, and awaited patiently the result.

Early on the morning of the 20th I received the following note.

No. XV.

To Mr. Charles Maclean.

SIR,

I send you this to apprise you, that I have a full answer to your letter addressed to government, dated the 13th instant, and to acquaint you that I shall call myself with it in the course of this forenoon. In the mean time I have to observe, that there will be no occasion for your concealing yourself from me, as a security is only required for your fulfilling the contents of the letter which I shall deliver to you, and which security I am well assured you have in your power to give on the shortest notice.

This business being settled, it will free you from all restraint, or fear of being apprehended

in the streets, which might be the case should matters remain unexplained.

I am, Sir,

Your most obedient humble servant,

(Signed) J. MOUGGACH,

Captain, Town-Adjutant.

Fort William, Town-Adjutant's Office, 20th July, 1798.

My answer to the above.

NO. XVI.

To Captain J. Mougach, Town-Adjutant, &c.

SIR,

Before I received your note of this morning, I had resolved to write to you to-day, intimating that I should be ready, at three o'clock to-morrow afternoon, to deliver myself into your custody, or to take such other steps as the government may direct, in order to ensure a compliance with their first requisition.

But as I am ignorant of what may be the contents of the letter which you now have to deliver to me from government, and cannot, therefore, judge how far it may be proper in me to comply with their present wishes, I must be excused from consenting to a personal conference to-day, unless you previously assure me, upon your honour, that I shall not be molested, if I

should be unable to assent to the propositions which you may have to make.

On my part, I beg leave to assure you that, far from intending to evade, I am preparing, with as much speed as possible, to comply with the orders of the Right Hon. the Governor General in Council; to return to Europe by the *Mildred*.

Should you, in the mean time, have any thing to communicate, by a note, I shall be happy to attend to it; and I have to express my regret, that it has been necessary for me to give you personally so much trouble.

I remain, Sir,

Your most obedient humble servant,

CHARLES MACLEAN.

Calcutta, 20th July, 1798.



About twelve o'clock of the same day, Captain Mougach called at my house, and after promising, upon his honour, that he would not molest my person, was admitted. He gave me the following letter:—

No. XVII.

To Mr. Charles Maclean.

SIR,

PUBLIC DEPARTMENT.

In reply to your letter of the 13th instant, I am directed by the Right Hon. the Governor

General in Council to acquaint you, that he has thought it proper to require you to return to Europe.

Firstly. 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, and when called upon to make an apology for that offence, refusing, in the most disrespectful terms, to make such apology.

Secondly. Because the Governor General in Council finds that you are the same person whom government before ordered* to return to Europe, in consequence of your having quitted the ship to which you were attached, and remained in the country without permission; an order which could not be enforced, from your having removed yourself out of the reach of the officers who were directed to execute it.

In consideration of the circumstances stated in your letter, the Governor General in Council

* This order was founded on misrepresentation; several thousand persons were similarly situated in India, pursuing their respective employments without molestation. I was, for near four years after the order alluded to was issued, a constant resident in the town of Calcutta. I am, therefore, at a loss to understand why the order, if the explanation given had not proved satisfactory, was not enforced by any of the preceding governors. This subject is fully explained in a subsequent letter of Captain Hudson, No. XIX.

will allow you to remain in the country until the 25th of October next, provided that you immediately give satisfactory security to proceed to Europe, on any ship which may sail after that date, and on which he may require you to embark.

The Governor General in Council can have no intention of separating you from your family, and a charter-party passage will be allowed you both on the ship on which you may be ordered to embark, agreeably to the established usage on such occasions*.

I, am Sir,

Your most obedient humble servant,

(Signed) D. CAMPBELL, Sub-sec.

Council Chamber, July 19, 1798.

* From this it might be supposed, that to send ladies to Europe, as charter-party passengers, was a very common occurrence; but it is more than probable, that such an instance never happened before in India: at least I have not been able to find a precedent exactly in point. The accommodations of a charter-party passage are, room to swing a hammock, among the sailors, and a certain daily allowance of salt beef, biscuit, and spirits. Now, whether such accommodations have been offered by any former governor general to a lady, I very much doubt. If not, what becomes of the established usage on such occasions? But even if the precedent could be produced, precedent alone cannot justify an act of indecency any more than an act of oppression.

No. XVII.

To D. Campbell, Esq. Sub-secretary, &c.

SIR,

I have received your letter of the 19th instant, stating the reasons of the Right Honourable the Governor in Council for requiring me to return to Europe.

In answer to the first, be pleased to inform the Right Honourable the Governor General in Council, that I refused to make an apology for the insinuation of improper conduct on the part of the magistrate of Gauzeepore, contained in my letter of the 27th April last, published in the *Telegraph*, not only from a thorough conviction of its truth, but also because such apology might operate unfavourably towards my friend, Mr. Allan Maclean, in his endeavours to procure redress for a series of the most ignominious oppression, perhaps, ever exercised upon a British subject in India;—endeavours in which I was, and am still, determined to support him, by all the means in my power. If the terms of my refusal have seemed to convey disrespect, I can only say, that it was not in the smallest degree intended; and I am even convinced, that, upon a reconsideration of my letter, it will appear so to the Right Hon. the Governor General in Council himself.

Respecting the second charge, I beg leave to state, that the order of the former Governor General in Council, for my return to Europe, was founded upon a misrepresentation of the manner in which I had quitted the ship I was attached to; and that the explanation given was such as induced him not to enforce that order. What was then submitted in my justification has been since confirmed, beyond a doubt, by the acknowledgments of Captain Hudson, of the Houghton, which I have the honour to inclose for the information of the Right Hon. the Governor General in Council.

Should the Right Honourable the Governor General in Council, after what I have stated, persist in his intention of sending me to Europe, I request you will be pleased to inform him, that having, since my letter of the 13th instant, given indemnification to the two gentlemen who had become responsible for my appearance in the Supreme Court on the 25th of October, I am now as ready to comply with his requisition as I can be at any subsequent period; and that I cannot, in any case, think of troubling my friends to make themselves answerable for my conduct.

With respect to the charter-party passage which the Right Honourable the Governor General in Council has been pleased to propose for my wife, as that kind of passage is subject to in-

conveniences which I cannot permit her to share, I prefer the alternative of leaving her behind; and must, therefore, be permitted to decline the offer.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) CHARLES MACLEAN.

Calcutta, 23d July, 1798.



Attested copy of Captain Hudson's letter, inclosed in the above.

No. XIX.

To Charles Maclean, Esq.

SIR,

I am favoured with yours of yesterday: in answer thereto I am ready to declare, that I understand the cause of your having quitted the Houghton, of which ship you were surgeon, on her former voyage to Bengal, to have been entirely owing to indisposition, which rendered you unable to go on board; and, to the best of my knowledge, the official letter transmitted through the pilot to the Governor General was to that effect; and therefore, if you were reported run on the ship's books, it must have been owing to mistake, which happened without my

knowledge, and consequently without any orders given to that effect by me. On this head I shall be ready to afford the fullest explanation to any friend of yours in England, and I shall be happy to do any thing in my power to remove any difficulty or objection that may have occurred from any misrepresentation that may have been made, relative to the cause of your having quitted the *Houghton*, on her late voyage to Bengal.

The company's medical journal was continued on board the *Houghton* by Mr. Carmichael, who acted as surgeon on the passage home. It was the same journal that had been begun by you, and was regularly signed by me as commander of the ship.

I am, Sir,

Your most obedient servant,

(Signed) ROBERT HUDSON.

Calcutta, Nov. 23d, 1797.

Matters had now arrived at such a crisis, that, as government seemed ashamed to recede from their pretensions, and as I should have thought it an unpardonable dereliction of principle to have receded from mine, it appeared inevitable that I should return to Europe.

Having, under that impression, given up my house at the termination of the month of July, on the 3d or 4th of August I met, by appoint-

ment, Captain Mougach, the town-adjutant, at a tavern, where, having received from him the following letter, I delivered myself up into his custody.

No. XX.

To Mr. Charles Maclean.

SIR,

PUB. DEPART.

I am directed to acknowledge the receipt of your letter of the 23d instant, and to acquaint you, that instructions have been issued to the commander of the Honourable Company's ship Busbridge, to receive and accommodate you with a charter-party passage to England, and to desire that you will immediately prepare to embark on board that ship instead of the Mildred.

The town-adjutant has received orders to conduct you immediately on board the Busbridge, unless you will give good security to repair to that ship in due time; and her commander has been informed that he will be held responsible for the security of your person until his arrival in England, when he is permitted to release you.

I am, Sir,

Your most obedient humble servant,

D. CAMPBELL, Sub-sec.

Council Chamber, 30th July, 1798.

From the tavern I was conducted into Fort William, and from thence on board the ship Busbridge, at Saagor Roads, whose commander had received the underwritten instructions concerning me.

No. XXI.

To Captain Dobree, or the commanding Officer on board the Honourable Company's ship Busbridge.

SIR,

PUB. DEPART.

You are hereby directed to receive on board the ship under your command, and accommodate with a passage to Europe, Mr. Charles Maclean, with his necessaries.

The passage money of Mr. Maclean, who proceeds on the terms of charter party, will be paid by the Hon. Court of Directors.

The Hon. Governor General in Council directs me to signify to you his most positive commands, that particular care be taken to prevent the escape of Mr. Maclean from the Busbridge, from the period of his embarkation to that of the ship being quitted by the pilot, or by any subsequent opportunity that may happen in the course of the voyage; and to acquaint you, that you will be held responsible for the security of his person, until his arrival in England, when you will discharge him, giving due notice of the same

to the secretary of the Honourable Court of Directors.

I am, Sir,

Your most obedient humble servant,

(Signed) D. CAMPBELL, Sub-sec.

Council Chamber, July 30th, 1798.



Regulations respecting the publication of Newspapers, viz.

1. Every printer of a newspaper to print his name at the bottom of the paper.

2. Every editor and proprietor of a paper to deliver in his name, and place of abode, to the secretary to government.

3. No paper to be published on a Sunday.

4. No paper to be published at all, until it shall have been *previously inspected by the Secretary to the Government*, or by a person authorised by him for that purpose.

5. The penalty for offending against any of the above regulations to be *immediate embarkation for Europe*.



*Rules for the guidance of the Secretaries to Government
in revising the Newspapers.*

To prevent the publication of,

1. All observations on the *state of public credit*, or the *revenues*, or the *finances*, of the Company.

2. All observations respecting the embarkation of troops, stores, or specie; or respecting any naval or military preparations whatever.

3. All intelligence respecting the destination of any ships, or the expectation of any, whether belonging to the Company or to individuals.

4. All observations with respect to *the conduct of Government*, or *any of its officers, civil or military, marine, commercial, or judicial*.

5. All private scandal, or libels on individuals.

6. All statements with regard to the *probability of war or peace* between the Company and any of the native powers.

7. All observations tending to convey information to an enemy, or to excite alarm or commotion within the Company's territories.

8. The republication of such passages from the *European newspapers* as may tend to *affect the influence and credit of the British power with the native states*.

LETTER XXII.

TO THE MARQUIS WELLESLEY, &c.

On his new and extraordinary Doctrines, that Magistrates can do no wrong, and that apologies to a Governor are a sufficient atonement to the offended laws of the country; and on his union of the judicial with the executive authority.

“The freedom of writing and speaking upon the topics of government and its administration” (in which I must presume the subordinate as well as the more dignified magistrates are comprehended) “has ever been acknowledged, by our greatest statesmen and lawyers, to be the principal safeguard of that constitution, which liberty of thought originally created, and which a free press for its circulation gradually brought to maturity.”

Erskine's Declaration on the Liberty of the Press.

MY LORD,

In order to enter fully into the merits of the case between us, it becomes necessary to undertake the irksome task of analysing the preceding correspondence. The first notification with which I was honoured by your command, (No. V. page 40) was dated the 1st of June, 1798. In this letter, you, my Lord, in requiring an apology for an insinuation of improper conduct against a magistrate, was doing that which you must have known you had no right to do; the demand was therefore not only illegal, but arbitrary, capricious, and tyrannical; and on these grounds ought to have been

resisted, even if my insinuation had been groundless, and the magistrate innocent. If every line of my letter had been libellous, seditious, or even traitorous, you could have no right to require an apology. If I had really committed a crime, by what act of the legislature could an apology made to a Governor General of India be deemed an atonement to the offended laws of my country? But that my insinuation could be *more than justified*, and that the magistrate *knew himself to be exceedingly culpable*, as well as exceedingly ignorant, are obvious from Mr. Maclean's letters to me (No. 3. and 4. p. 35. 38.), and from the great anxiety of the magistrate himself to suppress my promised appreciation of his conduct, in palliation of which he even got a friend of mine to write to me from his house at Ghauzeepore.

If you did not know that your demand was illegal, why did you not endeavour to enforce it by legal means? If you did not know that the magistrate was culpable, why did you not leave him to take his remedy by the ordinary course of law? But in a legal or constitutional view, the guilt or innocence of the magistrate, or of myself, are things indifferent. The principle extends much beyond the merits or demerits of individuals. *Under any circumstances*, such an interference, on the part of a Governor, is an usurpation of the judicial function, by the executive power, of which the constitution of this country

does not admit. Is it not besides a gross insult to the judges of the supreme court of judicature at Calcutta, and to the persons who usually compose juries there, for any Governor, in any case, to take the law into his own hands? Were these judges and these jurors deemed by your Lordship incapable of fairly trying an offender against the laws of the country? Or were you apprehensive that, in this case, they would not inflict the precise measure of punishment which was agreeable to you? Such apprehensions would in reality be the highest possible eulogium on the courts of judicature in India, the establishment of which has conferred such immense benefits on the inhabitants of that country.

Thus it stands clearly proved, if I be not widely mistaken in the nature of proof, that you, my Lord, did wantonly unite, in your own person, the judicial with the executive authority, in violation of one of the fundamental principles of the British constitution; and I am now going to prove that you committed this violation of the constitution, this usurpation of the rights of the supreme court of judicature, for the express purpose, in the first instance at least, of shielding, with the strong arm of power, an individual magistrate from censure, for having, in the exercise of his authority, committed illegal, oppressive, and scandalous acts; in effect asserting a general principle that magistrates can do no wrong.

Your secretary (No. 5. p. 40.) expressly states that it was in consequence of a representation to Government (from the magistrate of course) that he was directed to write to me. Mr. Maclean informs me (No. 4. p. 38.) that the magistrate had written to the Supreme Board, complaining, and I received a letter from a friend, written from the magistrate's house, dissuading me from publishing the promised appreciation of his conduct. Five weeks afterwards, I receive another letter from your secretary (No. 10. p. 45.), requiring me to return to Europe, your emissaries at the same time making an attempt, which I frustrated, to seize my person. From all these circumstances, and from the very terms of your subsequent explanatory letter (No. 17.), as well as from the apology (No. 9.) dictated by one of your secretaries (perhaps the present Governor General), which the editor of the Telegraph was, in the mean time, obliged to insert in his paper for having published my letter (No. 2. p. 34.), it is impossible, I say, from all these circumstances, not to conclude that your illegal and unwarrantable requisition for an apology, and my subsequent imprisonment and expulsion for refusing to make such apology, were intended, in the first instance, to protect this magistrate from farther animadversion, and to establish a precedent by which all magistrates might in future tyrannize with impunity. What could be a more direct violation

than this of the principles of the British constitution, as laid down by the highest legal authority in England (Lord Erskine), in his celebrated declaration on the press? "The extent of the genuine liberty of the press, on general subjects, and the boundaries which separate them from licentiousness, the English law has wisely not attempted to define. They are indeed in their nature undefineable, and it is the office of the jury alone, taken from the country, in each particular instance, to ascertain them, and the trust of the crown where no individual is slandered, to select the instances FOR TRIAL, by its ministers responsible to parliament." Doctrines to which a great majority of the principal members of the present administration expressly and implicitly subscribed; doctrines to which every man of common sense in the kingdom must assent, and which every man of common honesty will uphold.

LETTER XXIII.

TO THE MARQUIS WELLESLEY, &c.

Considerations on the unconstitutional Law, which enacts that British born subjects may be transported without the form of a trial; and on the Marquis's enormous application of it in some cases, and his utter contempt of it in others.

“ Mr. Pitt's Bill, assisted by the explanatory Act of 1786, beside the *new* and *extraordinary* powers given to the Board of Controul at *home*, has given to the Governor and Presidents *abroad* the most despotic and extravagant authorities:—unlike any thing that could have been supposed to originate in a free state, and utterly irreconcilable to the spirit of the British Constitution, by virtue of which despotic authority, among other enormities which, under the name of government, *may* be committed, the Governor or President of the Council may, upon his single pleasure, seize and secure any British subject in India, of whatever rank or situation, and upon the *accusation* of only one person cause him to be thrown on ship-board, or imprisoned until there shall be “ a convenient opportunity of sending him to England,” where by the same bill, a new tribunal and proceeding equally unheard of in the Constitution, ~~are~~ provided for his trial.”

Sheridan's comparative Statement of Mr. Fox and Mr. Pitt's India Bills. p. 13.

My Lord,

FAR from wishing to exaggerate your conduct, I am willing to give you the full benefit of the most extravagant construction of a most extravagant law. The able description given of that law by the present Treasurer of the Navy, is so much superior to any thing I could write on the

subject that I have taken it as a motto to the letter. There are some laws, my Lord, so unconstitutional that they should not, and some so bad that they cannot be executed. Men of honour will not be the instruments of carrying into effect an execrable law, even when compulsory. Such was the memorable decree of Robespierre for giving no quarter to the English. But what are we to say, or at least what are we to think of a man, who, after the most mature deliberation, surpasses the provisions of a law, which he himself conceives not to be compulsory, and which he cannot but know is in direct contradiction to the most essential principles of the British Constitution? We must in charity suppose that a legislature, which can pass such glaringly unconstitutional acts, and a Governor who can unnecessarily go beyond the true intent and meaning of them, do not perceive the consequences of what they are doing; or we must suppose something infinitely more to their discredit. It is fitting, however, that the people of England should know the extent of their obligations to both.

The legislature to be sure only committed the small mistake of delegating an authority to the Governors of India, which they do not themselves possess, an authority which resides nowhere—that of transporting British subjects without the form of a trial. It is no new doctrine that “The power of King, Lords and Commons, is not an

" arbitrary power. They are the trustees, not
 " the owners of the estate. The fee-simple is in
 " us. They cannot alienate, they cannot waste.
 " When we say that the legislature is *supreme*,
 " we mean, that it is the highest power known to
 " the constitution; that it is the highest, in com-
 " parison with the other subordinate powers esta-
 " blished by the laws. In this sense, the word
 " *supreme* is relative; not absolute. The power of
 " the legislature is limited, not only by the gene-
 " ral rules of natural justice, and the welfare of
 " the community, but by the forms and principles
 " of our particular constitution. If this doctrine
 " be not true, we must admit that Kings, Lords,
 " and Commons have no rule to direct their reso-
 " lutions, but merely their own will and pleasure.
 " They might unite the legislature and executive
 " power in the same hands, and dissolve the con-
 " stitution by an act of parliament."

Junius's Dedication, p. 8.

Are our fundamental constitutional laws then
 to be considered as not extending to India? or
 are they extended to that country only in some
 parts, and withheld in others? and if so, by what
 statute is the distinction established? For what
 purpose are the English Courts of Judicature
 maintained in India, if they are not to apply the
 English law, particularly to British born subjects?
 Again, if in any case, the clauses of a minor law

happen, by some unaccountable legislative inadvertency or design, to be in direct contradiction to the spirit of the fundamental laws and constitution of the realm, can these clauses ever be fairly or honestly construed into a repeal or dissolution of our constitutional statutes? Has any Governor a right, in order to serve particular purposes, to avail himself of the former, in direct violation of the latter? I say, consistently with every sound constitutional principle, he cannot. "A saving, totally repugnant to the body of the act," says Blackstone, (vol. i. p. 89.) "is void." Upon the same principle, an act which is repugnant to the fundamental laws and constitution of the realm must be void. And it is the duty of every man to oppose a constitutional resistance to its operation.

Without entering at any length into the demerits of the laws respecting the government of India, I cannot avoid saying a few words on some of their most singular features. It must appear almost incredible to the people of Great Britain, whose attention has not hitherto been sufficiently called to the subject, that the unconstitutional clauses of those acts can be brought to operate against British-born subjects only. An American, a Dane, a Swede, a Russian, a Hindoo, a Frenchman, excepting in time of war, could not, even by the most forced construction of them, be sent to

Europe in virtue of the mere order of a Governor*.

By specifying British-born subjects as the exclusive objects of this unmeasured power, the framers of the bill (for I must suppose that the legislature could not have adverted to all its consequences) must have perceived that by extending it to foreigners, they would have been violating the spirit of the laws of nations, and might give rise to the most unpleasant disputes. If not, what did the restriction mean? But while some

* This is not the only advantage enjoyed by foreigners, at the expence of British subjects, according to the laws which regulate the East India monopoly. While the American, Danish, Swedish, and other flags pervade the Indian seas, British subjects, unless members of the Company, cannot send a single ship to that country, which their wealth and their power are constantly risked to protect. What a monstrous absurdity! But the injustice of this most pernicious monopoly, however glaring, is lost in the contemplation of its more distant, although not very remote, consequences. We do not seem to reflect that the mere loss of the trade, which is thus carried away from us by foreigners, however considerable is comparatively but a very trifling evil. The great injury is this, that while our own naval resources are cramped and limited by the system, a magnificent nursery is established for the navies of other nations. It seems, indeed, to be a general law of monopolies, that however they may be occasionally useful at their commencement, they never fail to become injurious, in the result of their progress, to the community in which they prevail. With respect to that of the East India Company, it has always presented to my mind the monstrous idea of a giant in leading-strings. In alluding to that particular branch of the monopoly, which concerns navigation, it would be inconsistent with my present object to go beyond the limits of a note. But considering it of the greatest importance to the prosperity of this country, it may form the subject of some future discussion.

respect was to be paid to the spirit of the laws of nations, that of the Constitution of Great Britain it seems was to be violated without scruple, and the British-born subject deprived at once of all his most essential birth-rights, the trial by jury, the *Habeas Corpus*, and the liberty of the press.

If a native of any foreign country, excepting when a prisoner of war, had reprehended a magistrate even improperly, he would have been entitled to a fair trial before the Supreme Court of Judicature. No foreigner, or Asiatic, even trading *unlawfully*, could have been transported by the mere *fiat* of a Governor-General. In India, British-born subjects alone are *aliens*. There at least the boasted birth-right of Englishmen consists only of a monopoly of oppression.

And while such superior privileges are accorded to foreigners over British-born subjects, it is also to be observed that there exists the most unequal rule of action for British-born subjects themselves. Is it not an extraordinary contradiction, for instance, that while a person accused of murder must be tried before the tribunal of the country, and if found innocent, restored to his family, property and business uninjured; a person only *accused* of a non-descript offence, against a magistrate may be banished and ruined, without the privilege of being heard? It is insulting the ordinary rules of justice with a vengeance to apply severer penalties to accusations of trivial of-

fences than to those of the highest enormity. " The peculiar excellence of the British Constitution, in which, indeed, the value of every government may be summed up, is that it creates " *an equal rule of action for the whole nation*, and " an impartial administration of justice under it. " —From these master principles results that happy unsuspecting and unsuspected freedom, " which for ages has distinguished society in England, and which has united Englishmen in an " enthusiasm for their country, and a reverence " for their laws."

Erskine's Declaration on the Liberty of the Press.

The inconvenience and cruelty of sending to England for trial, persons accused of crimes, even of murder, committed in distant places on the high seas, has been felt by the legislature, and I observe with pleasure that a bill has lately been brought into parliament for remedying this abuse, by enacting that such persons shall in future be tried by the adjacent tribunals. The public have now an opportunity of judging whether it be not equally necessary to bring in a bill for preventing persons, accused of offending a Governor, or Magistrate, in any of our distant provinces, from being sent to England, *for PUNISHMENT, without trial?*

In whatever point of view we consider the acts for the government of India, many of their clauses are neither more or less than a gross violation of

the British Constitution, in favor of a commercial monopoly. In their most limited sense, and under the most liberal construction, they are intolerable to every man who entertains the smallest sentiment of constitutional liberty. The clauses upon which you have pretended to act, in my case, even according to the fair and only just interpretation of them, viz. as they relate to unlawful traders, are precisely of that description. They are an absolute and complete violation of "the natural and inherent right of the subject to personal liberty." "The glory of the English law consists in clearly defining the times, the causes, and the extent, when, wherefore, and to what degree, the imprisonment of the subject may be lawful. This it is, which induces the absolute necessity of expressing upon every commitment the reason for which, it is made: that the Court upon an *Habeas Corpus*, may examine into its validity; and according to the circumstances of the case may discharge, admit to bail, or remand the prisoner."

Blackstone's Commentaries, vol. iii. p. 134.

But that we may not do injustice to the intentions of the legislature which enacted the laws for the government of India, we must suppose that, in giving a discretionary power of imprisonment, expulsion, and banishment, to the Governors of distant provinces, they must have had in view some distinct and reasonable grounds, upon which

these powers were to be exercised. They could never have intended them as an engine of oppression against British subjects, although they ought to have foreseen that they must necessarily become so, in the hands of men of arbitrary and despotic minds. Accordingly we find, both from the preamble and context of these clauses, that the legislature did mean to confine the exercise of the powers they delegated to the Company's Governors expressly to persons *unlawfully trading* in India, the very object of the clauses being to protect the Company's exclusive trade*. Otherwise what would have been the use of providing the new Tribunal and proceedings of which Mr. Sheridan speaks, for the trial of persons sent home by the Governors of that country? That enactment positively infers the commission of an offence as the ground of expulsion, and the only offence stated is *unlawful trading*, or trading without a licence.

This appears to me to be the true construction of the acts of parliament, relating to India, as they regard the expulsion of British-born subjects from that country. Since the passing of these acts, however, a great many persons, of various profes-

* The words of the preamble to the clauses giving discretionary power to the Governors of sending British-born subjects to Europe are "For securing to the said united company their sole and exclusive right of trading to the East Indies and parts aforesaid."

sions, and who do not at all come under the description of traders, have gradually settled in the Company's territories. To them certainly the spirit of these provisions did not and could not extend. In their true, limited, obvious, and only possible sense, namely, as they relate to unlawful traders, these clauses, if ever they were acted upon by your predecessors, had fallen, as they deserved, into complete disuse. But you, my Lord, with that chivalrous disdain for common place policy, which characterises your government, have thought proper not only to revive an obsolete, odious, tyrannical and most unconstitutional law, but to extend it, contrary to the manifest intention of the legislature, to all persons residing in India, of whatever profession or calling.

So much for the interpretation of the law, according to the manifest intention of the legislature. Let us now consider your application, or rather misapplication of it, in my case. On the 9th of July, five weeks after my refusal to make you an apology, I was favoured with a letter from your secretary (No. 10. p. 45), requiring me, *as residing in India without licence*, to return to Europe, in the extra ship Mildred, then under dispatch. Let us examine the validity of this plea. Here the offence against the magistrate is dropped, and my being without a licence is the great crime for which I am to be sent to Europe, with-

out a moment's delay to settle my affairs, and my person directed to be seized. Is it not rather strange, that after having been four years a constant resident of Calcutta, without a licence, and seeing that there were many thousand persons in India equally without licences; a circumstance, which had not till then been so considered, should all at once have sprung up into an offence, in my particular case? The objection, one should suppose might have very easily been removed, by only conferring on me a licence, subject to the conditions on which such permissions were accorded to others. Were not licences freely granted to all who asked for them? Was it imputed as an offence to other persons to have resided in India without licences? The adoption of the pretext in my case might therefore be considered as both contemptible and ridiculous, if it were not something much worse. It was establishing a distinction, which destroyed at one blow that equal rule of action considered by Lord Erskine as "the peculiar excellence of the British constitution." And it may be of some importance to consider how long our enthusiasm for the country, and our reverence for its laws, can survive the circumstances that gave them birth.

The law, respecting licences, under which you have endeavoured to cover your proceedings, must be considered as either compulsory or dis-

cretionary. I will give you every advantage in the construction of it: If compulsory, it was incumbent on you to have sent away every *British-born* subject, (for the law, under the utmost latitude of construction, as has been shewn, extends *only to them*) who had not a licence to remain in India; and you ought not, in my case, to have waited for the new offence of refusing to make you an apology. It was your duty to have put the law regularly, equally, and invariably in force, for it could not have been the intention of the legislature, either express or understood, to have left to any Governor an option to enforce, or to dispense with, a compulsory law at pleasure. If the law was compulsory, you have violated the law.

But if the authority vested in you was discretionary, you are still responsible for the manner in which you have exercised it. The law, as I understand it, in so far as it goes, is in fact discretionary.

Now I will, for the sake of argument, take your own intrepertation of the law, and suppose, what however I do not admit, that by a fair and liberal construction of it, you were authorised to send to Europe others than those who are found unlawfully trading in India, is it fitting that you should make use of this discretionary power as it were in sport? In order to shew that you made a wanton and most tyrannical use of that discretionary pow-

er, in my case, even according to your own mis-interpretation of the law, it is only necessary to refer the reader to your letters, (the letters of your secretary I consider as your own.) There he will find the reasons for my expulsion from India, which you have yourself deliberately urged, so absurd, ridiculous, and contemptible, that he must conceive it probable you would, in some future flight, proceed to transport individuals, for an offensive exclamation, or a provoking distortion of countenance. And thus British subjects might become mere play-things in the hands of a Governor!

But what will be said if I shew that you have treated the law respecting licences, which you pretended on this occasion to respect, in other cases with the most sovereign contempt? Mr. Maclean had a licence. But it did not protect him from being transported from Benares towards Calcutta! Would his licence have saved the Editor of the Telegraph from a voyage to Europe, if he had not published the apology dictated to him? Nay, have you not yourself, in your edict for regulating the press, expressly asserted, in open contempt of this very law, your right to exercise the power of transportation, without any exception whatever in favor of those who have licences? The penalty for offending against any of the above regulations to be immediate expul-
 sion for Europe, to the very principle of

the decision of Bonaparte in the case of *Pan-
couke* and *Moutardier*, who had printed with-
out publishing a book that was offensive to him :
“ Let the printer be sent to the Bicetre and the
author to Cayenne.”

This brings to my recollection an obligation
which I chance to owe you. It has been a singu-
larity of my fate to have been in collision with
almost every species of despotism, from your own
maiden efforts in India, to those of your imitator
Bonaparte in Europe, and from the whole-sale
measures of that usurper, to the pettyfogging de-
tails of a snivelling Medical Board. When de-
tained in France, at the commencement of this
war, contrary to the usages of civilized nations,
a printed copy of your correspondence sent to
the public offices proved a principal mean of pro-
curing my release. I know not whether the con-
stituted authorities of Bonaparte, from that igno-
rance which characterises despotism, identified
your Lordship with the constitution of this coun-
try, and thought they were conferring a benefit
on me as your enemy, or from tyrannical sympa-
thy, felt that a person, who was obnoxious to your
Lordship, was also unfit to remain under the juris-
diction of their master. But of this I am certain
that the correspondence which is now submitted
to the public, had not been long in their posses-
sion, when I got a passport to embark for Ame-
rica; verifying the proverb, that there is scarcely
any evil out of which some good doth not arise.

LETTER XXIII.

TO THE MARQUIS 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 vue de pres ”

La Bruyere.

“ 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 ostentimés all this fine furniture about them.***—He that is truly noble *hates to abridge the liberties, to depress the spirits, or any ways 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 as prosperity does not make him haughty and imperious, so neither does adversity sink him into meanness and dejection; for if he ever shews 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 serenity and pride, and scorns either to trample upon a worm, or sneak to an Emperor.*” COLLIER.

My Lord,

SENSIBLE and perhaps even ashamed of the futility of your former pleas, you again changed your ground, (No. 17, page 53,) and added a new charge still more frivolous if possible than the former ones. In this 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: 2ndly, when called upon to *make an apology for that offence, refusing in the most disrespectful terms, to make such apology* (see No. 5 for the terms): and 3dly, because I was ordered (four years) before to return to Europe, &c. 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 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) 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 shewn in Letter XXII. that my refusing to make you an apology was both legal and proper. It has been shown in letter XXIII. 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, (p. 58, 59.) 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 (17.) 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 na-

tion will attend to this political chymistry, on his own account as well as mine; 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-Cheek 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 ex- " quisite reason for't, but I have reason good " enough."—*Twelfth Night*.

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 re-perusing your own three letters, my Lord (for I consider your secretaries' letters as yours), 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 de-

gency and common sense. In your first letter, 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 your second letter, 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 (p. 53, &c.) 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 in my letter; (p. 487) to allow me, *on certain conditions*, to remain in Calcutta for a few months longer; which I reject with disdain.

Thus you were obliged repeatedly to shift your ground; and if I had urged you farther, 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 adjutant. 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.

Milton's Par. Lost.

I should not have been sent to Europe. But this, as I shall shew, 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 explanatory letter, No. 17, *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 made stables of the East Indiamen to bring the horses of his body guard from Bengal, at an enormous expence to the Company, as if the Madras cavalry were unworthy the honor of acting as his body guard, during his stay on the coast. Here we trace Bonaparte and his inseparable Mamalukes. 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 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 suit large enough to form an army? But it is necessary for those, who adopt, to justify

O but man ! proud man,
 Drest in a little brief authority ;
 Most ignorant of what he's most assur'd
 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 some times of service to the public. Facts
 “ are apt to alarm us more than the most dan-
 “ gerous principles.” The facts here establish-
 ed are indeed sufficiently alarming : and I trust
 the people of England will see your conduct in

pageantry and vain-glorious men, not choosing to trace it to its real source, their own dispositions, have recourse to the shallow and contemptible pretexts of the necessity of imposing upon the people.

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 XXV.

TO THE MARQUIS 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 vola sic jubeo, stat pro ratione voluntas."

My Lord,

NOTWITHSTANDING the reinforcement of your new charge, (No. 17.) conjured up after a lapse of six days, you were pleased to say that, in consideration of the circumstances stated in my letter of the 13th July, (No. 13.) 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 (No. 15.) 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 or less than, "If you will comply with my will and pleasure in part, I will suffer you to remain for three months longer in India; if you will 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 France or in Turkey to produce me a more perfect union of complete nonsense and absolute despotism.

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 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, 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 issued; 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. Whatever may have been said to the prejudice of the sex, by poets or pretended philosophers, this is not the only occasion on which I have experienced that women have 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 twelvemonth's 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, 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 have conferred 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 other-
 " wise 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 ex-
 pulsion, to the uncertainty of remaining sub-
 ject to the capricious sallies of your Lordship's
 volition.

Having shewn that you avowedly considered
 yourself as entitled to enforce or dispense with
 existing laws, according to your own interpre-
 tation of them, at pleasure; I shall now make
 it appear that you assumed the privilege of
 making new laws, establishing in effect a com-
 plete and absolute despotism.—Instead of leav-
 ing disputes to be settled in the ordinary course
 of law, you determined that none should exist;
 as you imposed previous restrictions on publi-
 cations, so you would impose previous restric-
 tions on the actions of men. "Penalty bonds,"
 says Mr. Maclean, in the postscript to one of
 his letters (No. 4.), "are sent up to be exe-
 cuted by all indigo planters in this district

“ (Benares), for the first complaint in court 500
 “ 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 hun-
 dred; and to order the offender to Botany Bay as
 to Calcutta. Did you not, by this strange mea-
 sure, if any measure of yours could appear
 strange, assert an unlimited power over the pur-
 ses, as well as the persons, of his Majesty’s sub-
 jects? 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 do quarantine at
 Benares, and for the second to China.*? This
 doctrine of arbitrarily transplanting the subject
 from one part of a country to another, is even
 more cruel and dégrading than that which trans-
 fers them in whole lots from one master to ano-
 ther, as has lately been the abominable practice
 on the continent of Europe. Nor does it appear

* 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 enquiry in another place. But it shall not
 be lost to the public,

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. But there cannot, I apprehend, be in nature a principle more indisputable than that, when the laws of a country are superseded, whether it be by an individual or a mob, the result is in both cases absolute and complete despotism, differing only in modification, duration, and degree. Really, my Lord, I must confess that the sources from whence you have derived your principles of government, and your right to absolute power, are utterly beyond my comprehension; nor do I much care to know them. But I trust it will be thought necessary to indulge the public with some sort of explanation.

LETTER XXVI.

TO THE MARQUIS WELLESLEY.

On the singularity of sending a person, accused of an offence, from India to England, in order to be liberated, not to be tried; and on his assertion of the right of exercising a jurisdiction beyond the territories he governed.

“*Quosdam hæc Bhadamanthus habet durissima regna,
Castigatque, auditque dolos, subigitque fateri.*”

“*First he punisheth, and then he trieth, and lastly compelleth to confess, and makes and mans laws at his pleasure, like as the Centurion, in the holy history, did to St Paul, for the text saith, “Centurio apprehendi Paulum Jussit, et se Cætebū eligari, et tunc interrogabit, quis fallet, et quid fecisset.” But good judges and justices abhor these courses.*”

Coke, 2 Inst. 53.

My Lord,

If you really considered me as coming under the meaning of those clauses of the acts of parliament respecting India, which give governors, in certain cases, the power of transportation, in order to be consistent, according to your own interpretation of them, you ought to have sent me to England, *not* to be liberated, but to be tried. The very words of the act of 1793 are, “there to answer for his, her, or their offence, according to due course of law.”—See the 33d of Geo. III. cap. 52. § cxxxii.—Thus the law

clearly infers an offence, for which a specific punishment is provided. I think, then, I have just cause of complaint that you did not, at least after inflicting punishment, give me an opportunity, by the forms of a trial, to shew how far I had deserved it. Even the judge of hell tries, *after* having punished, an offender. But you, my Lord, adopt a course of justice peculiar to yourself: I am sent on board a ship, where I remain twelve months a prisoner, according to the definition of Dr. Johnson, with the constant risk of drowning. On arriving in England I naturally expect to be tried according to the provisions of the law on which you pretended to act. But no prosecution is brought, or even meditated. You well knew, my Lord, that the circumstances would not bear an investigation. You knew that the law itself could not stand the test of a single trial. Why then such solicitude that I should be kept a prisoner till my arrival in England? Did you apprehend that, if released sooner, I should return to participate in the blessings of your free government? You could scarcely, I think, have formed so false an estimate of my ambition. Your Lordship must therefore pardon me if I suspect the order had no object but to gratify the yearnings of a tyrannical mind.

The instructions of your secretary to the captain of the *Busbridge* are also exceedingly curious in another point of view.— The Honourable

“ the Governor General in Council directs me
 “ to signify to you his *most positive commands*,
 “ that particular care be taken to prevent the
 “ *escape* of Mr. Maclean from the Busbridge,
 “ from the period of his embarkation to that of
 “ the ship being quitted by the pilot, or *by any*
 “ *subsequent opportunity that may happen in the*
 “ *course of the voyage* ; and to acquaint you that
 “ you will be held responsible for the security
 “ of his person till his arrival in England, *when*
 “ *you will discharge him*, giving due notice of
 “ the same to the secretary of the Court of Di-
 “ rectors.”—(Letter 21.)—This open and manly
 assertion of the right of extending your jurisdic-
 tion beyond the territories you govern deserves,
 I believe, the credit of originality. The doc-
 trine indeed has since been adopted, and much
 improved upon, by that friend to good govern-
 ment, Bonaparte. If ever that prince of despots
 should realize his project of becoming emperor
 of the West, he will find an emperor of the East
 ready made to his hands. How compendiously
 will the world be governed !

From the nature of your orders to Captain
 Dobree, he could not, but at his peril, suffer me
 to land at Madras, Ceylon, the Cape of Good
 Hope, the Brazils, St. Helena, or wherever else
 we might happen to touch, until the Busbridge
 should arrive in England. After having occa-
 sioned the dilapidation of my property, and the

loss of my business in India, I was not to be permitted to avail myself of any opportunity that might occur of settling advantageously in any other country; where we might sojourn previous to the ship's arrival in England; and this without any apparent motive. If you had ordered Captain Dobree to throw me out at one of the port holes, or to suspend me from the main top-mast cross-trees in irons* during the passage, it would not have been a more perfect, although a more odious instance, of abuse of power, and violation of law and justice.

Since I was consigned to England exclusively, not for the purpose of being brought to trial, but apparently for your Lordship's amusement, you will perhaps expect that I should be grateful to you for not having ordered that my voyage should be farther prolonged to America, or perhaps round the world; or that you did not take the fancy of ordering me to be re-shipped for India, in order to enjoy in a fuller degree the benefits of your own mild administration. If the King of

* When the *Busbridge* arrived in Madras Roads, it was actually reported in the place that I was on board in irons. The case, as I have here chosen to bring it forward, being entirely on principles of a public nature, I have avoided stating the losses, or the hardships, which I suffered, in consequence of the proceedings of the Marquis Wellesley; or, which is of still greater consequence, the injury to my character, (as dear to me as his can be to the Marquis Wellesley), which must have resulted from them, *since to those who oppress, or persecute, it is necessary to defame.*

England, my Lord, were to ship any one of his subjects for refusing to make him an apology, (a thing his most Gracious Majesty would never think of exacting if he had the right) in a vessel going on a voyage of discovery round the world, in order to deprive him of the protection of the laws, what would the people of this country think of such a proceeding? But I beg his Majesty's pardon for placing him for a moment in such unconstitutional company.

You, my Lord, like other great men, are ambitious, even in the exercise of your clemency, of displaying an originality of genius. Was it to enable me to seek redress for oppression committed at the distance of 5000 leagues, after having despoiled me of all the ordinary means of obtaining it, that you gave such particular instructions to land me in England only? For this favor, permit me to acknowledge my particular obligations, as well as for the unostentatious manner in which your secretary announces the gracious intention: "He (the captain) will be held responsible for the security of your person until his arrival in England, *when he is permitted to release you.*" What a volume of tyranny in six words!

LETTER XXVII.

TO THE MARQUIS WARRISLEY, &c. to
On his extinction of the Liberty of the Press in
India, and his establishment of an Imprimatur.

"To subject the press to the restrictive power of a licencer as
was actually done. Both before and after the revolution; is to sub-
ject all freedom of sentiment to the prejudice of one man and make
him the arbitrary and infallible judge of all controverted points in
learning, religion and government."

Blackstone's Commentaries, vol. IV. p. 159.

My Lord,

It has hitherto argued the case between us
entirely on the grounds which you have yourself
thought proper to take. But the truth is, that
while my refusal to make an apology formed but
a collateral reason for the measures which you
chose to adopt, and the want of a licence was but
a mere pretext, indispensable however in so far as
it was the only plea on which you could resort to
arbitrary proceedings, your principal view was to
aim, through me, a deadly blow at the liberty of
the press in India, the extinction of which had
been a favorite object of your ambition. To
suppose that you had no motive for my expulsion
less ridiculous than those which you chose your-
self to assign, would be greatly to undervalue
your understanding. You knew, I presume, that I

was proprietor of a newspaper and a magazine. You was also probably informed that I was not a person capable of surrendering my right of free discussion, or submitting the length, breadth, and thickness of my ideas to be squared by the rule of any secretary to the government, however ingenious. If so, my Lord, most assuredly you were correctly informed. All attempts to limit the freedom of discussion, whether made by a banditti professing liberty and equality, by the rapacious usurper of an imperial throne, or by the tyrannical governor of a province, I hold in equal detestation and abhorrence, and shall ever be ready, according to the humble measure of my ability, to frustrate or oppose them as becomes the subject of a free state. You was therefore perfectly right, consistently with your own views of extinguishing the liberty of the press, to contrive my imprisonment and removal, for while I remained free you could not have extinguished that liberty, or imposed your favourite imprimatur. That such was your real object is proved beyond a doubt by your general regulations for the press, as well as by the particular acts recorded in Nos. 7, 8, and 9 of the preceding correspondence.

These documents most clearly shew that the plan of attack was not so much directed against me personally, as against the whole system of public discussion. The editor of the Telegraph was required to make an apology for having in-

serted my letter : “ But I know not,” says he, “ if it will be accepted.” It certainly was not accepted. A more abject one was dictated, (No. 9.) and the unfortunate editor of the Telegraph was obliged to insert it under the penalty of transportation, having a wife and seven or eight children to take along with him. He had undoubtedly the best reason in nature for submitting to an act of degradation, and I am far from blaming him for it. But the terms of the apology dictated to this unfortunate man are so furious a specimen of the performance of a Governor of fifty millions of people, in his editorial capacity, that it is worthy of being studied by the present generation, and transmitted as a model of apologetical perfection to posterity. “ The editor, from *error in judgment*, having inserted a letter in the Telegraph of the 28th of April, under the signature of Charles Maclean, and also a subsequent letter *on the same subject*, in the Telegraph of the 12th May, signed *Habeas Corpus*, and the terms of both the said letters appearing to him, on re-consideration, to be extremely improper, he is *induced* to apologise for having inserted them ; *particularly* as the writers of the said letters have *assumed* a privilege of animadverting, THROUGH THE MEDIUM OF A PUBLIC PRINT, upon the proceedings of a court of justice, and of censuring the conduct of a *public officer*, for acts done in his *official capacity*.”

Now, my Lord, although from the novelty of your apologetical labours they ought to be treated tenderly in a literary or grammatical point of view, I cannot but notice a few contradictions in sense, which have escaped you, perhaps in the rapidity of diction. In the first place, if we did not know otherwise, we should suppose the editor of the Telegraph had been induced *by* himself to make a public apology *to* himself for having *committed an error in judgment*. We should also suppose that the privilege of animadverting upon courts of justice was new and unknown; that public prints are an uncommon medium of animadversion; and that it was altogether unusual to censure public officers but for acts done in their *non-official* capacity.

In this auspicious manner, my Lord, commenced the war against (the press, which you have since carried on) in India, with so much valour and with such uniform success. Encouraged by your first victories, your exploits acquired vigour in their progress, until they at length terminated in the *non plus ultra* of human despotism, the direful regulations here published, (page 62 &c. ;) regulations of so exquisite a hue as to deprive the literary labours of Bonaparte of every merit of originality, and to call up the blush of envy and of shame into his pale Corsican cheek. After my expulsion from India, and the apologies of the editor of the Telegraph, the system of terror was

completely established, throughout the literary department, and every *error in judgment* rendered impossible, by the *infallible superintendance* of one of the secretaries to the government! But the regulations, by which the newspapers of India were definitely chained, were not until some time afterwards formally transmitted to the different presidencies:

Thus skilfully fettered, my Lord, you have bequeathed the care of the press to your former secretary and worthy successor, who may enjoy the inheritance without incurring the odium of the acquirement. The system of licensing, which, after the lapse of a century, you have recalled from the tomb, is in more than one respect deserving of our most attentive consideration. Without entering into the merits of the resuscitation at this time of the day, I shall here only observe, that your mode, compared with that formerly in use under despotic governments, is very far from being an improvement. You have thought proper to confer the office of licencer on one of the secretaries to the government, for the time being, with or without a salary, it matters very little which. Now I should be glad to be informed under what responsibility to the public this licencer is acting? He may be changed from day to day. He has no character to support in the scientific or literary world. He may be a very good accountant, and able to write

common letters of business; but I should doubt very much of his skill in judging of the moral or political tendency of publications. I fear, if the licencers of the press under the ancient French monarchy had not been more exquisite, as well as more impartial and independent, judges of literary productions, than the secretaries to our Asiatic governments, the world would have been deprived of the works of Montesquieu, Helvetius, Rousseau, and Voltaire. Raynal's East and West Indies; if submitted to your licencers, my Lord, would certainly never have seen the light; and the manuscripts of Bacon, Milton, Shakspeare, and Locke, I am rather apprehensive, might have been suspected of containing some latent heresy, and condemned to be burnt by the hands of the common hangman. And who indeed can say that already works of the sublimest genius have not been brought to an untimely end by your "arbitrary and infallible judges of all controverted points in learning, religion, and government."

But do not mistake me, my Lord, as admitting that, if you had appointed the most able and the most upright man in the universe as the licencer of the press, the system can, under any modification, be tolerated; that it was either necessary or expedient; or that it is compatible with the existence of the smallest degree of freedom. In short, the right to impose previous restrictions upon

publications is a pretension too atrocious to have been made even by the most profligate of our tyrants; and its open avowal is unexampled in the modern history of the nation.

It is a gross and most stupid error which apprehends any danger to society from the freedom of the press. Was the press free in France when every species of atrocity was perpetrated with impunity in that country? No! It was always in the hands of some demagogue or faction, "the arbitrary and infallible judges, for the time being, of all controverted points in learning, religion, and government."—Nay, if the press had been free, it would have been utterly impossible that the atrocities of that æra could have been palliated, concealed, tolerated, or committed. And what great difference is there between a French demagogue, or usurper of power, and an English demagogue or usurper of power? He must be a person wholly incapable of deriving benefit from instruction; who can impute to any man desirous of imposing restrictions upon the press, however he may dissemble his views even from himself, any other than the most atrocious intentions. Of this I am very certain; that he who would most strenuously resist internal oppression, being most sensible of the blessings which we enjoy, would also be the most zealous to defeat foreign invasion; and that the domestic invader of our rights would; on the very same principle, be the first to betray us to a foreign ene-

my. If ever we become indifferent to the one, we shall by a natural progress soon be reconciled to the other; and then we should deservedly suffer the common lot of slaves.

But if any thing in nature can call forth our blushes, how must we redden at our own tameness, when we peruse the manly language in which Milton treated this subject more than a century and a half ago: "We have it not (book-licensing) that can be heard of, from any ancient state, or polity, or church, nor by any statute left us by our ancestors, elder or latter; nor from the modern custom of any reformed city, or church abroad; but from the most antichristian counsel, and the most tyrannous inquisition that were enquired. Till then, books were as freely admitted into the world as any other birth; the issue of the brain was no more stifled than the issue of the womb; no envious Juno sate cross-legged over the nativity of any man's offspring: but if it proved a monster, who denies that it was justly burnt or sunk into the sea." **ARROPAGITICA.**

There is another inconvenience attending the species of imprimatur which you have set up, and which, although it does not concern the public in general, is a serious grievance to those, whom it affects.—*Proprietors of Newspapers may have to stop the press, and disappoint the public if they do not know where the Secretaries to the Government have been dining.*

LETTER XXVIII.

TO THE MARQUIS WELLESLEY, &c.

On his violation of the principles of the British Constitution, by the open and unprecedented assumption of the right of laying previous restraints upon publications.

“ This liberty (that of the press) is justly dear to every British subject: The Constitution admits of no previous restraints upon publications of any description; but there exists a judicature wholly independent of the executive government, capable of taking cognisance of such publications, as the law deems to be criminal, and which are bound to inflict the punishment the delinquents may deserve.”

Official Correspondence between Britain and France, 1803,
p. 26.

My Lord,

It is a curious fact, whether it be considered as a coincidence, or only an imitation, that Bonaparte attempted to impose the same previous restrictions on the press in Britain, that your Lordship so successfully imposed in India. On perusing your regulations (page 62, et seq.), we find that the very first rule for the guidance of your secretaries in revising the materials for the press, enjoins that they shall prevent all such publications as shall appear to them of a certain tendency. But it is the law of the land, and the British government, in their official correspondence with

that of France, have expressly recognized it, that the British Constitution does not admit that any previous restraints should be laid upon publications of *any description*; and what are the topics which you have ordered not to be discussed? with a few exceptions, precisely such as are most essential to be known, *Observations on the state of public credit, the revenues, the finances*; the embarkation of troops or specie; naval or military preparations; the destination or expected arrival of ships; the *conduct of government or any of its offices, civil or military, marine, commercial, or judicial*; ***** statements with regard to the probability of war or peace; observations *tending to convey information to an enemy, or to excite alarm or commotion within the company's territory*; the republication of such passages from European newspapers *as may tend to affect the influence and credit of the British power with the native states*;

Now, in the name of common sense, I should be glad to know what species of information is left for the unhappy editors of newspapers to convey; unless it be the periodical ablutions of the Brahmins in the river Houghly, or the splendid processions of the Governor-General to the distant provinces? These gentlemen, indeed, will derive this miserable advantage from the change, that their responsibility to their readers, and to the government (the laws are out of the question) will

be totally done away; since all their matter must be previously shaped and fashioned according to the ideas of some curious secretary, and of course rendered perfectly agreeable to the feelings of the most noble the Governor General.

You have surely not considered, my Lord, that if there be any subject on which publicity is essentially necessary to a nation, it is that of the state and appropriation of its finances. Let us, for a moment, contrast the darkness with which you have enveloped the finances of India, with the love of publicity which forms so prominent and excellent a feature in the character of the present Chancellor of the Exchequer, and which, if his ambition be of the right kind, he will never depart from. In laying before the public a statement of the finances of Great Britain, for the present year, he thus expresses himself:

“ If he indulged any pride in the financial detail which he had just laid before the House, it was this, that it is entirely open and without concealment. He had ever been of opinion that the publicity and notoriety of the financial affairs of Great Britain had been the prime source of her strength and success. He trusted this frankness and absence of disguise would never be departed from. Like the old Roman moralist he would wish to build his habitation that every corner should be open to every eye, and every passenger become a spectator of what was

“going on within.—He believed if there were a system in the world to which this sentiment might be justly applied, it was the financial system of Great Britain. If there was any point he was more ambitious to attain than another, it was the character of promoting that knowledge and publicity. He should look to it on all occasions, and consider it as inseparably connected with the discharge of his duty to his country.”

But your system, my Lord, is that of darkness, mystery, and concealment, in every department. How, in the fettered state of the Asiatic press, can the inhabitants of India, whether European or native, know what is doing in Europe; or the inhabitants of Europe know what is doing in India? Commercial men cannot, but by means of private correspondence, even hear of the arrival or departure of ships. The consequences of such dreadful ignorance are too shocking to bear contemplation. Look at the state of the continent of Europe; and say whether that would have been so deplorable as it now is, if the liberty of the press had continued to exist, even in a despotic state, in France: Do you believe that, if the press were free at Paris, Bonaparte would venture to issue orders, which are now implicitly obeyed, and dare not even be questioned? Do you believe that, if there were a press at Vienna, the recent families of the German empire, occasioned by the imbecility, blunders, and treachery of individuals,

might not have been averted? Do you believe that, if a free press existed at Berlin, the wretched and mischievous policy of the Russian Cabinet would have so long continued to prey to its own disgrace, and to the detriment of all Europe? Do you imagine that if the press of Calcutta had continued to enjoy its wonted freedom, even your own measures, my Lord, might not have received salutary checks, when erroneous, and essential assistance when correct?

Such is the powerful nature of truth, my Lord, that, with a free press for its circulation, the pernicious abuses to which so many nations are unhappily a prey, would instantaneously disappear, and the oppression by which their inhabitants are ground to dust would speedily vanish. Despotism has a natural affinity to darkness & liberty to light. As flowers are nurtured into blossom by the heat and light of the sun, so are the virtuous propensities of man thrown into action by the animating beams of freedom. Excessive abstraction or intensity are equally fatal. With a press perfectly free, good institutions acquire perfection, and bad ones disappear. But the liberty of the press being extinguished, bad institutions spring up apace, and scarcely any good one can continue to exist. Were I asked what part of our glorious constitution it would be most fatal to lose, I would answer without hesitation, the liberty of the press. Leave me

“ that, and I will ensure the rest. But take that away, and I cannot answer a single moment for any other part of the fabric.” I do not believe, my Lord, (for really I do not think you a mere devil), that at the commencement of your war against the press, you had any idea of the length you might be induced to go, or of the enormous criminality of your object. But having once embarked, you thought it inconsistent with your dignity to return. Of what consequence is it to a nation, my Lord, if they are enslaved, whether the mischief arise from ignorance or design? We have a grand lesson of colonial alienation before us, which may show the danger of arbitrary proceedings in our distant provinces. Did not the tyranny of Governors, in concurrence with injudicious pretensions of the legislature, first produce those discontents, which terminated in the separation of America from Great Britain. That separation may now, indeed, be productive of a good to the world which was little foreseen. If the principles of such men as you and Bonaparte should unhappily prevail in Europe, liberty will still have *one* asylum in the universe.

For the comparatively moderate measures of our American governors, however, some plausible pretexts, some shadow of justification might have existed. But what possible justification can be attempted by you, for having utterly extinguished the liberty of the press in India, unless it

be the stale and vague pretext of state necessity,
the usual arguments of tyrants * ?

So spake the fiend,
And with necessity, the tyrant's plea,
Excus'd his devilish doeds.

Milton's Par. Lost.

But besides that public men may easily mistake the gratification of their own particular propensities for the general good of the state, no species of necessity, at least no necessity under which you, my Lord, as Governor General of India, could have laboured, can be admitted as an excuse for violating the most essential principles of the British constitution. Was you even beset with treason, sedition, insurrection, it would have formed no justification of your conduct, since there were British courts of judicature to try offenders. But the fact is, that there was even no visible pretext for your violent attack upon the press. Are the natives of India become politicians? Or rather, are they not the least refractory subjects upon earth? Did you design, by disgusting the Europeans, to conciliate the natives? Or what, in the name of wonder, could your intentions have been? Was not the press much more free, or licentious if you will, under the administration of Mr. Hastings, and other

* I find I was mistaken. Since this was written the approbation of the Court of Directors has been pleaded in defence of the Marquis's edict for the regulation of the press.

Governors, than it was, at any time, during that of your Lordship? They, particularly Mr. Hastings, were even personally attacked! But they had too much conscious dignity and good sense to resent these ephemeral effusions of discontent, and too much wisdom to think of restraining the liberty of the press, on account of its occasional licentiousness. "Good men," says Junius "to whom alone I address myself, appear to me to consult their piety as little as their judgment and experience, when they admit the great and essential advantages accruing to society from the freedom of the press, yet indulge themselves in peevish or passionate exclamations, against the abuse of it. Betraying an unreasonable expectation of benefits pure and entire from any human institution, they, in effect, arraign the goodness of Providence, and confess that they are dissatisfied with the common lot of humanity." *Preface.*

After disobeying the orders of the Court of Directors, and treating the principles of the British constitution with contempt, what more could be expected but that, if there were no obstacle but your own inclinations; you would have declared yourself independent of both? But your restrictions on the press constitute by far the most extraordinary measure that I have heard or read of in civilized times. It is even the most extraordinary act of your own government. If there

were really any rational grounds for a measure of political audacity, on which very few Governors would have chosen to venture, you, my Lords, with all the ingenuity that belongs to you, will no doubt be able to explain. At present, however, it must be regarded as a singular phenomenon in the history of British government, that the press in our great Eastern empire, should be subjected to restrictions, which would be reckoned disgraceful in any of our little islands in the West Indies; of which the inhabitants are principally slaves.

These restrictions I shall first consider, as they are a violation of the British Constitution, *which admits of no previous restraints upon publications of any description;* and for this doctrine, without going back into antiquity, I will quote an authority to which even your Lordship will not object: I mean that of Lord Hawkesbury. It is yet in the recollection of every one, that, while this Nobleman was Secretary of State for Foreign Affairs, Bonaparte roused the utmost indignation of every British subject, by attempting to dictate limitations to the press of this country, not how ever one tenth part so degrading as those you have imposed upon the press of India. When *“the first of a long series of conflicts between the greatest powers in the world, and the only free press remaining in Europe”*, began, Lord
St. James's Place, 10th Dec. 1804. Speech on the trial of Peltier, 1791.

Hawkesbury, in his answer to M. Otto's representations (see correspondence between Great Britain and France, &c. 1803, p. 26), declared the liberty of the press to be "justly dear to every British subject. *The constitution admits of no PREVIOUS restraints upon publications of any description; but there exist judicatures, wholly independent of the executive government, capable of taking cognizance of such publications as the law deems to be criminal, and which are bound to inflict the punishment the delinquents may deserve.*"

Now I beg you will have the goodness carefully to compare this clear, and luminous exposition of the noble Secretary of State, with your own general regulations for the press in India, and with your summary proceedings in my case, and to tell us whether you think you have not violated the principles of the British Constitution, of common justice, and of common sense; whether you, a mere Governor of a province, have not taken upon yourself to do that which his gracious Majesty cannot do, and that which has never been claimed by any branch of his illustrious house, *to impose previous restraints upon publications, of which the constitution of this country does not admit.*

The murderer of his friend, whom we so justly abhor, only takes away the life of one individual, by which, if detected, he forfeits his own. But

the successful invader of the freedom of the press, deprives us all of the condition which alone renders life worth the holding, and of the means of exposing and punishing his own iniquities. Instead of my own crude thoughts, let me state the ideas of Milton on this subject, which may be considered as a genuine instance of the sublime: "Who kills a man, kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God, as it were in the eye. * * * * We should be wary therefore what persecution we raise against the living labours of public men, how we spill that seasoned life of man, preserved and stored up in books; since we see a kind of homicide may be thus committed, sometimes a martyrdom, and if it extend to the whole impression a kind of massacre, whereof the execution ends not in the slaying of an elemental life, but strikes at that ethereal and fifth essence, the breath of reason itself, *slays an immortality* rather than a life."

AREOPAGITICA.

An admirable idea of De Lolme on the liberty of the press, is so peculiarly applicable to the present subject, that I cannot help quoting it: "In short, whoever considers what it is that constitutes the moving principle of what we call great affairs, and the invincible sensibility of

" man to the opinion of his fellow creatures, will
 " not hesitate to affirm, that if it were possible
 " for the liberty of the press to exist in a despo-
 " tic government, and (what is not less difficult)
 " for it to exist without changing the constitu-
 " tion, this liberty of the press would alone form
 " a counterpoise to the power of the prince. If,
 " for example, *in an empire of the East*, a sanctu-
 " ary could be found, which rendered respectable
 " by the ancient religion of the people, might
 " insure safety to those who should bring thither
 " their observations of any kind; and that, from
 " thence, printed papers should issue, which, un-
 " der a certain seal, might be equally respected;
 " and which, in their daily appearance, should ex-
 " amine and freely discuss the conduct of the ca-
 " didis, the bashaws, the vizir, the divan, and the
 " sultan himself; that would introduce immedi-
 " ately some degree of liberty." To this ingeni-
 " ous idea, I will just add that, if any man, of a ro-
 " mantic turn of mind diametrically opposite to that
 " which distinguishes your Lordship, had taken the
 " fancy of introducing into India, that sanctuary
 " mentioned by De Lolme, there is no place upon
 " earth where he could have done it with less risk
 " of danger.

LETTER, XXIX.

TO THE MARQUIS WELLESLEY, &c.

A few words on his general government.

“ Ego ita comperi, omnia regna, civitates, nationes, usque eo
 prosperum imperium habuisse, dum apud eos vera consilia valuerunt.”
Sallust.

I WILL now, my Lord, ask any man of the smallest particle of candour, what could have been expected from that arbitrary spirit, of which I have given such damning specimens, when carried, as it must have been, into the various branches of the administration of public affairs, but that it should produce, among the native powers of India, disgust, irritation, revolt, and war? Accordingly during the whole course of your administration, India has experienced these calamities in so full a measure, as scarcely to have enjoyed a single day of repose.

Nor let our common sense be insulted by being told, that it argues great talents. In a Governor General, with a numerous and one of the best composed armies in the world, together with the whole power and influence of the British empire at his back, to vanquish, either in conjunction or detail, the half-disciplined rabble

of a few petty princes of India. To those who are acquainted with the country such boasts must appear ridiculous in the highest degree. If a school-boy were placed at the head of the government of India, I maintain that he could not, but by superseding the King's and the Company's old and experienced officers, to make room for his own ignorant or inexperienced favourites, avoid conquering. But this no Governor could do while the liberty of the press existed. He could not, but by the extinction of that liberty, prevent the affairs of British India from flourishing, almost without a battle,

There might, indeed, have been a time, as in the administration of Mr. Hastings, when to have even preserved a footing in India required energy and wisdom. There might have been a period, as during the mild administration of Sir John Shore (Lord Teignmouth), when, from the discontents of the army (I was there at the time, and a critical period it was) it required the most consummate prudence to restore order and safety.* But we do not find that these Governors thought themselves authorised, nor thought it would contribute to promote their

* To such a height had this danger arisen, that it was even reported at Calcutta, that the officers of one of the distant cantonments had put the Commander in Chief (General Abercrombie) under arrest.

views; to impose restrictions upon the press, to blindfold the people. Certainly at either of these periods, the intemperance which has characterised your government, my Lord, would infallibly have lost India. And it remains yet to be proved, that the precarious advantages which, under the most favourable circumstances, you have lately gained by dethronements, bloodshed, and battles; might not have been more firmly secured by prudent negotiation.

But a single moment's reflection will teach us that the pure ignorance which prevails on these subjects in Europe is entirely to be attributed to the extinction of the liberty of the press in India. At every step, indeed, we meet with some calamitous consequence of that extraordinary measure; and the farther we travel the more dismal will the prospect appear. "Let it be instilled into your children, let it be impressed upon your minds," says Junius, "that the liberty of the press is the *palladium* of all the civil, political, and religious rights of an Englishman."

Those who wish to know the extent to which, in your transactions with the native powers, you have pushed what are commonly, although, perhaps, not very justly, called Machiavelian principles of policy, will be able, notwithstanding the great pains that have been taken to disguise them from the world, to collect much

information from the investigations that are now afloat. I recollect, after my expulsion from India, reading some justification of your conduct in commencing hostilities with Tippoo, deduced from documents *afterwards* found in the capital of that unfortunate monarch. My exclamation at the time was, and it happened to be prophetic, what a valuable depot of justification will Seringapatam prove to the Marquis Wellesley! Your general and very commodious doctrine towards the Princes of India, especially since the fortunate discovery of that depot, may be summed up in a few words: “ If you keep
 “ up an intercourse of friendship with any
 “ power, which may give rise, *in my breast*, to
 “ *suspicious of hostile intentions* towards the Bri-
 “ tish Government, I will immediately declare
 “ war against you, sack your capital, and em-
 “ ploy my Persian translator to comment upon
 “ the papers purporting to be your correspon-
 “ dence with other powers, that *may be found*
 “ in your cabinet, which commentaries I will
 “ publish to the world, to shew that you were a
 “ traitor to the British power, and that I was
 “ justified in attacking you. But farther, I
 “ would have you to know, that it is my fixed
 “ determination, if any correspondence shall be
 “ found in the cabinet of any dethroned prince,
 “ *inferring* even *hostile wishes* on your parts to
 “ the British power, to punish you, or if by

" death you should elude my grasp, your poste-
 " rity, with dethronement and loss of territory,
 " *at least*, and that I shall consider, all mutual
 " expressions of regard, in the common hyper-
 " bolic style of Asiatic compliment, as inferring
 " the crime of hostile wishes against the British
 " power."

Such, my Lord, without any strained inference,
 is a correct abstract of your doctrines of the laws
 of nations; and they are of so extravagant a na-
 ture, that the public will be curious to know the
 Grotius's, the Puffendorfs, and the Vattel's of
 the East, whom you deigned to consult as your
 authorities. But lest I should be suspected of ex-
 aggeration, I must particularly request the reader
 would peruse a pamphlet, printed for R. H. Evans,
 Pall Mall, entitled; *The Carnatic Question con-
 sidered; in a Letter to a Member of Parliament, &c.*
 There he will find ably and perspicuously detailed,
 by a gentleman possessing much local as well as
 general knowledge of Asiatic affairs, the extraor-
 dinary transactions relating to the dethronement
 of the Nabob of the Carnatic, which Mr. Sheridan
 so repeatedly and so forcibly characterised, in the
 House of Commons, by the epithets unjust, inhu-
 man, and atrocious. The frequent absence of
 this gentleman from Parliament, on the recent
 discussions of Asiatic affairs, has to many been the
 subject of surprise and regret. But those who

know the unalterable principles of that eloquent statesman and patriot, and that he stands irrevocably pledged to wipe away a foul stain from the character of the country, by bringing this most iniquitous transaction before the Legislature, to be by them, in its principles and in its consequences, most solemnly disavowed, I remain confident in their expectations that his pledge will not be long unredeemed.

Your conduct towards some other Princes of India are already in a train of discussion before parliament. From the confusion and doubt which will purposely be attempted to be thrown on them, it will, perhaps, be difficult for the public to form a true judgment of their merits or demerits. But I think no man can fail to understand, that to go through the solemn mockery of treaties with Princes, whom those who sign them declare *not* to be independent of the Company, to whom, "in all the forms of peremptory obsequiousness," they dictate in respect to their military, administrative, and, I may almost say, down to their culinary, establishments, is one of the most impudent pieces of acting with which the world has ever been insulted, or by which humanity has ever been outraged. That policy which consists in violating the essence, while professing respect for the forms of justice, is disgraceful to the last degree to a civilised nation. I should be glad to ask any Asiatic Governor or Member of Council,

what rights they consider those unhappy Princes, who neither enjoy the dignity of independent sovereigns, or the security of ordinary subjects, to possess? To answer the question satisfactorily would, I believe, puzzle the most ingenious casuist among them. It is, however, very easy to answer it truly. They have no rights whatsoever; but are wholly dependent on the will of the Company's Governors. Their condition is even more precarious than that of an African slave, who has at least the interest of his owner as a guarantee for his personal security.

To persons wholly unacquainted with the affairs of India, the subject may be obscure and disgusting. Those, however, who dislike the labour of wading through voluminous documents, will find a tolerably correct image of the state of that country, in the actual situation of France and its surrounding tributaries and vassals, now falsely dignified with the name of *foederative states*; the principles pursued by you in India being precisely the same which, when *afterwards* pursued by Bonaparte in Europe, deservedly encountered the reproach and execration of the world; nor do variations of turpitude depend solely upon degrees of climate.

To what tribunal can the miserable natives of India, if their *kists* should be levied by military execution, if they should be oppressed by Euro-

pean magistrates, or dethroned by a Governor General, resort for redress? Where can they find a press through which to utter their groans? Not one. They must be all buried in the compassionate bosom of some Secretary to the Government! Still less can the aggrieved Princes, or subjects, of India, penetrate through the clouds of misrepresentation and sophistry, by which their claims are purposely obscured, or hope as to procure redress in Europe? Under the present system it is utterly impossible. The miserable native has nothing to do but to submit. But it is astonishing that it should be expected by any Governor, that the pitiful affectation of respect to the rights of the natives, which consists in deposing one nabob, and setting up another more obsequious, should pass for aught but robbery, on any person in the intellectual scale above the rank of an idiot. If the benefit of the natives formed any part of the consideration, it would be much better consulted by allowing the deposed Nabobs and their families a provision proportionate to the revenues of which they had been deprived, taking their territories avowedly under the jurisdiction of the Company, and admitting the inhabitants to all the privileges of the English laws. If our authority must be extended, it should be done in the manner least prejudicial, or rather most advantageous, to the natives. But on the present most odious system, precisely the reverse

is the case. The people are subjected to double burdens, since they must raise the tribute paid by the nabobs to the Company, and bear the expence of their own governments besides. Under such a regime there can be no justice, there can be no security, there can be no safety, there can be no peace. Every thing is essentially arbitrary, capricious, and despotic, and it would be less cruel to the feelings of the miserable native to leave him exposed to the incursions of the irregular plunderers of his country, than to subject him to the more certain and systematic depredations of foreign tyrants. Deprived of the benefits of the English laws, as well as of the laws of nations, which we are falsely taught to believe in this country they generally enjoy, what encouragement have the natives of India to come under the English yoke, or the princes to remain faithful to the engagements they may have formed? The world should be informed whether a system so atrocious be the offspring of your own brain, or begot by the Court of Directors or Board of Controul. At all events it is necessary to the honour of this country, that the monster should be solemnly and formally disavowed by the government of the parent state.

There are two points more on which I shall touch in this letter, The first respects the use you have thought proper to make of your council, Their names can no more avail you in my case than the approbation of the Court of Directors of your edict

respecting the press. It is well known, and I shall have no difficulty in proving it, that you unceremoniously dispensed with the authority of your council as often as you thought proper or convenient. In some considerable state transactions you even never consulted them. Their names being so regularly employed in my case is therefore only an additional proof that you felt your conduct could not stand upon its own merits. It is of little importance to enquire whether the members of your council were equally disposed with yourself to attack the personal freedom of the subject, and the liberty of the press, and whether they held the principles of the British constitution in equal contempt, or only granted their sanction to your measures from a culpable complaisance, as the discovery would in no respect alter the state of facts. I therefore only advert to this in passing, that I may have an opportunity of remarking on the lamentable inefficiency, for *good purposes*, that exists in the present organization of the Bengal government. In the first place, the Governor General may act contrary to the opinion of his council, if they should be unanimous against him. In the next place, *the commander in chief of the forces* is the second member of the *civil* government of a country containing fifty (now nearer sixty) millions of inhabitants. The other counsellors, two in number, are generally taken from the Company's senior servants, of whom it can be no disparagement to say that, deeply con-

versant as they may be with the principles and practice of commerce, they cannot be supposed to have had sufficient experience of the principles of the British constitution, or of the laws of nations, for rightly discharging the functions of such important offices; and in proof I need only refer the reader to the facts contained in the preceding pages. But besides the *description*, the *number* of those who compose the government of such a mighty empire, even if the power were more equally divided, would seem extremely disproportionate. Their number is now four. In the time of Mr. Hastings, they consisted, I think, of seven, when the extent of territory was not near so considerable. I do not believe that the disputes which then existed in the councils of Bengal tended either to diminish the vigour or justice of the government; and I hold it just as pernicious a doctrine to restore them to harmony by a reduction of their numbers, as to curtail the liberty of the press, in order to destroy its licentiousness. If we wish for precedents, the Dutch East India councils, when Holland was a free nation, were composed of many members, although their territories were, comparatively, of very trifling extent.^b In 1795, while Holland yet enjoyed some degree of freedom, three commissioners were sent out to examine into all the abuses of their different governments in India. The example seems worthy of imitation. These are points so obvious that it appears to me no man of an unsophisticated

mind, who has not a strong predilection for tyranny, will controvert them. At all events, it appears that in the present state of Asiatic affairs, while individuals are entrusted with such inordinate power, it is essential to the interests of the parent state that a frequent sweep should be made of the councils, as well as the Governors, of India.

I have heard it urged as an objection to your accusers that your administration is well spoken of by some of those who have returned from India. But the premises may be very true without the consequences attempted to be deduced from them being at all just. If, however, such testimony could possibly be divested of the suspicion of partiality, what would avail the weight of mere opinion against the evidence of facts? Those who approve of such conduct as I have depicted must be either of the same arbitrary disposition with yourself, and speak from sympathy, or they have not attended to the subject and speak at random, or they are your mere creatures. Many of those, indeed, who have returned from India with fortunes for the last years, must be persons, whom you have promoted, or served, or *might* have ruined; and, in either case, they owe you obligations. It is therefore quite natural that they should express them. If we consider, indeed, that the affairs of fifty millions of Asiatic inhabitants have been administered by a few thousand Europeans, under your Lordship's patronage, for seven years, it would be surprising, if a

considerable proportion of these Europeans did not, from those feelings of interest and dependence common to men, have some leaning of partiality towards you. To this reasoning, as derived from the most prominent principles of human nature, I would advise the people of this country, in forming their judgment of your conduct, strictly to attend. Even with these powerful sentiments, operating in your favour in the breasts of Anglo-Asiatics, I will venture to affirm, that, if polled, a great majority of them would decide against you; while if they were unanimous in your praise, opinion, as I have said, can avail nothing against the testimony of facts. The gentlemen of the Madras and Bombay establishments, who may be supposed better, as being less biassed judges of your conduct, than those of Bengal, do not, as far as I can learn, speak in high terms of the merits of your administration, or admire the system, which you have carried to such perfection, of deposing Nabobs, which they even seem to think may be converted into a lucrative trade.

LETTER XXX.

TO THE MARQUIS WELLESLEY, &c.

*Comparison of his measures with those of Bonaparte,
and of all the factions who have succeeded each
other in France during the revolution.*

—— I, demens, et sævas curre per alpes,
Ut pueri placeas, et declamatio fias

Juv. Sat. x. v. 165.

My Lord,

THE possession of unlimited power, under similar circumstances, will always produce similar effects on the ambitious mind. The-factions that have succeeded each other during the French revolution, the usurper who has supplanted them, and you, my Lord, in the eastern world, have all displayed a similar eagerness to establish despotism at home, and, like so many modern Alexanders, a boundless rage for foreign conquest.

Unus pello juveni non sufficit orbis,
Æstuat infelix angusto limite mundi.

But none of you, excepting the Macedonian madman, could have given full swing to your unbridled desires, until you had first muzzled that implacable enemy to injustice,—that appropriate scourge of human wickedness,—the press. Alexander, indeed, had no free press to muzzle, and consequently not

much freedom of any kind to destroy. He must therefore be acquitted in part of the atrocities so deliberately committed by his imitators in conquest. It remained for modern vandalism to adopt methodical plans—DIGESTED SYSTEMS—for replunging the world into darkness and barbarism. But my business is at present more especially with your Lordship.

The extraordinary restrictions laid upon the press in India are not alone worthy to be considered as they are a violation of the British Constitution. They also deserve our most serious attention as their immediate effect is to re-establish despotism and increase ignorance throughout Asia; as they deprive the inhabitants of India of authentic information respecting the state of Europe, and the inhabitants of Europe of authentic information respecting the state of India; and finally as they concur with the impious views of Bonaparte, of establishing despotism, ignorance, and barbarism, over the face of the earth. It seems, indeed, as if there had been a certain emulation between you; and truly you have both been wonderfully successful. Could you have shook hands across the Isthmus of Suez, what congratulations might have passed on the conclusive results of your respective atchièvements! The one had conquered the liberty of the press in France, and almost in Europe; the other had extinguished it in Asia. (The annihilation of personal and every other freedom follows of course.) You might in future banish, imprison, or even behead, without

any one daring to communicate the tidings to the public. You might render the *fortunate* and *great* people, over whose destinies you presided, as ignorant as your hearts could wish or your purposes require. You might assume an active and positive, as well as a negative, controul over the press.

Eulogiums upon your upright administration, benevolence, wisdom, integrity, and knowledge, being thus gravely and pompously transmitted to other nations, by your own pure vehicles of intelligence, how would the multitude gape and marvel at the prodigious talents of such mighty men!—Is it any wonder that this horrid system should produce the most deleterious effects upon your own minds?—The extravagant adulations of the French and Asiatic presses remind me of a powerful man of antiquity, who did not even find the incense too strong, when one of his parasites told him that the very turbot on his table had longed for the honour of being caught for his use: *Ipse capi voluit*. On which Juvenal makes a remark unfortunately not less applicable to modern than it was to ancient times:

— Nihil est, quod credere de se
Non possit, eum laudatur dis æqua potestas.

Sat. iv. v. 70.

Without meaning you a compliment, I do think, my Lord, that you are not unworthy of being compared with Bonaparte. Although a trite, it is here a very apposite remark, that extremes meet. I will not be so unmannerly as to apply to a man of your

rank the adage: *stulti dum fugiunt vitia in contraria currunt*. But it has so happened that although Bonaparte in his revolutionary, and you in your anti-revolutionary rage, have been travelling in opposite directions, you have at length met on the very summit of despotism.

Your apeing of royalty when you caused a throne to be erected at Madras, for the purpose of receiving the Ambassadors of the native princes, will not readily be forgotten by the officers of the coast, who are not so much accustomed to pomp, and shew, as those of Bengal, and despise effeminate and vain-glorious parade. Such profusion as was practised on that occasion was never witnessed in India. When you meditated an excursion to Seringapatam, and determined to astonish the natives by bringing the Governor and Council of Fort St. George in your train; when the road from Madras to Vellore was lined with troops for the splendid occasion, and thousands of Paccalies* were daily employed to water the roads, you must have been truly in your element. What a pity that the delusion could not continue for ever! What a contrast with your silent and unnoticed landing in England! Can any thing more resemble these proceedings than the processions of Bonaparte and Josephine through the degraded provinces of France, when the roads were watered and strewed with roses for their reception? Power has such similar intoxicating effects upon vain minds, that it would be difficult to say to

* Water-carriers, with horses and leather bags

which of you the following pompous communication belonged: "As a mark of *my favourable acceptance* of your services, I have this day appointed you to be *one of my honorary Aides-de-Camp*, a distinction which I have reserved for such officers as have proved highly meritorious in the field, or in the conduct of negotiations with foreign states" Upon reading this to a friend, he asked me if it was not a translation from the *Moniteur*.

When we consider these events, not merely as causes of regret to the world, but as matter of curious speculation, we are forced to acknowledge that our surprise and indignation are less powerfully excited by the despotism of a man educated in France, and inured to the discipline of armies, than by that of a man educated in Great Britain, and issuing from the very bosom of the British Senate. In grappling with the doctrines of Brissot, by which you mounted to the government of India, I fear, my Lord, you insensibly became a zealot, and lost sight of that decency, which is due to the feelings of mankind. Even Bonaparte, while imposing shackles on the press of France, as strong as those which you have imposed on that of Asia, deemed it too scandalous, by regulations duly transmitted to his Secretaries, to make an open avowal of his profligate tyranny. In not adding insult to injury, there is a merit, although of the negative kind.

It will be matter for the serious consideration of the people of this country, whether, if you are suffered to escape the punishment of your crimes, the next step will not be to procure you a seat in the Cabinet; and if that unfortunate event should ever happen, I confess I, for one, should begin in earnest to despair of my country. Let us for a moment consider the prospect. In the first place, what concord could subsist between you and those members of the administration, whose recorded opinions, if any faith can be placed in man, are so diametrically opposite? How could Mr Fox, Mr. Sheridan, Lord Howick, or Lord Erskine, ever act with a man who has utterly extinguished in Asia that liberty of the press, for which they have nobly fought so many battles in Europe? How could the chancellor of the Exchequer, without suppressing the amiable ingenuousness of youth, and forgetting all the wise doctrines of his venerable father, mix his councils with so impure a stream? How could that independent and most respectable member of parliament, Mr. Whitbread, the formidable enemy of delinquency, vote in unison with a man under the imputation of such serious offences against the state? How could Mr. Wilberforce, and those independent members of parliament, who conscientiously act with him, as the steady supporters of our constitutional liberties, bear to behold a man in the councils of the nation, who has most shamefully violated every principle of freedom, and reduced the

inhabitants of Asia as nearly as possible to the condition of African slaves? How could Grenville, Windham and Minto, the sage and successful champions of our national independence abroad, ever sanction domestic principles of government, which, if not equally odious with, would in the end infallibly lead to foreign subjugation?

These, however, are comparatively trifling dangers. What security should we have, or at least what confidence could we feel, that a person of precisely the same despotic principles with Bonaparte, a person who has introduced banishment and slavery into India on the very same footing that Bonaparte has introduced them into France, would not combine with him for the destruction of our freedom? It is at least exceedingly natural that a man who hates freedom should endeavour to destroy it—that a man who has given the most unequivocal proofs of attachment to arbitrary principles, should rather wear gilded chains under the sway of a brother despot, than remain subject to the rude and unmannerly animadversions of a free press. The liberty of the press, it should never be forgotten, is the most powerful and the sole efficient friend of freedom, as it is the most powerful and the sole efficient enemy of despotism. It is therefore naturally detested of tyrants: for “while virtue is an enemy to Pygmalion, Pygmalion will be an enemy to virtue.”

But it was not alone the liberty of the press in India that was obnoxious to your Lordship. Did you not even endeavour to suppress the circulation of newspapers from Europe, and with that view cause official notification to be made to certain officers of Indiamen at Saugar Roads? Could any thing be more precisely in unison with the measures of Bonaparte, when he prohibited the introduction of English newspapers into France? And were not your motives precisely the same, namely to prevent the people under your respective governments from perusing unmannerly strictures on your conduct?

We are even informed that a notice to the following effect was struck out of the proof sheet of an Asiatic newspaper, by superior order, although the truth of it was confirmed by Lord Valentia:—

“ By letters from Mocha, of the 28th of August
 “ last, we learn, that Seid Mahomed Akil had just
 “ arrived with the *Pigeon* of Bombay, which he had
 “ purchased at the Isle of France, loaded with lead,
 “ iron, sugar, &c. This is a new vent for the
 “ plunder of the enemy, and furnishes a new proof,
 “ if any were wanting, of the rapidly increasing
 “ spirit and extent of the commerce of the Arabs.
 “ We understand, that to the above, and several
 “ other fine ships, purchased by them at the isle of
 “ France, they have lately added the *Upton Castle*
 “ of this port.” What might have been the evil
 tendency of this paragraph, seems very difficult for
 common penetration to discover; and I should be

curious to hear your Secretary explain the moral or political danger that could result from its insertion. From this example we may judge of the manner in which the office of Licencer of the Press is executed in India : *ab uno disce omnes.*

Now, my Lord, I must reluctantly observe, that although you have the merit of setting the example to Bonaparte of annihilating the personal freedom of the subject, and extinguishing the liberty of the press, that you are both, in this respect, nothing more than mere imitators of those atrocious men, who succeeded each other in power and in crimes, during the terrible period of the French revolution. Nor is it any praise of you and Bonaparte that you did not imitate Marat, Carrier, Robespierre, and Fouché, in those wholesale massacres, which they perpetrated, from the mere wantonness of tyranny, and the absence of every moral restraint. By moral restraint, I mean publicity; and especially that species of publicity, which depends upon the liberty of the press. What but the absence of this Controul could have enabled those monsters to carry their atrocious purposes into execution? The very first measure of every victorious faction was to denounce, as a *crime against the State*, every thing that was not written *in their sense.*

By silencing the press, they were enabled not only to suppress all knowledge of their enormities, but to give for a moment even a colour of virtue to their crimes. Was not this the very course, with

certain necessary limitations, adopted by you in India, and by Bonaparte in Europe? Did you not both go as far in the path of tyranny as you durst? When Bonaparte usurped the supreme power in France, wholesale guillotining was indeed out of fashion; but imprisonment, banishment, transportation, assassination, and as is said, private torture, were freely applied to use. Yet there were men foolish enough to give credit to Bonaparte for not being so cruel as his predecessors, when that species of cruelty which they exercised was out of fashion, and he could not have been so without the certainty of immediate destruction. The usurper, however, being freed from the most powerful of all moral restraints, was enabled to indulge his criminal propensities almost to the utmost extent of his wishes. Not satisfied with extinguishing all liberty of the press in France, he has converted it into a terrible engine of falsehood, to delude and to demoralize the world.

It is to this unfortunate state of the French Press, his nefarious suppression of truth and intrepidity of falsehood, from almost the commencement of the revolution to the present moment, that we owe all the calamities of France as well as of Europe; that many worthy men in all nations have been imposed upon, and still continue to a certain degree to be imposed upon, respecting the character and views of the French Government, by incessant torrents of the most audacious lies; that, groundless animosi-

ties, jealousies, and divisions, are successfully sown between states, whose inclinations and interests would lead them to permanent amity and concert; and that the disorganization and demoralisation of Europe proceed with such gigantic strides;—
 “ Better, ten thousand times better,” says the eloquent recorder of Bombay, “ would it be that every press in the world were burnt, that the very use of letters were abolished, that we were returned to the honest ignorance of the rudest times—than that the results of civilization should be made subservient to the purposes of barbarism—than that literature should be employed to teach a toleration for cruelty, to weaken moral hatred for guilt, to deprave and brutalize the human mind.”

I know that in what I am stating at present there is nothing new. But, when we still see the rumours fabricated at the Thulleries gravely copied in the English Journals, as articles of intelligence, and sometimes even without stating accurately the polluted channel from which they are taken, it is impossible not to think that we are not yet sufficiently on our guard against the most fertile volcano of public deception, and human evil, that ever appeared in the world.

With respect to you, my Lord, I will not for or give you any credit for not rivalling Bonaparte, all his iniquities. If you had been so inclined the dispositions and habits of British subjects wou

not have suffered you to proceed much farther than I myself knew you to have gone. If you had thought it expedient to order private strangulation, poisoning, or beheading, you could not have got a man base or dastardly enough to have executed your orders. If you had attempted, like Bonaparte, to assume a positive, as well as a negative, controul over the press, you would not have found a British Editor servile enough to insert your lucubrations. But to do you justice, my Lord, you have advanced as far and as rapidly in the road of despotism, as you could consistently with your immediate safety have done; and infinitely farther than any man in England has the right to do.

LETTER XXXI.

TO THE MARQUIS WELLESLEY, &C.

On the difficulties of reaching Asiatic delinquencies.

“ Impunitas peccandi maxima illecebra.” *Seneca.*

My Lord,

IN all ages of the world, men in power have committed injustice with the less repugnance, on account of the difficulty of conviction and punishment. The oppressor being the strongest, the oppressed generally prefers submitting quietly to one injury to the risk of suffering many. Either party may die *, or when a sea voyage is in question, be captured by the enemy, or drowned, or cast away. The chances of impunity are, in fact, numerous. The aggrieved party may labour under an ignorance of the laws and constitution of his country, a want of confidence, of resolution, or perseverance, or too great a facility of disposition; his resentments may be evanescent, his indolence predominant, or his sense of public duty dull; his papers may be lost, or his evidence imperfect; or finally, some circumstance of prudence or of policy may induce him to submit in silence to his fate.—Your calculation of chances, in my case, my Lord, may have

* At the period of my expulsion from India, I was actually in a very bad state of health, and the chances of life and death seemed very equally balanced.

been rather too sanguine. Trusting to one or all of these casualties, you did not perhaps expect that I should ever rise up in evidence against you in Europe. But Providence, which presides over the destinies of man, has been pleased to order otherwise; and neither the length of your purse or the influence of your connections shall deter me from renewing and continuing the contest, in that full confidence of success, which is inspired by a good cause, and an impartial tribunal.

If we peruse with attention the modern history of Great Britain, we shall find that this principle of impunity is peculiarly applicable to the delinquencies committed in our Asiatic provinces. It is an enormous and growing evil, to which a strong, an efficient, and speedy remedy, must be applied; otherwise I do not hesitate to predict that, *in a very few years*, every sentiment that is valuable in this nation will be destroyed. When the question is whether enormous delinquency is to be punished, or our Constitution to be undermined and to perish, are we to be prevented by any circumstances of time, of distance, of inconveniency, or of expence, from entering into enquiries? If it should be necessary that every member of the Councils, every Secretary to the governments, every servant of the Company, in India, should be sent for and brought home to give evidence at the Bar of the House of Commons; if it should be necessary to print every document relating to Asia-

tic affairs, even to the amount of a hundred thousand volumes, is this expence, this inconvenience, and this labour to be avoided, and delinquency to remain eternally unpunished? Since the time of Mr. Hastings, the influence of Asia on Britain has increased, in a ten-fold degree, the importance of enquiry. Indeed to such a degree has this importance arisen, that unless immediate measures for an extensive and general enquiry be adopted, Britain will, in a short, a very short time, be nothing more than a back-shop, or at most a mere counting house of her own Asiatic possessions; and we should then indeed merit the French reproach of *une nation boutiquiere*.

The difficulties of enquiry on the subject of Asiatic delinquency, are no new matter of complaint; “ whatever encomiums have been passed on the “ judicial provisions of the British Constitution, “ certain it is that they have notoriously failed in “ the attempt to apply them to persons returning “ from India. The parliamentary prosecution of “ Lord Clive, by General Burgoyne, was easily “ defeated. The verdict of the Court of King’s “ Bench against the persons, who had imprisoned “ and occasioned the death of Lord Pigot, was such “ as to be considered by the persons condemned “ rather an object of merriment than a source of “ calamity. The bill of pains and penalties, which “ was introduced into parliament by Mr. Dundas

“ in 1782, was found to be unfit for the purposes
 “ it had in view, and was given up by its author.”

It is worth while to enquire how far these difficulties depend upon the nature of the subject, and how far upon less creditable circumstances. It will be recollected, that, in the case of Mr. Hastings, the ministry for a long time defended him, and, until the public opinion rendered it expedient for them to alter their conduct, threw every obstacle in the way of the prosecution. On that memorable occasion, Mr. Fox, justly indignant at the repeated refusal of certain papers, which had been moved for in various forms, exclaimed: “What a precious
 “ farce is daily acting within these walls. We see
 “ the friends of Mr. Hastings affecting to be eager
 “ that every paper which is called for should be
 “ granted. We see the King’s Ministers rising to
 “ declare that nothing, which can properly be
 “ granted, shall on any account be refused. We
 “ hear other Gentlemen, who call themselves inde-
 “ pendent men, saying: By all means let the House
 “ know the whole, and be put in possession of
 “ every species of information. And yet we see
 “ the same men, all of them dividing together, to
 “ enforce a negative upon a motion for the most
 “ essential information, helping each other out with
 “ hints and whispers during the debate, and pointing
 “ to matters apposite to the argument on their side
 “ of the question, just as I and my Right Hon
 “ Friend would assist each other, when we are

“ maintaining the same point, and arguing for the
 “ same purpose.” Mr. Fox, in another place, ex-
 presses his opinions with great energy and truth :
 “ In a word, by such a conduct as that which was
 “ now held (refusing papers) the Board of Controul
 “ and the House of Commons would become an-
 “ swerable for having suffered the servants of the
 “ East India Company to believe, that they were
 “ secure from enquiry, and out of the reach of pu-
 “ nishment. What was the tendency of the last
 “ vote but to put it in the power of the minister to
 “ interfere in every investigation, and by his single
 “ *veto* to defeat the aim of that House in the exer-
 “ cise of its first, great, constitutional character, that
 “ of the grand inquest of the nation? Armed with
 “ such a power, to what lengths might not a minister
 “ proceed? Every criminal, however notorious his
 “ delinquencies, however numerous his crimes,
 “ however injurious to the national honour, would
 “ only have to *secure the protection of the treasury*
 “ to be able to laugh at accusation, and set con-
 “ viction at defiance.”

Under all these delays, “ Mr. Burke complained of
 “ the difficulties of keeping his witnesses together,
 “ some of whom were ill, and could not remain in
 “ town without endangering their lives. What he
 “ had heard led him to fear that it was intended to
 “ quash the prosecution ; for it was evident, from
 “ the language of Mr. Jenkinson, that one half of
 “ his accusations were gone already. It was struck

“ with the dead palsy, and was to live no longer.
 “ He considered one arm of the business as lopped
 “ away ; but, if he lost a leg, he would still perse-
 “ vere, and even, if reduced to the necessity, would
 “ fight like Witherington upon his stumps.”

Mr. Fox, in describing the difficulties Mr. Burke had experienced in his progress to that stage of the business, said “ that no man of inferior abilities
 “ would have surmounted them. As soon as he
 “ had brought forward the business in one shape ; it
 “ was stated by the other side of the house that the
 “ form of proceeding was wrong, and that another
 “ mu^t be adopted. Still new modes were pro-
 “ posed, new delays invented, new artifices played
 “ off to confound, impede and embarrass ; but the
 “ house and the public must see through the
 “ whole.”

How far, in this respect, there is any similarity between your case and that of Mr. Hastings, the public will hereafter be better able to judge. In other respects there is certainly very little. And first as to their merits : during the administration of Mr. Hastings it was very difficult under the best management, to save India ; while, during that of your Lordship, it would have been very difficult, under the worst management, to have lost it. The charges against Mr. Hastings were brought forward by a body of men formidable from number and from talents, and, like artillery of large calibre, capable of battering down every thing that opposed them

while those against you are brought forward by individuals, not only not supported by party, but even liable to be thwarted in every stage of their progress. But if there be this vast disproportion between the attacking powers, it is more than counterbalanced, by the difference in the apparent criminality of the parties. The crimes imputed to Mr. Hastings were, in a legal and constitutional view, at least, dubious, whilst yours, my Lord, if my propositions be established, fill up such an immensity of space, that the most random shot cannot fail of hitting them. If every one of the twenty two articles of charge brought against Mr. Hastings had been fully proved, they would not have formed a crime of such enormous magnitude against the constitution of this country as that single one of having extinguished the liberty of the press, in a portion of the British empire containing fifty millions of inhabitants.

The disrepute into which, since the proceedings against Mr. Hastings, the trial by impeachment has unjustly fallen, has happily for the nation been obliterated by the celerity of the proceedings against Lord Melville. This effect I cannot better describe than in the words of the Speaker of the House of Commons, in giving the thanks of that house to the managers for the impeachment:—"Gentlemen.—

This House has, upon the result of a great and important enquiry respecting the administration of the expenditure of the public money, come to

“ a resolution to enter upon the most grave and so-
 “ lemn of all its functions, and resort to its prero-
 “ gative of impeachment against Henry Lord Vis-
 “ count Melville. It is the power of impeachment
 “ which has enabled the Commons of this country,
 “ at all times, to lay open the misdeeds of the high-
 “ est servants of the crown, and to prevent, or pu-
 “ nish, all inroads which may be made upon the li-
 “ berty of the subjects of this realm. In the pro-
 “ secution of this impeachment, the House has ap-
 “ pointed you to prepare and arrange the proofs
 “ of the complicated transactions on which their
 “ charges were grounded. Their charges were
 “ against a noble person, whose rank and high con-
 “ sideration in the State must hold him forth as a
 “ signal example either of good or of evil. Through-
 “ out the progress of the trial, they have witnessed,
 “ with peculiar satisfaction, your great attention and
 “ dispatch, which have rescued the trial by impeach-
 “ ment from the disgrace into which it had fallen,
 “ and restored it to its former strength and honour.
 “ They have witnessed in you an unwearied dili-
 “ gence in the discharge of the trust committed to
 “ you, a singular sagacity in discovering the proofs,
 “ a boldness which so properly belongs to the Com-
 “ mons of the united kingdom, a strength of argu-
 “ ment, and a power of eloquence, which threw the
 “ light of day upon dark, secret, and criminal
 “ transactions. The final issue of this trial now
 “ remains for another body. It is before one of

“, the highest of human tribunals; it is the House
 “ of Lords which is to determine ultimately for
 “ the condemnation or acquittal of the person ac-
 “ cused. Be the final issue what it may, you have
 “ done your duty. You have satisfied the expect-
 “ tations that the House had formed of you, and
 “ you have deserved their approbation and their
 “ thanks. I am ordered by the House to com-
 “ municate to you the approbation and thanks of
 “ the House for the faithful management of the
 “ trust reposed in you.”

It is true that the system adopted for the go-
 vernment of our Asiatic territories is in itself
 completely and fundamentally erroneous, and
 that nothing but a total change of that system can
 effect a radical reform of the political evils, which
 afflict India, and, through it, Great Britain. But
 this alone is not sufficient. It is also necessary
 that those servants of the State, who act impro-
 perly under any system, should suffer the punish-
 ment they merit. For if, on account of the diffi-
 culty of prosecution, we admit the certainty of im-
 punity, it will require much more than the ordi-
 nary degree of political integrity not to act badly
 under every system, when such enormous tempta-
 tions, as those which are created by unlimited
 power in India, are thrown in the way of an ambi-
 tious mind.

The difficulty of prosecuting great criminals,
 however, it must be evident can only arise from

the undue protection, which the very consequences of their crimes, or the influence of their connections may enable them to obtain ; and this very prospect forms a great incitement to crimes. *Tanta in muneribus fiducia.* But, if the people wish the Constitution to be transmitted unimpaired to their posterity, they will express their loud and universal disapprobation of all attempts to stifle enquiry, direct or indirect, from whatever quarter they may proceed. I have already mentioned the attempts that were made in the case of Mr. Hastings. Those which were more recently made in the case of Lord Melville are in the recollection of every one, and also how nearly they had succeeded. On that memorable occasion, the present Chancellor of the Exchequer concluded a very impressive speech, in terms well calculated to produce a conviction of his political integrity “ If the motion of the right honorable gentleman (Mr. Pitt) took place, it was a vain toil, a fruitless labour, to follow up the question further ; in that case, not only would a Treasurer of the Navy be found to be violating an act of parliament for upwards of fourteen years, but also would be found a House of Commons who would suffer those charges to lie on their table, only anxious how they might avoid such an investigation, and, after all this trouble, a power should step in between the criminal and the law.”

Indeed when we consider the reforms that are made and projecting in every department, under the present administration, and their declared hostility to every species of rapacity, speculation, and oppression, we have a sure guarantee that no ministerial attempt will be made to prevent a full and impartial investigation into your conduct, my Lord, or into that of any other Governor, against whom well founded accusations may be brought. The consequences to be expected from adopting and inviolably adhering to these principles of reform have been well described by the Chancellor of the Exchequer, in his excellent speech at the opening of the budget: “ If the people did feel cheerful in
“ the present crisis, when, from the failure of other
“ modes of assistance, we were left to rest on our
“ own means and strength; if they were firmly and
“ unanimously determined to carry on the present
“ contest with spirit, until war became no longer
“ necessary, and until every thing valuable to man
“ was secured to them, he must attribute that cheer-
“ fulness, and that determination, to the confidence
“ they entertained that the resources and revenues
“ of the state would be applied œconomically. He
“ believed that such a feeling of confidence did ex-
“ ist in the country, and certainly if ever men were
“ committed to abide by their principles they were
“ the present administration, who, should they be
“ induced to depart from the system which it was
“ their duty to pursue, must retire loaded with

" shame and disgrace. This, however, he trusted,
 " would be far from the case. The labours of the
 " commissioners of naval inquiry, from which the
 " public had already derived so much advantage,
 " and the labours of the commissioners of military in-
 " quiry, recently instituted, who, he trusted, would
 " emulate the diligence and patriotism of the for-
 " mer, must afford to the administration abundant
 " opportunities of shewing their vigilant attention
 " to the proper administration of the public purse.
 " When he stated that ministers were in the highest
 " degree desirous of following the suggestions of
 " those boards, and when he stated that in his de-
 " partment steps had been already taken to prose-
 " cute for, and recover, the sums lost to the pub-
 " lic in the West Indies, and to remedy the abuses
 " in that country, which had been allowed to re-
 " main a perennial source of fraud, rapine, and
 " misapplication of the public money : when he
 " made these statements, he was aware that he on-
 " ly stated that ministers felt their duty, and were
 " resolved to perform it "

I have indeed heard it frequently observed, with
 respect to parliamentary investigations, how very
 much their fate depends upon the state of parties
 for the time being, and how very little upon the
 intrinsic merits of the case. I have heard it alleged
 that the affairs of a semi-barbarous Asiatic Rajah, or
 a mere question of commercial monopoly, is ca-
 pable of exciting more interest, among the guar-

dians of our public rights, than the most marked oppression, persecution, or ruin, of a British born subject, or the most vital stab given, through him, to the principles of our constitutional liberties. I have heard it said, that, if, on the score of private friendships, men in the ostensible situation of ministers were strenuously to defend the conduct of any person accused, before the documents on which the charges against him were intended to be founded were laid before parliament, or were, on the plea of policy, to oppose or to delay the production of them, it would be a very arduous task, if not an impossibility, to bring a delinquent so situated to punishment. But for my part, I cannot believe one word of these allegations, as applied to the members of the present administration, in their connection with your Lordship. I cannot for a moment believe, that the very men, who so justly blamed one administration for endeavouring to screen Mr. Hastings, and another for endeavouring to screen Lord Melville, from investigation, would be the first to commit the same error; thus raising in the minds of the people a dangerous suspicion, that they cannot with safety place their confidence any where. Neither can I, without the evidence of facts, believe that those respectable bodies of men, who on a recent occasion applauded in public addresses the prosecution of delinquency, were actuated only by personal or party feelings, or that they will not equally support and applaud the prosecution of delinquency,

to whatever individual, or to whatever party the imputation may attach.

There may be cases, I admit, in which the situation of a minister is very delicate, when the question relates to a particular friend. The matter, however, seems to my simple perception, sufficiently clear. The paramount duty of a member of parliament is to protect the rights of the people; and to investigate the conduct of those accused of violating them. When the feelings of friendship come in competition with the sentiments of duty, the most that can be fairly admitted is silence. In parliament, the public cannot possibly separate the minister from the man; and they will not easily believe that while he professes to speak only in the one capacity, his influence is not operating in the other.

The acquittal of Mr. Hastings and of Lord Melville can nowise affect the justice of this reasoning. The Lords have pronounced those decisions; and we are bound to receive them. But the Commons also pronounced that there was ground of impeachment; and we are equally bound to respect their authority. I therefore conclude that you, my Lord, whose alleged crimes exceed, in my opinion twenty times those imputed to Mr. Hastings or to Lord Melville, cannot escape impeachment by the Commons, without an inconsistency. I will even say a criminality, of conduct, which appears almost impossible to suppose, on the part of the representa-

tives of the nation. You may, to be sure, escape, by something like a miracle, through the Lords: and, whatever may be our opinion, it will be our duty, if even with sorrow, to acquiesce in the verdict. But under indiscriminate acquittal, if such were possible, it argues great ignorance of human nature to believe that inquiry and impeachment do not tend powerfully to the prevention of crimes.

LETTER XXXII.

TO THE MARQUIS WELLESLEY, &c.

On the necessity of vigilance on the part of the public.

Quis custodiet custodes ipsos?

My Lord,

NOTWITHSTANDING the guarantee we have in the principles of the present administration, that abuses will be abolished and delinquencies prosecuted, prudence requires that there should be no relaxation of vigilance on the part of the public, to the conduct of the legislature, in respect to delinquencies in general, but especially in respect to the gigantic and overwhelming delinquencies of the east. With all due respect for these bodies, I must be allowed to say that they cannot be the worse for frequently hearing, and being actuated by, the sentiments of the people,

as conveyed through the medium of the press. This vigilance, and this expression of sentiment, are what we have an undoubted right, and what it is our bounden duty, to exercise; *Quis custodiet custodes ipsos* is a question that it behoves every community frequently to put, respecting the administrators of their public affairs, and it is a question which may be solved in eight words:—*the exercise of the liberty of the press*, that liberty which you, my Lord, have taken such pains to destroy.

The bold, and seasonable, but constitutional, exercise of this liberty deters from crime, brings delinquency to light, and may even confirm the vacillating integrity of a legislature. We remember at the commencement of the proceedings against your Lordship, how much obloquy was attempted to be thrown out of doors on the conduct of the House of Commons, and that the reproaches which were then made, however unmerited, appeared to have had the effect of somewhat increasing circumspection within. But the public I fear were led by these calumnious reports into injurious, although not very unreasonable, inferences, respecting the fidelity of their representatives. Indeed when we consider the unequivocal purity, virtue, disinterestedness, patriotism, and impartiality of that august body, it is impossible, upon mere hearsay evidence, to give any credit to the scandalous imputations that were trumpeted

forth, or, in alluding to them, to suppose that they are not imaginary.

If in a society of private gentlemen, one of the party should address them, respecting a criminal accusation, of which they had the right to take cognisance, but, during his speech, a great number of persons should interrupt him, by coughing, talking in private committees, and walking about, would not such conduct be deemed highly indecent, unjust, and unbecoming the character of men or of gentlemen? would it not have very much the appearance of brow-beating, in order to quash enquiry? If lawyers were to start up in the society, to defend, in modest maiden speeches, the conduct of the accused person, professing total disinterestedness of views, declaring that they had no acquaintance with the person in question, even by sight*, and that the accusing party was acting at his peril,—nay, under a dreadful responsibility, would not the public, if they confided in the purity of special pleading, be led to form the most unfavourable ideas of the accuser, or if they did not, to conclude that so extraordinary a mode of proceeding was resorted to solely for purposes of intimidation? But if the unfortunate accusing member should be told by the society: we will not entertain your charges without documents, nor will we allow you documents (although another

* The touch, as a medium of acquaintance, was not specifically disavowed.

member of the society might have had them in his pocket) to found your charges, but we will treat you as a calumniator for having dared to bring such accusations forward; would not the public conceive that it was the decided intention of this society to cover the accused person, and to proclaim, as far as depended upon them, an universal toleration of crimes?

But, as with respect to the House of Commons such facts must be considered impossible, so must all inferences drawn from them be considered unjust*. That House, as is well known, is composed of two grand and several minor parties. It would certainly be a singular phænomenon in politics to

* The complete and ridiculous defeat of Lord Temple in the House of Commons on Friday redounds highly to the honour of that body, and will no doubt be hailed as ominous of final justice by the public. In the debate on this occasion, the Master of the Rolls pathetically lamented the hardship under which the unfortunate Marquis laboured by not being brought to an immediate trial, which, in the present stage of the proceedings, would in effect be an immediate acquittal; observing, what is in itself very true, but not in the smallest degree relevant, that the poorest subject is entitled to demand and to have a trial within a limited period. This wise provision was enacted to *prevent*, the enquiry into the conduct of the Marquis Wellesley, which it was attempted to precipitate, is instituted to *punish*, oppression. The learned and worthy gentleman's sensitive fibres, it is to be hoped, do not vibrate responsive to the imaginary hardships of the Marquis Wellesley alone. If he has any bowels of compassion for the *real* hardships of dethronement, imprisonment, banishment and persecution, which this noble Marquis, in the plenitude of his power, was pleased to inflict upon others, if he has any feeling for the sullied dignity and honour of the nation, he will have numerous opportunities, in the course of the pending enquiry, to call his sympathies into action. Ally Hussein, deposed, imprisoned, committed to the custody of those interested in taking him off, dying, will claim some small portion of his commiseration!

see those parties all vying with each other in receding from popularity, by covering the delinquencies of an individual. If it were possible, however, that such a case could happen, it could not happen more opportunely than while we have the remedy in our own hands. We are fortunately on the eve of a general election. Either the Parliament will be dissolved before the charges against you are decided upon, or it will not. In the former case, the people, if they are true to themselves, will not give a single vote to a candidate, who does not give a specific pledge that he will resist abuses and prosecute delinquencies; in the latter, they will not hereafter give a single vote to any man who resists enquiry, and pronounces you, or any other accused Governor, innocent without investigation. Such are the effectual means by which, when sentiments of duty fail, the people of England have it in their power, once in seven years, to punish their representatives: and they ought not to omit an opportunity which so seldom occurs of exercising this grand constitutional authority.

Accordingly, it will be proper, and you may depend upon it, my Lord, it shall not be neglected, to inform the people of England of those who may best merit their suffrages at the approaching election. The public will also I trust think it necessary to exert themselves particularly in frustrating all the attempts that may be made to inundate parliament with your partisans, lest parties should

fall into the disgraceful situation of being distinguished only as supporters or opponents of the Marquis Wellesley.

If, my Lord, we can be supposed to have arrived at that last stage of degradation, in which the question is, whether an individual, or the liberties and the constitution of the country, shall prevail; if you are become a personage of such mighty importance, that, without reference to innocence or guilt, all public men shall range themselves as your friends or your enemies, it may be necessary to consider you in another point of view. If the apparent success of your criminal exploits has so much dazzled the world; if the fame of meretricious talents and virtues, or the influence of immense wealth, has so far exalted you above the rest of your fellow-subjects, that you cannot be made amenable to the ordinary laws or tribunals of the country: then we shall have to regret that the ancient law of ostracism, by which every citizen, however eminent, when his influence became formidable to the State, was for that very reason sent into exile, does not exist in Great Britain, as a last regular resource to the people against the tyranny of oligarchic influence.

Let me now sum up my accusations.

In the preceding letters it has been proved, that you protected a magistrate with the strong arm of power in unlawful and tyrannical proceedings; that

you united, in your own person, the judicial with the executive authority; that you virtually asserted the principle that an apology to a governor is an atonement for offences, identifying yourself with the laws; that in some cases, you made an enormous misapplication of the unconstitutional law respecting India, and violated it in others; that you acted upon the most ridiculous doctrines respecting the nature of offences, and displayed the utmost vanity respecting the terms in which you ought to be addressed; that you assumed the power of enforcing or dispensing with existing laws, according to your 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; that by your mode of oppression you virtually asserted the right of exercising a jurisdiction even beyond the territories you governed; that you extinguished the liberty of the press in India, and established an odious *impri-matur*; that you violated, in a most indecent manner, the principles of the British constitution, by openly laying previous restraints upon publications; that you even endeavoured to render ignorance more complete by discouraging the circulation of publications from Europe; that your general government was characterised by a despotic, tyrannical, and vexatious spirit; and that your measures resemble, as nearly as difference of circumstances would allow, those of Bonaparte,

and of all the factions who succeeded each other in France during the revolution.

Thus by a chain of incontrovertible facts, it stands demonstrated that you have, generally and particularly, fundamentally and in detail, violated, in the most gross and scandalous manner, the best principles of our constitution,—that you have taken away the very key-stone of the arch, and left the whole fabric to tumble into ruins.

But such monstrous proceedings, if submitted to, would entail misery, disgrace and ruin upon mankind. Not to punish is to connive at them: *nil interest faveas sceleri an illud facias*. It behoves every man, who has sufficient penetration to discern their consequences, to consider the awful responsibility which he takes upon himself, in not resisting them with all his energies. The nature of this responsibility cannot be better described than in the words of Junius: “ We owe it to our
 “ ancestors to preserve entire those rights which
 “ they have transmitted to our care; we owe it to
 “ our posterity not to suffer their dearest inheritance to be destroyed. But, if it were possible
 “ for us to be insensible of these sacred claims,
 “ there is yet an obligation binding upon ourselves, from which nothing can acquit us; a
 “ personal interest which we cannot surrender.
 “ To alienate even our own rights, would be a
 “ crime as much more enormous than suicide, as
 “ a life of civil security and freedom is superior

“ to a bare existence, and if life be the bounty
 “ of heaven, we scornfully reject the noblest part
 “ of the gift, if we consent to surrender that cer-
 “ tain rule of living, without which the condition
 “ of human nature is not only miserable but con-
 “ temptible.”

Having now accomplished what I proposed, I shall conclude in the words of Cicero to the Roman Senate, respecting an atrocious delinquent of antiquity.

“ If that sentence is passed upon him which his
 “ crimes deserve, your authority, fathers, will be
 “ venerable and sacred in the eyes of the public;
 “ but if his great riches should bias you in his fa-
 “ vor, I shall still gain one point, viz. to make it
 “ appear to all the world that what was wanting
 “ in this case was not a criminal or a prosecutor,
 “ but justice and punishment. *”

* In the original: “ De quo si vos severe, religioseque judicaveritis: auctoritas ea quæ in vobis remanere debet, hærebit. Sin istius ingentes divitiæ judiciorum religionem veritatemque perfregerunt: ego hoc tamen asequar, ut *judicium potius reipublicæ quam aut reus judicibus*, aut *accusator reo deservire videatur.* Cic. in Verrem.

THE END.

I N D I A

AND

L O R D E L L E N B O R O U G H .

INDIA is no longer the land of enchantment and romance —of exaggeration and wonder. It has been transferred from the realms of fancy to that of fact. For nearly a century its interests, real or supposed, have afforded topics for discussion to parliamentary orators and ephemeral writers. During that period, the readers of political journals have been at intervals excited by startling intelligence from the East; often of successes the most astonishing and unexpected, occasionally of reverses equally unlooked for. At one time our isle has been “frighted from its propriety” by denunciations of delinquency in the high places of India; at another, the tax-bearing people of Great Britain have been encouraged to look for relief to a country which the imagination pictured as the seat of riches, which no extravagance could exhaust, though exercised through as many millions of years as Hindoo chronology claims for the age of the earth. Gradually, however, the public mind settled down to more sober views, and at present there

seems more danger of the value and importance of India being underrated, than of their being estimated at an undue height.

As to the extent of country properly comprehended under the name of India, opinions may differ. In conformity with popular acceptation, its boundaries may be assumed as follows:—On the north, the mountains which form for a part of the line the southern boundary of Nepaul, and for the remainder, that of Chinese Tartary; on the south, the Indian Ocean and the Bay of Bengal; on the east, the territories constituting the Burman empire; and on the west, the river Indus for the more northern part, and the ocean for the southern. The country thus bounded extends into twenty-four degrees of latitude, and as many of longitude, and is estimated to contain a million and a quarter of square miles. Much of the land within this vast area is to be classed among the most fertile in the world, and it is overspread by an active and industrious population, the number of which cannot be reckoned at less than a hundred and fifty millions. The soil and climate are peculiarly suited to the production of various commodities, some of which are of high price, and some in universal demand. Among the latter may be mentioned cotton and sugar. Cotton might be produced in India to any extent that even the devouring appetite of the manufacturing districts of England and Scotland is likely to claim, and sugar to meet the demands of the whole world. The larger portion of this great and rich country renders homage to the Queen of Great Britain, and much of the remainder, though under princes nominally independent, is practically subject to the British Government.

For three centuries England has been endeavouring to extend its colonial dependencies. Myriads of Englishmen

have quitted their native shores for the desolate wastes of distant climes, there to extend the foundations of their country's greatness, and raise new out-posts for its maintenance. The reign of George III. witnessed the violent severance of the better portion of these offshoots from the parent stock. The North American colonies dissolved their connection with the land whence they had sprung; and the country which had previously constituted a main arm of the strength of Great Britain was thenceforward to become permanently a commercial rival, sometimes a political enemy. But the loss which was sustained in the West was compensated in the East. About the time when indications of the approaching conflict with America began to appear, the English in India exchanged the character of tenants of circumscribed factories for that of lords of extensive provinces. At the time when, after an inglorious war, the reluctant consent of the British sovereign was extorted to the acknowledgment of American independence, some additions had been made to the first acquisition, and before the close of his reign the British were paramount in India, exercising positive rule over the better part of the country, holding military possession of a portion of the rest, and overawing, by their predominant power and influence, the whole. It would be idle to discuss whether India is a colony or not. If not a colony, it is something better. If it be desirable to occupy distant lands in the name of England; slowly and laboriously, and at vast expense, to establish civilized communities in dependence upon the country which sends them forth, how much more desirable must it be to receive the transfer of a country, not only of immense extent, but of almost unbounded capacity of production, the natural fertility of which has been increased by the sedulous culture of ages, and where nothing is

wanting but that reformation in the "spirit of man," and that security to life, property, and industry, which European rule and that alone is able to give. "Ships, colonies, and commerce," were the objects declared to be specially sought, by the man to whose genius and good fortune Europe, with one exception, succumbed. That exception was found in the country which, small in its extent, and limited in its natural resources, was mighty in the spirit of its sons, by whose courage and enterprise it had spread its limbs into every clime and covered every sea with its ships, richly freighted to meet the wants of every people. Napoleon, at least, understood the value of India; and happy would he have been to have wrested this precious possession from the "nation of shop-keepers," whom he at once despised, envied, hated, and feared.

India gives to Great Britain a vast accession of political power in reference to the other nations of Europe. If it were lost, the amount of loss would be incalculable and irretrievable. There is no empire on the opposite side of the world to be gained to compensate the privation, as was the case when the American colonies of Great Britain renounced their allegiance. If the British possessions of India were again over-run by native powers, the loss of them would be deeply felt; if transferred, in whole or in part, to any European rival, it would be felt still more deeply, inasmuch as that rival, whoever it might be, would gain to the extent of our loss. The loss in reputation would be greater even than that of dominion, and Great Britain would sink in the scale of European nations from a first to a third or fourth rate power. In this humble position, moreover, we must not expect to pursue our trade with India as now. The restoration of native governments would restore all the uncertainty, the vexation, the tyranny, and extortion

which they were wont to exercise towards merchants, and which they still exercise wherever they are not controlled or overawed by British influence. If the territory lost to England passed into European hands, our prospects would scarcely be better, seeing the almost universal jealousy of our trade which pervades Europe, and the wide-spreading confederacies which are formed against it. India now receives annually upwards of £5,000,000 in value of our manufactures. How much would be taken if our political connection were severed? India now affords employment to upwards of 200,000 tons of our shipping. What amount of tonnage would be thus occupied were the power of Great Britain not paramount in that country? The civil and military services of India open honourable sources of employment to many thousand Englishmen, all of them finding therein respectable means of subsistence, and some of them returning to their native land with decent competency for future years. Besides this, India remits annually a tribute of £3,200,000, to meet charges of various kinds defrayed at home. Among these charges are the dividends on East-India Stock, and the interest on East-India Bonds. Were India lost, what would be the fate of these dividends and this interest? Either the claimants must lose their property, or the nation must take the charge upon itself. Would the creditors of India be satisfied with the former branch of the alternative? Would the people of England, already complaining heavily of the pressure of taxation, and recently extricated from heavy financial embarrassment only by the re-establishment of an impost peculiarly offensive, and on that account always understood to be a special reserve for periods of war—would the people of England, thus taxed, thus relieved, be likely to submit to the latter? Would the millions who are *not* creditors

of India, but who would share in the common evils resulting from its loss, if lost unhappily it should be, be willing to take upon themselves the additional loss of the hundreds who *are* creditors? This is a question which, when the good government of India is concerned, should, in common prudence, never be absent from the minds of those who have a direct pecuniary interest in maintaining the existing relations between that country and England.

Besides the holders of East-India Stock and the bond creditors of the East-India Company, there is another class of persons interested in like manner in maintaining the peace and security of India in dependance upon Great Britain—the creditors under the various loans raised by the Indian Government at various times for various public objects. Part of these creditors are natives of India, or residents in that country, but part also are European born, and resident here. The interest upon their capital invested in India is remitted through private sources, and its amount is not readily ascertainable; it is, however, large. To the head of private remittances, must also be added the savings of individuals in India sent or brought home for investment, and the whole must be combined with the sums remitted for public purposes, before we can know the total amount of the wealth which India annually renders to her European protector in return for the advantages bestowed on her by the connection. Politically, commercially, and financially, then, the safety of India is an object of paramount importance to Great Britain. Territory, power, and wealth are the adjuncts of the connection, and unless infatuation, like that which lost America, prevail, every effort will be made to preserve it. Territory equal in extent to Europe, if the dominions of Russia, Sweden, and Denmark be excluded; power rivalling that of Rome in its

brightest days, and surpassing that of any other country whose history is on record; wealth in all the abundance that can flow from natural advantages improved by active commerce; these are the gifts of India to Great Britain, and the full measure of their value is not yet enjoyed. Under British protection, India will become every year more settled, more peaceful, more industrious, and more prosperous. Its territory will receive the advantages of better cultivation, its revenue will increase, its facilities for commercial intercourse will be multiplied and extended; it will become more free from internal commotion and less readily assailable by external force; all British institutions there will acquire that stability which time only can bestow, and while the possession of this noble appanage of Great Britain may still excite, as it has before excited, the envy of other powers—though such feeling may increase with the advance of that whereon it feeds, it will but become more impotent as India shall become more valuable and more closely bound to the country, which is destined, as we trust, to be the instrument of promoting—gradually and safely, but not less surely—its progress in all that can conduce to its permanent happiness.

Most extraordinary is the subjection of India to Great Britain. It is extraordinary in its origin and progress, for the dominion was not sought, but almost forced on the possessor. It is the result, not of any deeply laid plan of policy, but of circumstances which no one could or did foresee. It is extraordinary, again, in regard to the means by which the dependant country has been brought into obedience to its superior, and by which the authority of the latter is maintained. The instrument by which these objects have been effected is an army, commanded, indeed, by British officers, but composed of native troops

—of men differing from those whom they serve in descent, in language, in creed, in modes of thought, in habits of life—in every thing, in short, in which man can differ from man;—some of them fierce and fanatical in the extreme, all of them intensely imbued with prejudice, calculated to shock the feelings of their rulers on the one hand, and on the other, to render those rulers objects of contempt to the masses below them—yet all rendering prompt and cheerful obedience, patient under privation, brave in action, in all situations dutiful, and even affectionate, where not irritated by ill-treatment. Such is the army of India—such is the composition of that force which has been the chief instrument of winning for Great Britain its gorgeous eastern empire. Before the experiment was made, such an army would have been judged to be but a rope of sand; yet it is by an agency which, while untried, must have been deemed so unsuitable to the purpose, that Divine Providence has transferred the sceptre of India from Mahometan and Hindoo rulers, born in the land in which they held sway, to the Christian sovereign of a small kingdom, distant thousands of miles.

The extraordinary circumstances which mark this connection do not end here. Not only is it, in ordinary language, accidental, but it is anomalous. Great empires have arisen from small beginnings. The sword of the conqueror has sometimes been rapid as well as widely sweeping in its achievements. But India has been added to the dominions of the British crown, not by the wisdom or the good fortune of the servants of that Crown—of its acknowledged and accredited ministers—but by the labours of a small and, for a long period, an obscure body of British subjects, who, seeking for themselves the profits of mercantile adventure, have given to their country the most magnificent boon ever bestowed.

At the very close of the sixteenth century, a period when the commercial spirit was superseding that passion for military adventure which formed the distinguishing feature of the middle ages, but when commerce itself, as Coleridge has observed, partook of the character of romance, a small association of merchants, stimulated by the successes of the Portuguese and the Dutch, obtained a charter from the Crown for carrying on an exclusive trade with India. At this time, when the authority of the Crown, though theoretically subjected to constitutional checks, was in practice little controlled by them; when the chief, if not the principal, business of the House of Commons was understood to be that of granting money to supply the necessities of the sovereign, and when they were not safe from reproof if they presumed to interfere with matters which were regarded at court as beyond their sphere and above their capacity, the association gave an early and notable proof of independence. It is of small importance in regard to their commercial history, but as illustrating the spirit which they displayed when humble petitioners for favour at the hands of a sovereign all but absolute, it is not altogether irrelevant to a part of the inquiry to which the attention of the reader will shortly be called. The petitioners had been encouraged to make preparations for a voyage while their patent of incorporation was under consideration. But the kindness of the Government extended further than this. Whether with a view to benefit the Company, or to promote the interests of an individual, the Queen's advisers recommended Sir Edward Mitchelbourne for employment in the proposed expedition; the committee who managed the affairs of the subscribers—the germ of the present Court of Directors—refused their consent, at the very moment when they were applicants for an exercise of

royal indulgence; when they hung on the breath of the sovereign for corporate existence, they repelled the attempted dictation of the Queen's servants as to the agents whom they should employ in the conduct of their affairs. They put in peril the grant which they sought rather than compromise their independence. The example thus furnished by the authorities of the East-India Company when feebly struggling into existence, should never be absent from the minds of their successors.

While this manifestation of independence was honourable to the Company, it was scarcely less honourable to the Queen's ministers that they abstained from resenting it as an offence. The charter applied for was granted, and the Company commenced its operations. But it was no safe or easy path, which the petitioners had obtained the royal sanction to pursue. They went forth as traders, but as warriors also. They had formidable enemies in those nations who had preceded England in the enjoyment of the commerce of the East, and with the Portuguese their conflicts were frequent and sanguinary. In the Dutch they encountered not only commercial rivalry and open hostility, but cruelty and perfidy; and the murder of several British subjects (servants of the Company) by the Dutch Government of Amboyna, perpetrated as the result of a pretended judicial inquiry, attests but too well the malignity with which the new adventurers were regarded and the fearful extent to which it was carried.

Nor was it abroad only that the Company had to contend with dangers and difficulties. At home, though addressed less powerfully to the feeling of physical fear, they were neither few nor trifling. The rights secured, or thought to be secured, by royal charter, were repeatedly invaded under royal authority. New associations were

empowered to compete for a share in the trade which had been given to the Company by a solemn act of the Crown, and, in addition to these breaches of faith, the funds of the Company were sometimes put in requisition to meet the exigencies of the state.*

Amidst all these discouragements and embarrassments the Company kept on, sometimes on the verge of destruction and never enjoying any long immunity from difficulty. They established settlements, some of which were lost; while others, Fort St. George and Fort William, remained to become the seats of powerful governments. From the British Crown they received the Island of Bombay, which had been part of the marriage portion of Catherine of Portugal, wife of Charles II., and this was the only territorial acquisition which the Company ever acquired through the English Government. All besides was gained by their own exertions, and the courage and military talent of their servants. Rarely did any long interval elapse without some occasion calling those qualities into exercise. The Company were engaged in hostilities, sometimes with the Mahrattas, sometimes with the Moguls, and with various fortune. Triumph now attended their arms, and now their factories were plundered and burned, and their servants

* On one occasion the sovereign engaged in a transaction with the Company of very questionable character. Charles I., in want of money to carry on the disputes with the Parliament, adopted the extraordinary expedient of supplying his necessities by resorting to a practice, not unfrequent with bankrupt or swindling traders, but which, it is to be hoped, is almost or entirely without parallel in the annals of public finance. He bought the Company's stock of pepper on credit, and sold it immediately for ready money, at a loss of about thirteen thousand pounds. A small part of this debt was subsequently allowed to the Company as a set-off against a claim for customs duties, but the greater part appears to have been lost.

slain or made prisoners. At home their difficulties did not abate. A new company was raised and incorporated, and the old one was compelled to save itself from dissolution by consenting to a union of the two. Thus arose (1709), "The United Company of Merchants trading to the East Indies," which in the course of years became the most powerful corporation which the world had ever seen.

For more than a quarter of a century after the junction, the Company was silently acquiring power and importance and stability. Their credit was found useful in ministering to the necessities of the state by loans granted in consideration of their exclusive privileges; but excepting with regard to the aid which the Company were thus enabled to furnish, those who were intrusted with the administration of public affairs in England seem to have bestowed little thought upon India. A striking illustration of this occurred in the year 1746, when Fort St. George was suffered to fall into the hands of the French. Some petty additions had been made to the British naval force in the Indian seas, but they were inadequate. From advices received by the Court of Directors, that body became convinced of the necessity of further reinforcements. The subject was urgently pressed upon the attention of the Admiralty, but the answer was, that the fears entertained by the Court were groundless, and that no French ships had sailed for the East Indies. Slowly and reluctantly, some preparation was after a time commenced, but it was too late. News arrived that the celebrated La Bourdonnais had sailed with a fleet from the Mauritius, and the next intelligence was, that he had taken Fort St. George, which was only recovered by the Peace of Aix-la-Chapelle.

The Company had, however, by this time, with little

assistance from the state to which they belonged, established a high confidence in the British name; and even at this early period, though it would be ridiculous to dignify their small possessions by the name of territory, they were regarded as having a political existence, and their alliance and support were on more than one occasion invoked by native princes. This result was undoubtedly favoured by the peculiar state of society in India, where almost any one who could collect a body of armed followers might aspire to something of a princely character, and where both landed and monied capitalists frequently found it necessary to resort to such means for their safety. But the tact with which the Company and their servants conformed to this and other native habits was remarkable, while, by engrafting on an eastern stock the spirit, energy, and discipline of Europe, they were silently, but deeply, laying the foundations of the Anglo-Indian empire, as it now exists. The rivalry of the French kept them constantly on the alert; the memorable contests for the Soubahdarship of the Deccan and the Nabobship of Arcot gave strength and coherence to their military establishments; and the disastrous capture of Calcutta by Sooraj-oo-Dowlah, with the murderous horrors of the Black Hole, did but afford occasion for the British power, exercised and maintained by the British East-India Company, to spring into a degree of vigour and security greater than had previously been known. The military genius of the young writer, ROBERT CLIVE, unexpectedly developed by the circumstances among which he had been thrown with far different views, shed lustre on the Company's service, while it upheld their power and influence. The Great Mogul Empire was now breaking up, and the address of Clive procured for those whom he served the gift of

the Dewanny* of three of its richest provinces. The territory known as the Northern Circars was also added to the dominions of the Company.

In looking back from this period at the history of the Company, it is impossible not to be impressed by its singularity. For more than a hundred years their career had been an almost unbroken series of difficulties and misfortunes. For upwards of thirty years afterwards they enjoyed comparative ease, but little distinction. The calm was broken by calamity—the loss of one of their most important settlements. The misfortune was overcome; the Company advanced from the position of an Association of Foreign Traders to that of one of the political powers of India, and in about fifteen years to that of a leading power. This rank was gained, after a series of contentions with an European rival, powerful, ambitious, and of military habits, by men whose chief business in India was not the acquisition of territory, and who belonged to a nation less influenced by the love of conquest than any of its neighbours. Power and dominion of equal extent were never in any other instance acquired with so little of aggression. Circumstances favoured the aggrandizement of the Company, and those circumstances were prudently watched and carefully improved.

The Dewanny was acquired in 1765. The news of the acquisition, as might be expected, had a powerful effect on the members of the Company at home. But the elation was not confined to them, it extended to the nation at large, and wherever a newspaper found its way, the most extravagant visions of wealth to be derived from England's new possessions were raised and entertained. The enormous for-

* The Dewanny was the right of collecting the revenues; and as he who enjoys the profits of the land is virtually its master, the gift was, in fact, the transfer of the provinces themselves, Bengal, Behar, and Orissa.

tunes acquired by a few individuals in India, within periods which seemed inadequate to their accumulation; unless rupees were to be picked up on the highway, tended to feed these imaginings, which did not, as might have been supposed, prevail exclusively among the more ignorant part of the community; the Cabinet and the Parliament shared in them, and bent an anxious eye towards the mine of inexhaustible treasure, which it was believed the East-India Company had found. The proprietors of India Stock called loudly for increased dividends. The Court of Directors prudently discouraged the desire, and in this they were supported by the ministry; the latter body, however, intending, when time and opportunity should suit, to pounce upon the acquisitions, which it was soon murmured were unfit to be retained by a Commercial Company, and which, indeed, it was asserted, the Company, as subjects of the King of Great Britain, could not legally possess. Had a strong ministry at that time existed, it is probable that a desperate attempt would have been made to transfer India from the care of the East-India Company to that of the immediate servants of the Crown, the revenue expected therefrom being much wanted to supply the Home Exchequer, and the patronage being, in ministerial eyes, still more desirable even than the revenue. But the ministries which for some successive years went into office and came out again—for so brief was their tenure of employment and so insecure at all times their position, that it is more accurate thus to advert to them than to speak of their having *held* office—these evanescent administrations, which appeared and vanished like figures in a phantasmagoria, were all so weak, that it was with some difficulty that they could be held together till the next succeeding change was ripe, and they were, consequently, not in a condition to

peril the utter wreck of their miserable craft, by bearing down directly on the East-India Company. Further, there was at that time a spirit abroad among the public out of Parliament, so utterly hostile to any thing that should tend to increase the power or influence of the Crown, that an attack upon the revenues of India, if accompanied by any considerable extension of ministerial patronage, would probably have raised a storm, more violent than any,—and they were neither few nor light,—which the advisers of the Crown had to encounter. There was, however, a great show of doing something. Papers were called for, inquiries instituted, resolutions moved, and Acts for limiting the amount of the dividends of the East-India Company passed. Hints of something further were thrown out, and Alderman Beckford, a man whose wealth exceeded his knowledge as far as his popularity transcended his modesty, was chosen as the mouth-piece of one of the sections of political party to claim for himself and his “brother landholders” the revenues of India as lawful spoil. Behind the curtain which veils the proceedings of cabinets from vulgar gaze, intrigues were going on for effecting covertly, that which it was not convenient or safe to attempt openly. Not only were the public excluded from all knowledge of these mysteries, but even those most closely interested in the subject of them—the Court of Directors of the East-India Company. Commissions were secretly despatched to India, designed to supersede the authority of the Company. The consequence was, that at Madras, the scene chosen for this singular specimen of diplomacy, the servants of the Company and the servants of the Crown became involved in fierce disputes, to the astonishment of native powers and the discredit of the British name. The Governor and Council remained and exercised their

powers as before. The King's commissioner came, and though he did not presume to set aside the former authorities, he acted in perfect independence of them. Madras rivalled Brentford with its two kings, saving that, at the former place, instead of amicably smelling to one nosegay like the polite potentates of the latter, the governor and the commissioner pursued opposite lines of policy, and gave and received mutual affronts in a manner calculated to afford to the natives a most edifying impression of the manner in which public affairs were managed in England.

A ministry which seemed to enjoy a firmer seat than any which had for some time preceded it, at length ventured upon a step somewhat more decisive than had been attempted before. Lord North, whose political courage was far greater than his political success, was the premier under whose auspices the Act of 13 George III., called the Regulating Act, was passed. The minister who lost the dependencies of the British Crown in America undertook to provide for the good government of the people of India, newly transferred to British rule. The augury was not the most happy, but the bill was, upon the whole, better than its paternity might be supposed to indicate. It made great changes in the constitution of the East-India Company, some of them improvements; but the alterations effected in India were marked by a right ministerial love of patronage. The Government of Bengal, the chief settlement, and the seat of the controlling authority, was vested in a governor and council named in the bill,—consequently named by the minister; the council consisted of five, two of whom were servants of the Company, but three—a standing majority—were either friends whom the party which then held the reins of power at home wished to benefit, or enemies whom they wished to conciliate. It has

been conjectured, with some probability, that one of the three* was the author of a series of political letters, distinguished alike by their wit, eloquence, and acrimony, directed during several years against various unpopular public men, and even the august personage whom they served, or wished to serve; and that the appointment to India was the price of his silence. This, however, is but conjecture; but the fact is indisputable, that in re-modelling the Government of India, under the Regulating Act, one prominent object, if not the most prominent, was to open for the minister an entry to the patronage of that country—that patronage which he and his predecessors had so long and so ardently coveted. The nomination of the Council of Bengal, which the ministers enjoyed, under cover of a parliamentary majority, was not all they gained. A new source of patronage was devised in the erection of a Supreme Court of Judicature at Calcutta, where English law was to be administered by English judges, nominated by the Crown and rewarded by large salaries. Into the consequences that followed, this is not the place to inquire; the subject is noticed only in reference to patronage. But though this famous Regulating Act bore on its face the unequivocal stamp of jobbing, it is not to be inferred from this fact (no extraordinary one) that interference on the part of the Crown or the Parliament with the newly-acquired authority of the East-India Company was altogether to be condemned. The acquisition of the Dewanny and of other territorial rights had changed the character and circumstances of the Company. The Crown and the country had become materially interested, and it was quite right that provision should be made for securing the honour and interest of

* Sir Philip Francis, believed by many to have been the author of Junius's letters.

both. For this purpose it was required, that all the Company's correspondence relating to civil or military affairs, the government of the country, or the administration of the revenues, should be laid before the Treasury by one of the secretaries of state. This was certainly not more than might reasonably have been expected. The East-India Company was not to become an independent sovereign, nor was the Dewanny to be looked upon as its private estate, which it might manage, alienate, or retain at its pleasure. The territory gained in India was to be regarded as an integral part of the British empire. The Company were not to establish an *imperium in imperio*; they had a right to expect to continue stewards of the domain, and it was for the benefit of both countries that they should; but, like all other stewards, they must account. The great evil of the Act of 1773 was, that it interfered injuriously, as well as offensively, with the exercise of the functions of the Company, by giving to India a parliamentary council; but there was this source of consolation, that the arrangement was temporary. It was renewed by an Act passed in 1779, and again by another in 1780, on each occasion for one year. The ministry were too insecure and too much embarrassed by their ill success in America, and the torrent of public indignation which followed, to think of tightening their grasp upon the patronage of India. They had reason for congratulation in being able to keep things as they were. This much they were able to effect. In 1781 another Act was passed for temporarily regulating the government of India and the affairs of the East-India Company, and two* parliamentary

* It seems to have been the prevailing opinion of the day, that India committees must necessarily hunt in couples. A few years before a similar nomination of two committees, carrying on their inquiries simultaneously, was ridiculed by Burke, who compared them

committees, one secret and one open, were appointed to investigate the Company's affairs. These continued to inquire and report, while rapid changes passed over the political system. The manifold blunders and failures of the American war at length precipitated Lord North from the seat of power. The Marquis of Rockingham succeeded, but his death was attended by the death of his administration. The Earl of Shelburne then took the reins of power, but was soon obliged to drop them; when they were caught up by an administration strong (as far as a combination of powerful families could confer strength) beyond any which had preceded it, and perhaps any which has followed. The great Whig party under Mr. Fox, and the party which had for a long period acted under Lord North, had coalesced, and those who had for years denounced each other as enemies of the country, now entered the cabinet arm-in-arm. The statesman, whose policy had dismembered the empire, and his eloquent rival, who had declared that for that policy he deserved to lose his head, divided between them the secretarial duties of the state. A Whig nobleman,* potent in wealth, took his seat at the Treasury as the ostensible head of this motley cabinet; the remaining offices were allotted among the adherents of the two great chiefs, who, like the two ladies in Canning's burlesque of the German drama, had suddenly made up their minds to swear an eternal friendship. This ministry, proudly conscious of its strength, felt no hesitation in screwing its courage to the point of grappling with the two parts of a smoke-jack—the one committee, whose proceedings, it seems, were slow, to the weight—the other, who were more vivacious, and, in the language of the great statesman, went “like hey! go mad,” to the flyer, and he concluded that by the combined operation the Company were to be roasted.

* The Duke of Portland.

East-India Company, and one of the boldest and most extraordinary plans ever devised for aggrandizing a political association at the expense of chartered rights, public liberty, and royal prerogative, was the result of their councils. It proposed to take away from the Company all their political power, and to vest it in the hands of commissioners, to be named in the first instance by Parliament. But, further, the Company were not even to retain the management of their commercial concerns. These were to be committed to another set of commissioners, also to be named in the first instance by Parliament, and who were to act in subordination to the political commissioners. The entire patronage of India was thus to be transferred to the nominees of the Coalition Ministry, who already commanded the votes of about two-thirds of the House of Commons, and, thus fortified, might soon have increased their majority to nine-tenths of that assembly. But the very step meant to render them unassailable proved the cause of their overthrow. Beyond the walls of Parliament they had no party; public opinion was universal and clamorous against the Coalition Ministry and its favourite child, the India Bill. At court they were in no better odour than in the country; the King hated them, and this monstrous bill afforded him the means of getting rid of them. It passed the Commons triumphantly, and, though warmly opposed in the Lords, would have passed there also but for the sudden announcement of the King's hostility. This induced the Peers to pause; the King availed himself of the pause to dismiss his ministry, and call a new one to his councils, and thus was turned aside this fearful blow, aimed not at the East-India Company only, but at the independence of Parliament, the liberties of the people, and the dignity of the Crown. The new ministers were of

course in a minority in the House of Commons, and a bill introduced by them for the government of India necessarily failed. But a new Parliament was called, and the result of the elections gave them a triumphant majority, by the aid of which an Act was passed (1784) which was the foundation of the system under which, with some slight occasional modifications, India has been governed down to the present time. Under this Act the Court of Directors were to continue to conduct the government of India, as well as their own commercial concerns; but in exercising the former duty, their Acts were to be subject to the approbation of a Board, composed of persons nominated by the Crown. There were certain exceptions to the exercise of the authority both of the Court and the Board. Affairs requiring secrecy were to be withdrawn from the cognizance of the Court at large, and transacted by the Board, through a secret committee chosen by the Court of Directors from their own body. The discretion of the Board was, however, limited by defining the subjects on which secret orders were to be given—they were declared to be “the levying of war or making of peace, or treating or negotiating with any native princes or states of India.”* Further—the Board were to have nothing to do with the general patronage of India. The right of making nominations, whether to the civil or military services, was reserved exclusively to the Court of Directors.†

* Extended by 3 & 4 Will. IV., cap. 85, by adding the words “or with any other princes or states touching the policy to be observed with respect to such princes or states.”

† This was in accordance with the judgment of the greatest and wisest statesmen who have thought on the subject. In a speech of Burke, made in July, 1773, and reprinted from an old magazine, in the *Portfolio* for November, 1844, that distinguished man thus expresses himself:—“God knows, that the places, and pensions, and expectances furnished by the British establishment, are too powerful

It has not been the practice for the Court to interfere with the subsequent progress of those admitted to the services; but to leave their advancement to the established rules of promotion and the discretion of the local governments. There is an exception to this in the case of members of the councils of the chief and subordinate presidencies. To these offices the Court have invariably appointed in conformity with the provisions of the law on the subject.

As no useful purpose would be answered by minutely tracing the slight variations made in the law previously to the year 1833, it will be most convenient to proceed at once to that important era in the history of the Company, when their trade, thrown open to India in 1813, was entirely suspended. But when this great commercial revolution took place, the government of India was continued in the East-India Company, on conditions little varying from those previously imposed. The Board, the Court, and the Secret Committee, with their respective rights and duties, as already explained, are still preserved. The powers

for the small remains of patriotism and public spirit that remain in our island. What then will become of us, if Bengal, if the Ganges pour in a new tide of corruption? Should the evil genius of British liberty so ordain it, I fear this House will be so far from removing the corruption of the East, that it will be corrupted by them. I dread more from the infection of that place, than I hope from your virtue. Was it not the sudden plunder of the East that gave the final blow to the freedom of Rome? What reason have we to expect a better fate? I conjure you, by every thing a man ought to hold sacred; I conjure you by the spirits of your forefathers, who so nobly fought and bled for the cause for which I now plead, I conjure you by what includes every thing—by your country—not to yield to the temptations which the East, in the hands of the Crown, holds out—not to plunge into the gulf of corruption, and drag after you your posterity—your country.”

of the chief local government have been considerably extended, and the parties comprising it are termed, the Governor-General of India in Council. The Governor-General and the governors of the subordinate presidencies, under this and former Acts, are appointed by the Court of Directors, subject to the approbation of the Crown. The appointment of Commander-in-Chief of the forces of India, and of provincial commanders-in-chief, also rests with the Court, subject to the like approbation. The members of the respective councils are appointed as before, with the exception of an additional member to the Council of India, whose office is created by the Act last named, and whose appointment, by the Court, is made subject to the approbation of the Crown.

It will be evident, from the above sketch, that the policy adopted by successive Parliaments, from the year 1784 downwards, has been to secure to the Court of Directors of the East-India Company a large and responsible share in the government of that country, and that to that end very extensive powers have been reserved to the Court. Among the most important of these is the power of recall. This power, indeed, is inherent in the Company. It is a portion of its original authority, the exercise of which it has always enjoyed, with the exception of a few years after the passing of the Regulating Act, when it was temporarily suspended with regard to the Governor-General and his Council, in order that the nominees of the ministry might retain their appointments. But during the same period, the power of appointing members of Council was also suspended, except with the approbation of the Crown; and even in those evil times when corruption was rampant, and legislation was directed rather to private than public objects, the renewal of the right both of nomination and removal was expressly

provided for. Decency—even according to the standard of decency then prevailing in political circles—required this much! Except in the charters to which the Company traces its original constitution, this right of recall is nowhere pretended to be given or created; it is, throughout the statutory enactments affecting the Company, recognized as something previously existing, an undoubted and unquestionable right. It is thus referred to in the 33 Geo. III. (1793), chap. 52, where a section (35) giving to the Crown the power of recall is succeeded by another (36) which runs thus:—“Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to preclude or take away the power of the Court of Directors of the said Company from removing or recalling any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove, recall, or dismiss any of such officers or servants at their will and pleasure, in the like manner as if this Act had not been made, any Governor-General, Governor, or Commander-in-Chief, appointed by his Majesty, his heirs or successors, through the default of appointment by the said Court of Directors always excepted; † any thing herein contained to the contrary notwithstanding.” A similar proviso is found in the Act 53 Geo. III., chap. 155, sec. 80, wherein, after the right of the Court to appoint to the offices of Governor-General, Governor, and Commander-in-Chief, has been re-assured to the Court, subject to

*“And from and after the expiration of the said term of five years, the power of nominating and removing the successors of Governor-General and Council shall be vested with the Directors of the said United Company.”—13th Geo. III., cap. 62, seq. 10.

† If the Court neglect to appoint to these offices within a limited period, the right of appointment (for that turn) lapses to the Crown.

the approbation of the Crown, the Act continues, "Provided always, that nothing herein contained shall extend, or be construed to extend, to take away or affect the power of the said Court of Directors to remove or recall any such Governor-General, Governor, or Commander-in-Chief, but the said Court shall and may at all times have full liberty to remove, recall, and dismiss any such Governor-General, Governor, or Commander-in-Chief, at their will and pleasure, in the like manner as if this Act had not been made." Again, in the 3 & 4 William IV., chap. 85, an Act effecting greater changes in regard to the Company than any other passed from the commencement of its existence, the right of recall is not less distinctly recognized. The 74th section secures the right of the Crown in this respect, the 75th reserves that of the Court of Directors. "Provided always, and be it enacted, that nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such officers or servants, at their will and pleasure." The remainder of the section exempts from recall by the Court, as before, any servant of the Company appointed by the Crown, in consequence of the default of the Court to appoint.

The power of the Court to recall is indeed so clear, that to argue in defence of it may seem like an ostentatious lighting of lamps amid the blaze of a noon-day sun. An array of authority, on a point so indisputable, may appear entirely superfluous, and it would be so, but for the extraordinary statements which are reported to have been made on the subject. It is said to have been stated that the retention of a free exercise of the power of recall by the

Court "must have resulted from an oversight,"* that the law upon this point "was renewed without consideration," or "at all events without discussion."† Now, it must have been a very extraordinary oversight which could lead to the continuance of such a power for sixty years after the government of India became the subject of permanent regulation, and could not only so continue the power, but recognize it over and over again in solemn acts of the Legislature. These recognitions, indeed, are mere recognitions—they convey no new power; they only bear testimony to the existence of one previously possessed. But to talk of "oversight" in the face of these recognitions is surely trying the possible effect of bold assertion, far beyond the limits of common prudence. A clause, like this, solemnly recognizing a power so great and important, slipping into an Act of Parliament—aye, into several Acts of Parliament—no one knows how, is a fact, if fact it be, somewhat startling. Such a fact is surely without parallel, except in the case of Dibdin's Jew, who on his return from a walk finding a gold watch in his pocket which was not there when he set out, records the discovery in his journal with the quiet comment, "dropt in by accident."‡ And so it seems that this clause found its way into Act after Act, and no one could account for it. There it stood plain and clear as the type of the royal printer could make it, to sear the eyeballs of those who loved it not; but how it came there they knew no more than that mysterious personage who is said to inhabit the lunar planet—"dropt in by accident!" But then the clause was renewed, in the last instance at least, (in 1833), "without consideration," or "at all events without discussion." The proof offered of this is, that upon refer-

* See Hansard's Debates, vol. 74, p. 276.

† Ibid. vol. 74, p. 345.

ence to the *Mirror of Parliament* for that year, it does not appear that there was a single word said about it in either House.* This may be quite true, but it only proves that the clause passed without parliamentary discussion. It does not prove that those who framed the Act or those who passed it were ignorant of what they were doing—that the extent of the power in question, and the possibility of its being called into exercise, were altogether overlooked. To prove this, the eminent person whose hostility to the clause induced him thus to account for its introduction is reported to have said, “I have looked into the papers of the correspondence between the Directors and the Board of Control, and there is not one single word said of it in these on either side; and I have looked into the debates of 1784, when Mr. Pitt first brought in the bill containing this ill-omened clause, for it was in that originally, and I find not one single word said on either side in either House.”† Now the papers of correspondence between the Directors and the Board here referred to are undoubtedly those connected with the renewal of the Company’s government and the suspension of their trade, effected by the Act of 1833, which papers were printed by order of the Court of Directors for the information of the Proprietors, and collected in a volume, the title-page of which bears the date of that year. These papers, it is alleged, have been “looked into,” and found to afford no trace of the subject of recall by the Court having undergone any consideration; “there is not one single word said of it in them on either side.” The look bestowed on these papers must certainly have been very transient and cursory, for it does happen, that instead of containing “not one single word” on the subject,

* See Hansard, vol. 74, p. 345.

† Hansard, vol. 74, p. 345.

they contain several words, which words occur in at least three different places. At page 4, in a "Memorandum, or paper of hints," transmitted to the Chairman of the Company by the President of the Board, the following passage presents itself: "Appointment of governors, subject, as now, to the approbation of the King, but the Board to have a veto on the recall. The same with regard to commanders of the forces." It seems then that the subject was not overlooked by the ministers, nor was it by the members of the Court. At page 127 of the volume, the following passage occurs in a dissent recorded by Henry St. George Tucker, Esq.:

"The retention of the power to recall governors and commanders-in-chief appears to me to be highly essential to the respectability and efficiency of the Court of Directors. This power has been rarely exercised, and there can be no temptation to abuse it; but if it be withdrawn, the public functionaries abroad may set at nought the authority of the Court, and may hold us in contempt. A governor may be lavish in the public expenditure, may think only of providing for his own dependents or those of the ministry, may be indolent and inactive, or arbitrary and capricious in the exercise of his powers, and notwithstanding these and other defects of character and conduct, he will retain firm possession of his station, as long as he can succeed in propitiating the ministry of the day, who may be interested in his continuance of office, and even derive influence and advantage from his mal-administration." Again, at page 187, it will be found that the President of the Board, in replying to a letter from the Chairman and Deputy-Chairman of the Company, thus expresses himself: "I do not know if the words 'exercising the same powers as the Company now possess under their charter' are here introduced

with any specific references. To the general propositions which they express, his Majesty's ministers have, through me, repeatedly declared their adherence, and they are not aware that it is, in the slightest degree, impaired by any modification, they contemplate in the existing system.

Whatever changes Parliament may in its wisdom see fit to adopt, will, I doubt not, be made without detriment to the substantial authority of the Company. It is possible that the words in question have been inserted in consequence of the hint thrown out in the memorandum, that the Board should have a veto on the recall of governors and military commanders in India. In order to obviate misconstruction, I avail myself of this opportunity to inform you, that it is not the intention of his Majesty's ministers to insist on the suggestion just mentioned."

3. And was the insertion then of the provision of recognition in the new Act an "oversight?"—was the retention of an unqualified power of recall by the Court allowed "without consideration?" Above we have an official suggestion from the ministry for the modification of the power—an argument against its modification by a member of the Court of Directors, and finally a formal withdrawal of the proposal for modification by the authority from whom the proposal came—and all these are contained in the volume which was searched without one single word on the subject being found!

4. Let us pass on to the consideration of the statement, that the clause recognizing the right of the Court to recall was originally in the Act of 1784, and that, notwithstanding, nothing was said on the subject in the course of the debates in either House. Here, unfortunately, is manifested a defect of vision exactly opposite in nature to that which prevailed when the correspondence on the renewal of the

Company's powers in 1833 was examined. In the correspondence, that which is obvious to all the world besides is unseen by the examiner. In the Act of 1784, that which no one else can discern is distinctly visible. Like him—

Who to the Dead and silver bell can swear,

[And sets at Canons what was never there,]

the examiner of the Act of 1784 finds a clause—an ill-omened clause if it is called which the Act does not contain which it certainly never did contain, unless it has dropped out by some chance not less wonderful than that by which the same ill-omened clause dropt into a later Act. The power of recall by the Court is not adverted to in that Act, the reason (probably being that as the Court already possessed the power, and no intention existed of interfering with it, there was no absolute necessity for bringing it forward). It was distinctly recognized in the succeeding Act of 1793, and at this distance of time it is not easy to determine the motives to such recognition. It probably originated in some apprehension on the part of the Court, that their right might, by lapse of time, be overlooked or forgotten. But why is the clause in question—the clause which is *not* in the Act of 1784, and which is (whether by oversight or otherwise) in the Act of 1833—called an ill-omened clause?—Whatever view may be taken of the question—whether or not the Court of Directors should possess the power of recall, the clause is a very harmless one. The right of the Court does not depend upon it. The sum of its possible effect is, to put a stop to quibbling. Suppose the clause had been left but of the last Act, by which the administration of the government of India was continued to the East-India Company, would the power of recall have thus been silently dropped, like the clause itself, from the Act of

1784? Certainly not. The Act of 1833 is only part of the law under which the authority of the Company is exercised, and it happens to contain the following section (not let in, it may be presumed, by "oversight"): "And be it enacted, that all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suit, penalties, provisions, matters and things whatsoever, granted to, or continued in, the said United Company by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters and things contained in the said Act, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited, to continue for and during the term granted to the said Company by the said Act of the fifty-third of King George the Third, so far as the same or any of them are in force, and not repealed by, or repugnant to, the enactments hereinafter contained; and all powers of alienation and disposition, rights, franchises, and immunities which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed, as against all persons whomsoever, subject to the superintendence, direction, and control, hereinbefore mentioned, until the thirtieth day of April, one thousand eight hundred and fifty-four."

The right of the Court of Directors to recall without reference to any other authority, then, is clear; it is recognized by the Act under which the Company's term of government was last renewed; and if that Act were silent on this particular point it would be immaterial, for the right rests on preceding charters and acts, the validity of which is therein solemnly affirmed. Indeed the right is not a subject for question, though, in some quarters, it is mat-

ter for great wonderment how it ever came to exist, and how it came to be continued to this good year 1844, then to be exercised, to the astonishment of at least one of those through whose "oversight" it had been permitted to be retained. The learned individual thus amazed "verily believes," according to Hansard, "it was left in one India bill after another, from a perfect persuasion that it would never be acted upon,"—a different thing by the way from "oversight"—"but would remain a dead letter, unless some extraordinary emergency—some crisis of the fate of our Indian empire—might render it necessary for the Directors to exercise this most anomalous and extraordinary jurisdiction."* Now what sort of emergency, what sort of crisis is here contemplated? And who is to judge whether the emergency be sufficiently great, or the crisis sufficiently dangerous to render "necessary" the exercise of the power? Who can judge but the Court, who are intrusted in this case with uncontrolled authority? In their judgment the recall of Lord Ellenborough was necessary—in the judgment of their learned critic it was not. The whole question resolves itself into a matter of opinion, and to talk of limiting the exercise of a strictly legal right, by reference to considerations of which no philologer can fix the exact meaning, and which no casuist can reduce to logical distinctness, is idle in the extreme. The qualification, therefore, of the position first laid down, by reference to an emergency or a crisis, is worth nothing—in the language of the law, it is void for uncertainty, and we are thrown back upon the naked principle, the principle evidently entertained by the speaker, that this important power of recall, so long enjoyed and so frequently confirmed by solemn acts of the legislature, ought never to be exercised at all. In the language above quoted

* Debates, vol. 74, page 345.

from the parliamentary debates it is to be "a dead letter." And can it be that the legislature, passing clause upon clause recognizing the power, has been only adding fresh acts to a solemn farce—that the intention was to give the semblance of power and withhold the reality? If such were the case, most clumsily has the intention been fulfilled, for the power has actually been conceded; and not until it is used in a manner which does not meet the approval of one noble peer do we hear that the law on the subject was never designed to have any effect,—that its framers meant nothing—or worse than nothing; for if this interpretation of their intentions be correct, they must have meant to deceive. In what a dignified position does this place both the Legislature and the East-India Company! The latter, it seems, were trusted with the power of recall, upon much the same condition as the Vicar of Wakefield's daughters enjoyed the privilege of pocket-money; each of the young ladies received a guinea, with a strict injunction never to change it. This we are told was for the honour of the family. For whose honour the Court of Directors were to have charge of a power which they were never to use, does not appear. The contract between the Legislature and the Company, in this view, would be much like one described by Selden in his *Table Talk*. "Lady Kent articed with Sir Edward Herbert that he should come to her, when she sent for him, and stay with her as long as she would have him, to which he set his hand; then he articed with her that he should go away when he pleased, and stay away as long as he pleased, to which she set her hand." So, by law, the Court of Directors are to have the power of recalling a Governor-General "at their will and pleasure"—thus runs the Act—but then, on the other hand, the Governor-General may hold office as long as he shall please (at least as far as the Court are

concerned), do what he may—except, indeed, (on the occasion of some great “emergency,” some fearful “crisis” (not defined nor definable—one of those extraordinary events which set at defiance all ordinary rules,) and of course among others, the rule that the Court of Directors should not recall a Governor-General unless it is his pleasure to come back. Thus, for instance, if a Governor-General should throw off his allegiance to the British Crown, should declare himself sovereign of India, and raise an army to support his pretensions, why, such a case perhaps might be regarded as an “emergency,” a great “crisis,” and the Court of Directors might resort to a recall. True it is, that the case is not very likely to occur, and if it did, the exercise of an independent power of recall would scarcely be indispensable, for no authority in this country would oppose the views of the Court; and if the Court are to act on their own sole responsibility only when no human being can differ from their judgment, it must be granted that their responsibility is not very onerous.

But it is not so. The right to recall (is) not a mere name; it is not a piece of solemn, but hollow pomp—an appendage of state harmless as the sword that dances by the skirts of a court-dress, for show and not for service, or as the mace of the Lord Mayor, which has never been raised as a weapon of offence since wielded by Sir William Walworth, in Smithfield. It is a substantial power, and it is a power necessary to enable the Court of Directors to discharge their functions with efficiency. Without it a contumacious servant might altogether defy them. He may be disobedient now, but it is at his peril. For the exercise of the power of recall the Court, like all persons in the country who are intrusted with political authority, are responsible. They are not to exercise it

capriciously, or without just cause. Indeed, it should never be exercised but with the highest degree of gravity and deliberation. So great is the punishment thereby inflicted upon the offending party—so deep is the wound inflicted upon his reputation—so fearful the effect upon his prospects—that those at whose bidding the punishment descends may well pause before they strike. A meritorious minister may be excluded from the cabinet by jealousies and dissensions among his colleagues, or he may be removed by the influence of parliamentary faction. Neither of these causes can operate in the Court of Directors. They may act erroneously in dismissing one of their servants, but the presumption must always be that they act honestly.

The Court have certainly shewn no undue appetite for the exercise of this great power of recall. The first instance of their recalling a Governor-General does not occur till sixty years after the Government of India was placed on its present footing, and during that period the power of recall has been exercised only once with regard to the governor of a subordinate presidency. The novelty of the event which has deprived Lord Ellenborough of office, has more than any other cause drawn attention to his removal, and the habitual moderation of the Court in the exercise of its power, has thus given to the act a degree of public interest which but for this circumstance it could scarcely have commanded. If the recall of a Governor-General were of frequent occurrence, it would pass with little observation; but the rarity of such an event, together with the circumstances under which it is understood that the appointment of Lord Ellenborough was made, and those under which it was annulled, give an impulse not only to popular curiosity, but to the inquiries of those who desire to form a rational judgment on the merits of the case. The circum-

stances here alluded to are these. It is believed, that in appointing his Lordship to the office of Governor-General, the Court of Directors were nearly unanimous; it is pretty generally known that on the question of his removal they were quite unanimous. Now if he had been elected by a bare majority and afterwards removed by a bare majority, there would have been room for ascribing his removal plausibly, whether justly or not, to personal feeling, or to chance operating through the periodical changes in the Court, which take place under legislative provision. But when all but unanimity of opinion in selecting him, is succeeded by perfect unanimity as to the necessity for his removal, it is quite impossible to attribute the later act to any such causes as those adverted to. Again, if his Lordship's tenure of office had been of extraordinary length, circumstances might readily be imagined to have arisen gradually to cool the affection of his friends, and give confidence to his enemies. But his Lordship retained his honourable appointment for only about two years, and the accomplishment, within so brief a period, of a revolution of opinion, so great and general, in the body to whom he owed both his appointment and his recall, is certainly a startling fact; and the more so when the character of that body is taken into consideration. If any one quality were to be selected as peculiarly characteristic of the Court of Directors of the East-India Company, it would be caution. Every member of the Court has a pecuniary stake in India, and the Court collectively are the representatives of the great body of claimants upon its territory. Among the Directors are men personally acquainted with India, and with the sources from which danger in that country is likely to arise; men trained by long experience in civil, political, legal, military and maritime affairs; merchants of great eminence and bankers of

'the highest standing ; most of them are of mature age, and the political opinions of the majority are those of the party with which Lord Ellenborough has generally acted. If indeed a body eminently conservative in its views and habits, and cautious beyond the ordinary measure of caution, were sought for, it' would be found in the Court of Directors of the East-India Company ;—if they be found to act rashly, there is no faith to be placed in human discretion. By that body Lord Ellenborough was elevated to the office of Governor-General—by that body he has been dismissed, under circumstances of striking singularity. It remains to inquire into the reasons for this last step ; and there is no satisfactory mode of ascertaining them but by examining his Lordship's policy and conduct during the brief term of his government.

In ordinary candour, it must be admitted, that on the arrival of Lord Ellenborough in India, his situation was neither enviable nor easy. He found the long triumphant flag of England humbled by disaster and defeat. A vast army had been sacrificed without any countervailing advantage ; isolated bodies of British troops still remained exposed to danger, while a number of unhappy captives were in the hands of a ruffian chief, on whose probable disposal of them no one could guess ; the power of the British name had received a fearful diminution ; the spirit of the army was shaken by the disasters which had overtaken their comrades, and the past and the future seemed alike involved in gloom. The earliest impressions and earliest declarations of Lord Ellenborough were such as became a British Governor-General. He arrived at Calcutta on the 28th February, 1842, and on the 15th March following his Lordship in Council addressed the Commander-in-Chief, Sir Jasper Nicolls, in language well suited to the circumstances which surrounded him.—“ Whatever course,” it is

observed, "we may hereafter take must rest solely upon military considerations, and have, in the first instance, regard to the safety of the detached bodies of our troops at Jelalabad, at Ghuznee, at Khelat-i-Ghilzie, and Kanda ar, to the security of our troops now in the field from all unnecessary risk, and, finally, TO THE RE-ESTABLISHMENT OF OUR MILITARY REPUTATION, by the infliction of some signal and decisive blow upon the Affghans, which may make it appear to them, to our own subjects, and to our allies, that we have the power of inflicting punishment upon those who commit atrocities, and violate their faith, and that we withdraw ultimately from Affghanistan, not from any deficiency of means to maintain our position, but because we are satisfied that the king we have set up, has not, as we were erroneously led to imagine, the support of the nation over which he has been placed."* In a subsequent part of the same letter his Lordship, after urging the necessity of paying regard to circumstances in coming to action with the enemy, so as to secure to the British force the advantages derived from their superior discipline, thus continues: "At the same time we are aware that no great object can be accomplished without incurring some risk, and we should consider that the object of striking a decisive blow at the Affghans, more especially if such blow could be struck in combination with measures for the relief of Ghuznee,—a blow which might re-establish our military character beyond the Indus, and leave a deep impression of our power and of the vigour with which it would be applied to punish an atrocious enemy,—would be one for which risk might be justifiably

* Papers relating to military operations in Affghanistan, presented to both houses of Parliament by command of her Majesty, 1843, p. 167.

incurred, all due and possible precaution being taken to diminish such necessary risk, and to secure decisive success." His Lordship likewise adverts to the release of the prisoners taken at Kabul, as an object "deeply interesting in point of feeling and of honour," and suggests, with a view to attain it, the taking of hostages from those parts of the country which the British force might be able to occupy, as well as the prospective advance of General Pollock beyond Jelalabad even to Kabul.

Thus much was well, but how did his Lordship fulfil the expectations which he had thus excited? He found that considerable preparations had been made for recommencing operations in Afghanistan, and he proceeded to complete and to add to them. He left Calcutta and his Council in order that he might be nearer to the seat of war and give the weight of his personal influence and the advantage of his personal superintendence to the affairs in progress on the frontier. This seemed to indicate not only great energy, but great determination of purpose; and those who observed the conduct of the Governor-General, who knew the character of the officers and men at his disposal, and who thought, moreover, of the great objects before him—the military reputation of Great Britain to be re-established—the terror of its name to be restored—treachery to be punished—and its surviving victims, comprising women and children as well as men, to be rescued—those who felt the importance of these objects, and who witnessed or heard of the restless vivacity of the Governor-General, never doubted that all would be well—never supposed for a moment that any check would be put upon the ardour of the military commanders, that any obstacle would be interposed between their desire for action and the

* Papers.—*at supra*—page 168.

gratification of it, or that he, who had thought the prosecution of the war a matter of so much importance, as for the sake of aiding it to separate himself from his Council, and make a journey of several hundred miles, was prepared to acquiesce in so pitiful a termination of the labours of himself and his predecessor as that of merely getting the troops in Afghanistan back again to India. Yet thus it was. Some ill success befel the British cause—Ghuznee was surrendered to the enemy, General England failed in his attempt to join General Nott at Kandahar, and further, a bad spirit was understood to prevail in a part of the force under General Pollock. The new Governor-General, it became apparent, in spite of his high purposings, was not a man to encounter difficulties or persevere under discouragement—his moral courage dozed away as he approached the scene of action, and the re-establishment of our military reputation—the decisive blow at the Affghans—and the safety of the prisoners—were all cast to the winds. On the 19th April, General Nott was ordered to destroy Kelat-i-Ghilzie, to evacuate Kandahar, and to fall back to Quetta.*

In advising the Commander-in-Chief of the transmission of these orders, the Governor-General says, "The severe check experienced by Brigadier England's small corps on the 28th ultimo—an event disastrous as it was unexpected—and of which we have not yet information to enable us to calculate all the results, has a tendency so to cripple the before limited means of movement and of action which were possessed by Major-General Nott, as to render it expedient to take immediate measures for the ultimate safety of that officer's corps, by withdrawing it, at the earliest practicable period, from its advanced position, into nearer

* Papers, pages 223, 4.

communication with India.”* On the very day on which these orders to General Nott and the letter to the Commander-in-Chief bear date, the Governor-General published a notification of the successful advance of the troops under General Pollock into the Khyber Pass, and of the evacuation by the enemy of the fort of Ali Musjid.† On the same day the Governor-General addressed to Sir Jasper Nicolls a second letter, the subject being the position of General Pollock,‡ to whom he desired the Commander-in-Chief to transmit instructions; and this was followed by a third, in which the nature of these desired instructions is unequivocally anticipated. His Lordship says:—“What ulterior destination may be given to those corps, when that of Major-General Nott, having drawn off the garrison of Khelat-i-Ghilzie, shall be concentrated ultimately in the vicinity of Sukkur, and that of Major-General Pollock having drawn off the garrison of Jelalabad shall be again on this side of the Khyber Pass, is a matter for the most serious consideration, and one upon which I am most anxious to have the opportunity of conferring personally with your Excellency, or with some officer in your confidence, whom you may depute to me for that purpose.”§ His Lordship then alludes to the possibility of selecting a new line of advance should the war be renewed *after the retreat of the two Generals, as above assumed*, but immediately adds:—“It will, however, likewise be for consideration, whether our troops, having been redeemed from the state of peril in which they have been placed in Afghanistan, and, it may still be hoped, not without the infliction of some severe blow upon the Affghan army, it would be justifiable again to push them for no other object than that of revenging our

* Papers, page 224.

† Papers, page 201.

‡ Papers, page 224.

§ Papers, page 225.

losses and of re-establishing, in all its original brilliancy, our military character." For no other object! The restoration of our military character is not much it seems, and the safety of the prisoners nothing, for this point is not adverted to. Two days after this, namely, on the 21st of April, the Governor-General received authentic information of Sir Robert Sale's victory at Jelalabad and of General England having regained, without further loss, his position at Quetta, where he had been joined by the rest of his brigade. These events he communicated to the Secret Committee in a letter dated the 22nd, together with the following account of their influence, or rather want of influence; on his opinion with regard to the necessity for retreat: "These several events, although they improve our prospects to some extent, have in no respect altered my deliberate opinion, that it is expedient to withdraw the troops under Major-General Pollock and those under Major-General Nott at the earliest practicable period into positions, wherein they may have certain and easy communication with India;"* that is, to withdraw the troops of General Pollock to Peshawur, and those of General Nott to Quetta. "That opinion," his lordship adds, "is formed upon a general view of our military, political, and financial situation, and is not liable to be lightly changed." The same general views are expressed in nearly the same words in a letter dated the 24th April, to Mr. George Clerk, the Governor-General's agent with the Sikh Government: "To regain concentrated positions for our armies, having easy and secure communications with India, is the present object of the Government, and one not lightly to be changed;" and again—"All that the Governor-General regards, ^{as} ~~is~~ ^{all}, be it observed—"is the security of our communication with the troops beyond

the Upper Indus, and their withdrawal, at the earliest practicable period, from their advanced positions, in a state of continued efficiency, undiminished by the climate or by the enemy.* Such was the unvarying tenor of Lord Ellenborough's language from the time that he quitted his council and acted without advice or check of any kind. The burden of his instructions was retire—fall back—get towards India as fast as you can—leave the Affghans to themselves, and by consequence leave the British prisoners to be mal-treated and murdered by those whom our pusillanimity will thus relieve from the restraint hitherto imposed by their fears.

Reverses had shaken his lordship's confidence in every thing but his own judgment; success had no power to re-assure him. And yet, on one occasion, he did indulge in a flight of expectation which, to all but himself, must appear most extravagant. It has been seen how he spoke of the situation and prospects of the British armies in Affghanistan on the 19th, 22nd, and 24th April. On the 28th he caused no less than three letters to be written to General Pollock, one intimating his belief in the reports of the death of Shah Shoojah, and his conviction of the impossibility of the British Government recognizing a successor under the circumstances that prevailed; a second, giving permission to treat with a *de facto* government for the exchange of prisoners, if such government were capable of carrying an exchange into effect; and a third, the crowning letter of all, announcing that the aspect of affairs in Upper Affghanistan appeared to be such, that his lordship could not but contemplate "the possibility"—a possibility indeed—of General Pollock having been led to "advance upon and occupy the City of Kabool."† Certainly his lordship's

* Papers, page 232.

† Papers, page 235.

notions of possibility were not narrow. He speaks of marching to Kabul as coolly "as maids of fifteen do of puppy dogs." This offhand way of treating a great and most difficult military operation—an operation so great and so difficult, that the Governor-General seems, both before and after this communication, to have regarded it as all but hopeless, is highly characteristic. The consistency of his lordship is not less remarkable. At one time to advance is treated almost as much beyond rational contemplation as a journey to the moon. At another the march of an army from Jelalabad to Kabul is spoken of as lightly as a walk from London to Highgate. But, let justice be done—though the Governor-General actually indulged in a vision of the possibility of an army, situated like that of General Pollock, without preparation, and without arrangement, or understanding with General Nott, pushing on to Kabul and occupying it as easily as a party of schoolboys would run over Blackheath, he still harps on his old string, retirement. General Pollock is assured that the Governor-General's views are unchanged, and that if he should be at Kabul, he must leave it as quickly as possible. "If that event," the imaginary march to Kabul "should have occurred, you will understand, that it will in no respect vary the view which the Governor-General previously took of the policy now to be pursued. The Governor-General will adhere" (this will is very characteristic also) "to the opinion, that the only safe course is, that of withdrawing the army under your command, at the earliest practicable period, into positions within the Khyber Pass, where it may possess easy and certain communications with India."* But the hallucination about marching to Kabul afforded but a temporary interruption to the

* Papers, page 235

uniformity of the Governor-General's strain. Only nine days before it commenced, that is, on the 19th April, he had called on the Commander-in-Chief to furnish additional instructions to General Pollock, and it has been seen what sort of instructions were expected. Sir Jasper Nicolls seems to have doubted as to the propriety of thus embarrassing the general; whereupon Lord Ellenborough, unable to brook delay, himself undertook the duty of reading a lecture on war, not to Hannibal, but to a very able and experienced officer, who, in the judgment of his immediate military superior, stood in no need of the assistance. "The general," said Sir Jasper Nicolls, "is a clear-headed, good officer, and you have loaded his advance with heavy cautions."* These heavy cautions, however, were repeated in a letter dated the 4th May. Not quite a week had elapsed since the Governor-General had hoped or feared, it is difficult to say which, that General Pollock was at Kabool, or in full march thither. On the 4th May, he indulges imaginings as to what the general is about, as he did on the 28th April, but their complexion is not quite the same. Let the reader judge. Here is Lord Ellenborough's vision of General Pollock, as presented to his Lordship's mind on the date first named above, but last in the order of time, viz. on the 4th May: "The most recent accounts which have been received of the difficulty experienced by you in obtaining supplies at Jelalabad, and in bringing forward supplies from Peshawur; and the very deficient means of movement, as well as of provision, which you possess, induce the Governor-General to expect"—now mark the expectation; within a week after, he thought it possible that General Pollock had gone to Kabool—"that you will have already decided upon withdrawing your

* Papers—*ut supra*—page 240.

troops within the Khyber Pass into a position wherein you may have easy and certain communication with India, if considerations, having regard to the health of the army, should not have induced you to defer that movement.* And while the reader notes the marvellous consistency of these expectations, between the indulgence of which six days only intervened, let him not omit to notice the testimony given by the Governor-General to the means possessed by General Pollock for making the march to Kabool, which it was thought possible he might have undertaken—“the very deficient means of movement as well as of provision which you possess”—these are the Governor-General's words, and yet he dreamed that in such circumstances an officer of so much ability and so much experience as General Pollock should commit the folly of marching for Kabool; this too, in the teeth of his own avowed opinion thus declared: “His Lordship is too strongly impressed with confidence in your judgment to apprehend that you will ever place the army under your command in a situation in which, without adequate means of movement and supply, it could derive no benefit from its superior valour and discipline, and might be again subjected to a disaster which, if repeated, might be fatal to our power in India.”† Most just was this his Lordship's impression; but how is it to be reconciled with his former impression or supposition, something less than a week old? Before the letter of the 4th May was written, the Commander-in-Chief had come to the rescue, and had issued instructions in general accordance with the Governor-General's wishes; so much so, indeed, that his Lordship tendered in return, not only his approbation, but his thanks; and in order that the instructions might have all the weight

* Papers, page 241.

which his own military knowledge and experience could give them, Lord Ellenborough lost no time in assuring General Pollock, by another despatch, that his judgment confirmed that of the Commander-in-Chief.* The orders thus embodying the views of the Governor-General and the Commander-in-Chief were very distinct. After adverting to the instructions given to General Nott to evacuate Kandahar, and retire first upon Quetta, and ultimately upon Sukkur, it is added, "You are required to make a similar movement in Upper Affghanistan, and to WITHDRAW EVERY BRITISH SOLDIER FROM JELALABAD TO PESHAWUR."†

From these orders no deviation was to take place, except in three possible cases. First, that certain negotiations in progress for the release of the prisoners lately confined at Ruddeabad should have been brought to such a point that its accomplishment might be endangered by withdrawing; secondly, that before the receipt of these orders, General Pollock should have despatched a lightly-equipped force to endeavour to rescue those prisoners; thirdly, that the enemy at Kabool should be moving a force to attack that of the English general. In this "improbable case," as it was most justly termed, it was held to be advisable to inflict a blow on the enemy, but provided only that "any respectable number of troops" should "have descended into the plain below Jugdulluk" with the intent of making such an attack as that referred to. If the number were not "respectable," or, though "respectable," should not have advanced beyond Jugdulluk, but were only on their way thither, the British army was to run before them. With regard to the prisoners, the qualification introduced was as follows: "I allude entirely to the officers and ladies now or

Papers, pages 242, 243.

† Papers, page 242.

ately at Burdeabad, or its vicinity. Those at Kabul cannot, I think, be saved by any treaty or agreement made, under existing circumstances, at Jelalabad. So their recovery was given up. Such were the instructions of which the Governor-General entirely approved, as he assured the Commander-in-Chief and General Pollock. Lest General Nott should be inconveniently influenced by a professional passion for maintaining his country's honour, he, too, on the 7th May, was once more addressed. He was apprized of the nature of the instructions which had been forwarded to General Pollock; and reminded of the tenor of those previously transmitted to himself. The 13th May produced another letter to General Nott, adverting to the proposed advance of General England to join that officer, and admitting that the position of the former at Kandahar was more favourable than it had been supposed to be when the orders of the 19th April were issued; "But," it was added, "this improvement of your position is not such as to induce his Lordship to vary those instructions, in so far as they direct your retiring upon Sukkur. That movement you will make at such period, and with such precautions, as may best conduce to the preservation of the health of your troops and the efficiency of your army. The Governor-General understands that, consistently with the necessary regard to these objects of primary importance, you cannot retire below the passes till October." This extension of time is attributed by Lord Ellenborough to the advice of the Commander-in-Chief, Sir Jasper Nicolls. A similar extension was conceded to General Pollock, in accordance, as it would appear, with the views of the General himself, acting under the discretion intrusted to him by the Commander-in-Chief, when, in compliance with

* See Papers, page 251.

the pressing desire of the Governor-General, he issued his further instructions. This is to be inferred from a letter of Mr. Clerk to Sir Jasper Nicolls, dated 5th May, in which he says: "Adverting to the opinions expressed by General Pollock, in his letter written after the arrival of Captain Mackenzie in his camp, I conclude that, with the discretion vested in him under your Excellency's orders, he will not abandon either the British captives, or the position he holds at Jelalabad."*

Referring to this letter from Mr. Clerk, Lord Ellenborough, writing to the Commander-in-Chief on the 14th May, says: "The advance of the season, however, which really renders the retirement of Major-General Pollock at the present moment a measure of some hazard to the health of his troops—the improved facilities which the major-general finds of obtaining supplies of provisions—but, more than all, *the influence which those now about him*, anxious to vindicate the army by some signal blow against the Affghans, and to effect the restoration of the prisoners to liberty by negotiation supported by force, must necessarily have upon his mind,—all these things induce me to apprehend that it will hardly be until October that the major-general will commence his homeward march."†

Notwithstanding all the reasons here enumerated in favour of delaying the retirement of General Pollock, the measure was obviously not in favour with the Governor-General. This might be presumed from the somewhat ungracious reference to the "influence of those about" the general, and the presumption is strengthened by a letter to General Pollock, dated the 29th of May, written, as it

* Further Papers, ordered by the House of Commons to be printed 17th February, 1843.

† Papers, page 252.

appears, under a deep apprehension that the General might have mistaken his instructions, and have given to the discretion left him wider limits than those by which it was intended to be circumscribed. The date of this letter, however, affords some food for reflection. The ostensible occasion of its being written is a passage in a letter from Mr. Clerk to General Pollock, dated the 18th of May, a copy of which was forwarded to the Governor-General on the 21st. In this letter, Mr. Clerk had expressed his belief that, with the negotiations pending in front, General Pollock would not withdraw. There is no evidence as to the time when this letter was received by Lord Ellenborough, but it is certain that on the 14th of May he was in possession of a letter addressed by Mr. Clerk, on the 5th of that month, to Sir Jasper Nicolls (already quoted), in which he says (speaking of General Pollock), "I conclude that with the discretion vested in him under your Excellency's orders, HE WILL NOT ABANDON EITHER THE BRITISH CAPTIVES, OR THE POSITION HE HOLDS AT JELALABAD." The Governor-General, on the 14th of May, if not before, knew that such was Mr. Clerk's belief, and that it was formed upon opinions expressed by General Pollock; but he takes no notice, beyond a brief reference to it in addressing the Commander-in-Chief on the subject of General Pollock's remaining, until October, beyond the Khyber Pass, in which measure, though with some reluctance, he seems to acquiesce. But on the sight of another letter, shewing that Mr. Clerk continued to hold the opinion which he had declared in the previous letter, namely, that General Pollock would not withdraw, the Governor-General is suddenly thrown into an agony of apprehension and anxiety. He has good reason, on the 14th May, for believing that General Pollock intends to follow a certain course, which he

disapproves, yet he does nothing, but waits the result with as much calmness as a Swiss herdsman expects the avalanche which is to crush his cottage to atoms, or a good Mussulman the fire which is raging three houses off, and must soon reach his own. But Mr. Clerk's letter of the 18th May rouses him. Why? Thus is the question answered by the letter to General Pollock of the 29th May: "As Mr. Clerk was, on the 18th instant, in possession of the orders addressed to you by the Commander-in-Chief, on the 29th ultimo, the Governor-General infers, that, in so expressing his belief that you would not withdraw, with the negotiations pending in your front, he had in view the paragraphs in those orders which relate to negotiations for the release of the prisoners."* "*The Governor-General infers!*" Did he only infer? Had not Mr. Clerk, in his letter to Sir Jasper Nicolls, dated the 5th May (a copy of which letter was in Lord Ellenborough's possession on the 14th), used these memorable words?—"I conclude that with the discretion vested in him (General Pollock), under your Excellency's orders, HE WILL NOT ABANDON EITHER THE BRITISH CAPTIVES OR THE POSITION HE HOLDS AT JELALABAD;" and after this the Governor-General—cautious man—can only "infer" allusion to the said discretionary power. But the ground of this inference is worth looking at: "As Mr. Clerk was, on the 18th instant, in possession of the orders addressed to you by the Commander-in-Chief on the 29th ultimo, the Governor-General infers," &c. Indeed Mr. Clerk *was* in possession of the Commander-in-Chief's orders on the 18th of May, for he was in possession of them on the 5th, when he wrote the former letter. That letter commences: "I do myself the honour to acknowledge the receipt of your Excellency's letter of the 30th ultimo, enclosing a copy of your Excel-

* Papers, page 294.

lency's orders to Major-General Pollock, of the 29th ultimo." This letter was before Lord Ellenborough on the 14th; from it he knew that Mr. Clerk had the Commander-in-Chief's orders on the 5th, and that he was of opinion that General Pollock would exercise the discretion thereby allowed, and remain at Jelalabad. Yet the Governor-General, on the 29th, speaks of Mr. Clerk's being in possession of those orders on the 18th as though he was ignorant of his possessing them on the 5th, and he "infers" that Mr. Clerk's belief as to General Pollock's course has some reference to the discretion vested in that officer, a point distinctly noticed in the letter of the 5th, which Lord Ellenborough had lying before him fifteen days before he drew this notable inference.* However, having drawn it—and the task required no extraordinary measure of sagacity—he caused General Pollock to be enlightened as to the precise limits of his discretion with regard to the prisoners. The general was informed that the instructions could only apply to negotiations, almost brought to a close at the time of receiving the Commander-in-Chief's letter—not to any then pending, the event of which might be doubtful, still less to any which might be subsequently commenced. The letter thus closes:—"The Governor-General does not suppose that you can have misunderstood those instructions—the instructions of the Commander-in-Chief—
 "but if the observation in Mr. Clerk's letter of the 18th instant had been suffered to pass in silence, that silence might have appeared to be acquiescence in a wrong interpretation, and you might possibly have been so misled into adopting it."† Yet Mr. Clerk's letter of the 5th, referring to what he believed to be the General's opinion as to

* Mr. Clerk's letter of the 5th May does not appear in the Blue Book, but is printed as a supplementary paper.

† Papers, page 295.

withdrawal, was “suffered to pass in silence;” and on the 14th Lord Ellenborough had made up his mind to General Pollock’s protracted stay at Jelalabad. On the 29th he becomes frightened, and directs a letter to be written to General Pollock, warning him not to be too zealous in his endeavours to obtain the release of the prisoners. Is this the conduct of a great statesman? Is it that of a man even of plain common sense? No; it is that of a man so vacillating as to shift with every breeze, and even without any external cause for change, or so incompetent to the duties of his high charge, that all his faculties were overwhelmed, and he forgot by the end of the month what he had written at the middle of it; or, what is far worse, that of a trickster, anxious only so to play his cards as under all circumstances to exonerate himself from blame, and whatever might befall the army at Jelalabad, be able to secure his own reputation from wreck. But if this letter of the 29th May spoke the honest judgment of the Governor-General—and if it did not, let his friends find an excuse for his duplicity—it is clear that he was then anxious for the return of the army. Unless the negotiations for the release of a part—only a part—of the prisoners were complete, or nearly so, at the time of General Pollock’s receiving the instructions of the Commander-in-Chief, he was to come back. This is the purport of the letter, and happily it is so decisive, that there is no possibility of explaining away its obvious meaning; and, let it be remembered, that when these explanatory instructions were given, Lord Ellenborough knew that General Pollock was deficient in the means of moving his troops, but had excellent means of providing for their comfort where they were.

The next letter addressed to General Pollock is dated the 1st June. It treats of the continued stay of the general at Jelalabad as then a settled point; and what is

its tone? that of disappointment, chagrin, and fear. "The retirement of your army," it is observed, "immediately after the victory gained by Sir Robert Sale, the forcing of the Khyber Pass, and the relief of Jelalabad, would have had the appearance of a military operation successfully accomplished, and even triumphantly achieved. Its retirement, after six months of inaction, *before a following army of Affghans*, will have an appearance of a different and less advantageous character."* Here, again, it is plain that it was the wish of Lord Ellenborough that General Pollock should retire immediately after effecting a junction with Sir Robert Sale. He not only directed this at the time, but more than six weeks after the junction had been effected, we find him lamenting that his directions had not been followed, and predicting evil from their having been neglected. In this letter a melancholy acquiescence is accorded, not to the arguments in favour of the army remaining, but to the force of circumstances, which rendered it impracticable for it to move. "Since circumstances seem to compel you to remain there till October,"—this is the language used under the instructions of the Governor-General.

We have now to consider a letter to General Pollock, dated June 6th. This, like the letter of the 29th May, is explanatory of previous orders, the Governor-General having a great horror of General Pollock's misunderstanding his instructions. Some thoughts had been entertained of making over the fort of Jelalabad to the Sikhs, and General Pollock had been instructed to give them possession if required by Mr. Clerk to do so. This had been adverted to in a letter from General Pollock to the secretary to the Governor-

* Papers, page 297.

General, and forthwith a letter is despatched, "at headlong speed," to prevent any thing so calamitous as General Pollock's concluding that he was to stay at Jelalabad till it should be decided whether the fort should be given up to the Sikhs or not. It was known that General Pollock would not move till October. The delay had been coldly and sullenly assented to, but yet on the 6th June it is deemed requisite to warn General Pollock not to delay, with reference to any arrangement with the Sikhs, his movement from Jelalabad, which was not expected to take place for four months. This is not very intelligible, but it marks very distinctly the eagerness of the Governor-General for the return of the army—an eagerness so extreme, as apparently to involve his faculties in oblivion with regard to every thing else. The answer of General Pollock, though framed in perfect accordance with the relative situations of the Governor-General and himself, yet conveys to the former a very severe though dignified reproof by a mere calm statement of facts. The general says, "Had it been in my power to retire on Peshawar, I should not have delayed doing so for the purpose of making over Jelalabad to the Sikh troops, unless the transfer could have been effected immediately. It will be observed that in my letter, No. 64 (to which yours, No. 313, is a reply), I have stated that, owing to the want of carriage-cattle, it was not in my power to withdraw this army."*

General Nott does not appear to have been written to so frequently as General Pollock, but whenever he was addressed the tone of communication was the same—retire, retire, retire. On the 1st June, he was apprized, by order of Lord Ellenborough, that General Pollock

* Papers, page 325.

could not move before October. On the 4th July, and the date is remarkable—he was informed of an intended movement of General Pollock on Pesh Bolak, and subsequently in advance. This communication was accompanied by a copy of the letter addressed to General Pollock on the 1st June; the letter lamenting that the latter officer had not retired immediately after his arrival at Jelalabad, and foretelling evil results from his stay; and the following reason is assigned for the transmission of this copy to General Nott—in order “that you may not be misled into the belief that any change has taken place in the main object of the instructions heretofore furnished to the major-general.”* that object being, to get the army away as quickly as possible. On the same day (July 4th), the same steadfastness of purpose is avowed in a letter to General Pollock—“No change has from the first taken place in the Governor-General’s views of the expediency of withdrawing your army at the earliest period consistent with the health and efficiency of the troops; that is, as is now understood, at the beginning of October.”†

Thus it is seen, that from the close of the month of March, or at all events from the commencement of April to the beginning of July, the instructions of the Governor-General were directed to one object—that of facilitating the retirement of the armies in Affghanistan—with little regard to national honour, and with none to the safety of the prisoners detained by the enemy.

At length the dawn of a change appears. How was it brought about? Was it effected by any process of reasoning within the mind of the Governor-General, by the operation of new and unlooked-for events, or by some other cause? Certainly not by either of the two causes above re-

* Papers, page 326.

† Papers, page 327.

ferred to. His lordship, it may be presumed, meditated on the circumstances under which he had to act, but the result was only to wed him more closely to his favourite plan of bringing back the armies in Affghanistan as early as possible. The current of events had been chequered; evil had been succeeded by good, but the Governor-General was unaffected; his views, on his own authority, were unchanged. True it is, that he continued to talk, at intervals, of "striking a blow at the enemy," and if the enemy could have been defeated by words, the Governor-General was not the man to spare them. But, at least until the month of July, he contemplated nothing beyond desultory and unconnected attacks—mere "chuppaos;"* "you may make your strength severely felt by sallies of this description, should they be practicable," it is observed in the letter to General Pollock, June 1st, "and create a strong desire on the part of the enemy"—for what? "to induce you to leave the country." Oh most lame and impotent conclusion! And is this the language of a British Governor-General of India? Let not the shades of Clive and Cornwallis and Wellesley and Hastings hear it!

But to the reasons of the change. There were men who felt that, to abandon Affghanistan without some manifestation of military power, without some effort to recover the British subjects, treacherously kidnapped into captivity, would be a national disgrace. Such men were General Pollock and General Nott. The latter officer, on first learning that an intention was entertained of retiring from Jelalabad as soon as the garrison were relieved, remonstrated. The intention, it should in justice to Lord Ellenborough be observed, was entertained before his arrival, and therefore

* A chuppao is an attack generally made by night, and for plunder: a surprise; a foray.

he is accountable only for adopting it. In this part of his conduct, as in those parts which present a fairer appearance, he has no pretensions to the blame or the praise due to originality of thought. General Nott remonstrated, representing the evil effects likely to result from quitting Affghanistan under circumstances which could not fail to leave behind us an impression that retirement was the consequence of weakness. The letter conveying this remonstrance was dated the 24th March. On the 18th April, General Nott again delivered his opinion on the question; and in a manner worthy of his character. Although he had then ground for concluding that the offer of advice hostile to retreat would not be very favourably received, he did not hesitate to avow his conviction that the difficulties of prosecuting the war to a more honourable conclusion had been greatly over-rated, and that “unnecessary alarm had been created respecting the position of” the troops in Affghanistan. In a passage in the former of these letters the question of immediate retirement is discussed in so just and forcible a manner, that it is due to the gallant officer to quote it. “If Government intend to recover, even temporarily and for the saving of our national honour, their lost position in this country, even if doubtful of the policy that it may be deemed expedient to pursue, I earnestly hope, that before any immediate retrograde step is made, in either direction, our whole position in Affghanistan will be attentively viewed; and that the effect which a hasty retirement would certainly and instantly have on the whole of Beloochistan, and even on the navigation of the Indus, will be taken into consideration. At the present time the impression of our military strength among the people of this country, though weakened by the occurrences at Kabool, is not destroyed; but if we now retire, and it should again become necessary

to advance, we shall labour under many disadvantages, the most serious of which, in my opinion, will be, a distrust of their strength among our soldiers, which any admission of weakness is so well calculated to induce; and in what other light could a withdrawal from Jelalabad or Kandahar be viewed? If retirement should become necessary, it should take place simultaneously and at a proper season. If Government should select Kandahar as the point whence future operations against Kabool are to be directed, still the retention of a position at Jelalabad, in considerable force, will be of the most essential service in all future contemplated operations. In the sanguine hope that some unforeseen circumstances may have occurred to postpone the execution of the Government order for the evacuation of Jelalabad, I have thought it incumbent on me to address this letter to you.* Now here it will be seen that General Nott looked to future operations against Kabool; he deemed them necessary to the vindication of his country's honour, and the retention of a position at Jelalabad in considerable force he regarded as essential to success. He did not abandon all hope of again visiting Kabool and deem retirement the only course open, as did the Governor-General, nor did he propose to run headlong for Kabool without provisions or means of carriage, a step which the Governor-General thought General Pollock might possibly have hazarded. His advice was to stand fast, retaining all the advantages which were possessed, and looking forward to employ them usefully to aid in pressing forward to Kabool when the proper time arrived. In his letter of the 18th of April, General Nott says, "Perhaps it is not within my province to observe, that, in my humble opinion, an unnecessary alarm has been created regarding

* Papers, pages 245, 246.

the position of our troops in this country, and of the strength and power of the enemy we have to contend with. This enemy cannot face our troops in the field with any chance of success, however superior they may be in numbers, provided those precautions are strictly observed, which war, between a small body of disciplined soldiers and a vast crowd of untrained, unorganized, and half-civilized people, constantly renders necessary. True, the British troops suffered a dreadful disaster at Kabul, and it is not for me to presume to point out why this happened, however evident I may conceive the reasons, and the long train of military and political events which led to the sad catastrophe.* After receiving the orders to retire at once from Kandahar, General Nott was obviously in expectation that a better spirit might come over the mind of the Governor-General, and that delay might be beneficial in affording time for the transmission of counter orders. Writing to General Pollock, on the 30th May, he says, "I have withdrawn the garrison of Kelat-i-Ghilje; the order left me no discretion; the same order applies in the same positive manner to Kandahar; however, it will take some time to arrange, and before I can possibly carry it into effect, there will be ample time for the Government, should they deem it advisable, to send me other orders. I shall be prepared to ADVANCE or retire agreeably to the pleasure of Government."†

Such was the language, such the views and hopes of General Nott. What were those of General Pollock? To ascertain them it is requisite to refer to a letter from the general dated the 13th May, the fate of which was somewhat extraordinary, it having, by a very remarkable accident, strayed into a wrong bundle of papers, from which

* Papers, page 247.

† Papers, pages 313, 314.

retirement it did not emerge till the pertinacious and troublesome inquiries of some members of Parliament had reached Hindostan. This letter was written after the receipt by General Pollock of the Governor-General's letter, adverting to the possibility of the general having advanced to Kabool, and also after the receipt of the letter of the Commander-in-Chief, enforcing the general views of Lord Ellenborough as to the necessity for retreat. Referring to the former communication, General Pollock says, "I trust that I am not wrong in considering this letter as leaving to me discretionary powers; and coming as it does from the supreme power in India, I venture to delay for some days acting up to the instructions communicated in his Excellency the Commander-in-Chief's letter, dated 29th ultimo." The general, it will be seen, thus eagerly caught at Lord Ellenborough's allusion to the possibility of his having advanced, and construed it into a permission to delay acting up to the instructions of a later date which he had received from another quarter, and which directed him, except under certain specified circumstances, to retire. General Pollock, after adverting to the reason of his not having advanced towards Kabool, thus goes on: "With regard to our withdrawal at the present moment, I fear that it would have the very worst effect; it would be construed into a defeat, and our character as a powerful nation would be entirely lost in this part of the world. It is true that the garrison at Jelalabad has been saved, which it would not have been had a force not been sent to its relief; but the relief of that garrison is only one object; there still remain others which we cannot disregard. I ALLUDE TO THE RELEASE OF THE PRISONERS." General Pollock then alludes to the negotiations in progress respecting the prisoners, and remarks, "If while these communications were in progress. I

were to retire, it would be supposed that panic had seized us. I therefore think that our remaining in this vicinity (or perhaps a few marches in advance) is essential to uphold the character of the British nation; and in like manner General Nott might hold his post, at all events, till a more favourable season." Lord Ellenborough had expressed much anxiety respecting the health of the troops; and undoubtedly this was a most important consideration. General Pollock thus answers: "I have no reason yet to complain that the troops are more unhealthy than they were at Agra. If I am to march to Peshawur, the climate is certainly not preferable; and here I can in one or two marches find a better climate, and I should be able to dictate better terms than I could at Peshawur." To the dread of being attacked and beaten, General Pollock was as insensible as to that of climate, but he felt deeply the necessity of the co-operation with General Nott. He says: "I cannot imagine any force being sent from Kabool which I could not successfully oppose, but the advance on Kabool would require that General Nott should act in concert, and advance also. I therefore cannot help regretting that he should be directed to retire, which, without some demonstration of our power, he will find some difficulty in doing."* Thus thought General Pollock; thus did he express himself strictly in accordance with the views of General Nott, though without concert; but with what a wide difference from those entertained and avowed by the Governor-General!

It has been intimated that this letter of General Pollock met with some remarkable adventures. In the Blue Book laid before Parliament it was not to be found, but its existence was ascertained from a reference made to it in another letter, which did appear. The Marquess of Lansdowne,

* Afghanistan supplementary paper, presented to Parliament 1843.

in the House of Lords, and Lord Palmerston, in the House of Commons, called for its production, but her Majesty's ministers answered that they had it not, and knew nothing about ~~it~~ that they had caused search to be made for it at the East-India House, and that there also the return was *non-inventus*. This appeared strange, but there was no remedy. Neither Court nor City could furnish copy of the letter, though evidently an important one, and by what means it had failed to reach the authorities at home was but matter for fruitless conjecture. At last the Secret Committee received a letter from the Governor-General, giving the following account of the matter—the spontaneous tender of his lordship in consequence of reading the “debates in Parliament.”* “The original despatch of the 13th May never reached the office, and must have been lost in transit. The duplicate was received and acknowledged on the 11th of July. It is the practice of the Secretary's office to keep the unreported papers on all important subjects for each month together, and to forward copies of them to the Secret Committee by the monthly overland mail. The despatch in question was inadvertently put up in its proper place in the May bundle of reported papers, instead of being left for a time, as it should have been, amongst the unreported papers of July. Hence when the July papers were copied for transmission to the Secret Committee, this despatch was omitted.”† Such, according to the old rhyme,

“Is the history
Of this wonderful mystery.”

This is the explanation given “on authority.” Really Indian affairs are strange matters. The paper in question

* The letter of the Governor General and that of General Pollock, then first forwarded, were laid before Parliament, and printed.

† † Afghanistan Supplementary Paper.

gets from a place where it should be, to a place where it evidently should not be (though Lord Ellenborough calls it "the proper place"), with as much facility as we have seen a clause escape out of one Act of Parliament and creep into another. This wonderful transposition is worth looking into on account of its curiosity. "The original despatch never reached the office, and must have been lost in transit." Here we are led to ask what place it was that the despatch never reached?—"the office," but what office? Does Lord Ellenborough mean that it never reached his hands? that it was intercepted by the Affghans, whose vigilance thus occasioned such an infinity of trouble to various parties—to the Marquess of Lansdowne and Lord Palmerston in asking questions; to the Queen's Ministers in declaring themselves unable to answer them; to the clerks of the Board of Commissioners and of the East-India Company in looking for the copy of a paper of which copy never arrived; and, lastly, to Lord Ellenborough, in giving the account of the transaction above quoted? Is this his lordship's meaning, or does he mean that after he had received and read it, the despatch was lost in the course of transmission to some office where it was to be deposited? Surely, where explanation was the object, a little more clearness might have been attained. But the original despatch was lost—when, where, how—whether before or after Lord Ellenborough had an opportunity of becoming acquainted with its contents, does not appear. Now for the duplicate. "The duplicate was received and acknowledged on the 11th July;" here we are at sea again. It is not quite apparent whether both the receipt and acknowledgment are to be assigned to the 11th July, or the latter only. Was the letter acknowledged on the same day on which it was received, or some time afterwards? If on the

day it was received, there seems to have been marvellous haste in acknowledging a letter which had then become stale, and which with reference to a change which had come over the policy of the Governor-General did not call for any extraordinary promptness. Yet, with reference to this change of policy, we cannot but perceive how flattering it is to the sagacity of Lord Ellenborough, that, before he was in possession of the letter of General Pollock (assuming that he did not receive it till the 11th July), he had become a convert to the opinions therein maintained, so far as to allow a practical trial to be made of their soundness. But we must proceed with the explanation:—It seems that “it is the practice of the Secretary’s office to keep the unreported papers, on all important subjects, together, and to forward copies of them to the Secret Committee by the Monthly Overland Mail.” Well, this “practice” appears a very natural and reasonable one, but it is to be presumed that the papers thus kept together are placed with reference to the month in which they are received—not according to the dates they bear. If a letter, dated in November, 1843, should happen, from any cause, not to be received till November, 1844, it would (it is to be supposed) be placed with the papers of the latter month, not of the former. How extraordinary then was it, that a letter received in July (if it were not received till then) should be transferred, “inadvertently,” to the month of May, with which it had no connection but in respect of date! What a strange inadvertency this must have been—to carry back the paper from the current month under which it ought to have been copied for transmission home to a past month—the papers of which had, as it seems, been copied and transmitted previously, or else how did this particular paper escape the process? If, indeed, the original had been received in

May, as it might have been, and after being perused by Lord Ellenborough had been handed over by his Lordship for deposit among the papers of the month, the duplicate might properly have been put there too, and this would seem to have been the case, for Lord Ellenborough says that such was its "proper place," but then how are we to account for his lordship's apparent ignorance of the contents of this letter? Besides, as the original had never been received at "the office," whether received by Lord Ellenborough or not, those whose duty it was to put up the papers in their proper places must have known this, and as they at least knew nothing of the first copy of the despatch, that copy never having come into their hands, this second copy became virtually the original. They knew no other, and they could not conclude that a paper which had never come into "the office" had been previously copied therein for transmission to England. The explanation, in fact, explains nothing. The matter is still wrapt in mystery, and should any successor of the elder D'Israeli, in emulation of that agreeable writer's "Curiosities of Literature," make a collection of the "Curiosities of Statesmanship," the narrative of the wonderful events which befel General Pollock's letter, and their consequences in the British Parliament and elsewhere, will well deserve a place.

To proceed with the correspondence of General Pollock. That officer, it will be remembered, was unable, from want of the means of carriage, to move from Jelalabad, either in advance as he would have wished, or in retreat, as desired by the Governor-General. In a letter dated the 20th May, he had suggested that he should be authorized to remain at Jelalabad till the autumn, as supplies were plentiful, and the situation quite as healthy as Peshawur.* This was

* Papers, page 296.

answered on behalf of Lord Ellenborough by the letter of the 1st of June, already referred to, expressive of disappointment that the retreat of the army did not take place immediately after the forcing of the Khyber Pass, and the relief of Jelalabad, when, in his lordship's opinion, it "would have had the appearance of a military operation successfully accomplished, and even triumphantly achieved."* This view of the matter is remarkable enough, but it is not the most singular feature in this singular letter, which, to use the language of a learned lord, affords matter for "much pondering." The authority solicited for retaining the army of Jelalabad is not formally and distinctly given, neither is it refused. His lordship only talks "about it and about it." It is assumed in the following passage (already quoted), that the army will remain, "since circumstances seem to compel you to remain there [at Jelalabad] till October;" and shortly after, it is observed, "you have already full powers to do every thing you may deem necessary, for the comfort of your troops and for their efficiency."* This hesitating, rambling mode of treating such a subject is strange enough in a state paper. But there are things yet more strange. The Governor-General compels us to go back to the famous letter from General Pollock, of the 13th May, which emerged from darkness only at the call of two potent magicians, yclept Lansdowne and Palmerston. His lordship acknowledges General Pollock's letter of the 20th May, but he says not one word of the letter of the 13th (the modest, retiring letter, that kept out of the way). Perhaps he had not received it. This supposition will, indeed, account for his not discussing its contents, but will it account for the absence of all allusion to it? It was evident that it was a most important letter.

* Papers, page 297.

But perhaps Lord Ellenborough knew nothing about it—he was ignorant of such a letter ever having been written. Not so, for General Pollock, in the letter which was so fortunate as to obtain an answer (that of the 20th May), says, “I have already, in my letter dated the 13th instant, entered on the subject,” that subject being nothing less than the withdrawal of the army from Jelalabad to Peshawar, and yet this letter receives no more notice than if it had been a complimentary note inquiring after his lordship’s health—possibly not so much. Whether his lordship had received the letter or not, his silence is alike inexplicable. If he had received it, how came he not to acknowledge the receipt—if he had not, how came he to pass over the mishap so calmly? His lordship must answer—no one else can. The despatch to the Secret Committee reporting this correspondence throws no light upon the affair, but seems to make it more mysterious. In an early part of the despatch, General Pollock’s want of carriage is noticed, and it is observed, “the season is now, however, too far advanced to make it probable that Major-General Pollock will be able to commence a retrograde movement for some months.” In a subsequent part, one of the letters of General Pollock is thus noticed: “On the 20th May, the Major-General (Pollock), in reply to the letter addressed to him on the 4th, again represented the difficulty under which he laboured in procuring camels at Jelalabad, and under the circumstances stated, requested that he might be permitted to defer his retrograde movement until the month of October or November next. But you will perceive elsewhere,† that circumstances connected with the disorganization of the Sikh troops in the rear of our

* Papers, page 296.

† This refers to a letter on the subject, addressed by order of the Governor-General to the Commander-in Chief.

army in Afghanistan, make me more earnestly desire the speedy return of that army to the Sutlej; and that in order to enable Major-General Pollock to meet any difficulties in procuring carriage and supplies, treasure to the amount of ten lacs has been directed to be sent to Jelalabad.* From this statement, had it stood alone, what could the Secret Committee and the Board of Commissioners have concluded? Obviously that General Pollock's request had been refused—that he had been peremptorily ordered to return. Could they have thought that even the desponding acquiescence “since circumstances seem to compel you to remain” had been given; and taking the statement in connection with the passage first quoted, what could they make of it? Nothing consistent or intelligible; the whole seems a piece of studied mystification.

But now the curtain must rise upon a new scene in the strange drama before us—a scene, in the language of melodramatic managers, replete with striking effects. On the 4th of July we have seen that the Governor-General caused a letter to be written to General Nott cautioning him against concluding from General Pollock's movements, that any change had taken place in the main object of the instructions issued to the latter officer, those instructions having been invariably directed to his retirement at as early a period as possible. We have seen that on that same 4th of July General Pollock was also addressed in a similar strain.† But on that very same 4th of July, the two generals were addressed in two other letters which may be regarded as unexampled specimens of political chicanery. Men may have seen something like them before, but nothing so good of the kind. The principal letter, that to General Nott, is indeed a master-piece, and the greatest adepts in that crooked science which disregards means, and looks but

* Papers, page 263.

† See page 57.

to ends, and those selfish ends, may hail Lord Ellenborough, as a worthy brother. The Jesuits immortalized by Pascal might be delighted with him—Talleyrand give him a fraternal embrace, and Machievelli, as belonging to a graver and less excitable nation, bestow on him a gracious smile of approval. Lord Ellenborough had always held out the retirement of the army as the chief object of his policy, and had strenuously urged that such retirement should be as early as possible. Does he continue to hold the same opinion still on this same 4th of July? He does—for he says so in the two brief and simple letters addressed on that day by his orders to the two generals; nay, more, he says the same in the second and more elaborate letter of that date to General Nott, the Jesuitical letter just introduced to the notice of the reader. Listen to him; “Nothing has occurred to induce me to change my first opinion, that the measure, commanded by considerations of political and military prudence, is to bring back the armies now in Afghanistan at the earliest period at which their retirement can be effected consistently with the health and efficiency of the troops, into positions wherein they may have easy and certain communication with India; and to this extent the instructions you have received remain unaltered.”* “To this extent!”—What extent? To bring back the armies to proximity with India as soon as possible. There is no limitation here—it is in the more expressive than elegant phraseology of our brother across the Atlantic, “going the whole hog.” Get back the troops as soon as you can is the substance; albeit, dilated in diplomatic fashion, it occupies more space than these simple words. “But,” his Lordship commences his next sentence—Touchstone proves that there is great virtue in an “if” and a voice from Allaha-

* See page 328.

bad demonstrates—practically, too, the best of all modes of demonstration—the virtue of a “but.” “But the improved position of your army, with sufficient means of carriage for as large a force as it is necessary to move in Afghanistan, induces me now to leave to your option the line by which you shall withdraw your troops from that country.” This reads well; the general, as a military man, and acquainted with the localities, might undoubtedly be a better judge upon such a matter than the most richly gifted Governor-General not thus qualified. Lord Ellenborough proceeds to speak of the line by Quetta and Sukkur, which he pronounces eligible—and so for mere retreat it might be. He then passes to another line, and the description of it almost takes away the breath of the reader. The line is by Ghuznee, Kabool, and Jelalabad † This—let all attention be given—this is laid down as a line of retirement from Kandahar to India, and being laid down by such eminent authority, it is not to be disputed that it is such a line, though certainly not the nearest, nor the most direct. It is as though a man at Gloucester should say, “I’ll retire to London, and I think the best line will be by Birmingham and Manchester.” Well, let us admit that General Nott, in going from Kandahar to Ghuznee, and from Ghuznee to Kabool, is to be considered as retiring upon India. It is hard, very hard, to receive, but it is nothing compared with what must yet be submitted to. General Nott’s line is marked out, but what is to become of General Pollock? He, too, must retire, and his presence has long been required in Peshawur, with all convenient speed (perhaps the qualifying epithet might have been omitted). Of course, now that he is provided with the means of carriage, he is at once to take the retrograde step, the necessity for which has been so unceasingly rung in his unwilling ears. Yes, General Pol-

lock is to retire, but not *immediately* to Peshawur. He is to vary his line of march—slightly—by a deviation in the direction of Kabool! Perhaps he may reach that place memorable from the atrocities of which it was the scene, perhaps he may not reach quite so far, as the purpose of his retiring in this direction is represented as being to support General Nott—but towards Kabool is his course. Retire from Jelalabad towards India by Kabool! To adopt the mode of illustration before resorted to, this is as though a man at Northampton should talk of retiring to London, by way of York. Every mile he traverses carries him away from the place that he says he is going to, nor has he the pretence afforded by a movement somewhat oblique, to set his conscience at rest. He is going away from the place that he professes to be anxious to reach, in a manner most direct, palpable, and undisguised, that can be conceived. He does not cast even a sidelong glance towards the avowed point of his destination; he turns his back upon it, and must know what he is about. But there is a result, which evidently follows from the mode of speaking adopted by Lord Ellenborough on this occasion, of which, perhaps, even he was not aware. The marches of General Nott and of General Pollock to Kabool, were marches made in retirement—that is settled—well then, the march of Lord Keane was the same,—we are accustomed to speak of this as an advance, but it is now clear that we have been wrong,—General Pollock and General Nott marched to Kabool, and these marches were steps in retirement. Lord Keane made a similar march, and therefore, his lordship must also have been retiring; though so blindly infatuated have we always been, that we have regarded his march as an advance. It is useless to say that the two Generals, Pollock and Nott, did not mean to remain; that they were only to perform

certain acts, and then to evacuate the country. This does not convert an advance into a retreat; and, moreover, this was precisely what was contemplated in the case of Lord Keane and his army. They were not to remain; they were to fix Shah Shoojah on the throne, and then to withdraw. But stifling for a time—if we can—the laugh of derision which such perversion of language cannot fail to raise, let us ask, why was this contemptible juggling with words resorted to? The answer is plain—to save the infallibility of Lord Ellenborough. He had been for months saying that there was no course but retreat, and he continued to say so when forced by a regard to his reputation to yield—not to the more mature dictates of his own judgment—but to the counsels of others, and to change his policy. He thought the change might be masked—so he goes on still preaching retreat, but giving a new gloss to the old text. Retreat was still the word—the decree for its accomplishment had gone forth—but—the line of retreat was open—and what an extraordinary line it was has been already shewn. But, to forget for a moment, if possible—the astounding audacity of this proceeding, let us look at the consistency which marked it. A letter is written to General Nott on the 4th July, telling him that the Governor-General's mind is unaltered, and that he must not conclude otherwise from any movement of General Pollock. Another letter is written on the same day, giving the general permission either to act in accordance with the Governor-General's views, which remained unchanged, or to follow his own. The latter letter is not placed upon record, which Lord Ellenborough seems to think a marvellously deep piece of policy. Why was it not placed upon record? Was it to keep its contents entirely secret? Secrecy is a good thing in such cases, but the danger to be apprehended

was not likely to be provoked by the letter giving sanction— coldly and hesitatingly and reluctantly, indeed, but still giving it to a bold and manly course of action; the source of danger was to be found in the timid and cowering instructions for retreat. The generals invariably urge, that the design to retreat should, as far as possible, be concealed from the enemy—that the knowledge of such a design would embolden them, while the apprehension of more vigorous proceedings would keep them in a state of alarm. It was therefore the letters which contained the whining deprecations of any protracted occupation of the country that ought to have been kept especially secret,—but these were brought upon record, while that which allowed the generals to prosecute the war to an honourable conclusion—though with a sword suspended over their heads,—was deemed so dangerous, that for this or some other reason, it was for a time kept back.

So dishonest a paper as the second letter, addressed, on the 4th July, 1842, by Lord Ellenborough to General Nott, has rarely seen the light; but dishonesty is not its only characteristic; it is ungenerous to a degree that could not have been expected in a man holding the office of Governor-General of India. Lord Ellenborough casts from himself all responsibility, and throws it upon General Nott. Most judiciously was the burden bestowed; but ought a Governor-General of India thus to relieve himself at the expense of one under his orders? His lordship knew that if the armies in Afghanistan were brought back without making some demonstration of their power, and without some attempt to rescue the prisoners, he should be met by a universal shout of execration from his countrymen at home; but he shrunk from the responsibility of directing any measures necessary for the vindication of the

national honour, so he hit upon the expedient of leaving all to General Nott. He saws and balances through a letter of considerable length, and at last comes to no conclusion but that of advising nothing. Let the reader judge. After stating that he left to the general's "option" the choice of a line of retreat, he thus proceeds:—"I must desire, however, that in forming your decision upon this most important question, you will attend to the following considerations:—In the direction of Quetta and Sukkûr, there is no enemy to oppose you: at each place, occupied by detachments, you will find provisions, and probably as you descend the passes, you will have increased means of carriage. The operation is one admitting of no doubt as to its success. If you determine upon moving upon Ghuznee, Kabool, and Jelalabad, you will require for the transport of provisions a much larger amount of carriage; and you will be practically without communications from the time of your leaving Kandahar. Dependent entirely upon the courage of your army, and upon your own ability in directing it, I should not have any doubt as to the success of the operation; but whether you will be able to obtain provisions for your troops, during the whole march, and forage for your animals, may be a matter of reasonable doubt. Yet upon this your success will turn. You must remember that it was not the superior courage of the Affghans, but want, and the inclemency of the season, which led to the destruction of the army at Kabool; and you must feel as I do, that the loss of another army, from whatever cause it might arise, might be fatal to our Government in India. I do not undervalue the aid which our Government in India would receive from the successful execution by your army of a march through Ghuznee and Kabool, over the scenes of our late disasters. I know all the effect which it

would have upon the minds of our soldiers, of our allies, of our enemies in Asia, and of our countrymen, and of all foreign nations in Europe. It is an object of just ambition, which no one more than myself would rejoice to see effected; but I see that failure in the attempt is certain and irretrievable ruin; and I would endeavour to inspire you with the necessary caution, and make you feel that, great as are the objects to be obtained by success, the risk is great also.* Now this language is substantially—"I have set before you the advantages and disadvantages of every conceivable course—do as you please, but take care that what you do is the best that can possibly be done." Let us mark the generosity of this proceeding—suppose that General Nott had participated in the more than girlish timidity of Lord Ellenborough, and had said—"I can get back in safety to Sukkur, so I will run no risk by trying to reach Kabool," he then would have incurred all the odium attendant on so inglorious an abandonment of Affghanistan. It would have been said—"you had permission to go on, and you did not." The Governor-General would thus have been exonerated; and now that he has found men more courageous than himself—men who dared to perform what he did not even dare to recommend, shall he enjoy any portion of the praise due to their noble conduct? Justice forbids it. What, give the prize to one who never entered the lists, or even divide it between the gallant soldiers, to whose counsel the movement is to be attributed, as is its success to their arms—divide it between these distinguished men and "a certain lord, neat, trimly drest," whose dislike "to those vile guns" was so great that he thought it better to fly than to fight! Honour, never-dying honour, rest on the heroes, who rescued the British name in Affghanistan from the contempt

into which, it had fallen; but let not another, presuming upon the accident of his having at the time held the highest office in the government of British India, be allowed to step in, and rob them of any portion of the glory which is theirs, and theirs alone.

Is there on record any parallel to the conduct of Lord Ellenborough? Yes, one instance occurs. The readers of Roderick Random will remember, that while that erratic person is serving as a surgeon's mate on board a man-of-war, his superior, one Dr. Macshane, proposes to amputate a sailor's leg, in a case where Roderick and one of his comrades do not think the operation necessary. The doctor, shocked at the contumacy of his assistants, at first talks big, and declares that he is not accountable to them for his practice; but not feeling quite secure in his own judgment, and not liking to bear the responsibility of operating in opposition to theirs, he, after slight consideration, hits upon the expedient of turning the case over to his mates, and holding them accountable for the result. Just so did Lord Ellenborough. He gives orders, against which remonstrance is made by those who are to execute them. He persists for a while, and then, in conformity with the precedent afforded by the case of Dr. Macshane, he lets his troublesome advisers do as they please, but saddles the concession with a complete transfer of all responsibility from himself. Jack Ratfin, the wounded sailor, recovered under the hands of the two mates—no thanks to Dr. Macshane. The honour of England was vindicated in Affghanistan—but no thanks to Lord Ellenborough. He renounced all claim to praise by renouncing all responsibility. He would have nothing to do with the march to Kabool. Like the sceptical Philosopher Marphurius, in *Le Mariage Forcé*, he said, “*Je m'en lave les mains,*” though with far

better luck; Molière's hero received a hearty thrashing for his indifference;

"But yet, as fortune, by the self-same way
She humbles many, some delights to raise,"

Lord Ellenborough, by a like manifestation, gains an Earl's coronet, and a Grand Cross of the Bath.

Yet, indifferent, as was Lord Ellenborough to some things, which, appealed powerfully to the feelings of men inferior in rank to the Governor-General of India; it must not be supposed, that he was on all subjects equally philosophical. He was not such "a dish of skimmed-milk" but that there were matters capable of moving him, and the letter to General Nott affords an instance. Anticipating that the general would be so hot-headed as to advance upon Ghuznee and Kabool—to retreat by way of these places it should have been said—anticipating this movement, Lord Ellenborough, thus instructs the gallant officer upon a very important point relating to his conduct at the former place. "You will bring away from the tomb of Mahmood of Ghuznee his club which hangs over it, and you will bring away the gates of his tomb, which are the gates of the temple of Somnauth."* Let the defamers of Lord Ellenborough now stand forth and say, if they dare, that he is without enthusiasm. The charge is false. His enthusiasm may be of extraordinary character—it may require extraordinary occasions to call it forth—but it is clear that it may be called forth. Though it may slumber long, it exists. True, that the reparation of the damaged honour of Great Britain did not provoke it; true, that it was proof against the claims of the brave men, delicate women, and innocent children who were in captivity among the Affghans; but it is raised to boiling heat, by the thoughts of a mouldy old club and a pair of

rotten gates. No, it would be wrong to charge Lord Ellenborough with being deficient in generous enthusiasm, but the feeling is in him of a singular kind. The club, alas! eluded the grasp of the victors of Ghuznee; but the gates—thrice happy chance! were taken; a fact as well known as John Gilpin's ride to Ware and back again.

" I am a linen-draper bold,
As all the world doth know."

And Lord Ellenborough took good care that all the world should know the story of the gates of Somnauth. The Hindoo princes, he thought, would be delighted with it, and he rushed to electrify them with the good news as eagerly as ancient Pistol to communicate to Sir John Falstaff the news of the accession to the throne of his old boon companion, Henry the Fifth.

" Sir John, I am thy Pistol and thy friend,
And helter-skelter have I rode to thee,
And tidings do I bring, and lucky joy,
And golden times, and happy news of price."

But ancient Pistol never uttered such fustian as is to be found in a certain Indian state paper. Who has forgotten the famous proclamation which threw Europe, Asia, and America, into apoplectic fits of laughter, except when the risible propensity was subdued by rising feelings of disgust or apprehension? That a Christian nobleman should have dictated such a proclamation and sent it forth, with the stamp of his authority, is indeed calculated to excite impressions of deep regret, not less than of surprise. But that any man, except the concoctor of a low American newspaper—one of the fraternity transatlantically denominated *Slangwhangers*—could have written such a paper, would have exceeded belief were not the fact before us. If there be in existence any state paper with which it may fitly be

compared, it must have emanated from the cabinet of King Chronobotonthologos. But to this sounding prelude what succeeded? The parading of the gates was to delight Lord Ellenborough's brothers and friends,—so he styled them—the Hindoo princes and chiefs. Did it answer the purpose? Far from it. His lordship's enthusiasm was shared by none. No man in India but himself cared for these gates, or deemed them worth a thought. To him they furnished a stand on which to hang the flowers of Béd-lam eloquence, and there their importance ended. They slumber in obscurity, no one knows where. Certainly they have not been honoured with a triumphal progress into Gúzerat, as Lord Ellenborough proposed, and it seems that if they had, there is no temple for them.

The folly of this unparalleled proclamation is obvious enough—the political danger attending its issue is not less apparent. His lordship had a keen scent for danger when British honour was to be vindicated and British prisoners rescued. How came his apprehensions to be lulled into insensibility when he prepared this extraordinary paper? Did his lordship think that in this proclamation he should carry with him the feelings of the Mahomedan subjects of the British Crown? Did it never occur to him that the almost divine honours claimed for a trumpery piece of carpenter's work might be offensive to those who, though aliens from the Christian fold, have yet a deep horror of idolatry, and of all that ministers to it? Did he overlook the fact, that the capture of these gates, if a triumph for the Hindoos, was a triumph over the Mahomedans, or did he think that there was no danger in irritating the latter? Did he forget how proud and excitable is the Mahomedan character—that those by whom the gates of Somnauth were carried to Ghuznee

were followers of Mahomed, and that the original capture of the gates, like their recapture, was less a national than a religious cause of triumph? Did he forget that thousands of Mahomedans were serving in the British armies, and that it was scarcely worth while to offend them for the sake of trumpeting the march of the gates, of which the tomb of Mahmood the Destroyer had been despoiled, even though the tomb his lordship assured his "brothers and friends" looked upon the ruins of Ghuznee,"—an extraordinary proceeding on the part of the tomb. Did he forget HIS OWN declaration—surely he could not forget *that* whatever else might slip from his memory, that the war had "assumed a religious as well as national character?"* or did he disregard the possible consequences of disgusting a host of bold, reckless, uncalculating men, whose "brothers and friends" in Affghanistan professed, like themselves, the creed of Mahomed? True, no harm has followed. The Mahomedan population of India have cast aside their ordinary gravity, and, like all the world beside, laughed at the mad effusion which the Governor-General thought would please everybody, and found to please nobody. But because no mischief has ensued, are we to acquit the man who provoked it? A burning brand may be thrown into a mass of combustibles, and it may happen that the mass does not take fire, but we do not thereupon conclude that the application of the brand was a prudent or even an innocent act. Lord Ellenborough's proclamation has turned out only a good jest, but it might have been no jest at all. There would have been nothing like a jest in a widely-spread Mahomedan revolt. We might have been satisfied, as we are now, that Lord Ellenborough did not intend to produce such an out-

* Letter to Sir Jasper Nicolls, 15th March, 1842. Papers, page 167.

break—that his lordship, in fact, meant nothing by his proclamation—that it was a mere flourish of words, as unmeaning as a flourish of trumpets; but had an insurrection followed, it would have consoled us little to recollect that it had no more dignified origin than the passion of a Governor-General for writing turgid nonsense:

There was another proclamation issued a few months before, something in the same strain with the Somnauth paper. One passage is very characteristic of the author. “Disasters unparalleled in their extent, unless by the errors in which they originated, and the treachery by which they were completed, have, in one short campaign, been avenged upon every scene of past misfortune.” Now did it become the Governor-General of India thus publicly to cast a stigma on his predecessor, whoever he might have been? It is not necessary to defend the policy of Lord Auckland—many, and among them some of the highest authorities on Indian affairs, condemn that policy—but, whether it were right or wrong, Lord Ellenborough had no right to sit in judgment upon it—no official right; he might hold his own opinion, he might express that opinion to his friends, or after he had quitted office, not before—he might have diffused it by means of the press; but as Governor-General of India, Lord Ellenborough had no right publicly to criticise his predecessor. The bad taste of the proceeding is aggravated by the character of the party attacked. The administration of Lord Auckland terminated amid clouds; but who is there of any party who will deny to his lordship the character of an upright, conscientious, and intelligent functionary? Moreover, Lord Auckland was eminently a modest and unassuming statesman: Oh! how unlike, in this respect, to his successor.

Towards the conclusion of this proclamation, the first in

order of time, though the second noticed, are two intimations of very singular character viewed in connection with that which has followed. The first of them is to the effect, that “the rivers of the Punjab and the Indus” are to “be placed between a British army and an enemy approaching from the West.” The Indus, therefore, is to be one of the boundaries of British territory and occupation. The sentence immediately preceding the passage above quoted commences thus:—“Content with the limits nature appears to have assigned to its empire, the Government of India will devote all its efforts to the establishment and maintenance of general PEACE.” This last word brings us to the second point, which is prominently put forward in the sentence with which the proclamation concludes:—“Sincerely attached to peace, for the sake of the benefits it confers upon the people, the Governor-General is resolved that PEACE shall be observed.” Here are two things pronounced distinctly; first, that Lord Ellenborough would regard the Indus as a natural boundary of the British Empire in the East, and secondly, that his policy should be pacific—

“The lady doth protest too much, methinks,

Ob! but she'll keep her word.”

Let us see how the Governor-General kept his. Peace had been his unceasing song. He had sung it after dinner at the London Tavern when about to proceed to India, and he continued to encore himself upon all fitting occasions, and some unfitting ones, after he arrived in that country. He would have purchased peace with Affghanistan, even though national dishonour were the price. He afterwards became more warlike. The military had gained laurels in Affghanistan, a portion of which he transferred to his own brows; but while they were ripening, a series of events were in progress in Sinde, which, in their termination,

illustrated, in a most extraordinary manner, both the consistency of his lordship's professions with his actions, and the pacific character of his policy.

Sinde had been for many years under a government of an extraordinary character. It was divided into three states, Hydrabad, Khyrpoor, and Meerpoor, subject to rulers called Ameeris, some of whom exercised the powers of sovereignty in undivided tenancy. Of these states, Hydrabad was the chief. The East-India Company long maintained some commercial intercourse with Sinde, but no political connection subsisted between the Company's government and that of any of the states of Sinde till the year 1809, when, it being an important object to keep the French from gaining any footing in India, a treaty was concluded, by which the rulers of Hydrabad bound themselves not to admit that people to settle in their country. In 1820, another treaty was concluded, by which all Europeans and Americans were to be excluded from settling in the dominions of Sinde. In 1832, it being an object with the British Government to open the navigation of the Indus, another treaty was concluded, by which that object was attained, subject to three conditions—the exclusion of the transit of military stores by the river as well as by the roads of Sinde, the exclusion of armed vessels, and the prohibition of English merchants settling in the country. By another treaty with Khyrpoor, the passage of the river was conceded upon the same terms as might be agreed upon with the Government of Hydrabad. A supplementary treaty, having reference especially to the tolls to be levied, was concluded with the Hydrabad Government very soon after the former treaty; and in 1834, a commercial treaty, in conformity with a provision in the supplementary one, was entered into with the same state, and extended to

Khyrpoor, as previously agreed upon. In 1838, another treaty was formed, by which the British Government undertook to use its good offices to adjust differences existing between the Ameers and Runjeet Singh, the Sikh ruler, who meditated the extension of his conquests in the direction of 'Sinde.' By this treaty, also, the Ameers agreed, for the first time, to receive permanently a British minister to reside at Hyderabad, or elsewhere within their dominions, as he might deem expedient.

Sinde was formerly a dependency of the Mogul empire. About the middle of the last century it became subject to Kabool, but from the weakness of the Government of that country, the dependency was little more than nominal. When the British Government resolved to support the claims of Shah Shoojah, and reinstate him in possession of his dominions, it was deemed necessary to settle the relation of Sinde with Kabool, and accordingly, by an article in the Tripartite treaty, to which the British Government, Runjeet Singh, and Shoojah-ool-Moolk were parties, it was provided that, on the payment, by the Ameers, to Shoojah-ool-Moolk of a sum to be fixed under the mediation of the British Government (part of which was to be paid by Shoojah to Runjeet Singh), all the claims of the ruler of Kabool upon Sinde, whether of supremacy or for tribute, were to be relinquished, and the country was to continue to belong to the Ameers and their successors in perpetuity.

The conclusion of this treaty, and the mode in which their interests were affected by it, were communicated to the Ameers by the British minister at Hyderabad, who was instructed, also, to announce the approach of the army intended to reseat Shah Shoojah on the throne of Kabool. A long course of diplomatic proceedings, varied by sundry hostile acts on the part of the British Government, too

well known to require detail, here followed. These ended in the conclusion of new treaties, the effect of which was to add the Ameers to the number of princes over whom the British Government held control by the tenure of a subsidiary alliance. Thus matters stood in February, 1842, when Lord Ellenborough arrived to take the reins of government in India.

It is not offering his lordship any injustice to say that almost from the period of his entering upon the duties of his office, he seems to have contemplated the reduction of Sindh to the condition of a British province, in name as well as in fact. On the 6th May, 1842, he writes to the political agent in that country thus: "The Governor-General is led to think that you may have seen reason to doubt the fidelity of some one or more of the Ameers of Sindh."* Accordingly, with reference to what his lordship had been "led to think" might have occurred, he transmitted a letter, to be addressed to any one or more of the Ameers who might incur suspicion. This letter, which breathes gunpowder in every line, thus concludes: "On the day on which you shall be faithless to the British Government, sovereignty will have passed from you; your dominions will be given to others" (to whom?—we shall shortly see), "and in your destitution, all India will see that the British Government will not pardon an injury received from one it believes to be its friend."† In the letter of instruction to the political agent, this passage is referred to as "no idle threat, intended only to alarm, but a declaration of the Governor-General's fixed determination to punish, cost what it may, the first chief who may prove faithless, by the confiscation of his dominions.

* Correspondence relating to Sindh, 1836, 1843. Printed in conformity with a resolution of the General Court of Proprietors of East India Stock, 17th November, 1843. Page 347. † Ibid. ‡ Ibid.

Proceeding onward, we find another letter addressed by order of his lordship to the political agent in Sindh, under date the 22nd May. The British, as is well known, had, on advancing upon Affghanistan, taken possession of certain towns and fortresses belonging to the Ameers of Sindh. Whether this were justifiable or not, this is not the place to inquire; but this much is quite certain without any inquiry, that we had possessed ourselves of these places avowedly for military purposes, and that our retention of them was professedly only temporary. In the letter last referred to, the political agent in Sindh is thus instructed: "In any future negotiation with the Ameers of Khyrpoor, you will therefore bear in mind that it is the wish of the Governor-General to possess the island of Bukkur and the town of Sukkur, with such an ample *arrondissement* as may give every facility for the maintenance of a good police within the town, and for the formation of commercial establishments therein; regard being had likewise to the changing character of the Indus, and the necessity of providing for every variation in the course of that river which the localities make it possible to foresee. The island of Bukkur would be considered as a citadel and arsenal of the town of Sukkur, and should be rendered easily defensible by a small force."* If advantage should be taken of an expression in a previous part of this letter, "his lordship feels that it will be necessary, *at least until the affairs of Affghanistan shall assume a more settled and satisfactory form*, to retain a position on the Indus, and to have the means of acting upon both banks"—if advantage be taken of the above qualification to say that Lord Ellenborough meant to retain possession of certain parts of Sindh only for a limited period, an answer is furnished by himself in the following passage from the latter part of his letter. "The

* Correspondence, page 350.

Governor-General would consider that it would be a most desirable arrangement if, in lieu of all tribute payable, under treaty or otherwise, by the Ameers of Sinde and of Khyrpoor, such cessions of territory as may be necessary were made to us at Kurrachee, the island of Bukkur, and the town of Sukkur, and all claims to tribute payable by the Ameers to us, or to any other power, were, after such cessions, to be cancelled, in consideration of the establishment of the perpetual freedom of trade upon the Indus, and of such other provisions for the freedom of transit through their respective territories as it might appear expedient to make." Thus it is obvious that even at this early period of his administration Lord Ellenborough contemplated permanent territorial acquisition in Sinde.

On the 4th of June we have another letter to the political agent in Sinde, in which his lordship is represented as "resolved to keep every thing within the Lower Indus in his hands." In this letter he inquires "whether the territories under Meer Roostum Khan be in such a position as to make it easy to annex a portion thereof to the dominions of the Khan of Bhawulpore, whose dominions his lordship is desirous of increasing, in reward for his own uniform fidelity and that of his ancestors."* Here we find Lord Ellenborough treating the dominions of the Ameers as though they were his own—not only assigning as much as he thought fit to the Government of which he was the representative and head, but proposing to carve them out for the benefit of others, provided that they lay conveniently for the purpose.

Shortly after this, the reader of the Sinde correspondence is treated with a specimen of his lordship's usual vacillation. A letter addressed to the political agent on the 10th of

* Correspondence, page 370.

July concludes thus: "After all, it will be a matter for consideration, before the final instructions shall be issued to you, whether any probable benefit to be ever derived from the treaty could compensate for the annual expenditure which would be brought upon the Government of India by the maintenance of a large force at Sukkur and Kurachee."*

On the 22nd May, the Governor-General had been most anxious to retain possession of Kurachee, Bukkur, and Sukkur. But between that date and the 22nd July, "consideration like an angel came," and he began to doubt whether these places were worth the expense of keeping.

A new actor, and one destined to play a very important part, now appears on the stage. This is Sir Charles Napier. This functionary was not only to hold the chief military command in Sindh and Beloochistan, but within those limits was to "exercise entire authority over all political and civil officers." Such are the instructions of the Governor-General, dated the 26th August. They conclude thus: "It may be convenient that you should at once be informed that, if the Ameer, or any one of them, should act hostilely, or evince hostile designs against our army, it is my fixed resolution never to forgive the breach of faith, and to exact a penalty which shall be a warning to every chief in India. On the other hand, it is my intention to seize the first opportunity of bestowing substantial benefits upon the Khan of Bhawalpore, as a reward for the constant support which the British Government has received from him and his ancestors."† Here the old spirit again breaks out. The Ameer had as yet not gone the length which would afford a decent pretence for depriving them of their territory; but the eye of Sir Charles Napier was to be kept on them in the hope that they would. The

* Correspondence, page 381.

† Ibid. page 384.

fruit was not quite ripe, but it was to be watched till it could be gathered with some appearance of propriety; and when the much-desired opportunity arrived of stripping the tree, a friend and neighbour was to be thought of, and a good basket-full of the produce handed over to him. These things it was “convenient”—that is the word—that Sir Charles Napier should know. That Sir Charles Napier might be informed of every thing that the Ameers had done of a hostile character, and even of every thing that *might be so construed*, Major Outram was, on 1st September, instructed to “explain to the major-general (Napier) the actual state of things, shewing him what had been done by the Ameers and chiefs, in pursuance of the treaties, and place before him, with *judicial accuracy*, the several acts whereby the Ameers and chiefs may have seemed to depart from the terms or *spirit* of their engagements, and to have evinced hostility or unfriendliness towards the Government of India.”* One might suppose that this was an extract from a letter to an attorney, directing him to lay before counsel a statement of facts, for the purpose of framing a criminal indictment! Of these instructions to Major Outram, Sir Charles Napier was advised, in a letter reiterating the Governor-General’s determination to inflict signal punishment upon any of the chiefs who might have evinced hostile designs.† Indeed, these denunciations of “signal punishment” occur so frequently in his lordship’s communications respecting Sind, as to mark beyond the possibility of mistake the feelings and intentions which were cherished by him.

On the 23rd October, the desire which the Governor-General had long felt, of being munificent at the expense of others, is found prevailing in great activity. In a letter of that date, to Sir Charles Napier, he says, “I am very anxious to be enabled, as the result of any new arrangement with the

* Correspondence, page 385.

† Ibid. page 386.

Ameers, to have at my disposal the Pergunnahs of Bhoong Bhara, and, if possible, Subzulkote likewise, in order to bestow them in free gift upon the Khan of Bhawalpore. No chief in India deserves so well of the British Government as that Khan. He and his family have been faithful for three generations, and I know no measure which would be so conducive to our reputation and influence (certainly there is none that would be so gratifying to myself) as to be enabled to make this gift to him. The cession should be made to us, and then we should give it over to the Khan; and, as there may be some difficulty in the proposed arrangement with the Ameers, it would be better to say nothing to the Khan till the thing is done."* The Governor-General is "very anxious" to get a portion of the property of the Ameers of Sinde to give away to a third party, because that third party deserved well of the British Government. Nothing, he thinks, would conduce so much to "our reputation" as to take from John and give to Peter! "The cession should be made to us, and then we should give it over to the Khan!" Let us by threats or cajolery get possession of something that does not belong to us, for the sake of generously bestowing it upon a friend. The exercise of gratitude is as delightful as it is respectable, and it is the more delightful (though perchance not the more respectable) when it can be indulged, not at our own proper cost, but at that of our neighbours. This is the morality of a British Governor-General who flourished in India in the year 1842.

Under the same date, the 23rd October, another letter to Sir Charles Napier occurs, in which his lordship says, "I am inclined to think that the Ameer Nusseer Khan will be so wrong-headed, or so ill-advised, as to persist in refusing to observe the conditions of the treaty, in which case

* Correspondence, page 392.

he must be at once compelled to do so; and if the Government is obliged to incur any expense for the purpose of so compelling him, the least punishment which can be inflicted upon him is that of defraying the expense.* In a letter formerly quoted, we find that his lordship was "led to think" that which was most convenient for his purposes. Now he is "inclined to think," an assertion which it cannot be doubted was quite in accordance with fact. It being settled that Ameer Nusseer Khan would oblige the British Government to incur expense, and that he ought to defray it, the master passion of the Governor-General suddenly peeps out again. "But," he continues, "I should prefer depriving him of territory." Territory again! "Still harping on my daughter;" and his lordship proceeds, through a portion of the remainder of his letter and a rather respectable postscript, to offer suggestions for disposing of the territory of which Nusseer Khan was to be deprived with as much coolness as the commissioners under an inclosure act might make allotments to the parties interested. As is frequently the case in regard to right of common, there were some rather complicated questions, which, however, the Governor-General discusses with perfect *sang-froid*.

It cannot be denied that in Sir Charles Napier the Governor-General found an efficient and by no means a scrupulous agent. In a paper of considerable length (so considerable indeed, that its author terms it "an essay rather than a letter"), Sir Charles Napier shews a degree of aptitude for following up the suggestions of his superior which is perfectly astonishing.† After some observations on the expediency of keeping the Ameers strictly to the terms of their treaties, he says, "By treaty, the time for

* Correspondence, page 393.

† See the paper in Correspondence, page 394.

which we may occupy our present camps is unlimited;”—true, Sir Charles, true; but surely you are aware that the occupation was always professed to be temporary, though no precise time was fixed for its conclusion. Having always professed an intention to depart as soon as the circumstances which led to your presence shall have ceased, will you stay for ever, because the exact moment for your departure has never been determined? This would be just what we should look for in a Mahratta visitor—first to get a temporary footing, then to make it permanent; but from the Government of British India we expect something better. If honour and good faith find no place beside in India, let them at least irradiate the counsels of British statesmen and British soldiers, whether they emanate from Calcutta, from Simla, or from Sukkur. You will not force one party to observe the strict letter of a treaty, and claim for yourself the privilege of violating its spirit, together with an understanding so distinct as to have acquired almost the force of a formal treaty! Yes, even this is what is recommended. The position that the time for the stay of the British army is not limited, is laid down, not as an idle display of dialectic sagacity, but as a basis on which to rest a most formidable scheme of aggression. Sir Charles Napier’s argument may be stated, in an abridged form, thus:—If we depart, we must soon come back; therefore we ought to stay. If we stay, our camps will grow into towns, and the inhabitants will engross all the trade of the Indus. These towns will flourish, while the territory of the Ameers will decay. The rival governments will quarrel, and the stronger will swallow up the weaker. This is all very straightforward, and having brought his *sortites* to a conclusion, Sir Charles asks, “If this reasoning be correct, would it not be better to come to

the results at once?" And he answers, "I think it would be better, if it can be done with honesty." Now this qualification is somewhat embarrassing; but Sir Charles Napier is too experienced a tactician, and too brave a man, to despair. He proves to his own satisfaction that the Ameers deserved all that he proposed to bring upon them, because they were charged with certain acts of apparent hostility, some of which were very questionable in point of fact, while others were of very trifling nature; and further, because they had a passion for hunting, rivalling that of even our William the First. The fact is, that both the Governor-General and the chief military and political functionary in Sindé had made up their minds to a particular course; and, this being the case, there was no difficulty in finding reasons to justify it. It is but a new illustration of the old fable of the Lion and the Lamb. The stronger animal wanted a meal, and the calamity of hunger readily furnished him with pretexts for gratifying his appetite. So Sindé was coveted, and a pretext for taking the whole, or a part, was eagerly sought for, and, it is unnecessary to say, not sought in vain. Sir Charles Napier, who, to render him justice, speaks out with most soldierly frankness, says, "I have maintained that we want only a fair pretext to coercé the Ameers."* And again; "They have broken treaties"—as he proposed to break the implied obligation to depart at a proper time—"they have given a pretext;" and the Governor-General, under whom Sir Charles Napier served, was not more slow in laying hold of it than was Sir Charles in advising such a step.

Still some degree of caution was to be observed; greatly as the object was desired, there was danger of going too fast. What instructions Lord Ellenborough carried from

* Correspondence, page 395.

home cannot be known, but apart from all fear on this head, there were grounds for hesitation sufficient to make even the most quixotic pause. There was the Court of Directors of the East India Company, watching the proceedings of their Governor-General; there were the Proprietors of East India Stock; there was the Press of England; there was the British Parliament; and there was the whole body of the British people. The Amceers, too, were not so hostile as they ought to have been. "The Amceers," says Sir Charles Napier, writing to the Governor-General on the 8th of November "have not committed any overt act;"* but there was some comfort, inasmuch as it was to be hoped that they would, "If they refuse to listen to reason," he shortly afterwards observes; "if they persist in sacrificing every thing to their avarice and their shikargahs, or hunting grounds, they must even have their way, and try the force of arms at their peril, if so they are resolved."†

And truly the crisis was approaching. From the time of his arrival in India, the Governor-General had marked out Sind for a prey. In furtherance of the *denouement* which had long been foreseen and prepared, the existing treaties were voted obsolete and inapplicable to the then state of affairs, and new ones were submitted to the unhappy Amceers, which, it was anticipated, they would reject. This is evident from the letter of Lord Ellenborough to the Secret Committee of the 19th of November, 1842, wherein he says: "I cannot but apprehend that the Amceers of Hyderabad and Khyrpoor will resist the imposition of the terms I have deemed it just and expedient to demand from them, in consequence of the violations of treaty, and the acts of intended hostility, of which they appear to have been guilty."‡ Surely this is strange

* Correspondence, p. 476. † Ibid. p. 476n. ‡ Ibid. p. 488.

phraseology. What a confusion of intention and action! "Acts of intended hostility!" Was it mere intention that was imputed to the Ameers? If so, what is meant by "acts?" Or had they actually manifested their hostility by overt acts? If so, what means the word "intended?" But passing this, how hesitating, qualified, and unsatisfactory, is the mode in which these intentions or actions, or whatever they were, are spoken of! "Acts of intended hostility of which they *appear* to have been guilty." So then the Governor-General was not quite sure. Appearances indeed were, in his judgment, against the Ameers—there was ground for suspicion—was there not ground for doubt on the other side? Would he visit mere appearance with severe punishment and call this "just and expedient!" This is a revival of "Lydford Law;" hang the accused first, and try him afterwards.

But what sort of terms were those which Lord Ellenborough expected would be rejected by the Ameers? They were terms nearly as offensive as it was possible to frame. Nothing short of the total deprivation of territory and sovereignty could exceed them in this respect. The Ameers were to be relieved of all pecuniary payments, and this article, naturally enough considering who framed them, parades conspicuously in the very front of the drafts of the revised treaties. This is the single sweetener thrown into the bitter potion which the unfortunate Ameers were called upon to swallow. Tribute was to cease, but, in conformity with views long entertained and avowed, large cessions of territory were required—a sacrifice known to be most hateful to the Ameers. With regard to the portions of territory to be held by the English, the Ameers were to be entirely at the mercy of those who demanded them, for the limits were not defined in the draft of treaty, nor were they

to be determined, by commissioners chosen by the parties respectively interested, but by the agent of one of them, namely, by Sir Charles Napier ! Was ever such a mode of dealing heard of? The representative of the British Government in India walks into the country of a power with whom his Government has for some years maintained friendly relations, and which relations are about to be revised—only revised—and says, “I am instructed to take a portion of your territory—I cannot, at present, tell you how much; I must see how much we want—in the meantime there is a treaty which you are to sign without muttering a word of dislike.” This course of proceeding placed the Ameers in worse than a state of vassalage. The draft of treaty would seem to have been studiedly drawn with a view to give to them as much pain as possible—to give the deepest wound to their feelings of self-respect, and to add to their humiliation every ingredient of bitterness of which it was susceptible. They were to relinquish the right of coining money, one of the most valued appendages of sovereignty—the British Government were to coin it for them, and none but the rupee thus specially coined and the Company’s rupee were to circulate in Sindh. The very coin which passed from hand to hand among the subjects of the Ameers was to testify to their degradation. Further, they were to supply, at a price to be fixed, fire-wood, for the purpose of steam navigation, in whatever quantities the officers of the British Government might from time to time require; and failing in this, those officers were to be empowered to cut down wood within a specified distance of the river—an exercise of which power would have had the effect of destroying the shikar-zars, or hunting preserves, in which these princes delighted. Such was the mode in which Lord Ellenborough proposed to treat a power with which he was ostensibly

desires of maintaining friendly terms. If this treaty were a specimen of his friendship, what must his enmity be? It is worth while to see what account the Governor-General gives of the matter. In a letter to Sir Charles Napier, dated November 4th, he says, "The treaty proposed to be imposed upon Meer Roostum and Meer Nusseer Khans, rests, for its justification, upon the assumption that the letters said to be addressed by Meer Roostum to the Maharajah Shere Sing, and by Meer Nusseer Khan to Beebruck Boogtie, were really written by those chiefs respectively, and that the confidential minister of Meer Roostum did, as is alleged, contrive the escape of the Syud Mahomed Shureef.* Here are Lord Ellenborough's motives as stated by himself. There is his defence—he has chosen his ground and he must stand on it. This was perfectly understood by Sir Charles Napier, who, in a letter to the Governor-General, of the 17th November, says, "The whole proceedings towards the Ameers now depend, as I construe your decision, upon three things:—1st. Is the letter of Meer Nusseer Khan, of Hydrabad, to Beebruck Boogtie, an authentic letter or a forgery? 2nd. Is the letter of Meer Roostum Khan, of Khyrpoor, to the Maharajah Shere Sing, an authentic letter or a forgery? 3rd. Did Futteh Mahomed Ghoree, confidential agent of Meer Roostum Khan, of Khyrpoor, assist in the escape of Mahomed Shureef?†—These are the three points, and how does the general dispose of them? The first letter, that alleged to be written by Meer Nusseer Khan, of Hydrabad, is about as vague as native letters generally are; but if it were genuine, it would seem to indicate that the Ameer had fomented movements hostile to the British cause, and that he meditated shaking off his connec-

* Correspondence, page 472.

† Ibid. page 480.

tion with British Government.† But its genuineness, certainly, as it seems, be proved. The seal, the great evidence of its authenticity, is pronounced, by certain witnesses, to be that of Meer Nussere Khan, but then Sir Charles Napier measured the details with a pair of compasses, and it is found that they do not correspond with those of the seal known to be in use by the Ameer. This would seem to discredit the letter, for an inscription upon a seal is not a shifting thing, in which the letters are sometimes of one size and sometimes of another, with variable distances between them. But as the half-starved apothecary, Lampedo, had a remedy, even though soul and body were divorced, so Sir Charles Napier has one for this awkward flaw in the evidence against the Ameer. It is accounted for, by the circumstance (said to be notorious), that the Ameer has two seals.† Now it seems that the fact of their having two seals was not positively "notorious" if it was only "said to be" so; and thus, the rumour of a rumour is the ultimate evidence upon which this charge rests. Was this a sufficient ground for such a proceeding as that which Lord Ellenborough founded upon it, even though strengthened by the declaration of Sir Charles Napier, "that no one has a doubt of the authenticity of the letter?"

The second point relates to the letter of Meer Roostum of Khyber, referring to a supposed treaty between that prince and the ruler of Lahore. With regard to this letter, Sir Charles Napier says, there are doubts on the mind of Major Outram, whether the Ameer was privy to it or not; but that it certainly was written by his confidential minister, and bore the Ameer's seal, and he concludes that Lord

† See Correspondence, page 440. A. B. Ibid., page 486. C. Ibid.

† Mr. Clerk, British Envoy at Lahore, to whom this was, with some other letters, transmitted, doubted of their authenticity. See Correspondence, page 478.

Ellenborough will hold, that Meer Rodstun must be responsible for the acts of his minister. He was right in concluding that such would be the decision of the Governor-General, but this system of making the prince responsible for the act of his minister is a reversal of the old doctrine, that the minister is responsible for the acts of the prince. We have seen how one of the Amiers was dealt with as to evidence. Now we have another sentenced to equally severe treatment on account of a letter which affords not the slightest proof that he ever saw it. The third point relates to the escape of an insurgent leader from the custody of the British authorities, and the evidence, if it be worthy of belief (which is not quite certain), proves that the aforesaid confidential ministry was in correspondence with him; (but, as in the former case, there is nothing to implicate his masters.)

Such is the evidence collected by Sir Charles Napier, with regard to which he observes: "If I had your lordship's answer, saying, that you consider the above sufficient to act upon, I shall lose no time in proposing your draft for the new treaty to the Amiers." His lordship did think it sufficient, and Sir Charles was instructed to act to it.

He did act, and a strange and disgusting combination of violence and intrigue marked his course. Meer Rodstun, the unhappy chief of Khyrpore, had a wife, they named Meer Ali Morad, who was anxious to supplant him. It seems that, by the established rule of succession, he would have succeeded to this dignity on the death of the brother, though the latter had a son, but he was unwilling to wait. Sir Charles Napier, in his courtship to the designs of Meer Morad Ali, promised him the support of the Governor-General, and the result was, that the chiefship (the turban it is somewhat affectedly called) was trans-

* See Correspondence, page 486.

† Ibid. page 515.

ferred to the usurping brother. He was desirous of something more; having obtained the chiefship prematurely, he wished to divert the line of succession in favour of his own family. "The rightful heir at Ali Morad's death is his nephew, the son of Meer Roostum."* These words are Sir Charles Napier's. But Ali Morad wished his own son to succeed, and a British officer does not shrink from asking a British Governor-General whether or not this could be accorded. What says the Governor-General? He shall not be misrepresented; he shall speak for himself. "I shall therefore gladly see established the right of primogeniture in the direct line; and this you may, if you deem it advisable, communicate to Meer Ali Morad; and I have little doubt, that once established in the possession of the turban, with our support, he will be able, with the concurrence of a majority of the family, to establish the more natural and reasonable line of succession to the turban, and clothe the measure with the forms of legality; but recognizing, as I do, Meer Ali Morad as the successor to Meer Roostum, according to the present custom, whereby the eldest son of Meer Roostum is superseded, I could not at once recognize the eldest son of Meer Ali Morad as his successor, in contravention of the very principle upon which his father's rights are founded."† Most straightforward and righteous policy! The rights of the heir cannot be invaded openly and immediately, but they shall be undermined—they shall be attacked secretly and by degrees. This is the policy of a British Government in the nineteenth century of the Christian era! Can the annals of the most depraved of native states furnish any thing more crooked, despicable, and base than this?

Chicane requires time—violence is more prompt. Sir Charles Napier had wormed Meer Roostum out of the

* Correspondence, page 511.

† Ibid. page 512.

chiefship, and prevailed on the poor old man ("poor old fool" the general calls him*) to surrender himself to the usurper of his rights. Lord Ellenborough approved the

* See Correspondence, page 509.

† Sir Charles Napier subsequently endeavoured to show that he had nothing to do with the transfer of the turban. In a paper drawn by him and which appears in the Supplementary Correspondence relating to Sindh, pp. 114, 115, he says, "when I heard that he [Meer Roostum] had resigned the turban to Ali Morad I disapproved of it, and Mr. Brown will recollect my sending Ali Morad's vakeel back to him with this message. I even recommended him to return the turban and merely act as his brother's Lieutenant." Again in a letter to the Governor-General in Council, (page 116), he says, "I assuredly did not press the abdication of the turban by Meer Roostum, nor did I ever advise it." Sir Charles Napier, however, admits (page 114) that he ever advised Meer Roostum to seek the "protection" of his brother and be guided by him, though he boasts as follows:—"I gave Meer Roostum the option and invitation of coming to my camp and putting himself under my protection." He says further, "by my advice, which, let the reader observe, was not given till it was asked, I secured to Meer Roostum the honourable and powerful protection of the British Government. This he did not choose to accept—he went to his brother."

With reference to these statements, nothing more is necessary than to quote Sir Charles Napier's words from the first volume of Correspondence relating to Sindh. At page 510 we find him reporting a proposed escape of Meer Roostum from his (Sir C. N.'s) camp, on which he observes, "I DID NOT LIKE THIS, AS IT WOULD HAVE EMBARRASSED ME VERY MUCH HOW TO ACT, BUT THE IDEA STRUCK ME AT ONCE THAT HE MIGHT GO TO ALI MORAD, WHO MIGHT INDUCE HIM (AS A FAMILY ARRANGEMENT) TO RESIGN THE TURBAN TO HIM." He therefore secretly wrote to Roostum and Ali Morad, and about one o'clock this morning I had an express from Ali Morad, to say that his brother was safe with him." Again, at page 515, Sir Charles Napier writing to the Governor-General, after adverting to a particular view which he entertained as to the policy of the Ameers, says, "This made me venture to PROMISE ALI MORAD YOUR LORDSHIP'S SUPPORT IN HAVING THE TURBAN, which your Lordship has approved of." The next step was

step, and gain this day (which among his countrymen is
 eminently) one of peace, land/good-will, recorded in his
 approval of) On Christmas day, 1842, he wrote to Sir
 Charles Napier, & entirely approve of all you have done
 and express your intention of doing it. But the course
 of events did not run in both directions. The degradation of Meer
 Roostum, according to Sir Charles Napier, burst upon
 his family and followers like a bombshell. Alarmed
 at what they witnessed, and not knowing what to expect
 next, they fled towards Emaunghur, a fortress situate about
 a hundred miles within the great sandy desert, separating
 Sind from Jessulmer. What did the British general
 Hee determine to do of follow them with any armed force, in
 order to prevent as he says, "that neither their deserts nor
 their negotiations can protect them from the British troops?"
 To be it remembered, we were at peace with the Khyrpoor
 state, "war has not been declared," observes Sir Charles
 Napier, "nor should it be necessary to declare
 it. The people of Sind, it seems, were not entitled to
 the benefit of any of those principles which have been esta-
 blished for the regulation of hostile proceedings between
 nations, and which serve to distinguish civilized warfare
 from mere brigandage. The general is fond of calling them
 barbarians, and he seems to have treated them as something
 even lower than barbarians. To the beasts of the forest—
 animals *feræ naturæ*,—the sportsman allows what is called
 "law," the unhappy Sindians were allowed none. Sir
 Charles Napier marched; he arrived at Emaunghur, and
 on arriving, coolly determined to "blow it down." He
 to secure him the exercise of its power now, even during his brother's
 life. This I was so fortunate to succeed in BY PERSUADING MEER
 ROOSTUM TO PLACE HIMSELF IN ALL MOHAD'S HANDS.

¶ Correspondence, page 512.

† Ibid. page 516.

‡ Ibid. page 515.

† Ibid. page 528.

was fortified in this determination by reflecting that the fortress belonged to Ali Mórád, who consented to its destruction. It is, however, by no means clear that it belonged either to Ali Mórád or to the nab who had quitted it out of the urban. The real owner seems to have been Meer Mahomed Khán. But, leaving this point, who came as to belong to Ali Mórád, if held by him in fact. This question it is unnecessary to answer here, for the reader will not have forgotten that twenty thousand pounds of powder were found in the fortress. This was employed in its destruction. Fuzaimghur became a heap of ruins, and this was the act of arms during a period of peace. During a period of peace did this same ally take forcible possession of the districts of Subzalcoh and Bhoongbarh, and give them over to the Nawaab of Bhaulpore, as long contemplated, and then came a conference between Major Outram and the Ameers, reported most dramatically in the Blue Book, in which, though the commissioner maintained a bold front, relying on the army that was rapidly approaching, the Ameers had clearly the advantage in regard to fact and argument. They referred to the treaty concluded with them, by which the British stood pledged never to covet any portion of the territory or property of the Ameers, but in vain Nussier Khan denied the letters which formed the ground for one of the charges, and called for their production, but this too was vain, as they were with the Governor-General. He referred to the ease with which seals are forged, and reminded the commissioner that he had himself called for the punishment of a person who had forged his. The commissioner answered that the handwriting had been identified. The Ameer repeated his disclaimer of any knowledge of the letter, and demanded, "Why was not the paper shown to me?" "Ay, why? Does he obtain a satisfactory

answer? Yes—~~if~~ the following be satisfactory. “These are points which it is not for me to discuss.” No, discussion was not the object, truth was not the object, right was not the object—but the wrenching from the Ameers of power and territory. Even this might perhaps have been accomplished at once, but for a false move on the part of Sir Charles Napier which it was now too late to retract. (This was the treatment which Meer Roostum had received. “Why was he deposed?” demanded the Ameers, and the answer was, that he resigned of his own free will! What says “the poor old fool” to this? “By the general’s own direction I sought refuge with Ali Morad (here he produced the letter directing Meer Roostum to place himself under Meer Ali Morad’s protection, and to be guided by his advice) who placed me under restraint, and made use of my seal, and compelled me to do as he thought proper. *Would I resign my birthright of my own free will?*”† Thus much we learn from the report of the British commissioner—much more we might know had we a report on the other side. This appears from his own statement—“Lest my memory should have failed me, I read the above to Captain Brown, who accompanied me. He says it embraces every thing that was said on my part, but that much which was said by the Ameers in defence of themselves, and especially on behalf of Meer Roostum Khan, is omitted; that I did not consider necessary to enter more in detail.”‡)

Why should more than one side be heard—especially as the commissioner declined discussion, and told the Ameers—“The question is whether or not you accept the new treaty?”§

On the 9th Feb they did accept the treaty, by allowing

* See Correspondence, page 103.

† Ibid. page 535.

‡ Ibid. page 536.

§ Ibid. page 535.

their seals to be affixed to a written pledge to that effect. On the 12th, the majority personally applied their seals to the treaty itself. On that day, Major Outram thus wrote to Sir Charles Napier: "These fools are in the utmost alarm in consequence of the continued progress of your troops towards Hyderabad, notwithstanding their acceptance of the treaty, which they hoped would have caused you to stop. If you come beyond Halla (if so far) they will be impelled by their fears to assemble their rabble, with a view to defend themselves and their families, in the idea that we are determined to destroy them, notwithstanding their submission." The event shewed that the Ameers were not such fools as Major Outram thought them. Sir Charles Napier answered, "I shall march to Syudabad tomorrow and next day to Halla, and attack every body of armed men I meet." Major Outram, however, judged rightly as to the probability of resistance being offered, should the British general continue to advance. The scandalous wrong done to Meer Roostum was working like lightning in the mind of the Belooches, and the Ameers expressed to the British commissioner their apprehensions that they should not be able to control them. On the 15th, the British Residency was attacked, and on the 18th, Sir Charles Napier achieved the brilliant victory of Meanee. It would be useless to pursue the subject further; the result is known; the Ameers became prisoners, and their territory the prize of the English, if that can be called prize which has hitherto been only a source of disease to our brave troops, and a heavy burden on the Indian finances.

Almost as useless would it be to discuss the conduct of the Governor-General and his chosen agent. The facts

* Supplementary Correspondence relative to Sindé, pages 35, 36.

† Ibid. page 40.

speak for themselves! "Yet one or two questions must be asked. "How far are the means by which Lord Ellenborough pursued the conquest of Sind consistent with his expiring declarations of desire for peace? "And how far is the annexation of Sind to the British territory consistent with his opinion, that the Indus was one of the natural boundaries of India?"

"Of the justice of this entire proceeding not a word need be said. The rulers of Sind had always been suspicious of us; they seem to have had a presentiment that our alliance boded them no good. We forced our friendship upon them. We dragged from them one concession after another. We overran their country with our armies, and finally we took the greater part of their territories, and gave the rest away. And then we talk of treachery and ill-feeling on their part. Could there be any other than ill-feeling? What says the Governor-General himself? He says that they may have had hostile feelings there can be no doubt; it would be impossible to believe that they could entertain friendly feelings. It certainly would, if we had injured them too deeply to confide in them, too deeply it seems to forgive them."

"The cant about the misgovernment of the country under the Amirs, and the improvement which will attend our administration; is altogether beside the question. Supposing it all true in point of fact, what then? Are we to go about in the spirit of knight-errantry to redress the grievances and avenge the wrongs of all the oppressed people in the world? And if not, why is Sind selected? We might find employment in this way in every home. What think they who thus talk of sending an army to Poland, to recover it from the yoke of the Emperor Nicholas? What say they

to an attempt for delivering Austrian Italy from the foreign rule under which it has been brought without the consent of its people. Lord Ellenborough insisted that the Amerees suffered no wrong in being dethroned, because if foreigners in Sindh they had only held their power by the sword, and by the sword they have lost it. Why not apply this in Europe? Is it because its advocates dare not do so because their sympathies are so capricious—that is to say of strength in Asia, especially when any thing is to be gained by putting it down, they scarce anything for its existence in Europe. It is not forced on good men. And now that Europe has been mentioned, let us see how the acquisition of Sindh was regarded at home. The House of Lords passed highly complimentary resolutions, acknowledging the services of Sir Charles Napier in the military operations and those of the officers, non-commissioned officers, and privates, both European and Native, serving under him. The House of Commons passed similar resolutions. The Court of Directors, and the East-India Company assembled in General Court, followed in the same ample. But while the stream of laudation was thus flowing from every quarter upon the general and his troops, how was it, that not a single resolution was directed to make the Governor-General's burning this for some a De honour to the hands, and pass over the head. This is not unusual. Lord Ellenborough, however, all he might deserve the compliment, was not passed over at the conclusion of the war in Afghanistan. He was thanked by Lords and Commons—goldily enough indeed, but still, he was thanked for the ability and judgment with which the resources of the British Empire had been applied by him. It has been said, his Lordship was entitled to the praise of a good

commissary, and the parliamentary resolution in his favour amounts to this. To this extent too the Court of Directors and the Proprietors of East-India stock concurred in praising his lordship. But why are Lords and Commons, and Directors and Proprietors, alike silent with regard to Sindh? Above all, why are Lord Ellenborough's friends silent? Why do they not challenge that, which never was withheld before under similar circumstances? Alas! alas! his lordship's reputation "dies," and his friends "make no sign." Bitter, most bitter, must have been the duty imposed by Parliament upon his lordship of conveying to the army those thanks, in which he was not permitted to have even the smallest share.

Affghanistan and Sindh furnish the field upon which Lord Ellenborough's reputation is to be established, if established it can be. On his policy in minor matters there is not room to dwell, but his conduct in regard to the Mahratta state, subject to the House of Scindia, is too extraordinary to be altogether passed over. In 1803, the British Government concluded a treaty of peace with Scindia. In 1804 this measure was followed up by the conclusion of a treaty of alliance and mutual defence. This was near the close of the administration of the Marquis Wellesley. The Marquis Cornwallis, who succeeded to the administration of the government, disapproved of the latter treaty, which, indeed, had been virtually annulled by the conduct of Scindia himself, who, after it was concluded, had pursued a course of hostility against the British Government, in coalition with another Mahratta chief, Holkar, had held the officers and dependents of the British residency in Durance, had plundered their camp, and committed many other acts of violence. A new defensive treaty of amity and alliance was concluded in 1805. By this treaty, the earlier of the

two treaties above referred to—the treaty of peace of 1803—was recognized, and every part of it not contravening the new treaty of 1805 was declared to be binding. But no notice was taken of the treaty of alliance and mutual defence of 1804; that was passed over, and was obviously regarded as defunct. In 1817, another treaty was concluded, the immediate object of which was the suppression of the Pindarrie freebooters. This treaty refers to the treaty of peace—that of 1803, and to the treaty of defence, amity, and alliance—that of 1805; and it is declared that the provisions of those two treaties, so far as they were not affected by the treaty of 1817, shall remain in full force. An engagement (not sufficiently important to be called a treaty) relating to the maintenance of a body of auxiliary horse, and their payment, was made in 1820, and thus matters rested till the year 1843, when Junkojee Rao Scindia died. That chief left no son, but his nearest male relative, a boy about eight years of age, was adopted by the Ranee (the widow of the deceased prince), and raised to the throne. The years of the Ranee, however, did not greatly outnumber those of her adopted son. She was under thirteen, and though this is a far riper age in Asia than in Europe, it was obviously necessary to commit the government to some one better qualified by age, as well as sex, for its management. A regent was accordingly appointed under the immediate influence of the British Government, but in the conflict of intrigues which prevailed at Gwalior, as at all native courts, he fell, after retaining his post only about three months—the authority which had set him up wanting resolution to maintain him. Every thing done by Lord Ellenborough was by fits, and, as might have been expected, the cold fit was succeeded by a hot one. After a time, a

military force was assembled, and the Governor-General accompanied its advance towards the river Chumbul. Here his lordship's usual obstinate wrongheadedness continued to govern him. He was desirous of enforcing the conclusion of a new treaty, and in all probability he might have effected his object without bloodshed, could he have been content to postpone crossing the Chumbul, a measure repeatedly pressed upon him by the British Resident at Gwalior, but to no purpose. His lordship resolved to cross the river, and he did cross it. The result, as is known, was, that the British army may almost be said to have been surprised by the enemy, and though the Governor-General's object was attained, it was not without some very severe fighting. It seems as though Lord Ellenborough's evil genius was always with him, and that whenever he did any thing not wrong in itself, he was sure to make it wrong by some adventitious absurdity. Passing over the minor follies of the Gwalior expedition—the wooing “golden opinions,” by the personal distribution of golden mohurs on the field of battle, after the fashion of the hero of a Minerva press romance—passing over this and other pretty sentimentalities of the like nature—let us look at the ground taken for the proceedings in which these were interesting episodes. The interference of the British Government was rested on the “treaty of Boorhampoor”—the treaty of 1804—which had never been acted upon, which in fact was a nullity from the beginning, and all reference to which had been studiously excluded from the engagements subsequently formed. Yet, upon this obsolete treaty, which for thirty years had been looked upon, and justly, as a dead letter—which was a waste sheep-skin, and nothing more, does Lord Ellenborough ground his policy;* and in the

* See Proclamation, 20th Dec. 1843.

treaty concluded with Scindia on the 19th January, 1844, this said treaty of Boorhampoor, though it had been substantially disavowed by later engagements between the two states, is formally revived and declared to be binding. Either Lord Ellenborough was ignorant of the state of the engagements existing between the British Government and Scindia, or, knowing them, he, from mere wilfulness, recalled into active existence and operation a treaty long before consigned to the worms, and by the revival of which no good object could be attained, though some embarrassment might possibly result from it. Let Lord Ellenborough's friends choose on which horn his lordship shall be impaled. If they choose the latter, they will have another task before them—to reconcile Lord Ellenborough's disregard of treaties in Sind, whenever they stood in his way, with his extreme reverence at Gwalior for every thing bearing the name of a treaty, whether in force or not in force, obsolete or operative, dead or alive.

We have now traced Lord Ellenborough through the more important acts of his government. We have seen him quailing before the difficulties which confronted him in Afghanistan, week after week, and month after month, calling on the generals to retire, leaving the prisoners to the tender mercies of the enemy, and the name of Great Britain to become a bye-word and a scoff. We have seen him, when prevailed upon, with great difficulty, to suffer the officers commanding to make an effort to avert these fearful results, meanly shaking off all responsibility, and like an adept in the science of betting, making up his book so as to have a chance of winning something, while he should be secure, as he supposed, from the possibility of loss—so shuffling his cards, that whichever might happen to turn up, he should be safe. We have seen, that for the final triumph which

crowned the British arms in Affghanistan, not one jot of praise is due to his lordship, except so much as may be claimed for affording the means, a quantum meted out both by Parliament and the East-India Company with a stinted precision, which places the honour on an equality with the noted Cambridge distinction of the "wooden spoon." We have seen his mad proclamation about the gates of Somnauth, and have glanced at the frightful consequences which might have followed this frenzied ebullition of vanity and folly. We have given a passing notice to the scarcely less foolish proclamation in which he reviled the policy of his predecessor; declared the Indus one of the natural boundaries of British India, and, as he had before done in England, pronounced peace to be the main object of his administration. We have observed how this limitation and this boast were illustrated by his lordship's conduct in regard to Sindh. We have seen him there intent not on peace but on conquest. We have followed him through the various steps of his aggressive policy, till we have found the reputation of the British nation for honour and good faith tarnished as deeply as would have been the military character of our country had the dictates of his lordship's judgment been allowed free scope in Affghanistan. We have seen him sometimes ordering, sometimes sanctioning and confirming by his after approbation, a series of measures utterly unjust in themselves, and calculated to render the British Government an object of hatred and suspicion to every native state throughout the East. Who shall trust to a British alliance while the memory of Sindh and Lord Ellenborough's policy there endures? When that great man, whose glory will be to future ages the landmark of our time—when the Duke of Wellington, then Sir Arthur Wellesley, during his distinguished service in India, was remonstrating against

what he conceived to be an undue extension of an article in a treaty which he had concluded with Scindia, he said, "I WOULD SACRIFICE GWALIOR, OR EVERY FRONTIER OF INDIA, TEN TIMES OVER, IN ORDER TO PRESERVE OUR CREDIT FOR SCRUPULOUS GOOD FAITH." Shortly afterwards he asks: "What brought me through many difficulties in the war and the negotiations for peace? THE BRITISH GOOD FAITH, AND NOTHING ELSE."* And where is that faith now? Wrecked on the sands of Sinde, by the recklessness of the man to whose keeping it was intrusted. Lord Ellenborough seems, indeed, to lay claim to some forbearance because he had no very definite instructions for his guidance; † but did he want instructions to induce him to act with common justice and honour? Was good faith in his eyes a thing to be maintained or not, according to circumstances, with reference to which he was to look for instructions? Instructions to observe good faith!! When a traveller, reputed to be an honest, respectable man, is about to proceed on a journey, would any one deem it necessary to say to him, "Now, mind how you conduct yourself; do not pick a fellow-passenger's pocket in the railway carriage, nor knock down and plunder any solitary traveller that you may meet in an evening walk." On matters of policy, his lordship might look for instructions—on matters where plain honesty was a sufficient guide, he surely might be expected to be "a law unto himself." We have seen that however reasonable this expectation, it was not fulfilled—but that pusillanimity inconceivable in an English nobleman in regard to Affghanistan was succeeded by a course of tyranny and oppression in Sinde,

* Letter to Major Malcolm, 17th March, 1804 (Wellington Despatches, Edition 1837, vol. iii. page 168):

† See Supplementary Correspondence, page 100.

from which the unsophisticated mind of an English labourer would recoil. Lastly, we have seen that even in a very ordinary matter, that of dealing with the affairs of Scindia, his lordship manifested so lamentable a degree of incompetency as evinced him to be utterly unfitted for the high office which he so unworthily filled. Here, as in Sindé, he had recourse to violence, when every object which he could lawfully seek might have been attained by skilful negotiation. Incompetency to an extent almost inconceivable—despondency under difficulties—braggadocio swaggering when there are none—cowering fear when danger seems to threaten—reckless disregard of justice and good faith when the feeble are to be coerced—indiscretion extreme and uncontrollable, with scarcely a lucid interval—indiscretion associated with, but not constrained by, a considerable portion of that low and unstatesmanlike quality, cunning—indiscretion so monstrous, that men lift up their hands in astonishment at its manifestations, and wonder whether he who has perpetrated such things can be in his right mind—these are the qualifications of Lord Ellenborough for the office of Governor-General of India, as developed throughout the period during which he abused that most important office, and they are crowned by arrogance so unbounded that it would be ludicrous even in a Cæsar or a Napoleon. Lord Ellenborough was recalled; shall we ask why? The only question will be, how was it that this step was not taken earlier? To this only a conjectural answer can be given. We may ascribe something to the forbearance of the Court of Directors, founded on a hope that their wild and wandering Governor-General might settle down into a state of mind better befitting his position—something to the fact that the more important political correspondence is known in the first instance to those Directors only who form the Secret

Committee, and that they are under the obligation of an oath of secrecy—something to the desire of the Court not to embarrass her Majesty's Government. But at least no one can fairly say that the step was taken too soon. The evidence before the public is amply, and more than amply, sufficient to justify it; there may be much more of which the public are ignorant; there may even be reasons for the recall of which they have no suspicion. But whether there be or not, the Court of Directors stand acquitted of having exercised their power capriciously or unjustly. Nor in the absence of all evidence ought it to be concluded that they exercised it violently or suddenly. We are not to suppose that the Court met one day, and passed a resolution of recall without any previous notice to her Majesty's ministers of their feeling towards the Governor-General. We are in perfect ignorance as to the fact in this respect; but as the Court of Directors are, and always have been, cautious, almost to a fault, we cannot believe that on so important an occasion they cast aside this their peculiar characteristic.

Lord Ellenborough was recalled, and the last scene of his varied performances was equal to any that preceded it. Some military officers belonging, it is understood, to both services—the Queen's and the Company's—thought fit to soothe his lordship's wounded feelings by inviting him to an entertainment given in his honour. What view military men may take of this step we know not; but it is yet within the memory of living men, how civilians regarded the design of some officers of the army to express an opinion favourable to their commander-in-chief, when his conduct had been subjected to accusation. What said the late Mr. Whitbread? He said—"Sir, general officers ought to know that they owe obedience to the state, and that they have no more right to assume the functions of a

deliberative body than the privates of the army or navy.* The Secretary-at-War, who was connected with the proceedings of the officers, came forward anxiously to declare that those proceedings "had no reference whatever to the circumstances of the present moment, or to what was now passing in that house."† Mr. Canning, a cabinet minister, spoke more directly to the point, admitting that the proceeding of the officers "could not be approved of,"‡ and that it was calculated to injure the illustrious individual whom it was intended to serve. On a subsequent day, the subject was again adverted to, and Mr. Canning, repeating his former expression of disapprobation, added that "if there did exist an attempt on the part of any military officers to protect the Duke of York against the House of Commons, a more culpable idea never entered into the head of man."§ No one ventured to defend the meditated proceedings. Ministerialists and oppositionists united in the opinion that it was most improper. Apply this universal judgment of the House of Commons to the conduct of the officers at Calcutta. The two cases are not precisely parallel, but the points of difference tell against the Indian admirers of the disconsolate Governor-General. The Duke of York was himself a soldier—Lord Ellenborough is none. The Duke of York's conduct was under inquiry by the House of Commons; the conduct of Lord Ellenborough had been inquired into by the Court of Directors, and condemned in a manner the most formal, authoritative, and severe. The officers who proposed to bear testimony to the merits of the Duke of York were not servants of the House of Commons; they were bound to respect both Houses of Parlia-

* Hansard's Debates, vol. xiii. page 700.

† Hansard, vol. xiii. page 707.

‡ Hansard, *ut supra*.

§ Hansard, vol. xiii. page 744.

ment, but they were servants of the Crown. A large portion of those who rushed forward to condole with Lord Ellenborough are directly and immediately servants of the Court of Directors, and all were acting under a Government which derives its authority from that Court.

Of the conduct of Lord Ellenborough's hosts, however, let military men judge; but what shall be said of that of his lordship in accepting the invitation? Is his appetite for flattery so inordinate that he cannot restrain it even under circumstances where a regard for others, if not a regard for his own dignity and consistency, might have been expected to induce him to forbear? So it appears; for, regardless of the embarrassment which he might possibly occasion to those whose cheers he was begging, his lordship, still writhing under the punishment which had just descended upon him, sought, amidst blazing lights, and smoking dishes, and flowing wines, and prolonged hurras, to assume an impotent air of defiance towards the authority whose just displeasure he had incurred. And there his lordship panegyricized the army, as if the army of India needed any praise from him; "I shall soon be far from you," said his lordship—according to the *Indian News*, 4th October, 1844.—"I shall soon be far from you, but my heart remains with the army, and wherever I may be and as long as I live, I shall be its friend"—as if it could be of the slightest consequence whether he were its friend or its enemy. He did not mention that he left part of the army in a state of mutiny—the crime having its origin in his measures. As his lordship is somewhat given to the sentimental, we must not criticise the declaration that his heart remained with the army—but why with the army alone? could he not spare one morsel of sentiment for the Indian millions whom he had been sent to govern, and who were now to lose him—

or did he think that they would benefit by the change? Then his lordship talked, it seems, of "two years of victories without a single check,"—so says the report, but surely it cannot be correct; where would have been part of those victories, if his lordship had not for once given up his own judgment to that of others? "Two years of victories without a single check," he says. He forgets—not without a single check; there was a check to the career of the armies in Afghanistan given at the outset, and by his lordship himself—something like what Malthus calls "a preventive check;" it was happily removed, and then began the course of victory of which his lordship boasts, as if all were owing to him. But the exhibition made by his lordship is so truly lamentable, that pity takes place of indignation in contemplating it. He had lost one of the highest and most honourable posts to which a British subject can aspire, but he had the satisfaction of being for one evening again a lion, of walking up a flight of steps bedizened with lamps and laurels to partake of a dinner where he was the "observed of all observers," of seeing a transparency representing a besieged town, and of reading the softly soothing sentence—"Ellenborough, farewell!" and let us hope that for three hours he was happy.

Yet, even for the sake of such a dinner, and such a transparency, and such an inscription, and such cheers, it is not to be imagined that any future Governor-General will follow the example of Lord Ellenborough. His name will be a beacon suggestive of danger. Should any of his successors be likely to fall into errors like his, the recollection of his fate may give timely warning to eschew them. In this respect, though rarely exercised, the power of recall by the Court of Directors is a most valuable security for the good government of India. The Court are never likely to exercise

it without very sufficient cause; their discretion and moderation have been shewn by the infrequency with which they have resorted to it, as have their firmness and sound judgment, by not shrinking from its use when justly called for.

As for the idle babble about depriving the Court of this power, it is not worth a moment's notice. The idea of committing a power of any kind to any person or number of persons, and then upon the first occasion of its being exercised turning round in great astonishment and great wrath, and depriving them of it, is too ludicrous for discussion; it can provoke nothing but laughter. To say that it is anomalous that the Court should possess this power, is nothing—the entire government of India is anomalous according to the notions of scholastic legislators. No philosopher in his closet would ever have framed such a plan of government as that to which India is subject, and under which it prospers. It has grown up under the pressure of circumstances, like that of Great Britain, and though widely different in construction, is equally well adapted to answer its purpose. The value of a form of government is to be determined with reference not to symmetrical proportion, but to practical utility. If the Court of Directors are fit to appoint a Governor-General, surely they are fit to decide upon his removal. The two powers seem in common sense to go together. The right of choosing an agent involves the right of dismissing him when he ceases to give satisfaction to his principal.

But there is another consideration. Under the Act 3rd and 4th William IV. cap. 85, the members of the East-India Company gave up a vast amount of property, and suffered another portion to remain at interest, chargeable on the revenues of India, on certain conditions. One of these conditions is, that they shall retain, through their representatives, the Court of Directors, the administration

of the government of India. The mode in which the government is to be carried on is laid down in the Act by which the respective rights of the various parties interested are defined, and the limitations under which they are to be exercised prescribed. Among the rights expressly recognized as appertaining to the Court of Directors, is that of recalling any Governor-General, or other officer in India (except appointed by the Crown), and this right is to be exercised without control of any kind. Here is a most important security for the proprietors of East-India stock. The safety of their dividends is involved in the prosperity of India, and the permanence of its connection with this country. They elect the persons through whom the government of India is carried on, and those elected are endowed with very large powers, among the most important of which is the right of removing any public servant in India, from the Governor-General downwards. This is the chief, the most efficient—the only efficient security which the Indian stockholder enjoys. So long as it is possessed, the instructions of his representatives, the Court of Directors, cannot be set at nought with impunity.

And does any one talk of taking this power away? What, get possession of people's property under a solemn agreement that they shall have a certain security, and then tear the security from them! Their dividends indeed may still be secured nominally upon the revenues of India, but their control over India through those who represent them is virtually at an end when you deprive the Court of Directors of the power of putting a stop to misgovernment in that country, and substantially the security is void.

“ You take my house when you do take the prop
That doth sustain my house.”

What would be said of a mortgagor who, after agreeing that the management of the mortgaged estate should be

vested in certain persons to be named by the mortgagee, should seek to get rid of the obligation, and at the same time to keep the money? The legislature indeed may do this—that is, they have the physical power of doing it, as they have of doing many other things which no one in his wildest imaginings ever supposes they will do. They may deprive the great Captain of our country of the estate bestowed on him by a nation's gratitude, and consign his honoured age to penury. They may apply the sponge to the national debt—burn the books, and shut up that part of the Bank of England devoted to its management. They may—all the estates of the realm concurring—abolish the two Houses of Parliament, and convert the Government into a despotic monarchy; or, the Crown consenting, they may establish a republic. Any of these things they *may* do—but no one expects that they will. Neither will they take away that power which is a security at once to the proprietors of East-India stock for their property, to the people of India for good government, and to those of England for the safety of England's noblest dependency. We are not inquiring what a repudiating legislature might do, but what the legislature of the United Kingdom of Great Britain and Ireland will do; and of this much we may rest assured—that having deliberately made a solemn compact, they will keep it.
